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SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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(j)(3) added	29812
(a)(12) revised	37027
(i)(5) added	52339
(a)(34), (37), and (58), (f)(5) and (k)(1) removed; (c)(5) revised	54560
(i)(6) added	57461
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(c) revised	29067
(a) revised	32727
(a) and (b) revised	54560
213.3388 (e)(2) added	1681
(d)(3) added	6475
(a)(1) removed; (a)(3) added	8937
(j)(2) added	11705
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(e) removed	26671
(c)(2) added (reinstated)	27640
(k) added	42734
(b)(2) added	47792
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213.3394 (a)(17) revised	11860
(d)(2) added; (b)(1) revised	13195
(a)(2) revised	15379, 50700
(a)(22) and (30) revised; (a)(46) added	23718
(a)(7), (11), (13), (41), and (43) revised	23988
(a)(15), (19), (39), (40), and (e)(8) removed	26671
(a)(8) added	42734
(f)(5) added	47513
(a)(4) added	48673
(a)(21) revised; (a)(45), (e)(2) and (3), (g)(3) and (h)(7) removed	54560
(h)(3) added	58127
213.3399 (b)(6) added	4415
(a) removed	26671
293.101—293.114 (Subpart A) Added	45094
294 Revised	38140
294.101—294.110 (Subpart A) Revised	8061
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297 Added	45094
300.102 Revised	15379
300.103 Revised	15380
300.104 Revised	15380
302 Authority citation revised	23835
302.103 Heading and text revised	23835
302.104 Heading and text revised	23835
302.105 Added	23835
302.202 Revised	15380
302.303 (b)(3) added; (c) revised	23835
307 Heading and authority citation revised	28445
307.101 (c) revised	28445
(d) removed	44111
307.102 (b) revised	28445
307.105 Revised	28445
315.806 (a) and (b)(1) revised	15380
316.302 (c) revised	44539
330.201 (e) added	23836
330.301 (c) revised	23836
330.701 Revised	23836
338.601 Revised	42734
351.701 (c) added	23836
352.310 (a)(1) revised	1223
353 Revised	23836
410.302 (c) revised	42734
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511.611 Revised	36298
531.404 (c) revised	23838
531.509 Revised	23839
534.202 (b) amended	27223
550.361 Revised	31207
550.704 (d) revised	23838
550 Appendix A amended	7434
551 Added	27640
591.202 Amended	45417
591.203 Amended	45417
591.204 Amended	45417
731.201 Revised	28047
731.202 Added	28047
731.301 Amended	28048
731.302 Amended	28048
731.303 Amended	28048

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731.304 Amended 28048
731.401 Amended 28048
735.207 Revised 7435
735.409 Heading revised 48339
736 Added 56651
752.104 (c) added 42734
752.202 (f) corrected 12251
(f)(3) revised 36298
752.304 (b)(2) revised 42734
754.105 Revised 36298
771 Heading revised 36298
772.301 (a) amended 23839
772.305 (a) introductory text revised 42734
831.1201 Revised 37027
831.1204 Heading and (b) revised; (c) added 27439
831.1205 Revised 27439
870.401 (a) and (b) revised 5747
890.103 (d) removed 25433
890.105 Added 25433
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890.204 Added 14570
890.301 (d) revised 49567
1001.735–205a Added 5347
1001.735–401 Revised 14571, 48339
1001.735–408 Heading revised 48339
1001.735–409 (a) and (d) revised 48339

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2401 Revised 8165
2401.2 (a) corrected 10951
2411 Revised 43880
2413 Added 43884
2413.2 (a) corrected 45417
2470.1 Revised 49765
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Title 5—*Proposed Rules:*

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2401 2214
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2413 21488
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602 Adoption, and continuation in effect, of Chapters I, V, and VI 3572

Chapter VII—Council on Wage and Price Stability

Chapter established 7233
701 Added 7233
702 Added 7234
703 Added 59188
704 Added 59336

Title 6—*Proposed Rules:*

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704 47801

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1.1—1.16 (Subpart A) Revised 7341
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1.29 (a) revised 58281
1.110—1.121 (Subpart G) Added 39519
Appendix A added 44480
1.123 Added 45103
2.5 Revised 36570
2.15—2.28 (Subpart C) Heading revised 12798
2.15 (c)(2) revised 33023
(b) removed 41085
2.17 (h) added 33023
(a)(3)(ix), (xxiv), (xxvii), and (xxix) revised; (a)(3)(xxx) added 39844
(a)(5) added 44111
(b)(28) revised 50455
2.19 (a)(24) and (25) added 2991
(c)(12) removed; (i) added 33023

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2.21 (a)(32) added 3285
(d)(23) added 2420
(d) (11), (12), (19), and (21) revised 12798
(a)(3), (5), (10), (14), (21); (23), (28), (29), and (30) revised; (a)(11) removed 18752
(a)(10) removed; (f) added 33024
(d)(10) revised 41993
(a)(18) revised; (a)(19) removed; (d)(24) and (25) added 44111
(d)(26) added 56421
2.22 (a)(5) removed 18752
2.23 (e) added 33024
2.25 (f)(1)(xi) removed 2419
(f)(1)(xiv) added 3285
(h)(1) revised 5135
(e)(9)(xxv) revised 31941
(j) added 33024
(b) (14) and (15), and (i)(1)(iii) added 41085
(b)(16) added; (f)(3)(ii) removed 45158
(k) added 48340
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(b)(12) added 41086
(b)(11) and (c)(7) added 44111
2.31 (o) revised 33024
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2.33 (h) added 2419
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2.37 Added 12798
2.45 Removed 41086
2.46 (a)(1) amended; (a)(7) revised 33024
2.49 Added 3572
2.50 (a)(3)(xxx) added 33024
(a)(3)(ix), (xxiv), (xxvii), (xxix), and (xxx) revised 39844
(a)(6) added 44111
(a)(5) revised 56669
2.51 (a)(30) added 33024
(a)(28) revised 50455
2.53 (a)(6) added 33024
2.57 (a)(23) revised; (a)(24), (25) and (26) added 2991
(a)(27) added 33024
2.58 (a)(8) added 33024
2.59 (a)(11) revised 33024
2.60 (a)(20) added 33025
2.62 (a)(8) added 33025
2.64 Added 45158
2.65 (a)(32) added 3285
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(a)(10) revised 33025
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2.68 (a)(23) added 2420
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2.70 (a)(1) revised; (b)(2) added 17829
(a)(14) added 33025
(a)(1) revised 58127
2.72 (a) revised 17829, 33025
2.74 Added 6313
2.75 (a)(1)(viii) added 33025
(a)(15) and (16) added 41086
(a)(17) added 45158
2.76 (a)(2) removed 4415
2.78 (a)(9)(xxv) revised 31941
(a)(14) added 33025
2.79 (a)(1)(i) revised; (a)(5) added 4415
(a)(1)(ii) revised 2419
(a)(1)(xi) removed 2419
(a)(1)(xiv) added 3285
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(a)(3)(ii) removed 45158
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(a)(9) added 5135
2.81 (a)(5) added 41086
2.86 (a)(10) added 33025
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2.87 (a)(7) added 33025, 44112
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6.32 Revised 29261
6 Appendix 1 amended 2791, 16069, 48493
16 Added 31227
16.4 Heading and text revised 53230
(c) added 55829
20 Revised 23839
20.6 (e) revised 11345
21.202 (a)(1) and (2) amended; (b) introductory text, (1) and (2) revised; (b)(3) added 47751
21.212 Introductory text amended; (a), (b) and (c) added 50023
21.302 (a)(3) removed 50024
21.304 (c) revised 50024
21.504 Added 50024

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24.6 Revised	32109
24.10 (d) revised	32109
24.21 (Subpart B) Revised	47473
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25 Added	42171
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25.11 (b)(4) and (7) amended	48493
(b)(3) corrected	57205
25.19 (m) revised	48493
25.24 Revised	48493
25A Added	42176

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26.1 (b)(40) added	32944
26.6 (a) introductory text revised; (1) added	32944
26.9 Heading revised; (e) added	32944
26.10 (c) revised	32944
26.11 (a)(2) and (b) revised	32944
26.13 (a) and (c) revised	32944
26.14 (b), (c); (d), and (e) revised; (f) removed	32945
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26.57 (f) revised	28785
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26.110 (d)(1) and (3) revised	32948
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29.123 Revised	44112
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29.9401 (c), (d), and (e) added	31592
29.9404 (a) revised	24174
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29.9406 (b) revised; (d) added	24174
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50 Revised	36100
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51.40 Revised	47752
51.761 Tables I and II amended	48932
51.1152 Tables I and II amended	48931
51.1818 Tables I and II amended	48932
51.1860 (d) added	2791
51.2150—51.2161 (Subpart) Added	15381
51.2510—51.2534 (Subpart) Revised	46295
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51.2534 Table II corrected	48494
52.2 (c) revised	48934
52.38 Tables III, IV and V amended	48934
52.42 Revised	47753
52.47 (b) amended	47753
52.52 (c)(1), (2) and (4), and (d)(1), (3) and (4) revised	47753
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52.636 (a)(2) corrected	19429
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52.638 (a) corrected	25799
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52.6321—52.6332 Added	13196
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53.105 Revised	11543
53.203 Revised	11543
53.204 Revised	11544
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53.206 Revised	11545
54.101 (b) and (c) revised	49783
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55.300 Revised	20055
55.310 (a) and Fig. 1 revised	20055
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55.510 (b) and (c) revised	49783
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55.560 (a)(5) revised	49784

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56.38 Revised	20056
56.43 (e) removed	20056
56.46 (b) and (c) revised	49784
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59.28 (a)(1) revised	20057
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59.100 Introductory text and (c) and (f) revised; (i) removed	20057
59.105 (a) revised	20057
59.124 Revised	20058
59.160 (d) and (e) revised	20058
59.410 Revised	20058
59.411 (a), (b), and (c)(1) revised; (e) redesignated as (f); new (e) added	20058
59.412 (a) and Fig. 1 revised	20058
59.417 (a) and (c) revised	20059
59.430 (b) revised	20059
59.500 (h) revised	20059
59.504 (c) revised	20059
59.510 (d)(2) revised	20059
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59.522 (o) and (aa)(3) revised	20059
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59.720 (a)(4) revised	20059
59.800 Revised	20060
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68.2 (cc) and (dd) added	47101
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68.14 Introductory text revised	53545
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68.201—68.213 (Subpart C) Revised	10472
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68.406 Footnote 4 corrected	21467
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70.91 (b)(1) and Fig. 1 revised	20060
70.131 (b) and (c) revised	49784
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70.356 Introductory text and (d) revised; (j) added	20060
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180.18 (a) revised	1027
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210.4a (b)(4) and (5) amended; (b)(6) and (7), and (f) added	30918
210.5 Revised	30918
210.7 (a) revised	30918
210.8 (b), (d)(1) and (3) and (e)(13) and (14) revised; (e) introductory text and (10) amended; (e)(16) and (17) added	30919
210.10 (a)(2) revised	30919
210.13 (a)(b-1), and (e) amended; (b) revised; (d) removed	30919
210.14 (a), (e), (g)(1) and (2), and (i) revised; (a-1), (a-3), and (g)(3) and (4) amended; (b) and (f) removed	30919
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210.15 Revised	30920
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210.16 (a) and (d) revised; (b) removed	30920
210.17 Heading and text revised	30920
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210.19a Added	30920
210.20 (a) revised; (f) added	42735
210 Appendix A amended	37027
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215 Appendix revised	3573
215.16 (a) revised; (f) added	42735
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220.7 (b), (d)(3), and (e)(6), (12) and (13) revised; (e) introductory text amended; (e)(14) and (15) added	30923
220.8 (a)(3) and (b)(1) revised; (e) amended	30923
220.9 Revised	30923
220.11 (b) and (c) revised; (e) amended; (d) removed	30924
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220.18 Revised	30924
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220.24 (a) removed; (e) and (i) amended; (b–1) and (j) added; (b), (f), and (g) revised	30924
220.25 (a) revised; (b) removed	30925
220.26 Heading and text revised	30925
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220 Appendix B revised	3405
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225 Appendix B revised	3406
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271.4 (a)(5) removed; (a)(6) through (a)(8) redesignated as (a)(5) through (a)(7)	29532
271.6 (d) introductory text and (3) revised	16321
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271.8 (f) added	33195
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272 Republished	1894
272.2 (d) revised; (e) amended	8938
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273 Republished	1897
274 Republished	1899
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620 Added	12472
621 Added	12473
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622 Added	12475
622.15 (f)(1)(i) corrected	20941
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624 Added	12480
630 Revised	53370
631 Revised	53370
631.25 (b)(2) and (e)(1) corrected	58649
650 Appendix I revised	10952

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1804.3 (d) and (f)(1)(ii)(a) revised 32309
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1832.81—1832.92 (Subpart E) Removed; provisions incorporated into revised Subpart A 42320
1832.87 (g) revised; (i) removed 4118
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1842.14 (b) revised 22824
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1842.31 (d)(5)(ii) revised; (d)(5)(iii) redesignated as (iv); new (d)(5)(iii) added 42179
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1010.20 Revised; eff. 8-2-76 32257
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9.3 (b) revised ---------- 50717
9.5 (a) revised ---------- 50717
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51.10 (b) amended ---------- 51036
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10 Added 44498
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highlights

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On Thursday, December 4, 1975, the Office of Management and Budget will publish Supplementary Guidance on Implementing the Privacy Act. This document will address comments and questions of general interest raised since the release of OMB's Privacy Act Guidelines of July 1, 1975.
Extra copies of this document may be obtained from:

Office of Management and Budget
Room 5235
New Executive Office Building
Washington, D.C. 20503
Telephone: 202/395–5163

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NOTE: There were no items that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January, February and March dates are in 1976.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 will be $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	$1.45
2	.70
3A 1974 Compilation	2.75
4	2.70
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300–499	3.55
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70
27 (Rev. May 1, 1975)	7.70

CFR Unit (Rev. as of July 1, 1975):

28	$2.70
29 Parts:	
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500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
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700–799	7.55
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33 Parts:	
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40 Parts:	
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1–2	6.75
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8	1.80
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20

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1–999	$2.90
46 Parts:	
70–89	2.05
90–109	1.95
110–139	1.90
150–165	3.75

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Handling Procedures for Birds During Port of Entry Quarantine

● **Purpose.** The purpose of this amendment is to clarify and update regulations contained in Part 92 which apply to handling procedures for birds during port of entry quarantine. ●

Statement of considerations. This amendment will clarify and update the regulations contained in § 92.11(f)(3)(ii)(E) which relate to the handling of birds found to be infected with or exposed to exotic Newcastle disease while in port of entry quarantine. Inasmuch as the use of sentinel birds was primarily related to the Extraordinary Emergency declared by the Secretary of Agriculture on November 10, 1972 (9 CFR Part 90; 37 FR 24336), the reference to sentinel birds and to Part 90 of Chapter I of Title 9, Code of Federal Regulations, which contained the provisions for sentinel birds is deleted and the regulations are clarified to reflect this change. The revocation of the Extraordinary Emergency and of Part 90 was published in the FEDERAL REGISTER on July 9, 1974 (39 FR 25224).

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Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects:

In § 92.11(f)(3)(ii)(E) the second and the third sentences are deleted; and in the fourth sentence the phrase "commercial or sentinel" is deleted.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective December 2, 1975.

The amendment clarifies and updates the requirements for handling birds in quarantine under the regulations of this Part and does not impose or relieve any restrictions. The amendment should be made effective promptly to be of maximum benefit to persons affected. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of November, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-32299 Filed 11-28-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Transfer Agent for Certain Registered Securities

Section 17(A)(c)(1) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78q-1) prohibits, after December 1, 1975, any transfer agent from using the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to certain securities, unless such transfer agent is registered under section 17A with the "appropriate regulatory agency". The Board has now been informed of the view of the Securities and Exchange Commission that the "appropriate regulatory agency" with which a subsidiary of a bank holding company (which subsidiary, although not a "bank" within the meaning of section 2(c) of the Bank Holding Company Act (12 U.S.C. 1841(c)), nevertheless holds a bank charter) must register, is the Board, rather than the Commission. In the view of the Commission, such a subsidiary is a "bank" within the meaning of section 3(a)(6) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c(a)(b)), for purposes of section 17A(c) of that Act. Accordingly, the Board has amended Regulation Y (12 CFR 225) to provide for registration of bank holding companies, and their subsidiaries that are not "bank[s]" within the meaning of the Bank Holding Company Act, but which are "bank[s]" as defined in section 3(a)(6) of the Securities Exchange Act, wishing to perform the function of a transfer agent after December 1, 1975. Such registration must conform to the requirements of Form TA-1, a uniform form adopted by the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Securities and Exchange Commission for such purpose.

Pursuant to the amendment, which is adopted pursuant to sections 17, 17A and 23(a) of the Securities Exchange Act of 1934, as amended, a new paragraph (c) is added to § 225.5, as set forth below:

§ 225.5 Administration.

* * * * *

(c) *Registration of certain bank holding companies and their nonbank subsidiaries as transfer agents.* (1) On or after December 1, 1975, no bank holding company or any of its nonbank subsidiaries that are "banks" as defined in section 3(a)(6) of the Securities Exchange Act of 1934 ("Act"), shall act as transfer agent, as defined in section 3(a)(25) of that Act, with respect to any security registered under section 12 of the Act or that would be required to be registered under section 12 of the Act, except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section, unless it shall have filed a registration statement with the Board in conformity with the requirements of Form TA-1, which registration statement shall have become effective as hereinafter provided. Any registration statement filed by such a bank holding company or its nonbank subsidiary shall become effective on the thirtieth day after filing with the Board, unless the Board takes affirmative action to accelerate, deny or postpone such registration in accordance with the provisions of section 17A(c) of the Act. Such filings with the Board will constitute filings with the Securities and Exchange Commission for purposes of section 17(c)(1) of the Act.

(2) If the information contained in Items 1-6 of Form TA-1 becomes inaccurate, misleading or incomplete for any reason, the bank holding company or its nonbank subsidiary shall, within twenty-one calendar days thereafter file an amendment to Form TA-1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which the registration statement is prepared to December 31, 1976) during which the information required by Item 7 of Form TA-1 becomes inaccurate, misleading or incomplete, the bank holding company or its nonbank subsidiary shall file an amendment to Form TA-1, correcting the inaccurate, misleading or incomplete information.

(3) Each registration statement on Form TA-1 or amendment thereto shall constitute a "report" or "application" within the meaning of section 17, 17A(c) and 32(a) of the Act.

The notice, opportunity for comment, and delayed effective date requirements of 5 U.S.C. 553 have not been observed in the adoption of this amendment because the Board has found that observance of such requirements in this matter is impracticable, unnecessary, and contrary to the public interest. Because section 17A(c) requires registration by December 1, 1975 if a transfer agent is to continue to perform that function and because of the nearness of that date, it is both impracticable and contrary to the public interest to precede the adoption of this amendment with notice of proposed rulemaking, opportunity for comment, and thirty-day delayed effective date. The facts that Form TA-1 is identical to the form adopted by the above-mentioned agencies after full rulemaking procedures, that the text of the amendment is identical (but for the substitution of the phrase "bank holding companies and their nonbank subsidiaries" or variations thereof for the phrase "State member bank") with an amendment to Regulation H (12 CFR section 208) adopted by the Board October 17, 1975 after full rulemaking procedures, and that this amendment merely clarifies that procedural duties, previously thought to be owed the Securities and Exchange Commission, are rather owed the Board, with no change in the substance or scope of those duties are the reasons for the Board's finding that observance of 5 U.S.C. 553 is unnecessary in this matter.

By order of the Board of Governors, effective November 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-32263 Filed 11-28-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Disclosure of Single-Component Finance Charges

This interpretation relates to the application of Regulation Z to credit transactions other than open end when the finance charge is composed of a single element. The interpretation provides that in such instances the creditor may disclose that single element under the term "finance charge" and there is no need to further identify or describe the element. However, where there is more than one element comprising the finance charge, creditors are required under Regulation Z to describe each amount included in the finance charge.

Section 226.820 is added to read as set forth below:

§ 226.820 Disclosure of single-component finance charges.

(a) Sections 226.8(c)(8)(i) and 226.8(d)(3) require the disclosure of the total amount of the finance charge "with description of each amount included," except in the case of certain real property transactions. The question arises whether the nature of the finance charge must be described where only one type of charge, such as an interest charge, comprises the total finance charge.

(b) The primary purpose of this disclosure requirement is to assure that all sums constitute finance charges under § 226.4(a) are properly taken into account in determining the total finance charge. In addition, this information permits the customer to make a more meaningful comparison of the finance charges and annual percentage rates available from various sources of consumer credit and to make an informed selection on this basis. A description of the amounts included in the finance charge is necessary to carry out the purposes of the Act only when the total charge includes more than one element. Therefore, where only a single type of charge comprises the finance charge, disclosure of the total dollar amount of such charge, using the term "finance charge," complies with the requirements of §§ 226.8(c)(8)(i) and 226.8(d)(3), and there is no further requirement under those sections that the single type of charge be otherwise identified or described.

(Interprets and applies 12 CFR 226.8)

By order of the Board of Governors, November 21, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32264 Filed 11-28-75;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Specific Functions Delegated to Board Employees and Federal Reserve Banks

In order to expedite and facilitate the handling of certain of its functions, the Board has amended its Rules Regarding Delegation of Authority adopted pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Director of the Division of Banking Supervision and Regulation the authority to accelerate the effective date of a registration statement filed by a member State bank or a subsidiary thereof, a bank holding company, or a nonbank subsidiary of a bank holding company with respect to its transfer agent activities under section 17(A)(c)(2) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. 78q-1).

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of § 265.2(c) because the rule involved therein relates to internal agency management and accordingly does not constitute a susbtantive rule subject to the requirements of that section.

Effective November 7, 1975, paragraph (c) of § 265.2 is amended by adding subparagraph (17) as follows:

§ 265.2 Specific functions delegated to board employees and to Federal reserve banks.

* * * * *

(c) The Director of the Division of Banking Supervision and Regulation (or in his absence, the Acting Director) is authorized: * * *

(17) Under the provisions of section 17(A)(c)(2) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. 78q-1) to accelerate the effective date of a registration statement filed by a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank as defined in section 3(a)(6) of that Act other than a bank specified in clause (i) or (iii) of section 3(a)(34)(B) of that Act (15 U.S.C. 78c) with respect to its transfer agent activities.

By order of the Board of Governors, November 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32265 Filed 11-28-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-39-AD; Amendment 39-2445]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-2375 (40 FR 44807), AD 75-20-09 requires replacement of blind rivets with bolts and nutplates or equivalent on the outboard aileron tab mast fittings of Boeing Model 727 series airplanes. Prior to issuance of AD 75-20-09, Amendment 39-2164 (40 FR 15866), AD 75-08-10 required a one time inspection for loose blind rivets within 200 flight hours from the effective date of the AD and submittal of reports of the inspection results, whether positive or negative. The number of reports of loose rivets indicated the need for replacement of all blind rivets; therefore, AD 75-20-09 was issued requiring replacement by July 1, 1977, with an interim inspection within 2,500 flight hours from the effective date of the AD. Subsequent to issuance of AD 75-20-09 it has become apparent that clarification of the applicability and sequence of compliance of AD 75-08-10 and AD 75-20-09 may be necessary, since AD 75-08-10 was not superseded by AD 75-20-09. At the time AD 75-20-09 was issued the majority of operators had accomplished the inspection per AD 75-08-10. However, several operators of Boeing Model 727 series airplanes are private businesses and do not accumulate total time at the rate of airline operators. Therefore, several airplanes may still be within the 200 flight hour limit specified in AD 75-08-10. Also, the airplane effectivity was not specified in either AD at the time of their issuance since the applicable Boeing Service Bulletin No. 727-57-137 and its first revision were in telegraphic form. Revision 2 to this service bulletin now lists the effectivity. Of course, many of those listed airplanes are no longer affected because they have received the terminating action modification. Although reference to the service bulletin which lists the effectivity is not required, it is extremely helpful to authorities to quickly determine applicability.

Therefore, AD 75-20-09 is being amended to specify the effectivity to airplanes in the applicability paragraph and to incorporate the inspection requirement of AD 75-08-10 for those airplanes which may yet be under the 200 flight hour limit. AD 75-08-10 is superseded by the amendment.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-2375 (40 FR 44807), AD 75-20-09 is amended as follows:

1. By amending the applicability paragraph to read:

"BOEING: Applies to Boeing Model 727 series airplanes, certificated in all categories, listed in Boeing Service Bulletin No. 727-57-137, Revision 2, or later FAA approved revisions. Compliance required as indicated."

2. By redesignating paragraph A as paragraph B and striking out the words "effective date of this AD" with the words "November 5, 1975" in place thereof.

3. By redesignating paragraph B as paragraph C.

4. By adding the following new paragraph A:

"Within the next 200 flight hours from April 21, 1975, unless AD 75-08-10 has previously been accomplished, inspect all outboard aileron tab mast fittings for looseness, and repair, as necessary, in accordance with Boeing Alert Service Bulletin No. 727-57-137, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Within 15 days from the time of the inspection of each airplane, report all findings, positive or negative, to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or call the FAA project engineer at (206) 767-2516. The report must include the following:

a. Airplane model number.

b. Airplane total time.

c. Description of looseness condition, if applicable, including number and type of fasteners loose and number of fittings per tab with loose fasteners.

(Reporting approved by the Bureau of the Budget under BOB No. 04R0174)."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein

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and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 12, 1975.

This amendment supersedes AD 75-08-10.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in Seattle, Washington November 21, 1975.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.75-32204 Filed 11-28-75;8:45 am]

[Docket No. 75-NW-26-AD; Amdt. 39-2444]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring operational checks, inspections, and rework of overwing exit emergency escape handle cover on Boeing Model 737 series airplanes, serial numbers 19013 to 20544, inclusive, that have been modified in accordance with Boeing Service Bulletin Nos. 737-52-1004 and/or 737-52-1034 was published in 40 FR 42024.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received in response to the above notice. Although not objecting to the basic intent of the proposed AD, the ATA considered the proposed compliance times and extent of modification too stringent. The ATA recommended that the AD not require inside and outside operational checks and corrective action, where these had already been accomplished within the last 360 days (instead of 120 days). Also, since Boeing advised kit availability was December 5, 1975, ATA considered 180 days a reasonable time to accomplish the modification for those airplanes on which the operational check and associated corrective action had been accomplished within the last 360 days. Further, the ATA considered that the requirement for operational check and inspection of the hatch handle cover for wear, abrasion, and corrosion should be deleted for airplanes modified per Boeing Service Bulletin No. 737-52-1054. Also the ATA considered the recontouring of hatch lining per Figure 1, steps 15, 16, and 17 of Boeing Service Bulletin No. 737-52-1054 unnecessary and not enhancing the level of safety. Under all circumstances and after considering the additional information developed since issuance of the notice, the agency has determined that the ease of accomplishment coupled with consequences of failure preclude extending the compliance times to the extent recommended by ATA. The Agency does agree that the AD compliance time for both inside and outside operational checks and corrective action required by paragraph A can be extended for airplanes inspected within the last 200 days. Also due to parts availability, the agency has determined that an adequate level of safety can be provided the operators by extending to 90 days the compliance time for rework. The Agency agrees that the paragraph A requirement for operational checks and inspection of the hatch handle cover for wear, abrasion, and corrosion are not required for airplanes on which the rework prescribed in Boeing Service Bulletin No. 737-52-1054 has been accomplished. With regard to recontouring the lower hatch lining, the agency continues to believe that the combination of spacers, spring, and recontour, as prescribed by Boeing Service Bulletin No. 737-52-1054 is necessary to prevent interference with the handle cutout when the hatch is opened. No contrary evidence having been presented, the recontour requirement will remain as part of the corrective action.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 FR 13697, § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 737 series airplanes, serial numbers 19013 to 20544, inclusive, that have:

a. Been modified in accordance with Boeing Service Bulletin Nos. 737-52-1004 and/or 737-52-1034; or

b. Received the equivalent of Boeing Service Bulletin No. 737-52-1034 in production. Airplanes in this category are those listed under Group II of Boeing Service Bulletin No. 737-52-1054.

Compliance required as indicated unless already accomplished.

To eliminate possbile interference between the escape hatch handle cover and the hatch lining and to ensure that the hatch may be easily opened from outside the airplane, accomplish the following:

A. Within 30 days time in service from the effective date of this AD, unless already accomplished within the last 200 days, perform both inside and outside operational checks of the overwing exits and visually inspect condition of hatch handle cover assembly for wear, abrasion, and corrosion. Repair or replace as necessary with serviceable parts.

B. Within 90 days time in service from the effective date of this AD, unless already accomplished, rework hatch handle cover in accordance with Boeing Service Bulletin No. 737-52-1054, or later approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Accomplishment of this paragraph constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 5, 1976.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in Seattle, Washington, November 21, 1975.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.75-32203 Filed 11-28-75;8:45 am]

[Docket No. 75-NW-40-AD; Amdt. 39-2446]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39—2371, AD 75-20-05, as amended by Amendment 39-2428, requires inspection and lubrication of fore flap airload rollers and replacement of certain fittings and rollers on Boeing Model 747 series airplanes. After issuing Amendment 39-2426 the agency has determined that Boeing Service Bulletin No. 747-57-2138 can be accomplished at the next scheduled roller inspection required by this AD without compromising public safety. Therefore, the AD is being further amended to require incorporation of Boeing Service Bulletin No. 747-57-2138 at the next scheduled roller inspection.

Since this amendment relieves a restriction, and imposes no additional burden on any person, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-2371, AD 75-20-05, as amended by Amendment 39-2426, is amended as follows:

Revise paragraph E to read:

E. "Unless already accomplished, on or before the next airload roller scheduled inspection, cut inspection holes in the mid flaps in accordance with Boeing Service Bulletin No. 747-57-2138."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein

and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 12, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, November 21, 1975.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.75-32205 Filed 11-28-75;8:45 am]

[Docket No. 75-CE-26-AD; Amdt. 39-2419]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 340, 401, 402, 411, 414 & 421 Series Airplanes

CORRECTION

In F.R. Doc. 75-30251, appearing on Pages 52717 through 52720, in the issue of Wednesday, November 12, 1975, make the following corrections:

1. In Paragraph I. A. following the phrase "or 50 hours' time in service after the last AD 75-04-01 inspection (in service aircraft)" and before the words "visually inspect" insert the phrase "and within each 50 hours' time in service thereafter".

2. Following Paragraph I. A. 2. g. right after the Paragraph entitled "NOTE" and right before the Paragraph entitled "II. Parts replacement" insert the enclosed table entitled "TABLE 1".

3. In Paragraph IV. A. add to the list of aircraft serial numbers between the number "T310R0275" and the number "3400001" the following numbers "320D0001 thru 320F0045".

Issued in Kansas City, Missouri, on November 21, 1975.

C. R. MELUGIN, Jr.,
Director,
Central Region.

		ORIGINAL "V" BAND CLAMP (Turbine Outlet)				LATE LIMITED SCALLOPED "V" BAND CLAMP (Turbine Inlet)			
Aircraft Model	Part Number	Clamps Per Aircraft	Location (See Notes)	Torque (Inch Lbs.)		Part Number	Clamps Per Aircraft	Location (See Notes)	Torque (Inch Lbs.)
T310	V57A4234 Alt. 41195AA423	2	A	40		MVT64832 Alt. 4309AL 4309AF	3	C	35
320	None	-	B	--		513941250 (51134-250S Gasket)	3	C	35
320A thru 320C	None	-	B	--		838C37 Alt. 4309AL 4309AF	3	C	35
3200 thru 320F	V57A4234 Alt. 41195AA423	2	A	40		MVT64832 Alt. 4309AL 4309AF	3	C	35
340	V57A5019 Alt. 41195AA502	2	A	40		MVT68892-250 Alt. 4301BT250	4	C	45
401	V57A4234 Alt. 41195AA423	2	A	40		MVT64832 Alt. 4309AL 4309AF	3	C	35
402	V57A4234 Alt. 41195AA423	2	A	40		MVT64832 Alt. 4309AL 4309AF	3	C	35
411	None	-	B	--		None	-	B	--
414	V57A5019 Alt. 41195AA502	2	A	40		MVT68892-250 Alt. 4301BT250	4	C	45
						4255A8200 Alt. MVT68892-200	2	D	65-75
421	V57A5019 Alt. 41195AA502	2	A	40		4255AA300	2	D	70-90

TABLE 1

Notes:

A Turbine Outlet to Overboard Exhaust Stack Clamp

B Not Applicable (affected clamps not used)

C Turbine Inlet Exhaust wye to inboard and outboard exhaust manifold clamps

D Waste Gate Inlet clamp

[FR Doc.75-32206 Filed 11-28-75;8:45 am]

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[Airspace Docket No. 75-SO-151]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Plymouth, N.C., transition area.

The Plymouth transition area is described in § 71.181 (40 F.R. 441). In the description, an extension is predicated on the 205° bearing from the Plymouth RBN. The location of the RBN has been changed and it is necessary to alter the description by amending the geographical coordinates of the RBN and the bearing of the extension. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Plymouth transition area is amended as follows:

PLYMOUTH, N.C.

"• • • (Lat. 35°48'23" N., Long. 76°45'30" W.) • • •" is deleted and "• • • (Lat. 35° 48'35" N., Long. 76°45'47" W.) • • •" is substituted therefor, and "• • • 205° • • •" is deleted and "• • • 188° • • •" is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 19, 1975.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.75-32202 Filed 11-28-75;8:45 am]

[Airspace Docket No. 75-WE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the San Rafael, California control zone.

The Department of the Air Force has informed the Federal Aviation Administration that they are terminating the operation of the air traffic control tower and navigational aids including the TACAN and ILS at Hamilton Air Force Base, San Rafael, California. Accordingly, there will be no further need for the control zone and it will be revoked.

Since the amendment would be less restrictive than currently exists and would pose no additional burden on any person, notice and public procedure thereon is unnecessary.

In consideration of the foregoing in § 71.171 (40 FR 354) the San Rafael, California control zone is revoked.

Effective date. This amendment shall be effective 0901 G.M.T. January 10, 1976.

This amendment is issued under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348 (a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on November 19, 1975.

W. R. FREHSE,
Acting Director,
Western Region.

[FR Doc.75-32201 Filed 11-28-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 75-300]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties To Be Imposed Under Section 303, Tariff Act, 1930

On June 30, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 27498). The notice stated that it had been determined tentatively that payments are being made, directly or indirectly, by the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of canned hams and canned shoulders, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The notice provided interested parties 15 days from the date of publication to submit relevant data, views, or arguments in writing with respect to the preliminary determination. The time period was later extended to September 3, 1975 (40 FR 34423).

After consideration of all information received, it has been determined that exports of canned hams and canned shoulders from the European Communities are subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Accordingly, notice is hereby given that canned hams and canned shoulders imported directly or indirectly from the European Communities, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be the refunds referred to in Article 15 of Regulation (EEC) No. 121/67 applicable on the exportation of canned hams and canned shoulders from the member states, as set forth by the regulations of the European Communities as published in the *Official Journal of the European Communities*. To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of canned hams and canned shoulders from the European Communities are subject to a bounty or grant in an amount other than that applicable under the above declaration, the amount so established shall be assessed and collected on imports of such canned hams and canned shoulders.

Effective on or after the date of publication of this notice in the FEDERAL REGISTER and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable canned hams and canned shoulders imported directly or indirectly from the European Communities, which benefit from these bounties or grants, there shall be collected in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable canned hams and canned shoulders imported directly or indirectly from the European Communities, which benefit from these bounties or grants, and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a notice of "Waiver of Countervailing Duties" is being published concurrently with this order in accordance with section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)). At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Commodity", the words "Canned Hams and Canned Shoulders" after the last entry for France, Great Britain (the United Kingdom), West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium. The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the column headed "Action" is amended by inserting the words "Bounty Declared-Rate".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.75-32364 Filed 11-28-75;8:45 am]

[T.D. 75-301]

PART 159—LIQUIDATION OF DUTIES

Determination Under Section 303(d), Tariff Act of 1930, as Amended, To Waive Countervailing Duties

NOVEMBER 24, 1975.

In T.D. 75-300 published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended, (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of canned hams and shoulders from the European Communities consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) there is a reasonable prospect that, under section 102 of the Trade Act of 1975, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) the imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultation with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effect of the bounties or grants by virtue of a series of reductions in the applicable export restitution payments, from a high of 57 units of account per 100 kilos in September 1973 to 20 units of account per 100 kilos on canned hams and 16.5 units of account per 100 kilos on canned shoulders effective November 10, 1975.

In addition this waiver is conditioned on:

(1) the general economic situation of the swine industry in the U.S. which will be appraised from time to time in order to determine whether remaining restitution payments on EC canned hams and shoulders are having an adverse effect on the industry.

In assessing the state of the industry, the following factors will be taken into account:

(a) import penetration by the EC product, including share of U.S. market;

(b) trends in U.S. consumption;

(c) changes in profitability of the U.S. hog industry;

(d) the hog-corn ratio (the relationship of the price of hogs to the price of corn) in the United States commodity markets. A reduction in the hog-corn ratio below 15:1 would in particular be viewed as one indicator of a change in the conditions under which the waiver has been granted;

(2) the absence of aggressive marketing by European Community countries of canned hams and shoulders in the United States and of any prospective increase from present levels of restitution payments on canned hams and shoulders.

Should the conditions outlined above change, additional downward adjustments in the level of remaining restitution payments may be required in order to assure continuation of the waiver.

After consulting with appropriate agencies, including the Department of State, the Office of the Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elemination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on canned hams and shoulders from the European Communities would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation order in T.D. 75-300 on canned hams and shoulders from the European Communities.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of the Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on canned hams and shoulders imported directly or indirectly from the European Communities in accordance with T.D. 75-300, published concurrently with this determination.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium under the commodity heading "Canned Hams and Shoulders", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759; 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624)

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

NOVEMBER 24, 1975.

[FR Doc.75-32363 Filed 11-28-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Project Agreements

● **Purpose. The purpose of this document is to amend the regulations of the Federal Highway Administration to:**

(a) Change the title "Division Engineer" to "Division Administrator" throughout;

(b) Impose new obligations on State highway agencies pursuant to regulations (40 CFR, Part 15) of the Environmental Protection Agency in implementation of the Clean Air Act and the Federal Water Pollution Control Act; and

(c) Require the State highway agency to execute the original and one copy of the project agreement, rather than "three copies" as heretofore. ●

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

The revisions will become effective January 1, 1976.

Issued on November 20, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart C—Project Agreements

§ 630.302 [Amended]

1. Section 630.302(e) is hereby amended to substitute the word "Administrator" for the word "Engineer," in the first line thereof.

§ 630.304 [Amended]

2. Section 630.304(b) is hereby amended to substitute the word "Administrator" for the word "Engineer," in the fourth line thereof.

3. Section 630.304(c)(9) is hereby amended to substitute the word "Administrator" for the word "Engineer" in the last line thereof.

4. Section 630.304(d) is hereby revised to read as follows:

• • • • • •

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(d) The original agreement and one copy thereof will be executed by the proper officer of the State highway agency and forwarded to the Division Administrator for review and execution. The Division Administrator will retain the original agreement as part of the project status records. One executed copy will be returned to the State highway agency. When required by the regional office, a conformed copy will be sent to that office.

§ 630.305 [Amended]

5. Section 630.305(b) is hereby amended to substitute the word "Administrator" for the word "Engineer," in the fifteenth and sixteenth lines (excluding the schedule) thereof.

§ 630.306 [Amended]

6. Section 630.306(b) is hereby amended to substitute the word "Administrator" for the word "Engineer" in the sixth line thereof.

7. Appendix A is revised as follows:

Appendix A

TO BE COMPLETED BY FHWA	U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION	State
MONTHLY TRANSACTION NO.		County
	FEDERAL-AID PROJECT AGREEMENT	Project No.

The State, through its Highway Agency, having complied, or hereby agreeing to comply, with the applicable terms and conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the Regulations issued pursuant thereto and, (3) the policies and procedures promulgated by the Federal Highway Administrator relative to the above designated project, and the Federal Highway Administration having authorized certain work to proceed as evidenced by the date entered opposite the specific item of work, Federal funds are obligated for the project not to exceed the amount shown herein, the balance of the estimated total cost being an obligation of the State. Such obligation of Federal funds extends only to project costs incurred by the State after the Federal Highway Administration authorization to proceed with the project involving such costs.

PROJECT TERMINI

PROJECT CLASSIFICATION OR PHASE OF WORK	EFFECTIVE DATE OF AUTHORIZATION	APPROXIMATE LENGTH (Miles)
HIGHWAY PLANNING AND RESEARCH (HP & R)		
PRELIMINARY ENGINEERING		
RIGHTS-OF-WAY		
CONSTRUCTION		
OTHER (Specify)		

FUNDS	
ESTIMATED TOTAL COST OF PROJECT	FEDERAL FUNDS
$	$

The State further stipulates that as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions set forth on the reverse hereof.

(Official name of Highway Agency)

By _____ (Title)

By _____ (Title)

By _____ (Title)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By _____ (Division Administrator)

Date executed by Division Administrator _____

Form FH-2 (Rev. 10-75) PREVIOUS EDITIONS ARE OBSOLETE

AGREEMENT PROVISIONS

1. **RESPONSIBILITY FOR WORK**

a. Except for projects constructed under Certification Acceptance procedures, the State highway agency will perform the work, or cause it to be performed, in compliance with the approved plans and specifications or project proposal which, by reference, are made a part hereof.

b. With regard to projects performed under Certification Acceptance procedures, the State highway agency will perform the work, or cause it to be performed, in accordance with the terms of its approved Certification, or exceptions thereto as may have been approved by the Federal Highway Administration.

2. **HIGHWAY PLANNING AND RESEARCH (HP&R) PROJECT.** The State highway agency will (a) conduct or cause to be conducted, under its direct control, engineering and economic investigations of projects for future construction, together with highway research necessary in connection therewith, pursuant to the work program approved by the Federal Highway Administration and (b) prepare reports suitable for publication of the result of such investigations and research, but no report will be published without the prior approval of the Federal Highway Administration.

3. **PROJECT FOR ADVANCE ACQUISITION OF RIGHTS-OF-WAY.** In the event that actual construction of a road on this right-of-way is not undertaken by the close of the tenth fiscal year following the fiscal year in which this agreement is executed, the State highway agency will repay to the Federal Highway Administration the sum or sums of Federal funds paid to the highway agency under the terms of this agreement.

4. **PRELIMINARY ENGINEERING PROJECT FOR PREPARATION OF RIGHT-OF-WAY PLANS OR FOR PREPARATION OF CONSTRUCTION PLANS, SPECIFICATIONS AND ESTIMATES.** In the event that right-of-way acquisition for, or actual construction of the road for which this preliminary engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed, the State highway agency will repay to the Federal Highway Administration the sum or sums of Federal funds paid to the highway agency under the terms of this agreement.

5. **INTERSTATE SYSTEM PROJECT.** (a) The State highway agency will not add or permit to be added, without the prior approval of the Federal Highway Administration any points of access to, or exit from, the project in addition to those approved in the plans and specifications for the project. (b) The State highway agency will not permit automotive service stations, or other commercial establishments for serving motor vehicle users, to be constructed or located on the right-of-way of the interstate system. (c) The State highway agency will not after June 30, 1968, permit the construction of any portion of the Interstate Route on which this project is located, including spurs and loops, as a toll road without the written concurrence of the Secretary of Transportation or his officially designated representative. The term 'toll road' does not include toll bridges or toll tunnels.

6. **PROJECT FOR CONSTRUCTION IN ADVANCE OF APPORTIONMENT.** (a) This project authorized pursuant to 23 U.S.C. 115 as amended, will be subject to all procedures and requirements, and conform to the standards applicable to projects on the system on which located, financed with the aid of Federal funds. (b) No obligation of previously apportioned Federal funds is created by this agreement, its purpose and intent being to provide that, upon application by the State highway agency, and approval thereof by the Federal Highway Administration, any Federal-aid funds of the class designated by the project number prefix, apportioned to the State under 23 U.S.C. 104 subsequent to the date of this agreement, may be used to reimburse the State for the Federal share of the cost of work done on the project.

7. **STAGE CONSTRUCTION.** The State highway agency agrees that all stages of construction necessary to provide the initially planned complete facility, within the limits of this project, will conform to at least the minimum values set by approved AASHTO design standards applicable to this class of highways, even though such additional work is financed without Federal-aid participation.

8. **BOND ISSUE PROJECT.** Construction, inspection and maintenance of the project will be accomplished in the same manner as for regular Federal-aid projects. No present or immediate obligation is created by this Agreement against Federal funds, its purpose and intent being to provide aid to the State, as authorized by 23 U.S.C. 122, for retiring maturities of the principal indebtedness of the bonds referred to below. When the State requests Federal reimbursement to aid in the retirement of such bonds, the request will be supported by the appropriate certification required by 23 CFR Part 140, Subpart F, and Volume 1, Chapter 4, Section 8 of the Federal-Aid Highway Program Manual or the alternative State procedure set forth in the State's Certificate, and payment of the authorized Federal share will be made from appropriate funds available. If in any year there is no unobligated balance of any apportioned Federal funds available from which payments hereunder may be made, there will be no obligation on the part of the Federal Government on account of bond maturities for that year. Funds available to the highway agency for this project are the proceeds of bonds issued by the governmental unit indicated on the attached tabulation, pursuant to the authority and in the amounts by date of issue and beginning date of maturities set forth therein.

9. **SPECIAL HIGHWAY PLANNING AND RESEARCH PROJECT.** The State Highway agency hereby authorizes the Federal Highway Administration to charge the State's pro rata share of costs incurred against funds apportioned to the State under 23 U.S.C. 307 (c), as amended. In the event a project is financed with both Federal-aid funds and State matching funds, the State agrees to advance to The Federal Highway Administration the State matching funds for its share of the estimated cost. For a National Pooled Fund study, the State hereby assigns its responsibility for the work to the Federal Highway Administration. For an Intra-Regional Cooperative Study, the State hereby assigns its responsibility for the work to the lead State for the study.

10. **PARKING REGULATION AND TRAFFIC CONTROL.** The State highway agency will not permit any changes to be made in the provisions for parking regulations and traffic control as contained in the agreement between the State and the local unit of Government referred to in the paragraph on "Additional Provisions," without the prior approval of the Federal Highway Administration, unless the State determines, and the Division Administrator concurs, that the local unit of Government has a functioning traffic engineering unit with the demonstrated ability to apply and maintain sound traffic operations and control.

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AGREEMENT PROVISIONS

11. SIGNING AND MARKING. The State highway agency will not install, or permit to be installed, any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administrator pursuant to 23 U.S.C. 109(d) or the State's Certificate as applicable.
12. MAINTENANCE. The State highway agency will maintain, or by formal agreement with appropriate officials of a county or municipal government cause to be maintained, the project covered by this agreement.
13. LIQUIDATED DAMAGES. The State highway agency agrees that on Federal-aid highway construction projects not under Certification Acceptance the provisions of 23 CFR Part 630, Subpart C and Volume 6, Chapter 3, Section 1 of the Federal-Aid Highway Program Manual, as supplemented, relative to the basis of Federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.
14. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (APPLICABLE TO CONTRACTS AND SUBCONTRACTS WHICH EXCEED $100,000).

a. The State highway agency stipulates that any facility to be utilized in performance under or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
b. The State highway agency agrees to comply with all of the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
c. The State highway agency stipulates that as a condition of Federal aid pursuant to this agreement it shall notify the Federal Highway Administration of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this agreement is under consideration to be listed on the EPA List of Violating Facilities.
d. The State highway department agrees that it will include or cause to be included in any Federal-aid to highways agreement with a political subdivision of the State which exceeds $100,000 the criteria and requirements in these subparagraphs a. through d.

NONDISCRIMINATION PROVISION

15. The State highway agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the following equal opportunity clause:

"During the performance of the contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway agency setting forth the provisions of this nondiscrimination clause.
b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
c. The contractor will send to each labor union representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway agency advising the said labor union or workers' representative of the contractor's commitments under this section II-2 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
g. The contractor will include the provisions of this Section II-2 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State highway agency or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance; *Provided, however,* that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

The State highway agency further agrees that it will be bound by the above equal opportunity clause with respect to its own

NONDISCRIMINATION PROVISION

employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The State highway agency also agrees:

(1) To assist and cooperate actively with the Federal Highway Administration and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor.
(2) To furnish the Federal Highway Administration and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Federal Highway Administration in the discharge of its primary responsibility for securing compliance.
(3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order.
(4) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Federal Highway Administration or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

In addition, the State highway agency agrees that if it fails or refuses to comply with these undertakings, the Federal Highway Administration may take any or all of the following actions:

(a) Cancel, terminate, or suspend this agreement in whole or in part;
(b) Refrain from extending any further assistance to the State highway agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the State highway agency; and
(c) Refer the case to the Department of Justice for appropriate legal proceedings.

ADDITIONAL PROVISIONS

8. Appendix B is revised as follows:

Appendix B

TO BE COMPLETED BY FHWA	U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION	Form Approved; O M B No. 04-R2069
MONTHLY TRANSACTION NUMBER		State
PROJECT REPORT NUMBER	MODIFICATION OF FEDERAL-AID PROJECT AGREEMENT	County
MODIFICATION NUMBER		Project Number

The Project Agreement for the above-referenced project entered into between the undersigned parties and executed by the Division Administrator on , 19 is hereby modified as follows:

	Former amount	Revised amount
Estimated total cost of project	$	$
Federal funds	$	$
Other revisions		

This modification is made for the following reasons:

All other terms and conditions of the Project Agreement will remain in full force and effect. This modification is effective as of the day of , 19

(Official name of Highway Agency)

By (Title)

By (Title)

By (Title)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By (Division Administrator)

Form FR-2A (Rev. 10-75) Previous editions are obsolete GPO 699-312

[FR Doc.75-32075 Filed 11-28-75;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

[Docket No. 75-8]

PART 712—THE ACQUISITION FUNCTION

Land Service Facilities; Interim Regulations

Correction

In FR Doc. 75-30772 appearing at page 53236 in the FEDERAL REGISTER of Monday, November 17, 1975, the following changes in section 712.804(d)(4) on page 53237 should be made:

1. The word "directive" in the first sentence is changed to read: "regulation."

2. The first eight words of the second sentence are corrected to read: "This would not preclude participation in payments made • • •."

Issued on November 21, 1975.

DAVID E. WELLS,
Chief Counsel.

[FR Doc.75-32196 Filed 11-28-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TRAINING

PART 310—MERCHANT MARINE TRAINING

Admission and Training of Midshipmen at United States Merchant Marine Academy

Part 310 of Title 46 of the Code of Federal Regulations currently specifies that applicants for the U.S. Merchant Marine Academy must qualify in the College Entrance Examination Board's Scholastic Aptitude Test. There is no provision for permitting the use of the American College Testing examinations.

• Purpose. The purpose of this amendment is to permit the use of the American College Testing examinations as an optional alternative to the College Entrance Examination Board's Scholastic Aptitude Test in evaluating candidates for the U.S. Merchant Marine Academy. •

Part 310 of Title 46 of the Code of Federal Regulations is amended as follows:

(1) Revise paragraph (b) of § 310.54 to read as follows:

§ 310.54 Scholastic requirements.

• • • • • •

(b) *Scholastic examinations*—(1) *Required entrance examinations.* Applicants are required to qualify in either the College Entrance Examination Board or the American College Testing Program examinations administered nationally on scheduled dates at convenient testing centers. The entrance examination consists of either the Scholastic Aptitude Test (verbal and mathematics sections) or the American College Testing Program examination (english, mathematics, and social and natural sciences sections). Qualifying scores on the entrance examinations will be determined by the Academy for each entering class. Any unacceptable score on any one section is cause for rejection. The cost of the examinations must be borne by the applicant. Nominess must have taken all the required examinations by the January testing date in the year for which they seek appointment, unless special authorization to take later examinations is received from the Academy admissions office.

(2) *Forwarding test results.* Candidates who take the tests required by the U.S. Merchant Marine Academy and who desire that the results be considered for scholastic qualification should request the College Entrance Examination Board and/or the American College Testing Program to submit their scores to the U.S. Merchant Marine Academy, Kings Point, N.Y.

(3) *Test information.* General information on the tests, including dates of administration, location of testing centers, registration, etc. is published by the

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College Entrance Examination Board in a booklet entitled "Bulletin of Information," a copy of which can be obtained from the candidate's high school guidance office. In addition, a booklet entitled "A Description of the College Board Scholastic Aptitude Test" may be obtained, without charge, from the candidate's high school or the College Entrance Examination Board, P.O. Box 592, Princeton, N.J. 08540, or the College Entrance Examination Board, P.O. Box 1025, Berkeley, Calif. 94701. Similar information on the American College Testing Program may be obtained from the candidate's high school guidance office or from the American College Testing Program, P.O. Box 168, Iowa City, Iowa 52240.

(2) Revise paragraphs (c) (3) (i) and (c) (4) of § 310.64 to read as follows:

§ 310.64 Foreign students.

* * * * *

(c) *Regulations.* * * *

(3) * * * (i) Must qualify in either the College Entrance Examination Board Scholastic Aptitude Test or the American College Testing Program examinations. See § 310.54(b). Detailed certificates covering schoolwork will not be required of candidates from the other American Republics and the Trust Territories of the Pacific. When available, special foreign language College Board examinations may be substituted for the College Entrance Examination Board or American College Testing Program examinations. * * *

(4) Candidates will be furnished information as to the time, place, etc., of the College Entrance Examination Board or the American College Testing Program examinations. A maritime representative or a diplomatic representative of the United States in the candidate's country shall in the case of all these candidates furnish a report as to the candidate's proficiency in the use of idiomatic English.

Effective date. This amendment shall become effective on December 1, 1975.

(Section 204(b), Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11-507 U.S. Merchant Marine Academy (Kings Point))

Dated: November 24, 1975.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-32320 Filed 11-28-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

Air Mail Service of Documents

Order. In the matter of editorial amendment of § 1.47(f), rules of practice and procedure.

1. Section 1.47(f) now provides that service of documents shall be by air mail if the distance between the parties is 500 miles or more. Since the U.S. Postal Service is now delivering all first class mail by air if the distance exceeds 300 miles, this provision is no longer needed and should be deleted. Authority for this amendment is contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i), 155(d), and 303(r) and in § 0.231(d) of the Commission's rules, 47 CFR 0.231 (d). Because the amendment is editorial and procedural in nature, the notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

2. Accordingly, § 1.47(f) is revised as set out below effective December 1, 1975.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Adopted: November 18, 1975.

Released: November 20, 1975.

[SEAL] R. D. LICHTWARDT,
Executive Director.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.47 (f) is revised to read as follows:

§ 1.47 Service of documents and proof of service.

* * * * *

(f) Service by mail is complete upon mailing.

* * * * *

[FR Doc.75-32136 Filed 11-28-75;8:45 am]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Kernville, Calif.

Memorandum opinion and order. In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Kernville, California).

1. The Commission here considers on its own motion[1] the deletion of FM Channel 272A from Kernville, California, as a matter of public interest. The channel was assigned effective May 9, 1973, by our "Second Report and Order" in Docket 19578, 40 F.C.C. 2d 310, in response to a petition from Kern River Valley Radio, Inc. At that time, petitioner stated that it was prepared to apply for authorization to operate on Channel 272A. However, no application or other communication has been received to date. No other party has applied for Channel 272A and it has remained unused since its assignment to Kernville more than two years ago. Kernville is a very small unincorporated community of less than 1,000 population located near Lake Isabella, another small town, both in Kern County, California. The Lake Isabella region is still without a local broadcast service of any kind.

2. An attempt to bring service to the region was made by John M. Ridenour on July 13, 1972, prior to the Kernville FM assignment, when he applied for a new AM station at Lake Isabella, requesting waiver of the Commission's AM Freeze. That application was returned July 28, 1972, because of prohibited overlap. Ridenour commented in the Kernville rulemaking that he was revising his AM application, and that he had no objection to the assignment of Channel 272A to Kernville: *Provided,* That it would not foreclose consideration of his AM application. We replied in our "Second Report and Order," 40 F.C.C. 310, 311 (1973):

> The assignment of Channel 272A to Kernville would not foreclose consideration of an AM station there. Kernville is an isolated community, 38 miles from Bakersfield and 41 miles from Porterville where aural broadcast stations are located, and does not receive aural broadcast services as defined by Section 73.37(e) of the rules. Thus it would qualify for at least two aural broadcast stations as provided by that Rule.

This statement was based on our expectation that Kern River Valley, Inc., would keep its commitment to utilize Channel 272A. Since it has not, Ridenour's new AM application of October 25, 1974, is blocked by § 73.37(e)(1)(iii) of our rules,[2] which requires demonstration that no FM channel is available for use in the community designated in the application. Channel 272A is available for use at Lake Isabella under the "10-mile" rule (§ 73.203(b); see also § 73.37 Note 6).

3. Our FM non-availability rule in § 73.37(e)(1)(iii) is designed to foster the growth of FM service. We continue to support that policy and will not waive its requirements, even in a case like this one. Under the unique circumstances presented here, however, we do not think it is contrary to the spirit of that policy to delete an FM channel for lack of use. Had we known that the FM petitioner would not apply for a construction permit immediately, as it represented, we would not have made the assignment in the first place, since it is our policy in such situations to make an assignment only if a commitment to use the channel has been expressed. We therefore have no hesitation now in deleting that channel, so that the interested party may proceed.

4. We strictly limit the action taken here to the facts and equities of this case. The AM applicant unsuccessfully applied for a construction permit prior to the FM assignment, was promised in the FM proceeding by the Commission that his AM application would not be foreclosed, but the FM channel has remained unused for more than two years and thus prevents an interested party from providing a first local broadcast service to a small community. Under the circumstances, we find that the public interest would best be served by deletion of the FM channel at Kernville without prejudice to assignment of an available FM channel there when an interested party so petitions.

5. This action is taken by authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended; 5 U.S.C. 553(b)(3)(B) and (d)(3); and § 0.281(b)(6) of our rules. In view of the lack of interest in the unused FM channel, and in order to expedite action on the pending AM application mentioned herein, we find notice and public procedure unnecessary here, pursuant to 5 U.S.C. 553(b)(3)(B). Likewise, the 30-day notice requirement is inapplicable for the same reasons, as provided in 5 U.S.C. 553(d)(3).

6. *Accordingly, it is ordered,* That effective December 1, 1975, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read as follows for the city listed below:

City	*Channel No.*
Kernville, California	—

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

Adopted: November 17, 1975.

Released: November 20, 1975.

[FR Doc.75-31906 Filed 11-28-75;8:45 am]

[1] The Commission deleted *sua sponte* unused FM channels because of short-spacing in our Memorandum Opinion and Order, Re Revision of FM Broadcast Rules, 28 FR 11690 (1963). And recently, in Charleston, W. Va., 51 F.C.C. 2d 496 (1975), a short-spaced FM channel was deleted on our own motion when it became unlicensed through a forfeiture.

[2] Formerly § 73.37(e)(1)(ii), adopted by "Report and Order," 39 F.C.C. 2d 645 (1973). The language and number of this section were amended to the present form by Report and Order, 54 F.C.C. 2d 1 (adopted June 27, 1975) and Errata, 54 F.C.C. 2d 301 (adopted July 16, 1975).

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL PROVISIONS

PART 310—BRIDGE TOLL PROCEDURAL RULES

Hearing by Affidavit

The Federal Highway Administrator is amending the Bridge Toll Procedural Rules to provide for optional hearing of contested toll bridge rate cases by affidavit, in the interest of expedition and economy for the parties.

A hearing by affidavit involves the presentation of a party's position entirely by the submission and exchange of sworn statements containing the evidence supporting the party. A hearing by affidavit may be ordered by the Administrator or by the administrative law judge, and either the administrative law judge or the Administrator may preside, as the Administrator shall decide. Oral presentation and cross-examination of an opposing party may be permitted only for good cause shown. Good cause may be demonstrated by the existence of a material conflict as to the facts, but not as to the conclusions to be drawn from them. Good cause may also be shown by raising a material question of credibility of an affiant. The administrative law judge shall determine whether any material dispute of facts exists, regardless of who initially ordered the hearing by affidavit.

Toll cases frequently involve complex analyses of the financial and operation structure of large institutions, which operate the bridges, in question. Frequently, factual matters of this nature offered by the bridge proprietor is not contested by the other parties. Hence, oral presentations of this and other evidence not in dispute is often unduly time consuming and awkward. The more expedient method is to permit all initially uncontested facts to be presented by affidavit on direct, but allow subsequent oral presentation and cross-examination on those material facts determined to be in dispute. Since many toll proceedings held to date have taken substantial periods of time to complete, fairness to all parties requires that future toll proceedings be expedited, in a manner compatible with due process. It is desirable to avoid unfairness to bridge users who must continue to pay during the pendency of the investigation, hearing, and petitions for reconsideration. It is equally important to obviate uncertainty to toll bridge authorities who may be relying on a prompt adjudication of the toll increase for reasons of investment and development. Finally, the Administrator has the responsibility to fairly and expeditiously resolve all matters arising within his authority, and thus must prevent a delay of justice caused by unnecessarily lengthy proceedings in any one area of his responsibility.

These considerations appear to have been the basis for the Congressional enactment of section 133(b) of the Federal-Aid Highway Act of 1973 (33 U.S.C. 526a). It appears to have been the express legislative intent of Congress to empower the Secretary of Transportation or his delegatee, the Administrator, to promulgate regulations that, among other effects, would expedite bridge toll proceedings in order to prevent injustice to either bridge users or bridge authorities.

Since these amendments relate to a pleading and practice before the Federal Highway Administration and do not affect substantive rights or liabilities, notice and public procedure are unnecessary and they are effective on the date of issuance set forth below.

In consideration of the foregoing, in Part 310 of Chapter III of title 49 CFR, the table of sections, the authority paragraph, § 310.7 are revised, and a new Subpart B is added as set forth below.

1. The table of sections of Part 310 are revised to read as follows:

Subpart A—General Procedure

* * * * *

Subpart B—Hearing by Affidavit

Sec.
310.101 Definitions.
310.103 How initiated.
310.105 Proofs.
310.107 Rebuttal proofs; interrogatories.
310.109 Oral presentation and cross-examination.
310.111 Intervention.
310.113 Hearing and decision procedure.

AUTHORITY: Sec. 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), section 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), section 2 and section 6 of the International Bridge Act of 1972 (33 U.S.C. 535 and 535(d)), section 133(b) of the Federal-Aid Highway Act of 1973 (33 U.S.C. 526a), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation, 49 CFR 1.48.

2. Part 310 is amended by adding immediately before § 310.1 the following new heading:

Subpart A—General Procedure

3. Section 310.7 is revised to read as follows:

§ 310.7 Initial determination.

After such investigation under § 310.5 and such conferences under § 310.6 as he deems appropriate, the Administrator determines whether there are sufficient grounds for initiating formal adjudication. If he determines that no such grounds exist, he dismisses the proceeding. If he determines that grounds for formal adjudication exist, he issues an order appointing an administrative law judge, or reserving the hearing to himself, and directing that either a public hearing under this Subpart or a hearing by affidavit under Subpart B be held. The order is served on the parties where the Administrator is to preside over the hearing. All subsequent regulations that refer to the "administrative law judge" shall also mean "the Administrator."

4. Part 310 is amended by adding immediately after § 310.14 the following new subpart:

Subpart B—Hearing by Affidavit

§ 310.101 Definitions.

(a) "Hearing by affidavit" means the procedure prescribed under this Subpart for determination of a bridge toll proceeding upon statements and exhibits supported by oath or affirmation.

(b) "Proofs" means written statements and graphic or other exhibits, supported by oath or affirmation, offered by a party in a hearing by affidavit, which separately states the facts and arguments of law upon which a party relies.

(c) The words "Administrator," "complainant," and "respondent" have the meaning given them by § 310.2.

§ 310.103 How initiated.

The Administrator or the administrative law judge may, on their own motion or on the motion of any party, order that the proceeding be determined through hearing by affidavit. The order shall be served on all parties, and shall direct them to comply with the rules in this Subpart.

§ 310.105 Proofs.

After the complaint and response have been filed, proofs may be submitted by any party to the administrative law judge. The oath or affirmation supporting facts asserted in any proof must be made by a person having knowledge of those facts, whose knowledge thereof

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must be asserted in the affidavit. All parties shall file their proofs simultaneously with the administrative law judge and serve them on all other parties, within 30 days from the issuance of the order for hearing by affidavit, or in such sequence and at such times as the administrative law judge prescribes in the order. The period for filing proofs may be enlarged for good cause shown.

§ 310.107 Rebuttal proofs; interrogatories.

Any party may file and serve a single rebuttal proof within 20 days of receipt of any other party's proofs. Any party may submit written interrogatories within 20 days of receipt of any other party's proofs to be answered by any affiant within 10 days. The period for response for either rebuttal proofs or interrogatories may be enlarged for good cause shown.

§ 310.109 Oral presentation and cross-examination.

Upon good cause shown the administrative law judge may permit a party to cross-examine any affiant as to credibility or disputed material fact, but not as to inferences and arguments that may be drawn from the facts. To the extent that a material dispute of fact exists, a party may request the administrative law judge to order an oral presentation of those facts under the procedures of Subpart A. An order requiring an oral hearing shall describe the matters upon which the parties are not in agreement, or shall state the reasons for and the limitations on oral testimony or cross-examination.

§ 310.111 Intervention.

Persons may be permitted to intervene as a party for all purposes in a hearing by affidavit under the rule of § 310.9. Intervenors in a hearing by affidavit must comply with all the rules of this Subpart and all orders issued thereunder.

§ 310.113 Hearing and decision procedure.

All provisions of §§ 310.8, 310.10, 310.11, 310.12, 310.13, and 310.14 of Subpart A apply to a hearing by affidavit, except that the requirement of stenographic transcription under paragraph (c) of section 310.10 does not apply when the hearing by affidavit involves no oral presentations.

(Section 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494, section 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), section 2 and section 6 of the International Bridge Act of 1972 (33 U.S.C. 535 and 535(d)), section 133(b) of the Federal-Aid Highway Act of 1973 (33 U.S.C. 526(a)), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48).)

Effective date: The revision and additions to Part 310 become effective on November 24, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-32197 Filed 11-28-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amendment No. 71; FSP No. 1976-1.1]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia

On September 19, 1975, there was published in the FEDERAL REGISTER (40 FR 43404–43410), a notice of proposed rulemaking to examine alternative proposals to establish the maximum monthly allowable income standards and the basis of coupon issuance set forth in FSP Notice 1975–1.2, effective July 1, 1975 (40 FR 19856). All proposals were based on the thrifty food plan and revised economies of scale developed by the Agricultural Research Service, United States Department of Agriculture (ARS).

BACKGROUND

On June 12, 1975, the United States Appeals Court for the District of Columbia Circuit, in its opinion in the case of *Rodway* v. *United States Department of Agriculture*, 514 F.2d 809, ruled that the Department of Agriculture (USDA) failed to comply with the requirements of the Administrative Procedure Act in promulgating the allotment regulations and required new rulemaking proceedings to be undertaken and completed within 120 days of the date of the decision. This deadline was later extended by the Court to December 13, 1975.

The Court also pointed out that a system of establishing coupon allotments would be sustained only if the Secretary could show that the system delivers coupons to substantially all recipients in amounts sufficient to allow them to purchase nutritionally adequate diets, and that nutritional adequacy is plainly a factual question within the expertise of the Secretary of Agriculture.

To comply with the *Rodway* decision, the Department considered several possible changes in the current method of determining coupon allotments and eligibility standards, along with the possibility of continuing the current method, subject to any changes suggested as a result of the public notice. The specific changes under Departmental consideration were (a) use of a new thrifty food plan as an alternative to the economy food plan in calculating coupon allotments, (b) provide revised economies of scale as an alternative to the present method of adjusting coupon allotments for larger size households, and (c) individualize coupon allotment calculations based on the age and sex composition of each applicant household.

As stated in the notice of September 19, 1975, the coupon allotment tables published in the notice were illustrative and were based on the July 1975 cost of the thrifty food plan. They did not include tables for Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands. The tables for these areas will be based on the allotment table for the continental United States, adjusted for the cost of food in these areas.

DESCRIPTION AND ANALYSIS OF COMMENTS RECEIVED

Responses to the three alternative proposals and the thrifty food plan were received from a total of 1,958 interested parties, expressing over 5,200 comments, as of the close of business, November 13, 1975. Over 200 miscellaneous comments not specifically commenting on the proposed amendment were generated by this notice of proposed rulemaking. Some of these comments expressed concern with the high-quality and large quantity of food purchased by food stamp recipients, based on visual observations at grocery story check-out counters; and others were simply critical of the level of the purchase requirements. All comments were reviewed and considered. Comments not specifically discussed or reflected herein have nevertheless been weighed in determining the final rule.

1. *Proposals I and II.* Proposals I and II developed an individualized basis of determining coupon allotments taking into consideration the sex and age of each household member. Proposal II differs from Proposal I only in that it temporarily preserves for households participating December 31, 1975, the current income eligibility standards and coupon allotments until the total of the individual allotments adjusted for changes in the cost of food equals or exceeds the household's allotment as of December 31, 1975.

While Proposals I and II provide to all households 100 percent of the cost of the thrifty food plan discussed in the proposed rulemaking, these proposals generally reduce allotments for one- and two-person households.

In the current program, about 4.3 million participants are in this category. Two million of this group are elderly persons 60 years of age or older. Under Proposals I and II all persons 55 years and over would, because of the reduced nutritional needs of adults as they grow older, receive substantially smaller allotments than are now provided for one- and two-person households regardless of age. Proposals I and II have an adverse impact on households with children below the age of 6. These proposals would also make many households now participating or eligible to participate ineligible because the proposals also provide for individualized standards of eligibility based upon the individualized allotments.

As of November 13, 1975, 1,911 comments had been received on Proposal I. Of these comments, 1,901 opposed the proposal. Of 1,796 comments received on Proposal II, 1,790 were adverse.

Issue: Proposals I and II reduce benefits now available to one- and two-person households and households with children under the age of 6. They also make ineligible many households now eligible to participate.—Nearly all commenters objected to the adoption of either of these proposals on the ground that the aged who constitute a large portion of this group would be deprived of benefits. Opposition was expressed by the Food Research and Action Center, State and local welfare agencies, the Senate Special Committee on Aging (signed by the Chairman and 19 of 22 members as well as 30 other Senators), the House Select Committee on Aging (signed by the Chairman and 21 of 28 members) as well as by other Members of Congress, and many interested individuals.

USDA recognizes that while these proposals would radically reduce the level of benefits received by the aged and, in particular, make ineligible many who are now eligible, the proposals would provide 100 percent of the cost of the thrifty food plan for all participating households including the aged whose nutritional requirements are generally less than those of many younger participants. However, the change in allocation of benefits through the adoption of either of these proposals is inherent in any plan which provides for individualized allotments based on nutritional needs according to age and sex. If Proposal I were adopted no immediate reduction of benefits would be imposed on continuously participating households. Although their allotments would be sustained, the allotments would not be increased in the future in response to cost-of-living adjustments until the households' individualized allotments under the proposal exceeded their current allotments.

Issue: Proposals I and II are illegal because they would deprive participants of mandated cost-of-living increases and are unconstitutionally discriminatory since they are based on age and sex.—At least three commenters (Food Research and Action Center; Women's Rights Project, American Civil Liberties Union; and the Department of Health and Social Services of the State of Wyoming) raised such legal issues. Under Proposals I and II the cost of the thrifty food plan would be adjusted semi-annually to reflect changes in the cost of food. These changes would be reflected in individualized allotments. Under Proposal II those households who would not receive any increase in their present benefits until their individualized allotments exceeded such benefits, would nevertheless have their individualized allotments adjusted for such increases in the cost of food. However, since they would already be receiving benefits in excess of such levels, no actual increases in allotments for such households would be required. Neither plan is discriminatory because there is a rational basis for determining individual food needs based on age and sex. Moreover, individualized allotments based on age and sex received judicial approval in the Rodway case.

Issue: Proposals I and II are administratively complex and would increase certification costs.—Thirty-eight State welfare agencies pointed out that calculating individualized allotments for each household during the certification process would be difficult. They generally stated that such procedures would require gathering additional data, thereby adding to the administrative cost of the program. The Food Research and Action Center also opposed these proposals because of administrative complexity. Similar comments were received in letters from the Senate Special Committee on Aging. Other Members of Congress also joined in commenting adversely on the administrative problems presented by these proposals. USDA recognizes that adoption of either Proposal I or II would substantially increase administrative costs, delay certification of households, and make certification determinations more difficult and error-prone.

2. *Proposal III.* Proposal III is a uniform allotment and eligibility standard schedule, much like the one presently in use. The uniform allotment would be based on the value of food required to feed a family of four persons consisting of a man and woman twenty through fifty-four; a child six through eight; and a child nine through eleven years of age. The cost of such a diet would be the basis for uniform coupon allotments for all households, regardless of composition, except for household size adjustments and adjustments to reflect the economies of scale set forth in the thrifty food plan. The revised economies of scale developed by ARS are more generous for households of six or more persons than those used formerly in all of the food plans and are more liberal with respect to these households than the ones included in previous allotment schedules. Economies of scale remain unchanged for other households.

This proposal would provide 75.5 percent of all households with an allotment equal to or above 100 percent of the cost of the thrifty food plan and 97.3 percent would receive an allotment equal to or above 90 percent of that cost. In order to achieve this result, the common allotment actually provides many households with more than the cost of the thirty food plan. For example, analysis of the Chilton Study (Joint Economic Print, 93d Congress, 2nd Session, Studies in Public Welfare, Paper No. 17, December 31, 1974) shows that about 35 percent of all households would receive approximately 120 percent or more of the cost of the thrifty food plan.

More than 3,900 of the documents received indicated acceptance of this proposal. Two hundred of these comments fully supported it, a far greater number than supported either Proposal I or II. The remainder of the comments indicated preference for Proposal III over Proposals I and II, but some expressed dissatisfaction with the thrifty food plan. The House Select Committee on Aging made no mention of this proposal; the Senate Special Committee on Aging and many other Members of Congress who submitted comments jointly indicated they had no specific comments on this proposal.

Issue: The cost of the thrifty food plan is insufficient to provide a nutritionally adequate diet.—Most of the comments on this proposal indicated preference for it over Proposals I and II, but took issue with the cost of the thrifty plan as sufficient to provide a nutritionally adequate diet. This issue is fully analyzed and discussed in the analysis of the thrifty food plan.

Issue: Proposal III does not provide "substantially all" or "virtually all" food stamp households with the opportunity to purchase food in the quantity and variety described in the thrifty food plan.—This issue was raised by, among others, the Food Research and Action Center. A number of commenters stated that Proposal III does not meet the "virtually all" or "substantially all" test of the *Rodway* decision.

As indicated above, 75.5 percent of all households would receive a coupon allotment equal to or more than 100 percent of the cost of the thrifty food plan and 97.3 percent would receive an allotment equal to or greater than 90 percent of that cost under Proposal III.

The primary practical constraint which precludes attempting to increase the percentage of households receiving 100 percent of the cost of the thrifty food plan under Proposal III is that raising the average allotment would also increase the disparity which now exists because over 75 percent of the households already receive equal to or more than 100 percent of the cost of the thrifty food plan. Extrapolation from the Chilton Study shows that one-person households, who are largely the aged and have allotments above the cost for the plan, now constitute over half of the households who would receive more than 120 percent of the cost of the thrifty food plan under Proposal III.

If the average allotment of the four-person household with school children were raised to provide more households of all sizes with higher allotments, the one-person households would receive allotments far in excess of their cost for the thrifty plan. If such action were taken the same problem would exist to only a slightly lesser degree with respect to all households who would receive 100 percent or more of the cost of thrifty food plan under this proposal.

Increasing this disparity would not be justified because (1) nutritious diets can be obtained at cost lower than those estimated by USDA for the thrifty plan, and (2) many program participants receive benefits under other food programs that provide for a part of their food needs. Households might obtain nutritious diets at costs lower than estimated for the thrifty food plan by USDA by careful selection of foods from within the food groups of the thrifty food plan. In order to achieve nutritious diets at a cost lower than the thrifty food plan, participants' selections would be limited to those foods which are the least expensive rather than selections typical of those of survey households used as the basis for the thrifty plan. For example, the thrifty food plan contains some fluid milk. Some nonfat dry milk costs about half as much as fluid milk and is equally or more nutritious. A plan could be developed at a cost lower than the USDA estimated cost for the thrifty food plan

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if it were assumed that nonfat dry milk were used exclusively.

In response to Senate Resolution 58, 94th Congress, 1st Session, the Food and Nutrition Service undertook a study of the food stamp program. Its report appears in a Committee Print of the Committee on Agriculture and Forestry, United States Senate, dated July 21, 1975. The data reflected there show that 38 percent of the food stamp program households had one or more children receiving school lunch; 37 percent of them received free lunches and only one percent "paid" lunches. Many of the remaining households in the study did not have children in school. Another study done by the General Accounting Office of 1,758 households in five cities done at the request of the Senate Subcommittee on Fiscal Policy of the Joint Economic Committee of the Congress showed 34 percent of 198 households getting food stamps also have children in school getting free lunches. A survey of households with children in school recently conducted in the State of Washington indicated that 95 percent of the households under the food stamp program received free lunches.

The value of school lunches adds considerably to the food benefits received by a household on food stamps. In fiscal year 1974, before recent increases in the Federal contribution to free lunches, the cost to the Federal Government for such lunches was 63.6 cents in cash and direct food support. Based upon the food stamp program as it existed before this rulemaking, a family of four with two children receiving free lunches and getting the U.S. average food stamp bonus of $17.54 per person per month, or $842 for the family for the year, would receive an additional $218 in benefits from the school lunch program. These benefits would have, at that time, added 26 percent to the stamp benefits. Since that time, school lunch benefits in cash and direct food support have been increased to 77.75 cents per free meal.

In addition to the school lunch program, other Federal assistance is provided to needy persons under the special milk program, school breakfast program, the special food service program, other supplemental food programs for pregnant and lactating mothers, infants, and small children, and the Administration on Aging's program for providing nutritious meals for the elderly. While not all food stamp households would have members in these categories, it must be recognized that the special nutritional needs of many members of many households are met by programs which overlap the food stamp program. It is apparent from the foregoing that the allotment schedules in Proposal III are not the only Federal source of food to meet the nutritional needs of food stamp households.

Generally one- and two-person adult households receive few benefits from other USDA food programs. However, an analysis of the Chilton sample showed the total of all of the adult persons in one- and two-person households whose allotment would be less than 100 percent of the cost of the thrifty food plan under Proposal III was only 3.3 percent of all persons in the sample. Except for adult persons in one- and two-person households who are blind or who are totally and permanently disabled and who do not reside in SSI "cash out" States, the group of 3.3 percent of all households consists largely of young adults and persons between the ages of twenty-five and fifty-five. Few aged persons are in this group. Most of these persons are in households which would receive allotments equal to at least 90 percent of the cost of the thrifty food plan and none would receive allotments worth less than 80 percent of such cost. Upward adjustment of the average of all allotments to assure that this relatively small number of households receive allotments equal to 100 percent of the cost of the thrifty food plan is not justified. All other households in the Chilton Study would receive allotments of at least 100 percent of the cost of the thrifty food plan or would be most likely to have children or other household members eligible for additional food assistance under other USDA food programs.

3. *Other considerations. Issue: The proposals and the thrifty food plan make no provision for regional differences in food prices or for variances in allotments to account for differences in State sales taxes on food.*—These issues were raised by the Food Research and Action Center. The fact that costs for the thrifty plan that reflect price differences by region are not provided is analyzed and discussed in the analysis of the thrifty food plan. In addition, even if the plan costs could be sufficiently defined to reflect food price differences among regions, administrative reasons make it impractical to adjust allotments accordingly; e.g., such metropolitan areas as New York, Chicago, Baltimore, Washington, D.C., and San Francisco would each lie in a different region if the regions using the thrifty food plan were the same as those in other USDA food plans. Since inadequate price data exist to establish substantial differences between food costs in such cities, it is not reasonable from an administrative viewpoint to use a system of allotments which is not uniform.

Aside from the legal problem which may be presented by placing the burden of sales taxes on food purchased with food coupons on the Federal Government through upward adjustments in coupon allotments in certain States, adoption of such a proposal would be difficult to administer because of the complexity of State sales tax laws. In most States that have sales taxes on food items, such items are not uniformly taxed; e.g., Indiana—food items are not taxed except for a 4 percent sales tax on items such as gum, candy, soft drinks, all of which may be purchased with food stamps; Minnesota—food items are not taxed except for a 4 percent tax on items such as gum and distilled water; New York—food items are not taxed except for a 4 to 7 percent tax on hot prepared foods, candy, and soda, depending on county or city; Pennsylvania—has no tax on food except a 6 percent tax on soft drinks and fruit drinks (not juices).

Since some States (e.g., Illinois and Wisconsin) have taken steps to enact legislation to exempt food purchased with food stamps from sales taxes, USDA believes action of this nature by State legislatures is the preferable way to resolve the issue.

Issue: None of the proposals or the thrifty food plan make provision for such factors as the health and individual physical activity of household members.—Some commenters, including the Food Research and Action Center, indicated that neither the thrifty food plan nor the three proposals make provision for adjustments in allotments on the basis of such factors as the health and individual physical activity of household members. The reasons why the thrifty food plan makes no provision for the differing nutritional requirements of persons which may result because of their special circumstances with respect to these factors is discussed in the analysis of the thrifty food plan.

In addition, even if the nutritional standards could be sufficiently defined to take such factors into account, administrative reasons make it impractical to adjust allotments to take into consideration the health and physical activity of household members. Comments from a number of State welfare agencies cited this problem. It must be recognized that State welfare agencies are presently required to make certification determinations approximately 3.2 times per year for nearly six million households who now are participating in the program, or a total of 18 million certification determinations. Only a relatively few of the households involved would have members varying sufficiently from the norm to require special allotments, yet all of the certification actions would have to explore this possibility. This would add immeasurably to the work of welfare agencies and would constitute a nearly insurmountable undertaking solely for the purpose of individualizing the allotments of such unusual households.

4. *Thrifty Food Plan.* Letters that contained one or more comments about the thrifty food plan were received from over 300 persons or organizations.

The USDA food plans at four levels of cost—thrifty, low-cost, moderate-cost, and liberal—are developed and interpreted through publications for leaders and consumers by the Agricultural Research Service (ARS), USDA. Each plan specifies amounts of foods of different types (food groups) that together make up nutritious diets for men, women, and children of different ages. Costs for individuals by sex and age are estimated monthly. The food plans, first developed in the 1930's, have been evaluated and revised as required, when a new information on food consumption, food prices, food composition, and nutritional needs has become available.

In 1974–75 the plans were revised using the most recent, complete, and reliable information available. The data base, the nutritional goals, and the procedures used in developing the plans were determined after consultation with groups of economists, nutritionists, and mathematicians and leaders who counsel low-income families, inside and outside of Government.

Most of the negative comments about the thrifty plan focused on the inadequacy of the household food consumption data used in developing the plan and the insufficiency of the cost of the plan as a basis for stamps to provide nutritious diets for program participants. The response to these and other comments presented below constitutes the basis upon which this Department has rejected the objections presented and has determined to adopt the thrifty food plan.

FOOD CONSUMPTION DATA USED

Issue: More recent data might have been used.—Information from USDA's 1965–66 Household Food Consumption Survey for households with food costs at or slightly above the cost for the economy food plan (used in setting the current coupon allotment) was adopted to indicate the kinds and amounts of foods that might be palatable to families using the plan. The USDA survey data were used because no more recent data that provides sufficient detail on the quantities and prices of food used by U.S. households for food plan development are available. The following studies suggested by some commenters had been reviewed by ARS and data from them found inadequate to provide nutritional and economic data for food plan development: the National Consumer Congress' Low Income Food Consumption Survey, Spring 1975 (Food consumption data were not collected; sample was from only 10 areas); the Department of Health, Education, and Welfare's Health and Nutrition Examination Survey, and Ten-State Nutrition Survey (One day's food intake was collected but not tabulated; no price and food cost information collected); the study conducted by the University of California at Davis, "Food Distribution and Food Stamp Program Effects on Nutritional Achievement," Kern County, California (Food consumption data for only one county); and the Bureau of Labor Statistics Study of Consumer Expenditures, 1972–73 (Data, which will not be sufficient to provide required nutritional evaluation of diets, are expected to be available in 1976). Preliminary data on average expenditures for food at home from this BLS study are considerably lower than the money value of purchased food used at home from the 1965–66 survey updated to 1972–73 levels. It appears likely, therefore, that a plan based on these data, if sufficient for developing a plan, might be less costly than the thrifty plan.

Issue: 1965–66 data do not reflect current food consumption patterns.—USDA's annual estimates of the disappearance of food (national food supply) and *Supermarketing* magazine's annual study of consumer expenditures in grocery stores show no dramatic changes in food consumption patterns since 1965. These studies, though, provide information only for the country as a whole, not for households at different economic levels. It is recognized that current food consumption in low-income households in the U.S. may be somewhat different than indicated by the 1965–66 survey data. Changes in food consumption brought about by increased food prices since 1965 were probably in the same direction as changes in food patterns of survey households that were made in developing the thrifty food plan as required to meet specifications for nutrient content, palatability, and cost. Such changes were the use of less meat and more dry beans and peas and whole grain and enriched breads and cereals. Therefore, the changes of consumption patterns of low-income households in 1975 required to follow the plan would probably be *less* drastic than changes from 1965–66 patterns required in developing the nutritious plan.

Issue: The economic level of the subsample of households selected for use as a basis for the plan—those with food costs at or slightly above the cost for the economy plan—was too high to reflect food consumption patterns of poor people.—Households were selected by their food cost per person per week. Food patterns of the selected households represent a slightly more costly way of eating than persons using the economy plan (or the thrifty plan) could afford, a way of eating that they might select if they had a little more money to spend for food. These food patterns were used because they are believed to represent a diet that would be palatable to families using the thrifty plan. If households with less costly food consumption patterns and lower incomes had been selected, a similar plan at slightly lower cost probably could have been developed. This is because low-income households make more economical food choices on the average. (See below.)

Issue: Food intake of persons in sex-age categories from only households with low food costs should have been used to estimate the amount of food to purchase for sex-age categories.—Differences in the average quantity of food in the form eaten (intake) of persons in sex-age categories from *all* urban households surveyed were used to estimate the part of the food in the form as purchased that was used by households with relatively low food costs to prepare meals and snacks for household members by sex and age. The food intake by sex-age categories of a subsample of low-income households was reviewed by ARS for this purpose, but rejected because there were inadequate numbers of persons in some sex-age categories to provide reliable data. Relationships of intakes among sex-age categories for all households and for low-income households, for which cells were sizable, were similar except that older teenage boys in low-income households appeared to drink proportionately less milk on the average than in all households.

FOOD GROUPS

Issue: Plan does not allow for food preference.—The thrifty food plan is presented as amounts of 15 food groups that together make up nutritious diets for men, women, and children of different ages. Families following the plan may choose from the food groups those economical foods they enjoy eating. For example, families can select rice or pasta, depending on preference, from the cereals group. However, rice is not to be substituted for potatoes, which is in another food group, as was the concern in one letter.

Issue: Bacon and salt pork, because of their high fat and salt content, should not be in the meat group.—Generally, foods within a food group are similar to each other in nutritive value. In some groups—meat, poultry, and fish, for example—one food in the group might be used to replace another in a meal. Bacon and salt pork were placed in the meat group because some persons use them in meals as a meat. The nutrients they provide, including fat, were taken into account in computing the nutritive value of the plan, and their use is restricted to help protect the nutritional quality of diets. (See footnote 3, Table 1 on the thrifty food plan.)

ADJUSTMENT OF FOOD CONSUMPTION PATTERNS TO DEVELOP FOOD PLAN

Issue: It is not realistic to expect families to change their food consumption patterns.—Admittedly, changing food use is not easily accomplished. However, a nutritious food plan could not have been developed without adjustment of customary food patterns. Food patterns of groups of survey households used as basis for all of the food plans—even the plan at the liberal cost level—had to be adjusted to meet nutritional goals. That is, food consumption of groups of survey households at all levels of food cost had nutritional shortcomings. A quadratic programming model was used to adjust consumption patterns as little as necessary to meet specifications for the plan. Adjustments to food patterns were limited to changes in quantities of groups of foods, not "by selecting the least expensive foods within each food category" as was understood by some commenters.

Issue: Plan does not allow adequately for waste of food by needy families.—The thrifty food plan allows for some discard of *edible* food without jeopardizing the nutritional quality of the diet. Such allowance is believed necessary because quantities of foods suggested in the plans represent food as it enters the kitchen, some of which may not be eaten. The discard of *inedible* parts of food, such as peelings, bone, and excessive fat, and the losses of vitamins in cooking, are allowed for in the nutritive values used in evaluating the plans. There is little information about the amount of edible food households discard, although some *edible* food is probably discarded in most homes in the preparation of food, as plate waste or due to spoilage. Many survey households, especially those with high food costs,

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used foods in amounts considerably greater than required to provide the recommended allowance for food energy for family members, indicating appreciable discard. A study of discard made by the University of Arizona in Tucson found considerably less discard in areas predominantly made up of households with incomes below the poverty thresholds than in areas with large concentrations of high-income households.

COST LEVEL OF THE PLAN

Issue: The cost of the thrifty plan was predetermined by USDA in that it was not allowed to be higher than the cost of the economy plan.—The economy food plan was first developed by ARS in 1961, several years before the Food Stamp Program became a permanent program, as a guide for leaders to use in helping needy families plan nutritious diets. The economy plan was the least costly of USDA's food plans at four levels of cost. In developing the thrifty food plan, ARS first tried to develop a plan which would provide nutritional adequacy at the cost level of the economy plan, using the same quadratic programming model, nutritional goals, and palatability constraints as used for the three more expensive plans. *Such a plan was found to be feasible.* This plan contained more meat, poultry, and fish and less dry beans, potatoes, and grain products than the economy plan, previously used for setting the coupon allotment. However, both the new plan (thrifty plan) and the economy plan contain less meat, poultry, and fish and more dry beans and grain products than families consume on the average, as do most nutritious diets at low cost. Thus, the thrifty plan met all predetermined specifications, and is more desirable than the economy plan it replaces while at the same time providing nutritional adequacy at low cost.

Issue: The cost of the plan is unreasonably low.—Practical trials were attempted to see if the plan could be used as a basis for appetizing meals. Using the thrifty plan, a set of sample meal plans—a month's meals and lists of foods and recipes needed to provide the meals for a family of four—was developed. Then, several families receiving food stamps purchased the food and prepared and served the meals. These trials showed that some families in the program can shop for and prepare satisfying meals based on the thrifty food plan. The amount of food in the plan was found to be sufficient, or too great, for all families that tried the plan. Single copies of these meal plans are available from the Consumer and Food Economics Institute, Agricultural Research Service, USDA, Hyattsville, Maryland 20782. Other meal plans, allowing for preference of individual families for foods within food groups, can be prepared based on the thrifty plan. The thrifty plan will be used by the Department in the preparation of dietary guidance materials for the many consumers and leaders who request information on how to economize on food, including food stamp recipients and leaders working with families in the program.

Issue: Allotments should be higher because food stamp recipients do not have skill in shopping and preparing food.—Skill and interest in shopping for food and preparing it are required to get a nutritious diet at all levels of cost, and the person with little money to spend for food must exercise special care in making food purchases. USDA studies indicate that many households with low food costs and/or low incomes have indeed learned to exercise such care. They make more economical choices and pay lower prices for similar foods and get greater returns in calories and most nutrients per dollar spent for food on the average than households with higher food costs and incomes. Furthermore, households surveyed in 1965 with incomes below the poverty threshold selected diets that were as nutritious on the average as households that spent similar amounts for food and had incomes above the poverty threshold.

The skill in shopping for and preparing food, insofar as it affects the selections of foods, was taken into account in both the nutritional evaluation and the costing of the thrifty plan. The average selection of foods within the food groups that survey households with relatively low food costs made were used in determining the nutritive values and costs for the plan. The average prices paid by these households are used as the basis for cost estimates. Therefore, the thrifty plan and its costs are based on the assortment of meats, of vegetables, of cereals, etc.; the assortment of container sizes and brands; the differences in quality of food selected; and the price level of the store of purchase for households using food at relatively low cost.

Issue: Food plan costs should reflect regional price differences.—Some persons felt that the plan should allow for place-to-place differences in food prices and suggested the use of the family budgets and the "Estimated Retail Food Prices in Cities" of the Bureau of Labor Statistics (BLS) for this purpose. BLS does not consider its budgets for families of city workers to be appropriate for purposes relating to needy families. Furthermore, the food component of these budgets, like the regional costs of the low-cost, moderate cost and liberal food plans published in ARS' Family Economics Review annually, reflect regional differences in food consumption as well as food prices. BLS also cautions against the use of food prices it collects in several cities each month for measuring place-to-place differences, recognizing them as useful only in measuring changes in prices over time. However, if its prices are used to estimate the cost of a market basket of foods in cities, cost differences among cities within a region are as great as cost differences among cities in different parts of the country. BLS data are authorized in the food stamp legislation for use in adjusting the coupon allotment for changes in food prices. BLS prices (U.S. average) are used by ARS to measure change in prices over time in estimating costs for the thrifty food plan as follows: The percentage change in average prices of about 100 different foods in U.S. cities collected by BLS from 1965–66 to the current month is used by USDA in updating prices paid by survey households with relatively low food costs.

ECONOMIES OF SCALE

Issue: Only urban households with low food costs should have been used to develop economy of scale factors.—Over 4,000 urban and rural non-farm survey households, without regard for food cost level, were used in developing economies of scale to be used in estimating costs of the plan for households of different sizes because the number of large households in subsamples by urbanization and food cost level were insufficient for study. However, the per capita income of households was included as a variable in the regression analyses used as a basis for the economy of scale factors, in an effort to hold economic level of households constant. Results from a preliminary study of about 1,000 households with incomes below the poverty threshold were neither sufficiently different nor sufficiently conclusive to warrant the use of different economy of scale factors for food plans at lower cost levels.

NUTRITIONAL ADEQUACY OF THE PLAN

Issue: Foods in the plan do not provide a nutritionally adequate diet.—Foods in the plan provide for a nutritionally adequate diet—one that meets the Recommended Dietary Allowances (RDA), set in 1974 by the National Academy of Sciences-National Research Council (NAS-NRC) for all nutrients for which adequate reliable food composition data are available for determining the content of the plan, with the possible exception of iron.

The higher iron enrichment for bread and flour proposed by the Food and Drug Administration in 1973 was assumed in the development of the thrifty plan (and the three more expensive USDA food plans). If that enrichment level is not adopted, the nutritional goal for iron will not be met by the thrifty plan (or the three more expensive plans) for young children, teenage girls, and women of childbearing age, when average selections within food groups are made. However, plans for all sex-age categories provide iron in excess of the amount specified by the NAS–NRC as likely to be furnished by a balanced and varied diet—6 mg of iron/1000 kcal—when current enrichment levels are assumed. Plans that meet the nutritional goals for young children, teenage girls and women of childbearing age, assuming average selections within food groups, can be developed, but they deviate drastically from food consumption patterns. The goal can be met more reasonably by these persons through the frequent selection of foods providing important amounts of iron, such as liver, heart, kidney, lean meats, shellfish, dry beans, dry peas, dark-green vegetables, dried fruit, cereals with iron added, and molasses. (One comment, that cereals with iron added were unusually expensive, was not substantiated by a CPEI study of iron levels and cost of 50 cereals available in stores in the Washington, D.C. area in the summer of 1975.)

Phosphorus levels of foods in the plans were not calculated but are believed to be well above the RDA. The use of iodized salt is recommended as an efficient way to supplement dietary iodine. The requirement for vitamin D for normal persons can be met by exposure to sunlight. However, for infants and persons whose activities limit their exposure to sunlight, the allowance should be provided in the diet by such foods as eggs, liver, butter, and milk fortified with vitamin D or by supplementation.

For several nutrients insufficient reliable information is available on the content in foods to make reliable estimates of levels provided by the plans.

Only rough estimates of the vitamin B_6, vitamin B_{12}, and magnesium content of all USDA food plans were made because their content in many foods in the plans is not known. Accordingly to these estimates, foods in the thrifty plan (and the three more expensive plans) furnish more than the RDA for vitamin B_{12} but do not meet the RDA for vitamin B_6 and magnesium for several sex-age categories. Plans that meet the nutritional goals for vitamin B_6 and magnesium can be developed by using the limited food composition data available, but such plans contain large amounts of vegetables, fruit, and cereal—two to three times as much as consumed by some sex-age categories in 1965–66. Such distortion of food consumption patterns is not justified on this basis. Therefore, 80 percent of the RDA for vitamin B_6 and magnesium was used as the basis for goals in developing all of the USDA food plans.

Food composition data for three other nutrients for which RDA are set—vitamin E, folacin, and zinc—are insufficient to estimate levels provided by the plans.

Food plans developed to meet the RDA would be expected to provide generous amounts of nutrients for most persons. The NAS-NRC states that the basis for the RDA is such that "even if a person habitually consumes less than the recommended amounts of some nutrients, his diet is not necessarily inadequate for those nutrients."

Issue: The fat level of the thrifty plan is too high.—Fat in foods in the plan provides 30 to 39 percent of the food energy, depending on the sex-age category. This level approximates the level (35 percent) recommended by the American Heart Association and is somewhat lower than found in average diets in the U.S. One commenter suggested added modification of diets to restrict fat as suggested by the Intersociety Commission for Heart Disease Resources, a group that believes enough is known to recommend that the general public should modify its diet by reducing the amount of fat (to 35 percent of food energy) and limiting certain types of fat, among other changes. Others disagree. The Committee on Nutrition of the American Academy of Pediatrics has issued a statement against the adoption of dietary changes for all children as urged by the Intersociety Commission. The Food and Nutrition Board of the National Academy of Sciences-National Research Council and the Council on Foods and Nutrition of the American Medical Association have recommended dietary modification for persons at high risk of developing heart disease. The National Heart and Lung Institutes' Task Force on Arteriosclerosis concluded that, intuitively, it would seem prudent to decrease the incidence of excessive fat levels in the blood in the population of the United States by controlling diet; however, this would be a formidable venture if it were to invoke changing the diet of the entire Nation. Before advocating such a major revolution in diet, the Task Force concluded that convincing evidence should be sought that lowering the levels of fats in blood reduced the number of cases of, and the number of deaths from arteriosclerosis. Currently, NHLI is involved in a major study to determine whether the reduction of high blood cholesterol levels and two other major risk factors for coronary heart disease will prevent or reduce the incidence of heart attacks and premature death in a high-risk segment of the U.S. population.

Issue: The sugar in the plan will cause increased dental caries.—Confronted with virtually no scientific opinion, and none from any scientific body, on what is a desirable level of sugar in the diet, ARS's aim was to control the amount of sugars and sweets in the plan, but not eliminate them. A clear cut relationship exists between sucrose and dental caries. The form in which sucrose is eaten, however, is more important than the amount consumed. The inclusion of some sugar, jams, and jellies contributes toward greater palatability of diets, especially those that contain large amounts of flour, bread and cereal.

Issue: Food stamp recipients have higher requirements for nutrients than other people (1) because they are more likely to have chronic and infectious diseases (2) because they are under stress, and (3) because they are more active than the general population.—Although special diets may be prescribed for persons with certain diseases, there is no evidence that such diets must of necessity cost more than normal diets. Indeed many ill people require less food because of inactivity associated with their illness. We know of no evidence that food stamp recipients are more likely to experience unusual stress than people with high income although the cause of stress may differ. The NAS–NRC in its 1974 edition of the Recommended Dietary Allowances recognizes the incompleteness of present knowledge of nutritional needs and cites specifically two problems under active investigation—the relationship between nutrition and the resistance to infection and stress. The NAS–NRC does not, however, at this time offer any guidelines for modifying allowances to account for infections or stress. No body of information is available indicating that food energy (calorie) needs of individuals differ with income due to occupation or other activities engaged in. Indeed, a higher incidence of overweight has been found in some low income groups than among persons with higher incomes indicating an imbalance between food intake and activity.

Issue: Only 10 percent of the 1965–66 survey households that used food at the cost of the economy plan selected nutritionally adequate diets.—This statement was made on the basis of a nutritionally adequate diet as defined at the time of the survey, using the RDA as set in 1964. Using this definition, nutrient shortages occurred in household diets most frequently for calcium, vitamin A value, and ascorbic acid. However, the economy plan, if followed, would provide a nutritious diet and was recommended by ARS consistently in USDA publications as a guide for leaders who help families to select nutritious diets at low cost.

To estimate the percentage of 1965–66 survey households using food at the cost level of the economy plan (or thrifty plan) that met the 1974 RDA would require recalculating the RDA for all survey households, a major task that has not been attempted. However, it is clear that the percentage would be higher than the 10 percent estimated using the 1964 RDA because the 1974 allowances for ascorbic acid (and for protein) for all sex-age categories are substantially lower than the 1964 allowances. Also, allowances for calcium and vitamin A value for certain sex-age categories are lower than those set in 1964. The low-cost plan was recommended as a basis for setting the coupon allotment by several persons, based on the evidence that 30 percent of the households might be expected to select nutritious diets at that cost level. If it could be shown, as may well be the case, that as many as 30 percent of the survey households that had food costs at the thrifty food plan level selected nutritious diets as defined by the 1974 RDA, the thrifty plan might be considered as suitable as a food cost standard as the low-cost plan was assumed to be when the recommendations were made.

Also relevant to this consideration are studies underway in ARS of relationships between food cost and nutritional quality of diet when a variety of measures of nutritional adequacy of the diet are used. For example, quality of diets among households with high food costs is only slightly higher than among households with low food costs if adequacy of diets is based on nutrient density measure—the ratio of nutrients to food energy for the diet related to the ratio of nutrients to food energy in the RDA. It appears that much of the improvement in diet (as measured by the percentage of diets providing the RDA) which has been attributed to higher economic level of the household, (as indicated by their income or food cost) may not reflect better diets, but more discard of edible food.

Because of these findings it appears that using percentage of households obtaining a "good" diet at any cost level probably should not be used as a basis for determining a food cost standard.

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NUTRITION EDUCATION

Issue: Food stamp recipients need help in selecting foods to make up nutritious diets.—The Department agrees that educating and encouraging participants, and others as well, to select nutritious diets is of utmost importance and that nutrition education should be emphasized. The Expanded Food and Nutrition Education Program, initiated in 1969, provides some such assistance to needy families. Nutrition programs for the elderly and many other community programs also help people to select nutritious diets. Sample meal plans for a family of four for a month, developed by ARS to show how foods in the thrifty plan can be combined into nutritious and appetizing meals, may be useful to teachers and leaders who work with needy families.

The thrifty food plan which will be used by the Department in preparing dietary guidance materials for food stamp recipients will be evaluated and revised when new information on food consumption, food prices, food composition, and nutritional needs becomes available. A nationwide food consumption survey in 1977 is being planned by ARS to provide information on variation and factors affecting variation in food consumption and food prices among households and variation in food patterns of individuals in households of different sizes. With the data from this study, new methods for developing and costing the plans can be explored. More complete composition data on a wider variety of foods will be forthcoming from the Nutrient Data Bank—a repository for food composition data now being developed in ARS. This additional information will make possible a more complete assessment of the nutritional quality of foods in the plan.

The amounts of food in the thrifty food plan suggested for men, women, and children of different ages are shown in Table 1. The cost of food at home estimated for the thrifty food plan for August 1975 is shown in Table 2. A food list for a month based on the thrifty food plan is shown in Table 3.

Table 1.—Thrifty Food Plan

Amounts of Food for a Week 1/

Family member	Milk, cheese, ice cream 2/	Meat, poultry, fish 3/	Eggs	Dry beans and peas, nuts 4/	Dark-green, deep-yellow vegetables	Citrus fruit, tomatoes	Potatoes	Other vegetables, fruit	Cereal	Flour	Bread	Other bakery products	Fats, oils	Sugar, sweets	Accessories 5/
	Qt	Lb	No	Lb	Lb	Lb	Lb	Lb	Lb	Lb	Lb	Lb	Lb	Lb	Lb
Child:															
7 months to 1 year	4.95	.39	1.2	.15	.41	.55	.09	2.49	1.02 6/	.02	.08	.04	.04	.19	.05
1-2 years	3.30	.83	3.3	.17	.22	.89	.65	2.26	1.02 6/	.31	.78	.24	.11	.30	.37
3-5 years	3.54	.95	2.5	.28	.20	.92	.88	2.28	1.03	.37	.94	.53	.38	.74	.59
6-8 years	4.22	1.27	2.4	.49	.22	1.10	1.23	2.50	1.12	.62	1.42	.79	.51	.94	.84
9-11 years	4.92	1.61	3.4	.53	.28	1.52	1.48	3.38	1.34	.81	1.82	1.10	.60	1.20	1.10
Male:															
12-14 years	5.18	1.79	3.6	.67	.33	1.45	1.59	3.30	1.22	.81	2.07	1.13	.77	1.21	1.45
15-19 years	5.08	2.35	4.0	.43	.32	1.70	2.10	3.43	.98	.99	2.36	1.46	1.00	1.05	1.73
20-54 years	2.57	3.03	4.0	.44	.39	1.80	2.02	3.69	.89	.92	2.29	1.33	.95	.86	1.24
55 years and over	2.37	2.45	4.0	25	.51	1.85	1.75	3.77	1.09	.80	1.90	1.12	.79	.94	.73
Female:															
12-19 years	5.35	1.80	3.8	.28	.42	1.74	1.22	3.61	.72	.76	1.49	.84	.51	.74	1.36
20-54 years	2.81	2.44	4.0	.27	.52	1.86	1.51	3.39	.90	.67	1.41	.67	.57	.57	1.18
55 years and over	2.85	1.84	4.0	.19	.60	2.02	1.26	3.73	1.12	.68	1.30	.58	.37	.45	.66
Pregnant	5.25 7/	2.69	4.0	.42	.56	2.17	1.89	4.03	1.13	.58	1.41	.66	.59	.58	1.48
Nursing	5.25 7/	3.00	4.0	.38	.57	2.36	1.92	4.27	.98	.63	1.56	.82	.80	.75	1.54

1/ Amounts are for food as purchased or brought into the kitchen from garden or farm to prepare all meals and snacks for the week. Amounts allow for a discard of about 5 percent of the edible food as plate waste, spoilage, etc.

2/ Fluid milk and beverage made from dry or evaporated milk. Cheese and ice cream may replace some milk. Count as equivalent to a quart of fluid milk: Natural or processed Cheddar-type cheese, 6 oz.; cottage cheese, 2-1/2 lbs.; ice cream or ice milk, 1-1/2 quarts; unflavored yoghurt, 4 cups.

3/ Bacon and salt pork should not exceed 1/3 pound for each 5 pounds of this group.

4/ Weight in terms of dry beans and peas, shelled nuts, and peanut butter. Count 1 pound of canned dry beans--pork and beans, kidney beans, etc.—as .33 pound.

5/ Includes coffee, tea, cocoa, soft drinks, punches, ades, leavenings, and seasonings.

6/ Cereal fortified with iron is recommended.

7/ For pregnant and nursing teenagers, 7 quarts is recommended.

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Table 2.--Cost of Food at Home Estimated for the Thrifty Food Plan 1/
August 1975, U.S. Average

Sex-age groups	Cost for-- 1 Week	1 Month
	Dollars	Dollars
FAMILIES		
Family of 2: 2/		
20-54 years	22.70	98.00
55 years and over	20.20	87.50
Family of 4:		
Couple, 20-54 years and--		
-Children, 1-2 and 3-5 years	31.90	138.40
-Children, 6-8 and 9-11 years	38.60	166.90
Household receiving food stamps 3/	35.70	154.50
INDIVIDUALS 4/		
Child:		
7 months to 1 year	4.40	19.30
1-2 years	5.10	22.30
3-5 years	6.20	27.00
6-8 years	8.00	34.50
9-11 years	10.00	43.30
Male:		
12-14 years	10.70	46.30
15-19 years	11.80	51.10
20-54 years	11.40	49.20
55 years and over	10.10	43.60
Female:		
12-19 years	9.50	41.20
20-54 years	9.20	39.90
55 years and over	8.30	35.90
Pregnant	11.40	49.30
Nursing	12.10	52.60

1/ The cost of the food plan was first estimated by using the average price per pound of each food group paid by urban survey families with relatively low food costs in 1965-66. These prices were adjusted to current levels by use of "Estimated Retail Food Prices by Cities" released periodically by the Bureau of Labor Statistics.

2/ Ten percent added for family size adjustment. See footnote 4.

3/ Costs are for average sex-age composition of survey households of four persons, National Survey of Food Stamp and Food Distribution Recipients, November 1973.

4/ The costs given are for individuals in 4-person families. For individuals in other size families, the following adjustments are suggested: 1-person--add 20 percent; 2-person--add 10 percent; 3-person--add 5 percent; 5-or6-person--subtract 5 percent; 7-or-more-person--subtract 10 percent.

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Table 3.—Food List for a Month Based on the Thrifty Food Plan. Average 4-Person Household Receiving Food Stamps

Milk (includes nonfat dry milk)	54 qt	Fruit, canned	5-1/2 lb
Cheese	4-3/4 lb	Fruit juice, canned	2-1/2 lb
Ice cream	6 qt	Lettuce, salad greens	4 lb
Beef	13 lb	Cabbage	2-1/2 lb
Pork	6-1/2 lb	Other fresh vegetables	7-1/2 lb
Variety meat	3-1/2 lb	Snapbeans, canned	2 lb
Poultry	7 lb	Green peas, canned	2 lb
Fish	2 lb	Other canned and frozen vegetables, vegetable soup	7 lb
Eggs	5 doz	Flour and mixes	12 lb
Dry beans	2-1/2 lb	Cornmeal	3 lb
Mature beans, canned	4 lb	Rice or pasta	6 lb
Peanut butter	2-1/2 lb	Ready-to-eat cereal, other cereal	8 lb
Carrots	3 lb	Bread	26 lb
Dark-green leafy vegetables	2 lb	Crackers	2-1/2 lb
Other dark-green and deep-yellow vegetables	1-1/2 lb	Other bakery products; soups, mainly rice or pasta	11-1/2 lb
Citrus fruit or juice	17 lb	Margarine, butter	5 lb
Tomatoes, tomato products	9 lb	Shortening, oil or salad dressing	5 lb
Potatoes	24 lb	Sugar	8 lb
Apples	8-1/2 lb	Other sweets	5-1/2 lb
Bananas	5 lb		
Other fresh fruit	8-1/2 lb		

Note: Provides for the average food needs (as suggested in the thrifty food plan for men, women, and children of different ages) of 4-person households receiving food stamps, National Survey of Food Stamp and Food Distribution Program Recipients, November 1973. In addition to foods listed, most families use some other foods: coffee, tea, cocoa, soft drinks, punches, ades, leavening agents, and seasonings. Approximately 5 percent above the cost of the foods on the list is allowed for purchase of these foods when costs for the plan are estimated.

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CONCLUSIONS

On the basis of all the comments received and on the foregoing analysis the following conclusions have been reached.

The analysis shows that the nutritional and economic data used to develop the thrifty food plan were the most recent reliable data available providing sufficient detail on the quantities and prices of foods used by U.S. households to permit development of a nutritionally adequate food plan. The objections of commenters to various aspects of this plan and its development are fully reviewed in the analysis and are rejected for the reasons set forth therein. Accordingly, it is determined that the cost of the thrifty food plan is adequate to provide eligible households an opportunity to obtain a nutritionally adequate diet through the food stamp program.

The comments in the foregoing analysis show that Proposals I and II were opposed by nearly all commenters. They disrupt historic benefit patterns and despite the nutritional adequacy of the individual allotments provided, would substantially reduce benefits now provided aged persons and households with small children. Administration of either proposal would be complex, expensive, and error-prone. These proposals are administratively impractical. Accordingly, they are rejected.

The analysis shows that more than 3,900 of the comments received indicated acceptance of Proposal III. Of these comments about 200 fully supported it, a far greater number than supported either Proposal I or II. The remainder of the comments indicated a preference for Proposal III over Proposals I and II but expressed some dissatisfaction with the thrifty food plan. As noted above, it has been determined that the thrifty food plan will provide eligible households with an opportunity to obtain nutritionally adequate diets and it has been adopted as the basis for household food stamp allotments. For the reasons expressed in the analysis, it is determined that Proposal III will provide substantially all eligible households with an allotment sufficient to meet the cost of the thrifty food plan and thus obtain nutritionally adequate diets. Proposal III is, therefore, adopted.

Part 271 is amended by adding an appendix as follows:

APPENDIX

MAXIMUM MONTHLY ALLOWABLE STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Notice FSP No. 1975-1.2 which was issued pursuant to a part of Subchapter C—Food Stamp Program under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976-1.1.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the cost of the thrifty food plan in August 1975.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia shall be:

Household size:	*Maximum Allowable Monthly Income Standards—48 States and District of Columbia*
1	[1] $215
2	307
3	433
4	553
5	660
6	787
7	873
8	993
Each additional member	+127

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$92	$130	$166	$198	$236	$262	$298
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	38	44	46	47	48	49	50	51
$190 to $209.99	38	50	52	53	54	55	56	57
$210 to $229.99	40	56	58	59	60	61	62	63
$230 to $249.99		62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		72	76	77	78	79	80	81
$290 to $309.99		72	82	83	84	85	86	87
$310 to $329.99			88	89	90	91	92	93
$330 to $349.99			94	95	96	97	98	99
$350 to $389.99			102	104	105	106	107	108
$390 to $419.99			111	113	114	115	116	117
$420 to $449.99			112	122	123	124	125	126
$450 to $479.99				131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				142	150	151	152	153
$540 to $569.99				142	159	160	161	162
$570 to $599.99					168	169	170	171
$600 to $629.99					170	178	179	180
$630 to $659.99					170	187	188	189
$660 to $689.99					170	196	197	198
$690 to $719.99						204	206	207
$720 to $749.99						204	215	216
$750 to $779.99						204	224	225
$780 to $809.99						204	226	234
$810 to $839.99							226	243
$840 to $869.99							226	252
$870 to $899.99								258
$900 to $929.99								258
$930 to $959.99								258
$960 to $989.99								258
$990 to $1,019.99								258

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For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $869.99 or less per month.

2. For households with monthly incomes of $870 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $869.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $869.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026) (Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: November 26, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-32367 Filed 11-28-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas; State Reserves and County Allotments

Section 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 *et seq.*). This section establishes the State reserves and allocation thereof among uses for the 1976 crop of extra long staple cotton. It also establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008, 40 FR 18815).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 18, 1975 (40 FR 30274) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

In order that farmers may be informed as soon as possible of 1976 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.562 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in this section as "Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Section 722.562 and the title to the subpart are amended to read as follows:

Subpart—1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quota

§ 722.562 State reserves and county allotments for the 1976 crop of extra long staple cotton

(a) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1976 crop of extra long staple cotton pursuant to § 722.508. It is hereby determined that no State reserve is required for trends, abnormal conditions, inequities and hardships or small farms. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529 (c) and (d) are available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1976 crop of extra long staple cotton in accordance with § 722.509. The following table sets forth the county allotments:

ARIZONA

County:	County allotment (acres)
Cochise	1,493.8
Gila	4.3
Graham	9,036.2
Maricopa	10,434.4
Pima	2,684.4
Pinal	7,546.3
Yuma	3,205.7
State total	34,405.1

CALIFORNIA

County:	County allotment (acres)
Imperial	80.0
Riverside	281.8
State total	361.8

FLORIDA

County:	County allotment (acres)
Alachua	36.1
Hamilton	2.6
Jefferson	1.3
Madison	21.7
Suwanee	1.8
Union	39.4
State total	102.9

GEORGIA

County:	County allotment (acres)
Berrien	101.5
Cook	7.8
State total	109.3

NEW MEXICO

County:	County allotment (acres)
Chaves	43.2
Dona Ana	15,742.9
Eddy	120.0
Hidalgo	13.2
Luna	901.4
Otero	24.9
Sierra	137.0
State total	16,982.6

TEXAS

County:	County allotment (acres)
Brewster	12.2
Culberson	287.4
El Paso	18,762.2
Hudspeth	2,667.2
Jeff Davis	71.9
Loving	1.8
Pecos	1,202.1
Presidio	67.3
Reeves	5,906.4
Ward	412.5
State total	29,391.0

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1344, 1347, 1375)).

Effective date: These amendments become effective on November 26, 1975.

Signed at Washington, D.C., on November 26, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-32366 Filed 11-26-75;12:13 pm]

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

1976 NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO

Basis and purpose. Section 725.2 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to (1) determine and announce the reserve supply level and total supply for flue-cured tobacco, and (2) determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1976, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor. The material previously appearing in this section under centerhead Determinations and Announcements—1975–76 Marketing Year remains in full force and effect as to the crop to which it was applicable.

Marketing quotas on an acreage-poundage basis for the 1974–75, 1975–76, cured tobacco for the 1974–75, 1975–76, and 1976–77 marketing years (38 FR 18234). Flue-cured tobacco farmers approved marketing quotas on an acreage-poundabe basis for the 1974–75, 1975–76, and 1976–77 marketing years (38 FR 23935).

The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others pursuant to a notice (40 FR 37224, 44157) given in accordance with the provisions of 5 U.S.C. 553.

All respondents commenting on the amount of the reserve supply level concurred in the proposed amount of 2,983 million pounds.

Recommendations on the amount of the national marketing quota for the 1976–77 marketing year ranged from an adequate reduction from the quota in effect for the 1975–76 marketing year to maintain supplies in line with demand, to the maximum reduction authorized by legislation. The preponderance of the recommendations were that the 1975–76 quota be reduced by 15 percent. The national marketing quota of 1,268 million pounds for the 1976–77 marketing year as herein determined is 15 percent less than the quota for the 1975–76 marketing year.

All respondents commenting on the amount of the national average yield goal recommended that it be continued at 1,854 pounds per acre. Two respondents commented regarding the acreage to be reserved for making corrections in farm acreage allotments, adjusting inequities and for establishing allotments for new farms. One recommended 400 acres and the other recommended 15 percent less than the reserve for the 1974–75 marketing year (800 acres). It is determined that a reserve of 350 acres is adequate for the 1976–77 marketing year. There were no recommendations for the implementation of the provision relating to N2 or other grades of tobacco not eligible for price support.

Since farmers are now making their plans for 1976 production of flue-cured tobacco and need to know the acreage allotments and marketing quotas for their farms for the 1976–77 marketing year, in order to be able to make definite decisions, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements shall become effective on November 28, 1975.

Section 317(a)(1) provides, in part, that for flue-cured tobacco, the national marketing quota for a marketing year is the amount of flue-cured tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The Act further provides that any such downward adjustment shall not exceed 15 percentum of such estimated utilization and exports.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The yearly average domestic consumption during the 10 marketing years preceding the 1975–76 marketing year was 677 million pounds, and the yearly average exports during such period amounted to 528 million pounds. After adjustments for trends, a normal year's domestic consumption of 685 million pounds and a normal year's exports of 580 million pounds appear reasonable, and result in a reserve supply level of 2,983 million pounds.

Total supply is defined as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The carryover of flue-cured tobacco in the inventories of manufacturers and dealers (including CCC loan stocks) on July 1, 1975 amounted to 1,652 million pounds, farm sales weight. The 1975 crop, plus producer carryover from the 1974 crop marketed during the 1975–76 marketing year is currently estimated at 1,421 million pounds. The sum of these, 3,073 million pounds, represents the total supply of flue-cured tobacco for the 1975–76 marketing year, an amount which exceeds the reserve supply level by 90 million pounds.

It is estimated that 745 million pounds of flue-cured tobacco will be utilized in the United States during the 1976–77 marketing year and 550 million pounds will be exported. Because it is deemed desirable to effect an orderly reduction of supplies to the reserve supply level, the sum of these amounts, 1,295 million pounds, is adjusted downward by 27 million pounds in establishing the quota. This reduction is less than the maximum reduction of 15 percent permitted by the Act, and is the reduction which is deemed desirable under the present supply-demand situation. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1976 is determined to be 1,268 million pounds.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the flue-cured tobacco area.

The community average yields have been determined for flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 FR 6207, 9875, 14487).

The national acreage allotment is 684,034.52 acres, determined in accordance with provisions of the Act by dividing the national marketing quota by the national average yield goal.

In accordance with the Act, a national reserve, from the national acreage allotment, is established in the amount of 350 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is determined that the reserve acreage will be adequate.

It has been determined that types 11, 12, 13 and 14 constitute one kind of tobacco for the 1976–77 marketing year (39 FR 18233). It has been determined also that no substantial difference exists in the usage or market outlets for any one or more of the types of flue-cured tobacco (30 FR 6144). Therefore, no action is being taken under section 313(1) of the Act for the 1976–77 marketing year.

Part 725 of Title 7 is amended by revising § 725.2 and the proceeding centerhead to read as follows:

DETERMINATIONS AND ANNOUNCEMENTS—1976–77 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

For flue-cured tobacco for the marketing year beginning July 1, 1976:

(a) *Reserve supply level.* The reserve supply level is determined and announced to be 2,983 million pounds, calculated as provided in the Act, from a normal year's domestic consumption of 685 million pounds and a normal year's exports of 580 million pounds.

(b) *National marketing quota.* A national marketing quota on an acreage-poundage basis for the marketing year, is hereby determined and announced to be 1,268 million pounds. This quota is based on estimated utilization in the United States in such marketing year of 745 million pounds and estimated exports in such marketing year of 550 million pounds, with a downward adjustment of 27 million pounds which is determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(c) *National average yield goal.* The national average yield goal is determined and announced to be 1,854 pounds. This goal is based on the yield per acre which

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on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment on an acreage-poundage basis is determined and announced to be 684,034.52 acres. This allotment was determined by dividing the national marketing quota of 1,268 million pounds by the national average yield goal of 1,854 pounds.

(e) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms is determined and announced to be 350 acres.

(f) *National acreage factor.* The national acreage factor is determined and announced to be 0.85.

(g) *National yield factor.* The national yield factor is determined and announced to be .9312.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; (7 U.S.C. 1301, 1313, 1314c, 1375))

Effective date: November 28, 1975.

Signed at Washington, D.C., on November 25, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-32301 Filed 11-28-75;8:45 am]

PART 729—PEANUTS

Subpart—1976 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of § 729.100 to 729.103 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) with respect to the 1976 crop of peanuts. The purposes of § 729.100 to 729.103 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1976 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358). The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1976 crop of peanuts was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52613). No submissions were received in response to such notice.

In order that peanut farmers may be notified as soon as possible of farm allotments for the 1976 crop of peanuts, it is essential that § 729.100 to 729.103 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.100 to 729.103 shall be effective upon filing of this document with the Director, Office of the Federal Register. The material previously appearing in this subpart in § 729.100 to 729.103 remains in full force and effect as to the crops to which it was applicable.

Accordingly, the regulations in § 729.100 to 729.103 are revised as follows:

Sec.
729.100 Proclamation of national marketing quota for the 1976 crop of peanuts.
729.101 National acreage allotment for the 1976 crop of peanuts.
729.102 Reserved.
729.103 Apportionment to States.

AUTHORITY: Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375).

§ 729.100 Proclamation of national marketing quota for the 1976 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be the quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The minimum quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5 year period 1970–1974, adjusted for current trends and prospective demand conditions—1,640,078 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5 year period 1970–1974, adjusted for trends in yields and abnormal conditions of production affecting yields—2,490 pounds;

(3) Conversion of the quantity of peanuts determined under paragraph (b)(1) of this section into acres on the basis of the normal yield amounts to 1,317,332 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—2,004,400 tons.

(c) *National marketing quota.* The national marketing quota for the 1976 crop of peanuts is hereby proclaimed to be 2,004,400 tons on the basis of the minimum national acreage allotment determined under paragraph (b)(4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b)(3) of this section.

§ 729.101 National acreage allotment for the 1976 crop of peanuts.

The national acreage allotment for the 1976 crop of peanuts based on the national marketing quota under paragraph (c) of this section is hereby established at 1,610,000 acres.

§ 729.102 [Reserved.]

§ 729.103 Apportionment to States.

The national acreage allotment for the 1976 crop of peanuts of 1,610,000 acres is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1975 as provided under section 358(c)(1) of the act:

State:	*State acreage allotment*
Alabama	216,638
Arizona	761
Arkansas	4,238
California	930
Florida	55,559
Georgia	529,900
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	5,787
North Carolina	167,878
Oklahoma	138,348
South Carolina	13,891
Tennessee	3,552
Texas	358,005
Virginia	104,829
Total	1,610,000

Effective Date: November 28, 1975.

Signed at Washington, D.C., on November 26, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-32353 Filed 11-28-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160d]

CAREER EDUCATION PROGRAM

Proposed Rulemaking

Pursuant to the authority contained in Section 402 (the Special Projects Act) and section 406(f) (1) and (2) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1851–1853 and 1865), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the following regulations for the Career Education Program.

(a) *Program purpose.* Paragraph f(1) of section 406, Pub. L. 93-380 authorizes the Commissioner of Education to make grants to State and local educational agencies, institutions of higher education, and other nonprofit agencies and organizations to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive approriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Funds which are appropriated pursuant to this authority to carry out the Career Education Program will be utilized to make grants and assistance contracts to eligible applicants for the purpose of improving the implementation of career education within the United States. Grants and assistance contracts will be awarded for any one of the following purposes:

(1) Activities designed to effect incremental improvements in K–12 career education through one or a series of exemplary projects;

(2) Activities designed to demonstrate the most effective methods and techniques in career education in such settings as the senior high school, the community college, adult and community education agencies, or in institutions of higher education;

(3) Activities designed to demonstrate the most effective methods and techniques in career education for such special segments of the population as handicapped, gifted and talented, minority, or low income youth, or to reduce sex stereotyping in career choices;

(4) Activities designed to demonstrate the most effective methods and techniques for the training and retraining of persons for conducting career education programs; and

(5) Activities designed to communicate career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public.

Paragraph f(2) of section 406, Pub. L. 93-380 authorizes the Commissioner of Education to make grants to State educational agencies to enable them to develop State plans for the development and implementation of career education programs in the local educational agencies of the States. Funds which are appropriated pursuant to this authority to carry out the Career Education Program will be utilized to make grants and assistance contracts to eligible applicants to enable them to prepare such plans. Awards will be made on a competitive basis. Awards of Federal funds to allow for the implementation of the completed State plans are not authorized under paragraph f(2) of section 406 of Pub. L. 93-380.

(b) *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

(c) *General provisions regulations.* The proposed regulations do not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education's General Provisions Regulations (30 FR 30654, November 6, 1973, 45 CFR Parts 100 and 100a). (Reference is made in particular to 45 CFR Part 100a, which contains general provisions for discretionary programs, including the Career Education Program.) The program is also subject to the regulations for the Special Projects Act, 45 CFR Part 160.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Office of Career Education, U.S. Office of Education, 7th and D Streets, SW., Room 3100, Regional Office Building Three, Washington, D.C. 20202.

Comments received in response to these regulations will be available for public inspection at the above office on Mondays through Fridays of each week between 8:30 a.m. and 4:00 p.m.

All relevant material must be received not later than December 31, 1975, unless December 31, 1975, is a Saturday, Sunday, or Federal holiday, in which case such material must be received by the next following business day.

(Catalog of Federal Domestic Assistance No 13.554, Career Education Program)

Dated: September 22, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 19, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 160d—CAREER EDUCATION PROGRAM

Subpart A—General

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AUTHORITY: Secs. 402, 406, Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1851–1853, 1865).

Subpart A—General

§ 160d.1 Applicability.

This part applies to grants and assistance contracts made by the U.S. Commissioner of Education for projects to demonstrate the most effective methods and techniques in career education, for projects to develop exemplary career education models, and for projects to enable State educational agencies to develop State plans for career education.

(20 U.S.C. 1851–1853, 1865(f) (1) and (2))

§ 160d.2 Definitions.

As used in these regulations, "Career education" means an education process designed to:

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(a) Increase the relationship between schools and society as a whole;
(b) Provide opportunities for counseling, guidance and career development for all children;
(c) Relate the subject matter of the curricula of schools to the needs of persons to function fully in society;
(d) Extend the concept of the education process beyond the school into the area of employment and the community;
(e) Foster flexibility in attitudes, skills, and knowledge in order to enable persons to cope with accelerating change and obsolescence;
(f) Make education more relevant to employment and functioning in society; and
(g) Eliminate any distinction between education for vocational purposes and general or academic education.

(20 U.S.C. 1865(d))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1401)

An "incremental improvement" means a gain in the quality and/or quantity of career education in a school or school system, reflecting the fact that the implementation of career education is a gradual process which proceeds in small steps from little or no career education to a fully integrated and successful program.

(20 U.S.C. 1865)

"Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in section 1201(a) of the Higher Education Act of 1963 as amended.

(20 U.S.C. 1141(a))

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1141(g))

"State educational agency" means the State Board of Education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or, if there is no such agency or officer, an agency or officer designated by the Governor or by State Law.

(20 U.S.C. 1141(h))

Subpart B—Special Projects

§ 160d.3 Scope.

This subpart governs the selection of applications from State and local educational agencies, institutions of higher education, and other nonprofit agencies and organizations for purposes of carrying out activities designed to improve the implementation of career education.

(20 U.S.C. 1865)

§ 160d.4 Eligible applicants.

The following categories of agencies and organizations are eligible for grants and assistance contracts pursuant to this subpart:
(a) State educational agencies;
(b) Local educational agencies;
(c) Institutions of higher education; and
(d) Other nonprofit agencies and organizations.

(20 U.S.C. 1865(f)(1))

§ 160d.5 Project purposes.

Projects funded pursuant to this subpart must be designed to contribute to one of the following purposes, to:
(a) Effect incremental improvements in K–12 career education through one or a series of exemplary projects;
(b) Demonstrate the most effective methods and techniques in career education in such settings as the senior high school, the community college, adult and community education agencies, or in institutions of higher education;
(c) Demonstrate the most effective methods and techniques in career education for such special segments of the population as handicapped, gifted and talented, minority or low income youth, or to reduce sex stereotyping in career choices;
(d) Demonstrate the most effective methods and techniques for the training and retraining of persons for conducting career education programs; and
(e) Communicate career education philosophy, methods, program activities, and evaluation results to career education practioners and to the general public.

(20 U.S.C. 1865)

§ 160d.6 Required application data.

Each application for assistance under this subpart must set forth a detailed plan which includes:
(a) Identification of the purpose in § 160d.5 (a)–(e) to which the application is addressed. If the applicant chooses to participate in more than one of these listed purposes, a separate application must be submitted for each purpose. For purposes in § 160d.5 (b) and (c) a single application may address no more than one special setting or one special population. Applicants wishing to address more than one setting or population through separate programs must submit a separate application for each such setting or population addressed;
(b) An operational plan describing, in detail, exactly how the applicant proposes to achieve the specific purpose addressed in the application and explaining the exemplary nature of the proposed procedures. This operational plan shall include, as a minimum:
(1) The process and learner outcome objectives of the proposed project stated in measurable terms;
(2) Evidence that each objective is based on documented needs of:
(i) Participants to be served in the specific geographic location of the proposed project; and
(ii) Similar participants in other locations across the nation;
(3) The tasks and strategies to be used to accomplish the stated objectives, including a description of career education processes, techniques, and materials developed in previous projects supported under the Office of Career Eduction, under the National Institute of Education, under Parts C, D, and I of the Vocational Education Act, and under other appropriate sources, which the applicant proposes to utilize in this proposed project; and a description of the measures to be undertaken to insure a high level of interaction between the world of education and the world of work in implementing the project;
(4) Description of the manner in which the proposed objectives, tasks, and strategies will comprise a comprehensive approach to career education for the participants to be involved; and
(5) A set of milestones and dates by which to monitor accomplishment of the proposed tasks;
(c) Specification of prior career education activities, if any, which the applicant has carried out, including data bearing on evaluation of the effectiveness of such prior activities;
(d) A specific plan to be utilized in evaluating the accomplishment of each of the process and learner outcome objectives listed pursuant to § 160d.6(b)(1), including:
(1) The criterion of success for evaluating each objective;
(2) The evaluation design to be used for each objective;
(3) The data collection instruments or other techniques to be used for each objective;
(4) The data analysis to be conducted for each objective;
(5) The dates by which data on the various objectives will be available; and
(6) The evaluation resources of personnel and budget that will be utilized;
(e) A description of applicant or other additional resources, if any, to be contributed to the proposed activities to supplement funds received under this subpart;
(f) A plan for disseminating information to others during the course of the project and at the conclusion of the project funding period;
(g) Identification of all proposed staff, their duties, and a description of the qualifications possessed by all proposed professional staff; and
(h) Identification of the individuals and groups who participated in the preparation of the application, the extent of their participation, and evidence of their commitment to implement the proposed activities.

(1) Each application for assistance under this subpart must contain on a single page, as the first page of the narrative, the following information:
(i) Identification of the purpose from § 160d.5(a)–(e) to which the application is addressed;
(ii) A brief abstract of the proposed project; and
(iii) A statement that a copy of the application has been submitted to the State Career Education Coordinator of the State within which the application originated.

(20 U.S.C. 1865)

§ 160d.7 Application review criteria.

Criteria will be utilized by the reviewers in reviewing formally transmitted applications. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. Criteria weights total 100 points. The criteria and maximum weight for each criterion are as follows:

Criteria:	Maximum score
(a) *Evidence of need.* The application clearly demonstrates the need for its proposed activities in terms of the purpose it seeks to attain and the population(s) it seeks to serve	5
(b) *Objectives.* The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured	10
(c) *Operational plan.* (1) Utilization of prior activities of applicant and others: The application clearly describes the prior career education activities which the applicant has carried out, if any and presents evidence describing the effectiveness of these activities. The application describes relevant career education processes, techniques, and materials developed in previous projects supported by the Office of Career Education, the National Institute of Education and other agencies and sources, and explains how this prior work will be utilized in implementing the proposed project	8
(2) Proposed activities: A specific description is provided of the activities proposed for each major step in the project. The time required for each activity, and the period of the project it covers, is clearly charted in the operational plan	17
(d) *Interaction and involvement.* Specific measures are described for achieving a high level of interaction between the world of education and the world of work in implementing the proposed project	10
(e) *Evaluation plan.* Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished	20
Criteria—Continued	Maximum score
(f) *Exemplary nature of project.* The plan clearly calls for a comprehensive career education model that, if successfully attained, holds high promise of serving as one that others could profit by emulating. The activities hold promise of being useful in other career education projects or programs for similar educational purposes	15
(g) *Personnel.* The personnel with committed major responsibilities for the proposed activities have the necessary qualifications and experience to assure successful completion of the activities. Evidence presented shows the commitment necessary from individuals and groups whose assistance is needed to accomplish the proposed objectives	10
(h) *Budget.* The size, scope, and duration of the project are reasonable and the estimated cost is reasonable in relation to anticipated results	5

(20 U.S.C. 1865)

§ 160d.8 Allowable costs.

(a) Allowable costs under grants and assistance contracts awarded under this subpart shall be determined in accordance with cost principles set forth in Appendix B, C, or D (as applicable) to Subchapter A of Title 45 Code of Federal Regulations (the Office of Education's General Provisions Regulations).
(b) It is expected that grants and assistance contracts under this subpart will generally not exceed $200,000, although each application will be judged on the basis of the proposed activities.

(20 U.S.C. 1865)

§ 160d.9 Project duration.

(a) Projects will normally be one year in duration. However, applicants should make a realistic estimate of the amount of time needed to implement the proposed project activities. Where this estimate indicates that more or less than one year is necessary, the operational plan and budget should reflect this.
(b) With respect to applicaitons requesting more than one year of funding, it is anticipated that generally an initial grant or assistance contract will be awarded for the first year of the project. In order to be considered for funding for any remaining time period, the grantee or assistance contractor will be required to submit a new application upon announcement of subsequent competition for funding. This new application will be judged on the basis of the published evaluation criteria in competition with other applications received in such subsequent competition.

(20 U.S.C. 1865)

§ 160d.10 State review and comment.

States may submit advice and comment on any application originating within their States. In order to allow for this, an applicant must provide a copy of its application to the State educational agency of the State within which the applicant is located. This copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the Commissioner.

(20 U.S.C. 1865)

Subpart C—State Plans

§ 160d.11 Scope.

This subpart governs the selection of applications from State educational agencies for the purpose of enabling them to develop State plans for the development and implementation of career education programs in the local educational agencies of the States. Awards will be made on a competitive basis. Awards of Federal funds to allow for the implementation of the completed State plans are not authorized under paragraph f(2) of section 406 of Pub. L. 93–380.

(20 U.S.C. 1865(f)(2))

§ 160d.12 Eligible applicants.

State educational agencies are the only applicants eligible for funding under this subpart.

(20 U.S.C. 1865(f)(2))

§ 160d.13 Requirements of completed State plan.

Projects funded under this subpart must be designed to develop a comprehensive State plan for implementing career education in the elementary and secondary schools of the State. This plan (which must be submitted upon completion of activities funded pursuant to this subpart) must set forth at least the following:
(a) The State educational agency's definition of career education and the conceptual base upon which career education within the State rests;
(b) The need for career education within the State;
(c) Career education efforts and accomplishments to date to meet identified needs within the State, including an assessment of existing programs, practices, and materials;
(d) The objectives for the short range (one year) and long range (five years) implementation of career education within the State (the one year objectives and plan must cover school year 1977–1978 and the five year objectives and plan must cover school year 1977–1978 through school year 1981–1982 inclusive);
(e) The strategies, activities, and resources to be utilized in implementing the short- and long-range plan in the following areas:
(1) Curriculum changes, including experiential learning outside of the school building and changes in vocational education;
(2) Career counseling, career guidance, career placement and follow-up;

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(3) Meeting the career education needs of special groups, including the handicapped and other educationally disadvantaged students, and eliminating the stereotyping of career opportunities by race or by sex;

(4) Involving the business-labor-industry-professional-government community in career education;

(5) Involving the some and family structure in career education; and

(6) Training and retraining, both pre- and in-service, for personnel to enable them to implement career education;

(f) Plans for evaluating the effectiveness of career education inputs, processes, and outcomes in local educational agencies and personnel training programs;

(g) Plans for disseminating information about career education, career education practices and products, and the results of career education efforts to interested persons within the State;

(h) The funding that will be needed to implement the various components of the one year and five year plans and the sources of the necessary funding, where these sources are available;

(i) The relationship of the State plan for career education to career education activities being carried out and contemplated in postsecondary and adult education settings; and

(j) The manner in which the plan is to be implemented and administered by the State educational agency, including allocation of resources, management of activities, provision of assistance to others within the State, staffing for career education within the State educational agency, and the relationship of the career education plan to other planning efforts at the State level (e.g. Vocational Education State Plan, Title III State Plan, etc.).

(20 U.S.C. 1865)

§ 160d.14 Required application data.

Each application for assistance under this subpart must set forth a detailed proposal which includes at least the items listed below. In the event that the applicant has already initiated or completed any of the following activities, the application will describe fully the procedures used and the results obtained. The remainder of the application will then deal with the activities proposed as necessary to complete or update work already underway on a State plan. The application shall include:

(a) Provisions for the establishment and use of a career education advisory group to provide advice and assistance during the development of the State plan. This group shall contain members representing at least the following groups:

(1) Major units of the State educational agency and, where these are separate organizations, the State Board of Vocational Education and the State system of higher education;

(2) Other State governmental units whose assistance is considered necessary in implementing career education;

(3) Business and industry;

(4) Labor;

(5) Institutions of higher education with educational personnel preparation programs;

(6) School administrators;

(7) Counselors;

(8) Teachers;

(9) Vocational education personnel;

(10) Parents; and

(11) Students.

(b) Provisions for assessing the career education needs of all students in the elementary, middle/junior high, and senior high schools of the State, including the special needs of handicapped and other educationally disadvantaged students;

(c) Provisions for assessing the need for the training and retraining of educational personnel to serve in career education programs;

(d) Provisions for identifying existing and potential resources from across the United States that could be used to develop and implement career education within the State, including at least the following types of resources:

(1) Career education instructional materials;

(2) Educational facilities;

(3) Educational personnel;

(4) Career education programs and practices with potential for use within the State;

(5) Business, labor, industry, professional, government, and other community resources; and

(6) Funding sources and funds.

(e) Provisions for developing both a short-range (one year—school year 1977–1978) and long-range (five years—school years 1977–1978 through 1981–1982 inclusive) plan for the development and implementation of career education, including procedures to be used in:

(1) Setting goals;

(2) Specifying performance objectives;

(3) Determining strategies, activities, and resources to be used; and

(4) Determining the process to be used to administer, monitor, and update the implementation of the plan;

(f) A statement of the manner in which the applicant will manage the preparation of the plan, including the names and qualifications of proposed staff, their reporting relationships within the State educational agency, any proposed subcontracts, a management plan, including tasks and timelines, for completing the plan in the time period specified in the application; and

(g) A statement by the Chief State School Officer of the State educational agency endorsing the submission of the application for funding under this subpart.

(20 U.S.C. 1865(f)(2))

§ 160d.15 Application review criteria.

Criteria will be utilized by reviewers in reviewing formally transmitted applications. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criterion. Criterion weights total 100 points. The criteria and maximum weights for each criterion are as follows:

Criteria:	Maximum score
(a) *Evidence of need.* The application demonstrates an understanding of career education and justifies the State's need for a comprehensive State plan for the development and implementation of career education. Any prior State plan efforts and their results are fully described and it is clear that the proposed activities will build upon these prior efforts. Evidence is presented which demonstrates the State's commitment to implement the plan that is developed, including endorsement of the application by the Chief State School Officer	10
(b) *Advisory group.* The application fully describes the present or planned advisory group to be used in the development of the plan. The types of constituents to be represented and the names and titles of members are presented. The group is broadly representative of the constituencies to be involved in the implementation of career education and procedures are described for effective use of the group	10
(c) *Needs assessment.* The application fully describes the procedures to be used and the areas to be covered in conducting the needs assessment. Survey techniques planned are described in detail. The procedures will assure identification of the career education needs of all children within the State. If a career education needs assessment has already been initiated, the data are sufficient, of high quality, and support the conclusions drawn	25
(d) *Resource identification.* The application fully describes the procedures to be used to survey existing and potential resources for use in the development and implementation of career education within the State. The process assures the surveying of resources from across the nation. If resource identification has already been initiated, the results are sufficient, of high quality, and support the conclusions drawn	15
(e) *Development of plan.* The application clearly describes the process to be used to develop both the 1-year and the 5-year plans	20
(f) *Personnel and management.* The application clearly identifies the staff to be used in developing the plan and their qualifications match the tasks to be accomplished. The management plan for the proposed activities presents tasks and timelines which assure that the plan will be developed effectively and in a timely manner	15
(g) *Budget.* The size, scope, and duration of the project are reasonable and the estimated cost is reasonable in relation to anticipated results	5

(20 U.S.C. 1865)

§ 160d.16 Allowable costs.

(a) Allowable costs under grants and assistance contracts pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix B to Subchapter A of Title 45 Code of Federal Regulations (the Office of Education's General Provisions Regulations).

(b) It is expected that grants for any single year of activity under this subpart will generally not exceed $50,000 although each application will be judged on the basis of the proposed activities.

(20 U.S.C. 1865(f)(2))

§ 160d.17 Project duration.

(a) Projects will normally be one year in duration. However, applicants should make a realistic estimate of the amount of time needed to implement the proposed project activities. The exact funding period requested should be based on the extent of planning which remains to be accomplished to develop the plan required by this subpart. It is expected that States which have already engaged in career education planning efforts will not be funded for more than one year unless this is strongly justified.

(b) With respect to applications requesting more than one year of funding, it is anticipated that generally an initial grant or assistance contract will be awarded for the first year of the project. In order to be considered for funding for any remaining time period, the grantee or assistance contractor will be required to submit a new application upon announcement of subsequent competition for funding. This new application will be judged on the basis of the published evaluation criteria in competition with other applications received in such subsequent competition.

(20 U.S.C. 1865)

[FR Doc.75-32251 Filed 11-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 73-272]

FIRST AID CERTIFICATES

Supplemental Proposal

In the April 2, 1974, issue of the FEDERAL REGISTER (39 FR 12033), the Coast Guard published a Notice of Proposed Rule Making proposing amendments to the merchant marine officers licensing regulations to provide for the acceptance of a First Aid Certificate other than those issued by the United States Public Health Service.

One of the requirements that an applicant for an original license as a deck, engineering, or radio officer must meet is that he produce a certificate from the United States Public Health Service indicating that he has satisfactorily passed an examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea." Due to reductions in the United States Public Health Service, it has become increasingly difficult to comply with this requirement.

The proposal, designed to deal with the problem, provided for the acceptance of the American National Red Cross course "Advanced First Aid and Emergency Care" completion certificate as an alternative to the certificate issued by the United States Public Health Service. However, public comment on this proposal indicated several major areas of concern.

Several commentors felt that the forty-plus hours of classroom instruction required for the completion of the Advanced Red Cross course would create a hardship for many applicants because of lost wages and lost job opportunities. It was also felt that academies and other training institutions would find it difficult to work over forty classroom hours into their schedules.

The Coast Guard is proposing to accept the American National Red Cross course "Standard First Aid and Personal Safety" in lieu of the advanced course. The reduced number of classroom hours required for completion of this course would make it more available for use while still providing the basic first aid skills desired.

Other commentors indicated that a first aid course primarily designed for use by persons on land would neglect those problems unique to a ship at sea. The aspects of first aid unique to ships will be covered in objective type multiple-choice questions included in the standard officers licensing examinations.

The Coast Guard is also proposing that an applicant for a license present a completion certificate from either the American National Red Cross or the American Heart Association Cardiopulmonary Resuscitation Basic Life Support course. This would provide that the applicant obtain a higher degree of knowledge regarding cardiopulmonary resuscitation and basic life support.

Interested persons or organizations may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC-/81), U.S. Coast Guard, Washington, D.C. 20590. Each person or organization submitting a comment should include their name and address, identify this notice (CGD 73-272), and give reasons for any recommendations made.

Comments received before January 16, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in light of comments received.

No hearing is contemplated, but one may be held at a time and place set out in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

In view of the foregoing, the Coast Guard proposes to amend Part 10 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 10.02-5(f) to read:

§ 10.02-5 Requirements for original license.

. . . . . .

(f) *First Aid Certificate.* No candidate for original license shall be examined until—

(1) he presents a currently valid certificate of the "Cardiopulmonary Resusitation Basic Life Support" course from—

(i) the American National Red Cross; or

(ii) the American Heart Association; and

(2) he presents a certificate from—

(i) the United States Public Health Service indicating that he has passed an examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea", or another manual arranged for and approved by the Public Health Service; or

(ii) the American National Red Cross indicating completion of its "Standard First Aid and Personal Safety" course.

. . . . . .

2. By revising § 10.13-13(a) to read:

§ 10.13-13 General requirements for original licenses.

(a) *First Aid Certificate.* No candidate for original license shall be qualified until—

(1) he presents a currently valid certificate of the "Cardiopulmonary Resuscitation Basic Life Support" course from—

(i) the American National Red Cross; or

(ii) the American Heart Association; and

(2) he presents a certificate from—

(i) the United States Public Health Service indicating that he has passed an examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea", or another manual arranged for and approved by the Public Health Service; or

(ii) the American National Red Cross indicating completion of its "Standard First Aid and Personal Safety" course.

. . . . . .

3. By revising § 10.16-31(b) to read:

§ 10.16-31 Knowledge requirements.

. . . . . .

(b) . . .

(1) hold—

(i) a currently valid certificate of completion of the "Cardiopulmonary Resuscitation Basic Life Support" course from—

(A) the American National Red Cross; or

(B) the American Heart Association; and

(ii) a currently valid—

(A) first aid certificate issued by the United States Public Health Service; or

(B) certificate of completion of the American National Red Cross course:

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"Standard First Aid and Personal Safety".

• • • • •

(Sec. 1, 86 Stat. 423, as amended (46 U.S.C. 405), 80 Stat. 1097 (46 U.S.C. 224, 224a, 229).)

Dated: November 21, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-32294 Filed 11-28-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-65]

CELINA, OHIO

Alteration of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulatons so as to alter the transition area at Celina, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before December 31, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Lakefield Airport, Celina, Ohio.

Revision of the present controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 F.R. 441), the following transition area is amended to read:

CELINA, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Lakefield Airport (latitude 40°29'03" N., longitude 84°33'37" W.); excluding that portion overlying the Wapakoneta, Ohio transition area.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois, on November 14, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-32212 Filed 11-28-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-66]

COSHOCTON, OHIO

Alteration of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coshocton, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before December 31, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new approach procedure has been developed for the Tri-City Airport, West Lafayette, Ohio.

Controlled airspace is required to protect this procedure. It is proposed to add the required airspace to that presently designated at Coshocton, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In Section 71.181 (40 FR 441), the following transition area is amended to read:

COSHOCTON, OHIO

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.); and within a 7-mile radius of the Tri-City Airport (latitude 40°15'45" N., longitude 81°44'35" W.).

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois, on November 12, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-32209 Filed 11-28-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-122]

SOUTHPORT, N.C.

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Southport, N.C., transition area.

Interested persons may submit such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 31, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Southport transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brunswick County Airport (latitude 33°55'44" N., longitude 78°04'33" W.); within 3 miles each side of the 315° bearing from the Waupon RBN (latitude 33°55'39" N., longitude 78°04'31" W.), extending from the 5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Brunswick County Airport. A prescribed instrument approach procedure to this airport, utilizing the Waupon (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on November 19, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32208 Filed 11-28-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-148]

SYLACAUGA, ALABAMA

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sylacauga, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 31, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Sylacauga transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Lee Merkle Airport (latitude 33°10'14" N., longitude 86°18'12" W.).

The proposed designation is required to provide controlled airspace for IFR operations at Lee Merkle Airport. A prescribed instrument approach procedure to the airport, utilizing the Sylacauga (private) NDB, is proposed in conjunction with designation of the transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on November 19, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32210 Filed 11-28-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-150]

RIPLEY, MISSISSIPPI

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Ripley, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 31, 1975 will be considered before action is taken on the proposed designation. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Ripley transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ripley Airport (Lat. 34°43'25" N., Long. 89°00'49" W.).

The proposed designation is required to provide controlled airspace for IFR operations at Ripley Airport. A prescribed instrument approach procedure to the airport, utilizing the Holly Springs VORTAC, is proposed in conjunction with designation of the transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on November 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32207 Filed 11-28-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-61]

KEWANEE, ILLINOIS

Withdrawal of Designation of Transition Area

On page 45846 of the FEDERAL REGISTER dated October 3, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area, at Kewanee, Illinois.

The proposed instrument approach procedure to Kewanee Airport has been cancelled to wait for the development of a new runway and a procedure to this runway; therefore, the proposed controlled airspace is no longer required, and the proposed designation is withdrawn.

Issued in Des Plaines, Illinois, on November 12, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-32211 Filed 11-28-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 567, 568, 571]

[Docket No. 75-28; Notice 2]

VEHICLES MANUFACTURED IN TWO OR MORE STAGES

Extension of Time for Comments

A notice of proposed rulemaking that would amend 49 CFR Part 567, *Certification*, Part 568, *Vehicles Manufactured in Two or More Stages*, and Part 571, *Federal Motor Vehicle Safety Regulations*, was published on October 3, 1975, (40 FR 45847; Notice 1) with a closing date for comments of December 2, 1975. The Motor Vehicle Manufacturers Association has petitioned for an extension of the time for comments in order to allow its member companies to review the complex history of the regulation of multi-stage vehicles and to submit more useful comments. In response to this request, the closing date for comments is hereby extended to January 16, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 26, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-32346 Filed 11-26-75;10:17 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 253, 399]

[EDR-290; PSDR-44 Docket No. 28460]

COMMISSIONS AND OTHER FORMS OF COMPENSATION AND STATEMENTS OF GENERAL POLICY

Proposed Rulemaking

Correction

In FR Doc. 75-31391 appearing in the issue of Thursday, November 20, 1975, the following changes should be made:

1. The docket number should read as set forth above.

2. The following sentence should be added as the last sentence to footnote 3 on page 54008:

"IATA resolutions 810a (USA) in effect until May 3, 1975, provided for the payment of 7% for sales of most international air transportation, 10% for tours, 5% for charter transportation, and 3% for in-plant ticketing."

3. The fifth line of the authority citation on page 54010 should be corrected to read "867), 757, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 1037,".

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COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 12]

COMMODITY EXCHANGE ACT

Reparation Proceedings

The Commodity Futures Trading Commission proposes to adopt rules to implement the reparation provisions of section 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 18, which becomes effective on January 23, 1976. If adopted, the rules will comprise a new Part 12 of Title 17 of the Code of Federal Regulations. Although the Commission is not required by the Administrative Procedure Act to seek comment from the public prior to the adoption of these rules, which relate to agency procedure and practice, see 5 U.S.C. 553(b), in order to assure the fullest practicable public participation in its decision-making processes and because the procedure under section 14 will directly affect the interests of members of the public, the Commission considers it desirable to afford an opportunity for public comment.

The rules as set forth below incorporate, either textually or by reference, various sections of the general rules of practice and the rules with respect to appearance and practice of attorneys and other professionals before the Commission that the Commission is considering for adoption within the next few weeks.[1] Although the Commission is seeking comments on all of the proposed rules, it is primarily interested in receiving comments with respect to those provisions which will be applicable solely to reparation proceedings. They are contained in Subpart B of the rules (initial procedure with respect to reparation complaints); Subpart C (investigation of complaints and institution of formal adjudicatory proceedings); Subpart D (formal adjudicatory proceedings); Subpart F (hearings); Subpart G (summary proceedings where the damages claimed do not exceed $2,500); and Subpart H (Commission review of initial decisions in reparation proceedings).

The proposed rules would establish procedures for persons with complaints against floor brokers, futures commission merchants, commodity trading advisors, commodity pool operators, and all other persons required under the Act to register with the Commission, to get just, speedy and inexpensive adjudication of their claims. The proposed rules are designed to protect fully the rights of all interested parties. It is the intention of the Commission to eliminate all unnecessary formalities in the processes of reaching settlement of the claims; no party to a reparation proceeding should be prejudiced by a technical and inadvertent violation of these rules which does not prejudice the interest of any other party. These reparation rules provide the procedures by which a claimant may pursue one of the remedies the law will permit for the recovery of claims. The other available remedies are arbitration and the filing of a lawsuit in an appropriate state or federal court.

Reparation procedures allow any person to complain of any violation of any provision of the Act by a registered individual or corporation within two years after the violation occurs.[2] Such person may apply to the Commission for reparation of a specific amount. The Commission is establishing simple procedures to allow the complaint to be made, to conduct the appropriate hearing and, in the event it is warranted, to set the amount of reparations due to the injured party.

The Commission intends to publish a pamphlet which will explain the procedures so the public can understand its rights in reparation matters and so persons registered with the Commission may understand their commensurate responsibility.

SUMMARY OF THE PROVISIONS OF THE PROPOSED RULES

THE GENERAL INFORMATION SECTIONS

Subpart A of the proposed reparations rules contains general information, describing the scope and purpose of the rules (§ 12.1), restricting their application to reparation proceedings (§ 12.2), defining various terms used in the proposed rules (§ 12.3), and noting the address and business hours of the Commission (§ 12.4). Provision is expressly made for waiver of the rules in particular cases to prevent undue hardship or for other good cause (§ 12.5); and it is provided that periods of time prescribed by the rules may be modified when appropriate (§ 12.7). In addition, inappropriate *ex parte* communications are forbidden (§ 12.9), and separation of judicial and prosecutorial functions among Commission staff members is established (§ 12.10). Periods of time set forth in the rules are to be computed in accordance with § 12.6 and a method is set forth for determining the date upon which an order shall be deemed to have been entered (§ 12.8).

Section 12.11 contains provisions concerning appearance and practice before the Commission. Under its terms a complainant or respondent may appear *pro se* (on his own behalf) or be represented by an attorney (§ 12.11(a)), but an attorney or other professional or expert who has been suspended or disbarred from appearance or practice before the Commission in accordance with standards and procedures that will be set forth in a separate Part of Title 17 of the Code of Federal Regulation may not appear before the Commission in a reparation proceeding (§12.11(b)).

INITIAL PROCEDURE WITH RESPECT TO REPARATION COMPLAINTS

Section 14(a) of the Commodity Exchange Act, 7 U.S.C. 18(a), provides that any person who wishes to complain of a violation of any provision of that Act or of any rule, regulation or order thereunder by any person registered with the Commission as a floor broker, futures commission merchant, person associated with a futures commission merchant or with agents thereof, commodity trading advisor or commodity pool operator may, within two years after the cause of action accrues, apply to the Commission for a reparation award. Subpart B of the proposed rules §§ 12.21 through 12.26—establishes the initial steps to be followed by any person seeking to invoke this reparation procedure; the steps that the Commission may take, when appropriate, to bring a complaint to the attention of the persons against whom the reparation award is sought; and the steps those persons may take either to satisfy or to answer the complaint.

Proposed § 12.21(a) prescribes the form that a complaint should take. It generally requires that the complaint briefly state the facts claimed to constitute a violation in a way that will permit each alleged fact to be admitted or denied by the respondent. Certain matters which should be included—such as the names and addresses of the complainant and the persons against whom recovery is sought—are listed.[3]

In order to deter baseless allegations, the Commission proposes to require, in § 12.21(b), that the complaint be personally signed and sworn to by the complainant and that it be accompanied by copies of documents available to the complainant which support the claims made. A complaint will be able to be filed in person or by mail at the Commission's principal office in Washington, D.C. (§ 12.21(c)).[4]

Pursuant to proposed § 12.22, upon receipt of a reparation complaint the Commission will evaluate whether the facts set forth in the complaint, if true, demonstrate a violation of any provision of the Act or of any rule, regulation or order thereunder and show that the complainant has suffered damages as a result of the alleged violation. If so, the complaint will be forwarded to the respondent for satisfaction or answer.[5]

The respondent will have 30 days in which either to satisfy the complaint or to answer it in writing (§ 12.23). If the complaint should be satisfied, the complainant would be required, under § 12.23(a), to file a notice of satisfaction and withdrawal, after which Commission consideration of the reparation proceeding would terminate.

An answer to the complaint will be required to conform to the requirements of § 12.23(b) of the proposed rules, and either admit or deny each factual allegation of the complaint.[6] Similar to the complaint, an answer will be required to be personally signed and sworn to by the respondent, and to be accompanied by documents evidencing the respondent's view of the facts. Counterclaims will be permitted against the complainant, under § 12.23(b)(2) of the proposed rules, but only if the facts set forth as a counterclaim allege a violation which would be a proper subject of a reparation complaint.

The Commission recognizes that the scope of counterclaims under this proposal would be extremely narrow; in fact, the complainant as well as the original respondent would have to be a registrant under the Act in order for a counterclaim to be permitted. But there appears to be a substantial question whether the Commission has been authorized by section 14(a) to permit any "reparation award" to be based on matters other than alleged violations by a registrant, and whether jurisdiction has been granted,[7] under that section or otherwise, to enter any money-damage award on any other basis. The Commission would particularly appreciate comments concerning these issues and all views concerning what other types of counterclaims, if any, it is believed may and should be allowed in reparation proceedings.

In the event that an answer contains a counterclaim the complainant will be afforded an opportunity to file a reply which is to be confined to those matters alleged in the counterclaim (§ 12.24). A reply, like the complaint and answer, will be required to be personally signed and sworn to, and be accompanied by all relevant documents.

In addition, the Commission is considering the manner in which it may limit the amount of a reparation award based upon a claim that the respondent has against the complainant, which might be applied as a set-off. The Commission would appreciate the expression of views concerning whether and to what extent this approach to the question of damages would be appropriate.

If the respondent should fail to file an answer within the period allowed by the rules (or if the complainant should fail to file a reply to a counterclaim within the time allowed), that failure would be treated as an admission of the allegations of the undisputed complaint (or counterclaim) and would constitute a waiver of hearing on the facts alleged in the complaint (or counterclaim). (Section 12.26(a)). Based upon such a default, the complaining party may file a motion requesting the Presiding Officer to enter findings and conclusions concerning the questions of violation and damages and the Presiding Officer may enter an appropriate reparation award. If the facts treated as admitted are considered by the Presiding Officer to be insufficient to support the amount of reparations sought, however, he may direct that the proceeding continue on the question of damages (*ibid.*).

In the event a default has been entered against a party pursuant to § 12.26(a), the party may file a motion requesting the Commission to set the default aside. Such a motion must be filed within a reasonable time after the default has been entered and will only be granted in order to prevent injustice (§ 12.26(b)).

COMMISSION INVESTIGATION OF COMPLAINT; INSTITUTION AND SETTLEMENT OF FORMAL ADJUDICATORY PROCEEDINGS

Section 12.31 of the proposed rules, consistent with section 14(b) of the Act, 7 U.S.C. 18(b), recognizes that the Commission may investigate a reparation complaint to the extent and in a manner that it deems appropriate if, in its opinion, there appears to be reasonable grounds to investigate the complaint.[8] If an investigation should be initiated, the Commission will be able for that reason to delay the institution of a formal adjudicatory proceeding with respect to the complaint (*ibid.*).

A formal adjudicatory proceeding may be instituted with respect to a reparation complaint if, in the Commission's opinion, the facts warrant such action (§ 12.32). If a formal proceeding is to be commenced, the complaint will formally be served on the respondent. As provided in section 14(b) of the Act, § 12.32 provides that in matters where the amount claimed as damages exceeds $2,500, the complaint will be accompanied by a notice that an opportunity will be afforded for a hearing before an Administrative Law Judge; the hearing will be held at a place in which the respondent is engaged in business that is the most convenient to the complainant.[9] Where the damages claimed are less than $2,500, the rules provide, in accordance with section 14(b), that no oral hearing will be held but that the respondent will instead be notified that the summary procedure embodied in Subpart G of the proposed rules—permitting facts to be resolved through deposition and other sworn statements rather than at an oral hearing—shall be applicable.

If the Commission should determine not to institute a formal adjudicatory proceeding the reparation proceeding will, of course, terminate. Section 12.33 emphasizes, however, that the termination will be without prejudice to the right of the complainant to pursue alternative forms of relief available to him. Thus, since his rights have not been adjudicated on the merits, the complainant might, for example, institute an action for damages in an appropriate court [10] or alternatively, the complainant might utilize the arbitration procedure of an appropriate contract market.

It may frequently occur that after the proceeding has been formally initiated the parties will settle the case to their mutual satisfaction. Accordingly, § 12.35 provides for the filing of statements of satisfaction and discontinuance of proceedings at any time prior to a final determination of the proceeding. Upon the filing of a statement of satisfaction the proceeding will be discontinued.

FORMAL ADJUDICATORY PROCEEDINGS

After the complaint has been formally served, a docket number will be assigned

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[1] The general rules of practice will be set forth in Part 10 and the rules with respect to appearance and practice before the Commission of attorneys and other professionals will be set forth in Part 14.

[2] Only claims arising on or after January 23, 1975, however, may be heard.

[3] Although formal requirements are prescribed, the Commission will not, of course, apply those requirements uncritically to deny access to the reparation procedure to persons having an apparent basis for their claims. It may be necessary however, to require a complaint to be resubmitted in a proper form if it should be so poorly prepared that it would be difficult for the respondent to respond to its allegations of wrongdoing and injury.

[4] If the complainant is a non-resident of the United States, he must file a bond in accordance with section 14(d) of the Act; that requirement is reiterated in § 12.21(d) of the proposed rules.

[5] Section 12.22 also makes clear that if the Commission should determine not to forward the complaint, its action, while terminating procedures before the Commission, will be without prejudice to the right of the complainant to seek such other forms of relief as may be available.

Section 12.22 also provides that a registrant under the Act may designate with the Commission an office to which all reparation complaints filed with the Commission against it shall be forwarded. In the absence of such a designation the reparation complaints will be forwarded to the registrant's principal place of business as shown in the records of the Commission.

[6] An answer might admit liability for some but not all of the amount claimed as damages, § 12.23(b)(1), in which case, consistent with the provisions of section 14(e), the matter will proceed as to the amount that remains in dispute, after a reparation award has been entered for the admitted amount (§ 12.25).

[7] Of course, the fact that a complaint alleges—or even substantially demonstrates—a violation of law will not, by itself, cause an investigation to be undertaken. The Commission will not be able to divert its limited resources in an attempt primarily to remedy private injuries, particularly where the injured party has shown a willingness to assert his own rights by pressing for a reparation award. Rather, a decision whether to investigate will be made in light of a broader public interest that would apparently be served by devoting the time of enforcement and compliance personnel to a particular matter.

[8] Of course, if the parties should agree to a hearing in another location the Administrative Law Judge could so order.

[9] The Commission may, of course, direct that a hearing be held even with respect to matters involving less than $2,500. (Section 12.71(2)).

[10] The courts have repeatedly recognized that a person injured by acts in violation of the Commodity Exchange Act, as amended, has a cause of action for damages. See, e.g., Deaktor v. L.D. Schreiber & Co., 479 F. 2d 529 (7th Cir. 1973); Booth v. Peavey Company Commodity Services, 430 F. 2d 132 (8th Cir. 1970); Case & Co., Inc. v. Board of Trade of the City of Chicago, CCH Commodity Futures L. Rep. 120,079 (7th Cir. September 12, 1975). The fact that Congress has provided an additional remedy through reparation procedures does not affect the right of an injured party to obtain relief before the courts.

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(§ 12.41) and a Presiding Officer will be designated (§ 12.42), who will be responsible for the fair and orderly conduct of the proceeding. Among other things, the Presiding Officer will issue subpoenas at the request of the parties and regulate the course of the hearing (§ 12.43). Most significantly, the Presiding Officer will be required to make an initial decision on the merits of the case, which might become the final administrative decision in the matter if review by the Commission is not sought or if the Commission should decline to grant review of the matter (see §§ 12.84 and 12.95). Under the proposed rules a Presiding Officer may withdraw from any proceeding if he believes himself to be disqualified, and any party may request that he disqualify himself (§ 12.44).

The Presiding Officer may allow amendments to the pleadings and the filing of supplemental pleadings in accordance with the provisions of § 12.45. In addition, he will consider and rule upon all motions made in the course of the proceeding, which must be presented and answered in the manner prescribed in proposed § 12.46. Ordinarily, the Presiding Officer's ruling on a motion made in the course of a proceeding will be reviewed by the Commission, if at all, only at the same time that the Commission reviews the final disposition of the matter by the Presiding Officer. In certain extraordinary circumstances, which are set forth in § 12.47(a), however, an interlocutory appeal to the Commission—an appeal concerning one issue while the proceeding otherwise continues—may be permitted in accordance with procedures set forth in § 12.47(b).

The remainder of Subpart D of the proposed rules prescribe the procedure to be followed with respect to the service of motions, petitions and applications (§ 12.48) and of decisions and orders made in the course of the proceeding (§ 12.49); the designation of persons who may receive service on behalf of parties (§ 12.50); and provisions concerning the filing of documents with the Hearing Clerk (§ 12.51), including the formalities of filing documents (§ 12.52) and the manner in which documents must be signed (§ 12.53).

PREHEARING CONFERENCES AND DISCOVERY

Under proposed Subpart E, § 12.61 authorizes the Presiding Officer to direct the holding of prehearing conferences to clarify the issues and take other steps to facilitate the proceeding and promote a fair and expeditious hearing.

At the present time the Commission is considering whether or to what extent the Commission's general rules of practice should provide for discovery in administrative proceedings before the Commission. Discovery would provide a procedure by which all parties may seek to obtain all relevant evidence from other parties and from witnesses in advance of the hearing. While there are obvious advantages to this procedure, it is often time-consuming and costly to the participants and the Commission must weigh these competing considerations most carefully. Since the resolution of this issue will affect whether or to what extent discovery will be permitted in connection with reparation proceedings, the Commission has determined to defer publication of any proposed discovery provisions at this time. Section 12.62 and subsequent sections have been reserved for possible implementation of discovery procedures.

The Commission would welcome comments concerning the extent to which it is believed that discovery should be permitted in reparation proceedings and would also welcome suggestions as to the type of discovery procedures it is believed the Commission should adopt.

HEARINGS

Subpart F of proposed Part 12 contains provisions governing oral hearings held before an Administrative Law Judge. As set forth in § 12.71 of the proposed rules, an oral hearing will normally be held in proceedings where the damage claimed is in excess of $2,500 and the parties have not waived their right to an oral hearing. In all other cases §§ 12.71(a)(2) and 12.71(a)(3) requires that the summary proceeding set forth in Subpart G, discussed below, will be followed. The effect of a party's failure to appear at a hearing is set forth in proposed § 12.71(c); which provides that he will be considered to have waived the right to an oral hearing in the proceeding. And, paragraph (d) of § 12.71 will require, as provided in section 14(b) of the Act, 7 U.S.C. 18(b), that the hearing be held at a place where the respondent is engaged in business but provides further that it be that place where the respondent does business that is most convenient to the complainant.[11]

Section 12.72 provides for the consolidation of proceedings in two situations. Pursuant to paragraph (a) a reparation proceeding may be joined for hearing or consolidation with a proceeding instituted by the Division of Enforcement only upon motion of the Division of Enforcement and only where the respondent in both proceedings is the same person or entity.[12] Under paragraph (b) of § 12.72 the Chief Administrative Law Judge may order consolidation of two or more reparation proceedings based upon complaints alleging similar activities by a respondent affecting the several complainants. In either event, the Administrative Law Judge may enter appropriate orders to avoid unnecessary costs or delay (§ 12.72(c)), and any party to a reparation proceeding which has been consolidated with another may seek interlocutory review by the Commission of the consolidation order (§ 12.72(d)).

Pursuant to § 12.73 all reparation hearings shall generally be public. A party or an affected witness may, however, make an application to the Administrative Law Judge for an order directing that specific testimony or documents be received and retained non-publicly in order to prevent the unwarranted disclosure of trade secrets or sensitive commercial or financial information or to prevent an unwarranted invasion of personal privacy.[13]

In order to compel the attendance of witnesses at a reparation proceeding and to compel the production of documentary evidence, § 12.74 (a) and (b) provide for the issuance of subpoenas at the request of any party. Standards for the issuance of subpoenas are set forth in paragraph (c) and the basis upon which an application may be denied is set forth in paragraph (d). Attendance and mileage fees are to be the same as are paid to witnesses in United States courts (§ 12.74(e)). Provision is also made for applications requesting the Commission to quash subpoenas and the proposed rules establish the basis upon which such an application will be decided (§ 12.75).

Subpoenas must be served in the manner prescribed in § 12.76. If any person should fail to comply with a subpoena, § 12.77 will permit the affected party to apply to the Commission to have the Commission seek judicial enforcement of the subpoena.

Section 12.78(a) requires that all reparation hearings be recorded and transcribed into written form by a reporter employed by the Commission, that the transcript will be part of the record, and that copies of hearing transcripts will be available from the reporter at rates not to exceed the maximum rates fixed by the contract between the Commission and the reporter. A procedure for the correction of transcripts is afforded in § 12.78(b).

In accordance with the provisions of § 12.79, hearings are to be conducted as expeditiously as possible consistent with the protection of the rights of the parties. With respect to the parties' rights, paragraph (b) of § 12.79 would assure all parties sufficient notice of the hearing, the right to be represented by counsel, to cross-examine witnesses, present oral and documentary evidence, raise objections, make arguments and move for any and all appropriate relief.

All witnesses will testify under oath or affirmation and may be examined and cross-examined as to all matters relevant to the issues in the reparation proceeding (§ 12.79(c)).

Under the proposed rules, all relevant, material and reliable evidence will be admitted at the hearing, subject to the exclusion only of unduly repetitious evidence (§ 12.80(a)). Official notice may be taken of certain matters, as set forth

[11] This may, however, be altered by an agreement between the parties, in which case the Administrative Law Judge shall be notified of the change and he will file with the Hearing Clerk a notice of the change.

[12] Various provisions of the Act authorize the Commission to conduct administrative proceedings in order to determine, among other things, whether to revoke the registration with the Commission of futures commission merchants and associated persons, floor brokers, commodity trading advisors and commodity pool operators based upon alleged violation of the Commodity Exchange Act or of rules, regulations or orders thereunder.

[13] The Freedom of Information Act permits the Commission to withhold records of the proceeding from public disclosure for these limited purposes. See 5 U.S.C. 552(b)(4) and 552(b)(6).

in § 12.80(b), and objections by a party to the introduction of evidence will be required to be timely and accompanied by a brief statement of the grounds relied upon (§ 12.80(c)). Pursuant to § 12.80(d), no formal exception to an adverse ruling would be required; it will be sufficient if a party makes known to the Administrative Law Judge, at the time the ruling is sought or entered, his objections to the action being taken and his grounds for so objecting. With respect to excluded evidence, § 12.80(e) will permit a party to state what he intended to prove by the excluded evidence and the Administrative Law Judge is authorized to received (although he will not consider) the excluded evidence to complete the record for possible appeal. With respect to specific types of evidence, § 12.80 (f) through (i) provide that affidavits may be admitted in some circumstances and that stipulations, official government records and entries in the regular course of business will generally be admissible.

Pursuant to proposed § 12.81, the reporter is required to transmit to the Hearing Clerk the transcript of the testimony and the exhibits introduced as soon as practicable after the close of the hearing; it will be the responsibility of the Hearing Clerk to advise all parties of the date upon which the transcript was filed. Thereafter, in accordance with the procedure set forth in § 12.82 or in accordance with such alternative procedures as the Administrative Law Judge may prescribe, the parties will be afforded the opportunity to serve and file proposed findings of fact and conclusions of law, and briefs in support of their position.[14] Requirements with respect to the form and content of briefs and of proposed findings and conclusions are set forth in paragraphs (c) and (d) of § 12.82. Pursuant to § 12.83 the Administrative Law Judge would be permitted—but not required—to allow oral argument prior to the filing of his initial decision.

The Administrative Law Judge would make an initial decision in each reparation proceeding in which an oral hearing has been held (§ 12.84(a)).[15] In his decision he will be required to determine whether a party has violated any provision of the Act, or any rule, regulations or order thereunder. If a violation is found to have occurred, he will also be required to determine the amount of damage to which a party is entitled and enter an appropriate order directing payment (§ 12.84(b)).

[14] Pursuant to § 12.82(a) the complainant would normally be required to serve and file proposed findings, conclusions and an initial brief within 45 days after the close of the hearings. Respondent's proposed findings, conclusions and answering brief would be required within 30 days after service of the complainant's initial submissions. Thereafter the complainant could serve and file a reply brief within 15 days.

[15] Where an oral hearing has been held, the initial decision will be made in accordance with the summary proceedings set forth in Subpart G, discussed below.

Pursuant to § 12.84(c), the initial decision would be filed with the Hearing Clerk and a copy served on each party within 30 days after the final date allowed for the submission of proposed findings, conclusions and briefs. The initial decision and order will become the final decision and order of the Commission within 30 days after service, unless the Commission, on motion of a party or on its own motion, determines to review the proceeding, in which event the decision will not be final as to affected parties until after the Commission has completed its review (§ 12.84(d)).

SUMMARY PROCEEDINGS

The Summary Proceedings set forth in Subpart G of proposed Part 12 will be employed in all cases where the amount of damage claimed in a complaint (or counterclaim) does not exceed $2,500 and an oral hearing is determined by the Commission not to be necessary for the adjudication of the complaint (or counterclaim). It may also be employed where the parties have waived the opportunity for an oral hearing before an Administrative Law Judge. No oral hearing will be held in proceedings conducted pursuant to Subpart G; rather, as contemplated by section 14(b) of the Act, 7 U.S.C. 18(b), proof in support of the complaint and answer may be supplied in the form of depositions or other verified statements of fact (§ 12.91).

Pursuant to proposed § 12.93 the parties would be required to serve and file with the Commission copies of all depositions or other verified statements upon which they rely in support of their pleadings. Thereafter, the parties will be entitled to respond to evidence to which they have not previously responded.[16] In addition, the parties will be afforded the opportunity to file proposed findings and conclusions as well as briefs supporting the allegations contained in their pleadings in the same manner and to the same extent as will be permitted in proceedings involving a hearing (§ 12.94).

To ensure the speedy determination of Summary Proceedings, the Presiding Officer is required to file, within thirty (30) days after the final date allowed for filing proposed findings of fact and briefs, an initial decision and order which shall set forth the basis for his determination and the amount of damages, if any, to which a party is entitled if a violation of the Act or any rule, regulation or order thereunder is found to have occurred (§ 12.95). The initial decision and order will be filed with the Hearing Clerk, who will serve copies on the parties (§ 12.95(c)).

Thereafter the initial decision and order of the Presiding Officer will become the final decision of the Commission unless the Commission, on motion of a party or on its own motion, determines to review the initial decision, in which event the decision will not be final as to affected parties until after the Commission has completed its review (§ 12.95 (d)).

REVIEW OF INITIAL DECISIONS BY THE COMMISSION

Subpart H of the proposed rules, §§ 12.101 and 12.102, sets forth the procedures by which the Commission may review an initial decision in a reparation proceeding. Under § 12.101, the Commission may, in its discretion, grant review of an initial decision in a reparation proceeding either upon its own motion or upon application for review by any party. An application for review will be required to be served and filed within fifteen days after the initial decision was served upon the parties (§ 12.101(a)(1)), and will be required, among other things, to present specific issues sought to be reviewed and set forth reasons why review by the Commission is necessary or appropriate to resolve one or more important issues of law or public policy (§ 12.101(a)(2)). After the time has run in which a response may be filed (§ 12.101(a)(3)), the Commission will decide whether to grant review, based upon the application and response, without oral argument or further written presentation, unless the Commission should otherwise direct (§ 12.101(a)(5)). Pursuant to § 12.101 (b), if review should be granted, the Hearing Clerk will serve a copy of the order granting review on each of the parties.

Unless the Commission should otherwise direct, only the issues presented in the application, and all subsidiary questions fairly subsumed therein, will be considered by the Commission (§ 12.101 (b)). Briefs will be filed in accordance with general provisions contained in the Commission's rules of practice, except that the brief of the party who sought review will be required to be filed within thirty (30) days after service of notice that the initial decision will be reviewed. If the Commission decides on its own motion to grant review, the complainant will be the party who will file the initial brief within that period.

Whether oral argument will be permitted is a matter that will rest in the sole discretion of the Commission; if oral argument is permitted, it will be conducted in the manner that the general rules of practice prescribe.

When the Commission determines to review an initial decision, the record of

[16] The Commission has reserved § 12.92 to implement such discovery procedures, if any, as it may find appropriate for use in Summary Proceedings. If the Commission should permit discovery, the provision of § 12.93 will be amended to take the existence of those procedures into account. The Commission appreciates that section 14(b) of the Act states that depositions as well as other verified statements of fact may be filed in support of a claim to be resolved through the summary procedure. It does not believe that use of the term in that context necessarily connotes the type of deposition that may be compiled through discovery procedures. To the contrary, if Congress had intended to involved discovery procedures it would not have done so in such an indirect and obscure manner.

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the proceeding will be made available to the Commission pursuant to § 12.102. For this purpose the record will include all documents filed in the proceeding from the time the complaint was originally filed; all briefs and memoranda that were submitted; the transcript of testimony (if any) and exhibits; and all orders entered in the course of the proceeding, as well as the initial decision.

The full text of the proposed rules relating to Reparation Proceedings is as follows:

PART 12—RULES RELATING TO REPARATION PROCEEDINGS

Subpart A—General Information

Sec.
12.1 Scope and applicability of rules of practice relating to reparation proceedings.
12.2 Applicability of other rules of practice promulgated under the Commodity Futures Trading Commission Act.
12.3 Definitions.
12.4 Business address; hours.
12.5 Suspension, amendment, revocation and waiver of rules.
12.6 Computation of time.
12.7 Extension of time; adjournments; postponements.
12.8 Date of entry of orders.
12.9 Ex Parte communications in reparation proceedings.
12.10 Separation of functions.
12.11 Appearance and practice before the Commission.

Subpart B—Initial Procedure With Respect to Reparation Complaints

12.21 Complaint.
12.22 Notification of respondent.
12.23 Response to complaint.
12.24 Reply.
12.25 Admissions of partial liability.
12.26 Effect of failure to file answer or reply; default.

Subpart C—Investigation of Complaint; Institution and Settlement of Formal Adjudicatory Proceeding

12.31 Investigation of complaint.
12.32 Institution of formal adjudicatory proceeding.
12.33 Discontinuance of proceeding.
12.34 Notification to complainant.
12.35 Settlement—statements of satisfaction and discontinuance of proceedings.

Subpart D—Formal Adjudicatory Proceeding

12.41 Docketing of proceeding.
12.42 Assignment to Presiding Officer.
12.43 Functions and responsibilities of the Presiding Officer.
12.44 Disqualification of Presiding Officer.
12.45 Amendments and supplemental pleadings.
12.46 Motions.
12.47 Interlocutory review by the Commission.
12.48 Service.
12.49 Service of decisions and orders.
12.50 Designation of person to receive service.
12.51 Filing of documents with the Hearing Clerk.
12.52 Formalities of filing.
12.53 Subscription.

Subpart E—Prehearing Conferences and Discovery

12.61 Conferences; procedural matters.
12.62 Discovery [Reserved].

Subpart F—Hearings

Sec.
12.71 Oral hearings.
12.72 Consolidations.
12.73 Public hearings.
12.74 Subpoenas.
12.75 Motions to quash subpoena.
12.76 Service of subpoenas.
12.77 Enforcement of subpoenas.
12.78 Record of hearing.
12.79 Conduct of the hearing.
12.80 Evidence.
12.81 Filing the transcript of evidence.
12.82 Proposed findings and conclusions; briefs.
12.83 Oral arguments.
12.84 Initial decision.

Subpart G—Summary Proceedings

12.91 Presiding Officer; evidence.
12.92 Discovery [Reserved].
12.93 Submission of evidence.
12.94 Proposed findings and conclusions; briefs.
12.95 Initial decision.

Subpart H—Commission Review of Initial Decisions in Reparation Proceedings

12.101 Application for commission review.
12.102 The record of proceeding.

Subpart A—General Information

§ 12.1 Scope and applicability of rules of practice relating to reparation proceedings.

These rules of practice are applicable to reparation proceedings pursuant to section 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 18. The rules in this part shall be construed liberally so as to secure the just, speedy and inexpensive determination of the issues presented with full protection for the rights of all parties to the proceedings envisioned by the Commodity Exchange Act, as amended.

§ 12.2 Applicability of other rules of practice promulgated under the Commodity Futures Trading Commission Act.

Unless specifically made applicable, other rules of practice promulgated under the Commodity Exchange Act, as amended, shall not apply to reparation proceedings.

§ 12.3 Definitions.

For purposes of this part:

(a) "Act" means the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq.;

(b) "Administrative Law Judge" means an administrative law judge appointed pursuant to the provisions of 5 U.S.C. 3105;

(c) "Administrative Procedure Act" means those provisions of the Administrative Procedure Act, as codified, which are contained in 5 U.S.C. 551 through 559.

(d) "Commission" means the Commodity Futures Trading Commission;

(e) "complainant" means a person who has applied to the Commission seeking a reparation award pursuant to section 14 of the Act, 7 U.S.C. 18;

(f) "complaint" means any document initiating a reparation proceeding pursuant to section 14(a) of the Act, 7 U.S.C. 18(a), whether designated a complaint or petition or otherwise;

(g) "Division of Enforcement" means that office in the Commission which, among other things, prosecutes adjudicatory proceedings based on violations of the Act;

(h) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500, as amended, 44 U.S.C. 301–314) and Acts supplementary thereto and amendatory thereof;

(i) "Hearing" means that part of a proceeding which involves the submission of evidence, either by oral presentation or written submission;

(j) "Hearing Clerk" means that member of the Commission's staff designated as such in the Commision's Office of Hearings and Appeals;

(k) "order" means the whole or any part of a final procedural or substantive disposition of a reparation proceeding by the Commission or by the Presiding Officer;

(l) "party" includes a complainant, respondent and any other person or agency named or admitted as a party to a reparation proceeding;

(m) "Person" includes an individual, partnership, corporation, association, exchange or other entity or organization;

(n) "Petition" means any document initiating a reparation proceeding pursuant to section 14(a) of the Act, 7 U.S.C. 18(a), whether designated a petition or complaint or otherwise;

(o) "Pleading" means the complaint, the answer to the complaint, any supplement or amendment thereto, and any reply that may be permitted to any answer, supplement or amendment;

(p) "Presiding Officer" means (a) an Administrative Law Judge in all matters where the amount of damages claimed exceeds $2,500, and all cases where the amount of damages claimed is less than $2,500 but where the Commission has determined that a hearing is necessary; and (b) a member of the Commission, an Administrative Law Judge, or such other Commission employee as may be designated by the Commission to conduct the proceeding in all other matters where the amount of damages claimed in the complaint is less than $2,500.

(q) "Proceeding" includes any reparation proceeding and any proceeding conducted pursuant to the rules of practice set forth in Part 10 of this chapter;

(r) "Respondent" means any person against whom a complainant seeks a reparation award pursuant to section 14 of the Act, 7 U.S.C. § 18;

(s) "Reparation award" refers to the amount of damages a respondent may be ordered to pay as provided in section 14(e) of the Act, 7 U.S.C. 18(e).

(t) "Reparation proceeding" means a proceeding pursuant to which a complainant seeks a reparation award against one or more respondents in accordance with section 14 of the Act, 7 U.S.C. 18;

(u) "Rule" means the whole or a part of a Commission statement of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Commission;

(v) "Secretary" means the Director of the Office of the Secretariat of the Commission;

§ 12.4 Business address; hours.

The principal office of the Commission, at 1120 Connecticut Avenue, NW., Washington, D.C. 20036, telephone: (202) 254–3031, is open each day, except Saturdays, Sundays and legal public holidays from 8:15 a.m., to at least 4:45 p.m., eastern standard time or eastern daylight savings time, whichever is currently in effect in Washington, D.C.; Commission personnel are generally at the Commission's principal office beyond that hour and will normally be available to accept documents for filing and otherwise serve the public. Legal holidays include New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other legal holidays recognized by the Federal Government.

§ 12.5 Suspension, amendment, revocation and waiver of rules.

(a) These rules may, from time to time, be suspended, amended or revoked in whole or in part. Notice of such action will be published in the FEDERAL REGISTER.

(b) In the interest of expediting decision or to prevent undue hardship on any party or for other good cause the Commission may waive any rule in Subparts D through H of this part and the Presiding Officer may waive any rule in Subpart D through G of this part, in a particular case, upon application of a party or on its or his own motion, and may order proceedings in accordance with its or his direction.

§ 12.6 Computation of time.

In computing any perid of time prescribed by these rules or allowed by the Commission, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation only when the period of time prescribed or allowed is less than seven (7) days.

§ 12.7 Extension of time; adjournments; postponements.

Except as otherwise provided by law or by these rules, for good cause shown, the Commission, or the Presiding Officer (at any time prior to the filing of his initial decision or, if no initial decision is to be filed, at any time prior to the closing of the record) on their own motion or the motion of a party, may at any time extend or shorten the time limit prescribed by the rules for filing any document. In any instance in which a time limit is not prescribed for an action to be taken in a proceeding, the Commission or the Presiding Officer may set a time limit for that action.

§ 12.8 Date of entry of orders.

In computing any period of time involving the date of the entry of an order the date of entry shall be the date the order is filed with the Hearing Clerk. Where orders are not filed with the Hearing Clerk, the date of entry shall be (a) the date of the adoption of the order by the Commission, as reflected in the official minutes of Commission action or (b) in the case of orders reflecting action taken pursuant to delegated authority, the date when such action is taken as reflected in the caption of the order. The order shall be available for inspection by the public from and after the date of entry.

§ 12.9 Ex Parte Communications in reparation proceedings.

(a) Except as authorized by law, or specifically permitted in these rules, the Presiding Officer shall not consult with any person or any party upon any fact in issue except upon notice and opportunity for all parties to participate.

(b) A written or oral communication involving any substantive or procedural issue in the proceeding shall be deemed an ex parte communication, and shall not be considered a part of any record or the basis for any official decision unless the communication is made with due notice to all other parties in accordance with these rules. Any ex parte communication in writing shall be made public by placing it in the correspondence file of the docket, which is available for public inspection. If the ex parte communication is received orally, a memorandum setting forth the substance of the communication shall be made and filed in the correspondence section of the docket. In either case, notice of such communication will be given to the parties.

§ 12.10 Separation of functions.

(a) A Presiding Officer will not be responsible to or subject to the supervision or direction of any officer, employee, or agent of the Commission engaged in the performance of investigative or prosecutorial functions for the Commission.

(b) As provided in the Administrative Procedure Act, no officer, employee, or agent of the Federal Government engaged in the performance of investigative or prosecutorial functions in connection with any proceeding shall, in that proceeding or a factually related proceeding, participate or advise in the decision of the Presiding Officer, except as a witness or counsel in the proceeding, without the express written consent of the respondents in the proceeding. This provision shall not apply to the Commission or a member or members of the Commission.

§ 12.11 Appearance and practice before the Commission.

(a) *Appearance.*—(1) *By non-attorneys.* An individual may appear pro se (in his own behalf), a member of a partnership may represent the partnership, a bona fide officer of a corporation, trust or association may represent the corporation, trust or association.

(2) *By attorneys.* An attorney-at-law who is admitted to practice before the highest Court in any State or territory, or of the District of Columbia, who has not been suspended or disbarred from appearance and practice before the Commission in accordance with provisions of Part 14 of this chapter, may represent parties as an attorney in proceedings before the Commission.

(b) *Practice before the Commission.* Any person may practice before the Commission in connection with a reparation proceeding who has not been suspended or disbarred from appearance or practice before the Commission in accordance with provisions of Part 14 of this chapter.

(c) *Debarment of Counsel or Representative by Presiding Officer during the course of a proceeding.* (1) Whenever while a proceeding is pending before him, the Presiding Officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the Presiding Officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Commission may be taken from any such order, pursuant to the provisions of § 12.47, but the proceeding shall not be delayed or superseded pending disposition of the appeal: *Provided*, That the Presiding Officer may suspend the proceedings for a reasonable time for the purpose of enabling the party to obtain other counsel or representative.

(2) In case the Presiding Officer has issued an order precluding a person from further acting as counsel or representative in the proceeding, the Presiding Officer, within a reasonable time thereafter, shall submit to the Commission a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Commission should take respecting the appearance of such person as counsel or representative in other proceedings before the Commission.

Subpart B—Initial Procedure With Respect to Reparation Complaints

§ 12.21 Complaint.

Any person complaining of any violation of any provision of the Act or any rule, regulation, or order thereunder by any person registered with the Commission as a futures commission merchant, floor broker, person associated with a futures commission merchant or agents thereof, commodity trading advisor or commodity pool operator may, at any time within two years after the cause of

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action accrues, apply to the Commission for a reparation award, by petitioning the Commission to determine the amount of damage, if any, to which the complainant is entitled as a result of the violation and to issue an order directing the offender to pay that amount to the complainant on or before a date fixed by the order.

(a) *Form of complaint.* A complaint submitted to the Commission pursuant to this section shall briefly state the facts that are claimed to constitute a violation of any provision of the Act or any rule, regulation or order thereunder. The facts should be set forth in a manner that will permit each fact to be admitted or denied, as the case may be, by the person or persons alleged to have committed the violations. Each complaint shall include:

(1) The name and residence address of the complainant;

(2) The name and address, if known, of each person alleged in the complaint to have violated the Act or any rule, regulation or order thereunder;

(3) If possible, the specific provisions of the Act, rule, regulation or order claimed to have been violated;

(4) All relevant facts concerning each and every act or omission which it is claimed constitute a violation, including the date and place of each alleged act or omission;

(5) Facts showing the manner in which it is claimed the complainant was injured by the alleged violations; and

(6) The amount of damages the complainant claims to have suffered and the method by which those damages have been computed.

(b) *Subscription and verification of the complaint; exhibits.* Each complaint shall be signed personally by an individual complainant or by a duly authorized officer or agent of a complainant who is not a natural person. His signature shall be given under oath attesting either that he knows the facts set forth in the complaint to be true, or that he believes the facts set forth to be true, in which event the information upon which he formed that belief shall be set forth with particularity. A true copy of each and every document possessed by or available to the complainant which evidences the facts set forth in the complaint shall be annexed to the complaint.

(c) *Time and place of filing of complaint.* A complaint shall be filed by delivering a copy thereof, in proper form, to the Commission at its principal offices in Washington, D.C., addressed to the attention of the Reparations Section. The complaint may be filed in person, during normal business hours, or by mail.

(d) *Bond required if complainant is non-resident.* If a petition for reparations is filed by a non-resident of the United States, the complainant shall first file a bond in double the amount of the claim either with a surety company approved by the Treasury Department of the United States as surety or with two personal sureties, each of whom shall be a citizen of the United States and shall qualify as financially responsible for the entire amount of the bond. The bond shall run to the respondent and be conditioned upon the payment of (1) costs, including reasonable attorney's fees, for the respondent if the respondent shall prevail; and (2) any reparation award that may be issued by the Commission against the complainant on any counterclaim asserted by respondent: *Provided,* That the furnishing of a bond may be waived if the complainant is a resident of a country which permits filing of a complaint by a resident of the United States against a citizen of that country without the furnishing of a bond.

§ 12.22 Notification of respondent.

If, in the opinion of the Commission, the facts set forth in a complaint warrant such action, a copy of the complaint, together with any attachments thereto, shall be forwarded by mail by the Commission to each respondent named therein at an office previously designated with the Commission by the respondent for receipt of reparation complaints or, if no such designation has been filed with the Commission, at the respondent's principal place of business as shown in the records of the Commission and, if different, at the address given for that respondent in the verified complaint. The complaint shall not be forwarded if it appears, in the opinion of the Commission, that the alleged facts, even if true, do not evidence a violation of the Act or any rule or regulation or order thereunder or do not show that the complainant suffered damages as a result of the alleged violation. If the Commission should determine not to forward the complaint to the respondent in accordance with this section, no proceeding shall be held thereon and the complainant shall be notified to that effect, but this decision shall be without prejudice to the right of the complainant to seek such alternate forms of relief as may be available.

§ 12.23 Response to complaint.

Within thirty (30) days after the complaint was mailed to the respondent, or within such further time as the Commission may permit, each respondent shall either satisfy the complaint or answer it in writing.

(a) *Satisfaction of complaint.* A respondent may satisfy the complaint by paying to the complainant either the amount to which the complainant claims to be entitled as set forth in the complaint or such other amount as the complainant will accept in satisfaction of his claim. If a complaint is satisfied, a notice of satisfaction and withdrawal of the complaint as to that respondent, duly executed by the complainant before a notary public, shall be filed with the Commission in substantially the following form:

(Caption)

Respondent ---------- (Name)

having satisfied the reparation complaint filed against him on ----------, by (Date)

---------- (Name)

is hereby withdrawn.

---------- (Complainant)

(Jurat)

If the complainant should fail or refuse to execute a notice of satisfaction and withdrawal of the complaint after the respondent has paid the complainant the amount to which the complainant has claimed to be entitled, the respondent may serve upon the complainant and file with the Commission an affidavit of satisfaction setting forth facts showing that the payment has been made. Upon the filing of a notice of satisfaction and withdrawal of the complaint as to a respondent, the proceeding shall be discontinued as to that respondent and no reparation award shall thereafter be entered against that respondent in favor of that complainant based upon the violations alleged in that complaint. In the absence of objection thereto by the complainant, an affidavit of satisfaction shall have the same effect as a notice of satisfaction and withdrawal of the complaint.

(b) *Answer*—(1) *Form and content.* The answer shall contain a precise and detailed statement of the facts which constitute the grounds for defense, and shall specifically admit, deny, or explain each of the allegations of the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he shall so state, and this will have the effect of a denial. An answer may state that the respondent admits all of the allegations of the complaint, or admits liability for a portion, but not all, of the amount claimed as damages. Each answer shall be signed personally by an individual respondent or by a duly authorized officer or agent of the respondent (who has knowledge of the matters set forth in the complaint) if the respondent is not a natural person. His signature shall be given under oath attesting that he has read the answer; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay. Where a complainant alleges facts tending to prove that one or more employees or agents of a respondent have participated in the alleged violations, they shall each separately subscribe to and verify the answer or state under oath, in a document appended to the answer, why they have not done so. To the extent that the pleading is not based upon his personal knowledge he shall set forth with particularity the information upon which he believes there is good ground to support the answer. A true copy of each and every document possessed by or available to the respondent, which support the denials or other matters of defense set forth in the answer, shall be annexed to the answer unless they have been annexed to the complaint.

(2) *Counterclaims.* An answer may set forth as a counterclaim facts alleging a violation and a request for a reparation award that would be a proper subject for a complaint under § 12.21.

(3) *Affidavit of service.* The respondent shall file with his answer an affidavit showing that he has served a true copy of the answer upon the complainant, either personally or by mail addressed to the complainant at the address set forth in the complaint.

§ 12.24 Reply.

If the answer asserts a counterclaim, the complainant shall file a reply to the counterclaim with the Commission within thirty (30) days after service of the answer. The reply shall be strictly confined to the matters alleged in the counterclaim, and shall in all respects conform to the requirements set forth in § 12.23(b) with respect to the form and content and other requirements concerning an answer. A complainant may satisfy a counterclaim, as if it were a complaint, in the manner set forth in § 12.23(a).

§ 12.25 Admissions of partial liability.

If in the answer the respondent admits liability for a portion, but not all of the amount claimed as damage, and the answer does not assert a counterclaim, the Commission may, unless the respondent has already made reparation, issue an order directing the respondent to pay the undisputed amount on or before a date fixed in the order. Thereafter liability with respect to the remaining disputed amount shall be determined in accordance with the procedure that would have been followed if no order had been issued by the Commission with respect to the undisputed sum.

§ 12.26 Effect of failure to file answer or reply; default.

(a) *Findings and conclusions.* Failure timely to file an answer to a complaint or a reply to a counterclaim shall be treated as an admission of the allegations of the complaint or counterclaim and shall constitute a waiver of hearing on the facts set forth in the complaint or counterclaim. When a party has failed to file an answer or reply the complaining party may move the Presiding Officer to enter findings and conclusions concerning the questions of violation and damages; and the Presiding Officer may enter an appropriate reparation award. If the facts which are treated as admitted are considered insufficient to support the amount of reparations sought, the proceeding may continue on the question of damages only.

(b) *Setting aside of default.* In order to prevent injustice and on such conditions as may be appropriate, the Commission may at any time for good cause set aside a default obtained under paragraph (a) of this § 12.26. Any motion to set aside a default shall be made within a reasonable time, and shall state the reasons for the failure to file and specify the nature of the proposed defense in the proceeding.

Subpart C—Investigation of Complaint; Institution and Settlement of Formal Adjudicatory Proceeding

§ 12.31 Investigation of complaint.

If there appears to be, in the opinion of the Commission, any reasonable grounds for investigating any complaint made in accordance with § 12.21 the Commission may investigate such complaint to the extent and in such manner as it, in its sole discretion, may deem appropriate. If an investigation is undertaken the Commission may, in its discretion, for that reason delay institution of a formal reparation proceeding.

§ 12.32 Institution of formal adjudicatory proceeding.

If in the Commission's opinion the facts warrant such action, the Commission may, in its discretion, in the manner prescribed in § 12.48, have the complaint served upon the respondent by registered or by certified mail or otherwise, together with a notice that the respondent shall have an opportunity for hearing thereon before an Administrative Law Judge designated by the Commission in the city in which the respondent is engaged in business that is the most convenient to the complainant: *Provided,* That in complaints wherein the amount claimed as damages does not exceed the sum of $2,500, a hearing need not be held and proof in support of the complaint and in support of the respondent's answer may be supplied in the form of depositions or verified statements of fact in accordance with the summary procedures set forth in §§ 12.91 through 12.95 below and notice of the summary procedure will be given in lieu of notice of an opportunity for hearing. A formal reparation proceeding is commenced when a complaint is served in the manner prescribed in this section.

§ 12.33 Discontinuance of proceeding.

If the Commission should determine not to proceed in the manner set forth in § 12.32 above, the reparation proceeding shall terminate without prejudice to the right of the complainant to seek such alternative forms of relief as may be available to him.

§ 12.34 Notification to complainant.

If the Commission shall serve the complaint upon the respondent and give the respondent notice for an opportunity for hearing thereon in accordance with § 12.32 above, a copy of the notice of hearing shall also be served upon the complainant at the same time and in the same manner. If the proceeding should be discontinued as set forth in § 12.22 or § 12.33, the Commission shall promptly give notice to that effect to the complainant by registered or certified mail.

§ 12.35 Settlement—statements of satisfaction and discontinuance of proceedings.

If, at any time before there has been a final determination by the Commission, the respondent satisfies the complaint, or the complainant and respondent reach an accord as to amount of damages that will satisfy the complaint and any counterclaim set forth in the respondent's answer, the complainant and respondent shall file with the Commission a signed statement of satisfaction and discontinuance of proceeding. The proceeding will thereafter be discontinued. The statement of satisfaction and discontinuance of proceeding shall be filed with the Commission in substantially one of the following forms:

(Caption)

Respondent ---------- (Name)

having satisfied the reparation complaint filed against him on ----------, (Date)

by ----------, (Name) that complaint is hereby withdrawn.

---------- (Complainant)

---------- (Respondent)

(Jurat)

—or—

(Caption)

Respondent ---------- (Name)

having satisfied the reparation complaint filed against him on ----------, (Date)

by ----------, and the complainant ---------- (Name) having satisfied the counterclaim asserted against him in respondent's answer filed with the Commission on ----------, the complaint and counterclaim (Date) are hereby withdrawn.

---------- (Complainant)

---------- (Respondent)

(Jurat)

If after satisfaction of the complaint or counterclaim the complaining party refuses to sign a Statement of Satisfaction and Discontinuance, a party who has satisfied a claim against him may file with the Commission and serve on the other party a motion for discontinuance to be accompanied by an affidavit setting forth in detail the facts surrounding the satisfaction or a copy of any stipulation entered into by the parties evidencing satisfaction of the complaint or counterclaim. If the motion is uncontested the proceeding will be ordered discontinued.

Subpart D—Formal Adjudicatory Proceeding

§ 12.41 Docketing of Proceeding.

Immediately following service of the complaint, as set forth in § 12.32, the Commission's Reparations Section shall transmit to the Hearing Clerk the complaint, the answer, any reply and any exhibits or other papers annexed to any of the foregoing, who shall assign a docket number to the proceeding and maintain the official docket. Thereafter the proceeding may be identified by such number.

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§ 12.42 Assignment to Presiding Officer.

Immediately following docketing of the proceeding, the proceeding shall be assigned to a Presiding Officer. To the extent permitted by law, the powers hereinafter conferred upon the Presiding Officer shall be applicable to the Commission.

§ 12.43 Functions and responsibilities of the Presiding Officer.

The Presiding Officer shall be responsible for the fair and orderly conduct of the proceeding and shall have the authority to:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Rule on offers of proof;

(d) Receive relevant evidence;

(e) Take depositions or permit depositions to be taken;

(f) Examine witnesses;

(g) Regulate the course of the hearing;

(h) Hold prehearing conferences;

(i) Consider and rule upon all motions;

(j) Make decisions in accordance with §§ 12.84 and 12.95;

(k) Certify interlocutory matters to the Commission for its determination in accordance with the procedure set forth in § 12.47(a)(4);

(l) Take any other action required to give effect to these rules relating to reparation proceedings, including but not limited to requesting the parties to file briefs and statements of position with respect to any issue in the proceeding, or to give effect to the provisions of the Administrative Procedure Act.

§ 12.44 Disqualification of Presiding Officer.

(a) A Presiding Officer may withdraw from any proceeding when he considers himself to be disqualified. In such event he shall immediately notify the Commission of his withdrawal and of his reason for such action.

(b) Any party may request a Presiding Officer to disqualify himself on the grounds of personal bias or other bases. The person or party seeking disqualification may seek interlocutory review by the Commission of an adverse ruling by the Presiding Officer on this matter in accordance with the procedures set forth in § 12.47(b).

§ 12.45 Amendments and supplemental pleadings.

(a) *Amendments.* At any time prior to the close of the hearing in a reparation proceeding, the Presiding Officer may allow amendments of the pleadings either upon written consent of the parties or for good cause shown.

(b) *Supplemental pleadings.* Upon reasonable notice, and upon such terms as are just, the Presiding Officer may, upon the motion of a party, permit the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleadings sought to be supplemented and which are relevant to any of the issues involved.

(c) *Response to amendments and supplements.* Any party may file a response to any amendment or supplement to a pleading within ten (10) days after date of service upon him of the amendment or supplement.

(d) *Pleadings to conform to the evidence.* When issues not raised by the pleadings but reasonably within the scope of a reparation proceeding initiated by the complaint are tried with the express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.

(e) *Subscription and verification.* All amendments and supplemental pleadings shall be subscribed and verified in the same manner as the pleadings they are amending or supplementing.

§ 12.46 Motions.

(a) *Presentation.* An application for a form of relief not otherwise specifically provided for in these rules shall be made by a motion, which shall be in writing unless made on the record during a hearing. The motion shall state: (1) The relief sought; (2) the basis for relief; and (3) the authority relied upon. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion.

(b) *Answer to motions.* Any party may serve and file a written response to a motion within ten (10) days after service of the motion upon him or within such longer or shorter period as the Presiding Officer may direct. Any party who does not file a response to a motion shall be deemed to have consented to the relief sought by the motion.

(c) *Motions for procedural orders.* Motions for procedural orders, including motions for extension of time, may be ruled on at any time, without awaiting a response thereto. Any party adversely affected by such action may request reconsideration, vacation or modification of such action.

(d) *Dilatory motions.* Repetitive or numerous motions dealing with the same subject matter shall not be permitted.

§ 12.47 Interlocutory review by the Commission.

Interlocutory review by the Commission of a ruling on a motion by a Presiding Officer may be sought in accordance with the following procedure:

(a) *Scope of review.* The Commission will not review a ruling of the Presiding Officer prior to the Commission's consideration of the proceeding in the absence of extraordinary circumstances. An interlocutory appeal may be permitted, in the discretion of the Commission, under the following circumstances:

(1) Appeal from a ruling pursuant to § 12.44 on a motion to disqualify a Presiding Officer.

(2) Appeal from a ruling pursuant to § 12.11 suspending an attorney from participation in a reparation proceeding.

(3) Appeal from a ruling pursuant to § 12.72 ordering consolidation of proceedings.

(4) Upon a determination by the Presiding Officer certified to the Commission either in writing or on the record, that (i) a ruling sought to be appealed involves a controlling question of law or policy, (ii) substantial basis exists for a difference of opinion on the question, (iii) an immediate appeal may materially advance the ultimate resolution of the issues in the proceeding.

(b) *Procedure to obtain Interlocutory review.* (1) An application for interlocutory review may be served and filed within five (5) days after notice of the Presiding Officer's ruling on a matter described in § 12.47(a)(1), (2) or (3) or within five (5) days after a determination is made by a Presiding Officer in the manner described in § 12.47(a)(4).

(2) An application for review shall (i) specify the person or party seeking review; (ii) designate the ruling or part thereof from which appeal is being taken; (iii) present the points of fact and law relied upon in support of the position taken; and (iv) not exceed 15 pages.

(3) Any party that opposes the application may file a response, not to exceed 15 pages, within five (5) days after service of the application.

(4) The Commission will determine whether to grant a review based upon the application for review and the response thereto, without oral argument or further written presentation, unless the Commission shall otherwise direct. If review is permitted, the Commission will generally review the ruling of the Presiding Officer based upon the application for review, the response thereto and the moving and opposing documents and oral arguments, if any, upon which the Presiding Officer's ruling was based, as well as the application for review and the response thereto. The Commission may, in its discretion, permit or require further written or oral presentation.

(c) *Proceedings not stayed.* The filing of an application for review and the grant of review shall not stay proceedings before a Presiding Officer unless the Presiding Officer or the Commission shall so order.

§ 12.48 Service.

(a) *Number of copies; when required.* Two copies of all motions, petitions or applications made in the course of a proceeding (unless made orally during a hearing), all proposed findings and conclusions, all petitions for review of any initial decision, and all briefs shall be served by the party upon all parties to the proceeding.

(b) *How service is made.* Service shall be made either by personal service or by first-class mail. Service shall be complete at the time of personal service or upon deposit in the mails of a properly addressed and post-paid document. Where a party effects service by mail, the time within which the person served may respond thereto shall be increased by three (3) days.

(c) *Proof of service.* Proof of service of a document shall be made by filing with the Hearing Clerk, simultaneously with the filing of the required number of copies of the document, an affidavit of service executed by any person 18 years of age or older or a certificate of service executed by an attorney-at-law qualified to practice before the Commission. The proof of service shall identify the persons served, state that service has been made, set forth the date of service, and recite the manner of service.

§ 12.49 Service of decisions and orders.

A copy of all rulings, opinions and orders of the Presiding Officer shall be served by the Hearing Clerk on each of the parties.

§ 12.50 Designation of person to receive service.

The first document filed in a proceeding by or on behalf of any party subsequent to formal review of the complaint shall state on the first page thereof the name and post office address of the person who is authorized to receive service for him of all documents filed in the formal proceeding. Thereafter, service of documents shall be made upon the person authorized unless service on the party himself is ordered by the Presiding Officer, or unless no person authorized to receive service can be found or unless the persons authorized is changed by the party upon due notice to all other parties.

§ 12.51 Filing of documents with the Hearing Clerk.

All documents which are required to be served upon a party shall be filed concurrently with the Hearing Clerk. A document shall be filed by delivering it in person or by mail to the Hearing Clerk, Office of Hearings and Appeals, Commodity Futures Trading Commission at its principal office in Washington, D.C. To be timely filed a document must be received by the Hearing Clerk within the time prescribed for filing.

§ 12.52 Formalities of filing.

(a) *Number of copies.* Unless otherwise specifically provided, an original and five conformed copies of all documents shall be filed with the Hearing Clerk.

(b) *Title page.* All documents filed with the Hearing Clerk must include at the head thereof, or on a title page, the name of the Commission, the docket number and title of the proceeding, the subject of the particular document and the name of the person in whose behalf the document is being filed. In the complaint the title of the action shall include the names of all the complainants and respondents, but in documents subsequently filed it is sufficient to state the name of the first complainant and first respondent named in the complaint with an appropriate indication of other parties.

(c) *Paper, spacing, type.* All documents filed under this Part shall be typewritten, mimeographed, printed, or otherwise reproduced by a process that produces permanent and plainly legible copies, shall be on one grade of good unglazed white paper no less than 8 or more than 8½ inches wide and no less than 10½ or more than 14 inches long, with a left-hand margin 1½ inches wide, and shall be bound on the left hand side only. They shall be double-spaced, except for long quotations (3 or more lines) and footnotes which should be single-spaced. If printed, the documents shall be in either 10- or 12-point type with double-leaded text and single-leaded quotations and footnotes.

(d) *Signatures.* The original copy of all papers must be signed in ink by the person filing the same or by his duly authorized agent or attorney.

(e) *Length and form of briefs.* All briefs filed with the Hearing Clerk or with a Presiding Officer containing more than 10 pages shall include an index and a table of cases and other authorities cited. The date of each brief must appear on its front cover or title page and on its signature page. No brief shall exceed 60 pages in length, except with the permission of the Presiding Officer.

§ 12.53 Subscription.

(a) *By whom.* Motions and answers thereto, briefs and other documents filed with the Commission shall be subscribed:

(1) By the person or persons on whose behalf they are tendered for filing;

(2) By a partner, officer or director of a partnership, corporation, association, or other legal entity; or

(3) By an attorney-at-law having authority with respect thereto.

The Hearing Clerk may require appropriate evidence of the authority of a person subscribing a document on behalf of another person.

(b) *Effect.* The signature on any document not verified by affidavit of any person acting either for himself or as attorney or agent for another constitutes certification by him that:

(1) He has read the document subscribed and knows the contents thereof;

(2) If executed in any representative capacity, it was done with full power and authority to do so;

(3) To the best of his knowledge, information and belief, every statement contained in the document is true and not misleading; and

(4) The document is not being interposed for delay.

(c) *Sham documents.* If a document is not signed or is signed with an intent to defeat the purpose of this rule, it may be stricken as sham and false. For a willful violation of this rule an attorney or representative for any party may be subjected to apropriate disciplinary action pursuant to § 12.11. Similar action may be taken if scandalous matter is inserted.

Subpart E—Prehearing Conferences and Discovery

§ 12.61 Conferences; procedural matters.

The Administrative Judge may direct that one or more conferences be held for the purpose of:

(a) Clarifying issues;

(b) Examining the possibility of obtaining stipulations, admissions of fact and of authenticity of contents of documents;

(c) Discussing matters of which official notice may be taken;

(e) Exchanging proposed exhibits;

(f) Discussing amendments to pleadings;

(g) Identifying and limiting the number of witnesses;

(h) Promoting a fair and expeditious hearing.

At or following the conclusion of a prehearing conference, the Administrative Law Judge shall serve a prehearing memorandum containing agreements reached and any procedural determinations made by him, unless the conference shall have been recorded and transcribed in written form and a copy of the transcript has been made available to each party.

§ 12.62 Discovery [Reserved]

Subpart F—Hearings

§ 12.71 Oral hearings.

(a) *When required.* (1) Where the amount of damages claimed, either in the complaint or in a counterclaim, is in excess of $2,500, a hearing shall be held in accordance with the procedure set forth in this sectionunless all the parties have waived their right to a hearing.

(2) Where the amount of damages claimed, either in the complaint or in a counterclaim, does not exceed $2,500, an oral hearing shall not be held, unless ordered by the Commission either on its own motion or upon application by a party setting forth the particular circumstances making an oral hearing necessary for a proper resolution of the issues.

(3) In all cases in which a hearing is not held the procedures set forth in § 12.91 through 12.95 shall apply.

(b) *Who may appear.* The parties may appear in person, by counsel or by other representatives of their choosing, subject to the provisions of § 12.11, dealing with appearance and practice before the Commission.

(c) *Effect of failure to appear.* (1) If any party to the proceeding, after filing an answer fails to appear at the hearing or any part thereof, he shall to that extent be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears for the opposing side, the party who is present may present his evidence, in whole or in part, in the form of affidavits or by oral testimony, before the Administrative Law Judge.

(2) A failure to appear at a hearing shall not constitute a waiver of a party's right to propose findings of fact based on the record in the proceeding, to propose conclusions of law or to submit briefs, in the manner provided in § 12.82, if the non-appearing party submits prior to the scheduled hearing or within three (3) days thereafter, a Notice of Appearance indicating his intent to continue to participate in the proceeding. Otherwise, his failure to appear will constitute a default.

(d) *Time and place.* If and when the proceeding has reached the stage of oral hearing, the Administrative Law Judge,

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giving careful consideration to the convenience of the parties, shall set a time for hearing and shall file with the Hearing Clerk a notice stating the time and place of a hearing. Unless the parties otherwise agree, the place of hearing shall be in the city in which the respondent is engaged in business that is the most convenient to the complainant. If any change in the time or place of the hearing becomes necessary, it shall be made by the Administrative Law Judge, who, in such event, shall file with the Hearing Clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

§ 12.72 Consolidations.

(a) Upon motion by the Division of Enforcement, and only upon the motion by the Division, a proceeding brought by the Division against a person who is a respondent in a reparation proceeding may be joined with the reparation proceeding for hearing of any or all the matters in issue or may be consolidated with the reparation proceeding by order of the Administrative Law Judge in the reparation proceeding if the two proceedings involve common question of fact or law. In the event of consolidation the provisions of either these rules or the rules of practice (Part 10 of this chapter) shall be applied as may be appropriate with respect to particular matters.

(b) Where two or more reparation proceedings are based upon complaints alleging substantially similar activities by a respondent affecting the several complainants, the Chief Administrative Law Judge may upon application of any party to any of the proceedings join those proceedings for hearing of any or all the matters in issue or may consolidate those proceedings.

(c) Where joinder or consolidation has been ordered, the Administrative Law Judge may make such rulings concerning the conduct of the proceedings as may be necessary to avoid unnecessary costs or delay or prejudice to the participants to the reparation proceeding.

(d) Any party to a reparation proceeding which is consolidated pursuant to this section may seek interlocutory review by the Commission of the order of consolidation in accordance with the procedure set forth in § 12.47(b).

§ 12.73 Public hearings.

All hearings shall be public except that upon application of a respondent or affected witness the Administrative Law Judge may direct that specific documents or testimony be received and retained non-publicly in order to prevent unwarranted disclosure of trade secrets or sensitive commercial or financial information or an unwarranted invasion of personal privacy.

§ 12.74 Subpoenas.

(a) *Application for subpoena ad testificandum.* An application for a subpoena requiring a person to appear and testify at a reparation hearing may be made without notice by any party to the Presiding Officer or in the event that the Presiding Officer is not available, to the Chief Administrative Law Judge or to the Commission. Subject to the provisions of § 12.74(d) a subpoena shall be issued upon request of any interested party upon tender of an original and two copies of such subpoena. A subpoena for attendance at a hearing shall be issued upon oral application at any time. A record of the issuance of a subpoena shall be entered in the docket.

(b) *Application for subpoena duces tecum.* An application in duplicate for a subpoena requiring a person to appear and testify and to produce specified documentary or tangible evidence at a reparation hearing shall be in writing except that for good csuse shown it may be made during the course of a hearing on the record to the Presiding Officer. Such application need not be served upon all parties. All such applications, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought and shall be accompanied by an original and two copies of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible.

(c) *Standards for issuance of subpoena duces tecum.* The Presiding Officer considering any application for a subpoena duces tecum shall issue the subpoena requested if he is satisfied the application complies with this section and the request is not unreasonable oppressive, excessive in scope or unduly burdensome. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpoena duces tecum and no detailed or burdensome showing shall be required as a condition to the issuance of any subpoena.

(d) *Denial of application.* In the event the Presiding Officer determines that a requested subpoena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpoena, or may issue it only upon such conditions as he determines fairness requires.

(e) *Attendance and mileage fees.* Persons summoned to testify at a hearing under requirement of subpoenas are entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. Fees and mileage shall be paid by the party at whose instance the persons are called.

§ 12.75 Motions to quash subpoena.

(a) *Application.* Any person upon whom a subpoena has been served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the Presiding Office who issued the subpoena, and serve a copy of such motion upon the party requesting the subpoena. The application shall be accompanied by a brief statement of the reasons therefor. If the Presiding Officer to whom the motion has been directed has not acted upon the motion by the return date, the subpoena date shall be stayed pending his final action.

(b) *Disposition.* After due notice to the person upon whose request the subpoena was issued, and after opportunity for response by that person, the Presiding Officer may (1) quash or modify the subpoena, or (2) condition denial of the application to quash or modify the subpoena upon just and reasonable terms, including, in the case of a subpoena duces tecum, a requirement that the person in whose behalf the subpoena was issued shall advance the reasonable cost of producing documentary or other tangible evidence.

§ 12.76 Service of subpoenas.

(a) *How effected.* Service of a subpoena upon a party shall be made in accordance with § 12.48 except that only one copy of a subpoena need be served. Service of a subpoena upon any other person shall be made by delivering a copy of the subpoena to him as provided in paragraph (b) or (c) of this section and by tendering to him the fees for one day's attendance and the mileage as specified in § 12.74(e). When the subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service.

(b) *Service upon a natural person.* Delivery of a copy of a subpoena and tender of fees and mileage to a natural person may be effected by (1) handling them to the person; (2) leaving them at his office with the person in charge thereof or, if there is no one in charge, by leaving them in a conspicuous place therein; (3) leaving them at his dwelling place or usual place of abode with some persons of suitable age and discretion then residing therein; (4) mailing them by registered or certified mail to him at his last known address; or (5) any other method whereby actual notice is given to him and the fees and mileage are timely made available.

(c) *Service upon other persons.* When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees and mileage may be effected by (1) handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person; (2) mailing them by registered or certified mail to any such representative at his last known address; or (3) any other method whereby actual notice is given to any such representative and the fees and mileage are timely made available.

§ 12.77 Enforcement of subpoenas.

Upon failure of any person to comply with a subpoena issued at the request of a party, that party may petition the Commission in its discretion to institute an action in an appropriate United States District Court for enforcement of that subpoena.

§ 12.78 Record of hearing.

(a) *Reporting and transcription.* Hearings for the purpose of taking evidence shall be recorded and shall be transcribed

in written form under the supervision of the Administrative Law Judge by a reporter employed by the Commission for that purpose. The original transcript shall be a part of the record and shall be the sole official transcript. Copies of transcripts, except those portions granted non-public treatment, shall be available from the reporter at rates not to exceed the maximum rates fixed by the contract between the Commission and the reporter.

(b) *Corrections.* Any party may submit a timely request to the Administrative Law Judge to correct the transcript. Corrections may be submitted to the Administrative Law Judge by stipulation of the parties, or by motion by any party, and upon notice to all parties to the proceeding, the Administrative Law Judge may specify corrections of the transcript. A copy of such specification shall be furnished to all parties and made a part of the record. Corrections shall be made by the official reporter, who shall furnish substitute pages of the transcript, under the usual certificate of the reporter, for insertion in the official record. The original uncorrected pages shall be retained in the files of the Hearing Clerk.

§ 12.79 Conduct of the hearing.

(a) *Expedition.* Hearings shall proceed expeditiously and insofar as practicable hearings shall be held at one place and shall continue, without suspension, until concluded.

(b) *Rights of parties.* Every party shall be entitled to due notice of hearings, the right to be represented by counsel, the right to cross-examine witnesses, present oral and documentary evidence, raise objections, make arguments and move for appropriate relief.

(c) *Examination of witnesses.* All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the Administrative Law Judge. A witness may be cross-examined by each adverse party and, in the discretion of the Administrative Law Judge, may be cross-examined, without regard to the scope of direct examination, as to any matter which is relevant to the issues in the proceeding.

(d) *Exhibits.* The original of each exhibit introduced in evidence or marked for identification shall be filed and retained in the docket of the proceeding. A copy of each exhibit introduced by a party or marked for identification at his request shall be supplied by him to the Administrative Law Judge and to each other party to the proceeding.

§ 12.80 Evidence.

(a) *Admissibility.* Relevant, material and reliable evidence shall be admitted, except that unduly repetitious evidence shall be excluded.

(b) *Official notice.* (1) Official notice may be taken of:

(i) Any material fact which might be judicially noticed by a district court of the United States; or

(ii) Any matter in the public official records of the Commission.

(2) If official notice is requested or taken of a material fact, any party, upon timely request, shall be afforded an opportunity to establish the contrary.

(c) *Objections.* A party shall timely and briefly state the grounds relied upon for any objection made to the introduction of evidence. If a party has had no opportunity to object to a ruling at the time it is made, he shall not thereafter be prejudiced by the absence of an objection.

(d) *Exceptions.* Formal exception to an adverse ruling is not required. It shall be sufficient that a party, at the time the ruling is sought or entered, makes known to the Administrative Law Judge the action he wishes the Administrative Law Judge to take or his objection to the action being taken and his grounds therefor.

(e) *Excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the Administrative Law Judge may, in his discretion, receive the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

(f) *Affidavits.* Except as otherwise provided in this subpart, affidavits may be admitted by the Administrative Law Judge only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(g) *Stipulations.* Stipulations may be received in evidence at a hearing and when received in evidence shall be binding on the parties thereto.

(h) *Official Government records.* An official government record or any entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record or by his deputy, accompanied by a certificate that such officer has custody. If the office in which the record is kept is within the United States the certificate may be made by a judge of a court of record in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by any officer in the Foreign Service of the United States stationed in the foreign state or country in which the record is kept and authenticated by the seal of his office. A written statement signed by an officer having custody of an official record or by his deputy, that after diligent search, no record or entry dealing with a specific matter is found to exist, accompanied by a certificate as provided above, is admissible as evidence that the records of his officer contain no such record or entry.

(i) *Entries in the regular course of business.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business by a person who had a duty to report or record them.

§ 12.81 Filing the transcript of evidence.

As soon as practicable after the close of the hearing, the reporter shall transmit to the Hearing Clerk the transcript of the testimony and the exhibits introduced in evidence at the hearing, except such portions of the transcript and exhibits as shall have been delivered to the Administrative Law Judge. The Hearing Clerk will advise each party to the proceeding as to the date on which the transcript was filed.

§ 12.82 Proposed findings and conclusions; briefs.

In any proceeding involving a hearing or an opportunity for hearing, the parties may file written proposed findings and conclusions. Proposed findings of fact shall indicate the basis therefor by appropriate citation to the record. Briefs may be filed in support of proposed findings either as part of the same document or in a separate document. Any proposed finding or conclusion not briefed may be regarded as waived.

(a) *Proposed findings and briefs; time for filing.* Where the parties file proposed findings and briefs, the following schedule shall apply, unless otherwise determined by the Administrative Law Judge:

(1) *Initial submission.* Proposed findings, conclusions and an initial brief shall be served and filed by the complainant within forty-five (45) days of the close of the hearing;

(2) *Answering submission.* Proposed findings, conclusions, and an answering brief shall be served and filed by the respondents within thirty (30) days after service of the initial conclusions and brief upon the respondents;

(3) *Reply.* A reply brief may be filed by the complainant within fifteen (15) days after filing of the answering brief.

(b) *Alternative procedures for submissions.* In his discretion the Administrative Law Judge may lengthen or shorten the periods for the filing of submissions, may direct simultaneous filings, may direct that respondents make the first filing, or may otherwise modify the procedures set forth in paragraph (a) of this § 12.82 for purpose of a particular proceeding.

(c) *Briefs.* (1) the initial brief should include:

(i) A short, clear and concise statement of the case;

(ii) Specification of the questions intended to be urged; and

(iii) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

(2) The answering brief shall generally follow the same style as prescribed for the initial brief but may omit a statement of the case if the party does not dispute the statement of the case contained in the initial brief;

(3) Reply briefs should be limited to rebuttal of matters in the prior briefs.

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(d) *Content and form of proposed findings and conclusions.* (1) The findings of fact shall be confined to the material issues of fact presented on the record, with exact citations to the transcripts of record and exhibits in support of each proposed finding.

(2) The proposed findings and conclusions of the party filing initially shall be set forth in consecutively numbered paragraphs and all counterstatement of proposed findings and conclusions shall, in addition to any other matter, indicate which paragraphs of the initial proposals are not disputed.

§ 12.83 Oral arguments.

In his discretion the Administrative Law Judge may hear oral arguments by the parties any time before he files his initial decision with the Secretary of the Commission. Such argument shall be recorded and transcribed in written form.

§ 12.84 Initial decision.

(a) *When initial decision is required.* The Administrative Law Judge shall make an initial decision in each reparation proceeding in which a hearing has been conducted.

(b) *Content of initial decision.* In his initial decision the Administrative Law Judge shall determine whether or not the respondent has violated any provision of the Act or any rule, regulation or order thereunder. If after a hearing, or upon failure of a respondent to appear at a hearing after being duly notified, the Administrative Law Judge determines that the respondent has violated any provision of the Act, or any rule, regulation, or order thereunder, the Administrative Law Judge shall, unless the respondent has already made reparation to the complainant, determine the amount of damage, if any, to which the complainant is entitled as a result of such violation and shall make an order directing the respondent to pay to the complainant such amount on or before a date fixed in the order.

(c) *Filing of initial decision and order.* The Administrative Law Judge within thirty (30) days after the final date allowed for filing proposed findings of fact and briefs, or such other time as may be allowed by the Chief Administrative Law Judge, or by the Commission, shall prepare upon the basis of the record and shall file with the Hearing Clerk his decision and order, a copy of which shall be served by the Hearing Clerk upon each of the parties.

(d) *Effect of initial decision.* The initial decision and order shall become the final decision and order of the Commission thirty (30) days after service thereof, except:

(1) The initial decision shall not become final as to a party who shall have filed an application for review in accordance with § 12.101, pending Commission disposition of the application or, if the application is granted, pending the final decision by the Commission upon review of the initial decision.

(2) The initial decision shall not become final as to any party to the proceeding if, within thirty (30) days after the initial decision, the Commission itself shall have placed the case on its own docket for review or stayed the effective date of the initial decision.

In the event that the initial decision becomes the final decision of the Commission with respect to a party, that party shall be duly notified thereof by the Hearing Clerk. The notice shall state that the time for filing an application for review by the party has expired, that the Commisison has determined not to review the initial decision on its own initiative and shall specify the date on which a final order in the proceeding shall become effective as against that party.

Subpart G—Summary Proceedings

§ 12.91 Presiding officer; evidence.

In all cases in which a hearing is not held, as provided in § 12.71:

(a) A Presiding Officer shall be appointed who is a member of the Commission, an Administrative Law Judge, or such other Commission employee as may be appointed by the Commission to conduct the proceeding; and

(b) Proof in support of the complaint and in support of the respondent's answers may be found in those verified documents and may also be supplied in the form of depositions or other verified statements of fact.

§ 12.92 Discovery. [Reserved]

§ 12.93 Submission of evidence.

Each party shall serve and file those depositions and other verified statements of fact upon which he relies in support of his pleadings. Thereafter, the parties shall have fifteen (15) days to file replies to such submitted affidavits or verified statements of fact to which they have not previously replied. All such replies shall be confined to the matters set forth in the affidavits and verified statements of fact to which they are responsive.

§ 12.94 Proposed findings and conclusions; briefs.

The parties may file written proposed findings and conclusions and may file briefs under the same conditions as are set forth in § 12.82 with respect to proceedings involving a hearing or an opportunity for hearing.

§ 12.95 Initial decision.

(a) *When initial decision is required.* The Presiding Officer shall make an initial decision in each reparation proceeding not involving a hearing or an opportunity for hearing.

(b) *Content of initial decision.* In his initial decision the Presiding Officer shall determine whether or not the respondents have violated any provision of the Act or any rule, regulation or order thereunder. If on the basis of the verified pleadings, depositions and other verified documents designated by the parties, the Presiding Officer determines that the respondent has violated any provision of the Act, or any rule, regulation, or order thereunder, the Presiding Officer shall, unless the respondent has already made reparation to the complainant, determine the amount of damage, if any, to which the complainant is entitled as a result of such violation and shall make an order directing the respondent to pay to the complainant such amount on or before a date fixed in the order.

(c) *Filing of initial decision and order.* The Presiding Officer within thirty (30) days after the final date allowed for filing proposed findings of fact and briefs, or such other time as may be allowed by the Chief Administrative Law Judge, or by the Commission, shall prepare upon the basis of the record and shall file with the Hearing Clerk his decision and order, a copy of which shall be served by the Hearing Clerk upon each of the parties.

(d) *Effect of initial decision.* The initial decision and order shall become the final decision and order of the Commission thirty (30) days after service thereof, except:

(1) The initial decision shall not become final as to a party who shall have filed an application for review in accordance with § 12.101, pending Commission disposition of the application or, if the application is granted, pending the final decision by the Commission upon review of the initial decision.

(2) The initial decision shall not become final as to any party to the proceeding if, within thirty (30) days after the initial decision, the Commission itself shall have placed the case on its own docket for review or stayed the effective date of the initial decision.

In the event that the initial decision becomes the final decision of the Commission with respect to a party, that party shall be duly notified thereof by the Hearing Clerk. The notice shall state that the time for filing an application for review by the party has expired, that the Commission has determined not to review the initial decision on its own initiative and shall specify the date on which a final order in the proceeding shall become effective as against that party.

Subpart H—Commission Review of Initial Decisions in Reparation Proceedings

§ 12.101 Application for Commission review.

Upon application for review by any party or upon its own motion the Commission may, in its discretion, grant review of an initial decision.

(a) *Applications and responses.* (1) An application for Commission review of an initial decision must be served and filed in accordance with §§ 12.48 and 12.51 within fifteen (15) days after service upon the parties of the initial decision;

(2) An application for review shall (i) identify the party seeking review; (ii) specify the issues presented for review; (iii) identify those provisons of the Act or any rule, regulation or order thereunder that are relevant to the stated issues; (iv) set forth a concise statement of the facts material to the consideration of the stated issues; and (v) present a concise argument setting forth the reasons why review by the Commission is necessary or appropriate to resolve an important issue of law or public policy.

(3) Any party opposing the application may serve and file a response within fifteen (15) days after service of the application.

(4) An application shall not exceed 30 pages and a response shall not exceed 25 pages, without leave expressly granted by the Presiding Officer;

(5) After the time for the filing of a repsonse has expired the Commission will determine whether to grant a review, based upon the application for review and the response thereto, without oral argument or further written presentation, unless the Commission shall otherwise direct.

(b) *Notice of review.* If the Commission should determine to review an initial decision, the Hearing Clerk shall serve a copy of its order granting review upon each of the parties.

(c) *Scope of review.* Unless the Commission shall otherwise direct, only the issues presented for review as set forth in the application, and all subsidiary issues fairly subsumed therein, will be considered by the Commission.

(d) *Briefs.* In the event the Commission should determine to review the initial decision, the parties shall file briefs with the Commission in accordance with the procedures set forth in § 10.155 of the Commissions rules of practice: *Provided,* That in reparation proceedings the brief of the party who sought review (or if no party sought review, the brief of the complainant) shall be filed within thirty (30) days after service upon the parties of the Commission's order granting review of the initial decision.

(e) *Oral argument.* Any party may request, in writing and within the time provided for filing the initial briefs, the opportunity to present oral argument before the Commssion, which the Commission may in its discretion grant or deny. In the event the Commission affords the parties the opportunity to present oral argument before the Commission, the oral argument shall be in accordance with the provisions of § 10.156 of this chapter.

§ 12.102 The record of proceeding.

If the Commission grants an application for review of an initial decision or the Commission decides on its own initiative to review an initial decison, the record of the proceedings shall be made available to the Commission. The record of the proceeding shall include: The pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements or stipulations filed under the summary procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders and briefs as may have been permitted to be field in connection with the hearing; such statements of objections, and briefs in support thereof, as may have been filed in the proceedings; and the initial decision.

All interested persons desiring to comment on the proposed rules relating to reparation proceedings should submit such comments in written form to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, Attn: CCU. Since it is proposed to make the proposed rules effective January 28, 1976, comments should be submitted to the Commission by December 19, 1975, in order to assure full consideration; although comments received after December 19, 1975, will nevertheless be fully evaluated. All comments submitted to the Commission will be available for public inspection.

Issued in Washington, D.C. on November 25, 1975.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-32296 Filed 11-28-75;8:45 am]

MARINE MAMMAL COMMISSION

[50 CFR Part 510]

FEDERAL ADVISORY COMMITTEE ACT

Proposed Implementation

Notice is hereby given that the Marine Mammal Commission (the "Commission") proposes to adopt a new Part 510 of 50 CFR consisting of the Regulations set forth below, to establish administrative guidelines and management controls for advisory committees that report to the Commission. At present, the only committee to which these Regulations shall apply is the Committee of Scientific Advisors on Marine Mammals (the "Committee").

Section 8(a) of the Federal Advisory Committee Act (the "Act") provides that guidelines and controls for advisory committees shall be established, consistent with directives of the Office of Management and Budget. Those directives, contained for the most part in sections 5 through 8 and in section 11 of Circular No. A-63, as amended, address the creation, termination, renewal, and operation of advisory committees, and specify uniform pay guidelines for members and staff of, and consultants to those committees.

These proposed Regulations govern the calling of, notice of, public participation at, closing of, and minutes of meetings of the Committee. The Marine Mammal Protection Act of 1972 (the "MMPA"), 16 U.S.C. 1361 *et seq.*, prescribes the establishment and duration of the Committee, and addresses the rate of compensation for its members, staff, and consultants. Section 510.9 sets forth provisions consistent with sections 203 (b) and 206 of the MMPA, 16 U.S.C. 1403(b), 1406.

The Chairman of the Commission has delegated all responsibilities prescribed by the Act to be performed by the "agency head," and those to be performed by a "designated officer or employee of the Federal Government," to the Executive Director of the Commission. Those responsibilities include the approval of requests by the Committee to hold meetings, attendance at all meetings, adjournment of any meeting when in the public interest, determinations to close meetings, or portions of meetings, publication of meeting notices, approval of agenda for meetings, conduct of an annual comprehensive review of the Committee, issuance of all appropriate reports, and such other steps as are necessary to implement the letter and the spirit of the Act on behalf of the Agency. In addition, the Executive Director has been designated as Advisory Committee Management Officer for the Commission and, as such, shall exercise control and supervision over the procedures and accomplishments of the Committee, assemble and maintain the reports, records and other papers of the Committee, and carry out provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to such reports, records, and other papers.

Interested persons may submit any written comments regarding this notice to the Executive Director, Marine Mammal Commission, 1625 I Street, N.W., Room 307, Washington, D.C. 20006, for consideration by the Commission. Submissions received on or before January 15, 1976 will be considered by the Commission. All submissions will be available for inspection at the Commission offices during normal business hours.

Dated: November 24, 1975.

JOHN R. TWISS, Jr.,
Executive Director.

It is proposed to amend Chapter V, Marine Mammal Commission, of 50 CFR by adding a new part 510 as follows:

PART 510—IMPLEMENTATION OF THE FEDERAL ADVISORY COMMITTEE ACT

Sec.
510.1 Purpose.
510.2 Scope.
510.3 Definitions.
510.4 Calling of meetings.
510.5 Notice of meetings.
510.6 Public participation.
510.7 Closed meetings.
510.8 Minutes.
510.9 Uniform pay guidelines.

AUTHORITY: Sec. 203(b) and 206 Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq.

§ 510.1 Purpose.

The regulations prescribed in this part set forth the administrative guidelines and management controls for advisory committees reporting to the Marine Mammal Commission. These regulations are authorized by Section 8(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I. Guidelines and controls are prescribed for calling of meetings, notice of meetings, public participation, closing of meetings, keeping of minutes, and compensation of committee members, their staff and consultants.

§ 510.2 Scope.

These regulations shall apply to the operation of advisory committees reporting to the agency.

§ 510.3 Definitions.

For the purposes of this part,

(a) The term "Act" means the Federal Advisory Committee Act, 5 U.S.C. App. I;

(b) The term "Chairperson" means each person selected to chair an advisory committee established by the Commission;

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(c) The term "Commission" means the Marine Mammal Commission, established by 16 U.S.C. 1401(a);

(d) The term "committee" means any advisory committee reporting to the Commission; and

(e) The term "Designee" means the agency official designated by the Chairman of the Commission (1) to perform those functions specified by sections 10 (e) and (f) of the Act, and (2) to perform such other responsibilities as are required by the Act and applicable regulations to be performed by the "agency head."

§ 510.4 Calling of meetings.

(a) No committee shall hold any meeting except with the advance approval of the Designee. Requests for approval may be made, and approval to hold meetings may be given orally or in writing, but if approval is given orally, the fact that approval has been given shall be stated in the public notice published pursuant to Section 510.5 of these regulations.

(b) An agenda shall be submitted to, and must be approved by, the Designee in advance of each committee meeting, and that meeting shall be conducted in accordance with the approved agenda. The agenda shall list all matters to be considered at the meeting, and shall indicate when any part of the meeting will be closed to the public on the authority of exemptions contained in the Freedom of Information Act, 5 U.S.C. 552(b).

§ 510.5 Notice of meetings.

(a) Notice of each committee meeting shall be timely published in the FEDERAL REGISTER. Publication shall be considered timely if made at least 15 days before the date of the meeting, except that shorter notice may be provided in emergency situations.

(b) The notice shall state the time, place, schedule and purposes of the committee meeting, and shall include, whenever it is available, a summary of the agenda. The notice shall indicate the approximate times at which any portion of the meeting will be closed to the public and shall include an explanation for the closing of any portion of the meeting pursuant to Section 510.7 of these regulations.

§ 510.6 Public participation.

(a) All committee meetings, or portions of meetings, that are open to the public shall be held at a reasonable time and at a place that is reasonably accessible to the public. A meeting room shall be selected which, within the bounds of the resources and facilities available, affords space to accommodate all members of the public who reasonably could be expected to attend.

(b) Any member of the public shall be permitted to file a written statement with the committee, either by personally delivering a copy to the Chairperson, or by submitting the statement by mail to the Marine Mammal Commission offices at the address indicated in the notice of meeting. Such statements should be received at least one week in advance of the scheduled meeting at which they are expected to be considered by the committee.

(c) Opportunities will ordinarily be afforded to interested persons to speak to agenda items during that portion of the open meeting during which that item is to be considered by the committee, subject to such reasonable time limits as the committee may establish, and consideration of the extent to which the committee has received the benefit of comments by interested persons, the complexity and the importance of the subject, the time constraints under which the meeting is to be conducted, the number of persons who wish to speak during the meeting, and the extent to which the statement provides the committee with information which has not previously been available and is relevant to its decision or other action on that subject. Interested persons may be required to serve reasonable notice of their intentions to speak so that the committee may assess whether procedures and scheduling for the meeting can be adjusted to accommodate large numbers of participants.

§ 510.7 Closed meetings.

(a) Whenever the committee seeks to have all or a portion of a meeting closed to the public on the basis of an exemption provided in U.S.C. 552(b), the Chairperson shall notify the Designee at least 30 days before the scheduled date of the meeting. The notification shall be in writing and shall specify all the reasons for closing any part of the meeting.

(b) If, after consultation with the General Counsel of the Commission, the Designee finds the request to be warranted and in accordance with the policy of the Act, the request shall be granted. The determination of the Designee to grant any such request shall be in writing and shall state the specific reasons for closing all or a part of the meeting. Copies of the determination shall be made available to the public upon request.

§ 510.8 Minutes.

Detailed minutes shall be kept of each portion of each committee meeting. The minutes shall include: the time and place of the meeting; a list of the committee members and staff in attendance; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the committee; a description of the extent to which the meeting was open to the public; and a description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the open sessions. The Chairperson shall certify to the accuracy of the minutes.

§ 510.9 Uniform pay guidelines.

(a) Compensation of members and staff of, and consultants to the Committee of Scientific Advisors on Marine Mammals is fixed in accordance with 16 U.S.C. 1401(e), 1403(b), and 1406.

(b) Compensation for members and staff of, and consultants to all advisory committees reporting to the Commission except the Committee of Scientific Advisors on Marine Mammals shall be fixed in accordance with guidelines established by the Director of the Office of Management and Budget pursuant to section 7(d) of the Act, 5 U.S.C. App. I.

[FR Doc.75-32192 Filed 11-28-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Government Subcontractors

Notice is hereby given that the Small Business Administration proposes to amend § 121.3-12 of the Small Business Size Standards Regulation (Part 121, Chapter I, Title 13 of the Code of Federal Regulations).

Section 121.3-12, *Definitions of small business Government subcontractor*, currently provides one definition of a small business Government subcontractor for the purpose of Government subcontracts of $2,500 or less, and another definition for the purpose of Government subcontracts exceeding $2,500. The $2,500 figure was taken from the $2,500 annual receipts figure set forth in various laws, such as Section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 (c)(3)), providing for the use of simplified procedures in the procurement of property and services by the Government where the amount involved does not exceed the prescribed amount.

In Pub. L. 93-356, 93rd Congrss, S. 311, July 25, 1974, the $2,500 figure in such legislation was changed to $10,000 and. accordingly, it is proposed to amend § 121.3-12 to read as follows:

§ 121.3-12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $10,000 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $10,000 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3-8: Provided, however, That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

Interested parties may file with the Small Business Administration on or before December 31, 1975, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses).

Dated: November 20, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32195 Filed 11-28-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Meeting

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on December 16, 1975.

The meeting is called for the purpose of obtaining the full and frank opinions of the participants concerning the basic issues involved in and related to the present, sensitive stage of international negotiations for the reform of the international monetary system.

Consequently, a determination as required by section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemptions to public disclosure set forth in 5 U.S.C. 552 (b)(1) and (5), and that the public interest requires such meeting be closed to public participations.

Dated: November 28, 1975.

WARREN F. BRECHT,
Assistant Secretary of the Treasury.

[FR Doc.75-32520 Filed 11-28-75;11:38 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Cancellation of Meeting

The scheduled meeting of the Armed Forces Epidemiological Board which was to be held on 5 December 1975 has been cancelled. The date for the rescheduled meeting will receive timely notice in the FEDERAL REGISTER when determined.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

NOVEMBER 24, 1975.

[FR Doc.75-32187 Filed 11-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO DISTRICT MANAGERS

Redelegation of Authority

1. Pursuant to the authority delegated to the State Director in Bureau Order 701, as amended, Part 1, Section 1.2(a) all Idaho District Managers or Acting District Managers, are hereby authorized to administer oaths to entrymen and their witnesses in connection with the taking of testimony on final proofs for Homestead and Desert Land Entries.

2. The District Managers or Acting District Managers, may redelegate this authority to any qualified employee under their jurisdiction.

WM. L. MATHEWS,
State Director.

Approved: November 24, 1975.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-32189 Filed 11-28-75;8:45 am]

Fish and Wildlife Service

CALIFORNIA DEPARTMENT OF FISH AND GAME

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814. Mr. E. C. Fullerton, *Director.*

OMB NO. 40-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Authorization for Department employees to take endangered and threatened species for conservation purposes, including protection of human life, to aid injured or sick endangered animals and to dispose of diseased animals or dead specimens. Authority given State to issue permits to individuals and institutions to pursue scientific studies of endangered species.

3. APPLICANT. (If firm, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mr. E. C. Fullerton, Director
California Department of Fish and Game
1416 - 9th Street
Sacramento, California 95814
PH: 916-445-3535

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
California Department of Fish Game

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
California Department of Fish and Game

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
E.C. Fullerton, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Statewide

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
November 1, 1976

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) E C Fullerton
DATE Oct. 1, 1975
E. C. Fullerton, Director

3-200
10/74

V40231 DEC 1 75 XUM

APPLICATION FOR ENDANGERED SPECIES PERMIT
CALIFORNIA DEPARTMENT OF FISH AND GAME

1. The applicant's name, mailing address and phone number are Mr. E. C. Fullerton, Director, California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, phone number 916–445–3535.

2. This application is to provide authorization to employees of the California Department of Fish and Game to take endangered and threatened species for conservation purposes, including protection of human life, to aid injured or sick endangered animals, or to dispose of diseased animals or dead specimens. In addition, the Department through its permit system may issue a permit to individuals or other agencies authorizing them to take endangered or threatened species for conservation purposes in accordance with the procedures for the issuance of permits pursuant to Section 10(a) of the Act.

3. The name and address of the principal officer is Mr. E. C. Fullerton, Director, California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814.

4. N/A (not applicable).

5. California Department of Fish and Game.

6. The Department's endangered species program is statewide. A description of the State's endangered species program, including program narratives for all federally-designated endangered and threatened species, has been submitted pursuant to the State's request for a Cooperative Agreement under Section 6(c) of the Endangered Species Act of 1973.

7. N/A.

8. N/A.

9. N/A.

10. The desired effective date of the permit to be November 1, 1975.

11. Duration of the permit be for 1 year and be pursuant to the annual review and approval of the Cooperative Agreement negotiated between the Director, U.S. Fish and Wildlife Service and Director, California Department of Fish and Game.

12. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of 18 U.S.C. 1001.

13. Species information relevant to processing the application to fulfill requirements of 50 CFR 17, Subsection 17.23(s) follows:

(1) The common and scientific names of the species sought to be covered and the actions sought to be authorized.

(a) Mohave chub (*Siphateles mohavensis*); (b) Tecopa pupfish (*Cyprinodon*); (c) Colorado River squawfish (*Ptychocheilus lucius*); (d) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*); (e) Aleutian Canada goose (*Branta canadensis leucoparela*); (f) California clapper rail (*Rallus longirostris obsoletus*); (g) Light-footed clapper rail (*Rallus longirostris levipes*); (h) Yuma clapper rail (*Rallus longirostris yumanensis*); (i) California least tern (*Sterna albifrons browni*); (j) Salt marsh harvest mouse (*Reithrodontomys raviventris*); (k) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department. (l) Owens River pupfish (*Cyprinodon radiosus*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Department of Animal Physiology, University of California at Davis and Department of Fish and Game Relating to a Study of Owens Pupfish" exists. James M. Boda, Chairman, Department of Animal Physiology, is authorized to collect and possess not in excess of 20 pairs of adult Owens pupfish for basic physiological study and captive breeding. The fish are kept at the University of California at Davis and all fish produced in excess of study needs shall be made available for return to the Department.

(m) Unarmored threespine stickleback (*Gasterosteus aculeatus williamspni*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Department of Biological Sciences, California State Polytechnic University, Pomona, and Department of Fish and Game Relating to a Study of the Unarmored Threespine Stickleback" exists. Jerome E. Dimitman, Chairman, Department of Biological Sciences, is authorized to collect and possess not in excess of 50 pairs of adult unarmored threespine sticklebacks for studies of breeding biology, genetics, and mechanisms of inheritance. The fish are kept at the California State Polytechnic University at Pomona and all fish produced in excess of study needs shall be made available for return to the Department.

(n) Blunt-nosed leopard lizard (*Crotaphytes silus*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Institute of Environmental Studies, California State College, Bakersfield Foundation, and Department of Fish and Game Relating to a Study of the Blunt-Nosed Leopard Lizard" exists. F. Duane Blume, Director, Institute of Environmental Studies, is authorized to collect not more than 3 individuals from any one locality for studies on the status and life history of the blunt-nosed leopard lizard. All specimens collected shall be properly labeled and deposited in the Institute collection.

A "Memorandum of Understanding by and between Museum of Vertebrate Zoology, University of California, Berkeley, and Department of Fish and Game Relating to a Study of the Blunt-nosed Leopard Lizard" exists. Robert C. Stebbins, Curator of Herpetology, is authorized to collect not in excess of 6 adult blunt-nosed leopard lizards for study of breeding and other aspects of behavior. These lizards are to be kept at the Museum or other designated location and are to be returned to the area of capture upon termination of behavioral studies.

(o) Desert slender salamander (*Batrachoseps aridus*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Museum of Vertebrate Zoology, University of California, Berkeley, and Department of Fish and Game Relating to a Study of Salamanders" exists. David B. Wake, Museum of Vertebrate Zoology, is authorized to collect not in excess of 6 individuals of each species from any one locality for taxonomic and behavior studies. Upon termination of laboratory studies the salamanders are to be returned to the area of capture or deposited in the Museum collections.

A "Memorandum of Understanding by and between County of Los Angeles, Museum of Natural History, and Department of Fish and Game Relating to a Study of Slender Salamanders" exists. Giles Mead, Museum of Natural History, is authorized to collect and retain not more than 5 slender salamanders from any one locality for the purpose of verifying new or unreported localities. All preserved salamanders shall be properly labeled and deposited in the Museum collections.

(p) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Museum of Vertebrate Zoology, University of California, Berkeley, and Department of Fish and Game Relating to a Study of Amphibians and Reptiles" exists. Robert Stebbins, Museum of Vertebrate Zoology, is authorized to collect not in excess of 6 Santa Cruz long-toed salamanders for life history studies.

(q) California condor (*Gymnogyps californianus*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

Permission is granted by the Department of Fish and Game for Director, Los Angeles Zoo. 5333 Zoo Drive, Los Angeles, California 90027 to possess 1 California condor. The permittee shall not sell, barter, exchange or transfer possession of the California condor without written permission from California Department of Fish and Game. The condor, unsuited for release to the wild, is maintained for scientific study.

(r) Southern bald eagle (*Haliaectus leucocephalus*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between the Regents of the University of California, Davis, Department of Avian Sciences and Department of Fish and Game Relating to Possession of Raptors for Scientific Study" exists. Richard Grau, Chairman, Department of Avian Sciences is authorized to possess raptors for care and rehabilitation, and for physiological and biological studies. The birds are kept at the University of California, Davis, California.

(s) American peregrine falcon (*Falco peregrinus anatum*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

The California Fish and Game Commission has authorized James Adamson, 5665 Val Verde Road, Loomis, California to possess 2 adult peregrine falcons for raptor breeding research. The permittee is not authorized to take peregrine falcons in California or to sell, exchange, barter, or otherwise dispose of peregrines without prior approval of the California Department of Fish and Game.

The California Fish and Game Commission has authorized Gary A. Beeman, 777 Moraga Road, Lafayette, California 94549, to possess 4 peregrine falcons for captive raptor breeding purposes. The permittee is not authorized to take peregrine falcons in California and shall not transfer ownership or possession without first obtaining written permission from the California Department of Fish and Game.

The California Fish and Game Commission has authorized James C. Roush, Applied Science Building, University of California, Santa Cruz, California 95064, to possess 7 pair of peregrine falcons for captive raptor breeding and scientific study. The permittee is not authorized to take peregrine falcons in California and shall not transfer or acquire possession of any peregrine without first obtaining written permission from the California Department of Fish and Game.

The California Fish and Game Commission has authorized Fidele de la Torre, 1760 Fremont Boulevard, Seaside, California 93955, to possess 10 peregrine falcons for captive breeding research. The permittee is not authorized to take peregrine falcons in California and shall not transfer or acquire any peregrine without first obtaining written permission from the California Department of Fish and Game.

The names and addresses of all persons possessing banded peregrine falcons in California legally possessed under California Fish and Game Commission regulations are attached.

(t) Brown pelican (*Pelecanus occidentalis*). On going programs of habitat and population surveillance, enforcement, pubic education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Sea World and California Department of Fish and Game Relating to the Possession and Rehabilitation of California Brown Pelicans" exists. George Millay, President of Sea World, is given authority to care for and rehabilitate sick and injured brown pelicans. Pelicans are kept at Sea World, San Diego and can only be released or disposed of upon approval of the California Department of Fish and Game. (Sea World, 1720 South Shores Road, San Diego, California 92109.)

A "Memorandum of Understanding by and between Alexander Lindsay Jr. Museum and California Department of Fish and Game Relating to the Possession and Rehabilitation of Endangered, Rare and Fully Protected Animals" exists. Gary Bogue, Museum Curator, is given authority to care for and rehabilitate sick and injured endangered, rare and fully protected animals. These animals are kept at 1901 First Avenue, Walnut Creek, California 94596, and can only be released or disposed of upon approval of the California Department of Fish and Game.

A "Memorandum of Understanding by and between Louise A. Boyd Marin Museum of Science and California Department of Fish and Game Relating to the Possession and Rehabilitation of Endangered, Rare and Fully Protected Animals" exists. Bruce Blake, Executive Director, Marin Museum of Sciences is given authority to care for and rehabilitate sick and injured endangered, rare or fully protected animals. The animals are kept at 76 Albert Park Lane, San Rafael, California 94901, and can only be released or disposed of upon approval of the California Department of Fish and Game.

A "Memorandum of Understanding by and International Bird Rescue Research Center and the California Department of Fish and Game Relating to the Possession and Rehabilitation of Endangered Rails, Pelicans, and Terns" exists. Alice B. Berkner, Executive Director, International Bird Rescue Research Center, is given authority to care for and rehabilitate sick and injured endangered rails, terns, and pelicans. The animals are kept at Aquatic Park, Berkeley, California 94710, and can only be released or disposed of upon approval of the California Department of Fish and Game.

(u) San Joaquin kit fox (*Vulpes macrotis mutica*). Ongoing programs of habitat and population surveillance, enforcement, public education, and habitat protection, including review of environmental impact statements and federal compliance reports will be carried forth by the Department.

A "Memorandum of Understanding by and between Roeding Park Zoo and California Department of Fish and Game Relating to Possession of San Joaquin Kit Fox for Rehabilitation and Scientific Study" exists. Paul S. Chaffee, Director, Roeding Zoo is given authority to care for and rehabilitate sick and injured San Joaquin kit foxes. The animals are kept at the Roeding Park Zoo and can only be released or disposed of upon approval of the California Department of Fish and Game.

A "Memorandum of Understanding by and between Dr. Aryan I. Roest and the Department of Fish and Game Relating to Possession of San Joaquin Kit Foxes for Taxonomic Study" exists. Dr. Roest is given authority to possess remains of kit foxes for taxonomic study. The specimens are retained at California Polytechnic State University in suitable storage cabinets until or unless otherwise requested in writing by the Department of Fish and Game.

(2) In addition to the above memorandums of understanding involving the take and possession of endangered species, there exists memorandums of understanding between the Department and the following Federal agencies:

(a) U.S. Fish and Wildlife Service. R. Kahler Martinson, Regional Director, U.S. Fish and Wildlife Service, is given authority to use the services of employees, universities and colleges, students or graduate students to perform field and laboratory studies on endangered and rare species. Such activities are limited to observation, feeding, trapping, marketing, banding and releasing of live specimens.

(b) Bureau of Land Management. James Ruch, Acting State Director, Bureau of Land Management, is given authority to use the services of employees, universities and colleges, students or graduate students to perform field and laboratory studies on endangered and rare species. Such activities are limited to observation, feeding, trapping, marking, banding and releasing of live specimens.

(c) U.S. Forest Service. Douglas B. Leiss is given authority to use the services of employees, universities and colleges, students or graduate students to perform field and laboratory studies on endangered and rare species. Such activities are limited to observation, feeding, trapping, marking, banding and releasing of live specimens.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 31, 1975.

Dated: November 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-32291 Filed 11-28-75;8:45 am]

FEATHER'S FANCY AVIARYS

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Feather's Fancy Aviarys, 2304 Tucker Lane, Dickeyville, Maryland 21207. Mr. Shon Hoss.

V40231 DEC 1 75 XUM

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Breeding, Maintaining, Sale of Rothschild's Mynahs (Leucopsar rothschildi)

3. APPLICANT. (If man, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Feather's Fancy
AVIARYS
2304 TUCKER LANE
DICKEYVILLE, MD. 21207
(301)448-4777/669-0303

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'-7"	WEIGHT 155.Lbs
DATE OF BIRTH 11/18/42	COLOR HAIR Brown	COLOR EYES Hazel
PHONE NUMBER WHERE EMPLOYED 669-0303 (301)	SOCIAL SECURITY NUMBER 215-42-0579	

OCCUPATION: Bird shop owner/Draftsman SHA

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Shon Ross, Feather's Fancy Aviarys

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Pet Shop / but to be breeded as/and in owners own hobby.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: 2304 Tucker La. Baltimore, Maryland 21207

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents) N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 8/30/75

11. DURATION NEEDED: Life

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Shon Ross — DATE: 7/15/75

3-200 (6/74)

Shon Ross

AUGUST 20, 1975.

DIRECTOR,
FISH AND WILDLIFE SERVICE,
Law Enforcement Division,
U.S. Department of Interior,
Washington, D.C. 20240.

DEAR SIR: The undersigned hereby applies for a permit under Section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to Sections 13-12 and 17.23 of Volume 39, No. 3, Part III of the FEDERAL REGISTER.

Section 17.23: (1) Common Name Rothschild's Mynahs Scientific Name (Leucopsar rothschildi) Number and description one Male, one Female.

(2) N/A.

(3) The birds for which this permit is sought were hatched and reared from eggs laid in captivity at the National Zoo, Washington, D.C. U.S.A.

(4) The Feather's Fancy Aviarys consists of many large flights. Several 4' x 8' x 7' where we plan to breed the Rothschild's Mynahs and to house them in winter in 3' x 4' x 8'.

(5) The Two (2) Rothschild's Mynahs were hatched in captivity at the National Zoo.

(6) Not applicable. No birds will be taken from the wild.

(7) (I) The birds will be housed in planted aviarys outside and in cage of the sizes Ref. (4) above. The birds will be protected from wind and weather if necessary. When more than one pair is formed, adequate additional pen space will be added.

(7) (II) Medical Care for the birds will be under the direct supervision of The Feather's Fancy Aviarys and D.V.M. Robert Wagers, 1845 Reistertown Rd., Baltimore, Md.

(7) (III) As the birds breed, full and complete records will be kept. Genetic. Bloodline interchanges will be sought. We will actively participate in maintenance of a studbook.

(7) (IV) Not applicable as we plan to transport by auto Vi. of BWPK.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in the application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of the 18 U.S.C. 1001.

Very truly yours,

SHON ROSS,
2304 Tucker La.,
Dickeyville, Md. 21207.

OCTOBER 18, 1975.

UNITED STATES DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C. 20240.
(Attention: C. R. Bavin).

DEAR MR. C. R. BAVIN: In Re: to request of Aug. 20, 1975, for Endangered Species permit (Leucopsar rothschildi).

Please be advised that we have bred: Silver Throated Tanager (Tangara icterocephala), Mrs. Wilson's or Golden Masked (Tangara nigrocincta), Violet Euphonias (Tangara Violacea), Cordon Bleu (Uraeginthus bengalus), and many more not noted here.

Please advise if more technical information is needed (as soon as possible).

Sincerely yours,

SHON ROSS.

P.S.: We have also maintained Sunbirds, Honeycreepers, Wood-hopoes, and Hummingbirds.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 31, 1975.

Dated: November 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-32290 Filed 11-28-75;8:45 am]

JAMES F. SMITH

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Mr. James F. Smith, RR #2, Winfield, Kansas 67156.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
I WANT TO SHIP TO MY ADDRESS 1 PAIR OF MIKADO PHEASANTS & 1 PAIR OF HUMES BARTAILED PHEASANTS FROM WISCONSIN FOR BREEDING AND PROPAGATION PURPOSES

3. APPLICANT. (If man, complete address and phone number of individual, business, agency, or institution for which permit is requested)
JAMES F. SMITH
RR#2 WINFIELD, KANSAS 67156
TELE-AC.316-221-2960

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 6.0"	WEIGHT 210
DATE OF BIRTH 10-12-39	COLOR HAIR BROWN	COLOR EYES BLUE
PHONE NUMBER WHERE EMPLOYED 221-4050	SOCIAL SECURITY NUMBER 510-38-7975	

OCCUPATION: WELDER FOR SMITH-MOON STEEL CO

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: WEST OF WINFIELD, KANSAS ON 160 HIGHWAY 3 MILES, 10 BLKS NORTH + BACK WEST 15 BLKS ON NORTH SIDE OF ROAD

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents) NOT REQUIRED

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: DEC 1, 1975

11. DURATION NEEDED: 60 DAYS

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17-22 - # 1-2-3-4-5-6-(i)(ii)(iii)(iv)(v)-7-8(i)(ii)(iii)(iv)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James F Smith — DATE: Oct 3, 1975

3-200 (6/74)

DIRECTOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C.

SEPTEMBER 12, 1975.

DEAR SIR: This is a request for a permit to obtain one pair of MIKADO PHEASANTS and one pair of HUME'S BAR-TAILED PHEASANTS for breeding and propagation purposes from Arthur G. Paul, Jr., of Spencer, Wisconsin.

Sincerely yours,

JAMES F. SMITH,
R. R. #2,
Winfield, Kansas 67156.

Pheasants: Bar-tailed (*Syrmaticus humiae*). One male; one female—1975 hatch. Mikado (*Syrmaticus mikado*). One male; one female—1975 hatch.

For propagation purposes.

If this permit is issued to me I will purchase these birds from a reputable dealer in Wisconsin.

I am located two miles west of Winfield, Kansas.

These birds were born in captivity.

Pen will be of poultry netting 6' high, 10' wide, 20' long, with shelter at north end with ½ of top boarded for weather and sun protection. Bottom 4 inches deep sand.

I have raised Blue-eared and Impayans, Elliott's, Swinhoe, Reeves, Silver, Golden, Lady Amherst, and Ring-necked pheasants for the last 15 years. I have a Kansas permit—No. 67, for raising game birds.

I will cooperate in any way with your department or other breeders to allow propagation of these birds.

The Wisconsin supplier has always shipped birds (not on the endangered species list) in wire crates with water and feed containers permanently attached. They always had feed and water 16" x 2" x 16" high. I called him on the telephone. We are acquainted from previous dealings.

I have successfully raised Swinhoe's (eleven young out of one pair this year), and other birds. We want to see if we can raise a more delicate and distinctive bird in our climate area and with our experience.

We will handle these birds, breed and propagate same, and try to do our part in getting them established again.

We will try to do our part to get these species off the endangered list.

If we raise birds out of these pairs we will want to ship interstate, likewise.

DIRECTOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C.

OCTOBER 22, 1975.

DEAR SIR: In answer to your questions:

The Hume's Bar-tailed pheasants and the Mikado pheasants will be shipped air, express from Wisconsin to Wichita, Kansas. I will be notified immediately and will pick them up.

The housing facilities include a 4' x 4' shed all enclosed except for a place for them to go into. Also, will have an outside pen made of 1-inch poultry netting 10' x 18' x 6' tall.

I have been raising birds as a hobby since 1957. I have my own incubator, sufficient brooders, and the know-how to raise these birds. I have successfully raised Blue-eared, Swinhoe, Reeves, Golden, Lady Amherst, Elliott's, White-crested Kalij, Impayans, and Ring-necked pheasants.

Thank you,

JAMES F. SMITH.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 31, 1975.

Dated: November 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-32289 Filed 11-28-75;8:45 am]

NATIONAL FISH AND WILDLIFE LABORATORY, GAINESVILLE FIELD STATION, FLORIDA. HOWARD W. CAMPBELL, PH. D., CHIEF

Notice of Receipt of Application for Additional Amendments to Marine Mammal and Endangered Species Permit

A permit authorizing capture, tagging, holding, transport and release of no more than twelve WEST INDIAN MANATEES (*Trichechus manatus*) was issued to the National Fish and Wildlife Laboratory, Gainesville Field Station, Florida, on September 25, 1975, pursuant to the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. A notice containing the application for the permit was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32366-67), soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on October 8, 1975 (40 FR 47161).

Dr. Howard W. Campbell, Chief, Gainesville Field Station, National Fish and Wildlife Laboratory, Gainesville, Florida, submitted significant amendments to the permit on August 26, 1975. These were published in the FEDERAL REGISTER on November 13, 1975 (40 FR

V40231 DEC 1 75 XUM

52871–72–73), with a comment period to December 15, 1975, and included a copy of the permit issued September 25, 1975, and Amendment No. 1, issued on October 1, 1975.

Under date of November 11, 1975, Dr. Campbell submitted an additional request for amendments to the permit. Published herewith is that request. It, too, is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

November 11, 1975.

MR. C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

DEAR MR. BAVIN: The purpose of this letter is to request an amendment to our permit #PRT 9–25–C, which allows to capture, transport, tag and release West Indian manatees, *Trichechus manatus*, for the purpose of developing suitable tagging techniques. Our first experience, in October of 1975, indicates that field observation of the suitability of the tagging methods may be unsatisfactory due to poor water visibility. Consequently, we wish to amend our permit appropriately so we may study the results of our efforts under more controlled conditions.

We wish to amend our permit in the following way:

Pg. 5, Holding Facilities Section, Par. 1: Omit the last sentence, "If possible ------", Add:

One or more animals will be transported to an approved shore based holding facility with underwater viewing capabilities at Marineland of Florida, Marineland, Florida. The animals will be held there for up to six months while tag attachment methods are studied. A captive manatee in the same tank at Marineland will serve as a behavioral control for comparison of responses of the wild manatees to their tags.

When released, the manatees held under this permit will be returned to their point of capture.

Pg. 5, #4, line 2: Change 21 days to six months.

Pg. 6, line 2, Add:

Manatees held at Marineland will be fed appropriate amounts as determined by food requirements of the manatee held there for the last 3+ years.

As you know, the manatee we tagged in October died for unknown reasons. The autopsy failed to document any relationship between the tagging and the animal's death. but we still feel it prudent to fully explore the reactions of manatees to tagging under more strictly controlled conditions.

This amendment should have no bearing on another amendment application dated August 26, 1975, which is still pending.

Any action you can take to expedite processing of this request and of our August 26 request will be greatly appreciated.

Sincerely,

HOWARD W. CAMPBELL,
Chief,
Gainesville Field Station, NFWL.

(From pages 5 and 6 of the original permit application of June 5, 1975, from Dr. Campbell, with the requested amendments of November 11, 1975.)

Holding Facilities:

A dredged area, approximately 25 m x 40 m is located at the extreme northern end of the Banana River, Merritt Island, Florida, on the NASA Base. Groups of manatee are seen to move in and around this area almost daily. We intend to enclose one or more animals in that area. They will be separated with flexible fencing in pens at least 8 m x 13 m x 2 m deep. During tag application, the animals will be netted and stranded with the aid of either a portable crane or a floatable squeeze box-type device. If possible, tags will be applied in such a way that they can be observed without requiring recapture.

Omit the last sentence, "If possible . . ", *Add:*

One or more animals will be transported to an approved shore based holding facility with underwater viewing capabilities at Marineland of Florida, Marineland, Florida. The animals will be held there for up to six months while tag attachment methods are studied. A captive manatee in the same tank at Marineland will serve as a behavioral control for comparison of responses of the wild manatees to their tags.

When released, the manatees, held under this permit will be returned to their point of capture.

(4) During tag testing, each manatee will be confined for not more than 21 days (see above).

Change: 21 days to six months.

During that period each animal will be provided with at least 75 lbs. of aquatic vegetation or lettuce if they will eat it. Note: Lettuce is the most common staple of captive manatee diets.

Add: Manatees held at Marineland will be fed appropriate amounts as determined by food requirements of the manatee held there for the last 3+ years.

In keeping with the spirit of the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, this Notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 31, 1975.

Dated: November 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-32293 Filed 11-28-75;8:45 am]

TOM J. CADE

Endangered Species Permit; Notice of Receipt of Applications

Notice is hereby given that the following applications for a permit are deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Dr. Tom J. Cade, Cornell University Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14850.

OMB NO. 43-R1426

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation from Canada of live specimens of Peregrine Falcons, domestically produced individuals only, total of six.

3. APPLICANT. (If name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Tom J. Cade
Cornell University Laboratory of Ornithology
159 Sapsucker Woods Road
Ithaca, N. Y. 14850

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 150 lbs.
DATE OF BIRTH: 10 Jan. 1928 COLOR HAIR: brown COLOR EYES: brown
PHONE NUMBER WHERE EMPLOYED: (607) 256-5056 SOCIAL SECURITY NUMBER: 449-30-6789
OCCUPATION: Professor of ornithology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
New York State College of Agriculture and Life Sciences
Cornell University
Ithaca, N. Y. 14853

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Cornell University
159 Sapsucker Woods Road
Ithaca, N. Y. 14850

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Bird-banding no. 7252
Special Purpose no. 5-SP-565

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
CWS documents pending
NYS permit SC-1326

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: as soon as p.

11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK): Tom J. Cade DATE: 22. Oct 75

3-200 (6/74)

T. J. Cade, Permit Application: Attachment—Specific Information Required Under 50 CFR 17.23.

1. Common and Scientific Name: Peregrine Falcon, *Falco peregrinus*.

2. Name and Address of Sender: Richard Fyfe, Canadian Wildlife Service, Room 1110, 10025 Jasper Avenue, Edmonton, Alberta T5J 1S6.

3. Justification: The purpose for *importing* these falcons is to increase the genetic diversity of our captive breeding stock at Cornell, in order to prevent the deleterious effects of inbreeding and to produce the best possible Peregrines for release to the wild.

4. Location: Behavioral Ecology Building, Cornell University, 159 Sapsucker Woods Road, Ithaca, N.Y. 14850.

5. These birds are all presently held in captivity at the Canadian Wildlife Service falcon breeding station at Fort Wainwright, Alberta. None will be removed from the wild to accommodate our request for an exchange of birds.

6. Not appropriate.

7. Description of Facility: An exploded view of a breeding chamber is depicted in the accompanying diagram. (ii) Experience: We have been keeping and breeding Peregrines and other falcons in captivity for five years and have raised 68 Peregrines, about [illegible] Prairie Falcons, about 25 Lanners, and [illegible] Gyrfalcons, not to mention kestrels and some other species. Our staff consists of four full-time personnel, in addition to the director of the program, and from three to four graduate student assistants. (iii) We are willing and have been participating in a cooperative breeding program for some years and have been helping to develop a studbook for domestically propagated birds of prey. (iv) Transport: The falcons will be transported in suitable, enclosed, boxlike containers that we have designed and found to be best for shipping birds of prey. They will be personally accompanied by one or more of our staff, and they will be transported in a private airplane. They will *not* be shipped by common carrier. The port of entry will be Pimbina, North Dakota.

TOM J. CADE,
October 22 1975.

V40231 DEC 1 75 XUM

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 43-R029

1. APPLICATION FOR (Indicate only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Exportation to Canada of live specimens of Peregrine Falcons, domestically produced individuals only, total of six.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Tom J. Cade
Cornell University Laboratory of Ornithology
159 Sapsucker Woods Road
Ithaca, N. Y. 14850 (607) 256-5056

4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 5'8" | WEIGHT 150 lbs
DATE OF BIRTH: 10 Jan. 1928 | COLOR HAIR: brown | COLOR EYES: brown
PHONE NUMBER WHERE EMPLOYED: (607) 256-5056 | SOCIAL SECURITY NUMBER: 449-30-6789
OCCUPATION: Professor of ornithology

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
New York State College of Agriculture and Life Sciences
Cornell University
Ithaca, N. Y. 14853

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Cornell University
159 Sapsucker Woods Road
Ithaca, N. Y. 14850

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Bird-banding no. 7252
Special Purpose no. 5-SP-565

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
CWS documents pending
CITES permit SC-1326

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: As soon as p. | 11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.23

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF APPLICANT: Tom J. Cade | DATE: 22 Oct 75

FWS Form 3-200 (6-74)

T. J. Cade, Permit Application: Attachment—Specific Information Required Under 50 CFR 17.23

1. Common and Scientific Name: Peregrine Falcon, *Falco peregrinus*.

2. Name and Address of Receiver: Richard Fyfe, Canadian Wildlife Service, Room 1110, 10025 Jasper Avenue, Edmonton, Alberta T5J 1S6.

3. Justification: The purpose for *exporting* these birds is to increase the genetic diversity of the breeding stock at the CWS facility at Fort Wainwright, Alberta, in order to prevent the deleterious effects of inbreeding and to produce the best possible Peregrines for release in the wild.

4. Location: These birds will be kept at the Canadian Wildlife Service falcon breeding facility at Fort Wainwright, Alberta.

5. These birds are all domestically produced individuals from parents held in captivity at the Behavioral Ecology Building, Cornell University, Ithaca, N.Y. 14850. None will be removed from the wild to accommodate our request for an exchange of birds.

6. Not appropriate.

7. Description of Facility: The CWS facility consists of a series of large, outdoor enclosures similar in size and design to those in use for birds of prey at the Patuxent Wildlife Research Center in Maryland. (ii) Experience: The Canadian program has been under way for about five years. It produced eighteen Peregrines in 1975, and it has also produced a large number of Prairie Falcons, several Merlins, and some Gyrfalcons. A thoroughly competent staff runs the program. (iii) The Canadians are perfectly willing to participate in a cooperative breeding program and have done so for some years within their own country. The main purpose of this permit application, in fact, is to establish an international cooperative breeding program. (iv) Transport: The falcons will be transported in suitable, enclosed, boxlike containers that we have designed and found to be best for shipping birds of prey. They will be personally accompanied by one or more of our Cornell staff, and they will be transported in a private airplane. They will not be shipped by common carrier. The port of exit from the United States will be Pimbina, North Dakota.

TOM J. CADE,
October 22, 1975.

Documents and other information submitted in connection with these applications are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on these applications by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 31, 1975.

Dated: November 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-32292 Filed 11-28-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-22]

ALABAMA BY-PRODUCTS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Alabama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.1704 to its Mary Lee No. 1 Mine, Walker County, Alabama.

30 CFR 75.1704 provides:

Except as provided in §§ 75.1705 and 75.-1706, at least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person, including disabled persons, and which are to be designated as escapeways, at least one of which is ventilated within intake air, shall be provided from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground area of the mine of surface fires, fumes, smoke, and floodwater. Escape facilities approved by the Secretary or his authorized representative, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

In support of its petition, Petitioner states:

(1) Mining is accomplished by conventional equipment, that is cutting machines, loading machines, shuttle cars, rock and coal drills, etc., and continuous mining equipment. The mined coal from each operating section is transported by belt conveyors to a raw coal storage pile on the surface which is adjacent to the coal preparation plant.

(2) The designated escapeways currently in use in this mine are the intake and the return airways. In the past, mine management submitted a plan designating the intake airways and the belt neutrals as the designated escapeways. However, MESA rejected the use of belt neutrals as a designated escapeway and required that the second designated escapeway be the return airways.

(3) Petitioner contends that section 317(f)(1) of the Act and 30 CFR 75.1704 of the Departmental regulations do not prohibit use of the belt neutral airway as a designated escapeway, nevertheless since MESA has placed this interpretation upon these sections of the Act and Regulations, Petitioner and the union safety committee at the mine suggest an alternative method will achieve a greater measure of protection to miners than that provided by MESA's 30 CFR 75.1704.

(4) A large portion of this mine is comprised of coal 40 inches and less in thickness. As mining progresses daily, the distances to surface escape facilities increase. In low coal seams of 40 inches or less, miners are unable to walk. They would be required to crawl to safety. While crawling, the hazard they are trying to escape would likely overtake them.

(5) Petitioner submits that the application of the foregoing regulation and interpretation, as applied to Petitioner's mine results in a diminution of safety. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, Petitioner proposes an alternate method, as set forth hereinafter.

(6) *Alternate Method.* (a) Petitioner proposes that it be allowed to designate its belt neutral airways as the second designated escapeway. These belt neutrals are ventilated almost entirely by a separate split of air from the intake escapeway. The majority of the air (87 percent; 154,000 cfm) ventilating the belt neutral intakes through the material and belt slope while a small portion (13 percent; 22,750 cfm) intakes through the intake shafts. Exhibit A[1] shows the area where this air mixes.

(b) The belt neutrals are bushed (additional height taken) to the point where miners can walk instead of crawl to safety. Main line belt neutrals have track which further provides the possibility of transportation for quicker escape. In addition the miners will be going toward fresh (intake) air instead of having the contaminated air following them as it would in the return airways. This would eliminate the danger of smoke overtaking the miners as they crawled in low coal.

(c) Mine management and the local union safety committee are of the opinion that the use of belt neutrals as escapeways provides a greater degree of safety than does the use of return airways for yet another reason. 30 CFR 75.1704-2(e) requires that practice escapeway drills be conducted with all miners to keep them informed of the route of escape. The purpose of this requirement is to train miners to properly react in the event of an emergency. Two hundred employees (50 percent of the work force) are people who have no prior mining experience. These employees are being trained to follow what Petitioner and the union safety committee feel is a "less safe" route of escape—the return escapeway. MESA representatives have stated that even though the return is one of the designated escapeways, employees were not required to use them, but could use the belt neutral. However, Petitioner is of the opinion that miners should be trained to use the safety escape ways (the belt neutral and the intake) so that when and if a hazardous condition occurs, they will react and move to safety through the best possible escapeways. To train miners to use the return escapeway when it is not as safe an escapeway as a belt neutral is to train miners to react in a manner which does not provide the greatest degree of safety.

(d) If the alternative method of using belt neutrals as designated escapeways is accepted, mine management will substitute the belt neutrals as designated escapeways in place of the return escapeways. Petitioner will continue to comply with 30 CFR 75.1704-2(e), training miners to use intake escapeways and belt neutral escapeways.

Exhibit B[2] is a drawing of a mine section showing the present designated escapeways (intake and return) and the proposed alternative method (belt neutral escapeways).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 18, 1975.

[FR Doc.75-32190 Filed 11-28-75;8:45 am]

[Docket No. M 76-24]

LACO, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Laco, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine, Oliver Springs, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states: (1) The roadway in question is gravel surface, 18 to 20 feet wide, with numerous passing zones. The roadway has a total length of two (2) miles from petitioner's mining operation to the county road.

(2) Where steep portions of roadway are sloped, they are sloped toward the bank and away from the lower side of the roadway. Some locations have had berms constructed; however, no guardrails have been installed.

(3) Installation of guardrails and berms, except where needed, would take away portions of the usable driving surface and would thereby render the roadways more dangerous than if berms and guardrails were installed.

(4) Installation of berms on the side of the level portions of said roadway would be particularly harmful to the roadway in that it would interfere with drainage. Such construction would present more of a danger to persons using the roadway than now exist.

(5) Where steep portions do not have berms, their installation would occupy such a large portion of the existing usable roadway as to greatly diminish the road's usefulness for hauling. Widening the roadway would entail blasting the existing stable rock highwall. Guardrails would have to be installed on the fill materials and it would be very difficult to make them substantial so as to provide a reasonable degree of safety.

(6) Petitioner has installed traffic control signs along the entire length of the roadway.

(7) Petitioner has an excellent safety record in its hauling and traveling over said roadway which record results from proper maintenance, supervised traffic system, and the condition of vehicles using the roadway.

(8) Petitioner is now in the process of phasing out this operation and consequently the use of this roadway.

(9) The installation of berms and guardrails in this particular situation would involve great expense and for the reasons stated in the foregoing paragraphs would not provide additional safety for the operation.

Petitioners believes that the precautions already taken, and the maintenance and traffic systems presently being used, will afford a higher degree of protection for truck drivers and other persons using said roadway than will be afforded by the installation of berms and guardrails as required by the Departmental regulations.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 31, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

[1] Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

[2] Exhibit B is available for inspection at the address contained in the last paragraph of the notice.

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Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 17, 1975.

[FR Doc.75-32191 Filed 11-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ARKANSAS ELECTRIC COOPERATIVE CORP., LITTLE ROCK, ARK.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed loan application from Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 72209. This proposed loan application, together with funds from other sources, will provide AECC with the necessary financing required to participate with Southwestern Electric Power Company for a 550 MW coal-fired unit called the Flint Creek Power Plant, located in northwestern Arkansas.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric, at the address given above. Comments must be received on or before February 2, 1976, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 20th day of November 1975.

RICHARD F. RICHTER,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-32300 Filed 11-28-75;8:45 am]

BROOKVILLE TELEPHONE CO., BROOKVILLE, PA.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39, No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,500,000 to the Brookville Telephone Company, Brookville, Pennsylvania. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harold G. Payne, President, Brookville Telephone Company, c/o T.U.P., Inc., P.O. Box E Export, Pennsylvania 15632.

To assure consideration, proposals must be submitted on or before December 31, 1975, to Mr. Harold G. Payne. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Brookville Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 21 day of November 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-32298 Filed 11-28-75;8:45 am]

Soil Conservation Service

UPPER NEW RIVER WATERSHED PROJECT, SOUTH CAROLINA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Upper New River Watershed Project, Beaufort and Jasper Counties, South Carolina, USDA-SCS-EIS-WS-(ADM)-75-1-(F)-SC.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement provide for conservation land treatment and 28 miles of multiple-purpose flood prevention and drainage channels. The channel work will involve 7 miles previously modified by man and 21 miles where there is no or practically no existing channel. Of the 28 miles of channel work, 19 miles have ephemeral flow and 9 miles are intermittent.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests: Soil Conservation Service, USDA, One Greystone West, Suite 200, 240 Stoneridge Drive, Columbia, SC 29210.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: November 18, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water, Resources Soil Conservation Service.

[FR Doc.75-32188 Filed 11-28-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HOWARD UNIVERSITY HOSPITAL, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 22, 1975.

Amended regulations issued under cited Act, (40 FR 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00177-39-43780. Applicant: Howard University Hospital, 2041 Georgia Avenue, N.W., Washington, D.C. 20001. Article: OCCC Electric Elbow, Model 056. Manufacturer: Variety Village Electro-Limb Production Center, Canada. Intended use of article: The article is intended to be used in a hybrid prosthesis which will also utilize an electric hook in an effort to provide improved function for children with upper extremity amelia (without arms) or severe phocomelia (seal like arms). After fitting with the devices, an assessment will be made to determine proficiency in terms of manual dexterity and activities of daily living. This combination will be tested with respect to feasibility of combining the two battery powered systems in one prosthesis. Application received by Commissioner of Customs: October 22, 1975.

Docket Number: 76-00200-00-77040. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Electrostatic Analyzer, Faraday Cup Collector, Oxygen leak system and Immersion Lens, for Ion Microanalyzer. Manufacturer: Cameca, France. Intended use of article: The articles are accessories to an existing IMS-300 Ion Microanalyzer System being used in research to study the application of secondary ion mass spectrometry to surface analysis of samples from solid state systems for the characterizations of new materials. Problems to be investigated involve the study of surface transport properties, interphase and grain boundaries; surface structure, thin films, and chemical reactions at surfaces. A parallel program of research on the technique will involve the study of direct images of surfaces and novel methods of computerized data processing and interpretation of these images. Application received by Commissioner of Customs: November 10, 1975.

Docket Number: 76-00201-33-43400. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA. 95064. Article: Micromanipulator, Model SM-20 and accessory, Model SM-19 electrode carrier. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: The article is intended to be used for studies of the neural mechanisms of choice (and learning) in *Pleurobranchaea Californica*. The aim of the study is an understanding of a simple form of choice behavior, a behavior common to almost every animal, in terms of single neurons and their interconnections. Application received by Commissioner of Customs: November 10, 1975.

Docket Number: 76-00202-33-90000. Applicant: The Medical Center, P.O. Box 951, Columbus, Georgia 31902. Article: EMI Brain Scanner System with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to scan the brains of patients who are clinically suspected of central nervous system disease. Patients will be studied in order to confirm or exclude the presence of brain tumor, aneurysm, brain hemorrhage, or congenital malformations. The brain abnormalities demonstrated on computerized axial tomography will be compared with findings of other methods, such as isotope scan, cerebral angiography, and pneumoencephalography. The article is also intended to be used in short courses for neuroradiologists and general radiologists in the area of diagnosis of brain disease by computerized axial tomography. Application received by Commissioner of Customs: November 10, 1975.

Docket Number: 76-00203-33-46040. Applicant: University of Nebraska-Lincoln, School of Life Sciences, Lincoln, Nebraska 68588. Article: Electron Microscope, Model 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for multiple research purposes which will include the following:

1. High resolution autoradiography of melanogenesis in cultured chick embryo cells.
2. Relationship of microfilaments and/or microtubules to pigment dispersal and transfer in mutant melanocytes.
3. The effects of hormonal and tumorigenic regimens upon mouse mammary glands in vitro.
4. Cell surface alterations in normal irradiated, and irradiated-transplanted mouse spleens.
5. Macrophage responses to different species and strains of leishmania and leishmania-like organisms.
6. The effects of plant hormones upon ribosomal configurations.
7. Studies of membrane transport.
8. Fine structural studies of viruses.

In addition, the article is to be used for educational purposes in the following courses:

(1) Life Sciences 915, Transmission Electron Microscopy, in which students are taught the elements of transmission electron microscopy.

(2) Life Sciences 909, Doctoral Dissertation and Life Sciences 899, Master Thesis for graduate students.

(3) Zoology 399H Honors Course for outstanding undergraduates participating in research. Application received by Commissioner of Customs: November 10, 1975.

Docket Number: 76-00204-01-19000. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, Missouri 65401. Article: Vibrating Densimeter for Fluids, Model 01D. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article is intended to be used for studies of pure liquids and multicomponent liquid solutions. Measurements will be made of the densities of these liquids and solutions with parts-per-million sensitivity. These measurements will be used to determine apparent partial molar volumes of solutes as a function of solvent composition and temperature. Application received by Commissioner of Customs: November 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.32270 Filed 11-28-75;8:45 am]

NATIONAL INSTITUTES OF HEALTH, BETHESDA, MD.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00123-33-90000. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: X-ray Diffractometer, GX-6 (Rotating Anode), and accessories. Manufacturer: Elliot, United Kingdom. Intended use of article: The article is intended to be used for studies of structure and function of biological membranes and proteins.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.2 x 2.0 mm) and a rotating target for maximum x-ray beam intensity. The National Bureau of Standards (NBS) advises in its memorandum dated November 12, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NES also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.75-32266 Filed 11-28-75;8:45 am]

TEXAS SOUTHERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of

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the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00036–33–46500. Applicant: Texas Southern University, 3201 Wheeler Avenue, Houston, Texas 77004. Article: Ultramicrotome LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare specimens of biological materials, mainly mammalian tissues derived from experimental animals, that exhibit both normal and abnormal (pathologic) structure. Investigations will be conducted to identify and localize antigenic molecules in normal and adnormal cells at various stages of developmental processes.

Comments: No comments have been received with respect to this application. Decision: Application aproved. No instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microcsope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen geing sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speesd and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the National Bureau of Standards in its mmeorandum of November 5, 1975 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies.

We therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-32268 Filed 11-28-75;8:45 am]

UNIVERSITY OF ALASKA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00557–50–70000. Applicant: University of Aluska, Geophysical Institute, Fairbanks, Alaska 99701. Article: Radiometers (4 each). Manufacturer: Middleton & Co., Australia. Intended use of article: The article is intended to be used to measure fluxes of incoming radiation from the sun and sky at the surface of the pack ice in the Beaufort Sea as well as outgoing fluxes from the same surface to determine a radiation climatology for the Beaufort Sea.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or aparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the foreign article was ordered (June 2, 1975). Reasons: The foreign article provides the specification of convertibility to a hemispheric device. The National Bureau of Standards (NBS) advises in its memorandum dated November 12, 1975 that the specification cited above is pertinent to the applicant's intended purposes. NBS also advise that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-32269 Filed 11-28-75;8:45 am]

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00031–33–46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 10A. Manufacturer: Car Zeiss, West Germany. Intended use of article: The article is intended to be used in research to detect and interpret changes in cellular ultrastructure induced by mutations through study of the soil round worm, *Caenorhabditis elegans*. Other research will include the following: (1) Studies of the structure of chromosomes; (2) Studies of DNA replications apparatus in E. coli, SV40 and mammalian cells; (3) Analysis of restriction endonuclease cleaved DNAs; and (4) Studies of hormonally induced fine structural changes in the silk gland of the silk moth *Bombyx mori*. The article will also be used in training graduate students in electron microscopy techniques. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 2, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000x without a pole-piece change and a guaranteed resolution of 3.5 Angstroms point to point (Å pt.) The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David).

The Model EMU–4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000x should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment. The EMU–4C provided a guaranteed resolution of 5Å pt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 5, 1975 that distortion free micrographs at low magnifications (100x) immediately followed by high magnification examinations at 200,000X without a pole-piece change and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the magnification range without pole-piece change and the guaranteed resolution of the domestic Model EMU–4C was not scientifically equivalent to that of the foreign article for the applicant's intended use at the time the article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-32307 Filed 11-28-75;8:45 am]

NEW YORK STATE DEPARTMENT OF HEALTH ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Imporation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975). (See especially § 301.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00032–33–46040. Applicant: New York State Dept. of Health, New Scotland Avenue, Division of Laboratories and Research, Albany, New York 12201. Article: Electron Microscope, Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the following research: (1) Investigation of the detailed ultrastructure of clinical as well as the identification or ultrastructural characteristics of virus-like agents obtained from intestinal tract and other organs of cases of Reyes syndrome; (2) Examination of the matrix, protein organization and the membrane of mitochondria of liver and central nervous system; (3) Examination of the disruption of nucleic acids within the nucleus and nucleolar of pancreatic acinar cells; (4) Examination of a variety of cell types infected with virus-like material obtained from clinical cases to determine the effects on relationship of nascent RNA molecules to the DNA; (5) Association of protein with elongating nascent RNA moecules in the synthesis of early viral proteins; (6) Determination of the relationship of structural features of "aflatoxin-induced Reye's syndrome" to Reye's syndrome as it occurs in the United States; and (7) Relationship of disease induced in primate animal model systems to the clinical syndrome. Application received by Commissioner of Customs: July 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: November 5, 1975. Article ordered: November 14, 1975.

Docket Number: 76–00034–33–46040. Applicant: New York State Dept. of Health, New Scotland Avenue, Division of Laboratories and Research, Albany, New York 12201. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for the investigation of phenomena related to the production of metastatic disease in animal model systems. Structural features of both natural host and tumor cells will be examined for basic clues to the transport of malignant cells from the site of origin to the malignancy. Experiments will be conducted in congenic responder and nonresponder mouse strains. In vitro experiments with human pathologic tissue will also be undertaken to determine the responsiveness to plant lections. Effects of immunosuppression and immune enhancement on the relationship of high and low affinity antibodies to tumor cells will also be studied in mouse systems. Application received by Commissioner of Customs: July 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: November 5, 1975. Article ordered: September 5, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope which is currently supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving cabability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-32316 Filed 11-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PUBLIC ADVISORY COMMITTEE

Request for Nomination of Members

The Commissioner of Food and Drugs requests nominations for membership on the Science Advisory Board of the National Center for Toxicological Research at Jefferso , Arkansas. Six vacancies will occur on the Board as of June 30, 1976.

The function of the Science Advisory Board is to advise the Director, National Center for Toxicological Research (NCTR) in establishing and implementing a research program that will assist the Commissioner and the Administrator of the Environmental Protection Agency in fulfilling their regulatory responsibilities. The Board provides the extra-agency review to assure that research programs and methodology de-

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velopment at NCTR are scentifically sound and pertinent to environmental problems.

Terms of office are 3 years. Members shall have diversified experience in biomedical research and be recognized experts in at least one discipline directly related to carcinogenesis, mutagensis, or teratogenesis. Current needs are in pathology, food technology, immunology, biochemistry, pharmacology, teratology, and endocrinology.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the Board, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to the Executive Secretary, Science Advisory Board, National Center for Toxicological Research, Jefferson, AR 72079, no later than January 15, 1976.

Dated: November 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32246 Filed 11-28-8:45 am]

SCIENCE ADVISORY BOARD TO THE NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Request for Nominations for Nonvoting Consumer Representative

The Commissioner of Food and Drugs is requesting nominations for a nonvoting consumer representative on the Science Advisory Board to the National Center for Toxicological Research (NCTR). Nominations must be received no later than December 31, 1975.

The function of the NCTR is to provide a national and international resource for developing toxicological methodologies for safety evaluation of chemical substances found in man's environment.

The Science Advisory Board advises the Director of the NCTR in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator of the Environmental Protection Agency in fulfilling their regulatory responsibilities. The Board provides the extra-agency review to assure that research programs and methodology development at the NCTR are scientifically sound and pertinent to environmental problems.

Any interested person or consumer organization may nominate one or more qualified persons to serve as a nonvoting consumer representative on the Science Advisory Board.

Nominations must state that the nominee is aware of the nomination, is willing to serve as a nonvoting consumer representative, and appears to have no conflict of interest that would preclude committee membership. A complete curriculum vitae is also required.

All nominations for consumer representatives must be submitted in writing to the Director, Office of Consumer Programs (HFG-1), Office of Professional and Consumer Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

After the time for receipt of nominations has expired, the curriculum vitae for each of the nominees, together with a ballot that must be filled out and returned to the address listed above within 30 days, will be sent to organizations listed as having been deemed eligible to vote for consumer representatives by the Office of Consumer Programs. The selection of the consumer representative will be determined from the ballots submitted.

Dated: November 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32247 Filed 11-28-75;8:45 am]

Health Services Administration

ASSISTANT SECRETARY FOR HEALTH; COMPREHENSIVE DIAGNOSTIC AND TREATMENT CENTERS

Delegation of Authority

Notice is hereby given that the following delegation and redelegation, with authority for further redelegation, have been made under section 1131 of the Public Health Service Act, as added by section 606 of Pub. L. 94-63 providing for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers:

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary for Health, Education, and Welfare, by section 1131 of the Public Health Service Act, as added by section 606 of Pub. L. 94-63, with the exception of authority to issue regulations.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration to perform all of the authorities delegated to the Assistant Secretary for Health regarding section 1131 of the Public Health Service Act, as added by section 606 of Pub. L. 94-63.

The above delegation and redelegation were effective on November 10, 1975.

Dated: November 18, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-32248 Filed 11-28-75;8:45 am]

Office of Education

FEDERAL PROGRAMS EVALUATION COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Federal Programs Evaluation Committee of the National Advisory Council on Extension and Continuing Education will be held on December 16, 1975, in the Council Office, 425 13th St., NW., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Federal Programs Evaluation Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376-8888) no later than December 11, 1975. The purpose of the meeting will be to review all Office of Education programs having extension and community service components. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St., NW., Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

NOVEMBER 24, 1975.

[FR Doc.75-32395 Filed 11-28-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-487-DR; NFD-312]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated October 2, 1975, and amended October 14, 1975, and October 20, 1975, and October 30, 1975, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 2, 1975:

The County of: Cortland.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 20, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-32309 Filed 11-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX76-1; Notice 1]

JET INDUSTRIES LTD.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Jet Industries Ltd. of New York City, New York, has applied for a 2-year exemption from certain safety standards on the basis that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

Jet intends to import the Subaru 360 van, manufactured by Fuji Heavy Industries of Japan. The vehicle is not marketed in the United States and therefore is not certified as conforming to the Federal motor vehicle safety standards. Upon arrival in the United States these vehicles will have their gasoline-powered engines removed and electric motors substituted. It will be marketed as a truck under the name "Electro Van." The officers of the company have been engaged in experiments with and development of electric vehicles since the early 1960's. It asks for a 2-year exemption and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. The following is a list of Federal standards or portions thereof for which exemption is requested:

No. 101 Control location, identification and illumination. § 4.3—control identification for headlamps, hazard warning, and windshield wiper switcher will not be illuminated.

No. 103 Windshield defrosting and defogging systems. Vehicle is furnished with systems but petitioner is unsure if performance requirements are met.

No. 104 Windshield wiping and washing systems. Wiping system has one speed only, with a frequency of 50 cycles per minute.

No. 108 Lamps, reflective devices, and associated equipment. Petitioner believes that stop, turn signal, and side marker lamps are not of a size required by the standard.

No. 119 New pneumatic tires for vehicles other than passenger cars. Vehicle is equipped with 5.00 x 10 tires, a size which, to petitioner's knowledge, is unavailable domestically.

No. 205 Glazing materials. Side and rear windows are marked AS1; "windshield of shatter-proof glass, but may not meet necessary standards."

No. 206 Door locks and door retention components. "Only limited tests as prescribed have been made at this time."

No. 207 Seating systems. "Only limited tests as prescribed have been made at this time."

The company argues that the exemptions will not unreasonably degrade the safety of the vehicle because of its low operating speeds and intended urban use. It also argues that an exemption would facilitate the development and study of electric vehicles "under different conditions of terrain and climate."

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Jet Industries. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: December 31, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51, 49 CFR 501.8)

Issued on November 25, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-32308 Filed 11-28-75;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Joint Meeting of the Vehicle and Highway Environment Subcommittees

On Friday, November 21, 1975 in Federal Register Vol. 40, No. 226, page 54285 notice of an open meeting of the Vehicle and Highway Environment Subcommittees of the National Highway Safety Advisory Committee was published. The agenda items for this meeting are as follows:

On Monday, December 8 at 8:30 a.m. in room 2232 the following items are scheduled:

NHTSA Update of Information on Heavy Truck Accidents.

Final Report: Fatal Tractor Trailer Crashes.

Fatality Rates for Trucking and Other Surface Freight Transportation Modes.

DOT's Proposed Deregulation of Trucking Industry.

Personal Observations on Compliance with Highway Construction Standards.

Roadside Hazards on the Federal-Aid Highway System.

Status of FHWA's Highway Safety Emphasis Program: Accident Data Collection, Analysis & Application, Division Safety Coordinators.

On December 9, Tuesday, at 8:30 a.m. in room 4234 the following items are scheduled:

Railroad Grade Crossing Program Status.

Highway Trust Fund and Proposed Changes.

Cost Impact of Heavier Trucks on Maintenance and Completion of Interstate Highway System.

Status of FMVSS 121 (Air Brake Standard)—Its Effect Upon Safety of Heavier Truck Safety.

Impact of Heavier Trucks on Deteriorating Highway Bridge Situation.

Uniform National Standards for Truck Size, Weight and Length.

New Business/Old Business.

The above meeting will take place in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. This meeting is subject to the approval of the Secretary of Transportation.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 26, 1975.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.75 32345 Filed 11-26-75;10:17 am]

CIVIL AERONAUTICS BOARD

ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a two-day meeting of the Civil Aeronautics Board Advisory Committee on Procedural Reforms will be held commencing at 9:30 a.m. on Saturday, December 13, 1975, in Room 1027 of the Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. The meeting will reconvene at the same time and place on Sunday, December 14.

The Advisory Committee was established to study the procedural aspects of Civil Aeronautics Board regulation, and to recommend changes designed to reduce cost and delay.

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The members of the Advisory Committee are:

Elroy H. Wolff, *Chairman*	Reuben B. Robertson, III
Richard J. Barber	J. Kerwin Rooney
Emory N. Ellis, Jr.	Kelly Rueck
Marvin H. Kosters	Walter D. Scott
Monte Lazarus	Jarrold Scoutt, Jr.
Richard S. Maurer	Robert B. Shapiro
Adrian M. McDonough	James Lawrence Smith
Gerard R. Moran	John M. Steadman
Paul S. Quinn	Frank M. Wozencraft
Bert W. Rein	

The Committee will undertake a detailed review of a draft of its final report.

The meeting will be open to the public. Any member of the public may file written statements concerning the matters to be discussed. Oral presentations should be requested in advance.

Persons wishing further information, or wishing to make written or oral presentations should contact Edmund W. Kitch, Executive Director, Civil Aeronautics Board Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428, telephone 202-382-3216 or 382-7263 (ask for Mr. Campbell).

Minutes of the meeting will be available for public inspection by December 22, 1975, in Room 425 of the Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

[SEAL] EDWIN Z. HOLLAND,
Secretary,
Civil Aeronautics Board.

[FR Doc.75-32302 Filed 11-28-75;8:45 am]

[Docket Nos. 28464, 22859; Order 75-11-86]

FLYING TIGER LINE INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of November 1975.

Specific commodity rate on cloth from New York/Newark to Los Angeles proposed by the Flying Tiger Line Inc., Docket 28464, Domestic air freight rate investigation, Docket 22859.

By tariff revision[1] issued October 24 and scheduled to become effective November 23, 1975, the Flying Tiger Line Inc. (Tiger) proposes to introduce a bulk specific commodity rate on cloth from New York/Newark to Los Angeles. The proposed rate, which is subject to a minimum weight of 4,600 pounds, represents a 41 percent discount from the applicable 3,000-pound general commodity rate. The proposal bears an expiry date of December 31, 1976.

Tiger asserts that the proposed rate is designed to replace LD-7 general commodity container rates made unavailable by the carrier's cancellation of wide-bodied freighter service in the New York-Los Angeles market; that the proposed rate is equal to the rate for LD-7 containers on a per-hundredweight basis; and that it would recover 100 percent of noncapacity costs plus 62 percent of fully allocated capacity costs.

A complaint requesting suspension and investigation of the proposed rate has been submitted by American Airlines, Inc. (American). The complaint contends that, *inter alia*, contrary to its assertion, Tiger has never offered wide-bodied freighter service in this market; that LD-7 containers may be carried on the main deck of conventional freighter aircraft; that the LD-7 rate, which the new rate is purportedly replacing, was restricted to daytime tender only; that Tiger gives no estimates of revenue dilution or diversion; and that Tiger does not even claim that the proposal will generate new traffic. American further asserts that it is currently carrying 3.7 million pounds of cloth annually from Boston and New York to Los Angeles in Type A containers at general commodity rates; that its principal Boston shipper, originating 1.7 million pounds of traffic annually, has informed American that it will be forced to truck to New York to take advantage of Tiger's rate; and that, even if it retains all its current Boston traffic through New York, American will suffer $400,000 annual revenue dilution if forced to meet Tiger's rate.

The proposed rate comes within the scope of the "Domestic Air Freight Rate Investigation" (DAFRI), Docket 22859, and its lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend it, or to permit it to become effective pending final decision in DAFRI.

We note the complaint of Tiger requesting suspension of a proposal by Trans World Airlines, Inc. (TWA) to establish a specific commodity LD-7 container rate for cloth, N.E.S. to become effective December 7, 1975 in the New York-Los Angeles market. Tiger asserts it must match TWA's proposal resulting in a destructive downward spiral of freight rates, at a time when freighter losses should compel an upward adjustment of rates.

Upon consideration of all relevant factors, the Board concludes that Tiger's proposal should be suspended so that it may be considered with that of TWA since both appear interrelated and aimed at the same transcontinental market for movement of cloth. The Board will reach a determination on the suspension request on both matters prior to December 7, 1975.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the rate stated to apply on SCR NO. 2200000 (Cloth, N.E.S.) from New York/Newark to Los Angeles, subject to a minimum weight of 4600 pounds, on 33rd and 34th Revised Pages 628-a of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, is suspended and its use deferred to and including February 20, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32304 Filed 11-28-75;8:45 am]

[1] Revision to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[Docket No. 22494; Order 75-11-97]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger-Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of November 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the composite passenger conference held in Nice during October 1975.

Agreement C.A.B. 25524 would amend North Atlantic, North/Central Pacific and South Pacific proportional fares used for construction of through international fares to U.S. interior points, and reflects a recent three percent increase in U.S. domestic fares. Agreement C.A.B. 25501 would permit North and Mid-Atlantic transportation to/from certain African points over the higher, intermediate point of Capetown at the fares established for direct routings between the actual origin and destination points. Agreement C.A.B. 25503 would establish a five percent currency-related discount on fares for Mid-Atlantic transportation originating in Norway, in accordance with the existing provisions of an IATA resolution previously approved by the Board. Finally, Agreement C.A.B. 25512 would amend existing currency-related discounts on fares between foreign points, which have no direct application in air transportation as defined by the Act.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act; *Provided*, That approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25501:			
R-1	003o	Expedited JT12 (Mid-Atlantic) Normal and Special Fares Resolutions	1/2.
R-2	003v	Expedited JT12 (North Atlantic) Normal and Special Fares Resolutions	1/2.
25503	022y	Expedited JT12 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation From TC2 to TC1 (Amending).	1/2.
25512	022v	Expedited JT23/123 Special Rules for Sales of Passenger Air Transportation from TC2 to TC3 (Amending).	2/3; 1/2/3.
25524:			
R-1	015	North Atlantic Proportional Fares North American (Amending)	1/2.
R-2	015a	South Pacific Proportional Fares—North American (Amending)	3/1.
R-3	015b	North and Central Pacific Proportional Fares—North American (Amending).	3/1.

Accordingly, it is ordered, That: 1. Agreements C.A.B. 25501, R-1 and R-2, C.A.B. 25503, C.A.B. 25512, and C.A.B. 25524, R-1 through R-3, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

2. Tariffs implementing Agreement C.A.B. 25524, R-1 through R-3, may be filed on not less than one day's notice for effectiveness not earlier than December 10, 1975. The authority in this paragraph expires January 9, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32305 Filed 11-28-75;8:45 am]

[Docket Nos. 24339; Order 75-11-92]

VARIOUS AIR CARRIERS

Order Granting Partial Stay Regarding Acceptance and Transport of Hazardous Materials

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1975.

In the matter of acceptance and transport of Hazardous Materials by various air carriers, Dockets 24339, 27090, 27148, 27380, 27382, 27428, 27488, 27494, 27495, 27509, 27518, 27519, 27520, 27521, 27527, 27537, 27545, 27546, 27549, 27554, 27560, 27588, 27655, 27806, 27956, 28180.

By Order 75-11-31, adopted November 11, 1975, the Board acted on a number of matters relating to the refusal of various air carriers to accept and transport hazardous materials. Among other things, Order 75-11-31 in effect dissolves a stay of the effectiveness of Order 75-4-75 (April 15, 1975) by which, *inter alia*, the Board rejected various tariff provisions refusing acceptance of hazardous materials. At that time the U.S. Court of Appeals for the Second Circuit had issued a broad interlocutory stay in review proceedings involving a related matter,[1] and accordingly the effectiveness of Order 75-4-75 was stayed by its own terms pending the Second Circuit's decision. On May 27, 1975 the Second Circuit affirmed the Board order under review in that case (516 F.2d 1269), and the court's mandate issued in mid-July, 1975.[2]

In the meantime, Order 75-4-75 was challenged by four carriers in review proceedings in the U.S. Court of Appeals for the District of Columbia Circuit. "Delta Air Lines, et al. v. C.A.B.", Nos. 74-1984, et. al.[3] That case has been fully briefed and is awaiting assignment for oral argument.

Delta and Eastern have filed a motion for a partial stay of Order 75-11-31 until 15 days after entry of the D.C. Circuit's mandate in the Delta case, supra.[4] In view of time constraints, the Board will proceed to consideration of the carrier's motion.[5]

We have decided to grant a stay of Order 75-11-31 insofar as it requires cancellation and revision of tariffs relating to the acceptance and transportation of hazardous materials. In light of (1) the lapse of time since the Board was free to put Order 75-4-75 into effect, i.e., since issuance of the Second Circuit's mandate in July, and (2) the advanced procedural posture of the proceedings for review of that order in the D.C. Circuit, we are persuaded that the better course is not to disturb the status quo now.

Accordingly, it is ordered, That Ordering Paragraph 5 of Order 75-11-31 be, and it hereby is, stayed until 15 days after issuance by the United States Court of Appeals for the District of Columbia Circuit of its mandate in "Delta Air Lines, et al. v. Civil Aeronautics Board," Nos. 74-1984, et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32303 Filed 11-28-75;8:45 am]

[1] Air Line Pilots Ass'n v. C.A.B., No. 75-4049.

[2] As of then, therefore, the Board was free to put Order 75-4-75 into effect.

[3] The four carriers are Delta, Eastern, Frontier, and Alegheny. The petitions challenge, in addition to Order 75-4-75, a number of earlier Board orders.

[4] The Board's Office of General Counsel has been advised that American Airlines also intends to file for a stay of Order 75-11-31 on this date.

[5] Under Order 75-11-31, the carriers must file tariff revisions by November 26, 1975.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ESTABLISHMENT OF NEW LEVELS OF RESTRAINT FOR CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal from Warehouse for Consumption

NOVEMBER 26, 1975.

On December 16, 1974, there was published in the FEDERAL REGISTER (39 FR 43577), a letter dated December 11, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines.

On October 15, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Republic of the Philippines concluded a new comprehensive bilateral cotton, wool, and man-made fiber textile agreement concerning exports of cotton, wool, and man-made fiber textile products from the Philippines to the United States over a period of three years beginning on October 1, 1975 and extending through September 30, 1978. Among the provisions of the new agreement are those establishing specific export limitations for cotton textile products in Categories 39, 45/46/47, 49, 50, and 51, and man-made fiber textile products in Categories 214, 219, 224 (excluding infants' garments in sizes zero through 6X, inclusive), 225, 229, 235, and 237 for the agreement year which began on October 1, 1975.

There is published below a letter of November 26, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letter of December 11, 1974 and directing that the amounts of cotton, and man-made fiber textile products in the foregoing categories, produced or manufactured in the Philippines, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, be limited to the designated levels. The levels of restraint have not been adjusted to reflect any entries made after September 30, 1975. Adjustments will be made

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to account for all such entries after September 30, 1975 and through November 30, 1975.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: December 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Policy—DIBA, Director, Bureau of Resources, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

NOVEMBER 26, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on December 11, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Philippines and exported to the United States during the twelve-month period beginning on January 1, 1975.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on December 1, 1975, and for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States, for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 39, 45/46/47, 49, 50, and 51, and man-made fiber textile products in Categories 214, 219, 224 (pt.), 225, 229, 235, and 237, produced or manufactured in the Philippines and exported after September 30, 1975, in excess of the following levels of restraint:

Category	12-month level of restraint [1]
39 dozen pairs	386,952
45/46/47 square yards equivalent	3,500,000
49 dozen	40,000
50 ..do	100,000
51 ..do	100,000
315 dozen pairs	1,000,000
219 dozen	326,110
224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143) pounds	100,000
224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103 pounds	100,090
225 dozen	2,500,000
229 ..do	200,000
235 ..do	30,000
237 numbers	180,000

[1] The levels of restraint have not been adjusted to account for entries made during the period October 1, 1975 through November 30, 1975.

Entries of cotton and man-made fiber textile products, produced or manufactured in the Philippines, which have been exported to the United States before October 1, 1975, shall not be subject to this directive.

Cotton textile products in Categories 47 and 49 and man-made fiber textile products in Categories 214, 219, 224 (pt.), 225, 229, 235, and 237 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before December 1, 1975, shall not be denied entry under this directive.

The levels of restraint set forth above are subject to possible future adjustment pursuant to the provisions of the bilateral agreement of October 15, 1975 between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) within the group limits, specific levels of restraint may be exceeded by 7 percent in any agreement year; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the receiving year's applicable limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories and rates of conversion into square yards equivalent was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Policy—DIBA, Director, Bureau of Resources, U.S. Department of Commerce.

[FR Doc.75-32442 Filed 11-29-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS FUTURES, FORWARD AND LEVERAGE CONTRACTS SUBCOMMITTEE

Notice of Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments"), Futures, Forward and Leverage Contracts Subcommittee, will conduct a public meeting on December 16, 1975, at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Market Instruments will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash markets manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

(1) Discussion of what are the essential and distinguishing legal and economic elements of a futures contract, a contract for the forward delivery of a cash commodity, and a leverage contract; and

(2) Discussion of what considerations should be used by the Commission in developing rules and regulations designed to insure financial integrity and/or prevent manipulation and fraud in leverage transactions.

In the event the committee does not complete its consideration of the items on the agenda on December 16, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to Margaret Harrison. The Advisory Committee on Market Instruments, Futures, Forward and Leverage Contracts Subcommittee, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254-8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: November 26, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-32351 Filed 11-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before January 30, 1976, any person who (a) is or has been an applicant, (b) believe that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 30, 1976.

Dated: November 20, 1975.

MARTIN H. ROGOFF,
Associate Director, Acting Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/340)

EPA Reg. No. 264-263. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. FLOREL PLANT GROWTH REGULATOR. Ethephon [(2-chloroethyl) phosphonic acid] 3.9%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 475-158. Boyle-Midway Inc., South Ave. & Hale St., New York NY 10017. BLACK FLAG WASP-BEE AND HORNET KILLER FORMULA "A". Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.50%; (2,2-dichlorovinyl dimethyl phosphate 0.186% and 0.014% related compounds); Petroleum Distillates 83.02%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA Reg. No. 239-2429. Chevron Chemical Company—Ortho Div., 940 Hensley St., Richmond CA 94804. H-POWER ORTHO INDOOR INSECT FOGGER. Active Ingredients: Pyrethins 0.50%; Piperonyl Butoxide 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 11.83%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 100-523. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. TOLBAN 4E. Active Ingredients: Profluralin [N-(cyclopropylmethyl)-α,α,α-trifluoro-2,6-dinitro-N-propyl-p-toluidine] 43.6%; Related Compounds 1.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amended label claims. PM24

EPA Reg. No. 352-342. E. I. DuPont De Nemours & Co. (Inc.), 6054 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methyl-carbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Use. PM12

EPA Reg. No. 352-370. E. I. DuPont De Nemours & Co. (Inc.), 6054 DuPont Bldg., Wilmington DE 19898. LANNATE-L METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA Reg. No. 1021-86. McLaughlin Gormley King Co., 8810 Tenth Ave., Minneapolis MN 55414. MGK 264 INSECTICIDE SYNERGIST. Active Ingredients: N-octyl bicycloheptene dicarboximide 95%. Method of Support: Republished—Application proceeds under 2(a) rather than 2(c) of interim policy. PM17

EPA Reg. No. 1021-910. McLaughlin Gormley King Co., 8810 Tenth Ave. N. Minneapolis MN 55414. PYROCIDE INTERMEDIATE 6781. Active Ingredients: Pyrethrins 5.00%; Piperonyl butoxide, technical 10.00%; N-octyl bicycloheptene dicarboximide 16.67%; Petroleum distillate 68.33%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

CORRECTED ITEMS

The following are corrections to the list of applications received previously published in the FEDERAL REGISTER.

EPA File Symbol 37785-R. Ray W. Hawksley Co., Inc., 220 Cutting Blvd., Richmond CA 94804. BIOCIDE SERIES 322. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35% (originally published as 10.15%); Potassium N-methyl-dithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33 (40 FR 52435)

EPA File Symbol 37785-A. Ray W. Hawksley Co., Inc., BIOCIDE SERIES 323. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90% (originally published as 7.35%); Potassium N-methyldithioimidocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33 (40 FR 52435)

APPLICATIONS RECEIVED (OPP—33000/341)

EPA File Symbol 7299-PT. The Brenco Corp., 704 N. First St., St. Louis MO 63102. BRENCO #573 WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 16.4%; Isopropyl alcohol 6.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1677-IN. Economics Laboratory, Inc., Osborn Bldg., St. Paul MN 55102. SOILAX LAUNDRY BACTERIOSTAT-SANITIZER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 5.0%; Dioctyl dimethyl ammonium chloride 2.5%; Didecyl dimethyl ammonium chloride 2.5%; Isopropyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7774-U. Erny Supply Co., 5406 N. 59th St., Tampa FL 33610. ESCO QUAT. Active Ingredients: n-Alkyl (60% C14; 30% C16, 5% C12, 5% C18) dimethyl-benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7245-RL. Hi-Brett Chemical Co., Inc., 26 West Inman Ave., Rahway NJ 07065. FORMULA 8722 CONCENTRATED DETERGENT SANITIZER, FUNGICIDE, DISINFECTANT DEODORIZER. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7245-RU. Hi-Brett Chemical Co., Inc., 26 West Inman Ave., Rahway NJ 07065. FORMULA DCS MULTI-PURPOSE CLEANER SANITIZER FOR THE DAIRY INDUSTRY. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 37365-R. Milmark Research Inc., RD#1, Bernville PA 19506. SANITIZING UDDER WASH. Active Ingredients: Didecyl, dimethyl ammonium chloride 5%; Isopropanol 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 13680-EG. Ozark Chemical Co., 1500 Murphy Dr., Maumelle New Town, North Little Rock AR 72118. QUEST 256. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68%

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C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%. Tetrasodium ethylenediamine tetraacete 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 33772-R. Pioneer Chemical Works, Inc., Box 237, Route #73, Maple Shade NJ 08052. PIOCIDE C-30. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 17217-A. Spectrowax Corp., 77 Dorchester Ave., South Boston MA 02127. GERM-ASIDE DISINFECTANT-DEODORIZER-SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9279-U. Santimine Div., Texas Gulf Industries, 2912 Pulaski Hwy., Baltimore MD 21224. DETEX. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylene diamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-32049 Filed 11-28-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Postponement of Prehearing Conference and Further Extension of Procedural Dates

NOVEMBER 18, 1975.

Notice is hereby given that the prehearing conference, set by order issued November 14, 1975, in the above-designated proceeding is postponed from November 18, 1975 to November 24, 1975, at 10:00 a.m. in the offices of the Federal Power Commission.

The procedural dates in the above matter are modified as follows:[2]

Service of Intervenor Testimony, November 28, 1975.

Service of Staff Testimony, December 12, 1975.

Service of American Electric Power Rebuttal, December 29, 1975.

Hearing, January 16, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32216 Filed 11-28-75;8:45 am]

[Docket No. RI76-61, etc.]

BELCO PETROLEUM CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 19, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commisison.

[SEAL] KENNETH F. PLUMB,
Secretary.

[2] The Procedural dates were previously extended by notice issued September 22, 1975.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[4]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-61...	Belco Petroleum Corp	1	43	Northwest Pipeline Corp. (Wyoming, Rocky Mountain).	(2)	10-20-75	1-1-76	(3)	[5] 54.189	[5] 55.251	
	do			do	(3)	10-20-75		6-1-76	[5] 43.093	[5] 44.17	RI75-83
	do	2	31	do	(3)	10-20-75	1-1-76	(4)	[5] 51.189	[5] 55.251	
	do			do		10-20-75		6-1-76	[5] 43.093	[5] 44.17	RI75-83
	do	3	29	do	(3)	10-20-75	1-1-76	(4)	[5] 54.189	[5] 55.251	
	do			do	(3)	10-20-75		6-1-76	[5] 43.093	[5] 44.17	RI75-83
	do	5	17	do	(3)	10-20-75	1-1-76	(4)	[5] 54.189	[5] 55.251	
	do			do	(3)	10-20-75		6-1-76	[5] 43.093	[5] 44.17	RI75-83
	do	6	27	do	(3)	10-20-75	1-1-76	(4)	[5] 54.189	[5] 55.251	
	do			do	(3)	10-20-75		6-1-76	[5] 43.093	[5] 44.17	
	do			do		10-20-75		4-20-76	26.4083	26.4668	
RI76-62...	Texaco, Inc	366	10	Colorado Interstate Gas Co. (Wyoming, Rocky Mountain).	$300	10-20-75		6-1-76	29.823	30.235	RI75-81
RI76-63...	Amoco Production Co	363	47	El Paso Natural Gas Co. (New Mexico, Rocky Mountain).	103,000	10-23-75		6-16-76	32.2601	34.978	(7)
	do			do	3,397	10-23-75			[6] 60.84	[5] 62.032	
	do			do	6,854	10-23-75	1-1-76	(4)			

[4] Unless otherwise stated, pressure base is 15.025 lb/in²a.

[5] Unless otherwise stated, rate shown is total rate, inclusive of any applicable British thermal unit adjustment and tax.

[6] Subject to British thermal unit adjustment.

[7] Not stated.

[8] Accepted effective as of the date shown in the "Effective date unless suspended" column.

[9] Pressure base is 14.73 lb/in²a.

[10] Underlying rate is suspended until Jan. 16, 1976 in docket No. RI76-15.

The proposed increases which do not exceed the applicable national ceiling rate prescribed in Opinion No. 699, as amended, effective as of January 1, 1976, are accepted as of that date. The proposed increases which exceed the applicable area ceiling established in Opinion No. 658 are suspended for five months from the expiration of the thirty day statutory notice period or the contractual effective date, whichever is later.

[FR Doc.75-32230. Filed 11-28-75;8:45 am]

[Docket No. ER76-238]

BOSTON EDISON CO.

Notice of Rate Schedule Filing and Request for a Waiver

NOVEMBER 21, 1975.

Take notice that on November 3, 1975, Boston Edison Company (Edison), tendered for filing an agreement dated as of October 3, 1973 between Edison and New England Power Company (NEPCO) (the Agreement) for support by NEPCO of 115 kV terminal facilities installed by Edison at Edison's Station #150, Weymouth, Massachusetts, in order to serve NEPCO's two 115 kV pipe type cables, Lines 517-532 and 517-533.

Edison requests a waiver under Section 35.11 of the Commission Rules and Regulations to permit the Agreement to become effective March 15, 1973.

Edison states that copies of this filing have been sent to NEPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32285 Filed 11-28-75;8:45 am]

[Docket No. RI76-51]

CITIES SERVICE OIL CO.

Application for Certificate of Public Convenience and Necessity and Petition for Special Relief

NOVEMBER 20, 1975.

Take notice that on October 31, 1975, Cities Service Oil Company (applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No RI76-51 an application for a certificate of public convenience and necessity covering a proposed sale of gas to Tennessee Gas Pipeline Company (Tennessee). Sales volumes are estimated by applicant to be 550,000 Mcf per month from 100 percent of applicant's ⅓ gross working interest in gas from the subsea surface down to the base of the RD sand, or its correlative equivalent, from approximately 2500 acres in West Cameron Block 69 (North Half), Offshore Louisiana. Applicant states that a total of seven wells have been drilled on the property committed to this proposed sale; that three were completed at depths greater than 15,000 feet; that two were completed at depths less; and that two wells drilled to depths greater than 15,000 feet, were dry holes.

Applicant seeks a rate in excess of the area rate (51¢ at 14.73 psia, plus production taxes, gathering, and Btu adjustment) by way of special relief under 18 CFR 2.56a(g). The contract rate is the highest of $1.60 per Mcf at 15.025 psia, excluding production taxes; such rate as may be determined in this proceeding; or such rate as may be determined in a future area rate proceeding. Applicant seeks temporary authorization to commence this sale of gas and has expressed its willingness to accept, subject to refund upon Commission determination of the rate applicable thereto, a rate of $1.33 per Mcf.

Applicant has received a $2,500,000 advance payment from Tennessee.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32217 Filed 11-28-75;8:45 am]

[Docket No. ES76-24]

CLIFFS ELECTRIC SERVICE CO.

Notice of Application for Authority To Acquire Securities

NOVEMBER 21, 1975.

Take notice that on October 21, 1975, Cliffs Electric Service Company ("Applicant"), filed an application with the Federal Power Commission seeking authority, pursuant to section 203 of the Federal Power Act, to purchase up to 3,500,000 additional shares of Common Stock of Upper Peninsula Generating Company.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Ishpeming, Michigan. Applicant is a wholly owned subsidiary of The Cleveland-Cliffs Iron Company and operates certain electric facilities in the upper peninsula of Michigan. Energy from those facilities is sold principally to iron mines and related mining facilities which are operated by the parent company.

Upper Peninsula Generating Company ("Generating Company") is engaged in the generation of electric energy for sale to its owners, the Applicant and Upper Peninsula Power Company. Applicant is the owner of record of 1,797,695 shares of Generating Company's Common Stock. Power Company is the owner record of 422,905 shares of Generating Company's Common Stock. The Applicant proposes to make an additional investment in Generating Company for the purpose of financing the construction of various generating units and providing necessary working capital for Generating Company in order that anticipated increased demands for electric energy will be adequately met.

The current construction program of Generating Company calls for the addition of two units with net capability of 80,000 kw, and the modification of certain equipment at its existing generating units.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32279 Filed 11-28-75;8:45 am]

[Docket No. RP75-112]

COLORADO INTERSTATE GAS CO.

Filing of Rate Schedule

NOVEMBER 19, 1975.

Take notice that on November 10, 1975, Colorado Interstate Gas Company (CIG) tendered for filing certain tariff sheets containing its Rate Schedule X-54, to be inserted in its FPC Gas Tariff, Third Revised Volume No. 2. CIG states that these tariff sheets were filed as part of its FPC Gas Tariff, Second Revised Volume No. 2 and were approved by order issued October 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

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testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32231 Filed 11-28-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Compliance Filing

NOVEMBER 20, 1975.

Take notice that on November 10, 1975, Columbia Gas Transmission Corporation (Columbia) submitted for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, to be effective November 1, 1975 through March 31, 1976 and thereafter, subject to further order of the Commission, in compliance with the Commission's order issued October 31, 1975 in the above-captioned proceeding. The sole purpose of Columbia's filing is to place in effect on an interim basis the three-priority settlement curtailment plan, Exhibit No. 22 in this proceeding, as modified by the aforesaid order.

Copies of the filing were served upon Columbia's jurisdictional customers and interested State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32218 Filed 11-28-75;8:45 am]

[Rate Schedule Nos. 7, etc.]

CRA INTERNATIONAL LTD., ET AL.

Rate Change Filings

NOVEMBER 19, 1975.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 29, 1975	CRA International Ltd., P.O. Box 2329, Tulsa, Okla. 74101.	7	Natural Gas Pipe Line Co. of America.	Hugoton-Anadarko.
Oct. 31, 1975	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	7	Northern Natural Gas Co.	Do.
Nov. 6, 1975	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	28	Texas Eastern Transmission Corp.	Texas Gulf Coast.

[FR Doc.75-32219 Filed 11-28-75;8:45 am]

[Docket No. ID-1619]

DONALD C. SWITZER

Supplemental Application

NOVEMBER 20, 1975.

Take notice that on October 16, 1975, Donald C. Switzer (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(B) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Executive Vice President, The Connecticut Light and Power Company, Public Utility.
Executive Vice President, The Hartford Electric Light Company, Public Utility.
Executive Vice President, Western Massachusetts Electric Company, Public Utility.
Executive Vice President, Holyoke Water Power Company, Public Utility.
Executive Vice President, Holyoke Power and Electric Company, Public Utility.

The Connecticut Light and Power Company has its principal place of business at Selden Street, Berlin, Connecticut, and is engaged in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company has its principal place of business at 176 Cumberland Avenue and is engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of Gas at retail within the State of Connecticut.

Western Massachusetts Electric Company has its principal place of business at 174 Brush Hill Ave., West Springfield, Massachusetts, and is engaged in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of Western Massachusetts.

Holyoke Water Power Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in Western Massachusetts.

Holyoke Power and Electric Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is a wholly-owned subsidiary of Holyoke Water Power Company which conducts certain of that Company's Electric Operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32220 Filed 11-28-75;8:45 am]

[Docket No. ER76-222]

DUKE POWER CO.

Notice of Filing

NOVEMBER 21, 1975.

Take notice that on November 5, 1975, Duke Power Company (the Company) tendered for filing a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. This contract has been designated Duke Power Company Rate Schedule FPC No. 142.

Eleven documents are submitted with this filing. They are as follows:

Document No.				
1	Exhibit A-4, Dated May 2, 1974.	Delivery Point	No.	1,
2	Exhibit A-4, Dated May 2, 1974.	Delivery Point	No.	2,
3	Exhibit A-2, Dated May 2, 1974.	Delivery Point	No.	3,
4	Exhibit A-3, Dated May 2, 1974.	Delivery Point	No.	4,
5	Exhibit A-4, Dated May 2, 1974.	Delivery Point	No.	5,
6	Exhibit A-4, Dated May 2, 1974.	Delivery Point	No.	7,
7	Exhibit A-3, Dated May 22, 1974.	Delivery Point	No.	10,
8	Exhibit A-4, Dated May 22, 1974.	Delivery Point	No.	11,
9	Exhibit A-3, Dated May 2, 1974.	Delivery Point	No.	12,
10	Exhibit A-3, Dated May 2, 1974.	Delivery Point	No.	13,
11	Exhibit A-3, Dated May 2, 1974.	Delivery Point	No.	14,

The Company states that the contract with the Rural Electric Cooperatives provides by Exhibits A attached to the contract, for service at all delivery points plus any new delivery points to be added in the future. This contract contains an "all requirements" provision, and there is no Contract Demand at any delivery point. Exhibit A therefore shows only "designated kilowatts", "location" and other pertinent information. When the character of the service changes at a given Delivery Point, Exhibit A superseded by A-1, A-2, etc.

The dated on which these documents are to become effective is December 19, 1975.

The Company states that copies of the Exhibits have been mailed.

The Company further states that to provide service for Delivery Points Nos. 2, 3, and 5, it proposes to increase its metering equipment capacity. Delivery Point No. 1 will require increased substation capacity. The Company alleges that its facilities are adequate to serve the increased designated kilowatts for Delivery Points Nos. 4, 7, 10, 11, 12, 13, and 14.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32288 Filed 11-28-75;8:45 am]

[Docket No. ID-1771]

EDWIN L. JOHNSON

Application

NOVEMBER 19, 1975.

Take notice that on October 24, 1975, Edwin L. Johnson (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, The Connecticut Light & Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.

The Connecticut Light and Power Company has its principal place of business at Selden Street, Berlin, Connecticut, and is engaged primarily in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company has its principal place of business at 176 Cumberland Avenue, Wethersfield, Connecticut, and is engaged primarily in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32232 Filed 11-28-75;8:45 am]

[Docket Nos. CP75-20, CI75-116]

FLORIDA GAS TRANSMISSION CO. ET AL.

Order To Show Cause, To Cease and Desist, Setting Date for Formal Hearing, Denying Intervention, Consolidating Proceedings, and Prescribing Procedures [1]

NOVEMBER 19, 1975.

Florida Gas Transmission Company, Complainant, Docket No. CP75-20; v. Petroleum Management, Inc., and Skelly Oil Company, Defendants, Docket No. CI75-116, Petroleum Management Inc., Operator.

On July 27, 1974, Florida Gas Transmission Corporation (Florida Gas) filed pursuant to § 1.6(c) of the Commission's rules of practice and procedure, a complaint against Skelly Oil Company (Skelly) and Petroleum Management Inc. (PMI), owners and operators of natural gas wells in the East Aransos Pass Field, Aransos County, Texas. Florida Gas alleged that Skelly and PMI failed to comply with the terms of a Certificate of public convenience and necessity authorizing sales of gas to Florida Gas, and have instead sold the subject gas to other purchasers without obtaining Commission authority to abandon the sale to Florida Gas.

Specifically, Florida Gas stated that the Aransos Pass gas was dedicated to it under a 20 year contract dated June 28, 1956 as amended between Coastal Transmission Corporation (predecessor in interest to Florida Gas), and Atlantic Refining Company (predecessor in interest to PMI) and a certificate of public convenience and necessity was issued to Atlantic Refining Company in Docket No. G-11041. PMI as successor in interest received authorization to sell the subject gas to Florida Gas by Commission order on January 12, 1970 in Docket No. CI68-957. Florida Gas further alleged that PMI and Skelly ceased deliveries of gas from the East Aransos Pass Field in December 1972 or January 1973 and have continued to produce and sell the subject gas without obtaining abandonment authorization pursuant to section 7(b) of the Natural Gas Act.

On August 19, 1974, PMI filed an answer to the Florida Gas complaint and indicated that production in the subject wells had declined from 291,397 Mcf in 1972, to 251,891 Mcf in 1973, and were projected to decline to 189,500 Mcf in 1974. PMI also alleged that Florida Gas was in fact aware of the declining production, and elected not to install compression facilities which are required to physically introduce the low pressure gas into the Florida Gas system. PMI further alleged that under the original contract either party has the option to install compression facilities, but neither party is obligated to do so. Both parties have indicated they elect not to install the necessary compression facilities. PMI further stated that production from the Kring, Darby, and Atlantic Fee Gas Units have ceased production due to depletion of reserves, and as a result, the leases for these units have lapsed. Therefore, under Exhibit "A" of PMI answer, PMI filed an application pursuant to § 157.30 of the Commission's regulations for abandonment authorization of these three leases on behalf of itself and four other leasehold owners.[2]

In the same abandonment application, PMI also sought abandonment of three

[1] This order was approved before Chairman Nassikas left the Commission.

[2] The other leasehold owners include Skelly, Clinton Oil Company, Estate of J. R. Howe deceased, and Total Oil and Gas Ltd.

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additional leases containing five other producing wells. With respect to four of these wells,[3] PMI in its abandonment application alleged that it sought a commitment from Florida Gas by letter dated October 13, 1971 on whether Florida Gas would exercise its option to compress the available low pressure gas at 50 psig and purchase such gas or to release such gas from the contract. PMI stated it has received no response from Florida Gas and in light of the Texas Railroad Commission's refusal to permit flaring of gas, PMI sold such low pressure gas to Lo-Vaca Gathering Company, (Lo-Vaca) an interstate pipeline purchaser, on an oral day to day basis in order to prevent the lapse and termination of the leases due to lack of production. On the fifth well[4] PMI alleges that Florida Gas was compressing the gas but removed its compression facilities, and ceased purchasing the gas from PMI. PMI is also currently selling this gas to Lo-Vaca on a day to day basis in intrastate commerce.

On September 4, 1974, Florida Gas filed a motion requesting that it be allowed to withdraw its complaint against Skelly, since Skelly advised that it had no knowledge that PMI had made sales to other purchasers other than Florida Gas without the requisite section 7(b) abandonment authority.

Skelly filed its answer to Florida Gas' complaint on September 13, 1974 (out of time) and alleged that it knew PMI was making sales to Lo-Vaca but asserted that no action was being taken contrary to Florida Gas' right under the contract since PMI was willing to resume deliveries to Florida Gas upon installation by Florida Gas of the necessary compression facilities. Skelly also requested the Commission to grant Florida Gas permission to withdraw its complaint against Skelly. The Commission on November 27, 1974 gave notice that withdrawal of the complaint was permitted.

PMI's August 19, 1974 abandonment application was noticed in Docket No. CI68–957 on September 12, 1974 with protests to be filed by October 7, 1974. On December 23, 1974 the Commission issued an Order Consolidating Proceedings Providing For Hearing and Establishing Procedures, wherein it created a new docket CI75–116) for the PMI abandonment, and consolidated it with the original Florida Gas complaint of August 8, 1974 in Docket No. CP75–20 and designated both matters for a consolidated hearing scheduled for January 23, 1975 and permitting additional new interventions. On December 27, 1974 Tennessee Gas Pipeline Company (Tennessee) filed a petition for leave to intervene within the period required for such interventions or protests (which expired on December 27, 1974). On January 9, 1974 the Office of the Secretary issued a notice of Postponement of Hearing extending the hearing date from January 23, 1975 to February 11, 1975. On February 10, 1975 the Office of the Secretary issued Notice Deferring Hearing Date of February 11, 1975 pending further Commission action in light of a filing by Florida Gas on February 7, 1975 withdrawing its complaint in the instant proceeding pursuant to § 1.11(d) of the rules of practice and procedure.

Florida Gas contended in its February 7, 1975 letter that the presently estimated recoverable reserves in the subject wells amounted to only 200,000 to 400,000 Mcf (at 14.65 psia) and that the producing pressure had declined to 150 pounds psig. Florida Gas alleged that two stages of compression would be required to deliver the subject gas into its system at 600 pounds psig at an estimated cost of $60,000. Based upon operational costs and the volumes to be received, estimated at less than 500 Mcf/d Florida Gas alleges that "further pursuance of the matter would entail the expense of a formal hearing for both Florida Gas and PMI plus the commitment of the resources of the Commission's Staff in circumstances that would appear unlikely to yield any meaningful supplies for the Florida Gas System."

The Natural Gas Act under section 7 (b) is very explicit in requiring that any natural gas company under this Commission's jurisdiction must obtain prior Commission approval prior to the abandonment of any "facilities" or "service", including the transportation and resale of that gas in interstate commerce.[5] In order to obtain this approval the natural gas company must demonstrate under section 7(b) at a formal hearing:

> that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience and necessity permit such abandonment.

It is also well established that contractual terms of any certificated sale or service remain fully subject to the paramount power of the Commission to modify them where necessary in the public interest,[6] so that there can be no cessation of service upon termination of the contract or operation of any terms of the contract without Commission approval.[7]

It is apparent that both Florida Gas and PMI/Skelly et al., are relying on the contractual terms included as part of the original certificate in Docket No. G–11041 to flagrantly disregard their responsibilities under the Natural Gas Act to take all steps necessary to maintain and insure continued service before electing to abandon the sales being made from the subject wells in interstate commerce without obtaining prior Commission approval. Reliance by each of the parties on the contractual provision that the installation and operation of compression facilities (necessary to being the low pressure gas into the Florida Gas system) is optional, does not comport with their obligations from a public interest standpoint. Therefore, this Commission is issuing an order to show cause why either Florida Gas, PMI/Skelly et al., or both are not in violation of section 7(b) of the Natural Gas Act, for failure to seek Commission approval prior to the abandonment of the facilities and service arising from the Aransas Pass Wells and whether such abandonment constituted a willful and knowing violation of the Act pursuant to section 21 thereof. Furthermore, we are requiring either Florida Gas, PMI/Skelly or both to show cause why their failure to provide the necessary compression facilities to bring the subject gas into the Florida Gas system would not be an abandonment of facilities and service under section 7(b) of the Natural Gas Act. Additionally, since PMI/Skelly is presently making day to day sales to Lo-Vaca in intrastate commerce without having first obtained the requisite Commission authority to abandon the certificated jurisdictional sales to Florida Gas, this Commission is ordering PMI/Skelly to immediately upon the issuance of this order cease and desist such sales of the subject gas to Lo-Vaca, and take all steps necessary to redeliver the subject gas to Florida Gas for transportation and resale in interstate commerce.

This Commission does, however, believe that PMI/Skelly have raised a sufficient enough factual issue with respect to the pressure problem that a formal evidentiary hearing is required on that issue so as to give PMI/Skelly an opportunity to demonstrate that the gas supply is in fact depleted on the subject wells to the extent that a discontinuance of service is warranted or, that the present or future public convenience or necessity will permit such abandonment of the gas reserves to the intrastate market.

In order to develop a complete record in this proceeding such proceeding should develop, and the parties shall be required to submit evidence and testimony concerning, inter alia, but not limited to:

1. The original gas purchase contract contained as part of the certificate in Docket No. G–11041 and amendments thereto.

2. The events and reasons surrounding the removal of pipeline compression facilities by Florida Gas.

3. A detailed evidentiary presentation regarding what additional costs would be required to maintain the flow of the remaining producible gas to the interstate market with full documentation as to the unit price at which such undertaking would be feasible.

4. A detailed analysis and presentation of the remaining reserves in all of the subject wells.

5. Why PMI/Skelly has not sought to avail itself of the relief available under

[3] Barker Gas Unit Well No. 2, Heist Gas Unit Well Nos. 1 & 2, and the Conn Brown Oil Unit No. 2.

[4] Barker Gas Unit Well No. 1.

[5] Atlantic Refining Co. v. P.S.C.N.Y. 360 U.S. 378, 389 (1954); Sunray Mid-Continental Oil Company v. FPC 364 U.S. 137, 156 (1960); United Gas Pipeline Co. v. FPC 385 U.S. 83, 89 (1966).

[6] 364 U.S. 137, 158.

[7] Opinion No. 647 Cumberland Natural Gas Company 34 FPC 132 (1965).

§ 2.76 of the Commission's General Policy and Interpretations in order to obtain a rate above the existing applicable area rate in order to extract the subject low pressure gas.

Finally, regarding the petition to intervene of Tennessee Gas we believe that Tennessee Gas does not present sufficient good cause to permit its intervention in the instant proceeding. Tennessee Gas' only justification for intervention in this proceeding is that it has a contract containing provisions regarding delivery pressure and compression that are merely 'similar" to those in issue and therefore has sought intervention in the instant proceeding. Under our rules of Practice and Procedure regarding interventions under § 1.8(b)(2), Tennessee Gas has not demonstrated on the face of its petition that its right or interest may be directly affected by the instant proceeding or that any remote interest it may have is not adequately represented by the existing parties, since Tennessee Gas would in no way be bound by any decision or order in the instant proceeding.

The Commission finds. (1) It may be that Florida Gas, PMI, and Skelly, et al., are in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the aforementioned dockets be consolidated for a full evidentiary hearing on the matters involved and issues presented in these proceedings as herein before described.

(3) PMI/Skelly et al., are hereby ordered pendente lite to refrain from engaging in the sale of natural gas produced from the subject wells with any party other than Florida Gas, shall take no action to terminate the subject leases as a matter of law, and take all steps necessary to restore service to Florida Gas from the subject wells.

(4) Participation by Tennessee Gas Pipeline Company is not in the public interest.

The Commission orders. (A) PMI/Skelly, et al., and Florida Gas shall show cause, if any, at a hearing directed in Paragraph (D) below why they or each of them should not be held in violation of section 7(b) of the Natural Gas Act and the Commission's regulations thereunder for not having obtained authorization before abandoning jurisdictional sales, service, and related facilities as hereinbefore described.

(B) Skelly and the other interest holders in the subject leases are hereby joined as parties to these proceedings and shall be prepared to explain at the formal hearing ordered herein among other things whether or not they aided in or acquiesced in the abandonment by PMI and Florida Gas.

(C) Pending the hearing set forth in Paragraph (D) below, and a decision in this proceeding, PMI/Skelly, et al., shall refrain from engaging in the sale of natural gas produced from the above described wells with any other party, other than Florida Gas, shall take no action to terminate the subject leases as a matter of contract law, and shall immediately take all steps necessary to reinstate service under the certificate issued in Docket No. CI68–957.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 14, 15, 16, 20, and 21 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing concerning the matters involved, and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 commencing at 10:00 a.m., (e.s.t.) on January 6, 1976. PMI/Skelly, et al., and Florida Gas shall file with the Secretary of the Commission and serve on all parties including the Commission staff, testimony and exhibits addressing the specific issues as set forth in this order as well as any other testimony and exhibits which comprise their case in chief on or before December 5, 1975.

(E) The Petition to Intervene filed on December 27, 1974 by Tennessee Gas Pipeline Company, is hereby denied.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—(see Delegation of Authority 18 CFR 3.5(d))—shall preside at the hearing in this proceeding and shall prescribe all relevant procedural matters not herein provided.

[SEAL] KENNETH F. PLUMB,*
Secretary.

[FR Doc.75–32233 Filed 11–28–75;8:45 am]

[Docket No. RI 76–42]

GETTY OIL CO.

Application for Certificate of Public Convenience and Necessity and Petition for Special Relief

NOVEMBER 20, 1975.

Take notice that on October 6, 1975, Getty Oil Company (applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. RI76–42 an application for a certificate of public convenience and necessity covering a proposed sale of gas to Tennessee Gas Pipeline Company (Tennessee). Sales volumes are estimated by applicant to be 550,000 Mcf per month from 100 percent of applicant's ½ gross working interest in gas from the subsea surface down to the base of the RD sand, or its correlative equivalent, from approximately 2500 acres in West Cameron Block 69 (North Half), Offshore Louisiana. Applicant states that a total of seven wells have been drilled on the property committed to this proposed sale; that three were completed at depths greater than 15,000 feet; that two were completed at depths less; and that two wells drilled to depths greater than 15,000 feet, were dry holes.

Applicant seeks a rate in excess of the area rate (51¢ at 14.73 psia, plus production taxes, gathering, and Btu adjustment) by way of special relief under 18 CFR 2.56a(g). The Contract rate is the highest of $1.60 per Mcf at 15.025 psia, excluding production taxes; such rate as may be determined in this proceeding; or such rate as may be determined in a future area rate proceeding. Applicant seeks temporary authorization to commence this sale of gas and has expressed its willingness to accept, subject to refund upon Commission determination of the rate applicable thereto, a rate of $1.33 per Mcf.

Applicant has received a $5,000,000 advance payment from Tennessee.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–32221 Filed 11–28–75;8:45 am]

[Docket No. ES 76–25]

GULF STATES UTILITIES CO.

Notice of Application

NOVEMBER 21, 1975.

Take notice that on October 29, 1975, the Gulf States Utilities Company (Applicant) filed a application with the Federal Power Commission seeking authority pursuant to Section 204 of the Federal Power Act to engage in negotiations with underwriters regarding the proposed issuance and sale of "Certain Securities" via negotiated offering.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at Beaumont, Texas, and is engaged in the generation, transmission, distribution and sale of electrical energy in the States of Louisiana and Texas.

Any person desiring to be heard or to make any protest with reference to this application should, on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be

* Commissioner Smith, concurring in part and dissenting in part, filed a separate statement as part of the original document.

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considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32287 Filed 11-28-75;8:45 am]

[Docket No. E-8122]

IDAHO POWER CO.

Notice of Cancellation

NOVEMBER 21, 1975.

Take notice that on October 28, 1975, the Idaho Power Company (Idaho) filed its letter to the Utah Power and Light Company (Utah) acknowledging a mutual agreement between the two companies to cancel the proposed rate schedule as filed on April 10, 1973 with the Commission in Docket No. E-8122.

A copy of this letter was mailed to Utah.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32234 Filed 11-28-75;8:45 am]

[Docket No. E-7468]

ILLINOIS POWER CO.

Notice of Fifth Supplemental Application

NOVEMBER 21, 1975.

Take notice that on November 4, 1975, Illinois Power Company (Applicant) filed a fifth supplement to its application in Docket No. E-7463 seeking a supplemental order of the Commission issued December 30, 1974 in Docket No. E-7468.

Applicant is incorporated under the laws of the State of Illinois and operates as an electric and gas public utility therein. The notes proposed to be issued pursuant to this Fifth Supplemental Application will be unsecured promissory notes with maturity dates not more than 360 days after their respective dates of issue, and in any event will be payable on or before December 31, 1977. The notes will be issued in an aggregate principal amount of not to exceed $125,000,000 outstanding at any one time, either to (1) commercial banks under the provisions of revolving credit agreements or otherwise, (2) commercial paper dealers, or (3) regular purchasers of commercial paper for their own account. With respect to such of the notes as are issued to commercial banks, the interest rate applicable to the notes shall be at the prime commercial rate of the Continental Illinois National Bank and Trust Company of Chicago in effect on the date of each borrowing and adjusted to the prime commercial rate in effect on the first date of each calendar quarter thereafter, and with respect to such notes as are issued to commercial paper dealers or to regular purchasers of commercial paper for their own account, the interest rate applicable to the notes will be the market rate (or discount rate) on the date of issuance for commercial paper of comparable quality and of the particular maturity sold.

The net proceeds from the issuance of the notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and/or to reimburse Applicant's treasury for construction expenditures. Applicant's construction program, as now scheduled, calls for expenditures of approximately $1,245,000,000 for the five-year period of 1975-79.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32280 Filed 11-28-75;8:45 am]

LANDS WITHDRAWN IN PROJECT NOS. 263 AND 301

Order Partially Vacating Land Withdrawals

NOVEMBER 19, 1975.

By order issued November 27, 1972 (37 FR 25568, December 1, 1972), we vacated the land withdrawals for Project Nos. 263 and 301-Colorado insofar as they pertain to 11,537.30 acres within the formerly proposed Kremmling reservoir site on the Colorado River. The following described lands were inadvertently omitted from said order and should be added:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 78 W.,
Sec. 7, S½ of lot 3.
Approximately 20.12 acres.

The Commission orders. The withdrawals for Project Nos. 263 and 301 insofar as they pertain to the above described lands are hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32234 Filed 11-28-75;8:45 am]

[Docket Nos. RP73-102, RP75-96, AP76-1]

MICHIGAN WISCONSIN PIPE LINE CO.

Filing of Revised Tariff Sheets

NOVEMBER 19, 1975.

Take notice that on October 30, 1975, Michigan Wisconsin Pipe Line Company (Mich Wis) tendered for filing Eleventh Revised Sheet No. 27F to its FPC Gas Tariff, Second Revised Volume No. 1 which reflects a 1.06¢ per Mcf increase in rates to recover the carrying charges related to additional advance payments for exploration and development in the lower 48 states and advance payments to Exxon Company, U.S.A. for exploration and development in the Prudhoe Bay Field, Alaska.

Mich Wis states its filing is made pursuant to the provisions of its Stipulation and Agreement in Docket No. RP73-102, approved by Commission order of June 26, 1974.

Mich Wis requests a waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Eleventh Revised Sheet No. 27F to be made and to become effective January 1, 1976.

Mich Wis states copies of its filing have been mailed to each of its customers as well as to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32235 Filed 11-28-75;8:45 am]

[Docket Nos. CP75-278, CP75-283]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

Order Granting Interventions, Consolidating Applications, Establishing Procedural Dates and Fixing Date for Formal Hearing

NOVEMBER 21, 1975.

On March 26, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wisc) and ANG Coal Gasification Company (ANG), an affiliate company, filed in Docket No. CP75-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the sale by ANG to Mich-Wisc of commingled natural gas and synthetic gas (SNG) produced from coal, and (2) the construction and operation by Mich-Wisc of pipeline and compressor facilities to enable it to receive and transport such gas to its existing customers. On June 2, 1975, Mich-Wisc supplemented its original filing by the submission of additional Exhibit I data as required by § 157.14 of our regulations, and on June 23, 1975, the original filing was further supplemented by the submittal of various contracts related to the coal gasification project. Additionally pursuant to a Commission deficiency letter, additional environmental data was filed on June 20, 1975. On March 31, 1975, Great Lakes Gas Transmission Company (Great Lakes) filed in Docket No. CP75-283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing transportation of SNG produced from coal commingled with natural gas for the account of ANG from a point on Great Lakes' main transmission line at Thief River Falls, Minnesota, to a point of delivery to Mich-Wisc at Crystal Falls, Michigan, and second, the construction, modification and operation of certain facilities.

The subject proposals represent an effort by the Applicants to deliver SNG commingled with natural gas to Mich-Wisc's existing customers in order to help alleviate a gas supply deficiency on Mich-Wisc's system. ANG plans to build a non-jurisdictional coal gasification plant in Mercer County, North Dakota, capable of producing about 275,000 Mcf per day of high Btu SNG, utilizing the "Lurgi Process". The SNG would be transported by Great Lakes from the plant to Great Lakes' existing pipeline system near Thief River Falls, Minnesota, through a 365 mile 30-inch diameter non-jurisdictional SNG pipeline.[1] At such point SNG would be commingled with natural gas and be transported to Mich-Wisc's transmission system near Crystal Falls, Michigan. In order to effectuate such transportation, Great Lakes requests authorization to construct approximately 217.3 miles of 36-inch diameter pipeline loop, to modify seven existing compressor stations, and to shift utilization of 39.5 miles of existing loop, presently rendering transportation service to Northern Natural Gas Company, for use in the subject SNG project. At the point of delivery to Mich-Wisc, ANG would sell to Mich-Wisc quantities of commingled SNG and natural gas equivalent in heating value to the output of the coal gasification plant less operational fuel needs. Mich-Wisc requests permission to construct 27.7 miles of 30-inch pipeline loop between Crystal Falls, Michigan and its existing Mountain, Wisconsin, Compressor Station, add a 12,000 horsepower compressor unit and upgrade an existing 7,500 horsepower unit to 12,000 horsepower at the Mountain Compressor Station and install an additional 3,500 horsepower compressor unit at its existing Kewaskum, Michigan, Compressor station, in order to accept delivery of the subject gas and transport it to its market area. The cost of this project is estimated by the Applicants as follows:

(a) Jurisdictional:

(1) Mich-Wisc pipeline loops and compressor facilities	$13,938,830
(2) Great Lakes pipeline loops and compressor modifications[1]	93,898,900
Total	107,867,730

(b) Non-jurisdictional:

(1) Gasification plant facilities	$778,274,000
(2) Coal mine facilities	125,759,000
(3) SNG pipeline	103,400,000
Total	1,007,433,000

[1] Includes book value of $7,356,800 for existing pipeline loop to be dedicated to this service.

Great Lakes plans to finance the $86,542,100[2] of jurisdictional facilities and $103,400,000 for the non-jurisdictional SNG pipeline through the issuance of common stock by parent companies, the sale of three-year term promissory notes and sale of twenty-year term first mortgage sinking fund bonds. Mich-Wisc proposes to finance approximately $14,000,000 in jurisdictional facilities initially from treasury funds, retained earnings and other internally generated funds, together with bank borrowings under short term lines of credit as required. The construction of the gasification plant and a connected coal mine would be financed by ANG with a combination of debt, common stock equity to be furnished by Mich-Wisc's parent, American Natural Gas Company and a special surcharge discussed later herein.

Mich-Wisc plans no new or increased sales as a result of this project. It estimates that its gas supply deficiency will increase from 21,200 MMcf in 1975, to 164,671 MMcf in 1981, when the Mercer County SNG plant is scheduled to commence operations, with the assumption that Arctic gas would initially become available in 1980. Mich-Wisc expects to curtail into Priority 2 in 1978 with increasing curtailments of Priority 2 for succeeding years, and curtailment into Priority 1 commencing in 1983, even assuming the availability of the subject gas.[3]

For the transportation of the SNG from the gasification plant to Great Lakes mainline via the 365-mile non-jurisdictional pipeline, Great Lakes proposes to charge Mich-Wisc on a cost of service basis. This rate is estimated to be 24.5 cents per Mcf in the first full year of operation. For the transportation through its jurisdictional mainline, Great Lakes will charge a demand rate of $4.657 and a commodity rate of 5.614 cents, for an average rate of 22.45 cents per Mcf.

Mich-Wisc claims that the coal gasification plant of ANG cannot be financed solely on the credit of the Applicants or their affiliate—American Natural Gas Company—and therefore, has proposed certain tariff provisions designed to help obtain financing for the project. During the construction phase of the project, Mich-Wisc would pay ANG an Allowance For Funds Used During Construction (AFUDC) to cover carrying charges on debt and a 12 percent after-tax return on equity, which would be passed onto Mich-Wisc's customers as a surcharge to all gas sold during the construction period, notwithstanding its source. Mich-Wisc also proposes to pay ANG during the operational phase of the project the cost of service of the plant including a 15 percent return on equity.

Mich-Wisc estimates the initial tailgate cost of the subject SNG at $2.52 per Mcf, based upon the imposition of the AFUDC surcharge during the construction phase of the project. The surcharge is estimated to range from two cents per Mcf in 1976 to sixteen cents per Mcf in 1981. Based upon Mich-Wisc's application, the incremental cost of this gas delivered into Mich-Wisc's market area consisting of the gas purchase price with all transportation charges added thereto could equate to approximately $3.70 per Mcf. Mich-Wisc proposes to price such gas on a rolled-in basis, rather than in incremental basis.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene have been filed by a number of parties in both dockets herein, as well as notices of intervention by the Public Service Commissions of Wisconsin, Iowa and Michigan. The attached Appendix details such parties.

The Commission is vitally concerned with the impact which the subject applications could have on Mich-Wisc's customers. We believe that the instant applications should be consolidated and should be subject to an evidentary hearing on all issues raised by these applications. It shall be incumbent upon the Applicants to submit up-to-date, full and complete cost data for all the elements of the subject project, from which the complete economic impact of the proposal on all parties can be adduced. Such data shall include, but not necessarily be limited to, such items as a detailed esti-

[1] The Commission has no jurisdiction over the production of SNG from coal or the transportation of SNG absent its commingling with natural gas. Alice Henry v. FPC 513 F2d 1312 (CADC 1975), issued July 28, 1975.

[2] Excludes the book value of existing pipeline loop to be used for this project ($7,356,800).

[3] For a description of these priorities see 18 CFR 2.78.

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mate of total capital cost of all facilities showing cost of construction by operating units such as compressor stations, pipelines, etc. and separately stating the cost of right-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other resources, allowance for funds used during construction, and contingencies. It should also indicate the source of information used as the basis for the estimates, such as preliminary bids or recent experienced cost data for facilities of similar character. In addition to providing testimony on the normal pre-requisites needed to establish a *prima facie* case under section 7(c) of the Natural Gas Act, the Applicants, should *inter alia*, provide testimony on the environmental impact of the entire gasification project. A recent court decision, "Alice Henry v. FPC" (see footnote 2) has said that the FPC under its responsibilities imposed by National Environmental Policy Act of 1969 must consider and evaluate the environmental consequences of issuing a certificate even into the areas where related facilities would be non-jurisdictional.

As required by the National Environmental Policy Act, full consideration will be given by the Commission to the environmental impact that may result from the construction and operation of this coal gasification project. However, in line with the "Alice Henry v. FPC" and "NRDC v. Morton" (148 U.S. App D.C. 5; 458 F 2d 827), our staff need not independently prepare its own EIS but may rely on the EIS prepared by another Federal agency. It is our understanding that the Bureau of Reclamation of the Department of Interior is currently preparing an EIS on this coal gasification project which might be adopted or modified by our staff.

The Commision finds. (1) There exists common questions of law and fact in Docket Nos. CP75-278 and CP75-283.

(2) It is necessary and appropriate that the applications in Docket Nos. CP75-278 and CP75-283 be consolidated for formal hearing and disposition.

(3) Participation by the late petitioners, as listed in the attached Appendix below, will not delay the instant proceeding and therefore good cause exists for accepting their late petitions to intervene.

(4) Participation by the petitioners in the Appendix attached below may be in the public interest.

The Commission orders. (A) Pursuant to the provisions of the Natural Gas Act particularly, Sections 7 and 15 thereof, the applications in Docket Nos. CP75-278 and CP75-283 are consolidated for hearing and disposition and a formal hearing shall be convened in this consolidated proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on January 22, 1976, at 10:00 a.m. (e.s.t.). The Presiding Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of the Applicants herein and any supporting interveners shall be filed and served on all parties of record, including the Commission Staff on or before December 22, 1975. Following the conclusion of cross-examination thereon, the Presiding Judge shall set such dates as are reasonable for the submission of answering any rebuttal cases, and the supmittal of the Commission's Staff's testimony.

(C) The petitioners listed in the attached Appendix below are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order of the Commission entered in this proceeding.

(D) The record in this proceeding shall remain open until either the submission of an environmental impact statement by the Commission Staff or the submittal of a statement of the Commission Staff adopting or modifying the environmental impact statement of another government agency concerning the subject coal gasification project, and no final decision shall be issued by the Commission until inclusion of one of the aforesaid statements in the record and appropriate consideration thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX

INTERVENERS

Associated Natural Gas Company.
El Paso Natural Gas Company.
Illinois Power Company.
Iowa Electric Light and Power Company.
Iowa Southern Utilities Company.[1]
Keokuk Gas Service Company.
Madison Gas and Electric Company.
Michigan Consolidated Gas Company.
Michigan Gas Utilities Company.
Michigan Power Company.
Midwestern Gas Transmission Company.
Mobil Oil Corporation.
Natural Gas Pipeline Company of America.
North Central Public Service Co., Division of Donovan Companies, Inc.
Northern Indiana Public Service Company.
Northern Natural Gas Company.
Peoples Natural Gas, Division of Northern Natural Gas Company.
Phillips Petroleum Company.
TransCanada Pipelines Limited.[1]
Union Gas Limited.
West Ohio Gas Company.
Wisconsin Fuel and Light Company.
Wisconsin Gas Company.
Wisconsin Michigan Power Company and Wisconsin Natural Gas Company.
Wisconsin Power and Light Company.
Wisconsin Public Service Corporation.

NOTICES OF INTERVENTION

Public Service Commission of Wisconsin.[1]
Iowa State Commerce Commission.[1]
Michigan Public Service Commission.

[1] Filed late.

[FR Doc.75-32244 Filed 11-28-75;8:45 am]

[Docket No. ER76-231]

MISSISSIPPI POWER & LIGHT CO.

Notice of Cancellation

NOVEMBER 21, 1975.

Take notice that on November 7, 1975, Mississippi Power & Light Company (MP&L) tendered for filing Notice of Cancellation of the provisions of its Rate Schedule No. 35, Supplement No. 6, Letter Agreement, with Tennessee Valley Authority (TVA), TV-14479A dated August 15, 1952. MP&L states this agreement was for the delivery of power by MP&L for the account of TVA at MP&L's Como substation. MP&L further indicates that the termination was by mutual agreement of the parties.

MP&L requests an effective date of October 15, 1975, for the termination.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32233 Filed 11-23-75;8:45 am]

[Docket No. RP74-100 (PGA 76-3)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 19, 1975.

Take notice that on November 5, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Third Substitute Fifth Revised Sheet No. 4, proposed to be effective December 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 1.86¢ per MCF on Third Substitute Fifth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[1] Filed late.

[FR Doc.75-32236 Filed 11-28-75;8:45 am]

[Docket No. RP74-100 (PGA 76-3a)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 19, 1975.

Take notice that on November 10, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Third Substitute Fifth Revised Sheet No. 4, proposed to be effective December 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the general terms and conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 2.82¢ per MCF on Third Substitute Fifth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32237 Filed 11-28-75;8:45 am]

[Docket Nos. CP76-14 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Findings and Order Granting Temporary and Permanent Certificates of Public Convenience and Necessity After Statutory Hearing Amending Prior Order, Setting Hearing, Consolidating Proceedings, Granting Interventions, Accepting Rate Schedules for Filing, and Rejecting Withdrawal

NOVEMBER 24, 1975.

Natural Gas Pipeline Company of America, CP76-14; Tennessee Gas Pipeline Company, CP75-301; Kerr-McGee Corporation, CI76-6; Cabot Corporation, CI76-95; Skelly Oil Company, CI76-109; Aztec Oil and Gas Company, CI76-121; The California Company, a Division of Chevron Oil Company, CI76-122; General American Oil Co. of Texas, CI76-142; Union Texas Petroleum, a Division of Allied Chemical Corporation, CI76-161; Ocean Production Company, et al., CI76-184; Phillips Petroleum Company, CI76-218; Kerr-McGee Corporation, CI76-238; Cabot Corporation, CI76-260; Felmont Oil Corporation, CI76-265; Case-Pomeroy Oil Corporation, CI76-266; Mobil Oil Corporation, CI75-538; Valhi Inc., CS76-165; Dalco Oil Company, CS66-96; Texasgulf, Inc., CS71-383.

On October 17, 1975, in Docket No. CP76-14, Natural Gas Pipeline Company of America (Natural) filed a petition for reconsideration of the Commission's letter-order dated October 14 which denied Natural's request for temporary certificate to construct its pipeline project.[1] On July 14, 1975, Natural filed its application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate 9.6 miles of 16-inch OD pipeline in the South Addition, West Cameron Area of offshore Louisiana. The proposed facilities will extend from Block 543 to a point of interconnection with Stingray Pipeline Company's (Stingray) existing 30-inch OD facilities in Block 565 of the same area. Stingray would then transport the gas onshore through its present system and redeliver an equivalent volume to Natural near its onshore station, where Natural has pipeline facilities, located in Cameron Parish, Louisiana.

Stingray would transport the gas under its present Rate Schedule T-1. Natural states that it will transport for itself and/or others approximately 78,000 Mcf/d in the first year. The line is designed to transport 165,000 Mcf/d. Total cost of the proposed facilities is estimated to be $5,658,000. Natural has a contract to purchase gas from Kerr-McGee Corporation (K-M) from Block 543, West Cameron.

By a motion filed September 14, 1975, Natural requested temporary authorization to construct but not operate the proposed facilities. Natural estimates construction time to be about 30 days assuming normal fall weather. Natural stated that Northern Natural Gas Company (Northern) and Columbia Gulf Transmission Corporation (Columbia Gulf) are negotiating for the remaining 50 percent of the reserves on Block 543—25 percent to each company—and have indicated their desires to have Natural transport their gas from the said block as well as gas from Block 544 of the same area. Natural requested a waiver of § 2.65(a)(4) which requires the utilization of a load factor of 60 percent for rate making purposes. At the initial transportation volume of 78,000 Mcf/d the load factor would be 46 percent, therefore, below that required by the aforementioned section. However, Natural expects additional gas to become available for purchase or transportation.

By letter-order dated October 14, 1975, the Commission denied Natural's Motion because all interdependent applications had not been filed. Natural now seeks reconsideration and states that 30,000 to 35,000 Mcf/d of gas would be available from K-M's 50 percent interest in Block 543 of a total 90,000 to 100,000 Mcf/d from the Block 543 Field, which includes adjacent Blocks 544 and 522. The ownership of the Block 543 Field is as follows: In Block 543; Kerr-McGee (K-M) 50 percent; Cabot Corporation (Cabot) 25 percent; and Felmont Oil Corporation and Case-Pomeroy Oil Corporation (Felmont) 25 percent. In Block 544, a 25 percent interest is owned each by Phillips Petroleum Company (Phillips) Skelly Oil Company (Skelly), Union Texas Petroleum, and Texas Gulf Inc. (Texas Gulf). In Block 522, K-M, Cabot and Felmont own producing rights pursuant to a farm-out agreement from the SLAM Group. Felmont has not filed to sell gas from its 25 percent interest in Block 543.

Natural submits that sufficient compliance has been made as to the interdependent applications of natural gas producers and transportation agreements and that waiver of the regulation by the Commission should be permitted as in "Texas Eastern Transmisison Corporation, et al.," Docket Nos. CP63-177, et al., order issued July 18, 1975. Natural notes that in the offshore Project 281, Texaco had not filed for appropriate Commission authorization and that the Commission subsequently granted a temporary certificate to construct and operate Project 281, conditioned on producer authorization to sell gas. In view of the substantial number of producer fillings which are now before the Commission for concurrent action on a project basis, there appears to be available a sufficient supply of natural gas to support the grant of a certificate to Natural as will hereinafter be ordered, consistent with the Commission's prior action set forth in Texas Eastern, supra.

Kerr-McGee Corporation (K-M) requests a permanent certificate in Docket No. CI76-6 to initiate sales of gas to Natural Gas Pipeline Company from its 50 percent working interest in Block 543, West Cameron Area, offshore Louisiana Federal Domain, at the national rate established in Opinion No. 699-H (51.0¢

[1] Natural's filing is not properly a petition for rehearing under Section 19 of the Act as the order of October 14, is not a final order of the Commission. Natural's filing will be treated as a motion for reconsideration.

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per Mcf at 14.73 psia) subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 0.5¢ per Mcf in lieu of the base contract rate of $1.44 per Mcf (15.025 psia).

Cabot Corporation (Cabot) requests a permanent certificate in Docket No. CI76–95 to initiate sales of gas from its 25 percent working interest in West Cameron Block 543 to Northern Natural Gas Company (Northern) at the national rate in lieu of the base contract rate of $1.40 per Mcf (14.65 psia). The remaining 25 percent working interest in West Cameron Block 543 is owned by Felmont Oil Corporation and Case-Pomeroy Oil Corporation (Felmont). To date, neither Felmont nor Case-Pomeray has filed for authorization to make sales from their working interest.

Skelly Oil Company (Skelly) requests a temporary certificate in Docket No. CI76–109 and Union Texas Petroleum A Division of Allied Chemical Corporation (Union Texas) and Phillips Petroleum Company (Phillips) requests permanent certificates in Docket Nos. CI76–161 and CI76–218, respectively, to initiate sales of gas from Block 544, West Cameron Area, offshore Louisiana Federal Domain, to Columbia Gas Transmission Corporation (Columbia) at the national rate in lieu of the base contract rate of $1.05 (15.025 psia). Skelly, Phillips and Union Texas each own a 25 percent working interest in Block 544. The remaining 25 percent working interest is owned by Texasgulf Inc., holder of a small producer certificate in Docket No. CS71–383. Texasgulf's interest is dedicated to a contract with Columbia.

The contracts submitted by Skelly, Union Texas and Phillips limit the dedication to gas produced from the Lent 1 Sand and provide that upon written notice to the buyer, sellers may exercise an option to receive up to 25 percent of the average daily quantity of gas produced. The contract submitted by Cabot provides that Cabot has the right, upon 6 months written notice to the buyer, to have up to 20 percent of the gas returned to Cabot at an onshore point in South Louisiana. K–M's contract limits the dedication to all depths down to a true vertical depth of 12,305 feet, provides for a term of 15 years and permits K M to withdraw for its own use up to 25 percent of the gas upon at least 6 months prior written notice to Natural.

By telegram filed October 15, 1975, K-M advised that it would amend its contract to relinquish its option to reserve gas and to extend the term from 15 to 20 years if the following occur on or before November 13, 1975: (1) The issuance of a permanent certificate to Natural to construct and operate its proposed facilities; (2) The issuance of a permanent certificate to K–M for its proposed sale; and (3) The construction of Natural's proposed facilities. In addition, K–M's contract provides that Natural will transport liquids for K–M free of charge unless Natural is required to allocate and bear costs for such liquid transportation or pay third parties for such liquid transportation. Cabot's contract provides that Cabot will pay Northern 20.0 cents per barrel for transporting or causing the transportation of liquids for Cabot.

K–M on October 28, 1975, in Docket No. CI76–238 filed an application for a certificate for the sale of gas from Block 522 of the Block 543 Field, West Cameron Area, Offshore Louisiana, in the Federal Domain. K–M proposes to initiate the sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) from its interest in Block 522 at the national rate established in Opinion No. 699–H, in lieu of the contract rate of $1.44 per Mcf. K–M's contract provides for a term of 20-years and commits all gas produced from the surface down to the base of the deepest hydrocarbon bearing reservoir or its correlative zone encountered as of the contract date. The leasehold interest in Block 522 owned by SLAM (Burmah Oil and Gas Company, Louisiana Land and Exploration Company, Amerada Hess Corporation and Marathon Oil Company, hereinafter Burmah, et al.) was farmed out to K–M, Cabot and Felmont. Cabot in Docket No. CI76–260, Felmont in Docket No. CI76–235 and C–P in Docket No. CI76–266 have filed application to sell the other 50 percent farmout interest in Block 522 to Texas Eastern on the same basis as set forth above in K–M's sale. In view of the lack of notice of the applications and opportunity for protest and intervention, the omission will grant K–M, Cabot, Felmont and C–P temporary certificates.

Natural has made advance payments to K–M; Columbia has made advance payments to Phillips, Skelly and Union Texas; and Northern Natural has made advance payments to Cabot.

Tennessee Gas Fipeline (TGP) proposes in CP75–301 to construct and operate 33.7 miles of offshore transmission pipeline, and related facilities, extending from a production platform of Chevron Oil Company in Block 249, South Marsh Island area, offshore Louisiana, Federal Domain, northwesterly to a point of connection onshore with the Pecan Island processing plant, Vermilion Parish, Louisiana, and then to the Blue Water Project pipeline system jointly owned by Tennessee and Columbia Gulf Transmission Company. Tennessee will receive and transport to its mainline system, volumes of gas to be purchased from Chevron and other producers in Blocks 249 and 250, South Marsh Island area offshore Louisiana. Tennessee has made advance payments of $55 million covering the South Marsh Island area, Blocks 249 and 250, with each of several producers owning interests therein.

The California Company, a Division of Chevron Oil Company, (Chevron) and General American Oil Company of Texas (GAOCT) request permanent certificates in Docket Nos. CI76–122 and CI76–142, respectively, and Aztec Oil & Gas Company (Aztec) and Ocean Production Company, et al. (Ocean), (the "et al." parties are Ocean Oil & Gas Company and Murphy Oil Corporation) request temporary certificates in Docket Nos. CI76–121 and CI76–184, respectively, to initiate sales of gas to Tennessee from Blocks 249 and 250, South Marsh Island Area, offshore Louisiana (Federal Domain) at the national rate established in Opinion No. 699–H (51.0¢ per Mcf at 14.73 psia subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 0.5¢ per Mcf) in lieu of the contract rates of $1.63 (15.025 psia). Each related contract dedicates only those reserves found in specified reservoirs. In addition, the contracts submitted by Chevron, Ocean and GAOCT also permit the reservation of a portion of the gas in the dedicated reservoirs for the producer's own use. Ocean has not reserved gas for its own use. Murphy Oil Corporation, an "et al." party to Ocean's application, has reserved gas for its own use. Chevron's contract with TGP is for a term of 10 years and year to year thereafter unless cancelled by either party and the contracts submitted by Aztec, GAOCT and Ocean provide for a primary term of 10-years and year-to-year thereafter unless cancelled by either party, although it is understood that TGP has a continuing right to purchase gas for 20-years. The advance payment agreement with Chevron provides that the contract term will be 20-years and the advance payment agreements with Aztec, GAOCT and Ocean provide that the contract term will be 20-years unless the Commission is currently accepting contracts with lesser terms; but in any event, not less than five years. In the event Chevron, Aztec, GAOCT and Ocean accept temporary certificates and have their applications set for hearing as hereafter scheduled, they shall show cause by their evidence why the term of their contracts should not be amended to be equivalent to the term prescribed (20 years) in its advance payment agreements.

Chevron's July 24, 1975, contract dedicates only 75 percent of the reserves in the specified reservoirs; the remaining 25 percent has been reserved by Chevron for its own use. GAOCT has reserved the right to reserve a total volume of 25,550,000 Mcf for its own use from various blocks (South Marsh Island Blocks 170, 249, 250, and 258 and East Cameron Block 251) subject to advance payment agreements with Tennessee: *Provided*, Such volume does not exceed 20 percent of the total recoverable reserves attributable to GAOCT's interest in such blocks. Murphy has reserved the right to reserve 54,750,000 Mcf for its own use from various blocks (South Marsh Island Blocks 170, 249, 250, and 258; East Cameron Block 251; and West Delta Block 124) subject to advance payment agreements with Tennessee, provided such volume doesn't exceed 20 percent of Murphy's interest in the recoverable reserves underlying such blocks.

The subject application with TGP cover 77.5 percent of the working interests in Block 249 and 70.0 percent of the working interests in Block 250. The Superior Oil Company and Canadian Superior Oil (U.S.) Company own a 13.0 percent and 7 percent working interest, respectively, in Blocks 249 and 250. No application has been received from either producer. Dalco Oil Company owns the remaining 2.5 percent working interest in Block 249 and a 2.0 percent working interest in Block 250; Dalco has a small producer certificate in Docket No. CS66–96. Its interest is committed by contract to TGP. The remaining 8.0 percent working interest in Block 250 is owned by Valhi, Incorporated. On September 24, 1975, Valhi filed for a small producer certificate in Docket No. CS76–165. TGP has filed a contract for Valhi's sale.

A parallel situation involves the TGP Project Block 249, South Marsh Island, as Natural's Block 543 project previously described and the Commission will extend the same treatment to Tennessee's project and issue it a similar certificate.

The contracts submitted by GAOCT and Aztec contain the following provision:

> If at any time, and from time to time, after the date of this Agreement the price per Mcf authorized to be paid by Buyer for gas purchased from any gas producer whomsoever in fields located within the Southern Louisiana and Offshore Area shall be greater than the price per Mcf of gas purchased under this Agreement, Buyer will increase the price per Mcf payable to Seller for gas delivered under this Agreement to equal such higher price.

Such provision constitutes a favored-nation clause which is impremissible in contracts dated after April 3, 1961, pursuant to § 154.93 of the regulations. The authorization granted herein to GAOCT and Aztec, either temporary or permanent, is conditioned on removal of said provision within 30 days herefrom.

Chevron's contract provides that Tennessee will transport liquids for Chevron and charge the rate prescribed by any FPC order for such transportation service. The contracts submitted by Aztec, Ocean and GAOCT also provide that Tennessee will transport liquids for the producers at no charge unless the FPC requires that a transportation charge be paid. TGP, Natural and Stingray will be directed to file a liquids transportation rate schedule 30 days prior to initiation of said service for natural gas producers, together with a supporting cost of service exhibit, as a condition to issuance of a certificate.

This order involves three separate and distinct pipeline projects in the Gulf of Mexico, offshore Louisiana in the Federal Domain wherein interstate pipeline companies subject to the jurisdiction of the Commission under the Natural Gas Act seek to attach new supplies of natural gas to be produced from Federal leases owned by natural gas producers. Natural gas producers seek Commission approval of contracts which limit the dedication of gas to specified producing formations, reserve specific portions of gas for their own use, or limit the sale of gas to specified percentages of available reserves and limit the term of their contracts for the sale of gas. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission by order issued June 3, 1975, in Getty Oil Company, et al., in Docket No. CI75–319, et al., directed that a formal hearing be held to resolve similar issues of depth limitations and limitation on the term of the sale.

The order of June 3, 1975, in Docket No. CI75–319 et al. (p. 1) states:

> This proceeding involves issues of limitations in gas sales contracts, between independent producers and an interstate pipeline, for natural gas to be produced and sold from leases in the Federal Domain in the Gulf of Mexico, proposed to be certificated by the Federal Power Commisssion and accepted for filing.
>
> The producer gas sales contracts would limit dedications to the base of defined producing formations for a limited term. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission directs a formal hearing on these issues. Applicants shall, *inter alia*, in their evidence address the question of whether the dedication of gas reserves to be connected from Federal Domain leases should not include all of the commercially producible gas reserves from the surface to the limit of the well bore.

Producers herein have proposed contracts limiting the term of the sale contract, reserving volumes of gas or percentages of total reserves or options to do so at their unilateral discretion, and containing depth limits.

In Docket No. CI75–538, Mobil Oil Corporation (Mobil) has on file an application to sell gas to Trunkline Gas Company (Trunkline) from Block 95 Field, Grand Isle Area, offshore Louisiana in the Federal Domain. Trunkline Gas Company has a pending application in Docket No. CP75–273 to construct and operate facilities from the Block 95 Field to its existing offshore pipeline system.

Mobil's contract commits only 75 percent of the reserves in producing formations found between the top of the 4,500 Foot Sand (between 5,225 and 5,284 feet) and the base of the CN–10 Sand (between 10,175 and 10,102 feet) underlying specified portions of Blocks 93, 94, 95, and 96. The remaining 25 percent of the reserves in the dedicated depths is reserved for Mobil's own use. The term of the contract is 10 years.

On August 15, 1975, the Commission issued an order in Trunkline Gas Company and Mobil Oil Corporation, Docket Nos. CP75–273 and CI75–538, granting temporary certificates of public convenience and necessity and setting Mobil's application for hearing. The Commission found that in view of the National shortage of natural gas and the declining reserves of interstate pipelines, it was necessary that formal hearings be held to resolve similar issues of reservations, depth limitation and limitations on the term of the sale in Getty Oil Company, et al., Docket No. CI75–319, et al. Mobil rejected the temporary certificate and sought reconsideration. On September 10, 1975, the Commission issued an order which, *inter alia*, granted in part Mobil's application for reconsideration. The Commission's order further granted a permanent certificate with conditions to Mobil, and severed its application from the applications of the other producers. The permanent certificate stated that within 30 days after acceptance of the permanent certificate Mobil was required to file an amendment to its gas sales contract with Trunkline to delete any reservation of gas for Mobil's own use, to delete all depth limitations and to delete or amend the provision relating to the term of Mobil's proposed rate schedule. The order directed that Mobil's permanent certification was conditioned on substitution of either a 20-year term in the contract amendment or deletion of the delivery term entirely, and substitution therefor of a life-of-the-lease, or equivalent term, whichever is preferable to the parties (p. 8).

By letter filed October 9, 1975, Mobil notified the Commission that it was rejecting the certificate, withdrawing the proposed amendment contained in its application for rehearing and gave notice to the Commission of its withdrawal of its application for a certificate. The Commission in the order issuing a permanent certificate on September 10, 1975, identified the ten year term of the Mobil's contract as an issue requiring resolution on permanent certification, because Trunkline shows gas supply available from this field for eighteen years based on proven and probable reserves, and 20 years based on proven, probable or potential reserves.

On October 9, 1975, Trunkline requested an extension of the period within which to formally accept the certificate tendered by the Commission for a 120 day period, because Trunkline's certificate is dependent upon the availability of gas from Mobil, and that Trunkline's proposal to construct and operate these facilities will continue regardless of the response from Mobil as Mobil's interest in the Block 95 Field remains committed to Trunkline under its Advance Payment Agreement. By Notice issued October 17, 1975, the Secretary extended to December 10, 1975, the date within which Trunkline must accept the certificate in Docket No. CP75–273. It is thus apparent to the Commission that the rejection of certificates by Mobil and its purported withdrawal of its application has not terminated the proposal.

In order to expedite further consideration of all of these related matters, the Commission has determined that it is necessary and desirable in the public interest to reject Mobil's notice of withdrawal. The combination of facts, namely the acquisition by Mobil of Federal leases, the accertance of large sums of advance payments from Trunkline, and the National shortage of natural gas compel further inquiry by the Commission as opposed to a summary grant of the requested withdrawal.

Mobil's application filed on August 22, 1975, states that it is prepared to accept a certificate unlimited as to duration, in support of Commission acceptance of a term of 10 years in Mobil's contract with Trunkline. On further consideration, the Commission finds that a certificate so conditioned should issue, based on the

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following considerations. Cases [2] decided under the Natural Gas Act, lead to the finding that when the Commission certificates a sale by a producer, and the gas begins to flow under the certificated authority, the certificated service authority is binding on both seller and buyer until such time as the Commission authorizes a change in the certificated srevice. The authorized service integrates the duty to continue to make the sale regardless of any contractual provision to the contrary. Moreover, the contract between Trunkline and Mobil was entered into on March 4, 1975, substantially before the issuance of Commission Order No. 529, in Docket No. RM75–6, which provides that advance payment agreements executed after June 17, 1975, shall, *inter alia*, require long-term contracts for a minimum initial term computed on the lesser of 15 years or the life of the reserve in the field. The Commission will, therefore, amend the order of September 10, 1975, to permit the filing of the contract amendment without deletion of the 10-year term. However, this should not be construed as constituting any change in our policy stated in Order No. 529. Natural gas producers in the Natural Block 543 and TGP Blocks 249–50 projects will be accorded treatment consistent with the aforesaid.

In order to accommodate the various applicants involved in these offshore projects, the Commission will tender to the natural gas producers, in the alternative temporary or permanent certificates. Where the producers accept permanent authorization pursuant to the certificates hereinafter issued, specific conditions will eliminate all controversial issues. This can be accomplished by the filing by each producer of a contract amendment consistent with these requirements.

The alternative tendered to each natural gas producer is a temporary certificate which sets the application of the independent producer for hearing and decision and permits gas sales to commence as the Commission has previously permitted in the Getty Oil Company, et al., Docket No. CI75–319, et al. Each natural gas producer therefore has the option of accepting a temporary certificate to commence operations and proceed to formal hearing on the issues raised by its contract for the sale of gas, or in the alternative accept a permanent certificate as conditioned and conclude action on its application.

[2] City of Detroit v. Panhandle Eastern Pipeline Company, 6 FPC 196, 204, affirmed, 143 F.2d 488, (8th Cir. 1944), affirmed, 342 U.S. 836 (1945); Sunray Mid-Continent Oil Company v. FPC 364 U.S. 137, 156 (1960); Hunt v. FPC 306 F.2d 334, 342 (5th Cir. 1962); Panhandle Eastern Pipeline Company v. FPC, 177 F.2d 94, 945 (6th Cir. 1949); Michigan Consolidated Gas Company v. Panhandle Eastern Pipeline Company, 173 F.2d 764, 780 (6th Cir. 1949); Continental Oil Company, 31 FPC 1079, 1083, affirmed, 365 U.S. 83 (1966); Cities Service Gas Company, 38 FPC 364, 378 (1967); Blair-Vreeland, Opinion Nos. 724 and 724–A (1975; Mitchell Energy Corporation, Opinion No. 733 (1975); El Paso Natural Gas Company, et al., Opinion No. 737 (1975).

By subsequent notice, the Secretary of the Commission will designate the applicants and Docket Nos. which will be the subject of the hereinafter scheduled hearing. Natural gas producers which accept neither permanent nor temporary authorization pursuant to this order will have their application set for hearing as part of the consolidated proceeding.

Natural will be required to file applications and received authorization to transport gas for Texas Eastern, Northern Natural, Columbia Gas and any other party seeking to have its purchased gas transported through the subject facilities prior to the actual transportation of gas for such parties.

Belmont, Superior, and Canadian Superior have not filed an application for the sale of gas representing their interest in these gas fields. Consistent with the Commission's action in Marathon Oil Co., CI75–541, et al., order issued July 24, 1975, Texas Eastern, supra, each of these companies will be directed to file with the Commission, a written statement within 10 days of this order advising the Commission of its intention with regard to its interest.

K–M and Chevron will submit copies of all operating agreements affecting working interests in these fields. This requirement will be effective only so long as certificates are not issued and accepted by Belmont, Superior and Canadian Superior, as applicable to their respective field operations.

Petitions to intervene have been filed by:

Tennessee Gas Pipeline Company.
Interstate Power Company.
Northern Illinois Gas Company.
Northern Indiana Public Service Company.
Illinois Power Company.
Iowa Southern Utilities Company.
Iowa Power and Light Company.
Mississippi River Transmission Corporation.
Iowa-Illinois Gas and Electric Company.
The Peoples Gas Light and Coke Company and North Shore Gas Company.
Columbia Gas Transmission Corporation.
Central Illinois Public Service Company.
Northern Natural Gas Company.
Peoples Natural Gas Division of Northern Natural Gas Company.
Iowa Electric Light and Power Company.

At a hearing held on November 19, 1975, the Commission on its own motion received and made a part of the record in these dockets all evidence, including the applications, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds. (1) Each Applicant here is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the application will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule related to the authorizations hereinafter granted should be accepted for filing.

(4) Participation by petitioners to intervene may be in the public interest in the proceedings in which they have filed petitions.

(5) The sales of natural gas hereinbefore described and as more fully described in the applications of natural gas producers in these dockets will be made in commerce subject to the jurisdiction of the Commission, and such sales by said persons, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary, therefore, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(6) The transportation and sale of natural gas by applicants Natural Gas Pipeline Company and Tennessee Gas Pipeline Company, and the construction and operation of facilities will be subject to the jurisdiction of the Commission, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(7) The order of September 19, 1975, in Docket No. CI75–358 should be amended as to ordering paragraph (I) to remove the requirement for elimination of the 10-year term.

The Commission orders. (A) Temporary certificates are issued to Applicants, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Natural Gas Pipeline Company of America to construct and operate the subject facilities as hereinbefore described, all as more fully described in the applications, as amended and supplemented. The temporary certificates are conditioned upon each producer-applicant herein receiving and accepting permanent or temporary Commission authorization to sell gas to Tennessee, Natural, Columbia, Northern or Texas Eastern, as applicable to each pipeline project. This authorization is without prejudice to such ultimate disposition of the applications, as amended and supplemented, as the record may require.

(B) The certificates issued in paragraph (A) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (c) (1), (c) (3), (c) (4), (e), (f) and (g) of § 157.20 of such Regulations. The construction authorized shall be completed within one year from the date of this order in accordance with paragraph (b) of § 157.20 of the regulations.

(C) The authorizations granted herein are conditioned upon the related producers who have filed for appropriate Commission authorization receiving and accepting permanent or temporary Commission authorization to sell natural gas to pipelines purchasers.

(D) All petitioners to intervene are permitted to intervene in all the proceedings in which they have filed petitions to intervene subject to the rules and regulations of the Commission: *Provided, however,* That participation by such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceeding.

(E) Permanent certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale by natural gas producer applicants, herein of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rate or the national base rate of 51.0 cents per Mcf (14.73 psia), subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance, all as hereinbefore described and as more fully described in the applications in said dockets, subject to the following conditions.

(F) The certificates issued in paragraph (E) and (K) shall be void and without force or effect unless accepted in writing by Applicants within 30 days from the issue date of the order issuing such certificates: *Provided, however,* That if an application for rehearsing of such order is filed in accordance with section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed: *Provided, further,* That if petition for review is filed in accordance with the provisions of section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

(G) The certificates issued in paragraph (E) and (K) above and the rights granted thereunder are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission.

(H) The grant of the certificates issued in paragraph (E) and (K) shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates herein for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by Section 7(b) of the Natural Gas Act. The grant of the certificates herein shall not be construed to preclude the imposition of any sanctions pursuant to provisions or the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificates.

(I) Producer-Applicants, upon acceptance of a permanent certificate in paragraph (E) above shall within 30 days of said acceptance file with the Commission an amendment to its gas sale contract to delete any reservation of gas for its own use and to delete all depth limitations. Applicants having advance payment agreements calling for 20-year contracts must delete or amend, where necessary, the provision relating to the term of its proposed rate schedule by either substitution of a 20-year term or deletion of a delivery term entirely and substitution of life-of-lease (or equivalent) term, whichever is preferable to the parties.

(J) Section 154.93 of the regulations under the Natural Gas Act is hereby waived to permit the inclusion in Applicants rate schedules of the contractual provision for rate increases to a higher area rate found to be proper by hearing, rulemaking or a Commission approved settlement and the reimbursement by buyer of any excess royalty payments. Such waiver should not be construed as meaning that any rate increase based on such pricing provision would be accepted for filing without suspension.

(K) Based upon the allegations presented upon the need for additional natural gas supplies, the Commission finds that an emergency exists and temporary certificates are hereby issued to natural gas producer Applicants herein pursuant to section 7 of the Natural Gas Act authorizing the sale by Applicants in these dockets of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rate or the national base rate of 51.0 cents per Mcf (14.73 psia), subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance, subject to conditions stated above and hereafter.

(L) Applicants acceptance or rejection of the temporary certificates shall be filed within 30 days of the date hereof. If accepted, the temporary certificate shall be effective upon the date of receipt of the acceptance by the Secretary. Service under the temporary certificate shall commence within 30 days from the date of completion of the facilities by the purchaser transporter. Such service may not be discontinued without permission of the Commission issued pursuant to the provisions of section 7(b) of the Natural Gas Act whether the contract term has expired or not. The issuance of temporary certificate and the acceptance of the rate schedule are without prejudice to such final disposition of the application for certificate as the record may require.

(M) The applications in Docket Nos. CP76–14, CP75–301, CI76–6, CI76–95, CI76–218, CI76–109, CI76–161, CS71–383, CS66–96, CS76–165, CI76–121, CI76–122, CI76–142, CI76–238, CI76–260, CI76–265, CI76–266, and CI75–538 are hereby consolidated for hearing and decision. By subsequent notice, the Secretary of the Commission will delete herefrom each application which is concluded by acceptance of a permanent certificate issued by paragraph (E) above.

(N) On or before January 22, 1976, Applicants and all persons in support shall each file their prepared testimony and exhibits comprising their case-in-chief upon all parties to the proceeding, the Office of the Administrative Law Judges, the Commission Staff and all parties to the consolidated proceeding.

(O) The Chief Presiding Administrative Law Judge shall designate a presiding officer to preside at the hearing hereinafter ordered. Subsequent to the date set for hearing by this order, or any subsequent order or notice amending said hearing date, the delegated Administrative Law Judge shall control further proceedings consistent with the Rules and Regulations of the Commission and in compliance with this order.

(P) Pursuant to the authority of the Natural Gas Act particularly sections 7, 14, 15, 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing February 17, 1976, at 10:00 a.m. (e.s.t.) in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters in these consolidated dockets.

(Q) The Secretary of the Commission is directed to serve a copy of this order on Felmont Oil Corp., Case-Pomeroy Oil Corp., Superior Oil Company and Canadian Superior Oil Co.

(R) Each natural gas producer shall present as part of its prepared evidence in the consolidated hearing supporting data to show the volumes of natural gas to be produced and sold from each field in which it has an interest during the term of its contract from contractually specified formations; the estimated gross and net recoverable natural gas reserves in each formations in each field; the estimated gross and net recoverable natural gas reserves commercially producible from the surface to the limit of the well bore; and deliverability schedules related to each of the reserve estimates called for above. Each natural gas producer shall

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also present a schedule of payments received and anticipated to be received from the interstate pipeline company proposing to purchase gas from the field. In order to reduce the volume of evidence submitted, a natural gas producer having an undivided interest in the Field may adopt the evidence of another producer as showing its reserves and deliverability.

(S) Felmont Oil Corp., Case-Pomeroy Oil Corp., Superior Oil Company and Canadian Superior Oil Company shall file a written statement within 10 days of the date of this order advising the Commission of its intentions with regard to its interest in Federal Domain Blocks 543 West Cameron area, and Blocks 249–250 South Marsh Island offshore Louisiana.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing to become effective on the date of initial delivery. Applicants shall advise the Commission of said date within 10 days thereof.

The rate schedules have been designated as follows:

Description	*Designation*
Contract Sept. 1, 1975, agreement Oct. 21, 1975	Kerr-McKee Corp., rate schedule No. 133 and supplement No. 1 thereto.
Contract July 3, 1975	Kerr-McKee Corp., rate schedule No. 132.
Contract July 16, 1975	Cabot Corp., rate schedule No. 115.
Contract Sept. 1, 1975	Cabot Corp., rate schedule 116.
Contract Sept. 1, 1975, agreement Oct. 31, 1975	Felmont Oil Corp., rate schedule 23 and supplement No. 1.
Contract Sept. 1, 1975	Case-Pomeroy Oil Corp., rate schedule No. 6 and supplement No. 1.
Contract July 10, 1975	Skelly Oil Co., rate schedule 280.
Contract July 9, 1975	Union Texas Petroleum, a Division of Allied Chemical Corp., rate schedule 134.
Contract Aug. 20, 1975, agreement Mar. 23, 1973	Ocean Production Co. et al., rate schedule 13 and supplement No. 1, thereto.
Contract July 25, 1975, agreement May 4, 1973	General American Oil Co. of Texas, rate schedule 101 and supplement No. 1.
Contract July 24, 1975	California Co., a Division of Chevron, rate schedule 90.
Contract Aug. 6, 1975	Aztec Oil & Gas Co., rate schedule 40.
Contract Aug. 4, 1975	Phillips Petroleum Co., rate schedule No. 579.

(U) Acceptance of the rate schedules of Applicants herein pursuant to temporary authorization in paragraph (K) does not constitute Commission approval of the contractual reservations or limitations involved pending resolution of the matter on the merits after hearing and decision.

(V) Appropriate authorization from the Commission is required by any pipeline to transport any gas which the producers may be permitted to reserve.

(W) Within 30 days from the date of this order, producer-applicant in CI76–142 shall file three copies of a written statement demonstrating the applicability of the rate, terms and conditions of Opinion No. 699–H. If such statement is filed with the Secretary within 30 days, the rate may be made effective as of the date of initial delivery.

(X) The Motion for rehearing of Natural Gas Pipeline filed October 17 in Docket No. CP76–14 is hereby denied to the extent not granted above.

(Y) The certificate authorization to Natural to construct facilities is conditioned on the cost of such facilities not becoming part of Natural's rate base until such time as these facilities are operational and the producers proposing to sell gas to the pipeline companies from the Block 543 Field have accepted authorization to sell gas. Natural's request for waiver of § 2.65(a)(4) will be considered at such future time as the Commission acts on the application by Natural for issuance of permanent certification. Natural is further directed to file applications for transportation of gas for other pipeline purchasers and receive such authorizations prior to the initiation of any such transportation service from the Block 543 Field, Stingray, Natural and Tennessee shall file appropriate rate schedules 30 days prior to the initiation of any transportation service for natural gas producers for the transportation of liquids from these Fields, together with a supporting cost-of-service exhibit.

(Z) The Secretary of the Commission shall serve a copy of this order on the Secretary of the Interior inviting his participation in this proceeding, to notify the Department of the status of these Federal leases, and to permit the Secretary to take whatever action he deems necessary in the circumstances.

(AA) Applicants GAOCT and Aztec shall file a contract amendment deleting the favored-nations clause from their contracts within 30 days from the date of this order.

(BB) Within 30 days from the date of this order, applicants in Docket Nos. CI76–6, CI76–95, and CI76–101 shall file the written statement demonstrating the applicability of the rate, terms and conditions of Opinion No. 699–H, including the written waiver required by § 2.56a(i) of the rules. If such statement is filed with the Secretary within 30 days, the rate may be made effective as of the date of initial delivery.

(CC) Within 30 days from the date of this order, applicants in Docket Nos. CI76–109, CI76–218, CI76–260, CI76–265, and CI76–266 shall file the written waiver required by § 2.56a(i) of the rules. If such waiver is filed within 30 days, the rate may be made effective as of the date of initial delivery.

(DD) Within 30 days from the date of the order, applicants in Docket Nos. CI76–109, CI76–121, CI76–142, CI76–218, CI76–265 and C76–266 and CI76–238 shall file three copies of a revised billing statement which clearly reflects the components of the authorized rate, namely, base rate, Btu adjustment and gathering allowance.

(EE) Applicant in Docket Nos. CI76–238, CI76–260, CI76–265 and CI76–266 shall obtain Commission authorization before reserves may be substituted pursuant to Section 5 of Article III of the related gas sales contract.

(FF) Chevron, GAOCT and Ocean shall show cause in the hearing ordered (where these applicants accept temporary certificates) by their evidence why the term of their contracts for sale of gas should not be amended to be equivalent to the term (20 years) prescribed in the advance payment agreements with TGP. This condition shall be void where each of these applicants accepts a permanent certificate.

(GG) Chevron and K-M shall file copies of all operating agreements in these Fields so long as certificates are not issued and accepted by Felmont, Superior, Canadian Superior, as applicable to their respective field operations herein.

(HH) Applicant natural gas company's attention is directed to Commission Order No. 539, issued October 14, 1975, FR ____, and to the provisions of § 2.83 General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization; (2) shall be without regard to any contractual reservations contrary to the certificate authorization; (3) and shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, *inter alia*, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that Applicant, if it has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

(II) Certificates issued by this order to natural gas producers and gas begins to flow under such authority makes the certificated service authority binding on both seller and buyer until such time as the Commission authorizes a change in the certificated service regardless of any contractual provision to the contrary.

(JJ) Trunkline, Natural and TGP shall file within 45 days after service commences under the certificates issued herein, a verified statement showing *pro forma* Form 15 gas reserves and deliverability schedules for these fields, and representations of reserves controlled which will be made to stockholders, or contained in a prospectus or registration statement in connection with financing or financial reporting.

By the Commission.[a]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32245 Filed 11-28-75;8:45 am]

[Docket No. ER76-228]

NEVADA POWER CO.

Change in Rate Schedule

NOVEMBER 18, 1975.

Take notice that on November 6, 1975, the Nevada Power Company (NPC) tendered for filing a change in rate schedule for the California-Pacific Utilities (CPUC) at Henderson, Nevada. Nevada states that the change in CPUC's rates will consist of an increase in the demand component of $1.94 per Kw per month to CPUC at Henderson. The net increase in the energy component is 1.03 mills per Kwh.

The filing is the same as that previously submitted in Docket No. ER76–40 but which was rejected by the Commission in its order of October 15, 1975. The basis for the rejection has now been cured by the passage of time. NPC has requested that this filing be consolidated with Docket No. ER76–40 with suspension to the same date, i.e., March 17, 1976.

NPC states that this rate relief is urgent due to their financial emergency. NPC further states that their return on common stock equity for the first five months of the year has been under 5 percent and for the month of May, 1975 their return was negative.

NPC states that copies of this filing have been mailed to CPUC, Public Service Commission of Nevada, Public Utilities Commission of California, and the Federal Power Commission, San Francisco.

Any person desiring to be heard or to protest said application should file a petition to inervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32226 Filed 11-28-75;8:45 am]

[Docket No. ER76-232]

NORTHEAST UTILITIES SERVICE CO.

Notice of Filing of Notice of Termination

NOVEMBER 21, 1975.

Take notice that Northeast Utilities Service Company on November 7, 1975, tendered for filing a notice of termination of the following rate schedules with Vermont Electric Power Company (VELCO):

	Rate Schedule FPC No.
The Connecticut Light and Power Co.	78
The Hartford Electric Light Co.	62
Western Massachusetts Electric Co.	61

The Notice of termination indicated that the rate schedules were terminated by their own terms effective October 31, 1972.

The filing indicates that a copy of the notice of termination was served upon VELCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspecton.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32286 Filed 11-28-75;8:45 am]

[Docket No. CP76-148]

NORTHERN NATURAL GAS CO.

Application

NOVEMBER 18, 1975.

Take notice that on October 28, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76–148 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with Applicant's system or other pipelines authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $12,000,000, the cost of a single onshore project would not exceed $1,500,000, and the cost of a single offshore project would not exceed $2,500,000, which costs Applicant states would be financed from cash on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32227 Filed 11-28-75;8:45 am]

[a] Commissioner Smith, dissenting in part and concurring in part, filed a separate statement as part of the original document.

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[Docket No. RP76-26]

ORANGE AND ROCKLAND UTILITIES, INC., AND ALGONQUIN GAS TRANSMISSION CO.

Complaint

NOVEMBER 18, 1975.

Take notice that on October 15, 1975, Orange and Rockland Utilities, Inc. (Complainant), 75 West Route 59, Spring Valley, New York 10977, filed in Docket No. RP76-26 a complaint against Algonquin Gas Transmission Company (Respondent), 1284 Soldiers Field Road, Boston, Massachusetts 02135, alleging violation of section 4(b) of the Natural Gas Act through discriminatory and preferential implementation by Respondent of its curtailment plan.

The complaint states that the year ended April 30, 1973 has been designated by Respondent as the base period for implementing curtailment on its system during the period from September 1, 1975 to August 31, 1976. The complaint asserts that during July and August 1972, Complainant accepted an offer by Respondent to sell to Complainant on an interruptible basis a volume of surplus gas designated as "I-1" gas. As a result of its purchase of the additional gas, Complainant's total purchases from Respondent for the year ending April 30, 1973 exceeded its annual contract entitlement of 1,372,500 Mcf by 692,548 Mcf. The complaint alleges that Respondent has improperly included such excess purchases by Complainant during 1972 in Complainant's end-use profile for the curtailment base period. It is further alleged that this will result in a complete denial of gas service by Respondent to Complainant in August 1976 and an improper reduction in gas service to Complainant in July 1976. Complainant asserts that during the same month that it will be curtailed through Priority 1 by Respondent, other customers of Respondent will be permitted to purchase gas to serve Priorities 1 through 8. It is alleged that this discriminates against Complainant and its customers. Complainant requests that the Commission order Respondent to remove from its base-period end-use data the 692,548 Mcf of surplus gas purchased in 1972.

Complainant states that a copy of the complaint has been served on the Respondent.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before December 5, 1975 file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The complaint is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32228 Filed 11-28-75;8:45 am]

[Docket No. ER76-239]

PACIFIC POWER & LIGHT CO.

Modification of Rate Schedule

NOVEMBER 21, 1975.

Take notice that Pacific Power & Light Company (Pacific) on November 10, 1975, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, a new rate schedule for power and energy sales to the Town of Basin, Wyoming (Town). This rate schedule supersedes Pacific's existing rate schedule designated FFC No. 56.

The proposed rate schedule provides for a change in structure of the rate charged Town by Pacific. Pacific states that this proposed change in rate structure is to conform to the high voltage rate charged to other resale customers in the State of Wyoming. A use-of-facilities charge is included for the use of Pacific's transmission and transformation facilities.

Pacific requests waiver of the Commission's notice requirements to permit the new rate schedule to become effective October 19, 1975, which it claims is the date of commencement of service.

A copy of the filing was supplied to the Town of Basin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32278 Filed 11-28-75;8:45 am]

[Docket No. RI76-8, RI76-10]

PENNZOIL PRODUCING CO. AND SHELL OIL CO.

Order Granting Late Intervention

NOVEMBER 19, 1975.

On July 1, 1975, and July 18, 1975, Pennzoil and Shell respectively, filed petitions for special relief from the just and reasonable rates under Opinion Nos. 598 and 699, as amended. The petitions for rate increases were based upon demands for increased royalty payments by Williams, Inc. et al., the royalty owners. In the alternative, the petitions requested authorization to abandon the royalty share of gas. A public hearing on these issues was held on September 23, 1975. Initial briefs by the parties were mailed on October 21, 1975.

A late petition to intervene was filed on October 9, 1975, by Mobil Oil Corporation.

Upon consideration of the late petition to intervene, we find good cause exists to grant such petition.

The Commission finds. Participation by the above-named petitioner in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings as hereinbefore discussed, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene; *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32238 Filed 11-28-75;8:45 am]

[Docket No. ER76-233]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Filing of Agreement

NOVEMBER 21, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on November 7, 1975, tendered for filing as an initial rate schedule a Transmission Contract with Long Island Lighting Company (Long Island).

Under the Contract, PSNH will transmit through its system an entitlement of power which Long Island will be purchasing from Vermont Electric Power Company, Inc.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of November 1, 1975.

According to PSNH, a copy of the filing was served upon Long Island.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32282 Filed 11-28-75;8:45 am]

[Docket No. E-9530]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS AND SIERRA PACIFIC POWER CO.

Extension of Time

NOVEMBER 19, 1975.

On October 29, 1975, The Pyramid Lake Paiute Tribe of Idians (the Tribe) filed a motion to extend the time within which to answer Sierra Pacific Power Company's Motion to Dismiss Complaint and Answer, filed on October 14, 1975 in the above-indicated proceeding.

On November 5, 1975, Sierra Pacific Power Company filed an answer to The Tribe's motion of October 29, 1975, indicating that it did not oppose the motion.

Notice is hereby given that the time for answering Sierra Pacific Power Company's Motion to Dismiss Complaint and Answer is extended for all parties to and including November 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32222 Filed 11-28-75;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Postponement of Hearing Date

NOVEMBER 19, 1975.

On November 6, 1975, Southern Services, Inc, filed a motion to postpone the hearing date fixed by order issued May 8, 1974, as most recently modified by notice issued September 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from December 29, 1975 to January 5, 1976.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32239 Filed 11-28-75;8:45 am]

[Rate Schedule Nos. 267, etc.]

SUN OIL CO., ET AL.

Rate Change Filings

NOVEMBER 19, 1975.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 16, 1975	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	267	National Fuel Gas Supply Corp.	Texas Gulf Coast.
Oct. 20, 1975	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	142	Panhandle Eastern Pipe Line Co.	Hugoton-Anadarko.
Do	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	95	Arkansas Louisiana Gas Co.	Other Southwest.
Oct. 23, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	127	Cities Service Gas Co.	Hugoton-Anadarko.
Do	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	3	El Paso Natural Gas Co.	Permian Basin.

[FR Doc.75-32223 Filed 11-28-75;8:45 am]

[Docket No. RP76-29]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Notice of Petition For Approving Gas Advance Payment Agreement and Authorizing Appropriate Rate Base Treatment of Advance Payments Made and To Be Made Thereunder

NOVEMBER 21, 1975.

Take notice that on October 20, 1975, Texas Eastern Transmission Corporation (Texas Eastern) and Transwestern Pipeline Company (Transwestern) filed a petition with the Federal Power Commission (Commission) for an Order approving the Gas Advance Payment Agreement of June 30, 1975, between Texas Eastern and Atlantic Richfield Company (Arco), the partial assignment of 25% of Texas Eastern's rights and obligations thereunder to its subsidiary, Transwestern, and authorizing Texas Eastern and Transwestern to include in their respective rate bases all amounts heretofore and hereafter paid pursuant to such agreement and to track the cost of service effect of such payments in their rates without suspension.

Texas Eastern and Transwestern state that under the Advance Payment Agreement Texas Eastern and Arco agree that subject to agreement on certain further terms and conditions they will execute a gas purchase contract for the purchase of an undivided 20% of Arco's working interest in the gas to be produced from the Prudhoe Bay Field, Alaska, which after giving effect to the partial assignment to Transwestern, gives Texas Eastern and Transwestern the right to purchase an undivided 15% and 5%, respectively, of Arco's gas working interest in Prudhoe Bay gas. Current estimates of the gas reserves attributable to Arco's working interest, without giving any effect to royalty gas, indicate that a total of approximately 1.4 trillion cubic feet of gas will be available to Texas Eastern and Transwestern.

Texas Eastern and Transwestern state that under the Advance Payment Agreement they have agreed to make initial and semiannual advance payments to Arco equivalent to 20% of Arco's costs in relation to the exploration, development, and production of natural gas in the Prudhoe Bay Field, Alaska, but not more than $150 million. On September 30, 1975, the first advance payment of $16.4 million was made under the agreement with Texas Eastern paying $12.3 million and Transwestern $4.1 million. The next payment is due January 1, 1976. The Advance Payment Agreement also contemplates that at the time negotiations for the gas purchase contract begin, the parties will negotiate for the sale and transfer to Texas Eastern and Transwestern of 20% of Arco's ownership and obligations with respect to the construction and operation of gas handling, gathering, compression, and conditioning facilities upon provisions and principles set forth therein. The agreement also contemplates that Texas Eastern and Transwestern will construct, maintain, and operate, gas conditioning facilities to meet pipeline quality specifications.

Texas Eastern and Transwestern state that the advance payments to Arco are conditioned upon receiving satisfactory FPC rate and accounting authorizations for such payments. They have requested the Commission to issue promptly an Order granting the relief set forth in the petition.

Any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426,

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in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32281 Filed 11-28-75;8:45 am]

[Docket No. RP76-33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Time

NOVEMBER 19, 1975.

On November 7, 1975, Transcontinental Gas Pipe Line Corporation (Transco) filed a motion to extend the time for filing Statement P in Docket No. RP76-33.

Notice is, hereby given that the time for filing Statement P in Docket No. RP76-33 is extended from November 14, 1975 to 15 days after Commission action on the settlement proposal filed in Docket No. RP75-75.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32224 Filed 11-28-75;8:45 am]

[Project No. 459]

UNION ELECTRIC CO.

Application for New Major License

NOVEMBER 19, 1975.

Public notice is hereby given that an application was filed on February 20, 1973, and supplemented on October 16, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) by Union Electric Company (Correspondence to: Mr. George R. Murray, Secretary, Union Electric Company, PO Box 149, St. Louis, Missouri 63166; Mr. Stewart W. Smith, Jr., Vice President and General Counsel, Union Electric Company, PO Box 149, St. Louis, Missouri 63166; and Mr. William E. Jaudes, Attorney, Union Electric Company, PO Box 149, St. Louis, Missouri 63166) for a new major license for the constructed Osage Project No. 459, located in Benton, Camden, Miller, and Morgan Counties, Missouri, on the Osage River, a navigable waterway of the United States, and affecting public lands of the United States.

The Osage Project consists of: (1) A concrete gravity dam approximately 2,543 feet long with a maximum height of about 148 feet, consisting of a 511-foot section with an integral power station, a 520-foot spillway section with a crest elevation of 638 feet U.S.G.S., and two nonoverflow retaining structures adjacent to the river banks, and supporting a concrete highway structure along its entire length; (2) a reservoir, known as Lake of the Ozarks, with a surface area of 55,342 acres at elevation 660 feet (this will be the size of the reservoir following completion of the Harry S. Truman pumped storage project by the U.S. Department of the Army, Corps of Engineers); (3) an integral powerhouse containing eight main generating units with a total capacity of 171,994 kW and two auxiliary generating units with a combined capacity of 4,200 kW; and (4) appurtenant facilities.

The power generated at Project No. 459 is used by Applicant for public utility purposes in Missouri, Illinois, and Iowa. Lake of the Ozarks, the project reservoir, is projected to be used as the lower reservoir for the above-mentioned Harry S. Truman pumped storage project, to be constructed by the Corps of Engineers.

Applicant estimates a net investment in the project of $20,000,000 as of February 24, 1976; this figure is less than the estimated fair value of the project. The severance damages in the event the project is taken over pursuant to sections 14 and 15 of the Federal Power Act (16 U.S.C. 807, 808) are estimated by Applicant to be in excess of $40,000,000. Applicant estimates its property taxes on the project to be $400,000 annually.

Recreation facilities within the boundary of the Osage Project or on adjacent lands are owned and operated either by private entrepreneurs or by governmental agencies. These facilities include reservoir access facilities, boat ramps, canoe portages, fishing piers and barges, bathing areas, marinas, hiking and riding trails, playgrounds, picnic areas, and camping areas. A visitors center is provided by Applicant at the project power plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32240 Filed 11-28-75;8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO. ET AL.

Extension of Time

NOVEMBER 18, 1975.

Opinion No. 740-A issued November 7, 1975, in the above-designated matter required, among other things, that Billy J. McCombs, R. James Stillings d/b/a Gastil Company, David A. Onsgard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, E. I. du Pont de Nemours & Company, and Bill Forney (McCombs Group) comply with ordering paragraph (A) of Opinion No. 740, issued August 20, 1975, within 15 days, or not later than November 22, 1975.

On November 17, 1975, the McCombs Group filed a motion for a stay of Opinion 740-A in the Court of Appeals for the Tenth Circuit, to which the Commission must respond within ten days. In order to allow time for the Commission to respond to the McCombs Group's motion, it is appropriate to extend the time to and including December 1, 1975, within which the McCombs Group shall comply with ordering paragraph (A) of Opinion No. 740-A.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32229 Filed 11-28-75;8:45 am]

[Docket No. E-9145]

UTAH POWER AND LIGHT CO.

Further Extension of Procedural Dates

NOVEMBER 19, 1975.

On November 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 29, 1975, as most recently modified by notice issued October 20, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 15, 1975.
Service of Intervenor Testimony, December 29, 1975.
Service of Company Rebuttal, January 12, 1976.
Hearing, February 3, 1976 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32241 Filed 11-28-75;8:45 am]

[Docket No. RP73-94, (PGA76-1)]

VALLEY GAS TRANSMISSION, INC.

Purchased Gas Cost Adjustment Filing

NOVEMBER 19, 1975.

Take notice that Valley Gas Transmission, Inc. (Valley), on November 14, 1975, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1 its proposed "Fifth Revised Sheet No. 2A." The proposed effective date is January 1, 1976.

Valley states that this tariff sheet is filed pursuant to its Purchased Gas Cost Adjustment Provision. The proposed adjustments are supported by calculations of purchased gas costs and volumes attached to the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32242 Filed 11-28-75;8:45 am]

[Docket No. ER76-225]

WESTERN MASSACHUSETTS ELECTRIC CO. ET AL.

Termination

NOVEMBER 19, 1975.

Take notice that on November 6, 1975, Western Massachusetts Electric Company (WMECO) filed with the Commission on behalf of itself and the Hartford Electric Company (HELCO), Holyoke Water Power Company (HWPCO) and The Connecticut Light and Power Company (CL&P) a notice that the following rate schedules effective June 6, 1968, were terms on April 25, 1970:

Rate Schedule FPC Nos. CL&P 28 and 29;
Rate Schedule FPC Nos. HELCO 24 and 25;
Rate Schedule FPC Nos. WMECO 39 and 40; and
Rate Schedule FPC Nos. HWPCO 14 and 15.

Notice of the proposed termination has been served upon the following:

Consolidated Edison Company of New York, Inc.;
The United Illuminating Company;
New England Power Company;
Boston Edison Company;
New Bedford Gas and Edison Light Company;
Cambridge Electric Light Company;
Montaup Electric Company;
Public Service Company of New Hampshire;
Central Maine Power Company;
Central Vermont Public Service Company;
Green Mountain Power Corporation;
Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32243 Filed 11-28-75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has amended its application dated April 30, 1974 (39 FR 21089) for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 91 per cent of the voting shares of The Eastern Ohio Bank, Union Township, Ohio (formerly The Morristown Bank). The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application, as amended, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 24, 1975.

Board of Governors of the Federal Reserve System, November 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-32260 Filed 11-28-75;8:45 am]

ANNAWAN INVESTMENT CO.

Order Approving Formation of Bank Holding Company and Acquisition of Permissible General Insurance Agency Activities

Annawan Investment Company, Annawan, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through the acquisition of 80.04 percent of the voting shares of The State Bank of Annawan, Annawan, Illinois ("Bank"). Applicant has also applied, pursuant to Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities through the acquisition of a general insurance agency in the town of Annawan, Illinois, a community with a population of less than 5,000. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with Sections 3 and 4 of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the applications and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in Section 4(c)(8) of the Act.

Applicant, an Illinois corporation, was recently organized for the purpose of acquiring the assets and assuming the liabilities of Annawan Investment Company, an Iowa corporation and a registered bank holding company, which presently owns 80.04 percent of the voting shares of Bank. Upon consummation herein, the Iowa corporation would be dissolved and Applicant would directly acquire 80.04 percent of the voting shares of Bank ($13.7 million of deposits).[1] Bank is the only bank in Annawan, an agriculturally oriented area located approximately 60 miles northwest of Peoria, Illinois. Bank is the second largest of seven banks in the relevant banking market[2] and holds 15.7 percent of the total commercial bank deposits therein. Upon acquisition of Bank, Applicant would control the 574th largest bank in Illinois, with approximately .02 percent of total deposits in commercial banks in the State. Inasmuch as the proposal is essentially a corporate reorganization in which the ownership of Bank will be transferred from an Iowa corporation to a successor Illinois corporation with the same stockholders, consummation of this proposal would not eliminate existing or potential competition nor have an adverse effect on any bank in the relevant area. Accordingly, it is concluded that competitive considerations are consistent with approval of the application to acquire Bank.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as being generally satisfactory. It appears that this proposal would provide Applicant with sufficient revenue to service debt assumed from its predecessor company without impairing the financial condition of Bank. Therefore, banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application to acquire Bank. It is this Reserve Bank's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In connection with the application to become a bank holding company, Applicant also proposes to acquire the assets of an insurance agency presently conducted by Bank's chief operating officer from the premises of Bank and thereby engage in the activities of a general insurance agency pursuant to § 225.4(a)(9)(iii)(a) of Regulation Y. Approval of this application would ensure the residents of Annawan a continued convenient source of insurance services, a result

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by portions of Henry and Bureau counties.

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viewed as being in the public interest. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined, in accordance with the provisions of Section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and the application to acquire the assets of the insurance agency should be approved.

Accordingly, the Federal Reserve Bank of Chicago approves the applications for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and the insurance agency shall not be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to Board's authority to require reports by and make examinations of holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective November 17, 1975.

[SEAL] DANIEL M. DOYLE,
First Vice President.

[FR Doc.75-32257 Filed 11-28-75;8:45 am]

APPLICATION OF MELLON NATIONAL CORPORATION FOR PRIOR APPROVAL OF THE BOARD OF GOVERNORS TO ACQUIRE LOCAL LOAN COMPANY

Order Denying Special Permission To Appeal

By Order of July 28, 1975, the Board directed that a public hearing be held on the application of Mellon National Corporation, Pittsburgh, Pennsylvania, to acquire Local Loan Company, Chicago, Illinois, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (40 FR 33072). The Board directed that the hearing be conducted in accordance with its Rules of Practice for Formal Hearings, 12 CFR Part 263. By Order of August 22, 1975, the Board designated the Honorable James W. Mast, Administrative Law Judge, to serve as presiding officer at the aforesaid hearing (40 FR 39943).

Mr. Anthony R. Martin-Trigona, a participant in the aforesaid hearing, has submitted a "Petition to the Board", seeking special permission of the Board, pursuant to 12 CFR 263.10(e), to appeal to the Board "from the ruling or refusal of the Administrative Law Judge to continue the hearings to the week of December 8, 1975".

The rulings of a presiding officer on any motion may not be appealed to the Board prior to its consideration of the presiding officer's recommended decision, findings, and conclusions, except by special permission of the Board (12 CFR 263.10(e)). The aforesaid hearing is being conducted in accordance with the Board's Rules and with applicable provisions of law, including the Administrative Procedure Act (5 U.S.C. 551 *et seq.*).

The Administrative Procedure Act provides that "[s]ubject to published rules of the agency and within its powers, employees presiding at hearings may—* * * (5) regulate the course of the hearing * * * [and] (7) dispose of procedural requests or similar matters." 5 U.S.C. 556 (c)(5) & (7). The Board's Rules of Practice for Formal Hearings likewise grant to the presiding officer full discretion to regulate the course of the hearing by providing that he may "change the time or place for beginning such hearing and may continue or adjourn a hearing from time to time or from place to place." 12 CFR 263.6(f). The Board's Rules also provide that the presiding officer "shall have complete charge of the hearing * * * and * * * the duty * * * to take all necessary action to avoid delay in the disposition of proceedings" and that he shall have the power "[t]o regulate the course of the hearing and the conduct of the parties and their counsel." 12 CFR 263.6(b). It thus appears that the ruling from which Petitioner seeks special permission to appeal is a ruling on a matter that is committed to the presiding officer's discretion by both law and regulation. Accordingly, the Board has determined that Petitioner's request for special permission to appeal a ruling of the presiding officer should be and it hereby is, denied.

By order of the Board of Governors,[1] November 18, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32259 Filed 11-28-75;8:45 am]

CENTRAL MISSOURI BANCSHARES, INC.

Formation of Bank Holding Company

Central Missouri Bancshares, Inc., Smithton, Missouri, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.3 percent of the voting shares of Exchange Bank of New Franklin, New Franklin, Missouri, and 51.1 percent of the voting shares of The Smithton Bank, Smithton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Central Missouri Bancshares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 183(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities. Notice of the application was published on August 21 and 23, 1975, respectively, in the Sadalia Democrat and The Democratic Leader, newspaper circulated in Smithton and New Franklin, Missouri.

Applicant states that it proposes to sell general insurance from the premises of Exchange Bank of New Franklin and The Smithton Bank, in communities with populations not exceeding 5,000 persons. Applicant sttaes that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 24, 1975.

Board of Governors of the Federal Reserve System, November 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-32261 Filed 11-28-75;8:45 am]

CENTRAL NATIONAL CORP.

Order Approving Acquisition of Bank

Central National Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Cavalier Central Bank & Trust Company, Hopewell, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Virginia, controls six subsidiary banks with aggregate deposits of $362 million, representing approximately 2.8 percent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank would not result in a significant increase in the concentration of banking resources in Virginia, nor would it change Applicant's ranking among banking organizations in the State.

Bank (approximately $4 million in deposits) is the sixth largest of eight banking organizations operating in the Petersburg-Colonial Heights-Hopewell banking market, which is the relevant banking market for this proposal,[2] and controls approximately 2.4 percent of the total deposits in commercial banks in the market. One of Applicant's subsidiary banks operates five offices within the relevant banking market; the office closest to Bank is located in Petersburg, seven miles from Bank's Hopewell office. Through the offices of this subsidiary bank, Applicant controls approximately 11 percent of the total deposits in commercial banks in the market. Thus, it appears that consummation of this acquisition would result in the elimination of some existing competition in the relevant banking market. However, this situation is mitigated to a large extent by the presence of intervening banks, including offices of four of the largest banking organizations in the State; by the geographical separation of Petersburg and Hopewell; and by the close relationship between Bank and Applicant which presently exists, and which has existed ever since Bank's organization under the sponsorship of Applicant's lead bank. In addition, it does not appear likely that Applicant would establish a de novo office in the Hopewell area due to Virginia's restrictive branching law, the high costs involved, the demographic factors which make Hopewell appear relatively unattractive for de novo entry. Thus, while it appears that consummation of the proposed acquisition would result in some adverse effects on competition in the relevant banking market, the Board does not regard these adverse effects as significant.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. Those of Bank are regarded as generally satisfactory and are expected to become more favorable as a result of Bank's affiliation with Applicant. Affiliation with Applicant will enable Bank to draw upon Applicant's financial and managerial resources to provide increased depth to Bank's management and to facilitate improvement and expansion of banking services. Accordingly, financial and managerial factors lend some weight toward approval of the application. Applicant states that new services proposed to be offered by Bank include data processing services, accounts receivable financing, and construction financing. In addition, affiliation with Applicant will enable Bank to serve the community with an increased ability to make large loans through participations arranged through the holding company. It is expected that Bank's offering of a broader range of services will enhance its ability to fulfill the various banking needs of the community. Accordingly, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. The Board concludes that the financial and managerial considerations together with convenience and needs factors outweigh any slight adverse effects that might result from consummation of this acquisition. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 21, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32258 Filed 11-28-75;8:45 am]

NBG CO.

Formation of Bank Holding Company

NBG Company, Atlanta, Georgia, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Bank of Georgia, Atlanta, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 18, 1975.

Board of Governors of the Federal Reserve System, November 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-32262 Filed 11-28-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

BOLTS, NUTS, AND SCREWS MADE FROM IRON OR STEEL

USITC Finds by Divided Vote Industrial Fastener Industry Not Entitled to Relief

The United States International Trade Commission, after an extensive investigation, voted to turn down requests of United States producers for relief from imports of bolts, nuts, and screws made of iron or steel.

By divided vote, the Commission reported to the President that bolts, nuts, and screws made of iron and steel are not coming into the country in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing similar articles. The Commission was unanimous in denying import relief to the domestic producers of small screws. By divided vote, the majority (Chairman Will E. Leonard, Commissioner George M. Moore, and Commissioner Italo H. Ablondi) found the producers of bolt, nuts, and large screws not to be eligible for relief. Vice Chairman Daniel Minchew and Commissioner Catherine Bedell voted in the affirmative with respect to bolts, nuts, and large screws. Commissioner Joseph O. Parker abstained.

The Commission based its determination on extensive investigatory work by its staff, eight days of public hearings and hundreds of exhibits and statements. The articles covered in the investigation are produced domestically by more than 300 establishments and imported by about 100 firms. Approximately 100 domestic firms accounting for more than 85% of domestic sales, and 70 importers were involved in the study which involved $1.8 billion in domestic shipments and $450 million in imports in 1974. More than 29,000 employees are involved in domestic production of bolts, nuts and screws and are centered primarily in the states of Michigan, Illinois, Ohio and Pennsylvania. There are more than 4,000 distributors in the United States. Between 60 and 70 percent of im-

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

[1] Banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by the Petersburg-Colonial Heights-Hopewell Ranally Metropolitan Area.

[3] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

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ports of bolts, nuts, and screws made of iron or steel originate in Japan with another 10 to 15 percent coming from Canada. Importers are generally located in the major ports of entry.

Copies of the Commission's report, *Bolts, Nuts, and Screws of Iron or Steel* (USITC Publication 747), containing the views of the Commissioners, and information developed during the course of the investigation may be obtained from the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. (Phone: (202) 523-0161).

By order of the Commission.

Issued: November 25, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-32156 Filed 11-28-75;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting, Notice of Time Change

NOVEMBER 25, 1975.

The Thursday, December 11, 1975 meeting of the Board of Directors of the Legal Services Corporation will convene at 2:00 p.m. in the Auditorium of the D.C. Chapter of the American National Red Cross, 20th and E Streets, NW., Washington, D.C.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-32254 Filed 11-28-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 25, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary: Questionnaires for Task Six, State of the Field Study of Services for Indian Children & their Families On and Off the Reservation, single-time Indian child welfare agencies, Human Resources Division, Sunderhauf, M. B., 395-3532.

Questionnaires for Surveying Services Available to Indian Children and Families In, On and Off-Reservation Settings and Interview Guides, single-time, Indian child welfare programs, Human Resources Division, Sunderhauf, M. B., 395-3532.

Office of Education: Questionnaires and Related Reports for a New England Guidance Survey Project, OE-460-L, Thru -4, single-time, students, parents, counsellors and faculty, Joan Turek.

Application for Federal Assistance (Nonconstruction Programs)—Dropout Prevention Program, OE-458, annually, LEA'S, Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs, Interview Questionnaire, NP-5-8241, single-time, Indian clients of the FEAO, Natural Resources Division, Lowry, R. L., 395-6827.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:
Security Clearances for Contractor Personnel SF-86, SF-87, on occasion, contractor employees, Lowrey, R. L., 395-3772.
Airport/Facility Directory Evaluation, FAA 7910-2, single-time, pilots, Lowry, R. L. 395-3772.

Federal Highway Administration, Questionnaire for a Study Cost Effectiveness of Small Highway Sign Supports, single-time, State and local highway departments, their contractors and consultant, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census, 1980 Census: 1975 Income Pretest, SC-700, SC-701, SC-702, and SC-703, single-time, population of Travis County, Texas, Maria Gonzales, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Matching NHSC Assignees to Communities, HSA8CHS 0612, annually, NHSC assignees and spouses, Harry B. Sheftel.

Health Resources Administration: Pretest of 1975 Master Facility Inventory Survey, HRANCHS 012, single-time, nursing homes and inpatient health facilities, Dick Elsinger, 395-6140.

Social Security Administration: Application to be Selected as Payee for a Supplemental Security Income Recipient, SSA 8040, on occasion, persons who wish to serve as REP payee for SSI recipients, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration:
Fatal Accident Reporting System, HS 214, on occasion, state fatality file analyst, Strasser, A., 395-5867.
Pedestrian/Bicyclist Accident Report Supplement, HS-362, on occasion, police officers who investigate motor vehicle accidents, Strasser, A., 395-5867.

EXTENSIONS

NATIONAL GALLERY OF ART

A Special Extended Loan of Slide Lectures Frequency of Use Report, NGA-219, on occasion, teachers, art council heads and presidents of community groups, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:
Oceanic Gamefish Investigations Big Game Fishing Log, NOAA 88-90, on occasion, recreational fishermen and boat captains, Marsha Traynham, 395-4529.
Big Game Fishing Log, 88-904, on occasion, recreational fishermen and boat captains, Marsh Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Extended Care Facility Statement of Reimbursable Cost—Statistical and Other Data, SSA-1750, annually, skilled nursing facilities participating in medicare program, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard: Hazardous Materials Incident Report, CG-4752, on occasion, shipping firms, owners, agents, Marsha Traynham, 395-4529.

Federal Aviation Administration: Application for an Airman Certificate and/or Rating (General Aviation Pilots and Instructors), FAA8120-3, on occasion, pilots, flight and ground instructors, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-32344 Filed 11-28-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING CHANGE

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on December 5-6, 1975, has been rescheduled for December 12-13, 1975. The meeting on December 12, 1975, will be held from 9:00 a.m.-5:00 p.m.; and, the meeting on December 13 will be from 9:00 a.m.-4:00 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on November 25, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-32249 Filed 11-28-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revises the frequency for surveillance of the tendons in the facility's prestressed concrete containment in a manner equivalent to Regulatory Guide 1.35, Revision 1—"Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures." The tendon test frequency is being changed from 1, 2 and 3 years after the initial containment structural test and every 5 years thereafter to 1, 3 and 5 years after the initial containment structural test and every 5 years thereafter.

That portion of the October 7, 1975 application for the amendment dealing with tendon surveillance complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission had made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1975, (2) Amendment No. 7 to License No. DPR-51, with Change No. 7 and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of November, 1975.

For the Nuclear Regulatory Commission.

B. C. BUCKLEY,
Acting Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-32272 Filed 11-28-75;8:45 am]

[Docket No. P-564-A]

PACIFIC GAS AND ELECTRIC CO.

Receipt of Partial Application for Construction Permits and Facility License: Time for Submission of Views on Antitrust Matters

Pacific Gas and Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated August 14, 1975, in connection with their plans to construct and operate two reactors in Stanislaus County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and the Preliminary Safety Analysis Report (PSAR) pursuant to § 2.101 of Part 2, are expected to be filed in September 1976 and April 1977, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room, Stanislaus County Free Library, 1500 I Street, Modesto, California 95345. Docket No. P-564-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 30, 1976.

Dated at Bethesda, Md., this 21 day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-32094 Filed 11-28-75;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., PACIFIC POWER AND LIGHT CO.

Issuance of a Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF-1 to the applicants, The Portland General Electric Company, The City of Eugene, Oregon and Pacific Power and Light Company, authorizing operation of the Trojan Nuclear Plant at steady state reactor core power levels not in excess of 3411 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. A list of preoperational tests, startup tests and other items which must be completed in sequence is incorporated in the license as Enclosure 1. The Trojan Nuclear Plant is a pressurized water nuclear reactor located at the Portland General Electric Company's site on the left shore of the Columbia River in Columbia County, Oregon.

The Initial Decision issued by the Atomic Safety and Licensing Board on January 28, 1974, continued in effect Construction Permit No. CPPR-79 for the Trojan Nuclear Plant.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on February 8, 2011.

A copy of (1) the Initial Decision, dated January 28, 1974; (2) Facility Operating License No. NPF-1 with a list of incomplete preoperational tests, startup tests and other items which must be completed and the Technical Specifications (Appendices "A" and "B"); (3) the report of the Advisory Committee on Reactor Safeguards, dated November 20, 1974; (4) the Commission's Safety Evaluation, dated October 1974; (5) Supplement No. 1 to the Safety Evaluation, dated November 21, 1975; (6) the Final Safety Analysis Report and amendments thereto; (7) the applicants' Environmental Report, dated May 29, 1970 and supplemented through July 24, 1972; (8) the Draft Environmental Statement, dated January 1973; and (9) the Final Environmental Statement, dated August 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the local public document room in the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97501.

Single copies of the Facility Operating License No. NPF-1, the Final Environmental Statement, and the Safety Evaluation and its Supplement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of November 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-32273 Filed 11-28-75;8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT UNIT 1)

Schedule for Special Prehearing Conference

A special prehearing conference in the above matter will be held on Wednesday, January 7, 1976, at 10:00 A.M., local time. The location for this conference is:

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National Labor Relations Board, Hearing Room, 7th Floor, Pan American Building, 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00919.

The purpose of this conference is to discuss the status of the application which is the subject of this proceeding. Members of the public are invited to attend but no limited appearances will be received at this session.

It is so ordered.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

Dated at Bethesda, Maryland this 24th day of November 1975.

[FR Doc.75-32271 Filed 11-28-75;8:45 am]

[Docket No. P-599-A]

TENNESSEE VALLEY AUTHORITY

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated September 2, 1975, in connection with their plans to construct and operate 2 pressurized water nuclear reactors on a site located near the boundary between the East Embayment Block of the Mississippi Embayment Province and the Nashville Dome Province. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during June, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Docket No. P-599-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 19, 1976.

Dated at Bethesda, Md., this 11th day of November 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30831 Filed 11-14-75;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 12 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendment is effective as of its date of issuance.

The amendments revise the provisions in the Technical Specifications relating to the heatup and cooldown limitations of the reactor coolant system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated October 22, 1975, (2) Amendments No. 12 to Licenses Nos. DPR-32 and DPR-37, with Change No. 27 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of November, 1975.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75-32274 Filed 11-28-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

MAILING LIST; INDIVIDUAL RIGHTS

Hearing Notice

The Privacy Protection Study Commission will hold hearings for the purpose of taking testimony at Room 2358, Rayburn House Office Building, Washington, D.C., on December 10 and 11, 1975, between 10 a.m. and 5:30 p.m. with a break for lunch.

Testimony will be taken in connection with the Commission's inquiry into the question of whether an individual should have the right to have his name removed from a mailing list. Any person wishing to testify at these hearings on this issue may contact the Commission at 2120 L Street, NW., Washington, D.C. 20506 (202-634-1477).

A copy of the Commission hearing rules may also be obtained at such address.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.75-32379 Filed 11-28-75;8:45 am]

PRIVACY

Meeting Notice

The Privacy Protection Study Commission will hold its regular monthly meeting open to the public at Room 2358, Rayburn House Office Building, Washington, D.C., on December 12, 1975, between 10 a.m. and 5 p.m. with a break for lunch.

Program activities being undertaken by the Commission will be the topics under discussion. Presentations may also be made by persons outside of the Commission concerning the privacy issue. For further information, contact John Barker, Public Information Officer, at (202) 634-1477.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.75-32378 Filed 11-28-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2359]

APPLIED CONCEPTS, INC.

Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

NOVEMBER 21, 1975.

Notice is hereby given that Applied Concepts, Inc., 1345 Avenue of the Americas, New York, New York 10019 ("Applicant"), a Delaware corporation registered as a diversified, closed-end investment company under the Investment Company Act of 1940 (the "Act") filed an application on May 8, 1974, and amendments thereto on February 14, 1975 and August 1, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant states that it was organized in 1969 for the purpose of changing, in substance, the jurisdiction of incorporation of Palm Developers, Ltd., ("Palm"), from the Bahamas to Delaware. In March 1969, following an exchange of all the issued and outstanding shares of capital stock of Palm for an equivalent number of shares of common stock of Applicant, Palm, the sole asset of which was a tract of real estate in the Bahamas, became a wholly-owned subsidiary of Applicant.

Applicant states that by Decembr, 1972, almost all of such real estate had been sold and a substantial portion of Applicant's assets then consisted of marketable securities. On February 23, 1973, Applicant filed a notification of registration as an investment company on Form N-8A.

At a shareholder meeting held in July 1973, a majority of Applicant's shareholders approved resolutions to change the nature of Applicant's business so that it would cease to be an investment company and authorized Applicant's board of directors, in their discretion, to take appropriate action to achieve that end. By March, 1974, Applicant sold its investment securities and deposited most of its assets in non-interest bearing bank accounts.

Between March 31, 1974, and January 22, 1975, Applicant sought an advantageous operational business acquisition, but was unable to find one, and on the latter date, the Board of Directors of Applicant determined to engage in the business of investing in commodity futures contracts, gold and silver bullion, and foreign currency. Applicant represents that it is presently engaged in such business and that it will continue to be engaged in such business in the future. Applicant further represents that in connection with its present business it purchased, on January 24, 1975, for cash and not on margin, 500 ounces of gold bullion for an aggregate of approximately $91,000, and 5 contracts to deliver a total of 500 ounces of gold bullion in February 1976 in the aggregate amount of $98,110.

Applicant states that it presently has approximately 250 shareholders and 400,000 shares of common stock outstanding, and that such shares are not actively traded in any securities market.

Applicant represents that it is not relying upon and will not in the future rely upon any external adviser in connection with its business. Applicant further represents that it will not at any time invest in or trade in options relating to commodities contracts. In addition, Applicant represents that it will not at any time own, hold, or trade in securities having an aggregate value of more than 40% of its total assets. For this purpose, the term "securities" includes foreign currency, foreign currency futures contracts, United States Government securities, and other securities.

Applicant states that as of August 1, 1975 its total assets consisted of the following:

Cash	$3,062
Income Tax Refund Receivable	3,597
Investment in Land Held for Resale	6,250
500 ounces of Gold Bullion (Long)	[1] 92,735
$45,000 p.s. U.S. Treasury Bills	[1] 44,376
	$150,040

[1] At cost.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 16, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

—[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32198 Filed 11-28-75;8:45 am]

[70-5761]

MONONGAHELA POWER CO.

Proposed Transactions Related to Financing of Pollution Control Facilities and Request for Exception From Competitive Bidding

NOVEMBER 24, 1975.

Notice is hereby given that Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554 ("Monongahela"), an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission designating sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela states that in order to comply with West Virginia's air quality standards regarding particulate emissions, it must construct and install certain air pollution control equipment ("pollution control equipment") at Unit No. 5 of its Rivesville generating station, located in Marion County. The pollution control equipment, the total cost of which is estimated not to exceed $2,600,000, has already been substantially completed. As of September 30, 1975, Monongahela has incurred construction costs of about $2,000,000. Monongahela intends to recover these construction costs and to defray future completion costs by entering into certain contractual arrangements with the Marion County Commission ("County Commission"), which will provide financing by issuing one or more of its tax-exempt Pollution Control Revenue Bonds ("Bonds") to Pittsburgh National Bank ("PNB").

Monongahela proposes to enter into a Purchase Agreement with the County Commission whereby Monongahela will sell the pollution control equipment, as completed or still under construction, together with adjoining land (collectively, the "pollution control facilities") to the County Commission. In exchange, Monongahela will receive cash in an amount equal to the book cost at the closing date of the pollution control facilities so conveyed. In addition, to the extent the pollution control equipment is unfinished at the closing date, Monongahela will complete the construction on behalf of the County Commission and will be reimbursement for the costs of completion as they are incurred.

Although title to the pollution control facilities will be vested in the County Commission, Monongahela will retain the right to possess and operate them and will remain responsible for maintenance and taxes.

It is further intended that the County Commission will issue the Bonds to PNB, pursuant to a trust indenture ("Indenture") between the County Commission and PNB, as trustee, in an amount sufficient to cover the total cost of the completed pollution control facilities plus transaction costs. If the proceeds derived from the sale of the Bonds are insufficient to meet the total cost of the pollution control facilities, however, Monongahela will complete the construction at its own expense. It is contemplated that the Bonds will mature on December 31, 1985, and will bear interest payable monthly at a fluctuating rate ("Rate")

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based on the prime rate (the rate in effect for 90 day loans to commercial borrowers of substantial size and highest credit standing) offered by PNB ("Prime Rate"). It is proposed that the Rate will be determined on the closing date and thereafter on a daily basis and will be 2% in excess of the tax-exempt equivalent (i.e., the reciprocal of the federal corporate tax rate, which reciprocal is currently 52%) of the Prime Rate. The proposed Indenture provides that the proceeds from the sale of the Bonds must be applied to purchase and complete construction of the pollution control facilities, which will secure payment of the Bonds.

It is further proposed that Monongahela will reacquire the pollution control facilities by paying a purchase price, in monthly installments equal to such amounts as are due from the County Commission to PND under the Indenture, sufficient to pay the interest on and principal of the Bonds due on each installment date and any reasonable transactional expenses incurred by the County Commission. Title to the pollution control facilities will vest in Monongahela after retirement of the Bonds and payment of all additional amounts due or to become due.

Monongahela states that it desires to consummate the proposed transactions because it has been advised that the cost of tax-exempt financings of this type will be substantially lower than that for similar financings which are not tax-exempt. Further, Monongahela requests that the execution of the Purchase Agreement be excepted from the competitive bidding requirements of Rule 50 on the basis that such requirement would be inappropriate and unnecessary in the public interest.

It is stated that the West Virginia Public Service Commission, the Air Pollution Control Board of West Virginia and the Ohio Public Utilities Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 16, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32199 Filed 11-28-75;8:45 am]

[70-5762]

POTOMAC EDISON CO.

Proposed Transactions Related to Financing of Pollution Control Facilities and Request for Exception From Competitive Bidding

NOVEMBER 24, 1975.

Notice is hereby given that The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740 ("Potomac"), an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission designating sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac states that in order to comply with West Virginia's air quality standards regarding particulate emissions, it must construct and install certain air pollution control equipment ("pollution control equipment") at Unit No. 1 of its Albright generating station, located in Preston County. The pollution control equipment, the total cost of which is estimated not to exceed $2,800,000, has already been substantially completed. As of September 30, 1975, Potomac has incurred construction costs of about $2,500,000. Potomac intends to recover these construction costs and to defray future completion costs by entering into certain contractual arrangements with the Preston County Commission ("County Commission"), which will provide financing by issuing one or more of its tax-exempt Pollution Control Revenue Bonds ("Bonds") to the Mercantile-Safe Deposit & Trust Company of Baltimore, Maryland ("Mercantile").

Potomac proposes to enter into a Purchase Agreement with the County Commission whereby Potomac will sell the pollution control equipment, as completed or still under construction, together with adjoining land (collectively, the "pollution control facilities") to the County Commission. In exchange, Potomac will receive cash in an amount equal to the book cost at the closing date of the pollution control facilities so conveyed. In addition, to the extent the pollution control equipment is unfinished at the closing date, Potomac will complete the construction on behalf of the County Commission and will be reimbured for the costs of completion as they are incurred.

Although title to the pollution control facilities will be vested in the County Commission, Potomac will retain the right to possess and operate them and will remain responsible for maintenance and taxes.

It is further intended that the County Commission will issue the Bonds to Mercantile, pursuant to a trust indenture ("Indenture") between the County Commission and Mercantile, as trustee, in an amount sufficient to cover the total cost of the completed pollution control facilities plus transaction costs. If the proceeds derived from the sale of the Bonds are insufficient to meet the total cost of the pollution control facilities, however, Potomac will complete the construction at its own expense. It is contemplated that the Bonds will mature on December 31, 1985, and will bear interest payable quarterly at a fluctuating rate ("Rate") based on the prime rate (the rate in effect for 90 day loans to commercial borrowers of substantial size and highest credit standing) offered by the Chemical Bank of New York ("Prime Rate"). It is proposed that the Rate, which will be determined on the closing date and thereafter, will be 5% when the Prime Rate is 7%, and will fluctuate each calendar month by one-half of any change in the Prime Rate from 7%. The proposed Indenture provides that the proceeds from the sale of the Bonds must be applied to purchase and complete construction of the pollution control facilities, which will secure payment of the Bonds.

It is further proposed that Potomac will reacquire the pollution control facilities by paying a purchase price, in quarterly installments equal to such amounts as are due from the County Commission to Mercantile under the Indenture, sufficient to pay the interest on and principal of the Bonds due on each installment date and any reasonable

transactional expenses incurred by the County Commission. Title to the pollution control facilities will vest in Potomac after retirement of the Bonds and payment of all additional amounts due or to become due.

Potomac states that it desires to consummate the proposed transactions because it has been advised that the cost of tax-exempt financings of this type will be substantially lower than that for similar financings which are not tax-exempt. Further, Potomac requests that the execution of the Purchase Agreement be excepted from the competitive bidding requirements of Rule 50 on the basis that such requirement would be inappropriate and unnecessary in the public interest.

It is stated that the West Virginia Public Service Commission, the Air Pollution Control Board of West Virginia and the Pennsylvania Public Utility Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 16, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32200 Filed 11-28-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0034]

CAPITAL FOR TECHNOLOGY CORP.

Filing of Application for Transfer of Control of Outstanding Stock

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 C.F.R. 107.701 (1975)), for the transfer of 49.33 percent of the outstanding stock of Capital for Technology Corporation (CTC), a Pennsylvania corporation with principal offices at 799 Main Street, Hartford, Connecticut 06103. CTC was licensed May 21, 1962, as a small business investment company under the Small Business Investment Act of 1958, as amended, (the Act).

Allied Management Corporation, a Delaware corporation, located at 2721 Park Street, Jacksonville, Florida proposes to purchase 49.33 percent of the outstanding stock of CTC presently owned by Hartford Financial Corporation. Mr. Larry David Barnette is the controlling stockholder of Allied Management Corporation and under the proposed plan anticipates moving the headquarters of CTC from Hartford, Connecticut to Jacksonville, Florida.

The officers and directors of Allied Management Corporation are:

Larry D. Barnette, Chairman of the Board, President, Treasurer & Director, 7134 Electra Drive, Jacksonville, Florida 32205.
Thomas F. Gibbs, Vice President, Secretary & Director, 2721 Park Street, Jacksonville, Florida 32205.
Kathleen Barnette, Director, 7134 Electra Drive, Jacksonville, Florida 32205.

Although the 49.33 percent is not in excess of 50 percent of the stock of CTC, SBA considers this a transfer of control since it represents the largest single block of stock outstanding owned by one entity. Its officers and directors are to remain as at present with the exception that Mr. Barnette will become a director of CTC upon approval of SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new stockholder and the probability of a successful operation of the company, in accordance with the Act and Regulations.

Notice is further given that any person may submit comments under the proposed transfer of the stock to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416 on or before December 11, 1975.

A similar notice shall be published by CTC in a newspaper of general circulation in Hartford, Connecticut, Pittsburgh, Pennsylvania, and Jacksonville, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 20, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-32193 Filed 11-28-75;8:45 am]

[License No. 02/02-0313]

VAN RIETSCHOTEN CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On July 11, 1975, a Notice of Application for a license as a Small Business Investment Company was published in the FEDERAL REGISTER (40 FR 29365) stating that an Application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company by Van Rietschoten Capital Corporation, 30 East 42nd Street, New York, New York 10017.

Interested parties were given until the close of business July 17, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on November 17, 1975, issued License No. 02/02-0313 to Van Rietschoten Capital Corporation to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 21, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-32194 Filed 11-28-75;8:45 am]

V40231 DEC 1 75 XUM

INTERSTATE COMMERCE COMMISSION

[Rule 19, Ex Parte No. 241; 6th Rev. Exemption No. 90]

AKRON, CANTON AND YOUNGSTOWN RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company, Reporting Marks: ACY.
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO-PM.
Chicago & Eastern Illinois Railroad Company, Reporting Marks: C&EI-CEI.
(* * *)[1]
Missouri-Illinois Railroad, Reporting Marks: MI.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.
Missouri Pacific Railroad Company, Reporting Marks: MP.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
Sierra Railroad Company, Reporting Marks: SERA.
Soo Line Railroad Company, Reporting Marks: SOO.
The Texas and Pacific Railway Company, Reporting Marks: T&P.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.

Effective November 11, 1975, and continuing in effect until further order of this Commission.

[1] Delete: Elgin, Joliet and Eastern Railway Company.

Issued at Washington, D.C., November 11, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-32316 Filed 11-28-75;8:45 am]

[No. 36258]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES—1975

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of November 1975.

It appearing, that by joint petition authorized under section 13(3) of the Interstate Commerce Act, filed October 9, 1975, petitioners, six common carriers by railroad[1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Arkansas, request that this Commission institute an investigation of their Arkansas intrastate freight rates and charges, under sections 13 and 15a of the Interstate Commerce Act, among others, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 310, Increased Freight Rates and Charges, 1975, Nationwide, and Ex Parte No. 313, Increased Freight Rates and Charges—Labor Costs—1975, and further request special expedition to the hearing and decision pursuant to section 13(4) of the Act;

It further appearing, that by tariff filed with the Arkansas Transportation Commission, petitioners sought to make the increases in Ex Parte No. 310, *supra;* applicable on Arkansas intrastate traffic effective May 15, 1975, and sought to make the increases in Ex Parte 313, *supra;* likewise applicable to Arkansas intrastate traffic effective July 25, 1975 and October 1, 1975 or such other effective date as authorized for interstate application, and said Commission denied such increases by report and order entered September 24, 1975;

It further appearing, that petitioners contend that present interstate freight rates from, to, and within Arkansas are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Arkansas are not more favorable than for interstate traffic; that traffic moving under present Arkansas intrastate rail freight rates and charges fail to provide its fair share of earnings; and, that the present Arkansas intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Arkansas and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13(4) and 15a of the Interstate Commerce Act, among others to the extent that they do not include the increases authorized in Ex Parte No. 310 and 313, *supra;*

And it further appearing, that under section 13(4) of the Interstate Commerce Act and judicial authority,[2] this Commission is directed to institute an investigation, and shall give special expedition to hearing and decision in such investigations, on the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, whether or not theretofore considered by any State agency or authority;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Arkansas intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 310 and Ex Parte No. 313, *supra.;* and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this

[1] Chicago, Rock Island and Pacific Railroad Company; The Kansas City Southern Railway Company; Louisiana and Arkansas Railway Company; St. Louis-San Francisco Railway Company; and St. Louis Southwestern Railway Company.

[2] See Intrastate Freight Rates and Charges, 1969, 339 I.C.C. 670 (1971), affirmed sub nom. State of N.C. ex rel North Carolina Utilities Com'n. v I.C.C. 347 F. Supp. 103 (E.D.N.C., 1972), affirmed sub nom. North Carolina Utilities Commission et al. v Interstate Commerce Commission et al., 410 U.S. 919 (1973).

proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 16, 1975. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Arkansas be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Arkansas and the Arkansas Transportation Commission, Little Rock, Arkansas; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission of Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32313 Filed 11-28-75;8:45 am]

[Notice 922]

ASSIGNMENT OF HEARINGS

NOVEMBER 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 67450 Sub 52, Peterlin Cartage Co., now assigned December 9, 1975, at Chicago, Illinois, is cancelled and application dismissed.
MC 61592 Sub 353, Jenkins Truck Line, Inc., now assigned December 5, 1975, at Atlanta, Ga., is canceled and application dismissed.
No. 34822, Lake Carriers' Association, Et Al vs The New York Central Railroad Company, Et Al, and No. 34822 Sub 1, Lake Carriers' Association, Et Al vs The New York Central Railroad Company, Et Al, now being assigned for pre-hearing conference January 19, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
I & S 9079, Potatoes, From Origins in Minnesota and North Dakota, now being assigned February 9, 1976, at St. Paul, Minnesota, in a hearing room to be later designated.
MC 119741 Sub 52, Green Field Transport Company, Inc., now being assigned February 3, 1976, (1 day), at Omaha, Nebraska, in a hearing room to be later designated.
MC-F 12410, King Transfer—Purchase (Portion)—All-American, Inc. and directly related MC 127745 Sub 3, George B. King d/b/a King Transfer, now being assigned February 4, 1976, (3 days), at Lincoln, Nebraska, in a hearing room to be later designated.
Finance Docket No. 28002, Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Discontinuance of Train Nos. 2118 and 2125—Between Walworth and Solon Mills, Illinois, now assigned December 11, 1975 at Walworth, Wisconsin, will be held in the *Big Foot High School Auditorium, Intersection of Devil Land & 5th Street*, instead of *Room 112, East End of Courthouse.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32314 Filed 11-28-75;8:45 am]

[I.C.C. Order No. 149, Amdt. 2; Rev. S.O. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 149 (WM), and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 149 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 11, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-32310 Filed 11-28-75;8:45 am]

[S.O. No. 1223; Exception No. 3]

DELAWARE AND HUDSON RAILWAY CO.

Car Service Order Exception

Exception under section (a), paragraph (4) of service order No. 1223.

It appearing, That the Delaware and Hudson Railway Company (D&H) owns sixty (60) jumbo covered hopper cars; that this ownership exceeds the number of cars needed to satisfy shipper requirements on the line of the D&H; that certain of these cars are used for unit-grain-train loadings originating on other lines; and that there is no need for such cars for shipments originating on the D&H.

It is ordered, That pursuant to the authority vested in the Railroad Service Board by section (a), paragraph (4) of service order No. 1223, the D&H is authorized to use forty-five (45) jumbo covered hopper cars for unit-grain-train service originating on other lines regardless of the provisions of section (a)(1) of the order.

Effective: November 14, 1975.

Issued at Washington, D.C., November 12, 1975.

[SEAL] R. D. PFAHLER,
Chairman, Railroad Service Board.

[FR Doc.75-32312 Filed 11-28-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 16, 1975.

FSA No. 43082—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Steamship Company, Ltd.* Filed by Yamashita-Shinnihon Steamship Company, Ltd., (No. 9), for itself and interested rail carriers. Rates on general commodities, between ports in Burma, Hong Kong, Japan, Korea, The Peoples Republic of China, Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 43083—*Cinders from Neuhardt, Arkansas.* Filed by Southwestern Freight Bureau, Agent, (No. B-568), for interested rail carriers. Rates on cinders, clay or shale, in open-top cars, as described in the application, from Neuhardt, Arkansas, to points in southern territory.

Grounds for relief—Market competition.

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Tariff—Supplement 71 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103. Rates are published to become effective on January 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32317 Filed 11-28-75;8:45 am]

[Notice 129]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 1, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 22, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75982. By order of November 24, 1975, the Motor Carrier Board approved the transfer to Tejas Lines, Inc., Canyon, Texas, of Certificates Nos. MC 136812 (Sub-No. 2 and Sub-No. 3), issued September 25, 1974, and June 4, 1974, to Clean Carder Truck Lines, Inc., Dodge City, Kansas, authorizing the transportation of anhydrous ammonia, from specified points in Oklahoma and Kansas, to points in Kansas, Colorado, Missouri, Arkansas, Louisiana, Texas, Nebraska, Wyoming, Oklahoma and Iowa. Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603, attorney for applicants.

No. MC-FC-75991. By order of November 24, 1975, the Motor Carrier Board approved the transfer to Tejas Lines, Inc., Canyon, Texas, of that portion of Certificate No. MC 138181, issued May 15, 1973, to Transport Express, Inc., Holly, Colorado, authorizing the transportation of anhydrous ammonia, from the plant site of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas and Oklahoma. Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603, attorney for applicants.

No. MC-FC-76143. By order entered November 24, 1975, the Motor Carrier Board approved the transfer to Airport Bus Service, Inc., Jamaica, N.Y., of the operating rights set forth in Certificate No. MC-126916, issued March 22, 1973, to Brown's Limousine Service, Inc., Jamaica, N.Y., authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, over specified routes, between specified points in Connecticut and New York. Incidental charter operations may be conducted under the authority approved for transfer. Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32318 Filed 11-28-75;8:45 am]

[Notice 135]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 25, 1975

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111812 (Sub-No. 520 TA) (Correction), filed November 3, 1975, published in the FEDERAL REGISTER issue of November 19, 1975, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57501. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., in Sodus, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave., South, Duluth, Minn. 55802. Send protests to: J. I. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501. The purpose of this republication is to change docket number MC-111812 (Sub-No. 520 TA) in lieu of MC-111812 (Sub-No. 52 TA) which was previously published in error.

No. MC 112223 (Sub-No. 99 TA) (Correction), filed October 28, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, and republished as corrected this issue. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry slag*, from Waupaca, Wis., and points within 10 miles thereof, to Mankato, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waupaca Foundry, Tower Road, Waupaca, Wis. 54981. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to correct the territorial description, which was previously published in error.

No. MC 113843 (Sub-No. 225 TA), filed November 14, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton (Boston), Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned foodstuffs*, (1) from Lewes, Del., to Chicago, LaGrange, North Lake, Elk Grove, Hodgkin, Ill.; Berkeley, Kansas City, and North Kansas City, Mo.; Terre Haute, Ind.; Milwaukee, Wis.; and Minneapolis, Minn.; (2) from New Church and Parksley, Va., to S. Portland, Maine and Louisville, Ky.; (3) from Elwood, Trappe, Andrews, Girdletree, Preston and Sewards, Md., to Milwaukee, Wis.; Nashua, N.H.; Somerville, Mass.; Norway, Mich.; and Lewiston, Maine; (4) from Preston, Md., to Everett, Woburn, Brockton, Lawrence, Mass.; Cumberland, R.I.; Norwich and Hartford, Conn.; Portland, Maine; Nashua, Manchester and Concord, N.H.; Burlington and Hartford, Vt.; Sioux Falls, S. Dak.; Milwaukee, Wis.; Indianapolis, Ind.; Covington, Ky.; Detroit and Grand Rapids, Mich.; Hodgkins and Chicago, Ill.; St. Louis and Kansas City, Mo.; Kansas City, Kans.; Omaha, Des Moines, Cedar Rapids and Davenport, Nebr.; St. Paul and Minneapolis, Minn.; (5) Hallwood, Va., to Canton and Boston, Mass.; Portland, Maine; Manchester and Salem, N.H.; White River Junction and Hartford, Vt.; Bridgeport and Hartford, Conn.; (6) Andrews, Princess Anne, Pocomoke City, Newark, Westover, Queen Anne and Preston, Md.; Milton, Del.; and Cheriton, Va., to Portland, Maine; Somerville and Woburn, Mass.; East Hartford, Conn.; Louisville, Ky.; Detroit, Mich.; and Indianapolis, Ind.; (B) *Frozen vegetables*, (1) from Ridgely, Md., to Chicago, Ill.; Austin, Ind.; Des Moines, Iowa; Boston, Mass.; Lake Odessa, Mich.; St. Paul, Minn.; Manchester, N.H.; Pittsburgh, Pa.; New York, N.Y.; Omaha, Nebr.; Memphis and Bells, Tenn.; Green Bay, Wis.; and Dallas, Tex., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 114608 (Sub-No. 29 TA) (Correction), filed October 22, 1975, published in the FEDERAL REGISTER issue of November 10, 1975, and republished as corrected this issue. Applicant: CAPITAL EXPRESS, INC., 5635 Clay Ave. SW., Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dishwashers of cooling boxes and parts thereof* when transported at the same time and in the same vehicle with such dishwashers of cooling boxes, from Columbus, Ohio, to points in Wyoming, Mich., under a continuing contract with Kelvinator, Inc., Grand Rapids, Mich., for 180 days. Supporting shipper: Kelvinator, Inc., 1545 Clyde Park SW., Grand Rapids, Mich. 49509, Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933. The purpose of this republication is to correct the requested authority in this proceeding.

No. MC 134219 (Sub-No. 8 TA), filed November 13, 1975. Applicant: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., Foot of Cutter Dock Road, Woodbridge, N.J. 07095. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial fireplace logs, materials and supplies* used in the manufacture of artificial fireplace logs for the account of Eastern Firelog Division of P & M Lumber Products Corp., between the plantsites and warehouses of Eastern Firelog, Division of P & M Lumber Products Corp., at Fairless Hills, Pa., Cornwells Heights (Commonwealth), Pa., Trenton, N.J., North North Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, the District of Columbia, and Nashua, N.H., under a continuing contract with Eastern Firelog, Division of P & M Lumber Products Corp., for 180 days. Supporting shipper: Eastern Firelog, Division of P & M Lumber Products Corp., 180 Canal Road, Fairless Hills, Pa. 19030. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139193 (Sub-No. 29 TA), filed October 30, 1975. Applicant: ROBERTS & OAKE, INC., 208 S. La Salle St., Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Lubbock, Tex., to points in Illinois, and (2) *Such commodities* as are used by meat packers, in the conduct of their business (except commodities in bulk), from points in Illinois to Lubbock, Tex., under a continuing contract with John Morrell & Co., for 180 days. Supporting shipper: John Morrell & Co., Robert W. Stehle, Manager, Rates & Services, 208 S. La Salle St., Chicago, Ill. 60604. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140361 (Sub-No. 3 TA), filed November 14, 1975. Applicant: COLUMBUS PARCEL SERVICE, INC., 1009 Joyce Ave., Columbus, Ohio 43219. Applicant's representative: James Duvall, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on Bills of Lading of surface, interstate freight forwarders, between Cincinnati, Columbus and Dayton, Ohio, on the one hand, and, on the other, points in Boone, Campbell and Kenton Counties, Ky., and Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Hardin, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, Washington and Wyandot Counties, Ohio, restricted to operations conducted exclusively in two axle vehicles, for 180 days. Supporting shipper: American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 141211 (Sub-No. 1 TA), filed November 10, 1975. Applicant: RAY HOLLAND, 13101 El Road, Little Rock, Ark. 72206. Applicant's representative: Thomas J. Presson, P.O. Box 71, Redfield, Ark. 72132. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and exempt agricultural commodities* when transported in the same vehicle with bananas, from Gulfport, Miss., and Galveston, Tex., to the warehouse of Affiliated Foods, Little Rock, Ark., under a continuing contract with Affiliated Foods Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Affiliated Foods Stores, Inc., 10003 New Benton Highway, Little Rock, Ark. 72206. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141500 TA, filed November 12, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump trailer equipment, from Portage, Wis., to Winona, Minn., under a continuing contract with C. Reiss Coal Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. Reiss Coal Company, Sheboygan, Wis. 35081. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141502 TA, filed November 14, 1975. Applicant: MOVIN ON TRANSPORTATION, INC., G.P.O. Box 1774. New York, N.Y. 10001. Applicant's representative: Bruce J. Robbins, Suite 1515, One Lefrak City Plaza, Flushing. N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods and equipment, materials and supplies* used in the manufacture, production, distribution and repair of such commodities, between the facilities of Sony Corporation of America, at Moonachie, N.J., on the one hand, and, on the other, points in Westchester and Nassau Counties, N.Y., (except points in the New York, N.Y. Commercial Zone as defined by the Commission), under a continuing contract with Sony Corporation of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sony Corporation of America, One Sony Drive, Moonachie, N.J. 07074. Send protests to: Paul W. Assenza, District Supervisor, Interstate

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Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141505 TA, filed November 14, 1975. Applicant: INDEX GALENA CORPORATION, P.O. Box 237, Index, Wash. 98256. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alder wood products*, from Sultan and Tenino, Wash., to Oakland, Berkeley, San Francisco, Los Angeles, and Chula Vista, Calif., under a continuing contract with Tenino Wood Products, for 180 days. Supporting shipper: Tenino Wood Products, P.O. Box 546, Tenino, Wash. 98589. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 141506 TA, filed November 12, 1975. Applicant: STEVE COODY TRUCKING, INC., Route 3, Vienna, Ga. 31092. Applicant's representative: T. Baldwin Martin, Sr., P.O. Box 4987, Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dolomitic limestone*, in dump type vehicles, from Southern Stone Company, at Auburn, Ala., to points in Dooley, Pulaski, Crisp, Dodge, Wilcox, Turner, Houston, Macon, Bleckley, Lee and Sumter Counties, Ga., over no fixed route, under a continuing contract with R. B. Coody, dba Coody Farms, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. B. Coody, dba Coody Farms, Route 3, Vienna, Ga. 31092. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

PASSENGER APPLICATION

No. MC 141507TA, filed November 1, 1975. Applicant: LAWRENCE W. GATES, doing business as ODYSSEY BUS LINES, INC., 17922 Strathern, Reseda, Calif. 91335. Applicant's representative: Larry Gates (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggge*, in round-trip charter service, from points in Los Angeles County, Calif., to points in Continental United States, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 75-32319 Filed 11-28-75;8:45 am]

[AB 74]

PENNSYLVANIA-READING SEASHORE LINES

Abandonment Between Wildwood Junction and Wildwood Station, Cape May County, N.J.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Cape May County, New Jersey, on or before December 11, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 18th day of November 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 74]

PENNSYLVANIA-READING SEASHORE LINES ABANDONMENT BETWEEN WILDWOOD JUNCTION AND WILDWOOD STATION, CAPE MAY COUNTY, NEW JERSEY

The Interstate Commerce Commission hereby gives notice that by order dated November 18, 1975, it has been determined that the proposed abandonment of the Pennsylvania-Reading Seashore Lines extending 3.99 miles between Wildwood Junction and Wildwood Station, in Cape May County, N.J., if approved by the Commission does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic volume previously exhibited on the line was low and the amount of traffic permanently diverted to motor carrier is not anticipated to create any substantial alterations in existing air quality and fuel consumption. Also no land use plans of economic or industrial importance exist which would necessitate the continued operation of the line. Public interest has been expressed for purchase of the right-of-way, upon authorization of an abandonment, for use as an additional access corridor into Wildwood.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 26, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32315 Filed 11-28-75;8:45 am]

[I.C.C. Order No. 151; Rev. S.O. 994]

WESTERN MARYLAND RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Western Maryland Railway Company (WM) is unable to transport traffic over its lines between Hanover, Pennsylvania, and Baltimore, Maryland, because of bridge damage.

It is ordered, That: (a) *Rerouting traffic.* The WM being unable to transport traffic over its lines between Hanover, Pennsylvania, and Baltimore, Maryland, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said division shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8:35 p.m., November 1, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 8, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 1, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-32311 Filed 11-28-75;8:45 am]

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federal register

MONDAY, DECEMBER 1, 1975



PART II:

ENVIRONMENTAL PROTECTION AGENCY

SEAFOOD PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 460–5]

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

On January 30, 1975, notice was published in the FEDERAL REGISTER (40 FR 4582), that the Environmental Protection Agency (EPA or Agency) set forth interim final effluent limitations guidelines for existing sources, proposed pretreatment standards for existing sources amending 40 CFR Part 408, and proposed standards of performance and pretreatment standards for new sources within the fish meal, Alaskan handbutchered salmon, Alaskan mechanized salmon, West Coast hand-butchered salmon, West Coast mechanized salmon, Alaskan bottom fish, non-Alaskan conventional bottom fish, non-Alaskan mechanized bottom fish, hand-shucked clam, mechanized clam, Pacific Coast hand-shucked oyster, Atlantic and Gulf Coast hand-shucked oyster, steamed and canned oyster, sardine, Alaskan scallop, non-Alaskan scallop, Alaskan herring fillet, non-Alaskan herring fillet, and abalone processing subcategories of the canned and preserved seafood processing category of point sources. Concomitantly the Agency set forth interim final and proposed amendments to the regulations which were promulgated in the June 26, 1974, FEDERAL REGISTER (39 FR 23134) for the catfish, crab, shrimp, and tuna processing segment of the canned and preserved seafood processing category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the canned and preserved seafood processing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 408 by revising § 408.10 of the farm-raised catfish processing subcategory (Subpart A), § 408.20 of the conventional blue crab processing subcategory (Subpart B), § 408.30 of the mechanized blue crab processing subcategory (Subpart C), § 408.40 of the non-remote Alaskan crab meat processing subcategory (Subpart D), § 408.50 of the remote Alaskan crab meat processing subcategory (Subpart E), § 408.60 of the non-remote Alaskan whole crab and crab section processing subcategory (Subpart F), § 408.70 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), § 408.80 of the dungeness and tanner crab processing in the contiguous States subcategory (Subpart H), § 408.90 of the non-remote Alaskan shrimp processing subcategory (Subpart I), § 408.100 of the remote Alaskan shrimp processing subcategory (Subpart J), § 408.110 of the northern shrimp processing in the contiguous States subcategory (Subpart K), § 408.120 of the southern non-breaded shrimp processing in the contiguous States subcategory (Subpart L), § 408.130 of the breaded shrimp processing subcategory (Subpart M), and § 408.140 of the tuna processing subcategory (Subpart N) to expand the applicability thereof; by revising § 408.55 of the remote Alaskan crab meat processing subcategory (Subpart E); § 408.75 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), and § 408.105 of the remote Alaskan shrimp processing subcategory (Subpart J) to change the standards of performance for new sources based on screening to standards based on comminutors or grinders; and by adding thereto the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed and canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of interim final and proposed rulemaking for the fish meal, salmon, bottom fish, sardine, herring, clam, oyster, scallop, and abalone segment of the canned and preserved seafood processing point source category. In addition, the regulation as set forth was supported by two other documents: (1) The document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sardine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" (January 1975) and (2) the document entitled "Economic Analysis of Interim Final Effluent Guidelines, Seafood Processing Industry—Fish Meal, Salmon, Bottom Fish, Clams, Oysters, Sardines, Scallops, Herring, Abalone (February 1975). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of the notice of availability (40 FR 15096). Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the interim final regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the interim final and proposed regulation: National Canners Association; New England Fish Company; Peter Pan Seafoods, Inc.; East Point Seafood Company; Maine Sardine Packers Association, Inc.; Virginia Seafoods Inc.; Shellfish Institute of North America; American Shrimp Canners Association; U.S. Department of Commerce, National Marine Fisheries Service; Department of Health, Education, and Welfare; and U.S. Department of Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) Several commenters cited section 102(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92–532) which exempts from the ocean dumping permit requirements "the transportation for dumping or the dumping of fish wastes, except when deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location." The commenters then suggest that, contrary to section 306(b)(1)(A) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), the canned and preserved seafood processing point source discharges should be exempt from effluent limitations except in protected areas where tidal flushing action or stream flow is inadequate for assimilation or dispersal of the organic fish wastes.

The majority of the existing seafood processing facilities are located near bays, inlets, estuaries, rivers, harbors, or other areas which provide some refuge from the vagaries of adverse weather or sea conditions. The waste quantities from these plants can range from 30 to

80 percent or more of the weight of raw material which, in many cases, are discharged directly to adjacent receiving waters with little or no treatment.

The Agency has documented cases where water quality degradation resulted from the discharge of seafood processing effluents. For example, the effluents from 15 seafood processors in Kodiak, Alaska resulted in the formation of a sludge deposit covering nearly 51 acres. About 25 percent of the area was polluted to the extent that it was devoid of any macroscopic life. The presence of floating solids, floating sludge mats, and the evolution of hydrogen sulfide gas were noted during the survey. A subsequent study of 32 other Alaskan processors states that waste discharges from many seafood processors were causing environmental damage in receiving waters and violating Alaskan Water Quality Standards. The environmental damage was evidenced by: a) accumulations of seafood wastes resulting in sludge beds and, b) aesthetically degrading conditions such as bloody water, accumulations of seafood wastes on the beaches, and foam and floating seafood wastes on the water surface.

Canadian Environmental Protection Service study presented at the April 1974 Fish Processing Plant Effluent Treatment and Guidelines Seminar in St. Johns, Nfld. indicated that fish processing facilities can affect the biological ecosystem up to a distance of one mile. By evaluating several sediment and diversity indexes, the study found that seafood processing effluents have a definite effect upon the relative abundance of species in the receiving waters. One conclusion of the report suggests that the presence of large schools of fish feeding in the effluent from seafood processing facilities is not indicative of its non-toxic characteristics, because these pelagic or migratory fish do not reproduce, live or carry out normal life functions in the effluent stream. The report also states that "the fish processing industry may not be classed as an emitter of highly toxic waste, although there have been documented cases of fish kills in the Atlantic Provinces. The effluent is more sublethal in action tending to reduce the diversity and thereby affecting the stability of the community structure."

In sec. 101 of the Act, Congress declared its objective "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and declared "the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985."

To achieve these ends, the Act adopts a coordinated state-federal program to initiate clean-up efforts. Water quality standards are no longer the primary control mechanism. Instead, Congress has directed federal officials to establish effluent limitations for categories and classes of individual point sources. Each polluter within a category or class of industrial sources must, at a minimum, thereafter meet these uniform effluent limitations (Congressional Research Service, Library of Congress, *A Legal History of the Water Pollution Control Act Amendments of 1972*, Vol. 1, p. 162 (Comm. Print, 1973) hereinafter referred to as Leg. Hist.). This shift from water quality standards to effluent limitations as the basic control mechanism was because of the great difficulty associated with establishing reliable and enforceable precise effluent limitations on the basis of a given stream quality (see Leg. Hist., Vol. 2, p. 1426). Water quality standards, in addition to their deficiencies in relying on the assimilative capacity of receiving waters, often cannot be translated into effluent limitations because of the imprecision of models for water quality and the effects of effluents in most waters.

Nevertheless, the water quality standards are not totally disregarded. The old water quality standards program of the Water Quality Act of 1965 is retained, substantially strengthened, and dovetailed with the new effluent limitations program of the new Act. Under section 303 of the Act water quality standards for interstate waters remain effective, States are to submit new water quality standards for intrastate waters to the Administrator for approval or necessary modifications, and all water quality standards are to be brought up to the requirements of the new Act over a period of time.

Both the States and the Administrator may go beyond the national effluent limitations of section 301 to require a greater reduction in discharge into specific receiving waters where the national effluent limitations are not stringent enough to meet applicable water quality standards for those particular waters (sections 303(d) and 302). Therefore, the technology-based section 301 national effluent limitations are a minimum which all plants must meet and local conditions may result in the imposition of more stringent (but not less stringent) effluent limitations.

(2) Several commenters stated that the selection of plants for sampling and the selection of data for subcategory averages resulted in inequitable and unattainable limitations. They also requested further explanation of the procedures used to decide whether plants in a subcategory were either typical or nontypical and the criteria used for inclusion or exclusion of data.

The time constraints imposed by the statutory deadlines precluded the Agency from conducting an exhaustive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. Project consultants, industrial trade associations, individual companies, Universities, and State and Federal government contacts assisted in identifying representative seafood processing facilities. The following individuals were among those that provided information and advice: Mr. Russell Norris, Mr. Frank Riley, and Mr. Robert Hall of the Northeast Regional Office, National Marine Fisheries Service (NMFS); Mr. Hugh O'Rourk of the Massachusetts Seafood Council; Mr. Richard Reed of the Maine Sardine Council; Mr. Clarence Carlson of the Atlantic Fishery Products Technology Center; Mr. Roy Martin of the National Fisheries Institute; Mr. Steele Culbertson of the National Fish Meal and Oil Association; Mr. James Douglas, Jr. of the Virginia Marine Resources Commission; Mr. Jack Wright of the Virginia Seafood Council; Mr. Everett Tolley of the Shellfish Institute of North America; Mr. Jack Gehringer of the Southeast Regional Office, NMFS; Mr. Bobby J. Wood and Mr. Melvin Waters of the NMFS Pascagoula Laboratory; Mr. James Bybee of the Southwest Regional Office, NMFS; Mr. Richard Moore and Mr. Jerry Sprat of the State of California, Department of Fish and Game; Mr. Robert Patta, NMFS; Mr. Maynard Steinberg, Mr. John Dassow, Mr. Harold Barnett, and Mr. Richard Nelson of the NMFS Pacific Fishery Technology Laboratory; Mr. Walter Yonker and Mr. Roger DeCamp of the National Canners Association; Dr. Dave Crawford of the Oregon State University Seafood Laboratory; Mr. Jeffrey Collins and Mr. Richard Tenney of the NMFS Kodiak Fishery Products Technology Laboratory; Mr. Charles Perkins of the New England Fish Company and the Pacific Fisheries Technologists; and Mr. Charles Jensen of the Kodiak Seafood Processors Association.

After identifying representative processing facilities, one of the criteria for selecting a plant for detailed study was physical ease of collecting unit operation and end-of-pipe full shift flow proportioned composite samples. Some facilities would have required plumbing changes to facilitate a detailed sampling effort. Other considerations included individual plant cooperation, labor strikes, and seasonality. Because of the need to obtain the data as rapidly as possible, the sampling effort concentrated on plants which had indicated a willingness and ability to provide the requested data promptly. Even though many companies were very cooperative, labor strikes restricted sampling in some locations. Seasonality or availability of raw material also restricted the sampling effort in some parts of the country during the time frame of the study.

The available historical data which was compatible with the Agency's sampling and analytical procedures were included in the data base. The Agency's samples were screened prior to compositing to remove the larger solid particles which reduced the resultant "scatter" of the data points. This method is especially valuable in developing a precise base-line value for each parameter from a limited number of samples.

Several examples extracted from the "Subcategorization Rationale" portions of the Development Document illustrate the method of selecting typical plants for determining subcategory summary data. For salmon processing, 18 sets of summary data covering several process-

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ing techniques were obtained from 12 processing facilities. Nine sets of summary data represented mechanized salmon processing; however, only the 4 plants which utilized butchering machines exclusively were included in the subdivision average. The other 5 plants, which were excluded, practiced a mixture of hand and mechanized butchering which resulted in lower raw waste loads. Partial or hybrid processes are not used in the subcategory summaries because the subcategory effluent limitations are intended to serve as "building blocks" for establishing total effluent limitations for multi-product plants. In the case of hand-butchered salmon 6 of the 9 available sets of plant summary data were used for calculating the subdivision average. The excluded summary data represented facilities with lower raw waste loads because the salmon were "troll dressed" or eviscerated at sea. For conventional bottom fish, 14 sets of data were available for use, however, one plant was omitted from the subcategory average because only a small number of fish were being handled in the round, whole, on the day the sample was taken. This situation was considered to be atypical and resulted in relatively low raw waste loads. In the case of mechanized bottom fish, 2 of the 5 sets of data were excluded from the subcategory summary data because the machinery was unique and resulted in much lower raw waste loads than the other mechanized processing facilities. However, the excluded plants are still considered a part of the mechanized bottom fish subcategory.

In general, the plant selection procedures resulted in higher, not lower, subcategory waste load summaries. With one exception, all BOD5, suspended solids, and grease and oil data points of the facilities selected were included in the calculation of subcategory summaries. (As discussed in item 18 below, the only exception involved the grease and oil parameter summary for herring fillet processing subcategories.) The outliers for these regulated parameters were not deleted from the subcategory data base. However, the flow ratios (not a regulated parameter) were eliminated from the summary data of 8 of the 60 plants utilized in subcategory summaries for the following reasons: (a) the poor water conservation practice of letting water run through butchering machines in between periods of operation, (b) allowing hoses to run even when not in use, (c) allowing water to flow through filleting stations even when not in use, (d) excessive overflow rates in oyster blow tanks, and (e) poor control of water flowing through spray washers.

(3) Several commenters stated that the use of an average subcategory raw waste load is inequitable because effluent limitations calculated from a mean value result in half of the plants having to do more to meet the limitations. They suggest that the Agency utilize a case-by-case basis to establish effluent limitations for each plant or utilize the highest waste load observed within a subcategory as the basis for the effluent limitations.

It is inherent in developing subcategory raw waste loads that some plants presently will fall above the average waste loads. However, by employing "good housekeeping" practices and developing an effective waste management program to optimize plant operation, many of these facilities may reduce their raw waste loads before 1977.

In developing effluent limitations, the Agency must be responsive to the requirements of the Act. The legal standards for 1977, like those for 1983 and for new sources, are delineated in Sections 304 and 306 of the Act as "best practicable control technology currently available" (1977), "best available technology economically achievable" (1983), and "best available demonstated technology" (new sources). As stated in the Senate Report (Leg. Hist., Vol. 2, p. 1468):

"The Administrator should establish the range of best practicable levels based upon the average of the best existing performance by plants of various sizes, ages, and unit processes within each industrial category."

The Agency is mandated to rely upon the most effective pollution control achieved in a particular industry subcategory in setting effluent limitations, and must require all point sources in the subcategory, by 1977, to meet this level of currently achieved control.

In enacting the Federal Water Pollution Control Act Amendments of 1972, Congress meant to do more than leave industry at status quo for another decade and reward environmentally laggard businesses by utilizing worst case waste loads as the basis for effluent limitations. Therefore, the sampling program covered plants identified by trade associations and industry experts as representative of the subcategories regulated.

(4) A number of commenters expressed concern about the use of the log normal distribution and suggested that its use was simply a device utilized to mask the variability of the collected data.

An analysis of the natural distribution of the major waste water parameters indicated that the standard normal distribution model was inadequate for most cases because the range of data was large and the data tended to be skewed with some relatively large values. Also, the normal distribution allowed for negative values which do not occur in actuality for the pollution parameters being examined. The log normal distribution was investigated and found to adequately describe the data collected from this industry segment. The log normal distribution is the distribution commonly used for only positive values which are skewed right to allow for some large values. The set of the logarithm of values in the distribution conforms to the normal distribution and standard statistical techniques can be employed. Because the log normal distribution model described the data distribution better than the normal distribution, the log normal distribution was used to establish subcategory summary waste loads.

If the standard normal distribution had been used, the extreme outliers could have been statistically eliminated from the calculated averages. Therefore, the subcategory raw waste load summaries might have been lower than those calculated from the log normal distribution.

(5) Many commenters suggest that the true causes of variability in raw waste loads were not adequately taken into consideration in the establishment of effluent guidelines.

As discussed in the Development Document, the contributing causes of raw waste variability include factors such as variety of the species being processed, variability in raw product supply, harvesting methods, condition of raw product on delivery to the processing plant, and in plant materials management practices. In general, the first four factors are beyond the immediate control of individual processing facilities.

The variety of species utilized in each commodity group is usually limited to those which are quite similar. In general, the processes which have the largest capacities and produce the most waste utilize the fewest species. Those which handle a large variety of species, such as conventional bottom fish processes, are typically smaller and utilize manual unit operations, which produce lower waste loads. The subcategorization rationale reflects a consideration for the variety of species when they are processed in a similar manner.

In the case of salmon processing the practical aspects of the problem precluded subcategorization by salmon species. For example, in Alaska production volumes for red and pink salmon are much greater than those for chum, king, and coho. Since all five species are many times processed during the same shift, sometimes intermingled with one another, obtaining full-shift flow proportioned composite samples for each species could not be practicably accomplished.

The variability in raw product supply and production is strongly correlated with the type of product being processed and occasionally with geographic location and production capacity. The subcategorization scheme and sampling program inherently includes the variability in raw material supply, because this factor influences all food processing facilities dependent on the vagaries of nature for raw material.

The harvesting methods are generally similar within a commodity group. However, it is recognized that different harvesting methods can affect the condition of the raw material or the degree of preprocessing. For example, salmon are harvested primarily by three different methods: trolling, purse seining, and gill netting. Larger vessels, called tenders, usually bring the salmon from the fishing grounds to the processing plants. Fishing boats coming into the port because of breakdowns and supply shortages also deliver fish to the plants. It is more common for trollers to deliver directly to plants than seiners and gill netters. Tenders using chilled brine can store fish up to four days without freezing, whereas

dry tenders, which are rapidly becoming obsolete, must return to the processing plants daily. A few tenders ice their fish. A plant may process on the same day, or from day to day, fish harvested by any permutation of the above methods.

The condition of the raw material on delivery to the processing facility is, perhaps, the major uncontrollable factor affecting plant raw waste loads. The raw material can be very fresh, only a few hours old, or it can be quite old and on the verge of spoilage. It is not uncommon for a processing facility to refuse raw material which has decomposed beyond the point of safe processing for human consumption. The data collected reflects a wide range in the condition of the raw material. In several cases the sampling program at some plants reflects high raw waste loads because the raw material was "older and softer than usual." In another case, due to a shortage of fish, a plant purchased a load of fish which would normally be rejected. The fish were reportably caught just after feeding which caused the bellies to bloat and soften the adjacent meat, thereby increasing the raw waste load.

In an attempt to account for the temporal variations in raw waste loads due to some of these factors, whenever possible a given plant was sampled over several weeks rather than for several consecutive days. In the case of salmon processing in Alaska, the major portion of the season falls from mid-June to mid-September. The Agency's sampling effort and the historical data covers the calendar months from mid-July to the early part of November. In the case of bottom fish processing, the Agency's sampling program generally covers the calendar months from July through October with historical data at one plant covering an 8 month period and at two other plants covering 5 month periods. In general the oyster processing data covers the calendar months of October and November.

As stated previously variations in raw material quality are normal and should be expected. Therefore, the waste management program should be designed with sufficient flexibility to handle the problems inherent in the industry due to expected raw material quality variations. It is also suggested that a processing plant attempt to work out an emergency plan to handle a situation where uncontrollable, significant deterioration in its raw material quallty causes significantly high waste loads.

The fifth item listed above, plant materials management practices, directly affects the variability in raw waste loads. Many plants hose solids, which accumulate on the floor near the various unit operations, into drains or troughs. These solids could be removed by shovel and placed into dry bins for disposal or solids recovery. Many plants allow solids to accumulate in sumps which results in leaching of the soluble fractions. In general, any unnecessary water-solids contact increases the waste load of the effluent stream. Water use practices which affect raw waste loads are discussed separately in items 6, 7, and 8 below.

(6) According to many commenters, the Agency should not emphasize water use practices because the wide fluctuations in water use ratios are beyond the control of individual processors due to FDA and public health mandates.

The waste characterization studies indicate that water usage in the seafood processing industry varies widely and is not always a direct function of the needs of the various unit operations or of sanitation requirements. The large variations in water usage for the same process configuration among different plants and among different stations of the same unit operation in a single plant indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product. Many plants keep the floors flooded at all times of processing. There is a general lack of controls to adjust water use with the volume of seafood processed. In many cases several valves control the entire plant water flow and these are adjusted at the start and turned off at the end of processing operations.

The following specific practices were observed during the Agency's sampling program. (a) In some plants hoses were used continuously during some shifts to wash down an area of waste build up, but were not used on every shift or day of operation; (b) Water was observed to run through many machines or stations even though they were not processing fish; (c) In many cases pumps were not flow regulated, therefore requiring large amounts of water to prevent the loss of vacuum; (d) Some plants did not shut off or reduce water flow during rest breaks; and (e) At one plant sampled the flows among 13 filleting stations ranged from 0.08 gpm to 2.70 gpm at the same point in time, a difference of over 3000 percent; and at another plant, the flows among 7 butchering stations ranged from 0.8 gpm to 3.5 gpm, a difference of over 300 percent.

The Agency believes it to be evident that a significant proportion of the observed water use variability does not result from public health mandates but rather from inefficient housekeeping and water management practices.

Again, it should be emphasized that water use is not a regulated parameter. However, in developing cost estimates of the end of pipe technology utilized as the basis of the 1977 effluent limitations, it was assumed that the flow ratios should be based on "good housekeeping" practices which are considered normal practice within the seafood processing industry. This includes turning off faucets and hoses when not in use or using spring-loaded hose nozzles.

The extensive discussions of water use in the Development Document is intended to illustrate the fact that hydraulic load is an important engineering design and cost factor. It would behoove a processor to evaluate the water flow in all unit operations to reduce unnecessary water-solid contact and indiscriminate water use because prolonged water-solid contact tends to increase raw waste load and unnecessary water use tends to increase the cost of end of pipe treatment.

(7) Several commenters suggest that there is no relationship between water use and waste load by referring to several plants with similar BOD5 ratios and considerably different flow ratios.

The study revealed two major facets of water use within the seafood industry. First, unnecessary flows through hoses and machinery or stations not in use increase water consumption without a noticeable effect on waste load ratios based on production volume. However, the concentration of the total plant effluent decreases due to the dilution effect of unnecessary water consumption. Second, any water-solids contact such as rinses or spray washes removes undesirable material from the surface of the product. Public health or product quality criteria determines some optimum water consumption level for the wash. Beyond this point unnecessary water-solids contact can affect the product surface which may increase suspended solids and induce additional leaching of soluble material. In this case, the additional water-solids contact may increase the waste load per unit of production while the total plant effluent concentration may actually decrease depending on the amount of excess water.

Some plans sweep or wash solids into drains while others utilize dry-capture techniques before cleaning equipment. This has a definite effect on waste load which is not directly related to water use. To be more precise, there is, in fact, a definite relationship between water-solids contact and waste load as illustrated by data presented in Section VII of the Development Document. When unnecessary and indiscriminate water use is eliminated, the water use to waste load relationship will be easier to detect in the processing plant situation.

In general, no comparison can be made of the water use and waste load ratios between different processing plants, unless the facilities have identical raw material, unit operations, and end products. For example, if one plant has a flume which is twice as wide as one in another plant, then with everything else being equal, the first plant will use twice the water volume to maintain the same velocity in the flume.

(8) The comment was made that the premise of water recycling and its part to play in setting guidelines is at present unattainable and consequently upsetting to the food processors treatment program planning.

The effluent limitations are not predicated upon water recycling or water reuse. The discussion presented in the Development Document includes water recycling or water reuse as one of many alternatives in a plant water management program.

(9) Several commenters considered the discussion of by-product recovery in the preamble and Development Document to be overly optimistic by stipulating that fish waste can be converted into mar-

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ketable by-products. They state that "wherever, and more realistically whenever, the economics of such marketing are favorable, the industry has and will continue to produce and market such products."

It should be noted that neither the technical justification for the 1977, 1983, and new source effluent limitations nor the economic impact analysis utilize by-product recovery as the basis for the regulations. The purpose of the by-product recovery discussion is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

If the intent and objectives of the Act are to be met, the industry has a choice of treating the waste load at the end of the pipe or making in-plant modifications which may include recovery of secondary products. Because a company expects to sell a by-product, it may make a profit, break even, or recover only a fraction of the cost of production. However, it may be less expensive to sell a secondary product at a loss, than incur the cost of end-of-pipe disposal or treatment for that portion diverted to by-product recovery.

One example cited in the Development Document was the conversion of waste crustacean shells into protein and chitin and chitosan fractions. To quote the October 1974 Proceedings of the Sea Grant Association the following goals and objectives of the Chitin/Chitosan Shellfish Waste Utilization Program were met successfully: "beneficial utilization of a waste product, elimination of a major source of pollution, demonstration of methodology for technical assessment and thence utilization of the by-products of a primary objective, attract additional research in chitin and chitosan utilization, and develop commercial interest in establishment of shellfish waste conversion plants."

In addition to the Japanese production of chitin and chitosan, a U.S. commercial processing facility in Brownsville, Texas is presently producing chitin and is scheduled to commence full-scale production of chitosan in the near future. If a few of the myriad uses of chitin and chitosan attain commercial application, the demand for crustacean shell will increase in the foreseeable future. This may result in the construction of other processing plants and preprocessing or stabilization facilities, which could have a positive economic impact on the existing crustacean and fish meal plants in Alaska and other sources of raw or stabilized shell throughout the country. Notwithstanding the concern of several commenters who indicated that meal plants in Alaska are operating presently at a loss, an increase in demand for stabilized shell could improve the economic condition of the entire by-product operation of these plants. At present, the selling price for crustacean and fish meal is determined by the vacillating world wide supply and demand for protein. An increasing demand for chitin and chitosan in the chemical markets may tend to stabilize the fluctuating selling price of crustacean meal due to competitive markets for the same raw material.

(10) Several commenters state that they prefer to work with some other types of treatment systems than those utilized as the basis of effluent limitations and request that their options be left open accordingly.

The technologies which form the bases for the effluent limitations are used as a point of reference for evaluating the economic impact. The industry may select alternative methods such as those discussed in the Development Document or other sources to meet the published effluent limitations.

(11) Several commenters state that the Development Document indicates that the error in the BOD5 analysis can be as great as 30 percent. Therefore, they request that COD be substituted for the BOD5 parameter.

The discussion of the analytical quality control methods referred to in the Development Document states: "Five-day BOD was determined according to "Standard Methods". For samples with BOD5 of higher than 20 mg/l, at least three different dilutions were made for each sample. The results among the different dilutions were generally less than plus or minus 6 percent. The data reported were the average values of the different dilutions. For samples with BOD5 of less than 20 mg/l, one or two dilutions with two duplicate bottles were incubated. Most of replicate BOD5 in this low range were within plus or minus 5 percent, but some had as much as plus or minus 30 percent difference. Seed for the dilution water was a specially cultivated mixed culure in the laboratory using various fish wastes as the seed."

It should be noted that the lowest BOD5 concentration assumed for 1983 effluent limitations was 60 mg/l. Therefore, the relative error of the BOD5 test will not fall within the plus or minus 30 percent range as suggested by the commenter.

The BOD5 test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen these wastes will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, current engineering practice utilizes BOD5 as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD5 parameter was investigated during this study. The BOD5 and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD5 for any or all of these groups of seafood. The analysis presented in Section VI of the Development Document indicates that the COD parameter is not a reliable predictor of BOD5.

The relationship between COD and BOD5 before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD5 parameter, since insufficient information is available on the COD effluent levels after treatment. However, with adequate data EPA and most States could probably allow the substitution of COD for BOD5 in the routine monitoring program.

(12) One commenter listed the antilogarithms of the log-normal mean and standard deviation of the summary data for conventional bottom fish processing and then suggested that contrary to the statements in the Development Document the waste loadings for bottom fish plants were not relatively low and uniform.

The commenters use of the log-normal data is mathematically incorrect. The log-normal distribution is a nbrmal distribution of the logarithms of the numbers in the data set. Any comparisons between the log-normal mean and log-normal standard deviation should be as logarithms. A comparison of the real number antilog of the log-normal mean and real number antilog of the log-normal standard deviation results in mathematically invalid conclusions. The statement in the Development Document is correct when comparing the log-normal mean and log-normal standard deviation.

(13) One commenter stated that the dissolved air flotation removal efficiencies for salmon are too restrictive because the only DAF plant operational for salmon has shown actual BOD removal to be only in the range of 11 to 35 percent instead of the 75 percent that must be achieved for an average salmon cannery to avoid exceeding the guidelines. For total suspended solids the commercial plant was represented as removing only 18 to 48 percent instead of the assumed 90 percent.

The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a full-scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and ground fish filleting effluents. The information available to the Agency indicates that this is the only full-scale DAF system treating salmon cannery effluents. The 1972 Canadian operating data using alum and an anionic polyelectrolyte on salmon canning effluent indicated that suspended solids removal averaged 86 percent and that COD reduction averaged 84 percent. The 1971 operating data using alum on salmon canning effluent indicated that suspended solids removal averaged 92 percent and that COD removal averaged 84 percent.

In view of the published operating data for a full scale salmon processing waste water treatment system, the Agency believes that dissolved air flotation without chemical optimization can achieve the assumed 40 percent reduction of BOD5 and 70 percent reduction of total suspended solids; and with chemical optimization, can achieve by 1983 the assumed 75 percent reduction of BOD5 and 90 percent reduction of total suspended solids.

(14) One commenter indicated that sardine plants with wet fluming systems could not meet the 1977 limitations without in-plant changes because the summary data was based on dry conveying systems. Additional sardine processing waste characterization data was submitted for use in reevaluating the derivation of the effluent limitations.

The information indicated that several of the larger processing facilities employed dry conveying systems from the storage to the processing areas, but the other plants still relied on wet fluming. Therefore, the 1977 effluent limitations were revised by including two additional plants in the subcategory data summary for plants with dry conveying systems and establishing an allowance by use of historical data for plants without this in-process modification. However, the 1983 and new source effluent limitations are based on dry conveying systems.

(15) One commenter stated that the scallop subcategories have not been adequately discussed because there are significant differences between the two plants monitored (with one plant being sampled only once).

As discussed in the Development Document, the bay, sea, and Alaskan scallops are shucked and eviscerated at sea to avoid deterioration. The unit operations at land-based processing plants are essentially washing and freezing. This results in a yield of nearly 100 percent of the raw material entering the plant since the only wastes produced are small scallop pieces not suitable for freezing, solid waste removed during inspection, and small amounts of dissolved organic matter. The observed washing methods were different at each plant sampled. One plant used a two stage continuous flow washing system, whereas, the other employed a non-flowing brine tank which was dumped approximately every eight hours. With the exception of flow ratios, the other waste parameters were considered similar. The available information did not warrant further subcategorization on the basis of the washing operation.

Although the two Alaskan plants were the only ones sampled, other facilities were observed in the middle Atlantic region using essentially the same process; therefore, it was assumed that the waste loads would be similar for similar "wash and freeze" operations.

It should be noted that, as stated in § 408.300, the calico scallop process which employs land-based machinery for shucking and eviscerating the scallops is not covered by the regulations set forth herein.

(16) Several commenters expressed concern about the accuracy of the development of the steamed and canned oyster effluent limitations and discussed the effects of the oyster beds and harvesting techniques on the processing waste loads. One Gulf Coast processor submitted data to support his statements.

A review of the data for steamed and canned oysters indicated that plant C01 data should not have been included in the subcategory average. Unlike the other plants, the raw material was prewashed before entering the processing facility, thus reducing the raw waste load due to partial processing. The revised subcategory average excludes plant CO1 data, and includes the Gulf Coast data.

(17) Several commenters objected to the establishment of two hand-shucked oyster subcategories with revised effluent limitations because the contractor's draft report originally recommended one hand-shucked oyster subcategory with higher effluent limitations.

One result of the review of the contractor's draft report and evaluation of the public comments, prompted further subcategorization of the original Hand-Shucked Oyster Subcategory into the Pacific Coast Hand-Shucked Oyster Subcategory and the East and Gulf Coast Hand-Shucked Oyster Subcategory with data based on the specific species processed in the two geographic areas. The contractor's draft report presents hand-shucked oyster data for ten processing plants—four located on the West Coast and six, on the East Coast. Utilizing Total Suspended Solids (TSS) as an example, it can be seen that the TSS arithmetic average for the West Coast plants processing the Japanese or Pacific oyster is 25.7 kg/kkg of shucked oyster produced; the TSS arithmetic average for the East Coast plants processing the American, Eastern, or Virginia oyster is 10.8 kg/kkg. However, as noted in the contractor's draft report, the Hand-Shucked Oysters Process Summary was based on the four West Coast plants alone.

Another result of the review, as explained in the preamble to the FEDERAL REGISTER notice (40 CFR 4582) and the Interim Final Development Document, prompted the use of the logarithmetic—normal frequency distribution to determine subcategory summary data. Again using TSS as an example, the log-normal transform increases the Pacific Coast Hand-Shucked Oyster Subcategory TSS average from 25.7 to 34.2 kg/kkg of product, and the East and Gulf Coast Hand-Shucked Oyster Subcategory TSS average from 10.8 to 13.6 kg/kkg of product.

The Agency believes that effluent limitations based on these revisions are equitable because they present a more accurate reflection of the characteristics of the hand-shucked oyster industry.

(18) One commenter suggests that the herring fillet subcategories have not been adequately characterized because no remote Alaskan herring fillet plant was sampled and only one day of production was monitored at a non-remote Alaskan plant.

As stated in the Development Document, two herring filleting plants were sampled during August, 1973, one in New England and one in Alaska. In addition, historical data were obtained from a plant operating in Canada. The sampling interval was during a period of peak production for New England, however, due to a poor harvest in 1973, the plants were operating on an intermittent basis. The sampling interval in Alaska was during a slack season, therefore, only one day of operation was observed.

In general, the waste characteristics for all three plants were similar. One difference was the relatively high flow ratio observed at the Alaskan plant. This high ratio is not considered to be typical because only a few fish were being processed and the flow through the filleting machines at the plant monitored tends to be independent of the production rate.

One relatively high grease and oil data point at the Alaskan processing facility, resulted in a distorted log normal projection for the grease and oil daily maximum of 86.6 kg per kkg of raw material, i.e., over 8 percent of the weight of raw material. Since the typical fat composition of herring ranges from 2 up to 11 percent of body weight, it would be unlikely for 78 percent or more of this fat to reach the waste water effluent stream because a major proportion of the fat is contained in the food product and waste solids. A comparison of the mechanically butchered salmon processing raw waste load to the mechanized herring filleting raw waste load indicates that TSS averages are virtually identical, 20.3 kg/kkg for salmon and 20.9 kg/kkg for herring filleting; the salmon GOD5 waste load is higher, 50.8 kg/kkg for salmon versus 32.2 kg/kkg for herring filleting; the salmon grease and oil average is also virtually identical to the average for the New England herring filleting plant, 6.49 kg/kkg for salmon versus 6.11 kg/kkg for New England herring filleting. Because the one data point at the Alaskan herring filleting plant appeared to be abnormally high in comparison to the other available information, it was not used to determine a subcategory average. Instead, the mechanized salmon process grease and oil data was utilized to derive conclusions regarding effluent limitations for the herring fillet processing plants.

Since the herring filleting process is essentially the same from plant to plant, geographic location was considered to be the only factor requiring further attention in the subcategorization process. As explained in the Development Document and preamble to the interim final effluent limitations, subcategorization based on geographic regions (Alaska versus non-Alaska, and remote Alaska versus non-remote Alaska), was developed to account for the differences in the relative costs of business and treatment technologies, not for differences in raw waste loads, treatability of wastes or other technical factors.

(19) Several commenters criticized the fact that the log-normal transform was used in most cases to determine parameter averages while in some cases an arithmetic average was used.

In reviewing the data base, it was decided to use the log-normal distribution exclusively instead of the standard normal distribution for the reasons previously cited in item 4. However, the weighing factors were deleted from the log-normal transform, even though this results generally in higher subcategory averages, in order to supplement the data base with historical data or available plant data which does not include temporal variability for the regulated parameters.

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(20) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(21) One commenter observed that EPA did not take into account the economic impact from regulations imposed by other regulatory agencies.

The Agency realizes that there will be an economic impact from regulations set by other regulatory agencies. In its economic impact analysis, EPA included costs incurred as a result of pre-1972 regulations.

It is difficult to estimate what other costs will be incurred in the years ahead as there is no way to determine what other agencies will propose. However, it is valid to assume that these agencies, when considering the economic impact of their proposed regulations, will consider the costs incurred as a result of previously imposed EPA regulations.

(22) Several comments stated that the new source and 1983 effluent limitations based on extended aeration for the hand shucked oyster industry will have a severe economic impact.

As part of the Agency's overall reassessment of the economic impact, the above comment was carefully evaluated. In this analysis, the impact was investigated over a range for several variables (e.g. cost of capital, operating and maintenance cost). Because the review indicated that the comment was generally valid, the Agency rejected extended aeration as the basis of the 1983 effluent limitations. The Agency believes that extended aeration still represents a technically feasible alternative for hand-shucked oyster processing. Nevertheless, the 1983 limitations and new source performance standards have been revised so that the best available technology economically achievable and the best available demonstrated control technology consists of "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The provisions of section 301(d) of the Act require that the effluent limitations based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). The Agency has initiated a study to identify alternative economically viable technology applicable to hand-shucked oyster processing. Therefore, the 1983 limitations may be revised in the future pursuant to section 301(d) of the Act to reflect a higher level of technology than screening.

(23) Several commenters were concerned that monitoring costs were excluded from the Agency's cost calculations.

The Agency did not include monitoring costs in its calculations because in many cases they prove to be an insignificant amount of the cost of compliance with the effluent limitations.

Laboratory analyses were estimated to cost about $25 per sample. Some permits are written which require only one sample per season. For example, using the cost figures for a medium-size East Coast hand shucked oyster plant, that amounts to approximately 0.8 percent of the total annual costs of $3,000. Even if once per month sampling was required during the operating season (7 months), monitoring cost would amount to approximately 5 percent of the total annual cost.

Most processors are currently required to (and do) monitor their discharges; the effluent limitations may not require any additional monitoring. Therefore, no additional monitoring costs are incurred as a result of these effluent limitations.

(24) Comments were received which said that dissolved air flotation (DAF) was not economically feasible for the West Coast canned salmon industry.

The Agency reevaluated the cost of DAF technology, and the potential economic impact on the West Coast canned salmon industry. Based on this evaluation, EPA is revising the effluent limitations so that (1) DAF is no longer the basis for the 1977 limitations; however (2) DAF will be retained as the basis for the 1983 and new source standards.

The Agency considered the cost of the technology, the economic history and status of the industry, and its future prospects. The West Coast canned salmon industry has been in a depressed state during 1973 and 1974. However, the industry has a cycle of about four years; usually the first two years are profitable, while the last two years are not. Historically, the profits have covered the losses. However, in the last cycle, 1971–1974, losses exceeded profits.

The economic outlook for the immediate future is uncertain. Landings for June 1975 were several times gretater than landings in June 1974. There are indications that a new cycle is starting, but whether the cycle will be profitable (net positive cash flow) still remains to be seen. The DAF basis for the 1983 and new source standards is retained because the industry may, in fact, prove profitable. However, section 301(c) of the Act provides for modification of the effluent limitations with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). If adverse economic conditions are found to exist at a later time, there is ample opportunity to revise the regulations.

(25) Several commenters stated that dissolved air flotation was not economically feasible for the Alaskan non-remote fresh and frozen salmon processors and the Alaskan canned salmon processors.

The Agency reevaluated the cost of DAF technology, and the potential economic impact on the Alaskan fresh and frozen and canned salmon industries. Based on this evaluation DAF was shown to be economically feasible and, therefore, will be retained as the basis for the 1983 effluent limitations.

EPA considered the cost of the technology, the economic history and status of the industry, and its future prospects. The salmon industry in Alaska has been hampered by a steady and continuous decline in landings (due in large part to foreign fishing offshore) and, concomitantly, rising exvessel prices for the raw product. The industry has not been profitable in the last few years.

If the future profitability is the same as over the most recent cycle, EPA realizes that there could be a great impact on this industry if DAF is retained as the basis for the 1983 effluent limitations. However, the outlook for this industry is subject to great uncertainty. The DAF basis for 1983 regulations is retained because this industry may, in fact, prove profitable. However, section 301(c) of the Act provides for modification of the effluent limitations guidelines with respect to any point source which is based on the best available technology economically achievable, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represents the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants. Furthermore, section 301(d) of the Act states that the effluent limitations guidelines based on the best available technology economically achievable shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under section 301(b)(2). If adverse economic conditions are found to exist at a later time, there is ample opportunity to revise the regulations.

(b) *Revision of the interim final and proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation:

(1) The use of the unweighted log normal distribution resulted in the following changes:

(i) generally higher effluent limitations for the Alaskan bottom fish (Subpart T), scallop (Subparts AC and AD), and hand-shucked clam (Subpart W) processing subcategories; and

(ii) higher effluent limitations within the herring fillet (Subparts AE and AF), sardine (Subpart AB), and abalone (Subpart AG) processing subcategories because of expansion of the respective subcategory data bases to include plant data without the temporal variability weighing factor.

(2) The revised technology basis for the sardine processing 1977 effluent limitations (Subpart AB) accounts for separation of those plants with dry conveying systems to the processing area from those plants with wet fluming transportation systems. The 1983 and new source effluent limitations are based on dry conveying systems alone.

(3) The mechanized clam processing subcategory effluent limitations increased because one plant which utilized a "partial process" was deleted from the subcategory summary.

(4) The steamed and canned oyster processing subcategory effluent limitations increased because of the addition of historical data received during the comment period and the deletion of one plant which utilized a "partial process."

(5) A reassessment of the economic impact of the interim final effluent limitations for the West Coast Mechanized Salmon Processing Subcategory indicates that dissolved air flotation is not an economically feasible technology basis for the 1977 limitations. The promulgated effluent limitations have been revised to eliminate this impact. The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist, of, in addition to the aforementioned treatment, dissolved air flotation and appropriate processed design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(6) A reassessment of the economic impact of the effluent limitation for the Pacific Coast Hand Shucked Oyster and East and Gulf Coast Hand Shucked Oyster Processing Subcategories indicates that extended aeration is not an economically feasible technology basis for the new source and the 1983 limitations. The promulgated effluent limitations have been revised to eliminate this impact. The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

(c) *Economic and inflationary impact.* The Agency considered the economic impact of the internal and external costs of the effluent limitations. Internal costs are defined as investment and annual cost (operating costs plus the cost of capital and depreciation) for a typical plant. External cost deals basically with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth.

In its reassessment of the economic impact, the Agency made a concerted and serious effort to contact new sources and obtain new data. Inquiries were made to government agencies, private companies, and trade associations. The Agency re-evaluated previous data and evaluated new data furnished to the Agency.

There were certain, mostly minor, changes due to this reassessment. These include the following:

(1) The total internal cost of the 1977 effluent limitations is $6.2 million investment (previous figure: $6.1 million) with $1.3 million annual cost (same as the previously published figure).

(2) An additional $5.9 million investment is required for the 1983 standards (previous figure: $8.2 million) plus $1.4 million annually (previous figure: $1.7 million).

(3) As discussed in the Comments (item (b) 24, above) there was concern that the economic impact of the 1977 effluent limitations would be too severe for the West Coast canned salmon industry. Based on the review of the economic history and status of the industry, the Agency concluded that a revision of the previously published effluent limitation was warranted. As such, the basis for the 1977 limitation was changed from air flotation systems to screening systems.

(4) The economic impact statement for the interim final regulation expressed concern about a potentially severe economic impact on the Alaskan fresh and frozen salmon industry. It was also stated that the severity could have been overestimated due to several factors. Based on a review of permit registrations, it was found that a number of the "affected" plans were not processors, but packers and wholesalers that are entirely unaffected by the effluent limitations. Based on this review, the Agency concluded that the previously stated impact is overstated and no revisions of the effluent limitations are necessary.

(5) As discussed in the comments (item (b) 22, above) there was concern that the economic impact of the 1983 and new source performance standards would be too severe for the hand-shucked oyster processors. Based on a review of the economic history and status of the industry, the Agency concluded that a revision of the previously published effluent limitations was warranted. As such, the bases for the 1983 and new source performance standards for the hand-shucked oyster processing subcategories were changed from extended aeration systems to screening systems.

The effluent limitations for 1977 will have a minor effect on prices as price increases generally in the range of 0.3 to 0.5 percent are projected. Although price increases in this industry will, of course, be affected by foreign competition, the generally small magnitude of the projected price increases is not expected to cause any important international trade effects. A number of small plants are projected to be adversely affected by the effluent limitations, but the domestic industry capacity is not expected to be affected by the potential closure of these particular small plants.

The 1983 standards are projected to result in price increases typically in the range 0.5 to 1.5 percent (including the 1977 increase). An additional number of generally small plants are projected to be adversely affected by these 1983 guidelines, but again, the domestic industry capacity is not anticipated to be affected by the potential closure of these small plants. No significant international trade effects of the 1983 guidelines are projected.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OBM Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification. Since the estimated total capital investment and annualized cost are below the designated limits, certification of the inflationary impact statement is not necessary.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the fish meal, salmon, bottom fish, sardine, herring, clam, oyster, scallop, and abalone segment of the canned and preserved seafood processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sardine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source

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Category" (August 1975). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines—Seafood Processing Industry" (August 1975). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved seafood processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(c) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Sardine, Herring, Clam, Oyster, Scallop, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category," will be published as soon as practicable and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

A copy of all public comments is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St. SW., Washington, D.C. 20460. A copy of the preliminary draft contractors reports, the Development Document (cite the appropriate reports) and economic study referred above, and certain supplementary materials supporting the study of the industry concerned, is also at this location for public review and copying, etc.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 408, Canned and Preserved Seafood Processing Point Source Category, is hereby amended by revising Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, and N; and by adding additional subparts O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, and AG to read as set forth below.

This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609–73). That order requires that effluent limitations requiring the application of the best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on December 1, 1975.

The final regulation promulgated below which establishes effluent limitations based on the best available technology economically achievable; new source standards based on the best available demonstrated control technology; and new source and existing source pretreatment standards shall become effective December 31, 1975.

Dated: November 13, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart O—Fish Meal Processing Subcategory

Sec.
408.150 Applicability; description of the fish meal processing subcategory.
408.151 Specialized definitions.
408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.154 Pretreatment standards for existing sources.
408.155 Standards of performance for new sources.
408.156 Pretreatment standards for new sources.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.
408.161 Specialized definitions.
408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.164 Pretreatment standards for existing sources.
408.165 Standards of performance for new sources.
408.166 Pretreatment standards for new sources.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.
408.171 Specialized definitions.
408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.174 Pretreatment standards for existing sources.
408.175 Standards of performance for new sources.
408.176 Pretreatment standards for new sources.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.
408.181 Specialized definitions.
408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.184 Pretreatment standards for existing sources.
408.185 Standards of performance for new sources.
408.186 Pretreatment standards for new sources.

Subpart S—West Coast Mechanized Salmon Processing Subcategory

408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.
408.191 Specialized definitions.
408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.194 Pretreatment standards for existing sources.
408.195 Standards of performance for new sources.
408.196 Pretreatment standards for new sources.

Subpart T—Alaskan Bottom Fish Processing Subcategory

408.200 Applicability; description of the Alaskan bottom fish processing subcategory.
408.201 Specialized definitions.
408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Sec.
408.204 Pretreatment standards for existing sources.
408.205 Standards of performance for new sources.
408.206 Pretreatment standards for new sources.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.
408.211 Specialized definitions.
408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.214 Pretreatment standards for existing sources.
408.215 Standards of performance for new sources.
408.216 Pretreatment standards for new sources.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.
408.221 Specialized definitions.
408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.224 Pretreatment standards for existing sources.
408.225 Standards of performance for new sources.
408.226 Pretreatment standards for new sources.

Subpart W—Hand-Shucked Clam Processing Subcategory

408.230 Applicability; description of the hand-shucked clam processing subcategory.
408.231 Specialized definitions.
408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.234 Pretreatment standards for existing sources.
408.235 Standards of performance for new sources.
408.236 Pretreatment standards for new sources.

Subpart X—Mechanized Clam Processing Subcategory

408.240 Applicability; description of the mechanized clam processing subcategory.
408.241 Specialized definitions.
408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.244 Pretreatment standards for existing sources.
408.245 Standards of performance for new sources.
408.246 Pretreatment standards for new sources.

Subpart Y—Pacific Coast Hand-Shucked Oyster Processing Subcategory

408.250 Applicability; description of the Pacific Coast hand-shucked oyster processing subcategory.
408.251 Specialized definitions.
408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.254 Pretreatment standards for existing sources.
408.255 Standards of performance for new sources.
408.256 Pretreatment standards for new sources.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.
408.261 Specialized definitions.
408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.264 Pretreatment standards for existing sources.
408.265 Standards of performance for new sources.
408.266 Pretreatment standards for new sources.

Subpart AA—Steamed and Canned Oyster Processing Subcategory

408.270 Applicability; description of the steamed and canned oyster processing subcategory.
408.271 Specialized definitions.
408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.274 Pretreatment standards for existing sources.
408.275 Standards of performance for new sources.
408.276 Pretreatment standards for new sources.

Subpart AB—Sardine Processing Subcategory

408.280 Applicability; description of the sardine processing subcategory.
408.281 Specialized definitions.
408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.284 Pretreatment standards for existing sources.
408.285 Standards of performance for new sources.
408.286 Pretreatment standards for new sources.

Subpart AC—Alaskan Scallop Processing Subcategory

408.290 Applicability; description of the Alaskan scallop processing subcategory.
408.291 Specialized definitions.
408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.294 Pretreatment standards for existing sources.
408.295 Standards of performance for new sources.
408.298 Pretreatment standards for new sources.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

408.300 Applicability; description of the non-Alaskan scallop processing subcategory.
408.301 Specialized definitions.
408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.304 Pretreatment standards for existing sources.
408.305 Standards of performance for new sources.
408.306 Pretreatment standards for new sources.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

408.310 Applicability; description of the Alaskan herring fillet processing subcategory.
408.311 Specialized definitions.
408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.314 Pretreatment standards for existing sources.

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408.315 Standards of performance for new sources.
408.316 Pretreatment standards for new sources.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.
408.321 Specialized definitions.
408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.324 Pretreatment standards for existing sources.
408.325 Standards of performance for new sources.
408.326 Pretreatment standards for new sources.

Subpart AG—Abalone Processing Subcategory

408.330 Applicability; description of the abalone processing subcategory.
408.331 Specialized definitions.
408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
408.334 Pretreatment standards for existing sources.
408.335 Standards of performance for new sources.
408.336 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Farm Raised Catfish Processing Subcategory

Subpart A—The farm raised catfish processing subcategory is amended by revising § 408.10 to read as follows:

§ 408.10 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart B—Conventional Blue Crab Processing Subcategory

Subpart B—The conventional blue crab processing subcategory is amended by revising § 408.20 to read as follows:

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in this Subpart B are applicable to existing facilities processing more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart C—Mechanized Blue Crab Processing Subcategory

Subpart C—The mechanized blue crab processing subcategory is amended by revising § 408.30 to read as follows:

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

Subpart D—The non-remote Alaskan crab meat processing subcategory is amended by revising § 408.40 to read as follows:

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in this Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

Subpart E—The remote Alaskan crab meat processing subcategory is amended by revising §§ 408.50 and 408.55 to read as follows:

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

§ 408.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart F—Non-Remote Alaskan Whole Crab and Crab Section Processing Subcategory

Subpart F—The non-remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.60 to read as follows:

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in this Subpart F are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory

Subpart G—The remote Alaskan whole crab and crab section processing subcategory is amended by revising §§ 408.70 and 408.75 to read as follows:

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king whole crab and crab sections. The effluent limitations contained in this Subpart G are applicable to facilities not covered under Subpart F of this part.

§ 408.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

Subpart H—The dungeness and tanner crab processing in the contiguous States subcategory is amended by revising section 408.80 to read as follows:

§ 408.80 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and tanner crab in the contiguous States.

Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory

Subpart I—The non-remote Alaskan shrimp processing subcategory is amended by revising § 408.90 to read as follows:

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in this Subpart I are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

Subpart J—The remote Alaskan shrimp processing subcategory is amended by revising §§ 408.100 and 408.105 to read as follows:

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in this Subpart J are applicable to facilities not covered under Subpart I of this part.

§ 408.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

Subpart K—The northern shrimp processing in the contiguous States subcategory is amended by revising § 408.110 to read as follows:

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in this Subpart K are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory

Subpart L—The Southern non-breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.120 to read as follows:

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in this Subpart L are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory

Subpart M—The breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.130 to read as follows:

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart N—Tuna Processing Subcategory

Subpart N—The tuna processing subcategory is amended by revising § 408.140 to read as follows:

§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

Subpart O—Fish Meal Processing Subcategory

§ 408.150 Applicability; description of the fish meal processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.

§ 408.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any menhaden or anchovy fish meal reduction facility which utilizes a solubles plant to process stick water or bail water shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

(2) Any menhaden or anchovy fish meal reduction facility not covered under § 408.152(b) (1) shall meet the following limitations:

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and Grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

§ 408.154 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

§ 408.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

§ 408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon in Alaska.

§ 408.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shell fish, to be processed, in the form in which it is received at the processing plant.

§ 408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any hand-butchered salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

(2) Any hand-butchered salmon processing facility not covered under § 408.162(b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	

§ 408.164 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

(2) Any hand-butchered salmon processing facility not covered under § 408.165(a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.166 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

§ 408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon in Alaska.

§ 408.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such funda-

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mentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.173(b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	26	22
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	16	13
TSS	26	22
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.173(a)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

§ 408.174 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.175 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.175(a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.176 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters, shall be the same standards as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

§ 408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon on the West Coast.

§ 408.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those speciefid in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

§ 408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.045	0.018
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.045	0.018
pH	Within the range 6.0 to 9.0.	

§ 408.184 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.058	0.023
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.058	0.023
pH	Within the range 6.0 to 9.0.	

§ 408.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

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Subpart S—West Coast Mechanized Salmon Processing Subcategory

§ 408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon on the West Coast.

§ 408.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

§ 408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	

§ 408.194 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this Chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart T—Alaskan Bottom Fish Processing Subcategory

§ 408.200 Applicability; description of the Alaskan bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish such as halibut in Alaska.

§ 408.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this Chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	3.1	1.9
Oil and grease	4.3	0.56
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	3.1	1.9
Oil and grease	4.3	0.56
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.202 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.9	1.1
Oil and grease	2.6	0.34
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	1.9	1.1
Oil and grease	2.6	0.34
pH	Within the range 6.0 to 9.0.	

§ 408.204 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.205 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.9	1.1
Oil and grease	2.6	0.34
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	1.9	1.1
Oil and grease	2.6	0.34
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.205 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.206 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which

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would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

§ 408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominately through manual methods. However, the use of scaling machines and/or skinning machines are considered to be normal practice within this subcategory. The provisions of this subpart apply to the processing of currently, commercially processed species of bottom fish such as flounder, ocean perch, haddock, cod, sea catfish, sole, halibut, and rockfish. These provisions apply to existing facilities processing more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	

§ 408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	

§ 408.214 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.215 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	

§ 408.216 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this Chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

§ 408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations (particularly the butchering and/or filleting operations) are carried out predominately through mechanized methods. The provisions of this subpart apply to the processing of bottom fish such as whiting and croaker.

§ 408.221 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this Chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	

§ 408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	

§ 408.224 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The fol-

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lowing pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.68	0.39
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.68	0.39
pH	Within the range 6.0 to 9.0.	

§ 408.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart W—Hand-Shucked Clam Processing Subcategory

§ 408.230 Applicability; description of the hand-shucked clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked clam processing facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.231 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	50	18
Oil and grease	0.60	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	50	18
Oil and grease	0.60	0.23
pH	Within the range 6.0 to 9.0.	

§ 408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	

§ 408.234 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter, shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	90	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	90	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	

chapter, shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.235 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	55	17
Oil and grease	0.56	0.21
pH	Within the range 6.0 to 9.0.	

§ 408.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart X—Mechanized Clam Processing Subcategory

§ 408.240 Applicability; description of the mechanized clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from mechanized clam processing.

§ 408.241 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	90	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	90	15
Oil and grease	4.2	0.97
pH	Within the range 6.0 to 9.0.	

§ 408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	15	5.7
TSS	26	4.4
Oil and grease	0.40	0.082
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	15	5.7
TSS	26	4.4
Oil and grease	0.40	0.082
pH	Within the range 6.0 to 9.0.	

§ 408.244 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the

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purpose of this section. §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.245 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	15	5.7
TSS	26	4.4
Oil and grease	0.40	0.092
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	15	5.7
TSS	26	4.4
Oil and grease	0.40	0.092
pH	Within the range 6.0 to 9.0.	

§ 408.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory

§ 408.250 Applicability; description of the Pacific Coast hand shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing Pacific Coast handshucked oyster processing facilities which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.251 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants, or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.254 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.255 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.256 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

§ 408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharge resulting from existing hand-shucked oyster processing facilities on the Atlantic and Gulf Coasts which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.261 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.264 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose

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of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.265 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128, of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment Standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AA—Steamed and Canned Oyster Processing Subcategory

§ 408.270 Applicability; description of the steamed and canned oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from oysters which are mechanically shucked.

§ 408.271 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	270	190
Oil and grease	2.3	1.7
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	270	190
Oil and grease	2.3	1.7
pH	Within the range 6.0 to 9.0.	

§ 408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.274 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the steamed and canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.275 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharge by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD5	67	17
TSS	56	39
Oil and grease	0.84	0.42
pH	Within the range 6.0 to 9.0.	

§ 408.276 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the steamed and canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AB—Sardine Processing Subcategory

§ 408.280 Applicability; description of the sardine processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the canning of sardines or sea herring for sardines. These provisions, however, do not cover the relatively new steaking operation in which cutting machines are used for preparing fish steaks.

§ 408.281 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analyses set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any sardine processing facility which utilizes dry transportation systems from the fish storage area to the fish processing area shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	36	10
Oil and grease	3.5	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	3.5	1.4
pH	Within the range 6.0 to 9.0.	

(2) Any sardine processing facility not covered under § 408.282(b)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	48	16
Oil and grease	6.3	2.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	48	16
Oil and grease	6.3	2.8
pH	Within the range 6.0 to 9.0.	

§ 408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	36	10
Oil and grease	1.3	0.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	1.3	0.52
pH	Within the range 6.0 to 9.0.	

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§ 408.284 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.285 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	36	10
Oil and grease	14	0.57
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	36	10
Oil and grease	14	0.57
pH	Within the range 6.0 to 9.0.	

§ 408.286 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AC—Alaskan Scallop Processing Subcategory

§ 408.290 Applicability; description of the Alaskan scallop processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of scallops in Alaska.

§ 408.291 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan scallop processing facility not covered under § 408.292(b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

§ 408.294 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.295 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan scallop processing facility not covered under § 408.295(a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.296 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

§ 408.300 Applicability; description of the non-Alaskan scallop processing subcategory.

With the exception of land-based processing of calico scallops, the provisions of this subpart are applicable to discharges resulting from the processing of scallops outside of Alaska.

§ 408.301 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	6.0	1.4
Oil and grease	7.7	0.24
pH	Within the range 6.0 to 9.0.	

§ 408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

§ 408.304 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.305 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
TSS	5.7	1.4
Oil and grease	7.3	0.23
pH	Within the range 6.0 to 9.0.	

§ 408.306 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

§ 408.310 Applicability; description of the Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets in Alaska.

§ 408.311 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	32	24
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	32	24
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan herring fillet processing facility not covered under § 408.312 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	6.8	6.2
TSS	2.3	1.8
Oil and grease	2.0	0.73
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	6.8	6.2
TSS	2.3	1.8
Oil and grease	2.0	0.73
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under Sec. 408.313(a)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	23	18
Oil and grease	20	7.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	23	18
Oil and grease	20	7.3
pH	Within the range 6.0 to 9.0.	

§ 408.314 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.315 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	23	18
Oil and grease	20	7.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	23	18
Oil and grease	20	7.3
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under § 408.315 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.316 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

§ 408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets outside of Alaska.

§ 408.321 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The

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Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	32	24
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	32	24
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

§ 408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	6.8	6.2
TSS	2.3	1.8
Oil and grease	2.0	0.73
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	6.8	6.2
TSS	2.3	1.8
Oil and grease	2.0	0.73
pH	Within the range 6.0 to 9.0.	

§ 408.324 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this Chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this Chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.325 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	15
TSS	7.0	5.2
Oil and grease	2.9	1.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
BOD5	16	15
TSS	7.0	5.2
Oil and grease	2.9	1.1
pH	Within the range 6.0 to 9.0.	

§ 408.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Subpart AG—Abalone Processing Subcategory

§ 408.330 Applicability; descriptions of the abalone processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of abalone in the contiguous states.

§ 408.331 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to

such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	15
Oil and grease	2.2	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	27	15
Oil and grease	2.2	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	14
Oil and grease	2.1	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	26	14
Oil and grease	2.1	1.3
pH	Within the range 6.0 to 9.0.	

§ 408.334 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

§ 408.335 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	14
Oil and grease	2.1	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of seafood		
TSS	26	14
Oil and grease	2.1	1.3
pH	Within the range 6.0 to 9.0.	

§ 408.336 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, for existing sources, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132 and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	Do.

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PART III:

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN TERRITORIAL AND INLAND NAVIGABLE WATERS AND WETLANDS

Adoption of Guidelines

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN TERRITORIAL AND INLAND NAVIGABLE WATERS AND WETLANDS

Adoption of Guidelines

On July 16, 1975, the Department of the Interior, acting through the Director, Fish and Wildlife Service, published proposed guidelines for interim use by Service employees. These proposed guidelines prescribed the objectives, policies, and procedures to be followed in the review of Federal and federally permitted or assisted work and activities for oil and gas exploration and development activities to be conducted in territorial and inland navigable waters and wetlands.

These review functions delegated to the Service by the Secretary of the Interior are prescribed by the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e; 48 Stat. 401, as amended), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347; 83 Stat. 852), the Estuary Protection Act (16 U.S.C. 1224; 82 Stat. 627), the Department of Transportation Act (49 U.S.C. 1653(f); 82 Stat. 825), and the Endangered Species Act of 1973 (16 U.S.C. 1536; 87 Stat. 892). The Service also has advisory and consulting roles under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) and the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401), as well as basic and other authorities.

The Department of the Interior, acting through the Fish and Wildlife Service, is publishing herewith the final guidelines which prescribe the objectives, policies, and procedures to be followed in the review of proposals for oil and gas exploration and development activities in or affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the Federal Government.

The public comment period for these guidelines expired on August 15, 1975. These guidelines have been revised, based on comments received from the general public, State agencies, and other Federal agencies as well as interpretative guidance received from recent judicial decisions. We wish to take this opportunity to express appreciation for these comments and suggestions.

The following analysis summarizes comments of particular significance which were received on the cited sections of the proposed guidelines and discusses the basis for the decisions which were made.

These guidelines are effective on December 1, 1975.

Section 4.2B.(2). Several comments were received concerning the necessity for this section since the guidelines are applicable to all activities, works, or structures for which Federal permits are required. We agree that any expansion of contraction in the area of Federal regulatory authority will automatically be subject to any consideration stipulated in the guidelines. Therefore, this section, which appeared in the July 16, 1975, FEDERAL REGISTER, has been deleted.

Section 5.1A. A number of comments pointed out that the guidelines provide for the Service to solicit directly from each permit applicant rather than the regulatory agency, certain information which, if not furnished, may result in the recommendation that a permit be denied. It was further pointed out that in conformity with other time frames for energy related items, the Service should notify the regulatory agency and the applicant of informational needs within 15 days following receipt of an application.

It is agreed that the proper method to seek items of relevant project information is through the regulatory agency. It also is agreed that the regulatory agency and the applicant should be notified of project related informational needs within 15 days of receipt of an application. Accordingly, this section of the guidelines has been modified to conform with established Federal permitting procedures.

Section 6.1A.(2). Concerns were raised that this section, as presented in the July 16, 1975, FEDERAL REGISTER, required the applicant to develop detailed information concerning threatened and/or endangered species which is properly the function of the Fish and Wildlife Service. In response, this was not the intent of this provision of the guidelines. The intent was to have an applicant, at the time of application, provide any known information concerning threatened and/or endangered species in the area of project influence. This is consistent with provisions of the Endangered Species Act of 1973.

Section 6.1A.(4)(b). Several comments raised concerns that the provisions of this section of the July 16, 1975, FEDERAL REGISTER publication are clearly outside the purview of the guidelines. We agree that these provisions are adequately covered in regulations that have been promulgated by Federal Regulatory agencies. Accordingly, this section has been deleted.

Dated: November 21, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

1. *Introduction.* 1.1 The U.S. Fish and Wildlife Service recognizes that an adequate and dependable supply of petroleum products is essential to meet the economic and standard of living needs of this Nation. The Service also recognizes the need for a strong, uniform policy for planning, evaluating, and reporting on oil and gas exploration and production activities affecting navigable waters and related natural resources. This pamphlet is directed toward meeting and satisfying the Nation's environmental and energy needs by presenting the Service's guidelines for geophysical, drilling and completion operations, pipeline construction, onshore facilities, and other associated exploration and development activities. These guidelines discourage the exploitation of one resource at the expense of another and encourage the use of environmentally sound planning criteria. Basically, these guidelines focus on the conservation, development, and improvement of fish and wildlife, their habitats, naturally functioning ecosystems, other environmental values, and related human uses of the Nation's waters and wetlands.

2. *Basis.* 2.1A. Federal permits are required for works proposed in the Nation's navigable waters and associated wetlands. Placing of any structure in or over such waters and wetland areas or excavating from or depositing material in such areas is unlawful unless a permit has been issued by the Department of the Army, Corps of Engineers, under authority of Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403). The U.S. Coast Guard, Department of Transportation, has special authority to regulate the location and clearances of bridges and causeways over navigable waters of the United States under Section 9 of the 1899 Act (33 U.S.C. 401) and the Department of Transportation Act (49 U.S.C. 1653).

B. Permits issued by the Environmental Protection Agency (EPA) or by a State agency under EPA overview also are required under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251) for pollutant discharges into navigable waters. This Act also provides for certification by EPA or the State, that activities otherwise federally permitted will not abridge water quality requirements (Section 401), for permitting by the Corps of Engineers (Corps) of the placement of dredged and fill materials in defined disposal areas (Section 404), and for regulation by EPA of the disposal of sewage sludge which would result in pollutants entering navigable waters (Section 405).

C. Applications for permits described in the preceding paragraphs are made, as appropriate, to the District Engineer, Corps of Engineers; the District Commander, U.S. Coast Guard; or the Regional Administrator, Environmental Protection Agency (or the State water quality agency) for the District or Region in which the work or activity is proposed. *All persons or other entities, including Federal and other government agencies, are required to obtain the appropriate permits prior to commencing any construction or other activity in navigable waters.*

D. All of the above described Federal regulatory programs are subject to the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321) which mandate, respectively, full consideration of fish and wildlife and environmental values in weighing the balance of the public interest in deciding whether a permit should be issued for a proposed activity.

3. *Authorities and responsibilities of the Department of the Interior.* 3.1A. The Secretary of the Interior, acting through the Bureau of Land Management, the U.S. Geological Survey, the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Outdoor Recreation, has broad authority in the administration of public lands, reservations, and the mineral resources of such lands held in trust, and in providing consultation and advice on the protection of the Nation's fish, wildlife, scenic, natural, historic, recreational, and other environmental resources.

B. One such law administered for the Department of the Interior by the U.S. Fish and Wildlife Service is the Fish and Wildlife Coordination Act. This Act specifically requires (16 U.S.C. 662): "• • • *whenever the waters of any stream or body of water are proposed or authorized to be* impounded, diverted, the channel deepened, or the stream or other body of water otherwise *controlled or modified for any purpose whatever,* including navigation and drainage, by any department or agency of the United States, *or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service,* Department of the Interior, and *with the head of the agency exercising administration over the wildlife resources of the particular State* • • • with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof • • •."[1] (Similar responsibilities under the Fish and Wildlife Coordination Act are administered by the National Marine Fisheries Service for the Department of Commerce.)

C. Additional authorities mandating the concern of the Department of the Interior for environmental values include the Migratory Bird Conservation Act (16 U.S.C. 701), the National Historic Preservation Act of 1966 (16 U.S.C. 470), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Wilderness Act (16 U.S.C. 1131), the Anadromous Fish Conservation Act (16 U.S.C. 757a), the Estuary Protection Act (16 U.S.C. 1221), the Wild and Scenic Rivers Act (16 U.S.C. 1271), the Endangered Species Act of 1973 (16 U.S.C. 1361), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

The U.S. Fish and Wildlife Service also has advisory and consultative roles under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) and the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401), and shares the mandates of the Fish and Wildlife Coordination Act with the States.

4. *Objectives and policies of the Fish and Wildlife Service concerning the usage and development of the Nation's waters and wetlands.* 4.1 The following outline presents the overall objectives and polices of the Fish and Wildlife Service in its advisory, consultive, and review role regarding works and activities in the Nation's waters and associated wetlands.

4.2 *Objectives.* 4.2A. The objectives of the U.S. Fish and Wildlife Service in relation to oil and gas exploration, development, and production activities are to prevent or minimize damages to fish and wildlife resources, their associated habitat, and other environmental resources, and to preserve public trust rights of use and enjoyment of such resources in and associated with navigable and other waters of the United States. The Service strives to meet these objectives by encouraging the industry to use every practical means, method, and alternative to prevent harmful environmental impacts and degradations.

B. More specifically the Service has the following long-range objectives respecting navigable waters, their tributaries, and related wetlands:

(1) Providing assistance to other Federal agencies in their enforcement of regulatory programs to prevent unauthorized activities from occurring, damaging, or posing a threat of damage to the naturally functioning aquatic and wetland ecosystems and other environmental resources, values, and uses.

(2) Ensuring that all authorized works, structures, and activities are (a) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradations) and (b) in the public's interest in safeguarding the environment from loss and degradation. Water dependency of a work, structure, or activity will be considered when criterion (a) above has not been met.

In determining whether criteria (a) and (b) have been met, the Service will always consider: (1) The long-term effects of the proposed work, structure, or activity; (2) its cumulative effects, when viewed in the context of other already existing or foreseeable works, structures, or activities of the same kind; and/or (3) its cumulative effects, when viewed in the context of other already existing or foreseeable works, structures, or activities of different kinds.

4.3A. *Policies.* (1) The U.S. Fish and Wildlife Service exercises and encourages all efforts to preserve, restore, and improve fish and wildlife resources and associated aquatic and wetland ecosystems, and supports State actions designed to protect areas of special biological significance.

(2) The Service opposes activities and developments in or affecting the Nation's waters and wetlands which would individually, or cumulatively with other developments on a waterway or group of related waterways, needlessly destroy, damage, or degrade fish and wildlife resources, associated aquatic and wetland ecosystems, and the human satisfactions dependent thereon.

(3) The Service places special emphasis on the protection of vegetated and other productive shallow waters and wetlands and on fish and wildlife species for which the Secretary of the Interior has delegated and specifically mandated responsibilities. These include:

(a) Wetlands as described in Wetlands of the United States, Circular 39 of the U.S. Fish and Wildlife Service, published in 1956, republished in 1971.

(b) Estuarine and Great Lakes area as defined in the Estuary Protection Act, the Coastal Zone Management Act of 1972, and Sec. 104(n) of the Federal Water Pollution Control Act.

(c) Migratory birds, anadromous and Great Lakes fishes, and endangered species as defined respectively in the Migratory Bird Treaty Act, Anadromous Fish Conservation Act, and the Endangered Species Act of 1973, respectively.

5. *Procedures for review of permit applications.* 5.1A. The U.S. Fish and Wildlife Service considers that each notice of application should demonstrate that the proposed works are water-oriented or water-dependent, served a recognized public need, and minimize environmental damages as set forth in item 4.2B.(2). In instances where this is not demonstrated and/or additional items of information are needed to determine project impacts on fish and wildlife resources (ref. Sections 6.1A. (1)–(4)), the Service will immediately advise the applicant of informational needs or at least within 15 days following receipt of a notice of application (public notice or letter of permission). Such requests will be promptly confirmed by letter to the regulatory agency with a copy being provided the applicant.

However, if Service investigations and reviews indicate avoidable fish and wildlife losses, the Service will recommend to the Corps of Engineers, the Environmental Protection Agency, or the U.S. Coast Guard, as appropriate, that the permit be denied. In cases where denial is recommended to the Corps of Engineers, the July 13, 1967, Memorandum of Understanding between the Secretaries of the Departments of the Army and the Interior provides that the applicant will be notified, and an effort will be made to reach a solution at the District and Regional levels, respectively. If resolution at that level fails, the case will be forwarded for the consideration of the Chief of Engineers, Department of the Army, and Under Secretary, Department of the Interior. The final administrative decision in such cases rests with the Secretary of the Army. It must be emphasized that the Service does not have the responsibility, as do the regulatory agencies, of making the final determination of the overall acceptability of a proposal, all factors considered. These guidelines are not intended nor should they be interpreted to be addressed to such a final decision. They are intended to reflect the Service's responsibility to contend for the special public interest in fish and wildlife resources, their related and associated habitats and ecosystems, and the environmental values dependent thereon; and to be compatible and reasonably consistent with relevant provisions of Federal laws, decisions of Federal courts, and the rules, regulations, and administrative practices of Federal regulatory agencies.

[1] Wildlife and wildlife resources are defined by the Act to include: "birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent."

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B. The Department of the Interior has no similar agreements with the Environmental Protection Agency or the Department of Transportation (U.S. Coast Guard), but envisions that referral of unresolved issues from those agencies will be handled under procedures similar to those set forth in the agreement with the Department of the Army, with the final decision resting with the Secretary or the Administrator of the regulatory agency.

6. *Information necessary to assess fish and wildlife effects of proposed works and activities requiring Federal permit.* 6.1A. The U.S. Fish and Wildlife Service assists and promotes an orderly and expeditious review of Federal permit applications. Toward this goal, the following items of information may be requested, if applicable, in conjunction with an application.

(1) Overall map (based on a U.S. Coast and Geodetic navigation chart or Geological Survey quadrangle map) showing project location in relation to:

(a) Water depths at and in the vicinity of the proposed project.

(b) Direction of sheetflow in wetland areas and of water currents in river and coastline areas, and duration and amplitude of ebb and flood tides in estuarine and bay areas.

(c) Location of freshwater outflows, including surface drainageways, streams, aquifers, and springs where known or identified within the area of project influence.

(d) Location of shellfish lease areas within the area of project influence.

(2) Aerial photograph of project area, if available.

(3) Scale drawings and project area maps showing proposed works in relation to ordinary high water, mean high or mean of the higher high water, and ordinary low water, mean low or mean of the lower low water elevations and lines (as locally proper and where technologically possible), and the following detailed information:

(a) A description of methods and kinds of equipment to be used, means of access to activity sites, proposed geophysical operations, and duration and season of activities.

(b) Types, locations, and dimensions, including vertical cross sections of shallow water and wetland areas to be excavated and/or filled (e.g., canals, channels, roadways, fill and spoil areas, and dikes).

(c) Details of all planned facilities where construction or operation could alter or disturb shallow waters and wetlands.

(4) For purposes of environmental protection:

(a) Information known by an applicant concerning known threatened and/or endangered species, including their associated habitats in the area of project influence, should be provided.

(b) Plans for maintenance of natural drainage patterns and freshwater-saltwater exchanges in waters and wetlands (prevention of unnatural saltwater or freshwater intrusion and dewatering of wetlands).

(c) Plans for minimization of erosion, sedimentation, and turbidity, including stabilization of construction sites.

(d) Other plans or measures to prevent or minimize losses of fish and wildlife and public utilization, and other environmental values, including special construction and operation procedures.

(5) Names, addresses, and telephone numbers of the applicant's liaison.

7. *General guidelines.* 7.1A. Permits issued for oil and gas exploration and development operations in territorial waters and wetlands should be limited to a reasonable time period essential to the work proposed. These permits also should provide such explicit conditions as will minimize damages to fish and wildlife resources.

B. Proposals for other associated activities and works involved in mineral exploration and developments should meet the applicable general provisions to minimize environmental degradation particularly from: The spillage of oil; release of refuse including polluting substances and solid wastes; spoiling on productive wetlands; dredging of productive shallows; alteration of current patterns, tidal exchanges, and freshwater outflow, and erosion and sedimentation.

C. The U.S. Fish and Wildlife Service will consider the following criteria to ascertain if works requiring a Federal permit in shallow waters and wetlands can be implemented without significant damages to fish, wildlife, and the environment:

(1) In instances where proposed structures, facilities, or activities will utilize land fill procedures which involve the adverse alteration or destruction of estuarine or wetland areas, the applicant should demonstrate that practicable alternate upland sites are not available for proposed works.

(2) Permit applications for an unauthorized existing excavation, fill, structure, facility, or building will be examined on an individual basis. The condition, present use, and future potential of a particular work, and alternatives to its continued existence will be considered in determining whether or not to recommend denial of the permit, removal of the unauthorized work, and possible restoration.

D. This Service will recommend denial of Federal permits for proposed projects as follows:

(1) Projects which needlessly degrade or destroy wetland types identified in the Fish and Wildlife Service's Circular 39, Wetlands of the United States, published 1956, republished 1971. The decision whether a project needlessly degrades or destroys wetland types will be made with reference to the three criteria set forth in item 42B.(2).

(2) Projects not designed to prevent or minimize significant fish, wildlife and environmental damages.

(3) Projects which do not utilize practicable, suitable, and available upland sites as alternatives to wetland areas.

(4) Projects located on upland which do not assure the protection of adjacent wetland areas.

8. *Specific project guidelines.* 8.1A. The Service will utilize the following specific project guidelines when reviewing permit applications:

(1) *Geophysical operations.* (a) Gas or airguns, sparkers, vibrators, and other electromechanical and mechanical transducers should be used where practicable.

(b) When explosive charges must be used, the smallest charge consistent with acceptable recording should be used.

(c) Use of explosives should be avoided in important fish and wildlife spawning, nesting, nursery, and rearing areas during periods of high concentration or intense activity by the fish and/or wildlife of concern.

(d) All explosive charges should be fired in compliance with applicable State and Federal regulations.

(2) *Docks and piers.* (a) The size and extension of a dock or pier should be limited to that required for the intended use.

(b) Project proposals should include transfer facilities for the proper handling of litter, wastes, refuse, spoil drilling mud, and petroleum products.

(c) Piers and catwalks will be encouraged in preference to solid fills to provide needed access across biologically productive shallows and marshes to navigable water.

(3) *Bulkheads or seawalls.* Construction of bulkheads, seawalls, or the use of riprapping generally will be acceptable in areas having unstable shorelines. Except in special circumstances such as eroding shorelines, structures should be located no further waterward than the mean or normal high water line, and designated so that reflected wave energy does not destroy stable marine bottoms or constitute a safety hazard. In areas which have undergone extensive development, applications for bulkheads will be acceptable that esthetically and/or ecologically enhance the aquatic environment.

However, denial of permits for the construction of bulkheads on barrier and sand islands, where such will adversely affect the natural transport and deposition of sand materials, will normally be recommended.

(4) *Cables and transmission lines.* Installation of aerial or submerged cables and transmission lines located and designed to provide maximum compatibility with the environment will be acceptable. Particular emphasis will be placed on measures to protect fish and wildlife resources, esthetics, and unique natural areas. In operational areas, routes should make maximum use of existing rights-of-ways.

(5) *Access roads.* (a) Existing roadways should be utilized.

(b) Timber, other matting, or special low impact vehicles should be utilized where possible when temporary access is required in shallows and wetlands.

(c) When access roads to a drilling site must be constructed, the roads should be minimal in size and number.

(d) Selection of location and design of proposed roadways should be based on wet-season conditions to minimize disruption of normal sheetflow, waterflow, and drainage patterns or systems.

(e) Adequate culverts must be placed in all roadways to minimize disruption of natural sheetflow, waterflow, and drainage patterns or systems.

(f) Shoulder and slope surfaces should be stabilized with natural vegetation plantings or by seeding of native species, where possible, or by riprapping.

(g) Upon abandonment of a project site, temporary access roads will be evaluated for their wildlife potential and will be recommended for their retention or removal.

(6) *Bridges.* (a) Designs and alignments should minimize disruption of sheetflow, waterflow, and drainage patterns or systems..

(b) Approaches to permanent structures in wetland areas should be located, to the maximum extent possible, on pilings rather than solid fill causeways.

(7) *Jetties, groins, and breakwaters.* Jetties, groins, and breakwaters that do not create adverse sand transportation patterns or unduly disturb the aquatic ecosystem will be acceptable.

(8) *Levees and dikes.* (a) Designs and alignments should minimize disruption of natural sheetflow, waterflow, and drainage patterns or systems.

(b) Shoulder and slope surface should be stabilized following construction with natural vegetation plantings or by seeding of native species, where possible, or by riprapping.

(c) Upon abandonment of a project site, levees and dikes will be evaluated for their wildlife potential and will be recommended for their retention or removal.

(9) *Lagoons, impoundments, waste pits, and emergency pits.* (a) Construction should minimize disruption of natural sheetflow, waterflow, and drainage patterns or systems.

(b) Areas should be excavated to an impermeable soil formation at the time of construction, or lined or scaled.

(c) Operation and use must be in strict compliance with applicable local, State, and Federal regulations.

(10) *Navigation channels and access canals.* (a) Designs and alignments should minimize disruption or natural sheetflow, waterflow, and drainage patterns or systems.

(b) Designs should meet demonstrated navigational needs.

(c) Designs should prevent the creation of pockets or other hydraulic conditions which would cause stagnant water problems.

(d) Designs should minimize shoreline or other erosion problems and interference with natural sand and sediment transport processes.

(e) Designs, where recommended, should use temporary dams or plugs in the seaward ends of canals or waterways until excavation has been completed.

(f) Designs should minimize changes in tidal circulation patterns, salinity regimes, or related nutrient and aquatic life distribution patterns.

(g) Alignments will be recommended by the Service that avoid or minimize damages to shellfish grounds, beds of productive aquatic vegetation, coral reefs, and other shallow water and wetland areas of value to fish and wildlife resources.

(h) Alignments should make maximum use of existing natural channels.

(i) Construction should be conducted in a manner that minimizes turbidity and dispersal of dredged material.

(j) Construction should follow schedules, which may be recommended by the Service. These schedules will aim at minimizing interference with fish and wildlife migrations, spawning, and nesting or the public's enjoyment and utilization of these resources.

(11) *Excavation of fill material.* Excavation and dredging in shallow waters and wetlands will be discouraged and the Service will recommend that any permit issued contains conditions to minimize adverse effects and activities in important fish and wildlife spawning, nesting, nursery, and rearing areas, and prohibit construction during critical periods of migration, spawning, and nesting activity.

(12) *Disposal of spoil and refuse material.* In-bay, open-water, and deep-water disposal generally will be considered acceptable by the Service only after all upland and other alternative disposal sites have been explored and rejected for good cause. Deep-water disposal will be acceptable only at sites specifically selected, including those selected for deposit of suitable material for habitat improvement, where agreed upon by all concerned agencies.

(13) *Drilling and injection wells, and production facilities.* (a) Directional drilling techniques should be used where practicable.

(b) Drilling and production facilities should utilize equipment that prevents or controls, to the maximum extent practicable, the discharge of pollutants.

(c) All drilling muds should be stored in tanks or diked non-wetland areas.

(d) Upon abandonment of a project site, pertinent facilities will be evaluated for their wildlife potential and will be recommended for retention or removal.

(14) *Pipelines.* (a) Pipeline routes that avoid or minimize damages to important spawning, nesting, nursery, or rearing areas will be encouraged by the Service.

(b) In established operational areas, pipeline routes should make maximum use of existing rights-of-way.

(c) In all areas, pipelines should be confined to areas which will minimize environmental impact; special care should be taken in unaltered areas.

(d) Where recommended, pipeline access canals should be immediately plugged at the seaward end and subsequently maintained to prevent freshwater or saltwater intrusion.

(e) Where recommended, bulkheads, plugs, or dams should be installed and maintained at all stream, bay, lake, or other waterway or water body crossings.

(f) Pipeline placement should be designed with a wide margin of safety against breakage from mud slides, currents, earthquakes, or other causes. In areas of high natural seismic activity, pipelines should be designed and situated, to the maximum extent possible, to be "earthquake proof."

(g) Pipeline placement by the push method in marshlands will be encouraged.

9. *Assistantce to applicants and prospective applicants.* 9.1A. All applications for works or activities subject to Federal jurisdiction over navigable waters will be considered within the framework of foregoing policies and guidelines. It is the position of the Service that these guidelines, if followed, will facilitate the orderly review of permit applications for oil and gas exploration and development activities. Protection is a national responsibility that cannot be shirked or comprised if future generations are to enjoy a satisfying and healthy environment. The Service considers that adherance to these guidelines is requisite to this national responsibility and the Nation's goal of environmental quality.

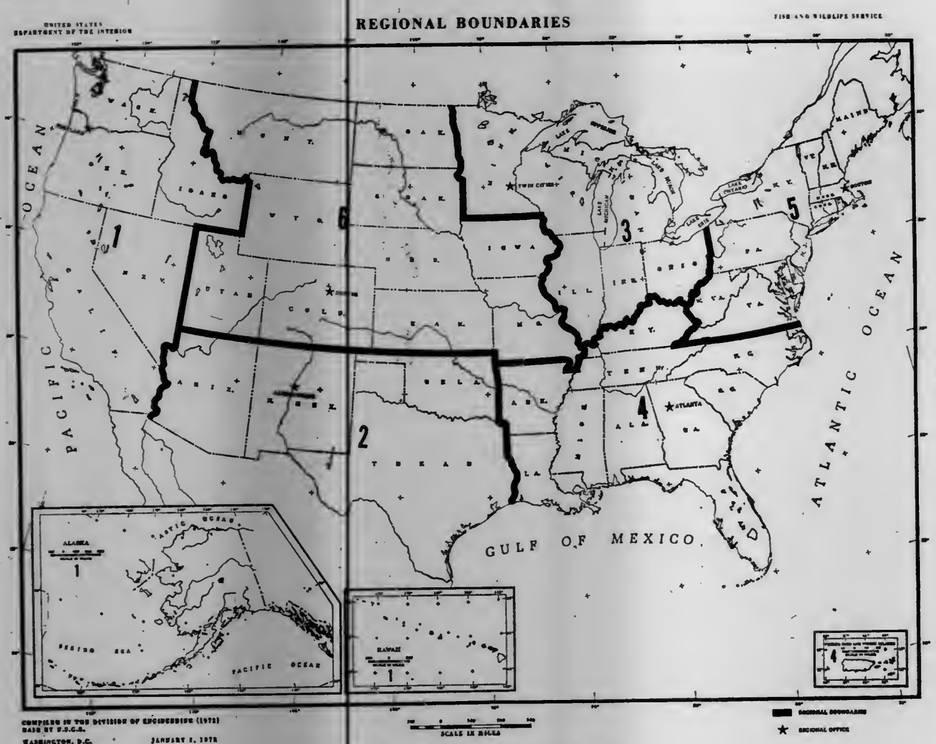
B. The Service stands ready at all times to assist permit applicants in formulating environmentally sound proposals and in avoiding unnecessary delays in developing environmentally compatible plans. Contacts should be made through the appropriate Regional Office of the Fish and Wildlife Service. The addresses and telephone numbers of the Service's Regional Offices and a map of the States each Region covers are contained, respectively, in Appendices 1 and 2 below.

Regional directors' addresses and phone numbers

Region	Address	Phone No.
1	Fish and Wildlife Service, Department of the Interior, P.O. Box 3737, Portland, Oreg. 97208.	503-234-4050
2	Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, N. Mex. 87103.	505-766-2321
3	Fish and Wildlife Service, Department of the Interior, Federal Bldg., Fort Snelling, Twin Cities, Minn. 55111.	612-725-2500
4	Fish and Wildlife Service, Department of the Interior, Executive Park Dr. NE., Atlanta, Ga. 30329.	404-526-4671
5	Fish and Wildlife Service, Department of the Interior, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.	617-223-2961
6	Fish and Wildlife Service, Department of the Interior, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225.	303-234-2209
Alaska	Fish and Wildlife Service, Department of the Interior, 813 D St., Anchorage, Alaska 99501.	907-265-4864

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REGIONAL BOUNDARIES



APPENDIX 2

[FR Doc.75-31975 Filed 11-28-75;8:45 am]

federal register

MONDAY, DECEMBER 1, 1975

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PART IV:

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

REVIEW OF FISH AND WILDLIFE ASPECTS OF PROPOSALS IN OR AFFECTING NAVIGABLE WATERS

Adoption of Guidelines

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REVIEW OF FISH AND WILDLIFE ASPECTS OF PROPOSALS IN OR AFFECTING NAVIGABLE WATERS

Adoption of Guidelines

On August 15, 1974, the Department of the Interior, acting through the Director, Fish and Wildlife Service, published proposed guidelines for interim use by Service employees. These proposed guidelines prescribed the objectives, policies, and procedures to be followed in the review of proposals for work and activities in or affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the Federal Government. These review functions delegated to the Service by the Secretary of the Interior are prescribed by the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e; 48 Stat. 401, as amended), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347; 83 Stat. 852), the Estuary Protection Act (16 U.S.C. 1224; 82 Stat. 627), the Department of Transportation Act (49 U.S.C. 1653(f); 82 Stat. 825), the Federal Aid Highway Act (23 U.S.C. 138; 82 Stat. 823), the Airport and Airway Development Act of 1970 (49 U.S.C. 1712 (c) and (f), 1716(c)(4); 84 Stat. 222, 227), the Watershed Protection and Flood Prevention Act (16 U.S.C. 1008; 72 Stat. 567), and the Endangered Species Act of 1973 (16 U.S.C. 1536; 87 Stat. 892). The Service also has advisory and consulting roles under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) and the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401), as well as basic and other authorities.

The Department of the Interior, acting through the Fish and Wildlife Service, is publishing herewith the final guidelines which prescribe the objectives, policies, and procedures to be followed in the review of proposals for works and activities in or affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the Federal Government.

Notice also is made of the availability for public inspection of the Service's complete Navigable Waters Handbook, including the main text, published herein, and the Appendices A through I which are not published but are referenced in the main text. The complete handbook may be inspected at any of the following listed offices of the Service during the hours indicated Monday through Friday of each week excepting Federal holidays:

Office location	Street address	Room No.	Business hours
Portland, Oreg. 97208	1500 Northeast Irving St.	264	7:30–4:15
Albuquerque, N. Mex. 87103	500 Gold Ave. SW.	10102	8–4:30
Twin Cities, Minn. 55111	Federal Bldg., Fort Snelling	658	7:30–4
Atlanta, Ga. 30323	17 Executive Park Dr., NE.	342	7:15–3:45
Boston, Mass. 02109	U.S. Post Office and Courthouse, Devonshire and Water Sts.	809	8–4:30
Denver, Colo. 80215	10597 West 6th Ave.	None	7:30–4
Anchorage, Alaska 99501	813 D St.	None	7:45 4:30
Washington, D.C. 20240	Interior Bldg., 18th and C Sts. NW.	2543	7:45–4:15

The public comment period for these guidelines expired on September 23, 1974. These guidelines have been revised, based on comments received from the general public, State agencies, and other Federal agencies as well as interpretative guidance received from recent judicial decisions. We wish to take this opportunity to express appreciation for these comments and suggestions.

The following analysis summarizes comments of particular significance which were received on the cited sections of the proposed guidelines and discusses the basis for the decisions which were made.

Section 2.2B(1). Several comments were received concerning the Service's policy with regard to the proper scope of Federal jurisdiction in navigable waters. Accordingly, this paragraph has been rewritten to more accurately reflect current Federal jurisdictional limits.

Sections 2.2B(1)(a), 2.2B(1)(b), and 2.2B(4). A number of comments pointed out that the use of the term "public interest" needed clarification since the term denotes an intricate complex of interests that are often difficult to perceive or evaluate accurately. To clarify this matter, the term "public interest" as used in these guidelines refers to factors related to fish and wildlife resources as outlined in the Fish and Wildlife Coordination Act, unless otherwise specified. The purpose of this Act as stated in section 661 is "Recognizing the vital contributions of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation * * * in the United States, its Territories and possessions * * *" by providing assistance to, and cooperating with "* * * Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife resources thereof, and their habitat * * *"

In Section 662, this Act specifically requires that "whenever the waters of any stream or body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State * * * with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof * * *" (underlining added.) For the purposes of this Act, wildlife and wildlife resources are defined as "birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent."

Sections 5.3I. (1) and (2). Concerns were raised that these sections preclude the consideration and balancing of project costs and benefits, and thus do not comply with provisions of the National Environmental Policy Act. To clarify this matter, the Service's role in the permit review process is to evaluate and comment on the effects of a proposal on fish and wildlife resources. It is the function of the regulatory agency rather than the Fish and Wildlife Service to balance all factors, including anticipated costs and benefits, and decide which type of activity will be permitted.

Sections 5.3N(1) and 5.3N(3)(c)(i). Several comments were received expressing concern with regard to the Service's possible rigid position against "once-through" cooling systems. However, as the first sentence in this section implies and as it is clearly stated in section 5.1D, an evaluation of each cooling system will be made on a case-by-case basis and each proposal will be weighed on its individual merits. Furthermore, sections 5.3N(3)(a) through 5.3N(3)(c)(iv) provide the criteria under which "once-through" cooling systems will be considered environmentally acceptable. It was further suggested that the Service consider and balance all the costs and benefits of the various cooling and power generating technologies during our permit review process. As explained in our previous response to sections 5.3(I)(1) and (2), such an evaluation is not the role of the Service.

These guidelines are effective on December 1, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

NOVEMBER 21, 1975.

NAVIGABLE WATERS HANDBOOK

1. *Introduction.*

1.1 *Purpose and arrangement of material.* A. This brings together the policy and procedural guidelines and pertinent reference materials applicable to the program of the Division of Ecological Services, Fish and Wildlife Service, regarding dredge, fill, materials discharge and disposal and related Federal and federally permitted work and activities conducted in and adjoining the Nation's waters.

B. The guidelines are presented in this 10-section main part of the handbook, and the reference materials are organized in 9 appendixes: A through I. Appendixes A, B, and C include, respectively, form letters and reports, recording forms and other procedural aids, and standard recommendations. Appendix D contains legal and related references; Appendix E, official policy statements of Interior; Appendix F, official policy statements of other entities; Appendix G, technical references; Appendix H, general educational material; and Appendix I, procedural references, including definitions of terms.

1.2 *Developments and activities covered—A. Summary of coverage.* These guidelines are applicable to all works and dredge, fill and other activities affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the Federal Government. The central focus of the handbook is on the navigation permit program of the Corps (Corps of Engineers, U.S. Department of the Army) conducted under the Act of March 3, 1899, and related Acts (App. D–2a), but the coverage includes:

(1) Works and activities in navigable waters, federally permitted by the Corps under Sec. 10 of the Act of March 3, 1899, App. D–2a. These include various works and activities secondarily permitted by the Corps such as: Mineral exploration and development on outer continental shelf and other public lands for which leasing and certain basic permitting authority rests with the Secretary of the Interior; rights of way on public lands for which authority rests in a number of Federal land administering agencies including several bureaus of Interior, the Forest Service and others; and use, occupancy, and filling of and removal of sand, gravel, and coral from tidelands, submerged lands, and filled lands in or adjacent to Guam, the Virgin Islands, and American Samoa which is permitted by the Secretary of the Interior under Sec. 2 of the Act of November 20, 1963, App. D–2w.

(2) Discharges of pollutants and the disposal of materials in navigable waters and the transportation for and dumping of materials in ocean waters will be the subject of a separate handbook, but they are covered in summary here because of their relation to the fully covered activities:

(a) Discharge of pollutants into navigable waters, federally permitted by the EPA (Environmental Protection Agency) or by the State with oversight by the EPA under Sec. 402 of the FWPCA (Federal Water Pollution Control Act, as amended by Pub. L. 92–500)—the NPDES Permits (National Pollutant Discharge Elimination System Permits), App. D–2s.

(b) Disposal of dredged and fill material in navigable waters and transportation of dredged material for ocean dumping, federally permitted by the Corps with oversight (and veto power) by the EPA under Sec. 404 of the FWPCA, App. D–2s and under Sec. 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), App. D–2x.

(c) Transportation of materials other than dredged material for dumping in ocean waters and dumping of such materials in the territorial sea federally permitted by EPA under Sec. 102 of the MPRSA, App. D–2x.

(d) Disposal of sewage sludge which would result in any pollutant entering navigable waters, federally permitted by the EPA or by a State with oversight by the EPA under Sec. 405 of the FWPCA, App. D–2s.

(3) Bridges and causeways over navigable waters federally permitted by the U.S. Coast Guard (Coast Guard) under Pub. L. 89–670, App. D–2m, and basically under Sec. 9 of the 1899 Act, App. D–2a.

(7) Other federally conducted or sanctioned work such as channels, highways, airports, transmission lines, etc.

(8) Steam electric plants and other facilities using natural waters for cooling will be the subject of a separate handbook. They are covered here in summary fashion because they frequently require a permit from the Corps under Sec. 10 of the 1899 Act and a NPDES permit under Sec. 402 of the FWPCA as well as a construction permit and operating license from the NRC (Nuclear Regulatory Commission) if nuclear fueled.

B. *Corps, EPA, and Coast Guard permits.* (1) The Secretary of the Army is authorized by the Act of March 3, 1899, to issue permits to construct piers, jetties, or similar structures, or to dredge and fill in the navigable waters of the United States. This authority is assigned to the Corps, except that the Coast Guard, Department of Transportation, issues permits for construction of bridges and causeways over navigable waters as provided in Pub. L. 89–670, the Department of Transportation Act.

(2) The 1899 Act makes it unlawful for anyone to conduct any work or activity in navigable waters of the U.S. without a Federal permit. Government agencies, Federal, State, and local, as well as persons, corporations, and other entities must apply for a permit when they propose works or an activity in such waters, and they must obtain a permit prior to commencing the construction or other activity.

(3) Dikes, dams, and similar obstructions to navigation require the consent of the Congress as well as approval of plans by the Chief of Engineers and the Secretary of the Army (see App. D–4a, Sec. 9) unless the navigable portions of the involved water body lie wholly in one State. In the latter case the structure may be built under authority of the State legislature but the plans and any modification thereof must still be approved by the Chief and the Secretary.

(4) When the District Engineer (CE) or District Commander (CG) receives an application for a permit, he routinely issues a public notice given the details of the work to be performed under the permit. These notices are distributed to the appropriate Service regional and area offices and to other bureaus of Interior, the EPA, the National Oceanic and Atmospheric Administration (NOAA), and other Federal or State agencies and interested individuals, usually with a 30-day deadline for receipt of any comments and recommendations.

(5) The authority of the Corps to issue permits for the discharge of refuse into or affecting navigable waters under section 13 of the Act of March 3, 1899, was greatly modified by the Federal Water Pollution Control Act Amendments of 1972 (Sec. 2 of Pub. L. 92–500, October 18, 1972).

No Section 13 permits may be issued henceforth by the Corps for the discharge of pollutants into navigable waters from point sources. Section 13 permits in existence and pending applications for such permits for point sources were made one with the NPDES permit system administered by EPA or the State with EPA oversight under Section 402 of the FWPCA. Section 13 remains a viable prohibition against any type of unauthorized discharge or deposit covered by this section for which application for permit has not been made and against certain other violations. Permits for disposal or deposit of dredged or fill material in navigable waters, issued by the Corps under Section 10 of the 1899 Act, now require approval of EPA under provisions of the FWPCA relating to these permits and those for disposal of sewage sludge. Note also that under Section 403 of the FWPCA, special provision is made for control of ocean discharges, through NPDES permits. Transportation for and dumping of materials in ocean waters are controlled by EPA and the Corps under provisions of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92–532, October 23, 1972; App. D–2x).

(6) The Coast Guard processes applications for bridges and causeways much the same as the Corps does applications for other work (see flow chart App. B–4a). Service review and reporting on CG applications is similar to those for the Corps, with the substitution of proper agency references.

(7) The processing of NPDES permit applications by the EPA or the States and of ocean dumping permits by EPA will provide for review and comment by the Service at the Regional Office level much the same as with applications handled by the Corps. Each Regional Office must assure itself that it is properly notified of permit applications and apprised of actions related to the Service interest in these new programs approved in 1972 (see App. D–2s and D–2x).

(8) The Department has no interagency agreement with the Department of Transportation (Coast Guard) or with the EPA on procedures for Secretarial review as it has with the Department of the Army (Memorandum of Understanding of July 13, 1967, see App. E–3) so that any issues that cannot be resolved at the Regional Office must be submitted to the Central Office for resolution on a case-by-case basis.

C. *Permits involving both Federal public lands or other Federal responsibility and navigable waters.* (1) Various private works and activities are permitted

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on Federal public lands, e.g., mineral exploration and development, canal and transmission line crossings, hydroelectric power development, etc. Other works involve federally assigned responsibility, e.g., nuclear steam-electric powerplants. These works and activities when they impinge on navigable waters also require a permit under Section 10 of the 1899 Act. They also may require other permits for discharges or materials dumping and water quality certifications and marine sanctuary certifications under the FWPCA or the MPRSA.

(2) Construction, operation, and maintenance of physical structures of hydroelectric projects licensed under the Federal Power Act do not require such separate permits because all public interest aspects including navigation are provided for under the Act. However, plans for any dam or other structure of the FPC project that affects navigation must have the approval of the Chief of Engineers and the Secretary of the Army. Also, any dredging, filling, discharge, or disposal related to an FPC project but not constituting construction, operation, or maintenance of the project's physical structures does require Federal permits of the Army. Some FPC licensed works and related activities also may require an NPDES permit and water quality certification.

(3) Outer continental shelf and other public land leases for oil and minerals exploration and development are executed by the Secretary of the Interior through the Bureau of Land Management and permits for drilling and other mineral developments are issued by the Geological Survey with the advice of other Interior bureaus.

Also Interior bureaus, the Forest Service, and other Federal land management agencies issue rights-of-way and other permits which, in particular cases, involve navigable waters. It is apparent, therefore, that related navigation permits issued by the Corps and Coast Guard and NPDES permits issued by EPA or a State to cover these may involve two separate Service reviews.

(a) Any Service review of inhouse Interior leasing and permitting actions, excepting rights-of-way, usually has taken place at the Washington level. Procedures for interbureau coordination within Interior on the selection of areas to be offered for lease sales and as to conditions to be included in drilling and other exploration and development permits to be issued by GS are the subject of an interbureau memorandum of understanding (App. E–2) and detailed procedural guidelines are being developed.

(b) Rights-of-way applications made to Interior bureaus and the Forest Service are normally reviewed by the Service at Regional Office level on a case-by-case basis under somewhat loosely defined procedures similar to those for Federal projects.

(c) Dr. King's September 23, 1971, instructional memorandum and enclosures on outer continental shelf lands (App. E–9) explain the procedures with respect to applications for Section 10 permits of the Corps on these Interior approved activities. Essentially, District Engineers of the Corps review applications for permits on outer continental shelf activities only from the standpoint of navigation and national security.

The Secretary of the Army desires and has asked Interior to provide the District Engineer with assurance in writing for each application related to outer continental shelf lands "that fish and wildlife and other environmental matters were reviewed and that there is no objection • • •" to the issuance of a permit. Interior has agreed to this procedure based on the fact that the Secretary has adequate authority to protect the environment through leasing and regulatory authorities on the outer continental shelf lands. No doubt the Corps will want similar assurance on other applications where the primary approval is given by Interior. Likewise, the Coast Guard will want such assurance in similar situations.

(4) No definite arrangements have been made for interbureau review in Interior of the permits for use, occupancy, filling, and excavation of tidelands and submerged lands of Guam, the Virgin Islands, and American Samoa issued by the Secretary although those related to the Virgin Islands have been informally conducted at regional level. Efforts are underway to develop suitable comprehensive procedures.

(5) As noted above, activities primarily approved by Interior may also require a Corps permit, processed at regional level. In these cases the Corps permit is issued subsequent to the Interior permit and, as noted, is only addressed to navigation and national security with Interior having full responsibility for environmental matters. Other permits and certifications under the FWPCA and the MPRSA also may be involved.

In all of these cases where two or more Federal permits are required for a particular works or activity, great care must be observed that the Service position is consistent. If it is found impossible to be consistent due to change of circumstances as between separate reviews, the change of position should be reviewed within the Department and clearly explained to the Corps of Engineers. Similar care should be taken with review of environmental impact statements which may be handled at a different time or by a different reviewer than the related permit or license.

D. *Federal and other dredge and fill activities.* (1) The Corps itself conducts dredge and fill activities both by contract and with its own equipment largely in relation to its responsibilities for flood control and maintaining navigation channels, harbors, and beaches and other civil and military works. These activities and works are subject to provisions of the FWPCA and MPRSA as well as NEPA and the Coordination Act. Public notices of intention to conduct such work usually are distributed in the same way as notices of permit application and deadlines for response are similarly short.

Dredge and fill work conducted in relation to original construction or major modification of Federal or federally assisted navigation and flood control projects normally is known to the Service long in advance, and reviews of proposals for such work are programmed, budgeted, and scheduled in consonance with the lead agency reporting schedules.

(2) As to dredge and fill activities conducted on non-navigable waters in relation to transmission and pipeline crossings and other riparian installations, the Service may not receive adequate early notice. Belated notice may be received through circulation and review of environmental impact statements prepared under NEPA. Notice on highway and airport projects should be received from the Department of Transportation under provision of Sec. 4(f) of the Department of Transportation Act (App. D–2m) and Sec. 16(c)(4) of the Airport and Airway Development Act (App. D–2t). Notice may also come in certain cases from applications to the Bureau of Land Management or other land management bureaus of the Department, including the Service, or the Forest Service for rights-of-way across Federal lands.

(3) Dredge, fill, and other activities conducted in or so as to affect navigable waters by Federal agencies in relation to their land management and other functions also are subject to provisions of Sec. 10 of the 1899 Act and to those of the Federal Water Polution Control Act. Thus, for example, the Service's activities in improving tidal marshlands on its coastal refuges require a Federal permit if they involve navigable waters and wetlands. Similarly, the Service's facilities on navigable waters require a NPDES permit from EPA. The Service, as well as other Interior bureaus and other Federal agencies, must be especially vigilant to avoid real or apparent violations of the law lest their sincerity and dedication to environmental preservation and restoration become suspect.

E. *Detection of violations of the Interstate Land Sales Full Disclosure Act.* (1) The Department of Housing and Urban Development (HUD), Office of Interstate Land Sales Registration (OILSR) has requested and the Service has agreed to cooperate through its permit review activities in the detection of violations of the Interstate Land Sales Full Disclosure Act (App. D–2u). Essentially the Service has agreed to provide all practicable cooperation and specifically to provide to the Administrator of OILSR copies of all reports to the Corps on suspected unauthorized activities and of all comments on major permit applications.

(2) Detailed procedural guidelines on this coordination are provided in Instructional Memorandum RB–46 (App. E–23).

1.3 *Ecological services activities involved.* Sec. 2 of this handbook presents an overview of the objectives and policies of the Service applicable to the activities covered in the handbook. Detailed policy guidelines are presented in Sec. 5 and detailed procedural guidelines are presented in other sections as follows:

Sec. 3, preliminary screening of proposals.
Sec. 4, field investigations.
Sec. 7, reporting, including reviews of environmental impact statements and reporting apparently illegal activities.
Sec. 8, surveillance of illegal work and monitoring of ongoing and completed work.
Sec. 9, education of the public.
Sec. 10, hearings and court testimony.

2. *Objectives and policies.*

2.1 *Objectives* of the Department and Service in relation to dredge and fill and other water-related activities are to protect and preserve fish and wildlife habitat, conserve fish and wildlife resources, and protect public trust rights of use and enjoyment in and associated with navigable and other waters of the United States.

A. The Service strives to meet these objectives by encouraging developers to use every possible means, method, and alternative (including non-development) to prevent harmful environmental impacts and degradations, to restore habitat, and increase opportunities for public use through proper development and land use control.

B. The Service also assists, within the limits of its resources, the programs of other agencies, and especially those of other Interior bureaus dedicated to the public interest in man's environment.

C. More specifically the Service, through taking of every appropriate, useful action, has the following long-range objectives or goals:

(1) Respecting navigable waters, their tributaries and related wetlands of the United States:

(a) Stopping and remedying all illegal activities which are damaging or posing a threat of damage to the naturally functioning aquatic and wetland ecosystems or the dependent human uses and satisfaction, and assisting the actions of other bureaus in protection of environmental resources, values, and uses for which they and the Department of the Interior have responsibilities, including natural, cultural, and general recreational resources, values, and uses, and the water quality aspects of such values and uses.

(b) Ensuring that all authorized works, structures, and activities are (1) judged to be the least ecologically damaging alternative or combination of alternatives (e.g., all appropriate means have been adopted to minimize environmental losses and degradations) and (2) in the public's interest in safeguarding the environment from loss and degradation. Water dependency of a work, structure, or activity will be considered when criterion (1) above has not been met.

In determining whether criteria (1) and (2) have been met, the Service will always consider: (a) The long-term effects of the proposed work, structure, or activity; (b) its cumulative effects when viewed in the context of other already existing or forseeable works, structures, or activities of the same kind; and/or (c) its cumulative effects, when viewed in the context of other already existing or forseeable works, structures, or activities of different kinds.

(2) Respecting all other waters and wetlands of the Nation not determined to be navigable waters in the context of Federal law, particularly with respect to proposals, activities, and sanctioning actions of the Federal Government and where the concerned resources involve a national interest: long-range objectives or goals are identical to those abovestated for navigable waters, insofar as legally possible.

2.2 *Policies.* A. The Service exercises and encourages all efforts to preserve, restore, and improve the fish, wildlife, and naturally functioning aquatic and wetland ecosystems and assists in the preservation of other environmental resources of the Nation, for the benefit of man.

(1) The Service reviews, investigates, and cooperates fully in providing ecological advice on formulation of Federal and federally permitted, assisted, and sanctioned plans for activities and developments in the Nation's waters and wetlands under provisions of the Fish and Wildlife Coordination Act, App. D–2e.

(2) The Service prepares comments and recommendations on proposals for Federal and federally permitted, assisted, and sanctioned activities and developments in the Nation's waters and wetlands.

(3) The Service provides technical guidance and assistance to government agencies and concerned citizens on environmental aspects of management of waters and wetlands. It encourages development and adoption of comprehensive regional and statewide plans for the management of such waters and lands as anticipated by the Water Resources Planning Act, the Estuary Protection Act, the Coastal Zone Management Act of 1972, as provided by certain State and local zoning actions, and as may be provided by any comprehensive national land-use act.

(4) The Service encourages and provides technical guidance and assistance to local and State programs, symposia, and other organized efforts designed to further public education and awareness of environmental values and actions to abate threats to waters and wetlands of the Nation.

(5) The Service assists all Federal agencies involved in planning construction or permitting and licensing activities in the Nation's waters and wetlands to meet their responsibilities under Section 7 of the Endangered Species Act of 1973. This includes helping to ensure that the continued existence of an endangered or threatened species is not further jeopardized nor will the actions to be taken result in the destruction or modification of such species habitat that is determined critical. Such assistance should enable these agencies to avoid initiation of proposals which could place such species or their critical habitat in jeopardy.

(6) The Service assists particularly other bureaus of the Department of the Interior in meeting their special responsibilities for the Nation's environmental values, including cultural and natural values, general recreation values, and water quality, among others.

B. The Service actively discourges activities and developments in or affecting the Nation's waters and wetlands which would individually or cumulatively with other developments on a waterway or group of related waterways unnecessarily destroy, damage, or degrade fish, wildlife, naturally functioning aquatic and wetland ecosystems, and/or the dependent human satisfactions. In this, the Service assists other Interior bureaus and seeks their aid in protecting all environmental resources under the purview of the Department of the Interior.

(1) The Service considers navigable waters to include all waters, water bodies, and wetlands subject to Federal jurisdiction under provisions of the River and Harbor Act of 1899 and the Federal Water Pollution Control Act Amendments of 1972, as clarified by Federal regulations and court decisions or as modified by Federal law.

(a) For nonwater-dependent works, particularly where biologically productive wetlands are involved and alternative upland sites are available (as may be suggested from field appraisal—see Sec. 4.1A—by a Service biologist), the Service usually recommends denial of a permit unless the public interest requires further consideration. Further consideration may be indicated by an approved land use plan (see Sec. 5.2A(2)) or in the absence of such a master plan, from the determination made by the responsible Federal regulatory agency after carefully weighing all factors relevant to the public interest and reflecting the national concerns for both protection and utilization of important resources (see paragraphs (f) and (g) (3) of 33 CFR 209.120, App. D–4a(2)).

(b) For water-dependent works, the Service discourages the occupation and destruction of biologically productive wetlands and shallows. The Service usually recommends that the site occupied involve the least loss of area on the least valuable of the alternative sites; that avoidable loss or damage to such productive wetlands and shallows, their fish and wildlife, and their human uses be prevented; and that any damages or losses of such resources, proved unavoidable, be reasonably mitigated or compensated.

(2) The Service places special emphasis on vegetated and other productive shallow waters and wetlands and on fish and wildlife species for which the Secretary of the Interior has delegated and specifically mandated responsibilities:

(a) Wetlands as described in "Wetlands of the United States," Circular 39 of the U.S. Fish and Wildlife Service, published in 1956, republished in 1971.

(b) Estuarine and Great Lakes areas as defined in the Estuary Protection Act, the Coastal Zone Management Act of 1972, and Sec. 104(n) of the Federal Water Pollution Control Act, App. D–2o, D–2v, and D–2s.

(c) Migratory birds, anadromous and Great Lakes fishes, and endangered species as defined respectively in the Migratory Bird Treaty Act, Anadromous Fish

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Conservation Act and the Endangered Species Act of 1973, App. D–2b, D–2l, and D–2q.

(3) The Service alerts NMFS and State wildlife agencies and consults with them on all matters related to their interest and responsibilities in keeping with provisions of the Fish and Wildlife Coordination Act, App. D–2E. In like manner, the Service alerts and consults with the NPS on potential degradations of cultural and natural values, the BOR on recreational aspects, and other agencies, particularly Interior bureaus, on any special environmental or other involvements of the proposed work in their special interest such as BR and GS on water quality and BLM and BIA as well as NPS on involved lands and resources under their jurisdiction (Section 6—Coordination, Liaison, and negotiation).

(4) The Service discourages exclusionary occupation of navigable waters and their shorelines by riparian owners or by anchored boats (see Rec. XVIII of House Report 91–1433, App. D–6) and other cumulatively harmful uses of such waters and shorelines.

(5) The Service requests guarantees that the authorized work is actually carried out as promised and as required by conditions of the permit, provisions of law, or agreements formalized in writing. In appropriate cases, a performance bond may be requested of a private permittee as a condition of the permit. With a Federal project the Service will strive to have important fish and wildlife provisions specifically mentioned in the authorizing act.

(6) The Service conducts and urges surveillance of unauthorized activities and developments in navigable waters; identifies and investigates illegal dredging, filling, other work and installations in such waters; reports the illegal work to the Corps or Coast Guard; and otherwise supports Federal actions against violators of Federal law in cooperation with the Solicitor and U.S. Attorneys.

(7) The Service assists and promotes surveillance of navigable waters for unauthorized discharges of harmful pollutants, escape of harmful pollutants from non-point, fixed and deposited sources on upland, spills of oil and hazardous substances, dumping of materials in ocean waters and other water pollution sources endangering fish and wildlife or their uses in cooperation with the EPA, Corps, NMFS, and Coast Guard; reports water pollution situations harmful to environmental and human-use values to the responsible regulatory agency; and otherwise assists and supports Federal actions against violators of the Federal Water Pollution Control Act and the Marine Protection, Research, and Sanctuaries Act of 1972.

Authorities and references supporting the foregoing Objectives and Policies are included in App. D, E, F, and G.

3. *Preliminary screening of proposals.*

3.1 *General outline of screening procedure.* A. Upon receipt of notice of permit application or initiation of a study, the proposed work project or activity is first logged and scheduled for investigations and reporting if appropriate. (The logging form presented in App. B–1 is to be used by all offices.)

It is absolutely essential to maintain complete, up-to-date records to assure timely actions and afford an accurate basis for summarizing accomplishments. A flow chart showing action sequence in review of permit applications is given in App. B–4a.

B. All public notices of applications for permits received from the Corps, EPA, or Coast Guard are then screened to exclude from further consideration those where the proposal obviously will have no impact or at most an inconsequential impact on fish and wildlife resources. Such "no-interest" notices are to be appropriately marked to show determination, initialed by the reviewer, its log entry completed, and the notice filed. A response usually is advisable on such notices (see below).

(1) On the basis of notice received, the Ecological Services biologist screens each proposal in his office preliminary to further action so as to determine:

(a) The adequacy of the information supplied and aavilable for proper review.

(b) The apparent environmental significance—what resources would be affected and how seriously? Is the impact of the proposal significant in view of its anticipated direct and secondary effects and in light of existing or potential cumulative effects of similar or other developments affecting the same resources?

(c) The apparent social and economic significance—who would benefit and in what way?

(d) The degree of water dependency.

(e) The apparent need for the work in terms of public health, safety, and welfare.

(f) Whether an environmental statement has been prepared and whether one is necessary or advisable.

(g) The desirability of and apparent opportunities for modifying the design, construction methods, and operating procedures of the proposal and/or selecting an alternative site to minimize environmental damages or restore and improve environmental and social values.

(2) It is the Service position that it is proper to assess the total impact of the total development, including any part to be located on uplands and any secondary effects. The totality of existing and projected cumulative impact of all developments effecting a waterway or group of related waterways and the dependent resources thereof also must be considered.

(3) With Federal proposals for study or work, both new and maintenance, there normally is water dependency and a presumption of Service interest. Excepting periodic maintenance work, the Service activity normally will have been scheduled and budgeted in program documents.

(4) There may appear to be no necessity to respond to notices having no Service interest, but it is usually desirable for a number of reasons to record the lack of interest particularly if response is requested by the lead or regulatory agency. (See App. A–1 for suggested form letters for no action cases.)

(5) It is essential to respond within the set time especially where there is Service interest even if the response is only a request for more time. Such timely response will assure that the Corps, EPA, Coast Guard or planning agency will not have cause to act prior to receipt of the Service report.

C. If the applicant has failed to supply needed information this fact is promptly conveyed to the regulatory agency together with a request that the permit application be held in abeyance until the information (including an EIS if found necessary) has been received or otherwise obtained by the Service and adequate opportunity has been afforded for review, consultation, and presentation of recommendations. (See suggested form letter in App. A–2 and information required of applicants by Corps regulation in paragraph (h) of 33 CFR 209.120, App. D–4a(2).)

(1) The Service makes every effort to assist applicants and other project sponsors in a timely manner in formulating environmentally acceptable plans and resolving related problems, but it cannot cooperate or act in the absence of needed information nor without adequate time. The Service will request extensions of time as required to effect a proper investigation and to consummate necessary coordination and negotiations. (See App. A–3 for suggested form letter.)

(2) Where biologically productive wetlands or other ecologically important resources and values are involved, it is the Service position that the burden of proof is on the applicant to demonstrate that his proposal is environmentally sound and in the public interest (see paragraphs (g)(3)(iv) and (h)(3) of 33 CFR 209.120, App. D–4a(2).) Consequently, any delay occasioned by the Service's request for necessary information may derive from the applicant's failure to properly prepare his proposal for consideration of its acceptability. (See the reverse side of the information request form, App. A–2, and information checklist, App. B–3).

3.2 *Suggested aids to screening.* It is of great assistance to expeditious screening of applications for permits in navigable waters, as well as to reporting on them, to prepare and maintain in each field office habitat type maps, with related notes and data descriptive of each type, for all waters and wetlands under the purview of that office. The maps should be of sufficient scale and detail to permit ready and certain decisions as to the likelihood of damage and the kinds of habitat and associated species expected to be affected based on the information on, and keyed to, the map.

Useful source books and maps should be kept at hand organized for ready reference. Good general sources include:

A. "The National Atlas" (U.S.G.S. 1970) provides physical data on coastal areas of the United States, pp. 78–84, which although gross for our purposes provide useful checks on landforms, shoreline characteristics, bottom sediments, surface currents, tidal types and ranges, surface sea temperatures and salinities, and wave heights. Similarly, publications on national and local distribution of plans and animals frequently include maps showing general distribution by species that can serve as gross checks. (See Sec. 9.2D for additional sources.)

B. Many States are now collecting detailed data on their wetlands and most of them have habitat type data published in their files, or in the knowledge of their field personnel and research people. These and other data should be collated and entered on the field office's habitat type maps. Intensive studies on especially critical areas can often be conducted in cooperation with NMFS, State, and university personnel. The latter may be encouraged to involve students in special cases to add to the data base.

4. *Field investigations.* The depth and detail of field investigations varies considerably, mainly in relation to the apparent severity of the anticipated environmental impact and the available Service resources, but also with whether the proposal is Federal or non-Federal.

Normally appropriate studies are programmed, budgeted, and scheduled in advance for Federal proposals while field studies for non-Federal proposals must be done on an ad hoc basis.

Service personnel will at all times act and promote actions by others to achieve an orderly processing of Federal permit applications and planning of federally assisted and Federal projects.

4.1 *Non-Federal proposals—permit applications.* The Service position of the burden of proof being on the applicant to demonstrate the environmental soundess and public interest merit of his proposal implies that the applicant must arrange for any needed detailed field investigations. (See paragraphs (h)(2) and (h)(3), particularly paragraph (h)(2)(vi), of 33 CFR 209.120, App. D–4a(2).) This position certainly must be maintained with respect to planning, design and monitoring studies, but certain investigations must nevertheless be conducted by the Service and others in support of the environmental interests.

A. A reconnaissance of the project area must be made by the responsible Service biologist to provide a first-hand viewpoint and appreciation of the site values and potentials. A field surveillance and appraisal report form (App. B–2) will be completed at the time of the reconnaissance investigation for each permit application which proves to have Service interest to assure that all significant factors are considered. The form should be reviewed prior to taking to the field and partly filled in with the required information that is only obtainable from the permit application and other off-site sources. This completed form is made a part of the permit file.

(1) The field investigator will accomplish the following items of work on-site:

(a) Assess the relative environmental significance of the selected site in contrast to apparent alternative sites.

(b) Assess any possibilities for modifying the proposal to lessen environmental impacts (see Sec. 5 for review guidelines).

(c) Obtain information from knowledgeable local persons on species distribution and diversity, resource uses and values, and public interest relative to private interest.

(d) Determine if work has been started and, if so, its apparent legality.

(e) Document the on-site observations through map notations, photographs, records of interviews, sampling data, physical measurements, and completion of the standard field surveillance and appraisal report form (App. B–2).

(f) Note any potential involvements of other Interior bureaus particularly NPS (cultural and natural values), BOR (wild and scenic rivers, scenic values, general recreation values), BIA and BLM (lands and resources), and BR and GS (water and water quality) and later alert and consult with these agencies.

(2) The appraisal form is designed as both a checklist and a record of the on-site investigation; it must be completed in the field in appropriate part to avoid errors of recall.

(a) Although the field appraisal form may appear to be tedious in detail, the worth of the conscientiously completed form is invaluable to preparation of Service comments and recommendations and to any negotiations that may ensue. Therefore, it is essential that the form be completed as fully as possible in every case selected for field investigation and substantive comment.

(b) Since the details required to be completed are a function of the environmental significance of the proposal, relatively less consequential proposals will involve completion of fewer details of the form.

(c) Where appropriate, the Ecological Services biologists may find it efficient to arrange a joint reconnaissance of the project site with the applicant and representatives of appropriate State agencies, NMFS, EPA, the Corps, or others.

B. *Need for detailed field studies.* (1) Where the reconnaissance appraisal indicates that highly productive habitat would be degraded or lost if the proposal were carried out as planned, it may be necessary for the Service to conduct or arrange for more detailed studies to support its position and to:

(a) Affirm conclusion of species diversity and resource value.

(b) Provide a firmer basis for negotiation with the applicant on project modifications.

(c) Justify recommendations of permit conditions or denial of permit.

(d) Provide data required for administrative or judicial review.

(2) It is the Service position that there exists a national recognition that wetland and shallow water habitats have such high ecological and social values as to admit of their destruction or degradation only where there is no question that the public interest demands it.[1]

(3) Widespread national recognition is very helpful to the necessarily expedited review of permit applications since it is not reasonably possible for the Service to conduct field studies sufficient to provide unequivocal ecological answers. A useful discussion of study limitations and values as well as methods is included in App. G–1, taken from a publication of the Atomic Energy Commission.

(4) In view of the national recognition of wetlands values and the inherent limitations of time and resources, the Service will not normally attempt to prove its case in relation to permit applications by assembling detailed, on-site ecological or use data. On-site reconnaissance, as discussed above, will nevertheless be detailed enough to generally and accurately define the resource conditions and values. Proof normally will be supported by reference to indepth studies such as those of ecologist, Dr. Eugene Odum and others (App. G–4 and G–5), the logic of universal dependence of marine and estuarine ecosystems and related resource values on shallows and wetlands, and the great body of long-standing law recognizing the public trust rights in the lands involved (App. D–1b and D–3b).

(5) Permit applications involving steam-electric, steel, paper, petroleum, chemical, and other industrial plants having thermal and other pollutant effects on natural waters often require pre- and post-project studies, monitoring of environmental changes, and mathematical and hydraulic model studies. The predictive studies should be conducted on-site where possible, and control studies for the monitoring should be conducted at the site pre-project and at an appropriate nearby site post-project.

Certain dredge and fill projects and many Federal navigation, hurricane protection, and beach erosion-control projects also should be subjected to model and monitoring studies to predict and measure environmental impacts—all with a view to improving designs in the interest of the environment.

(6) Detailed studies are generally the responsibility of the project sponsor. The Service has neither the fiscal and manpower resources nor the responsibility to conduct model, monitoring or other detailed studies, but it does have the responsibility to insist not only that they be conducted but that they be done in a scientific, objective manner.

Nevertheless, detailed field investigations by the Service are required in support of testimony in judicial and quasi-

[1] As evidenced in Federal law, App. D–2f, o, and v; in Federal regulations, see paragraph (g)(3) of 33 CFR 209.120, App. D–4a(2); by the President's Environmental Message of February 8, 1972, App. D–4a; and otherwise in executive policy, particularly EPA's wetlands policy, App. F–2a, b, and c; as well as in wetlands laws of many States. See also App. G, especially G–4 and G–5, for the scientific basis of this recognition.

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judicial hearings and occasionally for other purposes, as outlined above. Guidelines for such detailed investigations are outlined in Sec. 10.2 of this handbook.

4.2 *Federal Surveys and Project Proposals—A. Programmed work.* (1) The Service has the responsibility under the Fish and Wildlife Coordination Act, the Anadromous Fish Conservation Act, the Estuary Protection Act, the Fish and Wildlife Act of 1956, the Watershed Protection and Flood Prevention Act, and other authorities to conduct field investigations related to Federal and federally assisted water development surveys and project studies. These investigations are normally programmed, budgeted, and scheduled in harmony with the schedule of the lead Federal agency.

(2) The investigations conducted by the Service in relation to studies of Federal agencies are generally of greater depth and detail than those described above for non-Federal proposals. They should be of comparable detail to those conducted by the lead agency. Principles and guidelines for these investigations are presented in the Division Manual, Secs. 2.300 through 2.999.

B. *Maintenance and emergency work.* Certain types of Federal work such as the maintenance dredging of navigation channels conducted by the Corps and emergency flood disaster activities in streams conducted by the Corps, Bureau of Reclamation, and the Soil Conservation Service must be investigated and reported upon on an ad hoc basis and in a manner similar to that described above for non-Federal proposals, except that responsibility for needed fish and wildlife studies largely devolves on the Service, NMFS, and the State fish and game agency. Consequently, the Ecological Services field supervisor must maintain liaison with the Federal and State agencies and their personnel responsible for these kinds of activities to assure himself that proper notice is afforded and opportunity provided to make field investigations and timely recommendations.

4.3 *Investigations of unauthorized work and activities.* A. Service personnel must maintain continuous surveillance of navigable waters of their area of responsibility to detect any unauthorized work in a timely manner (see also Secs. 5.2B, 6.3, 7.3 and 8 and App. B–4b and B–5).

(1) Offices of the Division should make necessary arrangements to serve as clearinghouses for alerts from Service personnel and cooperating NMFS and State personnel who detect unauthorized work and Division personnel must investigate and report on each such alert.

(2) Service personnel should arrange for all possible assistance from and cooperation with NMFS and State personnel as well as others with like interests to increase their effectiveness.

(3) Service personnel should cooperate fully with the Corps, Coast Guard, and the EPA in such surveillance and with the Department of Justice in any subsequent enforcement actions.

B. Field surveillance investigations of an apparently unauthorized work or activity must be circumspect on site and confined to making as complete an assessment of the facts as possible. In no event should the investigating biologist voice any allegations of illegality, accuse a person of improper action, or take any other direct action to stop or alter the observed ongoing activity.

C. A field surveillance and appraisal report form (App. B–2) is completed on site as fully as possible keeping in mind the items outlined in Sec. 4.1A, above. Particular attention must be given to obtaining full coverage of the activity site and area of influence with good photographs and to obtaining other evidence (water and biological samples) demonstrating the kind, location, and effects of the observed activity. If possible, the investigating biologist should use a camera providing positive prints directly upon exposure (Polaroid) or take care that the photographic as well as other evidence submitted to other persons for processing is properly certified by use of a "transfer of evidence" form (see note on the back of the first page of App. B–2 form).

D. Following discovery and appraisal of an apparently illegal activity, the regulatory agency will be immediately contacted to determine if the work is being done lawfully. If it is not, the Regional Director will promptly request the regulatory agency to issue a cease and desist order. A flow chart of surveillance actions is given in App. B–4b, and related guidelines are presented in sections 5.2B, 6.3, 7.3, and 8.

5. *Policy guidelines for Review of proposals.*

5.1 *Basis.* A. In discussing a proposal with its sponsor and in developing written comments and recommendations to assure that the proposal can be implemented without significant damages to fish, wildlife, and related environmental resources under purview of the Service and the Department (being alert for potential adverse environmental effects in the province of other Interior bureaus so as to coordinate and exploit mutual concerns), Service personnel will observe the policy guidelines set out in this handbook. (App. D, E, and F provide legal references and official policy statements relevant to these guidelines.) In a like manner, the Service will maintain close cooperation and coordination with other State and Federal agencies (Section 6—Coordination, Liaison, and Negotiation).

B. To account for local or regional peculiarities of geography, resources, and social, political, institutional and economic constraints, special adaptations and modifications of these guidelines may be proposed for approval and may be subsequently adopted. Also, more detailed guidelines covering particular situations may be proposed in the future and adopted as required, such as for mineral exploration and development, powerplants, high marsh areas, etc.

C. The Service's policy and procedural guidelines expressed in this handbook are intended to be compatible and reasonably consistent with relevant provisions of law, decisions of the courts, and rules, regulations, and administrative practices of Federal regulatory agencies. But the Service does not have the responsibility, as do the regulatory agencies, of making the final determination of the overall acceptability of a proposal, all factors considered. These guidelines are not intended nor should they be interpreted to be addressed to such final decision. They are intended to reflect the Service responsibility to contend for the special public interests in fish and wildlife, their related habitats and ecosystems, and the human uses and environmental values dependent on such resources.

D. Service personnel must critically note that each guideline is qualified to admit of reasoned interpretation on the merits of a particular proposal in its particular ecosystem setting and must be so interpreted in each case. Blanket, absolute opposition to any specific type of development or site situation must not be construed from the language of any policy or policy guideline of this handbook. Each proposal must be weighed on its individual merits not only in the light of the main thrust of applicable guidelines but in light of the qualifications of these guidelines, the specific biological and environmental conditions of the proposal site, and the particular expected environmental impacts of the proposal.

5.2 *General policy guidelines—A. New work proposals.* (1) Encroachments into navigable waters and wetlands will be discouraged where such encroachments would significantly damage biologically productive shallows and wetlands or unreasonably infringe on public rights of access, use, and enjoyment.

(2) Sites and design will be encouraged to be in compliance with any applicable comprehensive regional or statewide plan for land use and/or shoreline development which properly balances public needs and properly accommodates site and upland drainage, waste discharges, and erosion forces (as indicated by plans developed by the State under the Coastal Zone Management Act of 1972 and by a State under any State land use act that may be applicable).

(3) A proposal which in combination with other developments would, due to cumulative effects, unreasonably degrade environmental resources or diminish the human satisfactions dependent on such resources on a waterway or group of related waterways will not be acceptable to the Service and will be strongly discouraged.

(4) Nonwater-dependent structures, facilities, or activities generally will be considered by the Service to be unacceptable uses of public waters unless it has been demonstrated that the proposed use is required in the public interest (see Sec. 2.2B(1)) and no alternative site mutually acceptable to the Service and the applicant is available.

Although in many cases a restaurant, motel, trailer park, golf course, or other service facility may be more attractive to its customers if it has water frontage, this attraction does not necessarily require encroachment into navigable waters and wetlands. A set-back location that preserves public access to the water usually can provide as good or better water view, assure greater safety from storm hazards, and otherwise accord more fully with both the private and public interest.

(5) Proposals to fill ecologically valuable wetlands or site sewage lagoons or other treatment works on them will be discouraged, and where no feasible upland site for such works is available, the Service will urge adoption of tertiary treatment processes which do not require lagoons or other extensive works with consequent destruction of wetlands (see EPA's wetlands policy, App. F–2a, b, and c).

(6) The Service will object to or request denial of Federal permit for any proposed project not properly designed or located to avoid preventable significant damages to fish, wildlife, and/or other environmental values.

B. *Unauthorized work and activity in navigable waters and applications for after-the-fact permits therefor.* Unauthorized excavation, fill, structure, facility, building, or ongoing activity in or affecting navigable waters will be considered to be in violation of the law as prescribed in the River and Harbor Act of 1899, App. D–2a; the Federal Water Pollution Control Act (Sec. 301), App. D–2s; and the Marine Protection, Research, and Sanctuaries Act (Sec. 101), App. D–2x. See also Secs. 4.3, 6.3, 7.3, and 8 of this handbook for other aspects of unauthorized work.

(1) Where necessary to achieve removal of unauthorized harmful works and/or obtain other appropriate remedy, the Service will request the responsible Federal regulatory agency to institute enforcement action, including judicial procedures through the Justice Department if required.

(2) The Service may, where immediate action is warranted to avert great loss of fish and wildlife or their habitat, request the Solicitor, Department of the Interior, to take any appropriate steps to speed legal action.

(3) Where after-the-fact application is made for existing work which resulted in significant environmental damage, the Service will confer with the responsible Federal regulatory agency to assist it in determining the need and the possibilities for restoration and compensation of damages to fish and wildlife, their habitat, and related human use values.

(4) If legal action is not taken or is taken and fails adequately to remedy the damage, the Service will continue to aid negotiations with the applicant, seek appropriate conditioning of any permit, and take such other remedial measures as are available.

(5) Where satisfactory means and measures for restoration and compensation have been imposed upon or negotiated with the applicant, Service personnel will urge that the permit include conditions to assure their implementation.

(6) The Service may ask that the applicant be required to furnish a performance bond when there appears to be substantial risk of non-performance.

(7) In case of judicial action, Service personnel must expect to testify with appropriate Departmental clearances required and to have developed substantial evidence in support of the environmental aspects of the case. In such event, expert opinion is only a feeble substitute for firsthand testimony based on in-depth investigation (see Sec. 10).

C. *Proposals determined to be acceptable.* (1) The Service will urge that the applicant be required to provide assurances, through acceptance of permit conditions, that the works will be built and operated in such a way as to minimize the impact on fish and wildlife and the detriments to the public interst in the lands and waters affected.

(2) In cases where compensational measures are developed with the applicant to protect the resources, the natural functioning ecosystem, and other environmental values, Service personnel may recommend that a performance bond be required of the applicant to guarantee implementation of the compensational measures.

(3) Assurances for Federal projects will be obtained by the Service through clear and specific inclusion of means and measures in project authorizing documents and diligent follow-up during construction and operation.

5.3 *Detailed policy guidelines.* Service personnel will observe additional detailed guidelines in screening and reviewing permit applications and Federal proposals as indicated below for particular types of projects (Note that where excavation of fill or deposition of spoil are involved in a proposal, the guidelines of items I or J are applicable in addition to the guidelines listed for the specific main proposed works or activity):

A. *Docks, moorages, piers, and platform structures.* (1) In crowed areas, individual single-purpose docks will be discouraged, and multiple-use facilities common to several property interests providing common pollution control works and minimizing occupation of public waters will be actively encouraged.

(2) Joint-use moorage facilities will be encouraged for subdivisions, motels, and multiple dwellings in preference to individual moorage.

(3) The size of docks and piers and their extension beyond the normal high water line will be recommended to be restricted to that required for the intended use.

(4) Anchor buoys will be encouraged in preference to docks.

(5) Piers or catwalks will be encouraged in preference to fills to provide needed access to navigable water.

(6) Dry storage on upland will be encouraged for small boats in preference to water moorage in crowded areas.

(7) Removal of docks, piers, or platform structures in existence without a Federal permit will be recommended where practicable and especially where the particular structure is found to interfere with or preclude preservation, management, or utilization of fish and wildlife resources and other environmental values.

(8) Removal will also be recommended of all piers and similar structures receiving little use, in a state of disrepair, and/or serving no demonstrated public purpose.

(9) Overwater location of apartments, shops, restaurants, and other nonwater-dependent facilities on pile structures or fills will generally be viewed by the Service as destructure intrusions upon the aquatic environment. Denial of a permit for a structure intended solely for such uses will be recommended unless it is clearly shown that the particular structure is required in the public interest (see Sec. 2.2B(1)(a) and Sec. 5.2A) and no alternative site mutually acceptable to the Service and the applicant is available.

(10) Permits for docks, piers, and other overwater structures will be recommended to be conditioned to require removal once the structure no longer serves the purpose for which it was originally permitted.

(11) Houseboat anchorage and moorage in public waters outside of publicly established harbor areas for more than 30 days will be discouraged.

(12) Service review of applications for the repair or replacement of previously permitted docks, piers, and moorages will be expedited.

B. *Marinas and port facilities.* (1) Designs that minimize disruption of currents, restriction of the tidal prism, excavation in shallow waters and wetlands, removal of barrier beaches, and filling of shallow waters and wetlands that do not occupy waters with poor flushing characteristics or sites with high siltation rates; and that preserve environmental values in general will be strongly encouraged.

(2) Facilities for the proper handling of boat and site-generated sewage, litter, other wastes and refuse, petroleum products, and precipitation runoff will be insisted upon with all marina and port proposals, including modifications to existing facilities, insofar as required by law.

(3) Regional and statewide planning for balanced land use and specifically to locate suitable spoil disposal sites, reduce unneeded dredging, and properly locate any new or expanded port, other necessary navigation and other water-dependent facilities will be encouraged. Shipping and support facilities including marine railways and launching ramps will be encouraged to make full utilization of developed areas to forestall disturbing new areas of high environmental value.

C. *Bulkheads and seawalls.* (1) Bulkheads and seawalls generally will be acceptable in areas having unstable shorelines, but their construction will be discouraged where marsh, mangrove, or other naturally protective and productive areas would be disturbed. In the latter situations, any necessary bulkhead should not reflect wave energy so as to destroy productive wetlands. In rapidly eroding situations where natural, pro-

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tective vegetation or other controls are inadequate, bulkheads placed in navigable waters may be acceptable if properly designed to mitigate but not aggravate natural forces and processes.

(2) In extensively developed areas, rip-rap and/or designs utilizing natural vegetation will be encouraged in lieu of bulkheads of wood, concrete, or metal. Bulkheads will be acceptable that esthetically and/or ecologically enhance the aquatic environment.

(3) On barrier and sand islands and sand beaches, bulkheads which would adversely affect the littoral drift and natural deposition of sand materials will not be acceptable.

D. *Cables, pipelines, transmission lines, bridges and causeways.* (1) The Service will encourage the establishment of transportation-utility access corridors crossing navigable and other waters and wetlands at sites that localize and minimize environmental impact by limiting the encroachments to least valuable and productive areas.

(2) To be acceptable, aerial or submerged cables, pipelines, and transmission lines must be located and designed for maximum compatibility with the environment. In assessing environmental compatibility, Service personnel will give particular emphasis to the provisions made to protect water quality, fish and wildlife resources (notably, interference with migration routes) and to prevent interference with fishing and other public uses. Where unique natural areas, cultural sites, or significant impacts on scenic beauty or public access appear to be involved, Service personnel will alert and cooperate with concerned Interior bureaus and other agencies.

(3) Alteration of the natural water flow circulation patterns or salinity regimes through improper design or alignment will be discouraged.

(4) Enhancement of public access by the installation of fishermen catwalks, boat launching ramps, or other structural features will be encouraged.

(5) Bridge approaches required to be located in wetland areas will be recommended to be placed on pilings rather than constructed as solid fill causeways.

E. *Jetties, groins, and breakwaters.* Jetties, groins, and breakwaters that do not interfere with or, preferably, that enhance public access, and do not create adverse sand transportation patterns or unduly disturb the aquatic ecosystem will be acceptable. Service personnel will place particular emphasis on preventing project-related erosion and other harmful impacts caused by the installation—such as destruction of sand dunes and beaches and filling of shallows and tidal wetlands due to changes in littoral currents and drift—as well as on protecting fish and wildlife resources and uses.

F. *Lagoons and impoundments.* Lagoons or impoundments for waste treatment, cooling, or aquaculture which would occupy or damage significant wetlands or other ecologically productive areas in navigable waters will be unacceptable to the Service and denial of permit normally will be recommended. A NPDES permit is required to discharge from these; see EPA's wetlands policy, App. F-2a, b, and c.)

G. *Navigation channels and access canals.* (1) Construction or extension of canals primarily to obtain fill material will be discouraged or opposed as appropriate.

(2) Designs and alignments should adequately serve the needs of commercial and sport fisheries and other water recreation as well as other demonstrated public needs.

(3) Designs should not create pockets, interior channels, or other hydraulic conditions which would cause stagnant water problems.

(4) Designs should not create or aggravate shoreline erosion problems or interfere with natural processes of beach nourishment.

(5) Channel alignments and spoil sites should avoid shellfish grounds, eelgrass beds, beds of other productive aquatic vegetation, coral reefs, fish spawning and nursery areas, fish and wildlife feeding areas, and other shallow water and wetland areas of value to fish and wildlife resources and uses.

(6) Alignments should make maximum use of natural or existing deep water channels.

(7) Designs should include temporary dams or plugs in the seaward ends of canals or waterways and competent confining dikes around spoiling sites to serve until excavation has been completed and all sediment has settled out.

(8) Designs should not alter tidal circulation patterns adversely, create change in salinity regimes, or change related nutrient and aquatic life distribution patterns.

(9) Construction should be conducted in a manner that minimizes turbidity and dispersal of dredged material into productive areas and on schedules that minimize interference with fish and wildlife migrations, spawning, nesting, or human uses.

(10) In addition, the Service will recomend that the applicant or permittee be required to supply the Service with a schedule of the dredging anticipated during the life of the permit (frequency, duration, type of dredge, amounts of material, etc.) and where appropriate give a two-week notification prior to the commencement of work at each location or phase of construction. Recommendation also will be made to require Service notification when work is completed and the amount of materials removed. Similar advice and notice will be requested for previously coordinated Federal projects.

H. *Drainage canals and ditches.* Construction of canals and ditches that would drain or facilitate drainage of any of the wetland types identified in the Fish and Wildlife Service's Circular 39, "Wetlands of the United States," will be discouraged, and denial of permit usually will be recommended by the Service. Channels draining such wetlands will be acceptable to the Service only where the following situation has been conclusively demonstrated: Insect vector control or some other public health, safety, or welfare measure is required as a public necessity and drainage would be the least damaging or only practicable means of accomplishment. But in these instances, the quantity and quality of any discharged waters should be controlled as required by the FWPCA and so as not to adversely affect the aquatic ecosystem unduly (a NPDES permit covering such discharges may be required).

I. *Excavation of fill material.* (1) Excavation and dredging in shallow waters and wetlands will be discouraged and any permits issued or Federal work approved will be recommended to be conditioned to prohibitt activities in fish and wildlife nursery areas and during periods of migration, spawning, and nesting activity.

(2) Whenever the excavation of fill materials from productive submerged or intertidal wetland areas or from wetland types identified in Circular 39 (see Sec. 2.2B(2)) is considered detrimental to fish and wildlife resources and unacceptable, permit denial for such work will be recommended by the Service.

(3) Uncontrolled stockpiling of dredged material in shallow water or on wetlands to achieve full bucket loads will not be acceptable. Unloading barges should be employed wherever possible to avoid such stockpiling of materials. Where stockpiling is required, the use of competently diked upland areas usually will be recommended.

(4) Excavations should not create stagnant sumps or cul de sacs that trap and kill aquatic life.

(5) Dredging operations should be conducted so as to prevent petroleum spill, deposit of refuse, and avoidable dispersal of silt or other fines or other discharges of harmful materials (a NPDES permit may be required).

J. *Filling and deposition of spoil and refuse materials.* (1) Filling in navigable waters generally will be discouraged and will be strongly objected to where the proposed development is nonwater dependent or would not serve a demonstrated public need.

(2) Whenever the filling of waters and wetlands is considered detrimental to fish and wildlife resources and unacceptable, permit denial for such work will be recommended by the Service.

(3) Spoil confinement works should be properly designed, constructed, and maintained to avoid discharge of fines, other particulates, or harmful material to natural waters and be located on dry upland. The location of outlets and other means of control of the effluent from the spoil retention area should yield water quality that will preserve the aquatic ecosystem (a NPDES permit may be required).

(4) Toxic, oxidisable organic, and other highly harmful materials must be disposed on dry upland areas behind impervious dikes or by other safe and environmentally protective means.

(5) Dikes should be vegetated immediately to prevent erosion.

(6) In-bay, open-water, and deep-water disposal generally will be considered acceptable by the Service only after all upland and other alternative disposal sites have been explored and rejected for good cause. Deep-water disposal will be acceptable only at sites designated under State or Federal regulations or at sites specifically selected, including those selected for deposit of clean material for habitat improvement, where agreed upon by all concerned agencies.

(7) Sediment and/or effluent analysis will be recommended to be required in cases where there is suspected contamination by heavy metals or other toxicants. In cases where contaminant levels are high, the Service will either urge disposal on fully confined impervious upland sites or by other safe and approved means, or recommend denial of permit application.

(8) Turbidity and dispersal of dredged material will be recommended to be controlled in relation to open water dredging and disposal by means of fine-meshed curtains or other effective means.

(9) The foregoing guidelines on spoil deposition are also particularly applicable to Federal channel excavation and maintenance.

K. *Mineral exploration and development, territorial waters.* (1) To be acceptable, blanket permits issued for mineral exploration and development (including oil, gravel, sand, fossil shell, phosphates, sulfur, salt, placer metals, etc.) must be limited to the shortest time period essential to the work proposed and should provide by explicit conditions of the permits for such of the following that can be utilized to minimize environmental degradation: Areal exclusions; special exploration and development procedures (e.g. slant drilling); use of special equipment (e.g. use of shallow draft barges and low-impact swamp vehicles on wetlands); and limitations on dredging, filling, and spoiling (i.e. use of existing channels wherever possible rather than new ones, avoidance of productive wetlands and shallows for filling and spoiling, etc.).

(2) To be acceptable, proposed activities and works must be described as fully as possible in the original permit application, and to the extent that these cannot be described for the entire extent of the work and period of the permit, the undescribed extension and modifications when known and proposed must be subject to provision of adequate notice and opportunity for on-site assessment of potential environmental impact by the Service or its designee, and the permit must be further conditioned as may be required to protect environmental resources on the basis of such recommendations as the Service may make.

(3) To be acceptable, proposals must meet the applicable general and detailed guidelines set out hereinabove for other particular activities and works involved in the proposed mineral exploration and development.

(4) To be acceptable, proposals must make adequate provisions to keep environmental degradation to the minimum, particularly that from spillage of oil; release of refuse including polluting substances and solid wastes; spoiling on productive wetlands; dredging of productive shallows; and alteration of current patterns, tidal exchanges, freshwater outflow, erosion and sedimentation.

L. *Mineral and other developments, including rights of way, on public lands.* (1) As discussed more fully in Section 1, Interior bureaus and other Federal land management agencies are involved variously in leasing lands and granting permits for rights of way, mineral exploration and development, hydroelectric power development, and other activities on public lands of the United States. To the extent that these activities would involve identifiable effects on navigable waters they also require a permit from the Corps or Coast Guard under the 1899 Act and/or the Federal Water Pollution Control Act Amendments of 1972, and in certain cases a NPDES permit from EPA or the State.

(2) These guidelines do not cover procedures for the intra-Interior review of outer continental shelf and other public lands, mineral leases, and permits nor rights-of-way permits, but it is expected that Service personnel will apply any of the pertinent policy guidelines of this handbook as are appropriate.

(3) Corps, Coast Guard, and EPA permit applications covering such activities should be reviewed in the field for potential site-specific impacts as with any other permit, keeping in mind, however, that general protective conditions are included in the Interior permits which are deemed adequate for all known situations and contingencies and that known highly damageable areas have been excluded from the lease offers and use permits for lands of the Territories.

(4) If a particular case appears to the reviewing biologist to involve substantial impacts of a nature not certainly covered by conditions of the Interior permit, he should initiate action to so notify the district or regional office of the concerned regulatory agency and the responsible office of the concerned Interior bureau or for the Territory. If the responsible local Interior office cannot satisfy the Service concern, the matter should be referred to the Central Office for resolution and the district or regional office of the regulatory agency should be so apprised.

M. *Log handling, moorage, and storage.* (1) Log handling, moorage, and storage sites proposed to be located on salmon-spawning and other fish productive streams, shellfish grounds, or shallow water and wetland areas of value to fish and wildlife resources and uses will not be acceptable to the Service.

(2) Log handling, moorage, and storage in public waters will be discouraged, particularly where such activities would obstruct or impede public access, fishing, hunting, and other legitimate public uses of the water body; degrade and destroy fish and wildlife resources; or otherwise degrade environmental values.

(3) Environmentally sound practices of log handling will be encouraged through recommendations for conditioning of any required Federal permit or contract and otherwise, as follows:

(a) Use of positive controls over bark, other debris, and leachates, including proper confinement, collection and disposal of all floatable, soluble, and settleable refuse. Rapidly flowing water, steep shores or other sites must be avoided for log dumping where positive controls cannot be effected.

(b) Use of easy let-down devices for placing logs in water to avoid safety and environmental hazards of violent free-fall dumping.

(c) Limiting the quantity of logs and the duration of their moorage and storage in public waters to the minimum required for efficiency.

(d) Use of upland sites for bundling of logs and disassembling the bundles.

N. *Steam electric powerplants and other facilities using navigable waters for cooling.* Although these facilities will be treated in detail in a separate Steam Electric Powerplant and Cooling Facilities Handbook, broad, general guidelines are included here:

(1) As a general rule, once-through cooling systems will be discouraged and closed-cycle cooling will be encouraged where the facility is proposed to be sited on or so as to affect biologically productive navigable waters. In particular, any facility will be strongly discouraged which would significantly change the environment and values of an estuarine area or other biologically productive navigable water by withdrawal and discharge of large volumes of water—thereby depleting aquatic life by entrainment and impingement; altering the natural or existing regime of salinity, temperature, and dissolved oxygen and the patterns of water currents, tidal exchange, volume, tidal excursion, and freshwater flow; disturbing the populations, dynamics, and distribution of aquatic life; scouring productive water bottoms or otherwise endangering the viability and productivity of the ecosystem; and lessening the human satisfactions dependent thereon.

(2) A facility to divert water from and release heated water to navigable waters where proposed to be sited so as to affect harmfully salmonid spawning, rearing, or migration waters or any water or wetland supporting highly sensitive and/or highly valued species of fish or wildlife will not be acceptable to the Service unless such facility is fitted with a closed-cycle cooling system and otherwise incorporates protective features that insure against any significant harm to such species at all times and under all foreseeable conditions.

(3) To be acceptable any facility incorporating once-through cooling involving navigable waters must:

(a) Be sited where wetland destruction, other habitat damage, interference with fish and wildlife and their uses, and overall environmental harm will be at the minimum compared to other possible sites in the region;

(b) Involve a plan layout based on preoperational baseline studies defining current, temperature, salinity, tidal, migratory fish or wildlife, and other pat-

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terns sufficient to select the smallest and most desirable heat mixing zone, providing adequate zone of passage, and other plan arrangements, including those of the transmission lines and other appurtenant facilities, that will minimize harmful impacts on fish and wildlife, their habitats and uses as well as overall environmental damages;

(c) Incorporate design features and operating programs and rules to avoid all avoidable harm to fish and wildlife, habitats, and uses as well as other environmental resources and uses; specifically:

(i) Incorporate a cooling system design employing the best available technology and combination of facilities to minimize harmful effects on the environment, including: Mechanical rather than chemical scale and algae controls; intake-outlet arrangements which minimize impingement, and entrainment, and damage to productive bottoms; fish bypasses and other saving devices as well as screens at intakes;

(ii) Schedule shutdowns to avoid harm to aquatic life as fully as possible;

(iii) Meet all applicable water quality requirements and goals; and

(iv) Adequately monitor the operations to satisfy the burden of proof upon the permittee or licensee that the foregoing and other appropriate environmental standards are met.

6. *Coordination, liaison, and negotiation.* It is difficult to overemphasize the value of taking steps at the earliest possible time to gain participation in the planning process to permit offering suggestions of modifications and alternatives and discouraging selection of naturally productive sites or harmful methods of development. This is difficult with piecemeal private developments, but even with these, publicizing Service concerns in the media, assisting concerned citizens who responsibly involve themselves in surveillance, accepting speaking engagements, arranging symposia, educating local planning, zoning, and administrative boards, and other means can be of help in the long run.

With Federal activities close liaison by the Division Field Supervisor with the Federal planning agencies usually leads to early notice of actions and invitation to informal consultation during formulation of plans. This early consultation can be the most productive effort made by Division personnel in relation to Federal activities. If possible the consultation should be between the Division biologist and the lead agency planner assigned to the specific survey or project.

The Ecological Services biologist also must maintain early and continuing liaison and coordination with NMFS and State biologists in connection with each assignment. Summary coordination guidelines follow:

6.1 *Coordination with the State, NMFS, EPA, Corps, other Interior bureaus, and other concerned governmental agencies.* A. Early in his review of a proposal, the Division biologist consults with his counterparts in other agencies to:

(1) Gather information from knowledgeable experts.

(2) Identify mutual interests and information sources and obtain useful data and views.

(3) Transmit project data to cooperating entities not otherwise supplied.

(4) Arrange any appropriate joint field studies.

B. As his preliminary assessment and field reconnaissance are completed and he prepares his draft report and recommendations the Division biologist continues coordination and liaison with agencies having coordinate and related responsibilities to:

(1) Assess the public interest and other professional opinion on the merits of the proposal and consider proper means of resolving any environmental issues.

(2) Alert other agencies, particularly other Interior bureaus, to any special environmental concerns in their interest discovered in the Service assessment or reconnaissance and explore any mutual environmental involvements of the proposal with such agencies.

(3) Formulate any appropriate joint position on the proposal among agencies having coordinate responsibilities.

6.2 *Coordination with the applicant or Federal Lead Agency.* A. Early consultation with the Federal lead planning agency can often forestall wasteful efforts addressed to environmentally unsound design or site; yet this advantage is normally long past with permit applicants. Improvement in the latter situation may result from educational efforts by concerned entities and court decisions favorable to the environment which encourage prospective applicants to seek early consultation.

B. Negotiation with the applicant or lead agency planner is conducted as appropriate throughout the Service review process.

(1) If the field appraisal has confirmed that the proposal will have adverse effects on fish and wildlife, their habitat or the naturally functioning ecosystem, efforts must be made either through the regulatory agency (in permit applications) or by direct contact with the applicant or lead agency planners, to have the plan modified to minimize damage to the resource base.

(2) The posture to be maintained by the Service representative in negotiating with applicants or lead agency planners should:

(a) Encourage acceptance of the validity of the national recognition of intrinsic high public value of shallow water and wetlands habitats through citation of Zabel 1 Tabb, other Federal case and statutory law, local law (statutory wetlands and zoning laws and related case law), and findings of the Reuss Committee and ecologists (see App. D and G.)

(b) Avoid acceptance of monetary value as the full measure of significance of ecological and other environmental impacts.

(c) Avoid expedient resolution of issues with the sponsor of the work or activity which do not satisfactorily resolve the environmental issues.

C. If the applicant or sponsor rejects suggestions for making his plans environmentally acceptable, it must be made clear that the burden of proof is on him to demonstrate that such suggestions are infeasible and that his proposal is of overriding public interest. Without such demonstration the Service policy requires that denial of the application be requested or objection to the project be raised as otherwise proper.

D. The assistance of other governmental agencies having coordinate responsibilities and interest should be requested, even urged, in direct participation and support of negotiations. Also, interested private conservation groups should be advised of the Service position.

E. Following successful negotiations, the agreed upon plan modifications for environmental purposes can be handled by:

(1) The applicant submitting a new application with acceptable plan to the permitting authority, which is then specifically comprehended by the permit and its conditions, or

(2) The applicant submitting in writing to the permitting authority his intention to adopt specific plan modifications, thus amending the application, which is then specifically comprehended by the permit and its conditions, or

(3) The Service and Department recommending and the permitting authority adopting the necessary specific conditions or stipulations as part of the permit which fully and specifically comprehend the plan modifications required for environmental and fish and wildlife protection and conservation purposes.

6.3 *Coordination on unauthorized work and activities.* A. The conduct of Service personnel in exercising surveillance investigations must be cautious and above reproach. Their on-site actions must be limited to gathering information on suspected unauthorized work without unduly exciting workmen or the sponsors of the work. (See Sec. 4.3.)

B. Enforcement actions are generally the prerogative of the Corps, EPA, Coast Guard, and Justice. Once Service personnel have obtained the pertinent biological and other information necessary for action on the case and the Regional Director has alerted and formally notified the Corps, EPA, or the Coast Guard, as appropriate, with copy to the Regional Solicitor and to the appropriate U.S. Attorney, the Service should normally defer to the regulatory agency for further action. Where NMFS interests are involved, a copy of the formal notification or report on a violation should be sent to NMFS when the regulatory agencies are informed. Where expedited action is justified by immediacy of the threat to highly valued resources, the Regional Director may seek assistance from the Office of the Solicitor. (See also Secs. 5.2B, 7.3, and 8.)

7. *Reporting procedures.*

7.1 *Reports and correspondence.* A. Guidelines for preparation and transmission of routine letters and reports are included in Secs. 3.000–3.999 of the Division Manual. The manual guidelines cover all kinds of river basin activities and should be followed where applicable.

B. Special letter and report formats applicable to review of permit applications are included in App. A. Standard Forms, checklists, and flow charts are included in App. B, and commonly appropriate standard recommendations for permit applications are included in App. C.

C. *General guidelines on report conclusions and recommendations.* Any of the following situations may serve as a basis for Service recommendation of denial of a Federal permit or objection to the authorization of a Federal project for similar work in navigable water. (More detailed general and specific guidelines for determining acceptability of plans are included in Sec. 5, above):

(1) The project or activity will directly destroy, damage, or degrade fish and wildlife, their habitat, or other significant environmental values, including part or all of a natural functioning ecosystem.

(2) The project will lead to, encourage, or make possible the destruction, damage or degradation of fish and wildlife, habitat, or other significant environmental values, including part or all of a natural functioning ecosystem.

(3) Public use of a natural or other environmental resource will be restricted or curtailed.

(4) Public benefits will not clearly exceed public losses, ignoring any private gains not clearly related to health, safety, or protection of property.

(5) The project purposes are not water related or dependent.

(6)) Alternative upland sites are available for the proposal which would involve less environmental costs and generally better satisfy the public interest.

D. *Format and disposition of reports.* (1) Service reports on NPDES permits are submitted by the Regional Director directly to the EPA or the State. Those on nuclear steam-electric plants are submitted through the Director to the Departmental Office of Environmental Project Review for inclusion in the Departmental report.

(2) Service reports on Federal and federally assisted projects are submitted directly to the appropriate office of the sponsoring Federal agency by the Regional Director.

(3) Procedures for review, submission of comments, and resolution of issues on navigation permit applications made to the Corps of Engineers, Department of the Army, are prescribed for all bureaus and offices of the Department of the Interior in 503 DM 1. This Departmental Manual release implements the July 13, 1967, Memorandum of Understanding between the Departments of the Army and the Interior with respect to review of applications for permits for dredging, filling, excavation, and other related work in the navigable waters of the United States issued by the Corps of Engineers. This release assigns responsibility regarding such review to the Director, Fish and Wildlife Service, and delegates responsibility for coordination among Departmental field offices and for submission of formal Departmental communications with District and Division Engineers of the Corps to the Service's Regional Directors.

(4) A different procedure is to be followed where both the permit application and the related draft environmental impact statements are to be reviewed concurrently as described in Sec. 7.2, below.

(5) Under 503 DM 1 the Service normally has a dual role: providing the consultation and review functions mandated by the Fish and Wildlife Coordination Act and coordination and consolidation of views and recommendations of all Departmental bureaus and offices, including those of the Service, into a formal Departmental letter of comment under Fish and Wildlife Service letterhead.

(6) Informal communications with the Corps by the bureaus and offices are not precluded by 503 DM 1; in fact, each bureau and office is directed to make its own arrangements for receipt of public notices and is encouraged to conduct any necessary informal discussions with Corps personnel.

(7) (a) The role of the Service Regional Directors under 503 DM 1 is to coordinate, collate, and transmit all formal Department communications, including requests for extension of time to respond or for more information and the formal Departmental letters of comment (and/or reports) on navigation permits to District Engineers and where appropriate, to Division Engineers.

(b) The Service Regional Director must assure himself that all interested bureaus and offices of the Department have had adequate opportunity to offer comments and that all substantive comments, timely received, are reflected in the formal Departmental response to the Corps on each permit application.

(c) Any unresolved cases of disagreement among field offices of Interior bureaus will necessarily be submitted promptly to headquarters as will any other case which the Corps has indicated it will refer to Washington under the Memorandum of Understanding or which has become so controversial that either the Corps or the applicant is likely to refer it to Washington (see Sec. 7.1E (3)–(6), below).

(8) The Service does not have the above-outlined coordinating function with respect to EPA or the Coast Guard. Nor does it have such function with any other regulatory agency or in relation to review of any Federal or federally assisted project proposals.

(9) The Regional Director's coordinated letter to the responsible Corps officer prepared under 503 DM 1, although on FWS letterhead, is the official Departmental report on a permit application and is to be so identified in the text of the letter.

(a) The first sentence of the letter report stating the Departmental position should include the Public Notice number and date, the Corps District, the waterway or other locational references, and the State.

(b) Service surveys and investigations on permits, prepared in accordance with provisions of the Fish and Wildlife Coordination Act, are to be incorporated in the letter report to the District Engineer.

(c) In the common case where the substantive comments are limited to those of the Service and any compatible views of other Interior bureaus and offices, the letter will incorporate the Service report and the other comments and views and will state that its content represents the Departmental position, or reflects fully the Departmental views and findings on the identified permit application.

(d) Service letters on such matters as unauthorized activities, failure of a permittee to abide by permit conditions, requests for extension of time, etc., may also note Departmental sanction of the concern or request.

(10) Service letters of comment and reports on other than Corps permits do not necessarily represent the Departmental position and should not so indicate unless Departmental sanction has been determined.

(11) The Departmental letter and/or Service report may be released to cooperating State and Federal agencies and the general public once the Departmental or Service letter has reached the District or Division Engineer of the Corps, Regional Administrator of EPA, or District Commander, Coast Guard.

E. *Recording permit actions and filing of reports.* (1) Records must be maintained in the area and regional offices of the disposition of each public notice received, actions taken, reports filed, and any required follow-up activity accomplished.

(a) Regional offices must maintain records of both Service and Departmental actions in keeping with the role of the Regional Directors as Departmental coordinators for Corps permits.

(b) In addition to maintaining a comprehensive log of permit actions, each public notice received should be filed bearing a notation of its disposition and a reference keying it to the entries made on it in the log (public notices deemed not to involve a Departmental or Service interest are nevertheless logged to assure completeness of records and ease of retrieval in event of later action).

(2) Central Office files must not be burdened. As instructed in Dr. King's memorandum of November 14, 1972 (App. E–16) only those file materials on permits specifically requested by the Central Office should normally be submitted. Exceptions are noted in par. 7.1E(5), below.

(3) The Director should be promptly alerted to permit applications and violations involving properties administered by the Service or another bureau of the Department (i.e. refuges, hatcheries, parks, recreation areas, etc.) and to situations involving policy and other significant Departmental or Service interest.

(4) Alerts on permit involvements of other bureaus of the Department should be forwarded through the Director to the

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Assistant Secretary for Fish and Wildlife and Parks only where the other bureau so requests, or where after notification of the other bureau that bureau agrees that inadequate attention was accorded an environmental problem.

(5) The Director should be promptly alerted to controversial permit situations which the Corps has indicated it will refer to Washington under the Memorandum of Understanding or where the applicant or the regulatory agency has so clearly objected to the Service or another bureau's recommendations that the matter will likely be referred to Washington for resolution. Where referral to Washington is deemed to be imminent the alert, in exception to par. 7.1E(2), above, should be accompanied by essential file materials and a concise summary of the case and the Department's involvements (see 503 DM 1).

(6) In cases defined above where file materials are submitted to the Central Office, only single copies of the following are required: The Public Notice and any fact sheet, a project location map (with site superimposed on quadrangle sheet or navigation chart), the completed Field Appraisal form, the Service report, any other pertinent correspondence or hearing records, and the Departmental report.

F. *Resolution of issues following report release.* (1) Follow-up with the regulatory agency is to be made on a continuing basis to determine the disposition of cases of concern to the Service and the Department. Copies of permits issued are to be obtained for Service files, with copy to the Central Office if appropriate.

(2) Every effort is to be made to resolve problems at the field level. However, if this is not possible, the Corps in accordance with the July 13, 1967, Memorandum of Understanding, will refer the controversial permit matters to the Under Secretary. The following procedure is followed after Interior's report is filed with the District Engineer:

> The District Engineer, in deciding whether a permit should be issued, shall weigh all relevant factors in reaching his decision. In any case where Directors of the Secretary of the Interior advise the District Engineers that proposed work will impair the water quality in violation of applicable water quality standards or unreasonably impair the natural resources or the related environment, he shall, within the limits of his responsibility, encourage the applicant to take steps that will resolve the objections to the work. Failing in this respect, the District Engineer shall forward the case for the consideration of the Chief of Engineers and the appropriate Regional Director of the Secretary of the Interior shall submit his views and recommendations to his agency's Washington Headquarters.
>
> The Chief of Engineers shall refer to the Under Secretary of the Interior all those cases referred to him containing unresolved substantive differences of views and shall include his analysis thereof, for the purpose of obtaining the Department of the Interior's comments prior to final determination of the issues.
>
> In those cases where the Chief of Engineers and the Under Secretary are unable to resolve the remaining issues, the cases will be referred to the Secretary of the Army for decision in consultation with the Secretary of the Interior.

(3) The Associate Director—Environment and Research is to represent the Service on a review committee to advise the Secretariat of the course of action to be followed in the efforts at resolution.

(4) Although procedures have not been agreed upon with regulatory agencies other than the Corps for cases of failure or resolution in the field, any such cases should be referred promptly to the Director with full particulars so that he may attempt resolution of the controversial matters at Washington level.

7.2 *Environmental impact statements.* A. Federal agencies have a responsibility to seek consultation with the Service in relation to their preparation of environmental statements required by Sec. 102(2)(C) and other provisions of the NEPA (National Environmental Policy Act) and the Service has a responsibility by law and expertise to advise such agencies.

B. The Service also has a responsibility to review draft environmental statements and to prepare comments thereon as a part of the Departmental comments made in response to requests for official review and comment on prepared draft environmental impact statements.

C. Distinction must be maintained between these two types of responsibility, as follows:

In the first, the Service should provide such advice as it considers appropriate directly to the Federal agency at field level upon its request. Where Service responsibilities are known or suspected of being involved the Service may offer any appropriate advice or remind the agency of its responsibility to consult with the Service and other environmentally expert and responsible bureaus and agencies.

In the second, the Service must make its contribution through the Department's Office of Environmental Project Review. It should comment on the accuracy of the statement with respect to fish and wildlife and related matters, on the completeness and comprehensiveness of the statement in relation to these matters, and on the compliance with the requirements of the NEPA and the guidelines of the Council on Environmental Quality.

D. Consistency must be observed as fully as possible by Service personnel not only in meeting these responsibilities but in reporting on the one or more Federal permits required for the proposal at issue. This will require some considerable care and attention in cases particularly where different persons or different times are involved in the several actions. Concurrent actions by different individuals must be closely coordinated. But in many cases, earlier action on review of a permit application must be carefully reviewed and accounted for in preparation of comments on a subsequent permit application or draft environmental statement.

If circumstances have changed so that current comment necessarily must differ from an earlier comment, a full explanation of such circumstances must be given and a persuasive justification made for the current position taken. In no case should the reviewer fail to search out and thoroughly consider the validity of earlier actions before taking a different position. On the other hand, a faulty earlier position cannot be ignored, it must be forthrightly addressed and disposed with minimum embarrassment to the Service and Department. It is expected that the problems of non-consistency will be less likely to occur in the future in that coordination among regulatory and review agencies will encourage if not demand concurrent review actions on related permit applications and environmental impact statements.

E. Regional offices of the Service should expect to receive documents and requests for concurrent review of permit applications and draft environmental impact statements to come to them from the Office of Environmental Project Review in Washington, particularly those involving major and extensive proposals. In these cases, the procedure described in paragraph 1.4D of 503 DM 1 will be followed, but in addition, the Service report mandated by the Fish and Wildlife Coordination Act will either be incorporated into the official Departmental comments as an identified section or where appropriate because of the length of the report or other reason, a summary of the report thus incorporated and the report itself filed directly by the Service with the appropriate office of the responsible Federal regulatory agency.

7.3 *Reporting unauthorized work or activity.* A. Although a detailed report is usually not prepared on unauthorized work, complete records must be maintained (see App. B–5), a field surveillance and appraisal report prepared (App. B–2), and a request made to the regulatory agency by the Regional Director for enforcement action if it is determined that the work or activity is in fact being conducted unlawfully (i.e. without permit or in violation of the permit). It usually will be found more effective for the Regional Director to transmit his request by certified mail (see App. A–5 and A–6).

B. If action is not taken in a reasonably timely manner, the Regional or Field Solicitor should be requested to intercede to elicit any essential expedited action. See the flow chart of actions on apparent illegal activities, App. B-4b. If court action ensues the investigating biologist is likely to be called to testify; see Sec. 10 for advice on such participation.

8. *Follow-up of permit work and surveillance of illegal work.* Successful achievement of the Service objectives and goals in relation to dredge and fill activities requires continuing, consistently diligent surveillance of waters and wetlands throughout the Nation by Service biologists in coordination with responsible Federal regulatory agencies to maintain a comprehensive monitoring of all activities conducted in waters under their purview.

8.1 A variety of techniques have been suggested and used to intensify surveillance coverage with the limited Service resources. These include:

A. Intensive, complete coverage of critical areas—preferably periodic (biweekly, monthly, or as resources permit) but varied as to timing to avoid strict regularity.

B. Comprehensive, semi-intensive coverage of an entire length of coast, river, or lake—periodic as under Sec. 8.1A, above.

C. Random, occasional coverage of a critical area or length of coast, river, or lake incidental to field reconnaissance of permit applications and other field studies.

D. Comprehensive coverage with assistance of NMFS, district biologists of the State, and/or concerned citizens, and/or Service personnel of other divisions LE, Refuges, Technical Assistance—periodic (quarterly, semiannual, or as resources permit).

8.2 Assistance in surveillance and in intensifying regulatory agency monitoring can be furthered in a number of ways:

A. Sponsoring work shops and symposia.

B. Issuing special reports documenting the value of shallow waters and wetlands in key areas, such as estuaries, and otherwise supporting the need for regional, environmentally sensitive land management planning and control.

C. Eliciting support from government agencies with coordinate interests, conservation groups, and other influential entities in urging intensified surveillance for illegal work and monitoring of permitted activities by the regulatory agency.

9. *Education of the public.*

9.1 *Basis.* Informing the general public and decisionmakers of the ecological, hydrological, and legal bases of the concepts underlying the Service's intensified efforts to save the naturally functioning aquatic and related terrestrial ecosystems of shallow waters and wetlands of the Nation is essential to attaining Service goals.

This is as true for the potholes of the Midwest "duck factory" as it is for the bottomland hardwoods of the Southeast, the extensive estuarine complexes of the Atlantic, Gulf, and Alaska Coasts, the discrete estuaries of Maine and Pacific Coasts, the bays and shoreline marshes of the Great Lakes, and the oxbows and islands of our major rivers.

9.2 *Means.* A. The Ecological Services biologist must take every opportunity to inform the public of the scientific and legal bases and assist others who are concerned to do so. But he should not merely react to opportunities, for many times these will only permit restatement of the facts to those who already are informed or are at least environmentally oriented and sympathetic. The facts of wetland and other environmental values should be brought to local governments and others who may encourage environmentally damaging development.

B. The legal references of App. D and the technical references of App. G should be perused and frequently consulted in this regard by every Division biologist, and App. H and I are useful aids to the biologists and to his efforts of educating the public and public officials.

C. To be effective in educating others, the biologist must first fully educate himself and continually renew and add breadth and depth to his vision and understanding. The involved ecosystems are in no way simple nor well-understood by even those physical and biological scientists in the forefront of research on these matters. Nevertheless, much is known and the literature is extensive, particularly on coastal and estuarine ecosystems.

D. The following items of literature cover much of the basic knowledge which must be comprehended by all Division biologists involved in dredge and fill activities:

Annon., 1956. *Wetlands of the United States.* Circ. 39, USFWS (Repub. 1971).

Leopold, L. B. and W. B. Langbein, 1960. *A Primer on Water.* USGS.

Swenson, H. A. and H. L. Baldwin, 1965. *A Primer on Water Quality.* USGS.

Teal, J. M. and M. Teal, 1969. *Life and Death of the Salt Marsh.* Audubon/Ballantine (Paperback Ed.).

Annon., 1970. *National Estuary Study.* USFWS. 7 Vols. (especially App. A, Vol. 2; App. B, Vol. 3; and App. I, Vol. 6).

Annon., 1970. *Our Waters and Wetlands: How the Corps of Engineers Can Prevent Their Destruction and Pollution.* U.S. Congress, House Report 91–917 (see App. D–6).

Wharton, C. H., 1970. *The Southern River Swamp—A Multiple-Use Environment.* Georgia State University.

Annon., 1972. *Increasing Protection for Our Waters, Wetlands and Shorelines: The Corps of Engineers.* U.S. Congress, House Report 92–1323 (see App. D–6).

Clark, John, 1974. *Coastal Ecosystems, Ecological Considerations for Management of the Coastal Zone.* The Conservation Foundation.

Many other citations could be listed, of course, but the above, mainly written for the general reader, provide a basic essential overview from which the biologist can branch out to more definitive works. Additional technical sources are cited in the above-listed references and in the App. G–4 and G–5 articles.

E. Many methods and techniques can be used to educate the public, some of which have been noted above in relation to follow-up and surveillance activities:

(1) The media should be utilized as fully as possible to inform the public of ecological principles through articles on locally newsworthy, current situations. Contacts can be made through concerned citizens or directly with news media to properly present the environmental viewpoint of dredge and fill issues. Discretion must be used, however, to avoid jeopardizing any ongoing negotiations with the applicant or lead agency.

(2) Participation in school programs can be helpful in furthering the education of the public on ecological principles. Here are some of the ways:

(a) Lectures and slide talks to primary, secondary, and college-level classes.

(b) Show-me field trips and summer field study classes made in cooperation with schools and summer camps organized by charitable groups, churches, etc.

(c) Field investigations, particularly inventory studies of important habitats, organized with schools to utilize student classes in ecology or field biology for the collection and identification of species, mapping of habitat types, etc.

(3) Lectures, slide talks, and show-me fields trips can be profitably arranged with adult groups, especially with organizations of adults such as Rotary, Kiwanis, religious groups, etc.

F. In connection with the foregoing direct involvements with the public, further publicity can be arranged with news media and the education success can be heightened by distribution of printed material.

Such printed material is available in the Service's popular pamphlets on estuaries, endangered species, and the like, as well as from State sources, Sierra Club, Soil Conservation Service, local conservation groups, and many others.

Also, special publications can be prepared by the Service such as those prepared by the Northeast Region on the Long Island wetlands, by the Pacific Region on Southern California estuaries and coastal wetlands, and by the Southeastern Region on guideline for permit applications.

10. *Participation in judicial and other hearings.*

10.1. *Basis.* A. Involvements with navigation permits frequently requires participation by Service personnel in the resolution of issues through hearings.

B. Participation in judicial hearings, and presumably in those quasi-judicial hearings and proceedings of regulatory agencies such as the Corps, EPA, AEC, and FPC, must be authorized in writing by the Regional Director (see Service Manual 6 AM–3.1). If the Director on advice of the Regional Director decides that participation is not proper, the Solicitor, acting for the Secretary, reviews the decisions and provides counsel on related legal actions.

C. The Office of the Solicitor should be kept advised of any judicial involvements of the Service; his office should be called upon to serve as liaison with U.S. and other attorneys and to provide any other needed counsel. Any publicity of hearing matters must be restricted to that approved by counsel.

D. This section is addressed to participation by Service personnel on matters of fact or expert opinion in hearings in relation to Government business and records. Participation by Service employees as expert witnesses in proceedings between private litigants is normally prohibited. Yet an employee may be permitted to testify as an expert on his own time at his own expense if he clearly avoids representing his testimony as in any way stating official position.

10.2 *Gathering information in support of testimony at hearings.* A. On-site, first-hand observations and data usually will provide far more persuasive evidence in judicial hearings than evidence from the literature, although familiarity with

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the literature and other sources of information is also essential to well rounded testimony.

B. In preparation for cases to be brought to court or other formal hearing the Service biologist must not only search out all available knowledge from cooperators and other sources, but he must also make as detailed and comprehensive field studies as time and his resources of manpower and equipment will permit.

C. Field investigations on-site ideally include:

(1) An inventory (population estimates by species) and delineation on maps of the distribution of all important species of plants and animals in the impact area;

(2) Determination of the salient physical and chemical characteristics of impact area waters—temperatures, salinities, current patterns, tidal ranges, sediment transport and shoaling patterns, turbidity, dissolved oxygen, degree of pollution, stream discharge rates, turnover or flushing rates, etc.;

(3) Estimation of human uses and satisfactions including sport and commercial harvests;

(4) Comparison of topographic and other data furnished by the project sponsor with that observed on-site to detect any discrepancies;

(5) Assessment of the physical, biological, and esthetic impacts of the proposed works from on-site observations made while visualizing and imagining the planned works in place and noting the agreement of plan orientation points, borrow areas, fill areas, roads, etc., to observed physical, biological, and other environmental features of the site, including tide marks, vegetation lines (by species), depth lines, water current lines, etc.; and

(6) Documentation by written field notes, photographs, map notations, instrument readings, biological samples, records of interviews, etc., including completed field appraisal forms for each significantly different instance of field observation (see App. B–2 and B–3).

10.3 *Preparation of material for legal briefs or submission for the record.* A. The witness must prepare his testimony and record material in the closest possible harmony with his attorney.

B. Since each hearing officer or judge has wide latitude in laying down requirements of format, time of submittal, number of copies, and other matters related to presentation of record material within the differing guidelines of the several regulatory or judicial forums, only a few general guiding principles can be set forth here:

(1) The points of fact or opinion to be developed must be jointly selected by the attorney and witness, seeking those that can be presented most persuasively and eschewing weak points and those on which the attorney and witness are not both fully conversant.

(2) The points selected must be thoroughly researched by the witness and explored fully with the attorney to reach common understanding and develop the proper means of presentation.

(3) The points selected must also be critically examined with help of counsel to discover potential weaknesses and develop rebuttal answers to questions that may be posed by opposing attorneys.

(4) With guidance from his attorney, the witness must prepare his brief and record material strictly in accordance with the standards and requirements of the hearing officer or court.

10.4 *Oral testimony.* A. Advice on this point is given in the Service Manual (6 Am 3.1B) as follows:

In an appearance on the witness stand, an employee should keep this advice in mind:
(1) Be sure the question is understood before giving an answer.
(2) Do not be rushed into answering; stay calm and deliberate.
(3) Be as courteous and responsive as possible.
(4) Stick to facts and do not venture into hearsay and opinion. (An exception might be in the case of expert opinions.)

B. The Manual advice is good. However, the Ecological Services biologist usually will be testifying as an expert witness and need not hesitate to express opinion he believes to be well founded on his training and experience.

C. Some additional advice particularly related to adversary proceedings follows:

(1) Avoid involved answers which open up debatable points or burden the proceedings. Yet do not assume the hearing officer knows or already understands the facts of the situation or the basic ecological principles; give simple, concise, and fully intelligible answers that form a complete record.

(2) Be alert for questions which permit fuller development of your position.

(3) Do not try to answer unanswerable questions or those for which you do not know the factual answer, unless the question admits of developing your position in a tangential way.

(4) Shun belligerency; it is never helpful to your credibility or position.

(5) Avoid evasive, counter-punching, or "cute" answers which can only alienate the hearing officer or judge; such answers will not help your position.

[FR Doc.75-31976 Filed 11-28-75;8:45 am]

federal register

MONDAY, DECEMBER 1, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART V:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1975–85, AOR 1975–107—AOR 1975–109]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–107 through 1975–109 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before December 11, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1324 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–107: PAYMENT FOR CONGRESSMAN'S TELEVISED NEWSLETTER (REQUEST EDITED BY THE COMMISSION)

Dear Chairman Curtis:

In the very near future, I plan to present on Providence television stations a news letter of the air, which will serve as a vehicle for indicating what I have done during the past year in the Congress. In essence, it is a report to the people of my district of my efforts on their behalf. I would appreciate it if you could advise me whether it is necessary to use campaign funds for payment at this time.

* * * * *

EDWARD P. BEARD,
Member of Congress.

Source: Honorable Edward P. Beard, House of Representatives, 131 Cannon House Office Bldg., (October 30, 1975.)

AOR 1975–108: ACTIVITIES OF CHAIRMAN OF U.S. LABOR PARTY SEEKING PRESIDENTIAL NOMINATION AND PAYMENTS TO OR BY NON-POLITICAL ORANIZATIONS (REQUEST EDITED BY THE COMMISSION)

Gentlemen: I am writing to you on behalf of the U.S. Labor Party and its affiliated State Party organizations, and on behalf of the Committee to Elect Lyndon LaRouche, of which I am Treasurer.

I [request an advisory opinion] on a number of questions which relate generally to two circumstances: (1) The first is the existence of a U.S. Labor Party policy program supported by all U.S. Labor Party and State Labor Party candidates regardless of office sought. These candidates seek individually to further this program by means additional to their own election, including attempts to influence public opinion through public appearances and support for groups other than political committees as defined in 2 U.S.C. 431(d). (2) The second circumstance is Mr. Lyndon H. LaRouche, Jr.'s position as National Chairman of the U.S. Labor Party while he is simultaneously seeking U.S. Labor Party nomination to candidacy for the office of President of the United States. Mr. LaRouche is financing his Primary Period electoral activity through his own principle campaign committee, the Committee to Elect Lyndon LaRouche.

Thus, Mr. LaRouche and various other candidates for Federal and local office affiliated with the U.S. Labor Party, or its State party organizations, will from time to time make public appearances on behalf of causes not directly concerned with their electoral campaigns. They may at such appearances make appeals for contributions to organizations other than the U.S. Labor Party, or their respective principal campaign committees, with which they also happen to be individually affiliated or whose causes they individually support. Such appearances may indirectly affect voting patterns, particularly if the causes for which such individuals are speaking or the organizations they are endorsing have political goals similar to those of the U.S. Labor Party in the general realm of influencing public opinion or current legislation.

(1) Under what circumstances are the expenses incurred by the individuals in making such appearances to be accounted as campaign expenditures? That is, is there any reasonable means by which any potential influence on voting behavior can be computed?

(2) If the Commission rules that the expenses incurred by the individual candidates in such events are to be attributed to the U.S. Labor Party (or the candidates' respective principal campaign committees), must contributions obtained at such events for some other organization be considered as contributions by the U.S. Labor Party (or principal campaign committee) to that organization, thus transforming that organization into a political committee by its acceptance of a transfer of funds from a political committee (assuming the amount to be in excess of $1,000.00)? I refer here specifically to organizations which otherwise would not be political committees, which do not receive contributions or make expenditures on behalf of influencing elections, and may be non-profit or even governmental agencies (e.g., chambers of commerce: university-based clubs or associations; legal defense and public interest groups; voluntary special interest associations).

(3) If such an organization itself pays for an appearance by Mr. LaRouche or a U.S. Labor Party candidate for other Federal office, for purposes of the financial or other benefit accruing to itself from the value of Mr. LaRouche's personal expertise in some matter of public interest, or from the general influence of the U.S. Labor Party, must such expenditures be considered as made on behalf of the LaRouche primary campaign (or some U.S. Labor Party General Election campaign if some other candidate is appearing), if his appearance at such an event has the effect of influencing subsequent voting behavior? As in Question (1), how in such a case would we compute the influence of the event in determining future voting?

(4) If Mr. LaRouche makes an appearance as principal spokesman for the U.S. Labor Party in his capacity as Chairman, paid for by the U.S. Labor Party for the furtherance of its general program, must the expenses incurred by the U.S. Labor Party in organizing such an event be considered as a contribution to Mr. LaRouche's own Primary Period campaign for nomination, notwithstanding that he has not yet been nominated by the U.S. Labor Party and is otherwise financing his Primary campaign through a principle campaign committee other than the U.S. Labor Party or any of its affiliated committees?

RICHARD E. WELSH,
Treasurer.

Source: Richard E. Welsh, Treasurer, Committee to Elect Lyndon LaRouche, U.S. Labor Party, P.O. Box 1972, GPO, New York, New York 10001. (October 25, 1975.)

AOR 1975–109: PAYMENT BY AN ORGANIZATION COVERED IN 18 U.S.C. §§ 610, 611 FOR A MEMBER'S TRAVEL TO HOME STATE IN CARRYING OUT HIS DUTIES (REQUEST EDITED BY THE COMMISSION)

Dear Commissioners: On behalf of the National Republican Senatorial Committee and the National Democratic Senatorial Committee, we would like the Federal Election Commission to make an advisory legal opinion * * * on the following issue. AO 1975–8 says, in part:

Accordingly, once an individual (including an officeholder) becomes a candidate for federal office, all speeches made before substantial numbers of people * * * are presumably for the purpose of enhancing the candidacy * * * (40 FR 36747).

The question we would like to ask the Commission is whether an incumbent U.S. Senator, who has in writing authorized a committee, which is encouraging him to again seek the nomination, to raise funds, but who has not made a decision to seek reelection and has taken no steps to qualify on the ballot of his or her state, may accept travel expenses from organizations covered in 18 U.S.C. 610 and 611, to and from events or speaking engagements in his home state that are clearly within his duties as U.S. Senator and are not partisan political activities?

Two examples of this type of event are: a hearing on a specific topic which is under the jurisdiction of a subcommittee on which a Senator sits, or to participate in a round of public discussions on the role of the Federal government in providing inner cities with urban renewal funds.

* * * * *

Hon. J. Bennett Johnston
Hon. Ted Stevens

Source: Honorable J. Bennett Johnston, Chairman, Democratic Senatorial Campaign Committee, Room: 130 Russell Senate Office Bldg., Washington, D.C. 20510 and Honorable Ted Stevens, Chairman, National Republican Senatorial Committee, Room: 445 Russell Senate Office Bldg., Washington, D.C. 20510. (November 7, 1975.)

Dated: November 24, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75–32184 Filed 11–28–75;8:45 am]

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federal register

BOOK 1 OF 2 BOOKS

TUESDAY, DECEMBER 2, 1975

highlights

PRIVACY ACT OF 1974
On Thursday, December 4, 1975, the Office of Management and Budget will publish Supplementary Guidance on Implementing the Privacy Act. This document will address comments and questions of general interest raised since the release of OMB's Privacy Act Guidelines of July 1, 1975.
Extra copies of this document may be obtained from:

Office of Management and Budget
Room 5235
New Executive Office Building
Washington, D.C. 20503
Telephone: 202/395–5163

PART I:

NATURAL GAS SHRINKAGE
FEA ruling on computation of increased cost; effective 1–1–76 55860

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Interior/NPS adds to National Register 55873

MALT BEVERAGES, WINE AND DISTILLED SPIRITS
Treasury/BATF clarifies regulations for retailer advertis- in specialty limitation; effective 12–2–75 55856

OCCUPATIONAL HEALTH
HEW/CDC considers exposure level standards for 10 substances 55881

PRIVACY ACT OF 1974
HEW/FDA issues regulations on implementation; effective 12–2–75 55838

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PART II:

ENVIRONMENTAL PROTECTION
DOD/Army sets forth peacetime responsibilities and policies; effective 12–22–75 55961

PART III:

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Treasury department issues notice 56015

(This document is divided into two books which start on pages 56015 and 56147)

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reminders

Rules Going Into Effect Today

NOTE: There were no items that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Delegation of Authority for Resolving Certain Contract Disputes; Correction

In the FEDERAL REGISTER of October 28, 1975, FR Doc. 75–28843, appearing on page 50023, § 890.105 was added. It was incorrectly numbered and should be § 890.106.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–32385 Filed 12–1–75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 2]

PART 16—LIMITATION ON IMPORTS OF MEAT

Restriction on the Importation of Meat From Costa Rica

Part 16 is amended by adding a new section prohibiting the importation of meat from Costa Rica during the remainder of calendar year 1975. This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out a bilateral agreement negotiated with the Government of Costa Rica pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action herewith has been determined to involve foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 and shall become effective as set forth below.

The subpart, Section 204 Import Regulations of Part 16, Subtitle A of Title 7 (40 FR 31227), is amended as follows:

Section 16.4 is amended by adding a new paragraph (c) to read as follows:

§ 16.4 Quantitative restrictions.

* * * * *

(c) Imports from Costa Rica. No further imports of meat which is the product of Costa Rica may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1975, because entries for consumption have already exceeded 54.2 million pounds.

Effective date: The regulation contained in this amendment shall become effective December 2, 1975, but meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854); E.O. 11539, 35 F.R. 10733)

Dated: November 28, 1975.

RICHARD E. BELL,
Acting Secretary of Agriculture.

[FR Doc.75–32534 Filed 12–1–75;8:54 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Docket No. AO 205 A–4]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Order Amending Order; Correction

The order amending the order regulating handling of filberts grown in Oregon and Washington, FR Doc. 75–30988, contained an error. Item number 12, appearing at page 53228, referred to paragraph (b)(3) of § 982.80 instead of paragraph (b)(3) of § 982.86. Therefore, this reference is corrected to read as follows:

12. Paragraph (b)(3) of § 982.86 is revised to read:

§ 982.86 Effective time, termination or suspension.

* * * * *

Dated: November 25, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–32437 Filed 12–1–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–WA–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Continental Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the list of joint use restricted areas included in the continental control area. A recent review has shown that additions and deletions involving fifteen restricted areas are needed to update the list.

Joint use restricted areas are included in the continental control area so that any portion above 14,500 feet MSL will be defined as controlled airspace if it is returned to public use. Under the joint use concept, temporary return to the public is effected on occasions when the designated using agency determines that the area is not presently required for its intended purpose.

Since this amendment is minor in nature and is one in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary to identify all restricted areas included in the continental control area, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on December 2, 1975 as hereinafter set forth.

In § 71.151 (40 FR 343):

a. The following restricted areas are deleted:
R–2502 Fort Irwin, Calif.
R–2532 Blythe, Calif.
R–2902B Cape Kennedy, Fla.
R–4001 Aberdeen, Md.
R–6312 Cotulla, Texas
R–6409 Green River, Utah
R–6714 Yakima, Wash.

b. The following restricted areas are added:
R–2502E Fort Irwin, Calif.
R–2502N Fort Irwin, Calif.
R–4001A Aberdeen, Md.
R–4001B Aberdeen, Md.
R–5313 Long Shoal Point, N.C.
R–5601D Fort Sill, Okla.
R–6714A Yakima, Wash.
R–6714B Yakima, Wash.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75 32335 Filed 12–1–75;8:45 am]

[Airspace Docket No. 75–RM–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Realignment of Federal Airway Segments

On October 3, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 45846) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the east alternate segment of VOR Federal Airway No. 19 and the south alternate segment of VOR Federal Airway No. 108. This docket would also realign VOR Federal Airway No. 83 between Colorado Springs, Colo., and Pueblo, Colo.

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Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM from Air Transport Association of America in which they proposed no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., January 29, 1976, as hereinafter set forth.

In § 71.123 (40 FR 307) is amended as follows:

1. In V–19 "Kiowa, Colo., including an east alternate;" is deleted and "Kiowa, Colo;" is substituted therefor.

2. In V–83 "Colorado Springs;" is deleted and "INT Pueblo 004° and Colorado Springs, Colo., 153° radials; Colorado Springs," is substituted therefor.

3. In V–108 "Hugo, Colo., including a south alternate via INT Colorado Springs 153° and Hugo 249° radials;" is deleted and "Hugo, Colo.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on November 24, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-32336 Filed 12-1-75;8:45 am]

[Airspace Docket No. 75-WE-22]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On October 1, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 45192) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of Jet Route No. 92 between Beatty, Nev., and Boulder City, Nev., VORTACs.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the proposal from Air Transport Association (ATA) in which they proposed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended as follows:

In Jet Route No. 92 "INT Beatty 142° and Boulder City, Nev., 272° radials;" is deleted and "INT Beatty 131° and Boulder City, Nev., 284° radials;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

Issued in Washington, D.C., on November 24, 1975.

[FR Doc.75-32337 Filed 12-1-75;8:45 am]

[Airspace Docket No. 75-SW-30]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On July 3, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 28097) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter J–29 south of Corpus Christi, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received to the proposal, of which, one concurred. The Department of Navy objected on the basis that the alteration of J–29 as proposed would pass through the middle of the airspace used by Navy aircraft and would seriously derogate the operational capability of the Navy users of that airspace. However, civilian flights have been operating direct between Corpus Christi and Monterrey for some time, and it is not likely that designation of this direct route as a jet route will substantially increase the number of flights along the route. Surveys conducted during 1975 revealed that more civilian than Navy aircraft regularly use the airspace at and above FL 240 between Corpus Christi and Monterrey. These civilian aircraft have been and will continue to be vectored as necessary to avoid conflict with Navy training aircraft so as not to derogate the Navy training mission. A minimum en route altitude of FL 240 will be established along this jet route segment to facilitate the Navy training below FL 240.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulation is amended, effective 0901 g.m.t., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended as follows:

In Jet Route No. 29, all before "Palacios, Tex.;" is deleted and "From the INT of the United States/Mexican border and the Corpus Christi, Tex., 229° radial via Corpus Christi;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-32338 Filed 12-1-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5644, 34-11827, 35-19243, IC-9031, AS-183]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Insurance Companies Other Than Life and Title Insurance Companies; Requirements for Financial Statements

The Securities and Exchange Commission today adopted a general revision of Article 7 of Regulation S–X [17 CFR 210.7–01—210.7–06] which contains requirements as to form and content of financial statements for insurance companies other than life and title companies. The revision reflects changes in financial reporting by these companies since 1961 when Article 7 was last revised. In addition to revising Article 7, the schedule prescribed by Rule 12–29 [§210.12–29] is revised and the schedules prescribed by Rules 12–17, 12–23, 12–24, 12–25, 12–26, 12–28 and 12–30 [§§210.12–17, 210.12–23, 210.12–24, 210.12–25, 210.12–26, 210.2–28 and 210.12–30] are revoked. The revision was proposed on July 11, 1974,[1] and letters of comment have been received and have been given consideration in determining the form of the revision herein adopted.

The most significant change adopted is a requirement that the statements be prepared in accordance with generally accepted accounting principles (GAAP) (7–02–1). This replaces the existing requirement of Article 7 that the financials follow statutory accounting requirements and that they be accompanied by supplemental statements reconciling net income and stockholder's equity on the GAAP and statutory bases. In recent years we have observed that a majority of the financial statements of fire and casualty insurance companies included in filings and annual reports to stockholders were prepared on the GAAP basis as against the required statutory statements with supplemental reconciliations. The adoption of the requirements for GAAP statements reflects this development in reporting practices.

Statutory accounting requirements may be followed by those companies domiciled in states whose statutes prohibit publication of an insuror's primary financial statements on another basis; however, in such situations the statutory statements shall be accompanied by supplemental GAAP statements (7–02–2). Whether the basic statements are prepared on the GAAP or statutory basis, they must be accompanied by supplemental reconciliations of material differences between GAAP and statutory accounting (7–02–3).

Inasmuch as Regulation S–X has for many years classified title insurance companies with commercial and industrial companies with an implicit requirement that their financial statements be prepared in accordance with GAAP, it appears to be inappropriate at this time to make them subject to the requirements of Article 7. The provision that these companies shall comply with Article 5 [17 CFR 210.5–01—210.5–04] will be retained (7–01).

The revised article permits mutual insurance companies and wholly owned stock subsidiaries of mutual insurance companies to prepare financial statements in accordance with statutory accounting requirements (7–02–4). However, these companies are encouraged to prepare their filings in accordance with GAAP if they desire and to include them in filings.

Consistent with the requirements for life insurance companies in Article 7A [17 CFR 210.7A–01—210.7A–06], investments of fire and casualty companies may be stated on the balance sheet at cost or value provided that the alternates to the amounts at which bonds and stocks are stated are disclosed parenthetically (7–03–1). Realized profits or losses on investments are to be included as a component of net income (7–04–13),[2] while appreciation or depreciation of investments carried on the balance sheet at value is reflected in a stockbrokers' equity account (7–03–02(3)). This presentation is not viewed as a final resolution of the accounting and reporting problems associated with investments but rather as a temporary solution which provides for similar treatment by life and fire and casualty insurance companies. Many of the insurance company groups and holding company groups filing with the Commission include both life and fire and casualty subsidiaries. In connection with the reporting of realized investment profits or losses on the income statement, the change in value of marketable equity securities during the period is to be disclosed parenthetically or on a line immediately following the income statement. (See Accounting Series Release No. 166 [40 FR 26781]). An additional requirement in a note calls for an analysis of realized and unrealized gains and losses on bonds and stocks (7–05–3). This analysis is required regardless of whether bonds and stock are stated at cost or value on the balance sheet.

Prior to its dissolution the Accounting Principles Board considered the problems related to accounting for marketable securities but was unable to reach conclusions as to appropriate treatment. While the matter is not presently on the agenda of the Financial Accounting Standards Board,[3] it is one which will have to be addressed in due course. At such time as new accounting principles are prescribed, the Commission will consider what changes are necessary in its requirements for insurance company and other financial statements. The revised requirements are substantially similiar to those proposed in July 1974. Wherever appropriate, captions and instructions conform with corresponding ones in Articles 5 [17 CFR 210.5–01–210.5–04] which applies to commercial and industrial companies or in Article 7A. The order of the items of the financial statements is generally similar to the order of items in our life insurance company requirements. The following are a number of additional requirements which are specific in nature:

1. To the extent that they are pertinent, the general rules in Articles 1, 2, 3 and 4 of Regulations S–X [17 CFR 210.1–01–210.1–02, 210.2–01–210.2–05, 210.3–01–210.3–16 and 210.4–01–210.4–08] are applicable (7–02–1).

2. In preparing consolidated financial statements for an insurance holding company whose consolidated subsidiaries are primarily insurance companies other than life insurance companies consideration shall be given to utilization of the format of the financial statements notes and schedules in Article 7 (7–01).

3. A statement of accounting principles and practices reflected in the statements (7–05–1).

4. The name of any person in which the investment exceeds two percent of total investments (7–03–1(6)).

5. Information as to policy, nature and changes in deferred policy acquisition costs (7–03–8, 7–04–5, 7–05–1 and 12–29).

6. Elimination of details of sources of investment income from the income statement. Such information would be stated separately in a note (7–04–2).

7. Details of restrictions on stockholders' equity (7–05–2).

8. Information concerning the significance of reinsurance ceded (7–05–4).

9. Rule 12–29 [§ 210.12–29], a schedule which is concerned with premiums, losses and policy acquisition costs, has been extensively revised.

10. The summary of investments contained in Rule 12–27 [§ 210.12–27] is made applicable to insurance companies covered by Article 7.

11. The detailed schedules of investments which have been the subject of Rules 12–23, 12–24, 12–25 and 12–26 are eliminated.

12. The schedule requirement for a summary of realized gains or losses on sale or maturity of investments is eliminated (12–30).

13. In view of the application of the schedule required by Rule 12–04 [§ 210.12–04] concerning investments in and earnings of affiliates, the similar schedule required by Rule 12–17 is no longer necessary and is eliminated.

Commission action. The Commission hereby revises § 210.7–01—210.7–06 (Article 7), § 210.12–29, and revokes §§ 210.12–17, 210.12–23, 210.12–24, 210.12–25, 210.12–26, 210.12–28 and 210.12–30, all of Chapter II of 17 CFR, as shown in the attached text of the amended sections.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] thereof; the Securities Exchange Act of 1934, particularly Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] thereof; the Public Utility Holding Company Act of 1935, particularly Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] thereof; and the Investment Company Act of 1940, particularly Sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)] thereof.

These amendments shall be effective with respect to financial statements filed after December 25, 1975, although they may be applied in statements filed prior to that time.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 14, 1975.

1. Sections 210.7–01 through 210.7–06 are revised to read as follows, and §§ 210.12–17, 210.12–23 through 210.12–25, 210.12–28 and 210.12–30 are removed:

INSURANCE COMPANIES OTHER THAN LIFE AND TITLE INSURANCE COMPANIES

Sec.

210.7–01 Application of §§ 210.7–01 to 210.7–06.
210.7–02 General requirement.
210.7–03 Balance sheets.
210.7–04 Income statements.
210.7–05 Special notes to financial statements.
210.7–06 What schedules are to be filed.

AUTHORITY: Secs. 6, 7, 8, 10, 12, 13, 15, 19, 23 (15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78l, 78m, 78o(d), 78w, 79e, 79n, 79t, 80a–8, 80a–29, 80a–30(c), 80(a))

INSURANCE COMPANIES OTHER THAN LIFE AND TITLE INSURANCE COMPANIES (ARTICLE 7)

§ 210.7–01 Application of §§ 210.7–01—210.7–06.

This article shall be applicable to financial statements filed for insurance companies other than life and title insurance companies. (Title insurance companies shall comply with the requirement of §§ 210.5–01—210.5–04.)

(a) If consolidated financial statements are prepared for an insurance holding company whose consolidated subsidiaries are primarily insurance companies other than life and title insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules prescribed in this article.

§ 210.7–02 General requirement.

(a) Financial statements filed for a person to which this article is applicable shall be prepared in accordance with generally accepted accounting principles except as otherwise provided in this article. The general rules in §§ 210.1–01—210.1–02, 210.2–01—210.2–05, 210.3–01—210.3–16 and 210.4–01—210.4–08 shall be applicable except where they differ from those prescribed in the special rules comprising this article.

(b) A person subject to this article may follow the rules and instructions govern-

[1] Notice of the proposed amendments was made in Securities Act Release No. 5513, Securities Exchange Act Release No. 10912, Public Utility Holding Company Act Release No. 18490 and Investment Company Act Release No. 8422 (S7–528) dated July 11, 1974 (39 F.R. 26647).

[2] Under statutory accounting requirements for fire and casualty insurance companies such profits or losses are included in net income. GAAP as applied generally would include such profits or losses in net income.

[3] The Boards' exposure draft on marketable equity securities deals only with a limited part of this problem.

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ing the definition and computation of items in Annual Statements to the regulatory authority of its state of domicile (statutory accounting requirements) only if the statutes of that state prohibit the presentation of financial statements other than in accordance with such requirements. Financial statements which follow statutory accounting requirements shall be accompanied by corresponding financial statements prepared in accordance with generally accepted accounting principles.

(c) All financial statements prepared for persons to which this article is applicable shall include reconciliations of material differences between (a) surplus as regards policyholders as reported on the corresponding Annual Statement and stockholders' equity as determined in accordance with generally accepted accounting principles and (b) net income or loss as reported on the corresponding Annual Statement and net income or loss as determined in accordance with generally accepted accounting principles. The reconciliations shall be in tabular form in a note or in supplemental statements and accompanied by appropriate explanations.

(d) Notwithstanding the foregoing requirements, financial statements filed for mutual insurance companies other than life and title insurance companies and wholly owned stock insurance company subsidiaries of mutual insurance companies may be prepared in accordance with statutory accounting requirements without furnishing corresponding financial statements prepared in accordance with generally accepted accounting principles or supplemental reconciling statements.

(e) Financial statements prepared in accordance with statutory accounting requirements may be reasonably condensed as appropriate, but the amounts to be reported for net income or loss and surplus as regards policyholders shall be the same as those required on the corresponding Annual Statement.

§ 210.7–03 Balance sheets.

(a) Balance sheets filed for insurance companies other than life and title insurance companies shall comply with the following provisions:

ASSETS AND OTHER DEBITS

1. *Investments—other than investments in affiliates.*
(a) *Bonds and notes.*
(b) *Preferred stocks.*
(c) *Common stocks.*
(d) *Mortgage loans on real estate.*
(e) *Real estate.*
(f) *Other loans and investments.*
(g) *Invested cash.*
(h) *Total investments.*

NOTES: (1) State the basis of determining the amounts shown in the balance sheet.

(2) State parenthetically for bonds and notes and preferred and common stocks either aggregate cost or aggregate value at the balance sheet date, whichever is the alternate to the amounts at which shown in the balance sheet. Consideration shall be given to the discussion of "Valuation of Securities" in Accounting Series Release No. 118 [35 F.R. 19986].

(3) State parenthetically accumulated depreciation and amortization deducted from investment real estate.

(4) Include under subcaption (g) share accounts in savings and loan associations, savings accounts, time deposits, certificates of deposits and other cash accounts and cash equivalents earning interest. State in a note any amounts subject to withdrawal or usage restrictions (see §§ 210.7–03–2 and 210.5–02–1).

(5) State separately any class of investments included in subcaption (f) exceeding five percent of total assets; however, if an amount to be reported under subcaption (f) or (g) is less than five percent of total assets it may be included under subcaption (f).

(6) State in a note the name of any person in which the total amount invested in the person and its affiliates, included in the above subcaptions, exceed two percent of total investments. For the purpose of this disclosure consider as the amount invested in a person and its affiliates the aggregate of indebtedness and stocks issued by such person and its affiliates which is included in the several subcaptions above, and the amount of any real estate included in subcaption (e) which was purchased or acquired from such person and its affiliates. Indicate the amount included in each subcaption. An investment in bonds and notes of the United States Government or of a Federal Government agency or authority which exceeds two percent of total investments need not be reported.

(7) Investments in unconsolidated subsidiaries and 50 percent or less owned persons (including partnerships) which are held for investment purposes may be included under an appropriate subcaption above. The related equity in earnings shall be included under § 210.7–04–2 and the amount of dividends or other distributions stated separately. Investments in unconsolidated entities held for operating purposes may not be so reported.

(8) State in a note any amounts included under subcaptions (a), (b), (d), (e), (f) and (g) which have been non-income producing for the six months preceding the balance sheet date.

2. *Cash and cash items.*—State separately (a) cash on hand and unrestricted demand deposits; (b) legally restricted deposits held as compensating balances against short-term borrowing arrangements; (c) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (c) and withdrawal or usage restrictions in (b) or (d) shall be described in a note referred to herein (see § 210.5–02–1).

3. *Investments in and indebtedness from affiliates and other persons.* (a) Investments in and indebtedness from and to affiliates and other persons held for operating purposes rather than investment and accounted for by the equity method shall be reported under this caption and caption 15.

(b) *Investments.*—State separately amounts representing investments in affiliates and investments in other persons which are held for operating purposes and accounted for by the equity method, and state the basis of determining these amounts. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated. The related equity in earnings shall be included under § 210.7–04–10.

(c) *Indebtedness.*—Include under this caption amounts representing indebtedness from affiliates and indebtedness from other persons the investments in which are accounted for by the equity method and include under subcaption (b). State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

4. *Accrued investment income.*

5. *Premiums receivable and agent's balances.*—State separately the balance of the allowance for doubtful accounts which was deducted.

6. *Reinsurance recoverable on paid losses.*

7. *Property and equipment.*—Include under this caption the cost of real estate, furniture, fixtures and equipment used in the conduct of the insurance business and not considered as an investment. State parenthetically the accumulated depreciation and amortization deducted. The amount of any encumbrances shall be shown separately as a liability.

8. *Deferred policy acquisition costs.*—See § 210.7–05–1(d).

9. *Other assets.*—State separately any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets. Include legally restricted deposits held as compensating balances against long-term borrowing arrangements.

10. *Total assets and, when appropriate, other debits.*

LIABILITIES AND OTHER CREDITS

11. *Losses and claims.* (a) Reported and estimated losses and claims.
(b) Adjustment expenses.

12. *Unearned premiums.*

13. *Other policyholder's funds.*—Include dividends payable to policyholders, retrospective return premiums and any similar items. State separately any item which is in excess of five percent of total liabilities.

14. *Notes payable.*—State here or in a note the information required under § 210.5–02–29. Show separately any amount owed to affiliates.

15. *Indebtedness to affiliates and other persons.*— Include under this caption amounts representing indebtedness to affiliates and indebtedness to other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

16. *Accrued income taxes.*—State separately the amount of (a) income taxes payable and (b) deferred income taxes. State separately the amount of deferred income taxes applicable to unrealized appreciation of investments.

17. *Other liabilities.*—State separately any other items not properly classed in one of the preceding liability captions which is in excess of five percent of total liabilities. The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of unused commitments for long-term financing arrangements not provided for under § 210.7–03–14 shall be disclosed in the notes to the financial statements if significant.

18. *Commitments and contingent liabilities.*—See §§ 210.3–16(i) and 210.7–05–4.

STOCKHOLDERS' EQUITY

19. *Capital shares.*—State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3–14 and 210.3–15), and the dollar amount thereof, and, if convertible, the basis of conversion [see also § 210.3–16(f)(3)]. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

20. *Other stockholders' equity.* (a) Separate captions shall be shown for:
(1) Paid-in additional capital.
(2) Other additional capital.
(3) Unrealized appreciation or depreciation of investments, less applicable deferred income taxes.
(4) Retained earnings.
(i) Appropriated
(ii) Unappropriated
(b) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.
(c) Include in subcaption (a)(4)(i) above or in a note the purpose for which retained earnings have been appropriated.
(d) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least three years shall indicate the total amount of the deficit eliminated.
(e) See § 210.7–05–2.
(f) A summary of each account under this caption setting forth the information prescribed in § 210.11–02 shall be given for each period for which an income statement is required to be filed.

21. *Total liabilities, other credits and stockholders' equity.*

§ 210.7–04 Income statements.

Income statements filed for insurance companies other than life and title insurance companies shall comply with the following provisions:

PREMIUMS AND OTHER REVENUE

1. *Premiums.* (a) *Premiums written.*—Include premiums from reinsurance assumed and deduct premiums on reinsurance ceded.
(b) *Increase or decrease in unearned premiums.*
(c) *Premiums earned.*

2. *Net investment income.* (a) State parenthetically expenses deducted from investment income.
(b) State separately in a note in tabular form (1) investment income from each category of investments listed in the subcaptions of § 210.7–03–1 which exceeds five percent of total investment income; (2) total investment income; (3) applicable expenses; and (4) net investment income.

3. *Other income.*—State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

EXPENSES

4. *Losses, claims and adjustment expenses.*—State separately (a) losses and claims incurred and provided for and (b) related adjustment expense.

5. *Policy acquisition costs.* (a) Include under this caption deferred policy acquisition costs amortized to income during the period and other policy acquisition costs incurred and charged to income during the period.
(b) State in a note policy acquisition costs deferred during the period and the amount amortized to income and included in subcaption (a).
(c) State in a note any category of costs incurred during the period which is in excess of 15 percent of the total amount incurred indicating the nature of the amount, e.g., commissions and brokerage, salaries and other compensation, and direct mail selling expenses.
(d) See § 210.7–05–1.

6. *Other operating costs and expenses.*—Include general and administrative expenses not related to policy acquisition. State separately any material amounts.

7. *Dividends to policyholders, and other similar items.*

8. *Income or loss before income tax expense and appropriate items below.*

9. *Income tax expense.*—Include under this caption only taxes based on income. Taxes applicable to profits or losses on securities and extraordinary items shall not be included under this caption [see § 210.3–16(o)].

10. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.*—The amount reported under this caption shall be stated net of any applicable tax provisions and shall exclude profits or losses on investments. State parenthetically or in a note referred to herein the amount of dividends received from such persons.

11. *Minority interest in income of consolidated subsidiaries.*

12. *Income or loss before realized profits or losses on investments and extraordinary items.*

13. *Realized profits or losses on investments other than investments in affiliates, less applicable tax.*—State separately (a) net realized investment profits or losses of the insurance company and (b) equity in net realized investment profits or losses of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 10, disclosing parenthetically or otherwise the tax applicable to such amounts. No profits or losses on the insurance company's own equity securities, or equity in profits or losses of its affiliates on their own equity securities, shall be included under this caption. State here, or in a note referred to herein, the method followed in determining the cost of investments sold by the insurance company, e.g., "average cost," "first-in, first-out," or "identified certificate."

State parenthetically following this caption or on a line immediately following the income statement the change in value of marketing equity securities during the period (see Accounting Series Release No. 166).

Consideration should be given to reporting transactions of the insurance company under caption 15, when appropriate (see § 210.7–05–3).

14. *Income or loss before extraordinary items.*

15. *Extraordinary items, less applicable tax.*—State separately (a) extraordinary items of the person and (b) equity in extraordinary items of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 10, disclosing parenthetically or otherwise the tax applicable to such amounts.

16. *Net income or loss.*—See § 210.7–03–20(f).

17. *Earnings per share data.* —Refer to the pertinent requirements in the appropriate filing form. No per share figure shall be based on net income or loss determined in accordance with statutory accounting requirements. (See § 210.7–03–2.)

§ 210.7–05 Special notes to financial statements.

1. *Accounting principles and practices.*—Information given in a note as to accounting principles and practices reflected in the financial statements concerning the following matters. (See also § 210.3–09.)
(a) Consolidation of subsidiaries.
(b) Valuation of investments and recognition and reporting of unrealized appreciation or depreciation and profits or losses on investments.
(c) The basis of determining unearned premiums and liabilities for losses and claims and other reserves.
(d) The nature of and method of accounting for deferred policy acquisition costs.

2. *Restrictions on stockholders' equity.*—(a) The nature of any restriction on stockholders' equity created by statutory accounting requirements shall be explained in a note. See also § 210.3–16(h).
(b) Explain in a note any deficiency or imminent deficiency in the statutory requirements for capital and surplus and the possible effect of such deficiency on the financial statements.

3. *Analysis of gain or loss on bonds and notes and stocks.*—For each period for which an income statement is filed include an analysis of investment gains or losses comparing realized and unrealized gains or losses on investments in bonds and notes and stocks. State separately for each period for (a) bonds and notes [see § 210.7–03–1(a)] and (b) stocks [see § 210.7–03–1(b)] the following information: (1) the portion of the realized profits or losses on investments, less applicable tax, included in § 210.7–04–13 which relates to each of the above categories; (2) the change during the period in the difference between value and cost for each of the foregoing categories adjusted for applicable tax effect; and (3) the net investment gain or loss. The change in the difference between value and cost shall be given for both categories of investment assets even though they may be shown on the related balance sheet on a basis other than value.

4. *Reinsurance.*—Information shall be given concerning: (a) Amounts deducted from liability, income and expense accounts in connection with reinsurance ceded.
(b) The nature of any contingent liability in connection with insurance ceded.
(c) The nature and effect of any material nonrecurring bulk portfolio or similar reinsurance transactions.

§ 210.7–06 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this rule as Schedules I, VIII, IX, X, and XI shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group, provided that any such schedule (other than Schedules I and VIII) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issues of securities of the registrant or any significant subsidiary in excess of five percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule VIII, Capital Shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in this rule as Schedules II, III, IV, V, VI and VII shall be filed for each period for which an income statement

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is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and its consolidated subsidiaries it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the scheduled omitted.

(c) The schedules shall support the financial statements prepared in accordance with generally accepted accounting principles except for statements prepared in accordance with § 210.7–02–4. Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I.—Summary of Investments—Other than Investments in Affiliates.—The schedule prescribed by § 210.12–27 shall be filed in support of caption 1 of each balance sheet.

Schedule II.—Investments in, Equity in Earnings of, and Dividends Received from Affiliates and Other Persons.—The schedule prescribed by § 210.12–04 shall be filed, for each period for which an income statement is required to be filed, in support of caption 3(a) of each balance sheet. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule III.—Indebtedness of Affiliates and Other Persons.—The schedule prescribed by § 210.12–05 shall be filed, for each period for which an income statement is required to be filed, in support of caption 3(b) of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule VI. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IV.—Amounts Receivable from Underwriters, Promoters, Directors, Officers, Employees, and Principal Holders (other than Affiliates) of Equity Securities of the Person and its Affiliates.—The schedule prescribed by § 210.12–03 shall be filed, for each period for which an income statement is required to be filed, with respect to each person among the underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates from whom an aggregate indebtedness of more than $20,000 or one percent of total assets, whichever is less, is owned or, at any time during the period for which related income statements are required to be be filed, was owed. For purposes of this schedule exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade terms, for ordinary travel and expense advances, and for other such items arising in the ordinary course of business.

Schedule V.—Valuation and Qualifying Accounts and Reserves.—The schedule prescribed by § 210.12–13 shall be filed, for each period for which an income statement is required to be filed, in support of asset valuation and qualifying accounts and reserves included in each balance sheet (see § 210.3–02).

Schedule VI.—Indebtedness to Affiliates and Other Persons.—The schedule prescribed by § 210.12–11 shall be filed, for each period for which an income statement is required to be filed, in support of caption 15 of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule III. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule VII.—Premiums, Losses and Claims and Policy Acquisition Costs.—The schedule prescribed by § 210.12–29 shall be filed, for each period for which an income statement is required to be filed, in support of captions 8 and 12 of each balance sheet and captions 1(a), 1(c), 4(a), 4(b) and 5 of each income statement.

Schedule VIII.—Capital Shares.—The schedule prescribed by § 210.12–14 shall be filed in support of caption 19 of a balance sheet.

Schedule IX.—Warrants or Rights.—The schedule prescribed by § 210.12–15 shall be filed with respect to warrants or rights granted by the person for which the statement is being filed to subscribe to or purchase securities to be issued by such person.

Schedule X.—Guarantees of Securities of Other Issuers.—The schedule prescribed by § 210.12–12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is being filed.

Schedule XI.—Other Securities.—If there are any classes of securities not included in Schedules VIII, IX and X, set forth in, this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances having a maturity at the time of issuance of not exceeding one year.

FORM AND CONTENT OF SCHEDULES (ARTICLE 12)

§ 210.12–17	[Reserved]
§ 210.12–23	[Reserved]
§ 210.12–24	[Reserved]
§ 210.12–25	[Reserved]
§ 210.12–26	[Reserved]
§ 210.12–28	[Reserved]
§ 210.12–30	[Reserved]

• • • • •

Sec.210.12–29. Premiums, losses and claims, and policy acquisition costs [1]

[For insurance companies other than life and title insurance companies]

Part 1—Premiums				Part 2—Losses		Part 3—Policy acquisition costs [2]				
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Line of business [3]...	Unearned premiums beginning of period.[4]	Premiums written.[5]	Unearned premiums end of period.[4]	Premiums earned during period.[6]	Losses and claims incurred during period.[6]	Adjustment expense incurred during period.[6]	Deferred at beginning of period.[4]	Additions during period.	Deferred at end of period.[4]	Amortization charged to costs and expenses.[6][7]	Costs incurred and charged to cost and expenses during period.[7]

[1] All money columns shall be totaled.

[2] Pt. 3 may be omitted if the total defered policy acquisition costs at both the beginning and end of the period did not exceed 5 pct of total assets as shown by the related balance sheet.

[3] The required information shall be given for each line of business detailed in the underwriting and investment exhibit, pts. 2 and 3, of the annual statement filed with the regulatory authority of the person's statutory domicile or for other classifications of lines of business which may be representative of the person's business. Information as to any line of business for which the premiums written (col. C) do not exceed 5 pct may be omitted; however, information as to all such omitted lines of business shall be combined and listed as "All other."

[4] This column shall be totaled to correspond with the related balance sheet caption.

[5] This column shall be totaled to correspond to the related income statement caption.

[6] Col. K shall be the difference between the sum of cols. H and I, less col. J.

[7] The sum of cols. K and L shall correspond with the amount at caption 5 of the related income statement.

[FR Doc.75–32340 Filed 11–26–75;11:01 am]

[Release Nos. 33–5642, 34–11817, AS–181]

COMPANIES IN THE DEVELOPMENT STAGE

Amendments of Financial Report Requirements

The Commission hereby amends Article 5A [17 CFR 210.5A–01 to 210.5A–07] and certain rules of Regulation S–X [17 CFR Part 210] which specifies the requirements for the form and content of the financial statements and schedules to be included in registration statements and periodic reports filed with the Commission by certain commercial, industrial and mining companies in the promotional, exploratory or other stages of development; amends instructions in various registration and reporting forms regarding the applicability of Article 5A requirements to the financial statements to be included in those forms filed by the development stage companies; and amends other references to Article 5A in forms and rules.

Article 5A, prior to these amendments, contained specialized requirements for the financial statements of development stage companies meeting specified standards, and they differed in several significant respects from the requirements for financial statements in Regulations S–X which are applicable to companies which are not in a development stage, particularly for balance sheets and income statements (Article 5 [17 CFR 210.5–01 to 210.5–04), statements of other stockholders' equity (Article 11 [17 CFR 210.–11–01 and 210.11–02], and statements of source and application of funds (Article 11A [17 CFR 210.11A–01 and 210.11A–02]). When these specialized requirements for the form and content of the financial statements of certain companies in the development stage were adopted by the Commission, there were no authoritative statements of the accounting profession regarding the appropriate accounting and financial reporting directly applicable to such companies.

In June 1975 the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 7, "Accounting and Reporting by Development Stage Enterprises," which specifies in summary that financial statements issued by a development stage enterprise shall conform to generally accepted accounting principles applicable to established operating enterprises, and that certain additional information shall be disclosed in the financial statements. This FASB Statement relates to all of the types of companies to which Article 5A and the related rules in Regulation S–X were applicable, as well as to other development stage companies which did not meet the standards for utilization of the Article 5A requirements.

The Commission stated, in Accounting Series Release No. 150 [39 FR 12601], that the pronouncements of the FASB will be considered to constitute substantial authoritative support for accounting and reporting procedures and practices used in preparing financial statements filed with the Commission. Therefore, the Commission considered that it should revise its requirements for the presentation of financial statements by development stage companies in filings with the Commission to conform them to the requirements in the FASB Statement. Proposed amendments were issued for public comment on July 31, 1975 in Securities Act Release No. 5601 [40 FR 33690]. Comments received indicated general agreement with the proposals. Minor technical changes were suggested which have been effected in the amendments.

In the amendments, Article 5A in Regulations S–X is revised to eliminate the specialized financial statement requirements for all companies to which Article 5A was applicable and to prescribe additional information, as specified in FASB Statement No. 7, to be included in financial statements in registration statements and periodic reports filed by all companies in the development stage. All other rules and instructions in Regulation S–X relating to the prior Article 5A requirements are also eliminated. The instructions as to financial statements applicable to the development stage companies in Forms S–2, S–3, 1–A, 10 and 10–K [17 CFR 239.12, 239.13, 239.90, 249.210 and 249.310] are amended to conform the requirements for the form and content of financial statements applicable to those prescribed for established operating companies in Articles 5, 11 and 11A of Regulation S–X to require the additional financial information specified in revised Article 5A. General Instruction H(a) in Form 10–Q [17 CFR 249.308a] and Rules 13a–13 and 15d–13 [17 CFR 240.13a–13 and 240.15d–13] under the Exchange Act which contained references to Article 5A are revised.

The exemption in Form 10–K from the requirements for audited financial statements for development stage companies under certain conditions, which was proposed to be rescinded, has been retained. However, that exemption and the exemption from requirements to file quarterly reports on Form 10–Q provided for certain mining companies in the development stage in Rules 13a–13 and 15d–13 will be restudied to determine whether such exemptions continue to be appropriate.

Form S–1 is the general form used for registration of securities under the Securities Act; Form S–2 is used by commercial and industrial companies in the development stage and Form S–3 is used by mining companies in the development stage for registrants of equity securities for sale for cash under the Securities Act; Form 1–A is used for filing the notification and offering circular for securities pursuant to Regulation A under the Securities Act; Form 10 is the general form used for registration of securities under the Exchange Act; Form 10–K is used for annual reports and Form 10–Q is used for quarterly reports pursuant to the Exchange Act. *Commission Action:* The Commission hereby amends Parts 210, 239, 240 and 249 all of Chapter II of 17 CFR as shown in the attachment hereto.

The amendments are adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g 77h, 77j and 77s] of the Securities Act of 1933; and Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d) and 78w] of the Securities Exchange Act of 1934.

The amendments are effective for fiscal periods beginning on or after December 26, 1975. When financial statements, or financial summaries or other data derived therefrom, for periods prior to the effective date are included with such financial statements or data for periods after the effective date in filings with the Commission, they shall be restated, where necessary, to conform to the amended requirements for financial statements of development stage companies.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 10, 1975.

Various rules, instructions and articles of Part 210 (Regulation S–X) are revised or revoked, as follows:

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

1. In § 210.1–02 a new definition is included as paragraph (h) and the paragraphs lettered (h) through (x) are redesignated as (i) through (y), respectively.

§ 210.1–02 Definitions of terms used in Regulation S–X (17 CFR Part 210).

• • • • •

(h) *Development stage company.* A company shall be considered to be in the development stage if it is devoting substantially all of its efforts to establishing a new business and either of the following conditions exists: (1) Planned principal operations have not commenced. (2) Planned principal operations have commenced, but there has been no significant revenue therefrom.

• • • • •

§ 210.4–09 [Revoked]

2. Section 210.4–09 is revoked.

§ 210.5–01. Application of § 210.5–01 to 210.5–04.

3. In § 210.5–01, paragraph (a)(1) is removed and paragraphs (a)(2) through (9) are redesignated as paragraphs (a)(1) through (8) respectively; new paragraph (c) is added to read as follows:

§ 210.5–01 Application of §§ 210.5–01 to 210.5–04.

• • • • •

(c) *Companies in the development stage.* Section 210.5A–02 prescribes additional information to be included in financial statements filed by companies in the development stage.

4. The center heading preceding § 210.5a–01, §§ 210.5A–01 and 5A–02, are revised, and §§ 210.5A–03, 210.5A–04, 210.5A–05, 210.5A–06 and 210.5A–07 are revoked as follows.

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COMPANIES IN THE DEVELOPMENT STAGE (ARTICLE 5A)

§ 210.5A–01 Application of §§ 210.5A–01 and 210.5A–02.

Sections 210.5A–01 and 210.5A–02 shall be applicable to the financial statements in registration statements and periodic reports filed by companies which meet the criteria for a development stage company specified in § 210.1–02.

§ 210.5A–02 Additional information required to be included in financial statements filed by companies in the development stage.

(a) Financial statements included in a registration statement or periodic report filed by a company in the development stage shall include additional information, as follows:

(1) In a balance sheet, include any cumulative net losses reported with a descriptive caption such as "deficit accumulated during the development stage" in the stockholders' equity section.

(2) In an income statement, show amounts of revenue and expenses for each period covered by the income statement and, in addition, cumulative amounts from the [1] company's inception.

(3) In a statement of source and application of funds or changes in financial position, show the sources and uses of financial resources for each period for which an income statement is presented and, in addition, cumulative amounts from the company's inception.

(4) In a statement of stockholders' equity, show from the company's inception:

(i) For each issuance, the date and number of shares of stock, warrants, rights, or other equity securities issued for cash and for other consideration.

(ii) For each issuance, the dollar amounts (per share or other equity unit and in total) assigned to the consideration received for shares of stock, warrants, rights, or other equity securities. Dollar amounts shall be assigned to any noncash consideration received.

(iii) For each issuance involving noncash consideration, the nature of the noncash consideration and the basis for assigning amounts.

(b) The financial statements shall be identified as those of a development stage company and shall include a description of the nature of the development stage activities in which the company is engaged.

(c) The financial statements for the first fiscal year in which a company is no longer considered to be in the development stage shall disclose that in prior years it had been in the development stage. If financial statements for prior years are presented for comparative purposes, the cumulative amounts and other additional disclosures required by paragraphs (a) and (b) of this section need not be shown.

§§ 210.5A–03 to 210.5A–07 [Revoked]

5. Section 210.12–01 is revised to read as follows:

§ 210.12–01 Application of §§ 210.12–01 to 210.12–43.

These sections prescribe the form and content of the schedules required by § 210.5–04, 210.6–10, 210.6–13, 210.6–24, 210.6–34, 210.7–06, 210.7A–06 and 210.9–04.

§ 210.12–06 [Amended]

6. In § 210.12–06, instruction 2(c) is removed.

* * * * *

§ 210.12–06A [Revoked]

7. Section 210.12–06A is revoked.

§ 210.12–07 [Amended]

8. In § 210.12–07, instruction 1(b) is removed.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.12 Form S–2, for shares of certain corporations in the development stage.

9. Item 13 of Form S–2 under § 239.12 is revised to read as follows:

* * * * *

Item 13. Financial statements.

(a) Include in the prospectus all financial statements called for by the Instruction as to Financial Statements. All schedules to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Rule 12–16 of Regulation S–X which are applicable to income statements included in the prospectus.

(b) *Instructions as to financial statements.* The balance sheet and statements of income and of source and application of funds required to be filed as a part of the registration statement are prescribed below. Regulation S–X governs the examination and the form and content of such financial statements and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. All financial statements required to be filed shall be audited. Attention is directed to Rule 411(b) regarding incorporation by reference of financial statements and to Section 10(a)(3) of the Act and Release No. 4936 regarding updating the financial statements in specified circumstances.

(1) *Balance sheet.* The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement.

(2) *Statements of income and source and application of funds.* The registrant shall file statements of income and source and application of funds for each of the last three fiscal years, or for the life of the registrant, if less, and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the balance sheet specified in (b)(1) above.

(3) *Additional financial information.* Additional information shall be included, as prescribed in Rule 5A–02 of Regulation S–X for companies in the development stage, in the financial statements required to be furnished under these instructions.

(4) *Reorganization of registrant.* (i) If, during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheet filed.

(ii) If the registrant is about to emerge from such a reorganization, there shall be filed, in addition to the balance sheet of the registrant otherwise required, a balance sheet giving effect to the plan of reorganization. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheet of the registrant prior to the reorganization, the changes to be effected in the reorganization and the balance sheet of the registrant after giving effect to the plan of reorganization. By a footnote or otherwise a brief explanation of the changes shall be given.

(5) *Filing of other financial statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

§ 239.13 Form S–3, for shares of mining corporation in the development stage.

10. Item 12 of Form S–3 under § 293.13 is revised to read as follows:

* * * * *

Item 12. Financial statements.

(a) Include in the prospectus all financial statements called for by the Instructions as to Financial Statements. All schedules to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Rule 12–16 of Regulation S–X which are applicable to income statements included in the prospectus.

(b) *Instructions as to financial statements.* The balance sheet and statements of income and source and application of funds required to be filed as a part of the registration statement are prescribed below. Regulation S–X governs the examination and the form and content of such financial statements and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. All financial statements required to be filed shall be audited. Attention is directed to Rule 411(b) regarding incorporation by reference of financial statements and to Section 10(a) (3) of the Act and Release No. 4936 regarding updating the financial statements in specified circumstances.

(1) *Balance sheet.* The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement.

(2) *Statements of income and source and application of funds.* The registrant shall file statements of income and source and application of funds for each of the last three fiscal years, or for the life of the registrant, if less, and for the interim period, if any, between the end of the most recent of such fiscal years and the date of the balance sheet specified in (b)(1) above.

(3) *Additional financial information.* Additional information shall be included, as prescribed in Rule 5A–02 of Regulation S–X for companies in the development stage, in the financial statements required to be furnished under these instructions.

(4) *Reorganization of registrant.* (i) If, during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital shares, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheet filed.

(ii) If the registrant is about to emerge from such a reorganization, there shall be filed, in addition to the balance sheet of the registrant otherwise required, a balance sheet giving effect to the plan of reorganization. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheet of the registrant prior to the reorganization and the balance sheet of the registrant after giving effect to the plan of reorganization. By a footnote or otherwise a brief explanation of the changes shall be given.

(5) *Filing of other financial statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the financial statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other financial statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

§ 239.90 Form 1–A, notification under Regulation A.

11. Item 11 of Schedule I under § 239.90 is amended by revising paragraphs (a) and (b) and by adding paragraph (c) to read as follows:

* * * * *

Item 11. * * *

(a) A balance sheet shall be furnished as of a date within 90 days prior to the filing of a notification, or such longer period of time, not exceeding six months, as the Commission may permit at the written request of the issuer upon a showing of good cause therefor.

(b) Statements of income, statements of source and application of funds, and statements of other stockholders' equity shall be furnished for each of at least two full fiscal years prior to the date of the statement furnished pursuant to paragraph (a) above, and for the period, if any, between the close of the last full fiscal year and the date of such statements, or for the period of the issuers' existence if less than the period specified above.

(c) If the issuer meets the criteria for a development stage company specified in Rule 1–02 of Regulation S–X, additional information shall be included, as prescribed in Rule 5A–02 of Regulation S–X, in the financial statements required to be furnished under paragraph (a) and (b).

* * * * *

[1] For a dormant company that is reactivated to undertake development stage activities, the disclosure of cumulative amounts required by this paragraph shall be from inception of the development stage.

[2] Separate issuances of equity securities within the same fiscal year for the same type of consideration and for the same amount per equity unit may be combined in the statement of stockholders' equity. Appropriate modification of the statement of stockholders' equity may be required for (a) a combined group of companies that, as a whole, is considered to be in the development stage and (b) an unincorporated development stage enterprise.

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

15. § 240.13a–13 (b) is revised to read as follows

§ 240.13a–13 Quarterly reports on Form 10–Q. (§ 249.308a of this chapter).

* * * * *

(5) Mining companies not in the production stage but engaged primarily in the exploration for or the development of mineral deposits other than oil, gas or coal, if all the following conditions are met:

(a) The registrants has not been in production during the current fiscal year or the two years immediately prior thereto; except that being in production for an aggregate period of no more than eight months over the three-year period shall not be a violation of this condition.

(b) Receipts from the sale of mineral products or from the operations of mineral producing properties by the registrant and its subsidiaries combined have not exceeded $500,000 in any of the most recent six years and have not aggregated more than $1,500,000 in the most recent six fiscal years.

* * * * *

16. § 240.15d–13 (b)(5) is revised to read as follows:

§ 240.15d–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(b) * * *

(5) Mining companies not in the production stage but engaged primarily in the exploration for or the development of mineral deposits other than oil, gas or coal, if all the following conditions are met:

(a) The registrant has not been in production during the current fiscal year or the two years immediately prior thereto; except that being in production for an aggregate period of no more than eight months over the three-year period shall not be a violation of this condition.

(b) Receipts from the sale of mineral products or from the operations of mineral producing properties by the registrant and its subsidiaries combined have not exceeded $500,000 in any of the most recent six years and have not aggregated more than $1,500,000 in the most recent six fiscal years.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

12. Instruction 14 of the Instructions as to Financial Statements of Form 10 under § 249.210 is revised to read as follows:

* * * * *

14. Registrants in the development stage. (a) If the registrant meets the criteria for a development stage company specified in Rule 1–02 of Regulation S–X, additional information shall be included, as prescribed in Rule 5A–02 of Regulation S–X, in the financial statements required to be furnished under these instructions.

(b) If the registrant meets the criteria for a development stage company, the Summary of Operations and supplementary information specified in Item 2 need not be furnished, inasmuch as, under the criteria, principal operations have not commenced or there has been no significant revenue therefrom.

(c) Notwithstanding the foregoing instructions for audited financial statements, if the registrant meets the criteria for a development stage company, the financial statements prescribed above need not be audited if all of the following conditions are met by the registrant and each of its subsidiaries, if any:

§ 249.308a Form 10–Q, for quarterly reports under section 15d of the Securities Exchange Act of 1934.

14. Instruction H(a)(3) is revised to read as follows:

H. Financial statements. (a) * * *

(3) Rules 3–08 and 3–16 of Regulation S–X and other requirements which call for detailed footnote disclosure and schedules shall not apply. As with all information filed with the Commission, however, disclosures must be adequate to make the information present not misleading.

* * * * *

[FR Doc.75–32341 Filed 11–26–75;11:01 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75–299]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Explanation of Manifest Discrepancy

On June 9, 1975, a notice of proposed rulemaking was published in the Federal Register (40 FR 24527) setting forth a proposal to amend § 4.12(a)(5) of the Customs Regulations (19 CFR 4.12(a)(5)) to incorporate therein a definition of the term "clerical error or other mistake". This term is contained in sec-

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tion 584 of the Tariff Act of 1930, as amended (19 U.S.C. 1584).

Section 584 provides penalties for the failure to produce a manifest or for any discrepancies in a manifest. However, this section also provides that penalties shall not be incurred if, among other circumstances, the district director is satisfied that the manifest is incorrect by reason of clerical error or other mistake. Inasmuch as the uniform application of the Customs laws and regulations is essential for their effective administration, the inclusion in the regulations of a definition of the term "clerical error or other mistake" will be helpful to both Customs officers and the public.

The notice proposed to amend section 4.12(a)(5) of the Customs Regulations to define the term "clerical error or other mistake" for the purpose of that section as a non-negligent, inadvertent, or typographical mistake in the preparation, assembly, or submission of manifests. It further set forth that repeated similar manifest discrepancies by the same parties may be deemed the result of negligence and not clerical error or other mistake.

After careful consideration of the comments received in response to the notice of proposed rulemaking, no changes in the proposed amendment were deemed necessary.

Accordingly, § 4.12(a)(5) of the Customs Regulations (19 CFR 4.12(a)(5)) is amended to read as follows:

§ 4.12 Correction of manifest.

(a) • • •

• • • • • •

(5) Unless the required notification and explanation is made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss of revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for failing to so report), applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed (see section 162.31 of this chapter). For the purpose of this section, the term "clerical error or other mistake" is defined as a non-negligent, inadvertent, or typographical mistake in the preparation, assembly, or submission of manifests. However, repeated similar manifest discrepancies by the same parties may be deemed the result of negligence and not clerical error or other mistake. For the purpose of assessing applicable penalties, the value of the merchandise shall be determined as prescribed in section 162.43 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

• • • • •

(R.S. 251, as amended, secs. 440, 584, 624, 46 Stat. 712, as amended, 748, as amended, 759 (19 U.S.C. 66, 1440, 1584, 1624))

Effective date. This amendment shall become effective on January 2, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-32362 Filed 12-1-75;8:45 am]

PART 201—RULES OF GENERAL APPLICATION

Adoption of Official Seal; Correction

In FR Doc. 75-31131 appearing at page 53384 in the issue of Tuesday, November 18, 1975, § 201.00 concerning the official seal of the United States International Trade Commission was mistakenly cited as § 200.00.

The correct citation of the regulation reads as follows:

§ 201.00 Seal.

By order of the Commission.

Issued: November 25, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-32322 Filed 12-1-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0212]

PART 4—PUBLIC INFORMATION

PART 7—PROTECTION OF PRIVACY

Protection of Privacy; Rules To Implement the Privacy Act of 1974

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of August 27, 1975 (40 FR 39388), proposed rules to implement the Privacy Act of 1974 (5 U.S.C. 552a) with respect to systems of records maintained by the Food and Drug Administration (FDA). Corrections to the notice were published in the FEDERAL REGISTER of October 1, 1975 (40 FR 45190). Interested persons were invited to submit written comments on the proposal within 30 days after its publication in the FEDERAL REGISTER. No comments were received.

The proposed regulations are adopted with certain clarifications and are effective December 2, 1975. The Commissioner finds that there is good cause for the regulations to be made effective immediately, despite the requirements of 5 U.S.C. 553(d)(3) (the Administrative Procedure Act), because of the need to have in effect final regulations to carry out section 3 of the Privacy Act (5 U.S.C. 552a), which became effective on September 27, 1975. Furthermore, the failure of any interested persons to file comments on the proposed regulations, from which these final regulations diverge only in minor ways, indicates that no person is likely to be prejudiced by the immediate effective date.

The Commissioner also issued, in the FEDERAL REGISTER of August 27, 1975 (40 FR 39073), a notice of 12 systems of records maintained by the FDA that are subject to the Privacy Act. Corrections to that notice were published in the FEDERAL REGISTER of October 1, 1975 (40 FR 45214). No comments were received on the systems of records described in the notice. Notice of two additional FDA systems of records was published in the FEDERAL REGISTER of October 15, 1975 (40 FR 48462). In the notices published on August 27, 1975 and October 15, 1975, the notification procedures for all 14 systems state that the FDA Privacy Coordinator's mailing symbol is HF-50. The Commissioner has located the Privacy Coordinator in the Food and Drug Administration's Public Records and Documents Center, and the new mailing symbol is HFC-18.

The 14 FDA systems of records covered by the two notices are as follows:

FDA-1 Association of Official Analytical Chemists (AOAC) Member File.
FDA-2 Certified Retort Operators.
FDA-3 Clinical Investigator Records.
FDA-4 Communications (oral and written) with the public.
FDA-5 FDA Credential Holder File.
FDA-6 Individual and Household Statistical Surveys and Special Studies on FDA-Regulated Products.
FDA-7 Quality Assurance Program.
FDA-8 Radiation Protection Program Personnel Monitoring System.
FDA-9 Radiation Registry of Physicians.
FDA-10 Regulated Industry Employee Enforcement Records.
FDA-11 Science Advisor Research Associate Program (SARAP).
FDA-12 State Food and Drug Official File.
FDA-13 Employee Conduct Investigative Records.
FDA-14 Service Contractor Employees Investigative Records.

1. The proposed amendments to §§ 4.21 and 4.80 (21 CFR 4.21 and 4.80), concerning uniform access to records and applicability of limitations on exemptions, are adopted with several editorial changes.

Several matters that are addressed in the regulations that are the subject of this order, e.g., disclosure of medical records (21 CFR 7.33) and mailing lists (21 CFR 4.119), are still being reviewed by the FDA in its consideration of comments received on the public information regulations, published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602). At the conclusion of the review, additional changes may be made in Part 4 or Part 7 to reflect the Commissioner's decisions on these matters.

2. Section 7.1 (21 CFR 7.1), defining the purpose and scope of the privacy regulations, includes a reference in paragraph (b)(4) that only § 7.32 (21 CFR 7.32) applies to personnel records maintained by the Division of Personnel Management, Food and Drug Administration. Records in this Division are

subject to Civil Service Commission regulations (5 CFR Parts 293, 294, 297) and to the following systems, notice of which was published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39239):

CSC/GOVT-1 Appeals, Grievances, and Complaints Records—CSC.
CSC/GOVT-2 Confidential Employment and Financial Interest Statements.
CSC/GOVT-3 General Personnel Records.
CSC/GOVT-5 Recruiting, Examining, and Placement Records—CSC.

3. The definition of "Privacy Act Record System" in § 7.3(c) (21 CFR 7.3(c)) includes a new sentence to indicate that the term encompasses record systems maintained by the FDA that are subject to notices published by the Department of Health, Education, and Welfare and other agencies, as well as those published by the FDA. For example, the notice of the following systems of records, published by the Department of Health, Education, and Welfare (the Department) in the FEDERAL REGISTER of August 27, 1975 (40 FR 38391), covers records that are maintained by the FDA:

OS ASAM MT 1 Telephone Director/locator System. HEW-OS-ASAM-OMPT
OS ASAM IS 3 Photo Identification Cards System. HEW-OS-ASAM-IS
OS ASAM SM 1 Safety Management Information System (DHEW Accident Injury and Illness Reporting System). HEW-OS-ASAM-SM
OS ASAM PT 1.01 Applicants for Employment Records.
OS ASAM PT 2.01 Complaints and Inquiries Records-Miscellaneous.
OS ASAM PT 3 Conflict of Interest Records System.
OS ASAM PT 4.01 Discrimination Complaints Records System.
OS ASAM PT 5 Employee Alcoholism, Drug Abuse and Emotional Problem Counselling and Referral Records.
OS ASAM PT 6 Employees Appraisal Program Records.
OS ASAM PT 7 Executive Development Records System.
OS ASAM PT 8 Federal Employees Occupational Health Program Records.
OS ASAM PT 9.01 Grievances Filed Under the Informal Grievance Procedures.
OS ASAM PT 10.01 Grievance Records Filed Under Procedures Established by Labor-Management Negotiations.
OS ASAM PT 11 DHEW Motor Vehicle Operator Records.
OS ASAM PT 12.01 Pay, Leave, and Attendance Records.
OS ASAM PT 13.01 Personnel Records in Operating Offices.
OS ASAM PT 14 Special Employment Programs.
OS ASAM PT 15.01 Suitability for Employment Records.
OS ASAM PT 16.01 Training Manpower Information System.
OS ASAM PT 17.01 Volunteer EEO Support Personnel Records.
OS ASAM PT 18 Unfair Labor Practice Records.
OS ASAM PE Departmental Parking Control Policy.
OS ASC 1 Accounting Records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices.
OS ASC 2 Central Registry of Individuals Doing Business with HEW.
OS DMPD Employee Suggestion Program. HEW-OS-DMPD
OS PA FOIA 1 Freedom of Information Case File and Correspondence Control Index.
OS SP DCMO Federal Advisory Committee Membership Files.
OASH OAM 0008.00 PHS Commissioned Corps Unofficial Personnel Files, Leave, Identification and Privilege Card Records in Operating Program Offices and Field Stations.

The definition of "personal identifiers" in § 7.3(d) (21 CFR 7.3(d)) is amended to indicate that the term does not include names or symbols assigned to products, establishments, or actions, even if they may aid in locating records about an individual, such as by reference to a number assigned to a regulated establishment in which the individual works.

4. Section 7.20 (21 CFR 7.20), which outlines procedures for notice of Food and Drug Administration Privacy Act Record Systems, is adopted with an editorial change in paragraph (b)(5). In addition, the provisions in proposed § 7.20 (b)(8) through (10) are modified to conform more closely to the format that has been used for publishing notice of Food and Drug Administration Privacy Act Record Systems. As changed, the notice for any Privacy Act Record System that is published by the Food and Drug Administration will indicate the address of the FDA Privacy Coordinator as the person to contract in the "notification procedures," the "record access procedures," and the "contesting record procedures," regardless of whether the system is subject to an exemption. The only difference between exempt and nonexempt systems is: Notice of an exempt system will include appropriate references to the exemption in those parts of the notice describing the record access procedures and the contesting record procedures, as well as a description of the sections of the Privacy Act from which the system is exempt. The notice will include a description of the categories of sources of records, even if the system is exempt from the Privacy Act.

5. Section 7.21(a) (21 CFR 7.21(a)), concerning notice of systems, is modified to make it clear that the procedures for FDA notification of altered or new Privacy Act Record Systems shall be those applicable procedures that are prescribed by the Department and the Office of Management and Budget. Paragraph (a) is not intended to state any additional requirements.

Section 7.21(b)(2) is modified to make it clear that an expansion in the type or amount of information that a Privacy Act Record System contains is only significant when the expansion concerns information about individuals, rather than an increase in the amount of impersonal information about products, establishments, etc. Corrections in references are made in § 7.21(d).

6. Section 7.32 (21 CFR 7.32), concerning personnel records, is adopted with several changes. The Commissioner does not intend that § 7.32 or other procedures to implement the Privacy Act replace any informal procedures for employees to obtain access to an amendment of records about themselves that existed prior to the Privacy Act. Thus, the Division of Personnel Management and other FDA offices that maintain various personnel-related records may continue to allow employees to see those records about themselves that have traditionally been available to them and may continue to allow employees to request correction of errors in their records, e.g., errors in Social Security number, tax or charity withholding, health or life insurance, leave, etc., on an informal basis and without having to submit a Privacy Act request for such access or correction. An employee should indicate that a request is under the Privacy Act to invoke the applicable provisions of 21 CFR Part 7.

In paragraph (b) of § 7.32, which concerns official personnel records about FDA employees, a reference is included to the new Civil Service Commission Freedom of Information regulations in 5 CFR Part 294, as well as to the Commission's Privacy Act regulations in 5 CFR Parts 293 and 297. Part 294 of Title 5 of the Code of Federal Regulations was amended in the FEDERAL REGISTER of August 27, 1975 (40 FR 38140), and includes several provisions on the availability to an individual of records about himself. Section 7.32 contains, as does § 7.1, a provision that the Commission's procedures, rather than the procedures in § 7.33 and Subparts D through F of Part 7, shall govern the availability of present or former FDA employee's personnel records that are maintained by the Commission, by the Division of Personnel Management or, with respect to field employees, by Department regional offices.

Paragraph (c) of § 7.32, which applies to personnel records or other employees' records that are maintained by the FDA in offices other than the Division of Personnel Management, is changed to exclude records in operating offices, which are dealt with separately in paragraph (d) of this section. Records subject to paragraph (c) would be subject to the procedures in Part 7, except that requests for access to or amendment of records may only be denied by the Associate Commissioner for Administration rather than the Associate Commissioner for Compliance. At present, the systems of records that would be subject to paragraph (c) include those routine personnel and administrative management records that are covered by a Department-wide notice, i.e., those listed in item 3 of this preamble that are neither maintained by the Division of Personnel Management nor subject to OS ASAM PT 13, the notice for personnel records in operating offices. Also subject to § 7.32(c) are several FDA systems (FDA-5, FDA-7, FDA-11, and FDA-13) as they relate to agency employees.

Paragraph (d) of § 7.32 specifies additional details on informal procedures for access to personnel records informally maintained by administrative offices in units of the agency and by supervisors. As with records maintained by the Division of Personnel Management, only the Associate Commissioner for Administration or his designate may refuse an employee access to records about himself or a request for amendment of these records.

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7. Section 7.33 (21 CFR 7.33), concerning medical records, is changed by adding a provision to enable the agency to follow the same procedures in disclosure to an individual of his medical records under Part 7 that apply when disclosure is made under Part 4.

8. Section 7.40 (21 CFR 7.40) outlines procedures for submitting requests for notification and access and is adopted with two changes. A sentence is added to § 7.40(f), stating that an individual seeking access under § 7.65(b)(2) to investigatory records compiled for law enforcement purposes other than criminal law enforcement purposes should submit a description of the right, benefit, or privilege allegedly denied as a result of maintenance of the material. Section 7.40(g) is changed to indicate that the FDA will for the time being use the Privacy Act request forms developed by the General Services Administration (OF–203), rather than develop its own forms.

9. Section 7.41 (21 CFR 7.41), concerning processing of requests, is adopted with a change in § 7.41(b) to make it clear that the FDA will determine if a request is under the Privacy Act when about himself is appropriately treated as a request under Part 4, Part 7, or both. When necessary, the FDA will consult with the individual about the appropriate treatment of the request. This may be done, for example, when the individual's request is vague, or asserts that the request is under the Privacy Act when it does not appear that a record about the requesting individual is sought, or when a specific Privacy Act record system is not named.

It should be noted that requests for records sought under Part 4 must reasonably describe the records being sought in a way that they can be identified and located (21 CFR 4.40(b)). This requirement is not altered by § 7.41(b).

Section 7.41(c) as adopted indicates that the FDA Privacy Coordinator is located in the Food and Drug Administration's Public Records and Documents Center. Matters relating to present or former FDA employees will be referred to the Office of Administration, Food and Drug Administration (generally the Division of Personnel Management) for handling. Locating the FDA Privacy Coordinator in the Public Records and Documents Center enables the agency to assure coordination of requests under the Privacy Act with requests under the Freedom of Information Act.

An editorial change is made in § 7.41(d).

Section 7.41(e) is adopted as proposed, with one addition: Once a decision is made to treat a request under Part 4 rather than Part 7, or under both parts, the time limitations prescribed in § 4.41 (21 CFR 4.41) shall apply. These time limitations shall commence at the time a decision is made that the request is properly handled in whole or in part under Part 4. In any case, access to available records shall be provided as promptly as possible. A provision (formerly § 7.43(d)) to this effect is added to § 7.41(e).

10. Sections 7.41(f) and 7.42(b) are amended to provide that access to records in FDA Privacy Act Record Systems other than personnel records shall be denied only by the Associate Commissioner for Compliance or his designate. Under § 7.32, only the Associate Commissioner for Administration may deny access to personnel records. Section 7.41(f) is also amended to indicate that Part 7 does not make available to individuals information that was compiled in reasonable anticipation of court litigation or formal administrative proceedings, and a conforming change is included in § 7.42, which concerns responses to requests. These changes are made to conform to § 7.1(b)(3).

Section 7.42(a)(3) of this section is amended to indicate that where records are available under Part 4 the records may be enclosed with the letter informing the individual of this fact in accordance with Part 4.

11. A reference is included in § 7.43(a)(2) to the address of the Public Records and Documents Center. Section 7.43(c) is amended to indicate that in assuring that records made available to an individual can be understood by the individual, as required by the Privacy Act, the FDA may provide either an oral or a written explanation of the records. Section 7.43(d) is deleted because the provision that access to requested records shall be provided as promptly as possible has been added to § 7.41(e).

12. The provisions in § 7.44 (21 CFR 7.44), which relates to verification of the identity of individuals making requests for records, have been simplified and made consistent with the Department regulations (45 CFR 5b.5(b)), published in the FEDERAL REGISTER of October 8, 1975 (40 FR 47406, 47411).

13. Section 7.45 (21 CFR 7.45), concerning fees, is adopted with several editorial changes. Paragraph (d), relating to fees for personnel records, is deleted since the material is covered in § 7.32, as well as the Civil Service Commission regulations.

14. Section 7.50 (21 CFR 7.50) is adopted with editorial changes in paragraphs (a) and (c).

15. Paragraph (a)(2) in § 7.51 (21 CFR 7.51) is changed to indicate that, except for personnel records that are subject to § 7.32, refusals to amend records may only be made by the Associate Commissioner for Compliance or his designate. Paragraph (b) of § 7.51 provides that an extension of time for acting on a request for amendment shall be 30 working days. Paragraph (c) of § 7.51 is changed to make it clear that the standard to be applied in reviewing requests to amend records applies to all reviewing officials, i.e., the Associate Commissioner for Administration for personnel records, the Associate Commissioner for Compliance for other records, and the Commissioner of Food and Drugs in appeals from decisions by the latter officials.

16. Section 7.61 (21 CFR 7.61), which relates to exempt systems of records, is changed to refer to "records" rather than "material" or "information." In the proposal, paragraph (b) of § 7.61 listed three exempt record systems, the third being "[e]mployee, consultant, and contractor security and investigative records that are the subject of a Department notice, to the extent that these files are maintained by the Food and Drug Administration." It has been determined that the Department-wide notice does not adequately describe the Food and Drug Administration files in question. The Commissioner has therefore issued in the FEDERAL REGISTER of October 15, 1975 (40 FR 48462), notice of the records in question, as the Employee Conduct Investigative Records, FDA–13, and as the Service Contractor Employees Investigative Records, FDA–14. In developing the FDA notice, it was found to be more practicable to develop two notices rather than one for the records in question, all of which are maintained by the Policy Management Staff of the FDA. A conforming amendment is made in paragraph (c) of § 7.61.

17. Section 7.65 (21 CFR 7.65) is adopted with a number of editorial changes. A sentence is added to paragraph (b)(2) of the section, which provides that an individual given access to records by reason of the proviso to 5 U.S.C. 552a(k)(2) is not entitled under Subpart E of Part 7 to seek amendment of the record that he alleges resulted in denial to him of a right, benefit, or privilege to which he would otherwise have been entitled under Federal law. The proviso only enables an individual to receive access to such investigatory records.

18. Section 7.71 (21 CFR 7.71), which concerns disclosure of records in Privacy Act Record Systems, is adopted with a correction in paragraph (e)(4) of the section.

19. The provisions in § 7.72 (21 CFR 7.72) for individual consent to disclosure of records to other persons is changed to assure consistency with the final Department-wide regulations.

20. Section 7.75 (21 CFR 7.75), which concerns the right of legal guardians, is adopted with an editorial change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 et seq., as amended (21 U.S.C. 321 et seq.)); the Public Health Service Act (sec. 1 et seq., 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.)); the Freedom of Information Act (Pub. L. 90–23, 81 Stat. 54–56, as amended (5 U.S.C. 552)); the Privacy Act of 1974 (Pub. L. 93–579, sec. 2 et seq., 88 Stat. 1896 (5 U.S.C. 552a)), and under authority delegated to him (21 CFR 2.120), the Commissioner amends Chapter I, of Title 21 of the Code of Federal Regulations as follows:

a. In Subpart B, § 4.20 is amended by revising paragraph (c) and by adding a new paragraph (d) to read as follows:

§ 4.20 Policy on disclosure of Food and Drug Administration records.

• • • • • •

(c) Except as provided in paragraph (d) of this section, all nonexempt records shall be made available for public disclosure upon request regardless whether any justification or need for such records have been shown.

(d) Under § 7.71 of this chapter, a statement of the purposes to which the record requested is to be put, and a certification that the record will be so used, may be requested when:

(1) The requested record is contained in a Privacy Act Record System as defined in § 7.3(c) of this chapter;

(2) The requester is a person other than the individual who is the subject of the record that is so retrieved or a person acting on his behalf; and

(3) The disclosure is one that is discretionary, i.e., not required under this part.

b. In Subpart B, § 4.21 is amended by adding a new paragraph (c) to read as follows:

§ 4.21 Uniform access to records.

• • • • • •

(c) Disclosure of a record about an individual, as defined in § 7.3(a) of this chapter, that is retrieved by the individual's name or other personal identifier and is contained in a Privacy Act Record System, as defined in § 7.3(c) of this chapter, shall be subject to the special requirements of Part 7 of this chapter. Disclosure of such a record to an individual who is the subject of the record does not invoke the rule established in this section that such records shall be made available for disclosure to all members of the public.

c. In Subpart C, § 4.40 is amended by adding a new paragraph (d) to read as follows:

§ 4.40 Filing a request for records.

• • • • • •

(d) A request by an individual, as defined in § 7.3(a) of this chapter, for a record about himself shall be subject to:

(1) The special requirements of Part 7 of this chapter (the privacy regulations), and not to the provisions of this subpart, if the record requested is retrieved by the individual's name or other personal identifier and is contained in a Privacy Act Record System, as defined in § 7.3(c) of this chapter.

(2) The provisions of this subpart if the record requested is not retrieved by the individual's name or other personal identifier, whether or not the record is contained in a Privacy Act Record System.

d. In Subpart E, § 4.80 is amended by adding a new paragraph (d) to read as follows:

§ 4.80 Applicability of limitations on exemptions.

• • • • • •

(d) In the case of a record in a Privacy Act Record System, as defined in § 7.3(c) of this chapter:

(1) The availability to an individual, as defined in § 7.3(a), of a record about himself that is retrieved by the individual's name or other personal identifier and is contained in a Privacy Act Record System shall be subject to the special requirements of Part 7 of this chapter (the privacy regulations) and shall not be subject to the exemptions in Subpart D of this part except that where the system is exempt and the requested record is not available under § 7.61 of this chapter, the provisions of this part shall apply.

(2) The availability of a record about an individual to persons other than the individual who is the subject of the record shall be subject to the special requirements of Part 7, Subpart G, of this chapter (restrictions on disclosure in the privacy regulations), and shall not be subject to the limitations on exemptions in this subpart except as provided in Part 7, Subpart G, of this chapter.

e. In Subpart E, § 4.82 is amended by adding a new paragraph (b)(4) to read as follows:

§ 4.82 Discretionary disclosure by the Commissioner.

• • • • • •

(b) • • •

(4) Contained in a Privacy Act Record System where disclosure would constitute a clearly unwarranted invasion of personal privacy or is otherwise in violation of 5 U.S.C. 552a(b), as applied in Part 7, Subpart G, of this chapter (restrictions on disclosure in the privacy regulations).

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f. In Subpart E, § 4.83 is amended by designating the existing text as paragraph (a) and adding new paragraphs (b) and (c) to read as follows:

§ 4.83 Disclosure required by court order.

(a) • • •

(b) Where the Food and Drug Administration record ordered disclosed under paragraph (a) of this section is a record about an individual that is not available for public disclosure under § 4.63, the Food and Drug Administration shall attempt to notify the individual who is the subject of the record of the disclosure, by sending a notice to the individual's last known address.

(c) Paragraph (b) of this section shall not apply where the name or other personal identifying information is deleted prior to disclosure.

g. In subpart F by adding the following new section to read as follows:

§ 4.119 Lists of names and addresses.

Names and addresses of individuals in Food and Drug Administration records shall not be sold or rented. Names and addresses shall not be disclosed if disclosure is prohibited as a clearly unwarranted invasion of personal privacy, e.g., lists of names and home addresses of Food and Drug Administration employees, which shall not be disclosed under § 4.110.

2. A new Part 7 is added to read as follows:

Subpart A—General Procedures

Sec.
7.1 Purpose and scope.
7.3 Definitions.
7.10 Policy concerning records about individuals.

Subpart B—Food and Drug Administration Privacy Act Record Systems

7.20 Procedures for notice of Food and Drug Administration Privacy Act Record Systems.
7.21 Changes in systems and new systems.

Subpart C—Requirements for Specific Categories of Records

7.30 Records of contractors.
7.31 Records stored by the General Services Administration and archival records.
7.32 Personnel records.
7.33 Medical records.

Subpart D—Procedures for Notification and Access to Records in Privacy Act Record Systems

7.40 Procedures for submitting requests for notification and access.
7.41 Processing of requests.
7.42 Responses to requests.
7.43 Access to requested records.
7.44 Verification of identity.
7.45 Fees.

Subpart E—Procedures for Requests for Amendment of Records

7.50 Procedures for submitting requests for amendment of records.
7.51 Responses to requests for amendment of records.
7.52 Administrative appeals of refusals to amend records.
7.53 Notation and disclosure of disputed records.
7.54 Amended or disputed records received from other agencies.

Subpart F—Exemptions

7.60 Policy.
7.61 Exempt systems.
7.65 Access to records in exempt systems.

Subpart G—Disclosure of Records in Privacy Act Record Systems to Persons Other Than the Subject Individual

7.70 Disclosure and intra-agency use of records in Privacy Act Record Systems; no accounting required.
7.71 Disclosure of records in Privacy Act Record Systems; accounting required.
7.72 Individual consent to disclosure of records to other persons.
7.73 Accuracy, completeness, timeliness, and relevance of records disclosed from Privacy Act Record Systems.
7.74 Providing notice that a record is disputed.
7.75 Rights of legal guardians.

AUTHORITY: Sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 et seq., as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.); Pub. L. 90–23, 81 Stat. 54–56, as amended (5 U.S.C. 552); Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

Subpart A—General Provisions

§ 7.1 Purpose and scope.

(a) This part establishes procedures to implement the Privacy Act of 1974 (5 U.S.C. 552a). It applies to records about individuals that are maintained, collected, used, or disclosed by the Food and Drug Administration and contained in Privacy Act Record Systems.

(b) This part does not:

(1) Apply to Food and Drug Administration record systems that are not Privacy Act Record Systems or make available to an individual records that may include references to him but that are not retrieved by his name or other personal identifier, whether or not contained in a Privacy Act Record System.

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Part 4 of this chapter (the public information regulations) and other regulations referred to therein determine when records are made available in such cases.

(2) Make any records available to persons other than (i) individuals who are the subjects of the records, (ii) persons accompanying such individuals under § 7.43, (iii) persons provided records pursuant to individual consent under § 7.72, or (iv) persons acting on behalf of such individuals as legal guardians under § 7.75. Part 4 of this chapter (the public information regulations) and other regulations referred to therein determine when Food and Drug Administration records are disclosable to members of the public generally. Subpart G of this part limits the provisions of Part 4 of this chapter with respect to disclosures of records about individuals from Privacy Act Record Systems to persons other than individuals who are the subjects of the records.

(3) Make available information compiled by the Food and Drug Administration in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such information to any member of the public, including any subject individual or party to such litigation or proceeding shall be governed by applicable constitutional principles, rules of discovery, and Part 4 of this chapter (the public information regulations).

(4) Apply to personnel records maintained by the Division of Personnel Management, Food and Drug Administration, except as provided in § 7.32. Such records are subject to regulations of the Civil Service Commission in 5 CFR Parts 293, 294, and 297.

§ 7.3 Definitions.

As used in this part:

(a) "Individual" means a natural living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. Individual does not include sole proprietorships, partnerships, or corporations engaged in the production or distribution of products regulated by the Food and Drug Administration or with which the Food and Drug Administration has business dealings. Any such business enterprise that is identified by the name of one or more individuals is not an individual within the meaning of this part. Employees of regulated business enterprises are considered individuals. Accordingly, physicians and other health professionals who are engaged in business as proprietors of establishments regulated by the Food and Drug Administration are not considered individuals; however, physicians and other health professionals who are engaged in clinical investigations, employed by regulated enterprises, or the subjects of records concerning their own health, e.g., exposure to excessive radiation, are considered individuals. Food and Drug Administration employees, consultants, and advisory committee members, State and local officials, and consumers are considered individuals.

(b) "Records about individuals" means items, collections, or groupings of information about individuals contained in Privacy Act Record Systems, including, but not limited to education, financial transactions, medical history, criminal history, or employment history, that contain names or personal identifiers.

(c) "Privacy Act Record System" means a system of records about individuals under the control of the Food and Drug Administration from which information is retrieved by individual names or other personal identifiers. The term includes such a system of records whether subject to a notice published by the Food and Drug Administration, the Department, or another agency. Where records are retrieved only by personal identifiers other than individual names, a system of records is not a Privacy Act Record System if the Food and Drug Administration cannot, by reference to information under its control, or by reference to records of contractors that are subject to this part under § 7.30, ascertain the identity of individuals who are the subjects of the records.

(d) "Personal identifiers" includes individual names, identifying numbers, symbols, or other identifying designations assigned to individuals. "Personal identifiers" does not include names, numbers, symbols, or other identifying designations that identify products, establishments, or actions.

(e) "Personnel records" means any personal information maintained in a Privacy Act Record System that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(f) "Department" means Department of Health, Education, and Welfare.

§ 7.10 Policy concerning records about individuals.

Information about individuals in Food and Drug Administration records shall be collected, maintained, used, and disseminated so as to protect the right to privacy of the individual to the fullest possible extent consistent with laws relating to disclosure of information to the general public, the law enforcement responsibilities of the agency, and administrative and program management needs.

Subpart B—Food and Drug Administration Privacy Act Record Systems

§ 7.20 Procedures for notice of Food and Drug Administration Privacy Act Record Systems.

(a) The Food and Drug Administration shall issue in the FEDERAL REGISTER on or before August 30 of each year a notice concerning each Privacy Act Record System as defined in § 7.3(c) that is not covered by a notice published by the Department, the Civil Service Commission, or another agency.

(b) The notice shall include the following information:

(1) The name and location(s) of the system.

(2) The categories of individuals about whom records are maintained in the system.

(3) The categories of records maintained in the system.

(4) The authority for the system.

(5) Each routine use of the records contained in the system (i.e., use outside the Department of Health, Education, and Welfare that is compatible with the purpose for which the records were collected and described in the notice) including the categories of users and the purposes of such use.

(6) The policies and practices of the Food and Drug Administration regarding storage, retrievability (i.e., how the records are indexed and what intra-agency uses are made of the records), access controls, retention, and disposal of the records in that system.

(7) The title and business address of the official who is responsible for the system of records.

(8) The notification procedure, i.e., the address of the FDA Privacy Coordinator, whom any individual can contact to seek notification whether the system contains a record about him.

(9) The record access and contest procedures, which shall be the same as the notification procedure except that a reference shall be included to any exemption from access and contest.

(10) Where any records in the system are subject to an exemption under § 7.61, a reference to this exemption.

(11) The categories of sources of records in the system.

§ 7.21 Changes in systems and new systems.

(a) The Food and Drug Administration shall notify the designated Department official, the Office of Management and Budget (Information Systems Division), and the Congress of proposals to change or establish Privacy Act Record Systems in accordance with procedures of the Department and the Office of Management and Budget.

(b) The Food and Drug Administration shall issue a notice, in accordance with paragraph (d) of this section and § 7.20(b), of any change in a Privacy Act Record System which:

(1) Increases the number or types of individuals about whom records are maintained;

(2) Expands the type or amount of information about individuals that is maintained;

(3) Increases the number of categories of agencies or other persons who may have access to those records;

(4) Alters the manner in which the records are organized so as to change the nature or scope of those records, such as the combining of two or more existing systems;

(5) Modifies the way in which the system operates or its location(s) in a manner that alters the process by which individuals can exercise their rights under this part, such as the ways in which they seek access or request amendment of a record; or

(6) Changes the equipment configuration on which the system is operated so as to create the potential for greater access, such as adding a telecommunications capability.

(c) The Food and Drug Administration shall issue a notice of its intention to establish new Privacy Act Record Systems in accordance with paragraph (d) of this section and § 7.20(b).

(d) Notices under paragraphs (b) and (c) of this section shall be published in the FEDERAL REGISTER for comment at least 30 days prior to implementation of the proposed changes or establishment of new systems. Interested persons shall have the opportunity to submit written data, views, or arguments on such proposed new uses or systems.

Subpart C—Requirements for Specific Categories of Records

§ 7.30 Records of contractors.

(a) Systems of records that are required to be operated, or as a matter of practical necessity must be operated, by contractors to accomplish Food and Drug Administration functions, from which information is retrieved by individual names or other personal identifiers, may be subject to the provisions of this part. If the contract is agreed to on or after September 27, 1975, the criminal penalties set forth in 5 U.S.C. 552a(i) are applicable to such contractor, and any employee of such contractor, for disclosures prohibited in § 7.71 or for maintenance of a system of records without notice as required in § 7.20.

(b) A contract is considered to accomplish a Food and Drug Administration function if the proposal or activity it supports is principally operated on behalf of and is under the direct management of the Food and Drug Administration. Systems of records from which information is retrieved by individual names or other personal identifiers and that are operated under contracts to accomplish Food and Drug Administration functions are deemed to be maintained by the agency and shall be subject to the procedures and requirements of this part.

(c) A contract is not considered to accomplish a Food and Drug Administration function if the program or activity it supports is not principally operated on behalf of, or is not under the direct management of, the Food and Drug Administration. For example, this part does not apply to systems of records:

(1) Operated under contract with the Food and Drug Administration by State or local government agencies, or organizations representing such agencies, when such agencies or organizations are also performing State or local government functions.

(2) Operated by contractors with the Food and Drug Administration by individuals or organizations whose primary function is delivery of health services, such as hospitals, physicians, pharmacists, and other health professionals, and that report information concerning products, e.g., injuries or product defects, to the Food and Drug Administration. Before such contractors submit information to the Food and Drug Administration, the names and other personal identifiers of patients or research subjects in any medical or similar report, test, study, or other research project shall be deleted, unless the contract provides otherwise. If the Food and Drug Administration subsequently needs the names of such individuals, a separate request will be made.

(3) Relating to individuals whom the contractor employs, or with whom the contractor otherwise deals, in the course of providing goods and services to the Food and Drug Administration.

(4) Operated under grants.

(d) The requirements of this part shall apply when a contractor who operates a system of records not subject to this part reports to the Food and Drug Administration information that is a system of records about individuals from which personal information is retrieved by names or other personal identifiers. Where the information would be a new Privacy Act Record System, or a change in an existing Privacy Act Record System of a type described in § 7.21, the Food and Drug Administration shall comply with the requirements of § 7.21.

(e) The Food and Drug Administration will review all contracts before award to determine whether operation of a system from which information is retrieved by individual names or other personal identifiers will be required of the contractor, by the terms of the contract or as a matter of practical necessity. If such operation will be required, the solicitation and contract shall include the following clause, or a clause of similar effect:

> Whenever the contractor or any of his employees is required by this contract to operate a system of records from which information is retrieved by individual names or other personal identifiers in order to accomplish a Food and Drug Administration function, the contractor and every employee is considered to be an employee of the Food and Drug Administration and shall operate such system of records in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), regulations of the Food and Drug Administration in 21 CFR Part 7, and rules of conduct that apply to Food and Drug Administration employees who work with such systems of records. The contractor and his employees are subject to the criminal penalties set forth in 5 U.S.C. 552a(i) for violations of the Privacy Act.

§ 7.31 Records stored by the General Services Administration and archival records.

(a) Food and Drug Administration records that are stored, processed, and serviced by the General Services Administration in accordance with 44 U.S.C. 3103 shall be considered to be maintained by the Food and Drug Administration. The General Services Administration shall not disclose the record except to authorized Food and Drug Administration employees.

(b) Each Food and Drug Administration record pertaining to an identifiable individual that was transferred to the National Archives of the United States as a record determined by the National Archives to have sufficient historical or other value to warrant its continued preservation shall be considered to be maintained by the National Archives and shall not be subject to the provisions of this part.

§ 7.32 Personnel records.

(a) Present and former Food and Drug Administration employees desiring access to personnel records about themselves should consult system notices applicable to the agency's personnel records that are published by the Civil Service Commission and the Department as well as any notice issued by the Food and Drug Administration.

(b)(1) The procedures of the Civil Service Commission at 5 CFR Parts 293, 294, and 297, rather than the procedures in § 7.33 and Subparts D through F of this part, govern systems of personnel records about Food and Drug Administration employees that are subject to notices published by the Commission, i.e., systems that:

(i) The Commission maintains.

(ii) Are maintained by the Division of Personnel Management, Food and Drug Administration.

(iii) Are maintained by Department Regional Offices, concerning field employees.

(2) The Commission's procedures may, if necessary, be supplemented in the Food and Drug Administration Staff Manual Guide. Current Food and Drug Administration employees should mail or deliver written requests under the Privacy Act for access to personnel records described in this paragraph to the Commission in accordance with 5 CFR 297.106, the Director, Division of Personnel Management (HFA–400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or the personnel officer in the servicing HEW Regional Personnel Office. An employee may consult with or direct his request to the FDA Privacy Coordinator (HFC–18). Requests for access to personnel records of former employees that are located in Federal records centers should be directed to the Commission. Requests under the Privacy Act for amendment of personnel records should be directed to these same officials who are responsible for access to personnel records under this paragraph.

(3) With respect to records subject to paragraph (b)(1) of this section:

(i) Refusal to grant access to a record or refusal to amend a record upon request of an employee, shall only be made by the Associate Commissioner for Administration or his designate; and

(ii) Appeals of refusals under paragraph (b)(3)(i) of this section may be made to the Civil Service Commission in accordance with 5 CFR 297.108(g)(3) and 297.113(b).

(c) Any other Privacy Act Record Systems that contain personnel records, or records that otherwise concern agency employees, that are maintained by offices of the Food and Drug Administration rather than the Division of Personnel Management but which are not subject to the Department's notice for personnel records in operating offices are subject to this part, except that refusals under this part to grant access to or amend records about present or former employees shall be made by the Associate Commissioner for Administration rather than the Associate Commissioner for Compliance.

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(d) The following procedures shall govern requests under the Privacy Act for personnel records that are maintained by the operating offices of the Food and Drug Administration in which employees work:

(1) An employee shall upon request be told whether records about him are maintained. An employee shall be given access to records about himself that are subject to this paragraph in response to an oral or written request and through informal procedures, rather than the procedures specified in §§ 7.40 through 7.43.

(2) Employee identity may be verified, if necessary, by an FDA ID card rather than in accordance with § 7.44.

(3) Generally no fee shall be charged for records requested under this paragraph. However, in cases where the records requested are voluminous, a fee may be charged in accordance with § 7.45.

(4) Records that are subject to this paragraph shall be available for access to an individual, except to the extent that access is refused by the Associate Commissioner for Administration or his designate on the ground that the record is subject to an exemption under § 7.61 or 5 CFR 297.111.

(5) Requests under the Privacy Act for amendment of records subject to this paragraph should be directed to the Director, Division of Personnel Management (HFA–400). Such requests shall be reviewed in accordance with Subpart E of this part. Refusal to amend a record subject to this paragraph (d)(5) shall only be made by the Associate Commissioner for Administration or his designate.

(6) Appeals of refusals under paragraph (d) (4) or (5) of this section may be made to the Commissioner of Food and Drugs, except where the Associate Commissioner for Administration or his designate indicates with his refusal that the appeal should be made to the Civil Service Commission.

(7) Disclosures of records subject to this paragraph are subject to Subpart G of this part.

§ 7.33 Medical records.

(a) In general, an individual is entitled to have access to any medical records about himself in Privacy Act Record Systems maintained by the Food and Drug Administration.

(b) The Food and Drug Administration may apply the following special procedures in disclosing medical records to an individual:

(1) The agency may review the records to determine whether disclosure of the record to the individual who is the subject of the records might have an adverse effect on him. If it is determined that disclosure is not likely to have an adverse effect on the individual, the record shall be disclosed to him. If it is determined that disclosure is very likely to have an adverse effect on the individual, he may be requested to designate, in writing, a representative to whom the record shall be disclosed. Such representative may be a physician, other health professional, or other responsible person who would be willing to review the record and discuss it with the individual.

(2) The availability of the record may be subject to any procedures for disclosure to an individual of medical records about himself under part 4 of this chapter, in addition to or in lieu of the procedures in paragraph (b) (1), that are not inconsistent with § 7.41(f).

Subpart D—Procedures for Notification of and Access to Records in Privacy Act Record Systems

§ 7.40 Procedures for submitting requests for notification and access.

(a) An individual may request that the Food and Drug Administration notify him whether a Privacy Act Record System contains records about him that are retrieved by reference to his name or other personal identifier. An individual may at the same time, or after receiving notification that such a record about him exists, request that he be given access to the record.

(b) An individual desiring notification or access to records shall mail or deliver a request for records in any Food and Drug Administration Privacy Act Record System to the FDA Privacy Coordinator (HFC–18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

(c) Requests shall be in writing and shall name the Privacy Act Record System or Systems concerning which the individual requests notification of whether there are records about him that are retrieved by reference to his name or other personal identifier. To help assure a prompt response, an individual should indicate that he is making a "Privacy Act Request" on the envelope and in a prominent manner in the letter.

(d) An individual who merely wishes to be notified whether a Privacy Act Record System contains a record about him ordinarily need not provide any verification of his identity other than his name. The mere fact that the Food and Drug Administration has a record about an individual in any of its Privacy Act Records Systems would not be likely to constitute a clearly unwarranted invasion of personal privacy. Where mere disclosure of the fact that a record about the individual exists would be a clearly unwarranted invasion of personal privacy, further verification of the identity of the individual shall be required.

(e) An individual who requests that he be given access to a copy of records about himself, if any exist, should indicate whether he prefers (1) to have copies of any such records mailed to him in accordance with § 7.43(a)(1), which may involve a fee under § 7.45, including information to verify his identity under § 7.44 or (2) to use the procedures for access in person under § 7.43(a)(2).

(f) A request for notification and access may be submitted under this subpart concerning any Privacy Act Record System that is exempt under § 7.61, as indicated in the notice for the system. An individual seeking access to records under § 7.65(b)(2) to investigatory records compiled for law enforcement purposes other than criminal law enforcement purposes should submit a description of the right benefit, or privilege that he believes he was denied as the result of the Food and Drug Administration's maintenance of the records. Where the system is exempt under § 7.61, and access to the requested records is not granted under § 7.65, the request shall be handled under the provisions of Part 4 of this chapter (the public information regulations).

(g) The Public Records and Documents Center shall maintain and make available copies of the forms (OF–203, Privacy Act Request forms) to assist individuals in filing requests under § 7.40.

§ 7.41 Processing of requests.

(a) An individual or his guardian under § 7.75 shall not be required to show any justification or need to obtain notification under § 7.42 or access to a record under § 7.43.

(b) The Food and Drug Administration will determine whether a request by an individual for records about himself is appropriately treated as a request under this subpart, or under the provisions of Part 4 of this chapter (the public information regulations), or both. Where appropriate, the Food and Drug Administration will consult with the individual concerning the appropriate treatment of the request.

(c) The FDA Privacy Coordinator (HFC–18) in the Public Records and Documents Center shall be responsible for the handling of Privacy Act requests received by the Food and Drug Administration. Requests mailed or delivered to any other office shall be promptly redirected to the FDA Privacy Coordinator. Where this procedure would unduly delay the agency's response, however, the agency employee who received the request should consult with the FDA Privacy Coordinator and obtain advice as to whether the employee can respond to the request directly.

(d) Upon receipt of a request by the FDA Privacy Coordinator, a record shall promptly be made that a request has been received and the date.

(e) A letter in accordance with § 7.42 responding to the request for notification shall issue as promptly as possible after receipt of the request by the Food and Drug Administration. Upon determination by the Public Record and Documents Center that a request for access to records is appropriately treated as a request under Part 4 rather than Part 7, or under both parts, the time limitations prescribed in § 4.41 of this chapter shall apply. In any case, access to available records shall be provided as promptly as possible.

(f) Except as provided in § 7.32, an individual's access to records about himself that are retrieved by his name or other personal identifiers and contained in any Privacy Act Record System may only be denied by the Associate Commissioner for Compliance or his designate. An individual shall not be denied access to any record that is otherwise available to him under this part except on the grounds that it is exempt under § 7.61

and not required to be disclosed under § 7.65(a)(2), that it was compiled in reasonable anticipation of court litigation of formal administrative proceedings, or to the extent that it is exempt or prohibited from disclosure because it includes a trade secret or commercial or financial information that is privileged or confidential information the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of another individual.

(g) The FDA Privacy Coordinator shall assure that records are maintained of the number, status, and disposition of requests under this subpart, including the number of requests for records exempt from access under this subpart and other information required for purposes of the annual report to Congress under the Privacy Act. These temporary administrative management records shall not be considered to be Privacy Act Record Systems. All records required to be kept under this paragraph shall only include requesting individuals' names or personal identifiers for so long as any request for notification, access, or amendment is pending. The identity of individuals making requests under this subpart shall be regarded as confidential and shall not be disclosed under Part 4 of this chapter (the public information regulations) to any other person or agency except as is necessary for the processing of requests under this subpart.

§ 7.42 Responses to requests.

(a) The FDA shall respond to an individual's request for notification as to whether a Privacy Act Record System contains records about him that are retrieved by his name or other personal identifier by sending a letter under this paragraph.

(1) If there are no records about the individual that are retrieved by his name or other personal identifier in the named Privacy Act Record System, or the requester is not an "individual" under § 7.3(a), the letter shall so state. Where appropriate, the letter shall indicate that the Food and Drug Administration's public information regulations in Part 4 of this chapter prescribe general rules governing the availability of information to members of the public, and that a request may be made in accordance with Part 4 of this chapter for records that are not retrieved by the requester's name or other personal identifier from a Privacy Act Record System.

(2) If there are records about the individual that are retrieved by his name or other personal identifier and the named Privacy Act Record System is not exempt from individual access and contest under § 7.61, or the system is exempt but access is allowed or required under § 7.65, the letter shall inform him that the records exist and shall either:

(i) Enclose a copy of the records under § 7.43(a)(1) or indicate that the records will be sent under separate cover, where there has been adequate verification of the identity of the individual under § 7.44 and the fees under § 7.45 do not exceed $25, or

(ii) Inform the individual of the procedures to obtain access to the records by mail or in person under § 7.43(a)(2), as well as the approximate dates by which the requested records can be provided (if the records are not then available), the locations at which access in person may be had, and the information needed, if any, to verify the identity of the individual under § 7.44.

(3) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, and the system is exempt from individual access and contest under § 7.61 and access is not allowed or required under § 7.65, the letter should inform him that the records are exempted from access and contest by § 7.61 The letter shall also inform him if the records sought are not available because they were compiled in reasonable anticipation of court litigation or formal administrative proceedings or are otherwise not available under § 7.41(b). Where appropriate, the letter shall also indicate whether the records are available under Part 4 of this chapter (the public information regulations), and it may disclose the records in accordance with Part 4.

(4) If the named Privacy Act Record System contains records about the individual that are retrieved by his name or other personal identifier, but a final determination has not yet been made with respect to disclosure of all of the records covered by the request, e.g., because it is necessary to consult another person or agency having an interest in the confidentiality of the records, the letter shall explain the circumstances and indicate when a final answer will be given.

(b) Except as provided in § 7.32, access to a record may only be denied by the Associate Commissioner for Compliance or his designate. If access to any record is denied, wholly or in substantial part, the letter shall state the right of the individual to appeal to the Commissioner of Food and Drugs.

(c) If a request for a copy of the records will result in a fee of more than $25, the letter shall specify or estimate the fee involved. Where the individual has requested a copy of any records about him and copying the records would result in a fee of over $50, the Food and Drug Administration shall require advance deposit as well as payment of any amount not yet received as a result of any previous request by the individual for a record about himself, under this subpart or Part 4 of this chapter (the public information regulations) before the records are made available. If the fee is less than $50, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request by the individual for a record about himself under this subpart or Part 4 of this chapter.

§ 7.43 Access to requested records.

(a) Access may be granted to requested records by:

(1) Mailing a copy of the records to the requesting individual, or

(2) Permitting the requesting individual to review the record in person between 8 a.m. and 4:30 p.m. at the office of the FDA Privacy Coordinator, at the Public Records and Documents Center at the address shown in § 4.30 of this chapter, or at any Food and Drug Administration field office listed in § 2.175 of this chapter, or at another location or time upon which the Food and Drug Administration and the individual agree. Arrangements for such review can be made by consultation between the FDA Privacy Coordinator and the individual. An individual seeking to review records in person shall generally be permitted access to the file copy, except that where the records include nondisclosable information, a copy shall be made of that portion of the records, with the nondisclosable information blocked out. Where the individual is not given a copy of the record to retain, no charge shall be made for the costs of copying a record to make it available to an individual who reviews a record in person under this paragraph.

(b) An individual may request that a record be disclosed to or discussed in the presence of another individual, such as an attorney. The individual may be required to furnish a written statement authorizing the disclosure or discussion in such other individual's presence.

(c) The Food and Drug Administration will make every reasonable effort to assure that records made available under this section can be understood by the individual, such as by providing an oral or written explanation of the records.

§ 7.44 Verification of identity.

(a) An individual seeking access to records in a Privacy Act Record System may be required to comply with reasonable requirements to enable the Food and Drug Administration to determine his identity. The identification required shall be suitable considering the nature of the records sought. No identification shall be required to receive access to information that is required to be disclosed to any member of the public under Part 4 of this chapter (the public information regulations).

(b) An individual who appears in person for access to records about himself shall be required to provide at least one document to identify himself, e.g., driver's license, passport, or alien or voter registration card to verify his identity. If an individual does not have any such document or requests access to records about himself without appearing in person under circumstances in which his identity cannot be verified from the request itself, he shall be required to certify in writing that he is the individual he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a $5,000 fine.

(c) In making requests under § 7.75, a parent of a minor child or legal guardian of an incompetent individual may be required to verify his relationship to the minor child or the incompetent individual, in addition to vertifying his own

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identity, by providing a copy of the minor's birth certificate, a court order, or other evidence of guardianship.

(d) Where an individual seeks access to particularly sensitive records, such as medical records, the individual may be required to provide additional information beyond that specified in paragraph (b) or (c) of this section, such as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date or place of birth, names of parents, an occupation, or the specific times the individual received medical treatment.

§ 7.45 Fees.

(a) Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in this section. Fees may only be charged where an individual has requested that a copy be made of a record to which he is granted access. No fee may be charged for making a search of a Privacy Act Record System whether the search is manual, mechancal, or electronic. Where a copy of the record must be made to provide access to the record, e.g., computer printout where no screen reading is available, the copy shall be made available to the individual without cost. Where a medical record is made available to a representative designated by the individual under § 7.33, no fee will be charged.

(b) The fee schedule is as follows:

(1) Copying of records susceptible to photocopying—$.10 per page.

(2) Copying of records not susceptible to photocopying, e.g., punch cards or magnetic tapes—at actual cost to be determined on a case-by-case basis.

(3) No charge will be made if the total amount of copying for an individual does not exceed $25.

(c) When a fee is to be assessed, the individual shall be notified prior to the processing of the copies, and be given an opportunity to amend his request. Payment shall be made by check or money order made payable to the "Food and Drug Administration," and shall be sent to the Accounting Operations Branch (HFA-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Advance deposit shall be required where the total amount exceeds $50.

Subpart E—Procedures for Requests for Amendment of Records

§ 7.50 Procedures for submitting requests for amendment of records.

(a) An individual who received access to a record about himself under Subpart D of this part may request that the record be amended if he believes that the record or an item of information is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete.

(b) Amendments under this subpart shall not violate existing statute, regulation, or administrative procedure.

(1) This subpart does not permit alteration of evidence presented in the course of judicial proceedings or Food and Drug Administration adjudicatory or rule making proceedings or collateral attack upon that which has already been the subject of any such proceedings.

(2) If the accuracy, relevancy, timeliness, or completeness of the records may be contested in any other pending or imminent agency proceeding, the Food and Drug Administration may refer the individual to the other proceeding as the appropriate means to obtain relief. If the accuracy, relevance, timeliness, or completeness of a record is, or has been, an issue in another agency proceeding, the request under this section shall be disposed of in accordance with the decision in the other proceeding, absent unusual circumstances.

(c) Requests to amend records shall be submitted, in writing, to the FDA Privacy Coordinator in accordance with § 7.40(b). Such requests shall include information sufficient to enable the Food and Drug Administration to locate the record, a brief description of the items of information requested to be amended, and the reasons why the record should be amended together with any appropriate documentation or arguments in support of the requested amendment. An edited copy of the record showing the described amendment may be included. Verification of identity should be provided in accordance with § 7.44.

(d) Written acknowledgement of the receipt of a request to amend a record shall be provided within 10 working days to the individual who requested the amendment. Such acknowledgement may request any additional information needed to verify identity or make a determination. No acknowledgement need be made if the request can be reviewed, processed, and the individual notified of the agency's agreement with the request or refusal within the 10-day period.

§ 7.51 Responses to requests for amendment of records.

(a) The Food and Drug Administration shall take one of the following actions on a request for amendment of records as promptly as possible:

(1) Amend any portion of the record which the agency has determined, based upon a preponderance of the evidence, is not accurate, relevant to a Food and Drug Administration purpose, timely, or complete, and, in accordance with paragraph (d)(3) of this section, inform the individual and previous recipients of the record that has been amended of the amendment.

(2) Inform the individual of its refusal to amend any portion of the record in the manner requested, the reason for the refusal, and the opportunity for administrative appeal to the Commissioner of Food and Drugs. Except as provided in § 7.32, such refusal may only be issued by the Associate Commissioner for Compliance or his designate.

(3) Where another agency was the source of and has control of the record, refer the request to that agency.

(b) The agency may, for good cause, extend the period for taking action an additional 30 working days if notice is provided to the individual explaining the circumstances of the delay.

(c) The officials charged with reviewing a record to determine how to respond to a request to amend it, shall assess its accuracy, relevance to a Food and Drug Administration purpose, timeliness, or completeness. The determination shall be made in the light of the purpose for which the records or system is used, the agency's need for the record, and the possible adverse consequences to the individual from the record if not amended. Whenever the Food and Drug Administration receives a request for deletion of a record, or portions of a record, it shall consider anew whether the contested information in the record is relevant and necessary to a Food and Drug Administration purpose.

(d) If the Food and Drug Administration agrees with an individual's request, it shall take the following actions:

(1) So inform the individual in writing.

(2) In accordance with statute, regulation, or procedure, amend the record to make it accurate, relevant to a Food and Drug Administration purpose, timely, or complete, making note of the date and fact of the amendment.

(3) If an accounting was made under § 7.71(d) of a disclosure of the record under § 7.71(a), provide a copy of the record as amended to all previous recipients of the record.

§ 7.52 Administrative appeals of refusals to amend records.

(a) If an individual disagrees with a refusal under § 7.51(a)(2) to amend a record, he may appeal that refusal to the Commissioner of Food and Drugs, Rm. 14-81, 5600 Fishers Lane, Rockville, MD 20852.

(b) If, upon appeal, the Commissioner upholds the refusal to amend the record as requested, he shall inform the individual:

(1) Of his decision and the reasons for it.

(2) Of the individual's right to file with the Food and Drug Administration a concise statement of the individual's reasons for disagreeing with the agency's decision not to amend the record as requested.

(3) That the statement of disagreement will be made available to all persons listed in an accounting as having previously received the record and any person to whom the record is subsequently disclosed together with, in the discretion of the Food and Drug Administration, a brief statement summarizing its reasons for refusing to amend the record. Any individual who includes false information in the statement of disagreement filed with the Food and Drug Administration may be subject to penalties under 18 U.S.C. 1001, the False Reports to the Government Act.

(4) That the individual has a right to seek judicial review of the refusal to amend the record.

(c) If the Commissioner on administrative appeal or a court on judicial review determines that the record should be amended in accordance with the individual's request, the Food and Drug Administration shall proceed in accordance with § 7.51(d).

(d) A final determination on the individual's administrative appeal of the initial refusal to amend the record shall be concluded within 30 working days of the request for such review under paragraph (a) of this section, unless the Commissioner extends such period for good cause and informs the individual in writing of the reasons for the delay and of the approximate date on which a decision of the appeal can be expected.

§ 7.53 Notation and disclosure of disputed records.

When an individual has filed a statement of disagreement under § 7.52(b)(2), the Food and Drug Administration shall:

(a) Mark any portion of the record that is disputed to assure that the record will clearly show that portion is disputed whenever the record is disclosed.

(b) In any subsequent disclosure under § 7.70 or § 7.71(a), provide a copy of the statement of disagreement and, if the Food and Drug Administration deems it appropriate, a concise statement of the agency's reasons for not making the amendment(s) requested. While the individual shall have access to any such statement, it shall not be subject to a request for amendment under § 7.50.

(c) If an accounting was made under § 7.71 (d) and (e) of a disclosure of the record under § 7.71(a), provide to all previous recipients of the record a copy of the statement of disagreement and the agency statement, if any.

§ 7.54 Amended or disputed records received from other agencies.

Whenever the Food and Drug Administration is notified that a record that it received from another agency was amended or is the subject of a statement of disagreement, the Food and Drug Administration shall:

(a) Discard the record, or clearly note the amendment or the fact of disagreement in its copy of the record, and

(b) Refer persons who subsequently request the record to the agency that provided it.

(c) If an accounting was made under § 7.71 (d) and (e) of the disclosure of the record under § 7.71(a), inform all previous recipients of the record about the amendment or provide to them the statement of disagreement and the agency statement, if any.

Subpart F—Exemptions

§ 7.60 Policy.

It is the policy of the Food and Drug Administration that record systems should be exempted from the Privacy Act only to the extent essential to the performance of law enforcement functions under the laws that are administered and enforced by the Food and Drug Administration or that govern the agency.

§ 7.61 Exempt systems.

(a) Investigatory records compiled for law enforcement purposes, including criminal law enforcement purposes, in the Food and Drug Administration Privacy Act Record Systems listed in paragraph (b) of this section are exempt from the following provisions of the Privacy Act (5 U.S.C. 552a) and of this part:

(1) Such records are exempt from 5 U.S.C. 552a(c)(3) and § 7.71(e)(4), requiring that an individual be provided with the accounting of disclosures of records about himself from a Privacy Act Record System.

(2) Except where access is required under 5 U.S.C. 552a(k)(2) and § 7.65(a)(2), (such records are exempt from 5 U.S.C. 552a (d)(1) through (4) and (f) and §§ 7.40 through 7.54, requiring procedures for an individual to be given notification of and access to records about himself in a Privacy Act Record System and to be allowed to challenge the accuracy, relevance, timeliness, and completeness of such records.

(3) Such records are exempt from 5 U.S.C. 552a(e)(4) (G) and (H) and § 7.20(b)(10) requiring inclusion in the notice for the system of information about agency procedures for notification, access, and contest.

(4) Such records are exempt from 5 U.S.C. 552a(e)(3) requiring that individuals asked to supply information be provided a form outlining the authority for the request, the purposes for which the information will be used, the routine uses in the notice for the Privacy Act Record System, and the consequences to the individual of not providing the information, but only with respect to records compiled by the Food and Drug Administration in a criminal law enforcement investigation where the conduct of the investigation would be prejudiced by such procedures.

(b) Records in the following Food and Drug Administration Privacy Act Record Systems that concern individuals who are subject to Food and Drug Administration enforcement action and consist of investigatory records compiled for law enforcement purposes, including criminal law enforcement purposes, are exempt under 5 U.S.C. 552a (j)(2) and (k)(2) from the provisions enumerated in paragraph (a) of this section:

(1) Clinical Investigator Records, FDA-3.

(2) Regulated Industry Employee Enforcement Records, FDA-10.

(3) Employee Conduct Investigative Records, FDA-13.

(4) Service Contractor Employees Investigative Records, FDA-14.

(c) The systems described in paragraph (b) (3) and (4) of this section include investigatory records compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, and access to classified information. These records are exempt from disclosure under 5 U.S.C. 552a(k)(5) to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under a promise of confidentiality, which must be an express promise if the information was furnished after September 27, 1975. Any individual who is refused access to a record that would reveal a confidential source shall be advised in a general way that the record includes information that would reveal a confidential source.

§ 7.65 Access to records in exempt systems.

(a) Where a Privacy Act Record System is exempt and the requested records are unavailable under § 7.61, an individual may nevertheless make a request under § 7.40 for notification concerning whether any records about him exist and request access to such records where they are retrieved by his name or other personal identifier.

(b) An individual making a request under paragraph (a) of this section:

(1) May be given access to the records where available under Part 4 of this chapter (the public information regulations) or the Commissioner may, in his discretion, entertain a request under any or all of the provisions of §§ 7.40 through 7.54; and

(2) Shall be given access upon request if the records requested are subject to 5 U.S.C. 552a(k)(2) and not to 5 U.S.C. 552a(j)(2) (i.e., because they consist of investigatory material compiled for law enforcement purposes other than criminal law enforcement purposes) and maintenance of the records resulted in denial to the individual of any right, benefit, or privilege to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible. An individual given access to a record under this paragraph (b)(2) is not entitled to seek amendment under Subpart E of this part. The FDA may refuse to disclose a record that would reveal the identity of a source who furnished information to the Government under a promise of confidentiality, which must be an express promise if the information was furnished on or after September 27, 1975. Any individual refused access to a record that would reveal a confidential source shall be advised in a general way that the record contains information that would reveal a confidential source.

(c) The Commissioner shall not make available any record that is prohibited from public disclosure under § 4.82(b) of this chapter.

(d) Discretionary disclosure of a record pursuant to paragraph (b)(1) of this section shall not set a precedent for discretionary disclosure of a similar or related record and shall not obligate the Commissioner to exercise his discretion to disclose any other record in a system that is exempt under § 7.61.

Subpart G—Disclosure of Records in Privacy Act Record Systems to Persons Other Than the Subject Individual

§ 7.70 Disclosure and intra-agency use of records in Privacy Act Record Systems; no accounting required.

(a) A record about an individual which is contained in a Privacy Act Record System may be disclosed:

(1) To the individual who is the subject of the record, or his legal guardian under § 7.75;

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(2) To a third party pursuant to a written request by, or with the written consent of, the individual to whom the record pertains, or his legal guardian under § 7.75;

(3) To any person:

(i) Where the names and other identifying information are first deleted, and under circumstances in which the recipient is unlikely to know the identity of the subject of the record;

(ii) Where disclosure is required by Part 4 of this chapter (the public information regulations); or

(4) Within the Department of Health, Education, and Welfare to officers and employees who have a need for the record in the performance of their duties in connection with the laws administered and enforced by the Food and Drug Administration or that govern the agency. For purposes of this section, officers or employees of the Department shall include the following categories of individuals, who shall thereafter be subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee: Food and Drug Administration consultants and advisory committees, State and local government employees for use only in their work with the Food and Drug Administration, and contractors and their employees to the extent that the records of such contractors are subject to the requirements of this part under § 7.30.

(b) No accounting is required for any disclosure or use under paragraph (a) of this section.

§ 7.71 Disclosure of records in Privacy Act Record Systems; accounting required.

(a) Except as provided in § 7.70, a record about an individual that is contained in a Privacy Act Record System shall not be disclosed by any method of communication except under any of the following circumstances, which are subject to the limitations of paragraphs (b) and (c) of this section and to the accounting requirement of paragraph (d) of this section:

(1) For a use described as a "routine use" in the notice for the system under § 7.20(b)(5) that is compatible with the purpose for which the record was collected.

(2) To the Bureau of Census for a census, survey, or a related activity pursuant to Title 13 of the United States Code.

(3) To a recipient who has provided advance assurance, pursuant to paragraph (c)(2) of this section that the record will be used solely as a statistical research or reporting record and will not be communicated by the recipient to any other person except in a form that is not individually identifiable.

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation, or to the General Services Administration for evaluation to determine whether the record has such value.

(5) To a Federal, State, or local agency for purposes of a law enforcement activity that is authorized by law, upon written request by the head of the agency specifying the particular portion of the record that is desired and the law enforcement purpose for which the record is sought. Disclosures under this paragraph are in addition to any disclosures for law enforcement purposes described as a "routine use" in a notice for a Privacy Act Record System.

(6) To a person pursuant to a showing of compelling circumstances affecting the health and safety of an individual, not necessarily the individual to whom the record pertains. Upon such disclosure, the Food and Drug Administration shall mail a notification of the fact of disclosure to the last known address of the individual who is the subject of the record.

(7) To either House of Congress, or to any Subcommittee or Committee thereof, to the extent that the subject matter of the record falls within its jurisdiction.

(8) To the General Accounting Office.

(9) Pursuant to an order of the court of competent jurisdiction. Upon such court-ordered disclosure, the Food and Drug Administration shall make reasonable efforts to notify the individual in accordance with § 4.83(b) of this chapter.

(b) The Food and Drug Administration may in its discretion refuse to make a disclosure permitted under paragraph (a) of this section, if the disclosure would in the judgment of the agency, invade the privacy of the individual or be inconsistent with the purpose for which the information was collected.

(c) The Food and Drug Administration may require any person requesting a disclosure of a record under paragraph (a) of this section to provide:

(1) Information about the purposes to which the disclosed record is to be put, and

(2) A written statement certifying that the record will be used only for the stated purposes and will not be further disclosed without the written permission of the Food and Drug Administration.

Under 5 U.S.C. 552a(i)(3), any person who knowingly or willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000. Such person may also be subject to prosecution under the False Reports to the Government Act, 18 U.S.C. 1001.

(d) An accounting shall be made, in accordance with paragraph (e) of this section, of any disclosure under paragraph (a) of this section of a record that is not a disclosure under § 7.70.

(e) Where an accounting is required under paragraph (d) of this section, the Food and Drug Administration shall:

(1) Record the name and address of the person or agency to whom the disclosure is made and the date, nature, and purpose of the disclosure. The accounting shall not be considered a Privacy Act Record System.

(2) Retain the accounting for 5 years or for the life of the record, whichever is longer, following the disclosure.

(3) Notify those recipients listed in the accounting of amendments or disputes concerning the records previously disclosed to them pursuant to §§ 7.51(d)(3), 7.53(c), or 7.54(c).

(4) Except when the record is exempt from individual access and contest under § 7.61 or to the extent that the accounting describes a transfer for a law enforcement purpose pursuant to paragraph (a)(5) of this section, make the accounting available to the individual to whom the record pertains, in accordance with procedures of Subpart D of this part.

(f) A single accounting may be used to cover disclosure(s) that consist of a continuing dialogue between two agencies over a prolonged period, such as discussion of an enforcement action between the Food and Drug Administration and the Department of Justice. In such cases, a general notation may be made that, as of a certain date, contact was initiated, to continue until resolution of the matter.

§ 7.72 Individual consent to disclosure of records to other persons.

(a) Individuals may consent to disclosure of records about themselves to other persons in several ways, for example:

(1) An individual may give consent at the time that the information is collected for disclosure for specific purposes or to specific persons.

(2) An individual may give consent for disclosure of his records to a specific person.

(3) An individual may request the Food and Drug Administration to transcribe a specific record for submission to another person.

(b) In each case the consent shall be in writing and shall specify the individual, organizational unit, or class of individuals or organizational units to whom the record may be disclosed, which record may be disclosed, and, if applicable, for what time period. A blanket consent to release all of an individual's records to unspecified individuals or organizational units will not be honored. Verification of the identity of the individual and, where applicable, of the person to whom the record is to be disclosed shall be made in accordance with § 7.44. Consent documents shall be retained for a period of at least 2 years. If such documents are used as a means of accounting for the disclosure, they shall be retained as provided in § 7.71(e)(2).

§ 7.73 Accuracy, completeness, timeliness, and relevance of records disclosed from Privacy Act Record Systems.

(a) The Food and Drug Administration shall make reasonable efforts to assure that a record about an individual in a Privacy Act Record System is accurate, relevant to a Food and Drug Administration purpose, timely, and complete before such record is disclosed under § 7.71.

(b) Paragraph (a) of this section shall not apply to disclosures that are required under Part 4 of this chapter (the public information regulations or made to other Federal Government departments and agencies. Where appropriate, the letter disclosing the information shall indicate that the Food and Drug Administration has not reviewed the record to assure that it is accurate, relevant, timely, and complete.

§ 7.74 Providing notice that a record is disputed.

Whenever an individual has filed a statement of disagreement with the Food and Drug Administration concerning a refusal to amend a record under § 7.51(a)(2) or with another agency that provides the record to the Food and Drug Administration, the Food and Drug Administration shall in any subsequent disclosure under this subpart provide a copy of the statement of disagreement and a concise statement by the agency, if one has been prepared, of the reasons for not making the amendment(s) requested.

§ 7.75 Rights of legal guardians.

For the purposes of this part, the parent of any individual who is a minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual.

Effective date. This regulation shall be effective December 2, 1975.

(Sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 et seq. as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.), Pub. L. 90-23, 81 Stat. 54-56 as amended, (5 U.S.C. 552); Pub. L. 93-579, sec. 1 et seq., 88 Stat. 1896 (5 U.S.C. 552a).)

Dated: November 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32348 Filed 12-1-75;8:45 am]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Ampicillin Trihydrate Boluses

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-074V) filed by Beecham-Massengill Pharmaceuticals, Div. of Beecham, Inc., Bristol, TN 37620, proposing safe and effective use of ampicillin trihydrate boluses for the oral treatment of bacterial enteritis (colibacillosis) caused by *E. coli* in nonruminating calves. The application is approved, effective on December 2, 1975.

The Commissioner is amending § 540.107e (21 CFR 540.107e) to reflect this approval and to insert a statement on duration of treatment.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 540.107e is amended by revising paragraph (c) to read as follows:

§ 540.107e Ampicillin trihydrate boluses.

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* The drug is in bolus form and conforms to the certification requirements of paragraph (a) of this section.

(2) *Related tolerances.* See § 556.40 of this chapter.

(3) *Labeling statements.* (i) For oral use in nonruminating calves only.

(ii) Not for use in other animals which are raised for food production.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(4) *Conditions of use.* (i) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(A) It is administered orally to nonruminating calves for the treatment of colibacillosis caused by *E. coli*, bacterial enteritis caused by *Salmonella spp.*, and bacterial pneumonia caused by *Pasteurella spp.*

(B) It is administered at a dosage level of 5 milligrams per pounds of body weight twice daily.

(C) Treated calves must not be slaughtered for food during treatment and for 15 days after the last treatment.

(ii) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(A) It is administered orally to nonruminating calves for the treatment of bacterial enteritis (colibacillosis) caused by *E. coli*.

(B) It is administered at a dosage level of 5 milligrams per pound of body weight twice daily. Treatment should not exceed 4 days.

(C) Treated calves must not be slaughtered for food during treatment and for 7 days after the last treatment.

Effective date. This amendment shall be effective on December 2, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: November 24, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-32349 Filed 12-1-75;8:45 am]

[Docket No. 75N-0240]

PART 606—CURRENT GOOD MANUFACTURING PRACTICES FOR BLOOD AND BLOOD COMPONENTS

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Final Regulations for Collection, Processing and Storage

Correction

In FR Doc. 75-31015 appearing at page 53532 in the issue for Tuesday, November 18, 1975, the following corrections should be made:

(1) In the 6th line of numbered paragraph (3) in the third column of page 53532, "(HB.Ag)" should read "(HB.Ag)".

(2) On page 53541 in the table in § 606.60(b) in the "Frequency" column for *Autoclave*, "do" should read "Each time of use", and for *Serologic rotators* the entry should read "Each day of use".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7391]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 301—REGULATIONS ON PROCEDURE AND ADMINISTRATION

Credit for Purchase of New Principal Residence

By a notice of proposed rule making appearing in the FEDERAL REGISTER for July 16, 1975 (40 FR 29874), amendments were proposed in order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by section 208 of the Tax Reduction Act of 1975 (89 Stat. 32) and by section 401 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (89 Stat. 243), relating to the tax credit for the purchase of a new principal residence.

Section 208 added section 44 to the Code, which provides a Federal income tax credit for 5 percent of the taxpayer's adjusted basis with respect to the purchase of a new principal residence if certain enumerated conditions are satisfied.

Numerous comments were received on the proposed regulations, and a public hearing was held on October 20, 1975.

Most of the comments related to the rules regarding commencement of construction. Since the statute requires that construction must have begun prior to March 26, 1975, failure to satisfy the requirements with respect to commencement of construction would preclude a residence from being a qualified one for purposes of the credit. Section 1.44-2(a) as it appears in paragraph 1 of the proposed regulations provides rules with regard to commencement of construction limiting such commencement to cases where there is actual physical work of a significant amount on the building site of the residence. Land preparation and improvements such as clearing and grading (excavation or filling), construction of roads and sidewalks, and installation of sewers and utilities are not considered commencement of construction of the residence even though they might involve a significant expenditure. On the other hand, driving pilings for the foundation, digging of the footings, excavation of the building foundation or pouring of floor slabs constitute a significant amount of construction of the residence.

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The positions taken in the proposed regulations are supported by remarks made by Mr. Ullman, Chairman of the House Ways and Means Committee, in the House debate on the Conference Report with respect to the Tax Reduction Act of 1975 (121 Cong. Rec. 2381 (1975)) evidencing Congressional intent to limit the housing credit to inventory housing and exclude generalized land preparation from constituting construction.

Another method of construction necessitated by different soil conditions or different terrain is the use of earthen pads. While land preparation of a general nature does not constitute commencement of construction, construction of earthen pads when specifically prepared and designed for a particular residential structure and not merely as a part of the overall land preparation satisfies the requirement with regard to commencement of construction. The regulations as they appeared in the appendix to the notice of proposed rule making have, therefore, been amended to make that result clear.

Some comments urged that completely renovated homes should qualify for the credit. However, Mr. Ullman's remarks also made it apparent that that was not the Congressional intent.

Others comments urged such liberalizations as the allowance of the housing credit where there has been a brief occupancy of a residence by someone other than the taxpayer prior to its acquisition by the taxpayer or where the home builders reduced the price of a residence in order to qualify under the original requirement of lowest price and later raised their price to eliminate that reduction. These suggestions have been rejected in view of the clear language in the statute and the statute's legislative history.

The only other changes made in the regulations as proposed are two minor technical corrections.

Adoption of amendments to the regulations.

On July 16, 1975, a notice of proposed rule making was published in the Federal Register (40 F.R. 29874) in order to conform to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by section 208 of the Tax Reduction Act of 1975 (89 Stat. 32) and by section 401 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (89 Stat. 243), relating to the tax credit for the purchase of a new principal residence. After consideration of all relevant matter presented by interested persons regarding the proposed rules, the proposed amendment of the regulations is hereby adopted, subject to the following changes:

Paragraph 1. Section 1.44–2, as set forth in paragraph 1 of the appendix to the notice of proposed rule making, is amended by revising paragraph (a) (1) (i) and by adding new example (3) at the end of paragraph (a) (1) (ii). These revised and added provisions read as follows:

§ 1.44–2 Property to which credit for purchase of new principal residence applies.

* * * * * * *

(a) *Construction.* * * *

(1) (i) Except as provided in subparagraph (2) of this paragraph, construction is considered to commence when actual physical work of a significant amount has occurred on the building site of the residence. A significant amount of construction requires more than drilling to determine soil conditions, preparation of an architect's sketches, securing of a building permit, or grading of the land. Land preparation and improvements such as clearing and grading (excavation or filling), construction of roads and sidewalks, and installation of sewers and utilities are not considered commencement of construction of the residence even though they might involve a significant expenditure. However, driving pilings for the foundation, digging of the footings, excavation of the building foundation, pouring of floor slabs, or construction of compacted earthen pads when specifically prepared and designed for a particular residential structure and not merely as a part of the overall land preparation, constitute a significant amount of construction of the residence. In the case of a housing or condominium development construction of recreational facilities no matter how extensive does not by itself constitute commencement of construction of any residential unit. However, where residential units are part of a building structure, as in the case of certain condominium and cooperative housing units, then digging of the footings or excavation of the building foundation constitutes commencement of construction for all units in that building.

(ii) * * *

Example (3). Assume the same facts as in either example (1) or example (2) except that the builder also constructs an earthen pad of compacted fill specifically prepared for a particular residential structure and not merely as a part of the overall land preparation. Construction of the compacted earthen pad is considered in the same light as excavation of the building foundation and accordingly constitutes commencement of construction.

* * * * * * *

Par. 2. Section 1.44–3, as set forth in paragraph 1 of the appendix to the notice of proposed rule making, is amended by revising paragraph (d) (2) to read as follows:

§ 1.44–3 Certification by seller.

* * * * * * *

(d) *Adjustments in determining lowest price.* * * *

(2) Appropriate adjustment to a prior offer to sell shall be made for differences in financing terms and closing costs which increase the seller's actual net proceeds and the purchaser's actual costs. A seller may pass on to the purchaser without affecting the purchase price only those additional amounts he is required to expend in connection with such differences. The seller may not by changing the financing terms or closing costs indirectly increase the purchase price. For these purposes closing costs include all charges paid at settlement for obtaining the mortgage loan and transferring real estate title. Thus, for example, where a seller previously offered a residence for sale for $40,000 and agreed to pay financing "points" required by the mortgagee, and now offers the same residence also for $40,000 but requires the purchaser to pay the points, the present offer does not constitute the lowest offer. On the other hand, a prior offer to sell based upon a large down payment by the prospective purchaser may be adjusted to reflect the additional costs to the seller of accepting a small down payment from the taxpayer. For purposes of determining the seller's net proceeds, proceeds received by all related parties within the meaning of section 318 must be taken into account. For purposes of determining the lowest offer, where an offer provided for a rebate (*e.g.*, of cash or of a contribution toward mortgage payments) or included, without additional charge or at less than fair market value, property not normally included in the sale of a residence (*e.g.*, an automobile), such offer must be reduced by the amount of such rebate or by the amount by which the fair market value of such property at the time of the offer exceeds the amount paid for it by the purchaser. Thus, where a residence was advertised for sale at $40,000, but the seller agreed to pay $200 a month on the purchaser's mortgage for 10 months, such residence is considered to have been offered for sale at $38,000.

* * * * * * *

Par. 3. Paragraph (c) (3) of § 1.6014–2, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising so much thereof as follows subdivision (v) to read as follows:

§ 1.6014–2 Tax not computed by taxpayer for taxable years beginning after December 31, 1969.

* * * * * * *

(c) *Effects of election.* * * *

(3) A taxpayer who makes an election under section 6014 shall not be precluded from claiming—

* * * * * * *

(vi) The credit under section 41 (relating to contributions to candidates for public office);

(vii) The credit under section 42 (relating to personal exemptions);

(viii) The credit under section 43 (relating to earned income);

(ix) The credit under section 44 (relating to purchase of new principal residence), or

(x) The credit under section 45 (relating to overpayments of tax).

* * * * * * *

(This Treasury decision is issued under the authority contained in sections 44 and 7805 of the Internal Revenue Code of 1954 (89 Stat. 32, 68A Stat. 917; 26 U.S.C. 44, 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved:

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

Part 1 of title 26 is amended as follows:

PARAGRAPH 1. There are inserted immediately after § 1.42 the following new sections:

§ 1.44 Statutory provisions; purchase of new principal residence.

SEC. 44. *Purchase of new principal residence*—(a) *General rule.* In the case of an individual there is allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 5 percent of the purchase price of a new principal residence purchased or constructed by the taxpayer.

(b) *Limitations*—(1) *Maximum credit.* The credit allowed under subsection (a) may not exceed $2,000.

(2) *Limitation to one residence.* The credit under this section shall be allowed with respect to only one residence of the taxpayer.

(3) *Married individuals.* In the case of a husband and wife who file a joint return under section 6013, the amount specified under paragraph (1) shall apply to the joint return. In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting "$1,000" for "$2,000".

(4) *Certain other taxpayers.* In the case of individuals to whom paragraph (3) does not apply who together purchase the same new principal residence for use as their principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals as prescribed by the Secretary or his delegate, but the sum of the amounts allowed to such individuals shall not exceed $2,000 with respect to that residence.

(5) *Application with other credits.* The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under sections 33, 37, 38, 40, 41, and 42.

(c) *Definitions.* For purposes of this section—

(1) *New principal residence.* The term "new principal residence" means a principal residence (within the meaning of section 1034), the original use of which commences with the taxpayer, and includes, without being limited to, a single family structure, a residential unit in a condominium or cooperative housing project, and a mobile home.

(2) *Purchase price.* The term "purchase price" means the adjusted basis of the new principal residence on the date of the acquisition thereof.

(3) *Purchase.* The term "purchase" means any acquisition of property, but only if—

(A) The property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants), and

(B) The basis of the property in the hands of the person acquiring it is not determined—

(1) In whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

(ii) Under section 1014(a) (relating to property acquired from a decedent).

(d) *Recapture for certain dispositions*—(1) *In general.* Except as provided in paragraphs (2) and (3), if the taxpayer disposes of property with respect to the purchase of which a credit was allowed under subsection (a) at any time within 36 months after the date on which he acquired it (or, in the case of construction by the taxpayer, on the day on which he first occupied it) as his principal residence, then the tax imposed under this chapter for the taxable year in which terminates the replacement period under paragraph (2) with respect to the disposition is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

(2) *Acquisition of new residence.* If, in connection with a disposition described in paragraph (1) and within the applicable period prescribed in section 1034, the taxpayer purchases or constructs a new principal residence, then the provisions of paragraph (1) shall not apply and the tax imposed by this chapter for the taxable year following the taxable year during which disposition occurs is increased by an amount which bears the same ratio to the amount allowed as a credit for the purchase of the old residence as (A) the adjusted sales price of the old residence (within the meaning of section 1034), reduced (but not below zero) by the taxpayer's cost of purchasing the new residence (within the meaning of such section) bears to (B) the adjusted sales price of the old residence.

(3) *Death of owner; casualty loss; involuntary conversion; etc.* The provisions of paragraph (1) do not apply to—

(A) A disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36 month period to which reference is made under such paragraph,

(B) A disposition of the old residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3) or compulsorily and involuntarily converted (within the meaning of section 1033(a)), or

(C) A disposition pursuant to a settlement in a divorce or legal separation proceeding where the other spouse retains the residence as principal residence.

(e) *Property to which section applies*—(1) *In general.* The provisions of this section apply to a new principal residence—

(A) The construction of which began before March 26, 1975.

(B) Which is acquired and occupied by the taxpayer after March 12, 1975, and before January 1, 1977, and

(C) If not constructed by the taxpayer, which was acquired by the taxpayer under a binding contract entered into by the taxpayer before January 1, 1976.

(2) *Self-constructed property begun before March 13, 1975.* In the case of property the construction of which was begun by the taxpayer before March 13, 1975, only that portion of the basis of such property properly allocable to construction after March 12, 1975, shall be taken into account in determining the amount of the credit allowable under subsection (a).

(3) *Binding contract.* For purposes of this subsection, a contract for the purchase of a residence which is conditioned upon the purchaser's obtaining a loan for the purchase of the residence (including conditions as to the amount or interest rate of such loan) is not considered non-binding on account of that condition.

(4) *Certification must be attached to return.* This section does not apply to any residence (other than a residence constructed by the taxpayer) unless there is attached to the return of tax in which the credit is claimed a written certification (which may be in any form) signed by the seller of such residence that—

(A) Construction of the residence began before March 26, 1975, and

(B) The purchase price of the residence is the lowest price at which the residence was offered for sale after February 28, 1975.

For purposes of this paragraph, a written certification filed by the taxpayer is sufficient whether or not it is on a form prescribed by the Secretary or his delegate so long as such certification is signed by the seller and contains the information required under this paragraph.

(Sec. 44 as added by sec. 208(a), Tax Reduction Act 1975 (89 Stat. 32), and as amended by sec. 401(a), Emergency Compensation and Special Unemployment Assistance Extension Act 1975 (89 Stat. 243))

SEC. 208 (*Tax Reduction Act of 1975.*) * * *

(b) *Suits to recover amounts of price increases.* If—

(1) Any person certifies under section 44(e)(4) of the Internal Revenue Code of 1954 that the price for which a residence was sold is the lowest price at which the residence was offered for sale after February 28, 1975, and

(2) The price for which the residence was sold exceeded the lowest price at which the residence was offered for sale after February 28, 1975,

such person shall be liable to the purchaser of such residence in an amount equal to three times the amount of such excess. The United States district courts shall have jurisdiction of suits to recover such amounts without regard to any other provision of law. In any suit brought under this subsection in which judgment is entered for the purchaser, he shall also be entitled to recover a reasonable attorney's fee.

(c) *Denial of deduction.* Notwithstanding the provisions of section 162 or 212 of the Internal Revenue Code of 1954, no deduction shall be allowed in computing taxable income for two-thirds of any amount paid or incurred on a judgment entered against any person in a suit brought under subsection (b).

(Sec. 208 (b) and (c), Tax Reduction Act 1975 (89 Stat. 35), and as amended by sec. 401(b), Emergency Compensation and Special Unemployment Assistance Extension Act 1975 (89 Stat. 244))

§ 1.44–1 Allowance of credit for purchase of new principal residence after March 12, 1975, and before January 1, 1977.

(a) *General rule.* Section 44 provides a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1954 in the case of an individual who purchases a new principal residence (as defined in paragraph (a) of § 1.44–5) which is property to which section 44 applies (as provided in § 1.44–2). Subject to the limitations set forth in paragraph (b) of this section, the credit is in an amount equal to 5 percent of the purchase price (as defined in paragraph (b) of § 1.44–5).

(b) *Limitations*—(1) *Maximum credit.* The credit allowed under section 44 and this section may not exceed $2,000.

(2) *Limitation to one residence.* Such credit shall be allowed with respect to only one residence of the taxpayer; the combined purchase prices of more than one new principal residence cannot be aggregated to increase the credit allowed.

(3) *Married individuals.* In the case of a husband and wife who file a joint return under section 6013, the maximum credit allowed on the joint return is $2,000. In the case of married individuals filing separate returns the maximum credit allowable to each spouse is $1,000. Where a husband and wife do not make equal contributions with respect to the purchase price of the new principal residence, allocation of the credit is to be made in proportion to their respective ownership interests in such residence. For this purpose, tenants by the entirety or joint tenants with right of survivorship are treated as equal owners.

(4) *Certain other taxpayers.* Where a new principal residence is purchased by two or more taxpayers (other than a husband and wife), the amount of the credit allowed will be allocated among

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the taxpayers in proportion to their respective ownership interests in such residence with the limitation that the sum of the credits allowed to all such taxpayers shall not exceed $2,000. For this purpose, joint tenants with right of survivorship are treated as equal owners. For an example of the operation of this provision see example (2) of § 1.44–5(b)(2)(ii).

(5) *Application with other credits.* The credit allowed by this section shall not exceed the amount of the tax imposed by chapter 1 of the Code for the taxable year, reduced by the sum of the credits allowable under—

(i) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(ii) Section 37 (relating to retirement income),

(iii) Section 38 (relating to investment in certain depreciable property),

(iv) Section 40 (relating to expenses of work incentive program),

(v) Section 41 (relating to contributions to candidates for public office), and

(vi) Section 42 (relating to personal exemptions).

§ 1.44–2 Property to which credit for purchase of new principal residence applies.

The provisions of section 44 and the regulations thereunder apply to a new principal residence which satisfies the following conditions:

(a) *Construction.* The construction of the residence must have begun before March 23, 1975. For this purpose construction is considered to have commenced in the following circumstances:

(1) (i) Except as provided in subparagraph (2) of this paragraph, construction is considered to commence when actual physical work of a significant amount has occurred on the building site of the residence. A significant amount of construction requires more than drilling to determine soil conditions, preparation of an architect's sketches, securing of a building permit, or grading of the land. Land preparation and improvements such as the clearing and grading (excavation or filling), construction of roads and sidewalks, and installation of sewers and utilities are not considered commencement of construction of the residence even though they might involve a significant expenditure. However, driving pilings for the foundation, digging of the footings, excavation of the building foundation, pouring of floor slabs, or construction of compacted earthen pads when specifically prepared and designed for a particular residential structure and not merely as a part of the overall land preparation, constitute a significant amount of construction of the residence. In the case of a housing or condominium development construction of recreational facilities no matter how extensive does not by itself constitute commencement of construction of any residential unit. However, where residential units are part of a building structure, as in the case of certain condominium and cooperative housing units, then digging of the footings or excavation of the building foundation constitutes commencement of construction for all units in that building.

(ii) The rules in subdivision (i) of this subparagraph are illustrated by the following examples:

Example (1). A location chosen for a housing development has extremely hilly terrain. In order to make the location suitable for development, the builder moves large amounts of earth and places it elsewhere on the location. In addition, the earth material which has been moved must be compacted according to government specifications in order to provide a stable base. Such activities constitute land preparation and, therefore, do not constitute the commencement of construction.

Example (2). A location chosen for a housing development has swampy and marshy terrain. In order to make the location suitable for development the builder utilizes large quantities of fill. This activity constitutes land preparation and does not constitute commencement of construction.

Example (3). Assume the same facts as in either example (1) or example (2) except that the builder also constructs an earthen pad of compacted fill specifically prepared for a particular residential structure and not merely as a part of the overall land preparation. Construction of the compacted earthen pad is considered in the same light as excavation of the building foundation and accordingly constitutes commencement of construction.

(2) Construction of a factory-made home (as defined in paragraph (e) of § 1.44–5) is considered to have commenced when construction of important parts of the factory-made home has commenced. For this purpose, commencement of construction of important parts means the cutting and shaping or welding of structural components for a specific identifiable factory-made home, whether the work was done by the manufacturer of the home or by a subcontractor thereof.

(b) *Acquisition and occupancy.* The residence must be acquired and occupied by the taxpayer after March 12, 1975, and before January 1, 1977. For this purpose a taxpayer "acquires" a residence when legal title to it is conveyed to him at settlement, or he has possession of it pursuant to a binding purchase contract under which he makes periodic payments until he becomes entitled under the contract to demand conveyance of title. A taxpayer "occupies" a residence when he or his spouse physically occupies it. Thus, for example, moving of furniture or other household effects into the residence or physical occupancy by a dependent child of the taxpayer is not "occupancy" for purposes of this paragraph. The credit may be claimed when both the acquisition and occupancy tests have been satisfied. Thus, where a taxpayer meets the acquisition and occupancy tests set forth above after March 12, 1975, and before January 1, 1976, the credit is allowable for 1975. Where a taxpayer occupied a residence prior to March 13, 1975, without having acquired it (as where his occupancy was pursuant to a leasing arrangement pending settlement under a binding contract to purchase or pursuant to a leasing arrangement where a written option to purchase was contained in the original lease agreement) he will nonetheless satisfy the acquisition and occupancy tests set forth above if he acquires the residence and continues to occupy it after March 12, 1975, and before January 1, 1977.

(c) *Binding contract.* Except in the case of self-construction, the new principal residence must be acquired by the taxpayer (within the meaning of paragraph (b) of this section) under a binding contract entered into by the taxpayer before January 1, 1976. An otherwise binding contract for the purchase of a residence which is conditioned upon the purchaser's obtaining a loan for the purchase of the residence (including conditions as to the amount or interest rate of such loan) is considered binding notwithstanding that condition.

(d) *Self-constructed residence.* A self-constructed residence (as defined in paragraph (d) of § 1.44–5) must be occupied by the taxpayer before January 1, 1977. Where self-construction of a principal residence was begun before March 13, 1975, only that portion of the basis of the property allocable to construction after March 12, 1975, and before January 1, 1977, shall be taken into consideration in determining the amount of the credit allowable. For this purpose, the portion of the basis attributable to the pre-March 13 period includes the total cost of land acquired (as defined in paragraph (b) of this section) prior to March 13, 1975, on which the new principal residence is constructed and the cost of expenditures with respect to construction work performed prior to March 13, 1975. The costs incurred in stockpiling materials for later stages of construction, however, are not allocated to the pre-March 13 period. Thus, for example, if prior to March 13, 1975, a taxpayer who qualifies for the credit has constructed a portion of a residence at a cost of $10,000 (including the cost of the land purchased prior to March 13, 1975) and the total cost of the residence is $40,000 and the taxpayer's basis after the application of section 1034 (e) (relating to the reduction of basis of new principal residence where gain is not recognized upon the sale of the old residence) is $36,000, the amount subject to the credit will be $27,000

$$\frac{\$30,000}{\$40,000} \times \$36,000$$

§ 1.44–3 Certificate by seller.

(a) *Requirement of certification by seller.* Taxpayers claiming the credit should attach Form 5405, Credit for Purchase or Construction of New Principal Residence, to their tax returns on which the credit is claimed. Except in the case of self-construction (as defined in § 1.44–5(d)), taxpayers must attach a certification by the seller that construction of the residence began before March 26, 1975, and that the purchase price is the lowest price at which the residence was offered for sale after February 28, 1975. For purposes of section 44(e)(4) and this section, the term "price" generally does not include costs of acquisition other than the amount of the consideration from the purchaser to the seller. However, for rules relating to adjustments in price due to changes in financing terms and closing costs see paragraph (d)(2) of this section.

(b) *Form of certification.* The following form of the certification statement is suggested:

I certify that the construction of the residence at (specify address) was begun before March 26, 1975, and that this residence has not been offered for sale after February 28, 1975 in a listing, a written private offer, or an offer by means of advertisement at a lower purchase price than (state price), the price at which I sold the residence to (state name, present address, and social security number of purchaser) by contract dated (give date).

(Date, seller's signature and taxpayer identification number.)

However, any written certification filed by the taxpayer will be accepted provided that such certification is signed by the seller and states that construction of the residence began before March 26, 1975, and that the purchase price of the residence is the lowest price at which the residence was offered for sale after February 28, 1975. With regard to factory-made homes the seller, in the absence of his own knowledge as to the commencement of construction, may attach to his own certification a certification from the manufacturer that construction began before March 26, 1975, and may certify based on the manufacturer's certification. It is suggested that both certifications include the serial number, if any, of the residence.

(c) *Offer to sell.* (1) For purposes of section 44(e)(4) and this section, an offer to sell is limited to an offer to sell a specified residence at a specified purchase price.

(2) An "offer" includes any written offer, whether made to a particular purchaser or to the public, and any offer by means of advertising. Advertising includes an offer to sell published by billboards, flyers, brochures, price lists (unless the lists or exclusively for the internal use of the seller and are not made available to the public), mailings, newspapers, periodicals, radio, or television. The listing of a property with a real estate agency, the filing of a prospectus and the registration of construction plans and price lists with the appropriate authorities (in the case of condominiums or cooperative housing developments) are to be considered offers made to the public.

(3) An offer to sell a specified residence includes:

(i) Both an offer to sell an existing residence and an offer to build and sell a residence of substantially the same design or model as that purchased by the taxpayer on the same lot as that on which the taxpayer's new principal residence was constructed. It does not include an offer to sell the same model residence on a different lot. Where a residence of a particular design or model is offered at a specific base price, additions of property to the residence, no matter how extensive, will not result in the residence being treated as a different residence for the purpose of determining the lowest offer (as defined in paragraph (f) of § 1.44–5).

(ii) In the case of a condominium or cooperative housing development where units are offered for sale on the basis of models (*e.g.*, all Model C two-bedroom apartments sell at a specified base price), an offer to sell a specified residence includes an offer to sell a specific type of unit (with appropriate adjustments to be made for the location of such unit and as provided in paragraph (d) of this section).

(iii) In the case of a factory-made home, an offer to sell a specified residence includes an offer to sell the same model home as that purchased by the taxpayer, provided that the offer is made after the seller has the right to sell the home purchased by the taxpayer (i.e., has that specific home in his inventory). However, it does not include an offer to sell such home with land which is not included in the taxpayer's purchase nor an offer to sell such home without land which is included in the taxpayer's purchase. Appropriate adjustments to a prior offer shall be made as provided in paragraph (d) of this section, including adjustments for any delivery and installation charges as provided in paragraph (d)(3).

(iv) The rules of this subparagraph may be illustrated by the following examples:

Example (1). In March 1975 A advertised colonial-style homes on section I of subdivision C at a base price of $40,000. At the time none of the homes had been completed but construction of all homes on section I was commenced before March 26, 1975. After one-half of the homes were sold, A offers to sell the remaining homes in May 1975 at a base price of $45,000. Under the facts above the base price of $45,000 is not the lowest offer since the seller had offered to sell the same model home on the same lot at a lower purchase price after February 28, 1975.

Example (2). In June 1975 A offers houses, otherwise qualifying, on section II for the first time for a base price of $50,000. They are colonial homes and substantially the same as the homes he previously offered on section I. Under the facts stated above the base price of $50,000 is the lowest offer since the same model home on the same lot was not previously offered for sale.

Example (3). In March 1975 B, a condominium developer, offers to sell any two-bedroom unit in a particular high rise condominium of $45,000 with an added $5,000 for units with a lake front view and an additional $2,000 for units on higher floors. With regard to all two-bedroom units in the condominium an offer to sell a specified residence at a specified purchase price has been made. This is true even though at the time of the offer construction had not reached the floor on which the particular unit will be located.

(4) A specified purchase price means a stated definite price for a particular residence or a specific base price for a residence of a particular model or design. An offer to sell for an indefinite price (*e.g.*, an advertisement that all houses sell in the $40,000's) is not considered an offer to sell at a specified purchase price.

(5) An offer to sell includes an offer to sell subject to special conditions imposed by the seller. Thus, if the lowest price at which a house was advertised was "at $40,000 for March only", the $40,000 price would be the lowest offer. However, certain conditions may necessitate adjustments in determining the lowest offer. See paragraph (d) of this section.

(6) An offer to sell two or more residences together as for example, in a bulk sale shall be disregarded, even though each residence is assigned a specific purchase price for the purpose of such a sale. With regard to factory-made homes an offer to sell does not include an offer made by the manufacturer to a dealer in such homes.

(7) (i) Where new residences are purchased at a foreclosure sale (including a conveyance by the owner in lieu of foreclosure) and prior to the foreclosure sale such residences had been offered for sale by the foreclosure seller at specified prices, the foreclosure purchaser is bound by such prices in determining the lowest offer. He is not bound by the prices paid to the foreclosure seller since such prices do not constitute voluntary offers.

(ii) For this purpose, if the foreclosure seller and foreclosure purchaser are not related parties (as defined in subdivision (iii) of this subparagraph), and if the foreclosure purchaser does not have knowledge of the date of commencement of construction and the lowest offer made by such seller with respect to each of the foreclosed residences, the foreclosure purchaser must request and try to obtain from the foreclosure seller a certificate specifying such facts. Upon a subsequent sale of a particular residence by the foreclosure purchaser, he must certify whether the price is the lowest offer for that particular residence based on the certification of the foreclosure seller, a copy of which must be attached to the certification of the foreclosure purchaser. If the foreclosure seller refuses to so certify, the foreclosure purchaser must make a reasonable effort to determine the date construction commenced and the lowest offer made by the foreclosure seller. For this purpose, reasonable effort includes the effort to locate and examine advertising and listings published or used by the foreclosure seller. If the foreclosure seller and foreclosure purchaser are related parties (as defined in subdivision (iii) of this subparagraph), the foreclosure purchaser will be considered as having knowledge of the date of the commencement of construction and the lowest offer made by such seller with respect to each of the foreclosed residences, and, upon a subsequent sale of a particular residence by the foreclosure purchaser, he must comply with the certification requirements prescribed by paragraphs (a) and (b) of this section.

(iii) For purposes of this subparagraph related parties shall include the relationships described in subparagraph (2) of § 1.44–5(c), and the constructive ownership rules of section 318 shall apply, but family members for this purpose shall include spouses, ancestors, and lineal descendants.

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(d) *Adjustments in determining lowest price.* (1) (i) In determining whether a residence was sold at the lowest offer appropriate adjustment shall be made for differences in the property offered and in the terms of the sale. Where the sale to the taxpayer includes property which was not the subject of the prior offer or excludes property which was included in the prior offer, the amount of the prior offer shall be adjusted to reflect the fair market value of such property, provided that, in the case of property included in the sale which was not a part of the residence at the time of execution of the contract of purchase, the taxpayer had the option to require inclusion or exclusion of such property. The fair market value of any excluded property is to be determined at the time of the prior offer, while all additions are to be valued at their fair market value on the date of execution of the contract of sale. If a seller increases his present offer to include financing or other costs of the seller in connection with his ownership of the residence, the present offer does not qualify as being the lowest offer.

(ii) The rules in subdivision (i) of this subparagraph are illustrated by the following examples:

Example (1). A offered to sell a new home without a garage for $35,000. Having found no buyers A added a garage and sold the home for $40,000. At the time the contract of sale was executed the fair market value of the garage was $5,000. The offer to sell for $40,000 qualifies since it equals the seller's lowest offer plus the fair market value of the garage.

Example (2). B, unable to sell colonial-style homes presently under construction and previously offered for sale for $40,000, makes extensive changes in decor and identifies the homes as his new Williamsburg model. The Williamsburg models are not different residences for purposes of this section. To the extent that the additions have not yet been added at the time of execution of a contract of sale, in order to qualify for the credit the taxpayer must have the option as to whether to include these additions, and if these additions are included B must charge no more than the fair market value of the additions on that date of execution of the contract of sale.

(2) Appropriate adustment to a prior offer to sell shall be made for differences in financing terms and closing costs which increase the seller's actual net proceeds and the purchaser's actual costs. A seller may pass on to the purchaser without affecting the purchase price only those additional amounts he is required to expend in connection with such differences. The seller may not by changing the financing terms or closing costs indirectly increase the purchase price. For these purposes closing costs include all charges paid at settlement for obtaining the mortgage loan and transferring real estate title. Thus, for example, where a seller previously offered a residence for sale for $40,000 and agreed to pay financing "points" required by the mortgagee, and now offers the same residence also for $40,000 but requires the purchaser to pay the points, the present offer does not constitute the lowest offer. On the other hand, a prior offer to sell based upon a large down payment by the prospective purchaser may be adjusted to reflect the additional costs to the seller of accepting a small down payment from the taxpayer. For purposes of determining the seller's net proceeds, proceeds received by all related parties within the meaning of section 318 must be taken into account. For purposes of determining the lowest offer, where an offer provided for a rebate (*e.g.*, of cash or of a contribution toward mortgage payments) or included, without additional charge or at less than fair market value, property not normally included in the sale of a residence (*e.g.*, an automobile), such offer must be reduced by the amount of such rebate or by the amount by which the fair market value of such property at the time of the offer exceeds the amount paid for it by the purchaser. Thus, where a residence was advertised for sale at $40,000, but the seller agreed to pay $200 a month on the purchaser's mortgage for 10 months, such residence is considered to have been offered for sale at $38,000.

(3) In the case of a factory-made home, where delivery and installation costs are included in the specified base price of such home an appropriate adjustment is to be made in such specified base price for differences in the fair market value of the delivery and installation in determining the lowest offer.

(e) *Civil and criminal penalties.* If a person certifies that the price for which the residence was sold does not exceed the lowest offer and if it is found that the price for which the residence was sold exceeded the lowest offer, then such person is liable (under section 208(b) of the Tax Reduction Act of 1975) to the purchaser for damages in an amount equal to three times the excess of the certified price over the lowest offer plus reasonable attorney's fees. No income tax deduction shall be allowed for two-thirds of any amount paid or incurred pursuant to a judgment entered against any person in a suit based on such liability. However, attorney's fees, court costs, and other such amounts paid or incurred with respect to such suit which meet the requirements of section 162 are deductible under that section. In addition, an individual who falsely certifies may be subject to criminal penalties. For example, section 1001 of title 18 of the United States Code provides as follows:

§ 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

The treble damages and criminal sanctions provided under this paragraph apply only with regard to false certification as to the lowest offer, not to false certification as to commencement of construction. However, with regard to false certification as to commencement of construction there may exist contractual or tort remedies under State law.

(f) *Denial of credit.* In the absence of the taxpayer's participation in, or knowledge of, a false certification by the seller, the credit is not denied to a taxpayer who otherwise qualifies for the credit solely because the seller has falsely certified that the new principal residence was sold at the lowest offer. However, if certification as to the commencement of construction is false, no credit is allowed since such residence does not qualify as a new principal residence construction of which began before March 26, 1975.

§ 1.44–4 Recapture for certain dispositions.

(a) *In general.* (1) Under section 44(d) except as provided in paragraphs (b) and (c) of this section, if the taxpayer disposes of property, with respect to the purchase of which a credit was allowed under section 44(a), at any time within 36 months after the date on which he acquired it (or, in the case of construction by the taxpayer, the date on which he first occupied it as his principal residence), then the tax imposed under chapter 1 of the Code for the taxable year in which the replacement period (as provided under subparagraph (2) of this paragraph) terminates is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

(2) The replacement period is the period provided for purchase of a new principal residence under section 1034 of the Code without recognition of gain on the sale of the old residence. In the case of residences sold or exchanged after December 31, 1974, it is generally 18 months in the case of acquisition by purchase and 2 years in the case of construction by the taxpayer provided, however, that such construction has commenced within the 18-month period. Thus, a calendar-year taxpayer who disposes of his old principal residence in December 1975 and does not qualify under paragraph (b) or (c) of this section will include the amount previously allowed as additional tax on his 1977 tax return.

(3) Except as provided in paragraphs (d) and (e) of this section, section 44(d) applies to all dispositions of property, including sales (including foreclosure sales), exchanges (including tax-free exchanges such as those under sections 351, 721, and 1031), and gifts.

(4) In the case of a husband and wife who were allowed a credit under section 44(a) claimed on a joint return, for the purpose of section 44(d) and this section the credit shall be allocated between the spouses in accordance with the provisions of paragraph (b)(3) of § 1.44–1.

(b) *Acquisition of a new residence.* (1) Section 44(d)(1) and paragraph (a) of this section shall not apply to a disposition of property with respect to the purchase of which a credit was allowed under section 44(a) in the case of a taxpayer who purchases or constructs a new principal residence (within the meaning of § 1.44–5(a)) within the applicable replacement period provided in section 1034. In determining whether a new principal residence qualifies for purposes of this section the rules relating to construction, acquisition, and occupancy under § 1.44–2 do not apply. Where a disposition has occurred and the taxpayer's purchase (or construction) costs of a new principal residence are less than the adjusted sales price (as defined in section 1034(b)) of the old residence, the tax imposed by chapter 1 of the Code for the taxable year following the taxable year during which disposition occurs is increased by an amount which bears the same ratio to the amount allowed as a credit for the purchase of the old residence as (I) the adjusted sales price of the old residence (within the meaning of section 1034), reduced (but not below zero) by the taxpayer's cost of purchasing (or constructing) the new residence (within the meaning of such section) bears to (II) the adjusted sales price of the old residence.

(2) The rules of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. On July 15, 1975, A purchases a new principal residence for a total purchase price of $40,000. The property meets the tests of § 1.44–2, and A is allowed a credit of $2,000 on his 1975 tax return. On January 15, 1977 (within 36 months after acquisition) A sells his residence for an adjusted sales price of $50,000 and March 16, 1977, purchases a new principal residence at a cost of $40,000. Since the new principal residence was purchased within the 18-month replacement period (provided in section 1034), the amount recaptured is limited to $400, determined by multiplying the amount of the credit allowed ($2,000) by a fraction, the numerator of which is $10,000 (determined by reducing the adjusted sales price of the old residence ($50,000) by A's cost of purchasing the new principal residence ($40,000)) and the denominator of which is $50,000 (the adjusted sales price). Therefore, A's tax liability for 1978, the year following the taxable year in which the disposition occurred, is increased by $400.

(c) *Certain involuntary dispositions.* Section 44(d)(1) and paragraph (a) of this section shall not apply to the following:

(1) A disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36-month period described in paragraph (a) of this section.

(2) A disposition of the residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3),

(3) A disposition of the residence if it is compulsorily and involuntarily converted within the meaning of section 1033(a), or

(4) A disposition of the residence pursuant to a settlement in a divorce or legal separation proceeding where the other spouse retains the residence as principal residence (as defined in § 1.44–5(a)).

§ 1.44–5 Definitions.

For purposes of section 44 and the regulations thereunder—

(a) *New principal residence.* The term "new principal residence" means a principal residence, the original use of which commences with the taxpayer. The term "principal residence" has the same meaning as under section 1034 of the Code. For this purpose, the term "residence" includes, without being limited to, a single family structure, a residential unit in a condominium or cooperative housing project, a townhouse, and a factory-made home. In the case of a tenant-stockholder in a cooperative housing corporation references to property used by the taxpayer as his principal residence and references to the residence of a taxpayer shall include stock held by the tenant-stockholder in a cooperative housing project provided, however, that the taxpayer used as his principal residence the house or apartment which he was entitled as such stockholder to occupy. "Original use" of the new principal residence by the taxpayer means that such residence has never been used as a residence prior to its use as such by the taxpayer. For this purpose, a residence will qualify if the first occupancy was by the taxpayer pursuant to a lease arrangement pending settlement under a binding contract to purchase or pursuant to a lease arrangement where a written option to purchase the then existing residence was contained in the original lease agreement.

A revonated building does not qualify as new, regardless of the extent of the renovation nor does a condominium conversion qualify.

(b) *Purchase price.*—(1) *General rule.* For purposes of section 44(a) and § 1.44–1, the term "purchase price" means the adjusted basis of the new principal residence on the date of acquisition and includes all amounts attributable to the acquisition or construction, but only to the extent that such amounts constitute capital expenditures and are not allowable as deductions in computing taxable income. Such capital expenditures include but are not limited to the cost of acquisition or construction, title insurance, attorney's fees, transfer taxes, and other costs of transfer. For these purposes the adjusted basis of a factory-made home includes the cost of moving the home and setting it up as the taxpayer's principal residence only where such cost is included in the base price of the residence; it also includes the purchase price of the land on which the home is located, but only if such land was purchased by the taxpayer after March 12, 1975 and only if the taxpayer acquired the land prior to or in conjunction with the acquisition of such factory-made home. However, the adjusted basis does not include any expenditures involved in connection with the leasing of land on which the factory-made home is located. In the case of factory-made homes the adjusted basis includes furniture only where it is included in the base price of the unit.

(2) *Sale of old principal residence.* (i) The adjusted basis is reduced by any gain from the sale or involuntary conversion of an old principal residence, which is not recognized due to the application of section 1033 or section 1034. However, no reduction will be made for any gain excluded from tax by reason of the special treatment provided under the tax laws in the case of a sale by a taxpayer who has attained age 65 (sec. 121 of the code).

(ii) The rules in subdivision (i) of this subparagraph are illustrated by the following examples:

Example (1). A sells an old principal residence for $30,000 which has an adjusted basis of $20,000. A reinvests the proceeds by purchasing a new principal residence for $40,000 (including settlement costs which are capital in nature), and this purchase satisfies the statutory criteria under section 1034 for nonrecognition of gain. The credit under section 44 applies with respect to $30,000 ($40,000 costs minus $10,000 unrecognized gain) of the cost of the new principal residence.

Example (2). B and C, two sisters, purchase a new principal residence as joint tenants with the right of survivorship for a total purchase price of $40,000. B has previously sold her old principal residence for $25,000 and a $10,000 gain on the sale has qualified for nonrecognition under section 1034. B contributes $25,000 and C contributes $15,000. The adjusted basis of the new principal residence is $30,000 representing the total purchase price of $40,000 less $10,000 representing unrecognized gain under section 1034. The total credit allowable, therefore, is $1,500. Since joint tenants are treated as equal owners and since allocation of the credit is made in proportion to the taxpayer's respective ownership interests in such residence B and C each will receive a credit of $750.

Example (3). Taxpayer D is 65 years old and sells his old principal residence for $20,000 excluding all gain under section 121. He then purchases a new principal residence for $30,000. D's adjusted basis in his new principal residence is $30,000, and he is allowed a credit of $1,500.

(3) *Tie-in sales.* In the case of a purchase of a new principal residence which is tied in to the transfer of other property by the seller to the purchaser, whether purportedly by sale or gift, the adjusted basis of the residence is reduced by the amount of the excess of the fair market value of such other property received over the amount, if any, purportedly paid for it by the purchaser of the residence. For example, if a taxpayer receives a new car with a fair market value of $2,500 upon the purchase of a condominium apartment for a total purchase price of $40,000 (including settlement costs which are capital in nature) his adjusted basis in the residence for computation of the credit is $37,500.

(4) *Basis of new principal residence.* The taxpayer's basis in his new principal residence is not in any way affected by the allowance of the credit.

(c) *Purchase.*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, the term "purchase" means any acquisition of property.

(2) *Exceptions.* (i) An acquisition does not qualify as a purchase for the purpose of this paragraph if the property is acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b). Such persons include—

(A) The purchaser's spouse, ancestors and lineal descendants,

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(B) Related corporations as provided under section 267(b)(2);

(C) Related trusts as provided under section 267(b), (4), (5), (6), and (7).

(D) Related charitable organizations as provided under section 267(b)(9), and

(E) Related partnerships as provided under section 707(b)(1).

For purposes of this subdivision the constructive ownership rules of section 267(c) shall apply except that paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

(ii) An acquisition does not qualify as a purchase for the purpose of this paragraph if the basis of the property in the hands of the person acquiring such property is determined—

(A) In whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired (*e.g.*, a gift under section 1015), or

(B) Under section 1014(a) (relating to property acquired from a decedent).

(d) *Self-construction.* The term "self-construction" means the construction of a residence (other than a factory-made home) to the taxpayer's specifications on land already owned or leased by the taxpayer at the time of commencement of construction. Thus, where a taxpayer purchases land and either builds a residence himself or hires an architect and a contractor to build a residence on that land, the taxpayer has "self-constructed" the residence.

(e) *Factory-made home.* The term "factory-made" homes" includes mobile homes, houseboats and prefabricated and modular homes.

(f) *Lowest offer.* The term "lowest offer" means the lowest price at which the residence was offered for sale after February 28, 1975.

PAR. 2. Paragraph (c)(3) of § 1.6014–2 is amended by revising subdivisions (vi) and (vii) and adding new subdivisions (viii) and (ix), to read as follows:

§ 1.6014–2 Tax not computed by taxpayer for taxable years beginning after December 31, 1969.

* * * * * * *

(c) *Effects of election.* * * *

(3) A taxpayer who makes an election under section 6014 shall not be precluded from claiming—

* * * * * * *

(vi) The credit under section 41 (relating to contributions to candidates for public office);

(vii) The credit under section 42 (relating to personal exemptions);

(viii) The credit under section 43 (relating to earned income);

(ix) The credit under section 44 (relating to purchase of new principal residence); or

(x) The credit under section 45 (relating to overpayments of tax).

Part 301 is amended as follows:

PAR. 3. Section 301.6096 is amended by revising subsection (b) and the historical note to read as follows:

§ 301.6096 Statutory provisions; designation by individuals.

SEC. 6096. *Designation by individuals.* * * *

(b) *Income tax liability.* For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under sections 33, 37, 38, 40, 41, 42, and 44.

(Sec. 6096 added by sec. 302, Foreign Investors Tax Act 1966 (80 Stat. 1587); amended by sec. 802 (a) and (b)(2), Rev. Act 1971 (85 Stat. 573); sec. 6(a), Act of July 1, 1973 (87 Stat. 135, Pub. Law 93–53); secs. 203(b)(4) and 208(d)(4), Tax Reduction Act 1975 (89 Stat. 30, 32))

PAR. 4. Section 301.6096–1 is amended to read as follows:

§ 301.6096–1 Designation by individuals for taxable years beginning after December 31, 1972.

* * * * * * *

(b) *Income tax liability.* For purposes of paragraph (a) of this section, the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under sections 33, 37, 38, 40, 41, 42, and 44.

[FR Doc.75–32440 Filed 12–1–75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–20]

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

Advertising Specialties Furnished to Retailers

The purpose of this document is to clarify the provisions of 27 CFR 6.28, concerning advertising specialty items furnished to alcoholic beverage retailers by alcoholic beverage industry members.

Treasury decision ATF–15, published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11719), and effective May 1, 1975 increased the limitations for advertising specialties (*e.g.*, trays, coasters, menu cards, etc.) from $10 to $20 for distilled spirits and wine. The specialty limitation for malt beverages, however, was not increased due to opposition presented by the United States Brewers Association (USBA). Subsequent to issuance of the revised specialty limitation regulation, the Bureau received several inquiries concerning the intent of the regulation; i.e. could it be interpreted to allow a total of $30 per year for a retailer ($20 for distilled spirits and wine and $10 for malt beverages). It was the purpose of the regulation to retain the existing specialty limitation for malt beverages ($10 per retailer per calendar year) and increase the limitation for wine and distilled spirits to $20, with the restriction that the aggregate cost to any industry member of all specialty items supplied to any one retailer of alcoholic beverages in any one calendar year could not exceed $20. In order to clarify this restriction, § 6.28 is being amended.

Because the amendment made by this Treasury decision is clarifiyng in nature and could not operate to the detriment of any taxpayer, it is found that it is unnecessary to issue this Treasury decision with the notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d). Accordingly, 27 CFR 6.28, as amended, shall be effective on December 2, 1975, as follows:

§ 6.28 Retailer advertising specialties.

(a) *Specialty advertising items.* Retailer advertising specialty items are items such as trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, and calendars, which bear advertising matter and which are primarily valuable to the retailer as point of sale advertising media.

(b) *Advertising limit—distilled spirits or wine.* Retailer advertising specialties may be furnished, given, or sold to a retailer of distilled spirits or wine if the aggregate cost to any industry member of such items furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed $20.

(c) *Advertising limit—malt beverages.* Retailer advertising specialties may be furnished, given, or sold to a retailer of malt beverages if the aggregate cost to any industry member of such items furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed $10.

(d) *Restriction.* The aggregate cost to any industry member of all retailer advertising specialties supplied to any one retailer of alcoholic beverages in any one calendar year shall not exceed $20.

(This Treasury decision is issued under the authority contained in 27 U.S.C. 205 (49 Stat. 931).)

Signed: October 20, 1975.

REX D. DAVIS,
Director.

Approved: November 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–32350 Filed 12–1–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1902—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Plan; Level of Federal Enforcement; Correction

The document concerning the notice of the level of Federal enforcement under the Washington Plan under Subpart F of Chapter XVII of Title 29 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Thursday, September 25, 1975, at 40 FR 44133, is corrected to include a portion of the first sentence in the amended § 1952.122 that was inadvertently omitted. The first sentence in the amended § 1952.122 is corrected by changing the period at the end of the first sentence to a comma, and adding the following language:

§ 1952.122 [Amended]

* * * Discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. * * *

Signed at Washington, D.C. this 26th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–32411 Filed 12–1–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 463–6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Zinc Phosphide

On October 7, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 46322) a notice of proposed rulemaking to amend 40 CFR 180.284 to establish a tolerance for residues of phosphine resulting from the use of the rodenticide zinc phosphide in or on the raw agricultural commodity grapes at 0.01 part per million. Notice of the proposed rulemaking was published in response to a petition (PP 5E1551) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903.

No comments or requests for referral to an advisory committee were received by the Agency. Therefore, based on the data submitted in the petition and other relevant material it is concluded that the tolerance established by amending 40 CFR 180.284 will protect the public health and that the proposed regulation should be adopted without change.

Any person adversely affected by this regulation may, on or before January 2, 1976 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Dated: November 25, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.284, Subpart C, Part 180, is amended by including a tolerance for grapes in the paragraph "0.01 part per million * * *."

* * * * * *

§ 180.284 Zinc Phosphide, tolerances for residues.

* * * * * *

0.01 part per million in or on grapes and sugarcane.

* * * * * *

[FR Doc.75–32326 Filed 12–1–75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Utilization of Excess

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–43.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on December 2, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 21, 1975.

1. The Table of Contents is revised to read as follows:

Subpart 114–43.3—Utilization of Excess

114–43.301	Federal Government procedure.
114–43.301–50	Economic considerations.
114–43.302	Agency responsibility.
114–43.306	Property not required to be reported.
114–43.311	Reporting requirements.
114–43.311–1	Reporting.
114–43.315	Transfers of excess property.
114–43.315–2	Information of availability.
114–43.315–3	Fair value reimbursement.
114–43.315–5	Procedure for effecting transfers.
114–43.316	Contractor inventory.
114–43.316–50	Reimbursement for available contractor inventory.
114–43.317	Costs and proceeds.
114–43.317–1	Costs of care and handling.
114–43.319	Performance reports.
114–43.319–50	Preparation of S.F. 121.
114–43.319–51	Property excepted from reporting.
114–43.319–52	Submission and due date.
114–43.320	Use of excess property on contracts and grants.

2. Section 114–43.301 is revised and new § 114–43.301–50 is added to read as follows:

§ 114–43.301 Federal Government procedure.

The objective of the policy that excess property is the first source of supply is to obtain effective and economical utilization of property already owned by the Federal Government. Effective and economical utilization can be determined only through evaluation of use and costs, and excess property may be acquired only when there is such an evaluation and:

(a) The property is needed to meet the known requirements of an authorized planned program; and

(b) Funds are available for the costs of acquisition and for the costs of repair or modification needed to comply with the minimum standards established by the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended. (29 U.S.C. 651).

§ 114–43.301–50 Economic considerations.

The head of each bureau and office is responsible for establishing procedures to ensure that excess property is not acquired unless there has been a determination that such acquisition is practicable and economically feasible. Such a determination requires consideration of the costs involved, including the costs of transportation, handling, and storage. When the proposed acquisition involves any type of machinery or equipment, consideration shall also be given to the following factors:

(a) The duration of the program and the frequency of use to determine any economic advantage of ownership versus loan or rental; and

(b) The nature of any repairs, modifications, and additional accessorial equipment required to bring the item up to the minimum standards of the Occupational Health and Safety Act, and the total costs involved.

3. Section 114–43.311–1 is revised to read as follows:

§ 114–43.311–1 Reporting.

In accordance with 205 DM 9, the head of each bureau and office is authorized to report to the General Services Administration any personal property that has been determined to be excess to the needs of the Department. Prior to any such determination of excess;

(a) Available ADP equipment will be referred to the Office of ADP Management in accordance with 306 DM 5;

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(b) Available aircraft will be referred to the Office of Aircraft Services in accordance with procedures established by that office;

(c) All types of books, periodicals, other publications, and related material will be referred to the Office of Library and Information Services in accordance with procedures established by that office;

(d) All other available personal property will be screened against Departmental needs in accordance with 114–43.102.

4. Section 114–43.319(b) is revised to read as follows:

§ 114–43.319 Performance reports.

* * * * * *

(b) The annual report of the utilization of foreign excess property shall be submitted to the Director, Office of Management Services (PM) within 30 calendar days after the close of each fiscal year. Negative reports may be submitted in memorandum form in lieu of the prescribed Standard Form 365.

[FR Doc.75–32354 Filed 12–1–75;8:45 am]

[IPMR Release No. 75–7]

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Vesting of Title to Equipment Purchased With Grant or Contract Funds

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 40 U.S.C. 486(c), and 42 U.S.C. 1892, a new Subpart 114–60.10 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This amendment relates only to matters of internal Department practice. It is therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on December 2, 1975.

RICHARD R. HITE,
Assistant Secretary of the Interior.

NOVEMBER 24, 1975.

Subpart 114–60.10—Vesting of Title to Equipment Purchased With Grant or Contract Funds

Sec.
114–60.1000 Scope of subpart.
114–60.1001 Authority.
114–60.1002 Educational institutions.
114–60.1003 State and local governments.
114–60.1004 Documentation.
114–60.1005 Federally-owned nonexpendable personal property.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c), 42 U.S.C. 1892

Subpart 114–60.10—Vesting of Title to Equipment Purchased With Grant or Contract Funds

§ 114–60.1000 Scope of subpart.

This subpart establishes Departmental policy for the vesting of title to equipment purchased with grant or contract funds.

§ 114–60.1001 Authority.

(a) Section 2 of Pub. L. 85–934 (42 USC 1892) provides discretionary authority for the vesting of title to equipment purchased with grant or contract funds when the grant or contract is for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research.

(b) Federal Management Circular (FMC) 73–7 establishes the policy that vesting of title to equipment in educational institutions furthers the overall Government objective of strengthening the scientific capability of such institutions, and reduces or eliminates the Government's costs and administrative burden of accounting, shipment, storage, disposition, and otherwise treating the equipment as Government property.

(c) Federal Management Circular (FMC) 74–7 prescribes uniform administrative requirements for grants-in-aid to State and local governments, including standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds.

§ 114–60.1002 Educational institutions.

To the extent permitted by statute, title to equipment purchased or fabricated under any type of research instrument at educational institutions shall be vested in the institution without further obligation to the Government unless:

(a) There is not the proper authority to vest title in the institution;

(b) It is determined that such vesting is not in furtherance of the sponsor's objectives, and such determination has been approved, in writing, by the head of the bureau/office or his authorized representative. Authority to approve such determinations shall not be delegated below the Chief Administrative Officer of a region or comparable office; or

(c) The acquisition cost of the item is $1,000 or more and the sponsor desires to reserve the right to otherwise utilize the equipment, and then only under the condition that such right must be exercised within twelve months after the date of project completion or receipt of the institution's final fiscal report, whichever is sooner.

§ 114–60.1003 State and local governments.

When nonexpendable personal property is acquired wholly or in part with Federal funds provided under a grant to a State or local government, title shall be vested in the grantee subject only to the restrictions on use and disposition set forth in FMC 74–7. Attachment N (See Appendix A). The only exception to this policy is that the grantor may reserve title to property with an acquisition cost of $1,000 or more when such property is:

(a) financed solely with Federal funds;

(b) unique and/or would be difficult or costly to replace;

(c) appropriately identified in the grant agreement or otherwise made known to the grantee; and

(d) use and disposition is in accordance with the standards and procedures set forth in FMC 74–7, Attachment N.

§ 114–60.1004 Documentation.

In all instances, the research instrument should clearly indicate where title to equipment is to be vested and specify which items are to be Government property.

§ 114–60.1005 Federally-owned nonexpendable personal property.

When Federally-owned nonexpendable personal property, including excess, is made available to a grantee or contractor, title to such property remains vested in the Federal Government unless there is specific statutory authority to transfer title (see 114–43.320).

APPENDIX A—FEDERAL MANAGEMENT CIRCULAR 74–7, ATTACHMENT N

PROPERTY MANAGEMENT STANDARDS

1. This attachment prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments. Federal grantor agencies shall require State and local governments to observe these standards under grants from the Federal Government and shall not impose additional requirements unless specifically required by Federal law. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this attachment are included.

2. The following definitions apply for the purpose of this attachment:

a. *Real property.* Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

b. *Personal property.* Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable property.

e. *Excess property.* Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

3. Each Federal grantor agency shall prescribe requirements for grantees concerning the use of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

b. The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

c. When the real property is no longer needed as provided in a. and b., above, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of the Federal grantor agency. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

4. Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Federal Government or acquired with Federal funds are set forth below:

a. *Nonexpendable personal property acquired with Federal funds.* When nonexpendable personal property is acquired by a grantee *wholly or in part with Federal funds, title will not be taken by the Federal Government except as provided in paragraph 4a(4)* but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Other grants of the same Federal grantor agency needing the property.

(b) Grants of other Federal agencies needing the property.

(2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(a) *Nonexpendable property with an acquisition cost of less than $500 and used four years or more.* The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *All other nonexpendable property.* The grantee may retain the property for its own use provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) *Nonexpendable property with an acquisition cost of $1,000 or less.* Except for that property which meets the criteria of (2)(a) above, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed in accordance with (iii) below.

(b) *Nonexpendable property with an acquisition cost of over $1,000.* The grantee shall request disposition instructions from the grantor agency. The Federal agency shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal grantor agency shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Federal grantor agency for such costs incurred in its disposition.

(iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(4) Where the grantor agency determines that property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(b) The grantor agency shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If the grantor agency fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 4a(1), 4a(2)(b), and 4a(3)(b).

b. *Federally-owned nonexpendable personal property.* Unless statutory authority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal Government retains title including excess property made available by the Federal grantor agencies to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the grantor agency for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.

5. The grantees' property management standards for nonexpendable personal property shall also include the following procedural requirements:

a. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.

b. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

c. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

d. Adequate maintenance procedures shall be implemented to keep the property in good condition.

e. Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

6. When the total inventory value of any unused expendable personal property exceeds $500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with 4a(2)(b).

7. Specific standards for control of intangible property are provided as follows:

a. If any program produces patentable items, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to the grantor agency. Unless there is prior agreement between the grantee and grantor on disposition of such items, the grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Federal grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

[FR Doc.75–32375 Filed 12–1–75;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1013—GENERAL ADMINISTRATION AND MANAGEMENT LAWS AND LEGAL MATTERS

Deletion

EDITORIAL NOTE: The Office of the Federal Register has received a letter from the Assistant Secretary for Manpower, Department of Labor, in which he informs that regulations presently

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codified as 45 CFR Part 1013 are obsolete and legally void. The letter requests the Office of the Federal Register to delete the regulations from a CFR chapter administered by the Community Services Administration.

The basis for the Labor Department request is Title IV of the Comprehensive Employment and Training Act (CETA) of 1973 (29 U.S.C. 801 et seq.) That act entrusted the administartion of these regulations to the Secretary of Labor. Acting under this authority, the Labor Department has promulgated final regulations as 29 CFR Part 97a on October 31, 1975 (40 FR 50812). The effect of the publication of 29 CFR Part 97a is to make obsolete the regulations in 45 CFR Part 1013.

Therefore, pursuant to 1 CFR 8, 2, Part 1013 of Chapter X of Title 45, Code of Federal Regulations, is deleted.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Amdt. No. 7 to S.O. 1102]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Company and Penn Central Transportation Company; Authorized To Assume Joint Supervisory Control Over Railroad Operations of Albany Port District Commission, Albany, New York

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of November, 1975.

Upon further consideration of Service Order No. 1102 (37 FR 13697, 28634; 38 FR 17843, 33086, 33302; 39 FR 18655, 41853; and 40 FR 24005), and good cause appearing therefor:

It is ordered, That:

§ 1033.1102 **Delaware and Hudson Railway Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York.**

Service Order No. 1102 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32432 Filed 12-1-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain National Wildlife Refuges in California

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

GENERAL CONDITIONS: Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of the refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

COLUSA NATIONAL WILDLIFE REFUGE, (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.)

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

Delevan National Wildlife Refuge, (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.)

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

Modoc National Wildlife Refuge, (Headquarters: Sheldon-Hart Mountain-Modoc National Wildlife Refuges, P.O. Box 111, Lakeview, OR 97630.)

Special Conditions: (1) The refuge is closed to fishing during the waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, CA 92233.

Special Condition: Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, CA 93635.

Special Conditions: (1) Fishing permitted from sunrise to one hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM H. MEYER, *Acting Regional Director, U.S. Fish and Wildlife Service.*

[FR Doc.75-32372 Filed 12-1-75;8:45 am]

Title 10—Atomic Energy

[RULING 1975- 18]

NATURAL GAS SHRINKAGE

Computation of Increased Cost

This Ruling is issued to provide guidance to gas processors with respect to acceptable methods for computation of increased cost of natural gas shrinkage under Subpart E of the Mandatory Petroleum Price Regulations in Part 212 of the FEA regulations for the period prior to January 1, 1975, and under Subpart K of Part 212 for the period on and after January 1, 1975. Gas processors process natural gas to recover natural gas liquid products covered by FEA regulations (propane, butane and natural gasoline) and, in some instances, a product that is exempt from FEA regulation (ethane). Some gas processors process natural gas only to recover the undifferentiated stream of natural gas liquids, which is a liquid made up of the foregoing products, but in mixed form. Such mixed streams of natural gas liquids may be further processed to segregate the individual component natural gas liquid products.

Gas processing firms are included within the definition of "refiner" in § 212.31 and, prior to January 1, 1975, were subject to the refiner's price regulations in Subpart E of Part 212. Pursuant to the price rules of Subpart E, refiners were permitted to pass through their increased product costs, including the increased costs of natural gas shrinkage, in prices charged for covered products (FEA Ruling 1975–6).

Effective January 1, 1975, the price regulations were amended by adding a new Subpart K to Part 212 to provide price rules tailored more specifically to the operations of gas processors. The price rules of Subpart K continue to permit gas processors to pass through their increased costs of natural gas shrinkage as increased product costs. The principles and procedures set forth in this Ruling provide guidelines as to the appropriate methods for determining the increased cost of natural gas shrinkage for both the period prior to and the period beginning on January 1, 1975.

FACTS

Firm A. Firm A, a gas processor, purchases "wet" natural gas (*i.e.*, natural gas from which the liquids, other than condensate, have not been extracted) under a "net-back" contract with Firm X. Title to the "wet" natural gas passes to Firm A at the wellhead, and Firm A transports the gas to its gas plant. Both the natural gas liquid products which are extracted from the natural gas and fractionated at the same facility and the residue gas which remains after the liquids have been extracted are sold by Firm A. Firms A and X share in the proceeds from the sale of the residue gas and the natural gas liquid products on a percentage basis pursuant to the "net-back" contract.

In May 1973, the inlet ("wet") volume of the gas processed at Firm A's plant, excluding condensate (*i.e.*, liquids which are separated from natural gas by mechanical separators), was 3000 MCF's and the outlet (residue) gas volume was 1950 MCF's. In August 1975, the inlet volume, excluding condensate, was 1600 MCF's (1920 MMBTU's) and the outlet was 1248 MMBTU's. Firm A's contracts in effect on May 15, 1973 permitted the price of residue gas to be determined either by reference to the volume (MCF) of residue gas, without reference to BTU content or by reference to the BTU content (MMBTU) of the residue gas. The actual price received by A for gas delivered during May 1973, was computed pursuant to the price per MCF terms in the contracts. Firm A's sales contracts for residue gas in effect in August 1975 provided for the price of residue gas to be determined by reference to the BTU content of the residue gas.

During each month a portion of the residue gas equal to approximately 10 percent of the residue volume was used by Firm A as plant fuel to operate its extraction facilities.

In May 1973, Firm A delivered to Firm X residue gas equal to 10 percent of the outlet volume for fuel to operate Firm X's production wells ("lease fuel") and for the purpose of injection at the well site to maintain pressure for production ("injection gas"), in accordance with contractual requirements. In August 1975, Firm A delivered to Firm X residue gas equal to 5 percent of the outlet BTU value for use as injection gas and as lease fuel, under new contractual terms calling for BTU measurement of inlet and residue volumes, and requiring the return of lesser amounts of residue gas for these purposes. In August 1975, Firm A "flared" its total butane production, consisting of 5 MMBTU's.

On May 15, 1973, Firm A sold the residue gas at a weighted average rate of $.20 per MCF. In August 1975, it sold the residue gas at a weighted average rate of $.60 per MMBTU.

Firm B. Firm B, a natural gas producer, also extracts mixed natural gas liquids from the natural gas stream and then sells those mixed natural gas liquids to Firm Y, a gas plant operator. Firm Y fractionates the natural gas liquids and sells the natural gas liquid products.

In May 1973, the inlet ("wet") gas volume at Firm B's plant was 3000 MCF's, excluding condensate. During that month, Firm B extracted a mixed natural gas liquid stream consisting of 3125 gallons of propane, 1666 gallons of butane, 6250 gallons of natural gasoline (primarily, pentanes, isopentanes, hexanes, and heptanes), and 6026 gallons of ethane. The outlet (residue) gas during May 1973 was measured at 2060 MMBTU.

In August 1975, the inlet volume was 1600 MCF's, excluding condensate. Natural gas liquids extracted amounted to 1625 gallons of propane, 1000 gallons of butane, 3000 gallons of natural gasoline, and 3999 gallons of ethane. The outlet (residue) gas during August 1975 was measured at 1070 MMBTU. In each month, Firm B utilized 10 percent of the residue gas as plant fuel and an additional 10 percent of the residue gas to operate its wells and as injection gas, and sold the remainder.

On May 15, 1973, Firm B sold the residue gas at a weighted average rate of $.20 per MMBTU. In August 1975, it sold the residue gas at a weighted average rate of $.60 per MMBTU.

Measurement of Firm B's "residue" or outlet natural gas both in May 1973, and August 1975, was made on a BTU basis. However, since the inlet gas was measured on a volumetric basis during those months and since the precise BTU content of the inlet gas is not known, Firm B has computed the calorific (BTU) value of the mixed stream extracted from the gas as the basis for computing its increased cost of natural gas shrinkage. The calorific value of the mixed stream extracted by Firm B, measured at 60 F. and at 14.7 psia, is 91,065 BTU's per gallon for the propane content, 102,600 BTU's per gallon for the butane content, 110,000 BTU's per gallon for the natural gasoline content, and 66,300 BTU's per gallon for the ethane content.[1]

Issue 1: What costs may Firm A and B attribute as allowable increased costs of natural gas shrinkage?

Issue 2: What is the correct method of computing the amount of increased costs of natural gas shrinkage which may be passed through in prices charged for products?

RULING

1. Section 212.166, dealing with the calculation of increased product costs, states that such costs include:

> • • • the difference between the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the month of May 1973, and the weighed average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the current month, multiplied by the number of thousand cubic feet (MCF's) of natural gas processed in the current month.

"Cost of natural gas shrinkage" is defined in § 212.162 as:

> (T)he reduction in selling price per thousand cubic feet (MCF) of natural gas processed, which is atributable to the reduction in volume or BTU value of the natural gas resulting from the extraction of natural gas liquids, as determined pursuant to the contract in effect at the time for which cost of natural gas shrinkage is being measured, and under which the processed gas is sold.

"Natural gas liquids" are defined in § 212.162 as:

> (A) mixed hydrocarbon stream containing, in whole or in substantial part, mixtures of ethane, butane (iso-butane and normal butane), propane or natural gasoline.

The definition of "cost of natural gas shrinkage" makes clear that the reduction in proceeds from the sale of processed natural gas, resulting from the extraction of the natural gas liquids, constitutes a cost which may be included in the calculation of increased product costs pursuant to § 212.166. However, it also makes clear that only those shrinkage costs which are "attributable to the reduction in volume or BTU value of the natural gas *resulting from the extraction of natural gas liquids*" are included in the "cost of natural gas shrinkage." (Emphasis added.) Hence, to qualify as an increased product cost, any shrinkage cost must be related to the extraction process, which FEA defines to include only the extraction of natural gas liquids from the "wet" gas stream.

Applying this test, FEA has determined that condensate, plant fuel, lease fuel, injection gas, flared gas, and ethane should be treated as follows in computing the cost of natural gas shrinkage:

a. *Condensate.* Condensate occurs in nature as the heavy hydrocarbon portion of natural gas in the underground reservoir, and is mechanically separated from natural gas as a liquid through a process of retrograde condensation, involving pressure reduction, sometimes accompanied by a reduction in temperature as well. In some cases, condensate is separated from natural gas by conventional lease separation facilities ("surface separators") at the well-head, and in other cases by a single mechanical separator ("field facility") located centrally and servicing two or more wells, and in either case is typically referred to as "leave condensate". In yet other cases, condensate is not separated from natural gas until it reaches a mechanical separation device similar to a surface separator or field facility, but located instead at the inlet side of a gas processing plant ("inlet separator" or "scrubber") and, in that case, the condensate is referred to as "plant condensate".

Condensate is to be distinguished from the lighter natural gas liquids and natural gas liquid products, whether fractionated or in a mixed stream of natural gas liquids, which are incapable of being

[1] The conversion factors used in this fact situation are taken from a table of physical constants for hydrocarbons located in the Ninth Edition of the Natural Gas Processors Suppliers' Association (NGPSA) Engineering Data Book, compiled and edited in cooperation with the Gas Processors Association, 1972.

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separated from natural gas by mechanical means only and are generally recovered from natural gas at a gas processing plant by absorption, adsorption, or extraneous refrigeration processes. In light of these distinctions, the FEA has determined that condensate should, as a general matter, be treated as crude oil under Subpart D of the price regulations, rather than as natural gas liquids or natural gas liquid products which are treated under Subpart K of the price regulations. Therefore, any reduction in the value of "wet" natural gas which results from the separating out of condensate lacks the requisite connection with the extraction of the natural gas liquids, even though both processes may be performed at the same processing facility by the same party.

b. *Plant fuel.* The natural gas stream is also reduced by the removal of a certain quantity of gas, typically in the form of residue gas, which is utilized as plant fuel in the extraction process. Since the plant fuel is taken exclusively from feedstock for use in the extraction processes, it is included in the cost of natural gas shrinkage.

Plant fuel is allowed as a shrinkage cost to any firm which extracts natural gas liquids and uses the fuel in connection therewith, whether it is a gas processor or gas producer. Thus Firms A and B may include as shrinkage the reduction in gas volume resulting from its use as plant fuel. However, Firms A and B may not include as shrinkage any reduction in gas volume associated with operations other than the extraction of natural gas liquids.

It should be noted that, in permitting gas processing refiners to include the cost of plant fuel in the total of product costs calculated pursuant to the provisions of Subpart K, the FEA has provided different treatment for gas processors' fuel costs than is provided in Subpart E for the fuel costs of crude oil refiners. Refinery fuel costs are included, under Subpart E, in the total of a crude refiner's non-product costs. The reasons for the different treatment of these seemingly analogous costs are four:

(1) The analogy drawn between refinery fuel and gas plant fuel is merely superficial. Refinery fuel typically consists, in part, of some portion of the crude oil feedstock and, in part, of other fuels including natural gas, natural gas liquids, and electricity. Plant fuel consists almost exclusively of fuels derived from the "wet" (inlet) gas stream. Although the inclusion of the cost of feedstocks used as plant fuel in the total of product costs reflects an identifiable nexus between the product and the feedstock from which it is derived, the inclusion of the cost of other non-related fuels in the total of product costs cannot be justified on the same basis;

(2) Crude oil refiners are automatically permitted under Subpart E to pass-through their increased non-product costs, subject to a profit margin limitation, while gas processing refiners are limited under Subpart K to a pass-through of no more than $.005 per gallon of non-product cost increases incurred;

(3) Increased plant fuel costs were not taken into account by the FEA in its decision to limit the passthrough of gas processors' increased non-product costs to a $.005 per gallon increment; and

(4) In light of the fact that there are more than 700 gas plants in the United States processing products subject to the Subpart K price rules and since plant fuel is not uniformly measured among these plants, the prospect of a requirement that the cost of plant fuel be measured as a discrete amount to be excluded from the total of shrinkage costs otherwise calculated represented an undue administrative burden both for the smaller independent gas processors in their efforts to comply with FEA price rules and for the FEA in its efforts to enforce its regulations.

c. *Lease fuel* and *injection gas.* In certain situations a portion of the natural gas stream may be used to provide lease fuel and/or injection gas. The contract which Firm A has with Firm X, for example, requires the gas plant operator to furnish the producer with lease fuel and injection gas from the residue gas which remains after processing of the "wet" natural gas. These quantities of residue gas are to be used for the specific purpose of servicing the producer's wells. In similar fashion Firm B uses a portion of the residue gas that remains after the extraction process to operate its own wells and to maintain well pressure for production. Lease fuel and injection gas do not constitute allowable shrinkage to Firms A and B, since they are not attributable to the reduction in volume or BTU value of the natural gas resulting from the *extraction* of natural gas liquids, but instead represent the diversion of a portion of the residue gas to supply certain needs associated with the production of the "wet" natural gas. Hence, they lack the requisite nexus with the extraction operation to constitute shrinkage.

d. *Flared natural gas liquid products.* The FEA is aware that some gas processors have engaged in the practice known as "flaring" from time to time. It involves the burning of certain natural gas liquid products because temporary demand shortfall overburdens existing storage facilities, or for other reasons. Since there is a reduction in the selling price of processed gas attributable to the extraction of the natural gas liquids from which the flared product has been separated, the total amount of all natural gas liquid products extracted from the natural gas stream in the processing operation, including any product which is later flared, is properly taken into account in determining the cost of natural gas shrinkage for the purposes of calculating increased product costs. However, since the flaring of a particular natural gas liquid product, such as butane in the case of Firm A, represents action implementing a business decision formulated in response to market conditions or other circumstances, it is regarded as a use which produces economic value for Firm A. The FEA has previously determined that the internal consumption of covered products in such a manner requires that the same increment of increased product cost be assigned to them as is assigned to such products in determining the selling price for those products in arms-length transactions, with the increment of increased product cost so assigned to be regarded as recouped by Firm A when it flares the product, and therefore no longer available for pass through in price charged by Firm A in arms-length transactions (Ruling 1974–27).

e. *Ethane.* Since ethane is included within the definition of "natural gas liquids" in § 212.162, the cost of natural gas shrinkage, which is defined in terms of the reduced selling price for natural gas attributable to the extraction of natural gas liquids, includes any reduction in the selling price of processed natural gas attributable to the extraction of ethane. Thus, the increased cost of natural gas shrinkage also includes increases in the cost of shrinkage due to ethane. It should be noted, however, that the increased product costs, including the increased cost of natural gas shrinkage, which are allocated among natural gas liquids and natural gas liquid products pursuant to § 212.167, are reduced by the portion of such costs attributable to the production and sale of ethane under paragraph (a) of that section.

2. Computation of the increased cost of natural gas shrinkage which is included in the calculation of increased product costs pursuant to § 212.166 requires a comparison of the "weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed" during the month of May 1973 and during the current month. The "cost of natural gas shrinkage" is computed, as defined in § 212.162, by determining the reduction in selling price of the processed gas attributable to the extraction of natural gas liquids, by reference to the contract price in effect for the relevant month.

Although the concept of the "cost of natural gas shrinkage," as it is defined in § 212.162, does not appear unduly complex, computation of the "reduction in selling price" can be complicated where, as with Firm A, the price terms in effect during the two relevant periods differ or where, as with Firm B, the extent of the shrinkage in the natural gas stream attributable to he extraction of liquids cannot be determined simply by comparing the inlet and outlet measurements of the natural gas stream. In order to provide guidance as to the appropriate methods of determining the "cost of natural gas shrinkage" under such circumstances, the FEA has developed two formulae consistent with the ruling on Issue #1.

a. The following formula describes the appropriate method of determining the weighted average cost of shrinkage where inlet and outlet quantities are measured on comparable bases during the relevant time period (hereinafter referred to as the "inlet-outlet" method).

$$C_{wa}=\frac{(I-O)P}{I_{MCF}}$$

Where:

C_{wa} = The weighted average cost of natural gas shrinkage.

I = The volume (MCF's) or BTU value of inlet gas, exclusive of any condensate (which is "crude oil" as that term is defined in § 212.31).

O = The volume (MCF's) or BTU value of outlet (residue) gas (including all quantities of residue gas utilized as lease fuel or as injection gas, but excluding all quantities of residue gas utilized as plant fuel).

P = The weighted average price per unit (MCF or BTU) for processed natural gas, as determined pursuant to the contracts in effect at the time for which the cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold.

I_{MCF} = The volume in MCF's of the inlet gas, exclusive of any condensate (which is "crude oil" as that term is defined in § 212.31).

The inlet-outlet method should be used whenever the inlet and outlet gases are measured on the same basis during the relevant period. It is not necessary that the same units of measurement be used in both May 1973 and the month for which increased shrinkage cost is measured, however. Thus, the inlet-outlet method should be used when both inlet and outlet gases were measured in MCF's in May 1973 and both are measured in BTU's today, or vice-versa.

b. Where the amounts of inlet and outlet gas are measured on different bases during the same time period, it may not be possible, as in the case of Firm B, to convert the inlet and outlet amounts to the same unit of measurement. Under such circumstances, a different method of computation of cost of shrinkage (hereinafter referred to as the "conversion" method) should be used.

This procedure involves the conversion of the volume of the mixed stream of natural gas liquids or of each covered natural gas liquid product (propane, butane, and natural gasoline), and of ethane, from liquid volumetric measure (gallons) either to the equivalent gaseous volumetric measure (MCF's) or to BTU measurement, whichever is consistent with the price term of the contract under which the residue gas is sold. This is accomplished by the employment of a conversion factor for each product. Such factors may be found in a conversion table or may be determined by a chemical analysis of the stream.[2]

The MCF or BTU values for the covered natural gas liquid products are added together. The resultant aggregate MCF or BTU value of natural gas liquids and natural gas liquid products, plus the MCF or BTU value of any plant fuel, constitutes the measure of shrinkage.

The aggregate value thus derived may be substituted in the following formula for the calculation of the cost of natural gas shrinkage:

$$C_{wa}=\frac{V\times P}{I_{MCF}}$$

Where:

C_{wa} = The weighted average cost of natural gas shrinkage.

V = The aggregate value in in MCF or BTU of the natural gas liquids, natural gas liquid products, ethane, and plant fuel extracted from the processed gas stream, determined by converting them to the unit of measurement by which the residue gas is sold, in accordance with the procedures discussed above.

P = The weighted average price per unit (MCF or BTU) for processed natural gas, as determined pursuant to the contracts in effect at the time for which the cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold.

I_{MCF} = The volume in MCF's of the inlet gas, exclusive of any condensate (which is "crude oil" as that term is defined in § 212.31).

The contract terms in effect during the relevant period determine whether volume (MCF's) or BTU value is to be used to calculate each of the elements set forth in the numerators of the above formulae when determining the weighted average cost of natural gas shrinkage during that period, in accordance with the definition of "cost of natural gas shrinkage" in § 212.162.

In calculating increased product costs, Subpart K provides that the increased cost of natural gas shrinkage portion of the total shall be

> difference between the *weighted average* cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the month of May 1973, and the *weighted average* cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the current month, multiplied by the number of thousand cubic feet (MCF's) of natural gas processed in the current month. 10 CFR § 212.166(b)(2) (emphasis added).

The purpose of requiring a "weighted average" cost comparison is to provide a method by which firms which have chosen, pursuant to § 212.167(b), to aggregate the total amount of increased product costs respecting volumes of natural gas subject to differing sales contracts which are processed in one or more plants, may calculate a single amount representing the increased costs of natural gas shrinkage for the aggregate of volumes of natural gas processed. Accordingly, the above formulae provide the acceptable methods for the computation of a "weighted average cost of natural gas shrinkage." Where the increased costs associated with several volumes of processed natural gas have been aggregated, the residue price which is used to determine the cost of natural gas shrinkage is a weighted average of all contract price terms under which the different volumes of processed natural gas are sold.

The foregoing methods of determining cost of shrinkage are applied with respect to Firms A and B to determine the amount of increased cost of shrinkage for August, 1975, in the above fact situations as follows:

Firm A. Firm A's shrinkage costs are determined by application of the inlet-outlet method. Since Firm A's actual price charged for residue gas during the May 1973 period was determined by reference to a fixed rate per MCF, even though Firm A's contract with Firm X permitted reference to either MCF or BTU content, MCF values must be used in calculating the "cost of natural gas shrinkage" for May 1973. In later periods the price terms of Firm A's contracts make reference to BTU content and this unit of measurement is appropriate for use. This illustrates the "cross-over" which arises in calculating increased cost of shrinkage on the basis of shrinkage amounts in different periods under different contracts.

In accordance with the Ruling on Issue #1, the outlet (residue) gas volume is reduced by the amount of residue gas utilized as plant fuel so that plant fuel is included in computing the weighted average cost of natural gas shrinkage.

[2] FEA is aware that a number of different conversion tables are used in the industry and that they are not identical. However, while the use of different tables may cause some variation in result, the range of deviation does not at this time appear to be significant. Since it is not possible at this time for FEA to identify and to approve a single conversion table for use, it shall be permissible to use any published conversion table which is generally accepted by petroleum engineers in the United States, provided that the table which is used is prominently identified in the calculations, and provided also that FEA shall have the right to review the use of particular conversion tables and to prohibit the use of any conversion table which it considers to be unacceptable.

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I. *Increased Cost of Natural Gas Shrinkage*
A. *Cost of Natural Gas Shrinkage for the Month of May 1975*

$$C_{ws}=\frac{(I-O)\ P}{I_{MCF}} \quad (1)$$

$$C_{ws}=\frac{(3000\ \text{MCF}\ [\text{inlet gas}]-1755\ \text{MCF}\ [\text{outlet gas, less 10\% used as plant fuel}])\times \$.20/\text{MCF}\ [\text{price of residue gas}]}{3000\ \text{MCF}\ [\text{inlet gas}]} \quad (2)$$

$$C_{ws}=\frac{1245\ \text{MCF}\times \$.20/\text{MCF}}{3000\ \text{MCF}} \quad (3)$$

$$C_{ws}=\frac{\$249}{3000\ \text{MCF}} \quad (4)$$

$$C_{ws}=\$.08/\text{MCF} \quad (5)$$

B. *Cost of Natural Gas Shrinkage for the Current Month of August 1975*

$$C_{ws}=\frac{(I-O)\ P}{I_{MCF}} \quad (1)$$

$$C_{ws}=\frac{(1920\ \text{MMBTU}\ [\text{inlet gas}]-1123\ \text{MMBTU}\ [\text{outlet gas, less 10\% used as plant fuel}])\times \$.60/\text{MMBTU}\ [\text{price of residue gas}]}{1600\ \text{MCF}\ [\text{inlet gas}]} \quad (2)$$

$$C_{ws}=\frac{797\times \$.60}{1600\ \text{MCF}} \quad (3)$$

$$C_{ws}=\frac{\$478.20}{1600\ \text{MCF}} \quad (4)$$

$$C_{ws}=\$.30/\text{MCF} \quad (5)$$

C. *Increased Cost of Shrinkage*

$$\text{Increased Cost of Shrinkage}=(C_{ws}\ (\text{Aug.})\ [\text{Current shrinkage cost}]-C_{ws}\ (\text{May}))\ [\text{May, 1973 shrinkage cost}]\times I_{MCF}\ (\text{Aug.})\ [\text{Current inlet gas}] \quad (1)$$

$$=(\$.30/\text{MCF}-\$.08/\text{MCF})\times 1600\ \text{MCF} \quad (2)$$

$$=\$.22/\text{MCF}\times 1600\ \text{MCF} \quad (3)$$

$$=\$352.00 \quad (4)$$

Firm B. Although Firm B is a gas producer rather than a gas operator, it is entitled to pass through the increased cost of shrinkage since it has extracted the natural gas liquids from the natural gas stream.

Firm B's fact situation is an example of the instance where employment of the conversion method, rather than inlet-outlet method, should be used. Firm B has inlet readings only on a volumetric basis, and its sales contracts are in BTU values. To compute shrinkage, the values for natural gas liquid products and ethane are converted from liquid volumetric measurement (gal.) to BTU values. Increased cost of shrinkage is then calculated according to the standard method set forth above.

Allowed amounts include the BTU value of the covered natural gas liquid products, ethane, and plant fuel, but not lease fuel or injection gas.

I. *Increased Cost of Natural Gas Shrinkage*
A. *Cost of Natural Gas Shrinkage for the Month of May 1973*
(1) Conversion of liquid products to BTU value.
(a) Propane:
BTU value=3125 gal.×91065 (BTU content per gallon)
=285 MMBTU
(b) Butane:
BTU value=1666 gal.×102,600 (BTU content per gallon)
=171 MMBTU
(c) Natural Gasoline:
BTU value=6250 gal.×110,000 (BTU content per gallon)
=687 MMBTU
(d) Ethane:
BTU value=6026 gal.×66,330 (BTU content per gallon)
=400 MMBTU

$$C_{ws}=\frac{V\times P}{I_{MCF}} \quad (2)$$

$$C_{ws}=\frac{(285\ \text{MMBTU}\ [\text{propane}]+171\ \text{MMBTU}\ [\text{butane}]+687\ \text{MMBTU}\ [\text{natural gasoline}]+400\ \text{MMBTU}\ [\text{ethane}]+206\ \text{MMBTU}\ [\text{plant fuel}])\times \$.20\ [\text{price of residue gas}]}{3000\ \text{MCF}\ [\text{inlet gas}]} \quad (3)$$

$$C_{ws}=\frac{1749\times \$.20}{3000\ \text{MCF}} \quad (4)$$

$$C_{ws}=\frac{\$349.80}{3000\ \text{MCF}} \quad (5)$$

$$C_{ws}=\$.12/\text{MCF} \quad (6)$$

B. *Cost of Natural Gas Shrinkage for the Current Month of August 1975*
(1) Conversion of liquid stream components to BTU value.
(a) Propane:
BTU value=1625 gal.×91065 (BTU content per gallon)
=148 MMBTU
(b) Butane:
BTU value=1000 gal.×102,600 (BTU content per gallon)
=103 MMBTU
(c) Natural Gasoline:
BTU value=3000 gal.×110,000 (BTU content per gallon)
=330 MMBTU
(d) Ethane:
BTU value=3999 gal.×66,330 (BTU content per gallon)
=265 MMBTU

$$C_{ws}=\frac{V\times P}{I_{MCF}} \quad (1)$$

$$C_{ws}=\frac{(148\ \text{MMBTU}\ [\text{propane}]+103\ \text{MMBTU}\ [\text{butane}]+330\ \text{MMBTU}\ [\text{natural gasoline}]+265\ \text{MMBTU}\ [\text{ethane}]+107\ \text{MMBTU}\ [\text{plant fuel}])\times \$.60\ [\text{price of residue gas}]}{1600\ \text{MCF}\ [\text{inlet gas}]} \quad (2)$$

$$C_{ws}=\frac{953\times \$.60}{1600\ \text{MCF}} \quad (3)$$

$$C_{ws}=\frac{\$571.8}{1600\ \text{MCF}} \quad (4)$$

$$C_{ws}=\$.36/\text{MCF} \quad (5)$$

C. *Increased Cost of Natural Gas Shrinkage*

$$[\$0.36\ \text{per thousand cubic feet (current shrinkage cost)}-\$0.12\ \text{per thousand cubic feet (May 1973 shrinkage cost)}]\times 1{,}600\ \text{McF (current inlet gas)}$$

$$=\$.24/\text{MCF}\times 1600\ \text{MCF}$$

$$=\$384.00$$

Some of the numbers in the above examples have been rounded off to simplify this ruling. Actual computations by firms subject to the FEA price rules should be carried out with maximum practicable accuracy.

NOVEMBER 24, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.75-32343 Filed 11-26-75;10:17 am]

V40232 DEC 2 75 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-64]

ESTABLISHMENT OF VOR FEDERAL AIRWAY

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish V-493 from Menominee, Mich., to Rhinelander, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before January 2, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would establish an airway from Menominee direct to Rhinelander. This route is presently being used by a scheduled air carrier and its designation as an airway appears to be justified.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-32334 Filed 12-1-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-004]

OCCUPATIONAL EXPOSURE TO LEAD

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 3, 1975, notice was published in the Federal Register (40 FR 45934) of a proposed occupational safety and health standard for exposure to lead pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 15593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were invited to submit data, views and arguments regarding the proposed standard and to file objections thereto, on or before December 2, 1975. In response to the notice, submisions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed standard on lead are novel and complex and that affected parties are submitting comments on other recently published OSHA proposals as well. The requesting parties state that more time is essential in order to properly respond to the proposed standard on lead.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 45 additional days. Because of the need to prepare an inflationary impact statement and have it available for public comment in advance of any hearing, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views, and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on lead, is extended from December 2, 1975 to January 16, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H-004, U.S. Department of Labor, Room N-3620, 3rd and Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202/523-8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In the proposed standard on lead (FR Doc. 75-26462) appearing at page 45934 in the FEDERAL REGISTER of Friday, October 3, 1975, the following corrections should be made:

In the first column of page 45942, references seven and eight are corrected to read as follows:

"7. Bleier, H. P.: Inorganic Lead: Biological Indices of Absorption (Biological Threshold Limit Values). National Conference on Occupational Lead and Arsenic Exposure, Chicago, Ill., (Feb. 24-25, 1975).

8. Culver, D.: Epidemiological Considerations of Occupational Lead Exposure. National Conference on Occupational Lead and Arsenic Exposure, Chicago, Ill., (February 24-25, 1975)."

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657) and 29 CFR Part 1911).

Signed in Washington, D.C., this 26th day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32413 Filed 12-1-75;8:45 am]

[29 CFR Part 1910]

[Docket No. H-026]

OCCUPATIONAL EXPOSURE TO TOLUENE

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 6, 1975, notice was published in the Federal Register (40 FR 46206) of a proposed occupational safety and health standard for exposure to toluene, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were given until December 5, 1975, to submit written data, views, and arguments regarding the proposed standard and to file objections thereto. In response to the notice, interested parties have submitted requests for an extension of the period within which to file comments. The basis for the requests is that the issues raised by the proposal are complex, that additional time is needed to compile relevant data and information regarding the proposed standard, and that affected parties are also submitting comments on other recently published OSHA proposals. The requesting parties state that additional time is necessary in order to submit appropriate comments on the proposed standard.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 45 additional days. Because of the need to prepare an inflationary impact statement, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on toluene, is extended from December 5, 1975 to January 20, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H-026, U.S. Department of Labor, Room N-3620, 3rd and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202/523-8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. Corrections: In FR Doc. 75-26463, appearing in the issue of October 6, 1975, it is necessary to make the following corrections:

1. On page 46206, in the first column, line 12 of the first paragraph, the proposed toluene standard is designated as 29 CFR § 1910.1043, instead of 29 CFR § 1910.1029.

2. On page 46209, in the third column, in the quoted material following paragraph 2, the first word is corrected from "Some" to "(s)ome," and the last word in the quotation should read "analysis" instead of "judgments."

3. On page 46210, in the first column, the first paragraph is corrected to read:

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations or other tests. Where medical examinations and other tests are appropriate, they must be made available at no cost to the employee. [Section 6(b)(7)] Standards may also prescribe recordkeeping requirements where necessary for appropriate enforcement of the Act or for developing information regarding occupational accidents and illnesses [Section 8(c)].

4. On page 46210, in the third column, paragraph 2, the first sentence is corrected to read: "OSHA has statistically determined that at any measurement exposure level below the permissible limit, some possibility exists that on unmeasured days the employee may be exposed over the permissible limit."

5. On page 46214, in column 3, the introduction and heading for proposed amendment 2 is corrected to read "§ 1910.1943" instead of "§ 1910.1029".

6. On page 46215, in column 3, proposed paragraphs (f)(1)(iv), (f)(1)(v), and (f)(1)(vi) are corrected so that they are designated as paragraphs (f)(1)(iv)(A), (f)(1)(iv)(B), and (f)(1)(v), respectively.

7. On page 46217, in the third column, line 2 of paragraph (o)(1)(ii) is corrected to read "One year" instead of "two years".

8. On page 46219, in paragraph II of Appendix C, the second sentence is corrected to read as follows: Eye contact or prolonged skin contact with liquid toluene can cause eye and skin irritation.

9. On page 46219, in paragraph VI of Appendix C, the last paragraph should be designated as "B. *Periodic examinations*", instead of "C. Periodic examinations:" and the second sentence of paragraph VI (B) should read as follows: These should include as a minimum a urinalysis, CBC, and a pulmonary function test.

(Secs. 6, 8, 84, Stat. 1593, 1599 (29 U.S.C. 655, 657) and 29 CFR Part 1911).

Signed at Washington, D.C. this 26th day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32412 Filed 12-1-75;8:45 am]

[29 CFR Part 1910]

[Docket No. SCP-2]

TOXIC SUBSTANCES

Extension of Time To File Comments; Period for Filing Objections and Corrections

In the matter of proposed standards for Alkyl Benzenes (p-tert-butyltoluene, cumene, ethyl benzene, alpha-methyl styrene, styreme, and vinyl toluene); cyclohexane; Ketones (camphor, mesityl oxide, and 5-methyl-3-heptanone); and Ozone.

On Wednesday, October 8, 1975 notice was published in the Federal Register (40 FR 47262) of proposed standards for eleven toxic substances (alkyl benzenes, cyclohexane, ketones, and ozone) pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and 29 CFR Part 1911. The proposed standards were developed as part of the Joint OSHA/NIOSH Standards Completion Project.

A. Interested persons were invited to submit data, views and arguments regarding the proposed standards on or before December 1, 1975. In response to the notice, submissions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed standards are novel and complex and that affected parties are submitting comments on other recently published OSHA proposals as well. The requesting parties state that more time is necessary to properly respond to the proposed standards on toxic substances.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments for approximately 45 additional days. Because of the need to prepare inflationary impact statements and have them available for public comment in advance of any hearing, this extension of time will not unduly delay the standard-setting process. Therefore, notice is hereby given that the period for submitting written data, views, and arguments, is extended from December 1, 1975 to January 15, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket SCP-2, U.S. Department of Labor, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210 (Telephone No. 202/423-8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

B. Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to these proposals, requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) the objections must include the name and address of the objector;

(2) The objections must be postmarked on or before January 15, 1976;

(3) The objections must specify with particularity the provision of the proposed rules to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

All objections should be submitted to the address given above for the submission of comments.

C. In the proposed standards on toxic substances (FR Doc. 75-26461) beginning at page 47262 in the FEDERAL REGISTER of October 8, 1975, the following corrections are made:

1. On page 47262, column 2, line 3 of the second paragraph from the bottom by correcting the CAS Registry Number for ethyl benzene from "100-42-5" to "100-41-4."

2. On page 47263, column 1, line 5 of the second full paragraph, is corrected by adding, after "CAS Registry Number 464-49-3," the following "(natural) 76-22-2 (synthetic)".

3. On page 47263, column 2, second line, the CAS Registry Number is corrected from "541-85-8" to "541-85-5".

4. On page 47263, column 2, first paragraph is corrected by changing "§ 1010.-1000" to "§ 1910.1000".

5. On page 47265, column 1, line 2 of the third full paragraph, the term "NIOSH-MESA" is corrected to read "NIOSH or MESA".

6. On page 47266, column 2, line 7 of the second full paragraph from the bottom, the word "serve" is corrected to read "observe".

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7. On page 47277, column 1, line 4 is corrected to add "(a)(4)," after "(a)(2),".

8. On page 47280, column 3, line 2 of the first full paragraph, is corrected by changing "alphamethyl" to "alpha-methyl".

9. On page 47284, column 1, line 6 of the first full paragraph in § 1910.1036, is corrected to add "(TWA)" after "(time weighted average)".

10. On page 47289, column 2, line 2 of the third full paragraph from the bottom, is corrected by changing "§ 190.178" to read "§ 1910.178".

11. On page 47301, column 1, line 4 of the third full paragraph, is corrected by changing "as or above" to read "at or above".

12. On page 47310, column 2, line one of the second full paragraph from the bottom, is corrected by changing "the ensure" to read "to ensure."

(Secs. 6, 8, 84 Stat. 1593 1599 (29 U.S.C. 655, 657 (and 29 CFR Part 1911).

Signed at Washington, D.C. this 26th day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32414 Filed 12-1-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 6]

[FRL 463-3]

NEW SOURCE NPDES PERMITS, PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Extension of Comment Period

This notice extends the closing date for comments on the proposed Regulations for the Preparation of Environmental Impact Statements for New Source NPDES Permit issuance (40 FR 47714, October 9, 1975).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the proposed regulation be extended until December 19, 1975.

Dated: November 24, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.75-32331 Filed 12-1-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20561]

CABLE TELEVISION SYSTEM

Order Regarding Extension of Time

In the matter of amendment of part 76 of the Commission's rules and regulations with respect to the definition of a cable television system and the creation of classes of cable systems.

1. The Motion Picture Association of America, Inc., has requested an extension of time to file reply comments in the captioned proceeding from November 28, 1975 to January 15, 1976 on the grounds that the proceedings is particularly complex and has far-reaching consequences, that the comments filed are lengthy and detailed, and that the additional time is necessary to analyze these comments.

2. In view of the complexity of this proceeding and the quantity of comments filed it appears that good cause exists for a time extension of approximately three weeks. Although this is less than the full extension requested it should provide adequate time for the preparation of reply comments.

Accordingly, it is ordered, That the date for filing reply comments in the captioned proceeding is extended to December 19, 1975.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Adopted: November 20, 1975.

Released: November 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-32303 Filed 12-1-75; 8:45am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Term "Number of Employees"

Many of the Small Business Administration's definitions of small business are limitations on the "number of employees" that a concern may have in order to qualify as a small business.

Paragraph 121.3-2(t) of the Small Business Size Standards Regulation (Part 121, Chapter 1, Title 13 of the Code of Federal Regulations) provides the method for determining a concern's "number of employees". It reads as follows:

(t) "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period it is necessary, in computing the applicant's number of employees, to include the affiliates number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

Pursuant to the above definition, a concern's "number of employees" is calculated by averaging the number of employees on only four of its payrolls in the most recently completed four calendar quarters. Recently, it came to our attention that under such circumstances a concern could defeat the intent of the regulation by temporarily dismissing employees so that they will not appear on one or more of the four payrolls utilized, and then rehiring them after the pertinent payroll periods have passed.

In order to prevent this unacceptable procedure, we propose to amend the regulation to provide that a concern's "number of employees" means the average employment of the concern based on the number of persons employed on a full-time, part-time, temporary or other basis *during each of the pay periods of the preceding 12 months*, provided, however, that, if the concern has been in business less than 12 months, the average shall be based on the number of persons employed in each of the pay periods of the period that such concern has been in business.

Accordingly, it is proposed to revise § 121.3-2(t) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * *

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months. Provided, however, if for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year and that such reduction in employment was primarily due to the shortage of energy or materials its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding 12 months by the determined percentile. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period of such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business. If a concern has acquired an affiliate during the applicable accounting period, it is necessary, in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

Interested parties may file with the Small Business Administration on or before January 2, 1976 written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.018)

Dated: November 20, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32358 Filed 12-1-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0325]

LEVODOPA

Revocation of Requirement of Continuation of Long-Term Studies, Records, and Reports

Correction

In FR Doc. 75-31454 appearing at page 54252 in the issue for Friday, November 21, 1975, the comment date appearing in the next to the last paragraph which presently reads "January 20, 1975" should read "January 20, 1976".

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Albaugh, Gerald Lee, Box 196, Bucoda, Washington, convicted on April 25, 1963, in the Superior Court, State of Washington, Lewis County.

Bliss, David C., 210 West Alden, Arlington, Minnesota, convicted on March 4, 1970, in the First Judicial District Court, Sibley County, Minnesota.

Brown, Tracy Delbert, Route 2, Box 89, Greenup, Kentucky, convicted on April 27, 1971, in the United States District Court, Catlettsburg, Kentucky.

Burgess, Arthur P., Jr., 9744 Holmur, Detroit, Michigan, convicted on February 3, 1960, in the Criminal Court, Anderson County, Tennessee.

Coleman, Warren S., Route #1, Box 89D, Hanover, Virginia, convicted on October 22, 1971, in the Circuit Court of Caroline County, Virginia.

Confoey, Clarence James, Jr., 2551 Tod Avenue, SW, Warren, Ohio, convicted on June 17, 1959, in the Superior Court, Bristol County, Massachusetts; and on November 14, 1968, in the Trumbull County Court of Common Pleas, State of Ohio.

Copeland, Clyde W., 1343-41st Street, Norfolk, Virginia, convicted on September 12, 1946, and on September 27, 1946, in the Norfolk Corporation Court, Norfolk, Virginia.

DelVecchio, Jonathan Ray, 709 South 2nd, Sioux Falls, South Dakota, convicted on April 26, 1973, in the Minnehaha County Circuit Court, Sioux Falls, South Dakota.

Dorsey, Julius E., 2404 W. 141st Street, Gardena, California, convicted on August 15, 1961, in the Superior Court, Los Angeles County, California.

Faul, Jack G., 18 Robindale Mobile Park, Minot, North Dakota, convicted on or about March 22, 1973, in the District Court, Fifth Judicial District, Ward County, North Dakota.

Fields, James E., 3807 Eton Road, Huntsville, Alabama, convicted on September 22, 1966, in the Madison County Circuit Court, Huntsville, Alabama.

Goode, Richard Marcus, 3111 Fernway Court, Montgomery, Alabama, convicted on November 8, 1973, in the United States District Court for the Middle District of Alabama, Northern Division.

Harding, Andrew Lee, 1801 E. 11th Street, Wichita, Kansas, convicted on May 15, 1942, in the District Court of Sedgwick County, Kansas.

Herson, Arnold Ray, 309 Oak Street, Laurens, Iowa, convicted on November 13, 1962, in the Superior Court, State of Arizona, County of Puma.

Hickman, Stephen R., 421 North Nebraska, Minden, Nebraska, convicted on October 12, 1972, in the Kearney County District Court, Nebraska.

Hill, Ronald A., 706 Pruitt Street, Kennett, Missouri, convicted on August 8, 1969, in the Circuit Court of Dunklin County, Missouri.

Huffman, Donald B., 4844 Terrace Road, Birmingham, Alabama, convicted on November 8, 1971, and on November 10, 1971, in the Alabama Circuit Court of Baldwin County.

Hysick, Ronald J., 7793 Vicki Lane, Baldwinsville, New York, convicted on or about January 30, 1968, in the County Court, Onondaga County, New York.

Johnson, Herbert E., 1587 Briafield Road, Hampton, Virginia, convicted on November 8, 1940, in the District Court, Division A, Parish of Rapides, Alexandria, Louisiana; and on April 1, 1965, in the United States District Court, Eastern Division, New York.

Johnson, Richard A., Route 1, Box 76A, Donahue, Iowa, convicted on January 18, 1971, in the District Court of Douglas County, Nebraska.

Journigan, Lloyd C., Jr., 12530 Easy Street, Chester, Virginia, convicted on or about August 4, 1960, in the Circuit Court of Southampton County, Courtland, Virginia.

Kelly, Arlis Wesley, Route 1, Delmar, Alabama, convicted on May 10, 1972, in the United States District Court, Northern Judicial District of Alabama, Birmingham.

Kramer, James W., 1014 Spring Street, Warren, Pennsylvania, convicted on August 26, 1940, in the Clearfield County Court, Clearfield, Pennsylvania.

Lare, Charles E., 306 Highland Avenue, Upper Darby, Pennsylvania, convicted on November 21, 1955, in the Court of Common Pleas, Philadelphia, Pennsylvania; and on September 19, 1961, in the Court of Oyer and Terminer for the County of Delaware, Pennsylvania.

Laundra, Hugh, 4743 Mackinaw Road, Saginaw, Michigan, convicted on May 24, 1973, in the United States District Court, Eastern District of Michigan, Northern Division, Bay City.

Leitch, Daniel W., 1208 Ida Avenue, Flint, Michigan, convicted on March 11, 1971, in the Circuit Court, Genesee County, Michigan.

Lipscomb, Weston L., No. 2 Laurel Drive, Enola, Pennsylvania, convicted on January 16, 1948, in the Franklin County Court of Quarter Sessions, Chambersburg, Pennsylvania.

Lumley, Richard Gaylon, Lot 23, J & L Mobile Homes, Holt's Summit, Missouri, convicted on November 19, 1963, in the Superior Court of Orange County, California; and on December 12, 1966, in the Circuit Court of Crawford County, Missouri.

Macormic, Donald, P.O. Box 113, Newburg, Missouri, convicted on June 1, 1973, in the Phelps County Circuit Court, Rolla, Missouri.

Mark, Richard Carl, 411 Lafayette Park Place, Los Angeles, California, convicted on or about November 19, 1963, in the Superior Court, Los Angeles, California.

Medlock, Carl D., 401 Main Street, Cave City, Arizona, convicted on February 6, 1973, in the United States District Court, Eastern District of Arkansas, Northern Division.

Meilahn, Arlin R., 1631 Burek Avenue, Wausau, Wisconsin, convicted on August 14, 1972, in the Circuit Court of Marathon County, Wausau, Wisconsin.

Miller, Kerry D., 2238 East 4500 South, Salt Lake City, Utah, convicted on March 19, 1973, in the District Court, Third Judicial District, State of Idaho.

Morgan, Billy Gene, Route 8, Box 51F, Andalusia, Alabama, convicted on March 19, 1971, in the Conecuh County Court, Evergreen, Alabama.

Nicholson, Herman Dillard, Route #1, Box 349, Wirtz, Virginia, convicted on June 7, 1954, in the United States District Court, Lynchburg, Virginia.

Ondrejka, Dallas R., 121 West Gilman Street, Madison, Wisconsin, convicted on July 9, 1970, in the County Court, Dane County, Wisconsin.

Oshimo, Melvin E., 330 West Hardy, Inglewood, California, convicted on July 13, 1962, in the Circuit Court of the First Circuit, Hawaii.

Peters, Kenneth N., Route 1, Box 165-A, Ferrum, Virginia, convicted on November 13, 1956, in the United States District Court, Roanoke, Virginia; and on November 9, 1959, in the United States District Court, Roanoke, Virginia.

Price, Jack, Route 1, Box 161-D, Tallassee, Alabama, convicted on April 28, 1971, in the United States District Court, Middle District of Alabama, Montgomery.

Poorman, Paul E., RR #2, Spencer, Indiana, convicted on May 17, 1954, Green County, Bloomfield, Indiana.

Rhodes, James Lawrence, RR 2, Mediapolis, Iowa, convicted on December 4, 1972, in the Circuit Court, Putnam County, Missouri.

Riggs, John A., 2811 South 8400 West, Magna, Utah, convicted on April 28, 1969, and on November 18, 1970, in the Superior Court, Los Angeles County, California.

Rutherford, John R., 340½ East Park Street, Marquette, Michigan, convicted in April 1968, in the Circuit Court, Wayne County, Michigan; and in October 1969, in the Hillsborough County Court, Tampa, Florida; and on or about August 28, 1972, in the Circuit Court, Marquette County, Marquette, Michigan.

Sandlin, Gary M., 3901 Shoreline Drive, Somerset, Kentucky, convicted on November 5, 1971, in the District Court of the First Judicial District, Kootenai County, Idaho.

Schroering, Jerome M., 1215 South Stockwell Road, Evansville, Indiana, convicted on July 27, 1973, in the United States District Court for the Southern District of Indiana, Indianapolis Division.

Simonte, Domenico, 18090 Ego, East Detroit, Michigan, convicted on July 25, 1968, in the Recorder's Court, City of Detroit, Michigan.

Smith, Thomas P., 620 LaFayette Street, Kennett Square, Pennsylvania, convicted on March 26, 1958, in the United States District Court, Southern District of Florida.

Stober, James J., 10605 Izard Street, Omaha, Nebraska, convicted on April 13, 1965, in the County Court, Jefferson County, Colorado.

Taylor, Jay Harold, Four Detroit Street, Asheville, North Carolina, convicted on November 8, 1971, in the United States District Court, Western District of North Carolina.

Wesson, John R., 2040 Madison Street, Gary, Indiana, convicted on or about August 18, 1972, in the United States District Court for the Northern District of Indiana, Hammond Division.

Williams, Anthony L., 2845 North Walnut Street, Columbus, Georgia, convicted on March 1, 1968, in the Muscogee Superior Court, Muscogee County, Georgia.

Winders, John M., 1422 Osceola Street, Des Moines, Iowa, convicted on April 12, 1967, in the District Court of Douglas County, Nebraska; on March 19, 1969, in the District Court of Polk County, Iowa; on January 15, 1973, in the United States District Court, Des Moines, Iowa.

Signed at Washington, D.C. this 17th day of November 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-32380 Filed 12-1-75;8:45 am]

Comptroller of the Currency

NATIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES

Meeting

The National Advisory Committee on Banking Policies and Practices will hold a meeting on December 15, 1975 at Marriott's Lincolnshire Resort, Lincolnshire, Illinois. The sessions will be from 9:00 a.m. until 12 noon and from 1:30 p.m. until 3:00 p.m. Both sessions will be open to the public. Interested members of the public will be admitted on a first come basis.

The topics to be discussed include the implementation of the Haskins & Sells Report, the CBCT developments, EFTS, and a discussion on the economy.

Persons or groups planning to make statements over five minutes in length must submit three copies to Mr. Palmer C. Hamilton, Office of the Comptroller of the Currency, Washington, D.C. 20219, prior to December 5, 1975.

Dated: November 25, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-32397 Filed 12-1-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CIVIL WORKS ADVISORY COMMITTEE

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Civil Works Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment. The nature and purpose of the Civil Works Advisory Committee is to advise the Secretary of the Army on ways to improve the Civil Works Program of the Corps of Engineers. Specifically, it will advise how the Corps of Engineers can shorten the time span from project inception to project completion by developing an approach to early identification of those civil works projects which are feasible, economically and environmentally sound, and have public support for early funding. The goal of the recommendations of the Committee will be to provide better efficiency and less cost in the administration of the Civil Works Program and better responsiveness to public concerns; thereby, it is in the public interest that the Committee be established.

The Committee will meet three to six times during its existence, at times convenient to the majority of the members.

To obtain balanced membership, the Committee will be composed of thirteen members selected from government, education, and the civilian business community. Members will represent a variety of disciplines (education, engineering, consulting, environmental protection, construction, retail sales, management and law). Members will be selected on the basis of their expressed interest in the project and their qualifications and will serve for a period not to exceed 12 months.

The Civil Works Advisory Committee will terminate 12 months from this date unless terminated sooner. There are no existing committees which will duplicate the functions of this Committee.

The Civil Works Advisory Committee will operate in complete accordance with P.L. 92-463, the "Federal Advisory Committee Act."

Dated: November 26, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-32404 Filed 12-1-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oil and Gas Lease Sale No. 35]

OUTER CONTINENTAL SHELF OF SOUTHERN CALIFORNIA

Withdrawal of Certain Acreage

A notice in the FEDERAL REGISTER of November 6, 1975, Vol. 40, No. 215, at page 51672, announced a sale of oil and gas leases on lands offshore Southern California pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR Part 3300).

The purpose of this notice is to withdraw certain acreage from three of the tracts listed in the notice published on November 6 at page 51675. The following portions are hereby withdrawn:

1. Tract 35-247: withdraw NE¼NE¼.
The acreage remaining in Tract 35-247 is approximately 5125 acres.

2. Tract 35-248: withdraw all of Block 36N36W and withdraw from Block 35N36W N½NW¼.
The acreage remaining in Tract 35-248 is approximately 3510 acres.

3. Tract 35-256: withdraw all of Block 35N35W and withdraw from Block 34N35W N½NW¼ SE¼NW¼ SW¼NE¼ N½SE¼.

The acreage remaining in Tract 35-256 is 2520 acres.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 26, 1975.

STANLEY D. DOREMUS
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-32489 Filed 12-1-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-27]

PENN ALLEIGH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Penn Alleigh Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710-1(a) to its Allegheny No. 2 Mine located in Allegheny and Butler Counties, Pennsylvania.

30 CFR 75.1710-1(a) provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

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(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

In support of its petition, Petitioner states:

1. Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mine for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a diminution of safety to the miners in said mines. Petitioner's experience indicated the following:

(a) While canopies of the type specified had the necessary height clearance most of the time during mining under normal conditions, the necessary clearance diminished to zero when either the bottom or the full seam undulated or when rolls in the coal seam were encountered. Several canopies were torn off when they became wedged against the roof. While in such instances the operators of the equipment quite miraculously escaped harm, the further use of these canopies inevitably will cause injuries to the operators.

(b) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

(c) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his head or feet, hang out in such manner that they are in jeopardy of being crushed between the equipment and the coal rib. In one instance the head of an operator became pinched between the equipment and the coal rib.

(d) Ingress to and egress from the cab is so limited that the operator is held capitive, and cannot escape when the action of the roof clearly would warrant such retreat.

(e) Because of close confinement in the cabs and severely limited ingress to and egress from the cab under the canopies, operators repeatedly attempt to manipulate the controls from outside the equipment while standing between the equipment and the rib, thus incurring the risk of being crushed.

(f) In case of machine malfunction, cable damage, or power failure of any kind, the operators of the equipment may be held captive by the canopies for an indefinite period, depending on the circumstances.

(g) The operators of this type of equipment are under fully supported roof at all times provided by an approved full-roof bolting plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on self-propelled electric face equipment, such as the continuous miner and the bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence the addition of canopies of the type presently available rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death when the necessary clearance is reduced to zero.

3. Petitioner avers that the subject mine has not experienced roof falls in the face area nor rib and face rolls, that secondary mining is rarely practiced and that no more than 60 percent to 65 percent of the recoverable coal is removed, leaving the balance for support.

4. Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 24, 1975.

[FR Doc.75-32360 Filed 12-1-75;8:45 am]

[Docket No. M 76-26]

RUSHTON MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rushton Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Rushton Mine, Philipsburg, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

In support of its petition, Petitioner states:

1. Petitioner contacted the manufacturer of its roof bolting equipment and purchased from said manufacturer canopies accepted by the Mining Enforcement and Safety Administration which canopies were duly installed and utilized by the work force.

2. Subsequent to the installation of these canopies, the operators attempted to utilize the equipment and were unable to do so because the equipment, due to the position of the canopy, was unable to be moved and as a result the roof bolter operators refused to continue work.

3. Attempts to modify the canopies so as to comply with the appropriate regulations created additional hazards to the miners and resulted in the diminution of safety.

4. The inherent danger which arose as a result of these attempts to modify the canopies necessitated their removal.

As a result of conferences held with MESA officials, the canopies were removed and an extension of time was granted in which to provide a workable alternative.

5. At present, Petitioner is unaware of any proposed commercial manufactured canopy which could be installed and utilized by the workers which would provide the same degree of safety to the miners as the complete removal of the canopy would insure.

6. The operation of the roof bolting equipment without the canopy will afford the same measure of protection to the miners as would be afforded by compliance with the standard and said use would, in fact, increase the measure of protection and diminish the possibility of injury by utilization of the protective canopy.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 24, 1975.

[FR Doc.75-32359 Filed 12-1-75;8:45 am]

[Docket No. M 76-28]

TESONE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Tesone Coal Company has filed a petition to modify the application of 30 CFR 75.1710–1(a) to its Nan-Lee Mine located in Armstrong County, Pennsylvania.

30 CFR 75.1710–1(a) provides:

(a) Except as provided in paragraph (f) of this setcion, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

In support of its petition, Petitioner states:

1. Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.-1710–1(a) with respect to the subject mine for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a diminution of safety to the miners in said mines. Petitioner's experience indicated the following:

(a) While canopies of the type specified had the necessary height clearance most of the time during mining under normal conditions, the necessary clearance diminished to zero when either the bottom or the full seam undulated or when rolls in the coal seam were encountered. Several canopies were torn off when they became wedged against the roof. While in such instances the operators of the equipment quite miraculously escaped harm, the further use of these canopies inevitably will cause injuries to the operators.

(b) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

(c) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his head or feet, hang out in such manner that they are in jeopardy of being crushed between the equipment and the coal rib. In one instance the head of an operator became pinched between the equipment and the coal rib.

(d) Ingress to and egress from the cab is so limited that the operator is held captive, and cannot escape when the action of the roof clearly would warrant such retreat.

(e) Because of close confinement in the cabs and severely limited ingress to and egress from the cab under the canopies, operators repeatedly attempt to manipulate the controls from outside the equipment while standing between the equipment and the rib, thus incurring the risk of being crushed.

(f) In case of machine malfunction, cable damage, or power failure of any kind, the operators of the equipment may be held captive by the canopies for an indefinite period, depending on the circumstances.

(g) The operators of this type of equipment are under fully supported roof at all times provided by an approved full-roof bolting plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on self-propelled electric face equipment, such as the continuous miner and the bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence the addition of canopies of the type presently available rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death when the necessary clearance is reduced to zero.

3. Petitioner avers that the subject mine has not experienced roof falls in the face area nor rib and face rolls, that secondary mining is rarely practiced and that no more than 60 percent to 65 percent of the recoverable coal is removed, leaving the balance for support.

4. Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 24, 1975.

[FR Doc.75-32361 Filed 12-1-75;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice of the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

The following properties have been added to the National Register of Historic Places since November 4, 1975. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER:

ARIZONA

Apache County

Navajo vicinity, *Painted Desert Inn*, W of Navajo in Petrified Forest National Park (10–10–75).

Mohave County

Colorado City vicinity, *Antelope Cave*, 17 mi. SW of Colorado City off AZ 389 (10–10–75).

Navajo County

Holbrook vicinity, *Agate House Pueblo*, E of Holbrook in Petrified Forest National Park (10–6–75).

Pima County

Tucson vicinity, *Cocoraque Butte Archeological District*, W of Tucson (10–10–75).

Yuma County

Yuma vicinity, *San Ysidro Hacienda*, E of Yuma off U.S. 95 (10–10–75).

ARKANSAS

Saline County

Benton, *Gann Building*, 218 S. Market St. (10–21–75).

Benton, *Shoppach House*, 508 N. Main St. (10–10–75).

CALIFORNIA

Inyo County

Bishop vicinity, *Pawona Witu*, E of Bishop at jct. of Poleta and Airport Rds. (10–14–75).

Mariposa County

Wawona, *Wawona Hoitel and Pavilion*, on CA 41 in Yosemite National Park (10–1–75).

Monterey County

Carmel, *Jeffers, Robinson, House*, 26304 Ocean View Ave. (10–10–75).

San Diego County

San Diego, *Sorrento Valley Site*, Sorrento Valley Rd. (10–21–75).

San Francisco County

San Francisco, *Alma* (scow schooner), 2905 Hyde St. (Hyde St. pier) (10–10–75).

San Mateo County

Hillsborough, *The Carolands*, 565 Remillard Dr. (10–21–75).

COLORADO

Rio Blanco County

Rangely vicinity, *Canon Pintado*, 12 mi. S of Rangely on CO 139 (10–6–75).

CONNECTICUT

Hartford County

Hartford, *Congress Street*, both sides of Congress St. from Wyllys to Morris Sts. (10–6–75).

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New Haven County

Branford, *Swain-Harrison House*, 124 W. Main St. (10–10–75) HABS.
Guilford, *Griswold House*, Boston St. (10–10–75).
Guilford, *Sabbathday House*, 19 Union St. (10–10–75) HABS.

FLORIDA

Escambia County

Pensacola, *Ft. San Carlos de Barrancas*, U.S. Naval Air Station (10–15–66) (erroneously removed from National Register).

GEORGIA

Monroe County

Macon vicinity, *Montpelier Female Institute*, W of Macon (10–10–75).

Thomas County

Thomasville, *Thomasville Historic District*, irregular pattern extending N to North Blvd., S to Loomis, E to Hansell, and W to Oak St. (10–10–75).

Walton County

Good Hope vicinity, *Casulon Plantation*, E of Good Hope off GA 186 (10–10–75) HABS.

ILLINOIS

Pike County

Griggsville vicinity, *Naples Mound 8*, E of Griggsville (10–14–75).

INDIANA

Lake County

Merrillville vicinity, *Wood, John, Old Mill*, E of Merrillville on IL 330 (10–10–75).

LaPorte County

Michigan City, *Barker, John H., Mansion*, 631 Washington St. (10–10–75).

Porter County

Porter vicinity, *Bailly, Joseph, Homestead*, 0.5 mi. W of Porter on U.S. 20 (12–29–62) erroneously removed from the National Register).

Rush County

Rushville, *Rush County Courthouse*, Courthouse Square (10–10–75).

Wayne County

Centerville, *Morton, Oliver P., House*, 319 W. Main St. (10–10–75).
Richmond, *Earlham College Observatory*, National Rd., Earlham College campus (10–21–75).
Richmond, *Scott, Andrew F., House*, 126 N. 10th St. (10–10–75).
Richmond, *Hicksite Friends Meetinghouse (Wayne County Museum)*, 1150 N. A St. (10–14–75).

White County

Wolcott, *Wolcott House*, 500 N. Range St. (10–10–75).

IOWA

Dubuque County

Dubuque, *Langworthy House (Octagon House)*, 1095 W. 3rd St. (10–14–75) HABS.

Lee County

Keokuk, *Belknap, Gen. William Worth, House*, 511 N. 3rd St. (10–10–75).

KENTUCKY

Boone County

Burlington, *Chambers, Robert, House*, 301 E. Bend Rd. (10–10–75).

Edmonson County

Mammoth Cave, *Hercules and Coach #2*, off KY 70 in Mammoth Cave National Park (10–10–75).

Fayette County

Lexington vicinity, *Elam Mound Archeological Site*, N of Lexintgon (10–10–75).
Lexington vicinity, *Mt. Horeb Earthworks, Unit A*, N of Lexington (10–10–75).

Jefferson County

Louisville, *Hikes-Hunsinger House*, 2834 Hikes Lane (10–10–75).

Leslie County

Hyden vicinity, *Wendover (Frontier Nursing Service)*, S of Hyden off KY 80 on Middle Fork of the Kentucky River (10–21–75).

Mason County

Maysville vicinity, *Newdigate-Reed House*, W of Maysville at jct. of old KY 68 and U.S. 62/68 (10–10–75).

Mercer County

Salvisa vicinity, *New Providence Presbyterian Church*, about 3 mi. S of Salvisa on U.S. 127 (10–10–75).

Montgomery County

Mt. Sterling vicinity, *Gaitskill Mound Archeological Site*, N of Mt. Sterling (10–21–75).

Taylor County

Campbellsville vicinity, *Clay Hill*, about 5 mi. N of Campbellsville on KY 55 (10–10–75).

Woodford County

Versailles vicinity, *Welcome Hall (Long-Graddy House)*, 4 mi. W of Versailles off Clifton Rd. (10–10–75).

MAINE

Penobscot County

Dexter, *Dexter Grist Mill*, ME 7 (10–10–75).

York County

South Berwick, *Portsmouth Company Cotton Mills: Counting House*, ME 4 at Salmon Falls River (10–10–75).
York, *Rose, Robert, Tavern*, off Long Sands Rd. (10–10–75).

MARYLAND

Anne Arundel County

Pasadena vicinity, *Hancock's Resolution*, E of Pasadena on Bayside Beach Rd. (10–10–75) HABS.

Caroline County

Hillsboro vicinity, *Daffin House*, 3 mi. S of Hillsboro on Deep Branch Rd. (10–21–75).

Carroll County

Westminster vicinity, *Avondale*, 2.5 mi. SW of Westminster on MD 31 (10–10–75).

Cecil County

Warwick vicinity, *St. Francis Xavier Church (Old Bohemia)*, 2 mi. NW of Warwick off MD 299 (10–10–75) HABS.

Dorchester County

East New Market, *East New Market Historic District*, jct. of MD 14 and MD 18 (10–1–75).

Frederick County

Frederick vicinity, *Guilford*, 1 mi. S of Frederick on MD 85 (10–14–75).

MASSACHUSETTS

Middlesex County

Waltham, *Paine, Robert Treat Jr., House*, 577 Beaver St. (10–7–75).

MICHIGAN

Ontonagon County

Ontonagon, *Ontonagon Lighthouse*, off MI 64 (10–7–75).

MISSISSIPPI

Monroe County

Amory vicinity, *Mound Cemetery Site*, W of Amory (10–14–75).

MISSOURI

Ripley County

Grandin vicinity, *B–9 Structure Archeological Site*, 9 mi. SE of Grandin (10–7–75).

MONTANA

Big Horn County

Fort Smith vicinity, *Fort C. F. Smith Historical District*, 1 mi. E of Fort Smith in Bighorn Canyon National Recreation Area (10–10–75).

NEBRASKA

Douglas County

Omaha vicinity, *Campe-Fremont 1 Archeological Site*, W of Omaha (also in Sarpy Co.) (10–21–75).

Sarpy County

Campe-Fremont 1 Archeological Site. Reference—see Douglas County.

NEVADA

Clark County

North Las Vegas, *Kyle Ranch*, Losee St. and Carey Ave. (10–6–75).

NEW JERSEY

Bergen County

Midland Park, *Lozier House and Van Riper Mill*, 34 Goffle Rd. and 11 Paterson Ave. (10–10–75) HABS.

NEW YORK

Saratoga County

Clifton Park vicinity, *Vischer Ferry Historic District*, SW of Clifton Park at jcts. of River View, Vischer Ferry and Crescent Rds. (10–15–75).

NORTH CAROLINA

Franklin County

Louisburg vicinity, *Cooke House*, SW of Louisburg near jct. of SR 1114 and SR 1109 (10–14–75).

Mecklenburg County

Charlotte, *Biddle Memorial Hall, Johnson C. Smith University*, Beattles Ford Rd. and W. Trade St. (10–14–75).

Rockingham County

Eden vicinity, *Cascade Plantation*, NE of Eden off NC 770 (10–14–75).

Stokes County

King vicinity, *Rock House*, N of King on SR 1186 (10–1–75).

OHIO

Ashtabula County

Windsor vicinity, *Windsor Mills Fort and Village Site*, W of Windsor (10–21–75).

Brown County

Mount Orab, *Mount Orab Station*, N. High and Front Sts. (10–14–75).
Ripley vicinity, *Stonehurst*, 2 mi. N of Ripley off U.S. 68 (10–10–75).

Butler County

Ross vicinity, *Demoret Mound*, W of Ross (10–21–75).
Ross vicinity, *Hogan-Borger Mound Archeological District*, N of Ross. (10–21–75).
Ross vicinity, *Ross Trails Adena Circle*, NW of Ross (10–10–75).

Clark County

Springfield vicinity, *Crabill, David, House*, 5 mi. E of Springfield off OH 4 (10–10–75).

Clinton County

Wilmington vicinity, *Keiter Mound*, N of Wilmington (10–21–75).

Cuyahoga County

Olmsted Falls, *Adams, John and Maria, House*, 7315 Columbia Rd. (10–10–75).
Olmsted Falls, *Grand Pacific Hotel*, 8112 Columbia Rd. (10–10–75).
Olmsted Falls, *Northrop, Julia Carter, House*, 7872 Columbia Rd. (10–14–75).

Darke County

Greenville, *Leftwich House*, 203 S. Washington St. (10–21–75).

Erie County

Sandusky, *Adams Street Double House*, 106–108 E. Adams St. (10–10–75).
Sandusky, *St. Mary's Catholic Church*, 429 Central Ave. (10–10–75).

Fayette County

Pancoastburg vicinity, *Jackson Mound*, N of Pancoatsburg (10–21–75).

Hamilton County

Dunlap vicinity, *Dunlap Archeological District*, W of Dunlap (10–21–75).
Harrison vicinity, *Eighteen Mile House*, about 2 mi. SE of Harrison at Harrison Pike and Patriot Dr. (10–10–75) HABS.

Jackson County

Byer, *Byer Covered Bridge*, SR 31 (10–21–75).

Knox County

Fredericktown vicinity, *Raleigh Mound*, S of Fredericktown (10–14–75).
Mount Vernon, *Woodward Opera House*, SW corner of Main and Vine Sts (10–10–75).

Lorain County

Elyria, *Laundon, Thomas W., House*, 307 Wset Ave. (10–21–75).

Miami County

Troy, *Culbertson, Robert, House*, 804 E. Franklin St. (10–10–75).

Montgomery County

Dayton, *Conover Building*, 4 S. Main St. (10–14–75).

Portage County

Kent, *Franklin Township Hall*, 218 Gougler Ave. (10–10–75) HABS.

Scioto County

West Portsmouth vicinity, *Moore, Philip, Stone House*, S of West Portsmouth on OH 239 (10–21–75).

OKLAHOMA

Pawnee County

Pawnee vicinity, *Blue Hawk Peak Ranch*, SW of Pawnee on U.S. 64 (10–10–75).

PENNSYLVANIA

Warren County

Warren, *Struthers Library Building*, 3rd Ave. and Liberty St. (10–10–75).

Westmoreland County

Irwin, *Brush Hill*, 651 Brush Hill Rd. (10–14–75).

RHODE ISLAND

Providence County

Greenville vicinity, *Winsor, Stephen, House*, 93 Austin Ave. (10–6–75).

Washington County

Allenton vicinity, *Douglas, George, House*, S of Allenton at Tower Hill and Gilbert Stuart Rds. (10–10–75).

TENNESSEE

Robertson County

Springfield vicinity, *Woodard Hall*, NE of Springfield on Owens Chapel Rd. (10–10–75).

Sevier County

Sevierville vicinity, *Trotter-McMahan House*, S of Sevierville on Middle Creek Rd. (10–10–75).

Stewart County

Dover vicinity, *Fort Henry Site*, NW of Dover off U.S. 79 on Fort Henry Rd. (10–10–75).
Dover vicinity, *Great Western Furnace*, NW of Dover on TN 49 (10–6–75).

TEXAS

Cameron County

Brownsville vicinity, *Old Brulay Plantation*, E of Brownsville off TX 4 (10–10–75).

UTAH

Cache County

Logan, *Logan Tabernacle*, bounded by Center, 1st North, Main, and 1st East Sts. (10–10–75).

Daggett County

Manila vicinity, *Manila Petroglyphs*, S of Manila (10–6–75).

Iron County

Parowan vicinity, *Parowan Gap Petroglyphs*, about 10 mi. NW of Parowan off UT 130 (10–10–75).

Millard County

Scipio vicinity, *Pharo Village*, S of Scipio (10–10–75).

San Juan County

Mexican Hat vicinity, *Poncho House*, SE of Mexican Hat near Monument Valley (10–10–75).

Utah County

Provo, *Clark-Taylor House*, 306 N. 500 W. (10–6–75).
Provo, *Smoot, Reed, House*, 183 E. 100 South (10–14–75).

Wasatch County

Heber City, *Hatoh, Abram, House*, 81 E. Center St. (10–10–75) HABS.

VIRGINIA

Norfolk (independent city)

Jamestown Exposition Site Buildings, bounded by Bacon, Powhatan, Farragut, Gilbert, Bainbridge, and the harbor (10–20–75).

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The following are corrections for properties previously listed in the FEDERAL REGISTER:

NORTH CAROLINA

Halifax County

Halifax, *Sally-Billy House*, St. Andrews St. extension (10–3–75) HABS (address change).

PENNSYLVANIA

Philadelphia County

Philadelphia, *Moore, Capt. Thomas, House*, 702 S. Front St. (3–16–72) HABS (formerly listed as House at 702 S. Front St.).

RHODE ISLAND

Providence County

Providence, *North Freight Station*, Canal St. (5–7–73) HABS (formerly listed as Railroad Freight Stations).

• • • • • •

The following property has been demolished and therefore removed from the National Register of Historic Places:

MICHIGAN

Genesee County

Fenton, *Fenton Downtown Historic District*.

• • • • • •

The following property has been removed from the National Register of Historic Places:

WYOMING

Laramie County

Cheyenne, *Baker, Jim, Cabin*, Frontier Park.

• • • • • •

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House*.

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ARIZONA

Apache County

Flattop Site, Petrified Forest National Park.
Newspaper Rock Petroglyphs Archeological District, Petrified Forest National Park.
Puerco Ruin and Petroglyph, Petrified Forest National Park.
Twin Buttes Archeological District, Petrified Forest National Park.

Cochise County

Garden Canyon Archeological Site, Sierra Vista.

Coconino County

Grand Canyon National Park, *Old Post Office*.
Grand Canyon National Park, *O'Neill, Buckley, Cabin*.

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257*.
Colorado City vicinity, *Short Creek Reservoir No. 1, Site 13,258*.

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Painted Desert Petroglyphs and Ruins Archeological District, Petrified Forest National Park.
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District*.
Tucson, *Convento Site*.
Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot*.

ARKANSAS

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49—3VB51, N fork of Cadron Creek Watershed.

Ouchita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

Imperial County

Glamis vinicity, *Chocolate Mountain Archeological District*.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ-1.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN 475, 491, 492, and 493.

Madera County

CA-MAD 176-185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station*.
Pacific Grove, *Point Pinos Light Station*.

Riverside County

Twentynine Palms, *Barker Dam*, Joshua Tree National Monument.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Desert Queen Mine*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Cow Camp*, Johsua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.
Twentynine Palms, *Wallstreet Mill*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station*.
Hillsborough, *Point Montara Light Station*.

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676)

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office*.

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., en Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5-LR-257, Boxelder Watershed Project.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area*.

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, Wyllys St. and Van Block Ave.
Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Weehasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendriexsen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Col. Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, *Flat-Iron Building (Motto Building)*, Congress St. and Maple Ave.
Hartford, *Houses on Charter Oak Place*.
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.

Middlesex County

Middletown, *Mather - Douglas - Santangelo House*, 11 S. Main St.

New Haven County

New Haven, *Post Office-Courthouse*, Church and Court Sts.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, *Delaware Breakwater*.
Lewes, *Harbor of Refuge Breakwater*.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St., SW, between 4th and 6th Sts., SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station*.

Collier County

Marco Island, *Archeological Sites on Marco Island*.

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, N end of Skidway Island.

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clarke County

Athens, *Carnegie Library Building*, 1401 Prince Ave.

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Decatur, *Sycamore Street Area*.

Gordon County

Moss—Kelly House, Sallacoa Creek area.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail*.

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp*.

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Stickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding*.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *McCarthy Building (Landfield Building)*, NE corner of Dearborn and Washington Sts.
Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126-146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum, Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Monroe County

Bloomington, *Carnegie Library*.

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *130 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125-123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MAINE

Washington County

Machiasport, *Libby Island Light Station*.

MARYLAND

Allegany County

Flintstone vicinity, *Martin-Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light*.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Middlesex County

Watertown, *Commanding Officer's Quarters Bldg. 111, Watertown Arsenal*, 448 Arsenal St.
Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S. of Blackduct in Chippewa National Forest.

Winona County

Winona, *Second Street Commercial Block*.

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MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W, Robidoux on S, 10th on E, and Michel, Corby, and Ridenbaugh on N.

Lake Spring, *Hyer, John, House.*

Dent County

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail* (*Sioux Trail*), Big Horn Canyon National Recreation Area.

Hardin, *Pretty Creek Site* (*Hough Creek Site*), Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Ravalli County

Conner vicinity, *Alta Ranger Station*, S. of Conner in Bitterroot National Forest.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.

Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Sites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G:13:19—N.M.G:13.37.*

Otero County

Three Rivers Petroglyphs.

NEW YORK

Albany County

Guilderland, *Nott Prechistoric Site.*

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Fort Jarvis, *Church Street School*, 55 Church St.

Fort Jarvis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. at Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Broad River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack* (*Daugherty, Harry, House*), 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Camp Comanche Site*, E rapge on Cache Creek.
Fort Sill, *Chiefs Knoll*, Post Cemetery, N of Macomb Rd.
Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.
Fort Sill, *Henry Post Air Field*, Post Rd.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*
Wolf Creek, *Rogue River Ranch*, Star Rte. Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rt. 183.
Mt. Pleasant, *Pleasant Valley Roller*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House* (*Old Fort*), 400 Swatara St.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg. 13, N. Main St.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal:

Philadelphia County

U.S. Naval Base, *Quarters "A" Commandant's Quarters*

Washington County

Charleroi, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recrutt Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Hamilton County

Chattanooga, *Civil War Fort*, N of Tyler RR. Crossing on Southern RR.

Henry County

Mt. Zion Church and Cemetery (*United Baptist Church*).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County)

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Uvalde County

Leon River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.

UTAH

Salt Lake County

Salt Lake City, *Karrick Building* (*Leyson-Pearsoil Building*), 236 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missiquoi River.

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N. of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park *Archeological District*, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1206 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *B & O Railroad Freight Station and Train Shed.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Milwaukee County

Milwaukee, *Plankinton, Elizabeth, House*, 1492 W. Wisconsin Ave.

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WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

Lincoln County

Emigrant Springs, 18 mi. W of Fontenelle Dam Site

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

Sweetwater County

Farson vicinity, *Parting-of-the-Ways* Oregon *Trail Site*, 15 mi. NE of Farson.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

PERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.75-32132 Filed 12-1-75;8:45 am]

Bureau of Outdoor Recreation

[INT FES 75-95]

PROPOSED MINNESOTA MEMORIAL HARDWOOD FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Minnesota Memorial Hardwood Forest Acquisition project. Notice of Availability of the draft environmental statement inviting comments was announced in the FEDERAL REGISTER on October 29, 1974 (DES 74-91).

The environmental statement considers the acquisition of approximately 200,000 acres over a 30-year period to add to the Memorial Hardwood Forest located 20 miles southeast of Minneapolis-St. Paul. The first 10-year phase of acquisition includes 70,000 acres. The land would be managed to provide for multi-use purposes and serve as a model for surrounding landowners. Intensive forest management would improve forest quality and wildlife habitat and create jobs. Development would be the minimum necessary to provide forest recreational opportunities and visitor access. Adverse effects of the action would be partial loss of tax base, relocation of families, minimal short-term erosion, and an expected increase in visitors and traffic. The project will serve regional and interstate recreational needs.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104.

Bureau of Outdoor Recreation, Office of Communications, Department of the Interior, Washington, D.C. 20240

State Planning Agency, 802 Capitol Square Building 550 Cedar Street, St. Paul, Minnesota 55101

Department of Natural Resources, Bureau of Planning, 301 Centennial Building, St. Paul, Minnesota 55155

Copies may be obtained by writing the Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104. Please refer to the statement number above.

Dated: November 24, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-32374 Filed 12-1-75;8:45 am]

Office of the Secretary

[INT FES 75-96]

PROPOSED LAKE WOODRUFF WILDERNESS AREA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Lake Woodruff Wilderness Area, Volusia and Lake Counties in east central Florida.

The proposal recommends that 958 acres of island habitat in the Lake Woodruff National Wildlife Refuge located in Volusia and Lake Counties in east central Florida be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.
Refuge Manager, Lake Woodruff National Wildlife Refuge, Box 488, DeLeon Springs, Florida 32028
U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th & C Streets, NW., Washington, D.C. 20240

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

NOVEMBER 24, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-32373 Filed 12-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A269]

MARYLAND

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in St. Marys County, Maryland, as a result of excessive rainfall, flooding, windstorm and hailstorm which occurred during the period of July 2 through July 17, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Marvin Mandel that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 19, 1976, for physical losses and August 18, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of November, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator Farmers Home Administration.

[FR Doc.75-32438 Filed 12-1-75;8:45 am]

[Notice of Designation Number A270]

VERMONT

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Vermont Counties as a result of drought May 15 to September 2, 1975:

Addison	Franklin
Chittenden	Grand Isle

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.-3(b) including the recommendation of Governor Thomas P. Salmon that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 19, 1976, for physical losses and August 18, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of November, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator Farmers Home Administration.

[FR Doc.75-32439 Filed 12-1-75;8:45 am]

Forest Service

LYNDON B. JOHNSON NATIONAL GRASSLAND GRAZING ADVISORY BOARD

Meeting

The Lyndon B. Johnson National Grassland Grazing Advisory Board will meet at 7:00 p.m., January 8, 1976, at First National Bank in Decatur, 306 W. Main, Decatur, Texas. The purpose of this meeting is to discuss fees, permits and grazing systems.

The meeting will be open to the public. Persons who wish to attend should notify W. J. Gibson, P.O. Box 507, Decatur, Texas, telephone (817) 627-5475. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation—none.

Dated: November 21, 1975.

W. A. SCHLESSELMAN,
Acting Forest Supervisor.

[FR Doc.75-32371 Filed 12-1-75;8:45 am]

Packers and Stockyards Administration

MAYSVILLE STOCK YARDS, ET AL.

Deposting of Facilities; Correction

On November 14, 1975, a notice was published in the FEDERAL REGISTER (40 FR 53050) relative to the deposting of certain stockyard facilities found no longer to come within the definition of a stockyard under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*). Through error the name of Maplehurst Livestock Market, Hinsdale, New York, posted on August 6, 1960, under Stockyard Facility number NY-122, was listed in this notice.

It has been ascertained that the stockyard mentioned herein is continuing its operations as a stockyard as that term is defined in the Act and that the name of this stockyard should be stricken from the Depositing of Stockyards notice as published in the FEDERAL REGISTER on November 14, 1975, (40 FR 53050). The Maplehurst Livestock Market, Hinsdale, New York, will continue subject to the provisions of the Act as a posted stockyard until further notice is published depositing this facility.

Done at Washington, D.C. this 25th day of November, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-32441 Filed 12-1-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents and recommended occupational health standards on the following substances:

1. Carbon Disulfide.
2. Octanes.
3. Butanes.
4. Hexanes.
5. Pentanes.
6. Kerosene.
7. Stoddard Solvent.
8. Petroleum Naphtha.
9. Mineral Spirits.
10. Nickel and Its Inorganic Compounds. (Including Nickel Carbonyl)

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances is requested to submit such information, with accompanying documentation to Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Park Building, Room 3-18, Rockville, MD 20852 within 90 days.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the condition under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning these substances will be available for public inspection after the development of the respective criteria document.

JOHN F. FINKLEA,
Director, National Institute for Occupational Safety and Health.

NOVEMBER 24, 1975.

[FR Doc.75-32370 Filed 12-1-75;8:45 am]

Office of the Secretary

OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part I of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to make certain editorial changes to Chapter 1T80 "Office of Facilities Engineering and Property Management" (38 FR 16406, June 22, 1973), as amended. Sections 1T80.00, 1T80.10, 1T80.20, and 1T80.30 are revised to read as follows:

Sec. 1T80.00 Mission. The mission of the Office of Facilities Engineering and Property Management (OFEPM), to be performed for and in cooperation with the principal operating components of the Department and Office of the Secretary staff, is to provide architectural engineering policy, direction, and services for both direct Federal and federally assisted construction activity; manage an integrated facilities engineering system for all DHEW owned or operated real property; accomplish maximum utilization of all Federal surplus property in support of national priorities established by Congress through identification of available property and its utility, and provide Department-wide leadership in occupational safety and health management.

Sec. 1T80.10 Organization. OFEPM, under the supervision of the Director, who reports directly to the Assistant Secretary for Administration and Management, consists of:

Office of the Director: Policy Development Staff; Administrative Staff; Metropolitan Engineering Staff; Management Services Staff.

Office of Planning and Development: Division of Facility Planning; Division of Facility

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Office of Federally Assisted Construction, Division of Construction.
Office of Architectural and Engineering Services: Division of Design Management; Division of Architecture; Division of Engineering.
Office of Real Property Management: Division of Plant Management; Division of Real Property; Division of Space Management.
Office of Federal Property Assistance: Division of Real Property; Division of Personal Property.

OFFICE OF SAFETY MANAGEMENT

"SEC. 1T80.20 *Functions.*—A. *Office of the Director.* The Office of the Director (OFEPM) shall be responsible for:

"1. *Office of the Director.* a. Administration and supervision of all OFEPM activities and personnel resources.

"b. Review of principal operating components and staff office architectural and engineering manpower budgetary requirements for recommendations to the Office of the Secretary in relation to the Department's manpower utilization program.

"c. In conjunction with Department principal operating components and staff offices, justifying the architectural/engineering and related technical aspects of annual budget submittals for the acquisition, construction, utilization, operation, and maintenance, repair and improvement, and disposal of Department facilities before the Office of Management and Budget and Congress.

"2. *Policy Development Staff.* a. Defining and implementing policies and procedures, and coordinating their development with the principal operating components and staff offices, and other Federal departments and agencies.

"b. Advising the Director on congressional inquiries and other legislative matters affecting OFEPM.

"c. Serving as the focal point with OFEPM for development of grant program policy and procedures and for direct Federal contracting matters regarding architectural/engineering and construction services.

"d. Developing policies, procedures, and regulations for the Department-wide implementation of the Uniform Relocation Act, Public Law 91-646.

"e. Serving as liaison with the Department's Office of General Counsel in the development and application of such policies and procedures.

"f. Developing and recommending policies and procedures, to the Office of Grants and Procurement Management, for DHEW-wide use in contracting for direct Federal architectural/engineering and construction services, and providing related operational and technical guidance and surveillance.

"3. *Administrative Staff.* Developing OFEPM administrative practices and procedures and annual operating budgets; personnel administration; control and editing of correspondence and publications; control of supply, space allocation, and travel funds; managing files and security controls; establishing and maintaining a resource materials library; and performing other administrative functions as may be necessary.

"4. *Metropolitan Engineering Staff.* The Metropolitan Engineering Staff is responsible for the following direct Federal activities in headquarters facilities in the Washington-Baltimore metropolitan area:

a. Maintenance and Operations Section.

i. Coordinating the delivery of architectural/engineering services in support of alteration, repair, and minor construction in DHEW-owned and occupied space.

ii. Providing technical assistance on the environmental quality matters associated with the design, construction, and operation of DHEW facilities.

iii. Performing predesign site utilization analysis and providing technical assistance for the site selection team.

iv. Reviewing and coordinating with GSA, job orders for repair, modification, and services for headquarters facilities, including the development of procedures for building equipment operation.

v. Providing liaison with GSA for maintenance and operation of building utilities and equipment, and cleaning and custodial services for headquarters facilities, including building services to concessionaires, credit unions and employee associations.

vi. Providing technical assistance in the performance of inspections of facilities to determine compliance with life/fire safety requirements.

vii. Performing facilities condition surveys to identify deficiencies and determine necessary maintenance and repair actions.

viii. Conducting maintenance surveillance of DHEW occupied space to determine adequacy and compliance with contractual requirements for heating, lighting, air conditioning, utility support, housekeeping, public use, etc.

ix. Providing, in accordination with the Office of Architectural and Engineering Services, design, construction, and consultative services in support of maintenance, repair and alteration projects; and for specific field problems as necessary.

x. Preparing space layout for new Federal facilities or rearrangement of existing space as directed. This includes determination of functions, flow, and external/internal interface requirements.

xi. Providing technical assistance for natural/civil disasters, including damage surveys and related services, in response to requests from the Federal Disaster Assistance Administration and DHEW programs.

xii. Carrying out project post construction activities.

b. Facilities Management Section.

i. Carrying out the effective and timely acquisition, utilization, and disposal of facilities in the area.

ii. Coordinating with requesting principal operating components and assuring that statement of program and employee needs is prepared, DHEW facility/site location and evaluation is accomplished, facilities/space acquisition actions are accomplished expeditiously, and site visits are scheduled during facility alterations to assure compliance and coordination of support requirements.

iii. Acquiring and assigning bulk space to the operating components.

iv. Preparing and maintaining records, reports, and utilization studies for DHEW-owned and occupied space, including: basic data on facilities occupied by DHEW, coordination with installations on annual utilization surveys, consolidation of real property inventory reports, consultative services to installations on facilities/quarters space problems with building managers.

v. Assisting installation staff on the implementation of the DHEW facilities cost accounting system.

vi. Coordinating with the Office of Real Property Management in providing technical assistance to installations on work plans and other operations and maintenance matters.

vi. Developing Washington, D.C., Southwest Area housing plan.

viii. Distributing bulk parking space within the Washington, D.C., Southwest Area complex.

5. Management Services Staff. a. Performing upon request of program and OFEPM offices, analysis of management information to measure effectiveness and efficiency of OFEPM program support activities.

b. Performing special studies and analysis for use in recommending changed methodologies or OFEPM activity priorities.

c. Accepting statements of systems requirements from user elements in OFEPM, and providing services required (if funded by the user) through most appropriate and cost-effective in-house or outside service source.

d. Providing basic data in areas for which OFEPM is responsible to elements outside OFEPM, for management purposes by those elements, and when funded by the requesting non-OFEPM elements.

e. Performing the service of data collection within OFEPM from both headquarters and field locations.

"B. *Office of Planning and Development.* The Office of Planning and Development shall be responsible for:

"1. *Division of Facility Planning.* a. Developing, publishing, and managing policies and procedures for translating long-range program plans into Federal facility requirements with necessary and appropriate budgetary documentation, for DHEW involvement in facility comprehensive planning.

"b. Providing facility planning consulting services to elements of DHEW, and as appropriate, to other Federal departments, public bodies and private institutions.

"c. Acting as focal point for OFEPM interface with planning, budgetary, and management elements of OS, principal operating components, OMB, and GSA.

"d. Serving as point of OFEPM contact for participation in the DHEW Operational Planning System.

"e. Determining and documenting facility requirements for Department headquarters complex to include schedules, justifications, and budgetary implications.

"f. Developing and promulgating principles and techniques to relate urban planning to health, education, and welfare facilities.

"2. *Division of Facility Development.* a. Identifying the advanced state-of-the art of building and formulating application priorities and strategies responsive to DHEW facility programs.

"b. Providing consultant services in the facility development area to principal operating components and OS elements, other Federal departments and agencies, and where appropriate, to public and private institutions.

"c. Sponsoring DHEW involvement in special demonstration projects utilizing innovative techniques for facility development.

"d. Developing and promulgating principles and techniques in systems building, construction management/phased design and construction, and life cycle costing.

C. Office of Federally Assisted Construction. The Office of Federally Assisted Construction in coordination with the principal operating components shall be responsible for:

1. Resolving problems related to (a) the federally assisted project design/construct process, (b) the need for A/E manpower to support federally assisted program activities, and (c) defining budget impact on OFEPM and ROFEC operations.

2. Defining the need for new or revised field operating procedures for use by Regional A/E staffs in providing technical support for federally assisted construction activities, and developing and implementing such procedures through the ROFECs.

3. Defining needs for specific technical guides and standards and coordinating with the Office of Architectural and Engineering Services in developing and publishing such guides and standards.

4. Consulting with National Professional Societies and Office of Secretary staff offices on the development and application of innovative methods and of design and construction for federally assisted projects.

5. Evaluating management data reports and informing the Director, OFEPM, of magnitude, trends and projections of Federally assisted construction activities nationally.

6. Preparing publications of representative costs of Federally assisted health and education facilities for distribution to national organizations, universities and hospitals and other interested public and private groups and individuals.

7. Carrying out a continual program for evaluating Regional A/E staff performance in supporting the Federally assisted activity and recommending to the Director, OFEPM, Regional staff changes required to assure adequate activity support.

8. Representing the Director, OFEPM, in coordinating with the Department Office for Civil Rights on equal employment activities relating to both direct Federal and federally assisted construction.

9. Representing the Director, OFEPM, on inter- and intra-Department committees as well as at National and regional meetings relating to federally assisted construction.

10. Acting as the Department member on the Federal Procurement Task Force with the mission of fostering opportunities for minority business within the direct Federal procurement section with special emphasis on direct Federal construction efforts.

"D. *Office of Architectural and engineering Services.* The Office of Architectural and Engineering Services shall be responsible for:

"1. Division of Design Management. a. Selecting methods and means for providing architectural/engineering and design and related construction services in support of the Department direct Federal special-purpose construction activity.

"b. Establishing design and construction schedules and monitoring project progress to insure availability of facilities to meet user occupancy dates.

"c. Developing policies and procedures for guidance of regional office staffs and field installations.

"d. Coordinating the development of architectural/engineering and construction contract documents with the contracting officer.

"e. Providing upon request, specialized consultant services to the principal operating components, staff offices, regional offices, and field installations relative to the furnishing and equipping of projects.

"2. *Division of Architecture.* a. Providing upon request, specialized architectural consultant services to the principal operating components, staff offices, regions, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activities.

"b. Developing architectural design standards, criteria, and technical specifications for uniform application to the direct Federal special-purpose construction activity and guides for the federally assisted construction activity.

"c. Supervising architectural design functions for the Federal special-purpose construction activity.

"d. Technical surveillance of architectural services being rendered by the principal operating components, staff office, regional office, and field installation staffs.

"e. Promoting the utilization of the life-cycle cost concept in all architectural design.

"f. Providing drafting and visual aids services for OFEPM.

"3. Division of Engineering. a. Providing upon request, specialized engineering consultant services to the principal operating components, staff offices, regional offices, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activity.

"b. Developing engineering design standards, criteria, and technical specifications for uniform application to direct Federal-special purpose construction activity and guides for federally assisted construction activity.

"c. Supervising civil, mechanical, and electrical design functions for Federal special-purpose construction activity.

"d. Technical surveillance of engineering services being rendered by the principal operating components, staff office, regional office, and field installation staffs.

"e. Promoting the utilization of the life-style cost concept in all engineering design.

4. Division of Construction. a. Monitoring and coordinating all construction related activities utilizing DHEW funding including the provision of expert advice and assistance on construction engineering methodology and techniques, and on advanced techniques in the construction field such as phased design with construction management concepts to provide quality construction faster and at lowest practical costs.

b. Evaluating construction activities and directing preparation of reports for construction planning purposes and construction program development including recommending to the Divisions of Engineering and Architecture post evaluation surveys when deemed appropriate

c. Analyzing construction reports from the Regional Offices to isolate problem areas, to determine the cause of the problems, and to devise solutions thereto, including periodic visits to the Regional offices to analyze problems of construction and contract management techniques.

d. Providing assistance, guidance, consultation and coordination between GSA and HEW agencies in the construction of field facilities. Also provides appropriate services on special projects of high priority as identified by the Director, OFEPM.

c. Relating to direct Federal construction in the Washington/Baltimore Metropolitan area: conducts preconstruction conferences; evaluates monthly payment requests from contractors; investigates proposed changes and approves or disapproves such changes; evaluates periodic status reports; and makes final inspection.

Revise 1T80.20A.4.a to read as follows: Performing architectural/engineering and construction related technical services as pertinent and as listed in sections 1T02a2, 1T02a4 excluding 1T02a4(2), and 1T02a5 for direct Federal construction activities in the Washington/Baltimore Metropolitan area.

"E. *Office of Real Property Management.*—The Office of Real Property Management shall be responsible for:

"1. *Division of Plant Management.*—a. Developing and implementing an integrated facilities engineering management system for the planning identification, management, operation and maintenance, and analysis of Department-owned and utilized facilities in support of annual and long-range and budgetary requirements.

"b. Developing and publishing policies and procedures for all areas of DHEW interest and involvement in operation and maintenance of DHEW real property in support of Department agency requirements.

"c. Acting as the focal point for OFEPM interface with all government and non-government elements concerned with socio-economics compliance in Department-owned and utilized facilities.

"d. Administering and supervising a continual program for:

"(1) Evaluation of Departmental real property condition and operations for

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compliance with applicable safety, health, fire protection, environmental, and energy conservation standards.

"(2) Technical surveillance and performance evaluation of DHEW facility operation and maintenance activities relating to energy conservation, fire safety, occupational safety, environmental standards, and other actions required to provide adequate, safe, and properly maintained facilities.

"(3) Evaluation of maintenance and custodial services operations furnished by other Federal departments, facility support agencies and private lessors on real property owned by the Department or occupied under lease, assignment, license or use permit.

"(4) Development of technical material and standards for guidance of regional office staffs and field installation personnel for the operation, maintenance, repair, and improvement of Department real property.

"(5) Application of adequate and acceptable entomological control, grounds maintenance, snow removal, and other facility related services.

"(6) Furnishing upon request, specialized plant maintenance and operation consultant services to headquarters, agencies, regional offices, and field installations.

"2. *Division of Real Property.*—a. Providing operational and planning guidance and where necessary, performance, to assist the regional offices of Facilities Engineering and Construction (ROFC's) and the principal operating components in DHEW real property activities.

"b. Maintaining a real property inventory, cost and facility management system for DHEW-owned and utilized Federal facilities, and facility engineering activities related thereto.

"c. Performing analysis of real property and facility data to provide management data to the OS and principal operating components.

"d. Acting as the focal point for OFEPM interface with all Government elements concerning DHEW real property activities.

"e. Acting as principal point of contact with GSA–PBS headquarters elements for Department-wide involvement in real property acquisition, management and disposal actions.

f. Providing real property consulting services to elements of DHEW.

g. Developing and publishing policies and procedures for all areas of DHEW interest in real property.

h. Interpreting statutory requirements and pertinent Federal directives on Department real property acquisition, utilization, and disposal.

3. *Division of Space Management.*—a. Coordinating, with General Services Administration, the planning, acquisition, utilization, and disposal of GSA assigned space for DHEW.

b. Providing operational guidance and technical assistance to regional office staff and the principal operating components relating to GSA-assigned space.

c. Operating the Space Management Center, providing briefings, graphic displays, and information to the OS and the principal operating components, on Federal facilities, planning, acquisition, and inventory.

d. Collecting and analyzing data concerning all activities related to GSA-assigned space as well as the identification and resolution of specific problem areas with GSA, principal operating components, and OS as appropriate.

e. Coordinating the development of standards and guides on the procurement and utilization of GSA-assigned space.

f. Providing consulting service to elements of DHEW in matters related to GSA-assigned space.

g. Developing and publishing policies and procedures for all areas of DHEW interest in planning, acquisition, management, and disposal of GSA-assigned space.

F. Office of Federal Property Assistance through the Division of Real Property Assistance and Division of Personal Property Assistance shall be responsible for:

1. Developing regulations, policies, procedures, standards, guidelines, and training materials in coordination with other Agencies of the Federal and State Governments for effective operation of the real and personal property assistance programs under the provisions of sections 203(i), 203(k), and 203(n) of the Federal Property and Administrative Services Act of 1949, including the preparation of materials for the information of health and educational institutions and civil preparedness organizations;

2. Providing technical and programmatic direction to the Regional Offices for accomplishing the goals of the Federal Property Assistance Program;

3. Making determinations and allocations for educational, public health, and civil defense purposes as outlined by section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Civil Defense Preparedness Agency) Delegation 5; taking such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational and public health purposes pursuant to section 203(k) of the Act; and entering into cooperative agreements pursuant to section 203(n) of the Act;

4. Maintaining a continuing appraisal and analysis of program performance and reviewing the Federal property assistance functions in the Regional Offices;

5. Monitoring a continuing program of compliance reviews to ensure that uses of real and personal properties conveyed are in accordance with the programs set forth in the transferees' applications;

6. Developing techniques and planning for effective inspection, screening, and use of all personal and real property which may become available and developing special methodologies when required to expedite donations and conveyances;

7. Serving as a member of the President's Economic Adjustment Committee, assisting in the disposal of closed or curtailed military installations together with related personal property for health and educational programs; and

8. Directing a program for return of personal property from overseas operations of the United States for donation under the provisions of section 402(c) of the Act.

G. Office of Safety Management. The Office of Safety Management is responsible for the establishment and management of a comprehensive Department-wide Safety and Health Program which will provide a safe and healthful work environment for employees and the public served, and minimize losses as they relate to human resources, property, equipment and material. This program encompasses the requirements of section 7902 of Title 5 of the U.S. Code and section 19(a) of the Occupational Safety and Health Act as implemented by Executive Order 11807 and Safety and Health Provisions for Federal Employees, Title 29, CFR, Part 1960. Specifically, the Office shall be responsible for:

1. Developing and promulgating plans, policies, and procedures in the management of the Department-wide Safety Program encompassing all agencies and regions.

2. Advising top management of the Department on all matters pertaining to the top management and direction of the Department Safety Program and providing technical assistance to the principal operating components, regional offices, and field installations in all areas of safety management.

3. Developing, coordinating and/or promulgating safety and health standards.

4. Conducting safety management surveys and evaluations to detelmine program implementation and management effectiveness.

5. Preparing and/or coordinating the Department's position on proposed legislation, standards, and regulations relating to safety management.

6. Planning and administering a safety management information system.

7. Developing, coordinating, and monitoring safety education, training, and promotion activities throughout the Department.

8. Coordinating and monitoring research for development of new loss control methods and concepts.

9. Representing the Department on the Federal Safety Advisory Council, Federal Fire Council and providing official Department representation to the Department of Labor, General Services Administration, and other Federal agencies.

10. Providing Department liaison with National Fire Protection Association, National Safety Council, and other outside organizations.

SEC. 1T80.30 *Delegations of authority.*—A. The Director, OFEPM, is delegated: 1. The authorities vested in the Secretary by law (or delegated to the Secretary from the Administrator of General Services) and redelegated to the Assistant Secretary for Administration and Management relating to real property management, engineering and facility planning and construction, and building service functions (executive of the financial management authority delegated to the Assistant Secretary, Comptroller).

2. All authorities in respect to direct Federal special-purpose construction activities.

3. The authority to issue such general policies and procedures as may be necessary to govern the functions, personnel, funds, and property in order to establish and administer the Office of Facilities Engineering and Property Management.

B. 1. Delegation from the Secretary, Department of Health, Education, and Welfare to the Assistant Secretary for Administration and Management of authorities vested for the Secretary by section 203 (j), (k), and (n) of said Act, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency) Delegation 5. The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Administration and Management to the Director, Office of Facilities Engineering and Property Management, of all authorities vested in the Assistant Secretary for Administration and Management to administer the Federal surplus property program. The delegated authority may be redelegated.

3. Delegation from the Director, Office of Facilities Engineering and Property Management to the Director, Office of Surplus Property Utilization, of all authorities vested in the Director, Office of Facilities Engineering and Property Management to administer the Federal surplus property program. The delegated authority may be redelegated. This delegation is concurrent with a delegation to the Regional Directors.

4. Delegation from the Director, Office of Facilities Engineering and Property Management to the several Regional Directors of the Department of Health, Education, and Welfare of the authorities vested in the Director, Office of Facilities Engineering and Property Management to administer the Federal surplus property program. The delegated authority may be redelegated.

The authorities delegated herein supersede all previous delegations of authority on this subject matter and were effective upon execution.

C. The authorities delegated are subject to the reservations of authority in the Secretary in chapter 1A of the Department's statement of organization, functions, and delegations of authority of the Department's "Organization Manual."

D. The Director, Office of Facilities Engineering and Property Management, is delegated: 1. Authority for Department-wide coordination of the implementation of the Uniform Relocation Act, Public Law 91–646.

2. Responsibility for the development and interpretation of policies, procedures, and regulations for the act; and for the preparation for the Secretary's transmital to the President of reports required by section 214 of the act or other reports. Certain other authorities under the act, with regard to project administration, have been delegated to agency heads.

3. Further redelegation of this authority is not authorized.

Dated: October 8, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-32400 Filed 12-1-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 4 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections 4–05–00 through 4–05–20 of the SSA Statement (40 FR 4476–77, dated January 30, 1975) describe the Mission, Organization, Order of Succession, and Functions for SSA's Office of Program Operations (OPO). These sections are hereby amended and restated to reflect changes in OPO's Statements of Mission, Organization, Order of Succession, and Functions; establishment of the position of Deputy Associate Commissioner for Program Operations; modifications in the Immediate Office of the Associate Commissioner for Program Operations; establishment of Headquarters staff components; abolishment of the Bureau of Field Operations; and retitling of OPO's program centers as "SSA program service centers." Also reflected is a reorganization of the Office of the Regional Commissioner which provides for abolishing the Office of the Regional Representative, Disability Insurance; the Office of the Regional Representative, Retirement and Survivors Insurance; the Office of the Regional Planning Officer, Supplemental Security Income; and the Office of the Regional Representative, Field Operations. Reorganization of the Office of the Regional Commissioner includes the establishment of the Office of the Assistant Regional Commissioner, Disability Insurance; Office of the Assistant Regional Commissioner, Retirement and Survivors Insurance; Office of the Assistant Regional Commissioner, Supplemental Security Income; Office of the Assistant Regional Commissioner, Field Operations; and regional staff organizations. The revised OPO material reads as follows:

Sec. 4–05–00 Office of Program Operations—(Mission). The Office of Program Operations (OPO) provides executive direction and coordination to all aspects of SSA's cash benefit program operations. It provides line direction to a nationwide field organization of ten regional offices, six SSA program service centers and over 1,300 local offices. The Office also directs four Headquarters bureaus responsible for retirement and survivors insurance operations; disability insurance operations; supplemental security income operations; and data processing. OPO implements policy decisions and directives through development and issuance of procedures and program instructions for cash benefit operations. It plans and directs procedural, systems, and direct management support activities. OPO assures that regional offices provide effective leadership to field operations, relationships with States, and implementation of the SSA public affairs programs. The Office is responsible for evaluating the operational effectiveness of all of the above activities.

Sec. 4–05–10 Office of Program Operations—(Organization). The Office of Program Operations, under the leadership of the Associate Commissioner for Program Operations, consists of the:

A. Associate Commissioner for Program Operations.
B. Deputy Associate Commissioner for Program Operations.
C. Immediate Office of the Associate Commissioner for Program Operations; which includes:

1. OPO Executive Officer.
2. Equal Opportunity Staff.
3. Evaluation and Special Projects Staff.

D. Office of Management.
E. Office of Operations, Systems and Coordination.
F. Bureau of Data Processing.
G. Bureau of Disability Insurance.
H. Bureau of Retirement and Survivors Insurance.
I. Bureau of Supplemental Security Income.
J. Office of the Regional Commissioner (located in each of SSA's 10 geographical regions nationwide), which includes:

1. External Affairs Staff.
2. Division of Management.
3. Division of Program Evaluation and Coordination.
4. Office of the Assistant Regional Commissioner, Field Operations.
5. Office of the Assistant Regional Commissioner, Supplemental Security Income.
6. Office of the Assistant Regional Commissioner, Retirement and Survivors Insurance.
7. Office of the Assistant Regional Commissioner, Disability Insurance.

Sec. 4–05–20 Office of Program Operations—(Functions)

A. 1. The Associate Commissioner for Program Operations is directly responsible to the Commissioner of Social Security for performance of OPO's mission and provides general supervision to the principal components of OPO.

2. During the absence or disability of the Associate Commissioner for Program Operations, or in the event of a vacancy in this position, the Deputy Associate Commissioner for Program Operations shall act as Associate Commissioner.

3. In the event of the absence or disability of both the Associate Commissioner and the Deputy Associate Commissioner for Program Operations, an OPO executive designated by the Associate Commissioner shall serve as acting head of the Office of Program Operations.

4. Should both the positions of Associate Commissioner and Deputy Associate Commissioner for Program Operations become vacant, as SSA official

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designated by the Commissioner of Social Security shall serve as acting head of the Office of Program Operations.

B. *The Deputy Associate Commissioner for Program Operations* assists the Associate Commissioner in carrying out his responsibilities and performs such other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Program Operations:*

1. *The OPO Executive Officer* assists the Associate Commissioner and Deputy Associate Commissioner in the overall management of OPO.

2. *The Equal Opportunity Staff (EOS):*

a. Serves as the personal staff to the Associate Commissioner in directing and coordinating formulation of the OPO Affirmative Action Plan in the central and regional offices, and tracks accomplishment of affirmative action goals for the Associate Commissioner.

b. Provides technical expertise to the Associate Commissioner in the exercise of equal opportunity responsibilities and, through a continuing analysis of equal opportunity activities, identifies significant trends in the assigned areas of responsibility and recommends projects and programs to the Associate Commissioner to assure the fulfillment of OPO equal opportunity objectives.

3. *The Evaluation and Special Projects Staff (ESPS):*

a. Serves as the personal staff to the Associate Commissioner in conducting analyses and studies of unusual, significant and/or complex nonrecurring issues.

b. Conducting and/or coordinates overall OPO operational and administrative evaluation activities centrally and in the field. Designs and directs an OPO-wide program of surveys, which includes continuing nationwide review and evaluation of cash benefit program operations.

c. Maintains ongoing liaison with the Office of Quality Assurance, Office of Management and Administration, and provides a focal point within OPO for the receipt and dispatch of quality appraisal related data.

d. Establishes operational standards, such as claims processing times, accuracy and work production rates.

D. *The Office of Management (OM):*

1. Develops and coordinates a broad range of OPO managmeent policies and procedures, coordinates their implementation and appraises their effectiveness.

2. Provides overall guidance and coordination to central and regional OPO component management activities to assure effective and economical in management areas, including facilities, space and equipment management; organization and position management; management information and planning; financial and budget management; manpower management; training and career development; and labor relations.

3. Coordinates OPO management programs with total SSA management activities.

4. Assures that OPO components apply proper management practices, in accordance with established guidelines, and conducts studies and analyses to measure the effectiveness and consistency of central and regional OPO administration practices and to improve these practices, where necessary.

E. *The Office of Operations, Systems and Coordination (OOSC):*

1. Develops and/or coordinates a broad range of OPO operational and systems policies and procedures that relate to more than one bureau.

2. Coordinates systems development and planning activities within OPO, and with other SSA components, to assure that OPO systems needs are met and effectively coordinated with SSA-wide systems development and planning efforts.

3. Develops and recommends OPO operational priorities and objectives.

4. Provides overall guidance and coordination to the development and issuance of operational instructions and issuances required to implement SSA program policies.

5. Monitors and appraises OPO efforts in meeting systems and operational planning objectives.

F. *The Bureau of Data Processing (BDP):*

1. Manages SSA's operating ADP systems, including systems analysis and design; programming; and computer and telecommunications operations.

2. Establishes and maintains the basic records supporting programs administered by SSA, including records and accounts for determining entitlement to and computation of cash benefits, and for determining entitlement to and utilization of health insurance benefits.

3. Develops earnings reporting standards and procedures for employers and the self-employed, and investigates and resolves reporting and earnings record discrepancies.

4. Furnishes necessary data to the Department of the Treasury for proper crediting of amounts to the Social Security Trust Funds.

G. *The Bureau of Disability Insurance (BDI):*

1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefits processes of the disability insurance (DI) program and related responsibilities for the supplemental security income and black lung programs; develops, coordinates and issues technical medical policies and standards for these programs; and evaluates the operational effetiveness of the DI claims process and related actions.

2. Manages central disability operations, including review and authorization of disability claims; certification of benefit payments; and maintenance of disability beneficiary rolls.

3. Develops, evaluates, recommends and coordinates operating systems, methods, procedures and instructions for central disability operations.

4. Provides technical guidance and advice to SSA regional offices concerning the disability determination process.

5. Develops, in cooperation with DHEW's Rehabilitation Services Administration, policies and procedures for administration of the disability beneficiary rehabilitation program and maintains relationships with national organizations of State Vocational Rehabilitation Directors and other related organizations.

H. *The Bureau of Retirement and Survivors Insurance (BRSI):*

1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefit payment processes of the retirement and survivors insurance (RSI) program, and evaluates the operational effectiveness of the RSI claims process and related actions.

2. Manages a network of six SSA program service centers responsible for review and authorization of rettrement and survivors claims and of health insurance entitlement; supplementary medical insurance premium collection; certification of benefit payments; and maintenance of RSI benefit rolls.

3. Develops, evaluates and implements operating systems, methods and instructions governing the claims and post-adjudicative processes and folder control activities of the SSA program service centers; and directs RSI critical case and benefit accounting programs.

4. Provides technical advice and guidance to SSA regional offices concerning the RSI determination process.

5. Coordinates SSA program service center operating procedures, including ADP operations, with other SSA components and Federal agencies having responsibility in related work areas.

6. Directs administration of social security programs abroad.

I. *The Bureau of Supplemental Security Income (BSSI):*

1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, applicable to the supplemental security income (SSI) program and its claims and benefit payment processes.

2. Provides technical advice and assistance to SSA regional offices concerning the SSI determination process and in negotiations and continuing interfaces with State welfare agencies.

3. Manages the certification of SSI payments and evaluates the operational effectiveness of the SSI claims process and related actions.

J. *The Office of the Regional Commissioner (ORC)* serves as the principal SSA component at the regional level and assures effective SSA interface with DHEW, other Federal agencies, State Welfare Agencies, Disability Determination Sections and other organizations. ORC provides regional program leadership and technical direction for the retirement, survivors and disability insurance programs and the supplemental security income program; issues regional operating policy and procedures for these programs; and evaluates program effectiveness. It implements national operational and management plans for providing direct SSA service to the public. ORC manages and coordinates an effective SSA regional operation, consistent with national and regional operational requirements, as well as systems and policy directives. It performs a broad administrative overview of the regional offices of SSA's Bureau of Health Insurance and Bureau of Hearings and Appeals, SSA program service centers and BDP data operations centers, to assure effective regional coordination of SSA activities. ORC directs a regionwide network of district offices, branch offices and teleservice centers which serve as the interface between SSA and the public. It implements a regional SSA public affairs program and provides management support to field operations. The Office includes the following components and functions:

1. *The External Affairs Staff (EAS):*

a. Provides overall leadership and direction to the regional SSA external affairs program; analyzes and evaluates regional public affairs activities; enunciates regional public affairs policies consistent with nationally-issued policies in this area; and directs the operations of the Regional Public Affairs Council.

b. Serves as the primary regional interface with news media, community organizations and Congressional staff on questions and problems of a regionwide nature.

c. Manages and oversees the regional public information program; prepares and disseminates public information materials; coordinates the development and implementation of regional information and referral programs; and serves as liaison with the Office of External Affairs at SSA headquarters.

2. *The Division of Management (DM):*

a. Directs a regional management program to assure effective and economical management activities; develops and implements management policies and procedures; and appraises the overall effectiveness of regional management programs.

b. Assures that Assistant Regional Commissioners and their staffs are operating in accordance with national and regional policies regarding financial, manpower, and organization management, as well as other areas of administrative concern.

c. Represents the focal point for regional administrative planning and conducts ongoing studies and analyses to improve administrative practices in the region.

d. Coordinates all SSA administrative management activities in the region with the DHEW Regional Office and serves as regional liaison with that Office on matters of mutual interest in the management area.

3. *The Division of Program Evaluation and Coordination (DPEC):* a. Conducts an ongoing evaluation of overall SSA regional program administration, including the effectiveness of interaction between program and operational components; identifies operating problems affecting more than one SSA regional component; and initiates or conducts studies and analyses of problem areas and recommends corrective action.

b. Coordinates the integration of the program activities for which the Regional Commissioner is responsible; develops recommendations for changes in procedures or policies that cross component lines; and maintains liaison with regional health insurance, hearings and appeals, SSA program service center and data operations center components.

c. Provides regionwide leadership and direction to systems planning and coordination for both operational and management systems; establishes regional systems policies and standards; oversees systems activities in the region to assure optimum efficiency and maximum integration of the various systems; provides technical assistance and expertise in systems matters to all regional components; assists in the resolution of operational problems caused by systems malfunctions; and provides regional liaison with systems components of central office bureaus.

d. Coordinates regional program operations planning efforts and develops regional work plans.

4. *The Office of the Assistant Regional Commissioner, Field Operations (OARCFO):* a. Serves as the focal point of line authority through which management and operational aspects of district and branch office and teleservice center responsibility and performance are supervised and coordinated. These field offices are responsible for informing people of the purposes and provisions of programs administered by SSA and their rights and responsibilities thereunder; assisting the public in filing claims for retirement, survivors, health and disability insurance benefits, black lung benefits, and supplemental security income; developing and adjudicating claims; assisting certain beneficiaries in claiming reimbursement for medical expenses; conducting development of cases involving earnings record, coverage, and fraud-related questions; making rehabilitation service referrals; and assisting claimants in filing for reconsiderations, hearings and appeals of decisions as to benefit entitlement or amount.

b. Provides leadership, guidance and direction to district and branch offices and teleservice centers through onsite area directors.

c. Insures consistency of field operations in the region with national and regional policies and procedures, and is accountable to the Regional Commissioner for the effectiveness of these operations.

5. *The Office of the Assistant Regional Commissioner, Supplemental Security Income (OARCSSI):* a. Provides program leadership and technical direction for the SSI program in the region; issues regional operating policy and procedures necessary to insure adequate and effective implementation of SSI program policy; conducts visits to district offices to determine the effectiveness of policies and procedures and to provide technical assistance in the resolution of SSI operational problems; and evaluates SSI program effectiveness regionwide.

b. Negotiates and maintains agreements with States relative to the administration of statutory and regulatory provisions concerning optional State supplementation, mandatory minimum State supplementation and Medicaid eligibility determinations, and evaluates and monitors State budgets developed pursuant to these agreements; and maintains an ongoing dialogue with States and negotiates with them on SSI program matters and related concerns, such as determinations of adjusted payment levels, hold harmless levels and the operational aspects of the Food Stamp Program.

c. Assists the ORC External Affairs Staff in the development and implementation of the regional information and referral program.

6. *The Office of the Assistant Regional Commissioner, Retirement and Survivors Insurance (OARCRSI):* a. Provides program leadership and technical direction for the RSI program in the region; issues regional operating policy and procedures necessary to insure adequate and effective implementation of RSI program policy; conducts visits to district offices to determine the effectiveness of policies and procedures and to provide technical assistance in the resolution of RSI operational problems; and evaluates RSI program effectiveness regionwide.

b. Resolves conflicts relating to the RSI program involving line officials in local SSA offices and SSA program service centers.

c. Negotiates with State officials on social security coverage for State employees and recommends action on proposed modifications to basic agreements for such coverage; and provides SSA regional expertise on State and local coverage matters.

7. *The Office of the Assistant Regional Commissioner, Disability Insurance (OARCDI):* a. Provides program leadership and technical direction for the DI program in the region; issues regional operating policy and procedures necessary to insure adequate and effective implementation of DI program policy; conducts visits to and ongoing liaison with district offices and State agencies to determine the effectiveness of policies and procedures and to provide technical assistance in the resolution of DI operational problems; and evaluates DI program effectiveness regionwide.

b. Approves State agency budgets and provides technical consultation on fiscal and other administrative aspects of State agency operations and conducts comprehensive reviews and analyses of State agency operations.

c. Coordinates with regional representatives of DHEW's Rehabilitation Services Administration and other agencies on disability program matters, and

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establishes and maintains relationships with professional medical organizations to promote DI program goals.

Dated: November 20, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-32398 Filed 12-1-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 4 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections 4-04-00 through 4-04-20 of the SSA Statement (40 FR 4476 dated January 30, 1975) describe the Mission, Organization, Order of Succession and Functions for SSA's Office of External Affairs (OEA). These sections are hereby amended and restated in their entirety to reflect changes in OEA's mission statement, order of succession and existing component functional statements; to incorporation information concerning the addition of three new OEA components—the Office of Intergovernmental Relations and Public Concerns, the Congressional Relations Staff, and the Press Office; and to indicate that OEA's former Office of Public Affairs is being retitled as the Office of Information. The revised OEA material reads as follows:

Section 4-04-00 Office of External Affairs—(Mission). The Office of External Affairs (OEA) plans, coordinates and evaluates SSA's nationwide program for effective interaction with the public, Congress, the press, international social security organizations and foreign social security systems, other Federal agencies, State agencies, and community and private organizations, regarding SSA-administered programs and related programs and services. It provides SSA representation and participation in organized planning for social services. OEA develops programs and materials to assure public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA. The Office identifies and assesses problems in public acceptance of SSA programs and administration, serving as the advocate of public concerns within SSA. It receives, analyzes and controls high priority inquiries and conducts an ongoing quality appraisal of written responses to public inquiries prepared throughout SSA. It assures SSA adherence to the Freedom of Information Act and the Privacy Act.

Section 4-04-10 Office of External Affairs—(Organization). The Office of External Affairs, under the leadership of the Associate Commissioner for External Affairs, consists of the:

A. Associate Commissioner for External Affairs.
B. Immediate Office of the Associate Commissioner for External Affairs.
C. Office of Intergovernmental Relations and Public Concerns.
D. Congressional Relations Staff.
E. Press Office.
F. Office of Information.
G. Office of Public Inquiries.

Section 4-04-20 Office of External Affairs—(Functions). A.1. *The Associate Commissioner for External Affairs* is directly responsible to the Commissioner of Social Security for performance of OEA's mission and provides general supervision to the principal components of OEA.

2. In the event that the Associate Commissioner for External Affairs is absent or disabled, the Director of the Office of Intergovernmental Relations and Public Concerns shall serve as acting head of the Office of External Affairs.

3. Should the position of Associate Commissioner for External Affairs become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of External Affairs.

B. *The Immediate Office of the Associate Commissioner for External Affairs* assists the Associate Commissioner in the performance of his responsibilities and handles such other assignments as he may prescribe.

C. *The Office of Intergovernmental Relations and Public Concerns:* 1. Plans, conducts and coordinates SSA's interactions with outside public and private organizations at the national, international, State and local levels; coordinates SSA representation or represents it in national level negotiations and deliberations with government agencies, social and community service agencies, organizations, and advisory groups; and assures appropriate SSA representation at high level conferences and seminars in both the public and private sectors.

2. Assesses public acceptance of SSA programs and administration, and serves as the advocate within SSA of public concerns regarding such matters.

3. Identifies the needs of SSA's constituency for resources and services other than those provided by SSA programs, and directs a nationwide program of SSA representation and participation in organized planning for social services.

4. Provides national guidelines and standards for SSA's information and referral activities.

5. Coordinates relationships between SSA and international organizations concerned with social security matters; foreign social security systems, and the Department of State and other agencies involved in international affairs; participates in the formulation and implementation of U.S. policy relating to international social security matters; and provides training and orientation in social security and allied fields to officials of foreign social security systems and other foreign visitors; consults and coordinates with OS/OIAM on international matters of interest to the Department and on policy matters involving the State Department or other U.S. Government agencies; coordinates as appropriate with the Office of Research and Statistics, identifying issues and trends arising in SSA's international affairs activities which call for research.

D. *Congressional Relations Staff:* 1. Has agency-wide responsibility for the provision of support services to individual Members of Congress and their staffs, including case work pertaining to SSA claimants and beneficiaries. This responsibility may be delegated to operating headquarters and field units.

2. Is responsible for the fulfillment, on an agency-wide basis, of the agency's general policy for quick and responsive answers to inquiries and questions raised by individual Members of Congress and for the solution to special problems and issues drawn by individual Members of Congress.

3. Specifically responsible for keeping the Congress generally informed concerning SSA operations and activities, including the coordination of all congressional reports (except those dealing with legislation pending before Congress or under consideration by a legislative committee of Congress), as well as for special presentations or briefings of the Congress concerning SSA activities and programs.

4. Directs and participates in highly sensitive negotiations, initiated by Members of Congress and their staffs, to resolve difficult issues.

5. Assures effective and expeditious SSA attention to problem situations and other congressional concerns, and anticipates and averts potential problems in SSA-congressional relationships.

6. Explains and interprets SSA experience, plans, options, constraints and problems in response to expressions of congressional interest.

7. Coordinates as appropriate in relation to the above activities with the Assistant Secretary for Legislation, Office of the Secretary.

E. *Press Office:* 1. Guides and coordinates all SSA press activities, and prepares and issues news items for national release and for release through district offices.

2. Maintains contacts with members of the working press and responds to requests for information and assistance from newspapers, radio and TV network news departments, news and general magazines and the specialized press.

3. Prepares news and feature stories for the Baltimore press on SSA headquarters events, programs of community interest, and the accomplishments and activities of SSA employees.

4. Analyzes press coverage of social security and Medicare programs to assess public reaction, and prepares the Daily Press Service for the SSA Executive Staff and Regional Commissioners.

F. *Office of Information:* 1. Provides direction to SSA's information activities to assure public knowledge and understanding of programs administered by SSA.

2. Develops and evaluates goals, objectives, policies, standards and guidelines for SSA public information activities.

3. Assesses nationwide public information needs and carries out comprehensive and diversified programs to inform the public of the purposes and provisions of SSA-administered programs, program additions and changes, and of people's rights and responsibilities under these programs.

4. Prepares and determines distribution of a wide variety of public information materials on all phases of SSA-administered programs.

5. Evaluates and assures the high quality of informational materials distributed to the public and provides technical guidance for public affairs training in SSA.

6. Exercises SSA Headquarters authority to deny requests for information under the Freedom of Information Act and the Privacy Act of 1974, and assures that these Acts are appropriately administered throughout SSA.

G. *Office of Public Inquiries:* 1. Establishes, promulgates and assesses SSA policy for processing public and Congressional correspondence.

2. Receives, analyzes and controls high priority written and telephone inquiries, replying to many of them and referring to other SSA components, as necessary, those inquiries requiring specialized knowledge.

3. Studies SSA-wide correspondence experience and practices; performs on ongoing quality appraisal of written responses to public inquiries prepared throughout SSA; develops recommendations designed to improve the effectiveness of SSA's public correspondence and to maintain and enhance its consistency and accuracy; and conducts training programs in SSA field and headquarters components to improve correspondence to the public.

4. Provides advice and assistance to SSA officials and liaison with DHEW on public correspondence matters.

Dated: November 20, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-32399 Filed 12-1-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting of the Federal Programs Evaluation Committee

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Federal Programs Evaluation Committee of the National Advisory Council on Extension and Continunig Education will be held on December 16, 1975, in the Council Office, 425 13th St., N.W., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continunig education programs, including community service programs.

The meeting of the Federal Programs Evaluation Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376-8888) no later than December 11, 1975. The purpose of the meeting will be to review all Office of Education programs having extension and community service components. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St., N.W., Washington, D.C.

RICHARD F. MCCARTHY,
Association Director.

NOVEMBER 24, 1975.

[FR Doc.75-32396 Filed 12-1-75;8:45 am]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY OF HEALTH

Statement of Organization, Functions and Delegations of Authority

Part 11, Chapter 11, in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended) is amended to update the division functional statements for the Office of Program Implementation (OPI) and the functional statements for certain organizational segments within the Office of Administrative Management (OAM) to include new and transferred responsibilities.

Section 11-B, Organizations and Functions, is changed as follows: Under the heading entitled *Office of Program Implementation (1N13)*, amend the statement for the *Division of Health Research and Protection Operations (1N1303)* by adding the following as the last sentence: "Serves as focal point for the PHS on matters pertaining to fair information practices, including implementation of the Privacy Act of 1974."

Amend the statement for the *Division of Health Services and Prevention Operations (1N1305)* by deleting the last three words "fair information practices" and substituting "freedom of information."

Under the heading entitled *Office of Administrative Management (1N19)*, amend the following statements:

Administrative Services Center (1N1903)—Change the first sentence of the third paragraph to read: "Develops Public Health Service policy and procedures for printing, duplicating, and material management."

Division of Management Sciences and Systems (1N19055)—Delete the period at the end of the first sentence and insert the words "for ADP and telecommunications."

Division of Financial Management (1N19095)—Delete the current statement and substitute the following:

Division of Financial Management (1N19095)—The Director of the Division of Financial Management serves as the principal advisor in the area of financial management activities and provides leadership for the direction and improvement of financial management functions; develops policies, financial management procedures, and systems for use throughout the PHS and coordinates the preparation and presentation of budget estimates; participates in the development of the five-year program and financial plan in cooperation with the Office of Policy Development and Planning; directs and manages a system of budgetary, expenditure, and position controls; develops policies and procedures for the PHS direct loan, loan guarantee and interest subsidy programs; provides marketing for direct loan activities; provides assistance and technical guidance to financial management staffs throughout the PHS; assures that the PHS prepares and conducts analyses of financial reports; and maintains liaison with the Office of the Secretary and the Office of Management and Budget.

Division of Grants and Contracts (1N19097)—Delete the current statement and substitute the following:

Division of Grants and Contracts (1N19097)—In the area of grants, procurement, and cost management, the Director of the Division of Grants and Contracts: serves as the principal advisor within PHS for developing policies, guidelines, and procedures; provides leadership and direction for the optimum utilization of contracts and grants; reviews and evaluates the effectiveness of established policy and procedures and recommends improvements; provides liaison for PHS with the Office of the Secretary, other Government agencies, and the private sector; coordinates the Small Business Program, including the Minority Business Program of PHS; and prepares reports as required.

Division of Health Facilities Planning (1N19099)—Strike the phrase "develops safety management and telecommunication policies for the Public Health Service" and substitute the phrase "develops safety management policy for the Public Health Service". At the end of the text, delete the period, add a semicolon and the following statement: "administers the Federal Buildings Fund (established by Pub. L. 92-313) for all GSA-assigned space."

JOHN OTTINA,
Assistant Secretary for Administration and Management.

NOVEMBER 21, 1975.

[FR Doc.75-32352 Filed 12-1-75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations, Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS

Applications for Exemptions or Renewals

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in duplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available for inspection and copying, both before and after the closing date.

New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
75-39	Fike Metal Products Corp., Blue Springs, Mo.	Sec. 178.50-8	To allow the use of a type of welded tubing not presently authorized in the specifications for DOT 4B500 cylinders (mode 1).
75-40	Fuller System, Inc., Woburn, Mass.	Sec. 173.377	To qualify packages of certain organic phosphate compounds, dry, containing less than 25 pct active ingredients, under the type of exemptions provided in sec. 173.359(c) for liquids (mode 1).
75-41	Controlled Demolition, Inc., Towson, Md.	14 CFR, secs. 103.9, 103.19, and 103.31.	To amend Federal Aviation Exemption 2159 to allow the transportation of subject explosives in DOT specification boxes which have been opened and then resealed (mode 4).
75-42	Bio-Lab, Decatur, Ga.	Sec. 173.217	To amend special permit 6267 to provide modifications to the 2-gal polyethylene pail for granular as well as the compressed forms of subject commodity (mode 1).
75-43	Armak Co., McCook, Ill.	Sec. 173.119(b)	To amend special permit 6860, to allow the shipment of certain flammable liquids in subject 55 gal, closed head polyethylene drums, and in DOT 34-15 containers (modes 1, 2, 3).
75-44	Saturn Airways, Inc., Oakland, Calif.	14 CFR, sec. 103.9	To allow the transportation of class B and class C explosives, and flammable liquids, in quantities in excess of those now authorized (mode 4).
75-45	Carrier Corp., Syracuse, N.Y.	Sec. 173.306 and 46 CFR 146.24-100.	To amend special permit 5013, to provide for additional gases in the group I refrigerants category and to clarify certain packaging requirements (modes 1, 2, 3).
75-46	Magna Corp., Houston, Tex.	Sec. 173.122 and 46 CFR 146.21-100.	To allow shipments of inhibited acrolein in DOT specification 51 portable tanks exceeding capacity and weight limitations. (modes 2, 3).
75-47	Trojan-U.S. Powder, Allentown, Pa.	Sec. 173.182 and 46 CFR 146.22-200.	To amend special permit 3307 to allow the use of a poly tubing bag, having a triple ply, 7 mil wall, for nitrocarbo-nitrate (modes 1, 2, 3).
75-48	Union Carbide Corp., Tarrytown, N.J.	Sec. 173.304	To allow the shipment of ethylene oxide-compressed gas mixtures in DOT specification 39 cylinders (modes 1, 2, 3).
75-49	United Technologies, Sunnyvale, Calif.	Sec. 173.65	To allow shipments of trichlorotrinitrobenzene, wet, a class A explosive, in polyethylene bags overpacked in a DOT specification 21 C fiber drum (modes 1, 2).
75-50	American Hoechst Corp., Somerville, N.J.	Sec. 178.131-9	To allow the use of foreign-made drums comparable to DOT 37A drums, without markings, for poison solids, class B, and certain corrosive materials (modes 1, 2).
75-51	Electrochimica Corp., Mountain View, Calif.	Sec. 173.206(d)	To allow the shipment of lithium batteries not presently provided for in the regulations (modes 1, 4).
75-52	Advanced Chemical Technology, City of Industry, Calif.	49 CFR pt. 173	To convert special permit 6637 to an exemption for their 55-gal polyethylene drum for corrosives and certain flammable liquids, and poisons (modes 1, 2, 3).
75-53	....do	Secs. 173.346 and 173.356.	To convert special permit 6787 to an exemption for their 55-gal polyethylene drum and DOT-34 container for certain poisons (modes 1, 2, 3).
75-54	....do	Sec. 173.245(b)	To convert special permit 7011 to an exemption for their removable head polyethylene drum for caustic soda beads (modes 1, 2, 3).

The closing date for filing comments on the above applications is: December 31, 1975.

Renewals

Application No.	Applicant	Regulation(s) affected	Nature of application
75-55	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	Sec. 173.154(a)	To renew special permit 6145 allowing the transportation of sodium and magnesium perchlorate solutions in DOT specification cargo tanks (mode 1).
75-56	Military Traffic Management Command (MTMC) Washington, D.C.	Secs. 173.87 and 173.400.	To renew special permit 3600 allowing shipments of rocket engines, without liquid propellants, but with explosive components (mode 1).
75-57	MTMC, Washington, D.C.	Sec. 173.93	To renew special permit 5777 allowing the comingling of certain explosives (modes 1, 2).
75-58	....do	Sec. 173.89	To renew special permit 5208 allowing shipments of ammunition for cannon containing irritating material (mode 1).
75-59	....do	Secs. 173.65 and 177.835.	To renew special permit 6685 allowing shipments of a class A explosive, wet with water (mode 1).
75-60	....do	Sec. 173.385	To renew special permit 5717 allowing shipments of an irritating material (solid) in packages not presently authorized (mode 1).
75-61	....do	Secs. 173.306 and 173.119 and 46 CFR 146.23-100, 146.21-100.	To renew special permit 5746 allowing shipments of expended rocket engines containing residual amounts of corrosive liquid or flammable liquid (modes 1, 2, 3).
75-62	....do	Secs. 173.79 and 173.92.	To renew special permit 3415 allowing the transportation of certain rocket motors, without overpacking, on flatbed motor vehicles (mode 1).

The closing date for filing comments on the above applications for renewal is: December 16, 1975.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.75-32256 Filed 12-1-75;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in the offices of the Corporation on the 8th floor at 800 Independence Avenue SW, Washington, D.C. on December 19, 1975 at 10:30 a.m.

Agenda items are as follows: (1) Opening remarks by the Administrator; (2) Approval of minutes of prior meeting; (3) Administrative report; (4) Program reviews; (5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue SW, Washington, D.C. 20590 or by calling 202-426-3574.

Issued: November 21, 1975.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.75-32357 Filed 12-1-75;8:45 am]

CIVIL AERONAUTICS BOARD

AMERICAN EXPRESS CO.

Meeting

Notice is hereby given that a presentation will be made by the American Express Company on December 16, 1975, at 2:00 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., on the Tour Wholesaler Industry Study.

Dated at Washington, D.C., November 26, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32407 Filed 12-1-75;8:45 am]

[Agreement C.A.B. 2698, R-23, etc.; Order No. 75-11-106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order To Show Cause Regarding Conditions of Carriage-Cargo

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of November, 1975.

In the matter of agreements adopted by the International Air Transport Association regarding conditions of carriage-cargo (Agreement C.A.B. 2698, R-23; Agreement C.A.B. 7648, R-107; Agreement C.A.B. 24475, R-4 and R-5, Docket 25280 Agreement C.A.B. 25166, R-12).

By filing on June 21, 1974, the International Air Transport Association (IATA) has submitted, pursuant to section 412 of the Act, Resolution 600b (Agreement C.A.B. 24475, R-4) which will restate the conditions of carriage of cargo to appear on the back of cargo air waybills (A/W/B).[1] The last previous Board approval of such conditions of carriage for both passengers and cargo occurred on September 1, 1949, *IATA Traffic Conference Resolutions*, 10 C.A.B. 783. Though the Board therein approved such Resolution then before it on the grounds that the "establishment of these uniform conditions should minimize the confusion and misunderstanding," the Board took pains to note that "serious questions relating to the public interest could arise," and placed its interpretation on several of the provisions. The Board concluded with the following admonition (10 C.A.B. at 793, 794):

> We extend our approval for a temporary period in order to permit the immediate use of the uniform arrangements discussed herein pending revision of the provision under consideration in a manner consistent with the views expressed herein. Should the carriers fail to make such revision at their first opportunity, the public interest may require us to withdraw the approval herein granted.

In 1954, the IATA carriers filed a revision to the earlier approved Resolution (Agreement C.A.B. 7648, R-107 adopted by the IATA traffic Conferences in Honolulu in November, 1953). In considering the Honolulu revisions in Order E-8543, adopted on August 5, 1954,[2] the Board stated:

> The Board is seriously concerned with the little progress that appears to have been made to revise the basic provisions of these agreements to meet the points raised in the aforesaid opinion. While still recognizing the importance of uniformity in the tickets, waybills, and conditions of carriage, it is of the opinion that such uniformity should not be obtained at the sacrifice of the rights of passengers and shippers, and that further approval of provisions which are otherwise adverse to the public interest is not warranted. (p. 581)

The Board, accordingly, tentatively approved some of the provisions,[3] some conditionally, and tentatively disapproved others, giving parties 30 days within which to file objections.[4] Objections were filed by the IATA carriers in which they requested the opportunity for conference with the staff of the Board for purposes of facilitating disposition of the issues. The Board authorized such informal discussions by Order E-8842, dated December 22, 1954, but no final resolution of the cargo issues ever materialized.[5] The result is that the tentative order of August 5, 1954, with respect to cargo, never became final, and the only order of approval on cargo presently operative is

[1] Resolution 600] (Agreement C.A.B. 24475, R-5) deals with the Conditions appearing on the face of the A/W/B. The instant Resolutions are set forth in their entirety in Appendices A and B.

[2] Reprinted in Pan Am World Airways et. al., Conditions of Carriage, 24 C.A.B. 575 at 580-591 (1957).

[3] Concurrently, the Board provided extensive comments as to the unacceptable nature of various provisions in the Resolutions, and proposed to condition its approval in many instances (see Paragraph B, 24 C.A.B. 587). Many of such provisions on which the Board expressed its dissatisfaction are nonetheless in existence in the carriers' current tariffs.

[4] The Board noted: The Board at this time has reviewed the proposed agreements for the purpose of indicating which specific provisions would be approved, approved on condition, or disapproved. The Board believes, however, that the carriers should give serious consideration to a complete reappraisal of these agreements. (24 C.A.B. at 582)

[5] Conferences and exchanges of views between staff and IATA were held, resulting in the approval of a Resolution pertaining to passenger tickets and baggage checks, but nothing dealing with cargo air waybills. See Order E-11024, dated February 12, 1957, 24 C.A.B. 575.

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that of September 1, 1949 (IATA Traffic Conference Resolutions, 10 C.A.B. 783).

It should be noted that the pending proceeding in Liability and Claims Rules and Practices Investigation, Docket 19923, embraces many of the conditions of carriage which are likewise presented in the past and instant IATA Resolutions.[6] The decision of the Administrative Law Judge is presently under review by the Board.

The Board has reviewed the instant (1974) Resolutions in the light of the history of this subject, as cited above, and has prepared comments thereon as detailed in Appendix C hereto. It is enough to state that in several material and significant respects, the Resolutions differ markedly from the position of the Board in 24 C.A.B. 587.

All in all, the Resolutions show little improvement over those resolutions considered in 10 C.A.B. 783 and 24 C.A.B. at 580. Recalling the Board's opinion at 24 C.A.B. 582, 583:

> A reading of the provisions which have been submitted to us leaves the definite impression that the philosophy behind these agreements is that of limiting the carriers' liability and responsibility to the maximum in every situation where it might be conceivable that some liability or responsibility would exist, and with little regard to whether or not such provision is really required for an economically stable air transportation operation.

Upon consideration of the above designated agreements, as set forth in Appendices A and B hereto, and in view of the general findings and conclusions cited above and the more specific findings and conclusions set forth in Appendix C hereto:

A. The Board finds that pending final decision in Docket 19923, action should be deferred upon those issues so noted in Appendix C.

B. The Board finds, on a tentative basis, that those portions of Agreement CAB 24475, R–4 and R–5, as so designated in Appendix C, should be disapproved as contrary to the public interest for the reasons stated in Appendix C.

C. The Board finds, upon a tentative basis, that the proceeding considered by the Board in Order E–8543 adopted August 5, 1954, should be terminated.

D. The Board finds, upon a tentative basis, that its earlier approval of the IATA Traffic Conference Resolutions providing for the adoption of a uniform air waybill/consignment note and the conditions of contract to be printed thereon[7] should be withdrawn.

E. The Board finds that an opportunity for comment upon the agreements as set forth in Appendices A and B hereto, as well as upon our proposed actions as specified below and in Appendix C, shall be accorded all interested persons,[8] prior to final Board action upon the agreements.

To the extent that conditions of carriage are disapproved in our final order herein, such disapproval may leave in effect tariff provisions stemming from carrier discussions but inconsistent with the Act, the public interest, and our final order. While the Board will not be in a position to direct specific tariff changes, it is the Board's intention to direct the cancellation of such inconsistent tariff provisions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 102, 204, 403, 404, 412, and 414 thereof,

It is ordered, That: 1. Action is deferred upon those portions of the agreements so designated in Appendix C hereto;

2. All interested persons are invited to submit comments on any part of the agreements before us and are hereby directed to show cause why the Board should not make final its tentative findings set forth in findings paragraphs B through D above;

3. Comments upon the agreements and responses to this order to show cause shall be submitted within 60 days after the service of this order;

4. Replies to the comments upon the agreements or to the responses to this order to show cause shall be submitted within 75 days after service of this order;

5. Comments, responses, and replies shall be filed with an original and 19 copies with the Board's Docket Section in Docket 25280; and

6. This order will be served upon carrier members of the International Air Transport Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Resolution 600b (Agreement C.A.B. 24475, R–4) AIR WAYBILL—CONDITIONS OF CONTRACT

(New), 106(CTPC)600b, 206(CTP)600b, 306(CTPC)600b, Expiry: Indefinite, Type: B.

RESOLVED that, (1) the Conditions of Contract, prefaced by a Notice, on the reverse side of the Air Waybill/Consignment Note, read as follows:

NOTICE CONCERNING CARRIERS LIMITATION OF LIABILITY

If the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw convention may be applicable and the convention governs and in most cases limits the liability of the carrier in respect of loss of or damage to cargo to 250 French gold francs per kilogramme, unless a higher value is declared in advance by the shipper and a supplementary charge paid if required.

The liability limit of 250 French gold francs per kilogramme is approximately US $20 per kilogramme on the basis of US $42.22 per ounce of gold.

CONDITIONS OF CONTRACT

1. As used in this contract "Carrier" means all air carriers that carry or undertake to carry the goods hereunder or perform any other services incidental to such air carriage, "Warsaw Convention" means the Convention for the Unification of certain Rules relating to International Carriage by Air, signed at Warsaw, 12 October 1929, or that Convention as amended at The Hague, 28 September 1955, which ever may be applicable, and "French gold francs" means francs consisting of 65½ milligrams of gold with a fineness of nine hundred thousandths.

2. (a) Carriage hereunder is subject to the rules relating to liability established by the Warsaw convention unless such carriage is not "International Carriage" as defined by that convention;

2. (b) to the extent not in conflict with the foregoing, carriage hereunder and other services performed by each Carrier are subject to:

(i) applicable laws (including national laws implementing the Convention), government regulations, orders and requirements,

(ii) provisions herein set forth, and

(iii) applicable tariffs, rules, conditions of carriage, regulations and timetables (but not the times of departure and arrival therein) of such carrier, which are made part hereof and which may be inspected at any of its offices and at airports from which it operates regular services. In transportation between a place in the United States or Canada and any place outside thereof the applicable tariffs are the tariffs in force in those countries.

3. The first Carrier's name may be abbreviated on the face hereof, the full name and its abbreviation being set forth in such Carrier's tariffs, conditions of carriage, regulations and time tables. The first Carrier's address is the airport of departure shown on the face hereof. The agreed stopping place (which may be altered by Carrier in case of necessity) are those places, except the place of departure and the place of destination, set forth on the face hereof or shown in Carrier's timetables as scheduled stopping places for the route. Carriage to be performed hereunder by several successive carriers is regarded as a single operation.

4. Except as otherwise provided in Carrier's tariffs or conditions of carriage, in carriage to which the Warsaw Convention does not apply Carriers' liability shall not exceed US$20.00 or the equivalent per kilogramme of goods lost, damaged or delayed, unless a higher value is declared by the shipper and a supplementary charge paid.

5. If the sum entered on the face of the Air Waybill as "Declared Value for Carriage" represents an amount in excess of the applicable limits of liability referred to in the above Notice and in these Conditions and if the shipper has paid any supplementary charge that may be required by the Carrier's tariffs, conditions of carriage or regulations, this shall constitute a special declaration of value and in this case Carrier's limit of liability shall be the sum so declared. Payment of claims shall be subject to proof of actual damages suffered.

6. In cases of loss, damage or delay of part of the consignment, the weight to be taken into account in determining Carrier's limit of liability shall be only the weight of the package or packages concerned.

7. Any exclusion or limitation of liability applicable to Carrier shall apply to and be for the benefit of Carrier's agents, servants and representatives and any person whose aircraft is used by Carrier for carriage and its agents, servants and representatives. For purposes of this provision Carrier acts herein as agent for all such persons.

8. A Carrier issuing an Air Waybill for carriage exclusively over the lines of other Carriers does so only as an agent for such other Carriers.

9. Carrier undertakes to complete the carriage hereunder with reasonable dispatch. Carrier may substitute alternate carriers or aircraft and may without notice and with due regard to the interests of the shipper substitute other means of transportation. Carrier is authorized to select the routing or to change or deviate from the routing shown on the face hereof.

10. The goods are accepted for carriage from their receipt at Carrier's terminal or airport office at the place of departure to the airport at the place of destination. If by specific agreement noted on the face hereof the goods are also accepted for forwarding to the airport of departure or for reforwarding beyond the airport of destination Carrier is hereby authorized to do all things it considers advisable to effect such forwarding or reforwarding, including the consigning of goods with no declaration of value where provisions for such declaration is not available. If such forwarding or reforwarding is by carriage provided by Carrier, the carriage shall be subject to the provisions of Paragraphs 2 and 4 hereof and the limitation of liability. Unless otherwise provided in Carrier's tariffs, conditions of carriage and related regulations, Carrier shall not be liable for loss, damage or delay occurring in the course of such additional carriage by means of transport not operated by Carrier.

11. Carrier is authorized (but shall be under no obligation) to advance any duties, taxes or charges and to make any disbursement with respect to the goods, and the shipper, owner and a consignee who accepts delivery shall be jointly and severally liable for the reimbursement thereof.

12. Shipper guarantees payment of all charges for carriage due in accordance with Carrier's tariffs, conditions of carriage and related regulations, applicable laws (including national laws implementing the Convention), government regulations, orders and requirements.

13. Notice of arrival of goods will be given promptly to the consignee or to the person indicated on the face hereof as the person to be notified. On arrival of the goods at place of destination delivery will be made only to or in accordance with the instructions of the consignee unless the consignee declines to accept the goods or cannot be communicated with, in which case delivery will be made on instruction of the consignor.

14. (a) the person entitled to delivery must make a complaint to the carrier in writing in the case

(i) of visible damage to the goods, immediately after discovery of the damage and at the latest within 14 days from receipt of the goods,

(ii) of other damage to the goods, within 14 days from the date of receipt of the goods,

(iii) of delay, within 21 days, of the date the goods are placed at his disposal, and

(iv) of non-delivery of the goods, within 120 days from the date of the issue of the Air Waybill;

(b) for the purpose of Subparagraph (a) above complaint in writing may be made to the Carrier whose Air Waybill was used, or to the first Carrier or to the last Carrier or to the Carrier who performed the transportation during which the loss, damage or delay took place;

(c) any rights to damages against Carrier shall be extinguished unless an action is brought within two years after the occurrence of the events giving rise to the claim.

15. The shipper shall comply with all applicable laws, and government regulations of any country to, from, through or over which the goods may be carried, including those relating to the packing, carriage or delivery of the goods, and shall furnish such information and attach such documents to this Air Waybill as may be necessary to comply with such laws and regulations. Carriers are not liable to the shipper or any other person for the loss or expense due to the shipper's failure to comply with this provision.

16. No agent, servant or representative of Carrier has authority to alter, modify or waive any provisions of this contract.

(2) notwithstanding anything above, Members may include an insurance clause which shall be printed after Condition 16.

(3) notwithstanding anything contained in the applicable effectiveness Resolutions, Members need not put into effect the change to the format of the Air Waybill adopted by the 6th CTPC until the time of next reprinting of their Air Waybill or in no event later than 15 months after declaration of effectiveness of such change.

Effective date, 1 October 1974.[1]

APPENDIX B

Resolution 600j

(Agreement C.A.B. 24475, R–5)

MANUAL AIR WAYBILL/CONSIGNMENT NOTE (AWB)

Amending, 106(CTPC800, I, 206(CTPC)600j I, 306(CTPC)600j I. Expiry: Indefinite, Type: B.

RESOLVED, that, (1) the Certification and Signature boxes appearing on the face of the Air Waybill/Consignment Note (AWB) are replaced by the following:

It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted) for carriage subject to the conditions of contract on the reverse hereof.' The shipper's attention is drawn to the notice concerning carrier's limitation of liability. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required. Carrier is not liable for the goods until they are received at its town terminal or airport office.

Shipper certifies that the particulars on the face hereof are correct.

Signature of Shipper or his Agent

Signature of Carrier or its Agent

Date Place

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity.

(2) the above amendment shall not come into effect unless Resolution 600b adopted by the 6th CTPC comes into effect. It shall be implemented in conjunction with the new Conditions of Contract.

Effective date, 1 October 1974.[2]

CONDITIONS OF CONTRACT

Para. (1)2(a)—states that carriage is subject to the Warsaw Convention unless such carriage is not "international carriage" as defined in Warsaw. The question whether there should be differing rules for Warsaw and non-Warsaw traffic is at issue in Docket 19923, *Liability and Claims Rules and Practices Investigation*, and action on this issue will be deferred pending final decision by the Board in that case.

Para. (1)2(b)(i)(ii), and (iii)—states that carriage and other services are subject to applicable laws, regulations, etc., as well as the provisions of the instant Resolution and the tariffs, rules, conditions, regulations and time-tables of the carrier to the extent not in conflict with Warsaw Under this provision, differing rules are established for Warsaw and non-Warsaw traffic. Consistent with our action on paragraph (1)2(a) above, pending final decision by the Board in Docket 19923, action on the issue of discrimination between Warsaw and non-Warsaw traffic will be deferred.

To the extent that tariff rules and regulations may supplement, but not conflict with Warsaw, the provisions of paragraph (1)2(b)(ii) and (iii) present additional issues. While the intent of the provisions is not free from doubt, the language of the resolution provides ". . . carriage hereunder and other services performed by each carrier are subject to . . . applicable tariffs . . . of such carrier, *which are made a part hereof* . . ." (Emphasis supplied) Many tariffs, including joint tariffs, reflect objectionable provisions contained in the Honolulu resolutions as previously noted. However, such provisions have not been included in the 1974 IATA conditions now before the Board.[3] Approval of the instant resolutions would therefore provide approval of local and/or joint provisions contained variously in the tariffs of different carriers, and which are incorporated by reference in the resolutions before us and which could change from time-to-time. There would, of course, be no basis to make the necessary findings as to whether such tariff provisions were adverse to the public interest or in violation of the Act. It appears that local and/or joint tariff rules which are indirectly a part of the agreement should physically be brought within the agreement for prior Board review and approval. The Board tentatively concludes that this provision should be disapproved with respect to its application to provisions not in conflict with Warsaw.

Alternatively, if it is the carriers' intent that their various tariff rules are not to be a part of the *IATA* conditions of carriage, but nevertheless be a part of the *carriers'* conditions of carriage, a question still exists as to whether such tariff rules should not be incorporated into the agreement for prior approval, particularly those rules which affect liability and shipper claims. The Board has heretofore approved the concept of concerted carrier action (to establish uniform conditions of carriage) in recognition of the public interest benefits to the traveling and shipping public in not being subjected to a broad spectrum of different rules and conditions, especially where interline transportation is involved. Uniformity of rules is desirable to minimize the confusion and misunderstanding which exists with respect to the rights, privileges, and obligations of shippers on transportation over the lines of several successive carriers. Nevertheless, we have recognized that on an individual basis, carriers may wish to file local or joint tariff rules which amend, modify, or cancel the rules embodied in IATA resolutions. The Board provided in *IATA Traffic Conference Resolutions*, 10 C.A.B. 783 at 792, that in the event any such additional rule is adopted by any carrier and the same rule is adopted by any other carrier or carriers for inclusion

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[6] While the emphasis in Docket 19923 centers on domestic issues, the proceeding also embraces the U.S. domestic leg of foreign air transportation.

[7] Designated Agreements C.A.B. Nos. 2698, R–41 (128/540), 2699, R–49 (248/540), and 2700, R–43 (338/540), *IATA Traffic Conference Resolutions*, 10 CAB 783 (1949).

[8] Comments are expected from U.S.-flag carrier members of IATA and will be welcomed from foreign air carriers.

[1] As proposed by IATA.

[2] As proposed by IATA.

[3] An example of such a rule is the tariff provision that charges will be deemed fully earned whether or not the cargo is lost or damaged, or fails to arrive at destination. The Board has previously found that such a provision may be adverse to the public interest and in violation of the Act in that it is a significant abrogation of the general rule of common carriage which makes liability for charges generally dependent on the performance by the carrier of the transportation for which the charge is imposed. (See Board statement on Article 4(7)(b) of the Honolulu resolutions 24 C.A.B. 575 at 588.)

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in an IATA joint tariff, such rule must be filed with us under section 412 of the Act, and appropriate action must be taken thereon prior to its submission for filing as a tariff. There are tariff rules presently on file with the Board that have been agreed upon within the IATA procedures participated in by two or more carriers, but which have not been approved. It would seem that the same considerations discussed in 10 C.A.B., *supra*, would apply with equal or greater force where such rules appear in separate local tariffs. Accordingly, comments are requested as to why the Board should not direct the cancellation of, or reject, any such rules that have not been approved nor antitrust immunity provided for pursuant to sections 412 and 414 of the Act.

Para. (1)3—provides that the first carrier's name may be abbreviated, so long as the tariff contains the full name. It would seem that the carrier's full name should be spelled out once on the air waybill, rather than expect a shipper or consignee to seek out a carrier's tariff in order to determine the carrier's full name. Alternatively, as a justifiable exception, and where the carrier's full legal name in a foreign language may be unfamiliar to the average customer, as compared to a more phonetic acronym, the latter would appear to be acceptable if properly defined in that carrier's tariff. The Board tentatively concludes that this provision should be disapproved.

Para. (1)3 also retains existing language that "agreed stopping place" is as set forth in the air waybill or "shown in carrier's timetables as scheduled stopping places for the route." In 24 C.A.B. 575, 576, the Board expressed its dissatisfaction with use of timetables to determine agreed stopping places on the ground that Warsaw contemplated such stopping place be shown on the ticket or waybill. However, based on the belief that the problem would arise in relatively few cases (because it would pertain only in those cases where the transportation was between two points in the same country, albeit through an agreed stopping place outside thereof) the Board tentatively found that the 1954 provision there under consideration was not adverse to the public interest. The Board also stated that its action should not be construed as a determination that the provision meets the requirements of Warsaw that the agreed stopping place be contained in the ticket or waybill. Obviously, the significance of "agreed stopping places" depends on the extent to which the Warsaw rules and the rules which apply to non-Warsaw traffic are similar or different. Since this is at issue in Docket 19923, action on the matter will be deferred.

Para. (1)4—provides that unless the carrier's tariff or conditions of carriage otherwise provide, the carrier's liability should not exceed $20 per kilogram (in the absence of the declaration of and payment for excess valuation) for non-Warsaw traffic.[3] The $20 per kilo accords with the current limit for Warsaw traffic. However, to the extent that this provision excepts those carriers whose tariffs provide for a lesser limit of liability, it would perpetuate the present distinction between Warsaw and non-Warsaw traffic. (See preceding comment on Para. (1)2(a)). It thus raises a question which would be affected by the final decision in Docket 19923, and action on this issue will be deferred.

Para. (1)6—states that in the case of loss, damage or delay of part of the consignment, the weight to be taken into account shall be *only the weight of the package or packages concerned*. The Administrative Law Judge recommended that this concept of weight prorate be disapproved in his Initial Decision in Docket 19923. Pending final decision by the Board in Docket 19923, action on this issue will be deferred.

Para. (1)8—provides that a carrier issuing an air waybill for carriage exclusively over the lines of other carriers does so only as an agent for such other carrier. Though this provision is a carry-over from the 1949 resolution, in practice it may work to the detriment of a shipper if the intended origin carrier should reroute at origin, without notice to the shipper, which might invoke the rules of an unknown carrier, or might change the "date of shipment" from which numerous time limits are computed. The Board tentatively concludes that this provision should be disapproved.

Para. (1)9—provides that:

(1) Carrier undertakes to complete the carriage hereunder with reasonable dispatch;

(2) Carrier may substitute alternate carriers or aircraft and may without notice and with due regard to the interests of the shipper substitute other means of transportation;

(3) Carrier is authorized to select the routing or to change or deviate from the routing shown on the face hereof.

Subparagraph (1)9(2) would authorize the use of motor carriers in lieu of line-haul air transportation. These provisions are less restrictive than the parameters of permissable substituted service in the *Substitute Service Case* in Docket 19797, (Order 75-3-37, March 12, 1975), for domestic application. The restrictions found necessary in the domestic case are *prima facie* indicative of what is here required in the public interest. The Board tentatively concludes that this provision should be disapproved.

Subparagraph (1)9(3) is similar to the domestic tariff rule No. 42(A) which the initial Decision in Docket 19923 found unreasonable in that there was no protection to the shipper where the carrier selects a higher rated routing. Pending final decision by the Board in Docket 19923, action on this issue will be deferred.

Para. (1)10—provides that transportation is provided airport to airport, unless onforwarding is specifically agreed upon. However, in such onforwarding, carrier need not provide excess valuation coverage if the onward carrier does not provide such coverage. If the onforwarding is by "carrier", i.e., another airline, then the limits of liability (for Warsaw and non-Warsaw traffic) previously described shall apply. The final sentence states that unless the carrier's tariffs, conditions of carriage and regulations otherwise provide, in the case of onforwarding not operated by carrier, the carrier is to be relieved of liability for loss, damage, or delay. Further, this paragraph speaks in terms of "forwarding and reforwarding." Thus it is not clear whether it refers to cartage operations performed by the air line or whether such onforwarding is by another scheduled air line as distinct from forwarding operations by a forwarder, or onforwarding (by surface mode) by the air line. This ambiguity may serve to relieve the air line of liability for services in connection with or incidental to air transportation, and is consequently objectionable. The Board tentatively concludes that this provision should be disapproved.

Para. (1)11—authorizes, but does not require, the carrier to advance duties, taxes and charges subject to reimbursement from shipper or consignee who accepts delivery. To foster intermodal service, the carrier should be obliged to advance surface carrier charges, or other minor amounts for services in connection with air transportation. Moreover, where the carrier elects to extend credit to the consignor or consignee for the advanced charges, the consignee or consignor, respectively, should not be held liable. The Board tentatively concludes that this provision should be disapproved.

Para. (1)12—provides that the shipper guarantees payment of all charges for carriage. Some carriers have used this provision to require a shipper to pay for transportation charges even where the carrier has failed to carry out its contract to deliver the goods safely; or this provision would make the shipper liable for charges incurred in returning the shipment without obtaining the shipper's express order or consent to such return (see also fn. 2 re Article 8(4)(b), 24 C.A.B. 587). Moreover, this provision should not be applicable where the carrier extends credit to the consignee. The Board tentatively concludes that this provision should be disapproved.

Para. (1)13—provides that notice of arrival will be given promptly to consignee, with delivery to be made in accordance with instruction of consignee, unless consignee declines delivery in which case delivery will be made (instruction from consignor. This provision appears to entitle the consignee—and in turn the carrier—to disregard the instructions of the shipper, even in circumstances where such delivery instructions by the consignee would be in derogation of the shipper's rights. The provision is therefore objectionable, and the Board tentatively concludes that it should be disapproved.

Para. (1)14(a)—provides that the consignee must make written complaint as follows:

(i) Within 14 days for visible damage claims;

(ii) Within 14 days for other damage claims;

(iii) Within 21 days for delay claims;

(iv) Within 120 days for nondelivery claims.

The time limits in (i), (ii), and (iii) above are taken from the Hague Protocol, and are slightly better than corresponding provisions in the Warsaw Convention.[5] However, they are much less than the time periods cited in 24 C.A.B. 589 where the Board stated:

. . . the 9-month period provided by section 20(11) of the Interstate Commerce Act would appear more reasonable. Moreover, it appears unreasonable to bar action because of failure to give notice where the carrier had knowledge of the loss and was not prejudiced by the lack of notice.

Para. (1)14 (b) and (c)—provide that claims may be made to the carrier whose air waybill is used,[6] to the first or last carrier, or to the carrier causing the loss, damage, or delay, and suit must be brought within two years "after the occurrence of the events giving rise to the claim."

As regards the requirement in Para. (1)14 (c) that action be brought "within two years after the occurrence of the events giving rise to the claim," the Board has previously stated that:

Such a limitation is potentially ambiguous because of the difficulties involved in determining the beginning of the 2-year period. (24 C.A.B. 589 on Article 15(3))

Pending final decision by the Board in Docket 19923, action on Para. (1)14 (a), (b), and (c) will be deferred.

[3] The Board notes that Para. 1(4), as well as (1)6, (1)10, (1)(14)(a)(iii), and 14(b) speak to *delay*, whereas the initial Notice on the A/W/B cites only loss or damage. The Board suggests that this omission in such Notice be corrected.

[5] With respect to the 120-day limit specified in Para. (1)14(a)(iv), there is no provision in either Warsaw or Hague for this limitation on claims for nondelivery.

[6] See Para. (1)8, *supra*, which appears inconsistent with this provision. In addition, no provision is made for claims for overcharges.

Para. (2)—provides that a carrier *may* include an insurance clause which shall be printed after Para. (1)16 of the A/W/B.

Such individual carrier option to offer or not offer shippers' all-risk insurance,[4] is, first, inconsistent with the *standard* provision on the face of the IATA air waybill which provides for "Amount of Insurance". Secondly, the Board is not aware of any reason why the actual language of the insurance clause cannot be agreed upon as a proper element of the Conditions of Carriage.[4]

Lastly, and while the Board is of the view that the full and complete details of any such open policy of a third-party underwriter may not constitute proper tariff material, we see no reason why the standard insurance clause cannot state—and why the carriers could not promptly provide—that any shipper purchasing such insurance would be furnished such open policy upon request at the time of purchase. To this extent, and inasmuch as this furnishing of the policy becomes a service of the carrier, the insurance clause would then constitute proper tariff material.

The Board tentatively concludes that this provision, and a more recent proposed amendment thereto,[7] should be disapproved.

IATA RESOLUTION 600], AGREEMENT C.A.B. 24478, R-5

This resolution provides for the wording of a Notice to appear on the face of the air waybill, as distinguished from Resolution No. 600b dealing with conditions of carriage to appear on the back of the air waybill just discussed. The Notice on the front of the air waybill states, *inter alia:*

"Carrier is not liable for the goods until thy are received at its town terminal or airport office."

[4] To the extent that carriers may actually not represent an actual underwriter and thus not "offer" such insurance, but nonetheless inadvertently "sell" it because of the presence of the Insurance box on the A/W/B, such carriers are *prima facie* assuming the role of an underwriter. Thus, such insurance in such instances becomes a service of the carrier and warrants treatment as proper tariff material.

[5] The Board notes that the domestic counterpart of the IATA A/W/B now contains the following *standard* insurance clause: (8) At the request of the shipper, and if the appropriate premium is paid and the fact recorded on the face hereof, the goods covered by this air waybill are insured on behalf of the shipper under an open policy for the amount requested by the shipper as set out on the face hereof (recovery being limited to the actual loss or damage not exceeding the insured value) against all risks of physical loss or damage from any external cause whatsoever, except those arising directly or indirectly from war risks, strikes, riots, hostilities, legal seizure or delay or inherent vice, and subject to the terms and conditions of such open policy which is available for inspection by the shipper. Claims under such policy must be reported immediately to an office of Carrier. (Source: ATC Resolution 215.70, Page 3, Article (8))

[6] Since the filing of the referanced agreements, IATA has filed a further revision to Para. (2) dealing with the insurance clause which may follow Para. (1)16 of the A/W/B. This further revision has been assigned Agreement CAB 25186–R12, and constitutes a *recommendation* as to the language to be employed for such clause. Said language is virtually identical to the domestic counterpart cited in fn. 6, *supra*.

Such provision would purportedly exculpate a carrier moving a shipment from a shipper's door under the carrier's air waybill pursuant to cartage service provided by the carrier. The Board is of the view that the carrier's liability should extend to cartage service performed by the carrier itself, or its agent, and tentatively concludes that this provision should be disapproved.

[FR Doc.75-32407 Filed 12-1-75;8:45 am]

[Docket No. 28149; Order No. 75-11-104]

PIEDMONT AVIATION, INC.

Order To Show Cause Regarding Amendment to Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November, 1975.

On August 6, 1975, Piedmont filed a certificate amendment application in Docket 28149 requesting authority to provide seasonal service to Hot Springs, Virginia during the period between the first Sunday in April and the last Sunday in November. On August 12, 1975, Piedmont requested that its application be processed by show cause procedure. Piedmont presently serves Hot Springs on a year-round basis with one turnaround Hot Springs-Charlottesville-Washington YS–11 round trip and a YS–11 round trip between Cincinnati and Washington with stops at other intermediates.[1] No scheduled commuter service is being provided at Hot Springs.

In support of its request for deletion in the off season, Piedmont alleges that: (1) the primary reason for its filing the application is due to the severe operational problems at the Hot Springs airport (Ingalls Field) which has resulted in winter completion factors of under 40%[2] in the last two years; (2) the number of cancellations makes a reasonably useful service impossible and causes a great deal of confusion and inconvenience for the passengers: (3) Piedmont enplanes less than two passengers per day while providing four scheduled trips per day; (4) for the calendar year 1974, Hot Springs enplaned 4,843 passengers or 13.27 per day, but from December through March (the "winter months") Hot Springs enplaned only 237 passengers or 1.96 passengers per day which compares with 18.88 passengers for the rest of the year; (5) operations create a subsidy need of $48,000 or $96.83 per passenger; and (6) there are several other airports which are reasonably accesible to Hot Springs.

No answers to Piedmont's request were received.[3]

Upon consideration of the pleadings and all of the relevant facts, we have decided to grant Piedmont's request and issue an order to show cause proposing to amend Piedmont's certificate so as to authorize it to provide seasonal service to Hot Springs, Virginia between the first Sunday in April and the last Sunday in November. We tentatively find and conclude that the public convenience and necessity require the above-described amendment of Piedmont's certificate.

In support of our proposed ultimate finding, we make the following tentative findings and conclusions: Hot Springs historically has developed very little traffic during the winter months of December through March. Based on experience since 1965 these four months have accounted for only 7.8 percent of the yearly traffic.[4] In the winter months of 1974, Hot Springs enplaned two passengers per day although it received two YS–11 round trips to its principal community of interest—Washington, D.C. For the months December 1974 through March 31, 1975, the load factor on the one turnaround Hot Springs round trip was 5.6 percent on the initial Hot Springs-Charlottesville segment of the flight, a level clearly too low to support operations with turboprop YS–11 equipment.

We further tentatively find and conclude that Hot Springs also experiences high off-season subsidy cost. Piedmont estimates that the cost of serving Hot Springs during the winter months of 1974 resulted in a subsidy need of $48,126 or $96.83 per passenger. We believe Piedmont's expense estimate is high.[5] In any case, the operation of winter service represents an excessive expenditure per passenger which we do not believe is justified.

Finally, we tentatively find and conclude that there are alternate air service facilities available which are reasonably accessible to Hot Springs. Air service is available at nearby Lewisburg, Lynchburg, Roanoke, and Staunton located approximately 39, 55, 49, and 42 miles away, respectively.[6] For the few passengers who would be inconvenienced, limousine service is available at all four airports, air-charter service is available to Hot Springs from Roanoke and Staunton, and Rent-A-Car service is available between Hot Springs and all the named places.[7]

All interested persons will be given 20 days following the adoption of this

[1] September 1, 1975, Official Airline Guide. One Cincinnati flight originates in Baltimore.

[2] Includes nil revenue cancellations.

[3] A letter dated September 11, 1975, was received from the Allegheny-Bath-Clifton Forge-Covington Airport Committee, which has jurisdiction over airline matters in the Hot Springs area, stating that it does not oppose the granting of Piedmont's application.

[4] The reason is that Hot Springs is the location of the Homestead Hotel whose business is highly seasonal. From the records of previous cases involving Hot Springs service, we know that the Homestead accounts for 90 to 95 percent of its traffic.

[5] In computing the expense elements Piedmont has used the block hours committed to serving Hot Springs. We believe that it would be more appropriate to use the actual block hours flown. Use of the latter results in a 1974 subsidy need of $41.00 per passenger.

[6] Roanoke is designated as a small hub airport. See Airport Activity Statistics, 12 months ended Dec. 31, 1974.

[7] See Pl. 8.

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Order to Show Cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analysis. If an evidentiary hearing is requested, the objector should state the issue with respect to which a hearing is requested and should state in detail why such a hearing is necessary and what relevant and material facts they would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, that: 1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued adding a new condition to Piedmont Aviation, Inc.'s certificate which provides that "The holder shall serve Hot Springs, Virginia only during the period between the first Sunday of April and the last Sunday in November;"

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions herein and transferring the said permit shall, within 20 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein; [*] and

5. This order shall be served upon Piedmont Aviation, Inc., the Mayor of Hot Springs, the Governor of Virginia, Allegheny-Bath-Clifton Forge-Covington Airport Committee, and the U.S. Postal Service.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32408 Filed 12-1-75;8:45 am]

[*] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of the Director, U.S. Fish and Wildlife Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32386 Filed 12-1-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner of Reclamation, Office of the Commissioner, Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32387 Filed 12-1-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, December 17, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-32384 Filed 12-1-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

Certain Cotton Textile Products Produced or Manufactured

NOVEMBER 25, 1975.

On October 21, 1975, there was published in the FEDERAL REGISTER (40 FR 49123) a letter dated October 17, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, amending the levels of restraint established for certain cotton and man-made fiber textile products, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China, to provide for carryover of shortfalls in those categories from the previous agreement year. The amended level of restraint set forth in the letter of October 17, 1975 for men's, women's, and children's cotton trousers, slacks and outer shorts in Category 51 should have been 544,467 dozen, instead of 510,438 dozen.

Accordingly, there is published below a letter of November 25, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs correcting the amended level of restraint for Category 51 for the twelve-month period which began on January 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner:

This directive amends, but does not cancel, the directive issued to you on October 17, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products produced or manufactured in the Republic of China.

The second paragraph of the directive of October 17, 1975 is hereby amended to show a level of restraint of 544,467 dozen for Category 51 within the overall level of restraint established for Categories 50/51. The amended level of restraint for Category 51 has not been adjusted to reflect any entries made in this category after January 1, 1975.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-32381 Filed 12-1-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLASS

Extension of Time for Publishing a Proposed Rule or Withdrawing Notice of Processing

The purpose of this notice is to extend by 45 days, until January 12, 1976, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for architectural glass or a notice withdrawing the notice of proceeding for development of a standard.

A standard development proceeding for architectural glass was commenced under the CPSA by notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 19502), soliciting offers to develop a recommended consumer product safety standard. The Commission subsequently accepted the offer of the Consumer Safety Glazing Committee, and CSGC submitted a recommended standard to the Commission on January 24, 1974. A more detailed discussion of the history of the architectural glass standard development proceeding appears in the FEDERAL REGISTER of July 23, 1975 (40 FR 30362). In that notice, the Commission also extended the period within which it must propose a standard for architectural glass or withdraw the notice of proceeding until October 29, 1975, in order to allow the staff to make changes in the recommended standard that were considered necessary prior to its proposal in the FEDERAL REGISTER as a mandatory standard. This period was further extended until November 28, 1975 by a notice in the FEDERAL REGISTER (40 FR 51685).

The Commission staff submitted a draft proposed standard to the Commission on October 22, 1975, for its consideration. On November 13, 1975, the Commission, after analyzing the draft standard, instructed the staff to address several questions raised by the draft standard and to incorporate a number of changes into the draft. The Commission staff is in the process of implementing the Commission's instruction and it is estimated that it will take 45 days to complete. Therefore, the Commission is further extending the period within which it must either publish a proposed consumer product safety standard applicable to architectural glass, or withdraw the notice of proceeding for 45 days, or until January 12, 1976. This period may be further extended by a notice published in the FEDERAL REGISTER showing good cause.

Dated: November 26, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-32430 Filed 12-1-75;8:45 am]

BOOKMATCHES

Extension of the Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is to extend by 60 days or until January 30, 1976, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for bookmatches or withdraw the notice of proceeding for development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the Commission's acceptance of the ASTM offer. On February 3, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard, the Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210-day period for good cause, by publishing a notice of extension in the FEDERAL REGISTER. In the FEDERAL REGISTER of April 17, 1975 (40 FR 17196), the Commission, for good cause shown, extended the 210-period by 30 days until May 2, 1975. The Commission determined that it needed additional time to properly review the material submitted by the offeror and the analysis of the Commission staff.

In the FEDERAL REGISTER of July 3, 1975 (40 FR 28126) the Commission further extended the 210-day period until October 1, 1975. The Commission found that this additional time was necessary in order to adequately review the more detailed justification that would be submitted by ASTM and to afford the staff an adequate opportunity to address the issue of child-resistant packaging.

In the FEDERAL REGISTER of October 31, 1975 (40 FR 50745) the Commission again extended the 210-day period until December 1, 1975. The Commission found that this time was necessary to modify and verify test methods for certain of the ASTM recommended provisions. Also, additional time was needed to allow the Commission staff to prepare detailed justification for the child-resistant bookmatch cover requirements. Finally, the extension was necessary in order to integrate the child-resistant bookmatch cover requirements with provisions of the ASTM recommended standard, into a single comprehensive proposed consumer product safety standard for bookmatches.

The Commission has now begun its review of all data relevant to the bookmatch standard. Because of the complex nature of the proposed standard and the large amount of supporting material, the Commission needs additional time to adequately review the proposed bookmatch standard.

Accordingly, the Commission, for good cause shown, hereby extends by 60 days, or until January 30, 1976, the time in which the Commission must either publish a proposed consumer product safety standard applicable to bookmatches or withdraw its notice of proceeding.

Dated: November 26, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-32429 Filed 12-1-75;8:45 am]

[Docket Nos. CPSC 75-9, 75-10, 75-11, 75-12, 75-13, 75-14]

HILLERICH AND BRADSBY CO., ET AL.

Aluminum Baseball Bats Enforcement Proceeding Commencement of Consolidated Enforcement Proceeding, Extension of Time for Filing Answers, and Notice of Prehearing Conference

On November 5, 1975, the Commission authorized the issuance of six Notices of Enforcement prepared by the Bureau of Compliance directed to the following persons:

Docket No. CPSC 75-9—Hillerich & Bradsby Co. (John A. Hillerich).
Docket No. CPSC 75-10—Pepsico Inc. (Wilson Sporting Goods Co.) (Donald M. Kendall).
Docket No. CPSC 75-11—Lannon Manufacturing Co. (Charles E. Parish).
Docket No. CPSC 75-12—Reynolds Metals Co. (Richard S. Reynolds, Jr.).
Docket No. CPSC 75-13—Aluminum Co. of America (Alcoa), Alcoa Sports Products Co. (John D. Harper).
Docket No. CPSC 75-14—Eaton Corporation (Paul Miller).

The Notices of Enforcement which are substantially identical in form and content, declared that the Staff is of the opinion that an undetermined number of baseball, softball and little league style aluminum bats, which are manufactured and sold in commerce by Respondents to consumers directly or through distributors and/or retailers, present a substantial product hazard within the meaning of Section 15 of the Consumer Product Safety Act (the Act)

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(15 U.S.C. 2064(a)(2)) because the Staff believes that the "Hitters Pride" grip manufactured by Respondent Eaton Corporation can deteriorate with normal use and become disengaged from the handle of the bat, causing the bat to be propelled during a swinging motion and having the potential for striking a person in near proximity to the batter.

The Staff believes that, under Section 15(c) of the Act, notification to the public, in general, and to the purchasers of these aluminum bats, in particular, is required in order to adequately protect the public; that action, pursuant to the provisions of Section 15(d) of said Act is in the public interest; and that Respondents should be ordered to elect to repair, to replace, or to refund the purchase price of the affected aluminum bat models, as provided by the said Section 15(d).

Attached to the Notices of Enforcement were copies of the principal items of written evidence, marked Enforcement Counsel Exhibit A, which the Staff considered to constitute a prima facie case in each docket.

On November 19, Counsel for Aluminum Company of America, et al., (Alcoa) moved for an extension of time until December 22, 1975, to file an answer to the Notice of Enforcement in Docket 75–13 which was due November 26, 1975. On November 20, Counsel for Hillerich and Bradsby, et al., filed a motion to extend its time to answer in Docket 75–9 until 30 and preferably 60 days from the November 26 date.

Enforcement Counsel has informally indicated no objection to the proposed postponements provided that a schedule can be established under which a prehearing conference can be held in the middle of January.

In view of the foregoing, the following actions are taken: (1) Pursuant to § 1025.34 of the Commission's Rules of Practice for Adjudicative Proceedings the above designated dockets which involve similar issues are hereby consolidated for hearing and decision in order to expedite their consideration and minimize expense to the parties and the Government.

(2) The time for all Respondents in the above designated dockets to file Answers to the Notices of Enforcement is hereby extended until December 22, 1975.

(3) A prehearing conference will be held on Tuesday, January 13, 1976, 10:00 a.m. (E.s.t.), in the Commission's 6th floor conference room, 1750 K St. NW., Washington, D.C.

All Counsel are requested to file two copies with this office and serve upon all Counsel by the close of business January 9, 1976, a memorandum setting forth (1) a definition of the issues to be heard, (2) requests for discovery, if any, (3) disclosure of the number of witnesses and the approximate length of time each presentation will entail, and (4) a proposal for the time and place of hearing.

Dated: November 24, 1975.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.75–32431 Filed 12–1–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–1540]

BROOKHAVEN NATIONAL LABORATORY

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, "Brookhaven National Laboratory," ERDA–1540, was issued November 28, 1975, pursuant to the Energy Research and Development Administration's (ERDA) regulations for implementation of the National Environmental Policy Act of 1969. The preparation of the statement was announced in the FEDERAL REGISTER on June 12, 1974.

The Brookhaven National Laboratory (BNL) was founded in 1947 by the Atomic Energy Commission (AEC), predecessor of the Energy Research and Development Administration (ERDA), who assumed responsibility for the operation of BNL on January 19, 1975, as a result of the Energy Reorganization Act of 1974. The Laboratory provides facilities such as nuclear reactors, particle accelerators, and specialized research laboratories for conducting joint research with academic institutions basically in the Northeastern sector of the U.S.

The current cumulative impact on the environment of the operation of the various facilities and conduct of research at the site has been assessed in the draft environmental statement, as well as the anticipated future impact of continuing these operations at the BNL site.

Copies of the draft statement are being distributed for review and comment to Federal agencies, New York State and local organizations, and individuals that have expressed an interest in the operation of the BNL facilities. Copies of the draft statement are available for public inspection in the ERDA Public Document Rooms at:

20 Massachusetts Avenue, NW., Washington, D.C.;
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico;
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois;
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho;
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee;
Richland Operations Office, Federal Building, Richland, Washington;
San Francisco Operations Office, 1333 Broadway, Oakland, California;
Savannah River Operations Office, Sevannah Plant, Aiken, South Carolina.

Comments and views concerning the draft statement are requested from other interested agencies, organizations and individuals. Single copies of the Draft Environmental Statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E–201, U.S. Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 973–4241. Comments should be sent to the same address.

In accordance with the guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the Draft Environmental Statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the BNL operations specifically, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments on the Draft Environmental Statement will be placed in the above referenced Document Rooms for inspection and will be considered in the preparation of the Final Environmental Statement if received at ERDA by January 27, 1976.

Dated at Germantown, Maryland, this 26th day of November 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75–32421 Filed 12–1–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 463–7]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR/CHLORDANE

Notice of Denial of Applications To Register

On November 26, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 41298) of its intent to cancel all registered uses of heptachlor and chlordane pursuant to Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136d) with the exception of the uses of heptachlor or chlordane through subsurface ground insertion for termite control and the dipping of roots or tops of nonfood plants. Affected parties have been afforded the opportunity to contest this action by requesting a hearing on specific registered uses.

On this same day, the EPA also issued a regulation (39 FR 41256) pertaining to the registration of pesticide products containing heptachlor or chlordane shipped in *intrastate* commerce. The Agency invoked its authority to bring *intrastate* products containing heptachlor and chlordane under Federal control, pursuant to the provisions of Sections 3 and 25(a) of FIFRA (86 Stat. 979, 997), because 1) a public hearing process for Federally registered products is available through established administrative procedures for those persons affected by the notice of intent to cancel and 2) the Agency believes it is important to provide registrants and users of similar products containing heptachlor or chlordane, that are manufactured, sold and used intrastate and not presently registered at the Federal level, the same hearing rights as those afforded users and registrants of such Federally registered products. This regulation became effective on November 26, and at that time, all affected persons were instructed to apply for Federal registration. Applications were made not only by those who currently ship such products in intrastate commerce, but by affected persons who sought Federal registration as well. All persons affected by this regulation who made application to the Agency to register products containing heptachlor or chlordane received notices of intent to deny such registration by certified mail. These applicants have been afforded 30 days from the date of receipt of such letters of intent to deny to request a hearing pursuant to Section 6 of FIFRA.

Pesticide Products Intended for Shipment in Intrastate Commerce. Applications for registration were made to the Agency as a result of the November 26 FEDERAL REGISTER notice implementing Section 162.20 of 40 CFR. Notices of intent to deny registration have been mailed applicants based on the notice regarding intrastate products. Applicants were instructed that they could request a hearing within 30 days of receipt of such notice pursuant to section 6 of FIFRA as set forth in the FEDERAL REGISTER notice. Applicants were also advised that if they did request a hearing in accordance with the procedures established, their products could continue to be sold in the state where it has been registered pending completion of the scheduled cancellation proceedings.

Applications made to the Agency were published in the FEDERAL REGISTER in accordance with the provisions of the Agency's interim policy with respect to the administration of Section 3(c)(1)(D), which provides that upon receipt of every application for registration the EPA will publish such notice.

Notices of intent to deny registration have been sent to the following applicants for the listed products:

EPA File Symbol 2342–OEI. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73102. FASCO CHLORDANE BAIT–2.
EPA File Symbol 2342–OEO. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73102. FASCO CHLOROPHENE BAIT–375.
EPA File Symbol 9859–AO. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. CHLORDANE—TOXAPHENE BAIT 2–3.

Pesticide Products Intended for Shipment in Interstate Commerce. Notices of intent to deny registration have also been mailed in response to applications for registration made to the Agency for products containing heptachlor or chlordane intended for sale in interstate commerce. Such notices were based on the November 26 FEDERAL REGISTER notice of intent to cancel. Applicants were advised that pursuant to Section 3(c)(6) they had 30 days from receipt of the notice of intent to deny to make any changes necessary to meet the Agency's requirements for registration. The only change possible to comply with current requirements is to restrict such products to use as subsurface ground applications for termite control or for dipping of roots or tops of nonfood plants as set forth in the FEDERAL REGISTER notice of intent to cancel. Applicants have also been advised that if this change is possible and desired they may submit a revised application. Otherwise, such applications to register are denied. Products not registered with the Agency cannot be legally sold. Applicants were also told that remedies for denial are available through the administrative procedures set forth in Section 6(b) of FIFRA.

Applications made to the Agency were published in the FEDERAL REGISTER in accordance with the provisions of the Agency's interim policy with respect to the administration of Section 3(c)(1)(D).

Notices of intent to deny registration have been sent to the following applicants for the listed products:

EPA File Symbol 4876–LE. AG Supply Co., Industrial Drive, Hopkinsville KY 42240. CHLORDANE–4 EMULSIFIABLE CONCENTRATE.

Conclusion. Any person adversely affected by this notice may, within 30 days after publication in the FEDERAL REGISTER, request a hearing with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Any questions concerning this notice should be directed to Product Manager 15, Registration Division, Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Notices of the Agency's denial of these applications for registration is given pursuant to the provisions of section 3(c)(6) of FIFRA. Identical notices which contained lists of other affected applications to register products containing heptachlor/chlordane were published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22587), and July 28, 1975 (40 FR 31655).

Dated: November 25, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–32327 Filed 12–1–75;8:45 am]

[FRL 464–1]

O,S-DIMETHYL PHOSPHORAMIDOTHIOATE

Establishment of a Temporary Tolerance

Ortho Division, Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, submitted a pesticide petition (PP 5G1624) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the insecticide O,S-dimethyl phosphoramidothioate in or on the raw agricultural commodity almonds at 1 part per million.

This temporary tolerance will permit the marketing of almonds when treated in accordance with a temporary permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that the tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that such tolerance will protect the public health. The temporary tolerance is established, therefore, for the insecticide with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the temporary permit.
2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.
3. Almond hulls from almonds treated under this experimental program must not be used for feed purposes.

This temporary tolerance expires November 24, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the insecticide is legally applied during the term and in accordance with the provisions of the temporary permit and temporary tolerance. This temporary tolerance may be revoked if the temporary permit is revoked or if any scientific data or experience with the insecticide indicate that such revocation is necessary to protect the public health.

Dated: November 24, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75–32329 Filed 12–1–75;8:45 am]

[FRL 464–2]

FOOD ADDITIVE PETITION

Notice of Filing

The Union Carbide Corp., 1730 Pennsylvania Ave. NW., Washington D.C. 20006, has submitted a food additive petition (FAP 6H5108) to the Environmental Protection Agency which proposes to amend 21 CFR 561 by establishing a feed additive regulation permitting the use of the insecticide/nematocide [(2-methyl-2-methylthio) propionaldehyde-0-(methylcarbamoyl)] oxime in a proposed experimental program involving application of the pesticide to growing oranges with a tolerance limitation of 0.6 part per million for residues of the insecticide/nematocide and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone in dried citrus pulp.

Notice of this submission is given pursuant to Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Di-

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vision (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5108". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 24, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75–32330 Filed 12–1–75;8:45 am]

[OPP—33000/342; FRL 461–8]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before February 2, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received February 2, 1976.

Dated: November 20, 1975.

MARTIN H. ROGOFF,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/342)

EPA File Symbol 25889–R. Ace Chemical Products, 4233 Second St. NE, Minneapolis MN 55421. ALGAETROL W. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 8859–T. Aqualand Pool Co., Inc., Dakota at West Lake St., Minneapolis MN 55416. AQUALAND ALGAE CONTROL. Active Ingredients: Poly[oxyethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4313–AN. Carroll Company, 2900 W. Kingsley Rd., Garland TX 75041. NONFOAMING SWIMMING POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2626–EA. Chemical Research Products, 1034 W. 45th St., Norfolk VA 23508. SANALON CLEANER/SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2626–EI. Chemical Research Products. IODOX SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Appliction proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2626–ET. Chemical Research Products. SANIPHOR DETERGENT-DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxethylene)-iodine complex 19.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2846–R. John Danais Co. Inc., 229 Shasta St., Manchester NH 03103. DANA CLOR. Active Ingredients: Sodium Hychlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 21578–R. Dixie Poultry & Livestock, Inc., PO Box 739, Canton GA 30114. DIXIE 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl-phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37645–R. FarBest Corp., 6715 McKinley Ave., Los Angeles CA 90001. ALGI–LIK. Active Ingredients: Poly-(oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 912–IE. Farmers Union Central Exchange Inc., PO Box G, St. Paul MN 55165. CENEX MILK BOOSTER—FLY MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.19%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 912–IG. Farmer Union Central Exchange Inc. CENEX ADE. Active Ingredients: 2 - chloro - 1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 4.78%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 912–IR. Farmers Union Central Exchange Inc. CENEX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.19%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 912–IU. Farmers Union Central Exchange Inc. CENEX FLYGO. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37774–R. Feed Specialties Co., 1677 NE 58th Ave., Des Moines IS 50313. R.O.L. PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 1529–EG. GAF Corp., 140 W. 51st. St. New York NY 10020. BIOPEL NR–II. Active Ingredients: alpha-(p-Nonylphenyl) - omega - hydroxypoly(oxyethylene)iodine complex 23.75%; Phosphoric Acid 6.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 1529–LU. GAF Corp., 140 W. 51st. St., New York NY 10020. BIOPEL NR–I. Active Ingredients: alpha-(p-Nonylphenyl) - omega-hydroxypoly(oxyethylene)iodine complex 23.75%; Phosphoric Acid 6.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM 34

EPA File Symbol 37983–E. A. L. Gilbert Co., 304 Yosemite Ave., Oakdale CA 95361. GILBERT'S DAIRY SUPPLEMENT. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37983–G. A. L. Gilbert Co. GILBERT'S BEEF SUPPLEMENT. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37983–R. A. L. Gilbert Co. GILBERT'S RABON/R/ 7.76 ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37983–U. A. L. Gilbert Co. GILBERT'S BEEF CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl vinyl dimethyl phosphate 0.36%. Method of Support: Application proceeds under 2(b) of interim policy. PM 15

EPA File Symbol 16377–E. Gloss-All Products Co., 2317 Parmenter St., Middleton WI 53562. WIPE-OUT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 16377–G. Gloss-All Products Co. SUPER STER-ALL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sollum Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 16377–R. Gloss-All Products Co. STER-ALL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37784–E. Ray W. Hawksley Co., Inc., 220 Cutting Blvd., Richmond CA 94804. BIOCIDE SERIES 301. Active Ingredients: Poly[oxyethylene(dimethyliminio)-ethylene(dimethyliminio)ethylene dichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37785–G. Ray W. Hawksley Co., Inc. BIOCIDE SERIES 302. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37785–L. Ray W. Hawksley Co., Inc. BIOCIDE SERIES 304. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 37785–U. Ray W. Hawksley Co., Inc. BIOCIDE SERIES 303. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37699–R. Lavergne Supplement Co., 1038 Space Park South, Nashville TN 37211. CHALLENGER–8 PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vingl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37754–E. Lubchem, Inc., PO Box 38449, Houston TX 77066. LUBCIDE-IC. Active Ingredients: Poly[oxyethylene-(dimethylimino)ethylene(dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37754–G. Lubchem, Inc. LUBCIDE-ID. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37754–L. Lubchem, Inc. LUBICIDE-IDP. Active Ingredients: Poly-[ethylene (dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37754–R. Lubchem, Inc. LUBICIDE-IB. Active Ingredients: Poly[ethyl-ene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 37754–U. Lubchem, Inc. LUBICIDE-IA. Active Ingredients: Poly[oxy-thylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 12353–A. Omega Chemical Co., Inc., 6935 W. 62nd St., Chicago IL 60638. SAN 206–I. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of iterim policy. PM34

EPA File Symbol 12353–T. Omega Chemical Co., Inc., 6935 W. 62nd St., Chicago IL 60638. SAN 207–I. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7762–RE. Leslie Salt Co., PO Box 882, Union City CA 94587. LESLIE FLY CONTROL "R" PREMIX. Active Ingredients: 2 - chloro-1-(2,4,5-trichlorophenyl)vinyl 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37879–E. San Joaquin Chemicals, Inc., 4684 E. Hedges Ave., Fresno CO 93703. SANACIDE 2013. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37879–R. San Joaquin Chemicals, Inc., 4684 E. Hedges Ave., Fresno CA 93793. SANACIDE 2013. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 8450–RR. A. E. Staley Mfg., Co., 2200 E. Eldorado St., Decatur, IL 62525. SWEETLIX RABON. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.463%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 10292–EG. Venus Laboratories, 1025 Industrial Drive, Bensenville IL 60101. HONEYSUCKLE GLYCOL AIR SANITIZER. Active Ingredients: Bardac-22 0.20%; Propylene Glycol 15.0%; Isopropyl Alcohol 25.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 37644–E. Wasco Products Inc., 831 S. State College Blvd., Anaheim CA 92806. JIFFY FORMULA 100 WATER BED CONDITIONER. Active Ingredients: Poly-[oxethylene(dimethyliminio)ethylene dimethyliminio)ethylene dichloride] 35%. Method of Support. Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 27644–R. Wasco Products Inc., 831 S. State College Blvd., Anaheim CA 92806. JIFFY FORMULA PLUS WATER BED CONDITIONER. Active Ingredients: Poly [oxethylene(dimethyliminio)ethylene(dimethyliminio) ethylene dichloride] 40%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37753–R. Waters Chemicals, 729 Beach Place, Mundelein IL 60060. CW–211. Active Ingredients: Poly[oxyethylene - (dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support. Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 52–EUT. West Chemical Products, Inc., 42–16 West St., Long Island City NY 11101. WEST "TAMED IODINE" PREMISE DISINFECTANT. Active Ingredients: alpha-(p-nonyl-phenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37752–E. Williard, Inc., 375 Highland Ave., Jenkintown PA 19046. WILCHEM BIOCIDE-W. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) - ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35987–E. Zodiac Chemical Co., Inc., 452A River Drive, Garfield NJ 07026. IDO-CLEAN. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35987–R. Zodiac Chemical Co., Inc., 452A River Drive, Garfield NJ 07026. IDO-SAN. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.75–32050 Filed 12–1–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

JOINT INDUSTRY/GOVERNMENT COMMITTEE, WORKING GROUP F, ON BROADCASTING SATELLITES

Meeting Regarding Preparation for the 1977 WARC

NOVEMBER 24, 1975.

Pursuant to Pub. L. 92–463 notice is hereby given of the meeting of Working Group F, procedures in preparation of proposed United States position papers for the 1977 World Administrative Radio Conference (WARC–77). The meeting will be held on December 17, 1975, at 9:30 a.m. in room 7008, 2025 "M" St., N.W., Washington, D.C., and chaired by Don Weiland.

The Agenda is as follows:

1. Approval of Agenda.
2. Approval of Minutes of last meeting.
3. Report of Task Force Chairmen.
4. Any further business.
5. Adjournment.

The meeting will be opened to the public and any member of the public is invited to particiapte and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–32390 Filed 12–1–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Members of Special Committee No. 65 "SHIP RADAR".
Notice of 42nd Meeting.
Wedeesday, December 17, 1975—1:30 p.m.
Conference Room 8210, 2026 M Street, N.W., Washington, D.C.

V40232 DEC 2 75 XUM

Formal Meeting Schedule for SC-65 Working Groups.

To be held at 2025 M Street, N.W., Washington, D.C.

Working Group: Collision Avoidance
Room: 8210
Date: December 17
Time: 9:30 a.m.

If other Working Group meetings are scheduled, Group Members will be notified.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur.
3. Progress Reports of Working Group on:
a. Collision Avoidance Systems.
4. Status Reports on Other Working Groups.
5. Other business.
6. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7197

Special Committee No. 86 "Receiver Standards for the Maritime Mobile Service".

Notice of 35th Meeting.

Wednesday, December 17, 1975—9:30 a.m. (All-day meetings.)

Conference Room A-205, 1229-20th Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record.
4. Begin preparation of General Purpose Marine Communications Receiver Standard. (Note: November meeting was cancelled.)
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 US Highway #1, Elizabeth, N.J. 07202 Phone: (201) 527-0300.

Special Committee No. 68, "Marine Radiotelephone Operator Education".

Notice of 10th Meeting.

Wednesday, December 17, 1975—9:30 a.m.

Conference Room 752, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order: Chairman's Report.
2. Adoption of Agenda; confirmation of Secretary.
3. Acceptance of SC-68 Summary Records.
4. Approval of MRT Handbook Work Assignment. Limited Coast Station section and appendices.
5. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173. Phone: (617) 862-6600 (Ext. 414).

Executive Committee Meeting, Thursday, December 18, 1975.

The next Executive Committee Meeting will be on Thursday, December 18, 1975, at 1:45 p.m. in Conference Room 752, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Administrative Action Items.
4. Acceptance of the Minutes of Executive Committee Meetings.
5. Progress Reports on Currently Active Committees.
6. Status Reports on Other Committees.
7. Approval of SC-66 Report. Minimum Standards for Single Sideband Receivers in the Maritime Mobile Service.
8. Approval of SC-64 Report. MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations.
9. Summary Reports and Announcements.
10. New Business.
11. Establishment of next meeting date.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-32304 Filed 12-1-75;8:45 am]

[Docket No. 20649; RM-2531]

CERTAIN FOREIGN STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of applicability of Section 325(b) of the Communications Act to noninterconnected distribution of television programming to certain foreign stations.

1. On October 16, 1975, the Commission adopted a Notice of Inquiry in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on October 29, 1975, 40 FR 50309. The dates for filing comments and reply comments are presently November 28 and December 8, 1975, respectively.

2. On November 13, 1975, counsel for Garryowen Corporation ("Garryowen"), licensee of television Stations KTVO, Billings, Montana; KXLF, Butte, Montana; and KRTV, Great Falls, Montana, requested that the time for filing comments be extended for an additional 30 days. On November 17, 1975, counsel for Columbia Pictures Industries, Inc., MCA, Inc., Paramount Pictures Corporation, Twentieth Century-Fox Film Corporation, United Artists Corporation, and Warner Bros. Inc. ("Program Suppliers") requested an additional 90 days. Garryowen states that the requested extension is necessary in order to provide the Commission with detailed data pertaining to the actual and quantifiable reduction in U.S. viewing audiences, revenues and profits lost as a result of the pre-release practice. Program Suppliers states that the Commission in its Notice encouraged interested parties to comment on all aspects of the inquiry and listed under "Program Producers and Suppliers" eight areas of inquiry for these parties to address. It notes that a full response will require the accumulation of detailed data, preparation of a statistical analysis and preparation of predictions as to the impact of restrictive regulation based on alternative assumptions. Program Suppliers also adds that it will be necessary for each of the producers to elicit substantial data from their Canadian offices, that data will then have to be collated with the date obtained by other producers, together with an overall analysis based on all such data.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *It is ordered*, That the requests for extension of time in Docket No. 20649 filed by Garryowen Corporation and Columbia Pictures Industries, Inc., MCA, Inc., Paramount Pictures Corporation, Twentieth Century-Fox Film Corporation, United Artists Corporation, and Warner Bros. Inc., are granted, by extending the time for filing comments and reply comments to and including February 27, 1976, and March 16, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: November 21, 1975.

Released November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.75-32302 Filed 12-1-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONFERENCE TO DISCUSS POWER PLANT PRODUCTIVITY

Meeting

Notice is hereby given that a "Conference to Discuss Power Plant Productivity," will be held from 8:30 a.m., to 6:00 p.m., January 6, 1976, in the 5th floor conference room of the MONY Building, 1655 Peachtree Street, Atlanta, Georgia.

The purpose of the conference is to provide for an exchange of information and ideas among owner/operators of nuclear and large fossil-fired electric power generating units aimed at improving the productivity of these units.

Invitees to the conference will be from electric utilities located in FEA Region IV, i.e., Kentucky, Tennessee, Florida, North Carolina, Oklahoma, South Carolina, Georgia, Alabama, Mississippi and the Canal Zone that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

8:30 to 8:45 am	FEA introductory remarks.
8:45 to 9:15 a.m.	FEA status report on actions to implement Recommendations contained in report on improving the productivity of electric power plants.
9:15 to 12 m.	Utility statements.
12 m. to 1:30 p.m.	Lunch break.
1:30 to 4:30 p.m.	Utility statements.
4:30 to 5:30 p.m.	Statements by others.
5:30 to 6 p.m.	Summary by FEA and questions/answers.
6 p.m.	Adjourn.

The meeting is open to the public. The meeting chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference chairman will be permitted to so do either before or after the meeting. Members of the public who wish to make oral statements should inform Bob Nelson (202) 961-6193, at least five days before the meeting and reasonable provisions will be made for their appearance on the agenda. Further information concerning this meeting may be obtained from Mr. Nelson.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, DC, and Atlanta, Georgia.

Issued at Washington, D.C. on November 26, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-32444 Filed 11-26-75;4:59 pm]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, December 18, 1975, at 9 a.m., Room 5041B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Old Business—Procedural Issues.
2. New Business—Reports from Subcommittees:

Social Relief Programs—Impact of Rising Energy Prices on the Physically Disabled.

Utility Issues—Power Plant Expansion/The UCAN Program.

Pricing—Natural Gas Curtailments—1975-76 Heating Season.

Economics of Enclosure vs. Solar Energy.

Consumer Participation Issues—FEA Consumer Representation Plan.

Impact of Energy Policy on the Cities—Energy Conservation.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on November 26, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-32443 Filed 11-26-75;4:59 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1506]

AMERICAN CONTAINER TRANSPORT, INC.

Order of Revocation

By letter dated October 2, 1975, American Container Transport, Inc., P.O. Box 9085, Baltimore, Maryland 21222 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1506 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 30, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

American Container Transport, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) (dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 1506 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1506 issued to American Container Transport, Inc. be and is hereby revoked effective October 30, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon American Container Transport, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.75-32424 Filed 12-1-75;8:45 am]

COMPANIA SUD AMERICANA DE VAPORES AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Harold T. Quinn, Esquire, Garrett, Smith, Schapiro & Simon, 26 Broadway, New York, New York 10004.

Agreement No. 9041-2, between Compania Sud Americana De Vapores and Prudential Lines, Inc., is a petition by the parties to extend the termination date of their pooling, sailing and equal access to government-controlled cargo agreement in the trade from U.S. Atlantic Coast ports to ports on the Chilean Coast, as far south as and including the ports of Talcahuano and San Vicente, from December 31, 1975, to December 31, 1980.

By Order of the Federal Maritime Commission.

Dated: November 26, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32422 Filed 12-1-75;8:45 am]

V40232 DEC 2 75 XUM

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

J. H. Bachmann, Inc., 17 Battery Place, New York, New York 10004.
Officers: W. Kulenkampff, President, Horst Rehling, Vice President, Fritz Reuter, Vice President/Secretary/Treasurer, U. Klingenberg, Ass't Vice President.
Cox-Patrick Transfer & Storage Company, 5607 Forney Drive, Houston, Texas 77036.
Officers: Clifton D. Cox, President, Clifton D. Cox, Jr., Vice President, Willie W. Cox, Secretary/Treasurer.
Christine Kalakuka]Stockwell, 3218 San Carlos Way, Union City, California 94587.
P. W. Bellingall, Inc., 330 Jackson Street, San Francisco, California 94111.
Officers: Dennis Falk, President, Jack Crowley, Vice President, Jewel C. Falk, Secretary, Barry W. Falk, Treasurer.
Franlig Forwarding Company, Inc., 1618–77th Street, Brooklyn, New York 11214.
Officers: Frances L. Ligotti, President, Anthony Merola, Secretary/Treasurer.
Universal Forwarders, Marcelo V. Castro d/b/a, 113 W. Grand Avenue, El Segundo, California 90245.
P. C. Devine Inc., 17 Battery Place, New York, New York 10004.
Officers: Philip C. Devine, President, Catherine Devine, Vice President.
Customs Trade Service, 125 West Eighth Street, San Pedro, California 90731.
Officers: Deborah A. Karen, Partner, Roy (NMI) Karen, Partner, Lorenzo E. Igayac, Partner.
Caribe Fast Freight Corporation, 4471 N.W. 36th Street, Miami Springs, Florida 33148.
Officers: Hector A. Ferrer, President/Treasurer, Jose M. Insua, Vice President/Secretary, Juan J. Massa, Director.
"Lana" International, Svetlana Cirilov d/b/a, 11918 Aviation Boulevard, Inglewood, California 90304.
Transnational Shipping Corp., 17 Battery Place, New York, New York.
Officers: William Certilman, President/Treasurer, Basil B. Jones, Exec. Vice President/Secretary, Theodore Novin, Vice President.
Earl R. Sauls & Associates, 5432 West 104th Street, Los Angeles, California 90045.
Officers: Earl R. Sauls, President, Maria L. Sauls, Treasurer, Leonard M. Fertman, Secretary, Donald Edward Doss, Vice President.
J. B. Cazary, 9555 N. Kendall Drive, Miami, Florida 33176.
Officers: Joseph B. Cazary, President, Susan Cazary, Secretary.

By the Federal Maritime Commission.

Dated: November 25, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32423 Filed 12-1-75;8:45 am]

A/S THOR DAHL, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

A/S THOR DAHL, PACIFIC FAR EAST LINE, INC. AND POLYNESIA LINE, LTD.

Notice of Agreement Filed by:

R. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10205, among A/S Thor Dahl, Pacific Far East Line, Inc. and Polynesia Line, Ltd. would allow the parties thereto to establish a rate agreement in the trade between the Pacific Coast of the United States and Canada, on the hand, and Eastern (American) Samoa, Western Samoa, and Tahiti, on the other. Under the agreement, the parties may discuss any subject of common interest including rates, charges, classifications, practices, procedures and related tariff matters to be observed by them in the trade and they may agree on such subjects, but each member retains the right to alter for itself any rate, charge, rule or regulation contained in its tariff, at any time, but only after giving to the other parties at least forty-eight (48) hour's advance notice of such intention.

By Order of the Federal Maritime Commission.

Dated: November 26, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32425 Filed 12-1-75;8:45 am]

[Docket No. 75-53]

TRADER NAVIGATION CO., LTD., ET AL. VS. COLUMBUS LINE, INC., ET AL.

Filing of Complaint

NOVEMBER 24, 1975.

Notice is hereby given that a complaint filed by Trader Navigation Co., Ltd., Refrigerated Express Lines, Ltd. and Maritime Fruit Carriers Co., Ltd. against Columbus Line, Inc., Farrell Lines, Inc., Associated Container Transportation, Ltd. and Australian Shipping Commission was served November 24, 1975. The complaint alleges violation by respondents of sections 14, 14b, 15, 16, 17 and 18 of the Shipping Act, 1916 and section 19 of the Merchant Marine Act of 1920. The violations are alleged to result from a contract or contracts between respondents and the Australian Meat Board, whereby complainants would be excluded from the carriage of meat in the trade from Australia to U.S. Gulf and Atlantic ports.

Hearing in this matter shall commence on or before May 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32428 Filed 12-1-75;8:45 am]

[Docket No. 75-55]

UNION CARBIDE INTER-AMERICA, INC. VS. VENEZUELAN LINE

Filing of Complaint

NOVEMBER 25, 1975.

Notice is hereby given that a complaint filed by Union Carbide Inter-America, Inc. against Venezuelan Line (Compania Anonima Venezolana De Navegacion) was served November 25, 1975. The complaint alleges that complainant has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before May 25, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-32426 Filed 12-1-75;8:45 am]

[Docket No. 75-54]

UNION CARBIDE INTER-AMERICA, INC. VS. VENEZUELAN LINE

Filing of Complaint

NOVEMBER 25, 1975.

Notice is hereby given that a complaint filed by Union Carbide Inter-America, Inc. against Venezuelan Line (Compania Anonima Venezolana De Navegacion) was served November 25, 1975. The complaint alleges that complainant has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before May 25, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32427 Filed 12-1-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activties

First National Agency, Inc., Wayne, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 88.7 percent of the voting shares of First National Bank of Wayne, Wayne, Nebraska ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 25.4(b)(2) of the Board's Regulation Y, for permission to retain the general insurance agency business (in a town with a population of less than 5,000) presently operated by First National Agency, Inc. on the premises of Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 26734). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was organized in February 1974 for the purposes of becoming a bank holding company through acquisition of Bank and of operating an insurance agency business. Bank, with deposits of approximately $12 million, representing .02 of 1 per cent of the total commercial bank deposits in Nebraska,[1] is the second largest of five banks located in the relevant banking market.[2] Inasmuch as Applicant has no existing subsidiary banks and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the area served by Bank. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. In addition, the Board notes that principals of Applicant, through nine other one-bank holding companies, have interests in six banks in Colorado and three banks in Nebraska. In situations where individuals are involved in more than one one-bank holding company, such as where individuals have established a series or chain of one-bank holding companies, the Board has indicated that such organizations should be analyzed under more restrictive financial standards than are normally used in analyzing multi-bank holding companies.[3] Having applied such standards to the present proposal, the Board finds that financial considerations, including the other banking factors, relating to the present proposal are generally satisfactory and consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Applicant has also applied to the Board to retain ownership of the insurance agency business, pursuant to § 225.4(a)(9)(iii)(á) of Regulation Y, which it purchased in March 1974. The agency would continue to engage in the sale of general insurance lines and as credit life insurance; medical and hospital insurance; crop hail, fire and casualty insurance; automobile liability insurance; homeowner's insurance; landlord and tenant insurance; multi-peril insurance, workmen's compensation and surety bonds. Such insurance activities are conducted on the premises of Bank in Wayne, Nebraska, a town which has a population of less than 5,000. It does not appear that the retention of the insurance agency business would have any significant effect on existing or future competition. On the other hand, approval of the application would assure residents of the area of the continuance of a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors the Board must consider under § 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order; nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective November 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-32406 Filed 12-1-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The market is approximated by Wayne County.

[3] See Board's Order dated October 17, 1975, approving the application of Commercial Bankshares, Inc., Grand Island, Nebraska, to become a bank holding company through acquisition of Commercial National Bank & Trust Company, Grand Island, Nebraska.

VALLEY BANCORP.

Order Approving Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of State Bank of Fredonia, Fredonia, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in Wisconsin, controls 12 banks with aggregate deposits of $298.9 million,[1] which represent about 1.7 percent of the total commercial bank deposits in the State. Applicant also controls a trust company and six other nonbank companies. Upon consummation of this proposal, the increase in commercial bank deposits controlled by Applicant would be only nominal, and Applicant's rank in the State would not change. The proposed acquisition would not result in a significant increase in the concentration of banking resources in Wisconsin.

Bank holds deposits of $4.1 million, representing only 0.1 percent of the total

[1] All banking data are as of December 31, 1974.

[4] Voting for this action: Chairman Burns, Governors Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Governors Mitchell and Bucher.

V 40 232 DEC 2 75 XUM

deposits of commercial banks in the relevant market, and is the 57th largest of 60 banking organizations operating therein.[3] The banking office of a subsidiary of Applicant closest to the sole office of Bank is located about 17 miles northwest in Kewaskum, Wisconsin. Applicant's subsidiary bank in Kewaskum is located outside the relevant market and there is no meaningful competition presently existing between it and Bank, nor is there any existing competition between Bank and Applicant's other 12 banks. Moreover, future competition between these banks is unlikely to develop due to the restrictions of Wisconsin branching law and the nature of the intervening areas. Although Applicant has the resources to enter the Milwaukee market *de novo*, the low ratio of population to number of banking offices and the low absolute population growth of the Fredonia area of the Milwaukee market makes *de novo* entry unlikely, and the acquisition of Bank by Applicant as a foothold entry is an acceptable alternative. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its existing subsidiary banks are considered generally satisfactory, particularly in view of capital funds which Applicant has injected into certain subsidiary banks pursuant to a previous commitment. Bank's present financial condition and capitalization is considered to be generally sound under current ownership, and its future prospects would be significantly enhanced as a subsidiary of Applicant.

Applicant proposes to assist Bank upgrade the services it offers to the public. The many financial, managerial, and other resources of Applicant would be made available to Bank, which should increase Bank's internal efficiencies and increase the quality and quantity of services to the public. New trust services, not now available in Fredonia, would be introduced by Bank with assistance from Applicant's trust company subsidiary. Convenience and needs considerations are consistent with and lend some weight toward approval of the application. It has been determined that the proposed acquisition is in the public interest and that the application should be approved for the reasons summarized above.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective November 19, 1975.

[SEAL] DANIEL M. DOYLE,
First Vice President.

[FR Doc. 75-32405 Filed 12-1-75;8:45 am]

[3] The relevant market is approximated by the Milwaukee RMA. Consequently, banking factors lend weight toward approval of the application.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 25, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before December 19, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

Request for clearance of new Form No. 12E-2, "Supplemental Power Statement (Supplement to FPC Form No. 12)," which is to supersede Form No. 12E-1, Monthly Power Statement. The new Form No. 12E-2 consists of five schedules dealing with: (1) reporting month energy, capability and peak load data; (2) near-term summer/winter capability and peak load data; (3) generating unit additions, revisions and retirements—ten year plans; (4) transmission line additions, revisions and retirements—six year plans; and (5) ten year energy and peak load forecast. It is estimated that the number of responding electric utilities will be 275 instead of the 580 respondents to Form No. 12E-1, Schedule 1 is to be filed monthly on the 15th of the month following the reporting month and it is estimated that approximately 2 man hours will be required for each monthly report. Schedules 2-5 are to be filed semi-annually on April 1st and October 1st of each year and it is estimated that approximately 4 man hours will be required per response.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-32382 Filed 12-1-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 24, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before December 19, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request for a 1-year clearance of the revised EEOC Form 164, State and Local Government Information (EEO-4). The race/ethnic categories in the EEO-4 have been revised as directed by the Office of Management and Budget (OMB). The filing of this report is required by all state and local governments with 100 or more employees, and an annual sample of those political jurisdictions that have 15-99 employees which are subject to Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. Frequency of filing is annually and average annual respondent burden is estimated at 96 hours per respondent.

CARL F. BOGAR,
Assistant Director.
Regulatory Reports Review.

[FR Doc.75-32383 Filed 12-1-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[TEMPORARY REGULATION F-363]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations authority to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Effective date.* This regulation expires December 15, 1975.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-128	Nov. 5, 1971	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-138	Mar. 13, 1972	Do.
F-153	Aug. 24, 1972	Do.
F-198	Oct. 25, 1973	Do.
F-202	Dec. 14, 1973	Do.
F-205	Jan. 4, 1974	Do.
F-211	Feb. 21, 1974	Do.
F-301	Sept. 10, 1974	Do.

DWIGHT A. INK,
Acting Administrator,
of General Services.

NOVEMBER 17, 1975.

[FR Doc.75-32369 Filed 12-1-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATION FOR RENEWAL PERMIT ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4374-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 8, Mine ID No. 44 01748 0, Big Rock, Virginia, ICP Permit No. 4374-004—R-2 (Meschor HD-12 Tractor, I.D. No. I4-3).

In accordance with the provisions of Section 504.7(b), of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505. (35 FR 11296, July 15, 1970,) as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

NOVEMBER 25, 1975.

[FR Doc.75-32347 Filed 12-1-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-16]

CERTAIN ANGOLAN ROBUSTA COFFEE

Appointment of Presiding Officer

Notice is hereby given that on October 2, 1975, the United States International Trade Commission appointed Commission Chairman Will E. Leonard as Presiding Officer in United States International Trade Commission Investigation No. 337-TA-16, Certain Angolan Robusta Coffee.

By order of the Commission:

Issued: November 25, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc 75-32324 Filed 12-1-75;8:45 am]

[TA-203-1]

CERTAIN CERAMIC TABLEWARE

Investigation and Hearing

Investigation instituted. Following receipt of a petition on October 30, 1975, filed by the American Dinnerware Emergency Committee, the U.S. International Trade Commisison on November 24, 1975, instituted an investigation under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 for the purpose of gathering evidence in order that it might advise the President of its judgment as to the probable economic effect on the domestic industry producing articles like or directly competitive with

articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, all the foregoing temporarily provided for in items 923.01 through 923.15, inclusive, of the appendix of the Tariff Schedules of the United States.

of the termination of import relief presently in effect with respect to such articles. Import relief presently in effect with respect to such articles is scheduled to terminate on April 30, 1976, unless extended by the President.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C. at 10 a.m., e.s.t., on Tuesday, January 20, 1976, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Thursday, January 15, 1976.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission:

Issued: November 25, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-32325 Filed 12-1-75;8:45 am]

[337-TA-14]

CERTAIN HIGH FIDELITY AUDIO AND RELATED EQUIPMENT

Appointment of Presiding Officer

Notice is hereby given that on November 14, 1975, the United States International Trade Commission appointed Commission Vice-Chairman Daniel Minchew as Presiding Officer in United States International Trade Commission Investigation No. 337-TA-14, Certain High Fidelity Audio and Related Equipment.

By order of the Commission:

Issued: November 25, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-32323 Filed 12-1-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-100]

STRATOSPHERIC RESEARCH ADVISORY COMMITTEE

Date and Place of Meeting

The Stratospheric Research Advisory Committee will meet at Goddard Space Flight Center on December 16 and 17, 1975. The meeting will be held in Room 205 of Building 26 from 9:00 a.m. to 4:30 p.m. December 16 and from 9:00 a.m. to 3:30 p.m. December 17. The meeting is open to members of the public. Visitors must register at the main gate on Greenbelt Road.

The Stratospheric Research Advisory Committee advises NASA concerning the contents and direction of the NASA Stratospheric Research Program.

The agenda for the meeting is as follows:

December 16

9 a.m.	Discussion of Revised NASA Upper Atmospheric Research Program Plan Document.
11:30 a.m.	Future Stratospheric Research Plans at NASA Centers: 1. GSFC: Theory and Field Measurements.
1:30 p.m.	2. JPL: Field and Laboratory Measurements.
3 p.m.	3. ARC: Airborne Measurements.
4 p.m.	Open discussion of Plans.

December 17

9 a.m.	Current Assessment of Effects of Space Shuttle Operations.
10:30 a.m.	Discussion of NASA Upper Atmospheric Research Program Plan Volume II: Availability and Applicability of Different Types of Observation Platforms: 1. Satellites. 2. Balloons. 3. Aircraft. 4. Sounding Rockets.
11:30 a.m.	NIMBUS G.
1 p.m.	Applications Explorer.
1:30 p.m.	Consideration of an International Stratospheric Period (ISP).
2:30 p.m.	Future Meeting Arrangements.

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For further information regarding the meeting please contact Dr. David P. Cauffman, Area Code 202/755–3685.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

NOVEMBER 25, 1975.

[FR Doc.75-32321 Filed 12-1-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Revision of Notice of Meeting

Notice is hereby given that, due to a change of agenda, the Notice of Meeting of the Dance Advisory Panel published in the FEDERAL REGISTER of November 20, 1975, 54029 is revised as follows:

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held on December 7–9, 1975 at Lincoln Center in New York City. On December 7 the meeting hours are 10:00 a.m.–4:30 p.m.; on December 8 from 9:00 a.m.–5:00 p.m.; and on December 9 from 9:00 a.m.–4:00 p.m.

A portion of this meeting will be open to the public on December 7 from 2:00 p.m.–4:30 p.m. and on December 9 from 9:00 a.m.–12:30 p.m. on a space available basis. Accommodations are limited. On December 7 there will be a General discussion and a discussion of Artists-in-Schools Dance Component. On December 9 there will be Policy discussions.

The remaining sessions on this meeting on December 7 from 10:00 a.m.–12:00 noon, December 8 from 9:00 a.m.–5:00 p.m., and December 9 from 12:30 p.m.–4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-32389 Filed 12-1-75;8:45 am]

LITERATURE ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on December 19–20, 1975 from 9:00 a.m.–6:00 p.m. in the 14th floor conference room of the Columbia Plaza Building, 2401 E Street, N.W. Washington, D.C.

A portion of this meeting will be open to the public on December 20 from 1:00 p.m.–6:00 p.m. on a space available basis. Accommodations are limited. There will be a discussion of future actions related to the distribution of literature.

The remaining sessions of this meeting on December 19 from 9:00 a.m.–6:00 p.m. and December 20 from 9:00 a.m.–12:00 noon, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-32388 Filed 12-1-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–237]

COMMONWEALTH EDISON CO. (DRESDEN NUCLEAR POWER STATION UNIT 2)

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR–19, issued to the Commonwealth Edison Company (the licensee), for operation of the Dresden Nuclear Power Station Unit 2 (the facility), a boiling water reactor located in Grundy County, Illinois, and currently authorized for operation at power levels up to 2527 MWt.

In accordance with the licensee's application for a license amendment dated July 1, 1975, as supplemented, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also revise the Technical Specifications to permit operation of the facility using operating limits based on the General Electric Thermal Analysis Basis (GETAB) in accordance with the licensee's application for license amendment dated September 3, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 1, 1976, the Licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esquire of Isham, Lincoln and Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 1, 1975 (as supplemented by filings dated July 7 and 10, 1975, August 25, 1975, and September 19, 1975), and September 3, 1975, (2) the April 8, 1975 Quad-Cities Unit 2 licensee submittal in Docket 50–265 which is applicable to Dresden 2 and is the non-proprietary version of the Dresden 2 proprietary submittal dated July 21, 1975, (3) the Commission's Order for Modification of License dated December 27, 1974 and the documents referred to in the Order (published in the FEDERAL REGISTER on January 9, 1975, 40 F.R. 1790), (4) the non-proprietary General Electric Report NEDO–10958 on GETAB, and (5) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO–10958). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of November, 1975.

For the Nuclear Regulatory Commission.

B. C. BUCKLEY,
Acting Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-32276 Filed 12-1-75;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–3 issued to Yankee Atomic Electric Company (the licensee) for operation of the Yankee Nuclear Power Station (the facility), a pressurized-water reactor located in Rowe, Massachusetts, and currently authorized for operation at power levels up to 600 MWt.

In accordance with the licensee's application for a license amendment dated September 25, 1975, the amendment would add provisions in the Technical Specifications related to the design of spent fuel storage racks. The licensee proposes to replace two of the existing three storage racks which have a combined storage capacity of 66 fuel assemblies with anodized aluminum fixed poison (Boral) curtain racks which have a capacity of 285 assemblies. Some increased capacity would be accomplished as a result of the reduced center-to-center spacing of the assemblies in the design of the proposed spent fuel storage racks. The existing third fuel storage rack which has a capacity of 106 fuel assemblies will be retained and used for storage of assemblies that have a minimum burnup of 20,000 MWD/MTU.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 1, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Frederic Greenmond, Esquire, New England Electric System, 20 Turnpike Road, Westboro, Massachusetts 01581, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 25, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1975.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-32275 Filed 12-1-75;8:45 am]

[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]

ARIZONA PUBLIC SERVICE COMPANY, ET AL.

Notice of Availability of Draft Supplement to Final Environmental Statement for Palo Verde Nuclear Generating Station, Units 1, 2, and 3

Notice is hereby given that a Draft Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Palo Verde Nuclear Generating Station, Units 1, 2, and 3 to be constructed in Maricopa County, Arizona, by the Arizona Public Service Company, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. The Draft Supplemental Statement is also being made available at the Department of Economic Planning and Development, State of Arizona, 1624 West Adams Street, Phoenix, Arizona, and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona. Requests for copies of the Draft Supplement to the Final Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

On September 25, 1975, the Nuclear Regulatory Commission issued a Final Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (40 FR 44199). The Tucson Gas and Electric Company has since withdrawn from the consortium building the plant and has been replaced by the

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Southern California Edison Company, thus requiring a supplement to the Final Environmental Statement.

Interested persons may submit comments on the Draft Supplement to the Final Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Supplemental Statement (local agencies may obtain these documents upon request). Comments are due by January 19, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. Upon consideration of comments submitted with respect to the draft supplemental statement, the Commission's staff will prepare a final supplemental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Supplement to the Final Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 25th day of November 1975.

For the Nuclear Regulatory Commission.

JAN A. NORRIS,
Acting Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-32548 Filed 12-1-75;8:45 am]

POSTAL RATE COMMISSION

POSTAL FACILITIES

Notice of Visit

NOVEMBER 25, 1975.

Notice is hereby given that the Chairman of the Postal Rate Commission will be visiting Postal Service facilities on the dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

Place of visit	*Date of visit*
San Francisco, Calif.	Dec. 2, 3, and 4, 1975.
Seattle, Wash.	Dec. 5, 1975.

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-32355 Filed 12-1-75;8:45 am]

[Docket No. R76-1; Docket No. MC 73-1]

SPECIAL ASSISTANT TO COMMISSIONER

Notice of Appointment

NOVEMBER 25, 1975.

On October 20, 1975, the Prehearing Conference Statement of the Officer of the Commission noted that Stephen L. Sharfman, Trial Attorney for the Litigation Division of the Commission had been assigned to the staff of the Officer of the Commission who shall represent the interests of the general public in Docket No. R76-1 pursuant to Section 3624(a) of the Postal Reorganization Act (39 U.S.C. § 3624(a)). Mr. Sharfman has recently been appointed as Special Assistant to Commissioner Paul A. Miltich, effective on or about November 22, 1975. To permit Mr. Sharfman to prepare for and carry out his new duties, his assignment to the staff of the Officer of the Commission has been concluded.

The Commission has given careful consideration to the question of whether Mr. Sharfman's association with the Officer of the Commission will preclude him from advising the Commission with respect to decisions in this proceeding. After a complete review of Mr. Sharfman's actions including appearances at prehearing conferences and the preparation of pretrial pleadings, we have concluded that neither Rule 8 of the Commission's Rules of Practice nor any other law or regulation preclude Mr. Sharfman from advising the Commission with respect to its decision in this proceeding. Out of an abundance of caution, however, neither the Commission nor Commissioner Miltich will be advised by Mr. Sharfman on any matters as to which the Officer of the Commission has taken a position in the pretrial proceedings in Docket No. R76-1.

Mr. Sharfman has also served as counsel for the Officer of the Commission designated to serve the interests of the general public in Docket No. MC 73-1. Because his participation in Phase I of that case has been extensive, neither the Commission nor Commissioner Miltich will be advised by Mr. Sharfman on any matter in Phase I of Docket No. MC 73-1, nor on any matter in any other Phase of that proceeding, as to which the Officer of the Commission has taken a position in the record to date.

By the Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.75-32356 Filed 12-1-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL MARKET ADVISORY BOARD

Notice of Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on December 15 and 16, 1975 at 500 North Capitol Street Washington, D.C. 20549, Room 776 beginning at 9:30 a.m. on December 15 and 8:30 a.m. on December 16. Initial notice of the meeting was published in the FEDERAL REGISTER on October 7, 1975.

The Board has also announced its plans to hold open meetings on January 19 and 20, 1976 in Los Angeles, California and on February 16 and 17, 1976 in Washington, D.C.

The summarized agenda for the December meeting is as follows:

1. Open organizational meetings of the working groups established at the Board's November meeting: Consolidated limit order book, Trading rules, Administration, Market-making, Role of issuers, Access and membership, Clearance and settlement.
2. Discussion of such other matters as may be properly brought before the Board.

Further information may be obtained by writing Andrew P. Steffan, Director of Economic and Policy Research, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 25, 1975.

[FR Doc.75-32339 Filed 12-1-75;8:45 am]

[Release No. 11875; File Nos. 600-1 et seq.]

CLEARING AGENCIES

Filing of Applications for Registration

The following clearing agencies have made application to become registered clearing agencies under section 17A of the Securities Exchange Act of 1934 (the "Act") and pursuant to subsection (c)(1) of Rule 17Ab2-1 [17 CFR 240.17Ab2-1] under the Act:

The Depository Trust Company—File No. 600-1.
Bradford Securities Processing Services, Inc.—File No. 600-2.
American Stock Exchange Clearing Corporation—File No. 600-3.
Stock Clearing Corporation of Philadelphia—File No. 600-4.
Boston Stock Exchange Clearing Corporation—File No. 600-5.
Stock Clearing Corporation—File No. 600-6.
Midwest Securities Trust Company—File No. 600-7.
The Options Clearing Corporation—File No. 600-8.
Midwest Clearing Corporation—File No. 600-9.
Pacific Securities Depository Trust Company—File No. 600-10.
Pacific Clearing Corporation—File No. 600-11.
National Clearing Corporation—File No. 600-12.
TAD Depository Corporation—File No. 600-13.

Pursuant to subsection (c)(1) of Rule 17Ab2-1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of section 17A(b)(3) of the Act. Registration pursuant to subsection (c)(1) of Rule 17Ab2-1 shall not be effective for more than eighteen (18) months from the date on which registration is made effective by the Commission.

Subsection (c)(2) of Rule 17Ab2-1 requires that, in the case of any clearing agency registered in accordance with subsection (c)(1) of Rule 17Ab2-1, the Commission, not later than nine (9) months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) or will institute proceedings to determine whether registration should be denied at the expiration of eighteen (18) months.

In accordance with Securities Exchange Act Release No. 11787, announcing the adoption of Rule 17Ab2-1 and related Form CA-1, it is the Commission's intention, in appropriate cases, to grant registration on or before December 1, 1975, to be effective on December 1, 1975, to applicants which request registration in accordance with subsection (c)(1) of Rule 17Ab2-1 and which filed applications on or prior to November 24, 1975.

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications within six weeks from the date of publication of this notice in the FEDERAL REGISTER. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with subsection (c)(2) of Rule 17Ab2-1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549. Reference should be made to the appropriate file number.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20006.

By the Commission

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75-32533 Filed 12-1-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 9:30 a.m., in Room 712, Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C., on Friday, December 12, 1975.

The principal agenda items will be: 1) status of ITU Conference preparation; 2) OTP frequency management field visits; 3) navigational aids analysis; 4) ATS-6 applications; 5) FCC Spectrum Management Task Force activities; 6) atmospheric effects on communications at millimetric wavelengths through optical wavelengths.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. 20404 (telephone: 202-395-5623).

Dated: November 26, 1975.

BROMLEY SMITH,
Advisory Committee Management Officer.

[FR Doc.75-32377 Filed 12-1-75;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

INDIAN AND NATIVE AMERICAN PROGRAMS

Notice of Fiscal Year Allocations Under Title X of the Public Works and Economic Development Act

Notice is hereby given that the Employment and Training Administration, pursuant to Title X of the Public Works and Economic Development Act, 42 U.S.C. 3241 et seq., is allocating funds under that Act to the Indian prime sponsors listed below. All applications for funds have been approved by the Department of Commerce. The Administration of these funded programs will be handled by the Division of Indian and Native American Programs of the Employment and Training Administration.

Tribal Governors, Inc., 95 Main Street, Orono, Maine 04473	$506,394
Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, P.O. Box 37, Poplar, Montana 59255	390,360
Inter-Tribal Council of Nevada, 98 Colony Road, Reno, Nevada 89502	231,180
Seneca Nation of Indians, P.O. Box 344, Salamanca, New York 14779	11,400
Crow Creek Sioux Tribe, P.O. Box 658, Fort Thompson, South Dakota	394,468
Sesston-Wahpeton Sioux Tribe, 406 Second Avenue East, Sesston, South Dakota 57262	10,000
Great Lakes Inter-Tribal Council, Box 5, Lac du Flambeau, Wisconsin	3,764
St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893	75,400
Shoshone and Arapahoe Joint Business Council, P.O. Box 217, Fort Washakie, Wyoming 82514	16,500
Total	$1,639,401

Signed at Washington, D.C., this 26th day of November, 1975.

ROBERT N. COLOMBO,
Deputy Director, Division of Indian and Native American Programs.

[FR Doc.75-32410 Filed 12-1-75;8:45 am]

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located

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in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 24th day of November, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week end Friday, Nov. 21, 1975

Name of applicant	Location of enterprise	Principal product or activity
Lares Shopping Center, Inc.	Lares, P.R.	Shopping center.
Bard College	Annandale, N.Y.	Capital funding of library and theater projects, retirement of mortgage and working capital.
J. A. Barnwell Co., Inc	Henderson, N.C.	Construction of underground facilities for telephone and utilities.
Wateo, Inc.	Shelbyville, Tenn.	Manufactured illuminated signs; fiberglass signs.
Ramgo Products, Inc.	Crossville, Tenn.	Purchase land, building, and necessary manufacturing equipment to start a manufacturing plant in the plastic industry.
Kemco of North Carolina, Ltd.	Monroe, N.C.	Manufacture of floor finishes, disinfectants, concrete curing compound, and masonry waterproofing material.
Howard Harrill Decorating Co.	Forest City, N.C.	Manufacture of Christmas decorations.
Maple Aire Mobile Village	Reedsburg, Wis.	Rental lots for mobile homes.
Ouachita Marine and Industrial Corp.	Arkadelphia, Ark.	Manufacture of boats.
Charles E. Maddux	Clifton, Tex.	New and used trucks dealership.

[FR Doc.75-32376 Filed 12-1-75;8:45 am]

Office of the Secretary

BIRCH DOOR SKIN INDUSTRY

Import Relief

On October 20, 1975, the International Trade Commission (ITC), in accordance with the provisions of Section 201 of the Trade Act of 1974 and in response to a petition for import relief filed by the Columbia Plywood Corporation reported to the President that:

On the basis of its investigation, the Commission does not determine that birch plywood door skins, i.e., plywood, with a face ply of birch, not exceeding in any dimension 5/32 inch in thickness, 47 inches in width, and 85 inches in length, provided for in item 240.14 of the Tariff Schedules of the United States are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

(USITC Publication 748;40 FEDERAL REGISTER 50320.)

Section 224 of the Trade Act provides, in substance, that whenever the United States International Trade Commission begins an investigation under Section 201 of the Act with respect to an industry, the Secretary shall immediately begin a study of—

(1) The number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance, and

(2) The extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

The Secretary must make a report of this study to the President not later than 15 days after the day on which the Commission makes its report under Section 201. Upon making his report to the President, the Secretary shall also make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the FEDERAL REGISTER.

The Department of Labor has concluded its study and report on birch plywood door skins. The findings of this report are as follows:

1. On May 15, 1975, the Department of Labor certified approximately 300 workers of the Allen Quimby Veneer Company in Bingham, Maine as eligible to apply for adjustment assistance in accordance with the provisions of the Trade Act. As of September 30, 1975, 303 of them had been found eligible to receive assistance.

2. One group of 25 workers may apply for certification of eligibility to apply for trade adjustment assistance and may subsequently be certified by the Department of Labor over the next year.

3. There will be difficulty in placing dislocated individuals in equivalent employment because of limited employment opportunities within the industry, the general lack of mobility of the workers, and poor local economic conditions. Consequently, reemployment, if sought, will involve considerable retraining and relocation.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be sufficient to meet the needs of the small number who are likely to seek manpower services. The Manpower Administration through its State Employment Service has the authority to purchase training when CETA funds are not available.

Copies of the Department report containing the nonconfidential information developed in the course of the 6-month investigation may be obtained, upon request, from the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 21st day of November 1975.

JOEL SEGALL,
Deputy Under Secretary of Labor for International Affairs.

[FR Doc.75-32418 Filed 12-1-75;8:45 am]

[TA-W-337]

COBBLERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Richard Shoe Corporation, Culver City, California, a subsidiary of Cobblers, Incorporated, Culver City, California (TA-W-337). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's casual footwear produced by Cobblers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 12, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32417 Filed 12-1-75;8:45 am]

[Secretary of Labor: Order No. 16-75]

EMPLOYMENT STANDARDS PROGRAMS

Delegation of Authority and Assignment of Responsibility for Employment Standards Programs

1. *Purpose.* To delegate authority and assign responsibility to the Assistant Secretary for Employment Standards.

2. *Directives Affected.* a. The authorities delegated herein are subject to the overall provisions of Secretary's Orders (S.O. 3-73, 27-73, and 24-74 pertaining to procurement and contracting authority; S.O. 27-72 pertaining to emergency preparedness and disaster relief; and departmental policies and procedures pertaining to administrative, organizational, and management processes.

b. Secretary's Orders 13-71, 14-71, 32-72, 16-73, 8-74, and delegation of authority dated September 23, 1974 (39 FR 34723) are canceled.

3. *Backyard.* Secretary's Order 13-71 established the Employment Standards Administration in the Department of Labor and delegated authority and assigned responsibility for certain employment standards programs. However, subsequent organizational changes and additional assigned statutory responsibilities necessitate the issuance of an updated delegation of authority.

4. *Delegation of Authority and Assignment of Responsibility.* a. *The Assistant Secretary for Employment Standards* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards policies, programs, and activities of the Department of Labor, including direction of the field programs and those functions to be performed by the Secretary of Labor under:

(1) The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq., including the issuance of child labor hazardous occupation orders and other regulations concerning child labor standards.

(2) The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 et seq., except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(3) The Service Contracts Act of 1965, as amended, 41 U.S.C. et seq., except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(4) The Davis-Bacon Act, as amended, and any laws now existing or subsequently enacted, providing for prevailing wage findings by the Secretary in accordance with or pursuant to the Davis-Bacon Act, as amended, 40 U.S.C. 276a; the Copeland Act, 40 U.S.C. 276c; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act, 16 U.S.C. 831.

(5) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 327 et seq., except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(6) Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671 et seq.

(7) The Vocational Rehabilitation Act Amendments, 1965, 20 U.S.C. 1241.

(8) The Arts and Humanities Act of 1965, 20 U.S.C. 953, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(9) The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to the Employees' Compensation Appeals Board).

(10) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, except 33 U.S.C. 921(b) as it applies to the Benefits Review Board.

(11) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.

(12) The Act of 1920 establishing a Women's Bureau (P.L. 66-259).

(13) The Age Discrimination in Employment Act of 1967 (P.L. 90-202), except those provisions relating to studies and research delegated to the Assistant Secretary for Employment and Training.

(14) The Farm Labor Contractor Registration Act of 1963 (P.L. 88-582), except those provisions relating to the receipt of applications for registration and agreements with Federal or State agencies assigned to the Assistant Secretary for Employment and Training.

(15) The Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended, 38 U.S.C. 2012, except for those mandatory listing obligations already delegated to the Assistant Secretary for Employment and Training.

(16) Sections 501(a), 501(f), 502, and 503 of the Rehabilitation Act of 1973, as amended, (P.L. 93-112) and Executive Order 11758, except sections 501(b) and 504 of the Act delegated to the Assistant Secretary for Administration and Management; and except Section 504 of the Act as it applies to employment and training programs.

(17) Executive Order 1126—as amended by Executive Order 11221—Status of Women.

(18) Executive Order 11246—as amended by Executive Order 11375—Federal Contract Compliance.

(19) Section 1450(1) of the Safe Drinking Water Act (P.L. 93-523).

(20) Section 507 of the Federal Water Pollution Prevention and Control Act (P.L. 87-88, as amended by P.L. 89-234).

(21) Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act, 29 U.S.C. 201 et seq., or the Davis-Bacon Act, as amended, 40 U.S.C. 276a-f, and related Acts.

b. In carrying out the authority and responsibility delegated under this Order, the Assistant Secretary for Employment Standards shall perform the above functions in accordance with existing governmental and departmental regulations.

c. *The Assistant Secretary for Employment Standards* is also delegated authority for making organizational changes within policies established by the Secretary.

d. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive Orders listed in paragraph 4a above. The bringing of legal proceedings under the statutes and Executive Orders listed in paragraph 4a above, the representation of the Secretary of Labor and/or other officials of the Department of Labor, and the determination of whether such proceedings or representation is appropriate in a given case are delegated exclusively to the Solicitor of Labor.

5. *Redelegation of Authority.* The authority and responsibility delegated to the Assistant Secretary for Employment Standards may be redelegated.

6. *Reservation of Authority.* a. Submission of reports and recommendations to the President and the Congress concerning the administration of statutes and Executive Orders listed in paragraph 4a above is reserved to the Secretary.

b. The jurisdiction of the Wage Appeals Board, as presently described in Secretary's Order 24-70 (36 FR 306) and its rules of practice (29 CFR Part 7) is reserved, and the Board shall be authorized to review decisions under this Order relating to the Davis-Bacon Act and related laws within the scope of its jurisdiction.

7. *Effective Date.* This Order is effective immediately.

Signed at Washington, D.C. this 21st day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32419 Filed 12-1-75;8:45 am]

[TA-W-333]

LUDLOW TYPOGRAPH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975 the Department of Labor received a petition filed under Section 221(e) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Ludlow Typograph Company, Chicago, Illinois, a division of Ludlow Industries, Des Plaines, Illinois (TA-W-333). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of teh Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative

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increases of imports of articles like or directly competitive with matrices (hot metal type casting) produced by Ludlow Typograph Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 12, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32415 Filed 12-1-75;8:45 am]

[TA-W-335]

RATNER CLOTHES CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Ratner Clothes Corporation, San Diego, California; California Clothing Corporation, Chula Vista, California and Arizona Slack Corporation, Western, San Diego, California, divisions of Ratner Clothes Corporation, San Diego, California (TA-W-335). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport jackets, and slacks produced by Ratner Clothes Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 12, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32416 Filed 12-1-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 923]

ASSIGNMENT OF HEARINGS

NOVEMBER 26, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB 1 Sub 27, Chicago and North Western Transportation Company Abandonment Between Somers and Harlan, in Calhoun, Carroll, Crawford and Shelby Counties, Iowa, now being assigned February 9, 1976, (1 week), at Carroll, Iowa, in a hearing room to be later designated.

MC 139721, All Travel, Inc., now assigned December 17, 1975, at Philadelphia, Pennsylvania, will be held in Room 3240, William J. Green, Jr. Federal Building, 600 Arch Street.

MC 139134 Sub 2, Kennedy Motors, Inc., now assigned December 4, 1975 at Los Angeles, California, has been postponed to January 19, 1976 (3 days), Los Angeles, California, in a hearing room to be designated later.

MC 135811 Sub 5, Gardner Trucking Co., Inc., application dismissed.

MC 117119 (Sub-No. 537), Willis Shaw Frozen Food Express, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32434 Filed 12-1-75;8:45 am]

[AB 3 (Sub-No. 6)]

MISSOURI PACIFIC RAILROAD CO.

Abandonment Between Olivier and Sorrell, in Iberia and St. Mary Parishes, Louisiana

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Iberia and St. Mary Parishes La., on or before December 11, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 18th day of November, 1975.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,
Secretary.

[SEAL]

The Interstate Commerce Commission hereby gives notice that by order dated November 18, 1975, it has been determined that the proposed abandonment by the Missouri Pacific Railroad Company of 10.95 mile segment of line between Olvier and Sorrell and a .2 mile portion of line (between mileposts 82.84 and 83.04) in the vicinity of Garden City, all in Iberia and St. Mary Parishes, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic over the line and the absence of any ecological, historical, or public safety impacts which would result from the abandonment. There are no clearly defined land use plans with which the abandonment would conflict. Southern Pacific would continue to serve most of the affected stations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 26, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-32422 Filed 12-1-75;8:45 am]

[Notice No. 136]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 26, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 17TA), filed November 17, 1975. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool and rock wool products*, from Rock Wool Industries, Inc., Missouri Division, at Cameron, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Rock Wool Industries, Inc., Missouri Division, for 180 days. Supporting shipper: Rock Wool Industries, Inc., Missouri Division, P.O. Box 249, Highway A-West, Cameron, Mo. 64429. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 1328 (Sub-No. 18TA), filed November 17, 1975. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 460001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roll paper stock*, Cleve-Pak Corp., at Piermont, N.Y., to Cleve-Pak at Eaton, Ind., under a continuing contract with Cleve-Pak Corp., Partition Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cleve-Pak Corp., Partition Division 800 South Romy, Eaton, Ind. 47338. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 28088 (Sub-No. 14TA), filed November 17, 1975. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from the plant and warehouse facilities of Martini Packing Co., Inc., Wheeling, W. Va., to Irwin, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martini Packing Co., Inc., 4409 Eoff St., Wheeling, W. Va. 26003. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 41255 (Sub-No. 79TA), filed November 19, 1975. Applicant: GLOSSON MOTOR LINES, INC., P.O. Box 1328, Lexington, N.C. 27292. Applicant's representative: Leonard S. Cassell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, (except in bulk, in tank vehicles), *and advertising material, display racks or stands, signs, printed forms, empty containers, and fiberboard boxes*, when in mixed shipments with petroleum products, from Bradford, Emlenton, Farmers Valley, Karns City, Reno, and Rouseville, Pa., and points within five (5) miles of each, to points in Florida, for 180 days. Supporting shippers: Witco Chemical Corp., Bradford, Pa. 16701. Pennzoil Company, Pil City, Pa. Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Terrell Price, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 45910 (Sub-No. 2TA), filed November 19, 1975. Applicant: ROBERT C. HILTZ, INC., Cape Ann Industrial Park, Gloucester, Mass. 01930. Applicant's representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Essex, Middlesex, Norfolk, Bristol, Plymouth, Suffolk, Worcester, and Hampden Counties, Mass., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Acme Fast Freight, Inc. 12360 Lake City Way, N. E., Seattle, Wash. 98125. Delcher Intercontinental, 4219 Central Ave., St. Petersburg, Fla. 33733. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 61396 (Sub-No. 299TA), filed November 18, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Neb. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dust and fly ash*, in bulk, in tank vehicles, from the plantsite of Dundee Cement Company, at or near Clarksville, Mo., to points in Arkansas, Illinois,

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Iowa, Kansas, Kentucky, Michigan, Indiana, Missouri, Ohio, Oklahoma and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Walton H. Rice, Jr., Traffic Manager, Dundee Cement Company, Clarksville, Mo. 63336. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 82101 (Sub-No. 13TA), filed November 19, 1975. Applicant: WESTWOOD CARTAGE, INC., 62 Everett St., Westwood, Mass. 02090. Applicant's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise*, as is dealt in by wholesale, retail and chain grocery and food business houses and, in connection therewith *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), between Andover, Mass., on the one hand, and, on the other, Augusta, Bangor, Bath, Brewer, Brunswick, Calais, Dover-Foxcroft, Eastport, Falmouth, Farmington, Gray, Greenville, Kennebunk, Lubec, Machias, Pine Point, Portland, Rumford, Skowhegan, Waldoboro, Waterville, Wells and Winslow, Maine; Berlin, Contoocook, Conway, Dover, Farmington, Groveton, Littleton, Meredith, Somerswotyh, Wolfeboro and Woodsville, N.H.; and Berby and St. Johnsbury, Vt., under a continuing contract with Cressy, Dockham & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cressy, Dockham & Co., Inc., Andover, Mass. 01810. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 99213 (Sub-No. 16TA), filed November 19, 1975. Applicant: VIRGINIA FREIGHT LINES, North Main St., Kilmarnock, Va. 22482. Applicant's representative: J. S. Venable, P.O. Box 728, Kilmarnock, Va. 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil*, (1) From Northumberland County, Va., to points in Florida, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Tennessee and Wisconsin, and (2) from points in Louisiana, Maine, Massachusetts, Mississippi, New Jersey, New York, North Carolina, and Virginia to Northumberland County, Va., for 180 days. Supporting shipper: Zapata Haynie Corporation, Joseph F. Behan, Sales Manager, 5010 York Road, Baltimore, Md. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10–502, Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 99521 (Sub-No. 6TA), filed November 17, 1975. Applicant: AIR FREIGHT, INCORPORATED, P.O. Box 151, U.S. Highway 64–70–321, Hickory, N.C. 28601. Applicant's representative: John M. Dunn, Jr., P.O. Box 5647, Charlotte, N.C. 28225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), restricted to traffic having an immediately prior or subsequent movement by air, between Raleigh-Durham Airport, N.C., on the one hand, and, on the other, points in North Carolina, located in and east of Person, Orange, Chatham, Lee, Harnett, Cumberland and Robeson Counties, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 103993 (Sub-No. 361TA), filed November 19, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 28615 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, and building sections*, on undercarriages, from Lincoln, County, N.C., to points in South Carolina, Virginia, West Virginia Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R-Anell Homes, Inc., P.O. Box 236, Highway 16, Denver, N.C. 28037. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 362TA), filed November 17, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 28615 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be dawn by passenger automobiles*, in initial movements, from the plantsite of Festival Homes of North Carolina, in Union County, N.C., to points in West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Festival Homes of North Carolina, Inc., P.O. Box 99, Marshville, N.C., 28103. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107515 (Sub-No. 996TA), filed November 17, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by food processors, manufacturers, distributors, wholesalers, and retailers (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince George's County, Md., and Washington, D.C., to points in that part of the United States in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairfield Farm Kitchens, Division of Marriott Corporation, 5200 Addison Road, N.E. Washington, D.C. 20027. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 109682 (Sub-No. 33TA), filed November 17, 1975. Applicant: WHITEFORD TRANSPORT, INC., 640 West Ireland Road, South Bend, Ind. 46680. Applicant's representative: Ronald Whiteford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements in truckaway service, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midas-International Corp., Commercial Products Division, Elkhart, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 109689 (Sub-No. 294TA), filed November 17, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, from San Manuel, Ariz., to Henderson, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phillips Petroleum Company, 154 PBA, Bartlesville, Okla. 74004. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 48138.

No. MC 110525 (Sub-No. 1137TA), filed November 17, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meta chloro methyl benzoate*, in bulk, in tank vehicles, from Chattanooga, Tenn., to West Helena, Ark., and *Methyl 3 chloro 5 nitro benzoate*, in bulk, in tank vehicles, from West Helena, Ark., to Mount Pleasant, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobile Chemical Company, P.O. Box 26683. Send protests to: Monica A. Blodgett, Transportation Assistant. Interstate Commerce Commission, 600 Arch St., Room 2238, Philadelphia, Pa. 19106

No. MC 113828 (Sub-No. 234TA), filed November 13, 1975. Applicant: O'BOYLE TANK LINES, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg., West, 1819 H St, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, from Kimballton, Va., to Bessemer, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Lime Company, Ripplemead, Va. 24150. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B–317, Washington, D.C. 20423.

No. MC 141509 TA, filed November 7, 1975. Applicant: DALE HUNT, 14824 Silver Falls Highway, S.E., Sublimity, Oreg. 97385. Applicant's representative: Dale Hunt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, (lime waste), from the U & I Sugar Plant, Toppenish, Wash., to points in Linn, Marion, Polk and Jefferson Counties, Oreg., for 180 days. Supporting shipper: Lime and Trucking, Inc., 13773 Silver Falls Highway, S.E., Sublimity, Oreg. 97385. Send protests to: Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W., Yamhill St., Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32436 Filed 12-1-75;8:45 am]

[Notice No. 130]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 3, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76224. By application filed November 21, 1975, DBE, INC., 522 Penman St., Charlotte, N.C., 28202, seeks temporary authority to lease the operating rights of EASTERN TRANSIT-STORAGE COMPANY, 522 Penman St., Charlotte, N.C., 28202, under section 210 a(b). The transfer to DBE, INC., of the operating rights of EASTERN TRANSIT-STORAGE COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32435 Filed 12-1-75;8:45 am]

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federal register

TUESDAY, DECEMBER 2, 1975



PART II:

DEPARTMENT OF DEFENSE

Department of the Army

■

ENVIRONMENTAL PROTECTION

Peacetime Responsibilities

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Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER K—ENVIRONMENTAL QUALITY

PART 650—ENVIRONMENTAL PROTECTION AND ENHANCEMENT (AR 200–1)

Peacetime Responsibilities

The Secretary of the Army, acting through the Chief of Engineers, hereby adopts the following regulation prescribing policies, responsibilities, and procedures for the protection and preservation of environmental quality for the Department of the Army in peacetime. The regulation implements Department of Defense Directive 5100.50 and provides general guidance to elements within the Department of the Army on environmental protection.

The regulation, as set forth below, is being codified in the Code of Federal Regulations for the first time, although portions of the regulation have been utilized by the Department of the Army since February 1, 1974. The regulation is being adopted without proposed rulemaking because it provides guidance and procedures in the implementation of the pertinent requirements of existing Federal Statutes, Regulations and Executive Orders pertaining to the environmental protection and enhancement, which will be followed by the various military commanders of the Department of the Army. These requirements include: Executive Order 11752, Prevention, Control and Abatement of Environmental Pollution at Federal Facilities (38 FR 34793, December 19, 1973); the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347); the Federal Water Pollution Control Act of 1972, as amended (Pub. L. 92–50, 86 Stat. 816, 33 U.S.C 1251 et al.); the Clean Air Act, as amended (42 U.S.C. 1857 et al.); the Noise Control Act of 1972 (42 U.S.C. 4901–4918); the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136–136y); the Solid Waste Disposal Act, as amended (42 U.S.C. 3259); the Archeological and Historical Preservation Act of 1974 (Pub. L. 93–291), and the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401–1444). Accordingly, notice of proposed rulemaking and the procedures applicable thereto are considered unnecessary.

This regulation applies to: All active, semiactive and Army Reserve installations and activities located in the United States; National Guard installations and sites supported with Federally appropriated funds; Army installations and activities overseas in accordance with the general provisions set forth in § 650.5(c); and contractor activities and lessees located on real property in the United States under the jurisdiction of the Department of the Army. The Civil Works activities under the jurisdiction of the Secretary of the Army and implemented by the Chief of Engineers are excluded from the provisions of this regulation. Separate environmental regulations promulgated for Civil Works activities conducted by the Chief of Engineers are found generally in 33 CFR Chapter II.

The proponent agency of this regulation is the Office of the Chief of Engineers. Questions or comments on the regulation may be referred to the following address:

Office of the Chief of Engineers, Department of the Army, ATTN: DAEN–ZCE, Washington, D.C. 20310 (Telephone: 202–694–3434).

Effective date. This regulation is effective December 22, 1975.

WILLIAM R. WRAY,
Major General, USA,
Assistant Chief of Engineers.

This regulation implements DOD Directive 5100.50 and provides general Department of the Army policy on environmental protection. Local limited supplementation of this regulation is permitted, but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to the Office of the Chief of Engineers, DAEN–ZCE. Other commands will furnish one copy of each to the next higher headquarters.

This regulation supersedes: AR 11–21, November 3, 1967, including all changes; AR 200–2, June 29, 1973; and DA Message DALO–INE 081405Z, January 1974 (U), Subject: Interim change 1 to AR 200–2.

Subpart A—General

Sec.
650.1 Purpose.
650.2 Applicability.
650.3 Explanation of terms.
650.4 Goal.
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AUTHORITY: 10 U.S.C. 3012.

Subpart A—General

§ 650.1 Purpose.

This regulation prescribes policies, assigns responsibilities, and establishes procedures for the protection and preservation of environmental quality for the Department of the Army in peacetime.

§ 650.2 Applicability.

This regulation applies to: (a) All active, semiactive and Army Reserve installations and activities located in the United States.

(b) National Guard installations and sites supported with Federally appropriated funds.

(c) Army installations and activities overseas in accordance with the general provisions set forth in § 650.5(c).

(d) Contractor activities and lessees located on real property in the United States under the jurisdiction of the Department of the Army.

(e) The Civil Works activities under the jurisdiction of the Secretary of the Army and implemented by the Chief of Engineers are excluded from the provisions of this regulation. Separate environmental regulations promulgated for Civil Works activities by the Chief of Engineers are found generally in 33 CFR Chapter II.

§ 650.3 Explanation of terms.

For the purpose of this regulation, the following apply:

(a) *Facility.* (AR 310–25.) Facilities include buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property under the control of or constructed or manufactured for leasing to the Army.

(b) *Environmental quality standard.* The federal, state and regional quality standards adopted pursuant to the Clean Air Act; Water Pollution Control Act, Noise Control Act and other Federal statutes established for the protection and enhancement of environmental quality.

(c) *Environmental performance specifications.* Permissible limits of emissions, discharges, or other values applicable to activities which would provide for conformance to environmental quality standards to protect health and welfare.

(d) *Environmental pollution.* The condition resulting from the presence of chemical, physical, or biological forces which alter the natural environment and thus adversely affect human health or the quality of life, biosystems, structures and equipment, recreational opportunity, aesthetics, and natural beauty.

(e) *Environmental enhancement.* All actions taken to improve the environment, including but not limited to, those to abate environmental pollution and meet environmental quality standards and performance specifications.

(f) *Substantive standards and limitations.* The qualitative and quantitative pollution control provisions contained in approved State implementation plans promulgated under Federal environmental protection statutes.

(g) *United States.* The fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) *Installation.* A grouping of facilities, located in the same vicinity, which support particular functions.

(i) *Activity.* A unit, organization or installation performing a function or mission.

§ 650.4 Goal.

It is the Department of the Army's goal to plan, initiate, and carry out all actions and programs to minimize the adverse effects on the quality of the human environment without impairment to the Army's mission. Inherent in this goal is the requirement to achieve the following objectives:

(a) Eliminate the discharge of harmful pollutants produced by Army activities.

(b) Conserve and wisely use natural and material resources provided for use throughout the Army.

(c) Maintain, restore, and enhance the natural and manmade environment in terms of its visual attractiveness and productivity.

(d) Demonstrate initiative and leadership in the formulation and execution of a program that contributes to the national goal of preserving and enhancing the environment.

§ 650.5 Policy.

(a) All Department of Defense agencies are required to—

(1) Comply with the provisions of the National Environmental Policy Act and all other Federal environmental laws, executive orders, and regulations.

(2) Demonstrate leadership in environmental pollution abatement and enhancement of the environment consistent with the security interests of the Nation.

(b) The Department of the Army policy is that—(1) The achievement of environmental objectives is an integral part of the Army mission.

(2) The environmental consequences of any proposed action will be considered during the planning process and will be evaluated along with the technical and economic factors in the decisionmaking process.

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(3) A detailed environmental impact statement will be prepared and processed in accordance with the National Environmental Policy Act when an environmental assessment reveals that the proposed action may significantly affect the quality of the human environment, is highly environmentally controversial, or is anticipated to evoke litigation based upon environmental issues. "Environmentally controversial" relates to cases in which substantive disagreement, real or purported, exists as to the extent, nature, or effect of the action on the environment.

(4) Insofar as essential mission constraints, permit, all programs and actions will be planned, initiated, or carried out in a manner to minimize polluting or degrading the environment.

(5) All activities subject to Federal, State, or local regulation will be conducted in accordance with applicable standards and monitored to insure compliance with such standards.

(6) All material and energy resources will be procured and used in a manner that will minimize the emission of pollutants and the production of wastes in keeping with the national policies for energy conservation. Wastes generated will be reprocessed or reclaimed for other productive uses to the maximum extent practicable.

(7) An understanding of the urgent need to preserve and restore the natural environment and to conserve material resources and an appreciation of the Army's support of the environmental protection effort will be fostered throughout the Army. Initiative, leadership, and cooperation in achieving these environmental objectives are encouraged of all personnel.

(8) Commanders will cooperate, to the extent practicable, in beneficial community environmental action programs.

(9) Historic and cultural sites, structures, and objects under Army jurisdiction will be preserved, restored, and maintained for the benefit and enjoyment of future generations.

(10) An integrated, multi-use, natural resources, land management program will be conducted for forests and woodlands, fish and wildlife, open space, soil, water, vegetation, outdoor recreation, natural beauty, and increased public access and nonconsumptive utilization on lands under Army jurisdiction within the provisions of AR 405–80 and AR 420–74.

(c) At locations outside the United States, Department of the Army activities will comply with the requirements of the National Environmental Policy Act as set forth in Subpart B of this part and conform at all times to the environmental quality standards of the host country, international agreements, and Status of Forces Agreements. The provisions of this regulation will be used, to the extent applicable, in fulfilling environmental protection requirements in overseas locations.

(d) When, in the interest of national defense, it is not considered practicable to comply with the foregoing policies, the matter will be referred with full particulars to HQDA (DAEN–ZCE), WASH DC 20310.

§ 650.6 Implementing guidance.

Guidance for implementing DA environmental policies are—(a) The environment must be considered as a single, integrated system characterized by the continuous interaction of air, land, and water.

(b) For planning purposes, the environmental system will be regarded as closed; nothing can be thrown away. Wastes must be either recycled and reclaimed or confined and contained so they will not migrate to re-emerge in pollutant form.

(c) Pollutants are potential resources which are out of place.

§ 650.7 Responsibilities.

(a) Army Environmental Council will—

(1) Review and redirect, as necessary, Army environmental policy and programs to insure the Army fulfills its responsibility under the National Environmental Policy Act and other Federal laws and regulations pertaining to pollution control and environmental protection.

(2) Provide policy guidance on those matters which fall within the cognizance of the Council and on such matters as referred for consideration by the Secretariat or the Army Staff.

(b) Army Environmental Committee will assist the Army Environmental Council by—

(1) Proposing new environmental policies and programs as directed by the Council.

(2) Serving as a forum for the exchange of information and ideas related to the formulation of the Army Environmental Program.

(3) Assisting in the resolution of interagency problems on environmental matters.

(4) Assisting in the formulation of Army-wide implementing instructions for the Army Environmental Program.

(5) Maintaining surveillance over the ongoing Army Environmental Program and activities.

(6) Reviewing Army Environmental Impact Statements and requests for exemption from Federal and State pollution control standards prior to formal approval by the Assistant Secretary of the Army (Civil Works).

(7) Providing reports and information as directed by the Army Environmental Council.

(c) Chief of Engineers will—

(1) Exercise primary Army Staff responsibility for directing and coordinating environmental activities within the Army.

(2) Recommend such actions as will enable DA to comply with the intent, purposes, and procedures of the National Environmental Policy Act and other Federal legislation relative to environmental quality.

(3) Apply Army environmental policy and direct programs so that applicable environmental and pollution control laws and regulations are observed in the acquisition, construction, operations, and disposal of real property.

(4) Maintain positive surveillance over and report progress of the design and construction of pollution control facilities for Army installations.

(5) Insure that environmental research and development (R&D) projects fully support the environmental program goals.

(6) Promote participation by engineer troop units in the Army's environmental program.

(7) Provide technical and engineering assistance on the pollution control aspects of construction and the Real Property Maintenance Activities.

(8) Prepare an annual Department of the Army Environmental Quality Status Report (§§ 650.9 and 650.11).

(9) Prescribe procedures in Corps of Engineers regulations to carry out the policies for Civil Works programs as found generally in 33 CFR Chapter II. The activities carried out under the Civil Works program are excluded from the provisions of this regulation (AR 200–1).

(10) Conduct, with the assistance of the Army Staff agencies concerned, a continuing review of DA statutory authority, administrative regulations, policies, procedures, and programs (including those relating to loans, grants, contracts, leases, licenses, or permits) to eliminate deficiencies or inconsistencies which might prohibit or limit full compliance with the National Environmental Policy Act of 1969, Executive Orders 11514 and 11752, DoD Instruction 4120.14 and DoD Directives 4150.7, 5030.41, 5100.50, 6050.1 and 6050.2.

(d) The Surgeon General will—

(1) Monitor, evaluate, and disseminate data on health and welfare aspects of environmental pollution within the Department of the Army to insure that the required degree of environmental enhancement is maintained.

(2) Provide health and medical policy guidance in respect to instructions and recommendations received from other Federal agencies assigned responsibility for environmental enhancement at Federal installations.

(3) Provide personnel for conducting field investigations and special studies concerning environmental pollution and recommend enhancement measures required for protection of health.

(4) Provide technical assistance and guidance on the health and environmental aspects of management and disposal of hazardous and toxic materials.

(5) Provide technical consultation to OCE and appropriate commanders on health aspects in the development of environmental enhancement policy and programs.

(e) The Chief of Information will—

(1) Insure that the public is informed of the Army's accomplishments in environmental protection and enhancement.

(2) Develop and execute a command information program designed to stimulate understanding and participation by all Army personnel.

(f) Heads of Army Staff agencies will—

(1) Integrate environmental considerations into regularly assigned staff management functions and activities to insure compliance with applicable pollution control and environmental protection laws and to demonstrate the Army's leadership in the national effort to preserve the environment.

(2) Insure that the environmental consequences of each proposed project, program regulation, or action for which they are the Army Staff proponent are assessed at an early stage of planning and are made an integral part of the decision-making process. Further, insure that environmental damage is mitigated to the maximum extent feasible.

(g) Major Army commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program which fully supports the achievement of the Army's environmental goals and objectives.

(3) Monitor and control the environmental projects and activities of the subordinate commands and the installations and activities under their jurisdiction.

(4) Review, consolidate, and forward to higher authority, reports from subordinate installations and activities concerning their environmental projects and activities.

(h) Army installation and activity commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program based on the policies set forth in § 650.5 to achieve the Army's environmnetal goals and objectives.

(3) Cooperate with State and local authorities in formulation and execution of projects and activities required to bring an installation into compliance with applicable Federal, State, and regional pollution control standards.

(4) Integrate environmental protection and preservation activities, to the fullest extent feasible, into the planning and execution of the command's basic mission.

(5) Report, as required, to major commanders on the progress and effectiveness of environmental projects and activities to detect, quantify, and correct pollution sources in accordance with published laws, standards, and guidelines.

§ 650.8 Installation, State and EPA Relationships.

(a) Federal installations are not required to comply with State or local administrative procedures with respect to pollution abatement and control. However, the majority of Federal environmental protection statutes contain provisions that require compliance with Federal, State, interstate and local substantive standards and limitations.

(b) Permits required by Federal statute, notably the National Pollutant Discharge Elimination System (NPDES) permits, will be obtained from the Environmental Protection Agency in accordance with regulations promulgated pursuant to the Federal Water Pollution Control Act and the guidance contained in this regulation.

(c) Compliance schedules required by State Implementation plan for air pollution control, reflecting the major increments of progress for projects designed to meet specified standards, will be negotiated with State regulatory authorities and coordinated with the Regional Office of EPA. When established, such compliance schedules are enforceable and may only be changed by renegotiation.

(d) Performance reports as specified in this regulation on the operation of wastewater treatment facilities, sources of air pollutant emissions, oil spills and such other reports as may be directed by DAEN–ZCE will be submitted to EPA regional authorities, as appropriate, who in turn will transmit appropriate information to State authorities. Requests for substantive reports not provided for by this regulation will be promptly referred to HQDA (DAEN–ZCE) Washington, D.C. 20310 for guidance.

(e) Military authorities are to cooperate fully with EPA, State, regional and local authorities requesting access to Army installations for the purpose of inspecting pollution control facilities and activities.

§ 650.9 Annual Status Report on Environmental Programs and Activities (RCS DD–H&E(A)1269).

HQDA (DAEN–ZCE) will prepare the DA Annual Status Report on Environmental Programs and Activities (RCS DD–H&E(A)1269). The DA report will include information on the programs and activities of the major Army commands, the Army Reserve, and the Army National Guard.

(a) Major Army commanders will submit an annual report to DAEN–ZCE not later than February 15, covering actions and activities of the preceding calendar year. The command report should be based on feeder reports from active and semi-active installations. Command and installation reports will include the information outlined in § 650.11 to the extent that it is applicable. Further, the installation report will contain information identified in § 650.11 (c), (d), (e), (f), (g), (h) and (i) for tenant activities and satellited Army Reserve facilities.

(b) The State Adjutants will submit an annual report to the Chief, National Guard Bureau not later than February 1. Negative reports are required. The Chief, National Guard Bureau will consolidate and forward reports containing facilities/sites that are not in compliance with Federal/State standards to HQDA (DAEN–ZCE) WASH DC 20310 not later than February 15. The report will contain the following information:

(1) Status of compliance with Federal/State pollution control standards for those facilities/sites which receive support from Federally appropriated funds. Those not in compliance will be listed separately with the reasons for noncompliance.

(2) Status of programs and actions by facility/site currently ongoing that will bring the facility/site into compliance with Federal/State pollution control requirements.

(3) Those requirements along with estimated cost needed to bring facilities/sites not addressed in paragraph (b)(2) of this section into compliance with Federal/State pollution control standards.

(4) Significant accomplishments by ARNG units to protect and enhance the environment.

(c) Commander in Chief USAREUR; Commanders, Eighth US Army, and US Army, Japan will submit an annual report covering only those elements of § 650.11 which may be applicable. This should include an analysis of the scope of host nation environmental quality laws and regulations, their impact on US Army installations and activities, status of compliance with specific host nation requirements, and a summary of plans to correct any deficiencies.

§ 650.10 Environmental Quality Award.

(a) *Secretary of Defense award.* The Secretary of Defense presents an annual award to the Department of Defense installation which conducted the best environmental quality program during the preceding calendar year and give recognition to other installations having particularly noteworthy programs. Department of the Army nominees will be selected by the Army Environmental Council from the list of Active Army installations nominated to receive the Secretary of the Army Award.

(b) *Secretary of the Army Award.* The Secretary of the Army will present an Environmental Quality Award to the Army installation that evidences the most noteworthy contribution to protecting and preserving the quality of the environment. The basis of selection will be the annual Status Report on Environmental Programs and Activities prepared by an installation and used as a feeder report by the major command to its overall report (RCS DD–H&E(A)1269, § 650.9).

(c) *Nominating instructions.* (1) Army commanders may nominate active or semiactive installations or separate and distinct geographically identifiable activities (e.g., USAMC depot activity and subinstallations) as candidate for the Environmental Quality Award, not to exceed the number listed below:

Command:	Number of nominees
US Army Training and Doctrine Command	3
US Army Forces Command	3
US Army Materiel Command	3
US Army Health Services Command	1
US Army Military District of Washington	1
US Army Security Agency	1
US Army Communications Command	1

(2) The list of nominations will be accompanied by six copies of each installation annual report and submitted to HQDA (DAEN–ZCE) WASH DC 20310 by March 31. Reports will be typewritten or printed, fastened or bound in folders

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approximately 9 x 11 inches and narrative in style covering the topics in § 650.11.

§ 650.11 Reporting requirements.

The annual status reports required under the provisions of § 650.9 (RCS DD-H&E(A)1269) will be prepared, using the following format. Each topic will be addressed in sufficient detail to give the next higher headquarters an understanding of the overall environmental program, specific accomplishments, problem areas, and planned new initiatives.

(a) Environmental protection organization.

(1) Organizational structure for environmental matters.

(2) Staffing and management procedures.

(b) National Environmental Policy Act implementation.

(1) Summary of environmental assessments made.

(2) Environmental impact statements prepared and their status.

(c) Air pollution control.

(1) Status of compliance with applicable air quality standards.

(2) Status of corrective projects.

(3) Summary of litigation actions, if any.

(d) Water pollution control.

(1) Status of National Pollutant Discharge Elimination System (NPDES) permits requested and issued.

(2) Status of compliance with applicable water quality standards and permit provisions.

(3) Status of corrective projects.

(4) Summary of litigation actions, if any.

(e) Noise pollution control.

(1) Summary of major sources.

(2) Status of corrective measures.

(3) Summary of complaints/litigation, if any.

(f) Radiation pollution control.

(1) Summary of ionizing sources.

(2) Status of protective measures.

(g) Solid waste management.

(1) Summary of waste disposal operations.

(2) Waste recycling (equipment installed and in use, quantities and types of materials recycled, funds derived from sale of waste materials and use made of such funds).

(h) Toxic and hazardous materials management.

(1) Identification of significant toxic materials being controlled.

(2) Summary of types and protective measures for control of oil spills, disposal of toxic chemicals, etc.

(3) Identification of unique problems.

(i) Land management.

(1) Summary of conservation activities (forest, fish and wildlife management, etc.).

(2) Summary of historical and archeological sites and facilities and related preservation activities.

(3) Summary of installation attractiveness program and activities.

(j) Environmental research programs (if applicable).

(1) Summary of ongoing environmental research activities by pollution control media (air, water, etc.)

(2) Summary of technology-application activities.

(3) Identification of new research requirements.

(k) Environmental education, training and information programs.

(1) Status of individual and unit education training activities.

(2) Summary of environmental protection courses given or attended (TRADOC Report will include courses and student attendance at courses in Army School System).

(3) Summary of public information activities.

(l) Environmental enhancement activities.

(1) Summary of environmental enhancement activities and projects conducted in support of Johnny Horizon, Keep America Beautiful, Defense Community Service Program, etc. (includes activities by active and Reserve units).

§ 650.12 Executive Order 11752.

Figure 1-1 is the Presidential Executive Order dated December 17, 1973[1] which sets forth the policy and standards for the prevention, control, and abatement of environmental pollution at DA installations.

Subpart B—Environmental Considerations in DA Actions

General

§ 650.21 Purpose.

This chapter states Department of the Army policy, assigns responsibilities and establishes procedures for assessing the environmental impact of Department of the Army actions on the quality of the human environment as required by Pub. L. 91-190, "National Environmental Policy Act of 1969," January 1, 1970; and implements DOD Directive 6050.1, Environmental Considerations in DOD Actions, March 19, 1974.

§ 650.22 Background.

(a) Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, requires that a detailed environmental impact statement (EIS) be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment".

(b) Executive Order 11514, March 7, 1970, Protection and Enhancement of Environmental Quality, directs the Council on Environmental Quality (CEQ) to issue guidelines for Federal agencies on the preparation of the environmental impact statements required by section 102(2)(C) of NEPA.

(c) On August 1, 1973, the CEQ published revised guidelines for the preparation of EIS's. These guidelines contain general guidance for determining when an EIS is required.

[1] 38 FR 34793, December 19, 1973; 3A CFR, 1973 Comp., p. 240.

§ 650.23 Applicability.

(a) The provisions of this chapter apply to Headquarters Department of the Army and all Army commands and agencies (hereafter referred to as "DA agencies") and are effective immediately. The civil works functions of the Corps of Engineers are excluded from complying with these procedures.

(b) The provisions of this regulation apply to DA actions worldwide except for—

(1) Multinational actions (such as NATO) in which the DA is not the primary decisionmaking authority.

(2) Combat or combat-related activities in a combat zone, and

(3) Other emergency activities.

(c) In countries or areas not under US control or administration, DA actions, with the exception of those noted above, are subject to the environmental laws, regulations and stipulations of the foreign government concerned and whatever agreements may exist between the United States and the country involved (Status of Forces Agreements).

§ 650.24 Scope.

(a) General—The legislative history of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality define actions which are to be assessed for their environmental impact. They include, but are not limited to, the following:

(1) Recommendations or favorable report relating to legislation, including that for appropriations.

(2) Policies, regulations and procedure-making.

(3) New and continued projects and program activities—

(i) Directly undertaken by Federal agencies,

(ii) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

(iii) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(b) Proposals for legislation, annual authorization requests, and favorable reports on legislation.

(1) Legislative proposals other than authorization and appropriation acts. Prior to preparing a legislative proposal, the proponent agency shall assess the environmental consequences of the proposal using the factors in this chapter. If it is determined that the proposal would significantly affect the quality of the human environment, an EIS is required and shall be submitted with the proposal.

(2) Annual budget requests. Prior to submitting annual budget requests, the environmental consequences of each line item requested for inclusion therein shall be assessed by the proponent of the action using as a minimum the factors in this chapter. For those items which are identified as major actions having a significant effect on the quality of the human environment, or which are controversial, a draft environmental impact statement shall be prepared which will accompany the budget request through channels. Additional guidance is contained in the Budget Guidance Manual DOD 7110.1-M and DOD Instruction 7040.4 (Military Construction Authorization and Appropriation).

(3) Favorable reports on legislation.

(i) Where the Department of the Army is not the Federal agency that has primary responsibility for a legislative proposal, no EIS is required from the Army. If it is not clear from the legislative item whether the Army is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from COE, DA (DAEN-ZCE).

(ii) Where the Army is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the proponent agency responsible for preparing the Army report on the item shall assess the environmental consequences of the proposal, using the factors in this chapter. If the environmental impact assessment indicates that the proposal would significantly affect the quality of the human environment, an EIS is required and should accompany the report.

(c) Policy, regulations, and procedure-making.

(1) Environmental Impact Assessments (EIA) will be made for publications including but not limited to, directives, instructions, regulations, manuals, or major policy issuances of the Department of the Army and its commands and agencies.

(2) The publication proponent, at the appropriate command level, shall assess the environmental consequences for any proposed publication, using the procedure set forth herein. If it is determined that actions required by the publication will significantly affect the environment, an EIS is required unless the publication is an implementation of a publication from OSD or a higher Army command or agency and the environmental consequence will not basically change from those already presented in an EIS prepared for the basic publication. In addition, appropriate environmental requirements will be addressed in these publications.

(3) Any Department of the Army implementation of a Federal law, of a publication of a Federal agency outside of the Department of the Army, or subsequent action taken based on the law or regulation that will significantly affect the quality of the environment, will require an EIS "unless a statement was prepared on the original publication" and the environmental consequences of the Army action will not significantly deviate from those already presented in the basic EIS.

(d)(1) Most activities take place on the typical installation on a routine or programed basis. Activities which are of a continuing nature or are projected to take place in the foreseeable future, are to be analyzed to produce an overall installation EIA. Projections on future activities at an installation can be based on the installation mission, Army Stationing and Installation Plan, ASIP, and the installation master plan. The resulting comprehensive environmental impact assessment would eliminate the need for numerous smaller scope assessments. It would remain valid until there is a major change in the installation mission, training requirements, logistic and administrative support, master plan, ASIP, applicable pollution control standards or new information becomes available on local ecological or environmental conditions that would invalidate an earlier assessment. On the basis of the overall installation environmental impact assessment, an EIS would be prepared when it is determined that the current and/or projected operations at the installation will have significant impact on the environment. DA projects and activities are generally of the following types:

(i) Construction

(ii) Repair and maintenance of real property

(iii) Procurement

(iv) Real estate acquisition, disposal or outleasing

(v) Training

(vi) Industrial operations

(vii) Research, development, test and evaluation

(viii) Administrative support

(ix) Personnel

(x) Resources recycling and conservation

(2) Projects or actions which cannot be appropriately incorporated in the installation EIA because adequate definitive information is not available will require an individual EIA or EIS.

(3) An EIA for each Army installation worldwide will be completed at the earliest practicable date.

(4) Special consideration must also be given and EIS's prepared, if appropriate, by proponents of those major procurement actions that are not normally accomplished at the installation level. Examples would include the procurement of a new combat vehicle, communications system, weapons systems or major fuel supplies. Those aspects of the actions to be included in an EIA, or an EIS if needed, are the environmental impact of any research and developemnt activities, testing operations, manufacture, transportation, maintenance, storage, use during training and disposal of the materiel being procured. In essence, the EIS covers the life cycle of the materiel. The impact of employing such equipments in combat operations is not required in the EIA or the EIS.

§ 650.25 Policies and objectives.

(a) It is the continuing policy of the Department of the Army, as a trustee of the environment, to demonstrate leadership and carry out its mission of national security in a manner consistent with national environmental standards, laws and policies. All practical means and measures will be used to minimize or avoid adverse environmental consequences and in attaining the objectives of—

(1) Providing a safe, healthful, productive, and esthetically and culturally pleasing surrounding.

(2) Attaining the widest range of beneficial uses of the environmental without degradation, risk to health or safety or other undesirable and unintended consequences.

(3) Preserving important historic, cultural, and national aspects of our national heritage and maintaining where possible an environment which supports diversity and variety of individual choice.

(4) Achieving a balance between resources use and development within the sustained carrying capacity of the ecosystem involved.

(5) Enhancing the quality of renewable natural resources and approaching the maximum attainable recycling of depletable resources.

(b) Toward this end, DA agencies shall—

(1) Assess at the earliest practical stage in the planning process and in all instances prior to the first significant point of decision, the environmental consequences of proposed actions.

(2) Review those continuing actions initiated prior to enactment of NEPA, for which the environmental consequences have not been assessed and ensure that any remaining actions are consistent with the provisions of this chapter.

(3) Utilize a systematic interdisciplinary approach in planning and decisionmaking.

(4) In Army planning and decisionmaking, consider environmental values and amenities concurrently with economic and technical considerations.

(5) Prepare and process under the criteria and procedures set forth herein a detailed EIS on every recommendation or report on proposals for legislations and other major defense actions which are expected to be environmentally controversial or could cause a significant effect on the quality of the human environment.

(6) Study, develop and describe appropriate alternatives to the recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(7) Recognize the worldwide and long-range character of environmental problems and, where consistent with national security requirements and the foreign policy of the United States, lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world human environment.

(8) Refrain from taking any significant implementing steps on administrative actions until 90 days have elapsed after notification has been made in the FEDERAL REGISTER of filing the draft environmental statement and 30 days have elapsed after notification has been made in the FEDERAL REGISTER of filing the final statement, except as provided elsewhere in this chapter. The time relationships for the preparation and processing an EIS are shown in figure 2-1.

(9) On occasion, laws other than the National Environmental Policy Act require the Department of the Army to

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gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an EIS, if the proposed action is a major action that would significantly affect the quality of the human environment. In this connection, compliance with Pub. L. 91–190 is applicable unless existing law applicable to a specific action or activity expressly prohibits or makes compliance impossible. However, insofar as practicable, the draft EIS format should be used in complying with other laws to minimize duplication of efforts.

§ 650.26 Responsibilities.

(a) The Assistant Secretary of the Army (Civil Works) (ASA–CW) shall serve as the Secretary of the Army's responsible official for National Environmental Policy Act of 1969 (NEPA) matter.

(b) The Chief of Engineers, DA, exercises primary staff responsibility for coordinating and monitoring NEPA activities within the Army and shall—

(1) Provide assistance and advice on the preparation/processing of EIA's and EIS's.

(2) Designate a single agency or lead office having the responsibility for preparing and processing EIS's and EIA's when more than one DA agency is involved.

(3) Review and comment on draft EIS's submitted by other DOD components and other Federal agencies.

(4) Monitor issuances of the DA which have environmental implications to determine if EIS's are required and to insure that environmental considerations are built into the decisionmaking process.

(5) Maintain liaison with CEQ, the Environmental Protection Agency (EPA), the Office of Management and Budget (OMB), and other Federal agencies and State and local groups, with respect to the environmental policies affecting the Department of the Army.

(6) Maintain a current quarterly DA consolidated list of actions for which EIS's have been prepared or are under preparation, and a list of negative declarations.

(7) Retain a copy of each draft and final EIS prepared within the Department of the Army until the project or activity is completed.

(8) Direct the preparation of EIS's as appropriate.

(9) Coordinate on the technical aspects of EIS's submitted to HQDA for review and comment within those areas of assigned staff cognizance and technical capability and,

(10) For those actions or activities for which he is normally responsible, fulfill the requirements as defined in paragraph c below for HQDA staff agencies.

(c) Headquarters Department of the Army staff staff agencies shall—

(1) Apply the policies set forth in this chapter on the application of NEPA to continuing and proposed programs and projects within their staff cognizance.

(2) Publish internal procedures for the preparation and review of EIA's and EIS's for programs or projects within assigned areas of responsibility and insure that EIS's, as may be required, are prepared and processed.

(3) Insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication or issuance until the requirements concerning an EIS have been fulfilled.

(4) Coordinate, as appropriate, the preparation of EIS's with other elements of the Department of the Army as well as with the OCE, Environmental Office.

(5) Access continuing and proposed programs and actions for their environmental consequences and initiate the preparation of EIS's where required.

(6) Designate, maintain and report the identity to DAEN–ZCE of the agencys' single point of contact for environmental matters.

(7) Prepare and maintain a list of administrative actions for which EIS's have been prepared or are being prepared, and compile the report of negative declarations required by § 650.27(a).

(8) As requested, assist in the review of EIA's and EISs' prepared by other Army agencies and EIS's prepared by non-Army agencies.

(9) Coordinate existing and proposed directives, instructions, regulations and major policy publications that have environmental implications with OCE (DAEN–ZCE).

(10) Determine, in accordance with the requirements contained in § 650.32, if a public hearing is necessary for the proposed action and assign the responsibility for the hearing to an appropriate office or agency.

(d) The Judge Advocate General shall provide legal advice and assistance, as requested, in the interpretation of applicable laws and regulations related to environmental matters and handle litigation before the various courts and regulatory bodies except for the civil works program of the Chief of Engineers and the other specific responsibilities assigned herein to the Chief of Engineers.

(e) The Comptroller of the Army will establish necessary procedures to ensure compliance with the requirements for environmental exhibits and data in support of annual budget request. Additionally, for those actions or activities for which the COA is normally responsible, the COA will fulfill the requirements defined in paragraph (c) of this section for all HQDA staff agencies.

(f) The Surgeon General is responsible for coordinating the health, welfare and environmental aspects of proposed environmental impact statements submitted to HQDA, and for preparing assessments or proposed EIS's required for actions and programs for which he is the proponent. Army commands, installations and agencies are encouraged to draw upon the special expertise, within those areas of assigned staff cognizance and technical capability, which are available within the medical department. The Surgeon General will, upon request, furnish assistance and advice in the preparation of those aspects of EIS's which involve health, welfare or environmental effects or which have monitoring implications.

(g) The Adjutant General will institute administrative procedures to preclude the publication of any policy letter, regulation or other DA issuance unless the proponent staff agency stated in writing that actions associated with implementing the publication will have no significant impact on the environment or a final EIS has been prepared and published in the Federal Register and the required time frame has passed.

(h) Major field commanders are responsible for monitoring actions and programs proposed for accomplishment within their commands or directed by higher headquarters, and assuring that appropriate EIA's or EIS's are prepared and, if necessary, forwarded to HQDA.

(i) All Army commands and agencies will—

(1) Establish internal procedures for assessing environmental consequences for continuing and proposed programs and actions for which they are the proponent agency, in accordance with the policies contained herein, and for the preparation, coordination within their technical staffs, and processing of EIA's and EIS's required for actions within their agencies.

(2) Establish internal procedures to insure that all regulations, directives, instructions, and other major policy publications for which they are the proponent agency or which implement issuances by higher headquarters, are evaluated for environmental consequences prior to publication.

(3) Establish a continuing program to assure that sufficient personnel within the command or agency are properly trained in the requirements of NEPA and the provisions of this regulation.

REPORTS

§ 650.27 Reports—RCS DD–H&E (QR) 1326, RCS DD–H&E (AR) 1327.

(a) The Department of the Army is required to report to the OSD at least quarterly those actions on which EIS's have been preapred, those under preparation, and in certain situations when it has been determined that an EIS is not required. In the latter instance, when it has been decided that an EIS is not required for a project or activity of a type described in § 650.29(b), a statement (negative declaration) must be prepared for the public record briefly setting forth this decision and the reasons for the determination. The negative declaration should be prepared and suported by an EIA in the EIS format (fig. 2–4) and kept with the project or activity file subject to forwarding to HQDA upon request. Major commands will submit in quadruplicate to HQDA (ATTN: DAEN–ZCE) a report recovering the actions discussed above and in the format shown at figure 2–2. Report will be submitted within ten (10) days following the end of the quarter. The first report will cover the period September 1, 1973–June 30, 1974. Subsequent reports will be submitted on quarterly intervals.

(b) Major commands and HQDA staff elements will maintain cost estimates of the direct costs which are incurred solely for the purpose of preparing and processing EIS's. These estimates must be available upon request and will be identified as follows:

(1) Salaries of military and civilian personnel.

(2) Associated travel costs.

(3) Research costs directly related to the draft EIS's.

(4) Contract and consultant costs directly related.

(5) Administrative costs, and

(6) Costs of public hearings.

(c) Reports discussed in paragraph a above will be submitted within ten (10) days following the end of the quarter. The initial report covers the period July 1–September 30, 1974. This reporting requirement has been assigned Report Control Symbol DD–H&E (QR) 1326.

(d) EIS's prepared in accordance with this regulation have been assigned Reports Control Symbol DD–H&E (AR) 1327.

ENVIRONMENTAL IMPACT ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS

§ 650.28 General.

(a) Both the EIA and the EIS are analyses of ongoing activities or proposed plans and programs and must include systematic analyses of the environmental impact (adverse and beneficial) on land, air and water. The purpose is to identify—

(1) The environmental impact of the proposed/ongoing action.

(2) Any adverse environmental effects which cannot be avoided.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action.

(b) Environmental Impact Assessments.

(1) The preparation of an EIA is the initial step of an environmental analysis. Its purpose is to identify whether the action (ongoing or proposed) is major and to determine if the action will have significant impact on the quality of the human environment. Further, it is to serve as the basis for determining if an EIS will be required.

(2) For the many routine actions which are largely administrative in nature, require a minimal expenditure of resources and are of generally limited scope, the EIA can be a conscientious mental evaluation with that action reported in the project or activity file. However, where documentation is required in support of a project or action, the documentation will contain a statement that an EIA has been made and that no significant environmental impact will result.

(3) For those actions not clearly identified to fall in the category outlined in paragraph (b)(2) of this section, a written EIA will be prepared. The EIA will follow the format specified for an EIS as outlined in § 650.31, except that alternative courses of action need not be analyzed when it is determined that only minimal environmental impact will result from pursuing the preferred course of action selected primarily for economic, technical or mission effectiveness reasons. (However, this exception does not absolve those responsible for implementing the action from taking every reasonable measure to minimize or mitigate any environmental impact that is inherent in the action.)

(4) In concluding any EIA, the preparer will make a specific statement on each of the following:

(i) The action is or is not major.

(ii) A significant environmental impact will or will not result from the action.

(iii) The implementation of the plan or action will or will not be environmentally controversial.

(5) The written EIA will be made available for consideration and approval by the principal decisionmaker at the level where the EIA is prepared. For those actions requiring approval of a higher level of authority, the EIA will be forwarded with the request for approval of the action so that the approving authority will be knowledgable of the environmental considerations when approving the action. Each EIA will have a cover sheet as shown in figure 2-3, signed by appropriate decisionmaking officials and the EIA will be retained on file with the agency until the action or project is completed. However, if it is determined that the action is major and will have a significant effect on the environment, an EIS will be prepared and forwarded through command channels to HQDA as specified in §§ 650.33, 650.34 and 650.35.

§ 650.29 Major actions significantly affecting the quality of the human environment (MASAQHE).

(a) General. (1) It is impossible to list categorically all DA projects or activities that are "Major Federal actions significantly affecting the quality of the human environment." In making a judgement in a particular case, it will be necessary for the proponent of the action to assess the expected environmental effects of the action in conjunction with the intent of NEPA as implemented by the CEQ and DOD. It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action may be beneficial.

(2) DA agencies shall insure that the environmental consequences of a proposed action are fully assessed during the decisionmaking process. If the EIA indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect in a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their view. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons. The following examples are provided to assist in defining MASAQHE.

(i) An action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, is probably a MASAQHE even though a single subactivity by itself may not be in that category. For example, a limited maneuver or training exercise by small elements of a command might not be a major action, nor would it normally affect the environment significantly. However, if a major command or HQDA intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the command for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus the regulation should be construed to be a MASAQHE.

(ii) A major realignment plan of the Army involving numerous installations or activities could be a MASAQHE. In this instance, the impact at one installation may be small but because of the numerous installations involved, the overall plan impact may be significant, especially insofar as the secondary impacts are concerned. Although the secondary socioeconomic impacts are generally insufficient by themselves to require an EIS, these factors should be included in the event that an EIS is required.

(iii) An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity to be conducted near a residential area, where the resulting noise might seriously affect the comfort of residents of the area over an extended period. In keeping with the intent of NEPA, no decision should be made to take any action until those residents have been given an opportunity to present their views and their views have been carefully considered. Ongoing noisy activities should be given the same type study and review as given to planned or proposed activities.

(b) The types of actions listed below require close environmental scrutiny because of the possibility that they may

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either affect the quality of the environment or create environmental controversy. It is desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For this reason, consideration should be given to documenting the environmental effects of the following types of actions in writing. (The written EIA need not be elaborate for those actions determined to be minor and for which prudent nonbiased judgment would readily determine that the impact would not be significant. However, negative declarations must be supported by written EIA's which generally meet the EIS format requirements.)

(1) Development or purchase of a new type of aircraft, ship or vehicle.

(2) Development or purchase of a new weapon system.

(3) Real estate acquisition, disposal and outgrants.

(4) Major construction projects.

(5) New installations (bases, posts, etc.) or continued operation of major existing installations or ranges.

(6) Production, storage, transportation, testing or disposal of lethal chemical munitions, and pesticides.

(7) Mission changes and troop deployments which precipitate long-term population increases or decreases in any area with special attention to the secondary impacts which may cause indirect environment impact.

(8) Large quarrying, or earth-moving operations.

(9) Constructing or installing fences of other barriers that might prevent significant migration or free movement of wildlife.

(10) Proposed construction of new sanitary landfills, incinerators and sewage treatment plants.

(11) Existing or changes to master plans.

(12) Proposed construction or acquisition of new family housing.

(13) Dredging, and other similar activities in the water.

(14) Training exercises on or off Federal property, where significant environmental damages might occur regardless of unit sizes.

(15) Opening areas that were previously closed to the public or closing or limiting of areas that previously were open to public use, such as roads or recreational areas.

(16) Proposed construction on flood plains or construction that may cause increased flooding erosion or sedimentation, activities on wetlands or proposals which could alter the wetlands environmental value.

(17) Channelization of streams, diversion or impoundment of water.

(18) Disposal of significant quantities of POL waste products.

(19) Proposed construction of roads, transmission lines or pipelines.

(20) New, revised, or established regulations, directives or policy guidance concerning activities that could have an environmental effect. Regulations, directives, or policy guidance which limit any of the alternative means of performing the actions on this list.

(21) Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely to create controversy when the proposed action becomes known by the public.

(c) Even though a written EIA supports the conclusion that an action is not a MASAQHE, an EIS is to be written on a proposed action which is highly controversial because of environmental aspects. The EIS should be based on the information contained in the EIA.

§ 650.30 Environmental effects.

The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems on an immediate, short-range or long-range basis. Examples of some factors that may be applicable are—

(a) *Effects on water quality to include*—
(1) Surface resources.
(2) Subsurface resources.
(3) Water supply treatment.
(4) Sewage treatment.
(5) Regulatory standards (water quality, effluent, toxic or hazardous substances, sedimentation, temperature alteration, etc.)

(b) *Effects on air quality to include*—
(1) Fixed pollution sources (heating plants).
(2) Mobile pollution sources (vehicles, aircraft).
(3) Regulatory standards (ambient, point source, emissions of toxic or hazardous substances or significant amounts of other pollutants).

(c) *Effects of noise to include*—
(1) Continuous (background) noise sources.
(2) Impact noises (weapons firing).
(3) Regulatory standards (worker safety, community noise).

(d) *Effects of solid waste to include*—
(1) Types and sources.
(2) Disposal methods.
(3) Regulatory standards (landfill, incinerator).

(e) *Effects of hazardous and toxic substances to include*—
(1) Types and sources (explosives, chemicals, etc.).
(2) Disposal methods.
(3) Regulatory standards.

(f) *Effects on energy resources to include*—
(1) Types used.
(2) Expansion capability.

(g) *Land use.*
(1) Current land usage patterns (on and off installation) including population density, neighborhood character, zoning, aesthetics, recreation and,
(2) Erosion and flooding controls.

(h) *Ecology.*
(1) Aquatic life.
(2) Animal life.
(i) Species.
(ii) Population.
(3) Endangered species.
(4) Wetlands.
(5) Vegetation.
(i) Open space.
(ii) Forrested areas.
(6) Management.

(i) *Cultural quality.*
(1) Archeological sites and remains.
(2) Historical structures and sites.
(3) Natural sites and remains.

(j) *Preservation.*
(1) Resources recycling.
(2) Conservation measures.

Preparation of Environmental Impact Statement

§ 650.31 General.

The following directions for the preparation of EIS's will be followed to assure general uniformity in preparing statements. DA agencies will institute procedures for identifying definite decision points for determining the need to formally submit an environmental statement. In developing and obtaining the necessary information to prepare an Environmental Impact Statement, early consultation within DA and with other Federal, State and local governmental and private organizations is encouraged. The statement is to be based on the EIA and should—

(a) Carefully detail environmental impacts, alternatives, and implications of proposed projects and activities and should provide reviewers insight into the particulars associated with the action. Reviewers will expect the statements to be a valid source of information on the proposed action, as well as a reflection of how the proponent views environmental factors and seeks to accommodate them. Since the statements are to be made available to the public it must be assumed that they will receive careful scrutiny.

(b) Systemically present the environmental impacts and sufficiently described the physical and environmental aspects to permit independent appraisal and evaluation of the proposal. It should be simple and concise, yet include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

(c) Not be limited to ultimate conclusions, but contain a thorough evaluation of all factors affecting the potential environmental impact of the proposal that will reasonably justify the conclusions presented.

(d) Be a complete and objective appraisal of the beneficial and adverse environmental effects of available alternatives, rather than a justification for the proposal. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(e) Indicate at appropriate points in the text supporting and related underlying studies, reports and other information obtained and considered in preparing the EIS including applicable cost benefit analyses. Requirements by other

statutes such as the Fish and Wildlife Conservation Act, and the National Historic Preservation Act should be combined with the EIS. Care should be taken to insure that the EIS remains an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference. If the case references are not easily accessible, the statement should indicate how the information may be obtained.

§ 650.32 Content of the EIS.

The EIS statement must fulfill and satisfy, to the fullest extent possible at the time the draft is prepared, the requirements established for a final EIS. The body of the EIS shall contain the following separable sections (see fig. 2–4) with the length of each being adequate to identify and develop the required information.

(a) *Introduction*—(1) *Project description.* A description of a proposed action, a statement of its purposes, and a description of the environment affected, including information summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendixes with adequate bibliographic references.

(2) *Existing environment of proposed site.* The EIS should succinctly describe the environment of the area affected as it exists prior to a proposed action, including that of other Federal activities in the area affected by the proposed action which are related to the proposed action. Because the interrelationships and cumulative environmental impacts of the proposed action are to be identified later in the EIS, the amount of detail provided in such decriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to insure accurate descriptions and EIS, site visits should be made where feasible. The proponent agency or command should also take care to identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. In discussing these population aspects, consideration should be given to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analyses of the Department of Commerce and the Economic Research Service of the Department af Agriculture (the "OBERS" projection). In any event, it is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

(b) *Relationship of proposed action to land use plans, policies and controls for the affected area.* This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls, if any, for the area affected including those developed in response to the Clean Air Act or The Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the EIS should describe the extent to which the DA agency has reconciled its proposed action with the plan, policy or control, and the reasons why they decided to proceed not withstanding the absence of full reconciliation.

(c) *The probable impact of the proposed action on the environment.* (1) This analysis is to include the positive and negative effects of the proposed action as it affects the concerned local and/or State environment, but where applicable, may affect the national and international (Mexico, Canada and other countries) environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in § 650.30. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major Army actions, in particular those that involve the construction of new installations or the expansion of existing installations stimulate or induce secondary effects, in the form of associated investments and changed patterns of social and economic activities outside an installation. Such secondary effects, through their impacts on existing community facilities and activities through inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth impacts should be estimated if expected to be significant and an evaluation made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(d) *Alternatives.* Alternatives to the proposed action, including, where relevant, those not within the existing authority of the Department of the Army. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: The alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts; alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In a proposed draft EIS, the proponent may decide to favor an alternative or reserve judgment until comments are received from relevant commenting entities. In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing EIS already contains such an analysis, its treatment of alternatives may be incorporated in the new EIS provided that such treatment is current and relevant to the precise purpose of the newly proposed action.

(e) *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* This should be a brief section summarizing in one place those effects that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated.

(f) *The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* This section should contain a brief discussion of the extent to which the proposed action involved tradeoffs between short-term environmental gains and the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(g) *Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.* Identify the extent to which the action irreversibly curtails the range of potential uses of the environment. Avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(h) *Considerations that offset the adverse environmental effects.* Indicate the extent to which these stated countervail-

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ing benefits could be realized by following responsible alternatives to the proposed action. In this connection, cost benefit analyses of proposed actions should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

(i) *Summary sheet.* The EIS shall be accompanied by an executive summary sheet which must provide the following information:

(1) Indicate whether the EIS is draft or final.

(2) Give the names of the action, provide a brief description of it and indicate what geographical region (States and counties) is particularly affected.

(3) Indicate whether it is an administrative or legislative action.

(4) Summarize the environmental impact and adverse environmental effects.

(5) List alternatives considered.

(6) (i) (For draft EIS's) List all Federal, State and local agencies from which comments are being requested.

(ii) (For final EIS's) List all Federal, State, and local agencies and other sources from which written comments have been received.

(7) Provide the dates the draft statement and final statements were made available to the CEQ and the public.

PROCESSING ENVIRONMENTAL IMPACT STATEMENTS

§ 650.33 General.

(a) EIS's will be processed as displayed in figure 2–5. Both draft and final EIS's will be approved at HQDA by the OSA for filing with the CEQ, release to the Congress and Federal, State and local authorities and to others outside DA for comment or use. Approval will be obtained using normal staffing procedures by the functional staff agency which is proponent for the basic action in coordination with OCE (DAEN–ZCE) (see fig. 2–6). OCE may request that the Army Environmental Committee review the EIS for actions which have controversial, unusual, or Army-wide environmental impacts.

(b) Draft EIS's will be reproduced and forwarded to HQDA in sufficient copies for official distribution to Federal, State and local agencies; internal DA staffing; and release to private organizations and individuals that may request same. Final EIS's will be distributed as indicated in §§ 650.36 and 650.37. Also, sufficient extra copies (estimate of 30) will be produced for distribution to individuals, universities, private organizations, etc., that may request copies subsequent to approval of the action.

(c) EIS's are subject to the requirements of DOD Directive 5200.1–R, Information Security Program Regulation, pertaining to the identification, safeguarding, and dissemination of classified information and to DOD Directive 5230.9, Clearance of DOD Public Information, pertaining to security review for public release approval. EIS's, both draft and final, which contain classified information, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information (DOD Directive 5200.1–R). However, when feasible, the EIS's shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

(d) EIS's that have significant public affairs, implications will be coordinated with OCINFO, HQDA.

(e) Until a draft EIS is approved for filing with CEQ and circulating for comment, a protective cover sheet (see fig. 2–7) will be used.

§ 650.34 Draft environmental impact statements.

(a) *Statements on administrative actions.* The processing of draft EIS's for filing with CEQ and circulating for comment will be accomplished by the HQDA functional staff proponent agency. The following distribution will be made for draft EIS's:

(1) One (1) copy, OCE (DAEN–ZCE)
(2) One (1) copy, OASA(CW).
(3) Three (3) copies, OASD(H&E)
(4) Five (5) copies, CEQ
(5) One (1) copy, EPA, Washington DC
(6) Six (6) copies, EPA Regional Office that has administration over the area in which the action will take place.
(7) Two (2) copies minimum, appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. Figure 2–8 lists the Federal agencies according to their areas primary cognizance.
(8) Two (2) copies, State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency reviews. The clearinghouses are listed in the Directory of State, Metropolitan, the Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971 (OCE (DAEN–ZCE) should be contacted, when appropriate, to obtain current information).
(9) Two (2) copies to cognizant Committees of the House and Senate in support of legislative proposals not pertaining to budget submissions (also see paragraph (b) of this section).
(10) EIS's are to be made available to relevant public commenting entities free of charge or at a fee which is not more than the actual cost of reproducing copies required to be sent to Government agencies.
(11) At such time as the draft EIS is forwarded to the CEQ, other Federal, State, and local agencies, it shall be made available to the public (to any organization or individual upon request) free of charge or, upon request, at a fee which is not more than the actual cost of reproducing copies required to be sent to Government agencies.

(b) *Statements on legislative actions.* Three (3) copies of each draft EIS concerned with the annual budget request must accompany the budget submission through the Comptroller review process to OSD. In those instances where it has been determined that a project or activity will not have a significant impact on the environment, such determination must be stated on the project/activity request. Additional guidance is provided in the Budget Guidance Manual DOD 7110.1-M and DOD Instruction 7040.4. It is the responsibility of the HQDA Budget Director to provide required draft EIS's to the appropriate Congressional Commitees at the time the legislative request is forwarded to the Congress. Distribution of the draft EIS to other agencies and to the public for comment shall be withheld until the legislative request has been forwarded to the Congress. However, if the draft EIS does not divulge the fiscal year or the monetary amount involved, it can be distributed for comment when approved by the Assistant Secretary of the Army (Civil Works).

§ 650.35 Circulation for comment.

(a) Circulation of a draft EIS for comment serves as a guard against objective errors or excessive bias. Further, it makes available expert knowledge from other agencies and the public which can assist the Army in its efforts to protect the environment.

(b) The HQDA staff agency requesting review and comments may establish a time limit of not less than 45 days for reply after CEQ publishes notice of the proposed action in the FEDERAL REGISTER. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a specific request for an extension of time has been made. Requests for extensions of time up to 15 days may be granted by DA unless the urgency of the action precludes such a delay. In determining the length of the review period, consideration will be given to magnitude and complexity of the statement and the possible extent of citizen interest.

(c) Public hearings. (1) Informal public hearings shall be conducted by the proponent HQDA staff agency or its delegate to obtain representative views from the various segments of the public when it is determined that the proposed action covered by the draft EIS is highly controversial. Such hearing will be publicly announced through local news media. Copies of the draft EIS will be made available to the public at least 15 days prior to the hearing.

(2) No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearings in connection with Congressional consideration of the bill.

(3) Informal public hearings may be appropriate in the following situations:

(i) Where the proposed action by the agency will have a direct or peculiar impact on the people residing in a particular geographical area in terms of magnitude of economic costs of commitment of resources.

(ii) Where public organizations or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

(iii) Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which a high degree of interest by the public or other Federal, State or local authority is evidenced by a written request that a hearing be held.

§ 650.36 Final EIS.

(a) Final EIS's are prepared after receipt of review comments provided by other agencies and the public. In many cases, the final EIS's can be prepared by making minor revisions to the draft EIS and attaching the review comments received from other sources. In other cases, it may be necessary to provide a discussion of problems and objections raised by other Federal, State and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion will be appended to the final text of the EIS.

(b) Distribution of the final EIS shall be as follows:

(1) Five (5) copies, OCE (DAEN–ZCE).
(2) One (1) copy, OASA(CW).
(3) One (1) copy, OASD(H&E).
(4) Five (5) copies, CEQ.
(5) Five (5) copies, appropriate Congressional Committees of the Senate and House of Representatives on final statements relating to section 412 Pub. L. 86–149, as amended, or the annual Military Construction Authorization Bill.
(6) One (1) copy to those who filed substantive comments on the corresponding draft statement.

(c) Supplementing or amending a draft or final EIS. A proponent agency may at any time supplement or amend a draft or final EIS. This should be accomplished when substantial changes are made in the proposed action or significant new information becomes available concerning its environmental aspects. The proponent agency should consult with OCE (DAEN-ZCE) with respect to the possible need for or desirability of recirculating the EIS.

§ 650.37 Time restrictions.

(a) Draft EIS will be prepared, furnished to the CEQ, and circulated for comment early enough before an action needs to be taken to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken, other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after notice has been published in the FEDERAL REGISTER that CEQ has received the draft EIS and that it has been circulated for comment, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Nor shall such administrative action be taken sooner than 30 days after notice of the final text of the EIS (together with comments) has been published in the FEDERAL REGISTER and the final EIS has been made available to commenting agencies and the public. The minimum 30-day and 90-day periods may run concurrently to the extent that they overlap. See figure 2–1.

(b) When it is not practical for a proponent agency to comply with the time requirements above, the proponent DA agency may request HQDA (DAEN-ZCE) to request a waiver of a portion of the time requirement for that specific action. Such a request will contain an explanation of the facts and circumstances to justify the waiver and staffing through OSD to CEQ.

§ 650.38 Review of EIS prepared by another Federal agency.

(a) EIS's will be referred to the Department of the Army by other Federal agencies for review when a proposed action may affect matters over which DA has jurisdiction by law, or where a proposed action may have environmental effects in an area where DA has been identified to possess special expertise.

(b) Comments by the Army on an EIS prepared by another Federal agency will, as a minimum, address the aspect of the action for which the statement was referred. The comments should be organized in a manner consistent with the structure of the draft statement stating the recommended changes and reasons for change. Modification to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impact are appropriately included. In addition, the comments should indicate whether any Army projects are planned that are not identified in the draft EIS and are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final EIS. Comments should indicate the value of any monitoring of the environmental effects of the proposed project that appear particularly appropriate.

(c) DA review and comment on an EIS prepared by another Federal agency will be coordinated by OCE (DAEN-ZCE). When a request for review and comment is received directly by a DA agency other than OCE, that agency shall reply through OCE (DAEN-ZCE).

§ 650.39 Related publications.

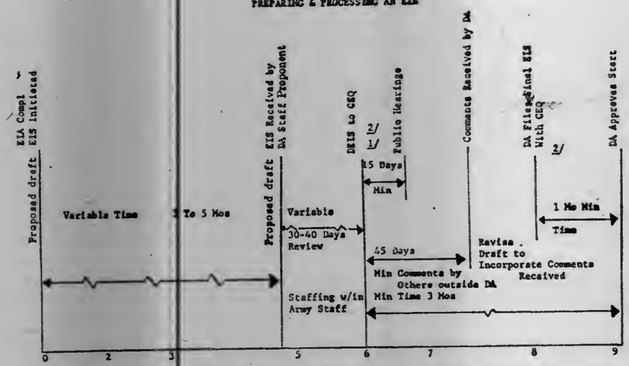
At table 2–1 is a list of related publications. Some of these publications will be of assistance to the agency preparing a proposed draft EIS while others such as Office of Management and Budget Circular A–95 and the Directory of State, Metropolitan and Regional Clearinghouses, under A–95 will be of assistance to only a few HQDA agencies.

TABLE 2–1

Public Law 91–190, "National Environmental Policy Act of 1969," January 1, 1970.
Pub. L. 91–604, "Clean Air Amendments of 1970," December 31, 1970.
Section 409 of Pub. L. 91–121, "Armed Forces Appropriation Authorization, 1970," November 19, 1969, as amended by section 506 of Pub. L. 91–441, "Armed Forces Appropriation Authorization, 1970," October 7, 1970.
Executive Order 11514, "Protection Enhancement of Environmental Quality," March 7, 1970 (35 FR 46, 4247 (1970)).
Executive Order 11752, "Prevention Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973.
Executive Office of the President, Council on Environmental Quality, "Preparation of Environmental Impact Statements," August 1, 1973.
Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment," Bulletin No. 71–3, August 31, 1970.
DOD Directive 5100.50, "Protection and Enhancement of Environmental Quality," May 24, 1973.
DOD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965 (32 CFR Part 263).
Executive Office of the President, Office of Management and Budget, Circular No. A–95 (Revised), February 9, 1971 (Parts I and II).
"Directory of State, Metropolitan and Regional Clearinghouses," under OMB Circular No. A–95 (Revised, April 19, 1971).
Pub. L. 86–149, "To Authorize Certain Construction at Military Installations and for Other Purposes," August 10, 1959.
DOD Directive 5200.1–R, "Information Security Program Regulation," July 1972, authorized by DOD Directive 5200.1, June 1, 1972 (32 FR 159).
DOD Directive 5230.9, "Clearance of DOD Public Information," December 24, 1966.
DOD Directive 5400.7, "Availability to the Public of DOD Information," June 23, 1967 (32 FR 286).
DOD Directive 7040.4, "Military Construction Authorization and Appropriations," July 16, 1971.
DOD Directive 6050.1, Environmental Considerations in DOD Actions, March 19, 1974.

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NORMAL TIME RELATIONSHIPS FOR PREPARING & PROCESSING AN EIS



1/ DEIS Draft EIS (Proposed draft EIS becomes DEIS when approved by responsible DA officials)

2/ Effective control date is the date that notice of the receipt by CEQ of the draft or final EIS is published in the Federal Register (usually within one week of receipt by CEQ).

Figure 2-1

QUARTERLY CEQ REPORT DEPARTMENT OF THE ARMY (INCLUSIVE DATES)

(a) Final Statements
Subject: Date filed:
(b) Draft Statements
Subject: Date filed:
(c) Statements Under Preparation
Subject: Projected date:
(d) Lists of Actions for which a statement is not required:
(i) Actions which normally require a statement:
a Subject, date of determination.
b Brief reason for determination.
(ii) Actions similar to those for which a significant number of statements have been filed:
a Subject, date of determination.
b Brief reason for determination.
(iii) Actions previously announced as requiring a statement:
a Subject, date of determination.
b Brief reason for determination.
(iv) Actions for which the CEQ requested a statement:-
a Subject, date of determination.
b Brief reason for determination.
(e) List of actions for which statements are not yet timely.[1]

Subject Date of evaluation

Figure 2-2

[1] Actions or activities which have been evaluated by the proponent agency and that agency has concluded that preparation of an EIS is not yet timely.

EXAMPLE

DEPARTMENT OF THE ARMY

ARMY COMMAND OR AGENCY

ENVIRONMENTAL IMPACT ASSESSMENT OR DRAFT ENVIRONMENTAL IMPACT STATEMENT

OR

FINAL ENVIRONMENTAL IMPACT STATEMENT

TITLE

INSTALLATION OR AGENCY

Date Prepared

Prepared by:

NAME AND POSITION TITLE

Approved by:

COMMANDER (COMMAND) INSTALLATION OR HIS DESIGNEE AND OFFICE

Approved by:

COMMANDER (COMMAND) OR HIS DESIGNEE AND OFFICE

Approved by:

OSA

Figure 2-3

OUTLINE FOR EIS CONTENT

A. INTRODUCTION

1. Project description
a. Purpose of action
b. Description of action
(1) Location and setting of the activtiy
(2) Summary of activities
2. Environmental setting
a. Environment prior to proposed action
b. Other related Federal activities

B. LAND-USE RELATIONSHIPS

a. Conformity or conflict with other land-use plans, policies and controls
(1) Federal, state, and local
(2) Clean Air Act and Federal Water Pollution Control Act Amendments of 1972
b. Conflicts and/or inconsistent land-use plans
(1) Extent of reconciliation
(2) Reasons for proceeding with action

C. PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

a. Positive and negative effects
(1) Regional environmental and national/international environment where applicable
(2) Environmental factors to be considered
(3) Impact of proposed action
b. Direct and indirect consequences
(1) Primary effects
(2) Secondary effects

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D. ALTERNATIVES TO THE PROPOSED ACTIONS

a. Reasonable alternative actions
(1) Those that might enhance environmental quality
(2) Those that might avoid some or all adverse effects
b. Analysis of alternatives
(1) Benefits
(2) Risks

E. PROBABLY ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

a. Adverse and unavoidable impacts
b. How avoidable adverse impacts will be mitigated

F. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

a. Trade-off between short-term environmental gains at expense of long-term losses

EXAMPLE

FINAL DIAGRAM ENVIRONMENTAL IMPACT STATEMENTS

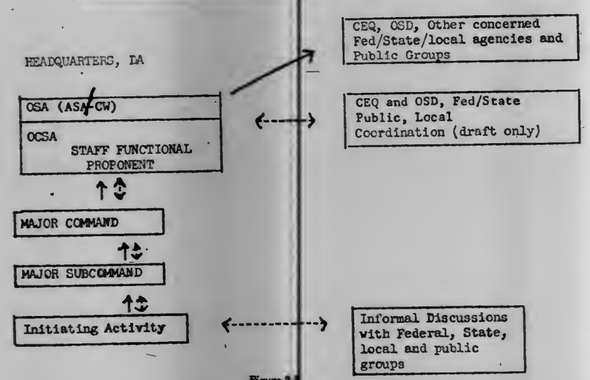
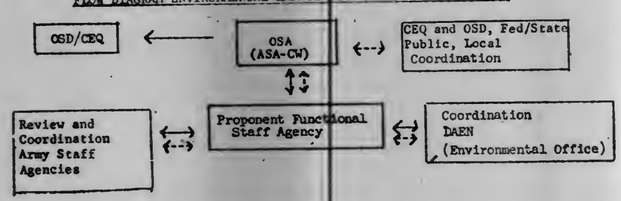


Figure 2-5

FLOW DIAGRAM ENVIRONMENTAL IMPACT STATEMENTS WITHIN HQ, DA



Key

_ _ _ Draft EIS

_____ Final EIS

Figure 2-6

PROTECTIVE COVER SHEET

The material contained in the attached Environmental Impact Statement is for internal coordinating use only and may not be released to non-Department of Defense agencies or individuals until coordination has been completed and the material has been cleared for public release by appropriate authority.

EXAMPLE

NOTE: This cover sheet will be removed when the DEIS is approved by HQDA.

Figure 2-7

b. Trade-off between long-term environmental gains at expense of short-term losses
c. Extent to which proposed action forecloses future options

G. IRRIVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

a. Unavoidable impacts irreversibly curtailing the range of potential uses of the environment
(1) Materials
(2) Natural
(3) Cultural

H. NATIONAL DEFENSE CONSIDERATIONS THAT MUST BE BALANCED AGAINST THE ADVERSE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION

a. Benefits of proposed action
b. Benefits of alternatives

Figure 2-4

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON

AIR—AIR QUALITY

Department of Agriculture—
Forest Service (effects on vegetation)
Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion)
Bureau of Sport Fisheries and Wildlife (effect on wildlife)
Bureau of Outdoor Recreation (effects on recreation)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
Assistant Secretary for Systems Developing and Technology (auto emissions)
Coast Guard (vessel emissions)
Federal Aviation Administration (aircraft emissions)
FEA (energy and mobile sources emissions)

WEATHER MODIFICATION

Department of Agriculture—
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Department of the Air Force
Department of the Interior—
Bureau of Reclamation

WATER RESOURCES COUNCIL—WATER—WATER QUALITY

Department of Agriculture—
Soil Conservation Service
Forest Service
Atomic Energy Commission (radioactive substances)
Department of the Interior—
Bureau of Reclamation
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Office of Saline Water
Enviromental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
Army Corps of Engineers
Department of the Navy (ship pollution control)
National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
Coast Guard (oil spills, ship sanitation)
Department of Commerce—
National Oceanic and Atmospheric Administration
Water Resources Council
River Basin Commissions (as geographically appropriate)

Figure 2-8

FISH AND WILDLIFE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Oceanic and Atmospheric Administration (marine species)

Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Bureau of Outdoor Recreation
Environmental Protection Agency

SOLID WASTE

Nuclear Regulatory Commission (radioactive waste)
Department of Defense—
Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Geological Survey (geologic and hydrologic effects)
Office of Saline Water (demineralization)
Department of Transportation—
Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Developments (land use and building materials aspects)
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation—
Assistant Secretary for Systems Development and Technology
Federal Aviation Administration, Office of Noise Abatement
Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Nuclear Regulatory Commission
Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (uranium mines)
Mining Enforcement and Safety Administration (uranium mines)
Environmental Protection Agency

HAZARDOUS SUBSTANCES—TOXIC MATERIALS

Nuclear Regulatory Commission (radioactive substances)
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

MARINE POLLUTION, COMMERCIAL FISHERY CONSERVATION, AND SHELLFISH SANITATION

Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers
Office of the Oceanographer of the Navy
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Bureau of Land Management (outer continental shelf)
Geological Survey (outer continental shelf)
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

WATERWAYS REGULATION AND STREAMS MODIFICATION

Department of Agriculture—
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of the Interior—
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Department of Transportation—
Coast Guard
Environmental Protection Agency

FOOD ADDITIVES AND CONTAMINATION OF FOODSTUFFS

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

PESTICIDES

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

TRANSPORTATION AND HANDLING OF HAZARDOUS MATERIALS

Nuclear Regulatory Commission (radioactive substances)
Department of Commerce—
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT—ELECTRIC ENERGY DEVELOPMENT, GENERATION, AND TRANSMISSION, AND USE

Nuclear Regulatory Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
Federal Energy Administration (FEA)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

PETROLEUM DEVELOPMENT, EXTRACTION, REFINING, TRANSPORT, AND USE

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission
Federal Energy Administration

NATURAL GAS DEVELOPMENT, PRODUCTION, TRANSMISSION, AND USE

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission
Federal Energy Administration

COAL AND MINERALS DEVELOPMENT, MINING, CONVERSION, PROCESSING, TRANSPORT, AND USE

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration

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Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority
Federal Energy Administration

RENEWABLE RESOURCE DEVELOPMENT, PRODUCTION, MANAGEMENT, HARVEST, TRANSPORT, AND USE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Federal Energy Administration
Interstate Commerce Commission (freight rates)

ENERGY AND NATURAL RESOURCES CONSERVATION

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority
Federal Energy Administration

LAND USE AND MANAGEMENT—LAND USE CHANGES, PLANNING AND REGULATION OF LAND DEVELOPMENT

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

PUBLIC LAND MANAGEMENT

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS

BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation)
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agricultural Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)[1]
Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—
Forest Service
Soil Conservation Service

Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)[1]
Water Resources Council

Subpart C—Water Resources Management

GENERAL

§ 650.51 Purpose.

This chapter sets forth guidance and procedure for the DA implementation of the Federal Water Pollution Control Act of 1972 (FWPCA) (Pub. L. 92–500) and the water pollution control regulations promulgated by the U.S. Environmental Protection Agency, U.S. Coast Guard, U.S. Army Corps of Engineers and State and regional water pollution control authorities. Additional guidance regarding discharge of hazardous and toxic materials appears in Subpart F of this part.

§ 650.52 Goals and objectives.

The Department of Army goal is to conserve water resources and protect them from contamination by controlling all sources of pollutants in accordance with applicable Federal, State or regional standards and vigorously contribute to the attainment of the national goal of eliminating the discharge of pollutants by 1985. Inherent in this goal are the following objectives:

(a) Identify, treat, monitor, control and dispose of all waterborne wastes produced by Army fixed and mobile facilities in accordance with published Federal, State and regional standards.

(b) Conserve water resources used in the conduct of basic activities on all Army installations by instituting economy measures and by reuse when practicable.

(c) Minimize soil erosion and attendant pollution caused by rapid and uncontrolled runoff into streams and rivers.

(d) Provide drinking water that satisfies the potability standards published by the U.S. Environmental Protection Agency (EPA) as interpreted by The Surgeon General of the Army (see § 650.57).

(e) Comply with the provisions of the Federal Water Pollution Control Act (Pub. L. 92–500) by obtaining and complying with permits issued by EPA under the National Pollutant Discharge Elimination System (NPDES) and the Corps of Engineers for the discharge of dredged or fill material.

(f) Comply with the provisions of the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532) by obtaining and complying with permits issued by EPA for the discharge of any material other than dredged material into ocean waters and by the Corps of Engineers for the discharge of dredged material into ocean waters.

§ 650.53 Explanation of terms.

(a) National Pollutant Discharge Elimination System (NPDES). The system for issuing and conditioning permits under a schedule of compliance and denying permits for the discharge of pollutants from point sources into the navigable waters, which is administered by the Administrator of the Environmental Protection Agency pursuant to sections 402 and 405 of Pub. L. 92–500. The following additional terms have the following meanings with respect to the NPDES program and the FWPCA:

(1) *Pollutant.* Solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water. It does not mean "sewage from vessels."

(2) *Point source.* Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(3) *Discharge of a pollutant.* Any addition of any pollutant to navigable waters from any point source.

(4) *Permit.* Any permit or equivalent document or requirement issued by the Environmental Protection Agency to regulate the disposal of pollutants.

(5) *Schedule of compliance.* A schedule of remedial measures including sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

(6) *Navigable waters.* All navigable waters of the United States (except the territorial seas); tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(b) *Treatment works.* Any facility, method or system for the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature, including waste in combined storm water and sanitary sewer systems.

(c) *Material into ocean waters.* Matter of any kind or description, but not limited to solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste. It does not mean oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge material and does not mean sewage from vessels including human body wastes and wastes from toilets and other receptacles intended to receive or retain body wastes.

(d) *Ocean waters.* Those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(e) *Dredged material.* Any material exeavated or dredged from navigable waters.

(f) *Fill material.* Any material deposited or discharged into navigable waters which may result in creating fastlands or other planned elevations of lands beneath navigable waters of the United States.

(g) *Navigable waters of the United States.* Waters which are subject to the ebb and flow of the tide, or which were used in the past, are presently used, or are susceptible to use as a means to transport interstate commerce. See 33 CFR 209.260 for a more complete definition of this term.

§ 650.54 Policy.

It is the policy of the Army to:

(a) Conserve all water resources.

(b) Control or eliminate all sources of pollutants to navigable waters or groundwaters by on-post treatment of wastes by joining regional or municipal sewage treatment systems or by employing recycling processes.

(c) Comply with applicable Federal, State and regional pollutant effluent limitation standards.

(d) Demonstrate leadership in attaining the national goal of zero pollutant discharge.

(e) Provide drinking water that satisfies the potability standards published by the Public Health Service/EPA as interpreted by The Surgeon General of the Army (TSG) (§ 650.57).

(f) Cooperate with Federal, State and regional authorities in the formulation and execution of water pollution control plans.

(g) Comply with the requirements for permits for the discharge of pollutants into navigable waters (section 402 of the FWPCA and implementing regulations in 40 CFR Part 125); the transportation of material (other than dredged material)

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which cover such action.

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for the purpose of dumping it in ocean waters (section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 and implementing regulations in 40 CFR Part 220); and for activities in or affecting navigable or ocean waters including the discharge of dredged or fill material in navigable waters of the United States and the ocean disposal of dredged material (sections 9 and 10 of the River and Harbor Act of 1899, section 404 of the FWPCA, and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 and implementing regulations in 33 CFR 209.120).

§ 650.55 Responsibilities.

(a) The Chief of Engineers will exercise Army staff responsibility for directing and coordinating the Army water pollution abatement program for both fixed and mobile facilities. Specifically the Chief of Engineers will—

(1) Promulgate policy and regulations on water resources management which reflect Department of Defense guidance and pertinent provisions of water pollution control laws.

(2) Develop long range policies on wastewater treatment to achieve the 1983 water quality objectives and 1985 goals of Pub. L. 92–500.

(3) Manage the identification, reporting, engineering, design and construction of projects required to control and monitor discharges in accordance with applicable Federal, State and regional water quality standards.

(4) Monitor water conservation practices for the purpose of identifying new potential uses for wastewater and methods for reducing water consumption.

(5) Publish policies on the control and disposal of sewage, galley, bilge and marine engine wastes.

(6) Provide guidance and direction to Army facilities in the preparation of applications for operating permits required by the FWPCA, Marine Protection, Research and Sanctuaries Act of 1972, and River and Harbor Act of 1899.

(7) Monitor the status of all FWPCA and ocean dumping permits and reports submitted in accordance with permit provisions.

(8) Coordinate the promulgation of new or revised water criteria and standards with TSC.

(9) Monitor master plans, construction plans and activities, and natural resource conservation activities to control surface water runoff and minimize erosion.

(10) Review and comment on NPDES and ocean dumping permits issued by EPA to Army installations.

(b) The Surgeon General will—

(1) Monitor health and welfare aspects of water and wastewater control criteria and standards promulgated by Federal and State agencies.

(2) Establish and conduct water supply surveillance programs to insure the maintenance of adequate potable water for Army installations.

(3) Accumulate, evaluate and disseminate information on water pollution conditions that may adversely affect the health of man and animals.

(4) Conduct field investigations and special studies to determine the effectiveness of wastewater treatment and recommend corrective measures when appropriate.

(5) Provide technical consultation on the health, welfare, and environmental aspects of water and wastewater treatment programs and activities.

(6) Coordinate the development of water and wastewater treatment standards, procedures, surveys and studies with the Chief of Engineers.

(7) Review and comment on NPDES and ocean dumping permits issued by EPA to Army installations.

(8) Assist the Chief of Engineers in the formulation of plans and design criteria for water monitoring systems.

(9) Maintain a record of all FWPCA and ocean dumping permits issued to Army installations, perform a technical evaluation of FWPCA and ocean discharge monitoring reports received, and notify submitting installations of noted deficiencies.

(10) Report semi-annually on the status of NPDES permits and NPDES discharge monitoring reports to the HQDA (DAEN–ZCE) Washington, DC 20310, (RCS–ENG 237).

(c) Major Army Commands (MACOMS) have the responsibility to insure that they and their subordinate elements develop programs which will—

(1) Identify, quantify and report all sources of water pollution and take appropriate action to eliminate or reduce them to acceptable levels. This applies to all Army facilities to include all buildings, installation structures, land, utilities, equipment, aircraft, vessels and other vehicles and property controlled by or constructed or manufactured for the purpose of leasing to the Army.

(2) Program and budget funds for remedial water pollution control projects to insure compliance with applicable standards by statutory imposed dates.

(3) Establish routine wastewater control monitoring programs to insure compliance with discharge limitations established by regulatory agencies and adherence to proper waste treatment operational procedure as specified in TM 5–665, TM 5–814–3, and TM 5–814–6.

(4) Obtain permits from the appropriate EPA Regional Administrator for all discharges of pollutants from installations and activities into navigable waters as required by NPDES and for the transportation of materials for the purpose of dumping them into ocean waters and comply fully with the provisions of such permits.

(5) Obtain permits from the appropriate District Engineer for all other actions in or affecting navigable waters of the United States, including the discharge of dredged or fill material in such waters, and for the transportation of dredged material for the purpose of dumping it in ocean waters.

(6) Control the discharge of sewage and bilge waste from vessels in accordance with U.S. Coast Guard, EPA, DOD or state regulations.

(7) Control the runoff of surface waters to minimize soil erosion, downstream flooding and pollution of waterways by sediments and contaminants.

(8) Conserve water resources by instituting regulatory measures where needed and by the judicious use of wastewater for consumptive purposes.

(9) Provide all personnel with drinking water that meets the quality standards specified by The Surgeon General.

(10) Commander, U.S. Army Materiel Command will develop appropriate pollution control devices and retrofit vessels in the inventory required to meet specified standards.

§ 650.56 Related publications.

(a) Pub. L. 92–500; Federal Water Pollution Control Act Amendments of 1972 (84 Stat. 100, 33 U.S.C. 1163).

(b) Pub. L. 92–532; Marine Protection, Research, and Sanctuaries Act of 1972.

(c) Rivers and Harbors Act of 1899 (33 U.S.C. 401–413).

(d) Executive Order 11752, "Prevention, Control and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973.

(e) TB 55–1900–206–14, Control and Abatement of Pollution by Army Watercraft.

STANDARDS AND PROCEDURES

§ 650.57 Water supply standards.

Potable water supply standards must meet, as a minimum, the standards set by the U.S. Public Health Service (42 CFR 72.201–207)/EPA as interpreted by The Surgeon General of the Army (TB MED 229).

§ 650.58 Water quality standards.

(a) Under the provisions of Pub. L. 92–500 it is the responsibility of the States to establish water quality standards and formulate an overall plan for achieving and enforcing these water quality standards. These criteria are based on the quality of water necessary to achieve and maintain use classifications of water such as recreation, fish and wildlife propagation, public water supply, and industrial and agricultural uses. States are also required to establish effluent discharge limitations necessary to achieve and maintain the desired use classification. For Army installations, implementation and enforcement of the applicable Federally or State developed effluent limitations, and water quality standards are accomplished by the regional headquarters of the Environmental Protection Agency through the National Pollutant Discharge Elimination System.

(b) The following effluent limitations are minimum standards which have been established pursuant to Pub. L. 92–500. More stringent effluent limitations may be established by the Administrator, EPA, to attain or maintain the water quality standards established by the State. Permissible effluent limitations, whether based on Federal or State water quality standards or on water quality criteria will be specified by the EPA Regional Administrator in the NPDES permit issued for each point of discharge.

§ 650.59 Effluent limitations.

(a) Domestic waste water effluents:

(1) As an interim limitation, all effluents from predominately domestic sources will be receiving the equivalent of secondary treatment as a minimum by July 1, 1977.

(2) By July 1, 1983, domestic wastewater limitations will be based on the best practicable waste treatment technology. Planning for 1983 discharge requirements will be clarified pending case by case evaluation of EPA criteria for 1983 which should be contained in NPDES permits to be issued in the 1977–1980 time frame. It may be assumed that the 1983 standards would require some form of advanced wastewater treatment, i.e., phosphate, nitrate or carbonate removal; very low values of biochemical/chemical oxygen demand, suspended solids and fecal coliform bacteria; and minimal fluctuations in pH and temperature.

(b) Industrial wastewater effluents.

(1) As an interim limitation all effluents from existing industrial sources will be treated by processes employing the "best practicable control technology currently available" by July 1977. Guidelines and standards defining effluent limitations for best practicable control technology currently available are published under 40 CFR Parts 401 through 447. At present only two industrial categories apply to Army activities; these are 40 Part CFR 413, Electro, plating, and 40 CFR Part 415, Inorganic Chemicals. EPA will publish regulations in the form of effluent limitations guidelines and standards of performance and pretreatment for ammunition production facilities at a later date. DAEN–ZCE will issue guidance as appropriate.

(2) By July 1, 1983, treatment of existing industrial wastewater effluents will employ the "best available technology economically achievable." Effluent limitations based on the best available technology economically achievable have been defined and are published in previously mentioned 40 CFR Parts 401 through 447.

(3) Effluent limitations for new sources are in most cases based on best available technology economically achievable and, therefore must necessarily meet the "1983 standards." These effluent limitations are also published with the guidelines and standards in 40 CFR Parts 401 through 447.

(c) *Oil.* The discharge of oil or effluents containing oil is limited by the quality determined to be harmful to the public health or welfare; or by applicable water quality standards; or by the amount which will cause a film or sheen upon a discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines (40 CFR Part 110 and Subpart F of this Part).

(d) *Pretreatment Standards (40 CFR Part 128).* Non-domestic wastewater effluents from Army installations which are discharged to regional or municipal sewage treatment works must comply with the following limitations:

(1) Effluents will be treated sufficiently to remove wastes which: (i) would create a fire or explosion hazard, (ii) have pH lower than 5.0, (iii) would obstruct flow in sewers or interfere with proper operation of the works or (iv) are introduced at an excessive flow or pollutant discharge rate likely to interfere with proper treatment.

(2) If the characteristics of the effluent qualify the Army installation as a "major contributing industry" and the effluent contains "incompatible pollutants" then the effluent will be pretreated prior to discharge, employing technology described in § 650.59(b) (1), (2) or (3) depending on whether the effluent is from an existing or new source. Such pretreatment is necessary to prevent the discharge of any pollutant into regional or municipal treatment works which may interfere with, pass through or otherwise be incompatible with such works.

(e) *Toxic and hazardous pollutants.* The EPA determines and publishes a list of toxic and hazardous pollutants and issues effluent or dumping limitations for these substances. Limitations often include absolute prohibition against discharge. Both the Surgeon General and the Chief of Engineers will maintain a list of such pollutants for which effluent guidelines are issued or are pending and will monitor suspected toxic pollutants until a decision on the actual effects is made. The discharge of these toxic pollutants from all Army facilities will comply with the limitations set by the EPA. In all cases, the discharge of a suspected toxic pollutant will be strictly controlled or prohibited until a determination is made as to the potential dangers involved and effluent limitations are established by the EPA and The Surgeon General of the Army.

(1) *Prohibited substances.* The toxic pollutants which have been prohibited from effluent discharges are listed in 40 CFR Part 129, EPA Regulations on Listing Toxic Pollutants. Other prohibited substances which may not be ocean dumped are listed in 40 CFR 227.21.

(2) *Hazardous substances.* The EPA listing of hazardous substances which are subject to strict effluent limitations will be addressed in 40 CFR Part 116.

(f) *Thermal pollution.* Thermal discharges are subject to the best practicable and best available control technology requirements, as are other nondomestic pollutants. Thermal pollutant standards vary depending on temperature of the receiving water, the temperature and relative volume of the effluent, and effects such discharges will have regarding the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water. Therefore, cases which involve thermal pollution are highly individual and are generally limited to large sources of thermal pollution such as steam electric power plants (40 CFR Part 423).

(g) *Watercraft.* Effluent limitations from watercraft are established by the U.S. Coast Guard, Department of Defense (Department of Navy is the lead agency for DOD), EPA (40 CFR Part 140) and the States. Department of Army vessels: except those acquired and/or operated by the Civil Works appropriations of the U.S. Army Corps of Engineers, will comply with standards and procedures set by the Office, Secretary of Defense and by TB 55–1900–206–14, Control and Abatement of Pollution by Army Watercraft. Civil Works vessels will comply with U.S. Coast Guard standards of performance and certification.

(1) *Non-domestic waste discharge limitations.* Non-domestic waste (i.e., bilge, fuels; lubricants and other nonhuman wastes) discharges to navigable waters is prohibited. (40 CFR Part 110). Exempt from this prohibition are discharges of oil from properly functioning vessel engines, provided such normal discharges are not deemed harmful.

(2) *Domestic waste discharge limitations.* EPA in 40 CFR Part 140, establishes federal effluent limitation standards for the discharge of sewage from vessels. To meet these standards, the U.S. Coast Guard has established certification procedures, design and construction requirements and dates for compliance for equpping vessels with marine sanitation devices (33 CFR Part 159). Marine sanitation devices and systems under development or procurement for new vessels or to replace existing equipment should be carefully selected with "no discharge" as a possible parameter and that full consideration be given to systems based on holding tanks rather than actual treatment systems.

§ 650.60 Ocean dumping standards.

The Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532) and EPA prohibit the dumping of certain materials into ocean waters and controls the dumping of all other materials. Army controlled activities will comply with the regulations and standards set by this act and notify HQDA (DAEN–ZCE) WASH DC 20310 of all permit requests. (40 CFR Parts 220–227 and 33 CFR 209.120).

§ 650.61 Activities in navigable waters or ocean waters.

The construction of any structure in or over any navigable water of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition or capacity of such waters must have prior approval of the Chief of Engineers or his authorized representative. Authority for such work is provided by issuance of a permit. Policy, practice and procedures are contained in 33 CFR 209.120.

§ 650.62 Storage of hazardous materials.

Storage facilities for materials which are hazardous to health, and for oils, gases, fuels or other materials capable of causing water pollution, to either surface or ground waters, if accidentally discharged, will be so located as to minimize or prevent such spillage. Measures necessary to entrap spillage, such as catchment areas, relief vessels, of entrapment dikes, will be installed so as to prevent and/or contain accidental pol-

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lution of water (Subparts F and I of this part).

§ 650.63 Water supply treatment procedures.

Water supplies will be monitored and, where necessary, treated in accordance with AR 420–46, Water and Sewerage, TB MED 229; AR 115–21, Hydrologic Services for Military Purposes and AR 115–20, Field Water Supply.

§ 650.64 Water conservation.

(a) *Reduce consumption.* All uses of water will be periodically surveyed and action taken to reduce water consumption wherever possible. The design and construction of new facilities and processes will consider minimized consumption of water, in particular potable water, as a major parameter. Vegetation and landscaping will be selected for the particular climate and geographical location so as to minimize or eliminate the need for irrigation.

(b) *Reuse-recycle.* In addition to reducing initial water consumption, water conservation measures will include the re-use or recycling of wastewater whenever practicable. The design methodology for new or for modification of old facilities and processes will identify potential re-use or recycling of wastewater alternatives and such alternatives will be selected whenever it is determined economically competitive with "once through" processes. Examples include closed cycle cooling systems for power plants and the use of land based sewage treatment systems.

(c) *Erosion Control.* Operations will be scheduled and designed to reduce or eliminate the destruction of vegetation and other ground cover which prevents erosion and stream silation. Siting of new facilities will consider topography and soil conditions to reduce construction in areas sensitive to erosion. Construction techniques and methods that minimize erosion will be identified in all construction contracts and design/construction specifications. Large parking lots, roof areas, aircraft facilities and roads which result in rapid runoff will be minimized wherever practicable. Periodic surveys will be made to identify areas where erosion has occurred and action will be initiated to control further erosion such as planting vegetation; controlling and, where necessary, impounding stormwater from areas of rapid runoff.

§ 650.65 Minor industrial and municipal operations.

Wastewater discharge from minor industrial and municipal facilities such as wash racks, engine steam cleaning operations, water treatment plant backwash, swimming pool filter backwash and other similar activities will be connected to the sanitary sewer wherever feasible. It should be noted that effluent from these activities not connected to sanitary sewers requires an NPDES discharge permit. To eliminate costly and difficult treatment and monitoring programs all possible efforts should be directed to connnecting with the sanitary lines. At remote locations, a holding tank may be used which is sized to hold all drainage between pumpouts. After pumpout, the wastewater will be transported to another location for treatment and disposal. Other alternatives include onsite treatment which would require a discharge permit, or a closed cycle system which would treat and re-use the wastewater. In the latter case, if there were no discharges, a permit would not be required.

§ 650.66 NPDES permits.

The NPDES permit program (40 CFR Part 125) requires that all discharges of pollutants from point sources into navigable waters, (§ 650.53(a)(6)), will be regulated by a discharge permit. This applies to domestic and industrial wastewater. The permit requirement does not extend to discharges from separate storm sewers except where the storm sewers receive industrial, municipal and agricultural wastes or runoff or where the storm runoff discharge has been identified by the Regional Administrator, the State water pollution control agency, or an interstate agency as a significant contributor of pollution. Also exempted are Army controlled properties (except when needed for public use) which are leased to contractors or others under authority of 10 U.S.C. 2667. It is the administrator of the lease who will monitor and institute corrective actions as necessary to insure that the leasee obtains and adheres to the NPDES permit.

(a) *Permit application.* When it is determined that an NPDES permit is required, permit applications will be requested from the applicable EPA Regional Office.

(b) *Draft permits.* A draft permit will be issued based on the permit application. The draft permit will contain effluent limitations necessary to meet water quality standards; compliance schedules identifying dates on when the effluent limitations will be met, monitoring programs identifying type of pollutant to be monitored, method of sampling and analysis, frequency of sampling; and method and frequency of reporting monitoring program results.

(c) *Draft permit review.* EPA is required to provide copies of the draft permit to the installation commander, the state, and the general public for review and comment. In general there will be not less than thirty (30) days in which to provide comment before the final permit is issued. MACOMS will provide copies of all NPDES permits (both draft and final) received from EPA to the U.S. Army Environmental Hygiene Agency, ATTN: HSE–EW, Aberdeen Proving Ground, MD 21010. USAEHA will accomplish: (1) a technical review of each NPDES permit received, (2) provide advice or assistance to the installation commander, (3) through appropriate command channels establish liaison with the EPA, as necessary, to clarify and discuss permit conditions, and (4) provide written comment back to the permittee for subsequent passage of written comments to the appropriate EPA Regional Office. Installation commanders will report potential problems arising from the terms of the permits which could impact on the operational capability of the installation to the HQDA (DAEN–FEU) Washington, DC 20314 through appropriate command channels. In addition, the permits will contain instructions pertaining to reporting changes in quality or quantity of wastewater.

(d) *Monitoring reports.* The terms of the permit will, in general, require the monitoring of all wastewater discharges and a periodic report to the EPA Regional Administrator, National Pollutant Discharge Elimination System Discharge Monitoring Report (RCS EPA–1002). In order to determine the effectiveness of the treatment and monitoring programs, copies of all monitoring reports will be forwarded to the USAEHA, ATTN: HSE–EW Aberdeen Proving Ground, MD 21010. Reports are made in accordance with frequency prescribed by each NPDES permit on form EPA 3320–1 (10–72). Forms are available from appropriate EPA Regional Office. (See figure 9–1 and table 9–3 for location and addresses).

(e) *Compliance schedules.* (1) NPDES permits will contain a schedule of compliance with regard to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards, and other applicable requirements. This schedule will be rigidly enforced. The terms of the permit will, in general, require that the permittee provide the EPA Regional Administrator with written notice of the permittee's compliance not later than 14 days following each interim date of compliance. Copies of this notice will be provided to the operating command and to USAEHA.

(2) In the event of noncompliance with the interim or final requirements, the permittee will immediately provide written notification to the EPA Regional Administrator with information copies to the appropriate operating command, USAEHA and DAEN–ZCE and where necessary, will request a revision to the compliance schedule following the procedure established under 40 CFR 125.23.

(f) *Installations discharging to regional or municipal treatment works.* Permits are not normally required for discharge of domestic wastewater to regional or municipal sewage treatment facilities. However, those installations which find that pretreatment prior to discharge is required may be required to file for a permit.

(g) *Inspections.* The EPA Regional Administrator may, under authority of 40 CFR 125.13 and 125.22, make site visits and inspections (1) for the purpose of evaluating facilities prior to issuance of an NPDES permit and (2) for the purpose of monitoring compliance with the terms of an issued permit.

(h) *Cooperation with state and regional authorities.* The EPA Regional Administrator, or his designated representative has full and legal authority to make site inspections of Army facilities.

However, installation commanders will on the basis of reasonable, specific requests extend the same privileges to authorized state and regional pollution control authorities.

(i) *Security restrictions.* When representatives from Federal, State, or regional environmental pollution control agencies inspect facilities, examine operating records, and make tests to determine adherence to environmental performance specifications, security requirement must be met and the inspectors will be accompanied by either engineer or medical technical representatives designated by the appropriate major Army commander.

(j) *Information requests.* The EPA regional office is the responsible Federal agency regarding enforcement of all water pollution control requirements at Federal facilities in that region. Water pollution control information emanating from Federal facilities should go through the applicable EPA regional office. Therefore, requests for permit related information by state or regional authorities or by responsible members of the general public, should be directed to the applicable EPA regional office (Subpart A of this part).

§ 650.67 Ocean dumping permits.

Permits for the dumping or discharge of materials into ocean waters, other than transportation of dredged material for purpose of dumping in ocean waters, are issued by the EPA. There are two types of permits, one which governs a general category of dumping and one which governs the dumping of special materials. The Administrator of EPA can issue general permits. The authority for issuing most special permits has been delegated to the EPA Regional Offices. Controls governing ocean dumping can be found in 40 CFR Parts 220 through 227, "Regulations and Criteria, Transportation for Dumping, and Dumping of Material into Ocean Waters." Most permits require information on the type of pollutant or effluent being discharged or dumped, its quantity and frequency and location of discharge. Permits require monitoring and documentation.

§ 650.68 Corps of Engineers permits.

The construction of any structure in or over a navigable water of the United States, the excavating from or depositing of dredged or fill material in such waters, the accomplishment of any other work affecting the course, condition, location, or capacity of such waters, the discharge of dredged or fill material in navigable waters, and the transportation of dredged material for the purpose of dumping it in ocean waters requires a permit from the Corps of Engineers and will be processed in accordance with 33 CFR 209.120. Application for this permit is made to the local District Engineer. Applications are available from Corps of Engineers District Offices and will be completed for all projects or activities not under the design and supervision of the Chief of Engineers.

§ 650.69 State permits.

(a) Cooperating with and providing information to State and regional authorities does not include making application for State permits of any kind nor obtaining a water quality certification from the State for any activity involving the discharge of a pollutant into navigable waters. Where information or data is to be provided a State authority on a prescribed registration form and authenticated, Army installation commanders will comply with all reasonable requests and forward same with a disclaimer that:

> While Federal law does not require military installations to apply for State permits or obtain State water quality certifications, this installation is desirous of complying with the objectives of State and Federal pollution control programs. However, completion of this form is not to be construed as an application for permit. To the best of my knowledge, the information presented herein is correct.

Under unusual circumstances, when the installation commander considers it prudent to respond contrary to the above guidance, request for waiver will be submitted through appropriate command channels to HQDA (DAEN–ZCE) WASH DC 20310.

(b) In all cases, waiver request will include a legal opinion by the staff judge advocate of the installation concerned or of the next higher command having a staff judge advocate to insure legal sufficiency. Special attention should be given to questions involving registration of sources and compliance schedules to insure that the legal implications of such instruments are understood.

§ 650.70 Operation training and certification.

(a) Operators of water treatment works and sewage treatment works shall meet levels of proficiency consistent with operator certification requirements applicable to the State or region in which the facility is located. (AR 420–15, Certification of Utility Plant Operators and Personnel Performing Inspection and Testing of Vertical Lift Devices).

(b) Necessary training of water treatment works and sewage treatment works operators will be accomplished through programs sponsored by the State in which the facility is located. In the absence of such State or regional programs, training will be accomplished at qualified institutions designated by the Major Army Command (MACOM).

§ 650.71 Waivers.

(a) No action which is contrary to the provisions contained in this subpart will be taken without first obtaining a waiver of the requirement from HQDA (DAEN–ZCE) WASH DC 20310.

(b) Waivers may be granted only if the President or the Administrator of EPA finds that the technology to implement such standards is not available or operation of the facilities in question is required for reasons of national security. Requests for such waivers will not be considered by HQDA unless it can be clearly and conclusively demonstrated that operation of the facilities in question and the proposed construction or modification meets the above criteria. Requests for waivers will be forwarded through command channels to HQDA (DAEN–ZCE) WASH DC 20310.

§ 650.72 Investigation of complaints.

Each operating commander will establish procedures to investigate water pollution compliaints and allegations from individuals and water pollution control authorities. In the case of a legal action of potential legal action, the matter will be reported immediately through Judge Advocate General channels to HQDA (DAJA–RL) WASH DC 20310.

§ 650.73 Water Pollution Control Report—(RCS DD–I&L (SA) 1088).

(a) The water pollution control report portion of the Environmental Protection Control Report is designed to provide HQDA with data on a phased and coordinated plan for control and abatement of water pollution for submission to OSD and OMB; and for development of the five-year Army Environmental Program. Detailed instructions for preparing and submitting this report are provided in Subpart J of this part.

(b) The report will cover all portions of the water pollution control program where expenditure of funds for corrective actions is required. This includes all fixed facilities, monitoring equipment, watercraft and other mobile facilities.

Subpart D—Air Pollution Abatement

General

§ 650.81 Purpose.

The provisions contained in this chapter implement the Clean Air Act of 1970 (Pub. L. 91–604 as amended) and the applicable Federal and State Regulations issued pursuant to this Act; Executive Order 11752, Prevention, Control, and Abatement of Environmnetal Pollution at Federal Facilities; and DOD Instruction 4120.14, Air and Water Pollution Control.

§ 650.82 Goal and objectives.

It is the Department of the Army's goal to reduce the emission of pollutants into the air from both stationary and mobile sources to the lowest practicable limits, and at the earliest practicable date. Objectives for obtaining this goal are to—

(a) Identify air pollution emission sources, determine the kinds and amounts of pollutant emissions, and reduce pollutant levels to those specified by Federal, State, interstate, or local substantive standards.

(b) Procure commercial equipment and vehicles with internal combustion engines that meet emission standards, except for combat vehicles specifically excluded by Environmental Protection Agency (EPA) regulations.

(c) Insure that each piece of military equipment is designed, operated, and maintained so that it meets air emission standards unless specifically exempted.

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§ 650.83 Explanation of terms.

(a) *Ambient air quality standards.* Those standards established pursuant to the Clean Air Act, for protecting public health and welfare.

(b) *Emission standards.* Permissible limits of emissions established by Federal, State, interstate and local authorities to achieve ambient air quality standards.

(c) *Implementation plans.* Plans developed and administered by a State to designate the methods used to implement, maintain, and enforce ambient air quality standards in air quality control regions. The plans present an inventory of emissions and their source; a comparison of current emissions with current ambient air quality conditions; amount of emission reduction necessary to attain the ambient air quality standards for each category of emission sources; and plans, including transportation control plans, for achieving emission reductions.

(d) *Mobile sources.* Vehicles, aircraft, watercraft, construction equipment and other equipment using internal combustion engines as the means of propulsion.

(e) *Monitoring.* The assessment of emissions and ambient air quality conditions, using techniques such as emission estimates, visible emission reading, diffusion or dispersion estimates, sampling, or measurement with analytical instruments.

(f) *Motor vehicle.* Any self-propelled vehicle designed for transporting persons or property on a street or highway (sec. 213, Clean Air Act). Further defined in 40 CFR Part 85.

(g) *National Emission Standards for Hazardous Air Pollutants.* EPA emission standards established for specified hazardous air pollutants emitted by both new and existing stationary sources. (Sec. 112, Clean Air Act.)

(h) *Parking facility.* Any off-street area or space, lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are parked.

(i) *Standards of performance for new stationary sources.* Emission standards established for specified pollutant sources, such as industrial facilities (Sec. 111. Clean Air Act).

§ 650.84 Policies.

(a) Control and monitor fixed air pollutant sources to insure compliance with Federal, State, interstate and local substantive air emission standards.

(b) Monitor ambient air quality in the vicinity of Army industrial-type activities, or cooperate with others in such monitoring to determine whether current ambient air standards are being met.

(c) Control emissions from mobile sources in accordance with Federal regulations or by State regulations when authorized by law.

(d) Cooperate with Regional EPA and State authorities in achieving the objectives of State Air Quality Control Plans through the formulation and coordination of installation Air Quality Control Plans and Transportation Control Plans.

(e) Participate with local authorities, to the fullest extent practicable, in controlling air emissions during emergency air pollution episodes.

§ 650.85 Responsibilities.

(a) The Chief of Engineers will—(1) Publish the basic policies and procedures for the identification, reporting, and programming of projects to control and monitor air pollutants emitted by Army fixed facilities and mobile sources, including aircraft and watercraft (DAEN–ZCE).

(2) Report requirements for projects to control sources of air pollution and the installation of air quality monitoring systems in accordance with this regulation and DOD Instruction 4120.14.

(3) Process requests for exemption from compliance in accordance with the provisions of the Clean Air Act and Executive Order 11752.

(4) Include in the Army R&D Program such research as may be needed or required for the development of technology to control Army-unique air pollutants.

(5) Perform technical review and evaluation of remedial projects for the control of existing sources of air pollution at fixed facilities and insure that provisions are made for air pollution control in the design of new structures and facilities.

(6) Coordinate the requirement of the adoption of new air emission standards for the Army fixed facilities with The Surgeon General.

(7) Provide technical advice and assistance for the control of air pollution in the operation and maintenance of fixed facilities.

(b) The Deputy Chief of Staff for Logistics will issue implementing policies, procedures and instructions for the control of air pollution which pertain to the maintenance, repair and modification of mobile sources including vehicles, aircraft and watercraft.

(c) The Deputy Chief of Staff for Research, Development and Acquisition will—(1) Conduct research and development programs designed to provide low-pollution, high efficiency engines for Army vehicles, mobile power sources, aircraft, and watercraft; and for the development of clean burning fuels.

(2) Incorporate air pollution controls, where required, in the development of new equipment and weapons systems to the maximum extent possible without degrading the operational capabilities to an unacceptable level.

(3) Insure that mobile equipment and engines developed for the Army comply with applicable current and projected Federal emission standards to the extent that priority defense and national security requirements permit.

(d) The Surgeon General, will—(1) Monitor the health and welfare aspects of the air pollution control program within the Department of the Army.

(2) Issue health and medical policy guidance on air pollution control and abatement.

(3) Consult with COE and appropriate commanders in the establishment of air pollution control standards which are unique to the Army.

(4) Provide staff assistance and guidance on the health and environmental aspects of management of hazardous and toxic air pollutants.

(5) Provide support to the basic Army R&D Program in terms of identification/designation of R&D needs.

(6) Review proposed Federal, State, interstate and local emission/ambient air quality standards and coordinate DA input to the standard-setting process.

(e) Major Army commanders will—(1) Develop a program, consistent with this regulation and DOD guidelines to control and monitor air pollutant emissions from fixed and mobile facilities to comply with applicable Federal, State, interstate and local emission standards and ambient air quality standards.

(2) Insure that personnel having responsibilities for controlling air pollution emissions (e.g. equipment operators and mechanics, heating plant operators, etc.) are properly trained to perform such duties. Further, provide training in the inspection, test and maintenance of pollution control devices and emissions measurement equipment.

(f) Commanding General, US Army Materiel Command. In addition to responsibilities assigned in paragraph (e) of this section, the Commanding General, US Army Materiel Command will—(1) Require that Army materiel equipped with internal combustion engines meet air emission standards in effect at the time of manufacture as required by Federal or State regulations.

(2) Insure that the manufacture, shipment, operation, maintenance and final disposition of the materiel can be accomplished with a minimum emission of air pollutants.

(3) Provide in technical publications appropriate information and instructions on air pollution controls for engine driven equipment and on maintenance and monitoring procedures for minimizing pollutant emissions.

(g) Commanding General, US Health Services Command will—(1) Assist The Surgeon General in fulfilling his responsibilities for the health and welfare aspects of the air pollution control programs.

(2) Provide personnel for conducting field investigations and special studies on sources of air pollution and for recommending measures required to protect health and welfare, and to comply with stationary or mobile emission standards or ambient air quality standards (§ 650.92).

(h) Installation and activity commanders will—(1) Monitor air emission sources within their installations or under their control and identify air emission sources requiring remedial action to insure compliance with emission standards and ambient air quality standards.

(2) Program remedial projects and funds to control and monitor air emission sources and ambient air quality to insure compliance with emission standards and ambient air quality standards.

(3) Cooperate with local representatives of Federal, State and regional agencies in the formulation and execution of projects and activities related to abatement of air pollution to include instituting emergency measures required during air pollution episodes.

(4) Monitor the operation of motor vehicles to permit compliance with applicable Federal or State emission standards; or in the absence of applicable standards, to minimize smoke emissions.

(5) Continue mechanic and operator training programs in the prevention, control and abatement of pollution from mobile equipment.

§ 650.86 Reports.

Sources of air pollution will be identified and those requiring remedial action will be reported as specified in Subpart J of this part. An example of an exhibit prepared on a facility found not to be in compliance with specified standards is shown in figure 10–3.

§ 650.87 References.

See table 4–1 for related publications to be used in conjunction with this subpart.

STANDARDS AND PROCEDURES

§ 650.88 Standards.

(a) *General.* (1) The Clean Air Act establishes the legal basis for improving air quality and maintaining air quality for the protection of public health and welfare. Included in its provisions are the establishment of Air Quality Control Regions, which are approximately 250 in number; the establishment of National Ambient Air Quality Standards to identify the acceptable health and welfare levels which will be permitted for a given pollutant; allowable significant air quality deterioration zones which set the allowable amount of air quality deterioration; and the preparation of Implementation Plans by each State to provide for the attainment of primary standards by July 1, 1975 and secondary standards within a reasonable time. The Act also requires EPA to set Standards of Performance for new or modified sources of pollution; establishing source emission standards for hazardous air pollutants such as asbestos, beryllium and mercury; and controlling motor vehicle emissions.

(2) National Ambient Air Quality Standards prescribe maximum pollutant levels for particulate matter, sulfur oxides, carbon monoxide, photo chemical oxidents, hydrocarbons and nitrogen oxides (40 CFR Part 50). In all instances the States in their Implementation Plans have specified strict ambient air quality standards and established maximum levels for each pollutant based on the type of source. It is the applicable State standard that is to be achieved by each Army facility.

(b) *Fixed facilities*—(1) *Existing Sources.* Individual pollutants are to be controlled in accordance with national primary and secondary air quality emission standards, normally those promulgated by a State. The basic reference is 40 CFR Part 50.

(2) *New sources.* Specific Federal emission standards are applicable to certain types of new facilities such as large fossil fuel-fired steam generators, incinerators, sulfuric and nitric acid plants, etc. Detailed information is contained in 40 CFR Part 60.

(3) *Air quality control regions.* Air quality control regions, criteria, and control techniques are given in 40 CFR Part 81.

(4) *Hazardous air pollutants.* Certain hazardous air pollutants as such asbestos, beryllium and mercury, which must be closely controlled are identified in Federal regulations promulgated by EPA. Refer to 40 CFR Part 61 and § 650.132 for guidance on control of asbestos during demolition and prohibition on use of sprayed asbestos materials for any purpose.

(c) *Mobile sources*—(1) *Commercial or commercially-adapted vehicles.* The manufacturer is required to certify these vehicles as meeting established emission standards of the year of manufacture. Basic reference is 40 CFR Part 85.

(2) *Military vehicles.* Certain military vehicles are excluded from the provisions of the Clean Air Act. Those not excluded will be certified by the manufacturer as meeting standards of the year of manufacture. Basic reference is 40 CFR Part 85.

(3) *Replacement engines.* (40 CFR Part 85).

(i) Light duty will meet the standards imposed at the year of vehicle manufacture.

(ii) Heavy duty will meet the standards imposed at the year of engine manufacture.

(4) *Aircraft.* Commercial or commercially adapted aircraft will comply with standards applicable to commercial aircraft in year of manufacture. Basic reference is 40 CFR Part 87.

§ 650.89 Assessment of air quality.

The impact of emissions produced by the operation of fixed and mobile sources on air quality will be included in an Environmental Impact Assessment (EIA) or Environmental Impact Statement (EIS) of any Army proposed action. Specific information as to existing regional air quality will be provided along with the changes or impact produced by the planned action. See also § 650.91 (b) on significant air quality deterioration zones for additional guidance. Particular attention will be given to vehicle emissions from both military and privately owned vehicles which, along with the vehicles in a nearby community, may constitute a significant source of air quality degradation and health hazard.

§ 650.90 Air pollution sources.

Common sources of air pollution which must be controlled include—:

(a) Heating plants over one million BTU per hour input.

(b) Incinerators.

(c) Large electrical power generating plants.

(d) Manufacturing processes/acid production facilities.

(e) Metal cleaning and treatment operations.

(f) Spray painting operations.

(g) POL storage and dispensing facilities.

§ 650.91 Air pollution abatement and control.

(a) Existing fixed sources of air emission are subject to Federal and State standards promulgated under the Clean Air Act. Those facilities found not in compliance with such standards are to be promptly identified and reported in accordance with the procedures outlined in Subpart J of this part. The programing and budgeting for remedial projects will conform with established procedures as in AR's 37–40, 415–15, 415–25 and 420–10.

(b) New fixed sources or major modification to existing facilities which are a source of air emissions will be designed in accordance with applicable standards. Consultation with or review by State authorities on such projects will be through the Regional Administrator of EPA at the earliest practicable time in the planning process. Further, the State air pollution control agencies will establish significant air quality deterioration zones to control the introduction of pollutants into a specified area. Deterioration zones apply only to specific category of sources such as acid plants and power plants. Applicable air pollutants are particulate matter and SO_x only. Zones will be established by the state and are as follows:

Zone I—Very little to zero deterioration.
Zone II—Moderate deterioration.
Zone III—May deteriorate up to the national maximum.

Implementation of these standards is now through the state review of preconstruction plans. This regulation significantly increases the power of states to control land use patterns. Therefore, all Army plans for development and expansion of facilities must consider the deterioration zone within which the affected installation is located. (40 CFR Part 52).

(c) Emissions from new mobile sources such as vehicle and aircraft engines will be regulated at the time of manufacture and certified in accordance with Federal regulations issued by EPA. The alteration or removal of such emission controls installed on Army equipment is prohibited.

(d) The retrofit of military vehicles not equipped with emission control devices at the time of manufacture may be required by State regulation. Commanders of installations where such controls are required will take appropriate action to have such vehicles retrofitted and to insure that vehicles without emission controls are not operated unless a waiver or exemption as specified in § 650.95 is approved.

§ 650.92 Air emission monitoring and reporting.

(a) *Fixed sources.* Air emissions will be monitored in accordance with EPA approved State, regional or local regulations. The more common pollutants that are monitored include particulates, sulfur dioxide, carbon monoxide, oxides of nitrogen, hydrocarbons and photochemical oxidants. Mandatory monitoring is

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imposed where more toxic emissions, such as nitric and sulfuric acid mists and asbestos, are released to the atmosphere. Such records on emissions as may be specified by EPA will be maintained and submitted as required.

(b) *Mobile sources.* The periodic monitoring of vehicle emissions serves to verify the effectiveness of emission controls and engine combustion efficiency. Installations having large vehicle fleets are encouraged to institute such monitoring procedures. No reports are required for these emission monitoring operations.

(c) *Technical assistance.* Technical assistance relating to health and welfare considerations of air pollution problems can be obtained from Commander, US Army Health Services Command (HSC-PA), Fort Sam Houston, TX 78234. Specific services available include:—

(1) Collection of pollutant emission data, operating criteria and performance standards for air pollution abatement equipment.

(2) Consultation on current Federal and State air quality regulations, standards and monitoring instrumentation.

(3) Source and ambient air evaluations to demonstrate compliance of existing sources with air quality regulations or standards.

(4) Provide assistance in collection and interpretation of air quality data for development of EIA or EIS.

§ 650.93 EPA Air Pollution Project review.

(a) The following type projects require review by the EPA Regional administrator for compliance with air pollution control standards prior to the initiation of construction:

(1) Large industrial or manufacturing facilities.

(2) Certain new parking facilities to be constructed in areas covered by Standard Metropolitan Statistical Areas and Transportation Control Plans (38 major urban areas) are subject to preconstruction review by the EPA Regional Administrator (40 CFR Part 52). A review is required for parking facilities having a capacity of 250 or more vehicles, or where special restrictions are imposed on any additional parking. In such instances, an EPA permit must be obtained for new or modification of existing parking facilities which results in a net increase of 250 or more spaces when construction commences after January 1, 1975 or when a construction contract is signed after January 1, 1975. The basic references for state implementation plans and Transportation Control Plans are 40 CFR Part 51 and 40 CFR Part 52 respectively.

(b) At the request of the installation commander, such reviews may be coordinated with the Regional EPA office by the supporting Corps of Engineers District Office.

§ 650.94 Compliance schedules.

(a) A compliance schedule is required for each existing fixed source of air pollution which exceeds applicable standards. Such a schedule contains a chronological list of dates (milestones) for each major action to be completed within the overall plan to bring a polluting source into compliance.

(b) Compliance schedules are negotiated by installation representatives with EPA Regional Offices and State air pollution control authorities. Once approved by EPA, the specified date when the facility will comply with air emission standards becomes legally binding on the installation commander. Further, the installation is required to inform the appropriate EPA Regional Office and State authority in writing of any foreseen delays in meeting the intermediate dates contained in the compliance schedule and the reasons therefore prior to the scheduled completion date. When it becomes apparent that the ultimate compliance date can not be met for reasons beyond the control of the installation commander, a revised compliance schedule should be renegotiated with the State. In such cases the EPA Regional Administrator will be notified as soon as possible since only EPA has the final authority to approve compliance schedules which go beyond the final compliance date. If renegotiation of a compliance schedule is rejected by EPA, the installation commander may forward a request for an exemption (§ 650.95) from compliance from standards when continued operation of the facility is essential to the conduct of the DA mission.

§ 650.95 Exemptions.

(a) An exemption from compliance with air pollutant emissions may only be requested for existing facilities. New facilities are to be designed to meet established standards.

(b) Requests for exemption from the Clean Air Act and regulations promulgated pursuant to the Act will be based on the continued operation of a particular facility being in the interests of national security and upon the requirements of Executive Order 11752. Such requests will be forwarded through channels to HQDA (DAEN-ZCE), WASH DC 20310 for necessary action.

(c) Requests for exemption for mobile sources (vehicles) will be handled in accordance with AR 750–20.

§ 650.96 Transportation Control Plans.

(a) In addition to regulating the emissions from fixed sources, it may be necessary for a State to impose controls over transportation in order to achieve national ambient air standards. Large metropolitan areas, such as Los Angeles, California and Baltimore, Maryland are having to resort to such measures because the major portion of air pollution in those areas is caused by motor vehicles.

(b) Military installations and activities located within the area defined in EPA approved Transportation Control Plans are required to cooperate with local authorities in reducing vehicular traffic consistent with military requirements. Although the overall requirement is to reduce both military and civilian traffic, primary emphasis should be on reducing the use of privately owned vehicles. Consequently, Installation Transportation Control Plans which may be required for a particular region by Federal Regulations should be prepared and implemented as deemed necessary. Various control measures that should be considered include:

(1) instituting a command carpooling with carpool locator program,

(2) encouraging the use or expansion of public transportation service,

(3) restricting available parking areas to promote carpooling,

(4) issuing preferred parking spaces to carpool cars, and

(5) encourage the use of bicycles/walking for short on-post trips.

(c) Information regarding the existence of approved metropolitan Transportation Control Plans may be obtained from local air pollution control authorities or the Regional EPA Administrator.

§ 650.97 Emergency air pollution episodes.

(a) Army installations or activities located in areas susceptible to air pollution episodes (smog conditions) will cooperate with local authorities in reducing air emissions during such emergency periods. Specific contingency plans are to be developed for these emergencies to provide for: (1) the curtailment of all but essential services; (2) to provide for required mission activities; (3) announcement of notification procedures; and (4) instructions on those control measures to be invoked during the various phases of such episodes.

(b) The following control measures are to be considered in such contingency plans:

(1) Restrict use of private automobiles by requiring car pools or use of mass transit facilities.

(2) Conduct an educational program on the hazards of air pollution episodes.

(3) Publicize episode warnings and notification procedures.

(4) Postpone all except mission-essential activities which produce air emissions; e.g., vehicle use, operation of incinerators, etc.

(5) Grant personnel administrative leave, but only as a last resort. This action will be coordinated with other DOD and Federal installations in the affected area.

(c) Government assets provided a contractor managing a government-owned facility, are subject to the same use restrictions during an emergency air pollution episode as those imposed on a contractor by a State on the use of his private assets.

TABLE 4–1. RELATED PUBLICATIONS

Clean Air Act (42 U.S.C. 1857 et seq., as amended by the Air Quality Act of 1967, Pub. L. 90–148, by the Clean Air Amendments of 1970, Pub. L. 91–604, and by Technical Amendments to the Clean Air Act, Pub. L. 92–157).

AR 37–13 Economic Analysis and Program Evaluation of Resources Management.

AR 37–40 Army Production Base Support Program Report (RCS CSGLD–1123(R1) (MIN))

AR 40–4 Army Medical Department Facilities/Activities.

AR 70–15 Product Improvement of Materiel.

AR 210–50 Family Housing Management.

AR 405–45 Inventory of Military Real Property.

AR 415–15 MCA Program Development.

AR 415–25 Real Property Facilities for Research, Development, Test and Evaluation (RHTE).

AR 415–35 Minor Construction.

AR 420–10 General Provisions, Organization, Functions, and Personnel.

AR 750–20 Prevention, Control, and Abatement of Pollution from Mobile Equipment.

Subpart E—Waste Management [Reserved]

Subpart F—Hazardous and Toxic Materials Management

GENERAL

§ 650.121 Purpose.

The provisions contained in this chapter implement the requirements of the Atomic Energy Act, as amended; Clean Air Act, as amended; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act (FEPCA) of 1972; the Federal Water Pollution Control Act (FWPCA), as amended; the Marine Protection, Research and Sanctuaries Act of 1973 (MPRSA)—Ocean Dumping; and the Solid Waste Disposal Act (SWDA), as amended. Detailed guidance on oil and hazardous liquid substances spill prevention and contingency plans appears in Subpart I of this part.

§ 650.122 Goal and objectives.

The Department of the Army (DA) goal is to control hazardous and toxic materials to minimize hazards to health and damage to the environment. The following objectives are necessary to achieve this goal:

(a) All material developed and procured by the Army is to be designed to minimize health and environmental hazards during research, development, testing, production, use, storage, and disposal.

(b) Limit, to the extent practicable, the use of toxic and/or hazardous materials, and employ procedures which provide maximum safety during storage, use, and disposal when less toxic or hazardous substitutes are not available.

(c) Develop safe and environmentally acceptable methods for the storage and disposal of materials which are inherently hazardous or potentially dangerous due to the quantities involved.

(d) Provide properly trained personnel for the management, use, storage, and disposal of hazardous and toxic materials.

§ 650.123 Explanation of terms.

(a) *Certification.* The recognition by a certifying agency that a person is competent and thus authorized to use and supervise the use of restricted use pesticides.

(b) *Certified applicator.* Any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification.

(c) *Class 1 disposal site.* The location (e.g., sanitary landfill) where any final deposition of hazardous or toxic waste, after proper processing, may occur. Such a facility complies with EPA guidelines for the disposal of solid wastes as prescribed in 40 CFR Part 241.

(d) *Disposal.* To abandon, deposit, inter or otherwise discard waste as a final action after its use has been achieved, a use is no longer intended, or its use has been declared excess, suspended or cancelled.

(e) *Effluent standard.* A state or federal effluent standard or limitation to which a discharge is subject under the FWPCA amendments of 1972, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards. This includes a prohibition of any discharge established, for any toxic pollutant described in 307(a) of the FWPCA as amended.

(f) *Hazardous and toxic material management.* For environmental purposes, the systematic and purposeful control over the production, procurement, storage, handling, use, and disposal of materials or substances which are either hazardous to life because of their inherent toxicity or a potential danger because of the quantities involved.

(g) *Hazardous substance.* An element or compound or mixture (other than oil as covered in Subpart I of this part) which, when discharged in any quantity into or upon the navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shoreline, and beaches, e.g., hazardous substances include some strong acids, strong bases, organic solvents, certain metals and their compounds, other strong oxidizers, or other bulk-stored chemicals used in manufacturing processes and maintenance or repair operations. (Designation of and determination of removability of hazardous substances will be addressed in 40 CFR Part 116).

(h) *Hazardous waste.* Any waste or combination of wastes which, if not effectively controlled, poses a potential hazard to human health or living organisms because they are nondegradable, persistent in nature, lethal, or may otherwise cause or tend to cause detrimental cumulative effects. Such materials include wastes which are corrosive, flammable, toxic, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means.

(i) *Ocean dumping.* The disposal of hazardous or toxic materials (including pesticides, pesticide containers, pesticide-related wastes, other hazardous chemical stocks, pharmaceutical stocks of drugs, radioactive materials, explosive ordinance or chemical warfare agents) in or on the oceans and seas as defined in the MPRSA (Pub. L. 92–532).

(j) *Open burning.* The disposal by burning of hazardous or toxic materials or their wastes in any fashion other than by incineration in an approved hazardous waste incinerator.

(k) *Open dumping.* The placing of hazardous or toxic materials or their wastes in a land site in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(l) *Pest.* Includes, but is not limited to, any insect, rodent, nematode, fungus, weed, or any form of plant or animal life or virus, bacterial organism or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other animals) which is normally considered to be a pest or which the Army may declare to be a pest in accordance with public law or national policy.

(m) *Pest management.* Pest control in which one or more control methods are selected for use in an integrated program that incorporates a series of alternative control strategies including parasites, predators, pathogens, cultural practices and chemicals, to achieve economic pest control with least disruption of the environment.

(n) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, attracting, or mitigating any pest and any substances or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(o) *Pesticide-related wastes.* All pesticide-containing wastes or pesticide-containing by-products which are to be discarded, but which, pursuant to acceptable pesticide manufacturing or processing operations, are not ordinarily a part of or contained within an industrial waste stream discharged into a sewer or the waters of a State.

(p) *Processing.* To neutralize, detoxify, incinerate, biodegrade, or otherwise treat a hazardous or toxic waste to remove its harmful properties or characteristics for disposal.

(q) *Restricted use pesticide.* A pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.) and other legislation supplementary thereto and amendatory itself.

(r) *Soil injection.* The emplacement of hazardous or toxic materials or their wastes by ordinary tillage practices within the plow layer of a soil.

(s) *Toxicity.* The property of a substance or mixture of substances to cause any adverse physiological effects on any of the biological mechanisms of an organism.

(t) *Toxic pollutant.* Pollutants or combinations of substances (including disease-causing agents) which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism—either directly from the environment or indirectly by ingestion through food chains—will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in

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such organisms or their offspring. (A list of toxic pollutants will be given in 40 CFR Part 129).

(u) *Waste.* Any material for which no use or re-use is intended and which is to be discarded.

(v) *Water dumping.* The disposal of hazardous or toxic materials or their wastes in or on lakes, ponds, rivers, sewers, or other water systems as defined in the FWPCA (33 U.S.C. 1251 et seq.)

§ 650.124 Policies.

The Department of the Army will—

(a) Exercise positive management over the research, development, procurement, production, use, handling, storage and disposal of hazardous and toxic material. Priority will be given to instituting measures required to protect health or control pollution.

(b) Comply with environmental quality policies and procedures specified in this regulation and those standards established by the applicable Federal, State, interstate, or local authority for the control of hazardous and toxic materials and substances.

(c) Use nonhazardous or nontoxic materials to the extent practicable.

(d) Conserve resources and, to the extent practicable, dispose of hazardous and toxic materials and waste by reprocessing, recycling, and/or re-using.

(e) Program and budget sufficient resources for the effective management and environmental control of pesticides, hazardous chemical stocks, pharmaceuticals, radioactive materials, explosives, and chemical agents in accordance with DA regulations and in consonance with any other applicable Federal, State, or local objectives.

(f) Conform with Federal regulations and guidelines respecting pesticides, promulgated pursuant to the provisions of FIFRA as amended, (§§ 650.126—650.129).

(g) Acquire and use only those pesticides registered with the Environmental Protection Agency (EPA) (§ 650.126(a)).

(h) Monitor for the residual effects of pesticides on military installations in furtherance of the National Pesticide Monitoring Program.

(i) Conform with applicable Federal regulations, standards, and guidelines promulgated and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011), or by EPA on discharges of radioactivity. This restriction does not apply to emergency operations conducted by Explosive Ordnance Disposal or Technical Escort personnel (§§ 650.139, 650.140 and 650.141)

(j) Prohibit the disposal (by open dumping, water dumping, well injection, or open burning) of pesticides, hazardous chemical stocks, pharmaceutical stocks and drugs, radioactive materials, explosive ordnance, or chemical warfare agents directly into the air, water, or land environment in a manner hazardous to man or animals or if it will cause unreasonable adverse effects on the environment (§ 650.127(f)).

(k) Conform with Federal regulations and guidelines respecting dumping of material into ocean waters in accordance with the MPRSA and the FWPCA as amended.

(l) In the absence of published national standards, guidance on acceptable methods and maximum concentrations pertaining to the use, storage, discharge or disposal of hazardous and toxic substances are to be referred through Major Command Headquarters to the USA Health Services Command.

§ 650.125 Responsibilities.

(a) Department of the Army Staff.

(1) The Inspector General and Auditor General will—(i) Exercise primary Army Staff responsibility for overall supervision of Army safety program activities as established by AR–385–10.

(ii) Provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Insure that Required Operational Capability (ROC) documentation for new material involving potentially hazardous materials requires that safe and environmentally acceptable methods for storage and disposal of these materials be developed or included as part of procurement specifications.

(ii) Provide single DA contact point for all chemical warfare activities including demilitarization and disposal.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will insure that all materiel developed by the Army is designed to minimize health and environmental hazards during research and development, production, testing, storage, use and disposal.

(4) The Chief of Engineers will—(i) Exercise primary Army Staff responsibility for coordinating guidance and promulgating environmental protection regulations concerning hazardous and toxic material management within the Army.

(ii) Provide technical instructions and guidance on the implementation of pest management programs.

(iii) Coordinate with The Surgeon General to establish Army criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(iv) Promote the reclamation, recycling, or safe disposal of excess and outdated chemicals, particularly the stocks of cancelled or excess pesticides and superseded chemicals.

(5) The Surgeon General will—(i) Establish health criteria and standards and monitor health and welfare aspects of the hazardous and toxic material management program.

(ii) Develop environmental toxicology data and recommend standards for safe storage, use, discharge and disposal of hazardous and toxic materials.

(iii) Provide technical instructions and guidance for the DA pest management programs in disease vector control, pesticide monitoring, health, safety, and the training of insecticide and rodenticide applicators.

(iv) Coordinate with the Chief of Engineers in establishing criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(6) The Judge Advocate General will provide guidance, as required, on interpretation of FIFRA, FEPCA, FWPCA, MPRSA, SWMA and other Federal, State, and local laws and regulations.

(b) Commanding General, US Army Materiel Command (AMC) will—

(1) Establish training programs for logistical personnel involved in the production, testing, and storage of explosives and chemical munitions and for those handling radioactive materials, hazardous and toxic chemicals, and products.

(2) Conduct research and technological investigations in support of the hazardous and toxic materials pollution abatement efforts related to industrial facilities operated by AMC. This includes development of alternative less polluting industrial processes, development of industrial waste recycling systems, evolvement of treatment processes and design criteria, and development of safe and profitable disposal methods.

(3) Insure compliance with DA and other Federal regulations on the disposal of chemical agents and munitions (§§ 650.130–650.134 and §§ 650.139–650.141).

(4) Procure materials for Army use which will minimize health and environmental hazards during production, use, storage, and disposal.

(c) Commanding General, US Army Health Services Command will—

(1) Conduct training activities to insure proficiency in the application, handling, storage, use, and disposal of insecticides and rodenticides to qualify pest control personnel for certification in accordance with the FIFRA 1972, as amended, and EPA guidelines.

(2) Provide personnel for conducting field investigations and special studies concerning hazardous and toxic materials and for recommending measures required to protect health and welfare and to comply with standards.

(d) Major Army commanders will—

(1) Establish a program for the control of hazardous and toxic materials management for the protection of the health and welfare of personnel and the natural environments.

(2) Program and budget for necessary resources required for hazardous and toxic materials management and pest management programs.

(3) Certify and re-certify as necessary, personnel employed in pest control activities after determination that personnel have received adequate training from an authorized and qualified source and have demonstrated proficiency in the application, handling, storage, use and disposal of pesticides in accordance with FIFRA, as amended. Such certification should identify the specific areas in which personnel are fully qualified.

(e) Installation and activity commanders will—

(1) Supervise the procurement, use, storage, and disposal of hazardous and toxic materials and chemicals and initiate appropriate procedures to protect the health and welfare of personnel who are exposed to their use.

(2) Comply with the procedures on the handling, use, and storage of hazardous and toxic materials which are under development and will be published by the Department of the Army. In the absence of DA regulations, Army activities will cooperate with Federal, State, or local agencies in meeting their standards.

(3) Use nonhazardous and nontoxic materials in installation and activity operations and procedures, when practicable.

(4) Insure that personnel involved in the pest management programs and in application of pesticides are certified in accordance with procedures in AR 420–76 and AR 420–74.

(5) Maintain liaison and cooperate with representatives of Federal, State, and local authorities engaged in regional pest control operations and pollution control and abatement.

(6) Dispose of hazardous and toxic materials in accordance with EPA-approved and DA-approved procedures (§§ 650.126–650.138). Chemical warfare agents will be disposed of in accordance with detailed plans approved by DOD (§§ 650.136–650.141).

(7) Insure that waste effluent discharges from radioactive isotope activities are in accordance with applicable rules, regulations, and requirements of the Nuclear Regulatory Commission (10 CFR Part 20.) and the policies and guidance of the Federal Radiation Council.

(8) Program and budget for resources necessary to conduct an effective hazardous and toxic materials management program at each Army installation.

PESTICIDE MANAGEMENT PROGRAM

§ 650.126 Implementing guidelines.

(a) DA will procure only those pesticides approved by and registered for use with the EPA and will use them consistent with their intended use and label instructions. Use of a pesticide other than those registered and approved for specific application in accordance with their labeling is illegal under FEPCA. Major command entomologist/agronomist, in coordination with DAEN–FEB, will be contacted in those instances where use of pesticides is anticipated for purposes other than that given on registered labeling.

(b) Some pesticides are on the EPA list of toxic pollutants for which water effluent standards are being developed. The list includes, but is not limited to substances such as aldrin, dieldrin, cadmium and all cadmium compounds, cyanide and all cyanide compounds, DDD (TDE), DDE, DDT, endrin, mercury and all mercury compounds, and toxaphene (chlorinated camphene). If the registration of any pesticides has been suspended or finally cancelled by EPA, DA organizations will not use such products except by special permission of DAEN–ZCE. If justified, DAEN–ZCE may request an exemption from EPA.

(c) The concentration of pesticide residue contained in waste water discharges should not exceed the levels specified by the National Pollutant Discharge Elimination System (NPDES) permit issued to an installation.

(d) The storage, use, handling, and disposal of pesticides will conform to safety and health standards established by HQDA based on regulations published in the FEDERAL REGISTER and Code of Federal Regulations by EPA, HEW, DOT and other appropriate Federal agencies. Army publications that apply to the conduct of pest control activities are given in table 6–1. Disposal and repackaging guidelines are given in tables 6–3 and 6–4 of this Subpart.

§ 650.127 Procedures.

(a) The following requirements are applicable to pesticides in the two EPA rating system classes, highly toxic and moderately toxic (Toxicity categories I and II respectively) 39 FR 15237. Pesticides and used pesticide containers will be stored in a secure, dry, ventilated, single purpose, fire resistive room, building, or covered area. Pesticide formulations will be stored separately, inventoried semiannually and identified with warning signs in accordance with the EPA toxicity rating and Department of Transportation warning systems for pesticide labeling, and checked bimonthly for corrosion and leaks (39 FR 15235–15241). Large quantities of excess pesticides and used pesticide containers awaiting disposal will be stored in a secure and separate area and will be checked bimonthly for corrosion and leaks. Where applicable, the outside of each storage area will be labeled with appropriate "DANGER," "POISON," "PESTICIDE STORAGE" signs and local fire department hazard signal signs.

(1) Emergency detoxification and decontamination equipment, sink and showers, eye lavage, protective clothing, and rubber gloves will be provided pesticide handlers in accordance with AR's 420–74, 420–76, and 385–32.

(2) A viable accident prevention and environmental protection program will be maintained within the installation pest control service areas. Signs will be posted within the pesticide storage area indicating the type and common name of the pesticides being stored.

(3) A complete inventory of pesticides on hand will be maintained by the pesticide control services personnel indicating the number and identity of containers stored.

(b) Pesticide application and other insect and rodent control will be accomplished by or under the direct and continuing supervision of a trained and certified applicator (AR's 420–74 and 420–76): SOPs will be prepared by installation pesticide users on the application of pesticides. These SOPs will be reviewed by the appropriate DA engineer and/or medical entomologist, or agronomist (for herbicide application).

(c) DA directives will give a categorization for pesticide use. Categorization listings will identify those pesticides which may be used by a trained and certified applicator as well as by other than a trained and certified applicator.

(d) Only EPA registered pesticides will be used by the pesticide control services personnel, and usage will be in accordance with DA directives and label requirements. Nonregistered pesticides will only be obtained and used after approval by the command agronomist or entomologist, DAEN–FEB, and DAEN–ZCE.

(e) Pesticides in excess of installation requirements will be reported through channels to the Commander, U.S. Army General Parts and Materiel Center, New Cumberland Army Depot, New Cumberland, Pa. 17070, in accordance with paragraph 776, Defense Disposal Manual 4160.21M. Disposition instructions will be requested. However, every effort should be made to use the pesticide for the purposes originally intended, at the prescribed dosage rates, provided they are currently legal under all Federal, State, and local laws and regulations.

(f) Only approved methods will be used in the disposal of small quantities of certain excess or unusable pesticides (39 FR 15239). Accepted methods of rinse and disposal of pesticide containers have been developed in accordance with EPA recommended procedures. Guidance thereon will be issued by DAEN–ZCE. Technical assistance concerning containers not covered in directives may be obtained from: Commander, U.S. Army Environmental Hygiene Agency (USAEHA), Aberdeen Proving Ground, Md. 21010. Small quantities of used, suspended or cancelled pesticides may be disposed of in a Class 1 disposal site or its equivalent. These "small" quantities vary with different pesticides and will be determined by Commander, USAEHA.

(g) The judicious application of herbicides will be observed in natural resources management operations. Alternative methods of plant control such as mowing, controlled burning, etc. should be employed if economically feasible rather than the use of herbicides if at all possible.

(h) Prohibited procedures.

(1) No pesticide, pesticide-related waste, pesticide container, or residues from a pesticide container will be disposed of in such a manner as to cause or allow: open dumping; water dumping; well injection; direct exposure which may result in contamination of food or feed supplies, or a manner inconsistent with its label or labeling. Rare exceptions to these prohibited procedures may be granted by the regional administrator of EPA in accordance with the MPRSA and FWPCA amendments of 1972.

(2) Normally, no pesticide, pesticide-related waste, pesticide container, or residue from a pesticide container shall be disposed of in such a manner inconsistent with its label or labeling or in such a manner as to cause or allow open burning. Small quantities of combustible containers, not to exceed 50 pounds or

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the quantity emptied in a single work day, whichever is less (except those formerly containing organic beryllium, selenium, mercury, lead, cadmium, or arsenic compounds) may be burned by the applicator in open fields where—

(i) Due regard is given to wind direction in relation to receptors such as population centers, field workers, domestic animals, and surface water supplies,

(ii) Such open burning is consistent with Federal, State, or local ordinances; and

(iii) Provisions are made to avoid contamination of surface and groundwater to levels in excess of standards promulgated by the Public Health Service, U.S. Department of Health, Education, and Welfare for potable water.

(i) Immediate emergency assistance on a pesticide spill that threatens life or gross contamination of the environment may be obtained by calling (800) 424–9300 (Chap. 6, AR 420–76).

(j) Application of pesticides, including aerial dispersal, may require the filing of an Environmental Impact Statement (EIS). The continuation of ongoing pest control operations which have been assessed and found to have no significant adverse environmental effect may not require the preparation of an EIS. However, a change of pesticide, rate of application, application technique or the initiation of a special or new operation, will require preparation of a new Environmental Impact Assessment (EIA) or the updating of a previous assessment. Where new pesticide programs are proposed, the command entomologist or agronomist will be consulted. Copies of each EIA prepared will be retained on file at the installation. (See Subpart B of this Part for EIA/EIS procedures).

§ 650.128 Monitoring.

(a) The DA pesticide monitoring program is the responsibility of the US Army Health Services Command (AR 40–5). It complements the National Pesticide Monitoring Program to insure that the use of pesticides does not constitute a threat to human health or hazard to the environment. The program determines pesticide residue levels in substances such as surface water, soil, sediments, fish, and birds.

(b) Army installation commanders having pest control management activities will support the DA pesticide monitoring program. Technical assistance in this area may be obtained from Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, Md. 21010.

(c) All Army facilities will require an annual review and inspection of pest control shops to insure that a sound pest management program is established and followed, and that prescribed procedures in the handling, use, and disposal of pesticides and pesticide containers are being followed.

§ 650.129 Reports (RCS DD–I&L (AR) 1080) and (RCS DD–I&L (SA) 1088).

(a) *Pest Control Summary Report, (RCS, DD–I&L (AR) 1080).* Continuing reports will be made on the storage and use of pesticides as required by AR 420–76.

(b) *The Environmental Protection Control Report—Pesticide Pollution Category 6, (RCS DD–I&L (SA) 1088).* The Pesticide Pollution Control Report is designed to provide information on a phased and co-ordinated plan for prevention or control of pesticide pollution for submission to Office of the Secretary of Defense and Office of Management and Budget. Examples to be included in such a report are disposal facilities, storage facilities or shop remodeling relating to prevention, control or abatement of pollution from pesticides. The report is the Army's fiscal plan for abatement of pesticide pollution resulting from Army activities. See Subpart J of this part for reporting procedures and guidance.

TABLE 6–1.—*Pest control publications*

Publication	Title	Pest control application
Ch. 5, AR 40–5	Health and Environment	Health aspects of medical entomology and pesticides.
AR 40–574	Aerial Dispersal of Pesticides and Utilities; Operation and Maintenance.	Policies and procedures for aerial dispersal of pesticides.
AR 385–32	Protective Clothing and Equipment	Responsibilities, policy and procedures for providing protective clothing & equipment.
AR 420–74	Natural Resources—Land, Forest, and Wildlife Management.	Special training for herbicide handlers.
AR 420–76	Pest Control Services	Prevention of environmental pollution by pesticides; policy on use of persistent pesticides; guidance on pesticide disposal; procedure and format for submission of the pest control summary report.
AR 420–77	Restrictions on Use of Herbicide 2,4,5-T	Limitations on use of 2,4,5-T herbicide.
TM 5–629	Herbicide Manual for Noncropland Weeds	Herbicides for noncropland weeds.
TM 5–630	Repairs and Utilities, Ground Maintenance and Land Management.	Safety precautions in using herbicides.
TM 5–632	Military Entomology Operational Handbook	Guidance and techniques on dispersal and use of pesticide.

HAZARDOUS CHEMICAL STOCKS (EXCLUDING CHEMICAL WARFARE AGENTS)

§ 650.130 Implementing guidelines.

(a) Existing or promulgated hazardous chemical management standards in this regulation apply to all Army facilities. Storage, use, handling and disposal of hazardous chemical stocks will conform to published DA policies, standards, and procedures (tables 6–1 and 6–2).

(b) With the exception of oils and other liquid petroleum products (Subpart I of this part), it is difficult to identify materials which should be classified as hazardous or toxic. Hazards to be considered include flammability, radioactivity, re-activity, toxicity, bioconcentration, irritation, allergenic, or genetic activity. Certain chemicals, such as asbestos, cadmium, lead, mercury, beryllium, cyanide, toxaphene, polyvinyl chloride, polychlorinated biphenyls (PCB's), fluorine compounds, selenium, arsenic, and certain pesticides are recognized as hazardous and special storage and handling are necessary even for small quantities. Other materials, however, are more difficult to categorize since excessive amounts of almost anything can be harmful when released. EPA is currently defining criteria and establishing effluent standards for hazardous substances and toxic pollutants (including some pesticides) under the Federal Water Pollution Control Act amendments of 1972 (39 FR 30466). Effluent standards will be published by EPA for these hazardous substances which can reasonably be anticipated to be discharged into navigable waters and which will pose an imminent and substantial danger to public health and welfare. Upon issuance in the FEDERAL REGISTER, DA installation commanders will follow required restrictions and guidelines on their discharge or disposal.

(c) Subpart C of this part lists requirements under the National Pollutant Discharge Elimination System and other applicable Federal, State and local standards.

(d) Ocean dumping, as a rule, will not be considered an acceptable means of disposing of hazardous and toxic substances, pesticides, radioactive wastes, or chemical warfare agents. Only under special circumstances, and after coordination with EPA, will ocean dumping and transportation for such dumping be allowed.

§ 650.131 Procedures.

The hazardous chemical management procedures in this regulation are presented as preferred methods by which the requirements of the environmental standards and the objectives of DA policies can be achieved. If techniques other than the following are used, commanders will demonstrate in advance that the techniques to be employed will satisfy the environmental quality standard in this regulation or those established by the appropriate Federal, State, or local authority.

(a) All measures to prevent accidental pollution of the environment by uncontrolled release of hazardous chemicals to the air, water, or land environment will be taken by all Army activities.

(1) Installations storing, handling, or transferring hazardous chemicals will include within their Spill Prevention Control and Countermeasure (SPCC) Plan, procedures to prevent, control and report accidental releases of these substances to the environment. (See Subpart I of this part, on requirements for SPCC plans).

(2) Effluent standards for toxic pollutants are found in 40 CFR Part 129, and the designation of hazardous substances will be found in 40 CFR Part 116.

(b) Storage facilities for chemicals (excluding pesticides) hazardous to health and welfare and detrimental to the environment, will be located according to the nature of the chemicals, storage site, protective enclosures, and operating procedures. Adequate measures will be taken for inventorying chemicals semi-annually, for controlling hazards, and for monitoring the environment.

(c) Appropriate safety materials and protective clothing and equipment will be kept on hand for emergency treatment, decontamination, cleanup, and for area warning signs and labels.

(d) No hazardous chemical, or its container, which will cause adverse effects on the environment, will be used or disposed of in a manner inconsistent with instructions on its label or inconsistent with use or disposal procedures established by Federal, State, or local laws or regulations.

(e) Ultimate disposal of unserviceable and excess hazardous chemical stocks.

(1) Hazardous chemical stocks that are unserviceable and/or have been declared excess to DA requirements will be reported to the local Defense Property Disposal Office (DPDO) for merchandising. The stocks will remain the property of the generating agency until ultimate disposal.

(2) Disposal of hazardous chemical stocks on which DPDO disposition cannot be obtained may be made by contract with commercial firms, provided it is in accordance with appropriate Federal, State, or local laws and regulations and the commercial firm is licensed or otherwise approved to dispose of the chemical stocks by the appropriate authorities.

(3) Disposal guidance can be obtained from the Commander, US Army Edgewood Arsenal who, in conjunction with Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD 21010, will provide data. Requests for disposal guidance should include Federal Stock Number (FSN), full nomenclature, appropriate military specification or standard indicated on label, quantity of issue, total quantity of issue, total quantity requiring disposal (pounds, gallons, liters, etc.), and condition of containers.

(4) Commanders of installations and activities who are responsible for disposing of hazardous chemicals will maintain records indicating quantities of hazardous chemicals disposed of, disposal method used, and disposal site location (e.g. removal of polychlorinated biphenyls (PCB) from transformers).

(f) The transport of dangerous or hazardous chemicals is subject to the provision of Pub. L. 91–121 (50 U.S.C. 1511–1516) and AR 55–56. Chapter 216, AR 55–355 requires DA compliance with CFR Title 14 (air transportation), Title 49 (highway and rail transportation), and Title 46 (water transportation). Further, AR 55–228 governs water transport of hazardous materials and TM 38–250 prescribes the provisions for the transportation of dangerous materials by military aircraft.

(g) Immediate short-term (30 minutes or less) emergency assistance on a chemical spill transportation problem may be obtained by calling Chem Trec (800) 424–9300 or in the Washington, D.C. area, (202) 483–7616. This service is available only for short-term transportation problems and provides information on spills, leaks, fire and explosion.

§ 650.132 Special authorizations.

(a) A notification must be made to EPA for the operation, construction or modification of a source of hazardous air pollutants (asbestos, beryllium, or mercury); FEDERAL REGISTER April 6, 1973 (38 FR 8820) and May 3, 1974 (39 FR 15396) and October 25, 1974 (39 FR 38064) (Exempt Report paragraph 7–2o AR 335–15). Sprayed asbestos materials will not be used in construction for any purpose and controls are placed on asbestos handling during demolition operations. When Federal, State, or local regulations establish other permit systems, DA directives will provide guidance and compliance schedules, as appropriate.

(b) Transportation of hazardous items is covered in AR 55–56, Title 49 CFR Parts 170–189 and Department of Transportation hazardous materials regulations.

(c) Installation commanders will comply with permits required under the provisions of the National Pollutant Discharge Elimination System (NPDES).

§ 650.133 Monitoring.

Environmental monitoring will be in accordance with requirements established in Subparts C and D of this part and the NPDES.

§ 650.134 Reports.

Installation commanders will report, as required, on the inventory, use, and disposal of hazardous chemical stocks, on recurring reports under the NPDES, and as required on accident/incident reports required by AR 385–40 and AR 50–21.

PHARMACEUTICAL STOCKS, BIOLOGICAL WASTES AND DRUGS

§ 650.135 Procedures.

The pharmaceutical disposal procedures in this regulation are preferred methods and apply to both existing and new Army facilities.

(a) No pharmaceutical stock or its container will be disposed of in a manner inconsistent with instructions on its label; or instructions provided in DA #SB 8–75 series supply bulletins; or inconsistent with disposal procedures established by appropriate Federal, State, or local laws and regulations.

(b) Pharmaceutical stocks in excess to medical facility requirements will be reported through medical supply channels in accordance with AR 40–61 and disposition instructions will be requested.

(c) Destruction of banned, outdated, and unserviceable pharmaceutical stocks will be in accordance with instructions provided in DA #SB 8–75 series bulletins. Assistance in determining applicability of disposal procedures may be obtained by request to Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD 21010.

(d) Army installation commanders disposing of pharmaceutical stocks by land burial will maintain records on quantities disposed, disposal method used, and disposal site location.

(e) Biological, surgical and hospital-type hazardous or toxic waste materials will be used, handled, stored and disposed of in accordance with AR 40–5 and AR 40–61. Technical assistance on special problems in handling unusual, hazardous or toxic chemical and biological materials can be obtained by requests addressed to:

(1) CONUS—Commander, US Army Health Services Command, ATTN: HSC–PA–H, Fort Sam Houston, Tx 78234.

(2) OVERSEAS (including Hawaii)—HQDA (DASG–HCH), WASH DC 20310.

§ 650.136 Special authorizations.

Policies and procedures for obtaining written approval applicable to investigative drugs in humans are outlined in AR 40–7.

§ 650.137 Monitoring.

Environmental monitoring will be in accordance with requirements established in Subparts C and D of this part under the NPDES.

§ 650.138 Reports.

Installation commanders will provide reports on disposition of pharmaceutical drugs as required.

RADIOACTIVE MATERIALS, EXPLOSIVES, AND CHEMICAL WARFARE AGENTS

§ 650.139 Radioactive materials and nuclear accidents and incidents.

(a) Policies and procedures applicable to nuclear accidents and incidents are given in ARs 40–13, 50–5, 360–5, 360–43, 385–40, and 755–15. The handling, use, and disposal of radioactive materials will be in accordance with applicable Army regulations and will be in such a manner so as not to contribute to pollution of the environment; within imminent safety and health considerations. Procedures may be found in Army guidance dealing with medical services, nuclear weapons and material, transportation and travel, explosives, safety, logistics, and disposal of supplies and equipment directives.

(b) Temporary storage of radioactive materials, prior to shipment for disposal, will be in accordance with TM 3–261, AR 385–30, AR 700–52, and Title 10, Code of Federal Regulations, part 20.

(c) The shipment and disposal of radioactive materials will be in accordance with AR 55–55, AR 755–15, and DOT and Nuclear Regulatory Commission regulations.

(d) Local disposal of radioactive materials by release to the sanitary sewerage systems and other radioactive effluents to the environment will be in accordance with AR 755–15 and Title 10, Code of Federal Regulations, part 20.

(e) Special problems on radioactive waste disposal will be referred through command channels to Commander, US Army Materiel Command (ATTN: AM CSF–P), 5001 Eisenhower Avenue, Alexandria, Va 22333.

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(f) All nuclear reactor facilities will be monitored for discharges of gaseous, liquid or particulate effluents to prevent contamination of the environment in accordance with chapter 4, AR 385–80.

(g) Installation commanders will provide reports on handling, use, inventory or disposal of radioactive materials and monitoring as requested by DA, EPA, Nuclear Regulatory Commission or other Federal agencies, and on nuclear accidents/incidents as required by AR 385–40.

(h) The Environmental Protection Control Report—Radiation Pollution, Category 4, (RCS (DD–I&L(SA) 1088). The Radiation section of the semiannual Environmental Pollution Control report is designed to provide information to HQDA on phased or coordinated plans for prevention or control of radiation pollution for submission to Office of the Secretary of Defense and Office of Management and Budget. See Subpart J of this part for reporting procedures and guidance.

§ 650.140 Explosive ordnance.

(a) Policies and procedures applicable to explosive ordnance materials are contained in AR's 75–1, AR 75–14, AR 75–15, AR 385–60, AR 385–64, and 755 series regulations dealing with disposal of supplies & equipment. The disposal of deteriorated ammunitions and explosives will be in accordance with Army regulations in the 75, 385 and 755 series. Every effort will be made to dispose of these wastes so as not to contribute to the pollution of the environment within personnel safety considerations for Explosive Ordnance Disposal and Technical Escort Emergency Operations.

(b) Deteriorated or unused explosives, munitions and rocket propellants may only be open-burned in non-urban areas and under conditions acceptable to Regional EPA and appropriate State Air Pollution Control authorities. Where there is an official prohibition against burning of such wastes, notification of restrictions and/or requests for assistance will be submitted through command channels to DAEN–ZCE.

(c) Installation commanders will provide reports to DA, as requested, on the handling, use, inventory or disposal of explosive materials and on explosive accidents/incidents as required in AR 385–40.

§ 650.141 Chemical warfare agents.

(a) The handling, use, and disposal of chemical warfare agents, ammunition, and explosive materials will be in accordance with Army regulations and will be in such a manner so as not to contribute to the pollution of the environment. Procedures may be found in Army directives dealing with transportation and travel, explosives, safety, and disposal of supplies and equipment. The safety program for chemical agents and associated weapon systems is prescribed in AR 385–61. Further, disposal of chemical warfare agents will be planned in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 (42 U.S.C. 4321 et seq.), Military Appropriation Acts Pub. L. 91–121, section 409 and Pub. L. 91–441, section 506.

(b) Installation Commanders will provide reports through command channels to DA as requested on handling, use, inventory, or disposal of chemical warfare agents and as required on chemical accidents/incidents as outlined in AR 385–40. Disposal guidance can be obtained from the Commander, US Army Edgewood Arsenal who, in conjunction with the Commander, US Army Environmental Hygiene Agency. Aberdeen Proving Ground Md. 21010, will provide data.

TABLE 6–2. RELATED PUBLICATIONS

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act of 1972, Pub. L. 92–516. (Title 7 U.S.C. 135–135K, 136–136Y (1972)).

Federal Water Pollution Control Act Amendments of 1972 (Title 33 U.S.C. 1151 et seq.).

Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052).

Solid Waste Disposal Act as amended (Title 42 U.S.C. 3251 et seq.).

AR 40–5	Health and Environment.
AR 40–7	Use of Investigational Drugs in Humans and the Use of Schedule I Controlled Drug Substances.
AR 40–13	Radiological Emergency Medical Teams (REMT).
AR 40–61	Medical Materiel Policies and Procedures.
AR 40–574	Aerial Dispersal of Pesticides.
AR 50–5	Nuclear Surety.
AR 55–55	Transportation of Radioactive and Fissile Material Other Than Weapons.
AR 55–56	Transportation of Dangerous or Hazardous Chemical Materials.
AR 55–228	Transportation by Water of Explosives and Hazardous Cargo.
AR 55–355	Military Traffic Management Regulation.
AR 75–1	Malfunctions Involving Ammunition and Explosives.
AR 75–14	Interservice Responsibilities for Explosive Ordnance Disposal.
AR 75–15	Responsibilities and Procedures for Explosive Ordnance Disposal.
AR 360–5	General Policies.
AR 360–43	Information Guidance—Nuclear Accidents and Nuclear Incidents.
AR 385–10	Army Safety Program.
AR 385–16	System Safety.
AR 385–30	Safety Color Code Markings and Signs.
AR 385–32	Protective Clothing and Equipment.
AR 385–40	Accident Reporting and Records.
AR 385–60	Coordination with Armed Services Explosives Safety Board.
AR 385–61	Safety Program for Chemical Agents and Associated Weapon Systems.
AR 385–64	Ammunition and Explosives Safety Standards.
AR 385–80	Nuclear Reactor Health and Safety Program.
AR 420–74	Natural Resources—Land, Forest, and Wildlife Management.
AR 420–76	Pest Control Services.
AR 420–77	Restrictions on Use of Herbicide 2,4,5-T.
AR 700–52	Licensing and Control of Sources of Ionizing Radiation.
AR 750–20	Prevention, Control, and Abatement of Pollution from Mobile Equipment.
AR 755–15	Disposal of Unwanted Radioactive Material.
TM 3–261	Handling and Disposal of Unwanted Radioactive Material.
TM 5–629	Herbicide Manual for Noncroplland Weeds.
TM 5–630	Ground Maintenance and Land Management.
TM 5–632	Military Entomology Operational Handbook.
TM 38–250	Packaging and Materials Handling: Packaging and Handling of Dangerous Materials for Transportation by Military Aircraft.

TABLE 6–3—PESTICIDE CONTAINER DISPOSAL GUIDELINES

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF EMULSIFIABLE CONCENTRATE METAL CONTAINERS

Step 1. Empty containers in the normal manner and allow to drain for one minute into the spray or mix tank.

Step. 2. First Rinse.

a. Add the correct amount of water rinse solution:

Container size	*Minimum water rinse solution*
Less than one gal	One-fourth container volume.
One gal	One quart.
Five gal	Two quarts.
Fifteen gal	1.5 gallons.
Thirty gal	Three gallons.
Fifty-five gal	Five gallons.

b. Replace closure.

c. Rotate and up end container to get rinse over all interior surfaces.

d. Drain rinse into the spray or mix tank.

Step. 3. Second Rinse.

a. Repeat step 2 a thru c.

b. Puncture head of the metal container near the edge adjacent to the pour spout and drain the rinse into the spray or mix tank.

NOTE: If 15–55 gallon containers are to be recycled through a registered drum reconditioner, DO NOT PUNCTURE the containers.

Step. 4. Third Rinse.

a. Repeat step 2, but gently rotate the drum to rinse interior of the container being careful not to spill rinse through the puncture area.

b. Metal containers up to and including five gallon size:

(1) Allow rinsed container to drain for one minute into the spray or mix tank.

(2) Crush the rinsed container and bury in sanitary landfill in conformance with State and local standards, or recycle through a properly equipped metal reclaiming firm, if applicable.

c. Metal containers, 15–55 gallon capacity:

(1) Allow the rinsed container to drain for one minute into the spray or mix tank.

(2) Replace all closures, accumulate rinsed drums in a secure area, and:

(a) Recycle through a registered drum reconditioner; [1] or

(b) Return to a pesticide manufacturer or formulator for refilling with the same chemical class of pesticide providing such return and reuse is legal under currently applicable U.S. Department of Transportation regulations; [1] or

(c) Recycle as scrap metal through a metal reclaiming firm.

[1] Information on registered drum reconditioners "Reuse of Specification 17 Series Steel Drums" and the reuse of empty pesticide containers may be obtained from: Department of Transportation, Office of Hazardous Materials, Operations Division, 400 Sixth Street, SW., Washington, D.C. 20590.

(3) If drums are not recycled, they should be rinsed and punctured as outlined in Step 3, crushed and buried in a sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF TECHNICAL GRADE METAL CONTAINERS

Step 1. Empty container should be allowed to drain for one minute into the spray tank.

Step 2. Replace closure.

Step 3. Accumulate unrinsed empty drums in a secure area, and:

a. Store pending receipt of DOD disposal instructions; or

b. Return empty drums to a registered drum reconditioner [1] or a pesticide manufacturer or formulator for refilling with the same chemical class of pesticide as previously contained provided such return and refilling is legal under current applicable US Department of Transportation regulations [1]; or

c. Recycle as scrap metal through a metal reclaiming firm having EPA and/or State approved burning equipment suitable for incineration of pesticides.

Department of Transportation, Office of Hazardous Materials, Operations Division, 400 Sixth Street, SW., Washington, DC 20590.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF SPECIFIED CONTAINERS (BAIT, DUST, AEROSOL AND GRANULE)

Step 1. Empty container in the normal manner.

a. Residue should be completely removed from bait, duet and granule containers.

b. Aerosol containers should be completely expended.[2]

Step 2. Crush container with the exception of aerosol containers.

Step 3. Dispose container in the sanitary landfill in conformance with State and local standards, or accumulate and recycle the crushed metal containers through a properly equipped metal reclaiming firm, if applicable.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF WATER WETTABLE POWDER CONTAINERS (METAL AND PAPER)

Step 1. Empty container in the normal manner.

Step 2. Rinse container three times, each time using a volume of water equal to approximately 10 percent of the container capacity and adding the rinse water to the spray tank. This rinse water should be calculated as part of the required diluent.

Step 3. Rinsed metal containers can be crushed and sold as scrap metal, if applicable. Unsalvaged containers should be rendered unuseable and buried in an approved sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF ONE GALLON OIL SOLUTION READY-MIX METAL CONTAINERS (6840–844–7355 DIAZINON 0.5 PERCENT; 6840–180–6069 BAYGON HOUSEHOLD SPRAY 1 PERCENT)

Step 1. Empty container in the normal manner.

Step 2. Puncture top of metal container near the edge adjacent to the pour spout and allow to drain for 5 minutes into the spray tank.

Step 3. The empty container should be crushed and buried in an approved sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

TABLE 6–4—RECOMMENDED PROCEDURES FOR REPACKAGING LIQUID PESTICIDES AND DISPOSITION OF EMPTY CONTAINERS

1. Observe prescribed safety procedures during all operations to prevent spilling of, or exposure of personnel to the pesticides, and:

a. Stay up wind while pouring pesticides.

b. Do not drink, eat, smoke, or use tobacco in pesticide handling areas.

c. Wear neoprene or neoprene coated gloves and a neoprene or Buna–N rubber apron while repackaging.

d. Wear face shields or chemical goggles during repackaging.

e. Do not put fingers in mouth or rub eyes while repackaging.

f. Wash hands before eating, smoking, or using the toilet and immediately after repackaging.

g. Wear protective clothing; remove contaminated clothing immediately and launder before wearing again.

h. Work clothes and street clothes should not be stored in the same locker.

i. Workers should shower at the end of each shift or upon completion of repackaging operations.

j. Respirators or gas masks with proper canisters approved for the particular type of exposure by the US Bureau of Mines or the National Institute for Occupational Safety and Health should be available. Combat masks (M17, M17A1) should not be used.

k. Leaking containers should be repackaged under the supervision of the installation Facilities Engineer's pest management personnel.

2. Approved containers for repackaging liquid pesticides are:

Five gallon—FSN 8110–282–2520, Drum Metal: New; 22 USS sheet metal gage steel; enamel exterior; nonremovable ends, 13⅜ in. outside H, 11¼ in. OD; five gal normal filled capacity; bail attached to top; spout; FED PPP–P–704, Type 1, Class 8, push-pull spout.

Fifty-five gallon—FSN 8110–597–2353, Drum, Shipping and Storage: 16 USS sheet metal gage steel; enamel exterior; nonremoval cover, 35⅛ in. outside H, 23⅜in. OD; 55 gal capacity; two expanded outward rolling hoops; bung and vent located in end; reusable; FED PPP–D–729, Type 1.

3. When repackaging liquid pesticides, the interior surface of each metal drum FSN 8110–282–2520 and FSN 8110–597–2353, shall be completely lined with two coats, .0015 inch total thickness, of bisphenol epoxide and phenol-formaldehyde resins mixture conforming to MIL–V–12276D, Type III, class optional.

4. Empty the leaking container into one of the above approved containers and mark as shown in paragraph 8 or 9.

NOTE: Do Not Combine Pesticides During Repackaging.

5. After emptying the contents of a container, puncture the top of the container near the edge adjacent to the pour spout and allow one gallon containers one additional minute and larger containers 3 to 5 additional minutes to drain.

6. With storage some pesticides develop sludges or crystals that solidify and adhere to the bottom of the container. Should this occur, dissolve with a solvent and add the dissolved sludge to the new container being used to repackage the contents of the leaking container. Pesticides containing sludges are considered unserviceable.

7. Container Rinse Procedures.

a. Rinse the empty container three times, each time using a volume of the normal diluent equal to approximately 10 percent of the container's capacity. The diluent for 5 percent DDT, FSN 6840–253–3892, is kerosene; diluents for other pesticides are indicated on the pesticide container labels.

Container size	Minimum diluent required for each rinse	
One gallon	qt.	1.0
Five gallon	qts.	2.0
Fifteen gallon	gal.	1.5
Thirty gallon	do.	3.0
Fifty-five gallon	do.	5.0

b. Add the correct amount of rinse solution and GENTLY ROTATE the container for one minute to get the rinse over interior surfaces avoiding spillage of the rinse through the leaking areas.

c. Drain the rinse into an approved container. Note:

(1) For a pesticide declared SERVICEABLE, drain the rinse into a separate container. DO NOT RINSE INTO THE CONTAINER BEING USED TO REPACKAGE THE CONTENTS OF THE LEAKING CONTAINER. (Serviceability must be verified by a quality assurance test.)

(2) For a pesticide declared UNSERVICEABLE, drain the rinse into the container being used to repackage the contents of the leaking container.

d. Repeat paragraphs 7b and c (second rinse).

e. Repeat paragraphs 7b and c (third rinse), and:

(1) Allow to drain for 5 minutes into one of the above approved containers.

(2) Crush and bury empty containers in a sanitary landfill in conformance with Federal, State and local standards or recycle rinsed containers to a commercial metal reclaiming firm having EPA and/or State approval burning equipment suitable for incineration of pesticides.

8. Labeling containers of UNSERVICEABLE pesticides (diluted or undiluted) and rinse solutions.

a. Marking shown on one side of drum shall not occupy more than the upper one-third of the side:

(1) WASTE MATERIAL NOT APPROVED FOR USE.

(2) FSN—Repackaged.

(3) Nomenclature and percentage.

(4) Type and quantity of rinse solution added to repackaged container.

(5) Total quantity in gallons.

(6) Level of protection and date packaged (B-month/year).

(7) Gross weight and cube.

b. Marking shown on drum head or ends not removed in order to use contents (applies to 55 gallon drums only):

(1) WASTE MATERIAL NOT APPROVED FOR USE.

[2] In expending aerosol containers, some propellant usually remains. This propellant can be ignited if a large quantity of aerosol cans are crushed while being disposed in sanitary landfill operations. The vapors of propellant (in sufficient volume) can be sucked over the hot bulldozer engine by its fan and such vapors can ignite, consuming the equipment and operators in flames. Therefore, never store spent aerosol cans for disposal at one time; rather dispose them either singly or in quantities of no more than six cans.

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(2) FSN—Repackaged.
(3) Total quantity.

9. Labeling containers of SERVICEABLE pesticides.

a. Marking shown on one side of drum shall not occupy more than the upper one-third of the side:
(1) FSN—Repackaged.
(2) Nomenclature and percentage.
(3) Total quantity in gallons.
(4) Level of protection and date packaged (B-month/year).
(5) Gross weight and cube.

b. Marking shown on drum head or ends not removed in order to use contents (applies to 55 gallon drums only):
(1) FSN.
(2) Nomenclature and percentage.
(3) Total quantity.
(4) Lot or batch numbers.
(5) Date of pack (earliest repackage date).
(6) Contract number(s).
(7) Name and address of the contractor(s).

c. Marking shown on the diametrically opposite side of the container from that containing the identification marking and shall be located in the upper one-third of the side:
(1) Contract, purchase, or delivery order number(s).
(2) Name(s) and address(es) of prime contractor(s).

d. In order for repackaged pesticides to be considered serviceable, returned to the supply system, transferred or sold for use as originally intended, an additional label which conforms with the original EPA or USDA registered label to include the registration number must be attached. If the item does not have an EPA or USDA registered label, the additional label must then conform to the labeling instructions contained in the original military or Federal specification for each line item.

10. Storage.

a. Store UNSERVICEABLE repackaged pesticides with other UNSERVICEABLE pesticides and hold pending DOD disposal instructions.

b. Store SERVICEABLE repackaged pesticides with other SERVICEABLE pesticides and use for intended purpose.

11. Reference.

39 FR 15235–15241, May 1, 1974, Environmental Protection Agency, Pesticides and Pesticide Containers, Regulations for acceptance and Recommended Procedures for Disposal and Storage.

Subpart G—Environmental Noise Abatement

General

§ 650.161 Purpose.

The provisions contained in this chapter implement the provisions of the Noise Control Act of 1972 (Pub. L. 92–574) and Federal Regulations promulgated pursuant to this Act, including Executive Order 11752, Office of Management and Budget Circular No. A–106, and EPA procedures for Reporting Proposed Pollution Abatement Projects For Federal Facilities.

§ 650.162 Goal and objectives.

The Department of the Army (DA) goal is to control noise produced by Army activities to protect the health and welfare of its members and the public within, adjacent to, and surrounding Army installations. The following objectives are necessary to achieve this goal:

(a) Assess the environmental impact of noise produced by Army activities and mitigate harmful or objectionable effects to the maximum extent practicable.

(b) Comply with applicable Federal, State, interstate and local standards pertaining to noise, consistent with military requirements.

(c) Achieve noise abatement through the application of engineering noise reduction procedures, administrative noise control measures, modern land use planning and procurement of less noisy equipment.

(d) Incorporate noise control provisions, consistent with national security requirements, into the development and procurement of weapons systems and other military equipment for use in combat operations; and in the design and siting of facilities.

§ 650.163 Explanation of terms.

(a) *Administrative noise control measures.* Policy decisions and administrative actions taken to regulate the conduct of training, operations and activities for the purpose of relocating, rescheduling, or restricting activity to abate or control noise; e.g., decisions on the time of day, site, and number of operations, firing schedules, flight patterns, etc.

(b) *Ambient noise.* The all encompassing noise associated with a given environment, usually composite of sounds from many sources.

(c) *Decibel (dB).* Unit of measure indicating the sound pressure level of a measured sound. dBA indicates that the sound level is measured through the A-weighting network of a sound level meter.

(d) *Engineering noise reduction.* Control of noise at the source, path or receptor site through use of acoustical engineering techniques. Among other techniques, this involves enclosures, absorbent materials, and barriers.

(e) *Environmental noise.* The intensity, duration, and character of sounds from all sources.

(f) *Impulsive noise (also referred to as impulse or impact noise).* Noise with abrupt onset, high intensity, short duration—typically less than one second. This type of noise can be produced by weapons fire, explosions, punch presses, and drop hammers, and consists of a short burst of acoustical energy of either a single impulse or a series of impulses.

(g) *Land use planning.* That aspect of master planning wherein the best possible use is made of available land areas by considering, among other factors, mission and environmental protection requirements.

(h) *Noise control management.* The abatement of noise through use of low-noise-emission products, engineering noise reduction, or administrative noise control measures.

(i) *Noise pollution control standards.* Noise emission standards for products adopted in accordance with provisions of the Noise Control Act of 1972 or provisions of State, interstate, and local standards for control and abatement of environmental noise.

§ 650.164 Policies.

The Department of the Army will—

(a) Comply with all DOD and applicable Federal, State and local noise control standards promulgated pursuant to the Noise Control Act in the planning, siting, design, construction and operation of Army controlled facilities and installations. The aim is to promote an environment for all people free from noise that jeopardizes their health and welfare.

(b) Procure commercial equipment and products, or those adapted for military use, that are in compliance with established Federal noise standards and give priority to use of low-noise-emission products within reasonable cost and mission limitations.

(c) Incorporate noise control provisions in the design and procurement of vehicles, aircraft, weapons systems and other military-unique equipment for use in combat operations to the extent that essential operational capabilities are not significantly impaired.

(d) Include the impact of environmental noise in any assessment of an Army action or program.

(e) Institute measures to reduce and/or control the generation of noise from flying and flying-related activities and comply with DOD Instruction 4165.57 on Air Installations Compatible Use Zones (AICUZ).

(f) Periodically monitor Army installations and their environs to insure that applicable Federal, State, interstate and local noise standards are met.

§ 650.165 Responsibilities.

(a) Department of the Army Staff.

(1) The Chief of Engineers will—(i) Promulgate basic policies, guidance and regulations for the control of environmental noise produced by military equipment (aircraft, vehicles, etc.), and that resulting from the conduct of various types of military training activities (DAEN–ZCE).

(ii) Monitor the structural engineering aspects of the environmental noise pollution control program to assure that facilities on Army real property satisfies established noise control standards (DAEN–MC).

(iii) Provide guidelines and assistance for the selection of architectural and engineering measures to be employed, to control noise levels in conjunction with installation master planning or the siting of new facilities. (e.g., siting considerations, noise barriers or berms, operational controls, and sound attenuation in new and existing structures) (DAEN–MC).

(iv) Coordinate noise abatement criteria, standards, policies, and corrective measures with The Surgeon General, and The Inspector General and Auditor General, (Army Director of Safety).

(v) Incorporate noise attenuation measures in the design and construction of new structures and provide technical assistance on noise attenuation techniques for existing structures (DAEN–MC).

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Monitor operations and activities to assure control of noise produced by military equipment, aircraft, and vehicles, resulting from the conduct of various types of military training activities.

(ii) Insure compliance with appropriate-noise standards during test and evaluation of Army material and during operational testing.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will—(i) Monitor compliance with applicable noise control standards during the development and testing of new material.

(ii) Process and staff requests for exemptions (§ 650.175) for military unique equipment where essential operational characteristics are significantly impaired by adherence to applicable noise standards, and where the equipment is deemed essential to mission accomplishment.

(4) The Surgeon General will—(i) Monitor health and welfare aspects of environmental noise within the Department of the Army to assure that the required degree of noise control is maintained.

(ii) Issue health and medical policy guidance obtained from liaison with other Federal agencies assigned responsibility for environmental noice control.

(iii) Coordinate in the development of noise abatement criteria, standards and corrective measures with the Chief of Engineers and when appropriate with Director of Safety, HQDA.

(b) Commander, US Army Health Services Command will—

(1) Accumulate, evaluate, and disseminate data on environmental noise conditions that may adversely affect the health of men and animals.

(2) Conduct environmental noise studies when requested, provide acoustical technical assistance for preparation of Environmental Impact Assessments (EIA) or Environmental Impact Statements (EIS) and make recommendations on programs or projects to achieve noise pollution control.

(3) Provide technical consultation to commanders on health aspects of environmental noise control and assist in the development of environmental noise abatement programs for facilities and activities.

(c) Commander, US Army Materiel Command and other materiel development and procurement agencies will—

(1) Procure equipment or materiel which complies with DA adopted noise emission standards and retrofit existing vehicles as appropriate, to reduce noise to acceptable levels.

(2) Initiate and forward requests for waiver of noise standards for military equipment to DAEN–ZCE when it has been determined that compliance with such standards would significantly degrade the required military capability of the equipment.

(3) Pursue a research and development, test and evaluation program for the abatement or control of noise from military equipment.

(d) Major Army commanders will—

(1) Comply with applicable Federal, State, interstate and local standards regarding environmental noise control and abatement.

(2) Establish a program for an initial survey and periodic review of environmental noise control.

(3) Program and budget for those resources required for environmental noise control.

(4) Report resource requirements for the conduct of the noise pollution control program in accordance with Subpart J of this part.

(e) Installation and activity commanders will—

(1) Comply with applicable Federal, State, interstate and local standards regarding environmental noise.

(2) Identify continuous or recurring sources of noise at an installation or by an activity which exceed standards; are an annoyance to others; are injurious to health; and develop remedial projects or procedures to reduce such noise to acceptable levels.

(3) Monitor the conduct of training activities producing inherently high noise levels for the purpose of minimizing its effect on nearby military and civilian populations.

(4) Maintain liaison with appropriate Federal, State, and local noise pollution abatement authorities, for the purpose of noise control measures insofar as installation and military operational requirements permit in accordance with Subpart A of this part.

(5) Program and budget for resources necessary to conduct an effective noise control program.

(6) Maintain a log of citizen complaints of noise produced by Army activities.

§ 650.166 Reports.

Sources of noise pollution will be identified and those requiring remedial action will be reported as specified in Subpart J of this part. An example of an exhibit prepared on a typical environmental noise control project is shown in Figure 10–7.

§ 650.167 References.

See table 7–1, for related publications to be used in conjunction with this subpart.

Standards and Procedures

§ 650.168 Standards.

(a) Undue exposure to noise may be detrimental to the health and welfare of Department of Army personnel and members of civilian communities adjacent to military installations. Consequently it is necessary to assess major sources of noise to insure there are no adverse impacts. Normally this is accomplished by making sound level measurements and comparing them to established noise standards which include:

(1) Occupational noise level standards—a noise exposure standard established for the protection of hearing of workers by the Army Surgeon General and/or under the Occupational Safety and Health Act.

(2) Product noise source emission standards—maximum noise levels that may be produced by specified items of equipment under the authority of the Noise Control Act or State, interstate and local standards.

(3) Environmental noise standards—property use and/or operational noise levels that are permitted under those conditions specified in Federal, State, interstate and local standards and regulations.

(b) Occupational noise level standards applicable to the Army are contained in AR 40–5, AR 385–10, TB MED 251 and MIL–STD–1474(MI).

(c) Product noise emission standards are published in the Code of Federal Regulations (CFR). Army materiel excluded from compliance with such emission standards at the time of manufacture are aircraft, vehicles, weapons systems and other products produced for combat use. Commercially manufactured products or those adapted for general military use will comply with the following Federal noise standards:

(1) Commercial Aircraft—14 CFR Parts 21, 36 and 91.

(2) Motor Carrier Noise Emission Standards—40 CFR Part 202 and 23 CFR Part 772. (Section 18 of Noise Control Act only).

(3) Motors and Engines—40 CFR Part 206.

(4) Railroad Noise Emission Standards—40 CFR Part 201.

(5) Construction Equipment—40 CFR Part 204.

(6) Transportation Equipment—40 CFR Part 205.

(d) MIL–STD–1474(MI), Noise Limits for Army Materiel, establishes acoustical noise limits for Army materiel and prescribes the testing requirements and measurement techniques for determining conformance to the noise limits therein.

(e) Environmental noise will be assessed and controlled in accordance with the provisions set forth herein.

§ 650.169 Noise measurement standards.

(a) Noise pollution control standards are applicable to both existing and new Army facilities.

(b) Army facilities and activities will comply with applicable Federal, State, interstate and local noise standards unless a waiver is specifically obtained in accordance with § 650.175. Where no applicable noise regulations and standards exist, installation commanders will minimize noise intrusions into areas surrounding the installations to prevent them from being a source of complaint. An EPA manual that provides general guidance in the absence of specific standards is listed in reference 15, table 7–1.

(c) Measurements in decibels (dBA) should be used for measuring sound levels from Army activities or facilities.

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(d) Environmental noise levels should be identified using an equivalent sound level description system known as Leq/Ldn. This new methodology supplements and may replace earlier techniques such as Composite Noise Ratings (CNR) and Noise Exposure Forecast (NEF). The basic reference is EPA Document 550/9–74–004, "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," March 1974. It is available from the U.S. Government Printing Office. Use will be made of this descriptor system in discussing noise implications in all Environmental Impact Assessments (EIA) and Environmental Impact Statements (EIS). Other rating schemes may be used, but should be related to Leq/Ldn, e.g. the Leq/Ldn rating scheme may be inappropriate for certain types of noises, such as helicopter and blast noise.

§ 650.170 Assessment of noise.

The impact of environmental noise whose source is located on Army-controlled property will be included in an EIA or an EIS of any Army proposed action. Analyses of such significant sources of environmental noise as airfields and firing ranges should be based on field measurements by acoustical technicians.

(a) Technical assistance on land use management or real property associated noise problems (e.g., blast noise, etc.) can be obtained from U.S. Army Construction Engineering Research Laboratory (CERL), P.O. Box 4005, Champaign, IL 61820. A helpful reference on this matter is the CERL document: "User Manual for the Acquisition and Evaluation of Operational Blast Noise Data," (reference 13, table 7–1).

(b) Technical assistance to include field surveys and the preparation of environmental noise pollution evaluations relating to health and welfare considerations of all types of environmental noise problems can be provided by the U.S. Army Environmental Hygiene Agency. Requests for assistance should be sent to Commander, U.S. Army Health Services Command (HSC–PA), Fort Sam Houston, TX 78234. This assistance includes—

(1) The evaluation of existing or potential noise problems which are evidenced by complaints, litigation, or official inquiries;

(2) The assessment of those situations where existing or proposed civilian-community actions may adversely impact noise-sensitive areas located on Army installations;

(3) The assessment of those situations where a proposed civilian community action may be adversely impacted from an ongoing Army activity;

(4) The recommendation of measures to mitigate an existing or potential adverse noise impact;

(5) The evaluation of Department of the Army activities to insure that they comply with applicable noise standards and regulations; and

(6) The conduct of environmental noise assessments as input to Environmental Impact Statements, excluding all projects involving land management and acquisition.

(c) Technical assistance, such as information and technical documents, is also available from the EPA. Inquiries may be sent directly to EPA Office of Noise Abatement & Control, Washington, D.C. 20460, or to the noise representative in the respective EPA Region (see fig 9–1 and table 9–3).

§ 650.171 Noise sources.

Common sources of environmental noise produced by military activities that may require some form of noise control include—

(a) Aircraft operations and training.

(b) Vehicles (combat and noncombat) operations and training.

(c) Weapons firing, explosives and demolition operations and training (blast noise, § 650.169(d)).

(d) Fixed noise sources (power plants and generators, manufacturing plants, industrial facilities, carpenter shops, dynamometer buildings etc.)

(e) Electrical and electronic equipment.

(f) Construction equipment operations and training.

(g) Recreational activities (e.g., snowmobiles, trailbikes, etc.)

(h) All other noise sources that exceed 55 dBA measured at a distance of 50 feet from the source.

§ 650.172 Noise control.

(a) Control of new and existing sources of environmental noise can normally be achieved by applying singly or in combination noise reduction at the source, altering the path of noise, and noise reduction at the receptor site. Further, low-noise-emission products and equipment will be acquired wherever possible.

(b) Engineering noise controls, establishment of noise buffer zones, site design and building construction for noise control, and similar land use planning techniques will be employed in the siting and design of new military structures and facilities.

(c) Projects and resources required to control sources of environmental noise, reported in accordance with § 650.166, will be programed and budgeted using established procedures.

(d) To preclude the need for expensive engineering noise reduction techniques, the impact of environmental noise should be integrated into military land use planning. Attention will be given such matters in the master planning process (AR 210–20) with particular emphasis on—

(1) Routes of high volume traffic flow.

(2) Family housing area locations.

(3) Location of off-post residential areas.

(4) Sites of hospital complexes.

(5) Sites for on-post and off-post school facilities.

(6) Sites for new ranges, impact areas and airfields.

(e) The identification of critical noise rating contours at an installation for the purpose of aiding in land use planning will be a required component of each Installation Master Plan (AR 210–20). Assistance in preparing data for these contours can be obtained through the Office Chief of Engineers (DAEN–MCE–P) and Construction Engineering Research Laboratory (CERL). Requests for such assistance are to be forwarded in accordance with reference 13, table 7–1. Blast noise, helicopter noise and truck noise programs are under development and OCE will issue Technical Reports in each area.

(f) Technical assistance in quantifying noise problems, identifying possible violation of standards, making noise surveys for inclusion in environmental impact assessments or impact statements, etc., may be requested from the U.S. Army Environmental Hygiene Agency (USAEHA) in accordance with § 650.170(b).

§ 650.173 Noise complaints.

While not to be used as the sole criterion for judging the severity of environmental noise impacts, citizen complaints may be indicators of situations where noise control measures will be necessary. Such complaints should be logged, investigated and appropriate corrective measures taken wherever possible. In many instances, such problems can be resolved to the mutual satisfaction of the Army and the community through direct consultation among those involved.

§ 650.174 Low-noise-emission products.

Under section 15 of the Noise Control Act of 1972 (Pub. L. 92–574), the US Environmental Protection Agency is responsible for administering a national program for the development of low-noise-emission products. EPA certifies new products whose noise emissions are significantly below the EPA source emission standards for these products as low-noise-emission products. Such certified products of a commercial nature will be acquired by purchase by the Army in lieu of other products if the Administrator of General Services determines that the product costs no more than 125 per cent of the retail price of the least expensive type of product for which these are certified substitutes. Those products found to meet the low-noise-emission criteria will be announced as available through regular supply procurement sources (40 CFR Part 203 and Noise Control Act of 1972, section 15).

§ 650.175 Waivers and exemptions from noise standards.

Requests for exemption or waiver of a Federal or State noise standard will be forwarded through channels to HQDA (DAEN–ZCE) WASH DC 20310 who will take appropriate action to obtain OSD approval. Waivers will be requested for the specified period of time (normally one year) needed to permit compliance. Exemptions must be fully justified on the basis of mission accomplishment and military necessity.

TABLE 7–1.—RELATED PUBLICATIONS

Executive Order 11514, Protection and Enhancement of Environmental Quality, March 7, 1970 (35 FR 4247).

Executive Order 11752, Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities, December 19, 1973 (38 FR 243).

DOD Instruction 4165.57, Air Installation Compatible Use Zones, July 30, 1973.

Noise Control Act of 1972, Pub. L. 92–574 (86 Stat. 1248).

Amendment to the Federal Aviation Act of 1958 to require Aircraft Noise Abatement (Pub. L. 90–411).

AR 40–5 Health and Environment.
AR 210–20 Master Planning for Permanent Army Installations.
AR 385–10 Army Safety Program.
AR 750–20 Prevention, Control, and Abatement of Pollution from Mobile Equipment.
TB MED 251 Noise and Conservation of Hearing.
MIL–STD 1474 (MI), Noise Limits for Army Material.

User Manual for the Acquisition and Evaluation of Operational Blast Noise Data, Technical Report E–42, Construction Engineering Research Laboratory, June 1974. Available under AD No. 782–911/2GI from National Technical Information Service (NTIS), Springfield, VA 22151.

Predicting Community Response to Blast Noise, Technical Report E–17, Construction Engineering Research Laboratory, December 1973. Available under AD No. 773–690 from NTIS, Springfield, VA 22151.

HUD Dept. Circular 1390.2, Noise Abatement and Control: Department Policy, Implementation Responsibilities, and Standards.

EPA Document # 550/9–74–004, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (March 1974).

Subpart H—Historic Preservation

GENERAL

§ 650.181 Purpose.

This chapter sets forth guidance and procedures to be used by the Department of the Army in the implementation of Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (36 F.R. 8921, 16 U.S.C. 470), in accordance with:

(a) The Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq),

(b) The Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq),

(c) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq),

(d) The National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq),

(e) The Archeological and Historic Preservation Act of 1974 (88 Stat. 174, 16 U.S.C. 469 et seq).

§ 650.182 Goal and objectives.

The Department of the Army goal is to protect through preservation, restoration or rehabilitation all sites, structures and objects of historical, architectural, archeological or cultural significance located on Army-controlled property. Objectives in attaining this goal are to identify, report and take those actions necessary to protect and preserve those Army-controlled properties (Historic Properties).

§ 650.183 References.

Related publications which should be used in conjunction with this regulation are contained in table 8–1.

§ 650.184 Policy.

The National Historic Preservation Act of 1966 (Pub. L. 89–665) establishes a national policy for historic preservation stating "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and developed in order to give a sense of orientation to the American people." Therefore, it is the policy of the Department of the Army to—

(a) Locate, inventory, evaluate and nominate to the Secretary of the Interior all properties under Army jurisdiction or control that appear to qualify for inclusion in the National Register of Historic Places (National Register).

(b) Administer and maintain historic properties which are under Army control or jurisdiction in a spirit of stewardship and trusteeship for future generations.

(c) Assess all Army-controlled activities to minimize, eliminate or mitigate any adverse impact on historic properties.

(d) Initiate, plan and budget for support of programs necessary to preserve, restore or rehabilitate historic properties.

(e) Coordinate, when applicable, plans, programs, procedures and activities with the Advisory Council on Historic Preservation, the Secretary of Interior, State Historic Preservation Officers, The National Trust For Historic Preservation, the Smithsonian Institution, and other Federal, State, or local historic organizations.

(f) Encourage and assist the Secretary of the Interior, non-Federal public agencies, local historical societies or similarly oriented organizations to administer and maintain historic properties where such activity does not adversely impact on the performance of the Army mission.

§ 650.185 Definitions.

Definitions as used in these procedures are contained in subparagraph 800.3, 36 CFR 800 (appendix).

§ 650.186 Responsibilities.

(a) The Chief of Engineers will exercise primary Army staff responsibility for directing and coordinating a Preservation Program for Army-controlled historic properties. The Chief of Engineers will—

(1) Promulgate policy and regulations on protection and enhancement of the cultural and historic environment which reflect Department of Defense guidance and policy.

(2) Establish and monitor the program to preserve, restore, or rehabilitate all Army-controlled properties of historical, achitectual, archeological or cultural significance.

(3) Monitor surveys to identify all Army-controlled properties of historical, architectural, archeological or cultural significance.

(4) Provide guidance and direction to Army installations on the preparation of nominations to the National Register and reports submitted under section 106 of Pub. L. 89–665 and Executive Order 11593, as implemented in 36 CFR Part 800 (appendix).

(5) Maintain, as part of the Inventory of Real property, a record of all Army-controlled properties listed in the National Register. This record will include a copy of the nomination forms with all attachments for each listing and a record of all reports and memoranda of agreement as required under 36 CFR Part 800 (appendix).

(6) Review and evaluate construction programs and master plans to minimize or eliminate adverse impacts on Army-controlled properties of historical, architectural, archeological, or cultural significance.

(7) Insure that all actions undertaken with this guidance have been coordinated, where applicable, with local historical societies; State Historic Preservation Officers (SHPO); the Secretary of the Interior; the Advisory Council on Historic Preservation; the Smithsonian Institution; and the National Trust for Historic Preservation (appendix).

(8) Issue guidance and provide technical assistance on the development and execution of historic preservation projects.

(9) Process permits to authorize archeological investigations (AR 405–80).

(b) The Chief of Military History will—

(1) Publish by 1976 a comprehensive listing of Army-controlled properties listed in the National Register to include the historic significance, photographs and other factors as deemed appropriate. This publication will be updated with a supplement published every 3 years thereafter.

(2) Provide professional support as requested.

(c) Major Army Commands (MACOMS). Major Army Commanders will develop programs, in accordance with TM 5–801–1, Historic Preservation, which will encompass, at a minimum, the following:

(1) The conduct of initial and triennial surveys thereafter, of installations under their control or jurisdiction to identify all properties of historical, architectural, archeological or cultural significance.

(2) The programing and budgeting of funds for the maintenance through preservation, restoration, or rehabilitation of structures, sites and objects of historical, architectural, archeological or cultural significance.

(3) The retention and use of historic properties which are a functional part of Army installations or are so located that their disposal is impractical.

(4) The nomination to the National Register of all Army-controlled properties which appear to meet the minimum criteria established by the Secretary of the Interior (appendix).

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(5) The coordination of proposed actions having an effect on a registered and/or nominated historic property with the SHPO and the Advisory Council on Historic Preservation as required by 36 CFR Part 800. (§ 650.190 and appendix).

(6) The inclusion, where applicable, of evidence of compliance with 36 CFR Part 800 in each environmental assessment or environmental impact statement (§ 650.190).

(7) The maintaining of a record of each property under their control or jurisdiction which is listed in the National Register including a copy of the nomination forms with all attachments and a record of all reports and memoranda of agreement as required under 36 CFR Part 800.

(8) The protection of archeological sites by insuring that all investigations, excavations and salvage activities are undertaken with the written concurrence of the Secretary of the Interior and the Smithsonian Institution in accordance with AR 405–80.

STANDARDS AND PROCEDURES

§ 650.187 Standards.

The preservation, restoration, rehabilitation and maintenance of historic properties under Army control or jurisdiction will be accomplished in accordance with the standards and procedures established by the Secretary of the Interior and as promulgated by the Chief of Engineers in TM 5–801–1, Historic Preservation.

§ 650.188 Procedures for preparing nominations to the National Register (RCS DOI–1005).

Procedures for preparing nomination forms for Army controlled properties which appear to qualify for listing in the National Register of Historic Places are contained in TM 5–801–1. Completed forms will be forwarded through channels to HQDA (DAEN–MCP–A) WASH DC 20314. RCS DOI–1005 applies.

§ 650.189 Funding of Historic Preservation Activities.

(a) Funding for the requirements for historic properties will be accomplished through regular programing/budgeting channels.

(b) Historic properties in the Army Family Housing inventory will be funded in the Family Housing Management Account. Requirements for historic properties other than family housing will be supported by the appropriation financing all other real property maintenance activities on the installation.

(c) Projects for restoration and/or rehabilitation of historic properties, which include construction-type work in excess of $50,000, will be included in the installation's military construction programs for accomplishment under MCA or FHMA programing procedures as outlined in AR 415–15 and 210–50. Block 25 of DD Form 1391 (Military Construction Project Data) of these projects will contain a statement identifying the project as supporting a historic property listed in the National Register.

(d) Projects for preservation of registered historic places, which include construction-type work not in excess of $50,000, will be identified and processed for approval by the appropriate approving authority, as reflected in AR 415–35 and/or AR 420–10, and will be programed and budgeted in the normal budget cycle. Requirements will be identified to the proper supporting appropriation (FHMA, OMA, OMAR, etc.) in the installation and command budget submissions (RCS CSAB 205 series), and specifically identified as supporting a historic property listed in the National Register (AR 415–15).

§ 650.190 Utilization of historic properties.

(a) Historic properties which are a functional part of Army installations or are so located that their disposal or outleasing is impractical will be preserved and maintained by the installation commander. All efforts will be made to utilize these properties for military purposes in order to justify funds expended under this program. The concept of "adaptive use" (TM 5–801–1) for these properties compatible with their cultural values will be observed, whenever possible. Where this is not possible, a stabilization project will be developed to prevent further deterioration of the property.

(b) In all instances, the planned use of a historic property listed in the National Register will be reviewed with the SHPO and the Advisory Council on Historic Preservation in accordance with 36 CFR Part 800 (§ 650.190 and appendix).

(c) Historic Properties which would be more adequately administered by the Department of the Interior, non-Federal public agencies, local historical societies or similarly oriented organizations should not be retained by the Army. Therefore, when there is no adverse impact on the performance of the Army mission, the installation commander may recommend, in the Analytical Report of the Installation Master Plan, the disposal of a historic property for historic monument purposes in accordance with AR 405–90 and the Federal Property and Administrative Services Act of 1949 as amended, or recommend its outleasing for historic preservation, park and recreation or similar purposes in accordance with AR 405–80. In the latter case, the installation commander's recommendations must include assurances that the grantee has a viable plan for use of the property in a manner compatible with preservation objectives and policies. In such instances, the installation commander will notify the SHPO and the Advisory Council on Historic Preservation and, if appropriate, consummate a "Memorandum of Agreement" that the proposed action will not adversely affect the historical, architectural, archeological or cultural value of the property (§ 650.191).

§ 650.191 Compliance procedures.

(a) The applicable Federal Regulation that contains the review requirements of section 106 of Pub. L. 89–665 and Executive Order 11593 is 36 CFR Part 800, Procedures for the Protection of Historic and Cultural Properties, and is included in its entirety in the appendix.

(b) Any action which may have an effect on a National Register property or an historic place which appears eligible for listing in the National Register must go through two integral but separate review procedures. First, the environmental impact assessment (subpart B of this part) must identify cultural resources potentially affected by the proposed action. Second, where the identification of cultural resources indicates that properties included in the National Register will be affected, evidence of compliance with the review requirements of 36 CFR Part 800 shall be included in the environmental impact assessment and/or EIS Comments by the Advisory Council on Historic Preservation, should be included in the EIA or draft EIS and must be included in the final EIS.

(c) If there is an effect, but it is determined that the action will not have an adverse effect, a description of the proposed action together with the commander's determination of "no adverse effect" will be forwarded to the SHPO for comments. If the SHPO concurs in the findings, then a copy of this correspondence will be forwarded to the Executive Director of the Advisory Council on Historic Preservation (§ 650.191(f)). If there is no reply within 45 days, the action may proceed.

(d) If it appears that there will be an adverse effect, the installation commander will prepare a technical report documenting the identification of cultural resources, the assessment of the impact of the undertaking on those resources, and the feasibility of mitigative measures. All mitigative measures proposed to minimize adverse effects on properties included or eligible for inclusion in the National Register should have the concurrence of the SHPO and the Advisory Council on Historic Preservation and should be documented in a memorandum of agreement signed by all three parties. In most cases, an on-site inspection/consultation by the signees is required as part of the development of the memorandum of agreement. All correspondence regarding the determination of "no adverse effect," (§ 650.191(b)) or in obtaining a memorandum of agreement is to be forwarded to the parties directly involved with information copies to the appropriate major command and HQDA (DAEN–MCZ–E) WASH DC 20314.

(e) If a memorandum of agreement cannot be consummated, the case will be forwarded through Army channels to HQDA (DAEN–MCZ–E) WASH DC 20314, who will in turn forward it to the Advisory Council on Historic Preservation for review and evaluation. Where a memorandum of agreement cannot be obtained or an unfavorable ruling is obtained from the Advisory Council, then an Environmental Impact Statement containing the comments of the Advisory Council must be prepared covering the basic action and the proposed mitigative measures. If it is determined that the Army should proceed with the proposed action and that action will result in the destruction or major alteration of the property, then records of the property, including measured drawings, photographs and written data will be prepared for deposit in the Library of Congress as part of the Historic American Buildings Survey or the Historic American Engineering Records in accordance with the standards promulgated by the Office of Archeology and Historic Preservation, Department of the Interior, Wash DC 20240. (TM 5–801–1 explains the standards and § 650.192 discusses archeology).

(f) Advice on matters relating to implementing 36 CFR Part 800 may be obtained from the Advisory Council on Historic Preservation as indicated below:

(1) Eastern Area: Executitve Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW, Washington, DC 20005, Telephone: (202) 254–3974.

(2) Western Area: Director, Western Office, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225, Telephone: (303) 234–4946.

§ 650.192 Archeological sites.

(a) The Secretary of the Army, under the authority of 16 U.S.C. 432, may issue archeological permits on Army-controlled installations after referral of the permit application to the Smithsonian Institution for his recommendations (AR 405–80).

(b) All Army-controlled property will be surveyed to identify and locate archeological sites. Due to the magnitude of such surveys, installation commanders will establish coordination with the appropriate field offices of the National Park Service, SHPO and/or EO 11593 consultant, to review current Army plans, programs and activities which may lead to the destruction of an archeological site and to develop survey schedules for affected areas. Since Army activities may necessarily lead to destruction of archeological sites, the survey must include value judgments assessing the relative significance of the surveyed sites so that destruction of the more significant archeological sites may be avoided.

(c) The National Park Service may not be able to provide timely surveys of archeological resources necessary for preparation of legally sufficient environmental statements on Army activities. In these cases, the installation commander is authorized to contract with outside experts for the survey of archeological sites after receipt of a written turndown by the National Park Service, except as limited in paragraph (c)(2) of this section. Copies of all such surveys should be furnished appropriate field officials of the National Park Service.

(1) While such inventories would generally be confined to a literature search and a reconnaissance of the affected area, there may be occasions when testing of archeological sites will be necessary in order to establish the need for the National Park Service to budget full-scale archeological survey programs at a later date.

(2) In any instance where estimated contract cost of such work exceeds $25,000, the matter must be referred to HQDA (DAEN–MCZ–E) WASH DC 20314 prior to consummation of a contract.

(d) A copy of the program requirements for archeological investigations and salvage activities as jointly determined by the installation commander and the National Park Service will be provided HQDA (DAEN–MCZ–E) WASH DC 20314, in order to assist in overall program coordination between DAEN–MCZ–E and the Office of Archeology and Historic Preservation, Department of the Interior.

(e) Salvage activities. (1) Procedures for authorizing archeological salvage activities on Army-controlled property are contained in AR 405–80.

(2) Installation commanders are responsible for instituting security measures for the protection of an archeological site during salvage operations. Assistance in salvage operations may be made when determined to be within the capability of the installation.

(3) Permits for archeological investigations and salvage activities will identify a museum responsible for preserving artifacts found as a result of the investigation. Therefore, where appropriate, permits for archeological investigations on Army-controlled property will designate the post museum as the recipient of all specimens. If the post museum is not appropriate, the Commander, US Army Center of Military History will determine which museum will be designated.

(f) In the event that a suspected archeological site is encountered during construction or some other form of activity, operations in the area will be suspended until the Secretary of the Interior is consulted and the site is investigated by a professional archeologist approved by the Secretary of the Interior. All construction contracting procedures, both through direct contracting or by the District Engineer, will be amended to require the provision to obtain expert archeological analysis as required. Installation commanders and District Engineers are authorized to expend funds appropriated for Army activities for the survey and salvage of scientific, historic, archeological and paleontological resources which are being or may be irreparably lost or damaged as a result of those Army activities. Such expenditures may not exceed one percent of the project amount.

§ 650.193 National Historic Landmarks.

(a) The National Park Service regularly surveys historic properties under the National Historic Landmark Program. Designation of a National Historic Landmark automatically places the property in the National Register of Historic Places.

(b) Notification from the Department of the Interior that Army-controlled property has been designated as a National Historical Landmark will be forwarded through channels to HQDA (DAEN–MCZ–E) Wash, DC 20314. Also, subsequent correspondence regarding the landmark such as plaque application, notifications of annual visits and other related matters will be forwarded to the Department of the Interior with information copies to HQDA (DAEN–MCZ–E) Wash, D.C. 20314.

TABLE 8–1.—RELATED PUBLICATIONS

The National Register of Historic Places—1972. USDI (Available from the Superintendent of Documents, US Government Printing Office, Washington, DC 20402. Price $7.80 domestic postpaid, or $7.25 GPO Bookstore. Stock No. 2405–0294).

The National Register of Historic Places—Supplement—1974. USDI (Available from Superintendent of Documents, US Government Printing Office, Washington, DC 20402. Price $9.45. Stock No. 2405–00542).

AR 210–20	Master Planning for Permanent Army Installations.
AR 405–80	Granting Use of Real Estate.
AR 405–90	Disposal of Real Estate.
AR 415–15	MCA Program Development.
AR 415–35	Minor Construction.
AR 420–10	General Provisions, Organization, Function and Personnel.
AR 420–70	Buildings and Structures.
AR 870–5	Military History: Responsibilities, Policies and Procedures.

Subpart I—Oil and Hazardous Substances Spill Control and Contingency Plans

GENERAL

§ 650.201 Purpose.

This chapter sets forth the procedures for the control of discharges of oil and hazardous substances under the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 and as promulgated by US Environmental Protection Agency and US Coast Guard Regulations. Further guidance on hazardous and toxic materials management appears in subpart F of this part.

§ 650.202 Goal and objectives.

The Department of the Army goal, in support of national policy, is to prevent the discharge of oil and hazardous substances and to provide for the prompt, coordinated responses to contain and clean up spills should they occur. Objectives for attaining this goal are to—

(a) Transport, store, handle, and dispose of oil, fuels, lubricant products, and hazardous liquid substances in a safe and environmentally acceptable manner.

(b) Institute a responsive alert procedure in the event of a spill and be prepared to rapidly respond in the containment and cleanup of a spill.

(c) Plan for and cooperate with other Federal, State, interstate and local Government agencies to insure that the public health and welfare are provided adequate protection from discharge of oils and other hazardous liquid substances.

§ 650.203 Explanation of terms.

For the purpose of this regulation and AR 500–60, the following apply—

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(a) *Advisory agencies.* Departments or agencies which can make major contributions during response activities for certain types of discharges. These agencies are: the Nuclear Regulatory Commission; Department of Health, Education and Welfare; Department of Justice; Federal Disaster Assistance Administration; and Department of State.

(b) *Coastal waters.* Generally, those US waters nagivable by deep draft vessels, the continguous zone, the high seas, and other waters subject to tidal influence.

(c) *Contiguous zone.* The entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(d) *Discharge.* Includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping that poses a threat to public health or welfare. For the purpose of the Spill Prevention Control and Countermeasure Plan (SPCC Plan) and the Installation Spill Contingency Plan (ISCP), the term discharge shall not include any discharge of oil which is authorized by a permit issued by a Federal or State authority: i.e., issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.).

(e) *Discharge classifications.* The following classifications are provided for guidance and serve as criteria for reporting and general response actions. They are not meant to imply or connote associated degree of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern will be classed as a major discharge, notwithstanding the following quantitative measures.

(1) *Minor discharge.* A discharge to the inland waters of less than 1000 gallons of oil, or a discharge of less than 10,000 gallons of oil to the coastal waters.

(2) *Medium discharge.* A discharge of 1,000 to 10,000 gallons of oil to the inland waters, or a discharge of 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance in a harmful quantity as defined in EPA or Army regulations.

(3) *Major discharge.* A discharge of more than 10,000 gallons of oil to the inland waters, or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(f) *Hazardous substance.* An element or compound, or mixture, (other than oil) which, when discharged in any quantity onto land or into or upon navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shorelines, and beaches; e.g., hazardous substances include strong acids, strong bases, potentially toxic pesticides, or other bulk-stored chemicals used in manufacturing processes and maintenance or repair operations.

(g) *Inland waters.* Generally, those waters upstream from coastal waters.

(h) Installation On-Scene Coordinator (IOSC). The official predesignated by the Army Installation Commander to coordinate and direct Army control and cleanup efforts at the scene of an oil or hazardous substance discharge on or adjacent to an Army installation.

(i) *Installation Response Team (IRT).* Those collective individuals on an installation designated to act in an emergency to perform those functions directed by the IOSC.

(j) *National Response Center (NRC).* The Washington, D.C., headquarters for coordinating activities relative to pollution emergencies. It is located at Headquarters, USCG.

(k) *National Response Team (NRT).* A team of representatives from the Primary and Advisory Agencies which serves as the national body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency.

(l) *Navigable waters of the United States.* "Navigable waters" as defined in section 502(7) of the FWPCA amendments of 1972 (Pub. L. 92–500) and—

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 amendments to the FWPCA (33 U.S.C. 1251 et seq.), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

(m) *Nontransportation-related onshore and offshore facilities.* Includes, but is not limited to, oil storage facilities and related equipment and appurtenances, as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps, and drainage systems used in the storage of oil. These facilities include—

(1) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(2) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(3) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(4) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(n) *Offshore facility.* Any facility located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(o) *Oil.* Oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, and oil mixed with wastes other than dredged spoil. The terms "oil" and "POL" are used interchangeably in this regulation.

(p) *On-Scene Coordinator (OSC).* The Federal official predesignated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts in approved regional contingency plans at the scene of an oil or hazardous substance discharge.

(q) *Onshore facility.* Any facility located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(r) *Potential discharge.* Any incident or circumstance which threatens to result in the discharge of oil or a hazardous substance.

(s) *Primary agencies.* Federal Departments or agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of the National Oil and Hazardous Substances Pollution Contingency Plan. These agencies are the Departments of Commerce, Interior, Transportation, Defense, and the Environmental Protection Agency (EPA).

(t) *Public health or welfare.* All factors affecting the health and welfare of man. They include but are not limited to, human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(u) *Regional Administrator* of the EPA, or his designee, in and for the region in which the facility is located.

(v) *Regional Response Center (RRC).* The Federal regional site for the control of pollution emergency response activities. It provides communications, information storage, and necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

(w) *Regional Response Team (RRT).* A team of regional Federal representatives of the Primary or selected Advisory Agencies, which acts within its region as an emergency response team performing functions similar to those of the NRT.

(x) *Spill event.* A discharge of oil or hazardous substance on land or into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities. For oil, a harmful quantity is that oil in excess of established State water quality standards; or that which causes a film, sheen, or discoloration on the surface of the water or adjoining shorelines; or quantities in excess of 1000 U.S. gallons on land. For other hazardous substances, quantity guidelines will be published by DAEN–ZCE when information is developed by EPA.

(y) *Toxic pollutant.* Those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(z) *Vessel.* Every type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

§ 650.204 Policies.

(a) A capability will be established and maintained to respond in emergency situations to promptly contain and clean up accidental DA-caused oil discharges and spills of hazardous and toxic substances that occur at or near Army installations and activities.

(b) Assistance will be provided to contain and clean up non-DA-caused spills under the provisions of the National Oil and Hazardous Substances Polution Contingency Plan consistent with operational commitments.

(c) All materials (including oils, fuels, petroleum products, and other hazardous chemicals) will be handled, used, and stored to avoid or minimize the possibility of an accidental spill and potential pollution of land, air, and water.

(d) Storage facilities for oil and other hazardous substances (at date described herein) will be designed to incorporate such safeguards as dikes, catchment areas, and relief vessels to contain the flow of oil and hazardous liquids and to minimize the contamination of land and water resources.

(e) DA agencies will cooperate with the Council on Environmental Quality, Department of Interior, Department of Transportation, the Environmental Protection Agency, and the Department of Commerce in the planning and execution of activities to minimize the possibility of discharges or mitigating the effects of spills, wherever they occur.

(f) Contracts for disposal of oil or other wastes will contain provisions that require the disposal method to be in accordance with Federal, State, and/or local regulations and standards.

(g) Each installation or activity with the capability of storing, dispensing or discharging oils, oil products, and bulk quantities of liquid toxic and hazardous substances will prepare, maintain and implement a current SPCC Plan and an ISCP as specified herein. (The requirements for a spill prevention plan and a spill contingency plan may be satisfied by one plan with two distinctive sections—SPCC and ISCP).

§ 650.205 Implementing guidelines.

(a) The willful discharge of oil, petroleum products or hazardous and toxic substances from installations, vehicles, aircraft, and watercraft onto land or into waters is prohibited except in cases of extreme emergency and if considered essential for the protection of human life. Every reasonable precaution, therefore, will be taken to prevent the accidental discharge of oil or petroleum products on land or water or their vapors to the air.

(b) Oil-water separators will be installed and maintained to reduce the oil content of oil-water wastes produced from vehicle and equipment washracks, industrial processes, steam cleaning operations, etc., to levels specified by Federal, State or local standards.

(c) The discharge of ballast water from vessels will be strictly controlled either by the use of ship-board or on-land oil-water separators capable of processing accumulated waste waters. Oil and fuel contaminated wastes produced during the cleaning of fuel storage tanks and combustion engine components will also be collected and treated for oil removal prior to discharge.

(d) Waste oil produced on Army installations will be collected, segregated, and protected to avoid contamination. Where cost effective, waste oil will be used as a fuel additive in large oil burning heating plants. Waste oil will not be used as a dust palliative on roads or other surfaces. If the generating installation does not have the capability to use the waste oil, it will be offered to other installations that are located within cost-effective transportation distances. If the oil cannot be cost-effectively used, it will be reported to a Defense Property Disposal Office in the area for disposal.

(e) Waste water discharges will be monitored for oil content and other toxic and hazardous substances in accordance with the provisions of the permits issued under the National Pollutant Discharge Elimination System (NPDES).

(f) DA will provide representatives to the RRT located in each of the Standard Federal Regions (figure 9–1) in accordance with § 650.206. The number of representatives may vary, depending upon the requirements in that Federal regional area and with details specified in each regional contingency plan.

(g) The RRT will be activated automatically if a major or potentially major discharge occurs. In any other pollution emergency, the RRT may also be activated upon an oral request by any Primary Agency representative to the Chairman of the RRT. Such requests for team activation shall be confirmed in writing.

(h) During a major pollution discharge involving activation of the RRT, the IOSC may be directed and controlled by the EPA or USCG OSC.

(i) In the event an installation commander provides assistance on non-DA caused spills (those not covered by EPA, USCG or the National Plan) a civil support release and/or reimbursement agreement should be obtained similar to appendix A, AR 75–15. Paragraph 216011, AR 55–355, Assistance to Carriers, also provides guidance.

§ 650.206 Responsibilities.

(a) Department of the Army Staff.

(1) The Chief of Engineers will—(i) Promulgate basic policies and procedures for Department of the Army implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (National Plan) for Army-caused discharges and for the preparation and implementation of SPCC and ISCP plans.

(ii) Provide technical direction, design guidance, and engineering procedures to military installations on implementation of SPCC and ISCP plans.

(iii) Provide primary and alternate members (for Civil Works) to the RRT in each of the Standard Federal Regions as required. Nominations will be provided directly to the Chairman of the RRT.

(2) Deputy Chief of Staff for Operations and Plans will exercise Army Staff supervision of DA support to the EPA and USCG in the cleanup of pollution discharges caused by other than Army agencies under the National Oil and Hazardous Substances Pollution Contingency Plan.

(3) The Inspector General and Auditor General, (Army Director of Safety) will provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(4) The Surgeon General will provide assistance and guidance on the health and environmental aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(b) Major Army commanders will—(1) Promulgate instructions for early preparation and periodic review of the ISCP for prompt identification, reporting, containment, and cleanup of accidental oil discharges and spills of hazardous and toxic substances at or near Army installations.

(2) Initiate a program for an initial survey and periodic evaluation of oil storage transfer and handling facilities for the purpose of developing an SPCC Plan for each installation.

(3) Program and budget for personnel, materials and equipment required for oil and hazardous substances spill prevention, containment and cleanup activities of DA-caused spills at Army installations.

(c) Commanding General, FORSCOM will—(1) Upon oral request, confirmed in writing by the EPA or USCG, provide personnel and resources support in accordance with the provisions of AR 500–60 during activation of the NRT and/or RRT and implementation of the National Oil and Hazardous Substances Pollution Contingency Plan. Such support is to be on a reimbursable basis.

(2) Provide primary and alternate representatives (for military matters) to the RRT for each Standard Federal Region as required. Nominations will be provided directly to the Chairman of the RRT.

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(d) Installation and activity commanders will—(1) Establish SPCC Plans and ISCPs and procedures to prevent spills and to insure prompt reporting, containment, and cleanup of accidental discharges of oil and hazardous substances that occur at Army installations and nearby activities.

(2) Perform periodic surveys or inspections to verify compliance with the provisions of this regulation and to periodically test the effectiveness of SPCC Plans and ISCPs.

(3) Insure that all fuels, oils and hazardous materials (such as acids, bases, organic solvents, and other toxic chemicals) are used, stored and handled to avoid or minimize the possibilities of environmental pollution.

(4) Provide engineering safeguards (such as dikes, catchment areas, relief vessels) necessary to prevent pollution of navigable waters by accidental discharge of stored fuels, solvents, oils, and other chemicals.

(5) Identify in their ISCP (§ 650.214) other possible DA resources that could be made available to the RRT if DA agencies are requested to assist in the containment and/or cleanup of a non-DA caused spill in accordance with AR 500–60.

(6) When directed by CG, FORSCOM, provide available resources to support the OSC during implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (AR 500–60).

(7) Inform the installation information officer and next higher information office about the anticipated news media coverage and local public reaction to an accidental discharge of oil or hazardous substances.

(8) Program and budget for personnel, materials, and equipment required for oil and hazardous substances spill prevention, containment and cleanup of DA-caused spills.

(9) Determine, for DA-caused off-post spills in the immediate vicinity of the installation, if his military organization is within the most reasonable distance of the pollution discharge and if he has the resource capability to respond to the discharge incident. If he does not respond to the containment and cleanup of the spill, the installation commander will insure that the RRT and appropriate DOD agencies are notified for necessary action.

(10) Insure that all reportable spills of oil and hazardous substances are reported through channels to DAEN–FEU and to EPA, USCG or other civil authorities (§§ 650.215–650.218).

§ 650.207 References.

See table 9–1 for related publications to be used in conjunction with this subpart.

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

§ 650.208 General.

Regulations have been issued by the US Environmental Protection Agency (EPA), as required by the Federal Water Pollution Control Act (FWPCA) amendments of 1972, to prevent discharges of oil into the navigable waters of the United States and to contain these discharges if they do occur. These regulations require installations having certain nontransportation-related onshore and offshore oil storage facilities (as described below) to prepare, maintain, and implement a Spill Prevention Control and Countermeasure Plan (SPCC Plan) to prevent and control the discharge of oil and hazardous substances before they occur.

(a) The SPCC Plan will identify potential sources of oil and hazardous substances and the measures required to prevent and contain any accidental discharge resulting from equipment or storage facility failure. The SPCC Plan is directed by Title 40 CFR Part 112, copies of which are available from the EPA, Washington, DC 20242 or from any EPA regional office.

(b) Army installations will prepare and implement a current SPCC Plan when their oil or hazardous substance storage facilities meet any one of the following:

(1) Aggregate above-ground oil storage, at any one location on the installation, is greater than 1320 gallons.

(2) Any single tank above-ground oil storage, at any one location on the installation, is greater than 660 gallons.

(3) Total underground oil storage, at any one location on the installation, is greater than 42,000 gallons.

(4) Single bulk storage of hazardous liquid substances (acids, chemical solvents, etc.) is greater than 500 gallons. The 500 gallon limit represents that total combined quantity of hazardous liquid substance at a single storage location on an installation.

(5) Nontransportation-related onshore and offshore facilities which, because of their location or operations, could reasonably be expected to discharge oil or hazardous material in harmful quantities into or upon the navigable waters of the United States.

(c) For purposes of an SPCC Plan, the oil storage facilities will include, but not be limited to, storage for a facility such as a heating or boiler plant, electric generating unit, fuel dispensing or transfer facility, tank car or truck loading/unloading rack, bulk fuel storage, etc. An above-ground or underground oil storage facility may be a single tank or grouping of tanks in a localized area on an installation.

§ 650.209 Preparation and implementation of plan.

(a) An SPCC Plan will be prepared expeditiously by each installation having oil or hazardous substances storage facilities as required in § 650.208(b), and each plan will be periodically reviewed and updated as necessary.

(b) Completed plans will be fully implemented (including required construction and installation of equipment and/or training of personnel) as soon as possible after January 10, 1975. Newly activated installations will prepare an SPCC Plan within 6 months after the date they begin operation and will fully implement it not later than 1 year after operations begin.

(c) An extension of time for the preparation and full implementation of an SPCC Plan beyond the times specified may be obtained from the EPA Regional Administrator. A copy of any request for an extension will be furnished through command channels to HQDA (DAEN–ZCE) Wash., DC 20310.

§ 650.210 Review and evaluation.

Each SPCC Plan will be—(a) Reviewed by a registered Professional Engineer (PE) and certified to have been prepared in accordance with good engineering practices, after on-site examination of the facility, and after familiarity with Title 40 CFR Part 112. This certification may be accomplished by a PE at the next higher command if no PE is available at the installation.

(b) Maintained current. Changes will be reviewed by a registered professional engineer and will be made available for on-site review by the EPA regional administrator at the office of the facilities engineer.

(c) Reviewed and evaluated at least once every 3 years. If the review shows that more effective prevention and control technology will significantly reduce the likelihood of a spill event and if the technology has been field-proven and can be procured and installed at the time of the review, the DA component will amend the SPCC Plan to include the more effective technology and have it certified by a registered professional engineer. Technological improvements should be included in Operation and Maintenance, Army or Major Construction, Army budgets as appropriate.

(d) Reviewed and amended in accordance with § 650.216, as required by the EPA Regional Administrator, whenever a facility has discharged more than 1,000 US gallons of oil into the navigable waters in a single spill event or when there have been two spill events within any 12-month period.

§ 650.211 Minimum plan requirements.

As a minimum, the SPCC Plan will contain—(a) A detailed description of the equipment and measures specified for oil spill prevention, control, and countermeasure, including structures and equipment for diversion and containment of discharges, facility drainage, and identification of resources to cleanup spills. Measures adopted should permit as far as practical reclamation of spilled substance. Many prevention and control requirements are similar to safety requirements for the design and operation of oil tanks, pipelines and pumping facilities.

(b) A description of each nontransportation-related spill event that has occurred at that facility within the past 12 months with corrective actions taken, and plans for preventing recurrence.

(c) An inventory list of storage, handling, and transfer facilities for which there is a reasonable possibility of a significant discharge of oil or other hazardous polluting substances. For each listing, where experience indicates a reasonable potential for equipment failure (e.g., tank overflow, rupture, or leakage), include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged as a result of a major type of failure.

(d) A graphic description showing all containment and/or diversionary structures or equipment required to prevent discharged oil from reaching a navigable water course. Included among the various preventive measures that can be employed are: Impervious berm and dike; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; and retention ponds. If it is not practicable to install structures, sorbent materials such as straw or commercial products can be used for containment or cleanup of spills at locations specified in the plan.

(e) When it is determined that the installation of the preventative structures or equipment listed § 650.211(d) is not practicable, the installation commander will demonstrate fully such impracticability and include the written provisions of the Installation Spill Contingency Plan (ISCP) in this section of the SPCC Plan.

§ 650.212 Detailed guidance.

In addition to the minimum prevention measures (§ 650.211), sections of the SPCC Plan will include a written analysis and complete discussion of conformance with applicable guidelines on other effective spill prevention and containment procedures. The guidelines are described in Title 40 CFR Part 112.7(e) and cover the following areas:

(a) Onshore facility diked storage drainage areas including valve restraints.

(b) Onshore bulk storage tank and dike construction material, liquid alarm systems and sensing devices.

(c) Facility transfer operations criteria for piping, valves, and inspection requirements.

(d) Facility tank car and tank truck loading/unloading rack, barriers, and warning requirements.

(e) Inspections and records procedures.

(f) Security fencing, pump control, pipeline connections and lighting systems devices.

(g) Personnel, training, and spill prevention procedures.

INSTALLATION SPILL CONTINGENCY PLAN

§ 650.213 General.

A National Oil and Hazardous Substances Pollution Contingency Plan was developed in accordance with the provisions of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 (33 U.S.C. 1151 et. seq.) and requires Federal agencies to develop a plan to cleanup discharges of oil and hazardous substances for which they are responsible. Commanders will maintain an Installation Spill Contingency Plan (ISCP) to identify resources to be used to cleanup discharges on Army installations and will be prepared to provide assistance to non-DA agencies when requested. (AR 500–60 provides policy and guidance for the DA response to the National Oil and Hazardous Substance Pollution Contingency Plan to assist EPA and the U.S. Coast Guard (USCG) in spills caused by other than DA agencies).

(a) The ISCP will establish the responsibilities, duties, procedures, and resources to be employed, to contain and cleanup accidental discharges.

(b) All Army installations will maintain a current ISCP which will be reviewed and evaluated at least once every 3 years.

(c) The resources identified for possible use by a RRT in support of the National Oil and Hazardous Substances Pollution Contingency Plan are to be specifically identified as an element of the ISCP.

(d) The ISCP will be simulated at least annually by the installation commander in coordination with the responsible officers of the SPCC Plan in order to insure timely and effective personnel and equipment response in the event of an accidental discharge.

§ 650.214 Minimum plan requirements.

As a minimum the ISCP will contain—(a) The name, responsibilities and duties of the installation on-scene coordinator (IOSC). The IOSC is the official predesignated by the Installation Commander to coordinate and direct Army control and cleanup efforts at the scene of an Army caused oil or hazardous substance discharge on or adjacent to an Army installation.

(b) The specification, composition, and training plans of the installation response team (IRT) which acts as an emergency response team performing response functions as defined and directed by the IOSC. A preplanned location for an installation response operations center.

(c) IRT alert and mobilization procedures including provisions for access to a reliable communications system for timely notification of an oil or hazardous substance discharge.

(d) A current list of positions, telephone numbers, and addresses (e.g. names of key contact people in an ISCP appendix) of the responsible persons and alternates on call to receive notification of an oil or hazardous substance discharge as well as the names, telephone numbers and addresses of key organizations and agencies to be notified when a discharge is discovered.

(e) Surveillance procedures for the early detection of oil and hazardous substances discharges.

(f) Quantities and locations of manpower, equipment, vehicles, supplies, and material resources required to expeditiously contain, recover, and remove any maximum harmful quantity of oil or hazardous substance discharged by Army activities on post or at nearby Army operations. Plans will identify specific action for various size potential spills, (identified in the SPCC Plan inventory list (§ 650.211(c))), and will identify a priority list in which various critical water uses are to protected as a result of a discharge.

(g) Sources of additional resources that are available to an installation for the cleanup or reclamation of a large DA-caused spill, if such a pollution spill exceeds the response capability of the installation (e.g., resources such as U.S. Coast Guard, Air Force, Navy or private contractors). An established, prearranged procedure for requesting assistance, and agreements for acquisition of resources, during a major disaster or response exceeding situation.

(h) Procedures and techniques to be employed in identifying, containing, dispersing, reclaiming and removing oil and hazardous substances used in bulk quantity on an installation. Identification of chemicals (whose technical product data has been provided to and accepted by EPA) that may be used to concentrate, neutralize, collect, disperse and remove oil or hazardous substances discharges. Pollution control actions taken will be in accordance with applicable Federal, State, or local standards, EPA guidelines, and the current National Oil and Hazardous Substances Pollution Contingency Plan.

(i) Reporting procedures as required by §§ 650.215 and 650.216 in the event of an oil or hazardous substance discharge by Army activities.

(j) Army resources useful to the RRT in the event Army agencies are tasked to aid in the cleanup of a non-Army caused spill. Specific procedures to facilitate recovery of costs encountered during cleanup of non-Army spills are given in AR 500–60.

REPORTS OF ARMY ACCIDENTAL OIL AND HAZARDOUS SUBSTANCE DISCHARGES

§ 650.215 General.

All personnel assigned or employed by the Department of the Army will promptly report any observed oil spill, significant discharges of hazardous and toxic substances, or evidence of a spill by discovery of a slick or sheen on water from oil, gasoline, jet fuel, or other hazardous polluting substance. Spill events will be reported immediately by telephonic means to the USCG Local Unit, District Office or National Response Center (800) 424–8802. On-post spill events (§ 650.203) not entering navigable waters are to be reported in accordance with local procedures and off-post incidents should be reported to the nearest or appropriate political jurisdiction and to the RRT at the RRC.

§ 650.216 Pollution Incident Report (RCS EPA 1001).

(a) Medium and major spills (§ 650.203) and any discharge of more than 1,000 U.S. gallons of oil or a spill of more than 500 U.S. gallons of other hazardous liquid substance into navigable waters on or adjacent to an Army installation in the United States will be promptly reported by the IOSC by telephonic means to (800) 424–8802, or to the nearest USCG District Office, to the EPA Regional Office, and electronically through

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channels to HQDA (DAEN–ZCE), Wash., D.C. 20310. (See figures 9–1 and 9–2 for Regions and Districts).

(1) When it has been determined by the OSC that a spill of a hazardous substance (less than 500 gallons) is in a harmful quantity or that the discharge poses a substantial threat to the public health or welfare, it will be classed as a medium or major discharge and a Pollution Incident Report will be submitted.

(2) The format for the Pollution Incident Report is given in table 9–2.

(3) Telephonic or electronic reports will be confirmed by a follow-up written message within 60 days after the spill to the EPA Regional Administrator, the NRT or RRT, as appropriate, and to DAEN–ZCE.

(b) When more than 1,000 U.S. gallons of oil (medium and major spills) or more than 500 U.S. gallons of a hazardous liquid substance (or any major discharge of a hazardous substance) have been discharged into or upon a navigable water in a single spill or when two spill events occur within any 12-month period, this written follow-up report will contain (in addition to the items in table 9–2) the following:

(1) Description of facility from which spill originated; (including maps, flow diagrams, and topographic maps) date facility was put into operation; storage or handling capacity; and normal daily/weekly through-put.

(2) Cause of spill, including a failure analysis of system or subsystem in which the failure occurred. Describe unique problems encountered.

(3) Post spill corrective actions, including resources committed, attempts to reclaim spilled substance and/or countermeasures taken. Include a description of equipment repairs and/or replacements.

(4) Effectiveness of response and removal actions by the discharger, State and local forces, or Federal Agencies and Special Forces.

(5) Additional preventive measures taken or contemplated to minimize the possibility of a recurrence and recommendations to improve response actions and chances for reclaiming if a similar spill should occur.

(6) A complete copy of the SPCC Plan with any amendments.

(c) Based on the above spill report information, the EPA Regional Administrator may require amendments to the SPCC Plan and will notify the commander concerned by certified mail. A copy of such report will also be submitted to the state water pollution control authority.

(d) Upon discovery of a spill in which the pollutant may flow past the boundary of the installation, or a spill into navigable waters, or a spill from a vessel, the IOSC will notify the installation Judge Advocate's office to insure that information, records, and samples adequate for legal purposes are obtained and safeguarded for future use.

§ 650.217 Reports on DA support provided to control non-DA spills.

Reports on the commitment of Army resources to spills, either requested by EPA or USCG, or by authority of the installation commander, in response to the provisions of the National Oil and Hazardous Substance Pollution Contingency Plan will be provided to Director of Military Support HQDA (DAMO–MS) WASH DC 20310, in accordance with the provisions of AR 500–60.

§ 650.218 Exclusions.

(a) Policies and procedures applicable to nuclear accidents and incidents as outlined in AR 360–5, AR 50–21, and AR 40–13 are not affected by this regulation.

(b) Policies and procedures applicable to chemical agent accidents and incidents as outlined in AR 50–21 and AR 385–40 are not affected by this regulation.

TABLE 9–1—RELATED PUBLICATIONS

Council on Environmental Quality—National Oil and Hazardous Substances Pollution Contingency Plan (40 FR 28, p. 6282, February 10, 1975).

EPA—Oil Pollution Prevention, Non-Transportation-Related Onshore and Offshore Facilities (38 FR 237, p. 34164, December 11, 1973).

The Federal Water Pollution Control Act Amendments of 1972 (Title 33 U.S.C. 1251 et seq.).

River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407).

Executive Order 11752, Prevention, Control and Abatement of Environmental Pollution at Federal Facilities (38 FR 243, p. 34793).

Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052).

Department of Transportation—Discharge of Oil (Title 40 U.S.C. Part 110).

Pollution Prevention, Vessel and Oil Transfer Facilities, CFR Title 33, Chapter 1, Subchapter O, US Coast Guard.

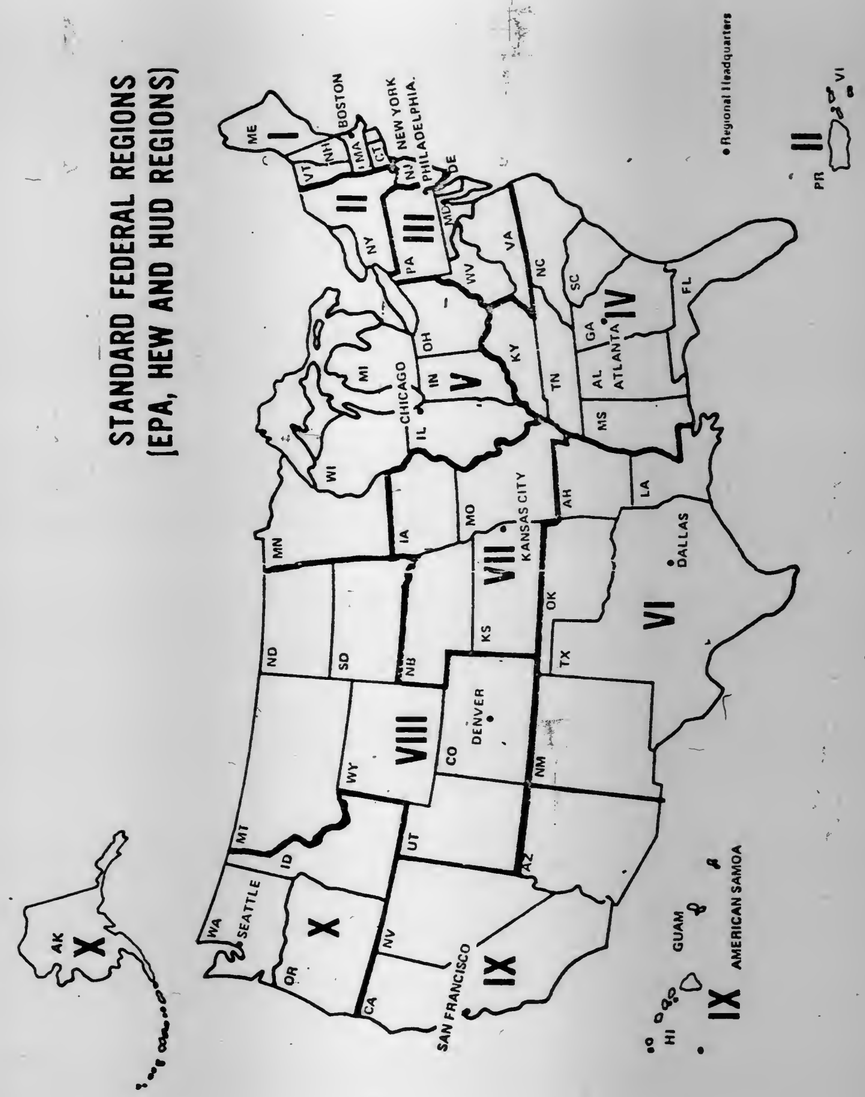
AR 40–13 Radiological Emergency Medical Teams (REMT).
AR 50–21 Chemical Accident and Incident Control (CAIC).
AR 55–355 Military Traffic Management Regulation.
AR 56–9 Watercraft.
AR 75–15 Responsibilities and Procedures for Explosive Ordnance Disposal.
AR 385–10 Army Safety Program.
AR 385–40 Accident Reporting and Records.
AR 500–60 Disaster Relief.
TB 55–1900–206–14 Control and Abatement of Pollution by Army Watercraft.

TABLE 9–2—FORMAT FOR POLLUTION INCIDENT REPORT (RCS EPA–1001)

Item	*Data*
1	Name and location of installation.
2	Commander of installation and his phone number.
3	Date and time (GMT) of incident or time of discovery.
4	Severity of incident. Specify size of oil discharge (major, medium, minor).
5	Location of incident and specific areas affected by spill.
6	Cause and source of incident.
7	Type and estimated amount (barrels, gallons, liters, pounds) of pollutant. If applicable, length by width of slick.
8	Samples taken (yes or no)
9	Damage impact on surroundings (fish, wildlife, and underground waters, e.g. drinking water).
10	Potential dangers (fire, explosion, toxic vapor, etc.).
11	Corrective action to eliminate pollution source.
12	Corrective action to remove pollutant.
13	Assistance required.
14	Estimated completion date of remedial actions.
15	Anticipated or actual reaction by news media and public to the incident.
16	Other items required in the regional contingency plan and a general discussion of the incident.

Figure 9-1

STANDARD FEDERAL REGIONS
(EPA, HEW AND HUD REGIONS)



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Figure 9-2

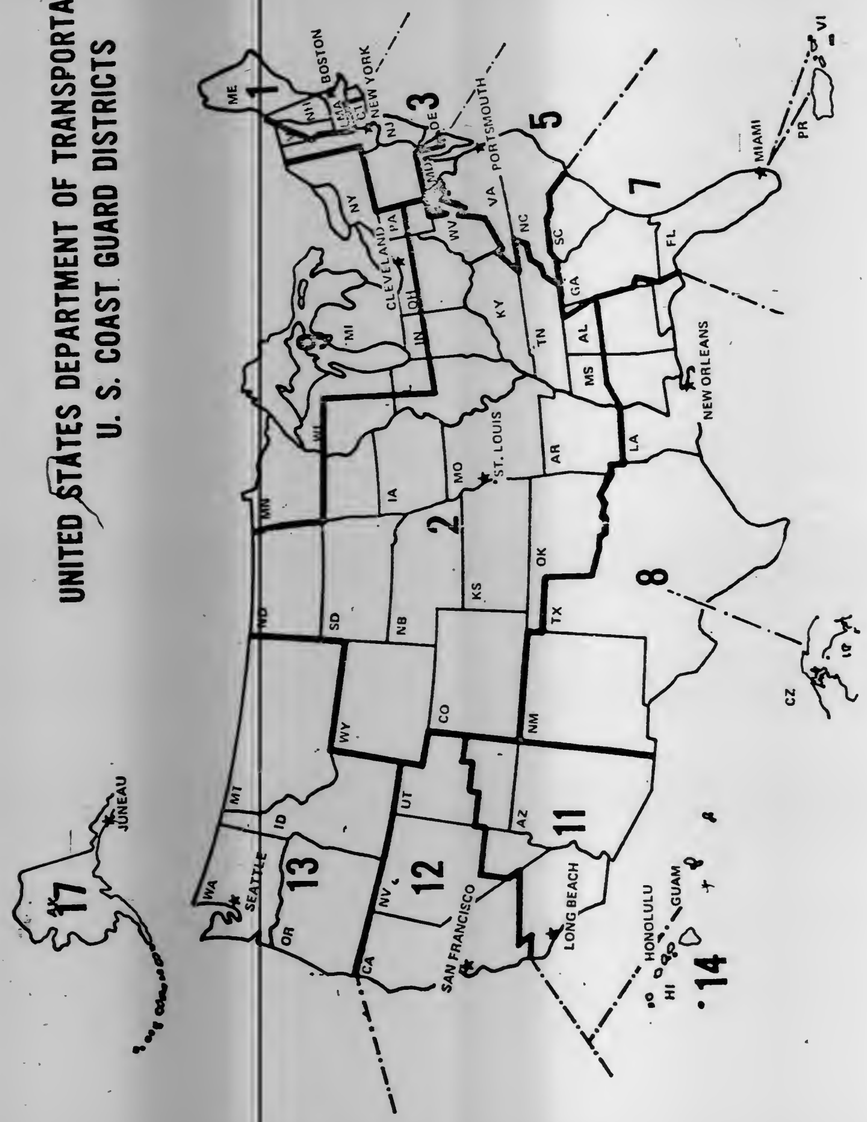


TABLE 9-3—ENVIRONMENTAL PROTECTION AGENCY

REGIONAL OFFICES

Environmental Protection Agency, Region I, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203, Tel: (617) 223-7265.

Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, NY 10007, Tel: (201) 548-8730.

Environmental Protection Agency, Region III, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106, Tel: (215) 597-9898.

Environmental Protection Agency, Region IV, 1421 Peachtree St., NE., Atlanta, Ga. 30309, Tel: (404) 526-5062.

Environmental Protection Agency, Region V, Federal Building, 230 South Dearborn Street, Chicago, ILL 60604, Tel: (312) 896-7591.

Environmental Protection Agency, Region VI, Suite 1800, 1600 Patterson St., Dallas, TX 75201, Tel: (214) 749-3840.

Environmental Protection Agency, Region VII, 1735 Baltimore Ave., Kansas City, MO 64108, Tel: (816) 374-3778.

Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, CO 80203, Tel: (303) 837-3880.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111, Tel: (415) 556-6254.

Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101, Tel: (206) 442-4343.

Telephone numbers are 24 hour working numbers either through automatic switching or provision of answering services.

TABLE 9-4—DEPARTMENT OF TRANSPORTATION

US COAST GUARD DISTRICTS

1st Coast Guard District (I), 150 Causeway Street, Boston, MA 02114, Duty Officer: (617) 223-6650.

2nd Coast Guard District, Federal Building, 1520 Market Street, St. Louis, MO 63101, Duty Officer: (314) 622-4614.

3rd Coast Guard District (II), Governors Island, New York, NY 10004, Duty Officer: (212) 264-4800.

5th Coast Guard District (III), Federal Building, 431 Crawford Street, Portsmouth, VA 23705, Duty Officer; (703) 393-9611.

7th Coast Guard District (IV), Room 1018, Federal Bldg., 51 SW. 1st Avenue, Miami, FL 33130, Duty Officer: (305) 350-5611.

8th Coast Guard District (VI), Customhouse, New Orleans, LA 70130, Duty Officer: (504) 527-6225.

9th Coast Guard District (V), 1240 East 9th Street, Cleveland, OH 44199, Duty Officer: (216) 522-3984.

11th Coast Guard District, Heartwell Bldg., 19 Pine Avenue, Long Beach, CA 90802, Duty Officer: (213) 590-2311.

12th Coast Guard District (IX), 630 Sansome Street, San Francisco, CA 94126, Duty Officer: (415) 556-5500.

13th Coast Guard District (X), 618 2nd Avenue, Seattle, WA 98104, Duty Officer: (206) 524-2902.

14th Coast Guard District, 677 Ala Moana Blvd., Honolulu, HI 96813, Duty Officer: (808) 546-7109 (Commercial only), AUTOVON—421-4845.

17th Coast Guard District, P.O. Box 3-5000, Juneau, AK 99801, Duty Officer: (907) 586-7340 (Commercial only), AUTOVON—388-1121.

Telephone numbers shown are available and manned 24 hours ("*") denotes district office where coastal regional Contingency Plans for standard Federal regions are available.

Subpart J—Environmental Protection Control Report (RCS DD-I&L(SA) 1088)

GENERAL

§ 650.231 Purpose.

(a) This chapter provides reporting procedures to be followed within the Department of the Army to control environmental pollution from existing facilities as contained in section 3(a)(3) Executive Order 11752 of December 17, 1973, entitled, "Prevention, Control and Abatement of Environmental Pollution at Federal Facilities." This section of the Executive Order provides that "Heads of Federal agencies shall, with regard to all facilities under their jurisdiction in the United States: * * *. (3) Present to the Director of the Office of Management and Budget (OMB), annually, a plan to provide for such improvement in the design, construction, management, operation, and maintenance of existing facilities as may be necessary to meet applicable standards specified * * *"

(b) The report described herein will be the principal mechanism for identifying pollution control projects and those resources needed to effectively execute installation and major command Environmental Programs. Properly defined information presented in this report can be used as a basis for necessary programing and budget actions by DA and major commands.

(c) These instruction implement OMB Circular A-106, dated 31 Dec 74, which supersedes OMB Circular A-78 and A-81, dated 18 May 70. Further, these instructions supersede those contained in AR 11-21.

§ 650.232 Explanation of terms.

(a) The terms used herein shall be the same as those defined in chapter 1.

(b) The term, "project" shall mean an action to achieve needed corrective measures relative to identified environmental pollution sources.

(c) The term "cost" shall mean the amount of funds required to install the necessary environmental protection measures. These funds include the capital costs of structures and equipment, irrespective of the appropriation chargeable, but not the annual maintenance and operating costs.

§ 650.233 Applicability.

Each active, semiactive and Army Reserve installation operated by or for the Department of the Army, and National Guard facilities/sites supported by Federally appropriated funds in the Continental United States; Alaska and Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Panama Canal Zone, and the Trust Territories of the Pacific, whether Army-controlled or under jurisdiction of the Army by lease or similar instrument, where environmental protection measures do not meet the current requirements and/or standards established by appropriated Federal, State or local regulatory agencies are to be listed in the Environmental Pollution Control Report. Each installation identifying a new pollution source or environmental protection requirement will report through command channels in accordance with these instructions. Negative report will be rendered by responsible commands in the form of a listing of those installations where remedial measures are not needed to correct a source of pollution or where no additional resources are needed to meet the provisions of this regulation.

§ 650.234 Scope.

(a) The report described herein consists of one exhibit to be prepared at the installation or activity level and two exhibits to be prepared at the major command level. Reports are to be forwarded through channels to HQDA (DAEN-FEU) WASH, DC 20314, by November 15, and May 15, of each year. The exhibits will reflect information as of October 20, and April 20.

(b) Exhibit 1 is entitled—Proposed Project Report. Separate Exhibits will be prepared for each project or activity on an installation in each of the following categories:

(1) Air Pollution.
(2) Water Pollution.
(3) Solid Waste Pollution.
(4) Radiation Pollution.
(5) Noise Pollution.
(6) Pesticide and Hazardous/Toxic Materials Pollution.
(7) Environmental Management.

(c) Exhibit 2 is entitled—Status Report. It indicates the amount programed, appropriated, or funded; the Current Working Estimate (CWE); and the status of each active project. Separate exhibits will be completed by the major commands for each category or projects (i.e. air, water, noise, solid waste, etc.). After the initial report, marked-up copies of the ADP printout giving an update on all previously reported projects is all that is necessary. The ADP printout to be used for this purpose will be provided by HQDA (DAEN-FEU) WASH, DC 20314.

(d) Exhibit 3 is entitled—Narrative Report. Major commands will provide a short explanation of the objectives that will be achieved, the elements of their environmental program that will be given particular emphasis over the short term, and the extent that statuory pollution control requirements and DA environmental goals and objectives will be satisfied by executing the projects or actions listed in the report. For any specific portion of the program that requires more than 12 months to complete, an identification of the major milestones for accomplishing the various actions are also to be included.

§ 650.235 Responsibilities.

(a) *Department of the Army Staff.* (1) The Chief of Engineers will compile the overall DA report based on submissions from major commands and the National Guard Bureau.

(2) The Chief, Army Reserve will monitor those reports by the major commands to insure that Reserve installations for which they provide logistic support are included in the Pollution Control Report.

(3) The Chief, National Guard Bureau will submit a report to the Chief of

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Engineers including those projects for National Guard sites or installations which are supported by Federally appropriated funds.

(b) *Major Commands.* (1) Major commands controlling installations or activities, or providing logistical support to Reserve installations in the United States, District of Columbia, Puerto Rico, Canal Zone, Guam, American Samoa, Virgin Islands and the Trust Territories will submit reports in accordance with this regulation.

(2) Major commands controlling installations or activities in overseas areas will submit reports identifying pollution abatement projects required for compliance with host nation regulations, international or Status of Forces Agreements.

(3) Commander, US Army Materiel Command will submit reports on retrofit projects and programs to bring mobile sources (vehicles, aircraft and watercraft) into compliance with air, water and noise standards.

INSTRUCTIONS FOR THE PREPARATION AND SUBMISSION OF EXHIBITS

§ 650.236 Exhibit 1—Proposed Project.

(a) An Exhibit 1 will be prepared and maintained current for all known pollution control projects using the format in figure 10–1 and for valid environmental protection resource requirements using the format in figure 10–2. Exhibit 1's previously submitted on air and water pollution control projects which are still valid, but not yet completed, do not have to be resubmitted in the new format except when a significant change takes place to make the earlier Exhibit 1 obsolete. Exhibit 1's are not required for completed projects.

(b) Exhibit 1's for new or revised projects or requirements will be submitted semi-annually by November 15, and May 15, of each year to DAEN–FEU based on the latest information as of 30 days prior to the above reporting dates.

(c) Each project will be identified as to the category of pollution control needed (i.e., air, water, solid waste, radiation, noise, pesticides, and environmental management). Projects within a category will be assigned consecutive numbers by DAEN–FEU beginning with "1." Project numbers are for permanent identification and may not be reassigned to new projects. Existing air and water pollution control projects previously numbered under RCS DD–I&L(SA) 1088 are to be continued under their originally assigned numbers. These project numbers apply strictly to this report and are not to be confused with or to replace programing line-item numbers.

(d) Each project at the same installation required for a distinct and separate purpose is to be considered a separate project. Separate projects will be reported individually using the project number assigned by DAEN–FEU.

(e) Every item in Figures 10–1 or 10–2 is to be completed for each project. Where no entry is appropriate, enter NA (Not applicable). A specific effort must be made by the installation to obtain any information not immediately on hand.

(f) The following will be reported as other relevant information:

(1) Item 10 of Exhibit 1 will include information not shown elsewhere on the exhibit which is necessary for the evaluation of the project. For example, where the command knows of changing circumstances which will affect the practicability of undertaking a project at a particular facility (e.g., replacement of a facility or a change in installation mission which would alter control needs), these changes are to be stated. If a project is discontinued, state in this item the reasons and circumstances, if any, which might lead to a re-activation of the projects (e.g., plant is put in layaway; re-activation would be based on further troop strength increase or mobilization requirements).

(2) For facilities leased by the Army which are subject to the provisions of this regulation, describe under Item 10 the lease arrangements that would affect the requirements for control measures for such facilities. Such projects will be included in Exhibit 2 with a reference in the margin to the explanation given on Exhibit 1.

(3) If a project proposed in one environmental category is likely to generate pollution of other types, Item 10 is to include a brief description and how it is to be controlled.

(4) Citations or other forms of litigation by regulatory agencies or other official entities will be reported under Item 10.

(g) Enter in Item 11, Figure 10–1 or Item 5, Figure 10–2 known or estimated funding requirements by appropriation account (OMA, MCA, etc). (This source of project and cost data can be helpful to major commands in the development of annual budget requests to support their environmental program.)

(1) *Air.*—(i) *Item 2.* Identify the pollutant(s) by name for which the project will be required (for example: Particulate matter, sulfur oxides, hydrocarbons, carbon monoxide, nitrogen oxides, etc).

(ii) *Item 3.* State the amount of pollutants emitted by each point of emission being controlled within the facility. These amounts should be measured amounts if available and expressed in the same terms of the applicable emission standard, normally State Standards (e.g., lb/hr, ppm, etc.) in Item 8 at maximum process operating rate.

(iii) *Item 4.* Identify the specific emission point(s) which the project will control. This identification should be specific (e.g., two coal-fired boilers in building "xyz" rather than just "boiler").

(iv) *Item 5.* Specify the existing pollution control measures at the individual emission points. If no control measures are being utilized, so state.

(v) *Item 6.* Indicate the percentage of the pollutant which the control device removes.

(vi) *Item 7.* Indicate the type control device or process modification to be utilized to control emissions.

(vii) *Item 8.* Cite the applicable Federal, State or local air pollution emission control standard which the facility is required to meet, referencing the specific code, chapter, and part. Also, include the date the statutory requirements became effective.

(viii) *Item 9.* Indicate the project schedules proposed by the installation and that required by the statutory standards listed in Item 8. If the schedule for achieving compliance differs from statutory, regulatory, or other milestones and deadlines, indicate the dates the facility will meet them and explain why the statutory or regulatory dates will not be met. If a compliance schedule has been negotiated and accepted by the Regional EPA administrator, list those dates in lieu of those cited in a statute or regulation and indicate the date the compliance schedule was accepted.

(ix) Items 10 & 11. Complete according to instructions §§ 650.236 (a) thru (f).

(2) *Water.*—(i) *Item 2.* Describes specific pollution and nature of problem, e.g., unintercepted washrack wastes containing oil and grease; overloaded sewage treatment plant bypasses raw or partly treated sewage to river; combined sewage overflow carries untreated sewage to lake, etc. Use this item and items 3, 6, and 7 as appropriate to describe infiltration inflow problems and measures required by NPDES permit and/or by "Spill Control and Countermeasure Plans" formulated pursuant to 40 CFR Part 112, "Oil Pollution Prevention," and promulgated in chapter 9 of this regulation.

(ii) *Item 3.* Show amount of waste generated and treated. Indicate gpd, tgd, or mgd.

(iii) *Item 4.* Show whether discharge is due to water (name of receiving water and location thereon), sewer system (name), land application, subsurface (e.g., septic system, drainfield, etc.).

(iv) *Item 5.* If problem as described in items 2 and 4 does not relate to an existing or proposed treatment plant, identify in this item the plant, if any, which ultimately receives, or will receive, and treats the wastewater.

(v) *Items 6 and 7.* In appropriate item, show existing and proposed ppm and/or lbs. in influent and effluent and percent removal for all principal polluting constituents. As a minimum BOD (COD and TOC where applicable) and suspended solids data should be shown wherever possible.

(vi) *Item 8.* Cite the applicable Federal, State or local discharge standard which the facility is required to meet, referencing the specific code, chapter and part. Also include date statutory requirement became effective. Briefly summarize the discharge limitations if a NPDES permit has not been issued. When a draft or final NPDES permit has been issued, indicate:

(A) When a permit application was submitted;

(B) the application and/or permit number, and the effective and expiration dates of any permit(s) issued; and

(C) the conditions of each permit in summary form, other than the compliance dates which are to be entered in item 9.

(vii) *Item 9.* Indicate the project schedules proposed by the command and as required by the standards listed in item 8. Where issued, NPDES permit schedules should be entered in the Regulation Schedule column. If the command schedule for achieving compliance differs from the regulatory, or NPDES scheduled dates indicate the date the facility will be in compliance and explain why the required dates will not be met.

(viii) *Item 10.* Under lease construction arrangements, state who is responsible for obtaining NPDES permits or for meeting schedules and requirements.

(ix) *Item 11.* Provide funding requirements.

(3) *Solid waste.*—(i) *Item 2.* Indicate the activity which is not in compliance with solid waste disposal standards; i.e., waste collection, segregation of wastes, siting or operation of sanitary landfill.

NOTE: Particular attention is to be given to controlling leachate from landfill seeping into ground or surface water sources, control of surface runoff, sanitation of waste collection and transfer systems.

(ii) *Item 3.* If specific amounts of pollution are known, list or otherwise provide best estimate.

(iii) *Item 4.* Give details of the problem; i.e., whatever it is that is not in compliance with standards.

(iv) *Item 5.* Indicate, as applicable, quantities, types, and sources of solid waste handled; frequency of operation; year of original construction/operation; design life; and estimated remaining life.

(v) *Item 6.* Discuss effectiveness of existing solid waste management system or practices, if applicable.

(vi) *Item 7.* Give brief description of proposed project which will bring operation into compliance.

(vii) *Item 8.* Specify the DA, EPA, or other solid waste management guideline applicable and the specific requirement that makes the project necessary and the effective date of the regulation.

(viii) *Items 9, 10 and 11.* Complete according to instructions §§ 650.236 (a) thru (f)).

(4) *Radiation.*—(i) *Item 2.* Identify specific type of pollutant; i.e., plutonium, cobalt 60 and other substances emitting ionizing radiations.

(ii) *Item 3.* Indicate levels of contamination (Curies or subunits, etc.)

(iii) *Item 4.* Give details of the problem.

(iv) *Item 5.* Explain current protection measures being employed, if any.

(v) *Item 6.* Discuss effectiveness of current control measures.

(vi) *Item 7.* Give brief description of proposed remedial measures.

(vii) *Item 8.* Specify AEC, EPA, or DA standards that are applicable and effective date of the regulation.

(viii) *Items 9, 10 and 11.* Complete according to instructions §§ 650.236 (a) thru (f)).

(5) *Noise Pollution.*—(i) *Item 2.* Specify the character of the noise if known or by answering the following questions:

(A) Is the noise impulsive or non-impulsive?

(B) Is the noise on continuously or is it on-and-off intermittently?

(C) When the noise is on, is it steady in level, or does the level of loudness fluctuate?

(D) Is there a discernable tone or whine in the noise?

(ii) *Item 3.* Specify: (A) the sound level, if measured, and the measurement methodology utilized; (B) the elevation of the noise source, and the distance from the source to the noise impacted area; (C) identify the facilities or areas affected including the nature of the activities affected by the noise intrusions; e.g., churches, schools, hospitals, homes, recreational areas, offices and business areas, etc., and (D) whether areas affected are on or off-post. Technical assistance on identification and characterization of noises should be requested from Commander, US Army Health Services Command (HSC–PA), Fort Sam Houston, TX 78234.

(iii) *Item 4.* Identify the specific course of noise pollution which requires control. Report as a minimum, those sources which have been the subject of citizen complaints.

(iv) *Item 5.*

(A) Give description of existing level of noise control provided in terms of noise control management techniques such as engineering noise reduction, land use planning, or administrative procedures on controlling the source, path or receptor.

(B) State if sources of acoustic expertise were provided by an accoustical laboratory within the Army, or from commercial acoustical consultants to obtain noise level data.

(v) *Item 6.* Describe the effectiveness of existing treatment and control measures.

(vi) *Item 7.* Describe any remedial measures proposed and estimated effect in correcting the noise problem.

(vii) *Item 8.* Specify those portions and effective dates of applicable Federal, State or local noise regulations, statutes, standards to which the project responds, and the acceptable sound level permitted thereafter. If no regulations are known to apply, indicate if the nature of citizen complaints would justify some form of corrective action.

(viii) *Item 9.* Indicate the project schedules proposed to comply with standards listed in Item 8. If the schedule for achieving compliance differs from statutory or, regulatory laws, indicate the dates the requirements will be met and explain the reasons therefor.

(ix) *Item 10.*

(A) Identify the complaints received on the noise source in terms of the nature and number of complaints, source of complaints (military or civilian) and how they were registered with the installation (e.g., petitions, phone calls, letters, telegrams, etc.).

(B) Indicate if any legal actions are anticipated or have been initiated against the installation as a result of this reported source of environmental nose pollution.

(x) *Item 11.* Provide funding requirements.

(6) *Pesticides and hazardous/toxic materials.* (i) Projects to be reported should involve the control and abatement of pesticide and hazardous/toxic material pollution. Do not describe proposed and/or current programs involving the use of pesticides. Examples of pollution control projects would be measures to correct inadequate storage or disposal facilities to clean up land areas contaminated as a result of a pesticide spill, to provide mixing sinks and bathing facilities for personnel to repackage leaking chemical stock's, etc.

(ii) *Item 2.* Identify the pesticide or chemical that is the source of pollution and indicate the reason for correcting existing conditions.

(iii) *Items 3 thru 6.* Complete according to instructions (§§650.236(a) thru (f)).

(iv) *Item 7.* Describe the proposed method of disposal or nature of proposed corrective action.

(v) *Items 8 thru 11* Complete according to instructions (§§ 650.236(a) thru (f)).

(7) *Environmental Management.* (i) Exhibit 1–EM (figure 10–2) will be used to identify needed resources not included in an Exhibit 1 prepared in accordance with a previous paragraph but are required to comply with the provisions of this regulation. Items to be reported are those needed for the management of an installation environmental program and can logically include:

(A) NEPA resources—Preparation of Environmental Assessments and Environmental Impact Statements.

(B) Manpower resources—Full time environmental coordinators, staff officers, instructors, etc.

(C) Training—Schooling for operators (i.e., sewage treatment plant operators, lab technicians, pesticide applicators); training for management personnel (i.e., environmental co-ordinator, sanitary engineers, etc.).

(D) Environmental surveys—Ecological or archelogical surveys of an installation to obtain information needed for an Environmental Impact Assessment or an Environmental Impact Statement (EIS or EIS).

(E) Special studies—Technical or engineering studies to define sources of pollution and identify possible remedial measures.

(F) Other—Specify.

(ii) *Item 2.* Identify the basic requirement using the identifications in subparagraphs (1) (i) (A) through (F) of this paragraph.

(iii) *Item 3.* Explain the requirement and provide a brief justification for any new or additional resources needed for the management of the installation environmental program.

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(iv) *Item 4.* List only those items which are quantifiable, such as number of personnel required, special equipment items, school courses, man-year requirements for studies, etc. by fiscal year.

(v) *Item 5.* Cite one-time costs or 5-year projected costs by appropriation as applicable.

(vi) *Item 6.* List other relevant information and specify. (See example and § 650.236(f)).

(h) Sample Exhibits—Examples of Exhibit 1's for each of the media are shown in figures 10–3 through 10–9.

§ 650.237 Exhibit 2—Status Report.

(a) Exhibit 2 is a command report which provides a financial summary of the projects in the program and their status. A separate Exhibit 2 is required for each media or category of projects (i.e., air, water, noise, solid waste, etc.) and will be submitted semi-annually along with Exhibit 1's on November 15 and May 15 of each year.

(b) Exhibit 2 will include all active projects plus those completed or discontinued subsequent to the submission of the previous report. Once a project is reported as completed or discontinued, it will be dropped from the report. The May 15 report will contain all projects which the command will submit in the next fiscal year budget. In addition, the November 15 report will reflect congressional appropriation action taken on the prior fiscal year budget.

(c) The initial Exhibit 2's for each media will be prepared by the reporting command using the format in Figure 10–10. Subsequent reports will be only an update of the previous command report. As each Exhibit 2 is received from a command, it will be converted to an ADP printout and returned to the reporting command by DAEN–FEU in 45–60 days for use in the next report update. The following updating procedures will be observed:

(1) One copy of a marked-up printout of the previous Exhibit 2 will accompany the semi-annual report.

(2) Corrections, changes and additions will be made neatly with a RED marking pen.

(3) An asterisk in the left margin will be used to identify projects which have been completed, discontinued or changed.

(4) New projects will be added to the bottom of the appropriate media printout.

(5) Exhibit 2's submitted on May 15 will contain the amount included or proposed to be included in the President's budget for each project, or the amount actually appropriated or funded.

(6) Major Command updating will be done only for non-MCA funded projects. MCA funded project status will be updated by DAEN–FEU.

(7) Each revision of Exhibit 2 will reflect the information as of October 30 and April 20, as appropriate.

(8) Funding totals by appropriation type for each fiscal year and for each media reported will be provided at the bottom of the last page:

(9) Current and relevant information will be presented in the "Status" column using the following format:

(i) Indicate "PP ——" if the project is in the preliminary planning stage. The blank provided should contain the estimated completion date for construction.

(ii) Indicate "DES ——" if the project is under design or has been designed, but is *not* under construction. The blank provided should contain the estimated completion date for construction and not the completion date of design.

(iii) Indicate "CON—" if the project is under construction. The blank provided should contain the estimated completion date.

(iv) Indicate "CPL —" if the project has been completed. The blank provided should contain the actual completion date.

(v) Indicate "DIS" if the project has been discontinued or dropped. Reasons should be given.

(vi) Indicate "DEF" if the project has been deferred or significantly delayed. Reasons for and what corrective actions taken, if any, should be given.

(vii) Indicate "OTH" if other than the above circumstances apply. An explanation should be given.

§ 650.238—Exhibit 3—Narrative Report.

(a) The Narrative Report will be a brief summary of the command environmental program. No specific format is prescribed; however, it will contain the following:

(1) Financial displays for the current FYDP period by appropriation account (MCA, PA, OMA, etc.) and by program media (air, water, noise, etc.). The elements of the program presented in the Exhibit 1–EM are to be aggregated by management activity to identify funding requirements for training, preparation of EIA/EIS, environmental surveys and studies, personnel costs, etc.

(2) An explanatoin of the environmental objectives to be achiveed by completing the projects reported or funding those activities contained in Exhibit 1's. For any specific portion of the program that requires more than 12 months to complete, identify the major milestones for accomplishing the actions.

(3) Elements of the command program that will be given particular emphasis over the short term.

(4) Projection of when statutory pollution control requirements, Federal or state, will be satisfied by the various elements of a command.

(5) Summary of potential or pending environmental litigation involving installations within the command.

(6) Explanation of anticipated problem areas requiring DA assistance.

(b) The content of the narrative report is basically a forecast of how the major command intends to accomplish its environmental program during the succeeding 12 months. This requirement should not be confused with the requirement for the annual status report (RCS DD–H&E(A) 1269), specified in § 650.9 of Subpart A of this part of this regulation, which is an annual summary of environmental protection accomplishments for the specified preceding calendar year.

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Project No:
Media: Date Prepared:
Date Revised:
GSA Inventory Control No.:

1. *Facility.*

Name _____

Address _____
(city, county, state)

Agency contact _____
(name, title, telephone)

2. *Specific Type of Pollution.*
3. *Amount of Pollution.*
4. *Pollution Source, and Discharge, Emission, or Deposit Point.*
5. *Existing Treatment and Other Control Measures.*
6. *Effectiveness of Existing Treatment and Control.*
7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.*
8. *Applicable Standards.* (Cite the specific State, interstate, local, or Federal regulation and specific requirement for which the project is needed.)
9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)		
Construction (start)		
Construction (completion)		
Operation (start)		
Final compliance		

10. *Other Relevant Information.*
11. *Funding Schedule.*

Figure 10–1

EXHIBIT 1–EM

ENVIRONMENTAL POLLUTION CONTROL

Proposed Management Requirement

Date Prepared:
Dated Revised:
GSA Inventory Control No.:

1. *Facility.*

Name: _____

Address: _____
(city, county, state)

Agency Contact: _____
(name, title, telephone)

2. *Resource Identification.*
3. *Explanation and Justification of Resource Requirement.* Identify why resources, personnel and/or funds are needed for the "management" or conduct of the installation environmental program.
4. *Proposed Resource Schedule.* List by fiscal year for the period of the FYDP, when applicable.
5. *Funding.* Indicate appropriation account, amounts by fiscal year and whether amount is programed or unprogramed.
6. *Other Relevant Information.*

Figure 10–2

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Air

Project No.: A–078C
Dated Prepared: 5/26/73
Date Revised: 2/11/74
GSA Inventory Control No.:

1. *Facility.*

Name: ABC Army Ammunition Plant.
Address: Kingstown, George County, S.C.
Agency Contact: MJR B. A. Smith Facility Engineer (615) 765–4321.

2. *Specific Type of Pollution.* NO_x

3. *Amount of Pollution.* 4,500 #/hr when process is operated at maximum rate.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Nitric Acid Plant No. 13, Bldg. A.

5. *Existing Treatment and Other Control Measures.* No control measures.

6. *Effectiveness of Existing Treatment and Control.* 0% Removal efficiency.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Construct packed column control device 94% efficient to achieve full compliance.

8. *Applicable Standards.* (1) State: State Air Code, Chapter V, S113.a(ii)
(2) Region:
(3) Actual standard or exact citation: Maximum of 450 #/hr allowed as per the XYZ test method; effective date of emission standard is 1/31/72.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	4–74	4–74
Construction (start)	10–74	9–74
Construction (completion)	1–75	11–74
Final Operation (start)	6–75	5–75
Final compliance	7–75	9–75

Explanation of difference between items 8 and 9: project advanced to provide margin of safety.

10. *Other Relevant Information.* Citizens complaints received on 12/15/73. Suits initiated on 12/30/73 by Onaconda Environmental Study Group.

11. Funding.

[In thousands of dollars]

PEMA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	[1] $375	0	0	0	0
Unprogramed	0	0	0	0	0

[1] Included as part of plant modernization program.

Figure 10–3

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Water

Project No.: A–099b.
Date Prepared: 2–22–72
Date Revised: 12–26–73
GSA Inventory Control No.: 45678

1. *Facility.*

Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer. (615) 755–0022.

2. *Specific Type of Pollution.* Domestic sewage, partly treated. Existing treatment plant overloaded. Excess flow bypassed to river. Influent includes small amounts (.01 mgd) of filter backwash from water treatment plant containing precipitates of alum, iron, and manganese.

3. *Amount of Pollution.* Total flow: 6.2 mgd. Treated: 4.0 mgd.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Secondary treatment plant discharges to Obstacle River, 3 miles below Mulch City water supply intake.

5. *Existing Treatment and Other Control Measures.* Secondary—high rate trickling filter plant, final sedimentation, and chlorination. Design Capacity=4.0 mgd.

6. *Effectiveness of Existing Treatment and Control.*

In parts per million

Principal constituent	Influent	Treated effluent	Percent removal
BOD5	235	36	83
Suspended solids	382	60	85
Total phosphorous as P	8.98	4.67	48
Total nitrogen as N	24.96	21.14	15

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Replace existing treatment plant with AWT plant: chemical/activated sludge/multi-media filtration to achieve 95 percent removals or better. Design capacity=7.5 mgd.

8. *Applicable Standards. State Standards.* SD Code: Water Poll—Chapter 61, 1960 Supp. SD Code: Public Health—Chapter 27, 1960 Supp. Water Quality Standards for Surface Waters: Reg E–1.10A (Rev.).
Federal Regulations. 40 CFR 125, 133, PL 92–500, SS 301, 313, PL 92–500, S 402–NPDES, NPDES Permit Number—SD0012345, Permit Period—1974–1979.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	4–75	N/A
Construction (start)	6–75	5–75
Construction (completion)	2–77	1–77
Operation (start)	4–77	N/A
Final compliance	6–77	7–77

Regulation schedule as required by NPDES permit. State water quality standard requires adequate secondary treatment by 1/74.

Unable to meet State requirement because of design problems and funding cycle. State has permitted delay on condition NPDES permit deadline is met.

10. *Other Relevant Information.* Installation may become surplus in FY 75 or FY 76 leading to project discontinuance.

Funding

[In thousands of dollars]

MCA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	0	$3,000	0	0	0
Unprogramed	0	0	0	0	0

Figure 10–4

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army.
Media: Solid Waste.

Project No.: A–001
Date Prepared: 2/11/74
Date Revised:
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

2. *Specific Type of Pollution.* Camp landfill.

3. *Amount of Pollution.* Leachate of high BOD concentration.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Landfill is used for disposal of installation wastes. Due to frequent rains, wastes build up high moisture content and leachate, which emanates from side of fill. Also, area is noted to be a common breeding ground for flies and mosquitos, and is generally unsightly.

5. *Existing Treatment and Other Control Measures.* a. Landfill receives 10 tons per day of solid waste altogether, 5 from the Camp and 5 from the nearby Lindberg Air Base. It consists mainly of normal municipal-type wastes delivered on Monday, Wednesday and Friday of each week. Once a week a large load of oily rags is dumped in one corner of the landfill site.

b. Landfill was first opened in Summer of 1970 and is designed to operate until 1990.

c. Some control of run-off waters is exercised by a trench on the downhill side of landfill draining into a settling pond.

6. *Effectiveness of Existing Treatment and Control.* Trench prevents run-off waters from entering local bay waters, but does not solve vector, or aesthetic problems, nor does it minimize the amount of leachate forming.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Purchase of bulldozer to compact and cover wastes, minimize formation of leachate, control vectors, and improve general appearance. Relocate landfill to area with better drainage.

8. *Applicable Standards.* EPA Guidelines for Land Disposal of Solid Wastes, published in FEDERAL REGISTER July 1, 1974, requirements under sections 241.204, 241.207, 241.208, 241.209, and 241.210.

9. *Project Schedule.*

	Agency schedule month and year	Regulation schedule month and year
Design (completion)	N/A	N/A
Construction (start)	N/A	N/A
Construction (completion)	N/A	N/A
Begin procurement action	7–75	N/A
Operation (start)	7–76	N/A
Final compliance	7–76	N/A

10. *Other Relevant Information.* Station planning to build an incinerator in 1980 to extend life of landfill.

11. *Funding.*

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[In thousands of dollars]

	Fiscal years				
	1976	1977	1978	1979	1980
PEMA:					
Programed	0	0	0	0	0
Unprogramed	$30	0	0	0	0
OMA:					
Programed engineering study	$3	0	0	0	0
Unprogramed construction new landfill	$10				

Figure 10–5

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army.
Media: Radiation.
Project No.: A–001
Date Prepared: 6/14/74
Date Revised: 6/15/74
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway, Power Reactor.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

2. *Specific Type of Pollution.* Corrosion products in form of iron and manganese isotopes in primary water cooling system of reactor.

3. *Amount of Pollution.* Isotopes of iron and manganese exceed new AEC and Army standards for water coolants.

4. *Pollution Source and Discharge, Emission or Deposit Point.* Primary coolant water discharged to holding tank and then periodically released to Lake Enny.

5. *Existing Treatment and Other Control Measure.* Holding tank before release to lake.

6. *Effectiveness of Existing Treatment and Control.* Only limited decay obtained from retention in holding tank.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Redesign holding tank system to include addition of ion exchanger.

8. *Applicable Standards and Regulations.* 10 CFR Part 20 and AR 85–80.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	2–75	N/A
Construction (start)	5–75	N/A
Construction (completion)	7–75	N/A
Operation (start)	8–75	N/A
Final compliance	8–75	N/A

10. *Other Relevant Information.* None.
11. *Funding.*

[In thousands of dollars]

MCA	Fiscal years				
	1976	1977	1978	1979	1980
Program	$375				

Figure 10–6

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Noise
Project No.: A–001
Date Prepared: 6/1/74
Dated Revised:
GSA Inventory Control No.: 45678

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, SD
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

2. *Specific Type of Pollution.* Noise is broadband with discernible tones. (Noise is nonimpulsive; it is continuous at a steady in level, but with a discernible tone).

3. *Amount of Pollution.* The source measures 75 dBA at the property line. Source is 20 feet from boundary line at a height of 15 feet. Facilities or areas affected: Civilian school and housing (off the installation).

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* One power plant with forced draft fans and cooling tower.

5. *Existing Treatment and Other Control Measures.* No noise control exists. Acoustic expertise-Acoustics, Inc., Chicago, IL.

6. *Effectiveness of Existing Treatment and Control.* None.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problems.* Installation of commercially available mufflers on all forced draft fans and noise enclosure on cooling tower. It is expected that this action will lower the sound level below the background noise.

8. *Applicable Standards.* Mulch Noise Ordinance, Section 4–12, Chapter 17 of the Municipal Code of Mulch, requires that the noise level at the boundary line in business and commercial districts not exceed 62 dBA.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	9–76	N/A
Construction start	11–74	N/A
Construction (completion)	2–77	N/A
Operation (start)	3–77	N/A
Final compliance	4–77	N/A

The standards require immediate compliance. Agency schedule provides for earliest possible installation of control measures.

10. *Other Relevant Information.* (a) Community complaints have included 26 telephone calls, 15 letters, and 3 personal visits. Nature of complaints centered upon annoyance. (Log of noise complaints attached.)

(b) Legal action has not been initiated, but may be by County School Board.

11. *Funding.*

[In thousands of dollars]

OMA	Fiscal years				
	1976	1977	1978	1979	1980
(a) Mufflers on forced draft fans:					
Programed	$25				
Unprogramed					
(b) Enclosures on cooling tower:					
Programed					
Unprogramed	$10				

Figure 10–7

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Pesticides & Hazardous/Toxic Materials
Project No.: A–002
Date Prepared: Sept. 15, 1974
Date Revised:
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

Specific type of pollution. The following pesticides registered for the control of pests: malathion, diazinon, chlorpyrifos, propoxur, lindane, chlordane.

3. *Amount of Pollution.* Quantities of pesticide concentrate mixed per month: Malathion, 10 gal; diazinon, 10 gal; chlorpyrifos, 7 gal; propoxur, 10 gal; lindane, 2 gal; chlordane, 10 gal.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* N/A.

5. *Existing Treatment and Other Control Measures.* Mixing sink with sump.

6. *Effectiveness of Existing Treatment and Control.* Sink too small. Inadequate neutralization and sump capacity. Requires manual baling.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Replace small mixing sink with larger double mixing sink. Install a neutralization and holding tank with sump pump for pesticide rinses.

8. *Applicable Standards.* Executive Order #11643—Environmental Safeguards on Activities for Animal Damage Control on Federal Lands. February 8, 1972. Additionally, the EPA, under statutory authority of Section 4, Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	10–75	N/A
Construction (start)	1–76	N/A
Construction (completion)	3–76	N/A
Operation (start)	4–76	N/A

10. *Other Relevant Information.* Other stocks of suspended on finally cancelled pesticides will be stored until proper disposal methods are developed. Inventory: 5 percent DDT in oil—350 gallons; 75 percent DDT wettable powder—220 lbs.

11. *Funding Schedule.*

[In thousands of dollars]

OMA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	$3.0	0	0	0	0
Unprogramed	0	0	0	0	0

Figure 10–8

EXHIBIT 1–EM

ENVIRONMENTAL POLLUTION CONTROL

Proposed Management Report

Agency: Department of the Army
Date Prepared: 1 Oct 74
Date Revised:
Media: Management
GSA Inventory Control No.: *12345*

1. *Facility.*
Name: Fort Stoner.
Address: Podunk, Organ County, SD.
Agency Contact: COL J. J. Jones, Facility Engineer, AV 823–1555.

2. *Resource Identification.* Training.

3. *Explanation and Justification of Resource Requirement.* Training is required for sewage treatment plant superintendent, operators and laboratory technician to meet certification standards of South Dakota. A new sewage treatment plant will be put into operation in December 1975 and trained personnel will be required to operate it. Current personnel are not familiar with the operation of the new plant and require instructions on State requirements and standards.

4. *Proposed Resource Schedule.* Training offered at University of South Dakota. Attendance at one-week courses is as follows:

	Fiscal years				
	1975	1976	1977	1978	1979
Superintendent	1				
Operator		2	2	1	1
Lab technician		1			

5. *Funding.*

[In thousands of dollars]

OMA	Fiscal year				
	1975	1976	1977	1978	1979
Programed	$0.2	$0.6			
Unprogramed			$0.4	$0.2	$0.2

6. *Other Relevant Information.* Outwear requirements reflect training for new hires.

Figure 10–9

EXHIBIT 2

POLLUTION STATUS REPORT

(media)

Appropriation account: ..... (OMA, MCA, etc.)

Page ... of ...

Reporting Date

Agency: .....

Agency contact: .....

Telephone: .....

Project No.	Project name and location (GSA inventory control No.)	Project costs ($1,000's)—Amount in President's budget or agency plan or amount appropriated or funded						Present cost estimate	Status
		Fiscal year −2	Fiscal year −1	Current fiscal year	Fiscal year +1	Fiscal year +2	Fiscal year +3		

NOTE.—Provide totals on the last page for each appropriation account.

Figure 10–10

APPENDIX A—PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

FRIDAY, JANUARY 25, 1974
WASHINGTON, D.C.

Volume 39—Number 18

PART II

See FEDERAL REGISTER 39 FR 3366–3370, January 25, 1974.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

[FR Doc.75–32267 Filed 12–1–75;8:45 am]

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federal register

TUESDAY, DECEMBER 2, 1975



PART III (Section 1):

DEPARTMENT OF THE TREASURY

PRIVACY ACT OF 1974

Notice of Systems of Records

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Department of the Treasury
Privacy Act of 1974
Notice of Systems of Records

Notice is hereby given that the Department of the Treasury, in accordance with 5 U.S.C. 552a(e)(4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579) (88 Stat. 1896) ("Act"), adopts the Notice of Systems of Records set forth below.

The Notice of Systems of Records was drafted and the files to be noticed were selected with major reliance on the "Guidelines and Responsibilities" for implementation of the Act published by the Office of Management and Budget in the Federal Register for Wednesday, July 9, 1975 (40 FR 28949).

The notice consists of an alphabetical listing of the systems of records of the Department of the Treasury by bureau or office. The alphabetical list is followed by the notices of systems of records which are required by the Act to be published. In addition, some of the notices for a bureau or office are followed by an Appendix A which sets forth addresses applicable to notices for the corresponding bureau or office. All of the notices for the Department are followed by an Appendix AA which sets forth general routine uses applicable to all noticed systems of records and incorporated by reference into the notice of each particular system of records. Such routine uses are centralized to avoid unnecessary repetition and to assist the public in its review and use of the proposed notice.

The notice does not identify expressly those systems of records existing within the Department with respect to which another Federal agency has assumed responsibility for publishing a general notice applicable to such systems of records. The primary example is the publication of systems of records pertaining to Federal employee personnel records by the United States Civil Service Commission.

Pursuant to 5 U.S.C. 552a(e)(11), the routine uses of each of these named systems of records were set out for public comment in the August 26, 1975 (40 FR 37640), September 9, 1975 (40 FR 41956) or October 31, 1975 (40 FR 50852) issue of the Federal Register. As a result of comments received including those from bureaus and offices of the Treasury, there have been several minor amendments to the notices.

Effective date. This notice shall be effective immediately.

Dated: Nov. 24, 1975.

Richard R. Albrecht,
General Counsel.

Treasury/OS 00.010

System name: Office of Debt Analysis, Actuarial Valuation System—Treasury/OS.

System location: Office of the Secretary of the Treasury, Office of Debt Analysis, Office of the Government Actuary, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Participants and beneficiaries of the following pension plans: District of Columbia: Teachers, Policemen, Firemen, Judges. U.S. Tax Court Judges, U.S. Foreign Service officers and staff personnel, U.S.I.A. Officers and staff personnel.

Categories of records in the system: Information in the system is as follows: Active Records: name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, & refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number and ages of children on annuity roll; year of termination of survivors.

Authority for maintenance of the system: Statutes require the Secretary of the Treasury to certify the valuation of pension funds as follows: D.C. Teachers, 60 Stat. 881; D.C. Judges, 78 Stat. 1061; U.S. Tax Court Judges 26 U.S.C. 7448; U.S. Foreign Service Officers, USIA Officers and staff 22 USC 1101. In addition, the House District Committee formally requested certification of the pension funds for D.C. police and firemen.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Government Actuary performs mathematical computations to assess expected income and outlays of pension funds listed in the "Category of Individual" section. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Data are on punched cards and computer print-outs. Individuals are listed alphabetically. Records are stored in the Actuary's office in the locked and guarded Treasury Building. The records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

System manager(s) and address: The Government Actuary, Office of the Secretary of the Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: The Government Actuary keeps subject records for statistical purposes only and does not release information on individual records. See System Manager above.

Record access procedures: Inquiries should be directed to the organization whose pension funds are valued. If that organization's address is unknown to the inquirer, the Government Actuary will forward the inquiry to the appropriate organization.

Contesting record procedures: See Notification and Access above.

Record source categories: Data for actuarial valuation are provided by organizations responsible for pension funds listed under "Category of Individual," namely the District of Columbia Government, the U.S. Tax court, the U.S. Foreign Service and the U.S. Information Agency.

Treasury/OS 00.011

System name: Office of Debt Analysis, General Correspondence—Treasury/OS.

System location: Records are stored for the Office of Debt Analysis by the Office of the Secretary, Central Files, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. A card file with each writer's name, address and subject of inquiry is maintained as a quick reference in the Office of Debt Analysis.

Categories of individuals covered by the system: General public, other executive agencies and the Congress.

Categories of records in the system: Letters from the general public, other executive agencies and the Congress regarding the national debt, the economy and monetary and fiscal policy.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Previous correspondence

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with the same writer is reviewed to enable us to provide complete, nonrepetitive replies to current inquiries. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The actual incoming letter and a carbon of our response are filed alphabetically by the individual's name. Letters are stored in the Treasury's Central Files, in the locked main Treasury Building, for 3 years and then are discarded as common trash.

System manager(s) and address: Director, Office of Debt Analysis.

Notification procedure: Treasury, Director, Office of Debt Analysis, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Requests should be submitted to the Director, Office of Debt Analysis, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Letters are from the general public, other executive agencies and the Congress. They come directly to the Treasury or are referred to the Treasury by the White House, Congressional offices, or other executive agencies.

Treasury/OS 00.020

System name: Energy Policy Office Administrative File—Treasury/OS.

System location: Room 4464, Treasury Building, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Employee (presently in a position in this office). Applicant (one who will be hired).

Categories of records in the system: Employee: regular personnel papers, which are duplicates and this file is not complete. Applicant: S.F. 171.

Authority for maintenance of the system: Federal Personnel Manual. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative Personnel File: for general reference. Applicant: used in interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Located in Room 4464.

Safeguards: Filed by name. Usual Security.

Retention and disposal: Disposed when no longer needed for reference.

System manager(s) and address: Deputy Assistant Secretary for Energy Policy, Department of the Treasury, Room 4464, MT, Washington, D.C. 20220.

Notification procedure: Same as the above.

Record access procedures: Written request to: Director, Regulatory and Legislative Review, Office of Energy Policy, Room 4460, MT, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Administrative Personnel Folder: routine personnel actions. Applicant: SF 171.

Treasury/OS 00.021.

System name: Assistant Secretary, Personnel Administrative Files—Treasury/OS.

System location: Room 2036, Treasury Department, 15th and Pennsylvania Ave., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, Prospective employees.

Categories of records in the system: Employee: regular personnel papers, which are duplicates, This working file is not complete. Prospective employee: S.F. 171 and related regular personnel forms, This working file is not complete.

Authority for maintenance of the system: Federal Personnel Manual, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative Personnel File, for general reference Prospective employee, for interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: File Cabinet with lock. Located in Room 2036, Filed by name, Usual Security, Disposed when no longer needed for reference.

System manager(s) and address: Mrs. Doris L. Smith, Administrative Officer, Department of Treasury, Room 2036, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: File Cabinet with lock, located in Room 2036, filed by name, usual security, Disposed when no longer needed

Treasury/OS 00.030

System name: Bilateral Development Program Office Personnel File—Treasury/OS.

System location: Room 5225 Main Treasury, 15th and Penn. Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: This file consists of four basic categories. They are (1) AEA Staffing Needs; (2) Applicants—Job; (3) BDPO Personnel; and (4) Overseas Posts with individual files on Bogota, Brazilia, Hong Kong, Mexico City, New Delhi, and Saigon.

Categories of records in the system: These files consist of various personnel papers on individuals in both the Washington office and Overseas posts. These papers consist of 171 forms, evaluations, and promotional and status changes of individuals. The overseas files consist primarily of correspondence between the overseas posts and the home office.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These files are kept by the Director of the Bilateral Development Office and are used primarily by him unless he authorizes otherwise. These files are used only as a means of quick referral, as they are, for the most part duplicates of those kept by OASIA Personnel Office. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files are kept in a secure file cabinet.

Retrievability: These files are listed as described above under Category of Individual.

Safeguards: These files are kept in a locked safe.

Retention and disposal: These files are kept only so long as pertinent to office operations.

System manager(s) and address: Director, Bilateral Development Program Office; Room 5221 Main Treasury.

Notification procedure: Bilateral Development Program Office, Office of the Assistant Secretary For International Affairs, Room 5221, 15th and Pennsylvania Ave. N.W., Washington, D.C. 20220, Information required: Proper Identification.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: The majority of all information contained in this system was obtained through the OASIA Personnel Office, or the individuals themselves.

Treasury/OS 00.239

System name: Contractors file—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Contractors.

Categories of records in the system: Files on contractors.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of work performed by OSR by contractors. Reference for preparation of documentation for future contracts. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Chronological, not indexed.

Safeguards: Regular office procedures.

Retention and disposal: 3-5 years.

System manager(s) and address: Director, Office of Statistical Reports OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Documentation of past contracts for professional services.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.241

System name: Directory file of reporters on Treasury Foreign Exchange and Foreign Currency Forms—Treasury/OS.

System location: Headquarters: Office of Statistical Reports, OASIA. Working data files maintained by Federal Reserve Banks. Central computer file maintained by Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks, brokers, nonbanking business concerns, nonprofit institutions (may include individuals operating as sole proprietorships or in partnerships), and names of principal executive officers and officers responsible for the reports.

Categories of records in the system: Offices responsible for reporting Treasury Foreign Exchange reports.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Classifying and sorting TFEX and TFC data by type and characteristics of reporters. Identifying principal executive officers and officers responsible for reporting. For additional routine uses Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punched cards, magnetic tape, magnetic disc.

Retrievability: Name of firm, ID number, location, type of business, characteristics.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed by reporters on TFEX and TFC forms.

Treasury/OS 00.038

System name: DC 11/4 Gold Licensees—Treasury/OS.

System location: OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: Every individual or partner who was issued a gold license.

Categories of records in the system: Applications for gold licenses, inspection, investigation, and audit records and correspondence.

Authority for maintenance of the system: Gold Reserve Act of 1934.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Was used in the issuing, renewing, suspending or revocation of a gold license. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Standard Files—9 inch x 12 inch.

Retrievability: Name.

Safeguards: Only authorized persons allowed to examine files.

Retention and disposal: Request has been made for authority to dispose of all files.

System manager(s) and address: Director, OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Applications for gold license, field audits and inspections and investigations.

Treasury/OS 00.242

System name: General Correspondence.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: People outside of OASIA Research with whom we have had correspondence.

Categories of records in the system: Copies of correspondence to and from OASIA Research.

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Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine in office use for the accomplishment of OASIA Research business. (2) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: General public.

Treasury/OS 00.031

System name: IFI and USG officials connected with IFI Annual Meetings or project inspection trips—Treasury/OS.

System location: OIDB, 5th Floor, Department of Treasury, 15th and Penna. Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of Congress on Committees handling IFI authorizations and appropriations, U.S. EDs and Alt. EDs, IFI management officials of U.S. nationality, and U.S. Embassy and AID officials in posts where annual IFI meetings are held or in countries where IFI projects are inspected.

Categories of records in the system: Name, position (including committees for Senators and Congressmen) and bio data.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For background briefing material for Secretary and other top Treasury Officials in preparation for annual meetings of IFIs or project visits or Congressional testimony. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Material maintained in 3-ring binder briefing books or manila folders in file cabinet.

Retrievability: Through briefing book or files by institution.

Safeguards: Books and folders are in locked safes.

Retention and disposal: Maximum of 2 years after each meeting or testimony.

System manager(s) and address: OIDB staff member responsible for each of the IFIs, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: U.S. Congressional Directory and publications of IBRD, IDB, ADB and AFDB and information supplied by the EDs and Alt. EDs directly to Treasury, OASIA.

Treasury/OS 00.032

System name: OASIA Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220. (2) Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

Categories of individuals covered by the system: (a) U.S. Foreign Service Officials (b) Officials of Municipalities and State Governments (c) Members of Congress and (d) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of response to initial inquiry in the event of future correspondence. (b) Category of Users. Officials of the Department to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon (file) copy attached to incoming letter maintained in File Folders. Identification of individuals maintained on alphabetical 3 x 5 card.

Retrievability: Retrieval controlled by card systems. Card, filed by name, shows folder identification in which correspondence is held.

Safeguards: Maintained in electronically secured area and vaults. Disclosure limited to official personnel of the Department.

Retention and disposal: Correspondence containing no substantive information of permanent value is culled for destruction 3 years after the close of the calendar year in which the records were created. Destruction accomplished by burning. Substantive correspondence retained indefinitely.

System manager(s) and address: Chief, Document Management Branch, Office of Administrative Programs, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: (a) See System Manager above. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible and subject matter. Also include any other information you can furnish to help locate files.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: See categories of individuals and related responses from Treasury officials.

Treasury/OS 00.033

System name: OASIA Invitation Lists—Treasury/OS.

System location: OASIA Secretariat, Department of Treasury, 15th and Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of Congress and Congressional staff, present and former officials of the Executive Branch, The Supreme Court, U.S. executives and staff of the international institutions (IBRD, IMF, IDB) and observers from other international organizations, representatives of the business and financial community, and the Press, who are invited to the Secretary's reception during the annual meetings of the International Monetary Fund and International Bank for Reconstruction and Development.

Categories of records in the system: Name, title, name of government agency, international organization or business affiliation.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Files on previous receptions maintained and used as background for preparation of new lists for the Secretary's reception. (b) Category of Users. Staff of Secretariat. (c) Purpose. To prepare invitations and verify invitees at reception.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Lists maintained in 3 ring binders. Identification of individual maintained on alphabetical 3 x 5 card. Cards filed in card file boxes.

Retrievability: Retrieval controlled by card systems. Card, filed alphabetically by name, shows list identification.

Safeguards: None necessary.

Retention and disposal: 2 years after the end of each reception.

System manager(s) and address: Director, OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Director, OASIA Secretariat, Department of the Treasury, Washington, D.C. 20220. Identifying Information: Full name, title, name of government agency or international organization.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: U.S. Government telephone directories. Card files and lists of previous receptions. U.S. Government Organizational Manual. Congressional directories. Lists of special guests, members of Delegations and staff supplied by the IMF-IBRD. Lists of members of the Press supplied by Public Affairs Office of the Treasury.

Treasury/OS 00.034

System name: OASIA Time cards listed on Form 2384—Treasury/OS.

System location: Room 5211, Main Treasury, 15th and Penn. Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA: Bilateral Development Staff, local and overseas.

Categories of records in the system: Contains hours worked and leave record.

Authority for maintenance of the system: Payroll preparation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for payroll and annual and sick leave used. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carbon of punch card.

Retrievability: Alphabetically by name.

Safeguards: Kept personally by timekeeper.

Retention and disposal: Kept in office for 1 year then sent to Accounting and Financing for storage.

System manager(s) and address: OASIA: Bilateral Development Program Office, Room 5211, Main Treasury, Washington, D.C. 20220.

Notification procedure: OASIA: Bilateral Development Program Office, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Information obtained by the hours employee works.

Treasury/OS 00.035

System name: Office of Trade Finance Correspondence Files—Treasury/OS.

System location: (1) Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (a) Officials of Municipalities and State Governments. (b) Members of Congress and (c) the General Public.

Categories of records in the system: Incoming request for information concerning international financial, economic, and monetary matters, and reply to same by individuals in the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. Routine correspondence file is maintained to provide record of inquiries for which replies are pending. (b) Category of Users. Officials of the office to respond to queries. (c) Purpose. Respond to inquiries. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 piece of paper.

Retrievability: Indexed by name.

Safeguards: None required.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Secretary to the Director, Office of Trade Finance, OASIA, U.S. Treasury.

Notification procedure: Director, Office Trade Finance, OASIA, Department of the Treasury, Washington, D.C.

Record access procedures: Same address as above, Notification.

Contesting record procedures: See Notification above.

Record source categories: Letters from the public.

Treasury/OS 00.036

System name: Office of Trade Finance, Home addresses and telephone number File—Treasury/OS.

System location: Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in OTF, OASIA, U.S. Treasury.

Categories of records in the system: Telephone numbers and home addresses.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine Use. To provide record of home telephone numbers and addresses; (b) Category of Users. Professionals of OASIA; (c) Purpose. To contact after normal duty hours for urgent situations. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card.

Retrievability: Indexed by name.

Safeguards: None required.

Retention and disposal: Disposed when employee terminates employment in office.

System manager(s) and address: Secretary to the Director, Office of Trade Finance, OASIA, U.S. Treasury.

Notification procedure: Director, Office Trade Finance, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures: Same address as above.

Contesting record procedures: See above.

Record source categories: Employees in OTF.

Treasury/OS 00.037

System name: OIDB Employee and Employee Candidate Files—Treasury/OS.

System location: OIDB, 5th Floor, Department of Treasury, 15th & Penna. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OIDB staff members and the candidates for OIDB, including prospective candidates for ED or Alt. ED positions at the IFIs.

Categories of records in the system: Bio data and curriculum vitae.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use by OIDB Director in making recommendations for promotions and other job classification changes and in interviewing job candidates. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders in file cabinet.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet. Disclosure limited to official personnel on need to know basis.

Retention and disposal: Records on OIDB employees kept while employee is in office. Job candidates for one year.

System manager(s) and address: Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: (a) Address. OASIA Personnel Office, Room 5315 Main Treasury; 15th & Penna. Ave., N.W., Washington, D.C. 20220. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Supplied by the persons themselves.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220

Categories of individuals covered by the system: Employees, Past Employees, Employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 USC 301.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Constitution Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.245

System name: Public correspondence—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have requested data or other information.

Categories of records in the system: Files on public correspondence.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: File record of public and Government inquiries and replies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: One file named for respondent. Others are chrono files of "release data," "request for information," etc.

Safeguards: Locked bar safe.

Retention and disposal: As long as needed.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Inquiries and requests for data from members of the public, members of Congress, members of other Government agencies and the Federal Reserve System.

Treasury/OS 00.246

System name: Treasury Foreign Currency (TFC) Reporters—Treasury/OS.

System location: Working data files maintained by Federal Reserve Banks. Central computer file maintained by: Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks and nonbanking business concerns and nonprofit institutions. (May include individuals operating as sole proprietorships or as partnerships.)

Categories of records in the system: Data on foreign exchange operations.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of aggregate figures for analysis of foreign exchange market developments and for publication. Compilation of data reported by particular groups of reporters or pertaining to particular countries, or types of assets, liabilities or transactions, for internal analysis of particular problems. Occasional compilation of data reported by individual reporters for internal analysis of adequacy of reporting. Statistical analysis of data file. Individual reports may be used by Federal Reserve System for surveillance of foreign exchange markets, bank examination, and monetary policy, and by Comptroller of Currency and FDIC for bank examination. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punch cards, magnetic tape, magnetic disc.

Retrievability: Lists of reporters and prospective reporters. Name, ID number, location, type of report.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether

we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed on Treasury Foreign Currency Forms. Oral and written communications with reporters and their agents, directly or through Federal Reserve Banks.

Treasury/OS 00.247

System name: Treasury Foreign Exchange (TFEX) Reporters—Treasury/OS.

System location: Working data files maintained by Federal Reserve Banks. Central computer file maintained by Federal Reserve Bank of New York. Headquarters: OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Banks, brokers, nonbanking business concerns, nonprofit institutions (may include individual operating as sole proprietorships or in partnerships).

Categories of records in the system: Data on international financial transactions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of aggregate statistics on capital movements for balance of payments and international monetary and financial policy and for publication.

Compilation of data reported by particular groups of reporters or pertaining to particular countries, or types of assets, liabilities or transactions, for internal analysis of particular problems.

Occasional compilation of data reported by individual reporters for internal analysis of adequacy of reporting.

Statistical analysis of data file.

Names of reporters furnished periodically to Board of Governors, Federal Reserve System, for their use in connection with the Information System for Banking Agency Reports (ISBAR).

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files, punch cards, magnetic tape, magnetic disc. Lists of reporters and prospective reporters.

Retrievability: Name, ID number, location, type of report.

Safeguards: Procedures and directives to assure confidentiality of reports of individual reporters. Computer access controlled by "pyramid" security system.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Statistical Reports, OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Reports filed on Treasury Foreign Exchange Forms. Oral and written communications with reporters and their agents, directly or through Federal Reserve Banks.

Treasury/OS 00.500

System name: Affirmative Action Plan; Employment of Handicapped Individuals—Treasury/OS.

System location: Room 1325, Main Treasury Building, Office of the Secretary, Personnel Division, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All government employees within the Office of the Secretary.

Categories of records in the system: Computer printout alphabetically identifying Office of the Secretary employees with their respective bureau, birthdate, social security number, and their reported physical handicap code.

Authority for maintenance of the system: Public Law 93-112.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used solely to compute the total number of handicapped employees on the bureau rolls as of a specific date. The bulk statistics are then reported to the Civil Service Commission pursuant to its authority granted under the Rehabilitation Act of 1973 (P.L. 93-112) and guided by FPM Letter No. 306-5. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept is a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved alphabetically.

Safeguards: As indicated above under Storage, during official business hours, the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and disposal: The record is maintained for one week in order to gather the statistics for the Handicapped Employees report intended for the Civil Service Commission. It is then placed in a "Classified Waste" bag to be burned.

System manager(s) and address: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.040

System name: Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Categories of records in the system: Forms TD 3086 and 3087 (Confidential Statement of Employment (1)) and Form TD 3086 ((Statement of Employment and Financial Interests)—For Special Government Employees) and Form TD 3087 (Confidential Statement of Employment and Financial Interests) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system: In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers

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designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability: Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards: In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal: Statements of active employees are retained during incumbent employment tenure and subject to annual up-date as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address: Personnel Officer, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1330, 15th and Pennsylvania Avenue, N.W. Washington, D.C. 20220.

Notification procedure: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.Access on request of contributor.

Contesting record procedures: See Access above.

Record source categories: The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 00.501

System name: Disabled Veterans Statistical Report—Treasury/OS.

System location: Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All government employees within the Office of the Secretary claiming either a five or ten point veteran preference.

Categories of records in the system: The record is a computer printout that categorizes all Office of the Secretary employees claiming a veteran preference by their veteran preference code number. Inside each numerical category, the employees are listed alphabetically along with their employing bureau, office, physical handicap code, pay plan, and social security number.

Authority for maintenance of the system: Public Law 93-508.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is used solely to gather statistics on the total number of Office of the Secretary employees claiming either 10 point compensable, 10 point noncompensable, or 5 point veteran preference codes, in addition to the number of them that have reportable handicaps. This data is then used to prepare the Treasury Department's report required by the Civil Service Commission pursuant to its authority under the Vietnam Era Veterans Readjustment Assistance Act of 1974 (P.L. 93-508) and in accordance with the guidelines contained in FPM Letter No. 306-8. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept in a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved by the veteran preference code number and then alphabetically within the code.

Safeguards: As indicated above under Storage, during official business hours the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and disposal: The record is maintained for one week in order to gather the statistics for the Disabled Veterans report and then it is placed in a "Classified Waste" bag to be burned.

System manager(s) and address: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.055

System name: EEO Counselor Complaint Files—Treasury/OS.

System location: U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, N.W., Room 4313, 2438.

Categories of individuals covered by the system: Individuals alleging discrimination related to employment with the Office of the Secretary and who have been assigned to a counselor for informal counseling.

Categories of records in the system: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Authority for maintenance of the system: Treasury Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by name.

Safeguards: Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure: Same as above. Include name and approximate date of counseling.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS 00.041

System name: Management Analysis Division (MAD) Personnel Working Files—Treasury/OMO.

System location: Office of Management and Organization, Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in MAD.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Chief, MAD, for planning and managing staff development; by his secretary; and by individual employees, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in MAD. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.042

System name: OMO Management Consultants File—Treasury/OS.

System location: Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: Individual Consultant's or Management Consultant firms' brochures identifying individual firm officials.

Categories of records in the system: Published brochures of Management Consultant firms and resumes prepared by individual Consultants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When the Department is considering letting a contract for a Management Consultant, the file is used as a reference for submission of Request For Proposal. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Alphabetical order by Management Consultant firm or individual Consultant name.

Safeguards: All material is unclassified. Kept in a file cabinet.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: By request to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Information is submitted unsolicited by the individual Consultants or Management Consultant firms.

Treasury/OS 00.043

System name: Payroll, Time and Attendance Records—Treasury/OS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund and the Working Capital Fund.

Categories of records in the system: Carbon copies of original punch card type record of time in pay status, annual/sick leave accrued/taken by individual by calendar year. Original cards are maintained by IRS Data Center where payment is initiated.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copies of official records, used by payroll staff as ready reference to verify employment and leave information. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch type cards.

Retrievability: By name.

Safeguards: Handled routinely in index files.

Retention and disposal: Retained for five years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information compiled by Time and Attendance Clerks in applicable offices.

Treasury/OS 00.044

System name: Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List.—Treasury/OS.

System location: Room 1330, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Office of the Secretary employees.

Categories of records in the system: The types of information in the system are names, position titles, grades and salary.

Authority for maintenance of the system: IRS Computer system generates reports. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports are used to answer inquires made by employees and to verify whether information submitted by this office has been updated by the IRS Data Center. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked room. File cabinets.

Retrievability: By name and social security number.

Safeguards: Locked cabinets.

Retention and disposal: Most reports are retained for at least 1 year after which they are destroyed.

System manager(s) and address: Personnel Officer, Room 1330, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Room 1330, Main Treasury Building. Employee should give name, office title and social security number.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: SF-50 and Time and Attendance cards.

Treasury/OS 00.045

System name: Personnel Security Files—Treasury/OS

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees or applicants occupying or applying for Sensitive positions in the Office of the Secretary of the Treasury as defined in EO 10450 and FPM 736 and Chapter 736, Treasury Personnel Manual. Also, contract employees who require access to classified information as defined in EO 11652.

Categories of records in the system: Full field or limited background investigations, and FBI Name Checks.

Authority for maintenance of the system: Sections 2 and 3, EO 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consistent with the provisions of Sections 5 and 6, EO 10450, when unfavorable or questionable information is developed on an employee or applicant which could conceivably have a deleterious affect on the position filled or to be filled or adversely affect the granting of a security clearance, such information is made available to the appropriate employing officials limited only to those transcendent authorities who are in a position to make final determinations on hiring, continued employment or access to classified information. In addition,

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files are periodically made available to official investigative or security personnel from other U.S. Government agencies, upon request, when an employee or former employee is being considered for employment by another U.S. Government agency for a Sensitive position as defined in EO 10450. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each security file is inserted into an individual file folder which is filed in metal containers designed for the storage of classified information and secured by government approved three-position, combination locks.

Retrievability: Each security file folder is identified by the name of the person to whom it applies and these are filed in alphabetical order.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances consistent with the provisions of EO 10450 for critical-sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions as required by EO 10450.

Retention and disposal: Active security files are retained during incumbent employment tenure, and subject to update investigation as required by EO 10450. Files of employees who affect intra-agency transfers (to other Department of the Treasury Bureaus) are automatically transferred to the gaining Bureaus. If an employee leaves the government or is transferred to another governmental department, the file is retained, but separated from the active files, for a period of five years, except for background investigations completed by the Civil Service Commission which are returned to that agency immediately following the employee's departure from the Department.

System manager(s) and address: Assistant Director of Personnel (Personnel Security), Room 632, Office of the Secretary, Department of the Treasury, Thomas Edison Building, 1900 Pennsylvania Avenue, Northwest, Washington, D.C.

Systems exempted from certain provisions of the act: System exempted elsewhere in register.

Treasury/OS 00.046

System name: Planning and Evaluation Division Employee Locator Card Copy and Information Sheet File—Treasury/OS.

System location: Office of Management and Organization, Planning and Evaluation Division, Room 2453, Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: Every employee of Division during period of employment.

Categories of records in the system: Locator card data: office room number and phone extension, home address, and phone number, emergency notification data. Employee information sheet: social security number, service computation date, veterans preference, promotion data.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for Division management; home address, home phone number, and emergency notification references. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Three ring binder.

Retrievability: By name.

Safeguards: Secured files.

Retention and disposal: Period of employment. Shredding or burning.

System manager(s) and address: Chief, Planning and Evaluation Division, Room 2453, Main Treasury, Washington, D.C. 20220.

Notification procedure: Same as System Manager.

Record access procedures: Request addressed to System Manager.

Contesting record procedures: See Access above.

Record source categories: Original of locator card; data filled in by employees.

Treasury/OS 00.047

System name: Planning and Evaluation Division Employee Personnel File—Treasury/OS.

System location: Office of Management and Organization, Planning and Evaluation Division, Room 2453, Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: Every employee of Division for up to two years after employee has left the Division.

Categories of records in the system: Position Description, Personnel Actions, Record of Leave Data, and other information pertaining to the employee's employment history. Supervisor's performance evaluation forms and self-assessment.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for Division management; responding to requests for employee related information (employment reference checks, etc.). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name.

Safeguards: Disclosure only from Division Chief. Secured files.

Retention and disposal: Period of employment, plus two years. Shredding or burning.

System manager(s) and address: Chief, Planning and Evaluation Division, Room 2453, Main Treasury, Washington, D.C. 20220.

Notification procedure: Same as System Manager.

Record access procedures: Request addressed to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Copies of any official correspondence or document concerning the individual which comes to or originate in the Division.

Treasury/OS 00.502

System name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

System location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Categories of individuals covered by the system: Secretarial candidates applying for positions within the Office of the Secretary.

Categories of records in the system: Evaluation for placement of applicants.

Authority for maintenance of the system: Federal Personnel Manual Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF-171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

System manager(s) and address: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information reflected on the reference form was obtained from previous supervisors and personal references candidate fills in on employment application forms.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Assistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.048

System name: Scheduled Annual Leave Records—Treasury/OS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund and the Working Capital Fund.

Categories of records in the system: Dates of scheduled annual leave for the calendar year TR-Form 4067 and Request for Restoration of Annual Leave TR-Form 4068.

Authority for maintenance of the system: Public Law 93-181.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used as a basis for determinations on granting requests for restoration or forfeited annual leave. For additional routine use, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents in a file cabinet.

Retrievability: By name of individual.

Safeguards: Non-sensitive material; handled routinely in file cabinet.

Retention and disposal: Maintained until file updated.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The individual scheduled for annual leave.

Treasury/OS 00.049

System name: Security Clearance Index Card File, Security Branch, Office of the Secretary of the Treasury—Treasury/OS.

System location: Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, including Consultants, occupying Sensitive positions and on whom security investigations have been completed pursuant to EO 10450 and who have been granted security clearances for access to classified information as defined in EO 11652.

Categories of records in the system: TD Form 4027 (Notice of Security Clearance) reflecting identification data on incumbent and record and type of EO 10450 investigation and degree and date of security clearance.

Authority for maintenance of the system: Local implementation to facilitate responses for inquiries on security clearances from within Treasury and from other federal agencies on Treasury employees who may transfer or who may attend classified conferences or meetings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When inquiries are received from offices within Treasury or other federal agencies as to the clearance status of Treasury employees who may have an official need to attend classified conferences or meetings or have access to classified documents, the availability of this index system facilitates a response. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized indices are filed in a metal, 3 x 5 card file cabinet available to authorized security and administrative specialists on duty in the Security Branch during normal working hours. During non-working periods, the office in which the file is located is locked, with keys issued only to those who are normally employed in the office and an emergency key in the custody of the Officer in Charge of the Treasury Security Force.

Retrievability: Since each card is filed alphabetically by the last name of the individuals concerned, they are retrieved accordingly.

Safeguards: As indicated under "Storage" above, the metal card file is located in an office which is under direct supervision of an authorized employee of the Security Branch during normal working hours, and in a locked office during non-working hours.

Retention and disposal: The active indices are maintained on current employees and when an employee departs the Office of the Secretary for employment elsewhere, the card is transferred to an inactive index where it is maintained indefinitely.

System manager(s) and address: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Notification procedure: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Record access procedures: Chief, Security Branch, Personnel Division, Room 1306, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, Northwest, Washington, D.C. 20220.

Contesting record procedures: Access on request as appropriate.

Record source categories: The information reflected on these cards was obtained from personnel data provided by each incumbent on security and employment application forms, and from the dates reflected on reports of completed EO 10450 security investigations thus indicating when such investigations were completed and used as a basis for granting security clearances or for being appointed to Sensitive positions. Also, the dates of security clearances as well as the degree of security clearance as granted by the Security Office in which the cards are maintained, all of which information is contained in Personnel Security files which are identified as a separate System of Records.

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Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personnel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Carolyn C. Onufrak, Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.051

System name: Time and Attendance Cards—Treasury/OS.

System location: Room 1330 & Room 1312 Main Treasury Building.

Categories of individuals covered by the system: Personnel Division employees.

Categories of records in the system: Time in pay status and annual and sick leave balances.

Authority for maintenance of the system: IRS Timekeepers Manual 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Time cards are used to pay employees and also to inform employees of leave balances when needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal file box.

Retrievability: By name.

Retention and disposal: Time and attendance records are kept by the timekeeper for 1 year and are then forwarded to Fiscal Division.

System manager(s) and address: Chief, Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Employee must furnish name, office and social security number.

Record access procedures: Chief, Fiscal Branch, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: International Revenue Data Center, Detroit, Michigan.

Treasury/OS 00.052

System name: Travel Records—Treasury/OS.

System location: Treas. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system: All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system: Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038, Request for Advance of Funds.

Authority for maintenance of the system: 5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original document form in file cabinet.

Retrievability: Filed by name on a fiscal year basis.

Safeguards: Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal: Presently retained for ten years then burned or shredded.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name: Treasury Emergency Preparedness Information Program. The information system of this program contains the following information records which are subject to this inventory: (1) Emergency Executive Teams Lists, (2) Alert Notification Procedures, (3) Federal Emergency Assignee Identification—Treasury/OS.

System location: Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Treasury Emergency Executive Team Members (Teams A, B, & C) (2) Key Treasury Personnel.

Categories of records in the system: (1) Emergency Executive Team Member Lists (By Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Federal Emergency Assignee Identification Card and E&FD Pass-Badge; Name, Date of Birth, Physical Identification Characteristics, Agency.

Authority for maintenance of the system: (1) Emergency Executive Teams: Treasury Emergency Planning Circular No. 2 (Rev.) March 14, 1973; OEP Circular 9100.2 April 12, 1972; Executive Order 11490. (2) Key Treasury Personnel Alert Notification: Treasury EPC No. 2. (3) Application for Identification Card-Badge: (a) SF-138 Pass: Title 32-National Defense, Part 231 (Federal Register page 11893, October 30, 1962) Civil Defense Identification for Federal Employees. (b) GSA form 9033: Office of Preparedness (OP)/GSA-APGS Order 604.1B dated November 15, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Emergency Executive Teams Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams A, B, & C. See EPC No. 2. Forms the basis for issuance of SF-138 Cards and E&FD Passes. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See EPC No. 1.

(2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels.

(3) Federal Emergency Assignee Identification: (a) SF-138 Pass: Issued to all members of the three Emergency Executive Teams (A, B, & C) and to certain other key Treasury personnel. Identifies the person described on the card as having been assigned essential emergency duties for the Federal Government. It is imperative that the bearer be assisted in travel by the fastest possible means to his emergency assignment. Permits admission to emergency operating facilities to which Teams A & C members are assigned. (b) E&FD Pass: Permits admission to Office of Preparedness (OP)/GSA Special Facility, which is the emergency operating facility to which Team B members are assigned.

(4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Emergency Executive Team Lists and Alert Notification Lists: Master copies maintained in MPS office. Copies are prepositioned within the Office of the Secretary, Telecommunications Center, Treasury Emergency Operating Facilities (TARS and OP/GSA/SF). (2) Federal Emergency Assignee Identification: (a) SF-138 application: Original in MPS, (b) E&FD application: Original filed within Office of Preparedness (OP)/GSA. Copy filed in MPS office.

Retrievability: All mentioned records are indexed by name.

Safeguards: Treasury Master Records are filed in official records in MPS office. Office is secured and locked when no office personnel are present.

Retention and disposal: Files are retained and disposed of in accordance with Treasury Department directives for record scheduling. (See Treasury Adm. Bulletin No. 74-68, September 10, 1974 and Treasury Department Order No. 227, October 24, 1973.) Passes are retrieved and destroyed by shredding when employee no longer has official need for the pass (e.g., no longer employed by Treasury as a Team member). Team List and Alert Notification Lists are maintained current. Obsolete lists are destroyed.

System manager(s) and address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure: (a) Address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220. (b) Identifying Information: Name, Official Capacity as a Treasury employee or former employee.

Record access procedures: By written request to Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (a) Key Treasury officials in assigning key personnel to the Emergency Executive Teams provide position title and name of person. (b) The key personnel and team members voluntarily provide information on themselves when applying for identification cards or passes and also provide telephone numbers for the Alert Notification Lists.

Treasury/OS 00.054

System name: Treasury Payroll/Personnel Information System (To be implemented approximately January 1977 to July 1978)—Treasury/OS.

System location: Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232.

Categories of individuals covered by the system: Personnel and payroll data on all Treasury Department employees.

Categories of records in the system: Year-to-date and historical data pertaining to personnel actions and payroll.

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 291), establishes control of the automated personnel information under the agency Director, Personnel. The Department of the Treasury, in the Fiscal Requirement Manual, establishes control of the automated payroll information under the agency Fiscal Assistant Secretary: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Treasury Payroll/Personnel Information System is used to furnish payroll and personnel data, information and statistics to the Civil Service Commission and other requesting agencies. It is also used to generate the necessary payroll information, deductions and allotments to pay the employees on a biweekly basis and to furnish the necessary payroll information to concerned agencies required by law. The basic payroll and personnel master file provides input to management information systems, as well as related accounting and budget systems. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Treasury Payroll/Personnel Information System master file is kept on disc and mag tape. Information concerning the employee is retrievable through the use of the individual's name and/or social security number. Information is reduced to hard copy in the form of reports and payroll information and documentation. The Director, Detroit IRS Data Center, is the designated Treasury official responsible to insure that data is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Request in writing to: Bureau Designee....., Bureau of..., Department of the Treasury, Washington, D.C. 20220.An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Bureau Designee....., Bureau of....., Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The Processing Clerk enters each new employee's personnel and payroll information on a copy of the SF-50, SF-52, or other standard input documents and transmits it to the processing data center. Subsequent personnel or payroll data is forwarded in this manner also.

Treasury/OS 00.505

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

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Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes; evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job; not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: by bureau and alphabetically by name of individuals.

Safeguards: information is not classified.

Retention and disposal: policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury. 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury. 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in typed or hand-written form. File cabinets.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.063

System name: Personnel Security Files and Indices—Treasury/OS.

System location: Assistant Director of Personnel (Personnel Security), Room 652, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Current and former employees of the Department of the Treasury.

Categories of records in the system: The files and records contain investigative information related to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments, for the purpose of granting security clearances and making suitability determinations.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used within the Federal government as follows:

(1) To officers and employees of the Department of the Treasury who have a need for the information in the performance of their official duties.

(2) To designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States government.

(3) To designated officers and employees of other agencies and departments of the Federal government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance or access, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States government.

(4) To designated officers and employees of other agencies and departments of the Federal government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States government, in connection with performance of a service to the Federal government under a contract or other agreement.

(5) To any agency of the Federal government having oversight or review authority with regard to Treasury Department activities.

(6) To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

(7) To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

(8) In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters; and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

(9) To the Department of Justice for consideration of prosecution for violation of laws regarding Federal employment, including fraud in the application, examination, or appointment, and in cases where the Department of Justice is required to represent the Department of the Treasury or any other agency or department of the Federal government.

(10) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision.

(11) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(12) To any agency, department, or other branch of the Federal government having a legitimate need under statutory authority.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Personnel Security Index—4 x 5 cards.

Retrievability: Filed in a rotary file in alphabetical order, and retrieved by name.

Safeguards: Office is locked during non-business hours.

Retention and disposal: This is a permanent file; no cards have been retired. Personnel security files are maintained in security-type file cases with 3 position combination locks. These files are retired to the Federal Records Center one year after the employee leaves Treasury.

System manager(s) and address: Assistant Director of Personnel (Personnel Security) Room 652, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt System.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of this system proposed to be exempted elsewhere in the Federal Register.

Treasury/OS 00.064

System name: Timecards—Treasury/OS.

System location: 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees in Office of Personnel.

Categories of records in the system: Category III (official records on employees kept and used by the employer).

Authority for maintenance of the system: Federal Employees Compensation Act. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The person receives his pay based on the number of hours recorded on the timecard. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: computer cards, in filing box.

Retrievability: name.

Safeguards: locked in filing cabinet.

Retention and disposal: retain in this office for one year then forward to Fiscal Division, Office of Secretary.

System manager(s) and address: Timekeeper, Office of Personnel, Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Director of Personnel, Department of the Treasury, 15th & Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Personnel records.

Treasury/OS 00.065

System name: Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in typed or hand-written form.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

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Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission; and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.066

System name: Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system: Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system: Most material is not solicited though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in typed or hand-written form.

Retrievability: Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards: Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal: Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name: Detailed Employee Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system: Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Departmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in typed or hand-written form.

Retrievability: System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent detail requiring approval at the Departmental level.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name: Whitten Amendment Exception Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system: A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system: The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in typed or hand-written form.

Retrievability: System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name: Office of Computor Science, Work Assignment and Control Form—Treasury/OS.

System location: 1435 G Street, N.W., Room 201, Washington, D.C. 20220.

Categories of individuals covered by the system: All personnel in Office of Computer Science.

Categories of records in the system: List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system: Implied authority of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, mag. tape files.

Retrievability: Indexed by name.

Safeguards: Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal: Retained one year, then erased or discarded.

System manager(s) and address: Director, Office of Computer Science, 1435 G Street, N.W., Room 201, Washington, D.C. 20220.

Notification procedure: Office of Computer Science, 1435 G Street, N.W., Room 201, Washington, D.C. 20220. Identifying information—name.

Record access procedures: Written request, to: Director, Office of Computer Science, 1435 G Street, N.W., Room 201, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Forms filled out by staff members.

Treasury/OS 00.080

System name: Banks' Affirmative Action files—Treasury/OS.

System location: Office of Equal Opportunity Program (Headquarters Office), U.S. Department of the Treasury, 1000 City Building, 1612 K Street, N.W., Washington, D.C. 20220. Office of Equal Opportunity Program, U.S. Department of the Treasury, Room 948, 75 Piedmont Street, N.W., Atlanta, Georgia 30303. Office of Equal Opportunity Program, U.S. Department of the Treasury, Suite 1415, 55 East Monroe Street, Chicago, Illinois 60603. Office of Equal Opportunity Program, U.S. Department of the Treasury, Room 232, 701 San Jacinto, Houston, Texas 77002. Office of Equal Opportunity Program, U.S. Department of the Treasury, Room 1312, 300 North Los Angeles Street, Los Angeles, California 90012.

Categories of individuals covered by the system: Bank employees, classified by race and sex.

Categories of records in the system: (a) Print-outs listing all employees by major organizational unit, job title, and salary grade, by race and sex. (b) Applicant flow data, hires, promotions, transfers, trainees, and terminations.

Authority for maintenance of the system: Executive Order 11246, as amended; Revised Order No. 4 (Affirmative Action Programs), 41 CFR 60-2; Revised Order No. 14 (Contractor Evaluation Procedures), 41 CFR 60-60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are used for monitoring of affirmative action objectives, goals and timetables of financial institutions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in manila folders in filing cabinets.

Retrievability: Banks are indexed alphabetically by state, city within state, and name of bank within city.

Safeguards: An official has been designated as the only authorized person responsible for disclosure of records.

Retention and disposal: No records have been destroyed since the inception of the Program in 1967.

System manager(s) and address: System Manager, Office of Equal Opportunity Program, Office of the Secretary, Department of the Treasury, Washington, D.C. 20220, Telephone: 202-964-8146.

Notification procedure: Address of Agency—same as above, System Manager, Address of Location at which Individual is to Present Request—same as above, System Manager. Identifying Information that individual is required to provide; name and dates of employment at particular financial institution.

Record access procedures: Inquiries for access to and contest of records may be directed to the address supplied above under System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Information comes from the personnel records and policies of the subject financial institution.

Treasury/OS 00.081

System name: Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

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System location: Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system: Employment statistics on Treasury minority groups and female employees.

Categories of records in the system: The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On/Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system: The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Department staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports.The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address: Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures: Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.082

System name: EEO Complaint Processing System—Treasury/OS.

System location: Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system: Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

Authority for maintenance of the system: Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complainant in an alphabetical order. The Director, Equal Opportunity Program, and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexandria, Virginia.

System manager(s) and address: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure: See System Manager above.

Record access procedures: To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.083.

System name: Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location: Office, Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system: Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system: CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system: Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address: Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure: Same as above. No identifying information of an individual is required except his/her name.

Record access procedures: An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Opportunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures: See Access above.

Record source categories: All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.090

System name: EOTA FOI Request/Appeals Files—Treasury/OS.

System location: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Main Treasury Building, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals submitting original requests for information or appeals of initial denials to this office under the Freedom of Information Act.

Categories of records in the system: Copies of the requests or appeals under FOIA submitted by individual; other correspondence on the FOI matter; copies of disclosed material.

Authority for maintenance of the system: 5 USC 301, 5 USC 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consult and advise other offices and bureaus of Treasury and of other Federal Departments and agencies; advise Members and committees of Congress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy paper files.

Retrievability: Manual, by name and/or number assigned.

Safeguards: Locked file cabinet or safe-cabinet storage; access to personnel with need to know.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Official prescribing policies and practices—Assistant Secretary (Enforcement, Operations & Tariff Affairs) Officials maintaining the system—Director of Law Enforcement, Director of Operations, Director of Tariff Affairs.

Notification procedure: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Department of the Treasury, Washington, D.C. 20220—Name, signature & date of original and appellate requests.

Record access procedures: Office of the Assistant Secretary (Enforcement, Operations & Tariff Affairs), Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individual making FOI request or appeal; offices, bureaus, agencies, departments and personnel of Federal Government who have relevant information or must be consulted for appropriate processing.

Treasury/OS 00.101

System name: International Criminal Police Organization (INTERPOL) Criminal Investigative Records—Treasury/OS

System location: Room 1116—Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual. Certain victims of criminal violations in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 22 USC 263a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Stored in file folders at the U.S. National Central Bureau and certain limited data in Treasury Enforcement Communications System (TECS). Upon inactiyity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which is retained for 20 years from the date of the judicial action. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name or file number and by weapons number and motor vehicle number. Access is limited to personnel of the U.S. NCB—INTERPOL except for certain fugitive/wanted records in TECS which are accessible to all TECS terminals. Disposal of records is by shredding or burning. Safeguards include need to know procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Room 1116, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: The Assistant Secretary (Enforcement, Operations and Tariff Affairs) pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/OS 00.102

System name: Treasury Enforcement Communications System (TECS)—Treasury/OS.

System location: International Criminal Police Organization (INTERPOL) Criminal Investigative Records, Room 1116—Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in crime which may or may not be associated with an individual, Certain victims of criminal violation in the U.S. or abroad.

Categories of records in the system: Information concerning an individual may be maintained in this system of records which includes but is not limited to records pertaining to fugitives, wanted persons, suspected persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description,

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various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Criminal investigations being conducted by law enforcement agencies in the U.S. or abroad. Users—Local, State and Federal Agents and employees of the U.S. National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; disclosure required in administration of Freedom of Information Act (5 U.S.C. 552); referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering efforts to investigate the activities of and apprehend criminal offenders; translators of foreign languages as necessary; and for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Magnetic tape and disc storage and hard copy. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing persons records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Retrievability by name, file number, personal identification number, system identification number, weapons or motor vehicle number. Access safeguards include need to know, procedural and physical safeguards, such as accountability, restricted areas and alarm protection systems backed up by armed security force. Upon inactivity for five years the file is destroyed except for judicial cases involving personnel in this NCB, which are retained for 20 years from the date of judicial action. Disposal of records is by shredding or burning.

System manager(s) and address: Chief, U.S. National Central Bureau, INTERPOL, Room 1116, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Exempt System.

Record access procedures: Exempt System.

Contesting record procedures: Exempt System.

Record source categories: Exempt System.

Systems exempted from certain provisions of the act: The Assistant Secretary (Enforcement, Operations and Tariff Affairs) pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS.

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Control employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.111

System name: FAC 1950 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is individuals residing in China who had an interest in property in the U.S. on December 18, 1950. This category would include (a) U.S. citizens who left China after December 17, 1950; and (b) non-U.S. citizens who left China after December 17, 1950, and became U.S. citizens or permanent alien residents of the U.S.

In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of the Peoples Republic of China, or individuals who had an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (6) Reports containing a brief description, including location and value, of assets in the U.S. on December 18, 1950, in which, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.603 of the Foreign Assets Control Regulations (31 CFR 500.603).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records: (1) is used by staff to verify the accuracy of reports submitted under the 1970 Census of Blocked Chinese Assets; (2) is made available to the Chief of Enforcement, in connection with determining the present whereabouts of holders or custodians who cannot be located; (3) is made available to the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (4) is made available to the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (5) is made available to the Acting Director in connection with questions regarding the property reported under the 1950 census; (6) is made available to the original holder or custodian of blocked Chinese property or his successor in interest to aid in preparation of the 1970 census report; (7) is made available to the legal representatives of persons listed in (1) to aid in preparation of the 1970 census report; (8) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence files.

Retrievability: Reports are indexed by name of holder or custodian of blocked property, by name of individual for whom blocked accounts are maintained, and by report number. Files are indexed by name of holder or custodian of blocked property or by name of individual.

Safeguards: The FAC 1950 Census of Blocked Chinese Assets records consist of documents in folders and a computer print out. Some of these files are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures. The remainder of these files are stored in a supply room which is always locked except when in use by FAC personnel.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1950 Census of Blocked Chinese Assets records contain information relating to him should be—(a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G. Street N.W., Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1950 Census of Blocked Chinese Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.112

System name: FAC 1970 Census of Blocked Chinese Assets—Treasury/OS.

System location: 1331 G. Street N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of the Peoples Republic of China. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Chinese national, Administrator or Executor of the estate of a Chinese national, heir of the estate of a Chinese national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category are Foreign nationals, namely Chinese who had interests in property in the U.S. on December 18, 1950, and on July 1, 1970. Also included are individuals in the U.S. who had been in China on or since December 17, 1950, or who had acted for or on behalf of the government of the Peoples Republic of China, or who had on either date an interest in property in which there was also an interest of a Chinese national on or since December 17, 1950, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description including location and value, of assets in the U.S. on December 18, 1950, or on July 1, 1970, in which, on either date, China or a Chinese "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print-out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 U.S.C. App., Section 5(b)). Section 500.610 of the Foreign Assets Control Regulations (31 CFR 500.610).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records: (1) is made available to the Director, Chief of Licensing, Chief of Enforcement, and the Legal Section for assistance with problems requiring their advice and expertise. (2) is made available to the Chief of Licensing in connection with applications to unblock property of Chinese nationals. (3) is used for statistical purposes. (4) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: files and index cards.

Retrievability: Files and index cards indexed by name of holder or custodian of property with I.D. number and by name of individual for whom blocked accounts are held with I.D. number.

Safeguards: The Foreign Assets Control 1970 Census of Blocked Chinese Assets records consist of documents in folders and a bound computer print out which are stored in file cabinets secured by approved detachable combination locks. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safeguarded by appropriate security measures.

Retention and disposal: None have been destroyed.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1970 Census of Blocked Chinese Assets records contain information relating to him should be (a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1970 Census of Blocked Chinese Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Chinese assets.

Treasury/OS 00.113

System name: FAC 1964 Census of Blocked Cuban Assets—Treasury/OS

System location: Federal Record Center, Suitland, Maryland

Categories of individuals covered by the system: Most of these records contain reports and correspondence regarding blocked accounts of persons or firms who are nationals of Cuba. However, there is a small class of cases where reports were received regarding the assets of an individual subject to U.S. jurisdiction when such individual is the trustee of a Cuban national, Administrator or Executor of the estate of a Cuban national, heir of the estate of a Cuban national, etc. Most of the persons filing these reports were American corporations. However, a small number of reporters were American individuals.

The principal category is residents of Cuba, who had an interest in property in the U.S. on July 8, 1963. This category would also include (a) U.S. citizens who left Cuba after July 8, 1963, and (b) non-U.S. citizens who left Cuba after 1963 and became U.S. citizens or permanent alien residents of the U.S. In addition, this system includes individuals in the U.S. who had acted for or on behalf of the government of Cuba, or individuals who had an interest in property in which there was also an interest of a Cuban national on or since July 8, 1963, for example, trusts and estates, joint accounts and partnerships.

Categories of records in the system: (1) Reports containing a brief description, including location and value of assets in the U.S. on

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July 8, 1963, in which Cuba or a Cuban "national" (as defined in the Regulations) had any interest. (2) Correspondence regarding such reports. (3) A computer print out summarizing the information contained in the reports.

Authority for maintenance of the system: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a)). Cuban Assets Control Regulations 31 CFR Part 515.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system of records may be used in connection with a future census of blocked Cuban assets. This census would be undertaken as part of a vesting and claims program to compensate Americans who had property nationalized or expropriated by the Cuban government. The uses may be as follows: (1) by staff to determine persons to whom specific correspondence should be addressed advising them of the census requirements; (2) by staff to verify the accuracy of reports submitted under a new census; (3) by the Chief of Enforcement, in connection with determining the present where-abouts of holders or custodians who cannot be located; (4) by the Chief of Licensing for assistance in determining the propriety of the release of blocked property; (5) by the Legal Section in connection with questions regarding the disposition of blocked property requiring a legal opinion; (6) by the Director in connection with questions regarding the property reported under the 1964 census; (7) may be made available to the original holder or custodian of blocked Cuban property or his successor in interest to aid in preparation of a new census report; (8) may be available to the legal representatives of persons listed in (7) to aid in preparation of a new census report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and correspondence.

Retrievability: All of these records are located at the Federal Record Center, Suitland, Maryland. They are retrievable by name of individual.

Safeguards: GSA.

Retention and disposal: None have been destroyed.

System manager(s) and address: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC 1964 Census of Blocked Cuban Assets records contain information relating to him should be (a) Mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) Presented in person: Office of Foreign Assets Control, 1331 G Street, NW, Room 500, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in Foreign Assets Control 1964 Census of blocked Cuban Assets records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Custodians or other holders of blocked Cuban property.

Treasury/OS 00.114

System name: Foreign Assets Control Enforcement Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have engaged in unlicensed financial, commercial or other transactions which are prohibited under regulations administered by the Office of Foreign Assets Control. Individuals who have made any unlicensed importation of prohibited merchandise from a foreign country which is a "designated country" under regulations administered by the Office of Foreign Assets Control. Individuals who have made an unlicensed remittance of funds or exportation of goods to a "designated country" or national thereof, or to a "specially designated national." Individuals who have otherwise violated any Treasury ruling, license or regulation issued under or pursuant to the Trading with the Enemy Act or the United Nations Participation Act. Individuals suspected of having engaged in activities or transactions which violated statutes or regulations administered by the controls. Individuals who have applied for Foreign Assets Control Licensing when there is reason to suspect the truth of statements contained in an individual's application. Individuals who have or are suspected of misuse or misappropriation of blocked property.

Categories of records in the system: Reports of investigations of suspected or actual violations by an individual of relevant statute and regulations administered by the Office of Foreign Assets Control; intelligence reports requested from other official sources regarding suspected or actual criminal or civil violations by an individual of the relevant statutes, or of the regulations administered by the Office of Foreign Assets Control; evidence obtained during investigation of suspected or actual violations by an individual of the relevant statutes and regulations administered by the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act (22 USC Section 287(c)); Foreign Assistance Act of 1961, (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations (31 CFR, Sections 500.601 and 500.602), Cuban Assets Control Regulations (31 CFR, Sections 515.601 and 515.602), Rhodesian Sanctions Control Regulations (31 CFR Sections 530.601 and 530.602).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used as a source of reference in other FAC enforcement investigations. (2) As a source of information in consideration of applications for Foreign Assets Control specific licenses. (3) Referral of information to the Department of Justice in civil or criminal cases involving the individual. (4) Disclosure to U.S. Customs Service, Internal Revenue Service or Department of Commerce (Office of Export Administration), of information concerning possible violations of laws and/or regulations of such agencies. (5) Notice to the United States Customs Service (a) of importers who have made illegal commercial importations of prohibited publications, and, (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (6) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Enforcement Records consist of documents, etc., in folders which are stored in locked file cabinets in secure file rooms. Enforcement records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by Foreign Assets Control personnel who are instructed not to admit unauthorized persons into the file areas, nor to release any material from the enforcement records to persons other than Foreign Assets Control personnel. During off duty hours the file rooms are secured by appropriate electronic protective devices. These Enforcement Records are maintained indefinitely, for so long as the assets and transactions involved are subject to regulation.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C.

Notification procedure: Proposed exempt system.

Record access procedures: Proposed exempt system.

Contesting record procedures: Proposed exempt system.

Record source categories: Proposed exempt system.

Systems exempted from certain provisions of the act: System proposed to be exempt elsewhere in Federal Register.

Treasury/OS 00.115

System name: Foreign Assets Control General Correspondence Files-Treasury/OS.

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Records are maintained of all correspondence from individuals seeking information from the Office of Foreign Assets Control regarding embargoed or blocked foreign countries (and assets and nationals thereof), which are affected by implementing Treasury Department Regulations. Current regulations, and corresponding blocked or embargoed countries, are: Foreign Assets Control Regulations (China, Vietnam, and North Korea); Cuban Assets Control Regulations (Cuba); and the Rhodesian Sanctions Regulations (Rhodesia). Records are also maintained of letters to individuals initiated by the Foreign Assets Control.

Categories of records in the system: General correspondence of every kind, e.g.: individuals seeking information about FAC regulations re some particular country; requests for advice on proposed or possible transaction involving a designated country or a national thereof; letters reporting possible violation of some FAC administered regulation; requests from law students and other researchers; requests for copies of regulations administered by FAC; requests for information regarding possible employment opportunities with the Office of Foreign Assets Control.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC Section 287 c), Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC Section 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR Part 500, Cuban Assets Control Regulations 31 CFR Part 515, Rhodesian Sanctions Regulations 31 CFR Part 530; Transaction Control Regulations 31 CFR Part 505; Foreign Funds Control Regulations 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Intra-Agency—Used by the staff to effectuate the purposes of the Regulations which it is charged with administering: (1) Used by the Enforcement Section as background information in connection with investigations. (2) Used by the Licensing Section as background information in connection with the processing of license applications submitted by the individual. (3) Used by the Legal Section as background information in connection with preparation of briefs, etc. (4) Used by all staff as background information in connection with subsequent inquiries from an individual. (5) Used in connection with the formulation of or as examples of policy followed by the office. (6) Used by all staff to initiate correspondence with third parties mentioned in an individual letter regarding potential or apparent violations of the regulations. (7) Used by all staff to prepare statistics useful in implementing the Regulations. (8) Used by all staff to compile mailing lists for use by Foreign Assets Control to advise individuals interested in a particular aspect of the Regulations of changes relating to these aspects. (9) Used to detect an interest in a particular aspect of the Regulations which necessitate the publication of amendments to the Regulations regarding interpretations of the Regulations. (B) Inter-Agency: (1) Referred to the Department of State, Department of Commerce, Internal Revenue Service, Foreign Claims Settlement Commission, (and other agencies) where the individuals inquiry concerns matters under the jurisdiction of such agencies as well as under the jurisdiction of the Office of Foreign Assets Control. (2) Referred to the Department of Justice, where it appears likely that a crime or civil offense was committed. (3) Referred to other agencies where it appears that an individual has violated the laws, statutes or regulations of such agency. (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control General Correspondence Records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. General Correspondence records are retrieved by means of card-index file system containing the names of persons (individuals, corporations, etc.). The file rooms are manned by FAC personnel who are instructed not to admit unauthorized persons into the file-areas, nor to release any material from the enforcement record to persons other than FAC personnel. During off-duty hours, the file rooms are safeguarded by appropriate electronic protective devices. The General Correspondence records are maintained indefinitely for so long as the assets or transactions involved are subject to regulation.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC Licensing Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC Licensing Records, should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals who initiated correspondence with Treasury Department's Office of Foreign Assets Control or who responded to correspondence from the Office of Foreign Assets Control; other governmental agencies (Federal, State and Local); foreign individuals and official sources.

Treasury/OS 00.116

System name: Foreign Assets Control Litigation files—Treasury/OS

System location: 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters which involve statutes and/or regulations which are administered by the Office of Foreign Assets Control (e.g.: criminal prosecution for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation).

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act, (50 USC, App. Section 5(b)); Section 5 of the United Nations Participation Act, (22 USC, Section 287c); Section 620 (a) of the Foreign Assistance Act of 1961, (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations (31 CFR, Part 520), Foreign Assets Control Regulations, (31 CFR, Part 500), Cuban Assets Control Regulations, (31 CFR, Part 515), Rhodesian Sanctions Regulations (31 CFR, Part 530), Transactions Control Regulations (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices. The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Director, Office of Foreign Assets Control, 1331 G Street, N.W., U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether FAC Litigation Records contain information relating to him should be: (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC litigation Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

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Contesting record procedures: See Access above.

Record source categories: PLEADINGS AND OTHER MATERIALS FILED DURING COURSE OF A LEGAL PROCEEDING; DISCOVERY OBTAINED PURSUANT TO APPLICABLE COURT RULES; Materials obtained from FAC Enforcement Section; material obtained pursuant to request made on other Federal agencies; Orders, opinions, decisions of courts.

Treasury/OS 00.117

System name: Foreign Assets Control Mailing List—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have asked to be advised of any amendments, announcements, etc., pertaining to the Regulations administered by this Office.

Categories of records in the system: Index cards and addressograph plates containing names and addresses of all persons to whom information regarding the Regulations is sent.

Authority for maintenance of the system: Statutory: Section 5(b) of the Trading with the Enemy Act (50 USC, App., Section 5(b). Section 5 of the United Nations Participation Act (22 USC Section 287c). Section 620(a) of the Foreign Assistance Act of 1961 (22 USC Section 2370(a). Executive Orders: Executive Order 9193; Executive Order 9989; Executive Order 11322; Executive Order 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations, 31 CFR Part 500; Cuban Assets Control Regulations, 31 CFR Part 515; Rhodesian Sanctions Regulations, 31 CFR Part 530; Transaction Control Regulations, 31 CFR Part 505; Foreign Funds Control Regulations, 31 CFR Part 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system of records is used by FAC to enable the Government Printing Office to send out information regarding our Regulations to all interested parties. (2) For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and addressograph plates.

Retrievability: Indexed by name of individual or corporation.

Safeguards: The FAC mailing list records consist of index cards filed in index card boxes. The room where these records are stored is manned by FAC personnel who are instructed not to admit unauthorized persons, nor to release any material from these records to persons other than FAC personnel. During off duty hours this room is locked and safe-guarded by appropriate security measures.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control mailing list contains information relating to him should be—(a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 500, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in the Foreign Assets Control Mailing List should be mailed to—Director, Office of FAC, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: See Category of Individual.

Treasury/OS 00.118

System name: Foreign Assets Control Licensing Records—Treasury/OS

System location: 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for license to import prohibited goods from countries designated in Regulations administered by Office of Foreign Assets Control. Applicants for license to remit funds to countries designated in Regulations of the Office of Foreign Assets Control. Applicants for license authorizing engagement in other transactions and activities which are prohibited by Regulations of the Office of Foreign Assets Control.

Categories of records in the system: Applications for Treasury license; information in support of applications submitted by applicant; information from other sources regarding such applications; copies of agency action granting or denying applications; requests for amendment of license; requests for rehearing or appeal of denial actions; other information related to any of the foregoing.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC 287 (1)(c)(1)). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Assets Control Regulations 31 CFR, Part 500; Transaction Control Regulations 31 CFR, Part 505; Cuban Assets Control Regulations 31 CFR, Part 515; Foreign Funds Control Regulations 31 CFR, Part 520; Rhodesian Sanctions Regulations 31 CFR, Part 530.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Furnishing of information to the FAC Enforcement Section where it appears that some willful violation of Treasury regulation or requirement may have occurred. (2) Comparison with subsequent application from same applicant. (3) Consultation with State, Commerce and Defense, as appropriate concerning applicable policy and relevant facts. (4) Furnishing information to the U.S. Customs Service where it appears that a Customs requirement or regulation has not been complied with. (5) Furnishing information to Internal Revenue Service where it appears that a matter within the jurisdiction of that agency is involved. (6) Furnishing of information to the Department of Commerce where it appears that a requirement or regulation of that agency is involved. (7) Notice to the U.S. Customs Service (a) of importers who have made illegal importations or prohibited publications, and (b) of persons who are authorized to make commercial importations of prohibited publications (under regulations administered by the Office of Foreign Assets Control). (8) Furnishing of report to Justice Department where it appears that some civil or criminal violation by applicant of a Treasury regulation or other requirement has occurred. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Licensing records consist of documents in folders which are stored in file cabinets. Each such file cabinet is outfitted with a detachable combination lock.The records are retrieved by license numbers, and may also be obtained by means of a card-index file. During normal working hours, the file room is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the file rooms are safe-guarded by appropriate electronic protective devices. The FAC licensing records are maintained indefinitely for so long as the assets or transactions involved are subject to regulations.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether the FAC Licensing Records contain information relating to him should be—(a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220. (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C. 20220.

Record access procedures: Requests for information on gaining access to or contesting information contained in FAC Licensing Records, should be mailed to— Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The majority of information concerning an individual applicant in a FAC License Record will typically have come from the applicant. On infrequent occasions some such information will have been obtained from other governmental agencies; or, during the course of an investigation by the FAC Enforcement Section.

Treasury/OS 00.120

System name: Chief Counsel: Revenue Sharing Personnel-Treasury/OS

System location: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Connsel for Revenue Sharing.

Categories of records in the system: Employee copies of personnel records.

Authority for maintenance of the system: The records are copies of the employee records kept for their convenience. For additional routine uses see appendix AA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actions. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Notification procedure: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Record access procedures: Write the Chief Counsel for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records.

Treasury/OS 00.121

System name: ORS Auditors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, N.W., Washington, D.C.

Categories of individuals covered by the system: All State Auditors

Categories of records in the system: Mailing Addresses & Phone Numbers.

Authority for maintenance of the system: PL 92-512 5 USC 30/.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File & Telephone Index. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Compliance Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street N.W., Washington D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: State audit address lists.

Treasury/OS 00.122

System name: ORS Compliance Division Employee File—Treasury/OS

System location: Room 1456, Columbia Plaza Highrise, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees, Compliance Division.

Categories of records in the system: Employee evaluation records.

Authority for maintenance of the system: Records to furnish Manager of Compliance Division with information relating to employee performance. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To evaluate employees for promotion and training. For additional routine use, see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (a) Maintained in locked file cabinet. (b) Records filed in alphabetical sequence. (c) Records are maintained indefinitely.

System manager(s) and address: Compliance Manager: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Compliance Manager, Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request to Systems Manager.

Contesting record procedures: Written request to Systems Manager.

Record source categories: Discussion with personnel in the Compliance Division and review of specific assignments.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 "E" Street, N.W. Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.124

System name: ORS Governors' Address File—Treasury/OS

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: MCST Magnetic Cards.

Retrievability: Indexed by state code.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Congressional Directory, State submissions.

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Treasury/OS 00.125

System name: ORS Governors & Governors Authorized Representatives List—Treasury/OS.

System location: Systems & Operations Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Categories of individuals covered by the system: All current governors & their authorized representatives.

Categories of records in the system: Individual Names & Addresses.

Authority for maintenance of the system: PL 92-512. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File, for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook (Hardcopy).

Retrievability: Indexed by State name.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street NW, Washington, DC 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: State official and address files.

Treasury/OS 00.126

System name: Office of Revenue Sharing, Intergovernmental Relations Division mailing list—Treasury/OS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Rm. 1407, Washington, D.C. 20226.

Categories of individuals covered by the system: Not all entries on the mailing list are by name of individual; many entries are identified only by agency or organization name. Names of individuals or organizations on the reveNews mailing list were placed there by personal request, designation of the State Governor or by the screening of mailing lists of local officials of national public interest groups.

Categories of records in the system: The system identifies name and address only and is arranged in such a way as to be sorted and retrieved by State. The system is further broken down into a sublist of frequent liaison contracts which can be retrieved separately.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The reveNews mailing list is used to distribute copies of reveNews, the Office of Revenue Sharing newsletter. It also is used to mail program and technical assistance materials to service agencies of State and local government and to distribute ORS publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The system is stored on mag. tape.

Retrievability: The system is indexed by nine digit I.D. number; the first two digits represent the State of the address and are the only parts of the I.D. which are used for retrieving address information.

Safeguards: System listings can be authorized only by written request to the Systems and Operations Division, ORS.

Retention and disposal: The records are retained indefinitely; individual records can be amended or deleted at any time. Coding sheets for address changes and deletions are forwarded periodically to the Systems and Operations Division, ORS.

System manager(s) and address: Administrative Officer: ORS, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226, Room 1564.

Record access procedures: Written request to System Manager.

Contesting record procedures: Written request to System Manager.

Record source categories: See Category of Individual.

Treasury/OS 00.127

System name: ORS Leave Records—Treasury/OS

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All ORS employees.

Categories of records in the system: Maintenance of time and attendance on all types of leave earned and used by employees. Correspondence pertaining to action on employees leave. Leave transcripts on employees transferring to ORS from other government agencies.

Authority for maintenance of the system: Office of the Secretary—Timekeepers' Handbook.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Time and attendance cards are the basis for the pay check and are submitted to Main Treasury Payroll Office every two weeks. Leave transcripts (SF 1150) are recorded to the employees record when received at ORS. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: These records are maintained in alphabetical order and are retrievable by the employees last name.

Safeguards: Locked safe file cabinet.

Retention and disposal: T & A cards are maintained at ORS until such time as Main Treasury Payroll Office requests the records be turned in.

System manager(s) and address: Administrator Officer, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Personnel Office, Main Treasury.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.129

System name: ORS Public Affairs Personnel file—Treasury/ORS

System location: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel, Public Affairs Division.

Categories of records in the system: Miscellaneous information relating to history of employee's activity at ORS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs staff maintain these files for their convenience. No access is provided to others. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in drawers.

Retrievability: Indexed by name and file number.

Safeguards: No confidential information is kept in these files.

Retention and disposal: Records are maintained until employees discard them.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Administrative Officer, 2401 E St., N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Memoranda from Treasury Personnel Office. Copies of form 171s and resumes prepared by Public Affairs personnel themselves. In-house memoranda, Miscellaneous correspondence.

Treasury/OS 00.130

System name: ORS Senate, House & Governors' Address File—Treasury/OS

System location: Office of Computer Science, Department of the Treasury, 1435 G Street, NW, Washington, DC.

Categories of individuals covered by the system: All current U.S. Senators, Congressmen, & Governors.

Categories of records in the system: Mailing Addresses.

Authority for maintenance of the system: PL 92-512, 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address File. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Indexed by state code & unique numeric suffix.

Safeguards: Secured computer room.

Retention and disposal: Maintained until file is updated by the Public Affairs Division, Office of Revenue Sharing.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Congressional Directory, State submissions.

Treasury/OS 00.131

System name: ORS State Attorney Generals Records—Treasury/OS

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: State Attorney Generals or Assistant Attorney Generals.

Categories of records in the system: Correspondence with State offices of Attorney Generals concerning State laws as they affect the expenditure of funds under the Revenue Sharing Act.

Authority for maintenance of the system: State and Local Fiscal Assistance Act of 1972 (P.L. 92-512), 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used by the Chief Counsel for Revenue Sharing. They are used for determining the applicability and effect of State laws on the expenditure of funds under the Revenue Sharing Act. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing cabinet.

Retrievability: The system is alphabetically indexed by name of State.

Safeguards: Locked file room.

Retention and disposal: Records are updated periodically.

System manager(s) and address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Notification procedure: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W. Room 1545, Washington, D.C. 20226.

Record access procedures: An individual may write to the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W. Room 1545, Washington, D.C. 20226.

Contesting record procedures: See Contest above.

Record source categories: Correspondence with State offices of Attorney Generals.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintained for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

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Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142.

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained, employee's supervisors, and applicant's interviewer.

Treasury/OS 00.143

System name: Chief Counsel for Revenue Sharing personnel—Treasury/OS.

System location: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Counsel for Revenue Sharing.

Categories of records in the system: The records are copies of the employee records kept for their convenience.

Authority for maintenance of the system: Employee copies of personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actions. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury, Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Call or write the Chief Counsel for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226, Telephone—(202) 634-5182, 634-5183.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records—employee copies only.

Treasury/OS 00.144

System name: Civil Litigation Records—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who are parties, plaintiff or defendant, in civil litigation (as described below) with the Treasury Department.

Categories of records in the system: This system of records contains information or documents related to litigation involving or concerning the Department or its officials. The records consist of pleadings, investigative reports, legal memoranda and related correspondence.

Authority for maintenance of the system: Title 31, U.S.C., Section 1009.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to prosecute or defend court cases related to certain general civil litigation. For additional routine uses see Appendix AA except for tax matters or matters litigated in the U.S. Customs Courts, and to provide cooperation to the U.S. Department of Justice in marshalling facts, correlating evidence, and preparing pleadings and briefs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders with index cards.

Retrievability: These records are indexed by the title of the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained during the pendency of the litigation and approximately one year thereafter are transferred to the Federal Records Center, Suitland, Maryland. They are destroyed by the Federal Records Center when the records are 7 years old.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: System to be exempted elsewhere in the Federal Register.

Treasury/OS 00.145

System name: Claimants, Disbursing—Treasury/OS

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Claimants for Disbursements by the United States.

Categories of records in the system: Correspondence, memoranda, and related material.

Authority for maintenance of the system: 50 U.S.C. App. 1705-1707, Title 31, United States Code, Department Circulars No. 145 and 830.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process disbursements in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: Name of claimant.

Safeguards: Files are in file room; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals and their representatives.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W. Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

System name: Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, responding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transferred to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.149

System name: Foreign Assets Control Legal Files—Treasury/OS

System location: 1331 G Street N.W., Room 504, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have corresponded with (or been the subject of correspondence) regarding legal matters and regulations administered by the Office of Foreign Assets Control; and individuals who have been criminally prosecuted, or involved in civil litigation (as plaintiff or defendant) with the United States, in matters involving statutes and/or regulations administered by the Office of Foreign Assets Control (e.g.:

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criminal prosecutions for violation of statutes and regulations; suits to enjoin the Office of Foreign Assets Control from holding bank accounts or other property in a blocked status; suits to compel the Office of Foreign Assets Control to issue licenses for import of merchandise from a designated country; suits seeking to have statutes and regulations administered by Foreign Assets Control held unconstitutional, in fact or as applied; etc.).

Categories of records in the system: Copies of the pleading and all other legal documents connected with civil litigation and criminal proceedings involving statutes and regulations administered by the Office of Foreign Assets Control, including memoranda of law, drafts of legal briefs, and other material prepared by the FAC legal staff for use in such litigation; material obtained pursuant to discovery under applicable court rules (depositions, written interrogatories, etc.); copies of final orders, decrees, and opinions of courts in such litigation, and copies of correspondence relating to activities of any party to such litigation (containing information relevant to the issues involved in the litigation); or other general correspondence regarding the Office of Foreign Assets Control legal matters.

Authority for maintenance of the system: Statutes: Section 5(b) of the Trading with the Enemy Act (50 USC, App. Section 5(b)). Section 5 of the United Nations Participation Act (22 USC, Section 287c). Section 620 (a) of the Foreign Assistance Act of 1961 (22 USC 2370 (a)). Executive Orders: E.O. 9193; E.O. 9989; E.O. 11322; E.O. 11419; Proc. 3447. Regulations: Foreign Funds Control Regulations, (31 CFR, Part 520); Foreign Assets Control Regulations, (31 CFR, Part 500); Cuban Assets Control Regulations, (31 CFR, Part 515); Rhodesian Sanctions Regulations, (31 CFR, Part 530); Transactions Control Regulations, (31 CFR, Part 505).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Preparation and conduct of litigation in process by the Justice Department. (2) Research source for the FAC Enforcement section. (3) Source of information for the FAC Licensing section in consideration of applications for FAC license. (4) Source of legal precedents and for other legal research by the FAC Legal section. (5) Referral to Department of Justice in cases involving Statutes and Regulations administered by the Office of Foreign Assets Control. (6) Disclosure to U.S. Customs Service in cases which jointly involve similar matters, or which involve, jointly, both the FAC and the U.S. Customs Service. (7) Disclosure to the State Department in connection with foreign policy aspects of legal problems involved. (8) Disclosure to U.S. Department of Commerce where cases involve matters of interest to, or which are in the jurisdiction of that Department. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The Foreign Assets Control Litigation records consist of documents in folders which are stored in file cabinets secured by approved detachable combination locks. The files are retrieved by name of the individual. During normal working hours, the room where these records are kept is manned by persons who are instructed not to allow unauthorized persons into the file area, nor to disclose or release any material to persons other than FAC personnel. During off-duty hours, the room in which the records are kept is safe-guarded by appropriate electronic protective devices.The Litigation records are maintained indefinitely as research source and legal precedent.

System manager(s) and address: Administrative Officer, Room 3006, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Pleadings and other materials filed during course of a legal proceeding; discovery obtained pursuant to applicable court rules; materials obtained from FAC Enforcement Section; material obtained pursuant to requests made on other Federal agencies; orders, opinions, decisions of courts.

Treasury/OS 00.150

System name: Freedom of Information Requests for Office of Secretary and other Department records-Treasury /OS.

System location: Freedom of Information Request, OS, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making an FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant General Counsel (ALFO), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/OS 00.151

System name: Gifts to the United States—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Donors of inter vivos and testamentary gifts to the United States.

Categories of records in the system: Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

Authority for maintenance of the system: 50 U.S.C. 1151-1156. Department Circular No. 865 (revised).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To process gifts to the United States and claims against such gifts in accordance with Departmental regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in file cabinets.

Retrievability: Name of donor.

Safeguards: Files are in file room; access is limited to persons on official business.

Retention and disposal: Files kept for an indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Individuals, executors, administrators and other involved persons.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Counsel's office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153

System name: Personnel: General Counsels, Deputy General Counsels, and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite period.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.154

System name: Private relief bill system—Treasury/OS.

System location: Office of the General Counsel, Room 1417, Treasury Department, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief bills introduced in Congress on their behalf.

Categories of records in the system: Congressional committee or OMB request for Treasury views on proposed legislation plus comments on proposal from offices or bureaus of Treasury.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the General Counsel is to handle and coordinate legislative work that concerns Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish reports on proposed legislation to Congress or OMB. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Indexed on 5 by 8 card by bill number but cross-indexed to individual's name. Complete file is kept by bill number and Congress. Permanent file.

System manager(s) and address: Administrative Officer, Room 3006, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Sources of the request are usually Congressional committees or OMB. Other information comes from Treasury bureau or office concerned in matter and from the individual concerned.

Treasury/OS 00.155

System name: State Attorney Generals Records (ORS)—Treasury/OS.

System location: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: State Attorney Generals or Assistant Attorney Generals.

Categories of records in the system: Correspondence with State offices of Attorney Generals concerning State laws as they affect the expenditure of funds under the Revenue Sharing Act.

Authority for maintenance of the system: State and Local Fiscal Assistance Act of 1972 (P.L. 92-512).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used by the Chief Counsel for Revenue Sharing. They are used for determining the applicability and effect of State laws on the expenditure of funds under the Revenue Sharing Act. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: A filing cabinet.

Retrievability: The system is alphabetically indexed by name of State.

Safeguards: The room in which the file cabinet is located is locked at night.

Retention and disposal: The records are updated periodically.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: An individual may call or write to the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226. Telephone—(202) 634-5182.

Contesting record procedures: See Access above.

Record source categories: Correspondence with State offices of Attorney Generals.

Treasury/OS 00.156

System name: Tax Court Judge Applicants—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals requesting consideration for appointment to Tax Court judgeships.

Categories of records in the system: Information concerning the qualification of individuals for appointment to the Tax Court.

Authority for maintenance of the system: In accordance with the requirements for Presidential appointments, 26 U.S.C. 7443.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by senior Treasury Department officials in making recommendations to the President on appointments to the Tax Court. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records relating to individuals date from 1966.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

Treasury/OS 00.157

System name: Employee Record Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.160

System name: Abandoned Enrollment Applications—Treasury/OS.

System location: Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

Categories of records in the system: Application for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original application form and information relating to it fastened to each other.

Retrievability: This system is indexed by name of applicant.

Safeguards: Those safeguards in effect at Federal Record Center.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220, Telephone: (207) 634-5071.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address where appropriate because of age of record.

Record source categories: Information contained in this system may have been provided by: (1) Applicant, (2) Individuals, (3) Internal Revenue Service, (4) Other government agencies, (5) Professional organizations.

Treasury/OS 00.161

System name: Applicant Appeal Files—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied and who have appealed such denial to the Director of Practice.

Categories of records in the system: Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Decision on appeal by Director of Practice from denial of application by the Internal Revenue Service. (2) Decision by Secretary of Treasury on appeal from Director of Practice's sustaining of denial of application for enrollment. (3) For individuals, denial of whose applications for enrollment is reversed by the Director of Practice, for use in connection with subsequent determinations by the Director of Practice as to whether violation of the regulations governing practice before the Internal Revenue Service has occurred. (4) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of system exempted elsewhere in the Federal Register.

Treasury/OS 00.162

System name: Closed Files containing Derogatory Information about individuals' practice before the Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

Categories of records in the system: Information relating to individuals' enrollments to practice before the Internal Revenue Service and, derogatory and other information regarding such practice.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Office of Chief Counsel, Internal Revenue Service so that that Office can represent the Director of Practice in hearings before administrative law judges held to determine whether violations of the regulations governing practice before the Internal Revenue Service have occurred and, if so, the appropriate disciplinary action. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violations of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: The Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: System exempted elsewhere in the Federal Register.

Treasury/OS 00.163

System name: Derogatory Information (No Action)—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants, enrolled agents and others.

Categories of records in the system: Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose after 5 years by burning.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of this system exempted elsewhere in the Federal Register.

Treasury/OS 00.164

System name: Disbarments—Treasury/OS.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals formerly eligible to practice before the Internal Revenue Service but now disbarred from such practice.

Categories of records in the system: Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain record of those who have been disbarred from practice before the Internal Revenue Service and reasons for such disbarment. (2) Determinations by the Director of Practice as to whether disbarred individuals' petition for reinstatement to practice before the Internal Revenue Service shall be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law. (4) Transfer of information regarding disbarment of attorneys, certified public accountants and enrolled agents to professional organizations. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: System exempted elsewhere in the Federal Register.

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Treasury/OS 00.165

System name: General Correspondence File—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: General public.

Categories of records in the system: General inquiries and comments from the general public.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide answers to inquiries or other information regarding the operation of this Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folder.

Retrievability: Correspondence is indexed alphabetically by writer.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which correspondence is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Destroyed after 3 years.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address where appropriate because of age of record.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records of this system has been provided by the writers of correspondence contained in the system.

Treasury/OS 00.166

System name: Inventory—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, and information relating to their conduct in such practice.

Authority for maintenance of the system: 31 U.S.C. 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative hearings and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violations of Federal law or regulations. (4) Transfer of information to Internal Revenue Service for investigation with respect to apparent violation of the regulations governing practice before the Internal Revenue Service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. File cabinets in which this system is stored are locked during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of system exempted elsewhere in the Federal Register.

Treasury/OS 00.167

System name: Register of Docketed Cases and Applicant Appeals—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, Subpart C, Section 10.54, for alleged violation of the regulations governing practice before the Internal Revenue Service and individuals who have appealed to the Director of Practice the denials of their application for enrollment to practice before the Internal Revenue Service.

Categories of records in the system: Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Director of Practice administrative recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binder.

Retrievability: This system is indexed by complaint number and by name of the individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) complaint number.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) this office, (2) administrative law judges, (3) Internal Revenue Service.

Treasury/OS 00.168

System name: Resigned Enrolled Agents (action pursuant to 31 CFR, Section 10.55(b))—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Those individuals who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

Categories of records in the system: Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

Authority for maintenance of the system: 26 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use in connection with resigned enrollees' future applications for enrollment to practice before the Internal Revenue Service. (2) In cases where resigned enrollees are again enrolled to practice before the Internal Revenue Service, for use in connection with determinations as to whether violations of the regulations governing such practice have occurred. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding, or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of system exempted elsewhere in the Federal Register.

Treasury/OS 00.169

System name: Roster of Former Enrollees—Treasury/OS.

System location: U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220.

Categories of individuals covered by the system: Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500.

Categories of records in the system: This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

Authority for maintenance of the system: 31 U.S. Code 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether the Office of Director of Practice has jurisdiction over an individual's violation of the regulations governing practice before the Internal Revenue Service. (2) Use of information (ordinarily by Office of Chief Counsel, Internal Revenue Service, and the Department of Justice) at administrative and court proceedings relating to individuals' eligibility to represent taxpayers before the Internal Revenue Service. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In loose-leaf binders.

Retrievability: This system is indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of office files. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide: (1) full name, (2) present address, (3) former address (during period of time covered by record).

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220, Telephone: (202)634-5071.

Contesting record procedures: See Access above.

Record source categories: Information contained in records in this system has been provided by: (1) Individuals, (2) Internal Revenue Service.

Treasury/OS 00.170

System name: Present suspensions from practice before the Internal Revenue Service.

System location: (1) U.S. Department of the Treasury, Office of Director of Practice, 2401 E Street, N.W., Suite 1537, Washington, D.C. 20220. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, D.C. 20409.

Categories of individuals covered by the system: Attorneys, certified public accountants and enrolled agents who have offered their consent to voluntary suspension from practice before the Internal Revenue Service or who have been suspended from such practice after due notice and opportunity for hearing.

Categories of records in the system: Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

Authority for maintenance of the system: Title 31 U.S. Code, Section 1026.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations by the Director of Practice as to whether violations of the regulations governing practice before the Internal Revenue Service have occurred. (2) Determinations by the Director of Practice as to whether suspended practitioners' petitions for reinstatement to practice should be granted. (3) Transfer of information to Federal law enforcement authorities for investigation and possible criminal prosecution, civil court action, administrative proceeding or regulatory order with respect to apparent violation of Federal law or regulations. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of Office files and are instructed to lock file cabinets containing these records during nonbusiness hours. Security investigations are conducted with respect to all Office of Director of Practice personnel.

Retention and disposal: Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

System manager(s) and address: Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Exempt system.

Record access procedures: Exempt system.

Contesting record procedures: Exempt system.

Record source categories: Exempt system.

Systems exempted from certain provisions of the act: Portions of this system exempt elsewhere in the Federal Register.

Treasury/OS 00.180

System name: Accounting for Investment Credit File, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

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Categories of individuals covered by the system: Taxpayers applying for permission to the Secretary of the Treasury to obtain the method of accounting for the investment tax credit as required by Section 101(e) of the Revenue Act of 1971.

Categories of records in the system: Correspondence to and from applicants for change of method of accounting for the investment tax credit.

Authority for maintenance of the system: Section 101(e) of the Revenue Act of 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Issuance of approvals and rejections of applications for change of method of accounting for the investment tax credit and insuring uniformity of administration of the Secretary's powers under Section 101(e) of the Revenue Act of 1971. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are in writing on paper and are stored in a file cabinet.

Retrievability: The records are commingled with other material concerning accounting for the investment tax credit, are filed chronologically, and are identifiable by the name of the applicant.

Safeguards: Informal.

Retention and disposal: Indefinite.

System manager(s) and address: Tax Legislative Counsel, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Contact the System Manager.

Record access procedures: Through the System Manager.

Contesting record procedures: Contact the System Manager.

Record source categories: Correspondence to and from the applicant.

Treasury/OS 00.181

System name: FOI Compliance File, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Persons who have requested disclosure of records under the Freedom of Information Act.

Categories of records in the system: Forms or letters written by persons to request disclosure of records under the Freedom of Information Act, letter responses thereto, referrals thereof, and copies of requested records.

Authority for maintenance of the system: 5 U.S.C. Section 552(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To monitor compliance with the Freedom of Information Act, to insure uniformity of compliance, and to assist in continuing compliance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are in writing on paper and are stored in file cabinets.

Retrievability: The records are arranged chronologically and are identifiable by name of the requester.

Safeguards: Informal.

Retention and disposal: Indefinite.

System manager(s) and address: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Write the System Manager.

Record access procedures: By application to the System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Correspondence between the Office and persons requesting documents under the Freedom of Information Act and the requested documents from existing Office records.

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deupty Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

Treasury/OS 00.183

System name: Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3064 and 4222 and 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system: Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system: 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used to furnish

reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: System manager(s) and address: Tax Legislative Counsel, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Contact the System Manager.

Record access procedures: Through the System Manager.

Contesting record procedures: Contact the System Manager.

Record source categories: Principally the Congress and the Internal Revenue Service.

Treasury/OS 00.190

System name: Automated Directory System—Treasury/OS.

System location: Main Computer—Bowne Timesharing, New York, New York. Terminal and Readout—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension. (To be added in near future: home address, home telephone, emergency notification data.)

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS—Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag. tape.

Retrievability: Indexed by name and block code numbers.

Safeguards: Computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of information on mag-tape is by erasure.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: Director, Office of Administrative Programs, see above.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manager. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation of the individual at the Buildings Management Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.192

System name: Buildings Management Staffing & Recruitment File—Treasury/OS.

System location: The Department of the Treasury, Office of the Secretary—OAP, Real Property Management, Washington, D.C. 20220.

Categories of individuals covered by the system: Real Property Management and Buildings Management Branch personnel.

Categories of records in the system: Contains historical data on positions in the Real Property Management and Buildings Management Branch offices, including evaluative comments about applicants (current employees) and associated selection criteria statements.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Historical reference data for reconstructing RPM and BMB staffing patterns and positions development for organizational/periodic reviews and evaluations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By subject.

Safeguards: All office personnel have security clearances.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Director, Real Property Management, Office of Administrative Programs.

Notification procedure: All inquiries should be addressed to: The Department of the Treasury, Office of Administrative Programs—OS, Assistant Director, Real Property Management, Washington, D.C. 20220.

Record access procedures: All inquiries concerning procedures for gaining access to and contesting records should be addressed to: The Department of the Treasury, Office of Administrative Programs—OS, Assistant Director, Real Property Management, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: RPM and BMB position descriptions, copies of; Standard Form 52, copies of RPM and BMB personnel actions; RPM and BMB position justifications; Memoranda concerning RPM and BMB staffing patterns, applicant selection criteria, and position classifications.

Treasury/OS 00.198

System name: Daily Bindery Log, Reproduction Branch—Treasury/OS 00.198.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Branch Employees.

Categories of records in the system: Name, date, and Machine No., Jacket and GPO number; prime and cut stock sizes; types work performed and clocktime with totals; hours and category of leave taken; employees and equipment production and time employment; materials used.

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Authority for maintenance of the system: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 29, Subchapter II, Section 2952 and 2953; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541 and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It is used to enable accurate completion of Fiscal Year Annual and Planning and Estimation Reports; Employee and Machine evaluations; It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Branch Binderymen.

Treasury/OS 00.199

System name: Daily Work Log, Reproduction Branch—Treasury/OS 00.199.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Pressmen.

Categories of records in the system: All specifications/determinations with regard to employee printing press production.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I, Joint Committee on Printing, Printing & Binding Regulations, Title IV, Para. 47.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: job/jacket number, type plates, impressions and units, time and hours to complete job, equipment downtime, leave time, name and date; employee/machine production and time employment; materials used. It will be used to enable accurate completion of: information/paperwork necessary for Joint Committee on Printing Form No. 1, including TD Form 3223, Monthly Production Report; Fiscal Year Planning and Estimation Report; Employee and Machine Evaluation, and necessary administrative processes carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form

Retrievability: Press number/employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Three years maximum—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Pressmen.

Treasury/OS 00.193

System name: Employee Locator Record—Treasury/OS.

System location: Main Treasury Building, 1500 Penna. Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual; office address, office telephone extension, home address, home telephone, emergency notification data.

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees. For additional routine uses see Appendix AA USERS—Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form 2723 (Rev. 6-72), Department of the Treasury.

Retrievability: Indexed by name.

Safeguards: 24-hour switchboard operation with controlled access.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of records is by burning.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: See System Manager.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.194

System name: Library Circulation Control Records—Treasury/OS.

System location: U.S. Treasury Department, Office of Administrative Programs, Library Division, Room 5030, Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Library users.

Categories of records in the system: Individuals who borrow library materials, receive library materials on distribution, or request the purchase of library materials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used by the Library Staff to identify the location of materials withdrawn from the library collection and to distribute library publications in response to a request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file. Serial records will also be placed on the computer during Fiscal Year 1976.

Retrievability: Files are maintained by individual name for material borrowed from the Library collection. A name file for individuals who receive periodicals in routing or who request the purchase of a serial publication will be available when serial records are placed on the computer during Fiscal Year 1976.

Safeguards: Information is not classified.

Retention and disposal: Records are kept as long as they are current.

System manager(s) and address: Chief, Library Division, Room 5010, Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: Access is by request, see System Manager

Contesting record procedures: See System Manager.

Record source categories: Library users.

Treasury/OS 00.200

System name: Monthly Production Report, Reproduction Branch-Treasury/OS 00.200.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Pressmen.

Categories of records in the system: Monthly summation by press number/employee name of jobs and units produced, and a daily synopsis of time schedule.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, Printing & Binding Regulations, Title IV, Para. 47.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information/paperwork necessary for completion of Joint Committee on Printing Form No. 1; Fiscal Year Planning and Estimation Report, and Annual Report; Employee and Machine Evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Pressmen.

Treasury/OS 00.201

System name: Overtime Records, Reproductive Branch-Treasury/OS 00.201.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All employees working overtime for Reproduction Branch.

Categories of records in the system: On duty and departure times; job/jacket numbers; and total overtime hours worked.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapters I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: TD Forms 2384, Time and Attendance Report, 3035, Report of Overtime Worked, 3036, Report of Overtime Worked Not Recorded on Form 2384—and related forms; job cost accounting for financial charges to customer Bureaus for services rendered during overtime hours; and employee and equipment evaluations; and necessary administrative processes and record maintenance carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained for a minimum of 4 yrs.—shredded.

System manager(s) and address: Chief; Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Branch employees.

Treasury/OS 00.195

System name: Parking Permit Application—Treasury/OS.

System location: The system of records is maintained at: (1) The Great Plaza Parking Lot, 14th & D Streets, N.W., Washington, D.C., in the custody of the Manager, and (2) General Services Division, Office of Administrative Programs, OS, Room 2213.

Categories of individuals covered by the system: Treasury employees who meet specified requirements for application, and are working in locations within the zone of consideration for parking at the Great Plaza Parking Lot.

Categories of records in the system: The card (GSA Form 7415) includes the following information: (1) Name of applicant; (2) Permit No.; (3) Organization; (4) Office Phone No.; (5) Home Address; (6) Home Phone No.; (7) Make of Car; (7a.) Type; (7b.) Model Year; (7c) License No.—State—Year); (8) Applicant's signature; (9) Agency Parking Representative's signature. In addition, the applicant's car pool members are listed on the back of the card, along with their organization and office phone numbers. The system is set up by Permit Number.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used only on an individual basis, by the holder of the Form 7415, on a monthly basis, in addition to a nominal fee for parking. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in a file cabinet and retained for six months, at which time GSA revises departmental quotas, eligibility requirements and card color, resulting in a new Treasury Department-wide survey and issuance of new parking permit applications.

System manager(s) and address: Assistant Director, General Services Division, Office of Administrative Programs, 1500 Penn. Ave., N.W., Main Treasury Building, Room 2213, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: The information in this system came from individuals who are included in the system.

Treasury/OS 00.202

System name: Printing Procurement Charge Ticket, Printing Procurement-Treasury/OS 00.202.

System location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Categories of individuals covered by the system: All Printing Procurement Employees.

Categories of records in the system: Employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following; Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Public Law 91-614.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such necessary procurement methods recommendation; expenses in con-

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junction with assistance rendered, initials and date; Treasury Bureau receiving assistance. It will be used to enable accurate completion of: Assistance charge and/or incidental expenses computation for Treasury customer Bureaus under provisions of Working Capital Fund; employee evaluation and necessary administrative processes carried out in accordance with existing regulations and published notices of systems and records. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By month/employee initials.

Safeguards: Office secure after normal duty hours.

Retention and disposal: Retain for a minimum of four years, then shredded.

System manager(s) and address: Printing Procurement Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Printing Procurement employees.

Treasury/OS 00.196

System name: Physical Security Information System—Treasury/OS.

System location: Assistant Director (Physical Security), Office of Administrative Programs, Room 313, 1625 I Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Categories of individuals covered by the system: Each Department of the Treasury official, who actually classifies a document using a national security classification, i.e., Top Secret, Secret, or Confidential.

Each Department of the Treasury official by name and position title, who have been delegated the authority to downgrade and declassify national security information and material. The authority is delegated only by a Departmental official authorized to exercise original classification authority for Top Secret or Secret Information or an official acting in that office.

Each Department of the Treasury official by name and position title, who have been delegated the authority for original classification of national security information and material as Confidential. This authority is delegated only by a Departmental official authorized to exercise original classification authority for Top Secret or Secret information or material or an official acting in that office.

An alphabetical listing of Department of the Treasury employees who are responsible for valid security violations regarding the handling of classified information or material. Each Department of the Treasury official who communicated or transferred classified information or material to an unathorized person.

All Department of the Treasury and contractor personnel, employed in the metropolitan Washington, D.C. area, who utilized the building pass system for the Main Treasury and Annex Buildings.

Each Department of the Treasury official who has used an unnecessary national security classification, an over or under national security classification, or fails to assign the proper downgrading and declassification schedule, or improperly applies national security classification markings. It also includes any national security classification action by any official not authorized in writing to exercise appropriate classification or exemption authority or the improper delegation of such.

Categories of records in the system: (1) Report of Authorized Classifiers. (2) Report of Unauthorized Disclosures. (3) Request for Building Pass. (4) Record of Security Violations. (5) Report of Classification Abuses. (6) Report of Authorized Downgrading and Declassification Officials. (7) Data Index System for Originally Classified Documents within the Department of the Treasury. 4

Authority for maintenance of the system: Executive Order No. 11652, dated March 8, 1972. National Security Council Directive, dated May 17, 1972. Department of the Treasury Administrative Circular No. 242, Supplement No. 1, dated October 3, 1973. 31 CFR, Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is designed to assist the Interagency Classification Review Committee, National Security Council, and the Department of the Treasury to (1) oversee compliance with Executive Order No. 11652 and Departmental programming and implementation; and (2) prevent improper classification of national security information and material; (3) to eliminate unauthorized disclosure and (4) to ensure prompt declassification of appropriate documents.

The system is utilized by the Office of the Assistant Director (Physical Security), Office of Administrative Programs, to ensure Departmental compliance with Executive Order No. 11652 and any implementing National Security Council Directives.

The system is used to (1) record details of valid security violations on any one employee for a three year period (2) assist in determining the effectiveness of the physical security program and (3) provide a basis for administrative or judicial actions, when such action is indicated. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The building pass records are maintained for a period of an individual's eligibility for a building pass on Treasury Form No. 4074. These passes are valid for a period of five (5) years, unless sooner invalidated. Destruction of these records and actual passes is accomplished by shredding or other comparable means.The record of documents originally classified within the Treasury Department is maintained on Treasury Form No. 4029 (Data Index System Card) which are indexed according to office or bureau and in date order.

The record of classification abuse is maintained on Standard Form 322, and filed in file folders and is indexed according to office or bureau and name of official. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The record of personnel authorized to classify documents is on Treasury Form No. 4036 and filed in file folders which is indexed according to office or bureau and name of official and position title. The system is maintained on a quarterly basis with the quarters being January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

A list of authorized persons for declassification action is maintained on Treasury Form No. 4037, in file folders and is indexed according to office or bureau and name of official and position title. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1 and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The record of security violations is maintained on Treasury Form No. 3158 and related correspondence filed in file folders. The system is indexed alphabetically by name. The records on any one individual are maintained for a three year period at which time they are destroyed.

The record of unauthorized disclosures is maintained on Standard Form 323, in file folders and is indexed according to office or bureau and name of official responsible for the unauthorized disclosure. The system is maintained on a quarterly basis, i.e., January 1, April 1, July 1, and October 1 of each year. The reports are destroyed and updated on the same quarterly basis.

The information in the system is made available to those officials with a "need to know" and is secured in locked security containers.

System manager(s) and address: Assistant Director (Physical Security), Office of Administrative Programs, Room 313, 1625 I Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Notification procedure: Assistant Director (Physical Security), Office of Administrative Programs, Room 313, 1625 I Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Record access procedures: Assistant Director (Physical Security), Office of Administrative Programs, Room 313, 1625 I Street, N.W., c/o Main Treasury Mailroom, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The sources of the information are offices and bureaus of the Department of the Treasury.

The information concerning any security violation is reported on Treasury Form No. 3158, as reported by the Treasury Security Force or Department of the Treasury security officials and the U.S. Department of State security officials, as concerns Department of the Treasury personnel attached to U.S. Embassies.

The sources of the information are those offices and bureaus requesting a building pass utilized in the Main Treasury and Annex Buildings.

Treasury/OS 00.203

System name: Sign-in Sheet, Reproduction Branch-Treasury/OS.

System location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Categories of individuals covered by the system: All Reproduction Branch Employees.

Categories of records in the system: Arrival and Departure times, or total on-duty or off-duty times for each workday with leave category determination.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a; Budget and Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It will be used to enable accurate completion of TD Forms 2384, Time and Attendance Card—and related forms; employee and equipment evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form.

Retrievability: By day/month/year and employee name and social security number.

Safeguards: Office secure after normal duty hours.

Retention and disposal: Retain maximum three years, then shredded.

System manager(s) and address: Reproduction Branch Chief, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Reproduction Branch Employees.

Treasury/OS 00.197

System name: Wage Case Files. (Note: The terms "Economic Stabilization Program" (ESP) and "Cost of Living Council" (COLC or CLC) were often used interchangeably.)—Treasury/OS.

System location: Washington National Records Center (WNRC), Suitland, Maryland, 20409; Accession number 432-75-001.

Categories of individuals covered by the system: Employer-applicants for approval of wage adjustments, ESP, 1971-1974. Though most employers were corporations, a small percentage were individuals.

Categories of records in the system: Application for wage adjustment, with supporting economic data and correspondence, and dispositive records, including the Decision & Order (D&O), of the reviewing authority, e.g., the Pay Board, the Office of Wage Stabilization (COLC).

Authority for maintenance of the system: Economic Stabilization Act of 1970, as amended. Executive Order 11788, June 18, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Resolution of outstanding cases by litigation and administrative proceedings. User: General Counsels of the Departments of the Treasury and Justice. (2) Research to further the purpose of the Act (includes access to proprietary data). User: Council on Wage and Price Stability (CWPS). (3) Research and public disclosure (non-proprietary data only). User: General public. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Case files, paper.

Retrievability: Indexed by name and case number. Two separate indexes. Mostly computer print-outs, but some listed manually on paper and cards. These indexes are located in Room 1322, Main Treasury, and are available to the public on request for use on the premises.

Safeguards: Stored in federal records containers (boxes) on steel shelving in WNRC stack areas, which are security protected. Direct access by the public is not permitted. Access to proprietary data and policy records containing such data in identifiable form are generally exempt from disclosure, 5USC552(b) (4&5).

Retention and disposal: Scheduled for destruction by maceration January 1, 1985 under the authority of National Archives Job Number NC-432-75-2, item 2b, except for one per cent sample to be permanently retained, item 2a. Sample to be retained not yet decided.

System manager(s) and address: Chief, Document Management Branch, Office of Administrative Programs, Department of the Treasury, Room 2442, Washington, D.C., 20220. Telephone: (202) 964-8081.

Notification procedure: Supervisor, Document Storage & Retrieval Section, Office of Administrative Programs, Department of the Treasury, Room 1322, Washington, D.C., 20220. Telephone: (202) 964-2126. Additional Information: Address of individual at the time case was decided, case number, class or category of case, and date of Decision & Order will expedite retrieval.

Record access procedures: Either of the persons described under the headings "System Manager" and "Notification."

Contesting record procedures: See Access above.

Record source categories: Incoming: Furnished by the employer-applicant. Dispositive: Created by the reviewing authority.

Treasury/OS 00.204

System name: Weekly Activity Report, Printing Procurement Branch-Treasury/OS.

System location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Categories of individuals covered by the system: All employees of the Printing Procurement Branch.

Categories of records in the system: Employee summation of weekly activities.

Authority for maintenance of the system: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information received serves as constitutive elements in Office or Branch Weekly Activity Report; employee evaluation; and Fiscal Year Annual, and Planning and Estimation Reports; and necessary administrative processes carried out in accordance with notice authorizations. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Retained in forms submitted by employees.

Retrievability: By week and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and disposal: Retained five years and shredded.

System manager(s) and address: Printing Procurement Branch Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information supplied by Printing Procurement Employees.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF 171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

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Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Copies of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated from office and files are then sent to St. Louis for storage.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury/OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: System proposed for exemption.

Record access procedures: System proposed for exemption.

Contesting record procedures: System proposed for exemption.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 10.001

System name: Biographical Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS Employees.

Categories of records in the system: Records are biographical data on key IRS employees.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets without locks.

Retrievability: By name.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Information is supplied by the IRS official on an IRS biographical data form.

Treasury/IRS 10.002

System name: By-Line Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Writers of articles of interest to IRS.

Categories of records in the system: Primarily newspaper and magazine clippings.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: By subject, including individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Governed generally by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Newspapers and Magazines.

Treasury/IRS 10.003

System name: Intelligence Clips, Public affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Records are maintained on individuals who are of interest to the IRS, generally those whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: Records are primarily newspaper and magazine clippings about taxpayers and IRS Intelligence Division.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfiche. Records are stored in file cabinets without locks.

Retrievability: Accessible by subject including individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Sources of clips are newspapers and magazines.

Treasury/IRS 10.004

System name: Subject Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Records are maintained on individuals who are of interest to the IRS, generally those whose names have been mentioned in the press in connection with their relationship with IRS.

Categories of records in the system: The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: Alphabetical by subject.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Records are generally correspondence with persons outside IRS, news media, internal documents and memoranda and similar sources.

Treasury/IRS 10.005

System name: Tax Case Files, Public Affairs—Treasury/IRS.

System location: National, Regional and District Offices and Service Centers (see IRS Appendix A.).

Categories of individuals covered by the system: Individual taxpayers.

Categories of records in the system: Primarily newspaper clippings on taxpayers whose tax litigation activities are reported by the newspapers. Records include correspondence, inter-office memoranda and similar documents.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: By subject and individual names.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers (see IRS Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Primarily news media clippings.

Treasury/IRS 10.006

System name: Technical Information Release Mailing List, Public Affairs—Treasury/IRS.

System location: Assistant to the Commissioner (Public Affairs), Washington, D.C. 20224.

Categories of individuals covered by the system: Lists are names and addresses of organizations and individuals to whom IRS Technical Information Releases are mailed.

Categories of records in the system: Records are card files of names and addresses, by zip code.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets without locks.

Retrievability: Accessible by individual or organizational names.

Safeguards: Office doors locked at night.

Retention and disposal: Generally governed by the Records Management Handbook IRM 1(15)59.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Washington, D.C. 20224.

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Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Contesting record procedures: See Access.

Record source categories: Source is voluntary written request for inclusion on list.

Treasury/IRS 10.007

System name: Public Speaking and Other Public Appearances, Public Affairs—Treasury/IRS.

System location: Region, District Offices and Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: IRS employees who are selected as representatives of IRS to appear before community group and radio and television audiences.

Categories of records in the system: Records are card files and lists of names of individuals.

Authority for maintenance of the system: IRM 1(1900)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets.

Retrievability: By name or function.

Safeguards: Office doors locked at night.

Retention and disposal: Continuously updated and extraneous material destroyed.

System manager(s) and address: Assistant to the Commissioner (Public Affairs), Regional, District and Service Centers.

Notification procedure: Same as Access.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, D.C. 20224.

Record source categories: Information is supplied by individual himself.

Treasury/IRS 22.001

System name: Actuary Mailing File (AMF), ACTS: A—Treasury/IRS.

System location: IRS Andover Service Center only. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals on whom records are maintained are Actuaries, enrolled under Section 3042 of the Employee Retirement Income Security Act.

Categories of records in the system: The type of record maintained is the Actuary's name, address, enrollment number, social security number, office phone number, date of enrollment, date of renewal and expiration of enrollment indicator.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial process. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: Name or serial number of the Actuary.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (see IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.002

System name: Airway Use Tax Registrant, Data, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: Individual or businesses that have registered new aircraft with the Federal Aviation Administration (FAA).

Categories of records in the system: The records come from the FAA Supplemental File and are edited at NCC to delete all but information on new airplane registrations.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout.

Retrievability: Name of registrant.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Register is destroyed after case has been sent to the district office for personal contact.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (see IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.003

System name: Annual Listing of Undelivered Refund Checks, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and District Offices (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

Categories of records in the system: Taxpayer entity information (Name, Street Address, City, State, Zip Code and Taxpayer Identification Number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper document stored in files.

Retrievability: Information is retrievable by taxpayer's name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding retention and disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.004

System name: Audit Control File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (see IRS Appendix A).

Categories of individuals covered by the system: Employees who accessed a specific taxpayer's account.

Categories of records in the system: A record log of every transaction posted to the Integrated Data Retrieval System (IDRS) according to the employee who input it and the terminal through which it posted.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made during judicial processes. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape

Retrievability: Alphabetically, by name of employee.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Permanent retention.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Computer statistical record of all transactions input to the Integrated Data Retrieval System.

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Treasury/IRS 22.005

System name: Audit Underreporter Case File, ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC) Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have declared on their income tax returns (Forms 1040 and 1040A) all income paid to them in the tax year under study.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for one year, then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 22.011

System name: Card Index File of Erroneous Refunds (ACTS)—Treasury/IRS.

System location: Memphis Internal Revenue Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers issued erroneous refunds.

Categories of records in the system: Case reference name, number, control number, date of erroneous refund, statute expiration date, status of case and location.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card file.

Retrievability: Retrieved by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained four years then destroyed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.012

System name: Collection Case File, ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. Va. (See IRS Appendix A.)

Categories of individuals covered by the system: Recipients of income who appear not to have filed income tax returns (Forms 1040 or 1040A) for the tax year in which that income was paid to them.

Categories of records in the system: Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received, and information identifying the income payer.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for up to one and a half years, then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System exempted elsewhere in the Federal Register.

Treasury/IRS 22.013

System name: Combined Account Number File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals and businesses having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number or employer identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The politics and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.014

System name: Discriminant Function File (DIF), ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose Forms 1040 and 1040A have a DIF Score higher than a cutoff score determined by Audit Division, indicating high audit potential. The DIF Score is the computation of Audit potential, based on formulae prescribed by Audit.

Categories of records in the system: Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his return.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By magnetic tape and computer printout.

Retrievability: By individual's Social Security Number.

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Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained for three years. Disposed of thereafter.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purpose of determining, if the system contains a record pertaining to a particular individual.

Record access procedures: This System of records may not be accessed for the purpose of inspection or for content of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 22.017

System name: Employer Inquiry Look-Up for TDA Inquiries, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual taxpayers who have paid Federal Insurance Contributions Act (FICA), wages to the Social Security Administration (SSA) through the 3rd quarter of the year and those taxpayers who file Federal Individual Income Tax returns Form 1040 and 1040A through the Individual Master File (IMF) Delinquency and Underreporting Program (WAID).

Categories of records in the system: Taxpayer's name, taxpayer's address, taxpayer's identification number, taxpayer's wages, taxpayer's marital status, taxpayer's employer/s name/s, employer's address, employer's identification number, tax period and other indicators relating to the program operation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

For other routine uses see Appendix AA.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by taxpayer name or identity number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The file is maintained approximately for six months and then destroyed and recreated as updated information is received from SSA or WAID.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.024

System name: Form 1042 Index Register, ACTS: A—Treasury/IRS.

System location: Philadelphia Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers whose taxes are covered by IRC Chapter 3 Withholding.

Categories of records in the system: Records include taxpayer's name and address, tax data, and withholding agent's Employer Identification Number and name.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: Withholding agent EIN.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject

to the amendment provisions of the Privacy Act. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.025

System name: Form 1042 Name Directory, ACTS: A-Treasury/IRS.

System location: Philadelphia Service Center (see IRS appendix A).

Categories of individuals covered by the system: Taxpayers whose taxes are covered by IRC Chapter 3 Withholding.

Categories of records in the system: Taxpayer name and address and Employer Identification Number and name of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By name of withholding agent.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS).Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A)

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.026

System name: FORM 1042S Index By Name of Recipient, ACTS: A/Treasury-IRS.

System location: PHILADELPHIA SERVICE CENTER (See IRS Appendix A).

Categories of individuals covered by the system: Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

Categories of records in the system: Information provided by taxpayer including name, address, tax data, country of residence and Employer Identification Number of withholding agent.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosures may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm.

Retrievability: By taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained at PSC 5 years, then at Federal Records Center 25 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.027

System name: Forms filed by U.S. Citizens or Residents relating to Foreign Companies, ACTS-Treasury/IRS.

System location: Philadelphia Internal Revenue Service Center and its servicing Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 957—Foreign Personal Holding Company; 958—Foreign Personal Holding Company; 959—Return by an Officer, Director, or Shareholder—With Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its Stock.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. (See IRS Appendix A).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.028

System name: IDRS Security Profile System, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individual employees on whom records are retained.

Categories of records in the system: A record log of the employees (IDRS users) and containing pertinent data for identifying each user.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used to verify the employee's authorization to access records retained on IDRS. It is so used at the moment of attempted access to the computer files.

The file is used to generate the identifying employee number of the using employee to be recorded on the computer retained disk files or on printed matter produced by the computer for purposes of case control or document routing.

The file is used in connection with computerized security routines to produce printed reports that are used by IRS internal security personnel to monitor use of IDRS.

Use is restricted to IRS personnel and there are no routine uses in connection with other Federal agencies.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: By name and code number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The records are updated daily or weekly depending on the activity.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Information supplied by the IRS employee on standard personnel forms.

Treasury/IRS 22.029

System name: Individual Account Number File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Individuals having specific, current business with IRS.

Categories of records in the system: Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance, no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk storage.

Retrievability: Social security number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The politics and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in various Accounts and Data Processing Handbooks (ADP Handbooks). The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in various Accounts and Data Processing Handbooks.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.030

System name: Individual Master File (IMF); ACTS A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, West Virginia.

Categories of individuals covered by the system: Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A).

Categories of records in the system: Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: By identification number and alphabet.

Storage: Magnetic Tape.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.(See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.031

System name: Individual Master File Change and Adjustment Document File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have had changes made to their accounts either at their request or by the service.

Categories of records in the system: 5143—Tax Transfer Schedule, 1127—Application for Extension of Time for Payment of Tax, 1247—Examination Record, 1664—Undelivered Return Check Freeze Release, 1664PR—Disbursing Center Notification of Undelivered Refund Checks and/or Cancellation, 1962—Advance Payment Record, 2158—Credit Transfer Voucher, 2287—Dishonored Check Posting Voucher, 2287D—Advice of Dishonored Check, 2350—Application for Extension of Time for Filing U.S. Income Tax Return, Citizen Abroad, 2363—Master File Entity Change, 2424—Account Adjustment Voucher, 2650—TDA/TDI Transfer, 2688—Application for Extension of Time to File U.S. Individual Income Tax, 2710—Appellate Division Action and Transmittal Memorandum, 2758—Application for Extension of Time to File U.S. Fiduciary or Partnership Return, Non-Remittance, 3177/A/B—Notice of Action for Entry on Master File, 3244—Payment Posting Voucher, 3245—Cancellation or Repayment, 3258—Summary Transfer Voucher, 3354—Assessment Adjustment Document, 3413—Transaction List of Account Transfer-In, 3446—Notice of Federal Tax Due, 3552—Statement of Tax Due on Federal Tax Return (Part 4), 4732—Special Tax Receipts (11, 11B) (CP 444), 4733—Special Tax Receipt (CP 445), 4768—Application for Extension of Time to File U.S. Estate Tax Return and/or Pay Estate Tax, 4779—Statement of Use Tax Due IRS on Highway Motor Vehicles, 4839—3rd Notice (Balance Due), 4840—4th Notice (Balance Due), 4848—Annual Employer Return for Employees' Pension or Profit Sharing Plans, 4849—Financial Statement of Employees' Pension or Profit Sharing Fund or Fiduciary Account, 4901-04—Request for Information About Tax Return—First, Second, Third and Fourth Notice, 4907—TDA, 4915—RMF, Balance Due (CP 411), 4917—RMF, Balance Due Less than

1.00 (CP 413), 4918—RMF, No Math Error, Balance Due (CP 414), TY-D14—Taxpayer Delinquency Investigation, TY-15—Unidentified and Excess Collection Voucher, TY-16—Tax Transfer Schedule, TY-26—Statement of Tax Due IRS, TY-

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54—Posting Voucher, TY-D69—Taxpayer Delinquent Account, W-2—Wage and Tax Statement, W-2P—Statement for Recipients of Annuities, Pension or Retired Pay.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Document files.

Retrievability: Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Officials prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.032

System name: Individual Master File (IMF) Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are individual taxpayers who file Federal individual tax returns (Forms 1040 or 1040A).

Categories of records in the system: The categories of records maintained are abstracts of tax and/or entity modules that have been removed from the IMF. These abstract records indicate the taxpayer name, identification number, specific tax returns, document locater number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register, SSN Tax Period and name (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook (330-731) published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.033

System name: Individual Master File (IMF) 608 and 388 Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are individual taxpayers who file Federal individual tax returns (Forms 1040 or 1040A).

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules containing a credit (TC 608) or debit (TC 388) that is written off when the module is removed from the IMF (magnetic tape) to the IMF (microfilm) 608 and 388 Retention Register. This register shows the taxpayer's name, identification number, specific tax returns, amount of credit or debit that has been written off, tax years and other transactions which have been recorded relative to the module before removal from the IMF (magnetic tape).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: IMF Reference Register, SSN, Tax period and Name (Explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.034

System name: Individual Returns Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms in the 1040 series including any schedules and Forms 5329. 1040 U.S. Individual Income Tax Return, 1040A U.S. Individual Income Tax Return—Short Form, 1040ES Declaration of Estimated Tax For Individuals, 1040ES (Spanish) Declaration of Estimated Tax for Individuals (Puerto Rico), 1040ES (OIO) Declaration of Estimated Tax for Individuals—Non-Resident Alien Individuals, 1040NB U.S. Non-Resident Alien Income Tax Return, 1040NR U.S. Non-Resident Alien Income Tax Return, 1040B U.S. Non-Resident Alien Income Tax Return, 1040C U.S. Departing Alien Income Tax Return.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.036

System name: Interest Equalization Tax Forms File, ACTS: A—Treasury/IRS.

System location: Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who filed Forms: 3969—Notice of Acquisition of Original or New Japanese Debt Obligation, 4410—Interest Equalization Tax—Quarterly Return of Tax Withheld by Participating Firm, 4363—Notice of Acquisition of Stock Pursuant to Conversion of an Original or New Japanese Debt Obligation, 4322—Validation Certificate of Prior American Ownership and Interest Equalization Tax Compliance, 3845—Interest Equalization Tax—Broker's Quarterly Information Return, 3779—Notice of Acquisition of Original or New Canadian Stock or Debt Obligation.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5. U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

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Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.037

System name: IRS Employee Delinquency Notice List, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees who have been sent notices (Forms 4901) informing them that they appear not to have filed individual income tax returns (Forms 1040 and 1040A) for a certain tax year.

Categories of records in the system: Records maintained are records containing the individual's name, address, taxpayer identification number (social security number), and other indicators relating to the salary and location of the individual. As cases have been worked, the service center's list is annotated with the disposition of each case.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

For other routine uses see Apppendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy printouts are maintained in agency offices.

Retrievability: By employee SSN and name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Specified in Records Disposition Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the adminstration of the individual's tax account.

Treasury/IRS 22.039

System name: Miscellaneous Forms Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file forms: 56—Notice of Fiduciary Relationship, 678—Special Tax Return: Application for Registry and Special-Tax Stamp Opium, etc., 709—U.S. Quarterly Gift Tax Return, 1964—Certification of Exempt Official (Narcotics), 2031—Waiver Certificate to Elect Social Security Coverage for Use by Ministers, Certain Members of Religious Orders, and Christian Science Practitioners, 2063—U.S. Departing Alien Income Tax Statement, 2555—Statement to Support Exemption of Income Earned Abroad, 2950—Statement in Support of Deduction for Payments to an Employee's Pension, Profit-Sharing, Stock Bonus Trust or Annuity Plan and Compensation Under a Deferred-Payment Plan, 3115—Application for Change in Accounting Method, 3491—Exemption Application, 3520—Creation of or Transfers to Certain Foreign Trusts, 4361—Application for Exemption from Self-Employment Tax for Use by Ministers, Members of Religious Orders and Christian Science Practitioners, 4415—Election to Exempt From Self-Employment Coverage Fees Received by Certain Public Officers and Employees of a State or a Political Subdivision Thereof, 4908—Declaration of a Candidate for Public Office Receiving Political Contributions Qualifying for Credit or Deduction.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26

CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instructions for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.040

System name: Multiple Refund File, ACTS: A—Treasury/IRS.

System location: Austin Service Center. (See IRS Appendix A).

Categories of individuals covered by the system: Tax return preparers or other individuals who prepare possibly fraudulent, bogus, or otherwise illegal returns and preparers who use their own address as the taxpayer's address.

Categories of records in the system: Names and addresses used on returns; names and addresses of preparers; correspondence pertaining to these.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders, by districts, in file cabinets.

Retrievability: Alphabetically by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and disposal instructions for paper documents in this file is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Internal Revenue Austin Service Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 22.042

System name: Penalty Case File ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Taxpayers who have had substantial penalties assessed to their accounts.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

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Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.043

System name: Potential Refund Litigation Case Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer who have indicated to the Service that they may file suit against the service for a refund.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report the apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This is a paper document file.

Retrievability: Documents are stored and retrieved by taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.044

System name: P.O.W.—M.I.A. Reference File, ACTS: A—Treasury/IRS.

System location: Austin Service Center and each district office. (See IRS Appendix A).

Categories of individuals covered by the system: P.O.W./M.I.A.—originated from Department of Defense lists.

Categories of records in the system: Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific clases.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Cases filed alphabetically by last name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All cases have been retained and no current provisions have been established for disposal.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Director, Internal Revenue Austin Service Center and District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides, (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.046

System name: Residual Master File (RMF) ACTS—Treasury/IRS.

System location: Internal Revenue Service Centers (Currently there are 10 such centers). See IRS Appendix A for locations.

Categories of individuals covered by the system: Persons in a sole proprietary role who file Excise Tax Returns (Form 11), Wagering Returns (Form 11C), Highway Use Returns (Form 2290), and Airways Use Returns (Form 4638) and Estate and Gift Taxes (Form 706 and 709), the latter can be individuals not in a sole proprietorship role.

Categories of records in the system: Taxpayer entity records (name, address, identification name (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including Zip Code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape.

Retrievability: By name, type of tax, and identifying number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: As specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with Instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the Individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.047

System name: Residual Master File Change and Adjustment Document File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have had changes made to their accounts either at their request or by the service.

Categories of records in the system: 5143—Tax Transfer Schedule, 1247—Examination Record, 1962—Advance Payment Record, 2158—Credit Transfer Voucher, 2287—Dishonored Check Posting Voucher, 2287D—Advice of Dishonored Check, 2363—Master File Entity Change, 2424—Account Adjustment Voucher, 2650—TDA/TDI Transfer, 2710—Appellate Division Action and Transmittal Memorandum, 3177 A/B—Notice of Action for Entry on Master File, 3244—Payment Posting Voucher, 3245—Posting Voucher, Refund Check Cancellation or Repayment, 3258—Summary Transfer Voucher, 3333—TDI Status Report, 3354—Assessment Adjustment Document, 3446—Notice of Federal Tax Due, 3552—Statement of Tax Due on Federal Tax Return (Part 4), 3731—Unidentified Remittance Voucher, 3552—Prompt Assessment Billing Assembly, 3731—Unidentified Remittance Voucher, 3753—Manual Refund Posting Voucher, 3809—Miscellaneous Adjustment Voucher, 3870—Request for Adjustment (Part 1), 3870—Request for Adjustment (Part 3), 3967—Notice of Delinquency Tax Account, 4188—Settlement Notice (CP 21, 22, 210, 421, 422), 4296—Audit Requisition & Information Report, 4338—Transcript or Information Request (Tax Class 9 applies to TC 991, 993 only), 4446—Notice of Action for Entry on Master File (Part 4), 4695—Notification Refund Repayment Check not Accepted by Bank, 3553—Prompt Assessment Billing Assembly, 3731—Unidentified Remittance Voucher, 3753—Manual Refund Posting Voucher, 3809—Miscellaneous Adjustment Voucher, 3870—Request for Adjustment (Part 3), 3912—Taxpayer SSN Validation (CP 53 & 54), 3967—Notice of Delinquency Tax Account, 4084—Math Error Notice (CP 11), 4085—Math Error Notice (CP 12), 4086—Math Error Notice (CP 13), 4188—Settlement Notice (CP 21, 22, 210, 421, 422), 4192—Notice of Balance Due (CP 161), 4256—Dual Debit/Credit Transfer, 4296—Audit Requisition & Information Report, 4602—Notice of Balance Due (CP 23), 4604—Notice of Settlement Under

1.00 (CP 25), 4694—Notification Refund Repayment Check not Accepted by Bank, 4839—3rd Notice (Balance Due), 4840—4th Notice (Balance Due), 4907—TDA, 4960—IMF, Balance Due, Audit/Unallowable Items (CP 15), 4961—IMF, Overpayment, Audit/Unallowable Items (CP 16), RSC-137—Remittance Return to Taxpayer for Correction, TY-15—Unidentified and Excess Collection Voucher, TY-16—Tax Transfer Schedule, TY-18—Statement of Payment Due, TY-26—Statement of Tax Due IRS, TY-54—Posting Voucher and TY-D69—Taxpayer Delinquent Account.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are Paper Document files.

Retrievability: Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention and Disposal Instruction for paper document in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Official maintaining

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the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.048

System name: Residual Master File (RMF) Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are taxpayers who have a business in Airways, Motor Vehicles, Wagering, Beer/etc., or Coin Operated Amusement Devices; or those responsible for Gift Tax or U.S. Estate Tax. The tax return forms are: 4638, 709, 706, 2290, 11, 11B, 11C, 730.

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules that have been removed from the RMF. These abstract records indicate the business taxpayer name, identification number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosures may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: EIN or SSN, Name, Tax Period, and Type of Tax (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Two policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook and the Research Operations Handbook (330-731).

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.049

System name: Residual Master File (RMF) Transaction. Codes 608 and 388 Microfilm Retention Register, ACTS: A—Treasury/IRS.

System location: All IRS Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Categories of individuals on whom records are maintained are taxpayers who have a business in Airways, Motor Vehicles, Wagering, Beer/etc., or Coin Operated Amusement Devices; as well as those responsible for Gift Tax or U.S. Estate Tax. The tax return forms are: 4638, 709, 706, 2290.

Categories of records in the system: The categories of records maintained are abstracts of tax and entity modules containing a credit (TC608) or debit (TC388) that is written off when the module is removed from the RMF (magnetic tape) to the RMF (microfilm) 608 and 388 Retention Register. This register shows the taxpayer's name, identification number, specific tax returns, amount of credit or debit that has been written off, tax years and other transactions which have been recorded relative to the module before removal from the RMF (magnetic tape).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm Tape.

Retrievability: EIN or SSN, Name, Tax Period, Type of Tax (explained in the Research Operations Handbook).

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: The policies and practices regarding storage, retention, and disposal are as specified in the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining

the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.050

System name: Residual Returns Files, ACTS: A—Treasury IRS.

System location: Internal Revenue Service Centers and Federal Records Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 4638—Federal Use Tax Return on Civil Aircraft, 2290—Federal Use Tax Return on Highway Motor Vehicles, 11—Special Tax Return, 11B—Special Tax Return, 11C—Special Tax Return and Application for Registry—Wagering, 730—Tax on Wagering.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Center, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.051

System name: Return of Initial Excise Taxes on Private Foundations, Foundations Managers, and Disqualified Persons File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Federal Records Centers, (see IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who file Forms: 4720—Retention of Initial Excise Taxes on Private Foundations, Foundation Managers and Disqualified Persons.

Categories of records in the system: Forms filed by the taxpayer and case documents determined by the Service to be related.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files.

Retrievability: Documents are stored and retrieved by Document Locator Numbers.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Center, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

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Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.052

System name: Social Security Administration's Daily Search File (SSA DSF), ACTS: A—Treasury/IRS.

System location: National Computer Center (NCC), Martinsburg, W. VA.

Categories of individuals covered by the system: Individuals on whom records are maintained are all individuals with social security numbers.

Categories of records in the system: Records maintained are records containing the name and social security number of the individual, along with fields dealing with the individual's sex, race, age, dates of birth and death, and military service; fields dealing with earnings and FICA; and fields dealing with inquiries, claims, disability, and beneficiary situations.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape in SSN sequence.

Retrievability: By matching on SSN and name control.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Received from SSA in October and retained until the following May; then data are magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themeslves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revnue Service Center servicing the area in which the individual resides. See IRS Appendix A for locations.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. See IRS Appendix A for locations.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.053

System name: Statistics of Income Individual Selection Sheet, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers whose returns are selected by pre-determined stratification and random selection within groups of states.

Categories of records in the system: Printouts developed by the Service showing both taxpayer-provided and Service-generated data concerning selected items of tax return data.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information of contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents

Retrievability: By SSN, Document Locator Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retained by Service Center for one year, then shipped to warehouse until National Office orders destruction.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.054

System name: Subsidiary Accounting Files, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Dsitrict Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

Categories of records in the system: The types of records maintained in the system are documents containing entity information (name, address, taxpayer identification number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Interal Revenue Service, counterfeit money, misappropriations or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Subsidiary Accounting Files consist of paper documents stored in files.

Retrievability: Records are retrievable by Social Security No. and by name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Records are retired to the Records Center and are retrieved by request from authorized individuals where account substantiation is necessary. Policies regarding disposal are as specified in the Records Retention Handbook published by the Service.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are no subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

Treasury/IRS 22.055

System name: Tax Practitioner, extension-of-time card file, ACTS: A—Treasury/IRS.

System location: Ogden Service Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Those taxpayers for whom tax practitioners are requesting extension of time.

Categories of records in the system: This includes the names of taxpayers and their appropriate tax practitioners that comes from their extension request. It also includes the number of extensions, the validity of reason for request and whether approval is given.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in a card file in Taxpayer Relations Branch of Taxpayer Service Division.

Retrievability: Cards are kept alphabetically and are so retrieved.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and disposal is done as specified in the regulations of the Records Retention Handbook.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center serving the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.056

System name: Tax Practitioner Mail File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

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Categories of individuals covered by the system: Individuals who have requested to receive tax practitioner information.

Categories of records in the system: Categories of records maintained in the system are names, SSNs, addresses, whether enrolled with the IRS, and occupation or business.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape files

Retrievability: Information is stored and retrieved by taxpayer identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook. IRM 1 (16) 41.

Retention and disposal: This magnetic tape file is maintained continuously. Retention and Disposal Instructions for the paper documents for records in these files is as specified in the Records Disposition Handbook, Service Center IRM 1(15)59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officals maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.057

System name: Taxpayer Delinquent Investigation Notice File: ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Individual and business taxpayers relating to taxpayer delinquency investigations and the generation of delinquency notices.

Categories of records in the system: Delinquency investigation information on business and individual taxpayers.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system or records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal adivce.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Tape search by identity number or name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Dependent upon the activity to each taxpayer record.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See IRS Appendix A.)

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system has been exempted elsewhere in the Federal Register.

Treasury/IRS 22.058

System name: Tentative Carryback Allowance File; ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers who have filed for a tentative carryback adjustment.

Categories of records in the system: records of tentative carryback adjustment Form 6702, including taxpayer name, address, and identifying number, tax years involved, amounts of tax decrease, and date Notice of Disallowance (if any) mailed.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These are paper document files

Retrievability: Taxpayer name and/or identification number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1 (15) 59-206.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedure for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.059

System name: Unidentified Remittance File, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers. See IRS Appendix A for locations.

Categories of individuals covered by the system: Remittances which have been received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Categories of records in the system: Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the URF contains a record of all doubtfully applied Estimated Tax (ES) credits. The ES record contains the taxpayer's name, address, type of payment, taxpayer identification number, tax period, received date, money amount, and the transaction document locator number (DLN).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is used only to report Revenue Receipts Breakout and total amount shown on General Ledger to U.S. Treasury. The file is an internal file and contains a record of each remittance which is received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disk Storage

Retrievability: Remittance amount, Unidentified Remittance Control Number, taxpayer name.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: 180 days after the amount is reduced to zero balance.

System manager(s) and address: Offical prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries, should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or the type of tax to which it is to be applied.

Treasury/IRS 22.060

System name: Unit Ledger Cards, ACTS: A—Treasury/IRS.

System location: Internal Revenue Service Centers and Records Center.

Categories of individuals covered by the system: Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with normal master file processes, e.g.: penalties, transferee assessments, termination assessments, excise protest accounts, RMF overflow accounts, culpable and nonpetitioning spouses, Forms 1042, 1040-NR, 926, 5330, 4720, 990-AR (Penalty) and any pre-ADP returns.

Categories of records in the system: The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module).

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related Acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist the administration of tax laws.

Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The unit ledger cards are a card file.

Retrievability: Information is retrievable by Taxpayer Identification Number.

Safeguards: Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Disposition is prescribed by the appropriate Records Control Schedule.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may

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inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart Cd Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

Treasury/IRS 22.061

System name: Wage and Information Document (WAID) File; ACTS: A—Treasury/IRS.

System location: National Computer Center, Martinsburg, W. Va.

Categories of individuals covered by the system: recipients of various types on income: wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions' pensions and annuities; patronage dividends, distributions, and allocations; and prizes, gambling winnings and miscellaneous income.

Categories of records in the system: Records maintained are records representing certain wage and information returns: Forms W-2, W-2P, 1087 and 1099; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the types(s) and amount(s) of income.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in social security number sequence.

Retrievability: By taxpayer social security number and name control.

Safeguards: Safeguards will not be less than provided by the Physical Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Until tax year 1974, only until processed; after tax year 1974, two years; then magnetically erased.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), national office. Officials maintaining the system—Directors, Internal Revenue Service Centers. See IRS Appendix A for locations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system is proposed for examption elsewhere in the Federal Register.

Treasury/IRS 26.001

System name: Acquired Property Records, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, revenue officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are stored in locked facility when not in use.

Retrievability: Retrievable by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Dispose two years after final disposition of property.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains data for government accounting purposes from Service sources.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.002

System name: Adjustment and Payment Tracer Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers against whom tax assessments have been made but who have either offered substantiating evidence for adjustment or proof of payment.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, TDA or notice, cancelled checks, amended returns, claims, etc.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1 (16) 41.

Retention and disposal: Retained until case resolved or reissued.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revneue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.003

System name: Collateral Files, ACTS: C—Treasury/IRS.

System location: Districts Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers against whom tax assessments have been made and who have submitted collateral such as bonds, mortgages, escrow, etc,. to stay collection.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figure and collateral submitted.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement, agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose of collateral records two years after case is closed. Collateral is returned to taxpayer after collection or adjustment is effected. Collateral forfeited in event of default.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determing if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.023

System name: Defunct Special Service Staff File being retained because of Congressional directive, ACTS: C-Treasury/IRS.

System location: National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals suspected of violating the Internal Revenue laws.

Categories of records in the system: Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

Authority for maintenance of the system: U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. Disclosure of information contained in this System of Records may be made to the Department of Justice in connection with actual or potential litigation. Access to the System is limited to Congressional Committees and individuals making Freedom of Informatioo requests pertaining to themselves. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

Retrievability: By alphabet

Safeguards: Access controls are in conformance with provisions of the physical and Document Security Handbook, IRM 1 (16) 41. No IRS official has access to these records except for retrieval purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

Retention and disposal: Records are being maintained solely for Congressional Committees at their request. When the Congressional Committees have completed their inquiries, the records will be destroyed except for those documents pertaining to pending litigation. Those records will be destroyed upon direction by the Court having jurisdiction over the documents.

System manager(s) and address: Assistant Commissioner (ACTS) National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may address inquiries to the Assistant Commisssioner (ACTS) National Office. (See IRS Appendix A for location.)

Record access procedures: Individuals seeking access to any System of Records may inquire in accordance with the instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (ACTS), National Office. (See IRS Appendix A for location.)

In addition, this System may contain some records provided by other agencies which are exempt from the Access and Contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

Contesting record procedures: See Access above.

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Record source categories: News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

Systems exempted from certain provisions of the act: System exempted elsewhere in the Federal Register.

Treasury/IRS 26.005

System name: File of Persons Making Threats of Force or Forcible Assaults, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have or may threaten or assault Collection activity personnel.

Categories of records in the system: Names, addresses, taxpayer identification number (if known), physical description (if known) of individuals.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name of individual.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained until Chief Collection/Collection and Taxpayer Service Division determines that individual no longer presents a threat to Collection employees.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.006

System name: Form 2209, Courtesy Investigations, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district office, but the individual is now living or has assets located in the jurisdiction of another IRS district office.

Categories of records in the system: Contains taxpayer name, current and former addresses, taxpayer identifying number, if known. Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken, and chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose 2 years after case closed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.007

System name: Form 2990—Miscellaneous Investigations, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for Federal Tax Administration purposes.

Categories of records in the system: Name and address of party that was contacted, taxpayer identifiction number, if known, chronological investigative history and/or information secured. The following types of investigations are included in this system. Form SSA-7010 cases—Notice of Determination of FICA Wages—Issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record. Requests for data needed in proof of claim cases. Applications for discharge of property from tax lien. Service of tax court subpoenas. Complaints of employers failing to provide withholding statements. Recovery of unassessable erroneous refunds. Form SSA-1273 cases—Request for Preferential Investigation. This is a request for preferential treatment (over other SSA cases) on an earnings discrepancy case. Secure application for exemption from self-employment tax. Offers in Compromise and related activities; i.e., follow-up on defaulted installments, secure payment on collateral agreements, etc. Maximize compliance with withholding requirements on aliens' earnings. Other miscellaneous uses.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose two years after closing date.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determing if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.008

System name: IRS and Treasury Employee Delinquency, ACTS:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers, National Computer Center and Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS and Treasury employees who are shown on the Master file as delinquent in meeting Federal tax requirements.

Categories of records in the system: Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: by taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—Assistant Commissioner (ACTS), Regional Commissioners, District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.009

System name: Lien Files (Open and Closed), ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal Tax Liens have been filed.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.Dispose four years after the account on which the lien arose has been satisfied or two years after the statutory period for collection has expired, as applicable.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Official maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: This system contains copies of public records, the originals of which are filed in accordance with the laws of each State, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. See Notification above.

Contesting record procedures: See notification above.

Record source categories: Taxpayers' Federal Tax Returns.

Treasury/IRS 26.010

System name: Lists of Prospective Bidders at Internal Revenue Sales of Seized Property—ACTS:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

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Categories of individuals covered by the system: Individuals who have requested that they be notified of Internal Revenue sales of seized property.

Categories of records in the system: Name and address and phone number (if provided).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records. File cabinets.

Retrievability: By name of Prospective Bidder.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retention varies by District Office.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue determine if need for this system exists. (See IRS Appendix A)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the District Director of Internal Revenue Service servicing the area in which the individual resides.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire inaccordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of Internal Revenue Service servicing the areas in which the individual resides.

Contesting record procedures: See Access above

Record source categories: Supplied voluntarily by the subject prospective bidder.

Treasury/IRS 26.011

System name: Litigation Case Files, ACTS: C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgement; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal Tax Lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving 100-Percent Penalty Assessments; Injunction Suits Under Freedom of Information Act. Also included in Litigation Files are: Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax labilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; revenue officer reports; and various other legal instruments and correspondence. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose 2 years after end of year or after case is closed, as applicable.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/26.012

System name: Offer in Compromise (OIC) File, ACTS: C—Treasury/IRS.

System location: District Offices, Service Center, Regional Offices, and National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

Categories of records in the system: Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retire to Federal Records Center three years after case is closed. Dispose six years after case is closed.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS), Officials maintaining the system (Regional Commissioners, Service Center Directors and District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an abstract and statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with EO 10386 and EO 10906.

Systems exempted from certain provisions of the act: This system of records is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.013

System name: One Hundred Percent Penalty Cases, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty (if any) and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retire to Federal Records Center three years after case is closed. Dispose six years after case is closed.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS), Officials maintaining the system (Regional Commissioners, Service Center Directors and District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.014

System name: Record 21, Record of Seizure and Sale of Real Property. Acts:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records evidences chain of title to real property and is a matter of public record. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Retained permanently.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS)), Officials maintaining the system (District Directors of Internal Revenue). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may address inquiries to or appear in person at the office of District Director for each District whose records are to be searched.

Contesting record procedures: See Access above.

Record source categories: This System of Records evidences chain of title to real property and is a matter of public record. (See Category of Record above).

Treasury/IRS 26.015

System name: Records being maintained at the request of Congressional Committees. ACTS:C—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who have previously been the subject of Collection case assignments and/or individuals who have been identified as potential tax delinquents. Includes Former Sensitive Case Files and various returns compliance files which are normally not retained.

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Categories of records in the system: Names, addresses, taxpayer identification numberc class of tax, period, location of levy sources (if known), other financial data (if known), dollar figures (if known), and correspondence (if any).

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agences. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Records will be destroyed when no longer required by Congressional Committees.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner (ACTS)), Officials maintaining the system—Director, Collection Division; ARCs (ACTS); District Directors of Internal Revenue (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 26.016

System name: ACTS:C—TREASURY/IRS—Returns Compliance Programs (RCP).

System location: District Offices and Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers who may be delinquent in filing or paying Federal taxes.

Categories of records in the system: Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts. Disclosure may be made during judicial processes.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Dispose of two years after closure.

System manager(s) and address: Official prescribing policies and practices (Assistant Commissioner) (ACTS), Officials maintaining the system District Directors of Internal Revenue and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 26.017

System name: Seized Property Records, ACTS:C—Treasury/IRS.

System location: District Offices (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose property has been seized for subsequent sale by IRS to satisfy tax liabilities.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, copy of Notice of Federal Tax Lien, information about basis of assessment, including class of tax, period, dollar amount, and Revenue Officer reports.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose two years after redemption period expires.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in Federal Register.

Treasury/IRS 26.018

System name: Tax Collection Waiver Form 900 Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers for whom tax assessments exist and for whom statutory collection period has been extended by waiver.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment based on TDA, including class of tax, period, etc.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinets.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose of four years after account on which statutory period for collection has been extended is satisfied or two years after statutory period as extended has expired, as applicable.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 26.019

System name: TDA (Taxpayer Delinquent Accounts), ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers on whom Federal tax assessments have been made.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, etc. This system includes Part Payment Files; Large Dollar Reports; No Activity Reports; TDA Register; Uncollectable Accounts Register; Uncollectable Accounts Register (over 25,000); Advance Dated Remittance Check Files; Uncollectable Accounts Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose two years after closing case.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue, Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes if determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemptions elsewhere in Federal Register.

Treasury/IRS 26.020

System name: TDI (Taxpayer Delinquency Investigation) Files, ACTS: C—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers believed to be delinquent in filing Federal tax returns.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is on paper records.

Retrievability: by taxpayer name.

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Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose two years after closing case.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue, Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 26.021

System name: Transferee Files, ACTS: C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

Categories of records in the system: Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also the name, address, taxpayer identification number and related information about transferee.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Record.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose of two years after end of year or after case is closed, as applicable.

System manager(s) and address: Official prescribing policies and practices, Assistant Commissioner (ACTS), Officials maintaining the system, District Directors of Internal Revenue. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 26.022

System name: Delinquency Prevention Programs, ACTS:C—Treasury/IRS.

System location: District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers having a history of Federal tax delinquency.

Categories of records in the system: Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records, file cabinet.

Retrievability: By taxpayer name.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose two years after case is closed.

System manager(s) and address: Official prescribing policies and practices—Assistant Commissioner (ACTS). Officials maintaining the system—District Directors of Internal Revenue. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 30.005

System name: Accident Investigation Files System Administration—Treasury/IRS.

System location: National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals involved in accidents involving either property damage of over

500.00 or any personal injury.

Categories of records in the system: Information consisting of injuries, damages, dollar estimate, causes and conditions of accidents, interviews and statements pertaining to IRS employees and private individuals involved in accidents which result in over

500.00 in property damage or personal injury to either party.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with

requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—National Office—file folders, Regional Offices—card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—National Office—records are stored in the Protective Programs Branch for a period of three years. They are then transferred to the Federal Records Center and destroyed seven years after case file year.

System manager(s) and address: National Office—Safety Management Officer, Protective Programs Branch, Regional Offices (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Record source categories: The information originates from the IRS Inspection Branch.

Treasury/IRS 30.002

System name: Employee Administrative Files, Tax Administration, Advisory Services Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the TAAS Division, both current and former.

Categories of records in the system: Overseas Employee Work Folders (active and inactive), Headquarters Staff Employee Work Folders (active and inactive), Official Passport and Control Card File, ID Cards (AID). Maintained for reference and administrative processing purposes; for selection and nomination for overseas assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By taxpayer name.

Safeguards: Files are kept in a locked file or locked room with limited access by division employees.

Retention and disposal: Obsolete files are destroyed when further assignments with the division are considered unlikely. Passports are returned to State Department. ID's are returned to Agency for International Development.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See system manager above.

Record access procedures: See system manager above.

Contesting record procedures: See system manager above.

Record source categories: From the individual, and from standard Personnel and other governmental administrative forms relating to the individual.

Treasury/IRS 30.001

System name: Personal Data on Official Contracts, Tax Administration Advisory Services Division—Treasury/IRS (See IRS Appendix A).

System location: National Office.

Categories of individuals covered by the system: Selected officials and work contacts in: IRS, AID, State Department; and other Government agencies; the Inter-America Center of Tax Administrators; foreign governments; international organizations; and educational institutions in the U.S.

Categories of records in the system: Locator Card Files of official contacts (5); Liason Listing of official training program contacts; biannual international tax advisors listing; TAAS advisors and National Office staff listing; bio-data sketches on individuals (IRS and others). Maintained for quick reference in order to locate and contact an individual, and to keep record of personal information for use in connection with official business.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By taxpayer name.

Safeguards: Access limited to authorized persons.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Tax Administration Advisory Services Division, National Office (See IRS Appendix A).

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: From the individual, from the organization with which he is associated, or from other knowledgeable experts in the field of Tax Administration.

Treasury/IRS 30.003

System name: Requests for Printed Tax Materials Including Lists, Administration—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See IRS Appendix A).

Categories of individuals covered by the system: Files include those individuals and/or businesses that request various IRS printed materials such as Package X, TIRs, reproduction proofs, etc.

Categories of records in the system: Letter or order blank submitted by the individual and/or business and any related correspondence. A cross reference index may also be developed to identify and control requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—magnetic tapes, paper records or mailing plates. Retrievability—alphabetically or numerically. Safeguards—not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—names dropped as system is updated.

System manager(s) and address: Chief, Publishing Services Branch A:FM:P National Office, and Chief, Administration in Regional Offices, District Offices and Service Centers (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

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Record source categories: The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

Treasury/IRS 30.004

System name: Security Violations, Administration—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Violators of IRS Security Regulations.

Categories of records in the system: Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folder (notices of violation); 3 x 5 inch card file. Retrievability—3 x 5 inch card file—name; lateral file cabinets, access by PPO staff only. Retention and disposal—3 x 5 inch card file—indefinite; file folder—3 years. On-site location: 3 x 5 inch card file—indefinite; file folder—3 years (1 year in PSS Office, 2 years in Records Holding area).

System manager(s) and address: Chief, Facilities Management Branch, Service Centers. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Contract Guard Force.

Treasury/IRS 32.001

System name: Travel Expense Record, Administration—Treasury/IRS.

System location: National Office, Regional Offices and District Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: All IRS employees who have incurred travel or moving expenses in conjunction with official business.

Categories of records in the system: Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W-2, schedule of disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits & Form 2221, (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

Authority for maintenance of the system: GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 & 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—locked files. Retrievability—indexed in alphabetical order or assigned numerical sequence. Safeguards—access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management Supervisor. As required, IRS Internal Audit and Security has access to the files. Retention and Disposal—retired after 3 years to Federal Records Center; disposed in accordance with Records Retention Handbook.

System manager(s) and address: Chief, Fiscal Section, IRS National Office or Regional Office. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Information supplied by employees and by GAO and GSA as required.

Treasury/IRS 32.002.

System name: Payroll/Personnel System, Administration—Treasury/IRS.

System location: IRS Data Center, National Office, Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Current and Former IRS Employees.

Categories of records in the system: Data storage and file records system for processing the IRS payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding; bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, and personnel statistics. Aside from payroll processing, recorded personnel data is available on a need to know basis to personnel offices in accordance with Civil Service Commission, Treasury and IRS regulations.

Authority for maintenance of the system: 5 U.S.C. 301, 6 USC. (Chapter 1, Section 2), GAO Policy and Procedures manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—data files maintained on magnetic tape; folder records maintained in file cabinets. Retrievability—indexed by social security number or by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—retired after 3 years to the Federal Records Center; disposed of after 56 years.

System manager(s) and address: Personnel Data: Director, Personnel Division, IRS National Office. Payroll Data: Fiscal Management Officer, IRS National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking information pertaining to these records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Administration), IRS National Office.

Record access procedures: Same as "notification" above.

Record source categories: Information is compiled from the existing master records, i.e. employees' official personnel folders. Information also provided by payroll coordinators and administrative officers.

Treasury/IRS 32.003

System name: Schedules of Collections and Schedules of Canceled Checks, Administration—Treasury/IRS.

System location: National Office and Regional Offices. See IRS Appendix A for Locations.

Categories of individuals covered by the system: Employees of Internal Revenue Service.

Categories of records in the system: Checks received from employees in connection with jury duty and overpayments. System

maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records maintained in locked file cabinet. Retrievability—indexed by name. Safeguards—access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Retention Manual.

System manager(s) and address: Chief, Fiscal Section, National Office or Regional Offices. See IRS Appendix A for Locations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employees, District Directors, Regional Commissioners.

Treasury/IRS 32.004

System name: Scholarship Program Cost Record, Administration—Treasury/IRS.

System location: Regional Offices (See IRS Appendix A).

Categories of individuals covered by the system: Employees in the IRS Scholarship Program.

Categories of records in the system: Actual and estimated expenditure per student for purposes of monitoring and controling costs.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—in file cabinet. Retrievability—indexed by District (within District, individual recipients indexed by name). Safeguards—employees in the Budget and Reports Section have access to records. Retention and disposal—records maintained for 2 years and then disposed.

System manager(s) and address: Chief, Budget and Reports Section, Fiscal Management Branch, IRS Regional Offices. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Information provided by employees concerned.

Treasury/IRS 34.009

System name: Accident Reporting Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service and non-Federal employees.

Categories of records in the system: Information consists of conditions surrounding accident; injuries, and damages pertaining to Internal Revenue Service employees' accidents while on duty and non-Federal employees who suffered an accident on IRS space or who were employed through a temporary manpower agency.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders; card file. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-working hours. Retention and disposal—records are stored in the Protective Programs Branch for three years and are then transferred to the Federal Records Center. Records are destroyed seven years after case file year.

System manager(s) and address: For National Office—Safety Management Officer, Protective Programs Branch, Facilities Management Division, National Office. For Regional and District Offices—Chief, Facilities Management Branch, appropriate Regional or District office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name must be provided to ascertain whether or not the system has a record pertaining to the individual.

Record access procedures: Individuals may go to Internal Revenue Service Regional Office to gain information on procedures for gaining access to and contesting records of this system. The Regional Protective Programs Officer is the official to be contacted.

Contesting record procedures: See access above.

Record source categories: Information originates from the employee involved in the accident and his/her supervisor or the non-federal employee involved and, sometimes, a witness or an accident investigation.

Treasury/IRS 34.010

System name: Damage and Injury Claims Files System—Treasury/IRS.

System location: National Office and Regional Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees and private individuals acting as claimants against the Service. Private parties against which the Service has a claim.

Categories of records in the system: Claims consisting of information on dollar amounts of claims of property damage and personal injuries and estimated property damage related to the Federal Claims Collection Act, Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act of 1964, and the Small Claims Act.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—access to the records is restricted to official use of Internal Revenue Service employees. Records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are kept for three years and then are transferred to the Federal Records

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Center where they are destroyed seven years after the case file date.

System manager(s) and address: For National Office—Safety Management Officer, Protective Programs Branch, Facilities Management Division. For Regional Offices—Chief, Facilities Management Branch, appropriate Regional Office. (See IRS Appendix A).

Notification procedure: Same as for National Office above. Individual must submit the name of the party or individual involved in the claim to determine whether or not the system contains a record pertaining to the party or individual.

Record access procedures: Individuals may go to IRS Regional Office to gain information for procedures for gaining access and contesting records of this system. The Regional Protective Programs Officer is the official to be contacted.

Contesting record procedures: See Access above.

Record source categories: Information originates from private individuals, private parties, Internal Revenue Service employees, and Internal Revenue Service officials.

Treasury/IRS 34.011

System name: Driver Licensing Files System—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service.

Categories of records in the system: Information consists of personal information on driving records relating to motor vehicle records of IRS drivers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders. Retrievability—indexed by name. Safeguards—records are kept in offices which are locked or guarded during non-work hours. Retention and disposal—records are actively maintained as long as license is in effect.

System manager(s) and address: Chief, Facilities Management in the appropriate office. (See IRS Appendix A).

Notification procedure: Same as System Manager above. Name of person must be submitted.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information originates from IRS motor vehicle drivers.

Treasury/IRS 34.001

System name: Economic Stabilization Program Closed Case Files—Treasury/IRS.

System location: National Office, Regional Offices, District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partnerships involved in any pursuit subject to the Economic Stabilization Program.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in servicing Federal Records Centers. Retrievability—indexed alphabetically by name. Safeguards—Federal Record Center security with access restricted to Internal Revenue Service employees. Retention and Disposal—to be destroyed in the years 1976 through 1979 (five years after the end of the case file year).

System manager(s) and address: Chief, Disclosure Staff, National Office; Regional Offices and District Offices. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions.

Treasury/IRS 34.002

System name: Economic Stabilization Program Special Correspondence Files—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Congressmen, government officials and private individuals.

Categories of records in the system: Congressional, public officials, and private individuals' correspondence pertaining to Stabilization activities for the period 1971 through 1974 which is not part of a case file.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in the Washington National Records Center. Retrievability—filed alphabetically by name. Safeguards—Federal Records Center security with access limited to Internal Revenue Service employees. Retention and Disposal—the records are to be transferred to the National Archives in 1979 as historical records.

System manager(s) and address: Chief, Disclosure Staff, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Queries for information, interpretations and rulings originating either from Congressmen, public officials or private individuals.

Treasury/IRS 34.012

System name: Emergency Preparedness Cadre Assignments and Alerting Rosters Files System—Treasury/IRS.

System location: National Office, Regional Offices, and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Key IRS, Treasury and OEP personnel.

Categories of records in the system: Cadre assignments—personal information on employees, i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—individual forms and correspondence kept in file folders. Retrievability—cadre assignments are filed by relocation site and allerting rosters by title of list. Safeguards—records are kept in a secured office. Retention and disposal—records are kept as required by Records Disposition Handbook.

System manager(s) and address: For National Office—Chief, Protective Programs Branch, Facilities Management Division. For Regional Offices—Chief, Facilities Management Branch, Appropriate Region. For Service Centers—Director, Appropriate Service Center, Protective Programs Officer. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Provided by individuals themselves.

Treasury/IRS 34.003

System name: Employee Accountability for Personal Property and Miscellaneous Items—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All Employees.

Categories of records in the system: Receipts for Government property and miscellaneous items issued to employees.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution of civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in locked filing cabinets. Retrievability—indexed alphabetically by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—receipts are destroyed upon return of property.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by individuals who receive property, such as credit cards, identification cards, pocket commissions, Government driver's licenses, keys, etc.

Treasury/IRS 34.004

System name: Executive Resources Information System—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: IRS Executives at GS-15 and above.

Categories of records in the system: A time-share computer data base containing biographical data, current job status, and position availability of IRS Executives.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to assist the Executive Resources Board to make selections for vacant executive positions. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on computer disk file. Retrievability—indexed by name. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—records maintained until employee leaves IRS at which time that record is deleted from the file.

System manager(s) and address: Executive Secretary, Executive Resources Board, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information supplied by IRS Executive and taken from SF 50's and SF 52's.

Treasury/IRS 34.013

System name: Identification Media Files System for Employees—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees having one or more items of identification.

Categories of records in the system: Records contain individual's name, home address, SSN, physical description, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card files. Retrievability—Indexed separately by name and Identification Media serial number. Access controls—access to the records is restricted to official use of Internal Revenue. The files are stored in locked security containers in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—the records are destroyed 3 years after last entry turn-in.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or turned in the particular item of identification, would have to be furnished the Service office that issued the item for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable Service office.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time they received the particular item of identification.

Treasury/IRS 34.014

System name: Motor Vehicle Registration and Entry Pass Files System—Treasury/IRS.

System location: Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals requiring continued access to the facility and parking area violators.

Categories of records in the system: Name of employee, registered owner of vehicle, branch, telephone, description of car, license number, employee's signature, name and expiration date of insurance, parking violations, decal number.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—file folders and card file. Retrievability—indexed by name. Safeguards—records are

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kept in a secured container in a secured office. Retention and disposal—records are kept until obsolete.

System manager(s) and address: Protective Programs Officer, appropriate Service Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is supplied by individual except for parking violations information which is supplied by the security guard personnel.

Treasury/IRS 34.005

System name: Parking Space Application and Assignment—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

Categories of records in the system: Contains the name, grade, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on an 8-1/2 x 10 inch or other local form. Retrievability—indexed by name of individual or principal carpool applicant. Safeguards—records are maintained in a file cabinet in a locked room. Retention and Disposal—Records are maintained for a period of not more than one year. Previous years' records are destroyed after each parking review.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individuals applying for parking spaces.

Treasury/IRS 34.015

System name: Personnel Identification Files System for service centers—Treasury/IRS.

System location: Service centers. (See IRS Appendix A).

Categories of individuals covered by the system: Federal and non-Federal personnel working in or visiting a particular service center.

Categories of records in the system: Records contain individual's name, home address, SSN and other such personal information. Visitor registers contain names and addresses of all visitors to the facility. Restricted area registers contain the names of all persons who visited the particular restricted area. Forms file contains the name of individuals who have lost or forgotten their badge.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—5 x 8 inch card file; 8 x 11 inch sheets. Retrievability—indexed separately by name and serial number for cross reference purposes. Registers filed by date. Access controls—access to the records is restricted to official use of Internal Revenue Service. The files are kept in offices which are locked or guarded during non-work hours. Retention and disposal—the records are destroyed 3 years after last entry turn-in.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Individual's name, SSN and address, plus the inclusive date(s) that he/she visited or was assigned to a particular service center, would have to be furnished to a center for them to be able to ascertain whether or not their system contains a record about the individual. (See IRS Appendix A).

Record access procedures: By writing or visiting applicable service center.

Contesting record procedures: See Access above.

Record source categories: Information was furnished by each individual at the time he/she made application for a permanent or temporary badge to enter a center.

Treasury/IRS 34.006

System name: Property Pass for Government Property—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: All individuals removing property from IRS space.

Categories of records in the system: Description of property and reason for removal.

Authority for maintenance of the system: FPMR (41 CFR) 101-19.108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on various sized forms. Retrievability—indexed by name. Safeguards—access controls will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—destroyed when property is returned.

System manager(s) and address: Chief, National Office Facilities Branch, National Office; Regional Office, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Individual requesting a property pass.

Treasury/IRS 34.007

System name: Record of Government Books of Transportation Requests—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

Categories of individuals covered by the system: IRS employees issued Transportation Requests.

Categories of records in the system: Form 496, alphabetical card record by name of the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in card

file box or file cabinets. Retrievability—by name or serial number. Safeguards—access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal—retained and disposed in accordance with Records Disposition Handbook, IRM 1(15)59-301 (GRS-9).

System manager(s) and address: Administrative Officers, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Government Books of Transportation Requests and employees to whom Books were issued.

Treasury/IRS 34.008

System name: St. Louis District Office and Other Selected Economic Stabilization Program Closed Case Files—Treasury/IRS.

System location: St. Louis Federal Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

Categories of individuals covered by the system: Individuals acting as sole proprietorships or partnerships involved in any pursuit subject to the Economic Stabilization Program.

Categories of records in the system: Case files for the period 1971 through 1974 originating from the investigation of complaints alleging violation of the Stabilization program or in granting or denying of exception/exemption requests.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Economic Stabilization Program terminated on June 30, 1974. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—stored in cartons in the St. Louis Federal Records Center. Retrievability—indexed alphabetically by name. Safeguards—Federal Records Center security with access limited to Internal Revenue Service employees. Retention and Disposal—the records are to be transferred to the National Archives in 1979 as historical records.

System manager(s) and address: Chief, Disclosure Staff, National Office.

Notification procedure: Same as System Manager above.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Letters from the public, applications from individuals, investigative reports, disclosure statements, determination letters, legal appeals and notifications of decisions.

Treasury/IRS 34.016

System name: Security clearance files system—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Internal Revenue Service requiring a security clearance, having their security clearance cancelled or transferred and individuals who have violated IRS security regulations.

Categories of records in the system: Records contain individual's name, employing office, date of security clearance, level of clearance, reason for clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to agencies and individuals on a need-to-know basis to determine the current status of an individual's security clearance. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—correspondence file folders; 3 x 5 inch card file. Retrievability—indexed by name. Access controls—stored in locked security container in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Retention and disposal—correspondence files relating to administration and operation of the Personnel Security Clearance Program are disposed after 2 years. Personnel Security Clearance Status files maintained in security unit to show the security clearance status of individuals in the form of lists or rosters are disposed when superceded or obsolete.

System manager(s) and address: Security Program Manager, Protective Programs Branch, Facilities Management Division, National Office.

Notification procedure: Chief, Protective Programs Branch, Facilities Management Division, National Office. Full name, to include previous names used, date of birth and current status should be provided with inquiry.

Record access procedures: Same as System Manager above.

Contesting record procedures: Same as System Manager above.

Record source categories: Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

Treasury/IRS 36.001

System name: Appeals, Grievances and Complaints Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees, agencies, and annuitants who appeal a determination made by an official of an agency or the Civil Service Commission to the Civil Service Commission, a Board established to adjudicate appeals, or an agency.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7151, 7154, 7301, 7512, 7701, 8347, Executive Order 9830, 10577, 10987, 11222, 11478, 11491, and P.L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (b) To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (d) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (e) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (f) These records may also be used to refer, where there

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is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (g) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (h) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and tape.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules; IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Admin.), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Locations). Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: See Access.

Record source categories: (a) Individual to whom the record pertains. (b) Agency and/or Commission officials. (c) Affidavits or statements from employee. (d) Testimonies of witnesses. (e) Official document relating to the appeal, grievance, or complaints. (f) Correspondence from specific organization or persons.

Treasury/IRS 36.002

System name: Employee Activity Records, Administration—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Current and former employees of the Internal Revenue Service.

Categories of records in the system: This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.

Authority for maintenance of the system: Title 5, U.S.C., Section 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on flat paper, card files, lists, and in folders, and binders.

Retrievability: These records are indexed by the name of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Supervisor of the organizational segment participating in the activity.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

Contesting record procedures: See Access.

Record source categories: Information is derived only from the individual to whom the record pertains.

Treasury/IRS 36.003

System name: General Personnel Records (Official Personnel Folder and records related thereto), Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center, (See Appendix A.).

Categories of individuals covered by the system: Current IRS employees and those formerly employed by the IRS (death, resignation, retirement, and separation).

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letter of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

This system also consists of a variety of records containing information about an individual relating to position management actions; position classification actions; promotion records; evaluation records; clearance upon separation; suggestion files; financial and tax matters, incoming letters of complaint; employee and former employee locator information; jury duty records; participation in and implementation of special emphasis programs; Combined Federal Campaign records; Unemployment Compensation notices; outside employment statements; savings bond records; and correspondence files pertaining to any of the personnel information referred to in this notice.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used: (a) To provide information to a prospective employer of an IRS employee or former IRS employee. (b) To provide data for the automated Central Personnel Data File (CPDF). (c) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and

security investigations index on new hires, adverse actions, and terminations. (d) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (e) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses. If necessary, obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (g) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (h) Information in these records is used or a record may be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (i) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations. (j) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)-59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Admin.), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official; (See Appendix A.). Inquiries should include name, date of birth, social security number and POD.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: National Personnel Records Center, General Services Administration, 111 Winnebago St., St. Louis, Missouri 63118.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

Treasury/IRS 36.004

System name: Labor Management Relations Records, Administration—Treasury/IRS.

System location: National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

Categories of individuals covered by the system: Employees of the IRS, current and former, who hold or have held bargaining unit positions pursuant to any negotiated LMR agreement covering such individuals and all IRS officials who have participated in the implementation of the terms of such agreements.

Categories of records in the system: This system of records contains information held as a result of bilateral agreements entered into between the IRS and the exclusive representatives of employees. These records include, but are not limited to, lists of bargaining unit employees, lists of union stewards, records of time used by union stewards, records pertaining to dues withholding, records of training pursuant to the agreement, lists of members of EEO Committees, Labor Management Relations Committees, and Training Advisory Committees, records and minutes emanating from any of these committees, narrative recordation, correspondence and records relating to the preparation for and negotiation of agreements, and all other records relating to a negotiated agreement or emanating from any provision of a negotiated agreement.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (a) To respond to a request from a member of Congress regarding anything relating to any of our negotiated agreements. (b) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (c) To adjudicate any dispute arising from the interpretation of an existing agreement. (d) To resolve disputes before the proper authorities in the negotiation of an agreement. (e) To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. These records and information in the records may also be used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders, and regulations. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on card files, flat paper, forms, lists, folders, and binders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: indefinite.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to (District Director for each District whose records are to be searched);

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(Service Center Directors for each Service Center whose records are to be searched); (Regional Commissioners for each Regional Office whose records are to be searched); (Director, Personnel Division, National Office); (Assistant Commissioner (Administration), National Office); or other appropriate official. Individuals should provide their name, POD, the approximate date and the general nature of the record when making inquiries about records (See Appendix A.).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, and the POD in which currently or formerly employed.

Record source categories: (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee. (d) Testimony of witnesses. (e) Official documents relating to the negotiated agreement. (f) Correspondence from specific organizations or persons.

Treasury/IRS 36.005

System name: Medical Records, Administration—Treasury/IRS.

System location: (1) Applicants and current IRS employees: National, Regional and District Offices, POD's, the National Computer Center and the Data Center (See Appendix A.). (2) Former IRS employees: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Records may also be maintained in the National Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.).

Categories of individuals covered by the system: (1) Applicants for IRS employment. (2) Applicants rejected on medical grounds. (3) Applicants for disability retirement under the Civil Service Retirement Law. (4) IRS employees. (5) Former IRS employees.

Categories of records in the system: (1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS. (2) Applications rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons. (3) Disability retirement records, information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held. (4) Health unit medical records (Federal civilian employees). Information relating to an employee's participation in an occupational health services program. (5) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-qualification medical examinations to assure that the incumbent are qualified (physically and mentally) to satisfactorily perform the duties of the position. (6) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held. (7) Alcohol/drug patient information records. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Program. (8) Former IRS employees. Any of the categories of records enumerated above may be retained in a former IRS employee's Official Personnel Folder at the National Personnel Records Center, St. Louis, Missouri. (9) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees. (10) Records relating to the Blood Donor Program.

Authority for maintenance of the system: Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 USC, Chapters 83, 87 and 89. Information relating to physical and mental qualifications for Federal employment—5 USC 3301. Information relating to the Alcoholism and Drug Abuse Programs—Public Laws 91-616 and 92-255 which are amended in regard to confidentiality of patient records by Public Law 93-282. Information relating to the Occupational Health Program—Public Law 79-658 (5 USC 7901) as further defined in OMB Circular A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by: (a) Office of Workmen Compensation Programs. (b) Retired Military Pay Centers. (c) Veterans Administration. (d) Social Security Administration. (e) Specific Private contractors engaged in providing benefits under Federal contracts. (f) Civil Service Commission. Routine Disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information in these records is used or a record may also be used: (a) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

(b) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as license, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(c) to provide information or disclosure to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

(d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office; Director, Administrative Services Division, National Office and Regional Counsels. (See IRS Appendix A for Locations).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official. (See IRS Appendix A for Location). Former employees should direct inquiries to: The National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access above.

Record source categories: (1) The individual to whom the record pertains. (2) Private physicians. (3) Medical institutions. (4) Office of Workers' Compensation Programs. (5) Military Retired Pay Systems Records. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) General Accounting Office pay, leave allowance cards. (8) CSC Retirement, Life Insurance and Health Benefits Records System. (9) CSC Personnel Management Records System.

Treasury/IRS 36.006

System name: Personnel Investigation Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and the Data Center.

Categories of individuals covered by the system: Current and former applicants for employment in the IRS. Current and former IRS employees. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs. Individuals considered for assignment as representatives of the Federal Government in volunteer programs. Individuals who are neither applicants nor employees of the IRS, but are or were involved in Federal programs under a cooperative assignment or similar agreement. Individuals who are neither applicants nor employees of the IRS, but are or were involved in matters related to the Administration of the merit system.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, behavior, in the community where he or she lives; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, former employers, educational institution attended; and other information developed from the above.

Authority for maintenance of the system: Section 2, Civil Service Act of 1883—original authority, now codified in Title 5, U.S.C. Section 5.2, Civil Service Rule V. Section 1303 and 304, Title 5, U.S.C. Sections 8(b), 8(c) and 9(c), Executive Order 10450. Public Law 92-261 and Sections 713.216 and 713.220 of the Civil Service Regulations. Section 7701, Title 5, U.S.C. Code (formerly Section 14 of the Veterans Preference Act of 1944, as amended), and Executive Order. Sections 1501-1508 and 7324-7327 of Title 5, U.S. Code (formerly Section 12(b) of the Hatch Act). Section 2165 of Title 42, U.S. Code (formerly the National Aeronautics and Space Act, P.L. 85-568). Section 2585 of Title 22, U.S. Code (formerly P.L. 87-287). Section 1434 of Title 22, U.S. Code (formerly P.L. 80.402). In addition to the provisions cited above, there are various acts of Congress that contain implied authority for the Commission to investigate, such as laws prohibiting the purchase and sale of office, holding of two offices, conspiracy and other prohibitory statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: (a) To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. (b) To designated officers and employees of other agencies and departments of the Federal Government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, loyalty to the United States Government, or access to classified information or restricted areas. (c) To designated officers and employees of other agencies and departments of the Federal Government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement. (d) To any agency of the Federal Government having oversight or review authority with regard to IRS activities. (e) To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation. (f) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.

Routine disclosure of information contained in this system of records may also be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the systems of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local, or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties. These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in card files, lists, flat paper, forms, folders, microfilm and microfiche, punch card, and tape.

Retrievability: Records are indexed by name, alphabetically.

Safeguards: Access Controls will be not less then provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office, (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; or other appropriate official. (See IRS Appendix A for Locations). The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Portions of this system of records may not be accessed for purposes of inspection or for contest of content of records, in accordance with various exemptions authorized by the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel and security forms furnished by the individual; Investigative material furnished by other federal agencies, Notices of personnel actions furnished by other Federal agencies; By personal investigation or written inquiry from sources such as: Employers, Schools, References, Neighbors, Associates, Police Departments, Courts, Credit Bureau, Medical Records, Probation Officials, Prison Officials; Newspaper, magazines, periodicals, and other publications, Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Portions of this system proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 36.008

System name: Recruiting, Examining and Placement Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, The National Computer Center and The Data Center. (See Appendix A.).

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Categories of individuals covered by the system: Persons who have applied for IRS employment or are employed in the IRS.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal Service. Records may also contain information relating to eligibility for or participation in special emphasis placement and recruiting program; placement follow-up; and employee turnover. Records may also be correspondence pertaining to any of the personnel information referred to in this notice.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (4) Information in these records is used or a record may be used: (a) to refer applicants to officials of Federal government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified, (b) to refer applicants to state and local governments with permission of an applicant for the purpose of employment consideration, (c) to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion, (d) to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, (e) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (f) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (5) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

Retrievability: Records are indexed by name, combination of birth date, special security account number, and an identification number that is applicable.

Safeguards: "Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41." This is in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15) 59-301, General Records Schedule

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: (District Director for each District whose records are to be searched); (Service Center Director for each Service Center whose records are to be searched); (Regional Commissioner for each Regional Office whose records are to be searched); (Director, Personnel Division, National Office); (Assistant Commissioner (Admin), National Office); or other appropriate official. (See Appendix A.). Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4825 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

Contesting record procedures: See Access.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act: This system proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 36.007

System name: Personnel Research and Test Validation Records, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The IRS Data Center, (See Appendix A.).

Categories of individuals covered by the system: IRS employees; applicants for IRS employment.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview and ratings of supervisors regarding the individuals to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code Sec 3301, Sec. 1303.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use includes the exchange of personnel records between the Civil Service Commission and the IRS for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Personal information in this system of records is used by the personnel research staff in the IRS or the Civil Service Commission. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies.

These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. These records may be also used: To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, state, or local charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on magnetic tape, discs, punch cards, flat paper, lists, card files, forms, folders, microfilm and microfiche.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as these that involve longitudinal studies. Confidential and/or protected information such as ratings and test materials will not be disclosed.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Division.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: (District Director for each District whose records are to be searched); (Service Center Director for each Service Center whose records are to be searched); (Regional Commissioner for each Regional Office whose records are to be searched); (Director, Personnel Division, National Office); (Assistant Commissioner (Administration), National Office); or other appropriate official. (See Appendix A.). Individuals should provide their name, social security number, POD, approximate date and general nature of record involved.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, social security number, POD approximate date and general nature of record involved.

Contesting record procedures: See Access.

Record source categories: Individual Federal, state or local employees or applicants, supervisors, assessment center assessors or data from agency or Commission personnel files and records.

Treasury/IRS 36.009

System name: Retirement, Life Insurance and Health Benefits Records System, Administration—Treasury/IRS.

System location: National, Regional and District Offices, POD's, Service Centers, the National Computer Center, and the IRS Data Center, (See Appendix A.). For former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Boyers, Pennsylvania.

Categories of individuals covered by the system: (1) IRS employees who are covered by the Civil Service Retirement System. (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees Health Benefits Program.

Categories of records in the system: (1) Documentation of Federal service creditable under the Civil Service Retirement System. (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. (3) Documentation of claim for refund or for annuity benefits under Civil Service Retirement System. (4) Documentation of claim for survivor annuity or death benefits under Civil Service Retirement System. (5) Medical records supporting claims for disability retirement under the Civil Service Retirement System. (6) Designations of beneficiary for benefits payable under the Civil Service Retirement System or the Federal Employees' Group Life Insurance Program. (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

Authority for maintenance of the system: Chapters 83, 87, and 89 of Title 5, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in this system is used to determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (2) Information in this systems is used to determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program. (3) Information in this system is used to transfer to Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system. (4) Information in this system is used to transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. (5) Information in this system is used to transfer information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program. (6) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (8) Information in this system is used to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto. (9) Information in this system is used to request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant or other benefit. (10) Information in this system is used to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (11) These records may also be disclosed to the Civil Service Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (12) For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

Retrievability: Records are indexed by name, social security number, birth date, and by annuity or death claim number.

Safeguards: Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing CSC regulations.

Retention and disposal: All records are disposed of in conformance with established retention schedules, IRM 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Personnel Division, National Office, Director, Administrative Services Division, National Office and Regional Counsels (See IRS Appendix A for Locations.).

Notification procedure: (1) Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Administration), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Division for records in the National Office of Chief Counsel; or other appropriate official (See IRS Appendix A for Locations.) (2) If the individual is retired from Federal service he should direct inquiries to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 H. Street, N.W., Washington, D.C. 20415. (3) If the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

Contesting record procedures: See Access. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

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Record source categories: The information in this system is obtained from the following sources: (1) The individual whom the information is about; (2) GAO Pay, Leave and Allowance Records System; (3) CSC Personnel Management Records System; (4) GSA National Personnel Records Center; (5) CSC Medical Records System; (6) Federal civilian retirement systems other than Civil Service Retirement System; (7) Military retired pay system records; (8) Office of Workers' Compensation Programs; (9) Veterans Administration Pension Benefits Programs; (10) Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.

Treasury/IRS 38.001

System name: General Training Records, Administration—Treasury/IRS.

System location: National Office, Regional Offices, District Offices, Service Centers (See Appendix A.).

Categories of individuals covered by the system: IRS employees who have participated (students, instructors, program managers, etc.) in training activities. Other Federal or non-Government individuals who have assisted (instructors, course developers, or interpreters) for training programs.

Categories of records in the system: Variety of records containing information about an individual related to training; such as: course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordations of training necessary for reporting and evaluative purposes.

Authority for maintenance of the system: Chapter 41, Title 5 USC; EO 11348; and FPM 410.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system may be made available to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records may be maintained on computer tapes, index cards, forms, or flat paper.

Retrievability: Computer records are indexed by social security account numbers; other records by name or course title.

Safeguards: Computer records available only to CSC and System Manager, other records restricted to employees directly involved with training function.

Retention and disposal: All records are disposed of in accordance with established retention schedules, 1(15)59-301, General Records Schedule.

System manager(s) and address: Director, Training Division, National Office, Chief, Training Branches, Regional and District Offices, and Service Centers (See Appendix A.).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched, see System Manager.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR, Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested, see System Manager.

Contesting record procedures: See Access.

Record source categories: Information taken from participants' registration forms, and other input documents (e.g., Form 5061, Reporting Training and Obligating Funds; and Form 5092, Individual Training Record).

Treasury/IRS 42.001

System name: Audit Administrative File—Treasury/IRS

System location: Jurisdictional District Office where the individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who is being considered for examination or is being examined for tax determination purposes, i.e., income, estate and gift, excise or employment tax liability.

Categories of records in the system: Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related subjects directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes including the appeals process.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number and employer identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) taxpayer's return, (2) taxpayer's books and records, (3) Informants and third party information, (4) city, state governments, (5) other federal agencies, (6) examinations of related taxpayers, (7) examinations of other taxpayers, (8) taxpayer's representative.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.025

System name: Appraisal and Valuation Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals whose examinations warrant an appraisal or valuation of real estate, stock, fees, or any other commodity or service which does not have a readily ascertainable value.

Categories of records in the system: Listing of individuals, items valued or appraised, date of valuation or appraisal, and other descriptive matter such as the name of the corporation with regards to stock and a description of the location in terms of real estate.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, file cabinets.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District Office. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) outside engineer valuation; (2) outside fee appraisers; (3) taxpayer's returns; (4) taxpayer's books and records; (5) taxpayer's representative; (6) trade journals and publications; (7) public records.

Treasury/IRS 42.008

System name: Audit Information Management System (AIMS)—Treasury/IRS.

System location: To be piloted in the Atlanta Service Center and the five Districts served by that center. The five Districts are Atlanta, Columbia, Jacksonville, Birmingham and Jackson. After the pilot has proven successful, nationwide implementation will be considered during July 1 and October 1, 1976 (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose tax returns are under the jurisdiction of the Audit Division; Examining Officer.

Categories of records in the system: Tax return information from the Master File, Tax return status and location changes, Audit Closing information on examined and non-examined tax returns, examining officer's name including related internal management information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer; Microfilm; Paper.

Retrievability: Social Security number, taxpayer's name, examining officer's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Computer: Agreed cases are eliminated from data base 90 days after case is closed from Audit; unagreed cases are eliminated from data base after tax liability is agreed to. "A" Register Microfilm: 6 years or earlier. Examination Record Forms 1247 (including temporary and interim processing files for management and control purposes) 6 years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Officials maintaining the system—Each jurisdictional (taxpayer's place of residence) District Director; Each jurisdictional (the Service Center where taxpayer's tax return was filed) IRS Service Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory materials compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.016

System name: Classification and Audit Selection Files—Treasury/IRS

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals whose returns are classified for audit.

Categories of records in the system: Listing of individuals or returns and sub files consisting of financial information and other information considered in classification and selection of an individual's return for examination—individual's request for audit, missing return information, change in accounting method or period, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies, to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, computer printouts.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: until information is associated with return.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

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This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Tax returns, (2) Requests from taxpayer, (3) Requests from Collection Division for prompt examination.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.021

System name: Compliance Programs and Projects Files—Treasury/IRS.

System location: Initiated and maintained in National Office, Regional Offices, or jurisdictional District where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be involved in tax evasion schemes or areas of non-compliance grouped by industry, occupation or financial transactions, i.e., return preparers, political contributions, corporate kickbacks.

Categories of records in the system: Records pertaining to individuals in project, such as Joint Compliance.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.024

System name: Coordinated Examinations of Large Cases Program—Treasury/IRS.

System location: Jurisdictional District Office where taxpayer resides. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayer whose tax audit is identified as a large case examination.

Categories of records in the system: Alphabetic listing of taxpayers and all other related files including those used for management purposes.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: Taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1; Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Taxpayer's returns. (2) Annual reports. (3) Corporate minutes. (4) Large case proposed change in key district. (5) Published documents.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.005

System name: Correspondence Files—Treasury/IRS.

System location: Director, Audit Division, National Office (See IRS Appendix A)

Categories of individuals covered by the system: (1) Taxpayers corresponding with the National Office Audit Division, either directly or through Congressmen or other elected governmental officials. (2) Congressmen and other elected government officials corresponding with IRS on Audit matters.

Categories of records in the system: This system consists of incoming letters, Field reports which are requested when necessary, copies of responses and other materials incidental to the correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in folders, filed alphabetically and kept in filing cabinets.

Retrievability: By name of individual who initiated the correspondence. Taxpayer correspondence is retrievable by taxpayers name. General inquiries from congressmen or other elected officials are retrievable by name of correspondent.

Safeguards: Filing cabinets are kept in rooms which are locked except when occupied by authorized personnel

Retention and disposal: Retained 3 years and then destroyed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. (See IRS Appendix A). Official maintaining the system—Director, Audit Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Director, Audit Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Director, Audit Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Materials in the System are provided by: (1) The individual to whom they pertain (2) Field Offices which provide information pertaining to the taxpayers correspondence. (3) Limited information is sometimes provided by correspondents writing in behalf of a taxpayer.

Treasury/IRS 42.002

System name: Correspondence Files, Audit—Treasury/IRS

System location: Regional and District Offices throughout the U.S. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Taxpayers, practitioners and general members of the public corresponding with IRS offices on audit matters. (2) Congressmen and other elected government officials corresponding with IRS offices on audit matters.

Categories of records in the system: Incoming letters, copies of reports and other materials necessary to respond to correspondent's inquiries or requests, and copies of responses.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301-6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are generally maintained in file folders.

Retrievability: By taxpayer's or correspondent's name.

Safeguards: Records are stored in lockable metal file cabinets or desks and located in secured rooms with access limited to authorized personnel.

Retention and disposal: Retention and disposal. No uniform period of time has been established on a National basis. Some Regional and District offices have established guidelines for retention for one to three years after which they are destroyed. Others retain them indefinitely.

System manager(s) and address: Regional Commissioners and/or District Directors. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Materials in the system are provided by: (1) The taxpayer, practitioner or other person corresponding with IRS. (2) IRS reports containing information necessary for a response.

Treasury/IRS 42.027

System name: Data on Foreign Corporations—Treasury/IRS.

System location: IPS Data Center, Detroit, Michigan; National Office Audit Division, Washington, D.C.; District Offices; Regional Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Individuals required to file Form 959, United States Information Return with Respect to the Organization or Reorganization of a Foreign Corporation and Acquisition of its stock.

Categories of records in the system: Names of individuals filing on foreign holdings.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7892.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape in Data Center; Paper at other listed locations.

Retrievability: By individual name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)(4).

Retention and disposal: Three years or earlier.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Officials maintaining the system—District Directors; Regional Commissioners; Director, Audit Division, National Office; Director, Data Center, Detroit, Michigan (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. Taxpayers seeking to adjust records

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which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Form 959 only.

Treasury/IRS 42.010

System name: Enrollment and Practice Files—Treasury/IRS

System location: Director, Audit Division, National Office, District Director in each IRS District Office. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Practitioners authorized to practice before the IRS under Treasury Department Circular No. 230. (2) Applicants for enrollment to practice before the IRS. (3) Applicants to take the written examination preparatory for enrollment to practice before the IRS. (4) Enrolled agents whose authorizations to practice before the IRS have terminated (disbarment, suspension, resignation etc.). (5) Return preparers.

Categories of records in the system: (1) Materials related to enrollment to practice before the IRS, including applications, verifications of statements, investigation reports to establish qualification, disciplinary actions and other miscellaneous data related to enrollment. (2) Data related to return preparer and practitioner activities including public notifications of non-compliance with representation requirements, improper preparer practices, investigatory reports and related information. (3) Information being reported to the Director of Practice as required by Treasury Department circular No. 230.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To make rosters available for public inspection of authorized enrollees and persons disbarred or suspended from practice as prescribed by Section 10.90 of TD Circular 230. Copies of rosters of enrollees are available for a nominal charge. (2) To respond to inquiries concerning a person's enrolled status. (3) Routine disclosure of information contained in the system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (4) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (5) Routine disclosure on specific information may be made on a limited basis to determine correctness of information furnished to make an administrative determination with respect to applicants, enrollees and/or practitioners. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records consisting of index cards are stored alphabetically in card files, and folders containing applications, correspondence and related materials are stored in filing cabinets. Rosters of enrollees are maintained on computer tape and listings are reproduced as needed.

Retrievability: Files are retrievable by the name of the individual subject to enrollment and representation procedures.

Safeguards: Files are under the supervision of an analyst designated to act on applications and enrollment matters. Access controls will not be less than provided for by the Physical and Documents Security Handbook, IRM 1(16)41.

Retention and disposal: Rosters of current enrollees and of persons disbarred or suspended are retained as necessary to keep current. Rosters of applications denied or withdrawn are disposed of 10 years after denial or withdrawal. Files for enrollees are kept indefinitely. Files on enrollees who are disbarred are scheduled for disposal 50 years after disbarment. Files for suspended enrollees are reestablished in regular enrollee files after serving suspension. Files on persons whose enrollment is terminated for other than disbarment and persons whose applications have been denied or withdrawn are disposed of 5 years after denial or withdrawal.

System manager(s) and address: Official prescribing policies and practices—Commissioner of Internal Revenue. Officials maintaining the system—Director, Audit Division, National Office, and District Directors of IRS Offices in applicant's or practitioner's jurisdictional area. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched or to the Director, Audit Division, National Office if National Office records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested or to the Director, Audit Division, National Office if National Office records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Materials in the system are provided by: (1) The individual to whom they pertain. (2) Investigation reports to verify data on applications and to determine applicants' qualifications and suitability for enrollment. (3) Interested third parties who inquire on enrollees' status or provide information relating thereto.

Treasury/IRS 42.007

System name: Experts in Economic Assistance Examinations—Treasury/IRS.

System location: Director, Audit Division, National Office (See IRS Appendix A).

Categories of individuals covered by the system: Experts in selected industries identified for use as witnesses or advisors to economists.

Categories of records in the system: Qualifications of experts, agreement of employment and correspondence on individuals listed used to provide qualifications to authorized internal users, review terms of agreement and maintain control of assignments.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made to other Federal agencies seeking to identify experts in selected industries to seek their counsel. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper materials stored in file folders.

Retrievability: Indexed by name under industry heading.

Safeguards: Records are maintained in filing cabinets in offices which are locked except when occupied by authorized users.

Retention and disposal: Records are maintained until final determination of the case or work on the industry and then destroyed.

System manager(s) and address: Official prescribing policies and practices—Chief, Audit Division, National Office. Officials maintaining the system—Director, Audit Division, National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Individuals on whom the record is maintained, published lists of experts and internal working documents.

Treasury/IRS 42.006

System name: Expropriation of Property by Cuban Government.—Treasury/IRS.

System location: Director, Audit Division, National Office (See IRS Appendix A).

Categories of individuals covered by the system: Owners of property expropriated by the Cuban Government during the period 1959-1964.

Categories of records in the system: Names of owners and brief descriptions of property used to verify losses claimed for expropriation of property.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of this System of Records are available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper materials stored in file folders.

Retrievability: Indexed by name of individual owner.

Safeguards: Records are maintained in open shelves in an office which is locked during non-office hours.

Retention and disposal: No guidelines have been established, but records are expected to be retained until they have served their purpose and then destroyed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division National Office. Official maintaining the system—Director, Audit Division, National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Audit Division, National Office.

Contesting record procedures: See Access above.

Record source categories: Gaceta Oficial de la Republica de Cuba (Official Gazette of the Republic of Cuba), a public information publication of the Cuban government in which various official actions of the government are recorded.

Treasury/IRS 42.020

System name: Highway Use Tax Audit Program—Treasury/IRS

System location: Internal Revenue Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers owning trucks that are liable for tax.

Categories of records in the system: List of registered trucks and truck owners.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: magnetic tape and computer printout.

Retrievability: By taxpayer's name, social security number, and employer's identification number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until tax year examined is completed and then shredded.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Service Center Directors (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where individual has filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of Service Center where individual has filed tax returns. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: R.L. Polk Company, Detroit Mich

Treasury/IRS 42.028

System name: Identity of Taxpayers Using ADP Accounting Records and the Evaluation Thereof—Treasury/IRS.

System location: Regional and District Offices; National Office, Audit Division, Washington, D.C. (See IRS Appendix A.)

Categories of individuals covered by the system: Any taxpayer who uses a computer to process accounting records and taxpayers for which an ADP record retention evaluation has been made.

Categories of records in the system: Name of taxpayer and a description of the types of machine-sensible records the taxpayer has agreed to retain, the retention period and any other related provisions relating to these records. (These records usually pertain to corporations.)

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with request for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By Taxpayer's Name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Identification Retention: Information is periodically updated.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division, National Office. Official maintaining the system—Jurisdictional District Directors (place of taxpayers residence) (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director that made the evaluation or the taxpayers current jurisdiction (place of residence) District Director.

Record access procedures: Individuals seeking access to any record contained in the System of Records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director that made the evaluation or the taxpayers current jurisdiction (place of residence) District Director.

Contesting record procedures: See Access above.

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Record source categories: Examining Officers; commercial listing of ADP users; The evaluator and taxpayer during an ADP record retention evaluation.

Treasury/IRS 42.014

System name: Internal Revenue Service employees' returns Control Files—Treasury/IRS.

System location: District Office where individual is employed. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual who is employed by the Internal Revenue Service.

Categories of records in the system: Alphabetic listing of employee, income tax return information including prior audit results and other tax related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: employee's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: updated periodically and retained as long as individual is employed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of District or office where individual is employed. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: Employee's tax return.

Treasury/IRS 42.017

System name: International Enforcement Program Files—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Any individual having substantial foreign business activities.

Categories of records in the system: Listing of individual, summary of income expenses, financial information as to foreign operations, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation, etc.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents, micro-film, magnetic tape.

Retrievability: Individual's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.018

System name: Married Taxpayers Filing Separately File—Treasury/IRS.

System location: Jurisdictional Service Center.

Categories of individuals covered by the system: Married individuals who file separate income tax returns.

Categories of records in the system: Listing identifying each married individual filing separately.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout and magnetic tape.

Retrievability: By taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposal of after returns are matched.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division; Officials maintaining the system—Service Center Directors.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Service Center where the individual filed tax returns.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested.

Record source categories: Information obtained from taxpayer's return.

Treasury/IRS 42.015

System name: Open and Closed Narcotics Traffickers Files—Treasury/IRS.

System location: Maintained in jurisdictional District Office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayer suspected of being involved as a middle or upper echelon narcotics trafficker and whose return has been or will be examined.

Categories of records in the system: Prior audit results, tax related information indicating a possible need for audit action.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional district. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.013

System name: Project Files for the Uniform Application of laws as a result of technical determinations and court decisions. Treasury/IRS.

System location: Jurisdictional district office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals grouped as to project, i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

Categories of records in the system: Listing of individuals and their income tax information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until project is completed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Shareholder records. (2) Individual's tax return. (3) Examination of related taxpayer.

Treasury/IRS 42.023

System name: Request and Submittal File for Technical Advice, Assistance, Determination or Coordination—Treasury/IRS.

System location: Jurisdictional District Office where individual resides. (See IRS Appendix A).

Categories of individuals covered by the system: Individual whose return contains questioned or unprecedented technical areas.

Categories of records in the system: Narrative fully explaining or interpreting the technical area in question.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

Contesting record procedures: See Access above.

Record source categories: (1) Revenue agent who examined taxpayer's return. (2) Taxpayer who is not being examined or is initiating a request while under examination. (3) Taxpayer's representative.

Treasury/IRS 42.019

System name: Runaway Parents List—Treasury/IRS.

System location: Internal Revenue Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Parents who have deserted families on public assistance.

Categories of records in the system: Identity and financial support information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to Health, Education and Welfare to administer the Runaway Parent Act; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: magnetic tape and computer printout.

Retrievability: by name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until tax year examined is completed and then shredded.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Service Center whose records are to be searched.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries, should be addressed to the Service Center Director for each Service Center whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Information obtained from state governments.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.009

System name: Strike Force—Treasury/IRS.

System location: Jurisdictional District Office where taxpayer resides. (See IRS Appendix A).

Categories of individuals covered by the system: Files on subject under examination, potential subjects and related taxpayers.

Categories of records in the system: Audit records of current and prior examinations of individuals suspected of being involved in illegal activity such as organized crime, information from other sources and agencies and other investigative material.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: by taxpayer's name and social security numbers.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Indefinite period of retention.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division. Officials maintaining the system—District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records is exempt under the Privacy Act and may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.003

System name: System for Controlling Returns in Inventory and Production Data (SCRIP)—Treasury/IRS.

System location: This system is composed of files located as follows: "A" Register Microfilm: Each jurisdictional District Office (taxpayer's place of residence); each jurisdictional IRS Service Center (where taxpayer's tax return was filed); Examination Record Form 1247 (including temporary and interim processing files for management and control purposes): Each jurisdictional District (taxpayer's place of residence) Office; each jurisdictional IRS Service Center. (Where taxpayer's tax return was filed). (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers whose tax returns are or have been under the jurisdiction of the Audit Division; Examining Officer.

Categories of records in the system: Tax return information from the Master File, prior Audit history from the master file, tax return

status and location changes; Audit closing information on examined and nonexamined tax returns; Examining Officer name and related internal management information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advise. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: "A" Register Microfilm. Microfilm Examination Record Forms 1247 (including temporary and interim processing files for management and control purposes). Paper.

Retrievability: "A" Register Microfilm. By taxpayer's name. Examination Forms 1247 (including temporary and interim processing files for management and control purposes). By taxpayer's name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: "A" Register Microfilm: 6 years or earlier. Forms 1247 (including temporary and interim processing files for management and control purposes): 6 years or earlier.

System manager(s) and address: Official Prescribing Policies and Practice: Director, Audit Division National Office; Official maintaining the System: "A" Register Microfilm: Each jurisdictional District Director (taxpayer's place of residence); each jurisdictional IRS Service Center Director (where taxpayer's tax return was filed); Examination Record Forms 1247: (including temporary and interim processing files for management and control purposes): Each jurisdictional District Director (taxpayer's place of residence); each jurisdictional IRS Service Center Director (where taxpayer's tax return was filed). (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose Sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 42.012

System name: Tax Shelter Program Files—Treasury/IRS.

System location: National, Regional, and jurisdictional District offices (not necessarily carried out in every district). (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers that may be abusing the tax laws through the use of tax shelters.

Categories of records in the system: Tax information relating to the tax shelter for use in determining abuses of tax laws.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws; or to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7602, 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper documents.

Retrievability: taxpayer's name and social security number.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: retained until individual projects are completed.

System manager(s) and address: Official prescribing policies and practices—Director, Audit Division Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested. This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: (1) Individual's tax return (2) Related taxpayer's.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 44.003

System name: Appellate Division Case Data Source Document, Form 3561—Treasury/IRS.

System location: Director, Appellate Division, National Office; Appellate branch office. (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Provides case and work unit control data and printouts.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape.

Retrievability: By taxpayer's name.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Generally, six years after case is closed but earlier if no longer needed.

System manager(s) and address: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Record clerks and Appellate Conferees.

Treasury/IRS 44.001

System name: Appellate Case Files—Treasury/IRS.

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System location: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Categories of individuals covered by the system: Taxpayers.

Categories of records in the system: Tax returns, Revenue Agents' Reports, case correspondence, legal opinions and Appellate closing actions.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: Name of taxpayer.

Safeguards: Locked file cabinets, locked doors, need to know.

Retention and disposal: Some retained until action on assignment is completed. Some six-year retention period on closed case file unless needed for reference, or when determined no longer needed, whichever is earlier. Disposal by shredding.

System manager(s) and address: Director, Appellate Division, National Office; Assistant Regional Commissioners (Appellate). (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to the individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 44.002

System name: Appellate Conferee Inventory and Unit Time Report, Form 2568—Treasury/IRS.

System location: Appellate branch office. (See IRS Appendix A.)

Categories of individuals covered by the system: Appellate Conferee.

Categories of records in the system: Records time spent on assignments and determines cumulative time on open and closed work units.

Authority for maintenance of the system: 26 U.S.C. 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By conferee name.

Safeguards: IRS personnel on need to know basis.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Chief, Appellate Office (see IRS Appendix A.)

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Appellate Conferees.

Treasury/IRS 46.001

System name: Alphabetical Name File and Index, Intelligence Division—Treasury/IRS.

System location: National Office, District Offices, Regional Offices, Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: (a) informants; (b) subjects of information items; (c) subjects of intelligence investigations; (d) subjects of special interest to the Justice Department; (e) racketeers and associates; (f) subjects of field queries; and (g) foreign bank account holders.

Categories of records in the system: Index cards and folders containing identifying details; Letters; Memoranda.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinets.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: As per Record Control Schedules Numbers 5 and 207.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners, District Directors, Service Center Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.002

System name: Case Management and Time Reporting System, Intelligence Division—Treasury/IRS.

System location: National, Regional, and District Offices, Data Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of Intelligence Division Investigations, Special Agents, and U.S. District Court Judges.

Categories of records in the system: Personal and financial information developed in open and closed criminal tax investigations, including schedules, listings, memorandums, reports, news articles, inventory controls, income tax returns, assessment records, summaries of case activities, time reports, collateral investigation reports and workpapers, court actions, analyses of sentencing practices, and related materials.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in binders; Magnetic tape; Computer printouts.

Retrievability: Name and Case Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; Director, Intelligence Division; Director, Data Center. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.003

System name: Confidential Informants, Intelligence Division—Treasury/IRS.

System location: District Offices, National Office. (See IRS Appendix A.)

Categories of individuals covered by the system: Confidential Informants; Subjects of Confidential Informant's Reports.

Categories of records in the system: Memorandums, Index Cards, Related Data.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.004

System name: Controlled Accounts—Open and Closed, Intelligence Division TC 910/TC 914—Treasury/IRS.

System location: Service Centers, Computer Center District Offices. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects and potential subjects of criminal tax investigation.

Categories of records in the system: Intelligence Information and Control Notices; Lists of names and related data; Lists of action taken; Transcripts of account.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper.

Retrievability: By name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper destroyed after 1 year. Magnetic tape erased after 3 months.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, Computer Center Director. (See IRS Appendix A.)

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

Contesting record procedures: See Access above.

Record source categories: District Office Personnel, Service Center Personnel.

Treasury/IRS 46.005

System name: Electronic Surveillance File, Intelligence Division—Treasury/IRS.

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System location: National Office (see IRS Appendix A).

Categories of individuals covered by the system: Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

Categories of records in the system: Information relating to conduct of electronic surveillance.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Names, addresses, and telephone numbers.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Permanent; None authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Director, Intelligence Division. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.006

System name: Information Gathering and Retrieval System, Intelligence Division—Treasury/IRS.

System location: District Offices, Data Center. (See IRS Appendix A.)

Categories of individuals covered by the system: Potential subjects of criminal tax investigations. Associates of subjects.

Categories of records in the system: Financial records, newspaper articles, reports from other agencies, and similar leads, and photographs.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—District Directors, Service Center Directors, Regional Commissioners. Officials maintaining the system—Same. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.009

System name: Treasury/IRS Intelligence Division, Information and Correspondence Files, Intelligence Division—Treasury/IRS.

System location: National Office, District Offices, Regional Offices, Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Subjects of correspondence which has been referred to or processed by the Intelligence Division. Other individuals of interest to, or who have had contact with, the Intelligence Division. Individuals potentially dangerous to Service personnel. Service personnel who have been threatened or who have provided armed escort.

Categories of records in the system: Correspondence to and from other agencies and individuals. Reports: Identifying data; Fiduciary reports.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Discontinued January 22, 1975. Destruction when authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Director, Data Center. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.007

System name: Information Indexing System, Intelligence Division—Treasury/IRS.

System location: District Offices, Data Center, and Service Centers. (See IRS Appendix A.)

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Financial records, newspaper articles, reports from other agencies, and similar leads.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802.

Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper shredded after use. Magnetic Tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors, Data Center Director. (See IRS Appendix A.)

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.009

System name: Information Items, Intelligence Division—Treasury/IRS.

System location: District Offices and Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction.

Categories of records in the system: Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memorandum of interview, question-and-answer statements, affidavits, collateral request and replies, information items, newspaper and magazine articles and other published data, financial information from public records, case initiating documents and other similar and related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Tape, paper, and microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook," IRM 1(16)41.

Retention and disposal: Paper—shredded after use. Microfilm—destroyed after 5 years. Magnetic tape—erased after 3 years.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Service Center Directors, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.010

System name: Joint Compliance Program, Intelligence Division—Treasury/IRS.

System location: District Offices; Service Centers; Regional Offices; National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers in general.

Categories of records in the system: Tax returns, public records, lists of names, occupational listings, newspaper articles, trade journals, correspondence from other agencies and the public, and other similar and related data.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the

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Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors; Regional Commissioners; Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.011

System name: Land Trust Files, Intelligence Division—Treasury/IRS.

System location: District Offices, Service Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Beneficiaries of Land Trusts, Related individuals.

Categories of records in the system: Notices of Fiduciary Relationships. Related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—District Directors, Service Center Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched and Director, Intelligence Division, National Office. (See IRS Appendix A).

Contesting record procedures: See Access above.

Record source categories: Financial institutions, Fiduciary reports, Notices of Fiduciary Relationships.

Treasury/IRS 46.012

System name: National Register, Intelligence Division—Treasury/IRS.

System location: National Office, Data Center. (See IRS Appendix A).

Categories of individuals covered by the system: Subjects of open investigations and potential Special Enforcement Program subjects.

Categories of records in the system: Identifying details of subjects.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine disclosures may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic tape.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: This system was discontinued May 1, 1975. Destruction when authorized.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Director, Intelligence Division; Director, Data Center. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.013

System name: Project Files, Intelligence Division—Treasury/IRS.

System location: National, Regional and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Potential subjects of criminal tax investigations.

Categories of records in the system: Tax returns, master file data, Court records, Congressional reports, reports from other agencies, reports from Special Prosecutor, project reports, statistical data, other personal and financial information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name and Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices—Director, Intelligence Division—National Office. Officials maintaining the system—Regional Commissioners; District Directors; and Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.014

System name: Project Personnel, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Financial, documentary, memorandums and reports.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, Director, Intelligence Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 46.015

System name: Relocated Witnesses, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Relocated Witnesses.

Categories of records in the system: Documentation & Relocation Information.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite retention.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

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Record access procedures: This system of records may not be accessed for purposes of inspection or for content of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.016

System name: Secret Service Details, Intelligence Division—Treasury/IRS.

System location: District Offices, Service Centers, Regional Offices, National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents.

Categories of records in the system: Lists of names, and Correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office, Officials maintaining the system, District Directors, Service Center Directors, Regional Commissioners, Director, Intelligence Division. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 46.017

System name: Special Agent Skills Inventory, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Present and former Special Agents.

Categories of records in the system: Personal History, Skills, and Training.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Memorandums, permanent. Lists, destroyed after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, District Directors, Director, Intelligence Division.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Treasury/IRS 46.019

System name: Tax Practitioner Files, Intelligence Division—Treasury/IRS.

System location: District Offices, and Service Centers.

Categories of individuals covered by the system: Tax Practitioners, return preparers, and attorneys. Related taxpayers.

Categories of records in the system: Letters and miscellaneous types of internal and external correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, file cabinet.

Retrievability: Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Not established.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, District Directors, and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 46.020

System name: Tax Termination File, Intelligence Division—Treasury/IRS.

System location: District Offices, Regional Offices, and Service Centers.

Categories of individuals covered by the system: Taxpayers whose tax years have been terminated.

Categories of records in the system: Income Tax returns, Assessment records, Requests for controls, and Other related documents.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, microfilm.

Retrievability: Name or Social Security Number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Indefinite.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, District Directors, and Service Center Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system of records is proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 46.021

System name: Training Records, Intelligence Division—Treasury/IRS.

System location: National Office. (See IRS Appendix A).

Categories of individuals covered by the system: Special Agents, and State and local law enforcement personnel.

Categories of records in the system: Names, pictures, personal history, and performance data.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26

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U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By Name.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Performance evaluation burned after 3 years. Other records permanent.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Intelligence Division, National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Director, Intelligence Division, National Office.

Record source categories: Students, Instructors, Advisors, Other evaluators.

Treasury/IRS 46.022

System name: Treasury Enforcement Communications System (TECS), Intelligence Division—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: Fugitives; Subjects of open Special Enforcement Program investigations; Subjects of open Narcotics Traffickers Program investigations; Subject of interest to Special Enforcement Program.

Categories of records in the system: Name, Date of Birth, Social Security Number, Address, Identifying details.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine Disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc.

Retrievability: By name or social security number.

Safeguards: Controls will be not less than provided for by the "Access Physical and Document Security Handbook", IRM 1(16)41.

Retention and disposal: Cancellation after 2 years.

System manager(s) and address: Official prescribing policies and practices, Director, Intelligence Division, National Office. Officials maintaining the system, Director, Intelligence Division, National Office.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 48.006

System name: Disclosure Staff Control Card System, Compliance—Treasury/IRS.

System location: National Office.

Categories of individuals covered by the system: (1) Individuals identified by correspondence or telephone inquiry from taxpayers, Congressmen, States, IRS National Office, or IRS field offices, on whom or by whom income tax information is requested. (2) Individuals on whom address information is requested.

Categories of records in the system: Correspondence from requesters for tax, address, or other general information received and answered in the Disclosure Staff and by whom.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in file folders arranged in alphabetical order in locked cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. The records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that internal control records be disposed of after six years.

System manager(s) and address: Assistant Commissioner (Compliance), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office.

Record access procedures: (1) Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office. (2) Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Serves as a central point for locating correspondence of a general nature handled by the Disclosure Staff which is not otherwise processed under any other system of records reported by the Disclosure Staff. For example, this system of records contains requests for address information; inquiries from members of Congress, both on their own behalf and those of their constituents; requests from Governors to inspect out of state tax returns; and requests for general information about the Service's disclosure practices and policies. In most cases, the file contains only the incoming request and reply. On occasion, the file may contain memoranda to further clarify the request or to seek additional information to satisfy the nature of the inquiry. For the most part, information required to respond to these inquiries is obtained from the National Computer Center, showing the latest address on record for the taxpayer, or information may be obtained from field offices concerning the individual tax affairs of the persons making the inquiry or who are of interest to the persons making the

request. This information would include data from the individual's income tax return, that supplemental to it, and that obtained by the Service in its examination or investigation. In some instances, information directly bearing on the request would be obtained from functions within the National Office, such as the Audit Division, to clarify a matter within their jurisdiction.

Treasury/IRS 48.001

System name: Disclosure to Department of Justice, Compliance—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Individuals alleged or suspected by U.S. Attorneys or by attorneys of the Department of Justice to have violated, or to be connected with violations of, federal laws other than the Internal Revenue Code. Included are individuals who have initiated legal actions against the federal government, or who are connected with such actions. (2) Individuals identified by the Assistant Attorney General, Criminal Division, as being strike force targets, as persons connected with organized crime activities, or under investigation for other purposes by his office. (3) Individuals of interest to the Internal Security Division and the Criminal Division of the Department of Justice who were under investigation for national security reasons. (4) Individuals alleged or suspected by attorneys of the Department of Justice and U.S. Attorneys to have violated or to be connected with violations of the narcotics laws. (This includes requests from the Bureau of Customs prior to the transfer of that agency's narcotics activities to the Department of Justice.) (5) Individuals identified by the Attorney General as being of interest to the Watergate Special Prosecution Force, or individuals whose tax matters have been referred by the Service to that office for investigation. (6) Individuals alleged by the Internal Revenue Service to have violated, or to be connected with violations of, federal laws other than the Internal Revenue Code. (7) Individuals alleged or suspected by attorneys of the Department of Justice to have violated, or to be connected with violations of, laws administered by the Department of Housing and Urban Development (FHA).

Categories of records in the system: (1) Requests for inspection of tax information received from any of the above components of the Department of Justice, and IRS replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook. IRM 1(16)41. The records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine requests be disposed of after seven years. Records of historical significance are retained.

System manager(s) and address: Assistant Commissioner (Compliance), National Office. District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 48.002

System name: Disclosure to Executive Departments and Congressional Committees, Compliance—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who are under investigation or of interest to an Executive Department (other than the Department of Justice or U.S. Attorneys) and Congressional Committees, and for whom tax information has been requested under 26 U.S.C. 6103 and regulations issued pursuant thereto.

Categories of records in the system: (1) Requests for inspection of tax information and replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, internal memoranda, file search requests, etc.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine requests be disposed of after seven years. Records of historical significance are retained.

System manager(s) and address: Assistant Commissioner (Compliance), National Office, District Directors.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 48.005

System name: File of Freedom of Information Act Correspondence, Compliance—Treasury/IRS.

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System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Requesters for access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, to the extent covered information may be contained in such requests, may be contained in the records requested, or may be incidental to the processing of the request.

Categories of records in the system: Correspondence Controls, Correspondence from requesters for access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, and responses to such correspondence. Copies of records requested by such correspondence. Internal memoranda pertaining to the processing of such requests. Copies of some records pertaining to subsequent appeals and suits involving such requests.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301, 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files consist of paper copies, manually maintained in case number sequence, in cabinets.

Retrievability: Records are retrievable by an alphabetical index filed by name of requester.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that records pertaining to routine requests under the Freedom of Information, Act be disposed after six years. Records of historical significance are retained.

System manager(s) and address: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: The system may duplicate all or portions of any Internal Revenue Service record to which a person may have requested access; the requester himself is therefore the determinant of the sources of the records contained.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 48.004

System name: Pre-Employment Tax Check for Executive Departments, Compliance—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Persons who have applied for employment on the White House Staff, with offices of Treasury (other than IRS), with the Department of Justice, the State Department, the Export Import Bank, or the Department of Agriculture. Persons being considered for Presidential appointment, for appointment to the National Security Counsel, or for appointment to an IRS Advisory Panel. Persons connected with applicants for "E" Awards, which are awarded by the Department of Commerce. For additional routine uses see Appendix AA.

Categories of records in the system: Employment applications, Records of tax filing status, payment status, civil and criminal investigation status.

Authority for maintenance of the system: 26 U.S.C. 7801 and 7802, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To executive departments requesting the tax check as specified in the Sources Section. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in file folders arranged in alphabetical order in locked cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. The records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine tax check cases be disposed of after seven years. Those cases which have historical significance are retained.

System manager(s) and address: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Tax check reports will be made only pursuant to a written request signed by a designated individual who is charged by the White House or the head of the requesting agency with the responsibility for making such requests. Generally, the Service receives a copy of the employment application, or like information, and uses it to obtain information from field offices to complete a Type "X" or "E" report. The field reports whether the person under consideration has filed Federal income tax returns for the past three years, whether such individual owes any unpaid taxes and if so for what years, whether such individual has been or is under investigation of possible criminal offenses under the Internal Revenue laws and the result of such investigation, and whether such individual has been assessed any penalty for fraud or negligence. The information is sent to the requesting official in a written narrative report, and is to supplement investigations concerning the character, loyalty, and suitability of such prospective appointees or nominees.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 48.003

System name: Testimony of IRS Employees in Nontax Matters, Compliance—Treasury/IRS.

System location: National Office and District Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Individuals who are parties to criminal or civil nontax litigation.

Categories of records in the system: Contains requests for testimony of IRS employees and/or submission of IRS documents for use in nontax litigation; background information on the relationship of the request to the litigation and Service information concerning litigants; and copies of the approvals or denials for testimony.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The files (paper records) are maintained in chronological order in folders in cabinets.

Retrievability: Records within the system are retrieved through reference to an alphabetical index.

Safeguards: Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. The records are maintained in secure premises, open only in the presence of employees of the Disclosure Staff. Security guards are on duty in the building.

Retention and disposal: Records Control Schedule 115, IRM 1(15)59, provides that routine testimony cases be disposed of after six years. Those cases which have historical significance are retained.

System manager(s) and address: Assistant Commissioner (Compliance), National Office, District Directors. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 49.001

System name: Collateral and Information Requests System—Treasury/IRS.

System location: The central files for this system are maintained at the Office of International Operations, Room 822, 1325 K Street, N.W., Washington, D.C. 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines: (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Record of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802, Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 49.002

System name: Collateral Files and Competent Authority Requests—Treasury/IRS.

System location: Office of International Operations, Room 800, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: U.S. citizens, resident aliens, nonresident aliens.

Categories of records in the system: These records relate to tax fraud investigations conducted by the U.S. Internal Revenue Service where some aspects of an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice.

Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made, as provided by treaty, to the foreign government (Competent Authority) having jurisdiction over the situs of the foreign aspects of a U.S. tax-fraud investigation.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By taxpayer name.

Safeguards: Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

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Retention and disposal: Dispose three years after the collateral request has been closed.

System manager(s) and address: Director, Office of International Operations, Room 800, 1325 K Street, N.W., Washington, D.C. 20225.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of the records.

Contesting record procedures: See Access above

Record source categories: This system of records contains investigatory material compiled for law-enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 49.003

System name: Financial Statements File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225, Room 930.

Categories of individuals covered by the system: Taxpayers who submitted financial statements when interviewed overseas by audit division employees.

Categories of records in the system: Financial Statements.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer's name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Director of International Operations, Room 1220, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations.

Contesting record procedures: See Access above.

Record source categories: Overseas audit division employees.

Treasury/IRS 49.004

System name: Foreign Stock Ownership File—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225, Room 1330.

Categories of individuals covered by the system: United States Citizens, Resident Aliens.

Categories of records in the system: Computer Printout of Individuals Filing Forms 959.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulations (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer's name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 2 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Director of International Operations, Room 1220, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations.

Contesting record procedures: See Access above.

Record source categories: Overseas audit division employees.

Treasury/IRS 49.005

System name: Index Card Retrieval System—Treasury/IRS.

System location: Office of International Operations, Tax Treaty and Technical Services Division (Room 830), 1325 "K" St., N.W., Washington, D.C. 20025.

Categories of individuals covered by the system: U.S. Citizens, Resident Aliens, and Nonresident Aliens whose tax returns come under the jurisdiction of the U.S. Competent Authority in accordance with pertinent provisions of tax treaties with foreign countries.

Categories of records in the system: Individual case files of taxpayers; (1) who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties, and (2) on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulations (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies.

Routine disclosure may be made to Foreign Tax Agencies of treaty countries upon receipt of a specific request in accordance with the exchange of information provisions of tax treaties.

Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer Printout.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 1 year.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, Room 1220, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Computer Printouts of Form 959 Returns.

Treasury/IRS 49.006

System name: Manual Accounting Index of Uncollectible Accounts—Treasury/IRS.

System location: Office of International Operations, 1325 K Street, N.W., Washington, D.C. 20225, Room 930.

Categories of individuals covered by the system: Accounts which were reported uncollectible prior to the implementation of automatic data processing of account records.

Categories of records in the system: Master file index cards TY 60.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal service. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: By Taxpayer's Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: To be retained indefinitely.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, Room 1220, 1325 K St., N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Revenue Accounting Branch, Office of International Operations.

Treasury/IRS 49.007

System name: Overseas Compliance Projects System.

System location: The central files for this system are maintained at the Office of International Operations, Room 822, 1325 K Street, N.W., Washington, D.C., 20225. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Documents and factual data relating to: (1) personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from estate and gift tax returns.

Authority for maintenance of the system: 5 USC 301, 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See Access above.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: This system proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 49.008

System name: Taxpayer Service Correspondence System—Treasury/IRS.

System location: This system is separately maintained by each one of the 14 overseas posts of the Office of International Opera-

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tions, located in: (1) Bonn, Germany; (2) Canberra, Australia; (3) Caracas, Venezuela; (4) Johannesburg, Republic of South Africa; (5) Kuala Lumpur, Malaysia; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Tehran, Iran; and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Director of International Operations, Room 1220, 1325 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: United States Citizens, Resident Aliens, Nonresident Aliens.

Categories of records in the system: Correspondence from taxpayers, foreign post personnel and Office of International Operations headquarters offices in Washington, D.C.

Authority for maintenance of the system: 5 USC 301; 26 USC 7602, 26 USC 7801, 26 USC 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By Taxpayer Name.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 5 years.

System manager(s) and address: Director of International Operations.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CRF Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations, Room 1220, 1325 K Street, N.W., Washington, D.C. 20225.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of International Operations. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and Office of International Operation's foreign posts and headquarter's offices.

Treasury/IRS 50.002

System name: Employee Plans/Exempt Organizations, Employee Plan Determination Letter Records—Treasury/IRS.

System location: District Offices. See IRS Appendix A.

Categories of individuals covered by the system: Applicants for approval of individually designed plans and bond purchase plans, covering self-employed individuals.

Categories of records in the system: Contains plan name, type, treatment accorded, etc. Sub-systems include plan files containing applications, attachments, determination letters, related documents, and audit history file.

Authority for maintenance of the system: 26 USC 7801, 7802 and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the Department of Labor and to other agencies to the extent provided by law or regulation, including 26 U.S.C. 6103 and 26 CFR 301.6103, and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: District Director who has jurisdiction over the plan. See IRS Appendix A.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director having jurisdiction. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See access above.

Record source categories: Applicants requesting a determination letter.

Treasury/IRS 50.001

System name: Employee Plans/Exempt Organizations, Employee Plans/Exempt Organizations Assignment Record (Form M-6209)—Treasury/IRS.

System location: National Office See IRS Appendix A.

Categories of individuals covered by the system: Requestors of letter rulings, and subject of field office requests for technical advice and assistance and other correspondence.

Categories of records in the system: Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

Authority for maintenance of the system: 26 USC 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to the Department of Labor and to other agencies to the extent provided by law or regulation, including 26 U.S.C. 6103 and 26 CFR 301.6103, and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: Indexed by name.

Safeguards: security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41; and

Retention and disposal: Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: Assistant Commissioner (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (EP/EO), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See above.

Record source categories: Individuals requesting rulings or information and field offices requesting technical advice or assistance.

Treasury/IRS 50.003

System name: Employee Plans/Exempt Organizations, Reports of Significant Matters in EP/EO (M-5945)—Treasury/IRS.

System location: National Office. See IRS Appendix A.

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in EP/EO," has been prepared because of the presence of a matter significant to tax administration.

Categories of records in the system: Copies of "Reports of Significant Matter in EP/EO."

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, and 7805.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper records.

Retrievability: indexed by name.

Safeguards: safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: not specific.

System manager(s) and address: Assistant Commissioner, (Employee Plans/Exempt Organizations) 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Same as above.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/Exempt Organizations), National Office.

Contesting record procedures: See access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, etc., where a "Report of Significant Matter in EP/EO." has been prepared.

Treasury/IRS 60.001

System name: Assault and Threat Investigation Files Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Persons who attempt to interfere with the administration of the Internal Revenue laws through threats, assaults or forcible interference of any officer or employee while discharging the official duties of his position.

Categories of records in the system: Document citing the complaint, Documentary evidence (i.e., threatening letter), Report of investigation, with possible statements, or affidavits as exhibits. Report of legal action, if case is prosecuted. Local police record of individual named in case. FBI record of individual named in the case.

Authority for maintenance of the system: 26 U.S.C. 7608, 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Documents Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury 60.002

System name: Bribery Investigation Files, Inspection-Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department, and Taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Service.

Categories of records in the system: A report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring. A report of legal action concerning the results of prosecution. Prior criminal record of subject.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

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Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for content of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 60.003

System name: Conduct Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, and the Consolidated Federal Law Enforcement Training Center.

Categories of records in the system: Document citing complaint of alleged misconduct or violation of statute; Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; andReport of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or 25 years after date of last report if separation date is not known. Retire two years after separation of employee.

System manager(s) and address: Assistant Commissioner (Inspection) (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification section.

Record source categories: Department of Treasury personnel and records, Taxpayers (Coniplainants, Witnesses, Confidential Informants), Other Federal Agencies, State and local agencies, Tax Returns and related documents, Personal observations of the investigator, and subjects of the investigation.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 60.004

System name: Disclosure Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: (a) Internal Revenue Service employees who have allegedly disclosed confidential tax information. (b) State and Local Government employees who have allegedly disclosed confidential Federal tax information. (c) Tax return preparers who have allegedly disclosed confidential Federal tax information.

Categories of records in the system: (a) Document citing the complaint of the alleged criminal or administrative violation. (b) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit. (c) Report of legal action if case is accepted by U.S. Attorney for prosecution. (d) Report of action by management personnel if case is referred for administrative adjudication.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. (d) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (e) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, 25 years after date of last report if separation is not known, or 25 years after final legal action or date of closing if subject is not an employee of IRS. Retire two years after separation of employee, or two years after date of final legal action or date of closing if subject is not an employee of IRS.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 60.005

System name: Enrollee Applicant Investigation Files; Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

Categories of records in the system: Investigative report covering results of checks of: FBI files; Inspection files; local police; Audit and Intelligence Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (b) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. (c) Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. (d) Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. (e) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of one year after date of report.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Record source categories: Internal Revenue Service, Federal Bureau of Investigation, Local police departments.

Treasury/IRS 60.006

System name: Enrollee Charge Investigation Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Offices.

Categories of individuals covered by the system: IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

Categories of records in the system: A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution. A report of action taken by management personnel adjudicating any misconduct on the part of an IRS employee substantiated by the investigation.

Authority for maintenance of the system: 26 U.S.C. 7801, 7802, 7608.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after final legal action or date of closing. Retire two years after final legal action or date of closing.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K of the Privacy Act of 1974 and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury, Personnel and Records, Other Federal agencies, Taxpayers/Complainants, State and local agencies, Tax returns, Newspapers, Person acquainted with the individual under investigation, Subjects of the investigation, and Personal observations of the investigator.

Systems exempted from certain provisions of the act: Portions of this system are proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 60.007

System name: Miscellaneous Information File, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees and former employees of the Internal Revenue Service, Tax practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers), Alleged tax violators, Persons whose actions or alleged actions indicate a threat to IRS employees, facilities, or the integrity of the tax system, Confidential Informants, and Reputed members of the organized criminal element.

Categories of records in the system: Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received, Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received, Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received, Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received Information received by Inspection pertaining to alleged violations enforced by other agencies or Divisions of IRS, copies of which are referred to those respective agencies or divisions Photographs and descriptive data of some IRS employees and of persons arrested by Inspection Information concerning lost or stolen Government

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documents, property, credentials or IRS employee personal property lost or stolen on Government premises. List of persons in State or Local Government agencies working under State agreements and having access to Federal Tax information. Newspaper or periodical items about IRS. Newspaper items regarding attorneys, CPA's, Tax Practitioners or Return Preparers arrested, indicted, convicted or under investigation by other agencies. Allegations of threats, assaults, forcible interference or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Routine review by Inspection personnel for information relating to pending investigations or for areas of IRS procedures where investigative probes may disclose or dispel non-specific allegations of breaches of integrity. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual, subject, or incident involved.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose after 5 years, except Confidential Informant files are retained as long as informant remains active.

System manager(s) and address: Assistant Commissioner (Inspection).

Notification procedure: Some of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as notification section.

Contesting record procedures: See notification above.

Record source categories: Department of Treasury Personnel and Records, Newspapers and Periodicals, Taxpayers (Complainants, Witnesses, and Informants), State and Local Government Agency Personnel and Records, and Anonymous Complainants.

Systems exempted from certain provisions of the act: Portions of this system proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 60.008

System name: Security, Background and Character Investigations Files, Inspection—Treasury/IRS

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Bureau of Government Financial Operations, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bond Division, Consolidated Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

Categories of records in the system: (a) Federal Employment Application Forms (b) Results of National Agency Checks (prior reports and records from) FBI Investigative Files, Fingerprint Files, Civil Service Commission, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence. (c) Employee's Tax Account History (d) Results of Employees Audit (e) Employee's Financial Statement (f) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employments, military service, references, neighbors, police records and past credit record. (g) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation. (h) Report of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 26 USC 7602, 7608, 7801, 7802; EO 10450; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection Personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or after date of last report if separation date is unknown or applicant was not appointed. Retire two years after separation of employee.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may be exempt and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification section.

Contesting record procedures: Same as notification above.

Record source categories: Employment Application Forms submitted by subject of investigation. Financial information from subject. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Audit Results. Information provided by the individual under investigation.

Systems exempted from certain provisions of the act: Portions of this system proposed for exemption in the Federal Register.

Treasury/IRS 60.009

System name: Special Inquiry (Complaint) Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Offices. (See IRS Appendix A).

Categories of individuals covered by the system: Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

Categories of records in the system: A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. A report of investigation to resolve the complaint, including exhibits of IRS or public documents reviewed during the investigation.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of 25 years after separation of employee, or 25 years after date of last report. Retire two years after separation of employee or date of last report (if no employee is named).

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Many of the records in this system may be exempt under subsections J and/or K and may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Taxpayers (Complainants, Witnesses, Confidential Informants), Federal, State and Local Government Agencies' personnel and records (Police, court, property, etc.), Newspapers or periodicals, Department of the Treasury personnel and records, Financial institutions, and Other Private Business records.

Systems exempted from certain provisions of the act: Portions of this system are proposed for exemption in the Federal Register.

Treasury/IRS 60.010

System name: Tort Investigation Files, Inspection—Treasury/IRS.

System location: National Office and Regional Inspector's Office. (See IRS Appendix A).

Categories of individuals covered by the system: Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

Categories of records in the system: A report of investigation including exhibits such as SF-91, Operator's Report of Motor Vehicle Accident; SF-91A, Investigation Report of Motor Vehicle Accident; SF-92A, Report of Accident Other Than Motor Vehicle; SF-94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

Authority for maintenance of the system: 5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosures may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to other parties as necessary in the administration and enforcement of law as authorized by 26 U.S.C. 7801 and 7802. Routine disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or statute violations. Routine disclosure may be made to Chief Counsel personnel for defense of U.S. Government in claims or litigation filed against the Government. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: By name of individual to whom it applies.

Safeguards: Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been cleared by background investigations.

Retention and disposal: Dispose of one year after date of report.

System manager(s) and address: Assistant Commissioner (Inspection). (See IRS Appendix A).

Notification procedure: Some of the records in this system may not be accessed for purposes of inspection or for contest of content of records. Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as notification above.

Record source categories: Department of Treasury personnel and records, Federal, State and local police agencies, Witnesses, Subjects involved in the investigation, Hospitals (medical records), Doctors (medical records and personal observations), Personal observations of the investigator, Automobile repair facilities, Insurance Companies, Attorneys, Federal, state and local driver license records, and Federal and State vehicle registration records.

Treasury/IRS 70.001

System name: Individual Income Tax Returns, Statistics of Income—Treasury/IRS

System location: Primary-Internal Revenue Service Data Center, Secondary-(a)Internal Revenue Service, Statistics Division, (b) Federal Records Centers. (See IRS Appendix A).

Categories of individuals covered by the system: Taxpayers selected for an annual statistical sample.

Categories of records in the system: Sources of income, exemptions deductions, income tax, and tax credits, as reported on Forms 1040 and 1040A. The records are used to prepare and publish each year statistics, aggregated so as to prevent disclosure of taxpayer identity.

Authority for maintenance of the system: 26 U.S.C. 6108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to: (a) The Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice; (b) other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies; and (c) States, the

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District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The statistical output records (i.e., those from which the statistics are directly derived) are maintained on magnetic tape. The input records are maintained as paper documents or copies thereof. The input records are of two types: (1) Copies of U.S. Individual Income Tax Returns (primary input records) and (2) Edit sheets (intermediate input records) which contain information manually abstracted from the primary records.

Retrievability: Each magnetic tape record is identified by social security number and a unique Document Locator Number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer. Each primary input record and, for years before 1972, each intermediate input record are identified by name and address.

Safeguards: Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Dispose after 40 years.

System manager(s) and address: Assistant Commissioner (Planning and Research), National Office. (See IRS Appendix A).

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records.

Contesting record procedures: See access above.

Record source categories: Forms 1040 and 1040A, Individual Income Tax Returns.

Systems exempted from certain provisions of the act: Portions of this system are proposed for exemption elsewhere in the Federal Register.

Treasury/IRS 80.001

System name: Artist File, Assistant Commissioner (TECHNICAL)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Famous or noted artists whose works have been evaluated.

Categories of records in the system: Commissioner's Art Panel decisions on values of works of art by named artists and appraisal documentation.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, System has been retained since 1968.

System manager(s) and address: Assistant Commissioner (Technical), National Office.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above

Record source categories: Appraisal documentation and Art Panel decisions.

Treasury/IRS 80.003

System name: Correspondence Control and Records, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence from the Office of the Assistant Commissioner (Technical).

Categories of records in the system: Cards containing taxpayer names, date of correspondence, issue, and related information, and related letter ruling, technical advice, and other correspondence files.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 301.6103) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Routine disclosure may be made to the Social Security Administration of the Department of Health, Education, and Welfare, or to the Railroad Retirement Board to assist in the administration of the Social Security Act, the Railroad Retirement Act, and related acts. Routine disclosure may be made to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Cards retained indefinitely; related files destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59-110.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instruction appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individual seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence; field office personnel.

Treasury/IRS 80.002

System name: Expert witness and fee appraiser files, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Potential expert witnesses for litigation and fee appraisers for art valuation.

Categories of records in the system: Biographical sketches, application letters or list of names by specialty.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential

criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained for many years, will be purged periodically to reflect current data.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Varied, generally from the named individual, often unsolicited.

Treasury/IRS 80.004

System name: Reference Index Digest Cards, Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter rulings, technical advice, and other correspondence, where case was published as a Revenue Ruling or classified as "Reference":

Categories of records in the system: Cards containing taxpayer names, issue, disposition of case, and related information.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, Retained indefinitely.

System manager(s) and address: Assistant Commissioner (Technical), National Office (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter rulings, technical advice, and other correspondence, and field office personnel where case was published as a Revenue Ruling or classified as "Reference".

Treasury/IRS 80.005

System name: Reports of Significant Matters (Form M-5945), Assistant Commissioner (Technical)—Treasury/IRS.

System location: National Office (Certain Division and Branch Offices) (See IRS Appendix A).

Categories of individuals covered by the system: Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical" has been prepared because of the presence of a matter significant to Tax Administration.

Categories of records in the system: Copies of "Reports of Significant Matter in Technical".

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, paper records. Retrievability, indexed by name. Safeguards, safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41. Retention and Disposal, varied.

System manager(s) and address: Assistant Commissioner (Technical), National Office. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (Technical), National Office.

Contesting record procedures: See Access above.

Record source categories: Individual subjects of letter ruling requests, technical advice requests, and other correspondence; field office personnel, where a "Report of Significant Matter in Technical" has been prepared.

Treasury/IRS 90.001

System name: Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each branch Regional Counsel Office are listed in the Appendix, IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties under investigation for criminal tax-related violations who have corresponded with the Regional Counsel's Office. (3) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses. (4) Potential witnesses in criminal tax investigations. (5) Investigative subjects in connection with Organized Crime Drive, Strike Force, Narcotics Project, or HUD project.

Categories of records in the system: (1) Internal Control Records. (2) Legal and administrative files including investigative reports. (3) Correspondence files. (4) Information on potential witnesses including expert witnesses. (5) Special project files such as Organized Crime Drive, Narcotics Project and HUD project.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pur-

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suant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files are generally retired to the Federal Records Center 2 years after they are closed and disposed of 20 years after closing. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Criminal Tax Division is the system manager of the National Office system. The addresses are in the Appendix. See IRS Appendix A.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as it is exempt under 5 U.S.C. 552a(j) (2).

Record access procedures: This system of records may not be accessed for the purposes of inspection or for contest of content of records as it is exempt under 5 U.S.C. 552a(j) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.002

System name: Chief Counsel Disclosure Division Case Files—Treasury/IRS.

System location: Disclosure Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: A background investigation is made on personnel. Division offices are located in a security area to which only personnel of the Disclosure Division and the Intelligence Division have keys. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: All records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Disclosure Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Persons who communicate with the agency regarding disclosure matters, Department of Treasury Employees, State, local, and foreign governments, Other Federal agencies, Witnesses, Informants, Parties to disputed matters of fact or law.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.003

System name: Chief Counsel General Administrative Systems, Each of the 37 Regional Counsel Offices and Branch Regional Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, the 2 Offices of the Associate Chief Counsels and the Office of the Assistant Chief Counsel maintain a General Administrative System. This notice applies to all 50 of these systems.—Treasury/IRS.

System location: The location of these systems are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Past, present and prospective employees of the Chief Counsel's Office. (2) Tax Court Witnesses.

Categories of records in the system: (1) Employee records other than Official Personnel Files of the Civil Service Commission. (2) Time and Attendance Cards. (3) Financial Records such as Travel Expenses, Notary Public Expenses, Moving Expenses, Expenses of Tax Court Witnesses and Miscellaneous Expenses. (4) Employee Recruiting Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are generally retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. Each Division Director is the system manager of the system in his or her Division. The Chief Counsel, the 2 Associate Chief Counsels, and the Assistant Chief Counsel are the system managers of the system in each of their Offices. See IRS Appendix A.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of records in the National Office. The addresses are listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of records in the National Office. The addresses are listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Tax Court Witnesses, Civil Service Commission, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.004

System name: Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems.—Treasury/IRS.

System location: The addresses of the National Office and each Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons—(1) who have caused service of subpoenas, summonses, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity. (2) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department. (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries. (4) who are parties in procurement matters and under the Federal Claims Collection Act. (5) who are parties in litigation or administrative claims involving the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service. (6) who are parties in miscellaneous matters referred to the General Legal Service Division. (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division. (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative. (9) who have corresponded regarding a matter under consideration within the General Legal Services Division.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Cards. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Department of Labor in the performance of its functions in the area of personnel, discrimination and labor management matters. (4) To the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters. (5) To the Civil Service Commission in personnel, discrimination and labor management matters. (6) To arbitrators, the Federal Labor Relations Council, the Federal Service Impasses Panel, and the Federal Mediation and Conciliation Service in labor management matters. (7) To the General Services Administration in property management matters. (8) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (9) To members of Congress for the purposes of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (10) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

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Retrievability: Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed. Other records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.005

System name: Chief Counsel General Litigation Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office and each branch Regional Counsel Office are listed in the Appendix; see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (A) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities. (B) Persons from whom information is being sought (summons). (C) Persons requesting information (disclosure). (D) Present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation. (E) Persons who are or may be liable to the United States on non-tax claims. (F) Persons who have submitted offers in compromise of federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation section.

Categories of records in the system: (1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer. (2) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (3) State and local taxing authorities for purpose of enforcing federal tax laws. (4) Federal, state and local regulatory authorities for purposes of collection of federal taxes. (5) Appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (6) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (7) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (8) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (9) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files are generally retired to the Federal Records Center three years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Records other than legal files are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the General Litigation Division is the system manager of the National Office system. The addresses are in the Appendix.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.006

System name: Chief Counsel Interpretative Division Case Files—Treasury/IRS.

System location: Interpretative Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers concerning whom legal issues have been referred to the Interpretative Division for opinion.

Categories of records in the system: (1) Legal Case and Administrative Files and Advisory Legal Opinions, (2) General Counsel Memorandums, (3) Office Memorandums, (4) Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the Social Security Administration to consult about a matter involving legal issues concerning the imposition of Social Security taxes. (4) To the Department of Labor or the Pension Benefit Guaranty Corporation concerning the Employee Retirement Income Security Act. (5) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (6) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: General Counsel Memorandums, Office Memorandums, and Internal Control Records are retained indefinitely and disposed of when no longer useful. Legal files are transferred to the National Archives 25 years after the case is closed.

System manager(s) and address: Director, Interpretative Division, Internal Revenue Service, Office of the Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Treasury/IRS 90.007

System name: Chief Counsel Legislation and Regulations Division Correspondence and Private Bill Files—Treasury/IRS.

System location: Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division was asked to draft a reply. (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

Categories of records in the system: (1) Correspondence Files, (2) Private Relief Bill Legal Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301. 6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Correspondence files are generally disposed of after 3 years. Private Relief Bill files are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix; IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Persons who initiate correspondence referred to the Legislation and Regulations Division, Congressional documents, taxpayers and their representatives, Department of Treasury personnel, other Federal agencies, state, local, and foreign governments, witnesses, informants.

Treasury/IRS 90.008

System name: Chief Counsel Refund Litigation Division Case Files—Treasury/IRS

System location: Refund litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

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Categories of individuals covered by the system: (1) Taxpayers who have filed suits for refunds of Federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the Refund Litigation Division.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) An apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Legal files are retired to the Federal Records Center after the case has been closed for 5 years. Non-precedent cases are transferred to the National Archives after the case has been closed for 20 years. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Director, Refund Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Record access procedures: This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.009.

System name: Chief Counsel Tax Court Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems—Treasury/IRS.

System location: The addresses of the National Office, each Regional Counsel Office, and each branch Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

Categories of individuals covered by the system: (1) Taxpayers who have filed petitions with the Tax Court. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Court function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Court function.

Categories of records in the system: (1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, individuals seeking information by using established discovery procedures, to federal, foreign and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional Routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Except for files retained for their research value, Regional Counsel legal files of cases tried in Tax Court are generally retired to the Federal Records Center two years after they are closed and disposed of 10 years after being closed. National Office legal files are retired to the Federal Records Center 5 years after the case is closed. National Office non-precedent cases are transferred to the National Archives 20 years after the case is closed. Other records are retained indefinitely and disposed of when no longer useful. Files transferred from other divisions are returned to the source when no longer needed.

System manager(s) and address: Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Tax Court Litigation Division is the system manager of the National Office system. The addresses are in the Appendix, See IRS Appendix A.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2). Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance

with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Division in the case of National Office Records. The addresses are listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal Agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.010

System name: Digest Room Files Containing Briefs and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws-Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who have sought Internal Revenue Service rulings and those whose cases are being or have been adjudicated.

Categories of records in the system: (1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Justice Department personnel for research purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show identification and sign a register each time the room is used. Background checks are made on employees.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. (See IRS Appendix A.)

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; state, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.011

System name: Employee Recruiting Files Maintained by the Administrative Services Division—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons who have applied for attorney positions with the Chief Counsel's Office, both National Office and field and persons who have applied for non-attorney positions in the National Office only.

Categories of records in the system: Applicant Files and lists of eligible applicants, Internal Control Records.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: The main applicant files are destroyed after 6 years of inactivity. Other records are destroyed when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix, see IRS Appendix A.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its

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content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the appendix. Information leading to the identity of a confidential sourse is exempt pursuant to 5 U.S.C. 552a(k)(5).

Contesting record procedures: See Access above.

Record source categories: Applicants, Department of Treasury Personnel, Civil Service Commission, Other Federal Agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.012

System name: Internal Control Records for Chief Counsel Legal Files—Treasury/IRS.

System location: Administration Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Taxpayers who file petitions, suits for refund, request for revenue rulings and those who have had other matters pending before the Office of Chief Counsel.

Categories of records in the system: (1) Docket Cards. (2) Closed Card Records. (3) Drop Cards. (4) Federal Record Center File Binder Index.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice to inform them of the location of a legal case file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful except for drop cards which are used to indicate that a legal file is out and are retained for reuse when the legal file is returned.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Department of Treasury Personnel, Taxpayers and other individuals who initiate documents submitted to the Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.013

System name: Legal case files of the Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels, Assistant Chief Counsel and their Staff Assistants—Treasury/IRS.

System location: Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons.

Categories of records in the system: Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To appropriate parties when the Service is engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony, courts for the purpose of proceeding with litigation, non-adversary or adversary parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, to federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (4) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (5) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (6) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records pertaining to individuals are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are kept indefinitely and disposed of when no longer useful.

System manager(s) and address: Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division. The address is listed in the Appendix. Inquiries must be made in accordance with the instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.014

System name: Management Files Maintained by Administrative Services Division and the Assistant Chief Counsel other than the Civil Service Commission's Official Personnel Files—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The location of the Chief Counsel Selection Board Files and Statements of Employment and Financial Interests is: Assistant Chief Counsel, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: Current and former employees of Chief Counsel's Office, both National Office and field.

Categories of records in the system: Contains some materials which are duplicated materials contained in the Official Personnel File, or is payroll data duplicated in the master payroll records and include material such as: transfer and reassignment requests, correspondence, evaluations, personnel listings, retirement eligibility, home and office address and telephone numbers, information regarding employees' participation in training programs, resumes, information on participation in Health Maintenance Program, employees' suggestions, awards, lists of material typed by the Transcription Center according to the name of the attorney for whom it was typed, loans from Chief Counsel's Assistance Fund, records of keys and identification cards issued to employees, lists of individuals given special duties such as being a floor marshal, information on loss suffered by employees who are theft victims, list of long distance calls not made on FTS, list of bus tokens issued, list of parking permits, records of requests for use of GSA vehicles, case assignments, and financial information on employees.

Authority for maintenance of the system: 5 U.S.C. 301, 26 U.S.C. 7801, Executive Order 11222, and Executive Order 11590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) To members of Congress for the purpose of answering Congressional inquiries in cases in which confidentiality has been waived by the individual. (4) To the Civil Service Commission for appropriate personnel actions. (5) A record from this system of records may be disclosed to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (6) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Records are retained indefinitely and disposed of when no longer useful.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The system manager of the Chief Counsel Selection Board Files and the Statements of Employment and Financial Interests is: Assistant Chief Counsel, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a (k) (5).

Contesting record procedures: See Access above.

Record source categories: Employees, Department of Treasury Personnel, Civil Service Commission, Other Federal agencies, State, local, and foreign governments, References, Former employers.

Systems exempted from certain provisions of the act: System proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 90.015

System name: Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

System location: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Categories of individuals covered by the system: (1) Authors of books and materials in library. (2) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (3) Taxpayers involved in tax litigation.

Categories of records in the system: (1) Library Card Catalog. (2) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (3) Reference cards for tax cases.

Authority for maintenance of the system: 5 U.S.C. 301 and 26 U.S.C. 7801.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All information about individuals is available to the public pursuant to the Freedom of Information Act, 5 U.S.C. 552. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

Safeguards: Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request.

Retention and disposal: Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, D.C. 20224.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may

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inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division. The address is listed in the Appendix.

Contesting record procedures: See Access above.

Record source categories: Material to which reference information pertains.

Treasury/IRS 90.016

System name: Reports and Information Retrieval Activity Computer and Microfilm Records—Treasury/IRS.

System location: Computer Records: Internal Revenue Service Data Center, 1300 John Lodge Freeway, Detroit, Michigan 48226. Microfilm Records: Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C., 20224.

Categories of individuals covered by the system: (1) Taxpayers who initiated suits for refund in district courts or the Court of Claims. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice, memoranda to the solicitor general and similar advisory memoranda.

Categories of records in the system: (1) Skeletal legal files. (2) Indexes. (3) Actions on Decisions. (4) Case Abstracts. (5) Technical Advice Replies by the Tax Court Litigation Division. (6) Miscellaneous Advisory Memoranda regarding a case usually going to the Solicitor General.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) Routine disclosure may be made to other agencies to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 C.F.R. 301.6103 where applicable). (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skeletal legal files and indexes to the narrative material or microfilm excluding the General Litigation Division's Actions on Decisions are stored on magnetic tape. Actions on Decisions, Case Abstracts, Technical Advice and Advisory Memoranda are stored on microfilm. Input documents are on paper.

Retrievability: Records are retrievable by the name of the person to whom they apply.

Safeguards: Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

Retention and disposal: Magnetic tape and microfilm retained indefinitely and disposed of when no longer useful. Input documents are retained for one year.

System manager(s) and address: Director, Administrative Services Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Notification procedure: Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Division whose address is listed in the Appendix, see Appendix A.

Record access procedures: Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d) (5) and/or (k) (2).

Individuals seeking access to any record which is not exempt or seeking to contest its content may inquire in accordance with instructions appearing at 31 C.F.R. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Division whose address is listed in the Appendix.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Contesting record procedures: See Access above.

Record source categories: Taxpayers and their representatives, Department of Treasury personnel, Other Federal agencies, State, local, and foreign governments, Witnesses, Informants, Parties to disputed matters of fact or law, Other persons who communicate with the Internal Revenue Service.

Systems exempted from certain provisions of the act: This system is proposed to be exempted elsewhere in the Federal Register.

Treasury/IRS 00.001

System name: Correspondence files and correspondence control files—Treasury/IRS.

System location: Various offices of the Internal Revenue Service maintain files of correspondence received. (See IRS Appendix A).

Categories of individuals covered by the system: (1) Initiators of the correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Subjects of the correspondence.

Categories of records in the system: (1) Correspondence received. (2) Responses to correspondence. (3) Associated records. Special categories of correspondence may be included in other systems of records described by specific notices. Files are maintained in connection with a variety of correspondence received and the uses vary widely in accordance with the content of the correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 26 USC 7801 and 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine disclosure of information contained in various files may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

Routine disclosure may be made to other agencies to the extent provided by law or regulations and as necessary to report apparent violation of law to appropriate law enforcement agencies.

Routine disclosure may be made to other parties as necessary in the administration and enforcement of law. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Head of the office maintaining the file. (See IRS Appendix A).

Notification procedure: Individuals seeking to determine if a system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence. (See IRS Appendix A).

Record access procedures: Individuals seeking access to any record contained in a system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR. Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence.

Contesting record procedures: See Access above.

Record source categories: Information supplied by the initiators of the correspondence and information secured internally from other systems of records.

Treasury/IRS 00.002

System name: Correspondence Files/Inquiries About Enforcement Activities—Treasury/IRS.

System location: National Office, Regional Offices, District Offices and Service Centers.

Categories of individuals covered by the system: Individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

Categories of records in the system: Taxpayer name, address, taxpayer identification number (if applicable), information about tax matters (if applicable), chronological investigative history. Other information relative to the conduct of the case and/or the taxpayer's compliance history (if applicable).

Authority for maintenance of the system: 5 USC 301; 26 USC 7602; 26 USC 7801, 7802.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be disclosed to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to other agencies to the extent provided by law or regulation (including 26 USC 6103 and 26 CFR 301.6103 where applicable) and as necessary to report apparent violations of law to appropriate law enforcement agencies. Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws. Disclosure may be made to other parties when necessary in the administration and enforcement of law as authorized by 26 USC 7801 and 7802. Disclosure may be made during judicial processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally.

Safeguards: Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal: Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

Notification procedure: Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

Record access procedures: Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

This system may contain some records which are exempt from the Access and Contest provisions of the Privacy Act.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

Record source categories: This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

System name: Treasury/IRS

System name: Appendix A

Inquiries under Treasury/IRS systems should be addressed to the office whose records are to be searched. The titles and addresses of the Systems Managers are as follows:

NATIONAL OFFICE INTERNAL REVENUE SERVICE
- Assistant Commissioner (Public Affairs)
- Assistant Commissioner (Accounts, Collection and Taxpayer Service)
- Assistant Commissioner (Administration)
- Assistant Commissioner (Compliance)
- Assistant Commissioner (Employee Plans and Exempt Organizations)
- Assistant Commissioner (Inspection)
- Assistant Commissioner (Planning and Research)
- Assistant Commissioner (Technical)
- Chief Counsel

The address for all of the above Systems Managers is as follows:
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

REGIONAL OFFICE INTERNAL REVENUE SERVICE

Central Region:
- Regional Commissioner, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- Regional Inspector, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 550 Main Street, Cincinnati, Ohio 45202.
- District Director, Internal Revenue Service, 1240 East 9th Street, Cleveland, Ohio 44199.
- District Director, Internal Revenue Service, U.S. Post Office and Courthouse Building, Detroit, Michigan 48226.
- District Director, Internal Revenue Service, U.S. Post Office and Courthouse Building, Indianapolis, Indiana 46204.
- District Director, Internal Revenue Service, 313 Post Office Building, Louisville, Kentucky 40202.
- District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101.
- Director, Internal Revenue Service Center, Central Region, Cincinnati, Ohio 45298.

Mid-Atlantic Region:
- Regional Commissioner, Internal Revenue Service, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
- Regional Inspector, Internal Revenue Service, 1315 Walnut Street, Room 300, Philadelphia, Pennsylvania 19107.
- District Director, Internal Revenue Service, Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
- District Director, Internal Revenue Service, 970 Broad Street, Newark, New Jersey 07102.
- District Director, Internal Revenue Service, 600 Arch Street, Philadelphia, Pennsylvania 19108.
- District Director, Internal Revenue Service, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
- District Director, Internal Revenue Service, 400 North 8th Street, Richmond, Virginia 23240.
- District Director, Internal Revenue Service, 800 Delaware Avenue, Wilmington, Delaware 19801.
- Director, Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

Midwest Region:
- Regional Commissioner, Internal Revenue Service, 1 Wacker Drive, Chicago, Illinois 60606.
- Regional Inspector, Internal Revenue Service, Suite 646, 35 East Wacker Drive, Chicago, Illinois 60601.
- District Director, Internal Revenue Service, 640—9th Avenue, S.W., Aberdeen, South Dakota 57401.
- District Director, Internal Revenue Service, 17 N. Dearborn Street, Chicago, Illinois 60602.
- District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

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District Director, Internal Revenue Service, Federal Building & Post Office, 653 Second Avenue, North, Fargo, North Dakota 58102.
District Director, Internal Revenue Service, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.
District Director, Internal Revenue Service Federal Office Building, 106 South 15th Street, Omaha, Nebraska 68102.
District Director, Internal Revenue Service, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri 63101.
District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101.
District Director, Internal Revenue Service, 325 West Adams, Springfield, Illinois 62704.
Director, Internal Revenue Service Center, Midwest Region, 2306 East Bannister Road, Kansas City, Missouri 64170.
North-Atlantic Region:
Regional Commissioner, Internal Revenue Service, 90 Church Street, New York, New York 10007.
Regional Inspector, Internal Revenue Service, 26 Federal Plaza (14th Floor), New York, New York 10007.
District Director, Internal Revenue Service, 68 Sewall Street, Augusta, Maine 04330.
District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
District Director, Internal Revenue Service, 865 Central Avenue, Albany, New York 12206.
District Director, Internal Revenue Service, 120 Church Street, New York, New York 10007.
District Director, Internal Revenue Service, 35 Tillary Street, Brooklyn, New York 11201.
District Director, Internal Revenue Service, 111 W. Huron Street, Buffalo, New York 14202.
District Director, Internal Revenue Service, 1 Elmwood Avenue, Burlington, Vermont 05401.
District Director, Internal Revenue Service, 450 Main Street, Hartford, Connecticut 06103.
District Director, Internal Revenue Service, Federal Building, 80 Daniel Street, Portsmouth, New Hampshire 03801.
District Director, Internal Revenue Service, 130 Broadway, Providence, Rhode Island 02903.
Director, Internal Revenue Service Center, North-Atlantic Region, 310 Lowell Street, Andover, Massachusetts 01812.
Director, Internal Revenue Service Center, North-Atlantic Region, 1040 Waverly Avenue, Holtsville, New York 11799.
Southeast Region:
Regional Commissioner, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
Regional Inspector, Internal Revenue Service, 4th Floor, CWC Building, 221 Courtland Street, N.E., Atlanta, Georgia 30303.
District Director, Internal Revenue Service, 275 Peachtree Street, N.E., Atlanta, Georgia 30303.
District Director, Internal Revenue Service, 2121—8th Avenue, North, Birmingham, Alabama 35203.
District Director, Internal Revenue Service, 901 Sumter Street, Columbia, South Carolina 29201.
District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401.
District Director, Internal Revenue Service, 301 North Lamar Street, Jackson, Mississippi 39202.
District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202.
District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37203.
Director, Internal Revenue Service Center, Southeast Region, 4800 Buford Highway, Chamblee, Georgia 30006.
Director, Internal Revenue Service Center, Southeast Region, 3131 Democrat Road, Memphis, Tennessee 38110.
Southwest Region:
Regional Commissioner, Internal Revenue Service, 1114 Commerce Street, Dallas, Texas 75202.
Regional Inspector, Internal Revenue Service, 7839 Churchill Way, Dallas, Texas 75251.
District Director, Internal Revenue Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87101.
District Director, Internal Revenue Service, 300 E. 8th Street, Austin, Texas 78701.
District Director, Internal Revenue Service, 21st and Carey Avenue, Cheyenne, Wyoming 82001.
District Director, Internal Revenue Service, 1100 Commerce Street, Dallas, Texas 75202.
District Director, Internal Revenue Service, 1050 17th Street, Denver, Colorado 80202.
District Director, Internal Revenue Service, 700 W. Capitol, Little Rock, Arkansas 72203.
District Director, Internal Revenue Service, 600 South Street, New Orleans, Louisiana 70130.
District Director, Internal Revenue Service, 200 N.W. 4th Street, Oklahoma City, Oklahoma 73102.
District Director, Internal Revenue Service, 412 S. Main Street, Wichita, Kansas 67202.
Director, Internal Revenue Service Center, Southwest Region, 3651 S. Interregional Highway, Austin, Texas 78740.
Western Region:
Regional Commissioner, Internal Revenue Service, 870 Market Street, San Francisco, California 94102.
Regional Inspector, Internal Revenue Service, 160 Pine Street, Suite 500, San Francisco, California 94111.
District Director, Internal Revenue Service, 540 5th Avenue, Anchorage, Alaska 99510.
District Director, Internal Revenue Service, P.O. Box 041, 550 West Fort Street, Boise, Idaho 83724.
District Director, Internal Revenue Service, 209 Federal Building, Helena, Montana 59601.
District Director, Internal Revenue Service, Federal Building, Honolulu, Hawaii 96813.
District Director, Internal Revenue Service, 300 N. Los Angeles Street, Los Angeles, California 90012.
District Director, Internal Revenue Service, 230 N. 1st Avenue, Phoenix, Arizona 85025.
District Director, Internal Revenue Service, 319 S.W. Pine Street, Portland, Oregon 97204.
District Director, Internal Revenue Service, 300 Booth Street, Reno, Nevada 89502.
District Director, Internal Revenue Service, U.S. Post Office and Courthouse, Salt Lake City, Utah 84110.
District Director, Internal Revenue Service, 450 Golden Gate Avenue, San Francisco, California 94102.
District Director, Internal Revenue Service, 6th & Lenora Building, Seattle, Washington 98121.
Director, Internal Revenue Service Center, Western Region, 1160 W. 1200 South Street, Ogden, Utah 84201.
Director, Internal Revenue Service Center, Western Region, 5045 East Butler Avenue, Fresno, California 93730.

ADDRESSES OF CHIEF COUNSEL AND REGIONAL COUNSEL OFFICES

National Office
Administrative Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Criminal Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Disclosure Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
General Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Interpretative Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Refund Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Tax Court Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.
Chief Counsel, Associate Chief Counsels, or Assistant Chief Counsel, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Regional Counsel Offices
North-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, North-Atlantic Region, 26 Federal Plaza, 12th Floor, New York, New York 10007.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 100 Summer St., 17th Floor, Boston, Massachusetts 02109.
Regional Counsel's Office, IRS, 304 U.S. Court House, Niagara Square, Buffalo, New York 14202.
Mid-Atlantic Region
Regional Counsel Office
Regional Counsel's Office, IRS, Mid-Atlantic Region, Room 464, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, Room 1117 Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Regional Counsel's Office, IRS, Ninth Floor, 970 Broad Street, Newark, New Jersey 07102.
Regional Counsel's Office, IRS, Federal Building, Room 726, 100 Liberty Ave., Pittsburgh, Pennsylvania 15222.
Regional Counsel's Office, IRS, 2018 Federal Building, 8th and Marshall Streets, Richmond, Virginia 23240.
Regional Counsel's Office, IRS, Room 422, Universal Building, North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009.
Southeast Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southeast Region, Federal Office Building, 275 Peachtree St., N.E., Atlanta, Georgia 30303; Mailing Address: P.O. Box 1074, Atlanta, Georgia 30301.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, Room 1624, 2121—8th Avenue, North, Birmingham, Alabama 35203.
Regional Counsel's Office, IRS, Room 509, 320 Federal Place, Greensboro, North Carolina 27401.
Regional Counsel's Office, IRS, Box 35027 Federal Building, 400 West Bay Street, Jacksonville, Florida 32202.
Regional Counsel's Office, IRS, Room 1502, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130.
Regional Counsel's Office, IRS, 703 U.S. Court House Building, 801 Broadway, Nashville, Tennessee 37203.
Central Region
Regional Counsel Office
Regional Counsel's Office, IRS, Central Region, 7510 Federal Office Building, 500 Main Street, Cincinnati, Ohio 45202; Mailing Address: P.O. Box 2059, Cincinnati, Ohio 45201.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 1620 Williamson Building, 215 Euclid Avenue, Cleveland, Ohio 44114.
Regional Counsel's Office, IRS, 2300 Cadillac Tower Building, Detroit, Michigan 48226.
Regional Counsel's Office, IRS, 508 New Federal Building, 575 North Pennsylvania St., Indianapolis, Indiana 46204.
Regional Counsel's Office, IRS, 579 Federal Office Building, Louisville, Kentucky 40202.
Midwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, Midwest Region, 22d Floor South, Everett McKinley Dirksen Building, 219 S. Dearborn St., Chicago, Illinois 60604.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Regional Counsel's Office, IRS, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue, Milwaukee, Wisconsin 53233.
Regional Counsel's Office, IRS, 215 North 17th Street, Room 3101, U.S. Post Office & Court House, Omaha, Nebraska 68102.
Regional Counsel's Office, IRS, 935 U.S. Court & Custom House, 1114 Market Street, St. Louis, Missouri 63101.
Regional Counsel's Office, IRS, Room 572, Federal Building & U.S. Court House, 140 East Fourth Street, St. Paul, Minnesota 55101.
Southwest Region
Regional Counsel Office
Regional Counsel's Office, IRS, Southwest Region, Room 12D27, Earle Cabell Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75202.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 20th Floor, 1050—17th Street, Denver, Colorado 80202.
Regional Counsel's Office, IRS, Room 8102, 515 Rusk Avenue, Houston, Texas 77002.
Regional Counsel's Office, IRS, Room 845, Federal Office Building, 600 South Street, New Orleans, Louisiana 70130.
Regional Counsel's Office, 220 Northwest 4th Street, Courthouse & Federal Office Bldg., Oklahoma City, Oklahoma 73102.
Western Region
Regional Counsel Office
Regional Counsel's Office, IRS, Western Region, Two Embarcadero Center, Suite 900, San Francisco, California 94111.
Branch Regional Counsel Offices
Regional Counsel's Office, IRS, 3018 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.
Regional Counsel's Office, IRS, 810 Crown Plaza, 1500 S.W. First Avenue, Portland, Oregon 97201.
Regional Counsel's Office, IRS, Security Center Building, Suite 1214, 222 North Central Avenue, Phoenix, Arizona 85004.
Regional Counsel's Office, IRS, Room 2710, Federal Building, 915 Second Avenue, Seattle, Washington 98174.
Regional Counsel's Office, 3438 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

Treasury/Customs 00.001

System name: Acceptable Level of Competence. Negative Determination—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Categories of records in the system: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority for maintenance of the system: Five U.S.C. 301; Reorganization Plan No. 1 or 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in locked file cabinets.

Retrievability: The records are filed by the individual's name.

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Safeguards: Direct access is limited to the Director and five employees of the Personnel Division. In addition to being stored in locked cabinets, the area in which these records are stored is locked during non-duty hours and the building is guarded by uniformed security police.

Retention and disposal: Records are retained until the employee leaves the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

Treasury/Customs 00.002

System name: Accident Reports—Treasury/Customs.

System location: Logistics Management Division, Region IV, 7370 N.W. 36th Street, Suite No. 300, Miami, Florida 33166.

Categories of individuals covered by the system: Any employee of Region IV who has had an accident on Government property or in an official vehicle since 1973.

Categories of records in the system: Standard Government forms dealing with accidents and personal injuries.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in an unlocked drawer in chronological order by date.

Retrievability: Each case is identified by employee name and date of accident.

Safeguards: The metal container described above is maintained within the area assigned to the Logistics Management Division within the Region IV Headquarters Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: Accident Record files are retained in accordance with the Records Disposal Manual.

System manager(s) and address: Director, Logistics Management Division, Region IV, Headquarters, 7370 N.W. 36th Street, Suite No. 300, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner, Region IV, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system or records, and how he can contest its content shall be in writing and directed to the Regional Commissioner, Region IV, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to five thousand dollars.

Contesting record procedures: See Access above.

Record source categories: Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

federal register

BOOK 2 OF 2 BOOKS

TUESDAY, DECEMBER 2, 1975

PART III (Section 2):

DEPARTMENT OF THE TREASURY

PRIVACY ACT OF 1974

Notice of Systems of Records

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Treasury/Customs 00.003

System name: Accident Reports—Treasury/Customs.

System location: Each Regional Commissioner Office (See Customs Appendix A).

Categories of individuals covered by the system: Employees of Customs Region V injured on-the-job.

Categories of records in the system: Information furnished by employee and his/her supervisor regarding facts relating to accidents or injuries involving the employee. Sometimes includes doctor's statements and witnesses' statements. Includes log sheet kept in order of arrival during calendar year.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability of Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with the Records Control Manual.

System manager(s) and address: Each Director, Logistics Management Division, each Customs Region (See Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified of how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information obtained from person filing the report as well as witness's reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs 00.004

System name: Accident and Injury Report File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Information furnished by employee and his/her supervisor regarding facts relating to accidents or injuries involving the employee. Sometimes includes doctor's statements and witnesses' statements. Includes log sheet kept in order of arrival during calendar year.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 5 U.S.C. 8101-8150, 8191-8193.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Files are made available to Headquarters for accumulation of statistics; (d) Each record of automobile accidents is turned over to Regional Counsel for determination of tort claims, liability by Federal Government or other party, etc.; (e) Available for personnel actions, if needed; (f) Disclosure to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case folder is maintained in a lockable filing cabinet.

Retrievability: The file for each employee is placed according to when it is received during the calendar year. The name of the employee is shown on an index sheet on top of the file.

Safeguards: The files are contained within a lockable file cabinet within an office which is locked during non-working hours.

Retention and disposal: Active files are retained indefinitely. Files of deceased, retired, etc., employees are forwarded to U.S. Customs Region VIII Personnel Division for inclusion within the person's official personnel folder.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, Room 2057, 450 Golden Gate Avenue, San Francisco, California 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctor's reports.

Treasury/Customs 00.269

System name: Accounts Payable Voucher File—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All Region V personnel to whom travel and other disbursements are made. All individuals who provide goods and services to Region V.

Categories of records in the system: Invoices and travel/other vouchers and supporting disbursements schedules.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Used to substantiate disbursements made; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in unlocked file cabinets.

Retrievability: By name.

Safeguards: Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

Retention and disposal: In accordance with Records Control Manual; records are disposed of when no longer needed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Invoices and travel/other vouchers submitted by the individual.

Treasury/Customs 00.005

System name: Accounts Receivable Correspondence and Follow-Up—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

Categories of records in the system: Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the

system of records may be referred, as a routine use, to the appropriate agencyr whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the personnel of the Financial Management Division to effect collections or refund overpayments for duties and services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders which are contained in an unlocked metal file cabinet.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection or refund is effected and 2 years thereafter, then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system is obtained from data gathered from the automated billing system and ports of entry.

Treasury/Customs 00.006

System name: Accounts Receivable—Treasury/Customs.

System location: Financial Management Division—District and ports, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Importers and Brokers, Corporate and Individuals.

Categories of records in the system: Names, Entry Number, Amounts Due (Reimb) Names, Importer Number, Amounts Due.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue Accounting Personnel to ascertain receivables and to determine appropriate follow up action to affect collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Monthly hard copy printout, by bill category, alphabetized within.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing, and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division; Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Headquarters Data Center.

Treasury/Customs 00.007

System name: Accounts Receivable—Treasury/Customs.

System location: U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 WTC, New York, N.Y. 10048.

Categories of individuals covered by the system: File on individuals and corporations that owe the Customs Service money.

Categories of records in the system: Each file lists name of debtor, address, its liquidatcd and unliquidated entries, and notices sent out regarding debtors to all branches of Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To expedite collection of money and to hold refunds.

For additional routine uses see Appendix AA

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in cabinets.

Retrievability: Rolex file maintained alphabetically refers to all cases.

Safeguards: Office locked.

Retention and disposal: Retained until case is closed and then destroyed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Newspapers, Regional Counsel, Customshouse Brokers.

Treasury/Customs 00.008

System name: Accounts Receivable Files—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All individuals incurring Customs obligations (duties, taxes, fines, and penalties).

Categories of records in the system: Customs bills and related supporting documentation and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to determine collection status of individual obligations for processing of collection actions; (b) Disclosures to those officers and employees of Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked file cabinets.

Retrievability: By bill number. Can be identified to individual by referring to alphabetical listing on monthly aged accounts receivable report.

Safeguards: Usage limited to Regional personnel. Files located in office which is locked during non-working hours.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: See "Location" above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: All individuals incurring Customs obligations.

Treasury/Customs 00.009

System name: Acting Customs Inspector (Excepted)—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and Offices of the District Directors, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: Employees or members of other Federal agencies who are designated by the District Directors as Customs Inspectors (Excepted).

Categories of records in the system: System has name, social security number, rank or grade and duty station of the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers as a control and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF 55 forms kept in manila folders in file cabinet.

Retrievability: Filed alphabetically.

Safeguards: During non-working hours the offices and/or buildings in which records are located are locked.

Retention and disposal: Until individual transfers or designation is cancelled. Form is then destroyed.

System manager(s) and address: Director, Personnel Management Division.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by the individual and his or her agency.

Treasury/Customs 00.010

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Those employees of other agencies (including military) within Region VI designated as Customs Inspectors.

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Categories of records in the system: The name of individual, location, social security number, rank or grade, position and agency and date of designation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duites; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sheet is inserted in a folder which is filed in an unlocked metal file cabinet.

Retrievability: Each sheet is identified by the name of the designee.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active sheets are maintained in the file indefinitely. However, the system is reviewed every six months and outdated sheets are discarded.

System manager(s) and address: Director, Inspection and Control Division, U.S. Customs Service, Region VI, 500 Dallas, Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Copy of action designating the individual from the District Directors.

Treasury/Customs 00.011

System name: Acting Customs Inspectors (Excepted)—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: All individuals of other Federal agencies who have been cross-designated as Acting Customs Inspectors (Excepted).

Categories of records in the system: Name, date of birth, social security number, duty location, GS-level and training statement from Customs Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention or an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a list of those employees of other agencies who have met the minimum requirements of Acting Customs Inspectors and record of training for such designation. Maintain minimum requirements for primary and secondary inspection programs, policies, procedures, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper in manila folder in a file cabinet.

Retrievability: By name of individual and duty station.

Safeguards: Locked file cabinets, buildings locked during non-working hours.

Retention and disposal: Indefinitely or until rescinded.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Officers, employees, and officers of other Governmental agencies.

Treasury/Customs 00.012

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: In the office of all District Directors in Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Employees of other Government agencies who have been designated to act as Customs officers excepted.

Categories of records in the system: Names, social security numbers, rank or grade, Customs designation, position and agency or service, duty stations, and effective date. Customs Form 55.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in file folders in open file cabinets.

Retrievability: These forms are maintained in alphabetical order by name of employee.

Safeguards: The file cabinet is maintained in the offices or areas assigned to the District Directors. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: All District Directors, as appropriate, in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Requests for designation by the agencies involved and memoranda certifying completion of training.

Treasury/Customs 00.013

System name: Acting Customs Officer (Excepted)—Treasury/Customs.

System location: U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, Vermont 05478.

Categories of individuals covered by the system: Present employees of other agencies designated as Customs Officers (Excepted).

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Categories of records in the system: Name, social security number, rank or grade, Customs designation, position and agency or service, duty station.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the files by supervisors for personnel and statistical purposes; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be diclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders stored in filing cabinet.

Retrievability: Alphabetically; by name.

Safeguards: These records are filed at the District Director's office under the supervision of District Director's secretary during working hours. The office is locked during non-working hours.

Retention and disposal: Retention period is indefinite or until canceled by reason of transfer or retirement.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is furnished by the individual employee and his agency.

Treasury/Customs 00.014

System name: Advice Requests (Legal) (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a request by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

Categories of records in the system: Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used in handling the request for advice and in preparing a response to the request; (d) Information contained in the files may be used internally by the Regional Counsel and members of his staff insofar as it relates to precedent or guidelines for their handling of future cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Request for legal advice files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Record Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information which may concern the subject individual is sourced in the memoranda or correspondence from the office or individual requesting the advice and in any supporting documents that office or individual may transmit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.015

System name: Aircraft and Yacht Arrival Notice—Treasury/Customs

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: File contains information relating to all individuals arriving from foreign countries via private aircraft or private yacht.

Categories of records in the system: Name, address, date of birth, SS number, pilot's lic. number, master's lic. number, itinerary of vessel at last port (foreign), value of foreign purchases, number of pieces of luggage in the conveyance, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain file on all individuals arriving from foreign countries via private aircraft or private yacht for regulatory and enforcement purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Date, vessel's name, or aircraft reg. number.

Safeguards: Buildings are locked during non-working hours.

Retention and disposal: Destroyed after 3 years.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: Individuals arriving from foreign countries; masters or pilots of private aircraft or private yachts.

Treasury/Customs 00.016

System name: Aircraft Ownership File—Treasury/Customs

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are the registered owners of record of U.S. aircrafts.

Categories of records in the system: This file contains the name and address of the registered owner of the aircraft; the registration number, category and type of aircraft; and an indication of whether or not the aircraft is on record with the TECS system.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a looseleaf container within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of an Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.017

System name: Aircraft Registers—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V, RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; RA, 1719 West End Building, Rm. 303, Nashville, Tennessee 37203.

Categories of individuals covered by the system: Owners and co-owners of U.S. registered aircraft.

Categories of records in the system: Name indices of owners of U.S. registered aircraft and indices of co-owners of U.S. registered aircraft indexed by aircraft registration number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses would include general reference to the records by Customs Officers to determine whether certain aircraft are in the TECS system and in enforcing laws and regulations relating to aircraft entering and leaving the United States; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This microfiche is maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: This microfiche file is identified by alphabetical name of the categories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C.552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.018

System name: Aircraft Sanctioned List—Treasury/Customs.

System location: All ports and Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Private aircraft owners and/or operators entering Region VI ports from a foreign country.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List is maintained in file folder at work site.

Retrievability: Alphabetical order by name.

Safeguards: The list is placed in locked cabinet during non-working hours. The building is guarded by uniformed security police.

Retention and disposal: Quarterly an updated list is issued and the prior list is destroyed by shredding.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of information for the listing is obtained from a suspension file purged from the automated system of Aged Accounts Receivable.

Treasury/Customs 00.019

System name: Applicants File—Treasury/Customs

System location: Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York 10007.

Categories of individuals covered by the system: Persons who have applied to, or expressed interest in employment with, the Office of Assistant Chief Counsel.

Categories of records in the system: Materials forwarded by applicants, including letters, resumes, Civil Service Commission Forms 171, and writing samples; Customs letters to applicants and informal assessment sheets prepared after interviews; correspondence with law school placement offices.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely used in assessing applicants for legal positions in this office, when such positions are available.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Materials in these files are kept in order of date received in an unlocked drawer within a wood file cabinet.

Retrievability: In view of the small number of these files no special retrieval system has been maintained beyond retrieval from the file itself by the individual's name.

Safeguards: The wood file cabinet described above is maintained within the area assigned to the Office of the Chief Counsel within the Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the wood container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York 10007.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those

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in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with the receipt of letters and/or applications from applicants for legal positions with the Office of the Assistant Chief Counsel, or resumes forwarded directly by law school placement offices.

Treasury/Customs 00.020

System name: Applicant Supply File—Treasury/Customs

System location: Located in the Personnel Management Division of each region and Headquarters according to list in Customs Appendix A.

Categories of individuals covered by the system: Records are maintained on all applicants for Customs Positions, as provided for in FPM Chapter 333.

Categories of records in the system: The Applicant Supply File contains the applications (SF-171's) and copies of any notices of rating or appraisals submitted in accordance with provisions of FPM Chapter 333.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Records contained in the system are used for making temporary and term appointments outside the Civil Service registers. (Ref. FPM Chapter 333).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file.

Retention and disposal: Records are maintained in accordance with FPM Chapter 333 and Customs Appendix A.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters. (See Customs Appendix A).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Custom Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Applications are accepted from all persons who wish to be considered and who qualify for Customs positions, in accordance with FPM Chapter 333.

Treasury/Customs 00.021

System name: Arrest/Seizure/Search Report and Notice of Penalty File—Treasury/Customs.

System location: Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

Categories of records in the system: Names of individuals, vessels, aircraft; identifying factors; nature of violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Enforcement use by Customs Patrol Officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each report is assigned a case number and filed accordingly in a locked, metal file located in the office of the Director of Patrol.

Retrievability: Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

Safeguards: In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

Retention and disposal: These records are retained for one year or until action has been completed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, Hawaii 96806.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.022

System name: Attorney Case File—Treasury/Customs

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or sub-units, or employees or officers thereof, in matters which affect or involve the U.S. Customs Service.

Categories of records in the system: Seizure reports, investigative reports, Customs forms and documents relative to the case, petitions for relief, decisions on petitions, other background information relating to the litigation, motions, orders, etc., filed in connection with the litigation; investigative reports relative to an individual's economic ability to pay a claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual involved in the litigation.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, banks and credit bureaus, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, denials of tort claims, denials of information under the Freedom of Information Act, and from other parties' information pertinent to the litigation.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.023

System name: Authorization to Perform Travel—Treasury/Customs

System location: Classification and Value Division, Cashier Branch, Rm 228, United States Customs Service, 335 Merchant St., Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Customs Employees.

Categories of records in the system: Authorization number, name of traveler, estimated cost and purpose of travel.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Authorization to Perform Travel of the U.S. Customs Service are as follows: (a) Disclosure to those of-

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ficers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF 4835, Authorization to Perform Travel, filed numerically by Authorization Number issued locally and kept in metal cabinet within locked room.

Retrievability: Authorization to Perform Travel filed by Authorization Number, date and name.

Safeguards: Files are kept in metal cabinet within area assigned to U.S. Customs Service building. During nonworking hours, the room in which the metal cabinet is located is locked.

Retention and disposal: Files are retained for three years and then destroyed.

System manager(s) and address: District Director of Customs, Rm 228, United States Customs Service, Federal Building, 335 Merchant Street, Honolulu, Hawaii 96813.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: All information originates from the District, Region or Headquarters in writing or telephonically.

Treasury/Customs 00.024

System name: Automated Customs Air Fleet Management Reporting System (CAMS)—Treasury/Customs

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Patrol Pilots and Crew Members.

Categories of records in the system: Flight time, budget data, maintenance, material and labor data, pilot and crew qualification for all types of aircraft used by Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used for management purposes, such as, to determine experience and qualifications of pilots and flight time in various types of aircraft, budget information, enforcement activity involving Customs aircraft, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage.

Retrievability: Indexing is by the name or personal identifier of Customs Pilots and/or Crew members.

Safeguards: All users must have full field background investigation. Only management can request the information on a "need to know" basis. Procedural and physical safeguards are utilized at all facilities; such as accountability and receipt records, guards, patrolling restricted access alarm protection system, and other special communications security.

Retention and disposal: All records are kept until the employee is transferred or is no longer able to fly. A copy of the record is given to the employee and the record is erased from the disc if the employee transfers or is no longer able to fly.

System manager(s) and address: Assistant Commissioner, Officer of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Pilot/Crew Qualification Report (Customs Form 180) which is filled out by a Customs pilot and/or crew member.

Treasury/Customs 00.025

System name: Automated Merchandise Processing System (AMPS) Liquidation File—Treasury/Customs.

System location: The computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at the Customhouses in Philadelphia, Pennsylvania and Chicago, Illinois and in U.S. Customs Headquarters, Washington, D.C. (See Customs Appendix A for addresses of Customhouses)

Categories of individuals covered by the system: Personnel authorized to liquidate Customs entries.

Categories of records in the system: Name of person, liquidator code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Identification of persons who are authorized to accomplish liquidation of entries; (d) To provide management and supervisory information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored on magnetic discs.

Retrievability: By liquidator code.

Safeguards: Information is retrieved from a computer terminal. The terminals are kept in guarded rooms, and only authorized persons are permitted into the room. The terminal will operate only after being fed a password and identification code. The room is locked at all times when not guarded.

Retention and disposal: The files are retained indefinitely and are updated periodically.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, Room 4218, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Liquidation codes are assigned by Customs officials to employees authorized by Customs to liquidate entries.

Treasury/Customs 00.270

System name: Background—Record File of Non-Customs Employees—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois—for addresses see Customs Appendix A.

Categories of individuals covered by the system: Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

Categories of records in the system: Report of background investigations, names, addresses, social security numbers and date and place of birth, etc. of non-Customs employees.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include ensuring the security of merchandise, contraband and information in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the non-Customs employee.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Con-

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stitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to 5,000 dollars. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records are proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.026

System name: Badge and Gun Report—Treasury/Customs

System location: Logistics Management Division, U.S. Customs Service Headquarters, Room 1415, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees assigned to the Office of Investigations and the Office of Internal Security to whom badges and guns have been issued.

Categories of records in the system: Name, Social Security number, badge number, serial number of gun.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) Provide Customs with a record of those employees to whom badges and guns have been issued, and to provide personal accountability for badges and guns.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and computer printout.

Retrievability: By name or Social Security number of the person to whom the badge or gun has been issued.

Safeguards: The magnetic tape and computer are maintained under procedural and physical safeguards such as accountability and receipt access, guards patrolling the area, restricted access, and alarm systems. Print-outs are stored in locked metal file cabinets. The room where the cabinets are kept is locked during non-working hours. The building is patrolled by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: The records in this system are kept for as long as the individual remains in possession of a badge or gun. Thereafter the record is erased from the tape. The print-outs are retained for two years and then disposed of as paper trash.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Headquarters, Room 1415, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person

under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is recorded by the issuing officer at the time the badge or gun is issued.

Treasury/Customs 00.027

System name: Badge Number File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Customs officers who have been assigned badges.

Categories of records in the system: Names, Badge Numbers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Available to Supervisors and other Customs personnel who have need for badge identification.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on single 8 x 10 sheet by property clerk and Port Director.

Retrievability: Alphabetical.

Safeguards: Building is locked during non-working hours.

Retention and disposal: Indefinite while employee in duty status; otherwise destroyed.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District, according to the list that is attached as Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information supplied by individual and the Customs Service.

Treasury/Customs 00.028

System name: Baggage Declaration—Treasury/Customs

System location: Located at the District and Port Directors' offices in the Ogdensburg, New York district. (Boston region)

Categories of individuals covered by the system: Persons required to make a written baggage declaration.

Categories of records in the system: Name, address, items declared and value.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To substantiate cases of failure to declare or false declarations or investigation by Office of Investigations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its

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request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders in file cabinet.

Retrievability: By name.

Safeguards: Available to authorized Customs personnel only.

Retention and disposal: Free entry declarations are retained for three years then destroyed. Dutiable declarations are retained for three years at the Port, seven years at the Federal Record Center, and then destroyed.

System manager(s) and address: District and Port Directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above

Record source categories: The individual who files the baggage declaration.

Treasury/Customs 00.025

System name: Baggage Declaration File on Local Residents of the Virgin Islands—Treasury/Customs.

System location: Harry S. Truman Airport, St. Thomas, and Alexander Hamilton Airport, St. Croix, Virgin Islands.

Categories of individuals covered by the system: Travelling Residents of the Virgin Islands.

Categories of records in the system: Records of the dates and times that Residents depart from the Islands.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicated a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) Records are used by Customs Inspectors who recognize travelers as local residents. Inspectors notify residents that they owe duties on merchandise they are carrying to the United States, if they have travelled there within the last six previous months.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are stored in the form of a file of baggage declarations (CF 6059). They are retrievable by name. Routine records safeguards are used (building locked). Declarations are disposed of after six months.

System manager(s) and address: District Director of Customs, Virgin Islands District, P.O. Box 518, St. Thomas, Virgin Islands 00801.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is submitted by the travelling residents themselves, at time of departure for the United States.

Treasury/Customs 00.030

System name: Bankrupt Parties-in-Interest—Treasury/Customs.

System location: Regional Headquarters in Region VI, U.S. Customs Service, 500 Dallas St., Suite 1280, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals indebted to U.S. Customs.

Categories of records in the system: Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

Authority for maintenance of the system: Public Law 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Provide ready reference to officers and employees of the U.S. Customs Service in Region VI of parties-in-interest with past due accounts who have filed in bankruptcy court; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cases are maintained in file folders at work site.

Retrievability: Alphabetical order by name.

Safeguards: These cases are placed in locked cabinets during nonworking hours. The building is guarded by uniformed security police.

Retention and disposal: As satisfaction received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

System manager(s) and address: Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notifed if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

Treasury/Customs 00.031

System name: Bills Issued Files—Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Individuals to whom bills have been issued.

Categories of records in the system: Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical file folders in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the offices of the Regional Commissioner, Region IX, Chicago, Illinois. During nonworking hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

Retention and disposal: Correspondence file is maintained for a period of three years then destroyed.

System manager(s) and address: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notifed if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

Treasury/Customs 00.033

System name: Biographical Information File—Treasury/Customs.

System location: Public Information Office, U.S. Customs Service, Region V1, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Employees who by virtue of position and/or achievement are the subject of official news releases and news inquiries.

Categories of records in the system: Name; title; office; location; employment date; professional status; schools and colleges attended; dates of graduation; degrees received; major subjects studied; special courses completed; work experience; memberships in professional societies; achievements; books and articles written; committee service; military service and honors; date and place of birth; marital status; spouse's name; number of children; home address; hobbies; civic activities; list of publications to be sent press releases; names and addresses of parents and spouse's parents; personal photograph; copies of press releases; copies of news clippings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide biographical and personal data used in the preparation of news releases; (d) To provide biographical and personal data used in responding to inquiries from the news media; (e) To provide biographical and personal data used in preparing articles for internal publications.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file folders and stored in metal file cabinets in an office with security lock.

Retrievability: The files are arranged alphabetically by name.

Safeguards: The file cabinet is located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel.

Retention and disposal: Retained indefinitely as long as subjects are employed by Customs within the region. Files are destroyed when they are no longer useful.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, Region V1, Suite 1240, One Allen Center, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information in press biographical information files is supplied by the individual to whom it pertains. The information is submitted in the form in which persons submitting the data prefer to see it in print.

Treasury/Customs 00.032

System name: Biographical Files (Headquarters)—Treasury/Customs.

System location: Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

Categories of individuals covered by the system: General biographical records are maintained on all Customs employees for news release and public information purposes.

Categories of records in the system: General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include release of information to the news media and for use in internal Customs publications; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses See Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

Retrievability: File folders are identified by the name of the person and are filed in alphabetical order.

Safeguards: The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

Retention and disposal: Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

System manager(s) and address: Director, Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The individual involved, Customs personnel officers and co-workers.

Treasury/Customs 00.034

System name: Boarding Report—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113; Dir., District Patrol Division, Rm. 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: All suspect vessels and/or boats that information has been received on indicating unlawful or suspicious activity requiring a Customs search.

Categories of records in the system: Regional form giving name of vessel, registration number, boarding date, hailing port, documentation port, name and address of master and all other important information pertaining to suspect vessel or boat.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System is filed alphabetically by name of vessel owner.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinet is locked.

Retention and disposal: Boarding Reports are normally destroyed after 3 years. On active cases, files could presumably be retained for duration of interest in vessel. Disposal is by means of shredding.

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System manager(s) and address: Director, District Patrol Division, Suite 2800, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.035

System name: Boat Automated Management System (BAMS)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Patrol Marine Officers.

Categories of records in the system: Officer's name, personal identification number, type of vessel, maintenance and parts data, inspection reports and crime data.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Management use is to determine qualifications and experience of Customs Patrol marine officers.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage.

Retrievability: By patrol officer name, Social Security number and boat type.

Safeguards: Only management can request information on a "need to know" basis. Procedural and physical safeguards are utilized at all facilities; such as accountability and receipt records, guards patrolling restricted access areas, alarm protection systems, etc.

Retention and disposal: Records are kept as long as the employee is in the Marine Patrol. When the employee is no longer qualified or able to operate a boat, a copy of the record is given to him and then the record is erased from the disc and tape.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: An internal Customs Form which is prepared by the Patrol Marine officer.

Treasury/Customs 00.036

System name: Boat Owners Mailing List—Treasury/Customs.

System location: Inspection & Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Individual boat owners who own boats; (a) 28 feet and over—residing in Texas, Louisiana and Alabama; (b) 16 feet and over—in counties contiguous to and available to Lake Amistad and Falcon Lake, Texas.

Categories of records in the system: Name of individual boat owners meeting above criteria, address and boat identification and description.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to printer and/or mailing center for distribution of advisory material; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is expected to be in a computer sheet printout which will be kept in the desk of an operations officer until needed.

Retrievability: It is expected that the lists from each state will be in alphabetical order.

Safeguards: The lists will be in an operations officer's desk which is located within an office that is locked during nonworking hours.

Retention and disposal: The information in these lists will be kept through initial mailing of required information after which they will be destroyed under supervision.

System manager(s) and address: Director, Inspection & Control Division, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Boat registration lists from: (a) State of Texas; (b) State of Louisiana; (c) State of Alabama; (d) U.S. Coast Guard.

Treasury/Customs 00.037

System name: Cargo Security File—Treasury/Customs.

System location: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

Categories of records in the system: Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties and/or to cooperating Law Enforcement Agencies; (b) Disclosures required in administration of the Freedom of Information Act. (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

Retrievability: Names of companies and individuals can be retrieved by checking the loose-leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

Safeguards: The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background and clearance. The offices are located in buildings with guards and controlled by sign-in, sign-out sheets after regular hours.

Retention and disposal: Information remains in the system indefinitely or until no longer needed. The records are disposed of by shredding or burning.

System manager(s) and address: Special Agent in Charge, Room 501, 243 West Congress Street, Detroit, Michigan 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, Ohio 44114.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.271

System name: Cargo Security Record System—Treasury/Customs.

System location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Categories of individuals covered by the system: Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

Categories of records in the system: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and social security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention and disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System manager(s) and address: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (K)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.038

System name: CARNET Information System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who make temporary exportation from the United States of an automobile or other motor vehicle under the provisions of certain international agreements which cause a document known as "Carnet de Passages en Douanes" to be issued to the exporter.

Categories of records in the system: Individual's name, personal identifiers, vehicle information, countries visited, and expected length of stay.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency

maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used in support of Customs enforcement activity, such as the verification of Customs declarations of persons arriving at United States ports of entry.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc storage.

Retrievability: Indexing is by vehicle identification numbers and by name of applicant for the Carnet document.

Safeguards: All inquiries are made by Customs officers who have had a full field background investigation on a "need-to-know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, etc.

Retention and disposal: The computerized records are automatically cancelled from the computer data base upon the return of the Carnet subject or vehicle to the United States.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.039

System name: Carrier File—Treasury/Customs.

System location: Room 130, U.S. Customhouse, Terrace & International Streets, Nogales, Arizona.

Categories of individuals covered by the system: Applicants for Bonded Carrier's License.

Categories of records in the system: Application with pertinent documents and bonds covering approval as bonded carrier.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Granting of Bonded Carrier status and collection of penalties for Customs violations; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Carrier files retained in alphabetical order at District Office.

Retrievability: By name.

Safeguards: Records are retained in lockable file cabinet and building is locked during other than office hours.

Retention and disposal: Records retained until obsolete and destroyed by burning.

System manager(s) and address: District Director, U.S. Customshouse, Nogales, Arizona 85621.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained herein originates with the applicant and includes required licenses and information relative to equipment utilized.

Treasury/Customs 00.040

System name: Carrier File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; see Customs Appendix A.

Categories of individuals covered by the system: Officers or owners, employees, associates of Customs Bonded Carriers.

Categories of records in the system: Name, date of birth, Social Security No., place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising

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by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Maintain a current file relating to operations, bond status, possible violations, and employment history of individuals working for the Bonded Carrier.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folder in file cabinet.

Retrievability: Filed by name of company or individual.

Safeguards: Building locked during non-working hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Bonded Carriers' employees and correspondence.

Treasury/Customs 00.041

System name: Cartmen or Lightermen—Treasury/Customs.

System location: Customs ports, districts, and regional offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs personnel in determining eligibility of applicants to be approved as licensed cartmen or lightermen; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a metal file cabinet in the office maintaining the system.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

Safeguards: The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

Retention and disposal: Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same

company or transferred to another company after a new investigation.

System manager(s) and address: Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Systems exempted from certain provisions of the act: The commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.042

System name: Case and Complaint File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

Categories of records in the system: The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to retrieve files by attorneys and staff by use of the individual's name.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each alphabetical card is inserted in a metal file drawer.

Retrievability: Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetical by last name.

Safeguards: The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

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Treasury/Customs 00.043

System name: Case Files (Regional Counsel-Region V)—Treasury/Customs.

System location: The system is located in Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113, Office of the Regional Counsel, Region V, United States Customs Service.

Categories of individuals covered by the system: (1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within Region V; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within Region V; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

Categories of records in the system: The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures cases in Region V; criminal case reports for pending litigation and prosecution of cases in Region V; supplemental petitions for civil and technical violations committed within Region V; and employment applications for positions in the Office of the Regional Counsel, Region V.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as if necessary to obtain information relevant to an agency decision concerning the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Routine uses of the records contained in the system are for the processing and evaluation of complaints and claims submitted in adverse actions, equal employment opportunity complaints, grievances, tort claims, criminal investigations, civil investigations, collection efforts, employment actions, and personnel actions; (g) Routine uses include reference for the processing of claims; continuous updating of the records necessary for the processing of claims; references to the files for the satisfaction of claims and closing cases by or against the United States Customs Service within Region V; submission of copies of records to the General Services Administration and the Justice Department for prosecution of criminal and civil violations and collections; submissions of copies of records to various branches of the United States Customs Service within Region V for the purposes of investigating and/or processing outstanding civil and criminal cases, collection cases, tort claims, and various personnel actions; (h) The purposes of such uses include the processing of all of the abovecited claims by the Office of the Regional Counsel and the preparation of legal memoranda to various department heads and other agencies to expedite the ordinary course of business of the United States Customs Service within and without Region V.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Regional Counsel, Region V, and they are maintained under lock and key outside the ordinary business hours.

Retrievability: Records maintained by the Office of the Regional Counsel, Region V, are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

Safeguards: (a) The steel filing cabinets described above are maintained within the area assigned to the Office of the Regional Counsel within the U.S. Postal Service Building, Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113. During nonworking hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of the staff of the Office of the Regional Counsel have access to the records maintained by the office.

Retention and disposal: (a) Records collected by this office are currently retained on a permanent basis as the office has only been in operation since August 1973; (b) Individual records are not disposed of by the Office of the Regional Counsel, Region V, and are simply placed into a further file of closed cases by category as stated above, and within each category by name. However, when applicable, this office will comply with appropriate disposal regulations whereby the oldest closed cases will be forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

System manager(s) and address: The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, Region V, United States Customs Service, Room T-13021, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner, U.S. Customs Service, Room T-13036, 701 Loyola Avenue, New Orleans, Louisiana 70113 (the region in which the records are located), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity; and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand

dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers.

Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of inter-office memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.044

System name: Certificates of Clearance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All employees of Region I, Boston, Massachusetts who have transferred, retired or resigned.

Categories of records in the system: Documented detailed information on an in-house prepared form indicating that the employee has returned all Government property in his personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a check-off list to insure that the employee has complied with his obligation for the return of Government property and money. The system is used by all employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.

Retrievability: The file is retrievable by District and name of employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are kept for 10 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system originates at the District where the individual is employed.

Treasury/Customs 00.045

System name: Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

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Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claim Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

Treasury/Customs 00.046

System name: Claims Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

Categories of records in the system: Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders.

Retrievability: Records indexed by name of private individual making a claim or against whom a claim is made; cross-referenced file with name of Government employee, if any, involved.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.047

System name: Claims Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102

Categories of individuals covered by the system: The categories included are: (1) Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment; (2) Current or former Customs employees filing claims under the Military Personnel and Civilan Employees' Claims Act of 1964 for damage to or loss of personal property incident to their service; (3) Individuals against whom the Government may have a claim for property damage caused by a wrongful or negligent act or omission on the part of the individual.

Categories of records in the system: Reports of invstigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 28 U.S.C. 2672, et seq; 31 U.S.C. 240-243, 28 CFR 14.1 et seq; 31 CFR 3.1, et seq; 31 CFR, Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) The information contained in these files with respect to Category 1 individuals above is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in the Category 1 files is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (d) The information contained in these files with respect to Category 2 individuals above is utilized to formulate recommendations, and is made available to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (e) Information contained in these files with respect to Category 3 individuals above is used to make recommendations and is made available to officials within the Customs Service who make final determinations with respect to whether or not Customs should proceed to collect a claim against an individual for damage to Government property and how this should be done.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is indentified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal file cabinet by the name of the person who filed the claim in the case of Categories 1 and 2 above and by the name of the individual against whom the Government may have a claim in the case of Category 3 above.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Claim files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in the Federal Tort Claim files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

The information contained in the Military Personnel and Civilian Employees Claims Act files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs

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Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Information contained in the files concerning property damage claims by the Government originates with a report by a Government employee of an incident or of facts from which it appears that the Government may have a claim. Based upon the reports, investigations are conducted to determine the facts surrounding the claims. During the investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.048

System name: Claims for Automobile Accidents—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons involved in automobile accidents for which Customs is pursuing collection.

Categories of records in the system: Accident reports, estimate of damages, insurance company correspondence, statements of witnesses, scope of employment of motor vehicle operation, and copies of bills sent to debtors.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Operating Accountant and Collection Section employees to collect claims resulting from damage to Customs vehicles.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders located in the office of the Revenue Accountant in a 4-drawer metal file under his physical security.

Retrievability: The file is retrieved by the name of the individual which is kept in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed Security Police, and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until collection is effected or referred to the Regional Counsel. The file is kept for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in the system originates with the operator of the motor vehicle in conjunction with the investigation report obtained from the Office of Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.049

System name: Claims (Receivable and Payable)—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Persons who have presented claims for payments by Customs or one involved in debts due Customs.

Categories of records in the system: Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program stature, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this

system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Chief, Accounting Branch as a guide in information-gathering to effect payment or collection.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

Retrievability: The file is retrieved by the name of the individual on subject matter.

Safeguards: The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files on unusual cases are kept indefinitely for reference; routine cases are destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W, Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system is obtained from the Personnel Department and the Payroll Data Center.

Treasury/Customs 00.266

System name: Collection File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1240, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals against whom the Customs Service has asserted monetary claims and maintains collection efforts, principally for damages done to Government property.

Categories of records in the system: Reports of investigation regarding damage done to Government property by private individuals and documents relating to the administrative determination and handling of the claim.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims asserted by the Customs Service for damage done to government property by private individuals. The information is made available to those officials within the Customs Service who review and process such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government's case when suit is filed in court because administrative collection efforts are unsuccessful.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained with the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1240, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a memorandum filed by the Customs employee accountable for the damaged property. An investigation is then conducted by authorized Customs Service investigative personnel in order to determine the appropriate facts. During the investigation, information may be elicited from Customs Service employees, private individuals, or any other party who may have relevant information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.050

System name: Community Leader Survey—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

Categories of records in the system: These records will consist of a card index of the names, titles, and organization of community leaders.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To provide an evaluation of the Regional equal employment opportunity posture; (b) To provide planning for an affirmative action program and to assist in evaluating and monitoring progress in the equal employment opportunity program area; (c) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: To be prepared in an alphabetical card listing and filed in a metal file cabinet.

Retrievability: To be listed and filed alphabetically.

Safeguards: The metal file cabinet described above will be maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: To be useful, this information file must be kept current. Non-current files will be destroyed locally.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas St., Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information to be included in these files will be developed from local agencies (city, county, state, and Federal) and from local civic organizations.

Treasury/Customs 00.051

System name: Complaints Against Customs Personnel—Treasury/Customs.

System location: Director, District Patrol Division, Suite 2800, Plaza Tower Building, 1001 Howard Avenue, New Orleans, LA 70113; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Present and past employees of the Patrol Division and U.S. Customs Service.

Categories of records in the system: Letters and official government memoranda.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in file folders and stored in locked metal cabinets.

Retrievability: File folders for this system are filed according to Customs filing code system.

Safeguards: File is maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Complaints against Customs Personnel files are normally destroyed after 1 year. If there are any pending complaints, the file may be kept until the case is closed. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, Suite 2800, Plaza Tower Building, 1001 Howard Avenue, New Orleans, La 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

Treasury/Customs 00.052

System name: Complaints Against Customs Personnel—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; Sand Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; according to Customs Appendix A.

Categories of individuals covered by the system: Individual name of person lodging complaint.

Categories of records in the system: All available correspondence, incident reports, and anything related to complaint.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevantand necessary to the requesting agency's decision on the matter. Available to Customs personnel who have need for this information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual, tabbed file folders.

Retrievability: Maintained alphabetically.

Safeguards: In locked file cabinet and available only to Port Director or his alternate.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Port Directors, and Division Directors. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regu-

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lations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue; N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals who have made complaints and Customs Officers who have filed reports.

Treasury/Customs 00.053

System name: Confidential Source Identification File—Treasury/Customs.

System location: Office of Investigations, U.S. Customs Service Headquarters, Room 3106, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals (Sources) supplying confidential information to the U.S. Customs Service, Office of Investigations.

Categories of records in the system: This system contains some or all of the following information: name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, date and place of birth, physical description, photograph, Social Security number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072, Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is primarily for the exclusive internal use of authorized employees of the Office of Investigations in connection with civil and criminal investigations and in connection with payments made for information received. Stringent controls are placed upon access to the files, even among Office of Investigations personal. In extremely rare and unusual situations, information with full source concurrence may be supplied to such organizations as Federal, state, and/or other law enforcement or prosecutorial agencies as the demands of law or justice might require.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a metal storage cabinet which remains locked except when momentarily opened for filing purposes.

Retrievability: The name of each source is filed in both alphabetical order and by location of the submitting office.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are located in a closely watched room of the Office of Investigations. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security guards.

Retention and disposal: Indefinite retention periods have been established for all records contained in the file. When a file no longer has any utility it is destroyed by either shredding or burning.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, Room 3106, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.054

System name: Confidential Statements of Employment and Financial Interests—Treasury/Customs.

System location: Located in the Regional office or Personnel Management Division, U.S. Customs Service, of each region and headquarters, according to Customs Appendix A.

Categories of individuals covered by the system: Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, Customs Appendix A, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

Categories of records in the system: Form TD 3087, Confidential Statement of Employment and Financial Interests.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) All financial statements are to be reviewed for an indication of any conflict of interest or apparent conflict of interst as defined in the Federal, Treasury, and Customs Personnel Manuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked safe.

Retention and disposal: Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229, or appropriate Regional Principal Field Officer.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals required to submit Form TD 3087.

Treasury/Customs 00.055

System name: Congressional and Employment Correspondence—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on individuals who have written to their Congressman or directly to Customs requesting assistance in resolving problems and/or securing employment.

Categories of records in the system: Incoming letters and the agency's reply and related materials.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Records are used as a point of reference should the individual submit other inquiries either from him personally or his Congressman. User—addressee and those individuals the addressee asks for assistance.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source of records in the system are the inquiries originated by the individual.

Treasury/Customs 00.056

System name: Congressional and Public Correspondence File—Treasury/Customs.

System location: Support Branch, Inspection and Control Division, U.S. Customs Service, Room 4126, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

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Categories of individuals covered by the system: Those persons sending letters of complaint or making written inquiries concerning Customs inspectional activities and procedures. Those persons include Congressmen acting on behalf of their constituents, industrial and commercial representatives, and private individuals.

Categories of records in the system: The name of the person or persons concerned, file number, date of inquiry, date inquiry received, closing date, member of staff closing case, and the nature of the complaint or inquiry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine use of records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a record of public inquiries and complaints received by the Division, to determine priority for responding to inquiries and complaints; to provide quick retrieval of such correspondence; to ensure timely response to inquiries and complaints; and to prepare responses to inquiries and complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence records are maintained on 3 x 5 index cards. The cards are placed within a 6 x 9 metal file box, which is kept in an unlocked desk drawer. The correspondence files themselves are placed in legal and letter size metal file cabinets which are kept in a locked file room.

Retrievability: Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

Safeguards: Access to the file is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address: Office Manager, Support Branch, Inspection and Control Division, U.S. Customs Service, Room 4126, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained in this record system is obtained from the correspondence of the individual making the inquiry or complaint and from investigations and/or inquiries into complaints conducted by Customs Service personnel which include interviews of involved Customs employees and private individuals or other witnesses to the incident in question.

Treasury/Customs 00.057

System name: Container Station Operator Files—Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Present and past container station operators and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the container station operator.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with container station operator.

System manager(s) and address: District Director, each district within Region IX, Chicago, Illinois. See Customs Appendix A

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained in this record system is obtained from the individual making the inquiry or complaint and from investigations and/or inquiries into complaints conducted by Customs Service personnel which include interviews of involved Customs employees and private individuals or other witnesses to the incident in question.

under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.058

System name: Cooperating Individual Files—Treasury/Customs.

System location: These files are located in regional and local Customs Patrol Offices within the United States. See Customs Appendix A.

Categories of individuals covered by the system: Persons providing confidential information to the U.S. Customs Patrol Division.

Categories of records in the system: These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc.; date individual's record was established; amount and date of reward paid for information supplied.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used primarily by the Customs Patrol Officer who receives confidential information for the purpose of detecting and apprehending suspected violators of Customs and related laws, and for the purpose of processing the payment of rewards for information received. Disclosure may be made only in extremely rare and unusual situations when demands of law or justice require that information be supplied to such organizations as Federal, state and/or other agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

Retrievability: The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Patrol Division alpha numeric code number. All other indentifying data is used for verification of identity rather than method of retrieval.

Safeguards: In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Patrol Division. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Patrol Division personnel maintain visual control and during off-duty hours the area containing the files is locked.

Retention and disposal: Indefinite retention periods have been established for almost all records contained in the file. When a file no longer has any utility, it is destroyed by either shredding or burning.

System manager(s) and address: The Regional Patrol Director in Regional Customs Patrol Offices; the District Patrol Director in District Patrol Offices; and the Supervisory Customs Patrol Officer in suboffices of District Customs Patrol. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.059

System name: Correspondence Log for the Classification and Value Division—Treasury/Customs.

System location: Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Operations Officers in the Classification & Value Division, Chief, Import Liquidation Branch and Chief, Drawback Liquidation Branch.

Categories of records in the system: Name of assignee, description of correspondence, control number, date received and date completed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

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For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Log book in desk.

Retrievability: Log by Assignee name.

Safeguards: Kept in desk, building locked during non-working hours.

Retention and disposal: Kept for one year, filed for one year, then destroyed.

System manager(s) and address: Director, Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Incoming correspondence and direct management assignments.

Treasury/Customs 00.060

System name: Counseling Reports—Treasury/Customs.

System location: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Categories of individuals covered by the system: Present and past employees who have received counseling service offered by the Equal Employment Opportunity Officer or a designated counselor.

Categories of records in the system: Internal Customs Service memoranda, notes, excerpts from the official personnel files and other information pertinent to the counseling session(s).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To gather information to prove or disprove complainant's allegation and to resolve complaint informally, if possible; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in a locked metal file cabinet drawer.

Retrievability: Each case file is identified on the alphabetical file folder within the metal file drawer.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours the office area is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer adequate local storage space at which time they are transferred to the Federal Records Center at Ft. Worth, Texas.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs Service, Region VI, 500 Dallas Street, Suite 1240, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Ave., N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with the receipt of a complaint by an employee. Additional information may be obtained from the employee's official personnel file and inquiries concerning the specific complaint.

Treasury/Customs 00.061

System name: Court Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166. 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this file is maintained for the use of the Regional Counsel and may be made available to the appropriate United States Attorney upon request to assist him in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Disclosure to Treasury and Customs employees who have need for the records in the performance of their duties and disclosures under the Freedom of Information Act.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institute suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.062

System name: Court Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, Federal Bldg., 450 Golden Gate Ave., S.F. CA 94102.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 5 U.S.C. 301, Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 28 U.S.C. 507, 19 U.S.C. 1603, E.O. 6166.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice or individual U.S. Attorneys upon request to assist that Department or individual U.S. Attorney in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Files are often channeled through the office of the Chief Counsel of Customs and the Treasury Department; (d) Information contained in these files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for handling subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation

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against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition each case file is similarly identified on the alphabetical file folder within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Counsel within the Federal Building, 450 Golden Gate Ave., San Francisco. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time some files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, United States Customs Service, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice or an individual United States Attorney which results in a written report to that Department or U.S. Attorney regarding the facts of the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal employment opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.c. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.063

System name: Court Docket Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons either suing or being sued by the U.S. Customs Service in civil actions for damages; recovery or enforcement of obligations to U.S. Customs, including duties, tort claims, fines, penalties, forfeitures, seizures; reversal of adverse personnel actions, and any other proceeding in U.S. District Courts and U.S. Circuit Courts of Appeal, involving the U.S. Customs Service and/or officers and employees of the U.S. Customs Service in their official capacity, or persons accused of violation of laws enforced by the United States Customs Service.

Categories of records in the system: Court pleadings, litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, 28 U.S.C. 2671 et. seq.; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in this file is provided as a routine use to the Department of Justice to assist that department in representing the interest of the Government, the agency or officer involved in the litigation, or to other agencies involved in the same or similar litigations. Files are often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the plaintiff in a proceeding against the U.S. Government, Customs Service, and/or employee, or by the name of the defendant in proceedings brought by the government. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal file drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which is channeled through the Treasury Department, or with the receipt of a court pleading from one of the members of the U.S. Customs Service. Information in this file is derived from reports of investigations regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims plus tort claim information, denials of information under the Freedom of Information Act request, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.064

System name: Credit Card File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, Room 1415, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service Employees to whom national gasoline credit cards and Hertz and Avis automobile rental cards have been issued.

Categories of records in the system: Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include: maintaining an inventory of gasoline credit cards and automobile rental cards which are assigned to high level Customs Service officials or which are issued on a one transaction basis to other Customs Service officials or employees for their use in connection with the performance of their official duties; ensuring accountability for the cards issued; and providing a means for collecting issued cards when they are no longer needed by the officers or employees to whom they were issued; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards which are placed in a locked metal file cabinet within one office.

Retrievability: A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one transaction basis, and these index cards are filed by the applicable credit card number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Index cards filed alphabetically by name are retained during the period that the officials named thereon are in possession of the credit cards, and these index cards are disposed of when the officials are no longer in possession of the credit cards. Index cards filed by credit card number are retained until all signature lines have been used, at which time these index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, Room 1337, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or will-

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fully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

Treasury/Customs 00.065

System name: Crew Declarations File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif; according to Customs Appendix A.

Categories of individuals covered by the system: Each crewmember presents a crew declaration to a Customs Officer at the first Port of Arrival when coming from a foreign Port.

Categories of records in the system: Name, Rank, DOB, passport number, description of crewmember's purchases, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and Customs Regulations, and Customs Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Maintain record of crewmembers' arrival and their purchases for duty purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file cabinets.

Retrievability: Vessel, name, flight number, date of arrival and individual's name.

Safeguards: None.

Retention and disposal: 3 years.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: From each individual crewmember arriving from foreign countries.

Treasury/Customs 00.066

System name: Crew List File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: Information on individuals who are serving as members of ship's crew.

Categories of records in the system: Name, position, address, and nationality, social security number, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule,

regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Maintain list of all ship's company, both aircraft and vessel, for Immigration clearances and/or numbers or individuals who must be processed by Customs upon arrival from foreign Ports.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File drawer.

Retrievability: Vessel's name, manifest number, date of arrival, and name.

Safeguards: None.

Retention and disposal: 3 years and then forwarded to Federal Records Center for 5 years.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Masters of Vessels, Carriers.

Treasury/Customs 00.272

System name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

System location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Categories of individuals covered by the system: Individuals departing from or entering the country who filed IRS Form 4790.

Categories of records in the system: Name, identifying number, birthdate, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority for maintenance of the system: 31 U.S.C. 1101; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and disposal: The records are retained from one to five years and then destroyed.

System manager(s) and address: District Directors of Customs.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the

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requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information on the IRS Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 5,000 dollars.

Treasury/Customs 00.067

System name: Currency and Monetary Instrument Reporting System (CMIR)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Listing of Individuals who filed Internal Revenue Service Form 4790 (Currency and Monetary Instrument Report).

Categories of records in the system: Name of individuals filing form, name of owner of monetary instrument, amount of currency reported, address, personal identifiers, date of birth, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Records the fact that the individual of record conveyed the monetary instruments into or out of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes.

Retrievability: By name and other unique identifiers.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.068

System name: Customhouse Brokers Examination Records—Treasury/Customs.

System location: Duty Assessment Division, U.S. Customs Service Headquarters, Room 4218, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who have taken the customhouse brokers' examination.

Categories of records in the system: The name of the examinee, the Customs district where the examination was taken, the examination date and the examination grade.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include informing examinees of examination results, retention for statistical purposes and for general reference for the examinees and Duty Assessment Division employees. (b) Disclosures required in administration of the Freedom of Information Act (U.S.C. 552).

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in a file drawer in the offices of the Duty Assessment Division.

Retrievability: The records are maintained on four by six inch index cards and are filed alphabetically.

Safeguards: During working hours, employees of the Duty Assessment Division are present in the offices where the records are maintained and the U.S. Customs Service Headquarters building is guarded by security police. During non-working hours the offices are locked and the building is guarded by security police.

Retention and disposal: The current policy of the Duty Assessment Division is to retain the records indefinitely.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, Room 4218, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him con-

tained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information supplied by examinees on the customhouse brokers' examinations.

Treasury/Customs 00.069

System name: Customhouse Brokers File, Chief Counsel—Treasury/Customs.

System location: Office of the Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Licensed customhouse brokers.

Categories of records in the system: Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business.

Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to evaluate reported derelictions and to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that such action not be taken. In addition, information in these files is used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses which include review of customhouse brokers' business records and interviews of Customs Service personnel, private parties, customhouse brokers and employees of customhouse brokers. The audits or investigations result in recommendations from appropriate Customs Service field personnel regarding possible disciplinary action against customhouse brokers which in turn result in the information contained in these files which consists of evaluations of the recommendations and the proposed disposition of the cases.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.070

System name: Customhouse Brokers, Headquarters Records—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' license for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which has been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, report of investigation concerning individual broker applicants, transmittal letters, and general correspondence corrobative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 19 U.S.C. 1641, Part 111; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) Processing of individual applications for individual customhouse brokers' licenses; processing of corporation, partnership, and association brokers' licenses; approval of use of trade or fictitious brokers' names; maintenance of centralized files on licensed customhouse brokers for verification and updating of names, addresses, place of employment, district where licensed, and compliance with regulatory requirements of duties and obligations of customhouse brokers; determinations that each corporate, association, or partnership licensed as a broker have not less than two officers or members licensed as individual brokers; and the availability of file information to verify licensing of customhouse brokers and to provide data or information upon request to the Federal Maritime Commission, the Civil Aeronautics Board, an appropriate U.S. Attorney's office, or other Federal agency.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a file card system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is limited to Customs employees assigned to processing and reviewing Customhouse brokers' license applications. At least one employee of the Entry and Licensing Branch is present in the office at all times during working hours. At all other times the room is locked. The building is guarded by security police on a round-the-clock basis, and only authorized persons are permitted in the building.

Retention and disposal: Cancelled Customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Director, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2416, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information in the records is obtained from the license applications of the individual Customhouse brokers; references as to good character and integrity of the applicant; reports of investigations by Customs regarding applicants for licenses and disciplinary action; responses to posted notices of individual applicants applying for Customhouse brokers' licenses; local credit reporting services; Customs audit reports; court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.071

System name: Customhouse Brokers Records—Treasury/Customs.

System location: Customs regional, district and port offices. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms who have applied for or hold status as a licensed customhouse broker and individuals employed by licensed customhouse brokers.

Categories of records in the system: License applications, internal Customs memoranda and related materials regarding background investigations, complaints, names, addresses, social security numbers, dates and places of birth, investigative reports, telephone numbers, credit information and other related business data. Information on disciplinary action and legal actions regarding the customhouse broker.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 1641; 19 CFR Part 111.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In order to carry out the authority to discipline customhouse brokers for violation of regulations promulgated pursuant to 19 U.S.C. 1641, information in this file is used to recommend to the Commissioner of Customs that disciplinary action be initiated or to recommend that it used to prepare written reprimands issued to brokers and to prepare proposed charges in connection with recommendations that proceedings be held looking toward the suspension or revocation of brokers' licenses. Information in these files is also used in connection with administrative proceedings looking toward the suspension or revocation of licenses. (d) In addition, information contained in these files is provided to the Department of Justice for its use in connection with appeals from orders resulting in the suspension or revocation of licenses. (e) The information may be furnished to other Government agencies which have an interest in the situations that led to the disciplinary action, or in the broker.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders in drawers and metal file cabinets.

Retrievability: The records are filed either alphabetically or chronologically with a cross index by name.

Safeguards: Offices in which the records are maintained are locked during non-working hours. Office buildings are locked and/or patrolled by uniform guards during non-working hours.

Retention and disposal: Records are maintained either indefinitely or as long as the customhouse broker retains an active license.

System manager(s) and address: Customs Regional commissioners, district directors, and port directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where

the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in the license applications, references as to good character and integrity of the applicant, reports of investigations on applications and disciplinary action, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.072

System name: Customhouse Brokers Records (Headquarters)—Treasury/Customs.

System location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2335, 1201 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' licenses for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which have been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Categories of records in the system: The records system contains executed individual customhouse brokers' license application forms, reports of investigation concerning individual broker applicants, transmittal letters, and general correspondence corroborative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contains information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1641, 19 CFR Part III.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include the processing of individual applications, verification and updating of names, addresses, place of employment and other information in the records, review of records to assure compliance with regulatory requirements regarding duties and obligations of customhouse brokers, review of records to decide whether to approve the use of trade or fictitious brokers' names, and review of files to determine that partnerships or corporations licensed as customhouse brokers have not less than two officers or members licensed as individual brokers; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or order issued pursuant thereto. Such uses would include referring records to the Federal Maritime Commission, the Civil Aeronautics Board, the office of an appropriate U.S. Attorney or other Federal agency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a card file system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is generally limited to Customs employees assigned to processing and reviewing customhouse brokers' license applications. During non-working hours the offices are locked and the building is guarded by security police.

Retention and disposal: Cancelled customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager(s) and address: Chief, Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2333, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information in the records is obtained from the license applications of the individual customhouse brokers, references as to good character and integrity of the applicant, reports of investigations by Customs regarding applications for licenses and disciplinary action responses to posted notices of

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individual applicants applying for customhouse brokers' licenses, local credit reporting services, Customs audit reports and court records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.073

System name: Customs Fugitive Program—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Those persons for which an outstanding arrest warrant exists.

Categories of records in the system: Contains identification and warrant data on those individuals who have become Customs fugitives.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) The system may be utilized by authorized personnel of any enforcement agency having access to either TECS or NCIC, with the purpose of identifying and apprehending these fugitives.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage, (2) Hard copy printout, (3) Microfiche.

Retrievability: Indexing by name.

Safeguards: All inquiries are made by duly authorized officers with a "need to know" basis. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: (1) Permanent microfiche record. (2) Magnetic disc/tapes and hardcopy are maintained until apprehension of the individual or dismissal. (3) Erasure of disc/tape storage, shredding or burning of hardcopy.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.074

System name: Customs Licensing and Identification Program (Proposed)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Carriers, Bonded Cartmen, Lightermen, Customhouse Brokers, and private citizens applying for U.S. Customs Bonds or Licenses.

Categories of records in the system: Individual Records on Carriers, Customhouse Licensed Brokers, Customhouse Cartmen and Lightermen and individuals doing business with the U.S. Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Personal identification of the licensee. (g) Provides basis for granting of Customs license and/or bonds. (h) Provides basis for update investigation every five years.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Microfiche, (3) Hardcopy.

Retrievability: Name of individual or company and/or personal or company identifiers.

Safeguards: "Need to know" access by investigators and District Directors' staff members with full field background investigations. Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the areas, restricted access and alarm protection system, special communications security, etc.

Retention and disposal: Indefinite (Reviewed annually; investigation updated every five years.)

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identityt and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The applicants who apply for a Customs license or bond and Customs Officers investigating cases involving Customs Licenses or Bonds.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.075

System name: Customs Officer Badge Inventory—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, Room 1415, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs Service officers to whom badges are issued.

Categories of records in the system: Signed recipts and officer's name, social security number, and badge number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include maintaining administrative control over badges, providing for accountability for badges, and providing a means for collecting badges from officers who are leaving the Customs Service or who no longer have a need for the badge. (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards within a file box which is placed in a locked metal cabinet within the supply room office. In addition, the information is contained in a Customs Service computer record system.

Retrievability: Each index card is identified by the name of the person to whom the badge is issued and these cards are filed in alphabetical order. The computer records are accessed by the badge number.

Safeguards: The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked when the supply clerk is absent from the room and during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building. With regard to the computer records, procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access, and alarm protection systems.

Retention and disposal: Each index card and each computer record is maintained during the period in which the officer is in possession of the badge. The index cards are discarded, and the information in the computer is erased when the officer no longer has possession of the badge.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, Room 1337, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitutuon Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is furnished to the Customs Service by the officers to whom the badges are issued.

Treasury/Customs 00.076

System name: Custom Patrol Officer (CPO) Daily Activity Reporting System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.: Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs Patrol Officers.

Categories of records in the system: Type of work assigned, work performed, time work was done, area where work was performed, and activity performed on daily basis by each Patrol Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Management uses such records for keeping qualification and work experience of employees up to date. To facilitate manpower employment and improve productivity.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage. (2) Hard copy printouts.

Retrievability: By name, social security number, code of area worked, type of activity performed.

Safeguards: Inquiries for special printouts and reports can be made only by management. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, etc.

Retention and disposal: Until employee transfers out of the Patrol organization or the record is no longer needed for statistical information. Erasure of tapes and discs; printouts are retired to Federal Records Center and will be destroyed after 5 years.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, be may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Patrol Officer Activity Report (Customs Form 169) which is filled out by a Customs Patrol Officer.

Treasury/Customs 00.077

System name: Disciplinary Action and Resulting Grievance or Appeal Case Files—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters, and in District, Port, and appropriate post of duty offices. (See Customs Appendix A).

Categories of individuals covered by the system: Customs employees on whom disciplinary action is pending or has occurred.

Categories of records in the system: Records on such action as leave restriction letters, reprimands, suspension, adverse actions, etc., and resulting grievance or appeal by employee. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Used by certain members of the Personnel Management Division or

supervisors in justifying action, for maintenance of records in the event of appeals or grievances, for statistical use, for audit and review of actions, for recommendations on decision, for uniform disciplinary actions, for proper handling of potential grievance or appeal, to establish grievance or appeal file.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file and stamped "For Official Use Only".

Retention and disposal: Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters, or appropriate managerial official in employee's district, port, or post of duty. (See Custom Appendix A).

Record source categories: Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.078

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

Categories of records in the system: Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

Authority for maintenance of the system: 5 U.S.C 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure or denial to the requester of the information sought. (d) Disclosure to the Department of Justice and/or United States Attorney in any litigation arising from any decision regarding the disclosure of information.

For additional routine uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses in punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.079

System name: Disclosure of Information File—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Requesters under the Freedom of Information Act.

Categories of records in the system: Correspondence containing the individual's name, address, and whatever information deemed necessary to locate record being sought if that record is of a personal nature. Information will also include whatever records relating to that individual are sought and ultimately are gathered for use in denying or granting the Freedom of Information Act request.

Authority for maintenance of the system: 5 U.S.C. 552; U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation of charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the

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letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in this file is used by the attorneys in the Regional Counsel's office in determining whether to recommend granting or denial of the request made pursuant to the Freedom of Information Act. Litigation regarding the Freedom of information request will require disclosure of the information to the Department of Justice and the appellate level before this step would require information to be disclosed to the Department of the Treasury. Information disclosed to the Department of Justice is often routed through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the Freedom of Information Act request. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602, in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Custom Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in these files can originate from the U.S. Customs Service, any of the agencies of the Treasury Department, or any agency of the Government if the record sought and ultimately placed within the file is within the possession and/or control of the U.S. Customs Service, Region IX. However, the only information placed within these files is that information being sought by the individual making the request and the information supplied by the requester. The information being sought, and therefore within the file, could be from any of the following, given as examples: present or former Customs employees, private parties, corporations, other Government agencies as outlined above, credit bureaus, past employers, official Government or other forms filed by any entity or person, confidential informers, foreign countries or officials thereof, and foreign citizens.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.080

System name: Disclosure of Information Request Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who have submitted requests for disclosure of information contained within files or records of the Customs Service.

Categories of records in the system: Letters and other documents submitted by the individual requesting the disclosure and documents relating to the internal review and consideration of the request for disclosure and the decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965; 31 CFR 1.5 and Appendix C; 5 U.S.C. 552(a)(3); 19 CFR Part 103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for disclosure and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them: (d) Information contained in an individual file may be made available to officials within the Customs Service responsible for considering and making a final decision with respect to any appeal from a decision denying disclosure in that case; (e) Information contained in the files may also be used internally by the Regional Counsel and members of his staff insofar as it related to precedent or guide lines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the requester and in the alphabetical file folder within the metal file cabinet by the name of the requester.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controled at all times by uniformed guards.

Retention and disposal: Disclosure of information files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in

which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in these files originates with the individual's request for disclosure of information. Records are searched for the information which is the subject of the request, and advice and recommendations with respect to the information and its disclosure may be elicited and received from offices within Customs, other agencies, or private individuals concerned with the information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5.U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.081

System name: Dock Passes—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg, 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: Consulate staff members, brokers, private individuals, etc.

Categories of records in the system: Form lists following information: pass no.; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copy of each pass issued is retained for record purpose and a log maintained showing name of holders of annual dock passes. Disclosure to Customs and Treasury officers and employees who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 card box loose leaf binder.

Retrievability: By name.

Safeguards: Building locked during non-working hours.

Retention and disposal: Retained until expiration.

System manager(s) and address: District Director, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented, in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual applicants.

Treasury/Customs 00.277

System name: Drivers License File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service 450 Golden Gate Ave. San Francisco, Ca. 94102.

Categories of individuals covered by the system: Present and past employees.

Categories of records in the system: Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within U.S. Customs Service with sufficient information to make a decision as to whether an employee may be issued a government drivers license. (d) Information from these records furnished to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record) These forms are kept in a desk file.

Retrievability: Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

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Safeguards: The desk in which the records are kept is within an office which is locked during non-working hours.

Retention and disposal: Active forms are retained in this system indefinitely. Forms of past employees who were issued drivers licenses are periodically destroyed.

System manager(s) and address: Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, Rm 2057, 450 Golden Gate Avenue, San Francisco, California 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs at the region in which the Records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Thr requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

Treasury/Customs 00.082

System name: Duty Assessment By Account (DABA), Interested Persons List—Treasury/Customs.

System location: Duty Assessment Division, U.S. Customs Service Headquarters, Room 4218, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and firms who have requested that their names be included on the list.

Categories of records in the system: The name of the individual or firm, title, and address.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notifying individuals and firms of new information concerning DABA.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in the offices of the Duty Assessment Division at U.S. Customs Service Headquarters.

Retrievability: The records are retrievable by the name of the individual or firm.

Safeguards: During working hours employees of the Duty Assessment Division are present in the offices where the records are located and the U.S. Customs Service Headquarters building is guarded by security police. During nonworking hours the offices are locked and the building is guarded by security police.

Retention and disposal: The listing is to be maintained until the DABA program is fully implemented, after which the listing will be destroyed.

System manager(s) and address: Director, Duty Assessment Division, U.S. Customs Service Headquarters, Room 4218, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, be may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The individual or firm which requests inclusion on the list.

Treasury/Customs 00.273

System name: Employee Debts—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

Categories of records in the system: Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the employees of the Payment Section to gather all the data necessary to collect debts due from present or past employees of Customs.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

Retrievability: Records are indexed by name.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the debt is collected and then destroyed. Unusual cases are retained indefinitely as a reference for similar type cases.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, be may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

Treasury Customs 00.083

System name: Employee Relations Case Files—Treasury/Customs.

System location: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records maintained on all individuals who have requested assistance in a problem, such as: OFWC, leave, health and life insurance, etc.

Categories of records in the system: Copies of correspondence. Copies of initiating correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use is in assessing the problem and having the capability to provide timely followup. Used by the employee relations staff only (professional and clerical).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file.

Retention and disposal: Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. customs Service Headquarters, 1301 Con-

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stitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not present in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals and offices depending on problem.

Treasury/Customs 00.084

System name: Employee Relocation Allowances—Treasury/Customs

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Customs Employees granted relocation allowances.

Categories of records in the system: Name, address and social security number of person granted allowance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used administratively by Accounting personnel in support of allowances granted. Available for audit purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alphabetically by name of employee.

Safeguards: The metal container described above is maintained within the area assigned to the Finanacial Management Division within the Customs Service building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: SF 1012—Travel Vouchers prepared by employees who have been granted the relocation allowances.

Treasury/Customs 00.085

System name: E.E.O. Complaint File—Treasury/ Customs.

System location: Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603, and District Director's Offices in Chicago, Cleveland and Detroit.

Categories of individuals covered by the system: Customs employees and applicants for Customs positions who make allegations of discriminatory job treatment based on sex, religion, race or national origin, color and age.

Categories of records in the system: An individual file is opened when an oral or written complaint is received. Eventually, a Civil Service Form 894 and all other pertinent correspondence such as responses from various offices, decisions and appeals are added to the file.

Authority for maintenance of the system: Title VII of the 1964 Civil Rights Act, as last amended by Public Law 92-261 effective March 24, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The file is used to organize relevant documents within the E.E.O. office. As appropriate, it may also be transferred to such offices as Regional Counsel and Customs Service Headquarters.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file at Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois. 60603.

Retrievability: Case file by last name of complainant.

Safeguards: The file cabinet is locked and only the E.E.O. Specialist has a key. Other keys will be available to additional staff as office expands. The building has limited access and a uniformed patrol in non-working hours.

Retention and disposal: Retained indefinitely by E.E.O Specialist. When cases are closed, they are removed from the alphabetical file but still maintained in the same locked cabinet.

System manager(s) and address: E.E.O. Specialist. (See location above).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by complaining parties originally and supplemented by other interested parties as the case progresses.

Treasury/Customs 00.086

System name: EEO Complaints Processing—Treasury/Customs.

System location: In possession of designated EEO Counselors located throughout Customs Region IV, Miami (See Customs Appendix A).

Categories of individuals covered by the system: Employees and applicants for employment who have filed discrimination complaints with EEO Counselors.

Categories of records in the system: Notes of action taken by Counselor on behalf of complaintant in discrimination complaint cases. Notes of interviews with the complainant, instructions given complainant and talks with others on behalf of complainant.

Authority for maintenance of the system: Executive Order 11478. Public Law 92-261.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) In the event the discrimination complaint becomes a formal complaint the counselor is required to submit notes of his/her action in attempting to resolve complaint at informal stage. Notes compiled by counselors then become part of a formal complaint file. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Provide the Department of the Treasury with sufficient information to make a decision as to whether or not an applicant or employee has been the object of a discriminatory act. (e) When counselor's routine investigation develops evidence of violations of law, case is referred to the Investigative Branch. (f) To provide basis for disciplinary action, identifying procedural weaknesses, establishing liability if discrimination is found to exist, provide information to appropriate officials, management and Congressmen. (g) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursant thereto, the relevant records in the system of records may be referred, as routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA'

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes are kept in such facilities as are available to the counselor at his/her work station.

Retrievability: A folder, card, or pages in a notebook contain the information in this system. Folders, cards or notebook pages are headed with the name of the person filing the discrimination complaint.

Safeguards: No general or uniform safeguards are prescribed. Service storage facilities vary in each District.

Retention and disposal: The EEO Counselor maintains the files for the duration of his investigation of a discrimination action complaint which is limited to twenty-one days. The counselor then holds the records for approximately thirty days or until he is sure the complainant does not plan to file a formal complaint, the files are then destroyed if a formal complaint is not filed. If a formal complaint is filed the counselor's notes are forwarded to Headquarters, Washington, D.C., where they become a part of a formal discrimination complaint file.

System manager(s) and address: Equal Employment Opportunity Officer, U.S. Customs, Plaza Executive Centre, Suite 300, 7370 N.W., 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director; Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison

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of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Contesting record procedures: See Access above.

Record source categories: Information contained in this system is obtained from interviews held with persons who lodge discrimination complaints, from persons alleged to be the discriminator, from persons who have knowledge of the alleged act or action, from supervisors and others who have information relating to the alleged act or action from revision of personnel records made by the EEO Counselor.

Treasury/Customs 00.087

System name: Equal Employment Opportunity Program—Treasury/Customs.

System location: 450 Golden Gate Ave., Box 36117, U.S. Customs Service, San Francisco, CA.

Categories of individuals covered by the system: U.S. Customs employees with grievance or complaint filed under Part 713 of the Federal Personnel Manual-Discrimination Complaint Procedure.

Categories of records in the system: Investigative files prepared by EEO Counselors from initial counseling session to formal EEO investigation. Formal investigative records contain Investigator's report, sworn statements of witnesses, complainants and respondents, statistical records, employment files.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Teasury Department Order No. 165, Revised, as amended. Part 713 of the Federal Personnel Manual; EEO Act of 1972 as amended-(Public Law 92-261).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Maintains historical file of EEO. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Confidential control, records filed in locked steel cabinet.

Retrievability: Records indexed by name.

Safeguards: Records maintained in locked rooms after office hours.

Retention and disposal: Records disposed of in five years after case is closed.

System manager(s) and address: Regional Commissioner, Region VIII, 450 Golden Gate Ave., San Francisco, CA. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Divison, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stupulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Interviews of witnesses, complainant and Customs offical. Research of established records.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.088

System name: Equal Opportunity Complaint Processing Records System-Training/Customs

System location: Office of Regional Commissioner, Customs Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113, District Director, 423 Canal Street, New Orleans, La. 70130, District Director, P.O. Box 2748, Mobile, Ala. 36601.

Categories of individuals covered by the system: Employees of Customs Region V (New Orleans) who file Equal Opportunity complaints.

Categories of records in the system: Notices of efforts by counselors to resolve charges of discriminatory actions or conditions. These records are in the form of lists, memorandums, interview notices, transcripts, and reports.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide the needed information for reports which become part of the formal investigative file if the complaint of discrimination reaches the formal stage.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in a cabinet.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: In accordance with Records Control Manual.

System manager(s) and address: Equal Opportunity Officer, Customs Region V, 701 Loyola Avenue, New Orleans, La. 70113, Equal Opportunity Counselors, New Orleans District, 423 Canal Street, New Orleans, La. 70130, Equal Opportunity Counselors, Mobile District, P.O. Box 2748, Mobile Ala. 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Individual to whom the record pertains.

Treasury/Customs 00.276.

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

System location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System manager(s) and address: Equal Opportunity Officers and EO Counselors at the above locations.

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Notification procedure: Request by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5 thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in this system originated with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquires into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provision of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.089

System name: Equal Opportunity Discrimination Complaint Case File—Treasury/Customs.

System location: Equal Opportunity Division, U.S. Customs Service Headquarters, Room 6212, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Government and private industry employees, including present and former Customs Service employees, who have filed formal and informal complaints alleging discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Categories of records in the system: Names, addresses, employment and medical histories, reports of investigation, complaints filed, correspondence from members of Congress and attorneys representing the complainants and labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and affidavits and other sworn statements.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. (b) Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearing held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. (c) Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). (d) Records in this system of records are disclosed to the complaints and to attorneys, labor unions or other parties representing the interests of the complaints. (e) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The cases files are inserted alphabetically in file drawers within locked metal containers.

Retrievability: Each case file is identified in an alphabetical index card file by the name of the complainant and on each alphabetical file folder within the metal container by the complainant's name.

Safeguards: The metal containers in which the file folders are placed are locked during non-working hours, and the room in which the metal containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: Case files are retained during the time period in which the cases remain open and, thereafter, until there is no longer any space available for them within the metal containers, at which time the case files are transferred periodically to the Federal Record Center for storage. Records having no pertinent information are periodically destroyed.

System manager(s) and address: Director, Equal Opportunity Division, U.S. Customs Service Headquarters, Room 6212, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the

procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulation that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate indentification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor and with the filing of a Civil Service Commission Form 894 (Formal Complaint of complaint procedures and through the filing of Civil Service Commission Discrimination in the Federal Government). Information in this system is also obtained from the claimant through interviews during the informal and formal complaint procedures and through the filing of Civil Service Commission Form 171 (Personal Qualification Statement). This system also contains information derived from a complaining Customs Service employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from investigations into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence or testimony adduced at administrative hearings held in connection with the complaints.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.090

System name: Equipment Record File—Treasury/Customs.

System location: Office of the District Director, United States Customs Service, 103 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties: (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevent enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service

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Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notrarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.091

System name: Equipment Record File—Treasury/Customs.

System location: Patrol Office, Room 807, 103 South Gay Street, Baltimore, Maryland 21202. (After August, Room 15, 40 South Gay Street, Baltimore, Maryland 21202).

Categories of individuals covered by the system: Customs employees in the Baltimore District to whom equipment is assigned.

Categories of records in the system: Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant therto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforecemnt information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards and folders located in metal containers.

Retrievability: Cards are filed alphabetically by names of those to whom equipment is assigned.

Safeguards: File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Office of the District Director of Customs, 103 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adeuqate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Property Officer and personnel to whom equipment is assigned.

Treasury/Customs 00.092

System name: Exit Interview—Treasury/Customs.

System location: Personnel Management Division, in each Region and Headquarters. See Customs Appendix A.

Categories of individuals covered by the system: Employees terminating from the Customs Service.

Categories of records in the system: Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Personnel Management Specialists and managers to monitor employee morale and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms are kept in manila folders.

Retrievability: By organization or by name.

Safeguards: Locked office.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Director, Personnel Management Division. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information obtained from departing employee and Employee's supervisor.

Treasury/Customs 00.093

System name: Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: All companies and individuals who have filed import licenses for alcoholic beverages with this office.

Categories of records in the system: Licenses.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) to verify that importers of alcoholic beverages have the required permit.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical listing.

Safeguards: Office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Regional Commissioner (Area Director, New York Seaport Area).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals who have applied for an alcoholic beverage license.

Treasury/Customs 00.267

System name: Federal Tort Claims Act File—Treasury/Customs.

System location: Office of Regional Counsel, Suite 1240, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of Investigation regarding claims filed, documents relating to the administrative han-

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dling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to those officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the office of the Regional Counsel on the 12th Floor of 500 Dallas Street. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled by uniformed security guards maintained by the lessor.

Retention and disposal: Tort claim files are retained until closed at which the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1240, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigation personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.094

System name: Federal Tort Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act.

Categories of records in the system: Reports of investigations regarding claims filed, documents relating to the administrative handling of the claims and documents submitted by the claimants in support of the claims.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing and reviewing recommendations for decisions on claims, and making final decisions on claims. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting

identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations, information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.095

System name: Film Library of Seizures—Treasury/Customs

System location: Public Information Officer, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Information or data concerning specific individuals arrested for suspected smuggling activities.

Categories of records in the system: The material is used for training and courtroom purposes.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order, No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used by prosecuting attorneys in order to show the method of concealment in suspected smuggling cases and for other related courtroom purposes. The information is also supplied to State and local law enforcement officials, Federal law enforcement and security agencies, foreign governments and international police agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The slides and index are stored in a file cabinet in a locked office.

Retrievability: Information from the system is retrievable by combination of arrested person's name, method of concealment and weight of the contraband.

Safeguards: The slides deal mainly with methods of concealment and rarely show an individual. The slides accompanying narratives contain no mention of any names. A cross reference containing names does exist but it is kept in a locked file cabinet.

Retention and disposal: The slides are retained for a period of five years and then destroyed.

System manager(s) and address: Public Information Officer, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the regional Commissioner of Customs at the Region where the records are maintained (See Appendix A) or to the Director, Entry Prodedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine, up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how be can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs at the Region where the records are maintained (see Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with Customs Form 151.

Treasury/Customs 00.096

System name: Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

Categories of records in the system: Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to these officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Control Customs district caseload and report each action taken by Customs and violator. (d) Provides management information regarding most frequent types of violations, penalty/liquidated damages case timeliness, budget allocation, violation history of individual and firms for investigative purposes, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape, (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

Retrievability: Individual's name or case number.

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Safeguards: All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Until the statute of limitations has run or a disposition has been made. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

Treasury/Customs 00.097

System name: Fines, Penalties, and Forfeitures (Supplemental Petitions)—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, California 90053.

Categories of individuals covered by the system: Any person requesting further relief from the Regional Commissioner after having his Petition acted on by the District Director from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by the Customs Service.

Categories of records in the system: Case file including copies of the notice of penalty, seizure or claim for liquidated damages, search, arrest and seizure forms, investigative reports, documents relating to any importation having to do with the penalty, forfeiture or claim, documents relating to the administrative handling of the case and documents submitted by the Petitioner in support of his Petition and Supplemental Petition.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process Supplemental Petitions for relief from any fine, penalty, forfeiture or claim for liquidated damages incurred under the provisions of any law administered by Customs. The information is made available to the officials within the Customs Service who review recommendations and who make final decisions on such petitions. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the government case if the case is referred to them for filing of a suit based on an administrative denial of the Petition or removal to the District Court by action on the part of the Petitioner under the provisions of section 1608 of title 19. Information in these files may also be made available to persons working for the governmental agencies who are empowered to review and make recommendations concerning the granting of relief for violations of law administered by such agencies but enforced by Customs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is labeled with the name of the person who filed the claim and filed in alphabetical order in the metal file cabinet marked Supplemental Petitions. In addition a chronological record is kept in a separate book, kept by the office secretary, of each case received, with district case number, decision, name of the Petitioner, law violated and ultimate decision of the Regional Commissioner.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., Los Angeles, California 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the filing of a Supplemental Petition as prescribed by section 171.33 and 172.33 of the Customs Regulations with the District Director of the District in which the fine, penalty, forfeiture or claim for liquidated damages issued. The Petition along with all supporting documents or documents relating to the case are forwarded to the office of the Regional Commissioner who refers the case to the office of the Regional Counsel for review and recommendation. During this period of review further information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.098

System name: Fines, Penalties and Forfeiture Records—Treasury/Customs

System location: Customs district offices. (See Customs Appendix A).

Categories of individuals covered by the system: Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

Categories of records in the system: Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include reference to the files for information as to prior violations and ongoing investigations and cases. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation, the appropriate U.S. Attorney and other Federal agencies for recommendations and enforcement of fines, penalties and forfeiture cases.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in folders in file cabinets and safes.

Retrievability: The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

Safeguards: During non-working hours, the records are maintained in locked rooms, locked buildings and buildings guarded by uniform guards.

Retention and disposal: The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

System manager(s) and address: District Directors of Customs (See Customs Appendix A).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected of actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.099

System name: Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs

System location: Office of the Regional Counsel—15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Categories of individuals covered by the system: Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

Categories of records in the system: Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in the files is used to process requests for relief from fines, penalties and forfeitures and is made available to the officials within the Customs Service who review recommendations and who make final decisions with respect to them; (d) Information contained in the files may be made available to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (e) Information contained in the files may also be used internally by the Regional Counsel or members of his staff insofar as it relates to precedent or guidelines for their handling of subsequent cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the alphabetical file folder within the metal file cabinet by the name of the petitioner.

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Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Supplemental petition files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 15001, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register

Treasury/Customs 00.100

System name: Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/Customs.

System location: Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2340, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

Categories of records in the system: Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses include the processing and disposition of fines, penalties and forfeiture cases pursuant to 19 CFR Parts 171 and 172 and reference to the records for information as to prior violations and ongoing investigations. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such uses would include referring records to the Environmental Protection Agency, the Department of Transportation and other Federal agencies for recommendations on the administration of fines, penalties and forfeiture cases. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

Retrievability: The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

Safeguards: The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

Retention and disposal: The records are generally retained for five years after the close of the case. The records are then forwarded to the Federal Records Center.

System manager(s) and address: Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2340, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual

violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.101

System name: Fines, Penalty, and Forfeiture (FP&F) Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons seeking relief from fines, penalties, and forfeitures incurred for alleged violations of the laws enforced by the United States Customs Service, and/or restoration of proceeds from the sale of seized and forfeited property.

Categories of records in the system: Statement from individual explaining circumstances justifying relief sought and history of the fine, penalty, forfeiture or seizure involved.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 CFR part 171 and 172.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury and the Department of Justice, who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in denying or granting the petition and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the petition for relief. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX, at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes with metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Services Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603 or the Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates either with the receipt of any correspondence indicating that relief is desired or any notice from within the Customs Service that a fine or penalty is to be assessed. Further information in this file is derived from investigatory files and other information submitted by the petitioner and will include information from: informers, Customs employees, private parties, corporations, other Governmental agencies, state, local and Federal, credit bureaus, Seizure Reports (Customs Form 5955A, Customs Form 151) foreign countries, officials of foreign countries, citizens of foreign countries.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.102

System name: Firearms Qualification Certificate Record—Treasury/Customs

System location: Office of the Chief Inspector, U.S. Customhouse, Rm. 102, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: All Customs Inspectors under the jurisdiction of the Philadelphia District who have qualified on the firing range within a previous 6-month period.

Categories of records in the system: The date of actual qualification, firing scores, and the category of marksmanship into which the individual's score places him or her.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Dis-

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closure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each qualification certificate, on 8 1/2 x 11 inch bond paper, is inserted in a file folder which is then placed in a file drawer.

Retrievability: Certificates are identified by the name of the individual and in alphabetical order within the folder.

Safeguards: The records folder is stored in a file cabinet drawer which is locked during non-working hours. Access to the building is controlled at all times by uniformed guards.

Retention and disposal: Firearms qualification certificates are retained for 1 year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from reports submitted by the District Range Officer upon completion of the individual's qualification with a firearm.

Treasury/Customs 00.103

System name: Firearms Qualification Records—Treasury/Customs.

System location: Office of the Assistant Regional Commissioner (Operations), Region IX, Chicago, Illinois and Offices of District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A).

Categories of individuals covered by the system: Customs Inspectors receiving firearms training.

Categories of records in the system: Records include date of firing, qualification status, date of qualification, card issuance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the office of the Assistant Regional Commissioner (Operations) of Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the office of the Assistant Regional Commissioner (Operations) in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: Assistant Regional Commissioner (Operations).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files results from firing scores recorded on targets used during the course of firearm qualification firings.

Treasury/Customs 00.104

System name: Florida Boat Registration File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons, partnerships, or corporations who are registered owners of record of boats or vessels bearing Florida registration numbers.

Categories of records in the system: This file contains the name and address of the registered owner of the vessel; a description of the vessel; and an indication of whether or not the vessel is of record with the Treasury Enforcement Communications Systems (TECS).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are numerically filed in a wooden box within a security area.

Retrievability: The information is in the form of Micro-film and is retrieved by means of Alpha-numerical code identifier.

Safeguards: The information files are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are maintained for a period of three months at which time they are replaced with current information. The old files are then destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs Service, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.105

System name: Former Employees—Treasury/Customs.

System location: Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, California, 94111.

Categories of individuals covered by the system: All past employees of the Customs Laboratory.

Categories of records in the system: Contains copies of personnel action notices.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in a metal file cabinet.

Retrievability: The record is filed alphabetically by name.

Safeguards: The file is stored in a metal file cabinet in a private inner office of a government building protected by 24 hour guard service with limited access. The file is only used on a need to know basis and only by the laboratory employees.

Retention and disposal: Files are maintained for reference purposes only. The file is permanent to office.

System manager(s) and address: Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1508, San Francisco, California, 94111.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained in personnel action files.

Treasury/Customs 00.106

System name: Freedom of Information Requests—Treasury/Customs.

System location: Value and Freedom of Information Branch, U.S. Customs Service, 1301 Constitution Ave. N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Director, Classification and Value Division, U.S. Customs Service, 1301 Constitution Ave., N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.107

System name: Full-Field Investigation—Active and Completed Log—Treasury/Customs.

System location: Personnel Management Division of Region VIII (See Customs Appendix A).

Categories of individuals covered by the system: Persons on whom full-field investigation has been conducted.

Categories of records in the system: System is a log of names and dates Full-Field request forwarded to Headquarters and Internal Affairs (if requested) and date Full-Field completed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To identify individuals who are under Full-Field Investigation, and completion date to permit permanent promotion, or arrange an entrance on duty date. (2) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (3) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Looseleaf Binder.

Retrievability: By name.

Safeguards: Limited access.

Retention and disposal: Destroyed at end of two years.

System manager(s) and address: Director, Personnel Management Division, Region VIII.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Personnel Management Division, Region VIII, 450 Golden Gate Avenue, Box 36117, San Francisco, California 94102 or Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his

signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Personnel Management Division, Region VIII, 450 Golden Gate Avenue, Box 36117, San Francisco, California 94102 or the Entry Procedures and Penalties Division, Customs Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information recorded from Full-Field Request, Standard Form 86.

Treasury/Customs 00.108

System name: Government Employees' Drivers License File—Treasury/Customs

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif; Los Angeles region. See Customs Appendix A.

Categories of individuals covered by the system: All Customs employees who have applied and/or received Government Driver's License.

Categories of records in the system: Contains all information on the applicant on SF 46, Driver's Test Report, and any other information relating to individual's personal history.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.Process and authorize all applicants for issuance of Government Driver's License.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: SF 46 in manila folder.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: 3 years or until reissued.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. (See Customs Appendix A).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: Government employee, driver examiner, and reports from other individuals which may have information relating to employee's driving habits or ability.

Treasury/Customs 00.109

System name: Handicapped Employee File—Treasury/Customs.

System location: Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: All employees identified as handicapped.

Categories of records in the system: Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to assure that employees are not placed in positions that they cannot physically perform. Also, for reporting and statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: Lists employees alphabetically by district.

Safeguards: None at present and none required.

Retention and disposal: Employee's name removed from list at time of termination.

System manager(s) and address: Director, Personnel Management Division. (See Customs Appendix A).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data furnished by employee and employee's physician.

Treasury/Customs 00.111

System name: I.D. Cards—Treasury/Customs.

System location: District Director's office, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii.

Categories of individuals covered by the system: All employees to whom I.D. card, CF 3135, OF 55, Red-bordered cards, have been issued.

Categories of records in the system: The register lists the following information: name; I.D. card no.; and date issued.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides information of name, date and number of I.D. card issued to district employees. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kardex file card.

Retrievability: By name.

Safeguards: Locked Kardex file.

Retention and disposal: Information is kept current until employee is terminated and I.D. cards are cancelled.

System manager(s) and address: District Director, 228 Federal Bldg., Merchant Street, Honolulu, Hawaii.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data obtained from employees.

Treasury/Customs 00.110

System name: Identification Cards (CF 3135) File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. (Los Angeles region) see Customs Appendix A.

Categories of individuals covered by the system: All Customs Employees.

Categories of records in the system: Identification Card with photograph of employee, name, title, duty location, and identification card number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Personnel Manual, Federal Personnel Manual, and Treasury Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. A log is maintained on those who have been issued identification cards.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF 3135 in manilla folder.

Retrievability: By name and number.

Safeguards: Locked file cabinet.

Retention and disposal: Until employee is terminated or is reissued a new card.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029.The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that be understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employee, personnel file, management and/or supervisor.

Treasury/Customs 00.112

System name: Immediate Delivery Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeiture Section, Room 102, United States Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

Categories of records in the system: The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the

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records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Immediate Delivery Record cards are retained at location 3 years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, 2nd & Chestnut Street, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Custom Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Request by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

Treasury/Customs 00.274.

System name: Importer, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

System location: Financial Management Division, 7370 NW. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Brokers, Importers, Individuals, Carriers, and Sureties.

Categories of records in the system: Copies of correspondence—incoming and outgoing, copies of bonds, entries, bills, data center listings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Revenue technicians to retain in one place all correspondence with a debtor. Bonds, entries and bills when available are included in the file.

For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alphabetical by name appearing on correspondence.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 NW. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A). The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access, above.

Record source categories: Correspondence, Customs Service Data Center, Districts and Ports.

Treasury/Customs 00.265

System name: Importer Name and Address Record System—Treasury/Customs.

System location: Office of the Special Agent in Charge, U.S. Customs Service, 200 East Bay Street, Charleston, S.C. 29401.

Categories of individuals covered by the system: Importers who have immediate delivery bonds.

Categories of records in the system: Names, addresses, and employee identification numbers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1509; 19 U.S.C. 1511; 26 U.S.C. 7607.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on microfiche and stored in a metal security cabinet. The cabinet is kept in a room that is locked after normal business hours.

Retrievability: The records are maintained in alphabetical order and cross indexed by Internal Revenue Employee Identification Number.

Safeguards: In addition to being stored in a metal container with a lock, the metal container is located in a locked room, the keys of which are controlled and issued to the office staff. The office staff who maintain and have access to the files are selected for their experience and afforded access only after having been cleared by a full field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: This file is retained until an updated file is received. The obsolete file is then destroyed by burning or shredding.

System manager(s) and address: Special Agent in Charge, Charleston, S.C. (See Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Ave., N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in this system is furnished to the Customs Service by the importers contained in the file.

Treasury/Customs 00.113

System name: Import specialist activities—investigation referrals—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of referrals made to the Office of Investigations in connection with 220 visits.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties.(b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep track of the referrals made by each import specialist to the Office of Investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: The information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where

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the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Obtained from Regional Form IX-RC-220 prepared by the import specialist.

Treasury/Customs 00.114

System name: Import specialist activities—laboratory samples—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist team.

Categories of records in the system: Monthly report of the number of laboratory samples processed by the import specialist teams.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used as an administrative tool to keep track of laboratory samples processed by import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by team number and located on a wall chart in the training room.

Retrievability: Indexed by name and team number of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Assistant Regional Commissioner (Operations), 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: A monthly report submitted by the Director of the Laboratory Division.

Treasury/Customs 00.115

System name: Import Specialist Activities—Seminars—Treasury/Customs.

System location: Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A monthly report of the number of seminars the import specialist has attended.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used by the Classification and Value Division to keep track of special training given to import specialists.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification & Value Division, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access Above.

Record source categories: The records of the seminar.

Treasury/Customs 00.116

System name: Import specialist activities—220 visits, Region IX—Treasury/Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Import specialist.

Categories of records in the system: A record of importer premises visits performed by the import specialist including the time, cost, and number of visits listed monthly.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) To keep an account of the visits made by import specialists to importers' premises.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is listed by name and located on a wall chart in the training room.

Retrievability: Indexed by name and location of the import specialist.

Safeguards: Area is provided for Customs employees only and other persons using the area must be accompanied by a Customs employee.

Retention and disposal: Information is erased after two years.

System manager(s) and address: Director, Classification and Value Division, 55 East Monroe, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Reports submitted by import specialists on Regional Form IX-RC-220.

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Treasury/Customs 00.117

System name: Information and Investigative Reports from other Federal Agencies—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, Louisiana 70113. Dir., District Patrol Division, Rm. 213, International Trade Center 250 N. Water Street, Mobile, AL 36602.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law. All information received from other federal agencies' investigative reports.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During nonworking hours, the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after 3 years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding. The same procedure is followed for Investigative Reports from other Federal agencies.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.118

System name: Information Received File—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information files are inserted in alphabetical and chronological file folders which are filed within a metal container.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, U.S. Customs, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.119

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, file number, location, and date information received on individuals suspected of unlawful activity.

Authority for maintenance of the system: 5 USC 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System maintained on filed 4 x 6 index cards.

Retrievability: System indexed alphabetically by name and manually retrieved.

Safeguards: Cards maintained in index file holder stored in secure combination safe, with the combination thereto restricted to four employees. Those departmental officials who may occasionally be granted access consistent with their position have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the safe is locked.

Retention and disposal: Index cards are retained for duration of interest in individual named there on. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.120

System name: Information Received File (Patrol Division—New Orleans, LA)—Treasury/Customs.

System location: Office of the Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Categories of individuals covered by the system: Individuals on whom information has been received indicating unlawful or suspicious activity.

Categories of records in the system: Name, address, phone number, place of business, associates, vessels or aircraft identified with; make, year, license number and registration of vehicles, area of activity, method of operation, and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 USC 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Custom file folders in locked, metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked, metal file cabinet the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the metal cabinets is locked.

Retention and disposal: Memoranda of Information Received are normally destroyed after three years. On active cases or individuals, files could presumably be retained for duration of interest in individual. Disposal is by means of shredding.

System manager(s) and address: Director, Regional Patrol, Suite 2808, Plaza Tower Bldg., 1001 Howard Ave., New Orleans, LA 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.121

System name: Information Received (Moir) File—Treasury/Customs.

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System location: Located in the Office of the District Director, San Diego; Calif.; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. Los Angeles region. See Customs Appendix A.

Categories of individuals covered by the system: All Persons who have been found or suspected of being in violation of Customs or other Governmental Agency regulations or laws.

Categories of records in the system: Name, physical description, DOB, driver's license information and informing individual if suspect of being involved.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. To alert all Customs personnel or interested Agencies of possible violations or whereabouts of individuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on CF 4621 in file cabinet.

Retrievability: Cross-indexed by name and file number.

Safeguards: Locked office after duty hours.

Retention and disposal: Indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.122

System name: Information Received File—Treasury/Customs.

System location: District Patrol Division, Room 200, United States Customhouse, La Marina, Old San Juan, P.R. 00901.

Categories of individuals covered by the system: Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

Categories of records in the system: Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each memorandum, or group of memoranda, is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed Customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These memoranda are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division, United States Custom Service, Room 200, La Marina, Old San Juan, P.R. 00901.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.123

System name: Injury Notice—Treasury/Customs.

System location: Each Logistics Management Division in each regional HQ Office (see Customs Appendix A for addresses) and all offices of the District Director, Region IX, Chicago, Ill.

Categories of individuals covered by the system: Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

Categories of records in the system: Name, date of birth, home address, organization, place of injury, date and hour of injury, dependants, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Department of Labor for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CA forms. The CA forms are filed in a loose leaf, alphabetical binder and placed in a metal file container.

Retrievability: Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

Safeguards: The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

Retention and disposal: Notice of injury reports are maintained in the employee's OPF indefinitely. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

System manager(s) and address: Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, Region IX, Chicago, Ill. (see Customs Appendix A for addresses of District Directors).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

Treasury/Customs 00.124

System name: Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (CF-66)—Treasury/Customs.

System location: Regional Office, Personnel Management, Career and Staff Development, U.S. Customs, 300 N. Los Angeles Street, Los Angeles, California 90012.

Categories of individuals covered by the system: All Inspectors in training status in Region VII.

Categories of records in the system: Progress records of on-the-job Inspector training and enrollment forms for the correspondence course.

Authority for maintenance of the system: U.S. Customs Headquarters Training Manual, 5 USC 301; Reorganizational Plan No. 1 of 1950; Treasury Dept. Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine if trainee Inspectors have satisfactorily completed their standard training requirements so that they are eligible for promotion at the end of their first year.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Loose leaf binder.

Retrievability: By name.

Safeguards: Locked office.

Retention and disposal: Until employee completes his training.

System manager(s) and address: Regional Training Officer, Personnel Management, Career Development Branch, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90012.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A

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comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The inspectors' supervisors originate both the training progress checklists and the Correspondence Course Enrollment forms.

Treasury/Customs 00.125

System name: Intelligence Log—Treasury/Customs.

System location: U.S. Customs Air Support Branch, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Categories of individuals covered by the system: Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

Categories of records in the system: Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The intelligence log is a chronological file which is maintained within a security area.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

Retention and disposal: These files are retained indefinitely or until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

System manager(s) and address: Chief, Air Support Branch, Patrol Division, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, Florida 33030.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.126

System name: Internal Security File—Treasury/Customs.

System location: Area Director, New York Seaport Area, 6 World Trade Center, New York, New York 10048.

Categories of individuals covered by the system: Commercial and non-commercial importers.

Categories of records in the system: Correspondence from importing public concerning parcels received through mail without being processed through Customs and Voluntary Tenders submitted in conjunction with same.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Use by Customs Officers in enforcing laws and regulations and use as background information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in a file drawer.

Retrievability: Listed alphabetically by name.

Safeguards: The office is locked at the end of the day.

Retention and disposal: Files destroyed after two years.

System manager(s) and address: Area Director, New York Seaport Area, 6 World Trade Center, New York, New York 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information submitted by individuals.

Treasury/Customs 00.127

System name: Internal Security Records System—Treasury/Customs.

System location: Internal Security Division, U.S. Customs Service Headquarters, Room 5335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 and index card files each Regional Director (Internal Affairs) Office. See Customs Appendix A.

Categories of individuals covered by the system: Present and past employees, applicants for positions that require an investigation, and others that are the subject of an investigation.

Categories of records in the system: Security clearance records; background, tort claim, special inquiry, conduct, and equal employment opportunity investigations and other Customs related investigations including individuals involved in accidents under investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Provide the proper authority within the Department of the Treasury with sufficient information to make a decision as to whether or not an applicant or employee is suitable for employment in a sensitive position, and to make a determination regarding a subject's loyalty; (d) When routine background investigation develops evidence of violations of law, case is referred to Investigative Branch; (e) Serves as a basis for granting access to classified information and material. When necessary, advise Government agencies and private industry of employees having security clearances; (f) To provide basis for disciplinary action, criminal prosecution establishing guilt or innocence, identifying procedural weaknesses, establishing liability in tort claim investigations, give information to Equal Employment Opportunity Division in EEO cases, provide information to appropriate officials, management and Congressmen; (g) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (i) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investigative records are maintained in file folders and stored in metal security cabinets and secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

Retrievability: A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

Retention and disposal: With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for 1 year after the subject terminates employment. The files are then transferred to the Federal Records Center.

Tort Claim investigations are retained for 5 years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years, Conduct and special inquiry investigations—15 years, Equal Employment Opportunity investigations—10 years.

System manager(s) and address: Director, Internal Security Division, U.S. Customs Service Headquarters, Room 5335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.128

System name: Investigations Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; SAC, P.O. Box 1704, Mobile, Ala. 36601; RA, 1719 West End Building, Rm. 303, Nashville, Tenn. 37203.

Categories of individuals covered by the system: Special Agents assigned to office.

Categories of records in the system: Record of cases assigned to individual agent showing date assigned, status, date closed, time spent on case, arrests, dispositions of arrests, seizures, penalties,

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and recoveries, if any. An inventory of types of cases handled by an agent.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively as an inventory of investigative cases; measurement of the results of investigative efforts; and an account of man hours devoted to investigative categories.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is contained in a printout.

Retrievability: Information is retrieved from the printout by case number, name of agent, and date by month and year.

Safeguards: During non-working hours the room in which the above described printouts are located is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 301, Nashville, Tenn. 37203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information furnished by Customs Special Agents.

Treasury/Customs 00.129

System name: Investigations Record System—Treasury/Customs.

System location: All Office of Investigations offices located within each Customs Service Region in the United States and within each Office of Investigations office located in a foreign country. (See Customs Appendix A).

Categories of individuals covered by the system: Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

Categories of records in the system: The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations:

Smuggling Investigations Branch: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports.

Regulatory Investigations Branch: Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations.

Special Investigations Branch: Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations.

Technical Investigations Branch: Undervaluation and False Invoicing; Petitions for Relief.

Verification Investigations Branch: Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft.

Foreign Investigations Branch: Classification; Market Value; Dumping; Countervailing Duties.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of Treasury who have a need for the records in the performance of their duties which may include the administration, investigation, enforcement and prosecution of civil and criminal Customs and related laws; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure may be made to any civil or criminal law enforcement authorities, whether Federal, state, local or foreign; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses; if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (f) A record from this system of

records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

Retrievability: The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

Safeguards: All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

Retention and disposal: The index cards are retained indefinitely. The hard copy and microfiche records are retained for one year or more depending on the subject matter to which they relate and are then either destroyed or transferred to the appropriate Federal Record Center, all in accordance with standard Customs Service record retention and disposal procedures.

System manager(s) and address: Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, Room 3106, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.130

System name: Investigative Program Analysis—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.,; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: United States Customs Special Agents and Operations Officers.

Categories of records in the system: Case assignment information such as case number, case hours, court hours, case description and disposition, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Provide management information such as caseload, budget, manpower, performance and experience, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tape. (2) Manual files maintained by the Office of Investigations field officer.

Retrievability: By name and Social Security Number of subject Customs Officer.

Safeguards: On a need-to-know basis to the Office of Investigations personnel only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

Retention and disposal: Indefinite; None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.,; Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stupulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person

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under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Supervisory Customs Special Agents when making case assignments to Special Agents or Operations Officers on foreign assignments.

Treasury/Customs 00.131

System name: Justice Court Case File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. Files are often channeled through the Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition each case file is similarly identified on the alphabetical file folder within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which results in a written report to that Department regarding the facts of the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal employment opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.132

System name: Justice Court Case File—Treasury/Customs.

System location: Office of the Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or agencies or employees or officers thereof, in matters which affect or involve the Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation, including any information on individuals which has relevance to the matter in litigation.

Authority for maintenance of the system: 28 U.S.C. 507; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is provided as a routine use to the Department of Justice to assist that Department in representing the interests of the Government, the agency or officer or employee involved in the litigation, and may be provided to other agencies involved in same or similar litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the litigation against the Government, agency, officer or employee or by the name of the person against whom the Government initiated the litigation. In addition, each case file is similarly identified on the alphabetical file folder within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of a litigation report request from the Department of Justice which results in a written report to that Department regarding the facts of the particular case. Information in this file may also be derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, denials of tort claims, denials of information requested under the Freedom of Information Act, and the collection of debts due the Government.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.133

System name: Justice Department Case File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 28 U.S.C. 2676; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is routinely provided to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the customhouse broker.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the request from the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.134

System name: Laboratory Report Card—Treasury/U.S. Customs.

System location: Chicago Regional Laboratory, U.S. Customhouse, Room 714, 610 South Canal Street, Chicago, Illinois 60607.

Categories of individuals covered by the system: The system covers those persons from whom suspected narcotics or dangerous drugs have been seized by Customs officials in the Region served by the Chicago laboratory when the seizure in question was submitted to the laboratory for analysis.

Categories of records in the system: Information on the report includes the name of the person, a description of the seized material, the date and place of seizure, the submitting official and his office and the results of the laboratory analysis regarding the identity of the seized material.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by laboratory staff within laboratory as a record of a submitted sample and the analysis results; (d) Used by laboratory staff and the staff of the office from which the seizure submitted to inform the seizing office of the analysis results; (e) Used by the chemist who performed the analysis as a memory aid when in court; (f) A copy of the report is used for the information of the prosecuting and/or defense attorneys involved in the case.

For additional routine uses see Appendix AA

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file cabinets.

Retrievability: By identification number and name.

Safeguards: Records are maintained in the laboratory and are not made available to non-laboratory personnel (except as under Subsection (e)(4) (d). All laboratory personnel are the subject of Federal investigative clearance prior to employment.

Retention and disposal: Retention—Records are retained at location for 15 years. Disposal—Destroyed by Laboratory Personnel by means of shredding.

System manager(s) and address: Director, U.S. Customs Laboratory, Customhouse, 610 South Canal Street, Room 714, Chicago, Illinois 60607.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information comes from copy of seizure report which accompanies sample and by analysis of the sample.

Treasury/Customs 00.135

System name: Legal Case Inventory System—Treasury/Customs.

System location: Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, Room 2325, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Customs employees to whom legal cases are assigned for initial review at Customs Headquarters.

Categories of records in the system: Name of Customs employees to whom legal cases are assigned for initial review, name of inquirer, date of correspondence, description of request, control number, and status.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a log system of all requests received in the Office; be able to locate each request, obtain present status, and to whom assigned. Obtain statistical information indicating the number of requests received per month for budget purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and hard copy print-out.

Retrievability: A weekly print-out for each division in the Office of Regulations and Rulings by the name of the employee assigned to the case is prepared. Retrieval of information by employee is accomplished by a manual search of the print-out.

Safeguards: The weekly printout is used only by division personnel to locate a specific case. Each branch in the division receives a copy of the printout for their use. During non-working hours the room is locked and the building is guarded by security police. Only authorized persons are permitted in the building.

Retention and disposal: An inquirer's name will remain in the computer until 90 days after a reply has been made to afford the inquirer ample time for resubmission of a request for consideration. Thereafter, his name is expunged by erasure of the tape. The print-out is disposed of as paper trash when a new print-out is received.

System manager(s) and address: Director, Classification and Value Division, U.S. Customs Service, Room 2330, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Branch Chief or delegate at the time the protest case is assigned to an individual for initial review.

Treasury/Customs 00.136

System name: Liquidated Damage Cases; Prior Violators—Treasury/Customs.

System location: Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, Massachusetts 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 111, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Prior violators of Customs Laws: e.g. Customhouse brokers, individual T/B violators, liquidated damage cases only.

Categories of records in the system: Name, address, Social Security number, type of violation and frequency of past violations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to determine those persons who are repeatedly assessed liquidated damages so appropriate administrative action may be taken.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on 3 x 5 index cards and in file folders.

Retrievability: Alphabetically; by name.

Safeguards: In locked file cabinet when not in use.

Retention and disposal: Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five years and then destroyed.

System manager(s) and address: Fines and Penalties Officer, U.S. Customhouse, Bonton, Massachusetts 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, Vermont 05478.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the office of Investigations provides any information developed during its investigation.

Treasury/Customs 00.137

System name: List of Vessel Agents Employees—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Persons employed by Vessel agents.

Categories of records in the system: Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open file.

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Retrievability: Alphabetical listing of employees by vessel agent name.

Safeguards: The file described is maintained in the Offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Employee name retained for period of employment with vessel agent agency.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois. See Location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Submission of data by importing carrier or his agent.

Treasury/Customs 00.139

System name: Litigation Issue Files—Treasury/Customs.

System location: Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Categories of individuals covered by the system: Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

Categories of records in the system: Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

Authority for maintenance of the system: 19 U.S.C. 1514—1516; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these files is routinely provided to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

Retrievability: Each issue filed is cross-indexed in the following card files: (a) by name of party-plaintiff; (b) by issue; and, (c) by titles of decided cases.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, New York, 10007.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.139

System name: Locator Cards—Treasury/Customs.

System location: Located in the Personnel Management Division, District, Port, and/or posts of duty of employees in each Region and Headquarters. See Customs Appendix A.

Categories of individuals covered by the system: The Employee Locator Card File contains Locator Cards on all current Customs employees, permanent and temporary.

Categories of records in the system: The Locator Card contains the following information: name; office extension; Bureau or Office name; division; branch, section, and Office symbol; building; room number; home address; home phone; name, address and phone of person to notify in case of emergency; reason for preparation (i.e., new employee, change of address, etc.); date prepared; whether placed in the Treasury Directory listing; whether home address can be given out, and related information.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Use as a ready reference for locating the office or extension of the employee at the request of other Customs employees or persons outside the agency desiring to contact the individual. Home address is used for training purposes or for emergencies only. Copies of the Locator Cards are also supplied to the Mail Room and to the General Receptionist for general location purposes, and to the Treasury Director Listing for those employees who wish to be included.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in appropriate file box.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked desk or file.

Retention and disposal: When an employee is separated his card is removed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters and/or appropriate administrative officer in Districts and Ports. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained on the Locator Card is obtained directly from the employee, who fills out the card himself when he comes on board.

Treasury/Customs 00.140

System name: Lookout Notice—Treasury/Customs.

System location: Lookout files are maintained in Offices of the District and Port Directors and the District and Local offices of the Patrol Division. See Customs Appendix A.

Categories of individuals covered by the system: Suspected violators of laws enforced by Customs.

Categories of records in the system: Name, address, height, weight, and any other information available on the individual at the time the notice is instituted.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The lookout notices are used by Customs to identify persons suspected of violating laws and to keep them under active review.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: The notice is printed on regular paper and then copied and stored within a file box.

Retrievability: Alphabetically, by name.

Safeguards: Stored in locked filing cabinet and access is limited to administrative personnel.

Retention and disposal: Retained for two years and then destroyed on site.

System manager(s) and address: Regional Commissioner of Customs, Regional Director of Investigations, Regional Patrol Director at appropriate Region. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.142

System name: Mail Entry Protest—Treasury/Customs.

System location: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Categories of individuals covered by the system: Individual member of armed forces, commercial importers, commercial exporters and private importers.

Categories of records in the system: Name, home phone number, office number, home address, relative address, year of service, income salary.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is placed in alphabetical file folder and placed within a metal file cabinet.

Retrievability: Each letter of protest is filed in alphabetical order by last name first.

Safeguards: The metal cabinet is located within an office that is locked during non-working hours.

Retention and disposal: The records are maintained in the files for a complete fiscal year. Records are removed to inactive files and held for three years prior to destruction.

System manager(s) and address: District Director of Customs, 3180 Bladensburg Road, N.E., Washington, D.C. 20018.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to made a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to made a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information of this office originated with and consists solely of information supplied by the protestor or requester.

Treasury/Customs 00.143

System name: Mail Protest—Treasury/Customs.

System location: District: Anchorage, 204 E. 5th Ave., Anchorage, Alaska; Great Falls, 215 1st Ave, No., Great Falls, Montana; Honolulu, 335 Merchant, Honolulu; Portland, 511 N.W. Broadway, Portland, Oregon; San Francisco, 555 Battery St., San Francisco, California; Seattle, First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Individual protesting duty assessed.

Categories of records in the system: Correspondence relating to individual.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Protest number.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director, See Location above for addresses.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person; the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual and Customs employees involved with case.

Treasury/Customs 00.144

System name: Mail Protest File—Treasury/Customs.

System location: Foreign Mail Section, District Office, 150 N.E. 7th St., Miami, Fla.

Categories of individuals covered by the system: Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

Categories of records in the system: Letters, invoices, and other pertinent documents pertaining to protests.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Customs Personnel processing mail protests; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licences, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in the Foreign Mail Section of the District Office, 100 N.E. 7 St., Miami, Fla.

Retrievability: Records are retrievable by name or protest number.

Safeguards: Access is limited to appropriate personnel and office is locked during non-working hours.

Retention and disposal: Records are kept until 3 years after the protest is decided.

System manager(s) and address: District Director of Customs, 100 N.E. 7 St., Miami, Fla.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

Treasury/Customs 00.145

System name: Merit Promotion Plan Case Files—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, 300 North Los Angeles Street, Los Angeles, California.

Categories of individuals covered by the system: Customs employees who have applied for promotion under a specific promotion announcement number.

Categories of records in the system: Applications and resumes.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Promotion case files are maintained in locked file cabinet and filed by announcement number.

Retrievability: System is alphabetically indexed by name on an 8 1/2 x 10 sheet. On each sheet is listed all the announcement numbers under which the employee has applied.

Safeguards: In addition to being stored in secure locked metal file cabinets, the building is guarded by uniformed security guards.

Retention and disposal: Promotion case files are destroyed every two years.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, 300 North Los Angeles Street, Los Angeles, California.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousands dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information came from the employee, employee's performance appraisals completed by supervisors and deliberations of promotion panels.

Treasury/Customs 00.147

System name: MILITARY DECLARATIONS FILE: DD Form 1252, Unaccompanied Articles Arriving from Foreign; DD Form 1854, Military Customs Declarations—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif; according to the list that is attached as Customs Appendix A. (Los Angelcs Region).

Categories of individuals covered by the system: All Military personnel arriving from foreign.

Categories of records in the system: Name, Rank, Service number, Date left the Continental U.S.; Date returned to the Continental U.S.; List of all articles purchased, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No 165, Revised, as amended, and the Customs Regulations and Customs Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Maintain records relating to all individuals arriving from foreign.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: DD Forms 1252 & 1854 in file cabinet.

Retrievability: Vessel, aircraft number, and name of individual.

Safeguards: Building is locked during non working hours.

Retention and disposal: 3 years.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. For addresses see Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Each individual returning military passenger.

Treasury/Customs 00.148

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include making recommendations for decisions on claims and making final decisions on claims; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.149

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CRF Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form NO. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant, the claimant's supervisor, or other reviewing Customs officers.

Treasury/Customs 00.150

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964 for damage to or loss of personnal property incident to their service.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 1331, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service who make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personnel Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.268

System name: Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Suite 1240, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

Categories of records in the system: Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the U.S. Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is utilized to formulate recommendations, and is made available, to the officials within the Customs Service to make final decisions on claims submitted pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel on the 12th Floor of 500 Dallas Street, Houston, Texas. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

Retention and disposal: These files are retained until closed at which time the closed files are transferred to the Division of Facilities Management, Office of the Regional Commissioner, Houston, Texas for ultimate transportation to the Federal Record Center.

System manager(s) and address: Regional Counsel, Suite 1240, United States Customs Service, 500 Dallas Street, Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaing access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified of how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the

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requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

Treasury/Customs 00.151

System name: Motor Vehicle Accident Reports—Treasury/Customs.

System location: Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

Categories of individuals covered by the system: U.S. Customs Employee involved in an automobile accident while on official duty.

Categories of records in the system: Name, Social Security Number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

Retrievability: Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during nonworking hours is controlled.

Retention and disposal: Files are maintained at location for 2 years and then transferred to the Federal Records Center where they are retained for four years.

System manager(s) and address: Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

When the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

Treasury/Customs 00.152

System name: Motor Vehicle Operator's Identification Card—Treasury/Customs.

System location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601; Regional Commissioner, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All Customs employees in District 20 whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

Categories of records in the system: Records on file contain the follwoing information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses, arrests, and accidents during past five years, record of safe driving awards.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation

or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contact, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On SF-47 and Treasury Department Form 2770 in appropriate file.

Retrievability: By name.

Safeguards: Unlocked file cabinet in locked office.

Retention and disposal: Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

System manager(s) and address: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601; District, Logistics Management Division, 701 Loyola Avenue, New Orleans, LA 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system or records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

Treasury/Customs 00.153

System name: Motor Vehicle Operators I.D. Card and Record—Treasury/Customs.

System location: Room 102, Federal Building, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District authorized to drive government vehicles.

Categories of records in the system: Name, position, driving record of employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To account for those employees to whom driver's licences have been issued and to maintain information concerning their driving record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in index card file. Stored in unlocked metal cabinet.

Retrievability: Information is on cards, indexed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years, then destroyed.

System manager(s) and address: District Director, Federal Building Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information furnished by employee and his supervisors. Accident reports.

Treasury/Customs 00.154

System name: Narcotics Importers—Treasury/Customs.

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: All individuals and companies importing dangerous drugs.

Categories of records in the system: B.N.D. Form 35, Ed. 9-68 on individuals and companies importing opium and coca leaves.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 or 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system or records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Customs officers who process importation of such drugs keep records of dangerous drugs imported into the United States.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetical listing.

Safeguards: Office locked at end of day.

Retention and disposal: Permanent record.

System manager(s) and address: Regional Commissioner (Area Director, New York Seaport Area) See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information supplied by Importer and Customs Officers.

Treasury/Customs 00.155

System name: Narcotics Suspect File—Treasury/Customs.

System location: Customs Patrol Office, Room 807, Appraisers' Stores Building, 103 South Gay Street, Baltimore, Maryland 21202 (after August 1975, Customs Patrol Office, Room 15, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Known violators of Federal narcotics laws. Suspected violators of Federal narcotics laws. Associates of known and suspected violators. Informants and other persons of interest to patrol officers in the performance of their duties.

Categories of records in the system: Criminal and civil case files; information of possible violators, informant files, known suspect files, and files of information of interest to patrol officers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by patrol officers to determine an individual's previous record when determining the proper recommendations for criminal and civil penalties; (d) Used by patrol officers to determine patterns of violations and assist in the more efficient performance of their duties; (e) Used by officers and employees of the Customs Service and the Department of the Treasury to compile statistics and determine patterns of violators; (f) In the event that this system of records includes information which indicates a violation or possible violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (h) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal Buildings.

Retrievability: A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

Retention and disposal: The file records are maintained indefinitely.

System manager(s) and address: Director, Baltimore Patrol Division, Appraisers' Stores Building, Room 807, 103 South Gay Street, Baltimore, Maryland 21202, (after August 1975, Director, Baltimore Patrol Division, U.S. Customhouse, Room 17, 40 South Gay Street, Baltimore, Maryland 21212).

Systems exempted from certain provisions of the act: QD

The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.156

System name: Narcotic Violator File—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Categories of individuals covered by the system: Persons who have been found in possession of any controlled substance within the Buffalo District.

Categories of records in the system: Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Open card file (3 x 5) is kept in metal flip file.

Retrievability: Narcotic violator case files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

Safeguards: Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24-hour guard.

Retention and disposal: File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

System manager(s) and address: District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, New York 14202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willingly seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the district.

Treasury/Customs 00.158

System name: Non-Disciplinary Grievance Case Files—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and Headquarters according to list in Customs Appendix A.

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Categories of individuals covered by the system: Customs employees who have non-disciplinary grievances pending or completed.

Categories of records in the system: Copy of grievance, minutes of meetings, management's attempt at resolution, decision, recommedations of grievance examiner, and other related materials.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) Used by certain members of the Personnel Management Division or their supervisors as maintenance of records in the event of further grievances and for statistical use in reporting.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files and treated as "For Official Use Only".

Retention and disposal: Records are maintained for five years, then transferred to the Federal Records Center where they are retained for fifteen years and then destroyed.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employees, supervisors, and grievance examiners.

Treasury/Customs 00.159

System name: Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

System location: Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Categories of individuals covered by the system: Customs employees who are suspected of misconduct.

Categories of records in the system: A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165; Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Notification serves to notify certain Personnel Management Division employees of the investigation to assure compliance with Chapter 751 of the Customs Personnel Manual which precludes the processing of certain personnel actions while employees are under investigation. Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

Retrievability: The file contains the name of the employee; therefore retrievability is by the individual's name.

Safeguards: A metal container, described above, is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The name file is retained until notification has been received that the investigation has been cancelled or on receipt of a report of investigation from the Office of Internal Affairs.

System manager(s) and address: Director, Personnel Management Division, 500 Dallas Street, Houston, Texas 77002.

Record source categories: The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.160

System name: Operations Officer's (Classification and Value) Work Accomplishments—Treasury/U.S. Customs.

System location: Office of the Regional Commissioner, U.S. Customs Service Classification and Value Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603.

Categories of individuals covered by the system: Operations Officers in the Classification and Value Division.

Categories of records in the system: Travel File—Names, dates, purpose and locations travelled. Assignments Folder—Correspondence of specific assignments filed by name. Reading File—Copies of all originally written documents filed by name.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Historic record of work accomplishments in one file by name. (d) It is used as a file index to locate the master file record.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder under secretarial control.

Retrievability: Manual file system.

Safeguards: Stored in the division area away from unescorted public.

Retention and disposal: Filed for five years then destroyed.

System manager(s) and address: Regional Commissioner, U.S. Customs Service, 55 East Monroe, Suite 1501, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The sources are from the Operations Officers and a copy of typewritten work.

Treasury/Customs 00.275

System name: Operator Identification File—Treasury/Customs.

System location: Honeywell Computer Center, 7900 Westpark Drive, McLean, Virginia.

Categories of individuals covered by the system: Customs Service employees who are authorized to operate computer terminals under the AMPS/Entry Processing System.

Categories of records in the system: Terminal identification number, operator identification number, operator name, and transaction class code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties include collecting statistics for supervisors and management and ensuring that only authorized persons have access to information on transactions contained in the AMPS/Entry Processing System and that only authorized terminals are utilized on authorized transactions; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc.

Retrievability: By operator name or identification number.

Safeguards: The terminal is locked when not in use, the entrances to the building are locked, the building is patrolled by security guards, and access to the file is restricted to authorized persons.

Retention and disposal: The file is retained indefinitely but is periodically updated to reflect changes in the employment or authorization of each operator.

System manager(s) and address: Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content,

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shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Administratively created through Internal Customs Service records.

Treasury/Customs 00.161

System name: Optional Retirement List—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All employees who are eligible for optional retirement.

Categories of records in the system: Name, date of mandatory retirement, and service computation date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a locked file cabinet.

Retrievability: By name.

Safeguards: Accessible only to the Personnel Officer. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

Retention and disposal: Records are retained for two years then destroyed.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information is obtained from the Employees Service Record Report.

Treasury/Customs 00.162

System name: Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: All Customs employees by organizational entity.

Categories of records in the system: Position control number and other personnel data such as social security number, date of birth, name, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required

in administration of the Freedom of Information Act (5 U.S.C. 522); (c) Used by managers and planners at all levels for position control purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on Mag-tape.

Retrievability: Records are indexed by organizational segment, code, position control number, and name.

Safeguards: Limited access.

Retention and disposal: Records are maintained on mag-tapes indefinitely or until employee separation.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: COAPMS is composed of four basic inputs: CF-105-Position Change Form—presently prepared by the Headquarters Personnel Branch and operating offices, Post of Duty Codes—established by the Accounting Division, Ceilings—established by the Budget Division, CF-112—a Request for PPBS Code and Standard Abbreviation of Position.

In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

Treasury/Customs 00.163

System name: Outside Employment Requests—Treasury/Customs.

System location: Located in the Personnel Management Division of each Region and Headquarters and/or appropriate District, Port, or post of duty office of employee making request.

Categories of individuals covered by the system: All employees engaged in outside employment.

Categories of records in the system: Outside employment request.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties: (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used to ensure the Customs employees are not engaged in other employment that would create a conflict of interest with Customs Service or Treasury Department.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: CF-3031 kept in manila folder.

Retrievability: By employee name.

Safeguards: Locked file cabinet or limited access offices.

Retention and disposal: Until disengagement from outside employment or employee separation.

System manager(s) and address: Director, Personnel Management Division in each regional office and Headquarters and/or appropriate managerial official in each port or district of employee.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting

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identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employee submission of form CF-3031.

Treasury/Customs 00.164

System name: Overtime Earnings—Treasury/Customs.

System location: Office of the Regional Commissioner, Region IX, Inspection and Control Division, 55 East Monroe Street, Suite 1501, Chicago, Illinois 60603 and each District Director's office in Region IX.

Categories of individuals covered by the system: U.S. Customs inspectional and warehouse personnel engaged in performance of overtime and reimbursable work assignments in Region IX.

Categories of records in the system: Summary of total overtime earnings for individual employees participating in overtime assignments in Region IX.

Authority for maintenance of the system: Sec. 19 and 24 of the Occupational Safety and Health Act of 1970, 84 Stat. 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Review of overtime earnings to insure required equalization of overtime is maintained in each port in Region IX.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in loose leaf binder in alphabetical listing by individual name and kept in the office of the Director, Inspection and Control Division, Region IX.

Retrievability: By individual name in alphabetical order.

Safeguards: Locked in the desk of Director, Inspection and Control Division and made available only to authorized U.S. Customs personnel.

Retention and disposal: Retained for two years then destroyed.

System manager(s) and address: Director, Inspection and Control Division, Region IX, 55 East Monroe, Suite 1501, Chicago, Illinois 60603 and respective District Directors.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Record is compiled from information supplied by employee on Customs Form 6082 (Work Ticket) that is completed for each overtime assignment worked.

Treasury/Customs 00.165

System name: Overtime Earnings—Treasury/Customs.

System location: Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126.

Categories of individuals covered by the system: Inspection and Control employees participating in overtime assignments within the district of San Francisco.

Categories of records in the system: Name and the total current monetary earnings computed to the nearest dollar.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To maintain records of extra compensation earnings on a yearly basis for each employee in each participating group, i.e., Customs Inspectors, Supervisory Customs Inspectors, Inspectional Aids, etc. (b) A report of the monetary earnings from each overtime participant is given to each station supervisor every two weeks. (c) The report is available to all employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is kept on a visible chart board and the information on earnings is constantly changing.

Retrievability: The individual's name appears alphabetically according to their geographical location within the Port.

Safeguards: The room wherein the visible chart is kept, is locked at other than regular working hours.

Retention and disposal: The information on each employee constantly changes and is maintained as long as the employee is working in the inspection overtime system.

System manager(s) and address: Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, California 94126.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from actual overtime earnings made by each employee in the system.

Treasury/Customs 00.166

System name: Overtime Earnings Daily Log Book—Treasury/Customs.

System location: Chief Inspector, 1001 N. American Way, Miami, Fla., Port Director of Customs, Port Everglades, Fla., Port Director of Customs, West Palm Beach, Fla., Director Airport Operations, Miami International Airport.

Categories of individuals covered by the system: All participants in overtime.

Categories of records in the system: Monetary amount of overtime earned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Supervisors and participants in overtime earnings; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is kept in file folders at assignment offices listed under location.

Retrievability: Records are retrievable by name of participant.

Safeguards: Record is kept in non-public portions of listed offices.

Retention and disposal: Records are kept on a calendar year basis and are disposed of after computer printouts are received.

System manager(s) and address: District Director of Customs, 100 N.E. 7th St., Miami, Fla. 33132.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information for this record is obtained from the overtime work tickets.

Treasury/Customs 00.167

System name: Overtime Earnings Record—Customs Warehouse Officers—Treasury/Customs.

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System location: Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Categories of individuals covered by the system: Customs Warehouse Officers under the supervision of the Philadelphia District who participate in 1911 Overtime earnings.

Categories of records in the system: Bi-monthly postings of participating employees' actual 1911 Overtime earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each posting is made manually on a 5 inch by 8 inch index card which is filed in the Supervisory Warehouse Officer's desk.

Retrievability: Each card is identified by the name of the Warehouse Officer and his grade.

Safeguards: The records are kept in a closed desk drawer; during working hours, only the Supervisory Warehouse Officer has access to the desk. During non-working hours, the building is either locked or controlled by uniformed guards.

Retention and disposal: Overtime earnings records of Customs Warehouse Officers are kept for one year and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa. 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from a bi-monthly data center print-out, number RCS-AA66-10, for the Port of Philadelphia.

Treasury/Customs 00.168

System name: Overtime File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; according to the list that is attached as Customs Appendix A.

Categories of individuals covered by the system: All Customs employees earning overtime.

Categories of records in the system: Annual earning list; bi-weekly earning list of overtime for each Customs Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations. Customs Accounting Manual, and Government Accounting Office Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Maintained to insure equal earnings and maintain master list of earnings to date.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper-File cabinets.

Retrievability: Alphabetical order by name.

Safeguards: Locked doors.

Retention and disposal: 3 years and then destroyed.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information comes from each individual employee's overtime work ticket and computer printout.

Treasury/Customs 00.169

System name: Overtime Log—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Employees of U.S. Customs Service participating in overtime under the Act of Feb. 13, 1911.

Categories of records in the system: Name, overtime rate, overtime amount earned by date, overtime earned on holiday or Sunday or during any other night, and running total of earnings.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To keep a record of overtime earnings worked by each individual participant. (b) To keep a record of overtime earnings by different participating groups; i.e., Inspectors, Supervisory Customs Inspectors, Warehouse officers, etc. (c) Used to make a daily list of overtime participants by earnings.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on loose leaf folder paper in a black binder. This binder is located adjacent to the documents examiner's desk.

Retrievability: Each loose leaf folder paper is identified by name and is filed according to current overtime earnings and participating groups.

Safeguards: The documents examiner's desk is located next to the manifest desk in the U.S. Customs Service office. The manifest desk is manned 24 hours a day, seven days a week by Customs personnel.

Retention and disposal: The files are kept in the binder for one calendar year then placed in a folder, boxed, sealed, labeled and placed in our locked storeroom. The files are destroyed after five years.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notifed in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Contesting record procedures: See Access above.

Record source categories: Overtime records are compiled by Customs personnel responsible for accounting for overtime.

Treasury/Customs 00.170

System name: Overtime Reports—Treasury/Customs.

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System location: U.S. Customs Service, Office of Investigations, Region V. RDI, 2900 Plaza Tower Building, New Orleans, La. 70113; SAC, P.O. Box 1704, Mobile, Ala. 36601 RA, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Categories of individuals covered by the system: All Special Agents in region certified to receive premium compensation.

Categories of records in the system: Numbers of hours worked by Special Agents over and above the normal 40 hour week.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No.1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Record of number of unscheduled overtime hours worked by each Special Agent.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These forms are maintained in file folders in a locked filing cabinet.

Retrievability: Files are kept in alphabetical order.

Safeguards: During non-working hours the rooms in which the above described containers are located are locked.

Retention and disposal: These files are maintained on Special Agents and are destroyed three years after agent leaves agency or office.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, Ala., 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Rm. 303, Nashville, Tenn., 37203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with, and consists solely of information supplied by employees.

Treasury/Customs 00.171

System name: Parking Permit File—Treasury/Customs.

System location: Logistics Management Division, U.S. Customs Service Headquarters, Room 1415, 1301 Constitution Avenue, N.W., Washington, C.C. 20229.

Categories of individuals covered by the system: Individuals and members of car pools to whom vehicle parking permits have been issued.

Categories of records in the system: Name, home phone number, home address, organization, office telephone number, years of service, and make, year, license number and registration number of vehicle.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service Headquarters to evaluate applications and to assign and monitor available parking spaces. (d) Disclosure to the General Services Administration for that agency's official use.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on GSA Forms 7415 (Parking Permit Applications) which consist of index card applications. The index card applications are placed within a file box which is located in a metal file container.

Retrievability: Each index card is identified by the name of the applicant, and the cards are filed alphabetically within the file box.

Safeguards: The card file box is placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

Retention and disposal: Active index cards are retained in this system indefinitely. However, the information in this sytem is reviewed every six months, and outdated index cards are discarded.

System manager(s) and address: Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, Room 1337, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with, and consists solely of, information supplied by the applicant(s) on GSA Form 7415 (Parking Permit Application).

Treasury/Customs 00.172.

System name: Parking Permits File (N.Y. Region)—Treasury/Customs.

System location: U.S. Customs Service, Assistant Regional Commissioner (Administration), 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Organizational units and persons holding parking permits.

Categories of records in the system: Name of person issued parking permit, and number of parking spot assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To keep track of permits issued and to identify the holder of the permit if violations occur or problems develop (i.e. car lights left on).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: By name.

Safeguards: Office locked at night.

Retention and disposal: Retained until changed.

System manager(s) and address: Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is compiled when parking permit is assigned.

Treasury/Customs 00.173

System name: Parking Space File (Los Angeles Region)—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; San Ysidro Border Station employee parking lot. (See Customs Appendix A).

Categories of individuals covered by the system: Individuals issued electronic gate cards and numbered bumper stickers.

Categories of records in the system: Alphabetical record of individuals.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged

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with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine" use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Available to GSA and supervisors who have need for information. (f) Used to control access and space allocations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in Clerk-Secretary file cabinet.

Retrievability: Maintained alphabetically.

Safeguards: Not available to public.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, San Diego, Calif.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters; 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement, asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information collected when permits issued.

Treasury/Customs 00.174

System name: Passengers' Declarations File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego, Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.; according to the list that is attached as Customs Appendix A.

Categories of individuals covered by the system: All persons arriving from foreign countries via commercial vessel or aircraft.

Categories of records in the system: Name, date of birth, citizenship, vessel's name, permanent address, address while in the U.S., names and relationships of accompanying family members; any plant material, fruit, currency or negotiable instruments valued at over five thousand dollars in U.S. currency; place where visa issued and visa number; description of articles and value at the time of entrance.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended and the Customs Regulations and Customs Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) To maintain records relating to all individuals arriving from foreign countries, citizenship, and personal belongings; foreign purchases, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file cabinets.

Retrievability: By vessel or aircraft flight number; name.

Safeguards: Building locked at night.

Retention and disposal: 3 years.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Each arriving individual is required to fill this form out and submit it to the Customs Officer or Immigration Officer.

Treasury/Customs 00.175

System name: Patrol Division Daily Activity Report—Treasury/Customs.

System location: Offices of the Patrol Division, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Individuals employed as Customs Patrol Officers.

Categories of records in the system: Internal Patrol Division folder maintained by Director, Patrol, by name to record work performance on a daily basis of each individual Patrol Officer. Also, individual record of scheduled overtime, sick or annual leave hours.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to maintain evaluation rating on employees of Patrol Division;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual activity records are maintained in file folders stored in a locked metal file cabinet.

Retrievability: Each folder is filed alphabetically by an individual's name.

Safeguards: File folders are kept in a locked metal file cabinet which is located in an office that is locked during non-working hours.

Retention and disposal: Folders are maintained for the duration of an employee's service with the Patrol Division and then destroyed.

System manager(s) and address: Supervisory Customs Patrol Officers, Chicago District, Detroit District and Pembina District, Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in this record system originates from reports of Customs Patrol Officers involving records of their daily patrol activities.

Treasury/Customs 00.176

System name: Patrol Information Data System—Treasury/Customs.

System location: Office of Director, District Patrol Division, U.S. Customs Service, Room 1400 Customhouse, Boston, Massachusetts 02109.

Categories of individuals covered by the system: Customs violators, suspects, known narcotic violators; business names; suspect vessels, aircraft and vehicles.

Categories of records in the system: Name, address and numerical file reference number and date.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the record contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to investigating suspected law violations. Used to alert patrol officers of persons to watch for;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index card with name, address and related number filed in metal index file drawer.

Retrievability: By name.

Safeguards: The metal index file is maintained within the office of Director, District Patrol Division. The room is locked during non-working hours.

Retention and disposal: These files are retained for a period of three years and then destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 2 India Street, Boston, Massachusetts 02109.

Notification procedure: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Same as Notification above.

Systems exempted from certain provisions of the act: Same as Notification above.

Treasury/Customs 00.177

System name: Patrol Officer Activity Listing—Treasury/Customs.

System location: Regional Patrol Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Mass. 02203.

Categories of individuals covered by the system: Employees of the Regional Patrol Division, Boston, Massachusetts.

Categories of records in the system: Ledger listing of arrests, seizures and other job-related activities.

Authority for maintenance of the system: 5 U.S.C 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an administrative tool to keep track of the activities performed by each patrol officer;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledger.

Retrievability: Alphabetical by name.

Safeguards: Locked file.

Retention and disposal: Individual record retained while employee is assigned to the Regional Patrol Division. Upon separation of employee, individual record is destroyed.

System manager(s) and address: Director, Regional Patrol Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, Headquarters, 301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from reports prepared by the Patrol Officers.

Treasury/Customs 00.179

System name: Patrol Officers Case File—Treasury/Customs.

System location: (a) Customs Patrol Office, Room 807, Appraisers' Stores Building, 103 S. Gay St., Baltimore, Maryland 21202. After August, 1975, Customs Patrol Office, Room 15, U.S. Customhouse, 40 S. Gay Street, Baltimore, Maryland 21202; (b) Customs Patrol Office, Room 207, U.S. Customhouse, 101 East Main Street, Norfolk, Virginia 23510; (c) Customs Patrol Office, International Arrivals Area, Dulles International Airport, Washington, D.C. 20041.

Categories of individuals covered by the system: Known criminal and civil violators of Federal, state and local laws, statutes and ordinances. Suspected criminal and civil violators of Federal, state and local laws, statutes and ordinances. Associates of known and suspected violators of Federal, state and local laws, statutes and ordinances. Other persons of interest to patrol officers in the carrying out of their functions.

Categories of records in the system: Criminal and civil case files; information of possible violators, known suspect files, and files on information of interest to patrol officers.

Authority for maintenance of the system: 5 USC 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosures to those officers and employees of the Customs Service

and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 USC 552); (c) Used by patrol officers to determine an individual's previous record when determining the proper recommendations for criminal and civil penalties; (d) Used by patrol officers to determine patterns of violations and assist in the more efficient performance of their duties; (e) Used by officers and employees of the Customs Service and the Department of the Treasury to compile statistics and determine patterns of violators; (f) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (h) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal buildings.

Retrievability: A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

Safeguards: In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

Retention and disposal: The file records are maintained indefinitely.

System manager(s) and address: Director, Baltimore Patrol Division, Appraiser's Stores Building, Room 807, 103 South Gay Street, Baltimore, Maryland 21202 (after August, 1975, Director, Baltimore Patrol Division, U.S. Customhouse, Room 17, 40 South Gay Street, Baltimore, Maryland 21212.

Notification procedure: This system is exempted elsewhere in the Federal Register.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Same as Notification above.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.178

System name: Payroll Administration/Problems—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Any individual employed by Region I who has a payroll problem.

Categories of records in the system: Name, social security number, office location, type of problem and background.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in locked cabinet.

Retrievability: By District and name.

Safeguards: Records are accessible to employees of Personnel Management Division whose duties require them to use these records. In addition to being stored in a locked cabinet, the area in which the records are located is locked during non-working hours and the building is guarded by uniformed security police.

Retention and disposal: Records are destroyed three months after resolution of the problem.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content

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shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is supplied by the employee who has the problem.

Treasury/Customs 00.180

System name: Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

Categories of records in the system: Records detail of earnings and taxes.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used as a record for reporting and paying payroll taxes;

For additional routine uses see Appendix AA

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

Retrievability: Each file is identified by the name of the individual.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The files are retained for two years on the premises and then sent to the Federal Records Center where they are retained for three years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

Treasury/Customs 00.181

System name: Payroll Report—Treasury/Customs.

System location: Fianacial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Categories of individuals covered by the system: All Region V employees.

Categories of records in the system: All pay and deductions paid Region employees on a biweekly basis.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) To verify the accuracy of pay due employees; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: ADP printouts, unlocked cabinets.

Retrievability: Social Security number.

Safeguards: Usage limited to Region personnel.

Retention and disposal: In accordance with Records Control Manual.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, Region V, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Personnel and payroll action documents.

Treasury/Customs 00.182

System name: Penalty Case File—Treasury/Customs.

System location: Office of Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Region I and which have been referred to the Regional Commissioner of Customs, Region I.

Categories of records in the system: (a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of alleged violator.

Safeguards: Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

Retention and disposal: Retained indefinitely or until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Commissioner of Customs, John F. Kennedy Federal Bldg., Room 2411, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present

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adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Exemption below.

Record source categories: The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.183

System name: Personal Search (Negative)—Treasury/ Customs.

System location: All ports, Region IX, Chicago, Illinois.

Categories of individuals covered by the system: All individuals subject to U.S. Customs inspection.

Categories of records in the system: Records contain date, time and place of search in addition to reason for and result of search, names of Customs officers conducting and authorizing search, name and address and date of birth of parties searched.

Authority for maintenance of the system: 19 U.S.C. 482; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are located in Port Office.

Retrievability: Records kept in alphabetical order.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the room and/or building in which the cabinet is located is locked.

Retention and disposal: Files are retained in Port Office for five years after which they are destroyed.

System manager(s) and address: District Directors/Port Directors as applicable, in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request in not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Form is prepared by Customs offices performing the personal search and is the sole source of information.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.184

System name: Personal Search N.Y. District (Negative results)—Treasury/Customs.

System location: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, NY 13699.

Categories of individuals covered by the system: Any person who an inspector at any port or station in the district has deemed should be searched because of his appearance, associations, or other valid reason.

Categories of records in the system: Name, address, date of birth, social security number, place of birth, occupation, driver's license number, and other identification number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Means of determining number of personal searches being performed (to see authority is not abused). Establishes a record in case of complaint; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file jackets in steel file cabinet.

Retrievability: By name.

Safeguards: Available to the District Director and authorized personnel of his staff only.

Retention and disposal: Retained for five years then destroyed by burning or shredding.

System manager(s) and address: District Director, U.S. Customhouse, 127 North Water Street, Ogdensburg, N.Y. 13699.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: From inspectors throughout the district.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justifiication for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.185

System name: Personal Search—Negative (District Director—Mobile, Alabama)—Treasury/Customs.

System location: District Director of Customs, Room 218, International Trade Center, 250 North Water Street, Mobile, Alabama 36602.

Categories of individuals covered by the system: Individuals who have been subjected to search by Customs Officers in which no arrest or seizure is made.

Categories of records in the system: CF 151-Search/Arrest/Seizure Report: Used to record any occasion when a Customs Officer is involved or participates in a personal search, an arrest, or a seizure of merchandise or contraband articles. CF 5211-Record Log of Fines, Penalties and Forfeitures-Record, by case number, of all CF 151's issued; reflects name and address of person searched, name of searching officer, reason for search, and brief summary of the situation which resulted in the search.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Violator name and/or penalty case number.

Safeguards: In file cabinets in secure office area which is locked when not occupied, in building with 24-hour guard service.

Retention and disposal: Maintained with penalty case files for five years and after clearance by Security and Audit, shredded on site. CF 5211-(Record Group 217) Retained for 10 yrs. and 3 months and destroyed by shredding after clearance by Security and Audit.

System manager(s) and address: District Director of Customs, P.O. Box 2748, Mobile, Alabama 36601.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, Region V, Room T-13210-V, Postal Service Building, New Orleans, La. 70113, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity,and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If any individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, Region V, Room T-13210-B, Postal Service Building, New Orleans, La. 70113, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquaters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signatures and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individual involved. Arrest and violation records from Federal, state and local police. Customs Officers. TECS Query and NCIC Query—These systems provide data by name, license numbers and other numerical identifiers on prior records of violations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.186

System name: Personal Search—Negative (District Patrol—New Orleans, La. and Mobile, Al.)—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Avenue, New Orleans, Louisiana 70113; Director, District Patrol Division, Room 213, International Trade Center, 250 International Trade Center, 250 N. Water Street, Mobile, Al. 36602.

Categories of individuals covered by the system: Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

Categories of records in the system: Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950, Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employeee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System indexed by identifying file number and manually retrieved.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access, consistant with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

Retention and disposal: Negative Search Reports are destroyed after a five year period. Method of disposal is shredding.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Building, 1001 Howard Avenue, New Orleans, Louisiana 70113.

Notification procedure: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A.), or to the Director, Entry Procedure and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Hradquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person; it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: The information in this sytem originates with, and consists soely of, information supplied by the individual being searched and the patrol officer doing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.187

System name: Personal Search File—Treasury/Customs.

System location: U.S. Customs Service, Honolulu International Airport, Honolulu, Hawaii 96819.

Categories of individuals covered by the system: Passengers, arriving from foreign countries, the Customs Service found necessary to search.

Categories of records in the system: Name, address, date, time, date of bith, region, port, race, sex, carrier, (airline and flight number), description, passport number, birth place, social security number, marital status, citizenship, reasons for search, searching officer, witness, result of search, search authorized by, and extent or type of search.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950. Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purpoes of such uses: The routine uses of the records contained in this system are as follows: (a) All three forms used in this system are kept so as to have a clear and concise record of all searches conducted by the U.S. Customs Service; (b) The files are used to answer all inquiries into any aspect of any personal searches conducted at this station; (c) The current CF 151 file is used as the primary input document for the Customs Law Enforcement Activity Reporting (CLEAR) system which provides, in turn, accurate and timely statistical reporting; (d) Disclosure to officers and employees of the Customs Service and the Department of the Treasury who have a need for records in the performance of their duties; (e) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Region Form VIII-RC-51-BNF, CF 43, CF 151. These forms are found in binders on the reference shelves in the Customs office.

Retrievability: Each form is identified by name and is filed alphabetically. The files are further broken down by form number and calendar year.

Safeguards: The files are located in the Customs office. This office is manned 24 hours a day, 7 days a week by Customs personnel.

Retention and disposal: Active file forms are kept for five years. After five years the files are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customs Service, Honolulu, Hawaii 96819.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identitiy, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates from personal searches conducted on passengers arriving from foreign destinations.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in Federal Register.

Treasury/Customs 00.188

System name: Personel Search Report—Treasury/Customs.

System location: Ports of enry,—Nogales, Arizona District.

Categories of individuals covered by the system: Persons on whom personnel searches are performed at the various ports of entry.

Categories of records in the system: Customs Form 151 containing personal information on individual searched and reasons for search.

Authority for maintenance of the system: 19 U.S.C. 1467,5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department, Order No. 165 Revised as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Retained as record to answer inquires into any aspects of personal searches conducted by the Customs Service. Disclosed to Treasury Department Personnel as necessary for performance of duties. Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each CF 151 covering personal searches is maintained in alphabetical order at the various ports of entry.

Retrievability: By name of person searched.

Safeguards: Records are retained in file cabinets (lockable) and buildings are locked during other than office hours.

Retention and disposal: Records are retained for 5 years and destroyed by burning.

System manager(s) and address: Port Directors at the various ports of entry in the Nogales, Arizona District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedure to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information contained herein originates with the Inspector and contains personal information obtained from the individual searched and reasons for performing the search.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.189

System name: Personnel Action Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons employed by the Treasury Department, Customs Service who either initiate a grievance, discrimination complaint, an unfair labor practice complaint against the U.S. Customs Service and officer or employee therof, or have a disciplinary or other adverse action initiated against him or her by the U.S. Customs Service in Region IX.

Categories of records in the system: The Personnel Action Records System contains information regarding employment history, i.e. basic personnel data, age, birth, marital status, address, phone number, general health, details of the incident leading to the grievance, discrimination complaint, disciplinary action, adverse action, or unfair labor practice complaint.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Personnel Action Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service, the Department of the Treasury, the Civil Service Commission, and the Department of Justice who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues related to the personnel action involved, in preparing for, and representing management in, administrative hearings and administrative appeals, and providing information and assistance to U.S. Attorneys and the Department of Justice in litigation. Potential litigation or litigation will require disclosure of the information to the Department of Justice, and this information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the action against the Customs Service, or against whom it was initiated. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Record Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the initiation of any personnel action either by or against an employee. The information submitted by the employee is in the file as will be the information submitted by the employer if the action is initiated by the employer. Further information in this file is derived from both employee and employer information of an investigation made by the Office of Internal Affairs, investigation reports by the Office of Investigations, memoranda from the Civil Service Commission and possibly other agencies having employed the individual. Information could also be obtained form Customs employees, former Customs employees, private parties, corporations, confidential informers, credit bureaus, foreign countries or officials thereof, foreign citizens and any other source with information pertinent to the Personnel Action.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.190

System name: Personnel Case File—Treasury/Customs.

System location: Office of the Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending displinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include evaluating pruposed disciplinary actions, grievances and EO complaints, recommending action to be taken in such cases, preparing necessary decisional documents in such cases, preparing proposed charges where appropriate, preparing for administrative hearings held in regard to these matters and making the records a part of the record at such hearings; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Disclosure to the Civil Service Commission in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During nonworking hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

System manager(s) and address: Chief Counsel, Room 3305, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private nongovernmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.191

System name: Personnel Case File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y 10048.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level; (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their du-

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ties; (c) Disclosures required in administration of the Freedom of Inforamtion Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel of Customs, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stupulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.192

System name: Personnel Case Files (Region VIII)—Treasury/Customs.

System location: Office of the Regional Counsel, 15th Floor, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Categories of individuals covered by the system: Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

Categories of records in the system: Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) The information contained in this file is used administratively to evaluate proposed disciplinary actions, grievances and EO complaints, to recommend action to be taken in such cases, and to prepare necessary decisional documents in such cases, and to prepare proposed charges where appropriate. The information contained in this file is used to prepare for administrative hearings held in regard to these matters and is routinely made a part of the record at such hearings. Information contained in this file is also made available to the Civil Service Commission in connection with such hearings and may be made available to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted alphabetically in an unlocked drawer within a metal file cabinet.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal file cabinet.

Safeguards: The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours, the metal file cabinet and the room in which the metal file cabinet is located are locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, 15th Floor, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by

Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.193

System name: Personnel Files of Customs Employees—Treasury/Customs.

System location: Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: Outside of the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publicaions, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, senority status, leave, overtime earnings, productivity, locator card information, and related employment records.

Authority for maintenance of the system: 5 U.S.C. 301 Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);(c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regultion, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) For supervisors and appropriate managers in making job-related determinations about employees(g) For employment and salary verification upon request from public.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, and/or on index cards, and/or ledgers.

Retrievability: Records are indexed by name, or social security number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with limited access.

Retention and disposal: Records are maintained as long as they are of use, i.e., while employee is still employed or may be considered desirable for re-employment. Otherwise destroyed.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regualtions and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompained by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

Treasury/Customs 00.194

System name: Personnel/Payroll System—Treasury/Customs.

System location: Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized in the IRS Data Center, Detroit, Michigan. See Customs Appendix A.

Categories of individuals covered by the system: All Customs employees.

Categories of records in the system: These records contain Personnel data maintained in the Official Personnel Folder, such as name, social security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Records are used for payroll processing, reports on payroll information such as Employee Service Record report (IRS Form 3695), Comprehensive Payroll listing (IRS Form 2979), Payroll Journal Detail Listing (IRS Form 3124) and others.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on mag-tape and computer printout.

Retrievability: Records are indexed by name or social security number.

Safeguards: Records are maintained in locked files, secured rooms, or limited access.

Retention and disposal: Individual records are not in system after separation; Official Personnel Rebords of separated employees either are sent to new agency or to Records Center. Time and attendance records are maintained three years, or until after audit; then destroyed.

System manager(s) and address: Directors, Personnel and Financial Management Division in each region and headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from Official Personnel Folders and Time and attendance and leave records.

Treasury/Customs 00.195

System name: Personnel Records System, Office of Regional Counsel, Region IX—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Employees directly reportable to the Regional Counsel of Customs, Region IX.

Categories of records in the system: Attendance records, annual and sick leave records, personal information for emergency situations, i.e., address, telephone number, nearest relative or friend, name and address.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Departmement Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Personnel Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting

agency's decision on the matter; (f) Attendance and leave information contained in these files is routinely used by the secretarial personnel in preparing and making reports for pay purposes and other administrative reports. Supervisor uses information routinely in personnel management. Potential involvement of an employee in a disciplinary situation could require disclosure of the information to the Office of Internal Affairs, U.S. Customs Service, Chief Counsel, U.S. Customs Service, General Counsel, Treasury Department, and, also to the Department of Justice, if litigation occurs, and this information is channeled to that department through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each record is inserted in a folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each record is identified by the name of the employee of the Regional Counsel, Region IX, U.S. Customs Service and is filed alphabetically.

Safeguards: The metal filing drawer containing the records described above is maintained within the area assigned to the office of the Regional Counsel, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: The records are retained within the office of Regional Counsel with the exception of the original pay record for each employee which is submitted by-weekly to the Financial Management Dvision, Office of the Regional Commissioner, Region IX, and then forwarded to the Data Center in Detroit. After a three-year period, these records are destroyed.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If any individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Request by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the nessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

Treasury/Customs 00.196

System name: Preclearance Costs—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: All Customs Inspectors and Foreign Service employees of Region 1, Boston who are stationed at Toronto and Montreal Canada.

Categories of records in the system: Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used by the Budget Section of the Financial Management Office to accumulate costs which are used for the preparation of quarterly reporting to Headquarters. These costs are used by Headquarters as the basis of assessment of charges to airline carriers for the use of Customs facilities outside of the United States.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

Retrievability: The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

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Retention and disposal: The files are kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

Treasury/Customs 00.197

System name: Private Aircraft Inspection Reporting System (PAIRS)—Treasury/Customs.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Names of pilots and yacht masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of pilots with appropriate registration numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used by Customs Officers for documenting the arrival of aircraft from foreign countries and in the enforcing of Customs and related laws; (b) Used for Customs management functions such as measuring workload of Customs officers performing aircraft arrival inspections; (c) Used as an intelligence gathering source; (d) Used by Department of Justice in prosecuting court cases; (e) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (f) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage; microfiche.

Retrievability: By individual name and aircraft/yacht registration number.

Safeguards: All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by arriving pilots and other Federal agencies and confidential informers.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.198

System name: Private Yacht Inspection Reporting System—Treasury/Customs.

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Names of private yacht masters arriving in the United States.

Categories of records in the system: Names and personal identifiers of yacht masters with appropriate private yacht registration numbers and characteristics, and arrival dates at port of entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by Customs Officers for documenting the arrival of private yachts from foreign areas and in the enforcing of Customs and related laws; (d) Used for Customs management functions such as measuring workload of Customs offices performing private yacht inspections; (e) Used as an intelligence gathering source.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (a) Magnetic disc and tape storage; (b) Microfiche.

Retrievability: By vessel name, private yacht registration number, and name of yacht master.

Safeguards: All inquiries are made by officers with full field backgound investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, then destroyed.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Yacht masters who report their arrival to a United States port of entry, other Federal agencies and confidential informers.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.199

System name: Property Assigned to Employee—Treasury/Customs.

System location: District Director's Office, Entry Control Section, U.S. Customs Service, 228 Federal Bldg., 335 Merchant Street, Honolulu, Hawaii 96813.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: Individual assignment of Customs badges, listing name, Social Security number and duty phone. Signed by Custodian and Property Officer.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Local Property Officer to determine individual badge assignments.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Kept in alphabetical order in an unlocked filing cabinet in the Entry Control Section.

Retrievability: By name.

Safeguards: The office where the records are located is locked during non-working hours and access to the building is controlled at all times by uniformed guards.

Retention and disposal: The records are maintained for the duration of the property assignment. Outdated records are destroyed after 3 years.

System manager(s) and address: Local Property Officer, Room 228, federal Building, Entry Control Section. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Yacht masters who report their arrival to a United States port of entry, other Federal agencies and confidential informers.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(z) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars,

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Contesting record procedures: See Access above.

Record source categories: Information is provided by the property officer and the person to whom the property is assigned.

Treasury/Customs 00.200

System name: Property File—Treasury/Customs.

System location: Logistics Management Division, Region IV, U.S. Customs Service, Suite No. 300, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Any Customs employee who is designated as the official custodian of a serially numbered badge, weapon, or transportation request forms.

Categories of records in the system: Name, geographical location and number of item assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by Customs Service employees to record names of individuals designated as custodians of accountable property.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is stored, in printout form, in files organized by District. The file folders are stored in an unlocked drawer in a metal file cabinet.

Retrievability: Each folder is filed by District.

Safeguards: The files are stored in a metal cabinet located within an office that is locked during non-working hours.

Retention and disposal: Records have been retained since the inception of the system, three years. No policy exists for disposal.

System manager(s) and address: Director, Logistics Management Division, U.S. Customs Service, Region IV, Suite No. 300, 7270 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The source document for this record is the Customs form 35.

Treasury/Customs 00.201

System name: Property File—Non-Expendable-Treasury/Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois (see Customs Appendix A).

Categories of individuals covered by the system: Employees issued non-expendable property.

Categories of records in the system: Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet in the offices of the District Directors in Region IX, Chicago, Illinois.

Retrievability: Folders identified by individual's name.

Safeguards: The file described is maintained in the offices of the District Directors in Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

Retention and disposal: Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, Missouri, 30 days after employee is separated.

System manager(s) and address: District Directors in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting indentity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above

Record source categories: The information in this system consists of receipts of employees receiving non-expendable property.

Treasury/Customs 00.202

System name: Protest Inventory System—Treasury/Customs.

System location: Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, Room 2325, 1301 Constitution Avenue, N.W., Washington, D.C., 20229.

Categories of individuals covered by the system: Customs employees to whom protest cases are assigned for initial review at Customs Headquarters.

Categories of records in the system: Name of Customs employees to whom protest cases are assigned for initial review, protest number, entry number, date of protest, status, and date of status.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain a log system of all protests received in the Office, be able to locate each protest, obtain present status, and individual to whom assigned.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and hard copy print-out.

Retrievability: A print-out in protest number order, entry number order, and by name of the Customs employee to whom the protest case is assigned. A print-out is prepared only upon request—normally quarterly.

Safeguards: The print-out is used only by division personnel to locate a specific protest. During non-working hours the room is locked and the building is guarded by security police. Only authorized persons are permitted in the building.

Retention and disposal: The print-out is retained until a new one is received, usually quarterly. The protest will be dropped from the list after it is closed and the time limit to go to court has expired. The print-out is disposed of as paper trash when it is no longer needed.

System manager(s) and address: Director, Classification and Value, Division, U.S. Customs Service, Room 2330, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulation and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: Branch Chief or delegate at the time the protest case is assigned to an individual for initial review.

Treasury/Customs 00.203

System name: Receipt for property assigned.—Treasury/Customs.

System location: Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Categories of individuals covered by the system: Employees of Portland District to whom property has been assigned.

Categories of records in the system: Name, address, Social Security number, and listing of articles assigned.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make accountable those employees to whom property has been assigned.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in wooden index card file on desk of property clerk.

Retrievability: Cards are filed alphabetically by name of individual.

Safeguards: The office and building are locked during non-working hours.

Retention and disposal: Retained 2 years after transfer or separation, then destroyed.

System manager(s) and address: District Director, Federal Building, Room 198, 511 N.W. Broadway, Portland, Oregon 97209.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Cards filled out by property clerk when property is issued.

Treasury/Customs 00.204

System name: Receipt for Property Assignment—Treasury/Customs.

System location: Office of District Director, Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

Categories of individuals covered by the system: Employees of Customs to whom Government property is issued—such as badges, cap insignia, guns, etc.

Categories of records in the system: Name, home address, District number, Port, social security number, signature of person receiving property, phone number, date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Used administratively to account and control Government property issued to Customs employees.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 35. These forms are kept in a metal Index File Box.

Retrievability: Each receipt is filed by the name of the employee to which property has been assigned.

Safeguards: The metal Index File Box is stored in an office under constant supervision during regular working hours, and the office is locked during other than regular working hours.

Retention and disposal: These records forms are retained until the property is surrendered and/or the employee leaves Customs.

System manager(s) and address: Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, California 94126.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to

be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists of information developed when property is given to employees.

Treasury/Customs 00.205

System name: Reclassification Requests—Treasury/Customs.

System location: Located in the Position Classification and Management Branch, Personnel Management Division, 500 Dallas St., Houston, Texas 77002.

Categories of individuals covered by the system: Any employee whose position is to be reviewed and/or evaluated for possible reclassification.

Categories of records in the system: All correspondence prepared by, or directed to, the employee, supervisor or manager, and classification staff.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Maintained as a ready reference file for any inquiry related to the case and for historical purposes. See Appendix AA. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, or local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Requests are maintained in a file folder and retained in a metal file cabinet.

Retrievability: By employee name.

Safeguards: A metal container is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: When reviews are made and a classification decision is reached, the case is considered closed and all related papers are disposed of in accordance with Records Disposition Schedule (3 years).

System manager(s) and address: Director, Personnel Management Division, 500 Dallas St., Houston, Texas 77002.

Notification procedure: Requests by an individual to be notified if the system of records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information to pursue requests for reclassification are obtained from concerned employees, supervisors, and knowledgeable managerial officials. Other information is obtained from appropriate Civil Service classification publications.

Treasury/Customs 00.206

System name: Regulatory Audits of Customhouse Brokers—Treasury/Customs.

System location: Division of Regulatory Audit, Room 2114, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and at each of the nine regional offices of Regulatory Audit (see Customs Appendix A for addresses).

Categories of individuals covered by the system: Persons licensed to conduct customhouse brokerage business pursuant to 19 U.S.C. 1641.

Categories of records in the system: Audit reports of customhouse broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customhouse broker and disposition made of such inquiries; names of officers of customhouse brokerage firms, license numbers and dates issued and district covered.

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Authority for maintenance of the system: 19 U.S.C. 1641; 19 CFR Part 111, 5 U.S.C. 301; Reorganization Plan No. of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552). (c) The information may be furnished to other government agencies which may have an interest in the broker. (d) Copies of broker audit reports will be retained in the office that performed the audit and at the headquarter's office. These reports will serve as a permanent file providing such essential information as the names and broker license number of company officers and other licensed employees. The reports will create a historical record of broker performance. The headquarter's file will also provide a means of evaluating the effectiveness of audits conducted by the regional audit staffs.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each customhouse broker file is inserted in alphabetical order by name of the firm in one of nine regional file folders which are filed in an unlocked drawer within a metal file cabinet. Duplicate copies are maintained at Customs Service Headquarters.

Retrievability: Each broker file is identified on alphabetical file locator cards which contain the name and address of the broker, the region and district in which he operates, and the number of the file drawer. In addition each regional office maintains their own alphabetical file, containing the above information, for broker activities within their region.

Safeguards: The files described above are maintained within the area assigned to the Regulatory Audit Division within the Customs Service Building. During non-working hours, the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Customhouse broker files are retained indefinitely, or until there is no longer any space available for them at which time the oldest files are destroyed by burning or shredding.

System manager(s) and address: Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Regional Director, Regulatory Audit Division at each of the nine regional offices (see Customs Appendix A for addresses).

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signatue and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates from audits conducted by the regional Regulatory Audit staff, of customhouse brokers' businesses. The audits may be supplemented with information furnished by the Office of the Chief Counsel, Office of Investigations, and the Office of Regulations and Rulings. These audits include examinations of brokers business records, including all financial books of accounts, check books, and financial statements. In the event that the broker is engaged in various business enterprises such as freight forwarding and insurance, and these financial records are commingled with those financial records relating to the brokerage business, it would be necessary to examine the other business records to complete the audit.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.207

System name: Reimbursable Assignment System—Treasury/Customs.

System location: U.S. Customs Service Data Center, William Building, 7923 Eastern Avenue, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Customs Service employees who perform reimbursable services and parties interest for whom reimbursable services are performed.

Categories of records in the system: Name, address, social security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

Authority for maintenance of the system: 19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which may include monitoring reimbursable assignments, editing items of information that have been rejected because of erroneous coding, and equalizing Customs overtime assignments at ports of entry. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Disclosure to the Internal Revenue Service Data Center at Detroit, Michigan, for the purpose of including overtime earnings in salary checks issued to Customs Service employees who performed reimbursable services.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

Retrievability: The information in this system is retrieved by the individual's social security number or by the individual's importer of record number.

Safeguards: Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, Room 7126, 1301 Constitution Ave, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Custom Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

Treasury/Customs 00.208

System name: Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and Headquarters according to list in CustomsAppendix A.

Categories of individuals covered by the system: Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

Categories of records in the system: Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Certain employees of the Personnel Management Division and supervisors. Justification of action, respond to inquiries, post-audit of action, statistics, reports to Treasury and Civil Service Commission.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files.

Retention and disposal: Records are retained idefinitely or until Treasury issues instructions.

System manager(s) and address: Director, Personnel Management Division, in each region and Headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

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Record source categories: Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

Treasury/Customs 00.209

System name: Resumes of Professional Artists—Treasury/Customs.

System location: Area Director, N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Professional Artists.

Categories of records in the system: Artist's name and professional art background.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To classify imported works of art.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetical listing.

Safeguards: Filing cabinet, office locked at end of day.

Retention and disposal: Permanent.

System manager(s) and address: Area Director N.Y. Seaport Area, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Resume information provided by artist.

Treasury/Customs 00.210

System name: Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

System location: Financial Management Division—Districts and Ports, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

Categories of records in the system: Corporations and individuals in financial difficulty.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) This is a monthly list originated in the Region informing all Districts and Ports of debtors for which no credit may be extended.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha File in Manila Folder by Month.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

son, the requester shall present adequate identification to establish his identity and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in financial difficulty or under investigation.

Treasury/Customs 00.211

System name: Sanction List Treasury/Customs.

System location: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Persons who are indebted to the United States Government for bills that are unpaid and past due.

Categories of records in the system: Listing is issued monthly showing individual's name and address plus number and amount of unpaid and past due bills.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each sanction list is stored in a file drawer in an unlocked file cabinet.

Retrievability: Each sanction list is identified by month and year of issuance.

Safeguards: The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, Suite 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this listing is secured from CF 6084 and 6084A, Miscellaneous Bill Form issued to each individual and correspondence files maintained for individuals.

Treasury/Customs 00.212

System name: Search/Arrest/Seizure Report—Treasury/Customs.

System location: Patrol Division Offices of the U.S. Customs Service. See Customs Appendix A.

Categories of individuals covered by the system: Persons who have or may have violated a law of the United States.

Categories of records in the system: Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their official duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify persons suspected of violating the law; (d) Cases are referred to Investigative Branch since same are evident of violations of law; (e) Since this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

Retrievability: The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

Safeguards: The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed customs guards, and only authorized persons are permitted in the building.

Retention and disposal: These cases are retained for a period of three years after which they are destroyed together with related index cards.

System manager(s) and address: Director, District Patrol Division. See Customs Appendix A.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.213

System name: Search, Arrest and Seizure Reporting System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Violators of Customs and related laws apprehended by U.S. Customs Officers.

Categories of records in the system: Name, address, date of birth, date of violation, seizure number, identifying numbers, and characteristics, details and circumstances of search, arrest or seizure.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine violation trends and develop enforcement techniques and lookout information for use in the enforcement of Customs and related laws; (g) To provide management information such as the number and types of seizures, arrests and searches associated with arrests or seizures.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hardcopy; (3) Microfiche.

Retrievability: By individual's name, seizure number, unique identifiers, system identification number.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.214

System name: Seizure File—Treasury/Customs.

System location: Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Ships Masters, Ships Crew Members, Longshoremen, Vessels, Private Aircraft, Private Vessels, Individuals from whom seizures have been made, or upon whom Memoranda of information have been received.

Categories of records in the system: Memoranda of Information Received, which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Reference file for identifying violators or suspected violators.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila files within metal file cabinets.

Retrievability: Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

Safeguards: Room has a 24-hour guard and is locked.

Retention and disposal: Seizure files are maintained for three years after final disposition. Memoranda of information received: not determined how long they will be retained at present.

System manager(s) and address: Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.215

System name: Seizure Report File—Treasury/Customs.

System location: U.S. Customs Mail Facility, 1675—7th Street, Oakland, California 94615.

Categories of individuals covered by the system: Individuals to whom prohibited merchandise is addressed.

Categories of records in the system: Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the

records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used administratively by the Mail Facility to record seizures and their disposal.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on Customs Form 5955 Seizure Reports, Customs Form 6043—Delivery Ticket, and Customs Form 151—Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

Retrievability: Each Seizure Report and Delivery Ticket (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed alphabetically by fiscal year.

Safeguards: The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

Retention and disposal: Last three fiscal years records are kept in a file cabinet in the office. Three fiscal years prior are kept in boxes in the detention area.

System manager(s) and address: Head, Surface Mail Section. See location above.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with and consists of information obtained from mail shipments.

Treasury/Customs 00.216

System name: Service Records of Former Employees—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Individuals formerly employed in Region I, U.S. Customs Service.

Categories of records in the system: Name, address, Social Security number, employment history and status of former employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In metal filing cabinet.

Retrievability: By name.

Safeguards: Accessible to Personnel Office employees. During non-working hours, the area in which these records are stored is locked and the building is guarded by uniformed security police.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

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Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A); or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Personnel record of the employee.

Treasury/Customs 00.217

System name: Set Off Files—Treasury/Customs.

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Importer of Record, Customhouse Broker, Parties In Interest.

Categories of records in the system: Name, address, identification number, copies of refund checks and copies of set off bills.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Document files identifying debtors for whom refunds are withheld and amounts applied against delinquent bills.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: File folders with individual's name annotated with set off.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

Treasury/Customs 00.218

System name: Seventy-two Hour Archives Search System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Vehicle license number and individual names.

Categories of records in the system: Date, time, lane number, port of entry, and vehicle license numbers of vehicles and/or names of individuals entering the United States from Mexico and Canada at Ports of Entry that have Treasury Enforcement Communication System (TECS) terminals.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) To determine if a suspected U.S. Customs or other law violator has entered from Mexico or Canada during a 72 hour period. (g) To determine if a pattern of travel by the suspect can be detected.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage.

Retrievability: License number, individual name.

Safeguards: Only Supervisory Customs Enforcement officers can request these records. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and protection systems, with all special communications protection features.

Retention and disposal: 72 hours, then erased.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.,; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.219

System name: Skills Inventory Records—Treasury/Customs.

System location: Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Categories of individuals covered by the system: Records are maintained in this system on Customs personnel in grades GS-13 and above.

Categories of records in the system: Data elements to provide a complete skills profile of the employee.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To identify potential candidates for managerial positions. Used by members of the Evaluation Boards.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on a Customs Form 124 and Mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file and limited access to computer system.

Retention and disposal: Records are maintained until separation of an employee from the Customs Service.

System manager(s) and address: Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A) or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: CF-121 which is prepared by the employee.

Treasury/Customs 00.220

System name: Supervisory Notes and SF-7B Files—Treasury/Customs.

System location: Appropriate duty station or with supervisor of each employee. See Customs Appendix A.

Categories of individuals covered by the system: Customs employees.

Categories of records in the system: SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required

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in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or other issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by supervisors as documentation or by certain Personnel Management Division employees helping supervisors to initiate appropriate commendatory, corrective, or disciplinary action.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in manila folders or special file cabinets.

Retrievability: Records are indexed by organizational code and name.

Safeguards: Records are maintained in locked file.

Retention and disposal: Records are retained while employee is employed, and are destroyed upon separation.

System manager(s) and address: Employee's supervisor.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Form SF-50, Employee and employee's supervisors.

Treasury/Customs 00.221

System name: Suspect File—Treasury/Customs.

System location: Patrol Headquarters, 100 N.E. 7 St., Miami, Fla.

Categories of individuals covered by the system: Individuals on whom suspect information is received by Patrol Headquarters.

Categories of records in the system: Memoranda of Information, Lookout Notices, Letters re: suspects, other notices of suspected violations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used by the employees in the Patrol Division for enforcement purposes; (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in restricted area of offices.

Retrievability: Records are retrievable by name.

Safeguards: Records are kept in locked buildings when unattended.

Retention and disposal: Records are retained as long as information is pertinent but destroyed immediately after information becomes obsolete.

System manager(s) and address: District Director of Customs, 100 N.E. 7 St., Miami, Fla.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

ments of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.223

System name: Suspect File—Treasury/Customs.

System location: Office of the Customs Patrol Division, Room 202, U.S. Customhouse, Nogales, Arizona, and at each port: Douglas, San Luis and Lukeville, Arizona.

Categories of individuals covered by the system: Persons in whom Customs is interested from a law enforcement point of view.

Categories of records in the system: Name, address, file reference number, memoranda of information, lookout notices.

Authority for maintenance of the system: Memorandum dated 6/16/74, File ADM-4-01:O:P, from Director of Patrol Division, Headquarters; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide rapid and accurate retrieval of information previously recorded to officers of the U.S. Customs Service who have need of such information in the performance of their official duties.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked metal card file.

Retrievability: Alphabetical.

Safeguards: Room is locked during non-working hours.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Nogales, Arizona. (See above.)

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.224

System name: Suspect Persons Index—Treasury/Customs.

System location: U.S. Customs District Officers located at the following addresses: 204 E. 5th Ave., Anchorage, Alaska; 215 1st Ave. No., Great Falls, Montana; 335 Merchant, Honolulu; 511 N.W. Broadway, Portland, Oregon; 555 Battery St., San Francisco, California; First & Marion Sts., Seattle, Washington.

Categories of individuals covered by the system: Persons suspected of violation of Customs Laws.

Categories of records in the system: Name and related file number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to aid in law enforcement and to identify persons suspected of violating the law.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders and stored in metal file cabinet.

Retrievability: The office and building are locked during non-working hours.

Safeguards: Alphabetical by use of cross index.

Retention and disposal: Records are maintained and disposed of in accordance with Records Disposal Manual.

System manager(s) and address: District Director of Customs. See location above.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.225

System name: Telephone Analysis Program (TELAN)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Telephone number of known and suspected violators of Customs and other laws.

Categories of records in the system: Telephone toll data of individuals being investigated by Customs and other Federal Agencies, investigative case numbers, and telephone number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Criminal Investigators of the U.S. Customs Service and other Federal agencies use the records of telephone calls to or from the numbers of individuals being investigated to determine relationships among criminal cases.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic tape and disc; (2) Hard copy printouts.

Retrievability: Telephone number.

Safeguards: All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite, Erasure of tapes/discs and/or printouts are retired to Federal Records Center and destroyed after five years.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the

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justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.226

System name: Television System—Treasury/Customs.

System location: Office of Port Director, San Ysidro, California.

Categories of individuals covered by the system: Persons involved in incidents related to search and subsequent disturbance while entering the United States from Mexico.

Categories of records in the system: An audio-video cassette recording of persons being escorted into, as well as inside, the business offices of the Customs area of the Port of Entry.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Dept. Order No. 165, Revised, as amended, and the Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evidence for use in court, record of disturbances and record of actions involving complaints.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Audio-video cassette.

Retrievability: By subject's name, date, and time.

Safeguards: Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

Retention and disposal: All cassettes with incident are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, wipeout occurs when new recording takes place.

System manager(s) and address: Port Director, San Ysidro, California.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Audio-vidio recording of persons being escorted into the Customs area.

Treasury/Customs 00.227

System name: Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

Categories of records in the system: Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to determine whether an individual is eligible for T.I.B. privileges and to collect appropriate liquidated damages owed by an individual. Provides Customs management information such as total outstanding liquidated damages, etc.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

Retrievability: Indexing is by violator name.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite. None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system or records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See access above.

Record source categories: Customs officers completing Customs Form 164 (TECS—TIB Defaulter Control).

Treasury/Customs 00.228

System name: Temporary Importation Violation Record—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against Temporary Importation Bonds.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Temporary Importation Record Cards are retained at location three years, then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the record contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

Treasury/Customs 00.229

System name: Theft Information System (TIS)—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

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Categories of individuals covered by the system: Individuals who are suspected of, or that have been arrested for, thefts from international commerce.

Categories of records in the system: Name of individual(s), personal identifying numbers and characteristics, case information such as merchandise and values, methods of theft, seizure, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950, Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by Customs officers to identify high theft areas, types of cargo being stolen or pilfered, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs theft cases and to provide management information such as the value and volume of theft from international shipping.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage, hard copy; (2) Customs Form 153 (Theft Information Report); (3) Microfiche.

Retrievability: By name, other personal identifying numbers and by cargo location code.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Three years; by burning and/or shredding of Customs Form 153 and magnetic disc and tape erased.

System manager(s) and address: Assistant Commissioner, Officer of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.230

System name: Time and Attendance and Leave Records—Treasury/Customs.

System location: Located in the Personnel and/or Financial Management Divisions or appropriate Employee Post of Duty of each region and Headquarters according to list in Appendix A.

Categories of individuals covered by the system: All Customs employees.

Categories of records in the system: Time and attendance and leave information, TD 2384, SF1137.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by members of the Personnel and Financial Management Divisions and supervisors to maintain valid time, attendance, and leave records for pay purposes. Could be used as evidence in AWOL or abuse of leave, and for statistical purposes.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on punch card (TD Forms 2384), SF-1137, mag-tape or punch cards.

Retrievability: Time and attendance records are indexed by post of duty name. Leave records are indexed by name.

Safeguards: Records are maintained in locked files or safeguarded through the security of the Automatic Data Processing System.

Retention and disposal: TD 2384 forms are kept three years, then destroyed. SF-1137 are retained three years after audit or related pay periods.

System manager(s) and address: Director, Personnel and/or Financial Management Divisions, in each region and Headquarters. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompained by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person

under false pretense is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Time and attendance keepers and supervisors.

Treasury/Customs 00.231

System name: Tort Claims Act File;—Treasury/Customs.

System location: Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding claim filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period; (c) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Centers.

System manager(s) and address: Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, Maryland 21202.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (See Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses in punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originated with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.232

System name: Tort Claims Act File—Treasury/Customs.

System location: Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90053.

Categories of individuals covered by the system: Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in the alphabetical file folder within the metal container by the name of the person who has filed or may file a claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles St., L.A., Calif. 90053.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, 300 N. Los Angeles St., Los Angeles, Calif. 90053 or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.233

System name: Tort Claims Act File—Treasury/Customs.

System location: Regional Counsel of Customs, 6 World Trade Center, New York, N.Y. 10048.

Categories of individuals covered by the system: Private persons filing claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

Categories of records in the system: Reports of investigation regarding claims filed, documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

Authority for maintenance of the system: 28 U.S.C. 2672, et seq; 28 CFR 14.1 et seq; 31 CFR 3.1 et seq; Treasury Department Administrative Circular No. 131, August 19, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Services and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); The information contained in this file is used to administratively process claims filed under the Federal Tort Claims Act and is made available to the officials within the Customs Service who review recommendations and who make final decisions on such claims. In addition, information contained in this file is made available to the Department of Justice to assist that Department in preparing the Government's case when suit is filed in court based on an administrative denial of the claim or based on a failure to administratively process the claim within the prescribed time period.

For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and in the alphabetical file folder within the metal container by the name of the person who filed the claim.

Safeguards: The metal container described above is maintained within the area assigned to the Office of the Chief Counsel within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Tort claim files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, N.Y. 10048.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with a Standard Form 95, Claim for Damage or Injury, which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.234

System name: Tort Claims Act File—Treasury/Customs

System location: Offices of the District Directors, Region IX, Chicago, Illinois. (See Customs Appendix A.)

Categories of individuals covered by the system: All individuals presenting claims of damage to personal property resulting from Customs activities.

Categories of records in the system: Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

Authority for maintenance of the system: 31 C.F.R. Part 3; 5 U.S.C. 301; Reorganization plan No. 1 of 1950; Treasury Department order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in cabinets in the District Directors offices.

Retrievability: Folders filed in alphabetical sequence.

Safeguards: File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

Retention and disposal: Retained in District Directors offices for 3 years then transferred to the Federal Record Center for 7 years and 3 months prior to destruction.

System manager(s) and address: District Director as appropriate in Region IX, Chicago, Illinois. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

Treasury/Claims 00.235

System name: Tort Claims File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif.; Offices of the Port Directors, San Ysidro, Calif.; Tecate, Calif.; Calexico, Calif.; Andrade, Calif.; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif.; San Ysidro, Calif.; Calexico, Calif.; Tecate, Calif.

Categories of individuals covered by the system: All individuals filing Tort Claims and correspondence relating thereto.

Categories of records in the system: System has person(s) name, address, phone number, and additional information relating to the incident upon which a Tort Claim may be filed in accordance with SF 95 "Claim for Damage or Injury".

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended, and Section 24, Customs Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Get information and make determinations relative to liabilities of the U.S. Government.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file cabinets.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: Disposed in accordance with Records Disposal System except in unusual cases which may be held indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in

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which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from claimant and/or all individuals who have knowledge of the situation upon which the claim was filed.

Treasury/Customs 00.236

System name: Tort Claim Records System—Treasury/Customs.

System location: Office of the Regional Counsel, U.S. Customs Service, Region IX, 55 E. Monroe Street, Room 1417, Chicago, Illinois 60603.

Categories of individuals covered by the system: Claimants under the Federal Tort Claim Act.

Categories of records in the system: Tort Claim, Standard Form 95 (claim for damage or injury) containing name, address, marital status, personal injury and property damage information, and insurance information; also correspondence, accident reports and investigatory records regarding the alleged damage or injury and possible medical information.

Authority for maintenance of the system: 28 U.S.C. 2671 et seq.; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Tort Claim Records System of the United States Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Information contained in these files is routinely used by the attorneys in the Regional Counsel's office in determining and resolving legal issues, in recommending approval, denial, compromise or settlement of the claim, and possibly in litigation. Litigation will require disclosure of the information to the Department of Justice, and the information is often channeled through the Department of the Treasury.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each case file is inserted in a file folder which is filed in a lockable drawer within a metal filing cabinet container.

Retrievability: Each case file is identified in a manual alphabetical card file by the name of the person who initiated the tort claim against the Customs Service, and officer or employee thereof. In addition, each case file is similarly identified on the file folder with the alphabetical name on the file which is placed and located within the metal container.

Safeguards: The metal filing drawer containing the files described above is maintained within the area assigned to the Office of the Regional Counsel of Customs, Region IX at 55 E. Monroe Street, Chicago, Illinois. During non-working hours, the room in which the metal filing drawer is located is locked, the file container itself is locked, and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

Retention and disposal: These files are retained indefinitely or until there is no longer space available for them within the metal filing cabinet at which time the oldest files are transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets which are not able to be locked. Files which are closed and not retained for precedent purposes are retired to the Federal Records Center, General Service Administration, 7358 S. Pulaski, Chicago, Illinois 60602 in accordance with the U.S. Customs Service Records Disposal Manual.

System manager(s) and address: Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Counsel, Region IX, Room 1417, 55 E. Monroe Street, Chicago, Illinois 60603. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person

under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information contained in these files originates with the receipt of any correspondence indicating an alleged claim for damage or injury resulting from the conduct of the Government, U.S. Customs Service or an employee or officer of the U.S. Customs Service in Region IX. Further information in this file is derived from later correspondence from the individual, Standard Form 95 (Claim for Damage or Injury) filed by the claimant, other information submitted by the claimant, information submitted by Customs employee and/or his supervisors, and an investigation made by the Office of Internal Affairs or the Office of Investigations regarding the alleged claim or injury, as applicable. Information in these reports can be made from private parties, (witnesses), businesses, medical professionals, hospitals and other medical institutions.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.237

System name: Tort Claimants System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Individuals filing Tort Claims against the U.S. Customs Service.

Categories of records in the system: By name and personal identifiers.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) Used by U.S. Customs Officers when investigating claims against the U.S. Customs Service for damages.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape; (2) Microfiche; (3) Hard copy.

Retrievability: By name of individual or company and/or personal or company identifiers.

Safeguards: "Need to know" access by investigators and District Directors staff members with full field background investigations. Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the areas, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: Indefinite (Reviewed Annually), None.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3117, Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Individuals or companies making a claim for damage against the U.S. Customs Service and U.S. Customs Officers investigating cases involving such claims.

Treasury/Customs 00.238

System name: Training and Career Individual Development Plans—Treasury/Customs.

System location: Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

Categories of individuals covered by the system: All U.S. Customs employees.

Categories of records in the system: Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

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Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To determine individual training needs; to schedule training and development activities and to budget funds.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are located in file folders, and/or official personnel folder.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file or office.

Retention and disposal: Records are retained until separation or until employee is no longer part of a special emphasis program.

System manager(s) and address: Director, Personnel Management Division, in each region and headquarters.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information is obtained from the employee and supervisors.

Treasury/Customs 00.239

System name: Training Records—Treasury/Customs.

System location: Personnel Management Division of each region and headquarters. Also located in districts, ports, and posts of duty.

Categories of individuals covered by the system: Customs employees who have completed training.

Categories of records in the system: Certificates of completion of training courses, memoranda documenting successful completion of training assignments, grades assigned by educational institutions when appropriate, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The information compiled is used primarily to prepare the annual and quarterly reports for training which are required by higher Headquarters. The information also serves as a ready reference to ascertain the state of training with the Region and as an instrument to equate, insofar as possible, training opportunities for all employees, and also to verify information submitted by employees on application forms.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on file cards, on Training formsr or on mag-tape.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a locked file or room, or with limited access.

Retention and disposal: Records are maintained for up to three years after employee separates from the Service.

System manager(s) and address: Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S.Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Civil Service Commission, Department of the Treasury, etc.

Treasury/Customs 00.240.

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, U.S. Customs Service, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees who receive travel advances to cover travel expenses in the course of traveling on official government business.

Categories of records in the system: Files are maintained to record the amount of the advance payment and repayment of the advance, if necessary.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) This system is used by the Payment Section employees to determine the amount owed to or by Customs for travel expenses.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in an unlocked metal, 5 x 8 file.

Retrievability: The name of each individual is listed on a record card in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: The file is retained until the employee pays or accounts for the travel advance, and kept one year. After one year the record is sent to the Federal Record Center: kept for 3 years and then destroyed.

System manager(s) and address: Director, Financial Management Division, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in the system originates from the employee and his supervisor.

Treasury/Customs 00.241

System name: Travel Advances—Treasury/Customs

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: Advances to Customs Employees only.

Categories of records in the system: Name, address and Social Security Number of employees.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Used administratively to record travel advances and clearance of advance, as travel is completed. Outstanding balances reflect indebtedness of individuals until travel is completed or refunds of average in advance.

For additional routine uses see Appendix AA

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha Employee Name File of SF 1038, "Application for Advance of Funds".

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Director of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Financial Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W. Washington, D.C. 20229 or Regional Commissioner, Region IV. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: SF 1038—"Application and Account for Advance of Funds".

Treasury/Customs 00.242

System name: Travel Advance File—Treasury/Customs

System location: Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

Categories of individuals covered by the system: Customs employees to whom advances have been issued.

Categories of records in the system: SF 1038, "Application and Account for Advance of Funds."

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual alphabetical card file in file cabinet.

Retrievability: Access by name of individual.

Safeguards: The file cabinet is maintained in the office of the Regional Commissioner, Region IX, Chicago, Illinois. During non-working hours the room/building in which the file is located is locked.

Retention and disposal: Retained and disposed of in accordance with requirements of Records Control Manual.

System manager(s) and address: Regional Commissioner of Customs, 55 East Monroe Street, Chicago, Illinois 60603.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in

writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Completed Form 1038 received from any Customs employee within Region IX, Chicago, Illinois.

Treasury/Customs 00.243

System name: Travel Payment System—Treasury/Customs

System location: Accounting Division, U.S. Customs Service Headquarters, Room 7126, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Headquarters Customs Service officials and employees who travel on official business.

Categories of records in the system: Travel authorizations, travel vouchers, and travel advance records, which contain the officer's or employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing disbursement schedules so that the officer or employee will be paid for travel expenses, recording the cost of travel, advising the employee's supervisor when a travel advance is outstanding for an extended period, and compiling cost and budget information. (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

Retrievability: The information on the index cards relates only to travel advance payments, and the index cards are filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

Safeguards: The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and disposal: The records in this system are retained for an indefinite period of time. There are no established procedures for disposal of the subject records.

System manager(s) and address: Director, Accounting Division, U.S. Customs Service Headquarters, Room 7126, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system is derived from information supplied to the Accounting Division by

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the traveling individual on Standard Form 1012 (Travel Voucher) and from organizational and accounting information maintained by the Customs Service.

Treasury/Customs 00.244

System name: Treasury Enforcement Communications System (TECS)—Treasury/Customs

System location: Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117 Washington, D.C. 20229.

Categories of individuals covered by the system: (1) Known violators of U.S. Customs Laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Fugitives with outstanding warrants-Federal or state. (4) Suspected violators of U.S. Customs or other related laws. (5) Victims of U.S. Customs law violations.

Categories of records in the system: Every possible type of information concerning an individual which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to wanted persons, suspected persons, lookouts (temporary and permanent), and document reference records. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, details and circumstances surrounding the actual or suspected violator.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) As a law enforcement tool, for example, to aid in the detection and prevention of violations, to provide and disseminate information on suspected or known violators within system to Federal, state and local enforcement officers within the United States and to other cooperating foreign countries' enforcement officers and officials. Also used by the Department of Justice in prosecuting court cases. (d) Also disclosed to the Drug Enforcement Administration.

For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc and tape storage, microfiche, and hard copy.

Retrievability: Name, personal identification number and systems identification number.

Safeguards: (1) All TECS users must have a full field background investigation. (2) The "need to know" principle is followed. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling restricted areas, alarm protection systems, special microfiche and communications security, etc.

Retention and disposal: (1) Review by Customs officer each time it is retrieved and on periodic basis to see if it should be retained or modified. (2) Since both temporary and permanent records are maintained, period of retention will vary with type record entered activity of record and category of record. (3) A complete review of each record in system is made annually at Headquarters. (4) Temporary Records, erasure of magnetic disc (5) Permanent Records, no disposal. (6) Hard Copy Documents, by shredding and/or burning of the hard copy document.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.245

System name: Treasury enforcement communications system card file—Treasury/Customs.

System location: Ports and Stations in the District of Ogdensburg, New York.

Categories of individuals covered by the system: Suspected violators of Customs or other laws.

Categories of records in the system: Name and system ID number and category of suspicion (i.e. narcotics, currency, counterfeit, etc.).

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Quick or ready reference at ports or stations not equipped with TECS secondary machines. (b) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (c) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (d) In the event that this system of records includes information which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign charged with the responsibility of investigating or prosecuting the statute or rule, regulation, or order issued pursuant thereto. (e) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (g) Also disclosed to the Drug Enforcement Administration.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Rollex card file.

Retrievability: Alphabetically by name.

Safeguards: Available to inspectors only. Kept in rollex file in custody of inspector on duty.

Retention and disposal: Card is dated for disposal per original TECS message.

System manager(s) and address: Port Director, RFD Constable, Trout River, New York 12926.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the jurisdiction for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.246

System name: Uncollectible Checks File—Treasury/Customs.

System location: Classification & Value Division, Cashier Branch, Rm 228, United States Customs Service, 335 Merchant St. Honolulu, Hawaii 96813 and Honolulu International Airport, United States Customs Service, Cashier Branch.

Categories of individuals covered by the system: Vessel and aircraft passenger/crew, brokers, individuals & importers that are principally involved in uncollectible payment of duties.

Categories of records in the system: Debit Voucher for Uncollectible Checks by the Depositary; correspondence and documents pertaining to effect collections from party-in-interest; record of completed action for new payment received.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Uncollectible Checks File of the U.S. Customs Service are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in this file is used to control the frequency of uncollectible checks by individuals.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are filed chronologically in active and inactive folders and kept in metal cabinets within locked rooms.

Retrievability: Each case is identified by name, debit voucher number and amount of uncollectable check in a chronological file.

Safeguards: The metal cabinets described above are maintained within the area assigned to the U.S. Customs Service, Cashier Branch, at the Honolulu International Airport and Honolulu Federal Building. During non-working hours, the rooms in which the metal cabinets are located are locked.

Retention and disposal: Active files are retained until uncollectible checks are settled by party-in-interest or granted relief by Financial Management Division, San Francisco, California. Inactive files are retained for five years and then destroyed.

System manager(s) and address: District Director of Customs, Rm 228, United States Customs Service, Federal Building, 335 Merchant Street, Honolulu, Hawaii 96813.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, U.S. Customs Service, Region VIII, 450 Golden Gate Avenue, San Francisco, California 94102 or to the Entry Procedures and Penalties Division, Customs Service Headquarters, Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, U.S. Customs Service, Region VIII, 450 Golden Gate Avenue, San Francisco, California 94102 or the Entry Procedures and Penalties Division, Customs Service Headquarters, Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files originates with the receipt of Debit Vouchers for Uncollectible Checks by the Depositary from Financial Management Division which results in correspondence to the party-in-interest.

Treasury/Customs 00.247

System name: Uniform Allowance—Treasury/Customs.

System location: Management Services Branch, Administration Division, District Director, San Juan, Puerto Rico.

Categories of individuals covered by the system: Employees entitled to uniform allowance and date received.

Categories of records in the system: Name, position held, amount received for uniform allowance and date received.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Verify payments are received as requested and authorized.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual cards stored in an index card box which is within a locked drawer of a desk.

Retrievability: Each card is identified by the name of the employee and filed alphabetically within the box.

Safeguards: The drawer in which the cards are kept is locked and is in the area assigned to the Management Services Branch within the Customs Service Building. During non-working hours the room in which the desk is located is locked and access to the building is controlled at all times by uniformed guards.

Retention and disposal: Records are maintained until the employee leaves the district or is no longer entitled to uniform allowance at which time his card is moved to the back of the box. When there is no more space available within the box, the oldest cards are destroyed.

System manager(s) and address: District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, Puerto Rico 00903.

Notification procedure: Request by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the

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requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may by made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identitiy and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information is posted on the cards when checks for uniform allowance are received.

Treasury/Customs 00.248

System name: Uniform Allowance—Treasury/Customs.

System location: Financial Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building Boston, Massachusetts 02203.

Categories of individuals covered by the system: Employees of the Customs Service who are eligible to receive payments for maintaining uniforms.

Categories of records in the system: Name of employee, date of eligibility, period of eligibility, amount paid and District assigned.

Authority for maintenance of the system: 5 U.S.C 301: Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statutue or particular program, statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) The system is used to determine the status of eligibility of uniformed employees so that payment can be processed by the employees of the Payment Section.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored in a 5 x 8 two drawer file, accessable to employees of the Payment Section of the Financial Management Division.

Retrievability: The name of each individual is listed on a card which is filed in alphabetical order.

Safeguards: The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

Retention and disposal: Files are maintained until employee leaves position, retained for two years and then destroyed.

System manager(s) and address: Director, Financial Management Dvision, U.S. Customs Service, John F. Kennedy Federal Building, Boston, Massachutetts 02203.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see, Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue N.W., Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue Washington D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system originates from the District office where the employee is stationed.

Treasury/Customs 00.249

System name: Uniform Allowances—Unit Record—Treasury/Customs.

System location: Financial Management Division, 7370 N.W. 36th Street, Miami, Florida 33166.

Categories of individuals covered by the system: U.S. Customs Employees.

Categories of records in the system: Name—Record of Uniform Allowance Payments.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C.

552); (c) Used by Accounting technicians to record amounts paid to uniformed personnel annually.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in an unlocked drawer within a metal file cabinet.

Retrievability: Alpha by Name. Appropriation Accounting Document Number.

Safeguards: The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

Retention and disposal: These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

System manager(s) and address: Direction of Financial Management, 7370 N.W. 36th Street, Miami, Florida 33166.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs, Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: From Memo's received from Districts. Data Transcribed from Payment Vouchers.

Treasury/Customs 00.250

System name: Uniform Allowance File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif.

Categories of individuals covered by the system: All Customs Officers who are required to wear a designated uniform in the performance of their duties.

Categories of records in the system: Regional Form VII-RC-91, name, title, GS-level, date entered on duty, duty location, percentage of time uniform worn, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended, and the Customs Accounting Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Provide information as to uniforms for Customs Officers and funds for uniform maintenance.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Regional Form RC-VII-91 in manila folder.

Retrievability: Name and duty location.

Safeguards: Locked cabinet.

Retention and disposal: Yearly and then disposed.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Costums Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

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Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employees, supervisors, and other Customs Divisions.

Treasury/Customs 00.251.

System name: Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

System location: Director, Office of Operations, 6 World Trade Center, Rm. 508, New York, New York.

Categories of individuals covered by the system: Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime remuneration.

Categories of records in the system: Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used to account for and control unscheduled overtime.

additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

Retrievability: By name.

Safeguards: The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

Retention and disposal: The forms are destroyed after three years.

System manager(s) and address: Regional Director of Investigations. (See Customs Appendix A.)

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in this system originates from the Special Agent who performs the unscheduled overtime.

Treasury/Customs 00.252

System name: Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

System location: District Director of Customs, Chicago, Illinois.

Categories of individuals covered by the system: Customs employees collecting and transmitting funds to cashier for deposit.

Categories of records in the system: Name of employee, collection document serial numbers, amount of collection.

Authority for maintenance of the system: Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

Retrievability: Each record folder is filed by name of individual.

Safeguards: The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

Retention and disposal: Retained for three years and then forwarded to FRC for seven years retention.

System manager(s) and address: District Director, as appropriate, in Region IX, Chicago, Illinois.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Data submitted by individual Customs employee involved.

Treasury/Customs 00.253

System name: Vehicle Microfiche Files—Treasury/Customs.

System location: U.S. Customs Service, Office of Investigations, Region V, 2900 Plaza Tower Building, New Orleans, La. 70113.

Categories of individuals covered by the system: Owners of movable vehicles registered in the State of Louisiana.

Categories of records in the system: Name indices of vehicles.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Information contained in these microfiche files is provided for the routine use of the Office of Investigations of the Customs Service for the purpose of verifying information received from other sources in conjunction with investigations within the Office of Investigations.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These microfiche files are maintained in a file folder in a metal cabinet. The cabinet is located in a room which is manned during normal office hours, and locked after hours.

Retrievability: These microfiche files are identified by alphabetical name of the catagories of individuals maintained in that file and information is retrievable manually from these files.

Safeguards: These microfiche files are kept in a metal cabinet and are maintained within the room which is manned by Office of Investigations personnel during normal office hours. During non-working hours, the room in which the metal cabinet is located is locked and entrances to the office which contains that room are locked. Access to the building containing the office is controlled during non-working hours by a uniformed guard.

Retention and disposal: These files are retained indefinitely or until updated by more current records at which time the old records are disposed of by shredding.

System manager(s) and address: Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 2900 Plaza Tower Building, New Orleans, La. 70113.

Notification procedure: Requests by an individual to be notified if the system of record contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousands dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these microfiche files originates and consists of information generated from vehicle registration forms submitted to the State of Louisiana.

Treasury/Customs 00.254

System name: Vessel Identification Report—Treasury/Customs.

System location: Office of the Director, District Patrol, Suite 2800 Plaza Tower Building, 1001 Howard Ave., New Orleans, La. 70113.

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Dir., District Patrol Division, Rm 213, International Trade Center, 250 N. Water Street, Mobile, Al. 36602.

Categories of individuals covered by the system: All suspect vessels and/or boats that information has been received on indicating unlawful or suspicious activity.

Categories of records in the system: Regional form containing vessel's name, photograph, date of photo, place of photo, name of boat owner, his address, and any other important information pertaining to suspect vessel.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Used as an aid to law enforcement and to identify vessels that require watching.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in standard Customs file folders in locked metal cabinets.

Retrievability: System filed alphabetically and retrieved manually.

Safeguards: File maintained in locked metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistant with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours the room housing the metal cabinets is locked.

Retention and disposal: Retain indefinitely.

System manager(s) and address: Director, District Patrol Division, Suite 2800 Plaza Tower Bldg., 1001 Howard Ave., New Orleans, La. 70113.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption are contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.255

System name: Vessel Violation Profile System—Treasury/Customs.

System location: U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Categories of individuals covered by the system: Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of Customs and related laws.

Categories of records in the system: Vessel's name, Master's name, search results and history of the prior violations of Customs and related laws. Includes lookout information if available.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (f) Documentation of vessel violations committed while in United States ports. (g) Determination of search operations by consideration of past violations and selective intelligence information. (h) Provides management information. (i) In the support of the Department of Agriculture, by assisting in the quarantine control of infested vessels. (j) In support of the Immigration and Naturalization Service, by assisting in the collection of payments attendant to the handling of aliens. (k) In support of other regulatory and/or enforcement agencies.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Magnetic disc and tape storage. (2) Hardcopy record in manual files. (3) Microfiche.

Retrievability: By name of vessel, Master, owner, or agent.

Safeguards: All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

Retention and disposal: The records are retained infefinitely.

System manager(s) and address: Assistant Commissioner, Office of Enforcement Support U.S. Customs Service, 1301 Constitution Avenue, N.W.; Room 3117, Washington, D.C. 20229.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.256

System name: Violation Index File—Treasury/Customs.

System location: Fines and Penalties Section, Office of the District Director of Customs, 100 N.E. 7th St., Miami, Fla.

Categories of individuals covered by the system: Individuals and/or vessels for which civil penalty cases have been made.

Categories of records in the system: This is a card index showing the individual or vessel's name, the section of law violated, the case number and date.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) This file is routinely used as a convenience index but may also be used to check if a violator has previous violations. (d) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (e) A record from this

system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (f) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is stored in a 5 x 8 file box.

Retrievability: Record may be retrieved by name of individual or name of vessel.

Safeguards: Record is stored in an area where access is to authorized Customs personnel only.

Retention and disposal: Records are retained 5 years and then destroyed.

System manager(s) and address: District Director of Customs, 100 N.E. 7th Street, Miami, Florida 33132.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Information for the index is from the case files processed in the Miami district.

Treasury/Customs 00.257

System name: Violators Card File—Treasury/Customs.

System location: Office of District Director, U.S. Customs Service, U.S. Customhouse, 101 E. Main Street, Norfolk, Va. 23510.

Categories of individuals covered by the system: Persons or firms who have violated any law administered by the U.S. Customs Service within the Norfolk District.

Categories of records in the system: Name of individual or firm, case number and date and section of law violated. This information is obtained from Customs Forms, 151 and 5955-A.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1; Treasury Department Order No. 165, Revised, as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) Provide the proper authority within the U.S. Customs Service with a ready reference to make a decision for the remission or mitigation of penalties, forfeitures and claims for forfeiture value.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Each card is filed alphabetically in an unlocked drawer within a metal container.

Retrievability: Each manual alphabetical card file is identified by the name of the person or firm who has violated any law administered by the U.S. Customs Service within the Norfolk District.

Safeguards: The metal container described above is maintained within the area assigned to the Fines, Penalties & Forfeitures Officer within the U.S. Customhouse. During non-working hours the room in which the metal container is located is locked. Security for the building is maintained by GSA.

Retention and disposal: Active cards are retained in this system indefinitely. However, upon periodic review, information on firms no longer in business are destroyed.

System manager(s) and address: District Director of Customs, U.S. Customshouse, 101 E. Main St., Norfolk, Va. 23510.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his

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identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained in these files is derived from Customs Form 151 (Search/Arrest/Seizure Report) and Customs Form 5955-A (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) which are prepared by the Customs Service.

Treasury/Customs 00.258

System name: Violator's Case Files—Treasury/Customs.

System location: District Director of Customs, U.S. Customs Service, St. Albans, Vermont, 05478.

Categories of individuals covered by the system: Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

Categories of records in the system: Individual's name and address, social security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and 3 x 5 index cards.

Retrievability: Alphabetized by name of individual and local control number.

Safeguards: Files are under the supervision of the Fines, Penalties and Forfeitures Officer 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

Retention and disposal: Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

System manager(s) and address: District Director, U.S. Customs Service, St. Albans, Vermont 05478.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.259

System name: Violators File Treasury/Customs.

System location: Director, Office of Investigations, 6 World Trade Center, Rm. 508, New York, New York 10048.

Categories of individuals covered by the system: Violators and alleged violators of Customs regulations and law. Associates of violators and alleged violators. Individuals, business firms and groups suspected of violating Customs regulations and laws. Individuals and firms regulated by U.S. Customs and those having routine business with U.S. Customs.

Categories of records in the system: Names, addresses and limited identifying data.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service who have a need for the records in the performance of their duties. (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552). (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The system is maintained on 6 x 5 index cards.

Retrievability: The cards are filed alphabetically.

Safeguards: The cards are stored in secure metal containers with key locks. The metal containers are located in locked rooms, the keys of which are controlled and issued to the custodian of the files. The personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions.

Retention and disposal: The index cards are maintained on a permanent basis.

System manager(s) and address: Regional Director of Investigations, New York, New York.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.260

System name: Warehouse Proprietor Files—Treasury/U.S. Customs.

System location: Offices of District Directors, Region IX, Chicago, Illinois. See Customs Appendix A.

Categories of individuals covered by the system: Present and past warehouse proprietors and employees that require an investigation and related information.

Categories of records in the system: Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, social security numbers, and dates and places of birth of persons employed.

Authority for maintenance of the system: Customs Regulations, Part 19, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and stored in file cabinets in each District Director's office within Region IX, Chicago, Illinois.

Retrievability: Each file is identified by the name of the warehouse proprietor.

Safeguards: The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

Retention and disposal: These files are retained indefinitely. Employee name data retained for period of employment with warehouse proprietor.

System manager(s) and address: District Director, as appropriate in Region IX, Chicago, Illinois. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record source categories: The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

Systems exempted from certain provisions of the act: The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption in contained in a general notice which appears elsewhere in the Federal Register.

Treasury/Customs 00.261

System name: Warehouse Violation Record.—Treasury/Customs.

System location: Fines, Penalties and Forfeitures Section, Room 102, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Persons making importations against their Warehouse Proprietor's Bond.

Categories of records in the system: The record reveals the individual's or Customhouse Broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or Customhouse Broker and disciplinary action toward reduction or elimination of violations.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Warehouse violation record cards are filed alphabetically in an unlocked metal file cabinet.

Retrievability: Each record card is filed alphabetically within the metal cabinet.

Safeguards: The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102 of the Customhouse, Philadelphia; during nonworking hours, access to the building and area of storage is controlled by uniformed guards.

Retention and disposal: Warehouse violation record cards are retained at location three years; then destroyed.

System manager(s) and address: District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed.

Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable document for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the record may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (See Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that be understands that knowingly or willfully ~~seeking~~ or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information contained on these cards originates from liquidated damage cases instituted for failure to comply with Warehouse Proprietors Bonds.

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Treasury/Customs 00.262

System name: Warnings to Importers in lieu of penalty.—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: Individuals and firms in violation of Customs's laws.

Categories of records in the system: Brief record of violation and warning.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. Available to Inspectors, Import Specialists and Agents, and other Customs employees who have need for this information.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 x 7 cards.

Retrievability: Alphabetically indexed.

Safeguards: Not accessible to other than Customs officers.

Retention and disposal: Indefinite.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Customs Officials.

Treasury/Customs 00.263

System name: Work hour records of employees—Treasury/Customs.

System location: Budget and Planning Division, Office of Administration, U.S. Customs Service, Room 7126, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Categories of individuals covered by the system: Persons employed by the U.S. Customs Service.

Categories of records in the system: Current and cumulative work hour data taken from time and attendance cards of employees of the U.S. Customs Service.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosures to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting

agency's decision on the matter. (f) Work hour information is used to develop reports required by the Office of Management and Budget (OMB) and the Congress on man-years and their distribution by activity. (g) Information from this system is disclosed on a routine basis to OMB and to the Congress for their use in evaluating the activities of Customs and to other government agencies where there is a need for them to have this information in the conduct of their official responsibilities.

For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy computer print-out kept in a loose leaf binder.

Retrievability: By the employee's name.

Safeguards: Access to these records is limited to employees of the Budget and Planning Division. The room in which the records are kept is locked during non-working hours. The building is patrolled by security police on a round-the-clock basis and only authorized persons are permitted in the building.

Retention and disposal: Annual reports showing cumulative data for the preceding year are kept indefinitely. Monthly reports showing cumulative data for the preceeding month are kept for two years and then disposed of as paper trash.

System manager(s) and address: Director, Budget and Planning Division, Office of Administration, U.S. Customs Service, Room 3415, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: The information in the system is generated by the Customs Service in the course of preparing attendance and leave records on Customs employees.

Treasury/Customs 00.264

System name: Workman's Compensation & Job-Related Injury File—Treasury/Customs.

System location: Located in the Office of the District Director, San Diego, Calif; Offices of the Port Directors, San Ysidro, Calif; Tecate, Calif; Calexico, Calif; Andrade, Calif; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, Calif; San Ysidro, Calif; Calexico, Calif; Tecate, Calif. See Customs Appendix A.

Categories of individuals covered by the system: All individuals who may have sustained an injury or who have filed for Workman's Compensation.

Categories of records in the system: Information contained on CA 1 & CA 2 and CA 16 & 17 (Dept. of Labor forms), including medical records, witness reports, etc.

Authority for maintenance of the system: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Custom Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. To maintain claims and files for processing in accordance with operating procedures.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In manila folder.

Retrievability: By name.

Safeguards: Locked file cabinet.

Retention and disposal: 3 years or indefinitely.

System manager(s) and address: District Director, Port Directors, and Division Directors within the San Diego Customs District. See Customs Appendix A.

Notification procedure: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071—Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

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If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of Customs, P.O. Box 2071-Main Post Office, Los Angeles, California 90053, or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20029. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting record procedures: See Access above.

Record source categories: Employees, supervisors, medical records, etc.

UNITED STATES CUSTOMS SERVICE

APPENDIX A

Addresses of Headquarters, U.S. Customs Service, Regional Commissioners of Customs, District Directors of Customs, and Customs Office of Investigations field offices:

U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.
Regional Commissioner of Customs, 40 S. Gay Street, Baltimore, Maryland 21202, (301)962-3288.
Regional Commissioner of Customs, JFK Federal Building, 100 Summer Street, Boston, Massachusetts 02110, (617)223-7506.
Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, Illinois 60603, (312)353-4731.
Regional Commissioner of Customs, 500 Dallas Street, Houston, Texas 77002, (713)226-4893.
Regional Commissioner of Customs, 300 N. Los Angeles Street, Los Angeles, California 90053, (213)688-5900.
Regional Commissioner of Customs, 7370 N.W. 36th Street, Miami, Florida 33166, (305)350-5952.
Regional Commissioner of Customs, 701 Loyola Avenue, New Orleans, Louisiana 70113, (504)589-6324.
Regional Commissioner of Customs, 6 World Trade Center, New York, New York 10048, (212)466-4444.
Regional Commissioner of Customs, 450 Golden Gate Avenue, San Francisco, California 94102, (415)556-3500.

Customs District Offices.

(Note: New York has Area Directors instead of District Directors. Roman numeral designates Customs region).

VIII Anchorage, Alaska 99501/204 E. Fifth Ave. (907)279-2543.
III Baltimore, Maryland 21202/103 S. Gay St. (301)962-2666.
I Boston, Massachusetts 02109/2 India St. (617)223-6598.
I Bridgeport, Connecticut 06609/120 Middle St. (203)366-7851.
I Buffalo, New York 14202/111 W. Huron St. (716)842-5901.
IV Charleston, South Carolina 29401/200 E. Bay St. (803)577-4171.
IX Chicago, Illinois 60607/610 S. Canal St. (312)353-6100.
IX Cleveland, Ohio 44199/1240 E. 9th St. (216)522-4284.
IX Detroit, Michigan 48226/243 W. Congress St. (313)226-3177.
IX Duluth, Minnesota 55802/515 W. First St. (218)727-6692.
VI El Paso, Texas 79985/Bldg. B, Room 134, Bridge of the Americas (P.O. Box 9516) (915)543-7435.
VI Galveston, Texas 77550/17th & Strand Sts. (713)763-1211.
VIII Great Falls, Montana 59401/215 1st Ave. N. (406)453-7840.
VIII Honolulu, Hawaii 96806/335 Merchant St. (808)546-3115.
VI Houston, Texas 77052/701 San Jacinto St. (713)226-4316.
VI Laredo, Texas 78040/1000 Zaragoza (512)723-2956.
VII Los Angeles/Long Beach/300 S. Ferry St., San Pedro, California 90731 (213)548-2441.
IV Miami, Florida 33132/100 N.E. 7th St. (305)350-5791.
IX Milwaukee, Wisconsin 53202/628 E. Michigan St. (414)224-3924.
IX Minneapolis, Minnesota 55401/110 S. Fourth St. (612)725-2317.
V Mobile, Alabama 36602/250 N. Water St. (205)690-2106.
V New Orleans, Louisiana 70130/423 Canal St. (504)589-6353.
II New York, New York: New York Seaport Area, New York, New York 10048, Customhouse, 6 World Trade Center, (212)466-5817. Kennedy Airport Area, Jamaica, New York 11430, Seaboard World Building, Room 178, (212)995-7083. Newark Area, Newark, New Jersey 07105, 400 Delaney St. (201)645-3760.
VII Nogales, Arizona 85621/International & Terrace Sts. (602)287-4955.
III Norfolk, Virginia 23510/101 E. Main St. (804)441-6546.
I Ogdensburg, New York 13669/127 N. Water St. (315)393-0660.
IX Pembina, North Dakota 58271/Post Office Bldg. (701)825-6201.
III Philadelphia, Pennsylvania 19106/2nd & Chestnut Sts. (215)597-4605.
VI Port Arthur, Texas 77640/5th & Austin Ave. (713)982-2831.
I Portland, Maine 04111/312 Fore St. (207)775-3131.
VIII Portland, Oregon 97209/N.W. Broadway & Glisan Sts. (503)221-2865.
I Providence, Rhode Island 02903/24 Weybosset St. (401)528-4383.
I St. Albans, Vermont 05478/Main & Stebbins Sts. (802)524-6527.
IX St. Louis, Missouri 63105/120 S. Central Ave. (314)622-4491.
IV St. Thomas, Virgin Islands 00801/(P.O. Box 510) (809)774-2510.
VII San Diego, California 92101/2262 Columbia St. (714)293-5360.
VIII San Francisco, California 94111/555 Battery St. (415)556-4340.
IV San Juan, Puerto Rico 00903/(P.O. Box 2112) (809)723-2091.
IV Savannah, Georgia 31401/1 East Bay St. (912)232-4321.
VIII Seattle, Washington 98104/First & Marion Sts. (206)442-5491.
IV Tampa, Florida 33602/301 S. Ashley Dr. (813)228-2381.
III Washington, D.C. 20018/3180 Bladensburg Rd., N.E. (202)964-8511.
IV Wilmington, North Carolina 28401/2094 Polk St. (919)763-9971.

Office of Investigations field offices

Region I-Boston
Office of Regional Director of Investigations, Room 1700, U.S. Customhouse, Boston, Massachusetts 02109.
Office of Resident Agent, P.O. Box 368, Derby Line, Vermont 05830.
Office of Resident Agent, P.O. Box 432, Houlton, Maine 04111.
Office of Special Agent In Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.
Office of Special Agent In Charge, 127 N. Water St., Ogdensburg, New York 13669.
Office of Resident Agent, 770 Chapel Street, Suite 2B, New Haven, Connecticut.
Office of Special Agent In Charge, U.S. Federal Building, Rm. 1206, 111 West Huron, Buffalo, New York 14202.
Office of Special Agent In Charge, P.O. Box 68, Rouses Point, New York 12979.

Region II-New York

Office of Regional Director of Inv., U.S. Customs Service, Room 508- 6 World Trade Center, New York, New York 10048.
Office of Special Agent In Charge, Room 203 C, 400 Delancey Street, Newark, New Jersey 07105.
Office of Special Agent In Charge, J.F.K. International Airport, Inter. Arrival Bldg., 160-19 Rockaway Blvd., New York, New York 11430.

Region III-Baltimore
Office of Regional Director of Inv., Room 810, U.S. Appraisers Stores Bldg., 103 South Gay Street, Baltimore, Maryland 21202.
Office of Resident Agent, 701 West Broad Street, Rm. 301, Falls Church, Virginia 22046.
Office of Special Agent In Charge, 201 U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
Office of Resident Agent, Room 2236, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
Office of Special Agent In Charge, 201 U.S. Customhouse, Norfolk, Virginia 23510.

Region IV-Miami
Office of Regional Director of Inv., Eastern Union Building, 111 S.W. 3rd Street, Miami, Florida 33130.
Office of Resident Agent, 700 Clematis Street, Rm. 253, West Palm Beach, Florida 33401.
Office of Special Agent In Charge, P.O. Box 1516, Tampa, Florida 33601.
Office of Resident Agent, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.
Office of Special Agent In Charge, Drawer A, Savannah, Georgia 31408.
Office of Resident Agent, 1585 Phoenix Boulevard, Suite 5, Atlanta, Georgia 30349.
Office of Special Agent In Charge, P.O. Box 898, Wilmington, North Carolina 28401.
Office of Special Agent In Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan, Puerto Rico 00902.
Office Of Resident Agent, P.O. Box 127, Ponce Playa, Puerto Rico.
Office of Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, Puerto Rico.
Office of Special Agent In Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, Virgin Islands.
Office of Resident Agent, P.O. Box 1801—Christiansted, St. Croix, Virgin Islands.

Region V-New Orleans
Office of Regional Director of Inv., Suite 2900, Plaza Tower Building, 1001 Howard Street, New Orleans, Louisiana 70113.
Office of Special Agent In Charge, International Trade Center, P.O. Box 1704, Mobile, Alabama 36601.
Office of Resident Agent, 1719 West End Building, Room 303, Nashville, Tennessee 37203.

Region VI-Houston
Office of Regional Director of Inv., Suite 1380, 500 Dallas Street, Houston, Texas 77002.
Office of Resident Agent, Suite 210, 700 Paredes Ave., Brownsville, Texas 78520.
Office of Resident Agent, P.O. Drawer 1169, Del Rio, Texas 78440.
Office of Resident Agent, 1114 Commerce Street, 17th Floor, Dallas, Texas 75202.
Office of Special Agent In Charge, P.O. Box 498, Laredo, Texas 78040.
Office of Resident Agent, P.O. Box 828, Eagle Pass, Texas 78852.
Office of Resident Agent, 2600 North 10th Street, McAllen, Texas 78501.
Office of Resident Agent, 1802 N.E. Loop 410, Suite 302, San Antonio, Texas 78217.
Office of Special Agent in Charge, P.O. Box 10719, El Paso, Texas 79997.
Office of Resident Agent, 5301 Central Avenue, N.E., Suite 919, 1st National Bank Building, East, Albuquerque, New Mexico 87108.
Office of Resident Agent, 721 19th Street, Room 404, P.O. Box 2771, Denver, Colorado 80201.

Region VII-Los Angeles
Office of Regional Director of Inv., 300 South Ferry Street, Room 2037, Terminal Island, San Pedro, California 90731.
Office of Special Agent In Charge, P.O. Box 1385, Nogales, Arizona 85621.
Office of Resident Agent, P.O. Box 5752, Suite 200, First Federal Savings Building, 350 West 16th Street, Yuma, Arizona 85364.
Office of Resident Agent, P.O. Box 1076, 1065 F Avenue, Glenn Bldg., Douglas, Arizona 85607.
Office of Resident Agent, Room 328, Amerco Towers, 2721 No. Central Avenue, P.O. Box 2259, Phoenix, Arizona 85002.
Office of Resident Agent, P.O. Box 2911, Tucson, Arizona 85702.
Office of Special Agent In Charge, P.O. Box 187, San Ysidro, California 92073.
Office of Resident Agent, P.O. Box 1510, Calexico, California 92231.

Region VIII-San Francisco
Office of Regional Director of Inv., 681 Market Street, Room 300, San Francisco, California 94101.
Office of Special Agent In Charge, 4100 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.
Office of Resident Agent, P.O. Box 1360, Blaine, Washington 98230.
Office of Resident Agent, P.O. Box 1483, Spokane, Washington 99210.
Office of Special Agent In Charge, P.O. Box 199, Anchorage, Alaska 99510.
Office of Special Agent In Charge, P.O. Box 71, Great Falls, Montana 59403.
Office of Special Agent In Charge, 1000 Bishop Street, Suite 1210, Honolulu, Hawaii 96813.
Office of Special Agent In Charge, P.O. Box 2841, Portland, Oregon 97208.

Region IX-Chicago
Office of Regional Director of Inv., 55 E. Monroe Street, Suite 1423, Chicago, Illinois 60603.
Office of Special Agent In Charge, 628 East Michigan Street, Room 208, Milwaukee, Wisconsin 53202.
Office of Special Agent In Charge, 120 South Central Ave., Suite 440, St. Louis, Missouri 63105.
Office of Resident Agent, Room 259, Federal Building, 301 West Lexington Street, Independence, Missouri 64050.
Office of Special Agent In Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
Office of Resident Agent, P.O. Box 1035, Fountain Square Station, Cincinnati, Ohio 45201.
Office of Resident Agent, P.O. Box 44835, Federal Building, Room 511 Indianapolis, Indiana 46204.
Office of Special Agent In Charge, Room 507, Meierhoff Building, 325 Lake Avenue, South, Duluth, Minnesota 55802.
Office of Special Agent In Charge, Room 501, 243 West Congress St., Detroit, Michigan 48226.
Office of Special Agent In Charge, P.O. Box 192, Pembina, North Dakota 58271.
Office of Special Agent In Charge, 574 Federal Building, Ft. Snelling, Twin Cities, Minneapolis, Minnesota 55111.

Treasury/USSS 00.001

System name: Administrative Operations Information System—Treasury/USSS

System location:

System location: U.S. Secret Service (Headquarters), 1800 G Street N.W., Washington, D.C. 20223. Components of the Administrative Operations Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service, Appendix A, listing the addresses of Secret Service offices). Executive Protective Service 1310 L Street, N.W., Washington, D.C. 20500. Treasury Security Force, Main Treasury Building, Washington, D.C. 20220. Presidential Protective Division, U.S. Secret Service, Room 1 EOB 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. Vice Presidential Protective Division, U.S. Secret Service, Executive Office Building Room 295, Washington, D.C. 20500. Foreign Dignitary Protective Division U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 2005. Protective Support Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. Eisenhower Protective Division, U.S. Secret Service, Gettysburg, Pennsylvania 17325. Johnson Protective Division, U.S. Secret Service, Stonewall, Texas 78671. Kennedy Protective Division, U.S. Secret Service, 1040 Fifth Avenue, New York, New York 10028. Truman Protective Division, U.S. Secret

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Service, 224 North Delaware, Independence, Missouri 64051. Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. Technical Security Division, Executive Office Building, Washington, D.C. 20500.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors, etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

Categories of records in the system: (a) Records containing information on issuance of Secret Service equipment and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present and future administrative inquiries, with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities; (e) Records on motor vehicle operators in the Secret Service; (f) Statement of employment and financial interests of certain Secret Service employees required under Treasury Department standards of conduct.

Authority for maintenance of the system: The authority of the Administrative Operations Information System is contained in various Executive Orders, Treasury Orders and delegations; Title 40 and 41 of the U.S. Code and other rules and regulations where applicable; 5 U.S.C. 301; 31 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Administrative Operations Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) To maintain administrative control of equipment assigned to Secret Service employees; (d) Referral of information to U.S. Treasury, GAO, OMB, GSA, Department of Justice and other Federal, state, and local governments regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (e) To provide administrative services for the Secret Service and maintain administrative records as required by law; (f) To use in the adjudication of any claim for or against the Secret Service; (g) Referral to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (h) Records maintained in the Administrative Operations Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (l) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Administrative Operations Information System are contained in file folders located in Headquarters, 1800 G Street, N.W., Washington, D.C. 20223, and in Secret Service field offices (see United States Secret Service Appendix A).

Retrievability: The Administrative Operations Information System is indexed alphabetically by name either in a master index file system or on microfilm. Access to the physical files containing records is by class code number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Administrative Operations Information System located at the U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master file indices comprising the Administrative Operations Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The file jackets and master indices comprising the Administrative Operations Information System are retained indefinitely. Disposal is by burning or shredding.

System manager(s) and address: Assistant Director, Office of Administration, U. S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information & Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information & Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

Treasury/USSS 00.002

System name: Treasury/USSS Criminal Investigation Information System.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Components of the Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service Appendix A listing the addresses of Secret Service field offices). (c) Treasury Security Force, Room 1044—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures, and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

Categories of records in the system: (a) Records containing information complied for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-receipt of treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims.

Authority for maintenance of the system: The criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Treasury Department Orders transferring investigative and security functions to the U.S. Secret Service by virtue of the authority vested in the Secretary of the Treasury pursuant to Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Criminal Investigation Information System of the U.S. Secret Service are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to Federal, state, and local governments, foreign and domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; (d) Referral to personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (e) Referral to personnel of Federal, state, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (f) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (g) Referral to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such referral is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (h) Records maintained in the Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico and one foreign country. (See below, United States Secret Service Appendix A.)

Components of the Criminal Investigation Information System may be located in the Office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the records are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Criminal Investigation Information System of the U.S. Secret Service is indexed alphabetically by name at Headquarters, in the field master and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The field jackets and indices containing the records comprising the Criminal Investigation Information System located at the U.S. Secret Service Headquarters are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a need to know, each of whom have top secret security clearances; (2) The file jackets and the master field indices comprising the Criminal Investigation Information System in Secret Service Field Offices and the Treasury Security Force are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service and the Treasury Security Force holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Criminal Investigation Information System is as follows: (1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigative nature, 5 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts for counterfeits and contraband, 2 years; (8) Investigation Control Forms, Indefinite; (9) Arrest History Forms, Indefinite; (10) Disposal of records contained in the Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.003

System name: Treasury/USSS—Financial Management Information System.

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System location: (a) U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223; (b) Components of the Financial Management Information System are geographically dispersed throughout Secret Service field offices. (See below United States Secret Service, Appendix A listing the addresses of Secret Service field offices); (c) Executive Protective Service, 1310 L Street, N.W., Room 210, Washington, D.C. 20005; (d) Treasury Security Force, Room 1044, Main Treasury Building, Washington, D.C. 20220; (e) Protective Support Division, U.S. Secret Service, 1310 L Street N.W., Suite 400, Washington, D.C. 20005; (f) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500; (g) Vice Presidential Protective Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500; (h) Foreign Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005; (i) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325; (j) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, Texas 78671; (k) Kennedy Protective Division, U.S. Secret Service, 1040 Fifth Avenue, New York, New York 10028; (l) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051; (m) Nixon Protective Division, U.S. Secret Service, U.S. Coast Guard Station, San Clemente, California 92672; (n) Technical Security Division, Room 14, Executive Office Building, Washington, D.C. 20500.

Categories of individuals covered by the system: (a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

Categories of records in the system: (a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Records of time and attendance of work.

Authority for maintenance of the system: The Financial Management Authority of the U.S. Secret Service is contained in various Executive Orders, Treasury Orders and delegations, Title 7 of the General Accounting Office Policy and Procedure Manual for Guidance of Federal Agencies and other rules and regulations and fiscal procedures where applicable; 5 U.S.C. 301; 31 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Financial Management Information System are as follows: (a) Referral to the Internal Revenue Service, U.S. Treasury, GAO, Civil Service and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (b) Referral to the Internal Revenue Service, U.S. Treasury Department, Civil Service, GAO and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (c) To establish a means of budget projections and studies for anticipated expenses to be incurred; to record the actual expenses claimed; to analyze any unliquidated obligations at the end of the fiscal year; (d) To establish a means of responding to questions by Secret Service employees regarding their financial dealings; (e) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state and local governments and Congress; (f) To establish a reporting system to Treasury, Office of Management & Budget and the General Accounting Office of Secret Service expenditures; (g) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (h) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (i) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (j) Records maintained in the Financial Management Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (k) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (l) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (m) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (n) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records comprising the Financial Management Information System of the U.S. Secret Service are contained in files and/or microfilm located at Headquarters, Washington, D.C., Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (See location section of this notice and United States Secret Service Appendix A), and Secret Service Protective Divisions. Portions of the indices and information contained in the Financial Management Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Financial Management Information System is indexed by name and/or numbers in the Headquarters office and by name only in the U.S. Secret Service field offices and protective divisions. Access to the physical files containing records is by number and/or name. Access to the information stored in the computer is also by name and/or number.

Safeguards: (1) The file jackets, indices and computer containing the record systems located at U.S. Secret Service Headquarters are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24 hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom hold a top secret security clearance; (3) The file jackets and/or indices comprising the Financial Management Information System in U.S. Secret Service field offices and protective divisions are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Financial Management Information System are as follows: (1) Financial Management Division automated accounting systems, Paris Field Office file and paid files are retained for six years; (2) Accounts receivable systems maintained for four years unless they are not liquidated; (3) Systems for holiday, overtime hour and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are held indefinitely; (4) Records on personnel actions, leave, change of station, bonds, health benefits and insurance policies, bank deposits, allotments, etc., are held for six months. Disposal of records contained in the Financial Management Information System is by burning.

System manager(s) and address: Assistant Director, Office of Administration, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains a record pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting

records should contact: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and dispersement with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

Treasury/USSS 00.004

System name: Freedom of Information Request System—Treasury/USSS.

System location: United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of indivíduals covered by the system: Individuals or organizations who have requested information under the Freedom of Information Act.

Categories of records in the system: (a) Correspondence relating to requests for information; (b) Documents relevant to appeals and law suits under the Freedom of Information Act.

Authority for maintenance of the system: The authority of the U.S. Secret Service is contained in 5 U.S.C. 552, Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act; (d) Records maintained in the Freedom of Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (e) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (f) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Freedom of Information Request System are maintained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The file jackets and indices containing the records comprising the Freedom of Information Request System are indexed alphabetically.

Safeguards: The file jackets and indices containing the records comprising the Freedom of Information Request System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

Retention and disposal: All files and indices are held indefinitely. Disposal is by burning.

System manager(s) and address: Staff Assistant, Office of Administration, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information & Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: Individuals or organizations requesting information pursuant to the Freedom of Information Act.

Treasury/USSS 00.005

System name: Treasury/USSS—Legal Counsel Record System.

System location: Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Individuals who have filed administrative claims involving an employee of the U.S. Secret Service; (b) Any individual who is involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition for remission of forfeiture of equipment that was seized from them during an investigation and/or arrest by the U.S. Secret Service.

Categories of records in the system: (a) Copies of administrative claims involving employees of the U.S. Secret Service, responses and legal proceedings in those cases where litigation is involved in administrative claims; (b) Any type of legal document, including complaints, summaries, and litigation reports that are prepared for the Department of Justice at their request; (c) Petitions for remission of forfeiture of seized equipment; (d) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

Authority for maintenance of the system: 18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471-509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Legal Counsel Record System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Administrative claims may be routinely sent to the Department of Justice to the Attorneys who will represent the Secret Service in any possible litigation. The purpose of sending administrative claims to these attorneys is to assist them in preparation of litigation involving the Secret Service; (d) Legal records are routinely used in preparation for litigation proceedings against the U.S. Secret Service. Litigation reports are routinely sent to the Department of Justice at their request for assistance in preparation of the litigation proceedings. The purpose of such referals is to assist the Dept. of Justice in the preparation of litigation concerning the U.S. Secret Service; (e) All routine uses for petitions for remission of forfeiture of seized equipment are within the agency; (f) Files concerning requests for information regarding the use of reproductions of Government obligations are used in responding to general requests from the public or for requests for interpretation of legality with the Department of Justice and Postal authorities; (g) Records maintained in the Legal Counsel Record System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h)Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its

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request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k)For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Legal Counsel Record System of the U.S. Secret Service are contained in file jackets located in the Office of Legal Counsel, United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: The Legal Counsel Record System is indexed chronologically for administrative claims, petitions for remission and requests for information regarding reproductions. Access to the physical files containing litigation records is by an alphabetized listing of the case names.

Safeguards: The file jackets containing records comprising the Legal Counsel Record System located at U.S. Secret Service Headquarters, Office of Legal Counsel, are secured in a locked room with guards on duty on an around the clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: The retention schedule of records comprising the Legal Counsel Record System is as follows: (1) All judicial case records are retained for a period of 20 years; (2) Administrative claims, petitions for remission, and requests for information are retained indefinitely. Any disposal is by shredding and/or burning.

System manager(s) and address: Legal Counsel, U.S. Secret Service, 1800 G Street, N.W., Room 842, Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether the system contains records pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Legal Counsel, U.S. Secret Service; (c) Individuals and organizations who have petitioned for remission of forfeiture of seized equipments; (d) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations.

Treasury/USSS 00.006

System name: Non Criminal Investigation Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.(b) Office of Inspection, U.S. Secret Service, Edison Building, Suite 654, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226.(c) Components of the Non-Criminal Investigation Information System are geographically dispersed throughout Secret Service field offices in the United States, Puerto Rico, and one foreign country. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury;(b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records;(c) Individuals who have filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals;(d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act;(e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions;(f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

Categories of records in the system: (a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information;(b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act; Government Losses in Shipment Act; the Gold Reserve Act and the Silver Purchase Act; and employee misconduct or malfeasance;(c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

Authority for maintenance of the system: The non-criminal investigative authority of the U.S. Secret Service is contained in 18 U.S.C. 3056; Executive Order 10450 and Treasury Order 82 (revised January 17, 1973); and Treasury Order 173-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Non-Criminal Investigation Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (d) Referral to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (e) Referral to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (f) Referral to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (g) Records maintained in the Non-Criminal Investigation Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (h) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (i) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (j) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (k) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (l) for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Non-Criminal Investigation Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. and/or in file jackets located in the Office of Inspection, Edison Building, 1900 Pennsylvania Avenue, N.W., Washington, D.C. and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (See Location Section of this notice and United States Secret Service Appendix A.) Portions of these indices and information contained in the Non-Criminal Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Non-Criminal Investigation Information System is indexed alphabetically by name in the Headquarters, Inspection, field master, and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Non-Criminal Investigation Information System located at U.S. Secret Service Headquarters and the Office of Inspection are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices comprising the Non-Criminal Investigation Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Non-Criminal Investigation Information System is as follows: (1) All judicial case records are retained for a period of twenty years; (2) Applicant security and background investigation records of Secret Service employees are retained for thirty years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for three years; (4) All other records, the disposition of which are not otherwise specified, are retained for five (5) years. Disposal: Disposal of records contained in the Non-Criminal Investigation Information System is by burning.

System manager(s) and address: Assistant Director, Office of Investigations, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provision of 5 U.S.C. 552 a (e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552 a (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with the provisions of 5 U.S.C. 552 a (e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Non-Criminal Investigation Information System from compliance with certain provisions of 5 U.S.C. 552a—elsewhere in the Federal Register.

Treasury/USSS 00.007

System name: Protection Information System—Treasury/USSS.

System location: (a) United States Secret Service, 1800 G Street, N.W., Washington, D.C. 20223. (b) Presidential Protective Division, U.S. Secret Service, Room 1, E.O.B., 17th & Pennsylvania Avenue, N.W., Washington, D.C. 20500. (c) Vice Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, D.C. 20500. (d) Foreign Dignitary Protective Division, U.S. Secret Service, 1310 L Street, N.W., Washington, D.C. 20005. (e) Protective Support Division, U.S. Secret Service 1310 L Street, N.W., Suite 400, Washington, D.C. 20005. (f) Eisenhower Protective Division, U.S. Secret Service, Room 206, Post Office Building, Gettysburg, Pennsylvania 17325. (g) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall Texas 78671. (h) Kennedy Protective Division, U.S. Secret Service 1040 Fifth Avenue, New York, New York 10028. (i) Truman Protective Division, U.S. Secret Service, 224 North Delaware, Independence, Missouri 64051. (j) Nixon Protective Division, U.S Secret Service, U.S. Coast Guard Station, San Clemente, California 92672. (k) Executive Protective Service, Room 210, 1310 L Street, N.W., Washington, D.C. 20005. (l) Treasury Security Force, Room 1040, Main Treasury Building, Washington, D.C. 20220. (m) Technical Security Division, Room 14, Executive Office Building, Washington, D.C. 20500. (n) Components of the Protection Information System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices).

Categories of individuals covered by the system: (a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and individuals for evaluation by the Secret Service in connection with the performance by that agency of its authorized protective functions; (c) Individuals who are the subjects of non-criminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, the Executive Protective Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, law enforcement, maintenance and service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, complainants, informants, suspects, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports relative to an individual compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign and domestic; other governmental agencies; private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service, and/or the Executive Protective Service; (f) Records containing information relating to incidents and events, such as attempted intrusions into secured areas, or activities of mentally disturbed persons demonstrating an unusual or abnormal interest in persons protected by the Secret Service; (g) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance and service

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personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service and/or the Executive Protective Service; (h) Records containing correspondence, records of telephone calls, visits to and efforts to contact persons protected by the Secret Service by certain individuals who, according to criteria established by the Secret Service, are considered to be of protective interest.

Authority for maintenance of the system: The protective authority of the U.S. Secret Service is contained in 18 U.S.C. 3056 and Section 1 of Public Law 90-331. Criminal Investigations relating to protection, such as threats or unauthorized entry (18 U.S.C. 871; 18 U.S.C. 1751), are authorized by 18 U.S.C. 3056. The protective and security authority of the Executive Protective Service is contained in 3 U.S.C. 202 and of the Treasury Security Force in Treasury Orders issued by the Secretary of the Treasury pursuant to the provisions of Reorganization Plan Number 26 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Protective Information System of the U.S. Secret Service are as follows: (a) Disclosures to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) Referral to the Department of Justice and other Federal, state and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service and Executive Protective Service protective functions; (d) Referral to personnel of other Federal state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (e) Referral to personnel of Federal, state, and local governmental agencies, foreign and domestic, where such referrals are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of protective interest; (f) Referral to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign and domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (g) Referral to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (h) Records maintained in the Protection Information System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (i) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (j) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (k) Disclosures to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (l) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 C.F.R. 50.2; (m) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Protection Information System of the U.S. Secret Service are contained in file jackets located at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. or in file jackets located in the offices of various protective units of Secret Service; the Technical Security Division; and in Secret Service field offices geographically dispersed throughout the United States, Puerto Rico, and one foreign country. (see Location Section of this notice and United States Secret Service Appendix A.) Components of the Protection Information System are located in the office of the Executive Protective Service, 1310 L Street, N.W., Washington, D.C. and in the office of the Treasury Security Force, Main Treasury Building, Washington, D.C. Portions of the indices and information contained in the Protective Information System are programmed into a computer maintained at Headquarters, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C.

Retrievability: The Protective Information System is indexed alphabetically by name in the Headquarters, field master, protective units and computerized indices. Access to the physical files containing records is by case number obtained from the alphabetized name indices.

Safeguards: (1) The file jackets and indices containing the records comprising the Protection Information System located at the U.S. Secret Service Headquarters, in the protective units, the Executive Protective Service, the Treasury Security Force, and the Technical Security Division of the Secret Service are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance. 2. The file jackets and the master field indices comprising the Protective Information System in Secret Service field offices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

Retention and disposal: The retention schedule for records comprising the Protection Information System is as follows: (1) All judicial case records are retained for a period of twenty years. In cases where checkups are being made or quarterly investigations are conducted in protective intelligence cases, the retention period is computed from the date of the final checkup or quarterly investigation. In the event of a protective intelligence subject's death, the file is destroyed immediately. Otherwise the quarterly investigative files are maintained for a period of twenty years; (2) All other protective intelligence case records including protective surveys and nonjudicial protective intelligence cases are retained for a period of five years; (3) Administrative records on all types of protective activities are retained for a period of ten years; (4) Disposal of records contained in the Protective Information System is by burning.

System manager(s) and address: Assistant Director, Office of Protective Intelligence, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (G).

Record access procedures: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (H).

Contesting record procedures: See access above.

Record source categories: In accordance with the provisions of 5 U.S.C. 552a(j) and (k) the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with the provisions of 5 U.S.C. 552a(e) (4) (I).

Systems exempted from certain provisions of the act: In accordance with the provisions of 5 U.S.C. 552a(j) and (k), the Director of the U.S. Secret Service proposes to exempt the Protection Information System from compliance with certain provisions of 5 U.S.C. 552a elsewhere in the Federal Register.

Treasury/USSS 00.008

System name: Public Affairs Record System—Treasury/USSS.

System location: U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Categories of individuals covered by the system: (a) Persons who are private citizens who correspond requesting information relating to the Secret Service; (b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service; (c) Members of Congress who make inquiries with the Secret Service; (d) Persons who are recipients of the Director's Honor Award, who have received recognition from or assisted the Secret Service.

Categories of records in the system: (a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

Authority for maintenance of the system: 18 U.S.C. 3056 and Treasury Department Order Number 173-3, dated October 29, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Public Affairs Record System are as follows: (a) To maintain a record of responses made to the general public, the news media, members of Congress, and other individuals who correspond with the Service; (b) To maintain a record of awards and honors given by the Secret Service and to establish statistical information on these awards and honors; (c) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (d) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552). (e) Records maintained in the Public Affairs Records System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (f) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (g) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit; (h) Disclosures to Federal agencies, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (i) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Public Affairs Record System are maintained in file folders located at U.S. Secret Service, Headquarters, 1800 G Street, N.W., Washington, D.C. 20223.

Retrievability: Records of the Public Affairs Record System are filed alphabetically and chronologically. Access is by name and/or date.

Safeguards: The files containing the Public Affairs Record System are located at U.S. Secret Service Headquarters, and are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

Retention and disposal: Records in this system are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedure for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information & Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) The general public, the news media and members of Congress who correspond with the Service; (b) Persons who have received awards or honors from the Secret Service.

Treasury/USSS 00.009

System name: Training Information System—Treasury/USSS.

System location: (a) U.S. Secret Service, Training Division, 1717 H Street, N.W., Washington, D.C. 20223. (b) Treasury Security Force, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. (c) Beltsville Training Center, Beltsville, Maryland 20705.

Categories of individuals covered by the system: (a) Individuals who are now or were Secret Service employees, officers of the Executive Protective Service or the Treasury Security Force.

Categories of records in the system: Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the Executive Protective Service or the Treasury Security Force.

Authority for maintenance of the system: 18 U.S.C. 3056 is the statute that establishes Secret Service criminal and protective jurisdiction and training is conducted pursuant to that statute and in accordance with Treasury and Civil Service Regulations relating to training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of the records contained in the Training Information System are as follows: (a) Disclosure to those officers and employees of the Secret Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosure required in the administration of the Freedom of Information Act (5 U.S.C. 552); (c) The system is maintained to assist in performing administrative functions of the Training Division and is used to prepare class directories, class rosters, program evaluation reports and statistical reports, and maintain records of performance; (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records comprising the Training Information System are maintained on cards at the Secret Service Training Division, 1717 H Street, N.W., Washington, D.C., Main Treasury Building, 1500 Pennsylvania Avenue, N.W., and Beltsville Training Center, Beltsville, Maryland.

Retrievability: Records of the Training Information System are filed alphabetically and access to the record card is by name.

Safeguards: The Training Information System record cards located at the U.S. Secret Service Training Divisions are secured in locked rooms with alarms when Secret Service employees are not on duty. Access to the records is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom hold a top secret security clearance.

Retention and disposal: Records in this System are currently maintained indefinitely.

System manager(s) and address: Assistant to the Director, Office of Training, U.S. Secret Service, 1717 H Street, N.W., Washington, D.C. 20223.

Notification procedure: Any individual who wishes to present a request as to whether this system contains records pertaining to him should address his inquiry to: Staff Assistant, Freedom of Information & Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Record access procedures: Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Staff Assistant, Freedom of Information &

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Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Contesting record procedures: See access above.

Record source categories: (a) Individuals who are now or were Secret Service employees, officers of the Executive Protective Service and the Treasury Security Force officers; (b) Individuals from other Federal, state and local law enforcement agencies.

Appendix A—
U.S. Secret Service field offices
Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, 505—766—3336.
601 Rockwell Avenue, Cleveland, Ohio 44114, 216—522—4365.
Equitable Building, 100 Peachtree Street, N.E., Atlanta, Georgia 30301, 404—526—6111.
950 South Stadium Road, Columbia, South Carolina 29201, 803—765—5446.
Federal Office Building, 300 East 8th Street, Austin, Texas 78701, 512—397—5103.
85 Marconi Boulevard, Columbus, Ohio 43215, 614—469—7370.
Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 20201, 301—962—2200.
1100 Commerce Street, Dallas, Texas 75202, 214—749—3461.
66 Bagby Drive, Birmingham, Alabama 35209, 205—325—3144.
1660 Lincoln Street, Denver, Colorado 80203, 303—837—3027.
575 Technology Square, Cambridge, Massachusetts 02139, 617—223—2728.
Federal Building & U.S. Courthouse, Detroit, Michigan 48226, 313—226—6400.
Federal Building, 111 West Huron Street, Buffalo, New York 14202, 716—842—3542.
511 East San Antonio Street, El Paso, Texas 79901, 915—543—7546.
New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301, 304—343—1316.
110 Michigan Avenue, N.W., Grand Rapids, Michigan 49502, 616—456—2276.
226 Skeens Building, 4530 Park Road, Charlotte, North Carolina 28209, 704—372—7491.
677 Ala Moana Boulevard, Honolulu, Hawaii 96813, 808—546—5637.
219 S. Dearborn Street, Chicago, Illinois, 60604, 312—353—5431.
515 Rusk Street, Houston, Texas 77208, 713—226—5791.
Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202, 513—684—3448.
46 E. Ohio Street, Indianapolis, Indiana 46204, 317—269—6444.
U.S. Post Office & Courthouse, Jackson, Mississippi 39205, 601—969—4436.
Post Office Building, Jacksonville, Florida 32201, 904—791—2777.
546 Carondelet Street, New Orleans, Louisiana 70190, 504—589—2219.
811 Grand Avenue, Kansas City, Missouri 64142, 816—374—5021.
6 World Trade Center, New York, New York 10048, 212—266—4400.
611 Gaines Street, Little Rock, Arkansas 72201, 501—378—6241.
Bank of Virginia Building, Norfolk, Virginia 23502, 804—441—6736.
312 North Spring Street, Los Angeles, California 90012, 213—688—4830.
210 Northwest Sixth Street, Oklahoma City, Oklahoma 73102, 405—231—4476.
Post Office Building, Louisville, Kentucky 40201, 502—582—5171.
215 North 17th Street, Omaha, Nebraska 68102, 402—221—4671.
167 North Main Street, Memphis, Tennessee 38103, 901—534—3568.
58 bis, Rue la Boetie, American Embassy, Paris 8, France, 265—7460.
5255 N.W. 87th Avenue, Miami, Florida 33101, 305—350—5961.
600 Arch Street, Philadelphia, Pennsylvania 19106, 215—627—6800.
517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, 414—224—3587.
3033 North Central Avenue, Phoenix, Arizona 85012, 602—261—3556.
110 South 4th Street, Minneapolis, Minnesota 55401, 612—725—2801.
1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, 412—644—3384.
107 Saint Francis Street, Mobile, Alabama 36602, 205—690—2851.
900 S.W., 5th Avenue, Portland, Oregon 97204, 503—221—2162.
801 Broadway, Nashville, Tennessee 37203, 615—749—5841.
Federal Building & U.S. Courthouse, Providence, Rhode Island 02901, 401—528—4462.
60 Evergreen Place, East Orange, New Jersey 07018, 201—645—2334.
400 North Eighth Street, Richmond, Virginia 23240, 804—782—2274.
205 Whitney Avenue, 3rd Floor, New Haven, Connecticut 06511, 203—432—2144.
650 Capitol Mall, Sacramento, California 95814, 916—449—2413.
1114 Market Street, St. Louis, Missouri 63101, 314—425—4238.
234 Summit Street, Toledo, Ohio 43604, 419—259—6434.
350 South Main Street, Salt Lake City, Utah 84101, 801—524—5910.
1900 Pennsylvania Avenue, N.W., Washington, D.C. 20226, 202—634—5100.
727 E. Durango, San Antonio, Texas 78206, 512—225—4277.
100 West "A" Street, San Diego, California 92101, 714—293—5640.
450 Golden Gate Avenue, San Francisco, California 94102, 415—556—6800.
255 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917, 809—622—0539.
Post Office Building, Washington & Linden Streets, Scranton, Pennsylvania 18501, 717—344—7333.
915 Second Avenue, Seattle, Washington 98174, 206—442—5495.
761 U.S. Courthouse, Spokane, Washington 99201, 509—456—2532.
600 East Monroe Street, Springfield, Illinois 62701, 217—527—4033.
Main Post Office Building, Syracuse, New York 13201, 315—473—6680.
1000 Ashley Drive, Tampa, Florida 33602, 813—228—2636.

Treasury/ATF 00.001

System name: Administrative Record System-Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

Categories of records in the system: (1) Accident Report—non-vehicle (2) Accident Report—Vehicle (3) Accountability records for Government property (4) Credit card purchases (5) Disability reports (6) Fatality reports (7) Motor pool records (8) Injury reports (9) Motor vehicle operator's records. (10) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) Federal Claims Collection Act (2) Federal Employees Compensation Act (3) Federal Property and Administration Services Act of 1949 as amended. (4) Federal Tort Claims Act (5) Military Personnel and Federal Employees Claim Act (6) Occupational Safety and Health Act of 1970 (7) Small Claims Act. (8) 5 U.S.C. 1302, 3301, 3302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide administrative services for the Bureau; to maintain administrative records as required by law or regulation; and to be used in the adjudication of any claims for or against the Bureau. When required or authorized by statute, regulation, or executive order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an agency decision concerning the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Local, state and Federal law enforcement agencies; Local, state and Federal regulatory agencies; Members of the public, employees of other Governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrievable by name of individual.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Chief, Administrative Services Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226

Appeals may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Administrative records.(2) Claimants.(3) Doctors.(4) Employee records.(5) Fiscal records.(6) Former employees of the Bureau of ATF.(7) Former employers. (8) General Services Administration.(9) Individuals who have information relevant to claims.(10) Inspections records.(11) Internal Investigation reports.(12) Police reports.(13) Present employees of the Bureau of ATF.(14) Supervisors.(15) Witnesses.

Treasury/ATF 00.002

System name: Correspondence Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see address listed Appendix E-1.

Categories of individuals covered by the system: (1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and scientific matters relating to Bureau activities.

Categories of records in the system: Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: 5 U.S.C. 301, E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of the system is to record the nature of reponses made to general public; to maintain a record of responses to individuals who correspond with the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies. A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

Retrievability: Records are retrieved by name, subject matter and date of correspondence.

Safeguards: Transmitted to routine users on a need to know basis. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant to the Director (Public Affairs) Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: Persons who correspond with the Bureau on general, technical or scientific matters.

Treasury/ATF 00.003

System name: Criminal Investigation Report System—Treasury/ATF.

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System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

Categories of records in the system: (a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports (not resulting in formal prosecution reports). (3) ATF referrals to foreign, Federal, State, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal investigatory correspondence from and to foreign, Federal, State and local law enforcement agencies. (7) Criminal intelligence information on individuals suspected to be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record; identity; or lack or registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical descriptions, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives, liquor, and wagering. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

Authority for maintenance of the system: (1) 26 U.S.C. Chapters 35 and 40. (2) 26 U.S.C. Chapters 51 and 52. (3) 26 U.S.C. Chapters 53, as amended. (4) 26 U.S.C. Chapters 61 through 80, as amended. (5) 27 U.S.C. Chapter 8, as amended. (Federal Alcohol Administration Act). (6) 18 U.S.C. Chapter 40. (7) 18 U.S.C. Chapter 44. (8) 18 U.S.C. Chapter 59 (9) 18 U.S.C. App. 1201-1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968). (10) 22 U.S.C. section 414. (Mutual Security Act of 1954, as amended). (11) 5 U.S.C. sections 901 and 903. 5 U.S.C. App. (Reorganization Plan of 1950). Treasury Order 221. 5 U.S.C. section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to suppress traffic in illicit untaxpaid distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials, and wagering activities; and to assist Federal, State, local and foreign law enforcement agencies in reducing crime and violence. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other Government agencies.

A record in this system may be disclosed as a routine use to: officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, State, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing and determining the parole and probation status of criminal offenders or suspected criminal offenders; Personnel of other Federal, State and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; Personnel of Federal, State, and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; Personnel of Federal, State and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; Employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of, and when appropriate, to apprehend, criminal offenders and suspected criminal offenders; Defense attorneys under Discovery Procedures; Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at ADP Division, Technical and Scientific Services Branch of Bureau Headquarters and at the IRS Data Center, Detroit, Michigan. Records are stored in on-line mass computer storage at San Diego, [California. (Treasury Enforcement Communications System.)]

Retrievability: Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director (Criminal Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

Record source categories: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

Systems exempted from certain provisions of the act: System exempted from certain provisions of the Act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.004

System name: Fiscal Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvanina Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E-1.

Categories of individuals covered by the system: (1) Present employees. (2) Former employees. (3) Recipients of rewards. (4) Vendors furnishing goods and services to the Bureau.

Categories of records in the system: (1) Advance of Funds. (2) Agreements. (3) Contracts. (4) Designated Agents or recommended Designated Agents. (5) Designated timekeepers and alternates. (6) Employee pay records. (7) Purchase Orders. (8) Payment vouchers. (9) Time and attendance records. (10) Travel and moving vouchers. (11) Travel request and authorization. (12) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan No. 26 of 1950), Treasury Order 221; 5 U.S.C. section 301. (2) E.O. 6166 (amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide fiscal services to employees of the Bureau and former employees of the Bureau; to record fiscal information as required by law and regulations; to prevent unauthorized disclosures; to provide accountability for government funds. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as the letting of a contract, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the letting of a contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties, Employee of the General Accounting Office for review, Vendors of contractual services to the Bureau, members of the public, employees of other governmental agencies, or members of news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); local, state and Federal law enforcement agencies; local, state and Federal regulatory agencies; for additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan.

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records Controls Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tapes, discs or in on-line mass storage, are disposed of by degaussing.

System manager(s) and address: Chief, Fiscal Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Record access procedures: Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Appeals may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

Contesting record procedures: See Access above.

Record source categories: (1) Former employees of the Bureau of ATF. (2) IRS Data Center. (3) Present employees of the Bureau of ATF. (4) Surviving spouse of deceased personnel. (5) Vendors of necessary goods and services for operations of Bureau of ATF.

Treasury/ATF 00.005

System name: Freedom of Information Requests—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests, Federal officials responding to Freedom of Information Act requests and documents from official records.

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Treasury/ATF 00.006

System name: Internal Security Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment.

Categories of records in the system: (1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) conduct of employees, (b) integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

Authority for maintenance of the system: (1) 18 U.S.C. 201 (2) E.O. 10450 (3) E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the AT&F Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contact, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation to an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system of records may be disclosed as a routine use to: officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; personnel of Department of Justice and other agencies, Federal, state, and local, foreign and domestic, having prosecutive and civil law enforcement functions; attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; personnel of other Federal, state and local law enforcement agencies, foreign and domestic, for the purpose of developing information on subjects involved in Bureau criminal investigations and for assisting law enforcement agencies in the investigation and prosecution of violations of the criminal laws those agencies are responsible for enforcing; personnel of Federal, state and local governmental agencies, where such referral is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; personnel of federal, state and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; employees and officials of financial and commercial business firms and private individuals for identification purposes pertaining to actual or suspected criminal offenders where it is considered reasonably necessary for the purpose of furthering Bureau efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; defense attorneys under Discovery Procedures; members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set out under 28 C.F.R. Part 50.2; 5 U.S.C. 552, and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Center.

Retrievability: Records are retrievable by name.

Safeguards: Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules Numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

System manager(s) and address: Assistant Director, Inspection, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Employees of this Bureau. (2) Internal Investigative report forms. (3) witnesses. (4) informants. (5) Federal, State and local enforcement agencies. (6) Employers. (7) Educational institutions. (8) Credit agencies. (9) Neighbors. (10) References. (11) Professional Organizations. (12) other government agencies.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.007

System name: Personnel Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. For nearest office location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

Categories of records in the system: (1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity case file. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or Premium Pay records. (24) Performance evaluation records. (25) Personal history. (26) Pocket commission, badge number. (27) Position description records. (28) Promotion/Selection Certificates Records. (29) Property custody records. (30) Retirement records. (31) Security clearance records. (32) Statement of career goals. (33) Supervisory or managerial potential records. (34) Temporary assignments and details. (35) Time application reports and records. (36) Training record. (37) U.S. Savings Bond participation records. (38) Upward mobility applications. (39) Vehicle accidents. (40) Withholding tax records. (41) Work schedule records. (42) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101—5115. (13) 5 U.S.C. Section 7151—7154. (14) 5 U.S.C. Section 7901. (15) P.L. 92—261 (Equal Employment Act of 1972). (16) P.L. 93—579. (17) Federal Employees Compensation Act. (18) Occupational Safety and Health Act of 1970. (19) Executive Order 10561. (20) E.O. 11222. (21) E.O. 11478. (22) E.O. 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide personnel services to employees of the Bureau, former employees of the Bureau, and applicants for employment with the Bureau; to record personnel information as required by law and regulations; to prevent unauthorized disclosures; provide identification information in accident or medical emergency situations. When required or authorized by statute, regulations, or executive order, information in the record system is made available to members of the public, news media or other governmental agencies.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record in this system maybe disclosed to the following as a routine use: (1) The Department of Labor; (2) Congressmen; (3) Equal Employment Opportunity Commission; (4) Members of the public, employees of other governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms); (5) Officers and employees of Department of the Treasury who have a need for the record in the performance of their duties; (6) Federal, state and local law enforcement agencies; (7) Federal, state and local regulatory agencies. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, Michigan. Records are stored in on—line mass computer storage at San Diego, California (Treasury Enforcement Communications System).

Retrievability: Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis or where a right to access is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director (Administration), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: Same as access above.

Record source categories: (1) Administrative Records. (2) Applicants for employment with Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) U.S. Civil Service Commission. (28) Witnesses.

Treasury/ATF 00.008

System name: Regulatory Enforcement Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this system of records are also geographically dispersed throughout ATF's regional and field offices. For locations, see addresses of regional and field offices listed in Appendix E—1.

Categories of individuals covered by the system: (1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers; (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes; (c) Collectors of firearms or ammunition; (d) Distillers, bonded warehousemen, rectifiers, or bottlers of distilled spirits; (e) Importers of firearms, ammunition or implements of war; (f) Importers or wholesalers of beer, wine or distilled spirits; distillers, rectifiers, bottlers, or warehousemen of distilled spirits; or wine producers; (g) Individuals engaged in wagering activities; (h) Individuals who produce, receive, blend, store or treat wine or distilled spirits for experimental or research purposes; (i) Individuals who establish experimental distilled spirits plants; (j) Limited retail dealers in beer or wine; (k) Liquor bottle manufacturers; (l) Manufacturers of stills; (m) Manufacturers, importers, or dealers of firearms or ammunition; (n) Manufacturers, importers, dealers, or users of explosive materials; (o) Manufacturers, proprietors of export warehouses or importers of tobacco products; (p) Nonbeverage drawback claimants; (q) Operators of pilot brewing plants; (r) Possessors of stills and related equipment; (s) Producers of wine for family use; (t) Proprietors of vinegar plants, fruit—flavor concentrate plants or class 6 bonded warehouses; (u) Proprietors of bonded wine cellars, bonded wineries, taxpaid wine bottling houses, or bonded wine warehouses; (v) Reprocessors or rebottlers of specially denatured spirits; (w) Retailers of beer, wine or distilled spirits; (x) Users of tax—free alcohol, dealers or users of specially denatured spirits, or recoverers of specially denatured or completely denatured spirits.

(2) Individuals who are employed by businesses engaged in the activities specified in paragraph 1 and who are officers, directors, holders of 10 percent or more of the outstanding stock, designated agents, or responsible persons. (3) Individuals who are not qualified to engage in any of the activities listed in paragraph 1, but who are assessed excise or special occupational taxes. (4) Individuals who submit Offers in Compromise.

Categories of records in the system: Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) notices of proposed assessments; (b) notices of shortages or losses; (c) notices to IRS to assess taxes; (d) recommendation for assessments. (4) Claim records: (a) claims; (b) letters of claim rejection; (c) sample reports; (d) supporting data; (e) vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) operating reports; (b) reports of required inventories; (c) reports of thefts or losses of firearms; (d) reports of thefts of explosive materials; (e) transaction records; (f) transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) Regional and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) access authorizations; (b) advertisement records; (c) applications; (d) bonds; (e) business histories; (f) criminal records; (g) diagrams of premises; (h) educational histories; (i) employment histories; (j) environmental

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records; (k) financial data; (l) formula approvals; (m) label approvals; (n) licenses; (o) notices; (p) permits; (q) personal references; (r) plant profiles; (s) plant capacities; (t) plats and plans; (u) registrations; (v) sample reports; (w) signature authorities; (x) special permissions and authorizations; (y) statements of process. (23) Show cause orders. (24) Tax records. (a) control cards relating to periodic payment and prepayment of taxes; (b) excise and special tax returns; (c) notices of tax discrepancy or adjustment.

Authority for maintenance of the system: (1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271(b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502(b). (7) 26 U.S.C. 5511(3). (8) 26 U.S.C. 5521(a). (9) 26 U.S.C. 5179(a). (10) 22 U.S.C. 204(c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301(b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042(a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 923(a). (19) 18 U.S.C. 923(b). (20) 18 U.S.C. 843(a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401(a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011(a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021—5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423(b). (35) 26 U.S.C. 5009(a). (36) 26 U.S.C. 5006(a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062(c). (39) 26 U.S.C. 5106. (40) 26 U.S.C. 5131(c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843(d). (45) 18 U.S.C. 923(f). (46) 27 U.S.C. 204(e). (47) 26 U.S.C. 5312(a). (48) 26 U.S.C. 5042(a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 et seq.; Revenue Act of 1951. Section 616; Treasury Department Order 221 (37 F.R. 11696, June 19, 1972). (50) 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record in this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the issuance of a license, grant or other benefit.

A record in this system of records may be disclosed to a federal agency, in response to its request, in connection with the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. When an ATF criminal investigation results in compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF—Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; Federal, State or local regulatory or law enforcement agencies in the performance of their duties on a need to know basis; Members of the public, employees of other Governmental agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; card forms in card filing cabinets; and on magnetic tapes or microfiche at IRS Service Centers, ATF Headquarters, or Department of the Treasury.

Retrievability: Records are retrievable by name, permit or license number, or by document locator number.

Safeguards: Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non—duty hours. Wagering records are maintained in safes or file cabinets which are locked at all times.

Retention and disposal: Records are retained in accordance with General Services Administration General Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

System manager(s) and address: Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field Investigation Reports. (26) Third Parties.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

Treasury/ATF 00.009

System name: Technical and Scientific Services Record System—Treasury/ATF.

System location: Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. For nearest location, see addresses listed Appendix E—1.

Categories of individuals covered by the system: (1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of implements of war as defined under the Mutual Security Act of 1954. (4) Licensed importers registered under the Mutual Security Act of 1954. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non—Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (occupational) taxpayers as defined under title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

Categories of records in the system: (1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the U.S. Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices

regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non—Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) U.S. Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

Authority for maintenance of the system: (1) 18 U.S.C. Chapter 40. (2) 18 U.S.C. Chapter 44. (3) 18 U.S.C. Section 3056. (4) 26 U.S.C., Sections 6001(a), 5001, 5008, 5009(a), 5006(a), 5021—5023, 5041, 5042(a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172(b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502(b), 5511(3), 5521(a), 5179(a), 5712, 7011. (5) 27 U.S.C. Sections 204(c). (6) 26 U.S.C. Chapter 35. (7) Executive Order 10973 as amended by Executive Order 11432.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, State, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When required or authorized by statute, regulation, or Executive Order, information in the record system is made available to members of the public or employees of other government agencies. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974.

In the event that a record in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, these records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Records in this system may be disclosed as a routine use to: (1) Officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties. (2) Federal law enforcement agencies. (3) State law enforcement agencies. (4) Local law enforcement agencies. (5) Foreign law enforcement agencies. (6) Industries involved in activities regulated by the Bureau. (7) Department of Defense. (8) Federal regulatory agencies. (9) State regulatory agencies. (10) Local regulatory agencies. (11) Members of the public, employees of other government agencies, or members of the news media (on a case by case basis where determination that such disclosure would be in accordance with guidelines set forth under 28 C.F.R. Part 50.2; 5 U.S.C. 552 and 552a, and would not compromise enforcement of laws administered by Bureau of Alcohol, Tobacco and Firearms). (12) Smithsonian Institution. (13) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Active records stored in file folders in filing cabinets; on 3 by 5 and 5 by 8 cards stored in card file cabinets; on microfilm reels; magnetic tape reels and discs; and on keypunch cards.

Retrievability: Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

Safeguards: Stored in file cabinets locked during non—duty hours.

Retention and disposal: Records are retained in accordance with General Services Administration Records Schedules numbers 1 through 20 and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on—line mass storage are disposed of by degaussing.

System manager(s) and address: Assistant Director, Technical and Scientific Services, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Notification procedure: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552 (e) (4) (G).

Record access procedures: The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a (e) (4) (H).

Contesting record procedures: See Access above.

Record source categories: (1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Firearms Permittees. (6) Explosive Licensees. (7) Explosive Permittees. (8) Bureau personnel. (9) Federal law enforcement agencies. (10) State law enforcement agencies. (11) Local law enforcement agencies. (12) Foreign law enforcement agencies. (13) Federal Regulatory agencies. (14) State Regulatory agencies. (15) Local Regulatory agencies. (16) Non—Bureau Chemists.

Systems exempted from certain provisions of the act: Proposed to be exempted elsewhere in the Federal Register.

APPENDIX E—1

(List of geographically dispersed offices referred to in the "Location" sections of each system of records)

Regional Offices

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, Room 620 H, New York, New York 10048.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 300, 2 Penn Center, Philadelphia, Pennsylvania 19102.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6503, 550 Main Street, Cincinnati, Ohio 45202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 1502, 230 S. Dearborn Street, Chicago, Illinois 60604.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, Georgia 30340.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, Room 345, Main Tower, 1200 Main Street Dallas, Texas 75202.

Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

CRIMINAL ENFORCEMENT OFFICES

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Corner of Cambridge & New Sadbury Streets, BOSTON, MASSACHUSETTS 02203.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 32 N. Winooski Avenue, BURLINGTON, VERMONT 05401.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 323, 55 Pleasant Street, CONCORD, NEW HAMPSHIRE 03301.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 450 Main Street, HARTFORD, CONNECTICUT 06101.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 205 Whitney Avenue, NEW HAVEN, CONNECTICUT 06511.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, 156 Federal Street, PORTLAND, MAINE 04112.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Howard Building, 10 Dorrance, PROVIDENCE, RHODE ISLAND 02903.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 346, SPRINGFIELD, MASSACHUSETTS 01103.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 212, 595 Main Street, WORCESTER, MASSACHUSETTS 01601.

Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 120 Church Street Station, NEW YORK, NEW YORK 10008.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 521, 111 W Huron Street, BUFFALO, NEW YORK 14202.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 271 Cadman Plaza E, BROOKLYN, NEW YORK 11202.

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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 114 Old Country Road, MINEOLA, NEW YORK 11501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Suite 411, Broadway and Clinton Avenue, ALBANY, NEW YORK 12201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 208, Brinkerhoff & Maragaret Street, PLATTSBURGH, NEW YORK 12901.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 95 Church Street, WHITE PLAINS, NEW YORK 10601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, S Salina & Fayette Streets, SYRACUSE, NEW YORK 13202.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 204, 701 W Broad Street, FALLS CHURCH, VIRGINIA 22046.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 825, 31 Hopkins Plaza, BALTIMORE, MARYLAND 21201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 9th & King Streets, WILMINGTON, DELAWARE 19801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 20 S Cameron Street, WINCHESTER, VIRGINIA 22601.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2401 Morris Avenue, UNION, NEW JERSEY 07083.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Reutter Building, 3rd Floor, 840 Cooper Street, CAMDEN, NEW JERSEY 08102.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 209, TRENTON, NEW JERSEY 08608.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Customs House, Second & Chestnut Streets, PHILADELPHIA, PENNSYLVANIA 19106.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Ansley Building, 1260 Old Easton Road, DOYLESTOWN, PENNSYLVANIA 18901.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 620, 228 Walnut Street, HARRISBURG, PENNSYLVANIA 17108.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Berks Title Building, Room 316, 6th & Washington Streets, READING, PENNSYLVANIA 19602.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Room 104, Perry Square, ERIE, PENNSYLVANIA 16501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 2104, 100 Liberty Avenue, PITTSBURGH, PENNSYLVANIA 15222.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 400 N 8th Street, RICHMOND, VIRGINIA 23219.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 301, 700 Main Street, DANVILLE, VIRGINIA 24541.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 Piedmont Street, BRISTOL, VIRGINIA 24201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 215, E Market Street, CHARLOTTESVILLE, VIRGINIA 22901.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Tarkington Building, Room 203, 2600 Memorial Avenue, LYNCHBURG, VIRGINIA 24501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Bank of Virginia Building, Room 210, 870 N Military Circle, NORFOLK, VIRGINIA 23502.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Atlantic Building, 3517 Brandon Avenue, ROANOKE, VIRGINIA 24018.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 304, 5th & Walnut Streets, CINCINNATI, OHIO 45202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3414, 500 Quarrier Street, CHARLESTON, WEST VIRGINIA 25301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room B—303, BLUEFIELD, WEST VIRGINIA 24701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Prichard Building, Rooms 423—424, Corner of 9th Street and 6th Avenue, HUNTINGTON, WEST VIRGINIA 25722.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office Building, Room 202, 6th and Gay Streets, PORTSMOUTH, OHIO 45662.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & U.S. Courthouse, Room 427, Chaplin & 12th Streets, WHEELING, WEST VIRGINIA 26003.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 329, 1240 E 9th Street, CLEVELAND, OHIO 44199.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Court & Customs Building, Room 302, 1716 Spielbusch, TOLEDO, OHIO 43624.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 329, YOUNGSTOWN, OHIO 44501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 237, 85 Marconi Boulevard, COLUMBUS, OHIO 43215.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office & Courthouse Building, 118 W. 3rd Street, DAYTON, OHIO 45402.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 371, 241 LaFayette Street, DETROIT, MICHIGAN 48231.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 600 Church Street, FLINT, MICHIGAN 48502.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & Courthouse, Room 710, 110 Michigan NW, GRAND RAPIDS, MICHIGAN 49502.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 872—D, 600 Federal Place, LOUISVILLE, KENTUCKY 40202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Commonwealth of Kentucky Building, Room 107, 1844 Carter Street, ASHLAND, KENTUCKY 41101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 304, BOWLING GREEN, KENTUCKY 42101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 133, 101 NW 7th Street, EVANSVILLE, INDIANA 47708.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Gettle Building, Rooms 707 & 708, 803 S Calhoun Street, FORT WAYNE, INDIANA 46802.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 21, HAMMOND, INDIANA 46325.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse & Post Office Building, Room 507, INDIANAPOLIS, INDIANA 46204.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Rooms 114—116, Barr & Limestone Streets, LEXINGTON, KENTUCKY 40501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 4, PADUCAH, KENTUCKY 42001.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Town and Country Shopping Center, Williamson Road, PIKEVILLE, KENTUCKY 41501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 304 S Pine Street, PINEVILLE, KENTUCKY 40977.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Security Building, Room 120, 207 W Mt. Vernon Street, SOMERSET, KENTUCKY 42501.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2625 Butterfield Road, OAKBROOK, ILLINOIS 60521.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 35 E Wacker Drive, Room 1012, CHICAGO, ILLINOIS 60601.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 600 E Monroe, Room 213, SPRINGFIELD, ILLINOIS 62705.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 100 Northeast Building, Room 402, PEORIA, ILLINOIS 61601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1705 Second Avenue, Cleveland Building, Room 424, ROCK ISLAND, ILLINOIS 61201.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 941 U.S. Courthouse, 811 Grand Avenue, KANSAS CITY, MISSOURI 64102.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room 209, CEDAR RAPIDS, IOWA 52406.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building, Room 527, 1210 Walnut Street, DES MOINES, IOWA 50309.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building, 215 N 17th Avenue, OMAHA, NEBRASKA 68101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Graham Building, Room 10, 211 W Broadway, WICHITA, KANSAS 67201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 309 N Jefferson Street, Room 205, SPRINGFIELD, MISSOURI 65806.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1114 Market Street, Room 615, ST. LOUIS, MISSOURI 63101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 339 Broadqay, CAPE GIRARDEAU, MISSOURI 63701.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 160, 316 N Robert Street, ST. PAUL, MINNESOTA 55101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 596, 517 E Wisconsin Street, MILWAUKEE, WISCONSIN 53202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 653 2nd Avenue N, FARGO, NORTH DAKOTA 58102.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & U.S. Courthouse, 110 S 4th Street, MINNEAPOLIS, MINNESOTA 55401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Mellgren Building, 520 Kansas City Street, RAPID CITY, SOUTH DAKOTA 57701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 218 W 13th Street, SIOUX FALLS, SOUTH DAKOTA 57102.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 200, 106 E Doty Street, MADISON, WISCONSIN 53703.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1 West Court Square, C&S Bank Building, Suite 265, DECATUR, GEORGIA 30030.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 355 E Hancock Street, Room 230, ATHENS, GEORGIA 30601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 207, 816 Walker Street, AUGUSTA, GEORGIA 30903.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Jackson Building, 1509 4th Avenue, COLUMBUS, GEORGIA 31902.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 124 South Main Street, CORNELIA, GEORGIA 30531.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Bldg. & Courthouse E, 121 Spring Street SE, GAINESVILLE, GEORGIA 30501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 229, 451 College Street, MACON, GEORGIA 31201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Executive Court, Room 211, 5105 Paulsen Street, SAVANNAH, GEORGIA 31406.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 255, 401 N Patterson Street, VALDOSTA, GEORGIA 31601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms (Airborne), 3835 Northeast Expressway, ATLANTA, GEORGIA 30340.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 704 Jane Street, WAYCROSS, GEORGIA 31501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Charter Oak Building, 405 N Jackson Street, ALBANY, GEORGIA 31705.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 613 Belleview Avenue, DUBLIN, GEORGIA 31021.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Executive Park Building A, Office No. 5, N Main Street, SWAINSBORO, GEORGIA 30401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 210, 18 Greenville Street, NEWMAN, GEORGIA 30263.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 342, 600 E 1st Street, ROME, GEORGIA 30161.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2121 Building, Room 1025, 2121 8th Avenue, BIRMINGHAM, ALABAMA 35203.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 110, ANNISTON, ALABAMA 36201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Foster Park N, Suite 3, 313 N Foster Street, DOTHAN, ALABAMA 36301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, McDonough Building, Suite 215, 770 McDonough Boulevard, MONTGOMERY, ALABAMA 36104.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 210 Seminary Street, P.O. Building, Room 307, FLORENCE, ALABAMA 35630.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Clinton Building, Room 103, 2109 W Clinton Avenue, HUNTSVILLE, ALABAMA 35805.
Residents Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 1009, 109 St. Joseph Street, MOBILE, ALABAMA 36602.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 605 Second Avenue, Suite 125, OPELIKA, ALABAMA 36801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Office Center Building, Highway No. 5 South, HALEYVILLE, ALABAMA 35565.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1118 Greensboro Avenue, U.S. Courthouse & Federal Building, Room 133, TUSCALOOSA, ALABAMA 35401.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Suite 504, 5821 Park Road, CHARLOTTE, NORTH CAROLINA 28209.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Rooms 8—10, Otis and Post Streets, ASHEVILLE, NORTH CAROLINA 28801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 15, West Broad Street, DUNN, NORTH CAROLINA 28334.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room G—16, 207 W Main Street, WILKESBORO, NORTH CAROLINA 28697.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 895 Peters Creek Parkway, Rooms 201—203, WINSTON—SALEM, NORTH CAROLINA 27103.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Federal Building, Room 310, Main Avenue Place SW, HICKORY, NORTH CAROLINA 28601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Rowan Building, 103 Corriher Avenue, SALISBURY, NORTH CAROLINA 28144.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Browning Building, 3905 Orleander Drive, WILMINGTON, NORTH CAROLINA 28401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Post Office Building, Room 313, 413 Middle Street, NEW BERN, NORTH CAROLINA 28560.

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Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office and Federal Building, Rooms 230—234, Green & Mason Streets, FAYETTEVILLE, NORTH CAROLINA 28301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Manning Building, Room 8, 115 E Main Street, WILLIAMSTON, NORTH CAROLINA 27892.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 321 Falls Road, ROCKY MOUNT, NORTH CAROLINA 27801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Rooms 211 & 215, Mulberry & Johns Streets, GOLDSBORO, NORTH CAROLINA 27530.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Post Office Building, Room 644, 310 New Bern Avenue, RALEIGH, NORTH CAROLINA 27611.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 804 W Ehringhaus Street, Rooms 2C & 2F, ELIZABETH CITY, NORTH CAROLINA 27909.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 501, 901 Sumter Street, COLUMBIA, SOUTH CAROLINA 29201.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1700 Highway 171, Suite C, Northbridge Shopping Center, CHARLESTON, SOUTH CAROLINA 29407.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 231 S Warley Street, FLORENCE, SOUTH CAROLINA 29501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building & Courthouse, Rooms 240—242, 300 E Washington Street, GREENVILLE, SOUTH CAROLINA 29603.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 301 Building, Room 506, 301 N Lamar Street, JACKSON, MISSISSIPPI 39202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 801 Security S&L Building, 2301 14th Street, GULFPORT, MISSISSIPPI 39501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Ellison Building, 106 Court Square, LEXINGTON, MISSISSIPPI 39095.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1414 23rd Avenue, MERIDIAN, MISSISSIPPI 39301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Commerce & James Streets, ABERDEEN, MISSISSIPPI 39730.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 137, 911 Jackson Avenue, OXFORD, MISSISSIPPI 38655.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 888, 400 W Bay Street, JACKSONVILLE, FLORIDA 32202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 U.S. Post Office Bldg. & Courthouse, MARIANNA, FLORIDA 32446.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office & Courthouse, Rooms 8—17, Palafax Street, PENSACOLA, FLORIDA 32593.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, 551 SW First Avenue, MIAMI, FLORIDA 33130.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Bradshaw Building, Suite 201, 14 E Washington Street, ORLANDO, FLORIDA 32801.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Barnett Bank Building, Room 810, 1000 N Ashley Street, TAMPA, FLORIDA 33602.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 4004 Hillsboro Road, Room 210, NASHVILLE, TENNESSEE 37215.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Franklin Building, Suite 315, E. Gate Center, CHATTANOOGA, TENNESSEE 37411.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Suite 210, 502 N Garden Street, COLUMBIA, TENNESSEE 38401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 410 E Spring Street, COOKEVILLE, TENNESSEE 38501.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Snapps Ferry Road AT, Sparta Street, GREENEVILLE, TENNESSEE 37743.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 109 S Highland, JACKSON, TENNESSEE 38301.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Parkway Building, Room 100, 1212 Pierce Parkway, KNOXVILLE, TENNESSEE 37921.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 167 N Main Street, Room 22, MEMPHIS, TENNESSEE 38103.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 3 Corporate Square Building—Suite 260, 3910 Kirby Drive, HOUSTON, TEXAS 77027.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 E. 8th Street, AUSTIN, TEXAS 76010.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Koger Building, 444 Executive Center Boulevard, EL PASO, TEXAS 79902.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 111, 10 E. Elizabeth St., BROWNSVILLE, TEXAS 78520.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, New Federal Building—Room A—405, 727 E Durango Street, SAN ANTONIO, TEXAS 78206.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 12 C52, 1100 Commerce Street, DALLAS, TEXAS 75202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 110 E Houston, TYLER, TEXAS 75701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Old Federal Building—Room 3008, 517 Gold Avenue SW, ALBUQUERQUE, NEW MEXICO 87111.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 625, 1205 Texas Avenue, LUBBOCK, TEXAS 79401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Room 11001, 819 Taylor Street, FORT WORTH, TEXAS 76102.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 301, 546 Carondelet Street, NEW ORLEANS, LOUISIANA 70130.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building—Room 278, FORT SMITH, ARIZONA 72901.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room 213, TEXARKANA, ARIZONA 75502
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building—Room 3409, 700 W Capitol, LITTLE ROCK, ARKANSAS 72203.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 8 A 15 500 Fannin Street, SHREVEPORT, LOUISIANA 71162.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 50 Penn Place, Suite 810, 50th & N Pennsylvania, OKLAHOMA CITY, OKLAHOMA 73118.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, J.C. O'Mahoney Federal Center, 2120 Capitol Avenue, CHEYENNE, WYOMING 82001.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, Room 6042, 1961 Stout Street, DENVER, COLORADO 80202.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 131, MUSKOGEE, OKLAHOMA 74401.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Page Belcher Federal Building, Suite 4520, 333 W 4th Street, TULSA, OKLAHOMA 74101.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Room 4354, 300 N Los Angeles Street, LOS ANGELES, CALIFORNIA 90012.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Financial Plaza, 500 Esplanade Drive, OXNARD, CALIFORNIA 93030.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 2721 North Central, Suite 910, PHOENIX, ARIZONA 85004.

Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 6-N-16, 880 Front Street, SAN DIEGO CALIFORNIA 92188.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 912, 34 Civic Center Plaza, SANTA ANA, CALIFORNIA 92701.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 101, 390 W 5th Street, SAN BERNARDINO, CALIFORNIA 92402.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 301 W Congress Street, TUCSON, ARIZONA 85702.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 14450 Erwin Street, VAN NUYS, CALIFORNIA 91408.
Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, Room 2540, SAN FRANCISCO, CALIFORNIA 94105.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 930 Truxtun Avenue, Room 2007, BAKERSFIELD, CALIFORNIA 93310.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 5019, 1130 O Street, FRESNO, CALIFORNIA 93721.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 4627, LAS VEGAS, NEVADA 89101.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1515 Clay Street, Room 906, OAKLAND, CALIFORNIA 94612
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 1716 Court Street, REDDING, CALIFORNIA 96001.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, 300 Booth Street, Room 4005, RENO, NEVADA 89502.
Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Room 131, Gish Road E, SAN JOSE, CALIFORNIA 95112.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 3508, 650 Capitol Mall, SACRAMENTO, CALIFORNIA 95814.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room 409, SALT LAKE CITY, UTAH 84110.
Special Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Federal Building, Room 806, 915 Second Avenue, SEATTLE, WASHINGTON 98174.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office, Room G-19, ANCHORAGE, ALASKA 99501.
Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, U.S. Courthouse and Federal Building, Room 487, 550 W Fort Street, BOISE, IDAHO 83724.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Post Office & Federal Building, Room 323, HELENA, MONTANA 59601.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse & Federal Building, Room 230, 211 E Seventh Avenue, EUGENE, OREGON 97401.
Resident Agent in Charge, Bureau of Alochol, Tobacco and Firearms, Crown Plaza Building, Room 840, 1500 S.W. First Avenue, PORTLAND, OREGON 97207.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, U.S. Courthouse, Room 775, W 920 Riverside, SPOKANE, WASHINGTON 99210.
Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Bishop Trust Building, Suite 1401, 1000 Bishop Street, HONOLULU, HAWAII 96801.

REGULATORY ENFORCEMENT OFFICES

AREA OFFICES

Chief, Puerto Rican Operations, Bureau of ATF, Room 318, Federal Building, San Juan, Puerto Rico. Mail: P.O. Box 111, San Juan, Puerto Rico 00902.
Area Supervisor, Bureau of ATF, Room 1308, 150 Causeway Street, Boston, MA 02114.
Area Supervisor, Bureau of ATF, Room 600, 450 Main Street, Hartford, CT 06103.
Area Supervisor, Bureau of ATF, Room 1805, 120 Church Street, New York, NY. Mail: P.O. Box 3539, Church Street Sta., New York, NY 10008.
Area Supervisor, Bureau of ATF, 1020 Main Street, Peekskill, NY 10566.
Area Supervisor, Bureau of ATF, Room 219, Federal Building, 111 West Huron St., Buffalo, NY 14202.
Area Supervisor, Bureau of ATF, Room 938, 31 Hopkins Plaza, Baltimore, MD 21201.
Area Supervisor, Bureau of ATF, Room 734, 970 Broad Street, Newark, NJ 07102.
Area Supervisor, Bureau of ATF, 2401 Morris Avenue, Union, NJ 07083.
Area Supervisor, Bureau of ATF, Room 500, U.S. Customs House, 2nd & Chestnut Streets, Philadelphia, PA 19106.
Area Supervisor, Bureau of ATF, Room 2104, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.
Area Supervisor, Bureau of ATF, Room 10-225 Federal Building, 8th & Marshall Streets, Richmond, VA. Mail: P.O. Box 10185, Richmond, VA 23240.
Area Supervisor, Bureau of ATF, Suite 260, One West Court Square, Decatur, GA 30030.
Area Supervisor, Bureau ATF, Room 506, Federal Building, 500 Zack Street, Tampa, FL 33602.
Area Supervisor, Bureau of ATF, Room 511, Courthouse & P.O. Building, Indianapolis, IN 46204.
Area Supervisor, Bureau of ATF, Room 8303 Federal Office Building, 550 Main Street, Cincinnati, OH 45202.
Area Supervisor, Bureau of ATF, Room 329 Federal Office Building, 1240 East 9th Street, Cleveland, OH 44199.
Area Supervisor, Bureau of ATF, Room 376 Federal Building, 231 Lafayette Blvd., Detroit, MI 48226.
Area Supervisor, Bureau of ATF, Room 144, John C. Watts Federal Building and U.S. Courthouse, 330 West Broadway, Frankfort, KY.Mail: P.O. Box 574, Frankfort, KY 40601.
Area Supervisor, Bureau of ATF, Room 872 Federal Office Building, 600 Federal Place, Louisville, KY. Mail: P.O. Box 1707, Louisville, KY 40201.
Area Supervisor, Bureau of ATF, Room 101 Cathedral Building, 100 Cathedral Manor, Bardstown, KY. Mail: P.O. Box 9, Bardstown, KY 40004.
Area Supervisor, Bureau of ATF, Room 1784, 35 East Wacker Drive, Chicago, IL 60601.
Area Supervisor, Bureau of ATF, Room 323, P.O. Building, 100 N.E. Monroe Street, Peoria, IL. Mail: P.O. Box 335, Peoria, IL 61601.
Area Supervisor, Bureau of ATF, Room 1412, 210 North 12th Street, St. Louis, MO 63101.
Area Supervisor, Bureau of ATF, Room 901 Scarritt Building, 818 Grand Avenue, Kansas City, MO 64106.
Area Supervisor, Bureau of ATF, Room 650 Fed. Bldg. and U.S. Courthouse, 316 North Robert Street, St. Paul, MN 55105.
Area Supervisor, Bureau of ATF, Room 636 Fed. Bldg. and U.S. Courthouse, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.
Area Supervisor, Bureau of ATF, Room 3B17 1100 Commerce Street, Dallas, Texas. Mail: 3rd Floor, Main Tower Bldg. 1200 Main Street, Dallas, TX 75202.
Area Supervisor, Bureau of ATF, 3910 Kirby Street, Suite 240, Houston, TX 77006.
Area Supervisor, Bureau of ATF, Room 201, 546 Carondelet Street, New Orleans, LA 70130.
Area Supervisor, Bureau of ATF, Room 906, 1515 Clay Street, Oakland, CA 94612.
Area Supervisor, Bureau of ATF, 525 Market Street, 25th Floor, San Francisco, CA 94105.
Area Supervisor, Bureau of ATF, 315 West Pine Street, Suite 5, Lodi, CA. Mail: P.O. Box 237, Lodi, CA 95240.
Area Supervisor, Bureau of ATF, 131 East Gish Road, San Jose, CA 95112.
Area Supervisor, Bureau of ATF, Room 4354 Fed. Bldg, 300 No. Los Angeles Street, Los Angeles, CA. Mail: P.O. Box 1991, Main Office, Los Angeles, CA 90053.
Area Supervisor, Bureau of ATF, Room 4217 Fed. Bldg. and U.S. Courthouse, 1130 "O" Street, Fresno, CA 93721.
Area Supervisor, Bureau of ATF, Room 842 Federal Bldg., 915 Second Avenue, Seattle, WA 98174.

OFFICE OF CHIEF COUNSEL

Chief Counsel, Bureau of ATF, Washington, D.C. 20226.
Regional Counsel, Bureau of ATF, Room 618, 6 World Trade Center, New York, New York 10048.
Regional Counsel, Bureau of ATF, 7514 Federal Office Building, Cincinnati, Ohio 45202.

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Regional Counsel, Bureau of ATF, 3835 N.E. Expressway, Atlanta, Georgia 30301.
Regional Counsel, Bureau of ATF, Room 327, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.
Regional Counsel, Bureau of ATF, Room 450, Main Tower Building; 1200 Main Street, Dallas, Texas 75202.
Regional Counsel, Bureau of ATF, Room 1507, 230 S. Dearborn Street, Chicago, Illinois 60604.
Regional Counsel, Bureau of ATF, 34th Floor, 525 Market Street, San Francisco, California 94105.

ATF LABORATORIES
Chief, ATF Field Laboratory Room 29, U.S. Post Office and Court House, Cincinnati, Ohio 45202.
Chief, ATF Field Laboratory, 3835 N.E. Expressway, Room 214, Atlanta, Georgia 30340.
Chief, ATF Field Laboratory, 1104 U.S. Custom House, 2nd and Chestnut Streets, Philadelphia, Penna. 19106.
Chief, Scientific Services Division, IRS Building, Room 7575, 1111 Constitution Avenue, N.W., Washington, D.C. 20226.

ATF DISTRIBUTION CENTER
Chief, Distribution Center, Bureau of Alcohol, Tobacco and Fircarms, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

Treasury/BEP 00.001

System name: Accident and Safety Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Any employee in the Postage Stamp Division who is injured during his tour of duty.

Categories of records in the system: Contains Employee Name, Age, Address, Telephone Number, Type of Injury and Treatment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Safety Officer to record type and frequency of injury; used by Safety Committee Chairman to acquaint Safety Committee with types of injuries in the Postage Stamp Division and used by Compensation Clerk for computing compensation benefits. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by employee name, date and section.

Safeguards: Access limited to Postage Stamp Division personnel; cabinet is locked at close of shift.

Retention and disposal: Record is retained for two years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Securities Processing, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228 Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information furnished by the injured employee, supervisor, and witness if applicable.

Treasury/BEP 00.002

System name: Civilian Employee Claim File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Civilian officers and employees of the Bureau of Engraving & Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

Categories of records in the system: Contains investigative and adjudication documents relative to personal property damage claim.

Authority for maintenance of the system: Military Personnel and Civilian Employees' Claims Act of 1964, Public Law 88-558. Treasury Department Administrative Circular No. 136, Rev.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee for adjudication and settlement of claims. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: By Name.

Safeguards: Locked file cabinet—access limited to Safety Branch Staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individuals having claim for damage to or loss of personal property.

Treasury/BEP 00.003

System name: Continuation of Pay Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees, incurring work connected injuries or illnesses and making claim for continuation of pay.

Categories of records in the system: Memoranda from Safety Manager authorizing Office of Financial Management to continue employee's pay up to 45 days.

Authority for maintenance of the system: Federal Employee Compensation Act as amended; Treasury Department Personnel Bulletin 74—73

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Branch & Office of Financial Management and Treasury Department to initiate statistical records for continuation of pay cases and costs. Used to document and authorize continuation of pay. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Name

Safeguards: Locked file cabinet, access limited to Safety Manager and Compensation Claims Staff.

Retention and disposal: Retained three years: disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14 & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee and Safety Branch reports and recommendations.

Treasury/BEP 00.005

System name: Compensation Claims—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing employees incurring work connected injuries or illnesses, necessitating absence, making claim under Compensation Act.

Categories of records in the system: All pertinent documentation, including investigative reports, forms, etc. relative to work—connected injuries of employees.

Authority for maintenance of the system: Federal Employees Compensation Act, as amended—Public Law 93—416.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Compensation Claims staff (Safety Branch) and Department of Labor to initiate, adjudicate and maintain status of employees who may or have initiated claims for continuation of pay and compensation. For additional uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and card file.

Retrievability: Name and claim no.

Safeguards: Locked file cabinets; access limited to Safety Manager and Compensation Claims staff.

Retention and disposal: Retained five years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C St., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee's Health Unit Daily Report, Notification of Public Health Service Recommendation and information provided by employee.

Treasury/BEP 00.004

System name: Counseling Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees whose actions or conduct warrants counseling.

Categories of records in the system: Contains correspondence relative to counseling information and follow-up reports.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for counseling of individual employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in file cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for one year and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th 7 C Sts. SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Divison Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee.

Treasury/BEP 00.006

System name: Debt Files (Employees)—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW. Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees on whom debt complaints are received.

Categories of records in the system: Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel for employee counseling, credit reference, and disposition of complaint. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained for two years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee, Complaintants, and Court Judgements.

Treasury/BEP 00.007

System name: Departmental Integrated Personal Services System (DIPS)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The Department Integrated Personal System (DIPS) is an automated data system which contains both personal and financial information relating to an employee during his employment with the Bureau of Engraving & Printing. It includes historical and cumulative data concerning such items as; education, work history, training pay rates, pay adjustments, health benefits, tax information, withholdings, allotments, leave data, time and attendance, retirement information, salary, residence, veterans preference, status, savings bonds, cost center, payroll number, social security number or other functional category.

Authority for maintenance of the system: Treasury Department memorandum dated January 10, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel in both Office of Industrial Relations and Office of Financial Management for activities related to; Manpower Planning and Forecasting, Statistical Reporting, Payroll Preparation, Personnel Action Changes, creation of tapes for issuance of pay checks, deductions and other withholdings, earnings statements, preparation of savings bonds, income tax withholding data submitted to applicable states and other similar types of reporting activities. Records may also be used or reviewed by other government agencies such as Civil Service Commission and General Accounting Office in connection with inspections, appeals or for audit purposes. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored on tabulating cards, computer tape and magnetic disks.

Retrievability: By Name, Date, Employee Number, category of information listed within Category of Record shown above.

Safeguards: Raw data files are maintained in locked files in both Office of Industrial Relations & Office of Financial Management. Tape & disk information is accessible only through specific computer programs.

Retention and disposal: Retention periods and disposal guidelines for these records have not yet been officially determined.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Bureau of Engraving & Printing Employees, Official Personnel Files, Payroll & Financial Records.

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Treasury/BEP 00.008

System name: Emergency Contact Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Employees of Product Control Division

Categories of records in the system: Record contains Name, Address and Designation of person to be contacted in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Product Control Division personnel for notification of designated person in case of emergency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Quality Control Branch personnel; Kept in metal file cabinets.

Retention and disposal: Record maintained during employee's tenure with the Quality Control Branch. Destroyed after employee's separation by shredding.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Product Control Division employees.

Treasury/BEP 00.009

System name: Employee Arrest Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing employees who have been arrested.

Categories of records in the system: Telephone conversation memo for file regarding arrest information supplied by Office of Security.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel as background material for possible discipline or adverse action. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Maintained in locked cabinets; access limited to Employee Relations Branch personnel.

Retention and disposal: Retained until conviction, acquittal or other disposition and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts. SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Office of Security and police records.

Treasury/BEP 00.010

System name: Employee's Health Unit Daily Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees reporting to Medical Unit for treatment of job-related injuries or illnesses.

Categories of records in the system: Daily listing of employee's visitation to Medical Unit indicating: name, assigned work area, time and nature of injury or illness.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Branch for analysis of injury categories, initiation of comprehensive investigation of cases and preparation of monthly, quarterly, and annual reports of work-connected injuries by cost and cause. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Name and date.

Safeguards: Locked file cabinet, access limited to Safety Branch staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures:

Contesting record procedures:

Record source categories: Medical Unit report of work connected injuries and information provided by employee.

Treasury/BEP 00.011

System name: Employees Home Contact File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Messengers and Clerical Personnel within Mail & File Unit.

Categories of records in the system: System shows Employee's Name, Address, Phone Number and Emergency Contact.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Mail & Files Unit Supervisor to notify designated person in case of Emergency. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 Cards.

Retrievability: By Employee's Name.

Safeguards: Access limited to Unit Supervisor and kept in locked desk drawer.

Retention and disposal: Maintained for duration of employment. Upon termination record is destroyed by shredding.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Mail and File Unit Employees.

Treasury/BEP 00.012

System name: Employee Index File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Supply Branch Employees.

Categories of records in the system: Record contains employee name, address, phone number, pay account number, social security number, cost center number, position, grade, and date of employment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Supply Branch personnel to notify designated person in case of emergency or when employee is absent. Also used as Office reference file to provide information for other Bureau components upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 Cards.

Retrievability: Indexed by name.

Safeguards: Kept on clerical supervisors desk, access limited to Supply Branch personnel.

Retention and disposal: Record retained for two years following departure of employee from Branch, then destroyed by shredding.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supply Branch Employees.

Treasury/BEP 00.013

System name: Employee Locator Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees of the Bureau of Engraving & Printing.

Categories of records in the system: The system provides current information for the Treasury telephone directory. It also provides employee information data which is needed to locate employees in case of emergency.

Authority for maintenance of the system: The Department of the Treasury, Office of Administrative Programs, Telecommunications Circular No. 21—June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Telephone Services Unit to locate employees within the Bureau of Engraving & Printing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name of employee.

Safeguards: Access limited to Telephone Services Unit personnel; maintained in locked cabinet.

Retention and disposal: Record maintained during employees tenure with the Bureau and then destroyed.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Bureau of Engraving & Printing Employees.

Treasury/BEP 00.014

System name: Employee's Daily Production Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Craft and non-craft employees (bookbinders, examiners, verifiers, exchangers, note packaging workers, counters and assemblers).

Categories of records in the system: Contains Employee Name, Date, Hours, Shift and record of Daily Production.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Examining Division personnel for evaluation of employee's level of productivity. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and production books.

Retrievability: Indexed by Name and Date.

Safeguards: Maintained in locked cabinets; access is limited to Examining Division personnel.

Retention and disposal: Retained five years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Securities Processing, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information furnished by employee at end of shift.

Treasury/BEP 00.015

System name: Employee Seniority List—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Quality Control Branch Printing Inspectors.

Categories of records in the system: List of employees in order of seniority.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Quality Control Supervisor for scheduling overtime or shift assignments. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Quality Control Branch Personnel.Locked in Supervisor's desk.

Retention and disposal: List will be superseded due to deletion of terminated employee's name and the addition of new employees name. Superseded list will be shredded.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14 & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Quality Control Branch Employee Service Record and Supervisor.

Treasury/BEP 00.016

System name: Employee Suggestions—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees submitting suggestions under the incentive award program.

Categories of records in the system: Contains employee's suggestion, reviewer evaluation and final disposition information.

Authority for maintenance of the system: Title 5, United States Code, 4502 (c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Employee Relations Branch personnel and other management personnel for system improvements, cost saving ideas, determination of employee awards and other reference purposes. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in File Folders.

Retrievability: Indexed by Name.

Safeguards: Maintained in locked file cabinets; access limited to Employee Relations Branch personnel and employee's Supervisor.

Retention and disposal: Retained for three years following date of submission and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedores: See notification above.

Record source categories: Individual Employee, Employee Supervisor and review committee.

Treasury/BEP 00.040

System name: Freedom of Information Requests—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 C.F.R. Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act; to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts. , SW., Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., S.W., Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/BEP 00.018

System name: Guard Uniform Control Account—Treasury/BEP

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All uniformed guard force personnel of the Bureau of Engraving and Printing.

Categories of records in the system: Record contains the guard's name, badge number, rank, employment anniversary date, current inventory of guard's uniform, history of uniform issuance, activity and current dollar balance of guard's uniform allowance.

Authority for maintenance of the system: Federal Uniform Allowance Act, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Security and Head, Protective Service Branch to monitor and control guard annual uniform allowance, maintain a current inventory of guard uniforms, plan required stock levels and changes in authorized uniform issues. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 x 10 1/2 Ledger sheets in a notebook.

Retrievability: Alphabetical by guard's name.

Safeguards: Access limited to Chief, Office of Security, Head, Protective Services Branch, and the Uniform Control Clerk. Maintained in a locked file cabinet.

Retention and disposal: This is a new system and no retention period has yet been established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Guard Force Personnel of Bureau of Engraving and Printing.

Treasury/BEP 00.019

System name: Identification Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Visitors to the Bureau, Contractor & Service Company Employees (Incumbent & Separated).

Categories of records in the system: Category: Request for Issuance of Badge or Pass, Badge and Pass Photograph, Employee Identification Badge or Pass, Employee Identification Badge and Pass Record Card, Control Record for Issuance of Badges & Passes, Record of Lost Badges, Record of Funds Collected for Issuance of Badges or Passes and receipts for funds released to appropriate authority, Record of Destruction of Badges and Passes, Type of Information: The following information is retained as it applies to each individual issued a Pass and/or Badge in the present system: Name, Date of Birth, Physical Description, Work area assignment, Name of Firm or Government Agency, Requesting Data for Pass/Badge, Signatures of persons receipting for Passes and Badges, Badge and Pass Numbers, Date of Issue, to whom issued and area or firm, Dates and method of destruction, Date, place and circumstance of loss of Pass/Badges.

Authority for maintenance of the system: Executive Order 11652 and implementing Treasury and Bureau regulations and 31 United States Code, Section 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Bureau of Engraving and Printing management officials, Bureau of Engraving and Printing security personnel, Federal, State, and local law enforcement or investigative agencies. For additional routine uses see Appendix AA. Purpose of Each Use: Identification of personnel, Determine status of personnel, Limit access of personnel to specified Bureau security areas, Control access to the Bureau.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Ledgers, Cards, File Folders, Loose Leaf Binders, Envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228, Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.020

System name: Industrial Truck Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate self—propelled material and/or machinery/handling equipment.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Division staff personnel to validate employee operational authority and determine renewal dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder and Card file.

Retrievability: By Name.

Safeguards: Locked file cabinet, access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.042

System name: Informal EEO Complaint Processing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who register informal EEO complaints.

Categories of records in the system: Contains information and data developed through counseling sessions and appropriate inquiries.

Authority for maintenance of the system: U.S. Civil Service Commission Regulations; Section 713 Treasury Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to inform complainants of the results of the counselor's inquiries. Also used to provide EEO Complaint Investigator with historical background data on cases which could not be resolved on an informal basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Locked in combination lock safe. Access limited to EEO Specialists and Counselors.

Retention and disposal: Retained up to ten years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual complainants and other employees and supervisors necessary to make an appropriate inquiry.

Treasury/BEP 00.021

System name: Investigative Files—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Incumbent Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, Non—Bureau Correspondents, Contractor & Service Company Employees (Incumbent and Separated)

Categories of records in the system: Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Food Coupon Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Record, Crank Letters, Security Files Reference Record, Employee Indebtedness Record, Type of Information: Character references, Guard force reports, Previous employment verifications, Newspaper articles, Social Security Numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Civil Service Commission, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates case opened and closed, and recommendations, Certificate of Security clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape recorded testimony, Type of Information: Bureau investigation reports, Information supplied by law enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, Other pertinent governmental records, Education records and information, Date of Birth and physical description of individual in the files.

Authority for maintenance of the system: Executive Order 10450 and implementing Treasury and Bureau regulation and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Category of Users: Office of Security and staff, Bureau of Engraving & Printing management officials, Federal, state, county, and city law enforcement agencies, Investigatory Government agencies, other Governmental agencies requesting information, Contractor plant management officials. Purpose of Each Use: Determine employment suitability from a security point of view, Data for bi—weekly & quarterly reports, Means of identifying employees and employee misconduct and criminal activities and their actions affecting security suitability, Social Security numbers as a means of identification, Recommendations for disciplinary action to include dismissal from the Bureau, Determine employees' acceptability for assignment to security areas/duties from a security standpoint, Grant access to the Bureau, Develop Bureau policies and procedures, Determine patterns of employee behavior regarding misconduct, debts, illegal activities, etc., Develop investigative leads, Compile lists of suspects, Maintain numerical record of cases received during year, Maintain record of visitors to Bureau, Determine prospective firms suitability to conduct business with the Bureau, Evidence in legal cases and other judicial and non—judicial actions, Grant security clearances, Determine non—Bureau employee suitability to work on Bureau premises and/or products. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose Leaf Binders, Ledger, Recording Tape.

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Retrievability: Numerically by case number and year, Alphabetically by name and social security number, Alphabetically by company name.

Safeguards: Access is limited to Office of Security staff and maintained in locked file cabinets.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Proposed exempt system.

Record access procedures: Proposed exempt system.

Contesting record procedures: Proposed exempt system.

Record source categories: Proposed exempt system.

Systems exempted from certain provisions of the act: System exempted from certain provisions of the Act. Notice of proposed exemption from 5 U.S.C. 552a (j) and/or (k) elsewhere in the Federal Register.

Treasury/BEP 00.022

System name: Monthly Equal Employment Opportunity Activity Report—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Minority and female employees receiving significant appointments and promotions.

Categories of records in the system: Name and Position of Promotion or Appointment.

Authority for maintenance of the system: Affirmative Action Plan for Fiscal Year 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Bureau Equal Employment Opportunity Staff to inform the Director, Office of Equal Employment Opportunity Program, Department of the Treasury, of the monthly progress of minority and female employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by month and employee's name.

Safeguards: Access is limited to Bureau Equal Employment Opportunity Staff and is maintained in locked combination safe.

Retention and disposal: Retained 5 years and then destroyed by incineration.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Personnel Action Records maintained by Supervisor.

Treasury/BEP 00.023

System name: Motor Vehicle Licensing Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving and Printing employees designated to operate passenger vehicles, trucks, and/or vans for Bureau business.

Categories of records in the system: Record of employee physical examination, testing, license number and issue date for purpose of operating passenger and/or truck vehicles.

Authority for maintenance of the system: United States Civil Service Commission Regulations 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Branch and/or Security Staff, District of Columbia or State Enforcement Authorities to validate employee operational authority. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and card file.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor request, results of physical examination, and data obtained during training or practical tests.

Treasury/BEP 00.043

System name: Parking Program Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau, Non-Bureau personnel.

Categories of records in the system: Parking space applicant information—shows applicant's name and address, vehicle model and year, vehicle license number, work hours, work component, home and work telephone number.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on all parking permit applicants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 card file and lettersize file folders.

Retrievability: Alphabetically by applicant and parking space number.

Safeguards: Access is limited to Office of Security staff and maintained in locked office.

Retention and disposal: Retention period and disposal instructions have not been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Parking permit applicants.

Treasury/BEP 00.024

System name: Payroll Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Current Pay and Cumulative Pay—Record consists of all payroll transactions affecting the employee's pay checks, e.g., withholdings, allotments, net check, cumulative year—to—date total.

Authority for maintenance of the system: Federal Personnel Manual and various Federal, State and Local regulatory agencies 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel to create the pay tape for the disbursing officer for routine payroll. Also used to produce the bi-weekly, quarterly and annual employee earnings statement which enables the employee to verify his or her record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: By Pay Account Number.

Safeguards: Records are maintained in locked files in locked area. Access limited to Payroll personnel.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, allotment authorizations, withholding statements or related financial information.

Treasury/BEP 00.025

System name: Payroll Statistical Data—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees.

Categories of records in the system: Payroll History—Record consists of all required payroll information including leave data, time and attendance history, allotment information, retirement information, and required pay status information.

Authority for maintenance of the system: Federal Personnel Manual and various regulatory bodies. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by payroll personnel for routine payroll reporting to Bureau financial and personnel record—keeping personnel; tax reporting at Federal, state and local levels, and required reports to Department of Treasury, Civil Service Commission and other Government agencies (as required by Federal directives). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punch Card.

Retrievability: Pay Account Number.

Safeguards: Maintained in locked files in locked area. Access limited to Payroll Personnel.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Financial Management, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Employee time and attendance records, payroll records, and related financial information.

Treasury/BEP 00.026

System name: Personal Protective Equipment File—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washinton, D.C. 20228.

Categories of individuals covered by the system: Employees of the Bureau of Engraving and Printing who work in high risk areas; or in positions designated by supervisor as meeting the criteria for issuance of protective equipment.

Categories of records in the system: List of employees who have been issued safety shoes, glasses, bump hats, or other types of protective equipment.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Manager for authorizing procurement of equipment, also for maintaining record of issues and to justify or reject re—issue of equipment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder and card file.

Retrievability: By name.

Safeguards: Kept in locked file cabinet; access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Supervisor and/or employee requests and issue listings.

Treasury/BEP 00.044

System name: Personnel Security Files and Indices—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employee applicants, current and former Bureau employees, contractor and service company employees.

Categories of records in the system: Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal Agencies.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used for the purpose of granting security clearances and making employment suitability determinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders/3 x 5" Index cards.

Retrievability: Alphabetically by name.

Safeguards: Access is limited to Office of Security staff and records are maintained in locked file cabinets.

Retention and disposal: Retention periods and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual employee and information supplied by other Federal Investigative Agencies.

Treasury/BEP 00.027

System name: Personnel Movement Control Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Bureau of Engraving & Printing Employees, Official Visitors to the Bureau, Contractor & Service Company Employees.

Categories of records in the system: Record contains Name, Office, Division, Branch, Unit, Badge Number, Picture, Work Shift Code, Work Area Code, Personnel Category, Time & Location of each passage through a Security Control point.

Authority for maintenance of the system: Executive Order 11652 and implementing Treasury and Bureau regulations and 31 U.S.C. 427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management and security employees for identification of personnel and for limiting access to and movement within controlled Bureau security areas. For additional routine uses see Appendix AA

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Ledgers, cards, file folders, loose leaf binders, envelopes.

Retrievability: Numerical by Pass/Badge Number, Alphabetically by last name, Appropriate index by subject.

Safeguards: Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal: Retention period and disposal instructions have not yet been officially established.

System manager(s) and address: Chief, Office of Security, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.028

System name: Personnel Progress & Achievement Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Management Analysts and Clerical Personnel within Management Analysis Branch.

Categories of records in the system: This record contains a history of an employee's work assignments and information relative to performance as well as information on training schools attended or other pertinent information.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisor of Management Analysis Branch to evaluate work performance of Branch employees for promotion, training and reference material for future assignments. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed alphabetically by employee's name.

Safeguards: Access is limited to Branch Head and kept in locked desk drawer.

Retention and disposal: Maintained for the duration of employee's assignment within the Branch. Upon termination, they are either given to the employee or destroyed.

System manager(s) and address: Chief, Office of Administrative Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Management Analysis Branch employees or Supervisor knowledge of employee.

Treasury/BEP 00.029

System name: Petition of Election—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Listing of employees eligible for inclusion within the Union bargaining for recognition.

Categories of records in the system: Alphabetical listing of eligible employees to include position title & occupational codes.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information compiled & furnished to United States Dept. of Labor, Labor—Mgmt Services Admin. in order to supervise the election; to the Dept. of Treasury to fulfill reporting requirement in Treasury Personnel Manual 711; and to the petitioning Union to verify eligibility of voters at the poll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in a locked cabinet; access limited to Labor—Mgmt. Relations staff & designated Union Representatives as required.

Retention and disposal: Retained indefinitely for reference & historical purposes.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Position Description file & Personnel Manpower file.

Treasury/BEP 00.030

System name: Project REST (Reporting Employment Statistics in Treasury), Minority Statistics—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains employee name, Social Security Number, Minority Group Identification, Sex, Occupational Series, Grade, Pay Plan, and Date of Birth.

Authority for maintenance of the system: Assistant Secretary for Administration, Department of the Treasury, Administrative Circular No. 232 (October 5, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity staff to provide Minority Group Statistical Data for evaluating the Bureau Equal Employment Opportunity responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On computer print—out.

Retrievability: By Name, Sex and Minority Group Identifier.

Safeguards: Access limited to Bureau Equal Employment Opportunity staff; maintained in locked combination safe.

Retention and disposal: Retained for three years and then destroyed by incineration.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee, Equal Employment Opportunity Counselors, Equal Employment Opportunity Investigators.

Treasury/BEP 00.041

System name: Record of Discrimination Complaints—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who have initiated discrimination complaints.

Categories of records in the system: Data developed as a result of inquiry by the person making the allegation of discrimination.

Authority for maintenance of the system: U.S. Civil Service Commission (Federal Personnel Manual Letter, No. 713—21).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Equal Employment Opportunity Complaint Investigators and Hearing Officers to provide reference data for making rulings on discrimination cases. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Name.

Safeguards: Access limited to Complainants, Equal Employment Opportunity Staff, Equal Employment Opportunity Investigator; maintained in locked combination safe.

Retention and disposal: Maintained for 10 years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employees who have discrimination complaints.

Treasury/BEP 00.031

System name: Reemployment Information Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Former Bureau of Engraving & Printing employees.

Categories of records in the system: Information relative to reemployment rights and reemployment recommendations.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel staff for re—hiring determinations and statistical studies and reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name and year.

Safeguards: Maintained in locked file cabinet, access limited to Personnel staff.

Retention and disposal: Maintained for a period of 10 years after termination and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from supervisor as employees separate.

Treasury/BEP 00.032

System name: Retention Register—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving and Printing Employees (Active).

Categories of records in the system: Information on retention rights of employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 351.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In cases of reduction in force, used primarily by personnel staff to determine retention rights and also by the Civil Service Commission on inspections and for resolving appeals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on punch cards.

Retrievability: Indexed by name, retention subgroup, and competitive level.

Safeguards: Access limited to Manpower Information and Records Section, Staffing Classification and Supervisory Personnel. Maintained in locked file cabinets.

Retention and disposal: Registers are maintained until a new register replaces it. The old register is then destroyed.

System manager(s) and address: Chief, Office of Industral Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Data is obtained from the Official Personnel Folder.

Treasury/BEP 00.033

System name: Roster of Bureau of Engraving & Printing Employees—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Roster of employees employed at the Bureau of Engraving & Printing (Active).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Industrial Relations personnel, auditors and Bureau managers for statistical reports, locator system and manpower forecasting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on flexoline cards.

Retrievability: By name of employee.

Safeguards: Access limited to Office of Industrial Relations personnel, locked in standard card file.

Retention and disposal: Maintained indefinitely and changed as personnel are hired or separated.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Information obtained from appointment papers and separation papers.

Treasury/BEP 00.034

System name: Time & Attendance Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing Employees.

Categories of records in the system: Record contains time & attendance information.

Authority for maintenance of the system: Federal Personnel Manual and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Section to compute employee payroll records and used by Supervisor & time—keeping personnel to record time & attendance information. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in tabulating card files.

Retrievability: By name.

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Safeguards: Locked in Supervisor's Office; access limited to employees, Supervisor & clerical personnel in Payroll Section.

Retention and disposal: Retained for three years and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual Employee and Supervisor.

Treasury/BEP 00.035

System name: Tort Claims (Against the United States)—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by the neglect or wrongful act or omission of a Bureau of Engraving & Printing employee while acting within the scope of his office or employment.

Categories of records in the system: Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

Authority for maintenance of the system: Federal Tort Claims Act, Title 28 U.S.C. 2672, Public Law 89—506, Treasury Department Circular 131.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director, Bureau of Engraving and Printing and/or his designee in conjunction with the General Counsel, Department of the Treasury for adjudication and settlement of claims. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: By name.

Safeguards: Locked file cabinet; access limited to Safety Division staff.

Retention and disposal: Retained three years; disposal procedures not yet established.

System manager(s) and address: Chief, Office of Industrial Services, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual or organization's claim and/or investigative reports.

Treasury/BEP 00.036

System name: Union Dues Allotments—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Employees who authorize or revoke Union dues allotments.

Categories of records in the system: An authorization for or revocation of voluntary union dues allotments.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Payroll Office employees to effect allotments of Union dues in accordance with voluntary determination of employee member. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of employee.

Safeguards: Maintained in locked file cabinet; access limited to personnel in the Records & Payroll Sections.

Retention and disposal: Record maintained for length of time necessary to perform payroll activities, disposed when superseded by new card or on transfer or separation of employee whichever is earlier. Destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Authorization or revocation statement originated by employee.

Treasury/BEP 00.037

System name: Union Index—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: Name & Title of designated Union officials to include the President, Vice President, Secretary, Treasurer, & Stewards.

Categories of records in the system: Listing of recognized Union officials by title, bargaining unit, and jurisdiction.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by management personnel for the purpose of normal conduct of established Labor-Mgmt. Relations business. Copies provided to the Treasury Dept., U.S. Dept. of Labor and the Civil Service Commission as required by Treasury Personnel Manual. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By Union Title.

Safeguards: Maintained in locked file; access limited to Labor—Mgmt Relations staff & Mgmt. officials as required.

Retention and disposal: Retained for duration of recognition of the Union and then destroyed by shredding.

System manager(s) and address: Chief, Office of Industrial Relations, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Provided by recognized unions.

Treasury/BEP 00.038

System name: Unscheduled Absence Record—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All Bureau of Engraving & Printing employees who have had unscheduled absences.

Categories of records in the system: Record contains chronological documentation of unscheduled absences.

Authority for maintenance of the system: Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by an employee's supervisor to record the number of times an employee has an unscheduled absence. This information is used by Employee Relations Branch for statistical reports depicting frequency rate for all Bureau employees. It can also be used as a basis for counseling an employee concerning overall job performance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: By name.

Safeguards: Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

Retention and disposal: These records are maintained during an employee's tenure with the Bureau and are destroyed three years after termination by shredding.

System manager(s) and address: Chief, Office of Industrial Relation, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Individual employee time & attendance record and employee's supervisor.

Treasury/BEP 00.039

System name: Work Performance Records—Treasury/BEP.

System location: Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Categories of individuals covered by the system: All employees and former employees of the Office of Audit.

Categories of records in the system: Detailed information supporting work performance records and reports, such as performance, evaluation, training, audit assignments, audit progress reports, audit working papers and audit files.

Authority for maintenance of the system: Public Law 656, 81st Congress, Bureau of Engraving & Printing Publication No. 7, dated July 17, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Chief, Office of Audit for work performance, administrative, management, and audit purposes to evaluate promotion, training, and reference material for future assignments. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Cross referenced by name and audit number or title.

Safeguards: Area is locked after hours. In addition, there are specified locked controls in the area, depending on the importance for administrative purpose. Access limited to Audit personnel.

Retention and disposal: Retained six years three months; Destroyed by shredding.

System manager(s) and address: Chief, Office of Audit, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228.

Notification procedure: Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Sts., SW, Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Developed internally from within the Office of Audit or other Offices in the Bureau of Engraving and Printing or by referral documents.

Treasury/GFO 00.001

System name: Administrative Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Bureau personnel.

Categories of records in the system: (1) Civil Defense Cards, (2) Motor Vehicle Drivers Permits, (3) Distribution List of individuals requesting various Treasury publications, (4) Motor Vehicle Accident Reports, (5) Parking Permits, (6) Treasury Credentials.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on holders of Civil Defense Cards, drivers permits, parking permits, accident reports, credentials and for servicing public on Treasury publications. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hardcopy.

Retrievability: By name.

Safeguards: Locked containers.

Retention and disposal: (1) Destroy upon resignation, retirement or transfer; Hold—Individual no longer assigned relocation duties. (2) Destroy 3 years from date of separation or 3 years after rescission of authorization. (3) Destroy when superseded. (4) Indefinitely. (5) Destroy when superseded. (6) Destroy upon retirement, resignation or transfer.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel.

Treasury/GFO 00.002

System name: Check issue records for regular recurring benefit payments—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Beneficiaries of Title II of the Social Security Act, (2) Beneficiaries of Title XVI of the Social Security Act, (3) Beneficiaries of the Civil Service Retirement System, (4) Beneficiaries of the Railroad Retirement System, (5) Beneficiaries of the Foreign Service Retirement System, (6) Holders of Series H Bonds (interest payment).

Categories of records in the system: Check issue records for regular recurring benefit payments showing name, check number and symbol, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issue verification for banking industry, Federal investigative agencies, Division of Check Claims of this bureau, and Departments and agencies for whom checks are issued, and payees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm-magnetic tape for categories of individuals 1 through 4, and category 6. Hard copy for category 5.

Retrievability: By account number.

Safeguards: Held in secure buildings.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

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Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above

Record source categories: Vouchers certifications for check issuances by departments and agencies for whom checks are issued.

Treasury/GFO 00.003

System name: Claims and Inquiry Records on Treasury checks, U.S. currencies, and International claimants—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Payees and holders of Treasury checks, (2) Holders of mutilated currency, (3) Claimants awarded benefits under War Claims Act and International Claims Settlement Act of 1949.

Categories of records in the system: (1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Mutilated currency claim file: Mutilated currency, name of bank assisting claim of individual, settlement action taken. (3) Awards for claims for losses sustained by individuals.

Authority for maintenance of the system: 5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the U.S.; (2) Mutilated currency claims—31 CFR 100; (3) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Check Claims—Information is used routinely by the Division of Check Claims and by indorsers on checks having liability, Federal and State investigative agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (2) Mutilated Currency Claims—Information in files is used routinely by employees of the Division of Cash Services. Information is furnished to the Internal Revenue Service for claims of 5000 dollars or more. (3) International Claims—Information in files is used by employees of the Division of Financial Management, claimants (awardees) and Foreign Claims Settlement Commission. (4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) Claim file folders, Card checks, microfilm. (2) Correspondence files. (3) Claim file folders.

Retrievability: (1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

Safeguards: (1) Secured building. (2) Secured building. (3) Secured files in secured building.

Retention and disposal: (1) Claim files and checks: six years nine months; Microfilm—indefinitely. (2) Seven years. (3) Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: (1) Individual payees of Treasury checks, indorsers of Treasury checks, investigative agencies, disbursing officers issuing checks, contesting claimants. (2) Individual owners of mutilated currencies, commercial banks. (3) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

Treasury/GFO 00.004

System name: Freedom of Information Requests—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Individuals requesting information.

Categories of records in the system: Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records.

Authority for maintenance of the system: Freedom of Information Act, 5 U.S.C. 552. 31 CFR Part 1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reporting requirements as required by the Act: to respond to other Department officials who request information regarding persons making a FOI request; evaluation purposes and determination of volume of requests received and the impact on the current workload; preparation of budget; disclosures in accordance with Freedom of Information Act, to other agencies when required for coordination of response or referral; to Department of Justice for defending law suits; to Congressional Committees; for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By name of requester(s) and date of request.

Safeguards: Filed in filing cabinet and released only to individuals with legitimate right to review.

Retention and disposal: In accordance with the provisions of the Act and Departmental records management procedures.

System manager(s) and address: Special Assistant (F.O.I.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: See system manager.

Record access procedures: See system manager.

Contesting record procedures: See system manager.

Record source categories: Individuals who make Freedom of Information Act requests. Federal officials responding to Freedom of Information Act requests and documents from official records.

Treasury/GFO 00.005

System name: GFO Personnel Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Penn. Ave. and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau (Separated employees—in certain cases) and applicants.

Categories of records in the system: (A) Official Personnel Folder, (B) Personnel Roster, (C) Logs of SF-52's, (D) Locator Cards, (E) Chronological Journal File, (F) Service Record Card (SF-7), (G) Correspondence File, (H) Written Verifications of Employment, (I) Roster of Retirement Eligibles, (J) Summary of Training (Card File), (K) Training Course Nominations, (L) Evaluation of Training Program, (M) Tuition Assistance Files, (N) GED Test Scores, (O) Executive Development File, (P) Position Listings, (Q) Position Descriptions with Evaluation Statements, (R) Personnel Management Evaluation Survey Reports, (S) Position Maintenance Reviews, (T) Applicant Supply File, (U) Suitability File, (V) Incentive Awards Record, (W) Request for Certification File, (X) Merit Promotion File, (Y) Exit Interview File, (Z) Performance Appraisal File, (AA) Statistical Reports—(Which Show Names) (1) Personnel Status Report, (2) Monthly Retiree Report, (3) Monthly EEO report, (4) Direct Hire Authority Report, (BB) Registers Worked File, (CC) Statements of Employment and Financial Interest.

Authority for maintenance of the system: Executive Order 10561 dated 9-13-54, Federal Personnel Manual, and Title 5 of US Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A—(1) Process Personnel Actions. (2) Verifying Service Computation Date. (3) Evaluating Qualifications for Promotion. B—(1) Compile Statistical Reports. (2) For Budget and Manpower Planning. (3) For Promotion Information. (4) Verification of Employment. C—(1) Control of Processing SFm52's, (2) Verify Receipt and Non Receipt of SF-52's. D—(1) Emergency Notifications, (2) Listing for Bureau Phone Directory, (3) Verification of Employment. E—(1) Regulatory Audits, (2) Personnel Management Evaluations, (3) Compilation of Data for Statistical Reports on Personnel Actions. F—(1) Tickler System, (2) A Comprehensive and Continuing Record of each Employee's Status, Skills, etc., (3) Control over budgeted positions both filled and vacant, (4) Cards on Separated Employees are used to verify prior employment. G—(1) Data for Statistical Reports, (2) Reference of prior actions. H—(1) Verify current or past employment. I—(1) Retirement Planning Program, (2) Projected Staffing Plans. J-K-L-M-N—(1) Record of all training—used for reference by Employment Development Specialist for planning future training as needed. O—(1) Reference by Appraisal Committee and Employee Development. P-Q—(1) Documented duties of employees for original allocated positions. R—(1) Audit and Evaluation of programs and specific positions. S—(1) Official Record of annual review of positions required by FPM. T—(1) Current Source of Recruitment. U—(1) Reconstruction of case if appealed or grieved, (2) Assure continuity in handling troubled employees, (3) Document positive efforts made to rehabilitate employees, (4) Serve as source documents for suspensions or reprimands as cases warrant. V—(1) Quarterly and Annual Reports, (2) Used as reference to assure approval of an award or amount of award consistent with regulations. W—(1) Used as statistical base for planning future recruitment activities and reports for Fiscal Year. X—(1) Reconstruction of actions if appeal is filed, (2) Assure compliance with FPM regulations. Y—(1) Annual statistical report of turnover rate and reasons for leaving, (2) Obtain feedback from supervisors on advisability of rehiring. Z—(1) To assure employee performance is at least satisfactory and/or at an acceptable level of competence. AA—(1) Maintenance of records for reporting and informational purposes. BB—(1) Maintain records of recruitment activities for staffing reports, (2) Used to assure compliance with CSC regulations. CC—(1) Used to determine conflict of interest or possible conflict of interest. DD—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy and in some instances mag-tape.

Retrievability: Alphabetically by name—also in some instances by organization, then social security number.

Safeguards: Personnel Records are locked when unattended—Access is limited to Personnel Employees, Supervisors, Promotion Panels, Investigators from CSC, etc., Top Management, and members of Fair Employment Staff.

Retention and disposal: Records are maintained and disposed of in accordance with General Services Administration Schedule.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone: 202-964-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Applicant Personnel Action Forms (SF-50), SF-171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

Treasury/GFO 00.006

System name: Identification files on individuals cashing Treasury checks at the U.S. Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All individuals not employed by the Treasury Department cashing Treasury checks.

Categories of records in the system: (1) Identifying information by name, address, date of birth, social security number, and agency responsible for issuance of check. (2) Film records with picture and other identification.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identification for check cashing purposes. (2) Identification for check cashing purposes and for apprehension of forgers. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file in individual's handwriting; Film.

Retrievability: By name; By identification number and date.

Safeguards: Locked files; By contractor in secured building.

Retention and disposal: Indefinite.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/GFO 00.011

System name: Individual Retirement Cards, SF2806—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of the Bureau.

Categories of records in the system: Individual retirement cards maintained to record annual contribution to the Retirement Fund of each employee.

Authority for maintenance of the system: Public Law No. 142, February 14, 1922, 42 Stat 364.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Bureau to record annual contribution to the Retirement Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card.

Retrievability: By name.

Safeguards: All persons requesting information are screened.

Retention and disposal: Retained for tenure of employment then transferred to CSC or other Government agency.

System manager(s) and address: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

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Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above or telephone him at the following number 202-964-8707. All individuals are urged to examine the rules of the U.S. Department of the Treasury concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Bureau personnel office.

Treasury/GFO 00.007

System name: Payroll & Pay Administration—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: All Employees of Bureau & Separated Employees.

Categories of records in the system: (A) Official Payroll Folder—(1) Levy & Garnishment Records; (2) SF-1192—Savings Bond Authorization; (3) SF-1198—Allotment of Pay to Saving Account; (4) SF-1189—Payment of Wages to Financial Organization; (5) Copies of SF-50—Notification of Personnel Action; (6) Withholding Tax Exemptions; (7) Copy of Health Benefit Designation; (8) Copy of Life Insurance Forms; (9) Payroll Change Slips; (10) Combined Federal Campaign Designations; (11) Copy of SF-1150. (B) Time & Attendance Reports (TUS-430)—(1) SF-71 Request for Leave; (2) Court Leave Documents; (3) Request for Advancement of Leave. (C) Payroll Comprehensive Listing—(1) Current Payment Information; (2) Record of Leave Earned and Used; (3) All Deductions from Pay; (4) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (D) Payroll Control Registers.

Authority for maintenance of the system: Title 6—Pay, Leave & Allowances.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Payroll Preparation; (B) Issuance of W-2 Forms for Tax Purposes; (C) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are stored, maintained and disposed of in accordance with General Services Administration Schedules.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: From individual Bureau employees.

Treasury/GFO 00.008

System name: Personnel Security Records—Treasury/GFO.

System location: Bureau of Government Financial Operations, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees and applicants for position in the bureau.

Categories of records in the system: Results of full field investigations, national agency checks and written inquiries, and other limited investigations.

Authority for maintenance of the system: Public Law 81-733, Executive Order 10450, and Treasury Order 82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are reviewed for purpose of granting clearances for employees to occupy nonsensitive and sensitive positions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The records are hard copy, filed alphabetically by name and stored in a safe cabinet secured with a combination lock. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions. The records on employees are retained by the bureau during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual. Telephone 202-964-8707.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the System Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

Treasury/GFO 00.012

System name: Precomplaint Counseling and Complaint Activities—GFO.

System location: B/GFO—U.S. Treasury Department, Treasury Annex No. 1 Madison Place & Penna. Ave., N.W. Washington, D.C. 20226.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly precomplaint activity reports from twelve Disbursing Centers and Headquarters.

Authority for maintenance of the system: 5 U.S.C. 7154; 42 U.S.C. 200e-16; E.O. 11478; and 5CFR 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on EEO Counseling activities for monthly submission to Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by station and date of receipt.

Safeguards: Staff supervision during day. Records under lock and key.

Retention and disposal: Reports destroyed at the end of four years.

System manager(s) and address: Bureau of Government Financial Operations, Treasury Annex No. 1, Madison Place & Penna. Ave., N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the PRIVACY ACT of 1974 shall be addressed to the System Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine

the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Monthly submissions by Disbursing Centers and Headquarters.

Treasury/GFO 00.009

System name: Postal Savings Deposits—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: Postal Savings depositors.

Categories of records in the system: (1) Account cards of Open Deposits. (2) Paid cases from 1967. (c) Record of reissued certificates.

Authority for maintenance of the system: 39 U.S.C. 5225-5229; 31 CFR 257.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For payment by depositors, legal representatives, heirs; Internal Revenue Service Inspectors; for tax purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing system.

Retrievability: Name, account number, within Post Office, City, State, by Postal Data Center.

Safeguards: In secured filing system. Accessible only to office personnel.

Retention and disposal: Closed cases; disposed after payment (10 yrs). Open accounts; indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974. Telephone 202-964-8707.

Contesting record procedures: See Access above.

Record source categories: Records received from the Post Office Department.

Treasury/GFO 00.010

System name: Records of Accountable Officers' authority with Treasury—Treasury/GFO.

System location: Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226.

Categories of individuals covered by the system: (1) Disbursing Officers; (2) Certifying Officers; (3) Agent Cashiers; (4) Designated Agents.

Categories of records in the system: Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

Authority for maintenance of the system: 5 U.S.C. 301; E.O. 6166, June 10, 1933.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Banking institutions, Federal Reserve Banks, Government agencies and other bureaus and offices of the Treasury Department for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: By name.

Safeguards: Held in secured buildings. Disbursing Officers file is locked.

Retention and disposal: Indefinitely.

System manager(s) and address: The Systems Manager is: Special Assistant (P.A.), Bureau of Government Financial Operations, U.S. Department of the Treasury, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226.

Notification procedure: Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether this bureau maintains the record requested by the individual.

Record access procedures: Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Systems Manager at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1(c) concerning requirements of this Department with respect to the Privacy Act of 1974.

Contesting record procedures: See Access above.

Record source categories: Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

Treasury/Mint 00.001

System name: Applicant and Information Forms for Great Plaza Parking Permits—Treasury/Mint.

System location: Administrative Services Division, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint Federal employees.

Categories of records in the system: (a) Applicant's name; home address; home and office telephone numbers; place of employment; social security number; years of Federal service; make, model, year and license number of automobile.

Authority for maintenance of the system: Federal Property Management Regulations—Temporary Regulations D-47, 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses: To determine parking entitlement. (b) Categories of users: Appropriate agency and General Services Administration officials. (c) Purpose of use: Fair determination of parking permit entitlement. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By applicant's name.

Safeguards: Combination safe file accessible by authorized personnel only.

Retention and disposal: Applications are maintained one year and then destroyed by shredding.

System manager(s) and address: Chief, Administrative Services Division, Bureau of the Mint, Warner Building, Room 906, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager for address to which inquiries may be directed or address at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: See System Manager for information on procedures for gaining access to and contesting records.

Contesting record procedures: See access above.

Record source categories: Information voluntarily provided by applicant.

Treasury/Mint 00.002

System name: Applicants for selection for the current Annual Assay Commission, and members of former Commissions.—Treasury/Mint.

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System location: Treasury Building, Office of the Director of the Mint, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220. Warner Building, 501 13th St., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Members of public seeking appointment by President to Assay Commission and their sponsors or endorsers, and members of former Commissions.

Categories of records in the system: Biographies of candidates and correspondence with applicants, sponsors and endorsers.

Authority for maintenance of the system: 31 U.S.C. 363.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to screen applicants for Presidential selection and to determine whether applicants had previously served on Assay Commission. (b) Used by appropriate agency officials and other Federal officials responsible for processing selection. (c) Used to select a committee to test the nation's coinage. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Accessible only to appropriate agency and other Federal officials. Secured Files.

Retention and disposal: Retained permanently.

System manager(s) and address: Administrative Assistant to the Director, Treasury Building, Room 2064, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as listed under System Manager. Individuals are required to furnish name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Information submitted voluntarily by general public and Congressional or other endorsers and sponsors.

Treasury/Mint 00.003

System name: Cash Receivable Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Budding, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall, Denver, CO, United States Mint, 320 West Colfax Avenue, San Francisco, CA, United States Assay Office, 155 Hermann Street, New York, NY, United States Assay Office, 32 Old Slip Street, Fort Knox, KY, United States Bullion Depository, San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint and the general public who have: (a) Served on jury duty when employed by the Bureau of the Mint. (b) Paid for lost government property belonging to the Mint. (c) Purchased numismatic items from Mint sales outlets.

Categories of records in the system: (1) Cash received from Mint employees who have served on jury duty or received witness fees. (2) Cash received from Mint employees and general public for lost government property, assay sample work and cash sales of over-the-counter numismatic items.

Authority for maintenance of the system: 5 USC 5537 (Fees for jury service); 31 USC 369 (Sale of numismatic items).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: to record cash payment made to the Mint by employees, former employees and general public for services, lost government property and jury and witness fees. (B) Categories of Users: accounting office, managers and supervisors and government officials. (C) Purpose of Use—to account for cash receivables. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General records control schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th & Pa. Ave., N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Driver's license, (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.004

System name: Confidential Statements of Financial Interest—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, special employees, consultants, and advisers of the Bureau of the Mint who are required to file statements of financial interest.

Categories of records in the system: Statements of Employment and Financial Interests.

Authority for maintenance of the system: 18 U.S.C. 207, 208; 5 CFR 735.406 and 31 CFR 0.735-70 through 0.735-235.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Used to record, document, and maintain required financial interest statements submitted by Bureau employees under Treasury Department regulations.To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (b) Categories of users agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose to maintain current financial interest statements to avoid conflicts of interest. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Records are maintained as long as the employee is with the Bureau.

System manager(s) and address: Personnel Officer, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: Same address and individual listed under System Manager. The employee may be required to show an identification such as: employee identification, driver's license, or other means of identification which will clearly identify an individual.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Submitted by individual.

Treasury/Mint 00.005

System name: Current Employee Security Identification Record—Treasury/Mint.

System location: Philadelphia, Pennsylvania, United States Mint, Independence Mall. Denver, Colorado, United States Mint, 320 West Colfax Avenue. San Francisco, California, United States Assay Office, 155 Hermann Street. New York, New York, United States Assay Office, 32 Old Slip Street. West Point, New York, United States Bullion, Depository. Fort Knox, Kentucky, United States Bullion, Depository. San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Current Bureau of the Mint employees.

Categories of records in the system: Security information system used to verify proper admittance to restricted areas within the Mint facilities detailed under "LOCATION". The card record (Mint Form 8925) names the employee; provides date and place of birth; descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

Authority for maintenance of the system: 40 U.S.C. 318—318c. Treasury Department Order No. 177-25, dated August 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use: security access control. (b) Categories of Users: security Force Officers. (c) Purpose of Use: protection of persons and property. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record is 5 inches x 8 inches card filed in Kardex Binder or circular-type index system.

Retrievability: Alphabetical by name.

Safeguards: Maintained in secure area by Security Force Officers.

Retention and disposal: Records are retained until separation of the employee and are destroyed upon termination in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th St., N.W., Washington, D.C. 20220, Chief of Security (Coordinator); United States Mint, Independence Mall, Philadelphia, Pa. 19106, Security Officer (Facility Manager); United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Security Officer (Facility Manager); United States Assay Office, 155 Hermann Street, San Francisco, Ca. 94102, Security Officer (Facility Manager); United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Security Officer (Facility Manager); United States Bullion, Depository, West Point, New York 10996, Security Officer, NYAO (Facility Manager); United States Bullion Depository, Fort Knox, Kentucky 40121, Security Force Captain (Facility Manager); United States Old Mint, 88 Fifth Street, San Francisco, Ca. 94103, Security Force Captain (Facility Manager).

Notification procedure: Same as shown under System Manager. An employee is free to examine his card record upon request, after properly identifying himself as the employee of record. The following would be used to prove identity: (a) Employee identification; (b) Driver's license; (c) Other acceptable personal documents.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief of Security, Bureau of the Mint, Room 1037, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Personal information provided by employee himself and identification approval by management staff.

Treasury/Mint 00.006

System name: Employee and Former Employee Travel and Training Accounting Information System—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip Street. Fort Knox, KY, United States Bullion Depository. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint who have engaged in travel and training.

Categories of records in the system: (1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (A) SF 1012 Travel Voucher, (B) SF 1038 Application and Account for Advance of Funds, (2) Travel Authorities, (3) Government Travel Request SF 1169, (4) Request, Authorization, Agreement and Certification of Training.

Authority for maintenance of the system: 5 U.S.C. Chapter 41 (Training) and Chapter 57 (Travel).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Use: To record travel and training information on all Mint employees and former employees for the purpose of making disbursements. (B) Categories of Users: Accounting office, managers and supervisors and government officials. (C) Purpose of Use: To administer the travel program of the Bureau in accordance with the regulations. Also, to assist the Personnel Division in administering the training program. (D) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Documents.

Retrievability: Name or number substitute.

Safeguards: Storage in filing cabinets with access by authorized accounting personnel.

Retention and disposal: General Records Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule, Destroyed in accordance with General Services, Administration regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th St. & Pa. Ave., N.W., Washington, DC 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; Fort Knox, KY 40121, United States Bullion Depository, Officer in Charge; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification, (B) Drivers' license, (C) Other names of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems, and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Bureau employees and appropriate agency officials.

Treasury/Mint 00.007

System name: Employee, Former Employee and Visitors, Occupational Safety and Health, Accident and Injuries Records; and Claims for Injuries or Damage Compensation Records—Treasury/Mint.

System location: Location and Category of Records Maintained: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th St. N.W., Accident/Injury/Illness Records, Vehicle Accident, and Claims Against the Government; Philadelphia, Pennsylvania, United States Mint, Independence Mall, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators

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Training/Licensing; Denver, Colorado, United States Mint, 320 West Colfax Avenue, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Licensing; San Francisco, California, United States Assay Office, 155 Hermann Steet, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Logs, and Operators Training/Licensing; New York, New York, United States Assay Office, 32 Old Slip Street, Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims Against the Government, and Safety Equipment Logs; West Point, New York, United States Bullion Depository, Accident/Injury/Illness Records, and Motor Vehicle Accident Data; Fort Knox, Kentucky, United States Bullion Depository, Accident/Injury/Illness Records, Motor Vehicle Accident Data, and Claims Against the Government; San Francisco, California, United States Old Mint, 88 Fifth Street, Accident/Injury/Illness Records, Motor Vehicle Accident Data, Claims Against the Government, Safety Equipment Issuance, and Operators Licensing.

Categories of individuals covered by the system: Bureau of the Mint employees, former employees and visitors to Mint offices and facilities, reporting accidents and injuries occurring on Federal Government property or in areas immediately adjacent to Government property, for which potential liability exists due to local laws.

Categories of records in the system: (See Location).

Authority for maintenance of the system: 29 U.S.C. 668; E.O. 11807, 28 U.S.C. 2680 et seq.; 31 CFR Part 3, 31 U.S.C. 240-243; 31 CFR Part 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information in these records is used for the following purposes: (a) Accident prevention, reduction and compilation of statistics. (b) Accident investigations. (c) Determination of Government liability under Federal Tort Claims Act; (d) Determination of Government liability under Military Personnel and Civilian Employees' Claims Act. (e) Determination of employee compensation benefits under Federal Employees' Compensation Act. (f) Health and medical treatment and care to employees and assuring industrial hygiene improvements. (g) Determining accountability for safety equipment. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs or the evaluation, adjudication, litigation and settlement of claims by or against the Government: (a) Department of Labor, (b) Department of Justice, (c) General Accounting Office, (d) Civil Service Commission, (e) Social Security Administration, (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: by name.

Safeguards: Locked containers in Safety Health Office available to authorized personnel only.

Retention and disposal: Records are retained in accordance with General Records Control Schedules, and Bureau of the Mint Records Control Schedules; and are destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, Safety Officer; United States Mint, Independence Mall, Philadelphia, PA 19106, Safety Manager; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, Safety Manager; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, Safety Manager; United States Assay Office, 32 Old Slip Street, New York, New York 10005, Safety Manager; United States Bullion Depository, West Point, New York 10996, Safety Manager; United States Bullion Depository, Fort Knox, Kentucky 40121, Safety Manager; United States Old Mint, 88 Fifth Street, San Francisco, California 94103, Safety Manager.

Notification procedure: Same as included in System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification. (B) Driver's license. (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Employees, supervisors, medical staff, general public, and visitors to the facilities of the Bureau of the Mint.

Treasury/Mint 00.008

System name: Employee Payroll, Personnel and Time and Attendance History Automated Recording System; Departmental Integrated Personal services System (DIPS).—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 13th Street, N.W. Philadelphia, Pennsylvania, United States Mint, Independence Mall, Denver, Colorado, United States Mint, 320 West Colfax Avenue, San Francisco, California, United States Assay Office, 155 Hermann Street, New York, New York, United States Assay Office, 32 Old Slip Street, San Francisco, California, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: Name; address; social security number; employment history; earnings record; personnel activity (actions); leave and attendance; labor cost distribution.

Authority for maintenance of the system: Payroll; Section 113 of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66a. Personnel; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information derived from these records may be used for the following purposes: (a) The preparation and distribution of bi—weekly pay checks, allotments, payroll savings bonds, and the preparation of supporting documents of the above; (b) The preparation of labor distribution reports for reconciliation to cost accounts; (c) The preparation of personnel action forms, reports of personnel actions and status; (d) The compilation of statistical data relating to payroll, personnel and labor distribution. (2) Information in these records may be provided to appropriate agency officials and officials of the following other Federal agencies responsible for the administration of relevant programs: Department of Labor; Department of Justice; Civil Service Commission; Social Security Administration. (3) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape, disk, punch cards, and paper records.

Retrievability: Name, social security number, employee number.

Safeguards: Master records are kept on magnetic tape/disk which is under program control; other records are maintained in limited access areas available to authorized personnel and are under further security as appropriate.

Retention and disposal: General Records and Control Schedule, GAO rules and regulations, Bureau of the Mint Records Control Schedule. Records kept on magnetic tape/disk are automatically deleted under program control. Other records are destroyed in accordance with GSA regulations.

System manager(s) and address: Treasury Department, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220, DIPS Coordinator; United States Mint, Independence Mall, Philadelphia, PA 19106, DIPS Coordinator; United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204, DIPS Coordinator; United States Assay Office, 155 Hermann Street, San Francisco, California 94102, DIPS Coordinator; United States Assay Office, 32 Old Slip Street, New York, New York 10005, DIPS Coordinator; United States Old Mint, 88 Fifth Street, San Francisco, CA 94103, DIPS Control Group, DIPS Coordinator.

Notification procedure: Same as System Manager. An employee or former employee is required to show an identification such as: (A) Employee identification; (B) Driver's license; (C) Other means of identification including social security number and date of birth.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See Access.

Record source categories: Department of Interior DIPS Group; Employees; Budget & Finance Divisions; Payroll Divisions;

Management & Organization Divisions; Personnel Divisions; Computer Generated; Field Office Cost Accountants; Security Officers; Time Keepers; Payroll and Personnel Technicians; Time & Leave Branch—Field Offices.

Treasury/Mint 00.009

System name: Employee- Supervisor Performance, Evaluation, Counseling and Time and Attendance Records—Treasury/Mint.

System location: San Francisco Old Mint, 88 Fifth Street, San Francisco, California. San Francisco Assay Office, 155 Hermann Street, San Francisco, California. Denver Mint, 320 West Colfax Avenue, Denver, Colorado. Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia Mint, Independence Mall, Philadelphia, Pa. New York, N.Y., United States Assay Office, 32 Old Slip Street. Fort Knox, Kentucky, United States Bullion Depository. West Point, N.Y., United States Bullion Depository.

Categories of individuals covered by the system: Bureau of the Mint employees and former employees.

Categories of records in the system: Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

Authority for maintenance of the system: 5 U.S.C. 301 and FPM Supplement 990—1, Section 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Employee performance, evaluation, counseling and operational control. Categories of Users—Managers and supervisors throughout the Mint. Purpose of Use—To effectively carry out their personnel management responsibilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents maintained in folders.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of supervisors.

Retention and disposal: Retained as long as employee is under their supervision.

System manager(s) and address: Bureau of the Mint, Warner Building, 501 13th Street, N.W. 20220, Assistant Directors; United States Mint, Independence Mall, Philadelphia, Pa. 19106, Superintendent; United States Mint, 320 West Colfax Avenue, Denver, CO. 80204, Superintendent; United States Assay Office, 155 Hermann Street, San Francisco, CA. 94102, Officer-in-Charge; United States Assay Office, 32 Old Slip Street, New York, N.Y. 10005, Officer-in-Charge; United States Bullion Depository, Fort Knox, Kentucky 40121, Officer-in-Charge; United States Old Mint, 88 Fifth Street, San Francisco, CA. 94103, Officer-in-Charge; United States Bullion Depository, West Point, N.Y., Officer-in-Charge.

Notification procedure: Same as listed under system manager, Employee or former employee is required to show identification such as: I.D. card, driver's license.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Contest: See access above.

Record source categories: Employees; previous employers; and appropriate agency officials.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records - Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501 - 13th Street, N.W.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment at the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Public Law 92-261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use - Informal processing of employee complaints of discrimination. Categories of users - Agency officials who have a need for the records in the performance of their duties. Purpose of use - Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders of paper documents.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501 - 13th Street, N.W., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicants and pertinent documents.

Treasury/Mint 00.010

System name: Examination reports of coins forwarded to Mint from U.S. Secret Service—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Individuals from whom U.S. Secret Service has seized coins suspected to be counterfeit or fraudulently altered.

Categories of records in the system: Reports prepared for U.S. Secret Service regarding the examination of the questioned coin or coins by Mint.

Authority for maintenance of the system: 18 U.S.C. 331, 485, 486, 489, 490 and 491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to determine whether a coin is counterfeit or altered and submit report to U.S. Secret Service or other Federal agency charged with law enforcement responsibilities. To give expert testimony as to the coins examined in a criminal or civil proceeding before a Federal or state court. (b) Categories of users, agency officials who have a need for the records in the performance of their duties. (c) Purpose of use, to preserve the integrity of the coinage system by detecting counterfeit or altered coins and to assist in the enforcement of Federal counterfeiting statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in locked metal file cabinets in area accessible only to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule.

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System manager(s) and address: Assistant Director for Technology, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: Contest: This system is proposed for exemption elsewhere in the Federal Register.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.011

System name: General Correspondence—Treasury/Mint.

System location: Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. United States Assay Office, 32 Old Slip, New York, NY. United States Old Mint, 88 Fifth Street, San Francisco, CA.

Categories of individuals covered by the system: Members of the public, Members of Congress, agency officials and other Federal agencies.

Categories of records in the system: Incoming correspondence and replies pertaining to the mission, function and operation of the Bureau of the Mint.

Authority for maintenance of the system: 31 U.S.C. 251, 253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to maintain documentation of information supplied by the agency to the correspondent. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to provide documentation and reference for future correspondence. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name of correspondent.

Safeguards: Maintained in limited access area available only to appropriate agency officials.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations.

System manager(s) and address: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220. Superintendent, United States Assay Office, 155 Hermann Street, San Francisco, California 94102. Officer-in-Charge, United States Old Mint, 88 Fifth Street, San Francisco, California 94103.

Notification procedure: See System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The general public, Members of Congress, agency and other Federal officials.

Treasury/Mint 00.016

System name: Grievances, Union/Agency Negotiated—Treasury/Mint.

System location: Washington, DC, Bureau of the Mint, Warner Building, 501-13th Street, N.W.

Philadelphia, PA, United States Mint, Independence Mall.
Denver, CO, United States Mint, 320 West Colfax Avenue.
San Francisco, CA, United States Assay Office, 155 Hermann Street.
New York, NY, U.S. Assay Office, 32 Old Slip Street.
San Francisco, CA, U.S. Old Mint, 88 Fifth Street.
Ft. Knox, KY, United States Bullion Depository.
West Point, NY, West Point Buillion Depository.

Categories of individuals covered by the system: Employees and former employees of the Bureau of the Mint.

Categories of records in the system: This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

Authority for maintenance of the system: Executive Orders 11491, 11616, 11636 and 11838; negotiated agreements between Mint and exclusively recognized labor unions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) To process an employee grievance, including submission to an arbitrator and appeal to the Federal Labor Relations Council. (b) To refer a question of grievability or arbitrability to appropriate officials of the Department of Labor. (c) To provide information or disclose to the appropriate Federal agency in connection with civil litigation involving the Bureau of the Mint. (d) For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders or binders.

Retrievability: These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

Safeguards: Access to and use of these records are limited to those agency officials whose official duties require such access.

Retention and disposal: Retained in accordance with the Bureau of the Mint Records Control Schedules and destroyed in accordance with General Service Administration rules and regulations.

System manager(s) and address: For current and former employees:

Personnel Officer, Bureau of the Mint, Department of the Treasury, 15th & Pennsylvania Ave., NW., Washington, DC 20220.
Personnel Officer, U.S. Mint, Independence Mall, Philadelphia, PA 19106.
Personnel Officer, U.S. Mint, 320 Colfax Ave., Denver, CO 80204.
Personnel Officer, U.S. Assay Office, 155 Hermann Street, San Francisco, CA 94102.
Personnel Officer, U.S. Assay Office, 32 Old Slip Street, New York, NY 10005.
Personnel Officer, U.S. Old Mint, 88 Fifth Street, San Francisco, CA 94103.
Officer-in-Charge, U.S. Bullion Depository, Fort Knox, KY 40121.
Administrative Officer, West Point Bullion Depository, West Point, NY 10996.

Notification procedure: Individuals who have fled a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

Record access procedures: Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name: date of birth; a brief description of grievance and the approximate date of submission.

Contesting record procedures: See access above.

Record source categories: The sources of these records are indicated below. (a) Individual to whom the record pertains. (b) Agency officials. (c) Affidavits or statements from employee(s). (d) Testimonies of witnesses. (e) Official documents and correspondence relating to the grievance.

Treasury/Mint 00.012

System name: Investigatory Files on Theft of Mint Property—Treasury/Mint.

System location: Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Mint employees and members of public suspected of the theft of Government property.

Categories of records in the system: Name of individual; location of Mint facility; and theft item.

Authority for maintenance of the system: 18 U.S.C. 332, 641.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses, to investigate suspected theft of Government property on Mint premises. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto. (b) Categories of users, agency officials who have a need for the record in the performance of their duties and other Federal officials charged with law enforcement responsibilities. (c) Purpose, to safeguard and account for Government property; assist in enforcement of applicable Federal criminal statutes; and attempt to recoup value of property stolen. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name.

Safeguards: Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Chief, Office of Security, Bureau of the Mint, Warner Building, 501 13th Street, N.W., Washington, D.C. 20220.

Notification procedure: This system is proposed for exemption elsewhere in the Federal Register.

Record access procedures: This system is proposed for exemption elsewhere in the Federal Register.

Contesting record procedures: See access above.

Record source categories: This system is proposed for exemption elsewhere in the Federal Register.

Systems exempted from certain provisions of the act: This system is proposed for exemption elsewhere in the Federal Register.

Treasury/Mint 00.013

System name: Numismatic Coin Operations System (NUCOS) Records; Customer Mailing List and Order Processing Records for Coin Sets, Medals and Numismatic Items—Treasury/Mint.

System location: San Francisco, California, Old Mint, 88 Fifth Street, San Francisco, CA 94175. (Records concerning undelivered orders are maintained at the San Francisco Assay Office, 155 Hermann Street.)

Categories of individuals covered by the system: Customers for numismatic items.

Categories of records in the system: Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

Authority for maintenance of the system: 31 U.S.C. 324g, 324h, 369, 391(d); P.L. 89—81, P.L. 92—228; 31 CFR Part 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, generating order cards, acknowledgement cards, labels, and correspondence. (b) Categories of Users, appropriate agency officials. (c) Purposes of Use, to announce the availability of numismatic items produced by the Mint; process and acknowledge receipt of orders; process payments received from customers; mail and trace numismatic items ordered. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, discs, paper and cards.

Retrievability: Name, customer number or order number.

Safeguards: CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individuals' name is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

Retention and disposal: In accordance with the General Services Administration's General Records Control Schedule and the Bureau of the Mint Records Control Schedule. Destroyed in accordance with General Services Administration regulations. Order cards are retained two weeks, reports three months; they are then shredded. Customer names and addresses are maintained as long as they are active.

System manager(s) and address: Officer-in Charge, San Francisco Old Mint, 88 Fifth Street, San Francisco CA 94175.

Notification procedure: Bureau of the Mint, 55 Mint Street, San Francisco, CA 94175. Individuals should supply order number as provided on order card or copy of both sides of cancelled check; customer number which appears on pre-punched order cards or on face of check.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Members of the public; appropriate agency officials; and General Services Administration.

Treasury/Mint 00.014

System name: Purchases, Sales, Exchange and Assays of Precious Metals—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, N.W. Philadelphia, PA, United States Mint, Independence Mall. Denver, CO, United States Mint, 320 West Colfax Avenue. San Francisco, CA, United States Assay Office, 155 Hermann Street. New York, NY, United States Assay Office, 32 Old Slip. San Francisco, CA, United States Old Mint, 88 Fifth Street.

Categories of individuals covered by the system: General public and Government agencies who had precious metal transactions with the Bureau of the Mint.

Categories of records in the system: Bar schedules, deposit tickets, reports on special assays, records of sales and purchases of precious metals.

Authority for maintenance of the system: 31 U.S.C. 327, 328, 335, 358, 360, 361, 362, 405a—1, 733 and 734. 31 CFR Parts 90 and 92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Use, to record and accomplish sale, purchase, exchange or assay of precious metals. (b) Categories of users, appropriate agency officials and appropriate officials of the General Services Administration. (c) Purpose of use, to determine and verify that proper payments are made or correct charges are assessed for services rendered and to accomplish sale and purchase of precious metals. (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents and computer magnetic tapes.

Retrievability: Name or assay number.

Safeguards: Metal file cabinet with locks and secured area available to authorized personnel only.

Retention and disposal: Bureau of the Mint Records Control Schedule.

System manager(s) and address: Treasury Department, Bureau of the Mint, 15th & Pa. Ave., N.W., Washington, D.C. 20220, Financial Manager; Philadelphia, PA 19106, United States Mint, Independence Mall, Budget and Accounting Officer; Denver, CO 80204, United States Mint, 320 West Colfax Avenue, Budget and Accounting Officer; San Francisco, CA 94102, United States Assay Office, 155 Hermann Street, Budget and Accounting Officer; New York, NY 10005, United States Assay Office, 32 Old Slip Street, Budget and Accounting Officer; San Francisco, CA 94103, United States Old Mint, 88 Fifth Street, Budget and Accounting Officer.

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Notification procedure: Same as included in System Manager. Member of the general public or Government agency is required to produce proper identification to satisfy the System Manager.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: Same as access above.

Record source categories: General public; agency officials; and other Federal agencies.

Treasury/Mint 00.015

System name: Redemption of Uncurrent or Mutilated Coins—Treasury/Mint.

System location: United States Assay Office, 32 Old Slip, New York, N.Y. 10005.

Categories of individuals covered by the system: General public; financial institutions; and other Government agencies.

Categories of records in the system: Records of names, addresses and reference numbers pertaining to those submitting mutilated or uncurrent coins for exchange.

Authority for maintenance of the system: 31 U.S.C. 317c; 31 CFR Part 100.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) Uses. issuance of payments in exchange of coins. (b) Categories of users, appropriate agency officials. (c) Purpose of use, to insure that payments are made to proper individuals, banks or Government agencies (d) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents.

Retrievability: By name or reference number.

Safeguards: Metal file cabinet with lock.

Retention and disposal: Retained in accordance with Bureau of the Mint Records Control Schedule and destroyed in accordance with General Services Administration rules and regulations.

System manager(s) and address: Budget and Accounting Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005.

Notification procedure: See System Manager. Individual is required to supply name and if available reference and/or settlement number.

Record access procedures: For information on procedure for gaining access to and contesting records, individuals may contact the following official: Chief, Information Systems and Documentation Branch, Bureau of the Mint, Room 912, Warner Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: General public, financial institutions, and other Government agencies.

Treasury/BPD 00.001

System name: Personnel and Administrative Records—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C.; Parkersburg, West Virginia; Ravenswood, West Virginia; Williamstown, West Virginia. Federal Records Center: St. Louis, Missouri.

Categories of individuals covered by the system: Past, present and prospective employees.

Categories of records in the system: All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Civil Service Commission and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchering; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between employee and personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave and retirement benefits data; compensation forms and reports relating thereto; and tax check records, reduction-in-force data; requests for outside employment; letters of reprimand; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers; emergency notification information and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' resumes and correspondence. (4) Upward Mobility Program Files: Contain but are not limited to, all pertinent information, such as applications, vouchering, correspondence, developmental plans and appraisal forms of candidates for said program. (5) Investigation Security Files: Contain background information and the results of investigations conducted by Internal Revenue Service, Secret Service, or other Federal agencies, on Bureau attorneys and certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation thereon which do not fall within Union jurisdiction. (9) General Correspondence Files: Contain inquiry and reply letters and documentation concerning general administrative, policy, transactional and personnel matters. (10) Union-related Files: Contain formal and informal, contractual and administrative grievance complaints and background documentation thereon; reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including but not limited to vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of employee's critique of Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers, authorization and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction and other information. (c) Time and Attendance Records: Contain the daily posting of employee's leave and/or attendance. (15) Medical Records File: contains pre-appointment and fitness-for-duty medical reports and records. (16) Disciplinary and Adverse Action File: contains all pertinent information, such as, but not limited to, statements and background information regarding such actions. (17) Confidential Financial Statements File: contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: contains statements and pertinent information relating to the adjudication of an appeal. (19) History of Employment File: contains service record cards.

Authority for maintenance of the system: Title 5 USC; Federal Personnel Manual; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the aforementioned records are routinely used to determine the suitability of an applicant for employment; to verify an employee's orientation processing; to supplement official personnel records for clarification of personnel actions; to authorize deductions of state and/or local or District of Columbia taxes from an employee's salary for payroll functions; to provide information for determining the eligibility and suitability of an employee for promotion or award; to appraise an employee's performance following hiring or promotion; to judge the necessity for disciplinary action and to make record of the same; to inform an employee of his present leave and retirement benefits status; to make record of all correspondence exchanged between an employee and the Division of Personnel for reference purposes; to locate an employee in an emergency situation if the employee's permission was granted; to issue building passes and make record thereof; to record work-related injuries and illnesses and to process compensation therefor; to perform security investigations and to provide security clearance for attorneys and certain other employees in order to protect security information; to furnish Internal Revenue Service, Secret Service, and other Federal agencies with information in the course of their investigations; to document grievances or complaints of discrimination for purposes of hearing and passing decision on a case; to furnish management with information necessary for the hearing and resolution of administrative grievances; to record, analyze and approve travel expenditures; to furnish data needed by

the Division of Budget and Accounts in the performance of its duties relating to the estimating and accounting for budget expenditures, maintaining records, providing payroll data to the Fiscal Service Payroll Facility, Bureau of Government Financial Operations, to the individual employee, and to supervisors who have need of such information in the performance of their duties; to maintain records of correspondence for reference and precedence purposes; to provide Federal income tax filing information on employees, GS grade 12 and above, for the purpose of tax checks; to process and document merit promotion actions; and to conduct turnover studies.

Routine users of records within the Department are the Division of Personnel; the Division of Budget and Accounts; the Division of Management Services; the EEO Officers; Internal Revenue Service; Secret Service; and all other employees who have need of such information in the performance of their authorized duties.

Outside the Department of the Treasury, qualified information is routinely used to furnish other Federal Agencies with pre-employment information for hiring purposes; to verify debt complaints and employment data upon request by creditors; to respond to requests for information by Federal investigative agencies for the purpose of security or criminal investigation, and civil or criminal judicial proceedings; to provide data to the Civil Service Commission and other Federal agencies upon authorized requests; to supply data necessary for employee compensation; to provide union representatives and arbitrators, when applicable, with data needed in the performance of their duties and which is authorized for disclosure under the terms of the Union-Bureau contract; to disclose to Members of Congress who inquire on behalf of constituents; to disclose to next-of-kin, voluntary guardian and other representative or successor in interest of a deceased or incapacitated employee or former employee.

Routine users outside the Department are other Federal Agency Personnel Offices; the Civil Service Commission; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives and arbitrators, as qualified in the routine use; creditors; Federal agencies; Members of Congress and next-of-kin; voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Electronic media, paper and microfilm.

Retrievability: By name, and in some cases social security number.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and the Treasury Department Code of Conduct. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records are maintained in accordance with GSA and CSC retention schedules. All records are destroyed by incineration, maceration or shredding. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: For Administrative records: Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226. For Personnel records: Director of Personnel, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226.

Notification procedure: Address Administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner of the Public Debt, 15th and New York Avenue, N.W., Washington, D.C. 20226, (202) 964-2427. Address Personnel inquiries and initial requests for correction of records to: Privacy Act Request, Director of Personnel, Bureau of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7717; or Privacy Act Request, Personnel Officer, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records should be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity in certain cases. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in the system is furnished by the individuals, by creditors, by supervisors, medical personnel, other employees, or as the result of security investigations.

Treasury/BPD 00.002

System name: United States Savings-Type Securities—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226 and Parkersburg, West Virginia 26101, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present and former owners or first-named coowners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including but not limited to United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds. In addition, second-named coowners of Series G savings bonds.

Categories of records in the system: (1) Issuance: Records relating to registration, registers of issuance of securities and records of

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correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, including inscription information; interest activity; correspondence in connection with notice of change of name and address, non-receipt of interest and over- and under-payments of interest; numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, payments and reissues): Records which include securities transaction requests; interest activity; legal papers supporting transactions, applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288) and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities, and others entitled in connection with reissue, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished, when appropriate, pertaining to securities to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, to the Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities, interest thereon and transactions therein to the Department of Justice in connection with lawsuits to which the Department is a party; and to Trustees in Bankruptcy; users are Federal officials for the purpose of carrying out their duties. (4) Information is routinely disclosed to the Veterans Administration and selected veterans publications in connection with attempts to locate owners, or their next of kin or persons otherwise entitled to bonds undeliverable and being held in safekeeping by the Department. (5) Information regarding records of holdings of securities registered in coownership form is routinely disclosed to either coowner upon request. Information regarding records of holdings for securities registered in beneficiary form ("P.O.D.") is routinely disclosed to the beneficiary named thereon provided acceptable proof of death of the registered owner is submitted. (Note: If the request for disclosure is made by the second-named coowner, or by a beneficiary the name or social security number of the first-named person must be furnished, except in the case of Series G savings bonds.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original form in file cabinets, as information in electronic media or on microfilm.

Retrievability: Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name or in some cases social security number of the first-named coowner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interest of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration. All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Ave., N.W. Washington, D.C. 20226.

Notification procedure: Address inquiries to: Privacy Act Request, Assistant Commissioner of the Public Debt, Savings Bond Operations Office, 200 Third Street, Parkersburg, West Virginia 26101, (304) 422-8551. Inquiries should include the full name, social security number, address and security serial number(s), if known.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 & 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests for access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (e.g., Series E savings bond, Series H savings bond, savings note, retirement plan bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify the approximate date of issue, serial number(s) and exact form of registration, including social security number and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for information concerning records of holdings of securities except Series G savings bonds registered in coownership form must be accompanied by the name and, wherever possible, social security number of the first-named coowner. Requests for information concerning securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect,

(c) the correction requested, and (d) the reasons therefor, as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See notification and access.

Record source categories: Information on records in this system is furnished by the individuals or their authorized representatives listed in "Categories of Individuals," by issuing agents for securities, or is generated within the system itself.

Treasury/BPD 00.003

System name: United States Securities (Other than Savings-Type Securities)—Treasury/BPD.

System location: Bureau of the Public Debt, Washington, D.C. 20226, Ravenswood, West Virginia 26164, Williamstown, West Virginia 26187, Federal Reserve Banks and Branches located at: Atlanta, Georgia; Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; El Paso, Texas; Jacksonville, Florida; Helena, Montana; Houston, Texas; Kansas City, Missouri; Little Rock, Arkansas; Louisville, Kentucky; Los Angeles, California; Memphis, Tennessee; Miami, Florida; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Portland, Oregon; Richmond, Virginia; Salt Lake City, Utah; San Antonio, Texas; San Francisco, California; Seattle, Washington and St. Louis, Missouri; and at Federal Records Centers located at: Waltham, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Mechanicsburg, Pennsylvania; Washington, D.C.; East Point, Georgia; Chicago, Illinois; Kansas City, Missouri; Fort Worth, Texas; Denver, Colorado; San Francisco, California; Bell, California and Seattle, Washington.

Categories of individuals covered by the system: Present owners of, former owners of, subscribers to, claimants to, persons entitled to and inquirers concerning United States Treasury Securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent and interest thereon, including but not limited to Treasury Bonds, Notes and Bills, Adjusted Service Bonds, Armed Forces Leave Bonds, securities of the Federal Financing Bank, the Federal Housing Administration and the Farm Credit Administration.

Categories of records in the system: (1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue and correspondence concerning erroneous issue and non-receipt of securities. (2) Holdings: Records of ownership and interest activity on registered United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration, non-receipt of interest, over- and under-payments of interest; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; file of certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and check payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon, bonds of indemnity, legal documents supporting claims for relief and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent.

Authority for maintenance of the system: Second Liberty Bond Act, as amended (40 Stat. 288).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Department of the Treasury, the information contained in this system of records is routinely used in connection with the issuance of securities, the payment of interest thereon, processing of claims therefor, responding to inquiries thereon, processing of transactions therein and the redemption and retirement thereof. Users for these purposes are officials, authorized employees and agents of the Department for the purpose of administering the Public Debt of the United States. Information in this system is also routinely furnished to the Internal Revenue Service for use by officials and authorized employees for the purpose of facilitating collection of tax revenues by the United States. In addition to these uses within the Department, records concerning holdings are routinely disclosed outside the Department as follows: (1) To the next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled in connection with transfer, exchange, distribution or payment thereof; users for this purpose are as described for the purpose of assuring equitable and lawful disposition of securities and/or interest. (2) Information is routinely furnished pertaining to securities reported as lost or stolen to the United States Secret Service for inclusion in the National Crime Information Center of the Federal Bureau of Investigation, Department of Justice and to other Federal agencies; users for this purpose are law enforcement officials, for the purpose of reducing monetary losses of the United States and to aid in law enforcement. (3) Information is routinely disclosed pertaining to holdings of securities and transactions therein to the Department of Justice in connection with lawsuits to which the Bureau is a party; users are law enforcement officials for the purpose of administration of justice. (4) Information concerning holdings of Armed Forces Leave Bonds is routinely furnished to the Veterans Administration in connection with redemption or disposition of these securities. Users of the resultant information furnished by the Veterans Administration are officers and authorized employees of the Bureau, for the purpose of making proper disposition of these bonds. (5) Information regarding records of holdings of securities registered in the names of two or more owners is routinely disclosed to either owner upon his request. (Note: requests for disclosure by owners other than the first-named owner should include the name or social security number of the first-named owner.) (6) Information regarding holdings is routinely disclosed to Members of Congress who inquire on behalf of constituents. (7) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are stored in their original paper form and as information in electronic media and on microfilm.

Retrievability: Information can be retrieved alphabetically by name or, in some cases, numerically by social security number. In the case of securities registered in more than one name, which matured prior to January 1, 1973, information relating thereto can only be retrieved by the name or social security number of the first-named owner.

Safeguards: Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of either the Department who are subject to personnel screening procedures and the Treasury Department Code of Conduct, or by Federal Reserve Banks and Branches as Fiscal Agents. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

Retention and disposal: Records of holdings are maintained permanently. Forms, documents and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Service, General Services Administration.

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All records are destroyed by shredding, incineration or maceration. Records in electronic media are electronically erased using accepted techniques.

System manager(s) and address: Commissioner of the Public Debt, 15th St. and New York Avenue, N.W., Washington, D.C. 20226.

Notification procedure: Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner of the Public Debt, 13th and C Streets, S.W., Washington, D.C. 20226, (202) 964-7994. Inquiries should include the full name and social security number of the inquirer.

Record access procedures: Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C Sections 1.7 and 1.8; 31 CFR Part 323). Requests which do not comply fully with these procedures may result in noncompliance with the request but will be answered to the extent possible.

Requests and access to records: (1) All requests for access to records must be in writing, signed by the individual concerned, and, in order for the Privacy Act procedures to apply, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) In the case of requests for information concerning records of holdings of securities, the type of security involved (e.g., Treasury Note, Armed Forces Leave Bond, Adjusted Service Bond, etc.) must be specified. Additionally, the request should, to the extent possible, specify: the loan and issue thereof, approximate date of issue, denomination, serial number and form of registration, including address. Requests which do not furnish some or all of the latter information will be complied with to the extent possible but may be subject to the requirement that additional identificatory evidence be furnished. (4) Requests for records of holdings of securities which matured prior to January 1, 1973 registered in the name of more than one person must include the name and, wherever possible, social security number of the first-named owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual must be accompanied by either evidence of the requester's appointment as legal representative of the individual or his estate or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual.

Requests for correction of Records: (1) All requests by an individual for correction of records relating to him should be in writing, be signed by him, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) the dates of the prior correspondence had with the Bureau concerning the records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor as well as any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) All appeals from an initial denial of a request for correction of records must be in writing, be signed by the individual involved and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) the record to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requestor's disagreement with the initial denial of correction and should furnish any applicable evidence available in support of his appeal.

Contesting record procedures: See Notification and Access above.

Record source categories: Information contained in records in the system is furnished by individuals listed in "Categories of Individuals" or those specifically authorized by the individuals to act on their behalf; or is generated within the system itself.

Treasury/Comptroller 00.001

System name: Annual Employee Leave Record—Treasury/Comptroller.

System location: 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave reference, Personal advice. Leave performance, For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: desk file.

Retention and disposal: 3 years.

System manager(s) and address: Director, Administrative Operations Division.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.002

System name: Attendence and Leave records of Comptroller of the Currency employees—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Record of Employee Attendance.

Authority for maintenance of the system: 12.U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Official work time of each employee and verification of leave taken. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Limited access to locked cabinet.

Retention and disposal: Twelve months and then disposal by shredding.

System manager(s) and address: Comptroller of the Currency, Director of Personnel.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Time and Attendance Personnel, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Treasury/Comptroller 00.003

System name: Attorneys file—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Attorneys in Bank Operations Division.

Categories of records in the system: List of Attorneys work products in chronological order.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized for reference purposes to assist in the resolution of new issues which are similar to previously resolved ones. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by the name of the attorneys.

Safeguards: File cabinet.

Retention and disposal: Records are not destroyed.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 409 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant to the Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Attorneys in Bank Operations Divisions.

Treasury/Comptroller 00.004

System name: Consumer Complaint Letter File—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who files complaints against banks.

Categories of records in the system: This system contains a series of cards setting forth the name, address, bank complained of, date of incoming complaint letter and attorney assigned to examine said complaint.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are utilized to determine whether individual has previously filed a complaint with this Office, the date of complaint and the disposition. For additonal routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name of complaining consumer.

Safeguards: Records are in unlocked file drawers.

Retention and disposal: The records are retained in perpetuity.

System manager(s) and address: Comptroller of the Currency, Assistant Chief Counsel, 409 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Persons filing complaints against national banks.

Treasury/Comptroller 00.005

System name: Daily Absentee Reports of Comptroller of the Currency employees Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: List of absent personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 9 and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Analysis of daily absences, For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: Retained for one year and then destroyed.

System manager(s) and address: Comptroller of the Currency, Branch Chief, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees records.

Treasury/Comptroller 00.006

System name: Employee Locator Map—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Comptroller employees.

Categories of records in the system: Personal records.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 3 U.S.C. 501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist employees in the formation of car pools. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: Retained while employed and then destroyed.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Division, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Notification procedure: Speical Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.015

System name: Employee Management and Planning, Employee Relations, Incentive Awards, Performance Evaluation—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Training, Executive development training program files, Training requests, cancellation and competion records, Reference files, Seminar work shop records, In-house training plan files, Training reports, Individual employee training plans, Reference material, private and public training attendance files, Training announcements.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses are associated with the employee's work record, grade progress, training, etc. The users are authorized personnel and officials within the division and the purpose is to assure proper training, progress, ex-

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ecutive development, etc. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of employee.

Safeguards: Files are available only to authorized personnel within the personnel division for official action.

Retention and disposal: Files are maintained through the life of the employee's employment and moved from agency to agency as he changes jobs and are eventually stored in St. Louis Record Center. Other records are destroyed within three years to five years, or upon separation of employee.

System manager(s) and address: Comptroller of the Currency, Director of Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information obtained for our use in the above defined records comes from in-house applications for training actions, taken by the agency to sustain on-going historical information of official action on the employee.

Treasury/Comptroller 00.007

System name: Employee Parking Permit & Space No.—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Parking permits.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issued parking spaces and permits. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by division & within division by name.

Safeguards: Locked in File cabinet.

Retention and disposal: Retained and employed with the Comptroller and then destroyed.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Division.

Notification procedure: Speical Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Administrative Operations Division.

Treasury/Comptroller 00.008

System name: Employee payroll records—Treasury/Comptroller.

System location: Comptroller of the Currency, Fiscal Management Division, 6th Floor, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Individual employee earnings record and related payroll reports.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To support bureau salary costs and to prepare payroll reports. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File.

Retrievability: Filed by social security number and geographic location.

Safeguards: Security provided by building guards during nonworking hours. Files under supervision of accounting personnel during working hours.

Retention and disposal: Retained by the fiscal management division for 4 years and then stored at the federal records center (St. Louis, Missouri) for 52 years.

System manager(s) and address: Comptroller of the Currency, Director, Fiscal Management Division, 490 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Contesting record procedures: See Access above.

Record source categories: Standard Form 50—Notification of Personnel Action and other supporting documents prepared by the employee.

Treasury/Comptroller 00.009

System name: Employee Reference File—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Names of Employees with Reference of informal personnel actions & recommendations.

Authority for maintenance of the system: 12 U.S.C. 1, 9, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference file of informal personnel actions & recommendations. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Protected by roving guard after working hours.

Retention and disposal:

System manager(s) and address: Comptroller of the Currency, Branch Chief 490 L'Enfant Plaza East Washington, D.C. 20219.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Comptroller.

Treasury/Comptroller 00.019

System name: Employee Relations—Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of Comptroller of the Currency.

Categories of records in the system: Employee Relations Reports, Employee Counseling Reports, Disciplinary Action Files, Grievance Files, Adverse Action Files, Incentive Awards Program Files, Annual Performance Records, Informal Records Concerning Employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: All employee relations records are maintained and used solely as itemized case file of events involving employees grievances, adverse actions, disciplinary actions, counseling reports, etc. These case files are used in the course of administrative appeals, hearings and court actions. Other uses involve consolidated statistical data reports of such cases as required by regulation. Only authorized personnel management division employees, assigned grievance examiners, or hearing officers are authorized use of such case files. Routine uses of incentive awards files are for annual reports and internal statistical analysis. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: All files are indexed by name with the exception of Incentive Awards and employee relations reports. These files are indexed according to subject category. For example, incentive awards are broken under subheadings of special achievement awards, employee suggestions and special award categories.

Safeguards: Files are available only to authorized personnel with the personnel division for official action.

Retention and disposal: All employee relations and files relating to grievances, disciplinary actions, adverse actions and counseling reports are retained in the employee relations branch files until the subject employee leaves the agency. These case files are then purged with only pertinent documents placed in the Official Personnel File. Extraneous materials are then destroyed. All other employee relations files are retained for a period of three years, then sent to the Records Center for retention as prescribed by records management regulations.

System manager(s) and address: Comptroller of the Currency, Director Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: All sources of records are obtained through various means relating to the development of a case file. Such means include written records of meetings, counseling sessions, appeals, hearings, and letters of charges, intent, final decision, and administrative procedures. Award recommendations are submitted by supervisors.

Treasury/Comptroller 00.010

System name: Federal Bureau of Investigation Report Card Index—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Persons who have been involved in or associated with unlawful activity respecting national banking associations.

Categories of records in the system: This system consists of an alphabetized indices of the names of individuals involved in or associated with unlawful activity respecting national banks and a cross reference to pertinent Federal Bureau of Investigation Reports relating thereto.

Authority for maintenance of the system: This system is established, maintained and utilized pursuant to 12 U.S.C. sections 481, 21, 1818, and 1829, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are utilized as a cross reference for the purpose of making determination with respect to potential or existing violations of law. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: The records are retrieved by the name of the individual.

Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: The Department of Justice has exempted this system elsewhere in the Federal Register.

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Criminal investigative records exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.011

System name: Formal Complaint Reports—Treasury/Comptroller.

System location: Comptroller of the Currency, Equal Employment Office, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees filing formal complaints of discrimination because of race, color, religion, age or sex.

Categories of records in the system: All records and memorandums pertaining to case—Civil Service Investigation Reports—; all notifications sent to employee—copies of all information submitted by employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Confidential numerical system, each case assigned a number.

Safeguards: Each case assigned a number, only EEO staff has code numbers and identifications.

Retention and disposal: Confidential—Indefinite retention time.

System manager(s) and address: Comptroller of the Currency, Equal Employment Opportunity Officer, 490 L'Enfant Plaza, Washington, D.C. 20219.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Reports from Formal Complaint Cases.

Treasury/Comptroller 00.012

System name: Freedom of Information log—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Persons making request under the Freedom of Information Act.

Categories of records in the system: List of names of persons making requests under the Freedom of Information Act.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control and reference regarding Freedom of Information Act. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Unlocked file cabinet.

Retention and disposal: Perpetuity.

System manager(s) and address: See Comptroller Appendix A.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A

Record source categories: Persons making requests under Freedom of Information Act.

Treasury/Comptroller 00.013

System name: Information file on individuals and commercial entities known or suspected of being involved in fraudulent activities—Treasury/Comptroller.

System location: Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Individuals and entities involved in actual or suspected fraudulent activities.

Categories of records in the system: This system consists of alphabetized indices of the names of individuals or commercial entities known or suspected of involvement in fraudulent activities both foreign and domestic.

Authority for maintenance of the system: This system is established and maintained pursuant to 12 U.S.C. sections 21, 481, 1818, and 1829.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is utilized in connection with the national bank examination program to ascertain whether any transactions were made between examined bank and any of the individuals or entities who may be involved in fraudulent schemes. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged such violation or charged with enforcing or implementing such law. A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper.

Retrievability: The records are retrieved by name of the individual, trade style used or by the name of the bank involved.

Safeguards: Records are maintained by the Office in files with security procedures consistent with the sensitivity of the data.

Retention and disposal: Currently there are no provisions for disposal of records contained in this system.

System manager(s) and address: Director of Enforcement Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Notification procedure: The Department of Justice has exempted this system elsewhere in the Federal Register.

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Exempted elsewhere in the Federal Register by the Department of Justice.

Treasury/Comptroller 00.014

System name. Investigation Files/Employee Reference File - Treasury/Comptroller.

System location: Comptroller of the Currency, Personnel Management Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employee of Comptroller of the Currency.

Categories of records in the system: Compilation of material for a determination regarding security clearance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9 / 5 U S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the Personnel Management Division, the routine uses are associated with the employee's position. Used only by authorized security-cleared employees within the division. Investigations are used to properly grant clearances. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked steel file cabinets and a safe with combination lock.

Retrievability: Filed in alphabetical order by geographical location.

Safeguards: Combination locks are changed once a year and only security-cleared employees within the Personnel Management Division have access.

Retention and disposal: Materials are retained for one month after employee leaves and the records are disposed by shredding.

System manager(s) and address: Director of Personnel, Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, DC 20219.

Notification procedure: The Comptroller of the Currency has exempted this system elsewhere in the Federal Register

Record access procedures: Exempted as above.

Contesting record procedures: Exempted as above.

Record source categories: Exempted as above.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register due to the investigative nature of the record.

Treasury/Comptroller 00.015

System name: Leave Applications.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Leave Requests of employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Making judgement regarding leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Protected by roving guard after working hours.

Retention and disposal: 3 years and then destroyed.

System manager(s) and address: Comptroller of the Currency, Branch Chief, 490 L'Enfant Plaza East, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.020

System name: Precomplaint Counseling and Complaint Activities—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by the system: Employees seeking services of EEO Counselors.

Categories of records in the system: Monthly Precomplaint Activity Reports from 14 Regions and Headquarters, 14 Regions and Headquarters.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to keep records on Regional Counseling activities for monthly submission to Treasury. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed by date of receipt.

Safeguards: Staff supervision during day; data in statistics only, no names used.

Retention and disposal: Individual reports shredded at end of two years.

System manager(s) and address: Comptroller of the Currency, Director of Personnel, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Monthly submission by regions.

Treasury/Comptroller 00.016

System name: Parking Space Applications—Treasury/Comptroller.

System location: Comptroller of the Currency, 490 L'Enfant Plaza East, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees of the Comptroller.

Categories of records in the system: Parking space applications.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignment of spaces to eligible employees. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Maintained in locked file cabinet.

Retention and disposal: While employed with the Comptroller.

System manager(s) and address: Comptroller of the Currency, Director, Administrative Operations Div., 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee Applicant.

Treasury/Comptroller 00.017

System name: Travel expense voucher-Treasury/Comptroller.

System location: Comptroller of the Currency, Fiscal Management Division, 6th Floor, 490 L'Enfant Plaza, Washington, D.C. 20219.

Categories of individuals covered by the system: Employees traveling in performance of official duties.

Categories of records in the system: Travel expense voucher.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Form used by employee to claim and support reimbursement for travel expenses incurred in performance of official duties. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Filed in alphabetical order by geographic location.

Safeguards: Security provided by building guards during nonworking hours. Files under supervision of voucher payment clerks during working hours.

Retention and disposal: Retained for 2 years by fiscal management division. Stored in the federal records center for 10 years and then disposed of by the records center.

System manager(s) and address: Comptroller of the Currency, Director, Fiscal Management Division, 490 L'Enfant Plaza, Washington, D.C.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Travel expense claims submitted by employee under bureau travel regulations.

Treasury/Comptroller 00.023

System name: Address Card—CC-6020-01—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Addresses and telephone number of Regional Office Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Locater's personal information. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Kept for all active employees.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional employees.

Treasury/Comptroller 00.024

System name: Bond Issue Listing—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees in the Regional Office.

Categories of records in the system: Schedule of bond listing.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide an index of employees who have been issued E Bonds. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security Number.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained on a quarterly basis, then destroyed.

System manager(s) and address: Regional Administrator (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Office, Washington, D.C.

Treasury/Comptroller 00.025

System name: Civil Defense Card Control Sheet—CC-6020-08—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of Regional Office.

Categories of records in the system: Defense control card listing.

Authority for maintenance of the system: 12 U.S.C. 1 AND 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for listing Civil Defense Cards issued by name and number. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active field employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.026

System name: Employee Vehicle Authorization CC-6042-22—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Authorization for vehicle travel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to afford employee permission to use privately owned automobiles in performance of official duty. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Kept for all employees who use privately owned auto in performance of official duty. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Employees.

Treasury/Comptroller 00.232

System name: Evaluation Cards—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Card listing employee evaluations.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to generate annual evaluation of employees on their anniversaries. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By month, alphabetical by employees' name.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional office.

Treasury/Comptroller 00.234

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: F & M Center, Suite 2151, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Not normally used unless reemployment considered. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Destruction 2 years after termination.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisor, Washington Office.

Treasury/Comptroller 00.012

System name: Monthly Outstanding Report of Travel Advances—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the region.

Categories of records in the system: Schedule of Outstanding travel advances.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computer listing of employees who have travel advances. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security Number.

Safeguards: Maintained in locked file.

Retention and disposal: Current listing maintained for all employees who have an outstanding travel advance.

System manager(s) and address: Regional Administrator (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Division, Comptroller of the Currency—Washington.

Treasury/Comptroller 00.245

System name: Personnel Files—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Compilation Personnel form and sections.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion, training, insurance, employment history, performance, evaluation, employment reference, personnel advice, career planning, address and telephone number. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active employees and for prior employees for three years from time of retirement or resignation.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, supervisors and administrative personnel.

Treasury/Comptroller 00.021

System name: Picket Identification Card, Control Sheet—CC—6020-09—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the First National Bank Region.

Categories of records in the system: Control sheet for regional employees identification cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for listing of ID cards issued by number and name of employee. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all active field employees. Destroyed upon resignation or retirement.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.027

System name: Time and Attendance Report Form TUS-430—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Report of time in a pay status and on a pay period basis.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assist in accurate maintenance of leave balance. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Numerical by control number within organizational codes.

Safeguards: Maintained in locked file.

Retention and disposal: Current year plus last three prior years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Philadelphia, PA, Payroll Center.

Treasury/Comptroller 00.261

System name: Time and Leave Register—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, MA 02108.

Categories of individuals covered by the system: Employees of the region.

Categories of records in the system: Pay Period listing of time in work status, time in leave status, and leave balances.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assist in accurate maintenance of leave balances. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical by Social Security number within organizational codes.

Safeguards: Maintained in locked file.

Retention and disposal: Retained for one pay period then destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Record access procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Contesting record procedures: Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza S.W., Washington, DC 20219.

Treasury/Comptroller 00.028

System name: Travel Advance Listing—Treasury/Comptroller.

System location: Three Center Plaza, Suite P-400, Boston, Massachusetts 02108.

Categories of individuals covered by the system: Employees of Region.

Categories of records in the system: Computation of travel expense.

Authority for maintenance of the system: 12 U.S.C. 1, 2 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide internal control for travel advance. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name of employee.

Safeguards: Maintained in locked file.

Retention and disposal: Maintained for all employees who have received a travel advance. Disposed of when advance has been repaid.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of Region.

Treasury/Comptroller 00.029

System name: ADP Time and Attendance Reports—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 1005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Time and Attendance.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of annual leave and sick leave; compilation of payroll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: After two years shredded.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.030

System name: Automobile Authorization—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All personnel of the Region using automobile for official business.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review driving records. For additional routine uses, see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked file.

Retention and disposal: After four years shredded by Federal Record Center Staff.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.031

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examination Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked file cabinet

Retention and disposal: Permanent Retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.032

System name: Computer Leave Balance Printout—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of annual leave and sick leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Personnel Management Division—Washington Office.

Treasury/Comptroller 00.033

System name: "E" Bond List—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All active employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of "E" Bond deductions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Personnel of the Region.

Treasury/Comptroller 00.034

System name: Employee Annual Leave Cards—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region filing said applications.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application for leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Shredded after three years.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region who are filing for leave.

Treasury/Comptroller 00.035

System name: Examiner ID Card Register—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examination Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control purposes. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent Retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Examination Staff of the Region.

Treasury/Comptroller 00.036

System name: Inventory Control Records—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Inventory.

Categories of records in the system: Administrative Services.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Administrator and employees.

Treasury/Comptroller 00.238

System name: Job Application File—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All job applicants.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide source of prospective employees. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Job applicants.

Treasury/Comptroller 00.037

System name: Mailing Plates—Treasury/Comptroller.

System location: 33 Liberty Steet, Room 621, New York, New York 10005.

Categories of individuals covered by the system: Entire Examining Staff of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9. 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Addressing envelopes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal plates.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Until obsolete.

System manager(s) and address: Regional Administrator. (See Location Above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Examining Staff of the Region.

Treasury/Comptroller 00.246

System name: Personnel Files (Current Employees)—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of staff.

Categories of records in the system: Personnel files.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verifications; statistical reports; contains history of employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Kept in Regional Office until severance.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information supplied by employees.

Treasury/Comptroller 00.260

System name: Personnel Files (Former Employees)—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All former employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference, further employment possibilities. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Disposed after termination of employment.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Former employees.

Treasury/Comptroller 00.038

System name: Travel Advance Files—Treasury/Comptroller.

System location: 33 Liberity Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region issued travel advances.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reference purposes. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: Retained one year, shredded thereafter.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Fiscal Management Division, Washington Office.

Treasury/Comptroller 00.039

System name: Travel Voucher Files—Treasury/Comptroller.

System location: 33 Liberty Street, Room 621, New York, New York 10005.

Categories of individuals covered by the system: All employees of the Region in travel status.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reference purposes. For Additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked vault.

Retention and disposal: After four years, records are shredded.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region filling out vouchers.

Treasury/Comptroller 00.223

System name: Active Personnel File—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Act, Promotion, Training, Performance, Address, Reference and Verification of Employment, Career Planning. For additional routine uses see previously published Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.040

System name: Automobile Authorization—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval and Insurance Determination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by Name.

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.041

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.042

System name: Comprehensive History of Employees Master Files—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification purposes, i.e. SCD & PSI. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retainiog, and disposing of records in the system:

Storage: File cabinet

Retrievability: Indexed by Social Security number.

Safeguards; Locked cabinets.

Retention and disposal: Last report and PP No. 26 for two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.043

System name: Computer Leave Balance Print—out—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification Leave Balance. For Additional Routine Use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.044

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Complainants.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Processing and Follow-up. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date received (cross referenced by name).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.045

System name: E Bond List—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll Deductions, Employee Participation. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Current.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.046

System name: Employees Annual Leave Record—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.047

System name: Employees I.D. Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.048

System name: Employees I.D. Pen Register—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

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Retrievability: By date of issue (cross referenced by name of employee).

Safeguards: Locked cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.229

System name: Employment Applications—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Examiner, Summer Aides, Clerk/Typists, Stenographers, F.I.'s.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment Positions. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.049

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.233

System name: Inactive Personnel File—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: All former employees and LWOP's.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Locked cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.050

System name: Regional Telephone Log—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Persons placing or receiving calls.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Callers to Regional Office.

Treasury/Comptroller 00.051

System name: Travel Advances—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recordkeeping Purposes. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Indexed by Social Security number.

Safeguards: Locked cabinets.

Retention and disposal: Current report.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.052

System name: Travel Vouchers Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Employees of the Region.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Travel expenses incurred, Career Development and Training, City Tax Verification. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by month (cross reference to name).

Safeguards: Locked cabinets.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.053

System name: Visitors Log—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Office Visitors.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Date.

Safeguards: None.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Visitors to Regional Office.

Treasury/Comptroller 00.054

System name: Weekly Itineraries—Treasury/Comptroller.

System location: Three Parkway, Suite 1316, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: National Bank Examiners, Representatives in Trusts, Associates in Trusts.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignments, Projected Assignments, Leave Information. For additional Routine Uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetically by Name.

Safeguards: Locked cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of the Region.

Treasury/Comptroller 00.055

System name: Annual Leave Request—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: SF 71, Application for Leave.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after employee leaves.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: From employee.

Treasury/Comptroller 00.224

System name: Application for Employment—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Employment inquiries and applications.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment of new employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after two years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Individuals seeking employment.

Treasury/Comptroller 00.056

System name: Application for Travel Advances—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds for official business.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel file (Checked for return of funds when employee leaves). For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Retained in active file.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

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Contesting record procedures: See Comptroller, Appendix A.

Record source categories: From employee.

Treasury/Comptroller 00.057

System name: Comprehensive Listing of Employees—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Grade, Social Security Number, Salary, Withholdings, etc., for each employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office Management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.058

System name: Employee Vehicle Authorization—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Authority to use privately-owned automobile for official duty.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Required for use of POV. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Renewed January 1 of each odd numbered year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted by employee for authorization by Regional Administrator.

Treasury/Comptroller 00.059

System name: Examination Failures—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Names of prospective employees who have failed test administered for assistant national bank examiner position.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check list if individual re-applies. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.060

System name: Examiner Authorization Certificate—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Authority for Regional Administrator to sign examiner's bank reports.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Standing Power of Attorney. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after employee leaves.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.061

System name: Government Transportation Requests—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Numbers of Transportation Requests and names to whom issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issuance and return of Government Transportation Requests. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Name removed after employee separates.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.062

System name: Greater Cleveland Federal Campaign—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: List of Cleveland employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Solicitation of contributions to United Fund. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.063

System name: Inventory of Identification cards and pins—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Treasury Department, Civil Defense, Comptroller of the Currency Pin.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent (Retained concurrently).

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office, Originated entries.

Treasury/Comptroller 00.064

System name: List of E Bonds—Treasury/Comptroller

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, Social Security Number, amount of bond, etc.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Checking possible loss of bond and date of issue. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed after one year.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.065

System name: Mailing Plates—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Addresses for all field employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailing assignments, circulars, etc. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Permanent (Employee's plate destroyed after separation).

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.066

System name: Monthly list of Travel Advances—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Print-out list of outstanding travel advances.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of travel advances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office—CC.

Treasury/Comptroller 00.067

System name: Personnel Directory—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, address, telephone number of each employee.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contacting employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: One copy retained permanently.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Issued by-yearly by Regional Office.

Treasury/Comptroller 00.256

System name: Personnel Records (Active)—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

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Categories of records in the system: Personnel files of current employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll, performance evaluations and overall management matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of employee or Social Security Number.

Safeguards: Locked file cabinets.

Retention and disposal: Retained in active file.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, supervisors, and other miscellaneous sources.

Treasury/Comptroller 00.257

System name: Personnel Records (Inactive)—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel files of former employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Miscellaneous, reference and inquiries. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Destroyed 10 years after employee leaves.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, supervisors and other miscellaneous sources.

Treasury/Comptroller 00.068

System name: Salary Cards—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Card for each employee with salary, grade, and date.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of yearly performance evaluation of employee.For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Filed in inactive personnel, file after separation.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.069

System name: Time and Leave Register—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: TUS 430, Bi-weekly employee time and attendance record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll Purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: CC Payroll Center.

Treasury/Comptroller 00.070

System name: Travel Expense Vouchers—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Record of expenses in travel status.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Claim for reimbursement of travel expenses and audit thereof. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted by employee monthly.

Treasury/Comptroller 00.071

System name: Weekly Itineraries—Treasury/Comptroller.

System location: One Erieview Plaza, Cleveland, Ohio 44114.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Schedule of bank assignments of examiners.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contacting examiners. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name of Employee or Social Security Number.

Safeguards: Unlocked file cabinet.

Retention and disposal: Destroyed after two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Submitted weekly by examiners.

Treasury/Comptroller 00.072

System name: Address Card File—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Address information, headquarters information, telephone No., Organizational Code, Social Security No. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.073

System name: Addressograph Plates—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal and Bank Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel and Bank Mailings—Bulletins. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, Personnel.

Treasury/Comptroller 00.225

System name: Applications for Employment—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Pending files—before offer or declination. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Retain 2 years—destruction.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: Comptroller Appendix A.

Record access procedures: Comptroller Appendix A.

Contesting record procedures: Comptroller Appendix A.

Record source categories: Applicants.

Treasury/Comptroller 00.074

System name: Automobile Authorizations—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check for authority to use personal vehicle for official travel. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent until termination then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.075

System name: Civil Defense ID Card Register—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory—Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: Permanent, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.076

System name: E Bond Lists—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Security No.

Safeguards: Locked Files.

Retention and disposal: Retention 2 years then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee information.

Treasury/Comptroller 00.077

System name: Employee Annual & Sick Leave Record (T& A)—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Ready reference for supervisors and personnel re leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: 1 1/2 years retention then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Computer Center, Regional Office Personnel.

Treasury/Comptroller 00.078

System name: Employee Index—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check for voucher submission & record of authority to use personal vehicle. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: Routine updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office personnel.

Treasury/Comptroller 00.079

System name: Examiner ID Card Register—Treasury/Comptroller.

System location: F & M Center, Suite 21—51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory—Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: Permanent with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.080

System name: History of Employee-Master File TUS 404—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Ready reference—all employee information re salary, SCD, PSI. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Social Security No.

Safeguards: Locked files.

Retention and disposal: Retain current pay period plus 1st and last pay period annually.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.081

System name: ID Pin Register—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inventory-Reports. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.082

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Numerical—Property No.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Required Recordkeeping for control of inventory. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Number Cross-referenced by name.

Safeguards: Locked Files.

Retention and disposal: Permanent record, with updating.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.083

System name: List of Travel Advances—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference-checked upon employee termination of employment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by Social Security No.

Safeguards: Locked files.

Retention and disposal: Retention 2 years then destruction.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee information.

Treasury/Comptroller—00.247

System name: Personnel Files—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, VA 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employee history, personal references, evaluations, training, career planning. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Destruction 2 years after termination.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisor, Washington Office.

Treasury/Comptroller 00.084

System name: Personnel Notebook—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Synopsis of information contained in personnel file-ready reference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical by name.

Safeguards: Locked files.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Personnel.

Treasury/Comptroller 00.085

System name: TR Index—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintain control and verification of annual travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerically and alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office Personnel.

Treasury/Comptroller 00.086

System name: Travel Vouchers—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 .S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit-Reports-Reclaim; Recommended Suspension and Allowances; For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical by name.

Safeguards: Locked Files.

Retention and disposal: 2 1/2 years-retention-destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

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Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.087

System name: Visitor and Telephone Logs, Persons calling or visiting regional office—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Daily logs.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for Names-Dates. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By date.

Safeguards: Locked files.

Retention and disposal: 1 year retention then destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office, personnel.

Treasury/Comptroller 00.088

System name: Weekly Itineraries—Treasury/Comptroller.

System location: F & M Center, Suite 21-51, Richmond, Va. 23277.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Location of personnel, Leave verification. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical, name and date.

Safeguards: Locked Files.

Retention and disposal: 1 year—destruction.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.226

System name: Active Personnel Files—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Personnel Matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinets.

Retrievability: Name or Social Security Number.

Safeguards: Lock and key.

Retention and disposal: Active file permanent retention.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.089

System name: Automobile Authorizations—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Travel and Accident. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk drawer.

Retrievability: Name or Social Security Number.

Safeguards: None.

Retention and disposal: Two year renewal.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.090.

System name: Bank Organizers & Proposed Officer Files (listed by name of bank)—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Bank Organizers; Proposed Officers.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 CFR 42, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appraise charter & Competence of Management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Held in Charter File in file cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Approved Charters—Permanent Retention, Disapproved—destroyed after three years.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Applicants, References, Employee.

Treasury/Comptroller 00.091

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Register. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.092

System name: E Bond—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update and change records, employee participation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.093

System name: Employee compensation—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update & change records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.094

System name: Employee Leave—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Three years—destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroll, Appendix A.

Record access procedures: See Comptroll, Appendix A.

Contesting record procedures: See Comptroll, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.095

System name: Employee Residence—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Name or Social Security Number.

Safeguards: None.

Retention and disposal: Kept Current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.096

System name: Examiner I.D. Register—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Register. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number..

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.097

System name: Inventory (Property) Control Card—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verifying fixed assets. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked File.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Current plus one year; destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C.

Treasury/Comptroller 00.239

System name: Job Applications—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Applicant.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Recruitment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked desk.

Retrievability: Name or Social Security Number.

Safeguards: Lock and key.

Retention and disposal: Two years—destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Applicant.

Treasury/Comptroller 00.098

System name: Payroll Roster—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Update records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: 90 days.

System manager(s) and address: Regional Administrator (See "Location" above for address.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.099

System name: Regional Advisory Committe—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Advisory Committee Member.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Participation in two meetings per year. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked File.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.100

System name: Time & Attendance—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Posting T&A; Leave Balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Three years—destroyed.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington, D.C. and Regional Office.

Treasury/Comptroller 00.101

System name: Travel Advance—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked Desk.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Kept current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington, D.C.

Treasury/Comptroller 00.102

System name: Travel Vouchers—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Adjust. Action; check agency leave records; check bills for Special Services; Compile Monthly Travel report. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Office files.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Four year retention, kept current.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.103

System name: Weekly Itinerary—Treasury/Comptroller.

System location: 1510 First National Bank Tower, Two Peachtree Street, NW, Atlanta, Georgia 30303.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave and locate examiners. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked cabinet.

Retrievability: Name or Social Security Number.

Safeguards: Lock & Key.

Retention and disposal: Six months in office; 1-1/2 years Record Center.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.104

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Persons filing complaints with regional office against national banks.

Categories of records in the system: Card file index to pending and inactive consumer complaints against banks.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a ready reference for the location and status of pending and closed complaints against banks. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetical.

Safeguards: Maintained in closed cabinet.

Retention and disposal: Indefinite period of time.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Record source categories: Complaints against banks.

Treasury/Comptroller 00.105

System name: E Bond Listing—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Personnel.

Categories of records in the system: Enrollment records of all employees participating in United States Savings Bond Program.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for proper mailing of E Bonds to enrollees. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Indexed by Social Security Number.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Listing received bi-weekly. Previous listing destroyed upon receipt of most current listing.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.106

System name: Educational Record File—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Listing of various training programs by subject category.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral for purpose of selection for available training programs. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Each training program listed by dates conducted, listing each participant attending.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Indefinitely or until training program has been cancelled.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.107

System name: Employee Comprehensive Listing—Treasury/Comptroller

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Listing of all salaried employees detailing salary, leave balance, itemized deductions of salaries and participation in sundry federal fringe benefit programs.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Personnel matters relating to salary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: File Cabinet.

Retrievability: Index by social security number.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Listing received by-weekly. Destroyed upon receipt of updated listing.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.231

System name: Employment Applications Under Competitive Appointment basis—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office personnel.

Categories of records in the system: Job applications referenced through Civil Service List of Eligibles.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referrals for primarily clerical positions in the Regional Office. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name of applicant.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Two year retention period.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees of Regional Office.

Treasury/Comptroller 00.240

System name: Job Applicants (Active)—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Personnel applying for positions with regional office.

Categories of records in the system: Employment applications for staff positions in the Seventh National Bank Region.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for available positions. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Retained two years, then destroyed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Job applicants.

Treasury/Comptroller 00.248

System name: Personnel Files (Active)—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office employees.

Categories of records in the system: Employment records of all active Employees in the Seventh National Bank Region.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General personnel matters. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Retained until termination of employment, then transferred to inactive file.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, School Officials, Job Reference, Former Employees.

Treasury/Comptroller 00.258

System name: Personnel Files (Inactive)—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional office employees.

Categories of records in the system: Employment records of all retired or terminated employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of employment, promotion, training, insurance, employment history, performance, evaluation, personnel advice, career planning, retirement security clearance. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive entry to locked cabinet.

Retention and disposal: Five year retention subsequent to retirement or termination. File is shredded after this period.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees, School Officials, Job Reference, Former Employees.

Treasury/Comptroller 00.108

System name: Time and Attendance Records—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Record of employee attendance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record official work time of each employee and verification of leave taken. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number.

Safeguards: Limited access to locked cabinet.

Retention and disposal: 12 months.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.109

System name: Travel & Per Diem Vouchers—Treasury/Comptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Expense vouchers submitted on Employees.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of official travel incurred in accordance with duty assignment. For addtional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by name.

Safeguards: Restrictive access to locked cabinet.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.110

System name: Weekly Examiner Itinerary—Treasury/Cpmptroller.

System location: 164 W. Jackson Boulevard, Room 715, Chicago, Illinois 60604.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Weekly record of official assignments and anticipated itinerary for following week.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of actual duty assignment for National Bank Examiner. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetical by week.

Safeguards: Limited access to locked cabinet.

Retention and disposal: 12 months.

System manager(s) and address: Regional Administrator (See "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Regional Office Employees.

Treasury/Comptroller 00.111

System name: Accident Report—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesse 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: From 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization, for additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.112

System name: Automobile Authorization—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of employee authorized to use a privately-owned automobile. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name.

Safeguards: Locked file cabinets.

Retention and disposal: Destroyed after 4 months.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.113

System name: Civil Defense Card Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesse 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.114

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

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System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Administrative control. Also see Appendix AA for routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.115

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked file cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.116

System name: E Bond Listing—Treasury/Comptroller

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Computer, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.117

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennesee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS—430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.118

System name: Employee Vehicle Authorization Form CC—6042—22—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any change; renewed every two years.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee

Treasury/Comptroller 00.119

System name: Identification Pin Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Identification Lapel Pins.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name as issued by date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.120

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculators.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of Inventory and Property. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.241

System name: Job Application—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name, by year.

Safeguards: Locked file cabinet.

Retention and disposal: Three years shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant; test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.121

System name: Mailing List Master Sheet—Treasury Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.249

System name: Personnel File—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notification of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD—214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See category of record.

Treasury/Comptroller 00.250

System name: Personnel File—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Clerical personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See category of record.

Treasury/Comptroller 00.122

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Idenitification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: ID Card Number by type (National Bank Examiner, Assistant Examiner, etc.)

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Controller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.123

System name: Telephone Log—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Public, including bankers and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.124

System name: Time and Attendance Report (TUS—430)—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.125

System name: Time and Leave Register—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave used and leave balances. For routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.126

System name: Application for Travel Advance Form CC—6042-17—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent; until repaid.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptrolller, Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.127

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 165 Madison Avenue, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet

System name: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.128

System name: Weekly Itinerary Form CC-1427-OX—Treasury/Comptroller.

System location: 165 Madison Aveune, Room 1900, Memphis, Tennessee 38103.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.129

System name: Automobile Authorization File—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval and Insurance Determination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 2 years then dispose

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.130

System name: Bank Files—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: General public bank officials.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference.For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent 3 years in region then to Fed. Rec. Center.

System manager(s) and address: Regional Administrator. (See "locations" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.131

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.132

System name: Computer Leave Printout—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesotu 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verification of leave balance. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.133

System name: Computer List of Travel Advances—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control of advances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Adminstrator. (See "Location" above for addresss.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.134

System name: Computer Printout, Series E Bond Subscribers—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing payroll deductions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.135

System name: Employee Annual Leave Cards—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing leave balance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: one year.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix.

Record source categories: Employee.

Treasury/Comptroller 00.136

System name: Employee Annual Leave, Computer Printout—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing leave balance. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked File Cabinets.

Retention and disposal: 3 years then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee

Treasury/Comptroller 00.137

System name: Employee Identification Card Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and U.S.C 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.138

System name: Employee Mailing Labels—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendis A.

Record source categories: Employee.

Treasury/Comptroller 00.230

System name: Employment Applications Files—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Analyzed for employment opportunity. For additional routine uses see Treasury Appendix. AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked file cabinet.

Retention and disposal: 2 years then dispose of.

System manager(s) and address: Regional Administrator (see "Location" above for address).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.139

System name: Financial & Biographical Reports of Organizers of New National Banks—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent retention.

System manager(s) and address: Regional Adminstrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.140

System name: Identification Pin Register—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Control. For additional routine uses see Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.141

System name: Inventory Control Cards—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.251

System name: Personnel Files (Active)—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel actions, promotions, training, performance, i.e. addresses. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked, metal fireproof file cabinet.

Retention and disposal: Permanent while active.

System manager(s) and address: Regional Administrator (see "Location" above for address).

Notification procedure: See Comptroller Appendix A.

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Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.259

System name: Personnel Files (Inactive—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference employment career planning. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Direct access.

Safeguards: Locked, metal fireproof file cabinet

Retention and disposal: 1 year in Region, 2 years in Fed. Records Center.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.142

System name: Public Files—Treasury/Comptroller

System location: 822 Marquette Avenue, Room 300, Mineapolis, Minnesota 55402.

Categories of individuals covered by the system: Bank Officials General Public.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 10 years; 3 years in region. 7 years in Fed Records Ctr. then dispose.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.143

System name: Regional Telephone log—Treasury/Comptroller.

System location: 882 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinets.

Retention and disposal: 1 year.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.144

System name: Travel Voucher Files-Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel

Authority for maintenance of the system: 12 U.S.C. 1 and U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel voucher. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 4 years; 1 year in region & 3 years at Fed. Records Center.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.145

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignment projected assignments & leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Direct Access.

Safeguards: Locked file cabinet.

Retention and disposal: 6 mos. in region & 1-1/2 years in records center.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.146

System name: Accident Report—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.147

System name: Civil Defense Card Control Register-Treasury/Comptroller

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files Cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.148

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix AA for routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.149

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked File Cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.150

System name: E Bond Listing—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.151

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS-430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

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Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.152

System name: Employee Vehicle Authorization Form CC-6042-22—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any change, renewed every two years.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.153

System name: Identification Pin Control Register—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Identification Lapel Pins.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name as issued by date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.154

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculaters.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.242

System name: Job Applications—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment test, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name, by year.

Safeguards: Locked file cabinet.

Retention and disposal: Three years, shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant: test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.155

System name: Mailing List Master Sheet.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.252

System name: Personnel File—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Clerical Personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C.9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See category of records.

Treasury/Comptroller 00.253

System name: Personnel File—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86) Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record.

Treasury/Comptroller 00.156

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Identification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: ID Card Number by type (National Bank Examiner, Assistant Examiner, etc.)

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator. (See "Location" above.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.157

System name: Telephone Log—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Public, including banders and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.158

System name: Time and Attendance Report (TUS-430)—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

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System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.159

System name: Time and Leave Register—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computing of Leave used and leave balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.160

System name: Application for Travel Advance Form CC-6042-17—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent; until replaced.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.161

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator. (See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.162

System name: Weekly Itinerary Form CC-1427-OX.

System location: 911 Main Street, Suite 2616, Kansas City, Missouri 64105.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator.(See "Location" above for address.)

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.163

System name: Accident Report—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form 91, 91A and Optional Form 26.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Matter of record; Approval of renewal of employee vehicle authorization. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Name/Date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.164

System name: Civil Defense Card Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Civil Defense Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Civil Defense Card Number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller, Appendix A.

Record access procedures: See Comptroller, Appendix A.

Contesting record procedures: See Comptroller, Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.165

System name: Comprehensive Listing of Employee Master File Form TUS 404—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employee utilization file. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.166

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Any individual who lodges a complaint against a national bank.

Categories of records in the system: Name of individual and address; name of bank involved and address; date bank notified of complaint; follow-up date; closing date of complaint.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Utilized to check complaint status until closing date. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Date complaint letter is forwarded to bank for comment.

Safeguards: Locked File Cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Counsel (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Filing of a complaint letter by a complainant.

Treasury/Comptroller 00.167

System name: E Bond Listing—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Check issuances of Series E Bonds. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.168

System name: Employee Annual and Sick Leave Card—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Shows annual and sick leave by month, by day.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to post leave to TUS-430's; used for review of leave used which is easily accessible on one card or sheet in one place. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.169

System name: Employee Vehicle Authorization Form CC-6042-22—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Description of the automobile, insurance, driving violations and accidents.

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Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to use auto for official duty. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded due to any changes renewed every two years.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.170

System name: Identification Pin Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts.

Categories of records in the system: Listing of issuances of Identification Lapel Pins.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name as issued by date.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent file.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.171

System name: Inventory Control of Property—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Listings of property assignments for briefcases, portable typewriters, and electronic calculators.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Initially by Item and Property No., thereafter by Serial No. and Employee name.

Safeguards: Locked File Cabinet.

Retention and disposal: Retained as superseded or changed.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Assignment.

Treasury/Comptroller 00.243

System name: Job Applications—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Applicants for positions.

Categories of records in the system: File folder containing letters, resumes, college transcripts, pre-employment tests, and interview form relating to application for employment.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening applicants for employment. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name by year.

Safeguards: Locked file cabinet.

Retention and disposal: After three years shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Information furnished by applicant; test and interview administered by Regional Recruiter.

Treasury/Comptroller 00.172

System name: Mailing List Master Sheet—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: All employees except Regional Office employees.

Categories of records in the system: Xerox master for making address labels on Xerox machine.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailings to employees. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent as superseded or changed.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.254

System name: Personnel File—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees with excepted appointments.

Categories of records in the system: Application Form (SF 171), Security Investigation Data Form (SF 86), Standard Interview Form (CSC Form 299), Notifications of Personnel actions (SF 50) for appointments, promotions, transfers, etc., College transcripts, Report of Transfer or Discharge from the Armed Forces of the United States (Form DD-214), Letters of Reference, Completion of training and request for Training Forms, Performance Evaluations, Memo notes made during personal visits between employee and Regional Administrator and/or Deputy Regional Administrator.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses, see Treasury Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record above.

Treasury/Comptroller 00.255

System name: Personnel File—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Clerical Personnel with Career and Career-Conditional Appointments.

Categories of records in the system: Application Form (SF 171), Notifications of Personnel Actions (SF 50), Letters of Reference, Request for the Completion of Training Forms.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appointment, Promotion, Training, Insurance, Employment History, Performance Evaluation, Employment Reference, Personal Advice, Career Planning, Retirement, Security Clearance, Address and Telephone. For additonal routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked file cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: See Category of Record above.

Treasury/Comptroller 00.173

System name: Pocket Identification Card Control Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners, Assistant National Bank Examiners, Representatives in Trusts, Associates in Trusts and Assistants in Trusts, and Financial Interns.

Categories of records in the system: Listing of issuances of Identification Cards.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Interoffice Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: ID Card Number by type (National Bank Examiner, Assistant Examiner, etc.).

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office and Employees.

Treasury/Comptroller 00.174

System name: Telephone Log—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Public, including bankers and all employees.

Categories of records in the system: A daily log of incoming and outgoing telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Placing telephone calls. Checking telephone bills. Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: In sequence by date.

Safeguards: Locked Desk Drawer.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.175

System name: Time and Attendance Report (TUS-430)—Treasury/Comptroller

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Time in pay status, annual and sick leave, and other leave. Leave supported by Application for Leave (SF 71) Carbon copies.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payment of salary. Record of leave. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by Agency ID No. by pay period.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.176

System name: Time and Leave Register—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: EDP Printout.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Leave used and leave balances. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number by Pay Period.

Safeguards: Locked File Cabinet.

Retention and disposal: One year shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Federal Disbursing Center.

Treasury/Comptroller 00.177

System name: Application for Travel Advance Form CC-6042-17—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Request for advance of funds.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advance of funds by Fiscal Management Division, Repayment of advance upon resignation, retirement or termination—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically (Form CC-6042-17), (Carbon copy) and EDP Printout by Social Security number.

Safeguards: Locked File Cabinet.

Retention and disposal: Permanent until superseded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Form CC-6042-17 from employee, EDP Printout from Washington Office.

Treasury/Comptroller 00.178

System name: Travel and Expense Vouchers Form CC-6040-03—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Carbon copy of monthly record of travel claims.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of travel expenses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee and Washington Office.

Treasury/Comptroller 00.179

System name: Weekly Itinerary Form CC-1427-OX—Treasury/Comptroller.

System location: 1401 Elm Street, Suite 4500, Dallas, Texas 74202.

Categories of individuals covered by the system: National Bank Examiners and Representatives in Trusts.

Categories of records in the system: Location of Bank Examination.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Scheduling, Location of Personnel in travel status, Report of Examinations. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically by week.

Safeguards: Locked File Cabinet.

Retention and disposal: Four years shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: National Bank Examiners and Representatives in Trusts.

Treasury/Comptroller 00.227

System name: Active Personnel files—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Active Employee file.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion, training, employment history, evaluation. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.180

System name: Automobile authorization file—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Form CC—6042—22 (Rev. 9/74).

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authority to drive and driving record. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In individual personnel files, file cabinets.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Renewable every two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.181

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of cards issued, destroyed or lost. For additional uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook in File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Secured file cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.182

System name: Computer Leave Printout—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of leave balance.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify leave records and to respond to individual inquiry. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Retained until reconciled.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Pay Center.

Treasury/Comptroller 00.183

System name: E Bond List—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of bonds issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of bond issue for response to individual inquiries on receipt thereof. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Six months.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Pay center, pay records.

Treasury/Comptroller 00.184

System name: Employee mailing list—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Addresses and telephone numbers of personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For telephone use and mailing list. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Office.

Retention and disposal: New list made every two months. Others destroyed.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.185

System name: Employee Time Cards Copies—Treasury/Comptroller

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: TUS—430.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of leave taken each pay period. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File box.

Retrievability: Organization Code and Social Security number.

Safeguards: Steel Box.

Retention and disposal: One year until reconciled.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.235

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Former employee file.

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Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment history. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.186

System name: Identification Card Register—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of cards issue, destroyed or lost. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook—File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Locked File Cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.187

System name: Identification Pin Register—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Listing as issued.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of Pins issued, destroyed or lost. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically and chronologically.

Safeguards: Bookcase—File cabinet.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant.

Treasury/Comptroller 00.188

System name: Telephone Log—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Receptionists.

Categories of records in the system: Daily records of telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify incoming and outgoing long distance calls. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook.

Retrievability: chronologically.

Safeguards: Locked desk drawers.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Receptionist.

Treasury/Comptroller 00.189

System name: Transportation request—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Request for travel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For record of issue to individual employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook.

Retrievability: Alphabetically.

Safeguards: File cabinets.

Retention and disposal: In perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Administrative Assistant

Treasury/Comptroller 00.262

System name: Travel Advance List—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Computer listing of each employee and amount owed department.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine obligation to department upon resignation or employee going on LWOP. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Organization Code and Social Security number.

Safeguards: Locked files.

Retention and disposal: Retain current list only.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.190

System name: Travel Vouchers—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Form CC—6040—03 7/74 (copy).

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Expense records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.191

System name: Visitor's Log—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Official Office Visitors.

Categories of records in the system: Daily calendar.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of visits for documentation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook, Locked desk drawer.

Retrievability: Daily calendar.

Safeguards: Locked desk drawer.

Retention and disposal: One year.

System manager(s) and address: Regional Administrator (see location below).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Receptionist.

Treasury/Comptroller 00.192

System name: Weekly itineraries—Treasury/Comptroller.

System location: 1600 Broadway, Suite 1800, Denver, Colorado 80202.

Categories of individuals covered by the system: Employee.

Categories of records in the system: Form CC—1457—OX.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Verify examining schedules. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically.

Safeguards: Locked files.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location below).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.193

System name: Active Personnel Files, automobile authorization and Travel Advances—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotions, Training, Insurance, Performance evaluation, Employment reference, Personal advice, Career and Planning, Retirement, Security Clearance, Address and Telephone. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Indexed alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisors, former employees.

Treasury/Comptroller 00.194

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.195

System name: Comprehensive history of Employee Master File—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Payroll history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.196

System name: Computer Leave, Balance Printout—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Leave history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.197

System name: E Bond List—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Bond history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center & Washington Office.

Treasury/Comptroller 00.198

System name: Employee Annual Leave Record Cards—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Leave records or personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number and Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Three years—shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Disbursement Center.

Treasury/Comptroller 00.199

System name: Examiners I.D. Card Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.200

System name: Examiners I.D. Pin Register—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Card Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control Records. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Secured File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Washington Office.

Treasury/Comptroller 00.236

System name: Inactive Personnel Files—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment reference. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Combination lock.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee, Supervisors, former employees.

Treasury/Comptroller 00.201

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Items, cost depreciation.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference Control. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Number (referenced by name).

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.244

System name: Job Application Forms—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Personal history.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Hiring, decisions, job assignments. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: One year—shredded.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.202

System name: Mailing Plates—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Address.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailing. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: until obsolete.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.203

System name: Regional Telephone Log—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Telephone calls.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper. File cabinet.

Retrievability: Alphabetically by name.

Safeguards: Desk.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.204

System name: Travel Voucher Files—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Work related expenditures.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for leave, educational purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper. File cabinet.

Retrievability: Indexed alphabetically by name.

Safeguards: Locked file cabinet.

Retention and disposal: three years—shredded.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.205

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 707 SW Washington Street, Room 900, Portland, Oregon 97205.

Categories of individuals covered by the system: Regional Office Employees.

Categories of records in the system: Bank Examination Record.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Communication with employees, determining work progress. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetically by name.

Safeguards: File cabinet.

Retention and disposal: Indefinite.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employee.

Treasury/Comptroller 00.228

System name: Active Personnel Files—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Promotion Training Insurance, Employment History Performance, Evaluation. For additional routine uses see previously published Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetic index by name.

Safeguards: Locked file cabinets.

Retention and disposal: While employed.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.206

System name: Automobile Authorizations—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Approval of private automobile use. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file Cabinets.

Retention and disposal: While in force.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.207

System name: Civil Defense Card Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of Civil Defense Cards. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical Order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.208

System name: Consumer Complaint Index—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Examining.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine the nature of existing problems and if possible assist in the resolution thereof. For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Complaints and Banks.

Treasury/Comptroller 00.209

System name: "E" Bond List—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit. For additonal routine uses see Appendex AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file cabinet.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Treasury Department Disbursing Center.

Treasury/Comptroller 00.210

System name: Employee Annual Leave, Record Cards—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and compilation of proper leave materials—For additonal routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (See Location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.211

System name: Examiners ID, Card Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control-for additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Numerical order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.212

System name: Form TUS 404 Comprehensive, History of Employee Master, File—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file Cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Treasury Department Disbursing Center.

Treasury/Comptroller 00.213

System name: Form TUS 430 Computer, Leave Balance Printout—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and payroll preparation and analysis—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Treasury Department Disbursing Center.

Treasury/Comptroller 00.214

System name: ID Pin Register—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: File cabinet.

Retrievability: Numerical order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Office (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.237

System name: Inactive Personnel File—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former employees.

Categories of records in the system: Personnel.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employment Reference, Personal Advice, Career Planning, Retirement Security Clearance, Address and Telephone numbers. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Three years.

System manager(s) and address: Regional Administrator, see location above.

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.215

System name: Inventory Control Sheets—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Control.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of issued and accountable materials and equipment—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by Name.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees and Subscribers.

Treasury/Comptroller 00.216

System name: List of Travel Advances—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Social Security Number.

Safeguards: Locked file Cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Comptroller of the Currency, Washington, D.C.

Treasury/Comptroller 00.217

System name: Mailing Plates—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees and Subscribers to Publications.

Categories of records in the system: Mail.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Envelope Addressing—For additonal routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Alphabetical Order.

Safeguards: Metal Cabinets While Active.

Retention and disposal: Until Obsolete.

System manager(s) and address: Regional Administrator (See location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees and Subscribers.

Treasury/Comptroller 00.218

System name: Regional Telephone log—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Reference.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Chronological Order.

Safeguards: Locked file Cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.219

System name: Travel Vouchers—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Former Employees.

Categories of records in the system: Fiscal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reimbursement of Employee who travel pursuant to official business—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by Name.

Safeguards: Locked file Cabinets.

Retention and disposal: Four years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

Treasury/Comptroller 00.220

System name: Visitors log—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Callers.

Categories of records in the system: Reference.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit and Reference of who called, when, and purpose of call—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File drawer.

Retrievability: Chronological Order.

Safeguards: Locked file cabinets.

Retention and disposal: Perpetuity.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Regional Office.

Treasury/Comptroller 00.221

System name: Weekly Itineraries—Treasury/Comptroller.

System location: 555 California Street, Room 3939, San Francisco, California 94104.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Personal.

Authority for maintenance of the system: 12 U.S.C. 1 and 12 U.S.C. 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Audit—For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Alphabetical Index by name.

Safeguards: Locked file cabinets.

Retention and disposal: Two years.

System manager(s) and address: Regional Administrator (see location above).

Notification procedure: See Comptroller Appendix A.

Record access procedures: See Comptroller Appendix A.

Contesting record procedures: See Comptroller Appendix A.

Record source categories: Employees.

COMPTROLLER OF THE CURRENCY

APPENDIX A

NOTIFICATION:

Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

ACCESS AND CONTEST:

Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Treasury/USSBD 00.001

System name: Savings Bonds Employee Records System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees of USSBD.

Categories of records in the system: Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction in Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Personnel Office of the Savings Bonds Division, Department of the Treasury, maintains in its system of records detailed information pertaining to each of the specific categories listed in Categories of Individuals. Routine use of the various files enables Personnel to have ready access to applicants for hiring purposes, placement and to aid in assessing the need for employee training and promotion. Also, other records carry accrual information that permits annual reviews on an employee's performance. All information is used solely for the purpose for which it was collected which serves as a general internal source bank.

The Budget and Fiscal section of the Savings Bonds Division maintains in its record system data pertaining to each of the identifiable categories listed in Categories of Individuals. This information permits the Section to make employee payroll reconciliations, budget forecasts, check and bond issuance verifications, internal audits, supply retirement records to the Civil Service Commission, prepare earning statements and document payments of employee travel claims.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data. Files are accessible to Personnel employees and are locked at the close of each day. Records pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. The records of a less important nature are destroyed after the two-year period.Storage of financial information is maintained on computer printouts supplied by Government Financial Operations. Individual retirement cards, time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and social security number. All payroll and time and attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Retirement cards go to the gaining agency or to the Civil Service Commission. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

System manager(s) and address: Director of Administration, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his

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record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Systems exempted from certain provisions of the act: Portions of this system are exempted elsewhere in the Federal Register.

Treasury/USSBD 00.002

System name: Savings Bonds Sales Promotion/Volunteer Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional and Branch Offices.

Categories of individuals covered by the system: Bond Tellers, Campaign Managers, Campaign Nominees, Committee Volunteer Lists and Contacts, General Correspondence, Geographic Chairmen, Governmental Biographical Sketches, Honorary Chairmen, Individual Volunteer Lists, Mailing Lists—General and Labor, Major Corporation Executives, National Panel of Public Relations, Promotion Fund Lists, State-County Chairmen, State and Volunteer Fund Lists, "Take Stock in America" Records, Telephone Calls, Volunteer Bio's.

Categories of records in the system: Administrative lists and related detail.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales Office of the Savings Bonds Division, Department of the Treasury, maintains a nation-wide volunteer sales force that promotes the sale of Savings Bonds. The listing in Category of Individuals describes the type of data that supports this effort. This information provides a means by which the Sales Division may review plans and follow progress of individuals in their sale and promotion of Savings Bonds, supplies volunteer lists and bios for recruiting, appointing and retiring volunteer leaders. Lists also provide a means of supplying volunteers with Savings Bonds program materials and information, invitations to meetings, special bulletins, letters of progress, sales reports and newsletters. Lists are available only for Savings Bonds purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Mailing lists are accessible to employees and stored on addressograph plates. Other correspondence and materials are filed in the regular correspondence file cabinets and permanently retained.

System manager(s) and address: Deputy National Director, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See System Manager and Notification above.

Contesting record procedures: See System Manager and Notification above.

Record source categories: Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the volunteer's appointment.

Treasury/USSBD 00.003

System name: Savings Bonds Sales Record System—Treasury/USSBD.

System location: Savings Bonds Division, Department of the Treasury, 1111 20th Street, N.W., Washington, D.C. 20226; and/or Regional Offices.

Categories of individuals covered by the system: Blue Ribbon Target Cards, Blue Ribbon Target Status Control Sheets, Field Call Reports, Itineraries, Net Saver Reports, Payroll Savings Reporting Procedures Forms, Progress Summaries, Time and Attendance Records, Training Reports, Work Plans.

Categories of records in the system: Routine lists and administrative details associated with sales.

Authority for maintenance of the system: Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, April 1941.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Sales unit of the Savings Bonds Division houses records of individual sales plans, program plans and regional reports for the purpose of coordinating plans for smoother operation of field work. Final plans are disseminated to field and/or volunteer offices for implementation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records of this nature are filed in large notebooks and are indexed according to individual names, regions, areas and states. Notebooks are placed on shelves and do not warrant tight security. High priority records are kept for long periods as references, others are destroyed after a two year period.

System manager(s) and address: Director of Sales, Department of the Treasury, Savings Bonds Division, 1111 20th Street, N.W., Washington, D.C. 20226.

Notification procedure: Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he has this information in his possession.

Record access procedures: See Notification and System Manager.

Contesting record procedures: See Notification and System Manager.

Record source categories: Data accumulated in the sales record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

Treasury/FLETC 00.003

System name: FLETC Confidential Financial Records—Treasury/FLETC.

System location: FLETC, Office of the Director, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the system: Employees classified at GS-13 or above who are in positions identified as positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement. Specifically, Director; Deputy Director; Assistant Director for Administration; Assistant Director for Training; Director, Criminal Investigator School; Director, Police School; Management and Financial Planning Officer, Administrative Officer, Education Specialist.

Categories of records in the system: All information required by or related to employment and financial interests of GS-13 and above employees.

Authority for maintenance of the system: Federal Personnel Manual Chapter 735 and Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide certification to the Civil Service Commission that Statements of Employment and Financial Interests are on file for each employee and special Government employee required to submit such statement under the regulations of the employing agency. Also, information for the agency head only to be disclosed only upon his determination or that of the Chairman of the U.S. Civil Service Commission for good cause shown. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained and updated annually and destroyed at the departure of employee from FLETC rolls.

System manager(s) and address: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with the Center to: Director, FLETC, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The employee on whom the record is maintained.

Treasury/FLETC 00.001

System name: FLETC Payroll System—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia, 31520.

Categories of individuals covered by the system: Any person employed by or detailed to the Center.

Categories of records in the system: All payroll records including Standard Forms 50 and 52, leave status, training authorizations and retirement records.

Authority for maintenance of the system: Treasury Order No. 217, dated July 1, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Compilation of all required accounting, payroll functions and reports. GAO and Treasury audits. Related FLETC accounting and financial procedures. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: Retained indefinitely, except retirement records which are transferred at the departure of the employee.

System manager(s) and address: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, dates of employment with, or date of application of employment to the Center to: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: Personnel documents and payroll documents computed by The Bureau of Government Financial Operations.

Treasury/FLETC 00.002

System name: FLETC Trainee Records—Treasury/FLETC.

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the system: Any person who officially attends a formal FLETC training program.

Categories of records in the system: Personal background information supplied by the trainee, grades and performance evaluation, student advisory form and relevant public health records.

Authority for maintenance of the system: Treasury Order No. 217 (Revision 1), dated July 1, 1970, and The Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Dissemination upon request to the individual himself, the individual's parent agency, to any other agency or organization at the request of the individual and to members of the FLETC staff responsible for the individual's performance evaluation or rating and FLETC staff members on a need-to-know basis. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and 3 x 5 cards.

Retrievability: Name and/or class number.

Safeguards: Physical Security, personnel screening and security check list are all utilized to prevent unauthorized disclosure of records.

Retention and disposal: All records maintained indefinitely.

System manager(s) and address: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, parent agency, type of course and approximate dates of attendance to: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520.

Record access procedures: By formal letter to the System Manager.

Contesting record procedures: See Access above.

Record source categories: The trainee himself and the members of the training staff responsible for grading, rating or evaluating the trainee.

DEPARTMENT OF THE TREASURY

APPENDIX AA

Additional Routine Uses

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record maintained by this agency to carry out its functions may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed as a routine use to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by this agency to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in 28 C.F.R. 50.2.

A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with formal or informal international agreements.

A record maintained by this agency to carry out its functions may be disclosed to unions recognized under E.O. 11491 when required or relevant to union's duties as exclusive representative under E.O. 11491.

A record maintained by this agency to carry out its functions may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

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A record maintained by this agency to carry out its functions may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

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Molecular and Cellular Aspects of Sickle Cell Disease (symposium); to be held in Dallas, Tex. (open), 12–10–75. 53294; 11–17–75

National Eye Institute; to be held at Bethesda, Maryland (open with restrictions), 12–11 and 12–12–75. 54456; 11–24–75

Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate, to be held in Bethesda, Md. (open), 12–10–75. 49382; 10–22–75

Virus Cancer Program Scientific Review Committee; to be held in Hershey, Pa. and Bethesda, Md. (partially open), 12–8–75. 46342; 10–7–75

Office of the Secretary—

National Advisory Council on Services and Facilities for the Developmentally Disabled; to be held in Washington, D.C. (open), 12–9 and 12–10–75. 53611; 11–19–75

Social Security Administration—

Supplemental Security Income Study Group, to be held in Baltimore, Md. (open), 12–11 and 12–12–75. 48707; 10–17–75

INTERIOR DEPARTMENT

Land Management Bureau—

Bakersfield District Multiple Use Advisory Board to be held in Palmdale, Calif. (open), 12–12–75. 52069; 11–7–75

Ukiah District Multiple-Use Advisory Board, to be held in Ukiah, Calif. (open), 12–11 and 12–12–75. 48703; 10–17–75

National Park Service—

Boston National Historical Park Advisory Commission; to be held at Boston (open), 12–8–75. 52640; 11–11–75

Southeast Regional Advisory Committee; to be held at Atlanta, Georgia (open), 12–12–75. 54451; 11–24–75

JUSTICE DEPARTMENT

Federal Bureau of Investigation—

National Crime Information Center Advisory Policy Board's Security and Confidentiality (S&C) Committee to be held in Cincinnati, Ohio (open), 12–8–75. 52068; 11–7–75

National Crime Information Center Advisory Policy Board to be held in Cincinnati, Ohio (open), 12–10 and 12–11–75. 52068; 11–7–75

Law Enforcement Assistance Administration—

National Advisory Committee on Criminal Justice Standards and Goals; to be at New Orleans, La. (open), 12–14 thru 12–16–75. 52421; 11–10–75

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Ground-fault circuit protection; to be held in Washington, D.C. (open), 12–9–75. 40170; 9–2–75

National Advisory Committee on Occupational Safety and Health to be held in Rosslyn, Va. (open), 12–11 and 12–12–75. 54033; 11–20–75

MANAGEMENT AND BUDGET OFFICE

Disputes in connection with contract administration; to be held at Washington, D.C., 12–10–75. 47221; 10–8–75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Physical Sciences Committee of the Space Program Advisory Council; to be held in Washington, D.C. (open in part with restrictions), 12–11 and 12–12–75. 50753; 10–31–75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Committee Fellowships Panel; to be held at Washington, D.C. (closed), 12–11 and 12–12–75. 54475; 11–24–75

Dance Advisory Panel to be held in New York, N.Y. (open and closed), 12–8 and 12–9–75. 54209; 11–20–75

Fellowships Panel; Advisory Committee; to be held in Washington, D.C. (closed), 12–8 through 12–10–75. 53441; 11–18–75

Fellowship Panel Advisory Committee; to be held in Washington, D.C. (closed), 12–8 and 12–12–75. 51245; 11–4–75

Public Programs Panel; Advisory Committee; to be held in Washington, D.C. (closed), 12–8 and 12–9–75. 53441; 11–18–75

Visual Arts Advisory Panel to be held in Washington, D.C. (closed), 12–8 and 12–9–75. 54030; 11–20–75

Visual Arts Advisory Panel to be held in Washington, D.C. (closed), 12–10 thru 12–12–75. 54030; 11–20–75

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Advisory Panel on Physics; to be held at Washington, D.C. (open with restrictions), 12–11, 12–12, and 12–13–75. 54476; 11–24–75

Science for Citizens Program; to be held in Atlanta, Georgia (open with restrictions), 12–8–75. 50756; 10–31–75

Science for Citizens Program; to be held in Dallas, Texas (open with restrictions), 12–9–75. 50756; 10–31–75

Science for Citizens Program; to be held in Denver, Colorado (open with restrictions), 12–10–75. 50756; 10–31–75

Science for Citizens Program; to be held in San Francisco, Calif. (open with restrictions), 12–12–75. 50756; 10–31–75

Advisory Committee on the Medical Uses of Isotopes; to be held in Bethesda, Maryland (open with restrictions), 12–12–75. 52769; 11–12–75

Reactor Safeguards Working Group on Anticipated Transients Without Scram Advisory Committee; to be held in Denver, Colo. (open with restrictions), 12–11 and 12–12–75. 54630; 11–25–75

STATE DEPARTMENT

Advisory Panel on International Law; to be held in Washington, D.C. (open), 12–12–75. 53409; 11–18–75

U.S. Advisory Commission on International Educational and Cultural Affairs; to be held in Washington, D.C. (open with restrictions), 12–11–75. 53409; 11–18–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Terminal Instrument Procedures Advisory Committee, Working Group for Navigation System Accuracy; to be held at Oklahoma City (open), 12–8–75. 52658; 11–11–75

United States Terminal Instrument Procedures Advisory Committee; to be held at Oklahoma City (open), 12–9 through 12–12–75. 52658; 11–11–75

National Highway Traffic Safety Administration—

Youth Highway Safety Advisory Committee; to be held at New Orleans (open), 12–13 and 12–14–75. 54457; 11–24–75

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Information; to be held in Washington, D.C. (open with restrictions), 12–8–75. 53608; 11–19–75

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Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Fresh pears, plums, and peaches grown in Calif., proposed amendment of marketing agreement and order; to be held in Fresno, Calif., 12–10–75..... 53601; 11–19–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Cothyrobal; to be held in Rockville, Md. (open), 12–8–75..... 51491; 11–5–75

INTERNATIONAL TRADE COMMISSION

U.S.-Canadian automotive agreement; to be held in Detroit, Michigan, 12–11–75..... 53084; 11–14–75

REMINDERS—Continued

SECURITIES AND EXCHANGE COMMISSION

I.R.E. Florida Income Partners, Ltd., to be held in Washington, D.C., 12–9–75..... 53634; 11–19–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Airport noise policy; to be held in Ft. Lauderdale, Fla., and Miami, Fla., 12–10 and 12–11–75, respectively..... 48961; 10–20–75

Daily List of Public Laws

H.R. 2343..... Pub. Law 94–137
An act to designate the new Forest Service laboratory at Auburn, Alabama, as the "George W. Andrews Forestry Sciences Laboratory"
(Nov. 28, 1975; 89 Stat. 744)

H.R. 3922..... Pub. Law 94–135
Older Americans Amendments of 1975
(Nov. 28, 1975; 89 Stat. 713)

H.R. 8841..... Pub. Law 94–140
An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and for other purposes
(Nov. 28, 1975; 89 Stat. 751)

H.R. 9472..... Pub. Law 94–139
An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority, and for other purposes
(Nov. 28, 1975; 89 Stat. 750)

H.R. 10029..... Pub. Law 94–138
Military Construction Appropriation Act, 1976
(Nov. 28, 1975; 89 Stat. 745)

S. 1517..... Pub. Law 94–141
Foreign Relations Authorization Act, Fiscal Year 1976
(Nov. 29, 1975; 89 Stat. 756)

S. 2195..... Pub. Law 94–136
National Productivity and Quality of Working Life Act of 1975
(Nov. 28, 1975; 89 Stat. 733)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Responsibility for Carrying Out the Large Area Crop Inventory Experiment (LACIE) Within the Department of Agriculture

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate responsibility within the Department of Agriculture for carrying out the Large Area Crop Inventory Experiment (LACIE), which the Department is undertaking in cooperation with National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA) as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and Director of Agricultural Economics

1. Section 2.21 is amended by adding paragraph (d) (26) to read as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * *

(d) *Related to foreign agriculture.*

* * *

(26) Administer and coordinate, subject to the overall policy guidance of the Department's Executive Steering Group, responsibilities and functions of the Department of Agriculture for carrying out the Large Area Crop Inventory Experiment (LACIE), undertaken by the Department in cooperation with National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA), to establish utility and cost-effectiveness of using satellite, meteorological, and climatological data to predict global production of major crops.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

2. Section 2.68 is amended by adding paragraph (a) (27) to read as follows:

* * * * *

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* * * *

(27) Administer and coordinate, subject to the overall policy guidance of the Department's Executive Steering Group, responsibilities and functions of the Department of Agriculture for carrying out the Large Area Crop Inventory Experiment (LACIE), undertaken by the Department in cooperation with National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA), to establish utility and cost-effectiveness of using satellite, meteorological, and climatological data to predict global production of major crops.

* * * * *

These amendments shall become effective on December 3, 1975.

For Subpart C:

Dated: November 20, 1975.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

For Subpart H:

Dated: November 20, 1975.

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.75-32605 Filed 12-2-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 726—BURLEY TOBACCO

Burley Tobacco, 1971–72 and Subsequent Marketing Years

In 40 FR 12670 there was published a notice of proposed rulemaking which, among other proposals, related to the inclusion of toxaphene and endrin, with DDT and TDE, as pesticides which, if used on tobacco, would make the tobacco ineligible for price support. Interested persons were given 30 days after publication of the notice to submit data, views, and recommendations with respect to the proposal. After consideration of the responses received, these changes were made in the loan regulations. This amendment makes corresponding changes in the burley tobacco marketing quota regulations (7 CFR § 726.50 et seq.). This amendment also contains other minor revisions and deletions which do not materially affect the 1975–76 crop of burley tobacco.

The following changes and additions are made:

1. Section 726.68 is amended to provide that transfer agreements filed outside the counties in which the farms are administratively located shall be filed at a county office of a county having a burley tobacco market.

2. Section 726.70 is amended to authorize the State committee to determine counties affected by a natural disaster.

3. Section 726.81 is amended to add the use of toxaphene and endrin to the requirement for entering "No Price Support" on the marketing card and to provide for issuance of a partial quota marketing card.

4. Section 726.86 is amended by adding the penalty rate for excess tobacco for the 1975–76 marketing year.

5. Section 726.88 is amended to require that the penalty on excess marketing for a dealer will be determined by comparing the burley tobacco resales with the burley tobacco purchases. Penalty will be due at any time the burley tobacco resales exceed the burley tobacco purchases.

6. Section 726.92 is amended to remove the references to MQ–108–1 as the producer report on MQ–108–1 is eliminated.

7. Section 726.95 is amended to remove the requirement that prior approval be obtained from the Director, PO Division before a dealer or buyer may be exempt from regular records and reports on MQ–79. Other conditions for exemption remain unchanged.

8. Section 726.104 is amended to provide for determinations relating to the use of DDT, TDE, toxaphene, and endrin.

9. Other editorial changes are made as appropriate.

Since farmers are now harvesting their tobacco, it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document is being made effective upon date of publication in the FEDERAL REGISTER. The amendment to the regulations is as follows:

1. The table of contents is amended by revising the reference to 726.104 as follows:

Sec.

* * * * *

726.104 Determination of use of DDT, TDE, toxaphene, or endrin.

* * * * *

2. Section 726.68 is amended by changing the word "allotment" to "quota" in the last sentence of paragraph (v), and by revising paragraphs (d), (e), and (n) (1) as follows:

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§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

• • • • •

(d) *Filing and approval of transfer.* The transfer of part or all of a farm marketing quota shall not be effected unless a copy of the lease agreement is filed with the county committee of the county in which the farms are administratively located or with the county executive director in a county having a burley tobacco market. The transfer shall not be effective until the county committee or its designee (the county executive director or other county office employees) or, for leases filed outside the producing county, the county executive director or a county office employee designated by the county executive director determines the lease agreement to be in compliance with the provisions of this section. The county executive director or a designated county office employee in a market county shall be authorized to approve annual leases under the terms and conditions of this section, even though the farms involved (which must be located in the same county) are from outside the county, subject to the review of the county committee for the county where the farms are administratively located. The filing of a properly executed record of transfer of quota, Form ASCS–375, will be considered to meet the requirement of this paragraph.

(e) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section shall become effective unless a record of the transfer has been filed on Form ASCS–375 by February 15 of the current marketing year. If the owner(s) and operator of the farm from which transfer by lease is made are different persons, both owner(s) and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A State or county committee member or employee (of any State or county) must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

• • • • •

(n) *Limitation on transfer to and from a farm (subleasing).* (1) *Filed before August 1.* The county committee shall not approve any transfer filed for the current year before August 1 where, after approval, a transfer would be in effect both to and from the same farm: *Provided*, That a transfer may be approved where the quota is temporarily transferred from a farm subsequently combined with another farm that is otherwise eligible to receive quota by transfer.

• • • • •

2. Section 726.70 is amended by revising paragraph (a) to read as follows:

§ 726.70 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The State committee shall determine those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any of the tobacco marketing quota for any farm in the county. The county committee of each county affected by the determination shall publicize the determination.

• • • • •

3. Section 726.81 is amended by revising paragraphs (d)(2) and (f)(1) to read as follows:

§ 726.81 Issuance of marketing cards.

• • • • •

(d) • • •

(2) Toxaphene, endrin, DDT, or TDE was used on the tobacco produced on the farm after being transplanted in the field or after being harvested.

• • • • •

(f) (1) *Farm quota data entered on marketing card and supplemental card.* Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided*, That, if the tobacco available for marketing from the farm is determined by the county committee or the county executive director to be less than the effective farm marketing quota and the quota is not eligible to be transferred from the farm under the provisions of § 726.68, the pounds determined to be available for marketing for purposes of issuing a marketing card shall be considered the effective farm marketing quota for the farm; *And provided further*, That if any producer on the farm satisfies the county committee or county executive director that the production of tobacco on the farm exceeds the pounds of quota initially entered on the marketing card, the pounds may be increased but not to exceed 110 percent times the effective farm marketing quota: *Provided*, That where a farm marketing quota is transferred by lease to a farm having no farm marketing quota (basic quota), such entry shall be limited to the effective farm marketing quota.

• • • • •

5. Section 726.86 is amended by revising paragraph (c) to read as follows:

§ 726.86 Rate of penalty.

• • • • •

(c) (1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1970–71	72.2
1971–72	80.9
1972–73	79.2
1973–74	92.9
1974–75	113.7

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1971–72	54
1972–73	61
1973–74	59
1974–75	70
1975–76	85

6. Section 726.88 is amended by revising paragraph (d) to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others (excluding producers).

• • • • •

(d) *Dealer's tobacco.* The burley tobacco resales by a dealer (as shown or due to be shown on Form MQ–79), which are in excess of his total prior burley tobacco purchases (as shown or due to be shown on Form MQ–79) shall be considered to be a marketing of excess tobacco and penalty thereon shall be due at the time the marketing takes place which results in the excess. If the resale which results in penalty being due is made at auction, the warehouse shall deduct the penalty from the proceeds of the sale and shall remit the penalty to the marketing recorder. Penalty due which is not withheld by a warehouseman shall be remitted weekly by the dealer to the State office with his reports on Form MQ–79.

• • • • •

§ 726.89 [Amended]

7. Section 726.89 is amended by deleting the last sentence in paragraph (b).

8. Section 726.92 is amended by revising paragraph (e) to read as follows:

§ 726.92 Producer's records and reports.

• • • • •

(e) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though no quota was established for the farm) shall, upon written request by certified mail from the State or county committee, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report on the production and disposition of all tobacco produced on the farm by sending the same to the State or county committee showing, as to the farm at the time of filing such report: (1) The total harvested acres, (2) the pounds of tobacco

on hand and its location, (3) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid, and the date of marketings, and (4) the complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of an MQ–108, which is found by the State or county committee to be incomplete or incorrect shall, to the extent that it involves tobacco produced on the farm, constitute failure of the producer to account for disposition of tobacco produced on the farm and the quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county or State committee that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in the failure to furnish such proof.

• • • • •

9. Section 726.104 is revised to read as follows:

§ 726.104 Determination of use of DDT, TDE, toxaphene, or endrin.

(a) *Definitions.* DDT, TDE, toxaphene, and endrin are defined in 40 CFR 180.147; 180.187; 180.138; and 180.131, respectively.

(b) *Producer's report.* The operator, or any producer, on each farm producing burley tobacco shall file a report on MQ–38 (Burley) showing whether or not toxaphene, endrin, DDT, or TDE was used on the tobacco in the field or after being harvested. If the operator refuses to file a report on MQ–38 (Burley), all burley tobacco produced on such farm shall be considered by the county committee to have been treated with such a pesticide.

(c) *Producer's right to recertify.* Any producer on a farm shall have the right to recertify on MQ–38 (Burley) if the recertification is filed with the county committee prior to the time any tobacco has been marketed from the farm or a request has been made to collect a sample of cured leaves.

(d) *Collection of samples for chemical analysis.* Samples shall be collected at random from producer tobacco crops during weigh-in at the auction warehouse. Samples shall also be collected on any farm where the county committee has reason to believe the producer used toxaphene, endrin, DDT, or TDE on the tobacco and the producer certified to nonuse of these pesticides on the crop.

(e) *Producer refusal to permit sampling.* If a producer or producer representative refuses to permit the sampling of a tobacco crop, all tobacco of such crop produced on the farm shall be considered by the county committee to have been treated with DDT, TDE, toxaphene, or endrin.

(f) *Notice to farm operator.* A written notice shall be furnished to the operator of each farm for which the county committee determines that tobacco, after being transplanted or after being harvested was treated with DDT, TDE, toxaphene, or endrin. Such determination by the county committee shall be based on (1) the certification on MQ–38 (Burley) or (2) refusal to file MQ–38 (Burley), or (3) refusal to permit sampling, or (4) chemical analysis showing total parts per million of residue to be equal to or greater than:

(i) Three for DDT and/or TDE,
(ii) Five for toxaphene, or
(iii) One for endrin.

The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(g) *Producer's right to appeal.* Any producer on a farm who believes that the DDT, TDE, toxaphene, or endrin determination for the farm is not correct may file a request that the county committee reconsider such determination. The request for reconsideration must be submitted in writing and postmarked or delivered to the county committee within seven days after the date of mailing of the notice of determination. The request must be signed. If the appellant believes that the county committee's determination on such reconsideration is not correct, he may appeal to the State committee. The appeal must be submitted in writing and postmarked or delivered to the State committee within seven days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(Secs. 301, 312, 313, 314, 316, 318, 319, 362, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 48, as amended, 62, as amended, 75 Stat. 469, as amended, 80 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 85 Stat. 23, 70 Stat. 206, as amended, 72 Stat. 995, as amended, (7 U.S.C. 1301, 1312, 1313, 1314, 1314b, 1314d, 1314e, 1362, 1363, 1372–1375, 1377, 1378))

Effective date: December 3, 1975.

Signed at Washington, D.C., on November 24, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–32606 Filed 12–2–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regulations, Amdt. 8]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

General Regulations Governing Price Support for the 1970 and Subsequent Crops

Correction

In FR Doc. 75–30794, appearing at page 52995 in the issue for Friday, November 14, 1975, make the following changes:

1. In paragraph (c)(2) of § 1421.23 on page 52997, the last word in the sixteenth line, now reading "its", should read "his".

2. In paragraph (f)(2) of § 1421.23 on page 52997, the first figure in the second line, now reading "4½", should read "4¼".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–GL–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 34140 of the FEDERAL REGISTER, dated August 14, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vincennes, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

Because the amended transition area is already appearing on aeronautical charts and in the interest of safety, good cause exists to make this change effective immediately.

This amendment is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on November 25, 1975.

R. O. ZIEGLER,
Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

VINCENNES, INDIANA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36' 27" W.); within 3 miles each side of the

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186° bearing from the airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 352° bearing from the airport, extending from the 7-mile radius to 8 miles north; within 3 miles each side of the 102° bearing from the airport, extending from the 7-mile radius to 8 miles east; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'29" N., longitude 87°33'08" W.); and within 3 miles each side of the 258° bearing from the airport, extending from the 7-mile and 5½-mile radius area to 8 miles west of the airport, within a 5-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'24" N., longitude 87°43'34" W.); and within 3 miles either side of the 098° bearing from the airport, extending from the 5-mile radius area northeast to join the Lawrenceville and O'Neal radius areas.

[FR Doc.75-32708 Filed 12-2-75;8:45 am]

[Airspace Docket No. 75-GL-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 36777 of the FEDERAL REGISTER dated August 22, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Madison, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

Because the amended transition area is already appearing on aeronautical charts and in the interest of safety, good cause exists to make this change effective immediately.

This amendment is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on November 25, 1975.

R. O. ZIEGLER,
Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

MADISON, WISCONSIN

That airspace extending upward from 700 feet above the surface within an 11 mile radius of the Traux Airport (latitude 42°08'-15" N., longitude 89°20'10" W.); within 3 miles each side of the 181° bearing from the airport extending from the 11 mile radius area to 16 miles south of the airport; within 3 miles each side of the 315° bearing from the airport extending from the 11 mile radius area to 15.5 miles NW of the airport; within 3 miles each side of the 001° bearing from the airport extending from the 11 mile radius area to 17 miles N of the airport; within 3.5 miles each side of the 135° bearing from the airport extending from the 11 mile radius area to 17.5 miles SE of the airport; and within a 7 mile radius of the Morey Airport (latitude 42°07'00" N., longitude 89°32'-00" W.); within 3 miles each side of the 305° bearing from the airport extending from the 7 mile radius area to 8 miles NW of the airport.

[FR Doc.75-32709 Filed 12-2-75;8:45 am]

[Airspace Docket No. 75-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In FR Doc. 75-31198, appearing at page 53550, in the issue for Wednesday, November 19, 1975, the heading reading "Alteration of Transition Area" should read as set out above.

In the second line following the center heading "Haskell, Tex.", the distance reading "65.5-mile" should read "8.5-mile".

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

SUBCHAPTER B—EXPORT REGULATIONS

PART 379—TECHNICAL DATA

Specific Authorization To Reexport

The Technical Data Regulations are revised to conform 15 CFR Part 379 with the Export Administration Regulations as published by the U.S. Department of Commerce and available to subscribers from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Accordingly the Export Administration Regulations (15 CFR Part 379) are amended by revising § 379.8(c) to read as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.

* * * * *

(c) Specific authorization to reexport. (1) Submission of request for reexport authorization. Requests for specific authorization to reexport technical data or to export any product thereof, as applicable, shall be submitted on a Request To Dispose of Commodities or Technical Data Previously Exported, Form DIB-699P or IA-1145, to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement No. 1 to Part 374 on instructions for completing the form.) If Form DIB-699P is not readily available, a request for specific authorization to reexport technical data or to export any product thereof, as applicable, may be submitted by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead and contain all the information required by § 379.5(d). Authorization to reexport technical data or to export the product thereof, if granted, will generally be issued with a validity period of 24 months on Form DIB-699P, or by means of a letter from the Office of Export Administration. Any request for extension of the validity period shall be requested in accordance with § 374.5(b), and shall specify the period, not to exceed 24 months, for which additional validity is required.

(2) Return of reexport authorization. Reexport authorizations shall be returned promptly to the Office of Export Administration upon revocation, suspension, or expiration of the validity period. Used authorizations shall be returned when fully used. Unused and partially used authorizations shall be returned when the person authorized to reexport determines that he will not make any shipment, or further shipment, thereunder, or upon expiration of the authorization, whichever comes first. After the reexport of the technical data has been completed, the Office of Export Administration shall also be given a notice in writing indicating:

(i) When the technical data were reexported or when the technical services were rendered; and

(ii) Whether the reexport or service was total or partial.

(3) Reexports to Country Group Q, W, or Y. In addition, if the technical data had been reexported to Country Group Q, W, or Y, the written notice shall specify:

(i) The nature of the transaction; e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement, or the rendering of technical services;

(ii) The nature of the payment received, or to be received, by the U.S. exporter; e.g., pecuniary or other consideration; and

(iii) The actual or estimated price of the technical data reexported or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

(Sec. 3,63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945 and E.O. 11038.)

LAWRENCE J. BRADY,
Acting Director,
Office of Export Administration.

[FR Doc.75-32531 Filed 12-2-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. RM74-15; Order No. 541]

PART 35—FILING OF SCHEDULES

Fixed Rate Contract Provisions in Initial and Superseding Electric Rate Schedules

NOVEMBER 21, 1975.

By notice issued April 22, 1974, the Commission proposed to amend § 35.1 of its regulations under the Federal Power Act by requiring public utilities to include in their initial and superseding rate schedules certain specified language designed (a) to avoid the uncertainty and controversy caused by ambiguous contractual provisions as to whether certain contracts are in fact fixed rate contracts,[1] and (b) to eliminate "undue discrimination" where one customer receives service under a fixed rate contract while another customer's service is subject to the filing of unilateral changes by the seller.

The Commission set May 28, 1974, as the last day on which written comments would be received. Written comments from a number of utility companies, municipal electric systems, cities, and various associations and organizations interested in the proposed rulemaking were received.[2]

In addition, the Commission's notice provided for a public conference on the proposed rulemaking to be held on June 6, 1974. The public conference was attended by representatives of New England Power Company, the National Rural Electric Cooperative Association and 19 other cooperative organizations, and the American Public Power Association.

To facilitate the determination of whether a contract is in fact a "fixed rate" contract, the proposed rulemaking would have amended Section 35.1 of the Regulations to require utilities to include in initial and superseding rate schedules the specific language contained in either of two proposed provisions. Provision No. 1 would permit any party furnishing or receiving service to make a unilateral filing of changes in rates, charges, classification or service, or in any rule, regulation or contract relating thereto, or to petition for an investigation of existing rates, under Section 205 or 206. Provision No. 2 would provide for a fixed rate for a specified period, not subject to change under section 205, unless agreed to by all parties.

To eliminate "undue discrimination," the proposed rulemaking would have required the utility to file the same provision in all its rate schedules as was filed in its first rate schedule following implementation of the rule. This proposal evoked widespread criticism from the responding parties. A majority of the responding parties disapproved of this proposal because it would apply to all rate schedules of the utility, regardless of the type of service rendered. These parties recommended that the proposed rulemaking should apply only to those rate schedules for the sale of firm power for resale, as distinguished from those transactions such as pooling arrangements, economy exchanges, etc. generally found in interconnection agreements.

Another sizeable group of responding parties opposed this aspect of the proposed rulemaking, contending that it would illegally interfere with their freedom to contract.

The third criticism of this proposal was that the utility could possibly find one willing customer who would accept the option preferred by the utility, thereby forcing all other customers to accept the same provisions.

Based on our review of the comments received and the record established in this proceeding we conclude that the public interest would be best served by eliminating that portion of the proposed rulemaking which would have required the utility to file the same provision in all its rate schedules as was filed in its first rate schedule following implementation of the rule.

We further note that modification of provision No. 1 is necessary to reflect the fact that a purchaser's remedy to effect a rate change is available only under Section 206. This objective has been accomplished by deleting from this provision reference to possible action by the purchaser.

Our review of the written comments submitted by the parties and of the transcript of the public hearing has led us to believe that the proposed rulemaking, as revised herein, should be adopted.

The Commission finds: Good cause exists to adopt a new paragraph (d) of § 35.1 of the Commission's regulations under the Federal Power Act in order to aid the Commission in carrying out its regulatory responsibility under such Act to insure just and reasonable rates and the maintenance of adequate and reliable service to customers.

The Commission orders: Pursuant to section 553 of Title 5 of the United States Code and to Section 309 of the Federal Power Act, the Commission hereby amends its regulations under the Federal Power Act by redesignating the present subsection (d) under § 35.1, (Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations) "Application; obligation to file rate schedules" as paragraph (e) and adding the following as a new paragraph (d);

§ 35.1 Application; obligation to file rate schedules.

* * * * *

(d) This subsection shall not apply to rate schedule filings which were tendered for filing prior to March 1, 1976, nor to contracts executed prior to March 1, 1976. On of after March 1, 1976, for other than the above exceptions, if a public utility files with the Commission a rate schedule applicable to the transmission or sale of firm power for resale to an all-requirements customer, whether filed as an initial rate schedule in accordance with § 35.12 or whether filed as a change in accordance with § 35.13 where such change is to an existing rate schedule whose term has expired, or where the term is to be extended, such rate schedule shall contain one of the following provisions:

(1) "Nothing contained herein shall be construed as affecting in any way the right of the party furnishing service under this rate schedule to unilaterally make application to the Federal Power Commission for a change in rates, charges, classification, or service, or any rule, regulation, or contract relating thereto, under Section 205 of the Federal Power Act and pursuant to the Commission's Rules and Regulations promulgated thereunder."

(2) "The rates, terms and conditions of service specified herein shall remain in effect for the term of _____ or until _____, and shall not be subject to change through application to the Federal Power Commission pursuant to the provisions of Section 205 of the Federal Power Act absent the agreement of all parties hereto."

2. This rule shall become effective on March 1, 1976.

3. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX

PARTIES SUBMITTING COMMENTS ON RM74-15

Consolidated Edison Company of New York, Consumers Power Company, Georgia Power Company, Gulf Power Company, Louisiana Power and Light Company, New England Power Company, Northeast Utilities Companies, Northern States Power Company (Minnesota), Ohio Edison Company, Pennsylvania Power and Light Company, Public Service Company of Indiana, Public Service Company of Oklahoma, Southern California Edison Company, Southwestern Electric Power Company, Edison Electric Institute, Cities of Crawfordville, Frankfort, Logansport, Peru, and Washington, Indiana, American Public Power Association, National Rural Electric Cooperative Association, and 19 rural electric cooperatives, 2 municipal utility associations, and 1 consumer association serving cooperatives, municipals and public power districts.

[FR Doc.75-32473 Filed 12-2-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FAP5 H5066/T7, FRL 465-8]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Tebuthiuron

On December 12, 1974, the Environmental Protection Agency (EPA) announced (39 FR 43326) that Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206, had filed a food additive petition (FAP 5H5066). This petition proposed that 21 CFR 123 and 561 be amended to permit the experimental use of the herbicide tebuthiu-

[1] *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 322 (1956); *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). See also *United Gas Pipeline v. Memphis Light, Gas & Water Div.*, 358 U.S. 10 (1958).

[2] See Appendix for a complete list of parties submitting written comments.

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ron (N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea) on growing sugarcane with a tolerance of 0.3 part per million (ppm) in sugarcane syrup, molasses, and bagasse, in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The scientific data provided in the petition have been evaluated. Because residues of the herbicide will result in sugarcane syrup, molasses, and bagasse from the uses as provided for by the experimental use permit issued under FIFRA, it has been determined (1) that both 21 CFR 123 and 561 should be amended since sugarcane syrup and molasses may be used in both human food and animal feed, and (2) that the tolerances proposed by the petitioner will protect the public health. These actions by the Agency will permit Elanco Products Co. to:

1. Evaluate the efficacy of the herbicide on various weed species.

2. Obtain data on residue concentrations in sugarcane syrup, molasses, and bagasse resulting from application of tebuthiuron to growing sugarcane.

3. Market the sugarcane syrup, molasses, and bagasse produced from sugarcane which has been treated with tebuthiuron.

Any person adversely affected by this regulation may, on or before January 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401, M St. SW., Washington D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective December 3, 1975, Part 123 and Part 561 are amended as follows.

Dated: November 26, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Section 409(c)(1) & (4) of the Federal Food, Drug and Cosmetic Act [2] U.S.C. 346 (c)(1) & (4) transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623])

1. Part 123 is amended by establishing the new § 123.415 to read as follows.

§ 123.415 Tebuthiuron.

A tolerance of 0.3 part per million is established for residues of the herbicide tebuthiuron (N-[5-(1,1-dimethylethyl)-1,3,4 - thiadiazol - 2 - yl] - N,N' - dimethylurea) in sugarcane syrup and molasses resulting from application of the herbicide to growing sugarcane. Such residues may be present therein only as a result of application of the herbicide in an experimental use program which expires November 26, 1976. Residues not in excess of this tolerance remaining after expiration of this program will not be considered actionable if the herbicide is legally applied during the term and in accordance with the provisions of the experimental use permit/food additive tolerance.

2. Part 561 is amended by establishing the new § 561.317 as follows:

§ 561.371 Tebuthiuron.

A tolerance of 0.3 part per million is established for residues of the herbicide tebuthiuron (N-[5-(1,1-dimethylethyl)-1,3,4 - thiadiazol - 2 - yl] - N,N' - dimethylurea) in sugarcane syrup, molasses, and bagasse resulting from application of the herbicide to growing sugarcane. Such residues may be present therein only as a result of application of the herbicide in an experimental use program which expires November 26, 1976. Residues not in excess of this tolerance remaining after expiration of this program will not be considered actionable if the herbicide is legally applied during the term and in accordance with the provisions of the experimental use permit/feed additive tolerance.

[FR Doc.75-32613 Filed 12-2-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-798]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Brazoria County, Texas, Base Flood Elevations

On May 8, 1971, at 36 FR 8567, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portion of Brazoria County.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of Brazoria County, has determined that modification of the base (100-year) flood elevations of some locations in Brazoria County, Texas, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR 1916. For rating purposes, the new community number is 485458B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood elevations (as on map) (mean sea level)	New FIA zones	New base flood elevations (mean sea level)
A12	12	A3	5.5
A13	14	A3	5.5
A15	16	A3	5.5

These changes apply only within the following area:

All of the unincorporated part of Brazoria County within the confines of the U.S. Army Corps of Engineers Freeport and vicinity Hurricane Flood Protection Levee System and contained in the area bounded by Oyster Creek on the north and east, by the Dow Chemical Company's Barge Canal on the south, and by State Highway 288 on the west, specifically excluding the incorporated City of Clute and the Village of Oyster Creek.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

The Honorable E. E. Brewer, County Judge of Brazoria County, Brazoria County Courthouse, Angleton, Texas 77515.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to the Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended 39 F.R. 2787, January 24, 1974.)

Issued: November 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32574 Filed 12-2-75;8:45 am]

[Docket No. FI-797]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Glendora, California

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood hazards for the City of Glendora, California under Section 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the above named community.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: November 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32575 Filed 12-2-75;8:45 am]

[Docket No. FI-650]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Blairstown, Iowa

On August 11, 1975, in 40 FR 33676, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Blairstown, Iowa, as a community with special hazard areas and included Map No. H190320 01 which indicates that the proposed Housing for the Elderly Project, located on the West one-half of Block 5, Morris' Second Addition, Blairstown, Iowa, as recorded in Record No. 47, Page 13 in the office of the Recorder of Benton County, Iowa, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

Beginning at a point 392.4' East of the Northwest corner of Block 5 of Morris' Second Addition to Blairstown, Benton County, Iowa; thence East 100 feet, more or less, to a point; thence South 249.1 feet to a point; thence West 392.2 feet to a point; thence North 85 feet to a point; thence N 73°18' E, 52.20 feet; thence N 55°47', 60.46 feet; thence N 56°34' 30", 59.91 feet; thence N 65°18', 55.04 feet; thence N 64°21'30", 55.46 feet; thence N 51°29'30", 51.22 feet to the point of beginning.

is not within the Special Flood Hazard Area. Accordingly, effective September 19, 1975, Map No. H 190320 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32572 Filed 12-2-75;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-356]

Letter of Map Amendment for the City of Des Moines, Iowa

On September 12, 1974, in 39 FR 32893, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Des Moines, Iowa, as an eligible community and included Map No. H 190227A 09 which indicates that Lot 30, Waterbury Circle Subdivision, being 518 Waterbury Circle, Des Moines, Iowa, as recorded in Book 4523, Page 356 in the office of the Recorder of Polk County, Iowa, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective September 6, 1974, Map No. H 190227A 09 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32571 Filed 12-2-75;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-384]

Letter of Map Amendment for Hopkins County, Kentucky

On October 23, 1974, in 39 FR 37641, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Hopkins County, Kentucky, as a community with special hazard areas and included Map No. H 210112 02 which indicates that the proposed Water Supply Facilities for the City of Madisonville, Kentucky, located at Kentucky Route 370 and Bell-Gatlin Road, Ashbyburg, Kentucky, as recorded in Deed Books 160, 255, 274, and 311, Pages 584, 274, 653, and 535, respectively, in the office of the Clerk of the Court of Hopkins County, Kentucky, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the property as recorded in Deed Book 160, Page 584, Deed Book 255, Page 274, and Deed Book 311, Page 535, and a portion of the property recorded in Deed Book 274, Page 653, which can be further described as follows:

Beginning at a stake in the edge of Main Cross Street (now Highbanks Ferry Road) of Old Ashbyburg; thence with North line of Dennie Teague approximately 270 feet to a point; thence N 25° 30' E approximately 165 feet to K. M. Loyd's line; thence with K. M. Loyd's line approximately 230 feet to Main Cross Street (now Highbanks Ferry Road); thence with said street approximately 70 yards to the beginning,

are not within the Special Flood Hazard Area. Accordingly, effective October 18, 1974, Map No. H 210112 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32570 Filed 12-2-75;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-410]

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Anne Arundel County, Maryland, as an eligible community and included Map No. H 240008 52 which indicates that Lot 23, Block A, Cape St. Claire Deep Creek Subdivision, Section 1, Anne Arundel County, Maryland, recorded as Plat No. 1013, in Book No. 22, Folio 20 in the office of the Clerk of Anne Arundel County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Admin-

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istration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective November 15, 1974, Map No. H 240008 52 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32569 Filed 12-2-75;8:45 am]

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1975, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Anne Arundel County, Maryland, as an eligible community and included Map No. H 240008 67 which indicates that Lot 6, Beechwood on the Burley, being 1840 Burley Road, Anne Arudel County, Maryland, recorded as Plat No. 840, in Book No. 20, Folio 1 in the office of the Clerk of Anne Arundel County, Maryland, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective November 15, 1974, Map No. H 240008 67 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32582 Filed 12-2-75;8:45 am]

[Docket No. FI-800]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Oklahoma

On August 17, 1971, in 36 FR 15532, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tulsa, Oklahoma, as an eligible community and included Map No. H & I 405381 13, which indicates that Lots 4 through 7 and 11 through 13, Block 1; and Lots 2 through 5 and 17 through 22, Block 2, Tracy Terrace Second Addition, Tulsa, Oklahoma, as recorded in Plat No. 3348, in the office of the Clerk of Tulsa County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 2 through 4 and 17 through 22, Block 2, are within Zone C, and are not within the Special Flood Hazard Area. Lots 4 through 7 and 11 through 13, Block 1; and Lot 5, Block 2, are within Zone B, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective November 20, 1970, Map No. H & I 405381 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32581 Filed 12-2-75;8:45 am]

[Docket No. FI-443]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

On January 10, 1975, in 40 FR 2199, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Dallas, Texas, as an eligible community and included Map No. H 480171 01 which indicates that a portion of Lot 27–A, Block 1/8209, Bent Tree Addition, Dallas, Texas, as recorded in Volume 74019, Page 1793 in the Map Records of Dallas County, Texas, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective December 13, 1974, Map No. H 480171 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32580 Filed 12-2-75;8:45 am]

[Docket No. FI-257]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Plano, Texas

On May 6, 1974, in 39 FR 15874, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Plano, Texas, as an eligible community and included Map No. H 480140 05 which indicates that Lots 28 through 39, and 41 through 43, Block A, Bunker Hill Estates, Plano, Texas, as recorded in Volume 11, Page 60 in the office of the Clerk of Collin County, Texas, are located within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property, with the exception of the Floodway Easement as shown on the recorded plat map cited above, is not within the Special Flood Hazard Area. Accordingly, effective May 10, 1974, Map No. H 480140 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32579 Filed 12-2-75;8:45 am]

[Docket No. FI-803]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. 515525 13 which indicates that Lots 1 through 74 and Parcel B, Chesterfield News Section One, Fairfax County, Virginia, as recorded in Deed Book 4242, Page 253 through 264 in the office of the Clerk of the Court of Fairfax County, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32577 Filed 12-2-75;8:45 am]

[Docket No. FI-801]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 748, Kings Park West Section 10, being 5314 Stonington Drive, Fairfax County, Virginia, as recorded in Deed Book 3270, Page 26 in the office of the Clerk of the Court of Fairfax County, Virginia, and Lot 369, Kings Park West Section 6, being 10018 Whitefield Street, Fairfax County, Virginia, as recorded in Deed Book 3103, Page 715 in the office of the Clerk of the Court of Fairfax County, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: November 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32578 Filed 12-2-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-099]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Snake River, Washington

This amendment changes the regulations for the Interstate highway bridge across the Snake River between Lewiston, Idaho, and Clarkston, Washington, to provide certain periods when the draw shall open for the passage of vessels if at least two hours notice is given. This amendment was circulated as a public notice dated May 1, 1975 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-099) on April 30, 1975, (40 FR 18794). Included in this notice was a proposed change for the operation regulations for the Camas-Prairie railroad bridge across the Clearwater River, mile 0.6. Unresolved differences as to the operation requirements for this bridge dictate that this change, if made, be published at a later date.

Fifteen replies were received. Six either concurred in the proposal or offered no objection or no comment. Two were not related to the proposal. Of the seven that opposed this proposition, four objected to any restrictions on the opening of the draw, one objected to any restrictions on openings but suggested that a two hour advance notice at any time (except during rush hour vehicular traffic) would be acceptable, and two objected, but would accept one opening a day. After considering all comments, the Coast Guard feels that the reasonable needs of navigation and the corresponding needs of land traffic will be provided for. The elimination of four opening periods which the Coast Guard feels are not needed at this time should further facilitate the flow of both modes of traffic. This matter will be closely monitored and if further revisions of these regulations are needed, modifications may be made as required.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.762 immediately after § 117.760 to read as follows:

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§ 117.762 Snake River at Lewiston, Idaho, and Clarkston, Washington.

(a) *Idaho/Washington Interstate Highway Bridge, Mile 139.6.*

The draw shall open at the following times if at least two hours notice is given to the Washington State Department of Highways:

March 15 to November 15:
6 a.m., 10 a.m., 3 p.m., 7 p.m., 9 p.m.
November 16 to March 14:
9 a.m., 10 a.m., 2 p.m., 3 p.m.

(b) The owner of or agency controlling the bridge shall keep a copy of these regulations, and a notice stating how the advance notices are to be given conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on January 5, 1976.

Dated: November 26, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-32550 Filed 12-2-75;8:45 am]

[CGD 74-185]

PART 128—REGULATED NAVIGATION AREAS

Mooring Barges on the Mississippi River Between Miles 88 and 127 Above Head of Passes

● **Purpose. This amendment to the regulated navigation areas regulations adds requirements for the mooring of barges on the Mississippi River between miles 88 and 127 above the Head of Passes. This amendment regulates the mooring, operating, and fleeting procedures of barges during normal and flood stage conditions.** ●

Interested persons were given an opportunity to participate in the rule making by a notice that appeared in the February 4, 1975 issue of the FEDERAL REGISTER (40 FR 5165). In addition to receiving written comments on the proposed rules, a public hearing was held by the Coast Guard on February 19, 1975 to receive oral and written comments.

Comments made at the public hearing and all written comments submitted to the Coast Guard were considered in promulgating these final rules. The public docket on the rule making contains correspondence from approximately thirty-three commenters. All commenters suggested changes to the proposed regulations.

Many commenters stated that an inflation impact statement was necessary before the Coast Guard could promulgate these regulations. The Secretary of Transportation has issued Interim Guidance for the Preparation of Inflation Impact Statements, to comply with Executive Order 11821 and OMB Circular A-107. This guidance, submitted to the Office of Management and Budget for review, establishes criteria for considering the inflationary impact of major proposals for legislation and regulations.

The Coast Guard has determined that under these criteria, the regulations in this document are not a major proposal and a Negative Declaration has been prepared. Copies of the Economic Assessment and Negative Declaration are available upon request to the Executive Secretary (G-CMC/81), U.S. Coast Guard, Washington, DC 20590.

Several commenters stated that the wake created by passing vessels moving at high speeds cause moored barges to strain their moorings and break away. They requested that speed limitations be added to the proposed regulations. The purpose of the regulations in this document is to ensure that barges are moored adequately against the rigors of the environment, which includes the wakes from passing vessels. Since the concept of the regulations concerned the adequacy of moorings, a speed limitation requirement was not included at this time.

Many commenters suggested that a section allowing emergency deviation from the rules be added since, the commenters stated, no one would deviate in an emergency situation unless the regulations included such permission. Anyone may deviate from a rule in an emergency situation and the administrative agency takes this into consideration in assessment of the violation; however, in view of the requests received, the Coast Guard has added the section.

Several commenters expressed concern that LASH barges weren't considered under the proposed rules. LASH barges have been considered and must meet the requirements for barges. LASH barges that cannot meet the requirements in these regulations, but meet a standard of mooring that is found to be equivalent by the Captain of the Port, may be issued a waiver.

Some commenters requested that proposed § 128.1500 (redesignated § 128.801.1) be changed to include the entire Port of New Orleans. This would extend the lower limit to mile 82 instead of the proposed lower limit at mile 88. Since there are few barge breakaways occurring below mile 88, the Coast Guard did not adopt the suggestion at this time.

Proposed § 128.1503 (redesignated § 128.801.3) elicited a number of comments concerning the word "service" in the definition of "fleeting facility." "Service" connotes a "for hire" situation to a number of people. The Coast Guard rewrote the definition by stating that service includes either "for hire" or "not for hire" situations.

In response to other comments and recommendations, each definition in § 128.801.3 has been rewritten for clarification.

Some commenters were concerned that the regulations contained no appeal procedures. Civil penalty procedures, including appeal procedures, are contained in 33 CFR Subpart 1.07. Appeal procedures if a waiver has been denied are in new § 128.801.7.

Commenters stated that the requirement in proposed § 128.1507 (redesignated § 128.801.11), for barges to be secured at each corner, would prevent barges from being secured at the quarter cavals even if that would result in the safest mooring. Section 128.801.11 has been rewritten to allow moorings at fittings near each corner.

Commenters criticized proposed § 128.1509 (redesignated § 128.801.13) because it would require manual handling of 1¼" diameter wire rope to secure the downstream end of a barge after the upstream end is already secured with at least 1¼" diameter wire rope. As the slack decreases, the handling of this wire rope becomes more difficult. In addition, the Coast Guard determined that the proposed 1¼" diameter wire rope for the securing of the downstream end would give a minimal increase in the margin of safety. Accordingly, § 128.801.13 has been rewritten to allow the downstream end of a barge to be secured with a wire rope of at least ⅞" diameter.

One commenter suggested that the regulations should specify how many oarges may be safely moored side by side. This suggestion was not adopted. The mooring requirements in § 128.801.-11 through § 128.801.15 contain requirements considered necessary for the safe mooring of barges side by side, regardless of the number of barges in the tier. In addition, by the requirements in § 128.801.17, all mooring devices, wires, chains, lines, and connecting gear must be of sufficient strength and in sufficient number to withstand forces that may be exerted on them by the moored barges.

There were a number of comments on proposed § 128.1517 (redesignated § 128.-801.19). The commenters maintained that it would be difficult for a watchman to inspect inaccessible tiers. A Coast Guard study of breakaways shows that most breakaways occur after a towboat has added to, withdrawn from, or moved barges within a fleet. The inspection of moorings after each fleeting activity would prevent most barge breakaways. Accordingly, this section was not changed.

Proposed § 128.1519 (redesignated § 128.801.21) received several comments. The commenters apparently concluded that this regulation required every "in fleet" move to be logged. Since the requirement precisely lists the records required to be kept, no further clarification was considered necessary.

Proposed § 128.1521 (redesignated § 128.801.23) received numerous comments. The word "watchman" was unclear to several commenters. The words "person to be in continuance surveillance and to observe the barges in the fleeting facility" have been substituted for clarification. Commenters also questioned the phrase "constant surveillance." Commenters were concerned that the Coast Guard would require the person who observes to literally watch the barges every seoond that he is on duty. This section has been rewritten to require the person who observes the barges to stand an alert, attentive watch by detecting movements that are unusual for properly secured barges and taking immediate action to correct each deficiency. Instructions for waivers have also been included in this section.

Proposed § 128.1525 (redesignated § 128.801.31) requires the person in charge of a vessel engaged in the recovery of a breakaway to monitor and communicate on Channel 13 (156.65 MHz) VHF-FM. Commenters pointed out that vessels engaged in towing must be capable of transmitting and receiving Channel 13 by the requirements in 33 CFR Part 26, but shore based facilities are not allowed by the Coast Guard to transmit on Channel 13.

This is not a local prohibition, but rather, is a national policy being consistently pursued by the Coast Guard to preserve the Vessel Bridge-to-Bridge Radiotelephone frequency (Channel 13) for the purpose intended by Congress in the Vessel Bridge-to-Bridge Radiotelephone Act (33 USC 1201): "• • • to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station." Shore based facilities may utilize any appropriate and FCC authorized VHF-FM frequency, house frequencies or, as dictated by the situation, the international distress, safety, and calling frequency for the maritime mobile VHF radiotelephone service (Channel 16 (156.8 MHz)). Section 128.801.31 has been rewritten to allow the person in charge of a vessel engaged in recovery of a breakaway to monitor and communicate with other vessels and the Coast Guard on VHF-FM.

The Coast Guard has accepted a suggestion from commenters to change proposed § 128.1527(b) (redesignated § 128.-801.33(b)) by substituting "10 feet" for the proposed "8 feet" reading on the Carrollton Gage. In addition this change makes the requirements consistent with 33 CFR 207.200(c).

Proposed § 128.1529 (redesignated § 128.801.35) received many comments. The commenters stated that it was unrealistic and wasteful to require a towboat in attendance that performs no service other than await a free-drifting barge. The Coast Guard feels that the second towboat, required in the emergency regulations for the past two winter seasons was instrumental in preventing barge breakaways and capturing free-drifting barges. Accordingly, this requirement was not changed. Other commenters objected that only 5 or less barges were exempted from the requirements in § 128.801.35. The Coast Guard changed this section by having the requirements apply to eight or more barges. Instructions have been added for waivers.

Proposed § 128.1531 (redesignated § 128.801.37) also received numerous comments. The commenters stated that this section would force tows in the area to hold up in midstream until the low visibility lifted before they could moor. It is not the intention of the Coast Guard to create unsafe practices. Accordingly, this section has been rewritten to allow a tow to moor when the person in charge notifies the Captain of the Port of his intentions.

Commenters stated that the mooring of barges should not be permitted where the barges would abut river areas that adjoin residential developments or where water intake structures are located. Commenters also requested rules for the protection of the individual's right to peace and quiet. These suggestions could not be acted upon because they concern local zoning laws and police powers.

In consideration of the foregoing, the regulations proposed in the February 4, 1975 issue of the FEDERAL REGISTER (40 FR 5165) are hereby adopted subject to the changes as discussed in the preceding paragraph.

An environmental assesment with a negative declaration dated January 13, 1975 was prepared on the regulations in this document and was made available to the President's Council on Environmental Quality and the public. Copies are available upon request to the Executive Secretary (G-CMC/81), U.S. Coast Guard, Washington, DC 20590.

In consideration of the foregoing, 33 CFR Part 128 is amended by adding Subpart C to read as follows:

Subpart C—Mooring Barges on the Mississippi River Between Miles 88 and 127 Above Head of Passes

Sec.

128.801.1 Mississippi River.
128.801.3 Definitions.
128.801.5 Waivers.
128.801.7 Waiver appeals.
128.801.9 Emergencies.

MOORING

128.801.11 Mooring: General.
128.801.13 Mooring to a mooring device.
128.801.15 Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier.
128.801.17 Mooring: Person in charge.

SUPERVISION OF FLEETING FACILITIES

128.801.19 Fleeting facility:' Inspection of moorings.
128.801.21 Fleeting facility: Records.
128.801.23 Fleeting facility: Surveillance.
128.801.25 Fleeting facility: Person in charge.

BREAKAWAYS

128.801.29 Securing breakaways.
128.801.31 Radio communication during breakaway.

HIGH WATER

128.801.33 Applicability.
128.801.35 Fleeting facilities: Towboat attendance of barges.
128.801.37 Fleeting oprations during low visibility.

PENALTIES

128.801.39 Civil penalties.
128.801.41 Criminal penalties.

AUTHORITY: Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46 (n)(4).

§ 128.801.1 Mississippi River.

(a) The following is a Regulated Navigation Area—the waters of the Mississippi River between miles 88 and 127 above Head of Passes.

(b) Regulations for this Regulated Navigation Area appear in §§ 128.801.3 through 128.801.41.

§ 128.801.3 Definitions.

As used in this subpart:

(a) "Fleeting facility" means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(b) "Tier" means barges moored interdependently in rows or groups.

(c) "Fleet" includes one or more tiers.

(d) "Person in charge" includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher, or other person navigating, controlling, directing, or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet, or fleeting facility subject to the regulations in §§ 128.801.3–128.801.41.

(e) "Breakaway" means a barge that is adrift and is not under the control of a towing vessel.

(f) "Mooring device" includes a deadman, anchor, pile, or other reliable holding apparatus.

(g) "Mooring barge" or "spar barge" means a barge moored to mooring devices and to which other barges may be moored.

§ 128.801.5 Waivers.

(a) The Captain of the Port (COTP) may, upon written request except as allowed in paragraph (c) of this section, waive any regulation in § 128.801.11 through § 128.801.37 if he finds that the proposed operation can be conducted safely under the terms of that waiver.

(b) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(c) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(d) The COTP may at any time terminate any waiver issued under this section.

§ 128.801.7 Waiver appeals.

An applicant for a waiver that is denied by the COTP may appeal in writing to the District Commander, whose determination is final.

§ 128.801.9 Emergencies.

In an emergency, a person may depart from any regulation in § 128.801.11 through § 128.801.37 to the extent necessary to avoid immediate danger to persons, property, or the environment.

MOORING

§ 128.801.11 Mooring: General.

(a) No person may secure a barge to trees or to other vegetation.

(b) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn moorings.

(c) No person may moor barges side to side unless they are secured to each

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other from fittings as close to each corner of abutting sides as practicable.

(d) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

§ 128.801.13 Mooring to a mooring device.

(a) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device.

(b) Barges moored in tiers may be moored to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device.

(c) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼". Chain or line used between the upstream end of a barge and a mooring device must be of at least equivalent strength to 1¼" diameter wire rope.

(d) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ⅞". Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ⅞" diameter wire rope.

§ 128.801.15 Moorings: Barge-to-barge: barge-to-vessel: barge-to-wharf or pier.

The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by—

(a) Three parts of wire rope of at least ⅞" diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(b) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞" diameter wire rope; or

(c) Fixed rigging that is at least equivalent to three parts of ⅞" diameter wire rope.

§ 128.801.17 Mooring: Person in charge.

(a) The person in charge of a barge, tier, fleet, or fleeting facility shall ensure that the barge, tier, fleet, or fleeting facility meets the requirements in §§ 128.801.11 and 128.801.13.

(b) The person in charge shall ensure that all mooring devices, wires, chains, lines, and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

SUPERVISION OF FLEETING FACILITIES

§ 128.801.19 Fleeting facility: Inspection of moorings.

(a) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (b) of this section.

(b) The person assigned to inspect moorings shall inspect.

(1) At least twice during each day during periods that are six hours or more apart, each mooring wire, chain, line, and connecting gear between mooring devices and each wire, line, and connecting equipment used to moor each barge; and

(2) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(c) The person who inspects moorings shall take immediate action to correct each deficiency.

§ 128.801.21 Fleeting facility: Records.

The person in charge of a fleeting facility shall maintain and make available to the Coast Guard records containing the following information:

(a) The time of commencement and termination of each inspection required in § 128.801.19(b).

(b) The name of each person who makes the inspection required in § 128.801.19(b).

(c) The time of, date of, identification of, and presence of any hazardous cargo in each barge entering and departing the fleeting facility.

(d) The identification of each towboat that moves a barge into, within, or out of the fleeting facility.

NOTE: The requirements in § 128.801.21(c) for the listing of hazardous cargo refers to cargoes regulated by Subchapter D and O of Chapter I, Title 46, Code of Federal Regulations.

§ 128.801.23 Fleeting facility: Surveillance.

(a) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP. Alternative surveillance techniques permitting one observer to maintain the required observation over adjacent fleeting facilities may also be considered upon submission of a detailed proposal for a waiver to the COTP.

(b) The person who observes the barges shall:

(1) Inspect for movements that are unusual for properly secured barges; and

(2) Take immediate action to correct each deficiency.

§ 128.801.25 Fleeting facility: Person in charge.

The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of § 128.801.19 or § 128.801.23 is corrected.

BREAKAWAYS

§ 128.801.29 Securing breakaways.

The person in charge shall take immediate action to:

(a) Secure each breakaway; and

(b) Report each breakaway as soon as possible to the Captain of the Port, New Orleans, by telephone, radio, or other means of rapid communication.

§ 128.801.31 Radio communication during breakaway.

The person in charge of a vessel engaged in recovery of a breakaway shall monitor and communicate with other vessels and the Coast Guard on VHF–FM.

HIGH WATER

§ 128.801.33 Applicability.

Sections 128.801.35 and 128.801.37 apply to barges in the Mississippi River between mile 88 and 127 above Head of Passes during high water when:

(a) The Carrollton Gage stands 12 feet or more; or

(b) The Carrollton Gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and isuees orders directing that §§ 128.801.35 and 128.801.37 are in effect.

§ 128.801.35 Fleeting facilities: Towboat attendance of barges.

During high water, the person in charge of a fleeting facility must ensure compliance with the following requirements:

(a) Each fleet consisting of eight or more barges must be attended by at least one radar equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(b) Each fleet must have 2 or more towboats in attendance when:

(1) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains 8 or more barges; or

(2) Barges are added to the fleet and the number of barges being added and the fleet at the start of the operation total 8 or more.

(c) Each towboat required in paragraphs (a) and (b) of this section must be:

(1) Capable of safely withdrawing, moving, or adding each barge in the fleet;

(2) Immediately operational;

(3) Radio equipped; and

(4) Within 500 yards of the barges.

(d) The person in charge of each towboat required in paragraphs (a) and (b) of this section shall maintain:

(1) A continuous guard on Channel 13 (156.65 MHz) VHF–FM; and

(2) When moored, a continuous watch on the barges in the fleeting facility.

(e) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (a) of this section shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

§ 128.801.37 Fleeting operations during low visibility.

During high water when visibility is reduced to less than two hundred yards:

(a) Tows may not be assembled or disassembled;

(b) No barge may be added to, withdrawn from, or moved within a fleet except:

(1) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(2) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(c) No person in charge of a tow arriving in this regulated navigation area may moor unless he notifies the COTP of his intentions.

PENALTIES

§ 128.801.39 Civil penalties.

33 U.S.C. 1226 prescribes that whoever violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 is liable to a civil penalty of not more than $10,000.

§ 128.801.41 Criminal penalties.

33 U.S.C. 1227 prescribes that whoever willfully violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years, or both.

(Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46 (n)(4))

Effective date. This amendment is effective on January 2, 1976.

I certify that the rules for mooring barges on the Mississippi River between miles 88 and 127 above Head of Passes is not a major proposal in accordance with Executive Order 11821, dated November 27, 1974, and Departmental implementing instructions.

Dated: November 24, 1975.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.75-32551 Filed 12-2-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Safeguarding Personal Information in Veterans Administration Records

On page 14783 of the FEDERAL REGISTER of April 2, 1975, there was published a notice of proposed regulatory development adding a new § 1.575 in Title 38, Code of Federal Regulations, to implement section 7, Pub. L. 93–579 (88 Stat. 1897) of December 31, 1974, as it affects the Veterans Administration. Section 7, Pub. L. 93–579 makes it unlawful with certain exceptions for any Federal, State, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose a social security number. It further provides that any Federal, State, or local government agency which requests an individual to disclose a social security number shall inform that individual whether such disclosure is mandatory or voluntary; by what statutory or other authority such number is solicited and what uses will be made of it. Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed regulation.

Six letters of comment were timely received by the Veterans Administration. One letter supported the entire regulation; the remaining five letters offered a number of specific comments.

The Acting Executive Director of the Domestic Council Committee on the Right of Privacy commented that the regulation should be clarified in four respects. First, he stated that paragraph (b)(1) of the proposed section asserts that the Veterans Administration might discriminate against individuals who do not willingly divulge their social security numbers by delaying action on their requests for benefits. (Another respondent also articulated the same objection.) The language used in the proposed regulation was not meant to imply any discriminatory action toward claimants who refuse to make voluntary disclosure of their social security numbers. It referred rather to the fact that determinations of entitlement to veterans' benefits are based on information in military service records, many of which are maintained in social security numbered files in records depositories. Essential information concerning the character of a veteran's military service is available to the Veterans Administration only by reference to the veteran's service records. The promptness with which the Agency can assemble records necessary in adjudicating claims or providing medical treatment may therefore, be enhanced when the veteran's social security number under which relevant service records may be filed can be given to the military records depository. To prevent misunderstanding, § 1.575 is amended to delete the reference to delay.

His second comment expressed concern related to paragraph (b)(2) wherein the individual is informed that the Veterans Administration may obtain an individual's social security number elsewhere if it is not voluntarily disclosed. He felt that the individual's refusal to disclose a social security number would be a meaningless gesture if the agency representative to whom it was refused succeeds in obtaining it elsewhere. His third concern related to the second clause in paragraph (b)(2)—the assertion that the social security number may be necessary for developing certain evidence and documentation. Fourthly, he stated that the description of uses in paragraph (b)(3) should identify the Veterans Administration programs in which the social security number is used and also the instances in which the number is used to locate and obtain records held by other agencies. We believe that the rewritten version of § 1.575 will satisfy the above-stated objections. The Veterans Administration needs to procure certain information from military records in order to verify a claimant's entitlement to benefits; but at no time is the Veterans Administration unwilling to process an application for benefits because of a claimant's refusal to disclose a social security number. Rather, such refusal to disclose presents a situation in which the Veterans Administration is unduly delayed in processing an application because of an inability to secure promptly the requisite service information from a filing system based on social security numbers. In such an instance, the Agency would attempt to learn the social security number from an alternate and official source so that action on the application can proceed.

A commenter asserted that the proposed regulation is without merit and should be voided in the best interest of veterans and the government. This respondent contended that the use of the social security number as an individual's unique identifying number should be encouraged in the interest of efficient government operations.

Another commenter urged the Agency to reconsider using the social security number as a veteran's identifying number on Veterans Administration records. Reference was made to the fact that the Veterans Administration has an already-established system for assigning unique numbers, other than social security numbers, to claimant's records. Attention was drawn to the fact that the Veterans Administration has historically assigned "C-numbers" (claim numbers) to applications for benefits administered by the Agency. The commenter further stated that there is no justification for the Veterans Administration to have access to a non-VA data base which is accessed by use of a universal number such as an individual's social security number. The assertion was made that no delay in processing claimant's applications would then result from an individual's refusal to disclose a social security number. As is stated above, it must be emphasized that the Veterans Administration needs to procure certain information from military records in order to verify a claimant's entitlement to benefits. It must also be understood that increasing volumes of service records are now maintained in social security numbered files in records depositories. The situation is not one in which the Veterans Administration has chosen to make use of social security numbers as prime identifiers; rather, it is one in which requisite information contained in military records frequently is available to the Veterans Administration only by reference to a veteran's social security number. Thus, the ability of the Agency to expeditiously process applications for benefits is impaired when a claimant refuses to disclose a social security number. Agency action on applications can indeed be delayed.

The Veterans Administration converted to use of the social security number as the prime numerical identifier of patient records on January 1, 1966 and of certain financial benefit records on July 1, 1973. These conversion actions were taken because of the circumstances described above and in order to implement a proposal emanating from the Office of Management and Budget.

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One of the other commenters sought to learn if the requirements of § 1.575 will become a part of all Federal programs. A written reply from the Agency explained that the section in question will implement the law with respect to social security numbers in veterans' benefits matters. The letter went on to explain that Section 7 of the Privacy Act of 1974 declares it unlawful for any Federal, State, or local government agency to deny to any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose a social security number.

Another person commenting suggested that lines 7 and 8 of paragraph (b) be rewritten to read: "will be counseled or advised in writing that:". The commenter stated that it may be advantageous to have written evidence that an individual has been counseled concerning voluntary disclosure of a social security number; it was suggested further, that written proof might prove useful when an individual states oral counseling has not been received when in fact it was given. The Agency concurs in this comment; however, implementing directives, rather than this section, will require that oral counselors furnish each individual counseled a printed statement concerning the Agency's solicitation and use of the social security number in much the same format as will be included on applications for benefits or other solicitations forwarded by mail.

As noted above, paragraph (b) of the proposed § 1.575 in Title 38, Code of Federal Regulations, is therefore revised by the substitution of a new paragraph (b). An editorial change, for purposes of clarity, is made to the former paragraph (b)(3). The center head and accompanying note are deleted.

Effective date. This VA Regulation is effective December 31, 1974.

Approved: November 26, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

A new § 1.575 is added to read as follows:

§ 1.575 Social security numbers in veterans' benefits matters

(a) No one will be denied any right, benefit, or privilege provided by law because of refusal to disclose to the Veterans Administration a social security number.

(b) Anyone requested by the Veterans Administration to disclose a social security number will be advised, as prescribed by § 1.578(c), that disclosure is voluntary, that it is solicited under authority of title 38, United States Code, and that it will be used in the identification of veterans and their records in the administration of veterans' benefits.

[FR Doc.75-32454 Filed 12-2-75;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

Disability Rating Determinations

On pages 45854 and 45855 of the FEDERAL REGISTER of October 3, 1975, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to disability rating determinations. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One written comment on the proposed change was received: This comment was directed to § 3.157(b)(2), Title 38, Code of Federal Regulations. It suggested that the proposed amendment would eliminate the requirement that evidence from a private physician be verified by official examination prior to granting benefits for service-connected disability compensation. The regulatory amendment as published does not affect the meaning of the section. The change is editorial in nature and § 3.157(b)(2) continues to state that the only exceptions to the requirement, that a statement of a private physician be verified by official examination, are those listed in the proposed amendment to § 3.326(d). Since § 3.326(d) does not list service-connected disability compensation as an exception, such cases still require verification by VA examination.

For this reason the proposed amendment is hereby adopted without change and is set forth below.

Effective date. Sections 3.157, 3.314 and 3.326 are effective November 26, 1975. The amendment to § 3.315 is effective May 7, 1975, the date designated by Presidential Proclamation 4373 as the last day of the Vietnam era.

Approved: November 26, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

1. In § 3.157, paragraph (b)(2) and (3) is revised to read as follows:

§ 3.157 Report of examination or hospitalization as a claim for increase or to reopen.

* * * * *

(b) * * *

(2) *Evidence from a private physician or layman.* The date of receipt of such evidence will be accepted when the evidence furnished by or in behalf of the claimant is within the competence of the physician or lay person and shows the reasonable probability of entitlement to benefits. Except where the statement of a private physician meets the requirements of § 3.326(d), the evidence must be verified by official examination prior to granting benefits.

(3) *State and other institutions.* When submitted by or on behalf of the veteran and entitlement is shown, date of receipt by the Veterans Administration of examination reports, clinical records, and transcripts of records will be accepted as the date of receipt of a claim if received from State, county, municipal, recognized private institutions, or other Government hospitals (except those described in paragraph (b)(1) of this section). These records must be authenticated by an appropriate official of the institution. Benefits will be granted if the records are adequate for rating purposes; otherwise findings will be verified by official examination. Reports received from private institutions not listed by the American Hospital Association must be certified by the Chief Medical Officer of the Veterans Administration or physician designee.

2. In § 3.314, paragraphs (a)(2) and (b)(1) and (2) are revised to read as follows:

§ 3.314 Basic pension determinations.

(a) * * *

(2) Veterans entitled to pension on the basis of service in the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100 percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d). (38 U.S.C. 502(b), (c), 512).

(b) *Mexican border period and later war periods.* Non-service-connected disability and death pension may be paid based on service in the Mexican border period, World War I, World War II, the Korean conflict and the Vietnam era. Rating determinations in such claims will be required in the following situations:

(1) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521(g)(2)) unless, in the case of death pension, the veteran was, at the time of death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability. (38 U.S.C. 541(a) and 542(a))

(2) Determinations of permanent total disability for pension purposes will be based on non-service-connected disability or combined non-service-connected and service-connected disabilities not the result of willful misconduct or vicious habits. However, for pension under Public Law 86-211 (73 Stat. 432), permanent and total disability will be presumed where the veteran has attained age 65. (38 U.S.C. 502(a), 523(a)).

* * * * *

3. In § 3.315, paragraphs (b) and (c) are revised to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

* * * * *

(b) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301 (gg) and 36.4501 (o) of this chapter, eligibility of the veteran for a loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964, or after May 7, 1975, are subject to the presumption of aggravation under § 3.306(a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability.

(38 U.S.C. 1802, 1818)

(c) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty, as defined in § 21.1040 of this chapter, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he or she had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304(b) and aggravation under § 3.306(a) and (c), based on service rendered on or after February 1, 1955 and before August 5, 1964, or after May 7, 1975, and under § 3.306(b) based on service rendered during the Vietnam era.

(38 U.S.C. 1652(a))

4. Section 3.324 is revised to read as follows:

§ 3.324 Multiple noncompensable service-connected disabilities.

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating.

5. In § 3.326, paragraphs (a) and (d) are revised to read as follows:

§ 3.326 Examinations.

(a) Where the reasonable probability of a valid claim is indicated in any claim for disability compensation or pension, whether as an original claim, a reopened claim, or a claim for increase, including claims for benefits under the situations set forth in § 3.351 (d) and (e) and for benefits based on the need of a veteran, widow, widower, or parent for regular aid and attendance and for benefits based on a child's incapability of self-support, a Veterans Administration examination will be authorized.

* * * * *

(d) A statement from a private physician may be accepted for rating the pension claim of a veteran, widow, or widower, a claim for aid and attendance allowance by a widow, widower, or parent, or a claim by a child based on permanent incapability of self-support, without further examination where it includes clinical manifestations and substantiation of diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays and laboratory tests as appropriate, and is otherwise adequate for rating purposes.

[FR Doc.75-32455 Filed 12-2-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS AND GUIDELINES

[FRL 463-5]

PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Amendment to Regulations—Butadiene

The Environmental Protection Agency today amends the effluent limitations and guidelines with respect to the discharge of water pollutants generated in the manufacture of butadiene by the dehydrogenation of n-butane and subsequent oxidative-dehydrogenation of n-butene or butylene. (In some cases, a manufacturer may purchase rather than make an intermediate product such as butene. As long as the manufacturer uses the process involving oxidative-dehydrogenation of n-butene or butylene, it is covered by today's amendment.)

On Thursday, April 25, 1974, notice was published in the FEDERAL REGISTER of the adoption by the Environmental Protection Agency of effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the major organic products segment of the organic chemicals manufacturing point source category (40 C.F.R. 414). This notice was published pursuant to Sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500 the "Act").

On June 12, 1974, a notice was published in the FEDERAL REGISTER (30 FR 20597) of corrections to portions of Part 414. Among these corrections were modifications to the regulations with respect to the manufacture of butadiene.

On September 9, 1974, the Petro-Tex Chemical Corporation and the Phillips Petroleum Company petitioned for review of the organic chemicals manufacturing effluent limitations and guidelines insofar as those regulations address the manufacture of butadiene by the oxidative-dehydrogenation of butane (U.S. Court of Appeals for the Fifth Circuit, No. 74-3306).

Concurrent with the filing of the petition for review, the petitioners asked the Environmental Protection Agency to reconsider those regulations being challenged in the Court of Appeals. The Agency agreed to this reconsideration and joined in a motion to the Court to defer formal proceedings pending outcome of the reconsideration process. EPA published in the FEDERAL REGISTER on April 16, 1975 (40 FR 17041) a notice of reconsideration of the regulations. In addition, EPA sent to manufacturers of butadiene, letters (pursuant to Section 308 of the Act) requesting detailed information relating to those manufacturing processes. The Agency has received substantial information from the recipients of those letters.

Based on information received in these letters, the Agency determined that the potential economic impact of the promulgation of these effluent limitations is minimal. In addition, it was found that none of the criteria for which Inflationary Impact Statements are required are met by the promulgation of these effluent limitations.

In addition to undertaking a review of the regulations relating to the manufacture of butadiene, the Agency staff has reviewed substantial submissions of data in connection with four other product-process lines included in the major organic products segment of the organic chemicals manufacturing point source category. By notice published August 15, 1975, (40 CFR 34409) the Agency indicated that it intends to modify the methodology used to develop the regulations for all of the product-process lines included in the major organic products segment. The reader should consult that notice for a thorough description of the probable change in regulatory methodology. The amendment announced today is consistent with the overall methodology set forth in that notice.

Pursuant to a court order issued by the United States Court of Appeals for the Fifth Circuit in case No. 74-3306, the amendment announced today relates only to effluent limitations and guidelines based upon best practicable control technology currently available. On these regulations the industry petitioners and the Agency agree. In the near future, EPA will propose amendments covering

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best available technology economically achievable and new source performance standards.

The amendment announced today employs a numbering system which is consistent with changes proposed on August 15, 1975 (40 FR 34409), which changes will be finalized within the next two months.

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 414 Organic Chemicals Manufacturing Point Source Category, Subcategory B, Manufacture of Butadiene is amended to read as set forth below. Proposal of this amendment was not published because of the need to meet deadlines contained in the court approved stipulation and in order to promptly resolve the litigation and end uncertainty concerning these regulations. The Agency, therefore, believes that good cause exists for the elimination of proposal and public comment prior to promulgation. The final regulation is promulgated as set forth below and shall be effective January 2, 1975.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

The following changes are made, effective immediately:

1. In § 414.22(b), delete the phrase "butadiene (oxidative-dehydrogenation of butylene)".

2. Amend § 414.22 by adding paragraph (e):

§ 414.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of butadiene (by the dehydrogenation of butane followed by the oxidative-dehydrogenation of butene to butadiene) by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Pounds per 1,000 lb product or kilograms per 1,000 kg of product	
BOD5	2.3	1.0
TSS	2.3	1.0
pH	Within the range 6.0 to 9.0.	

[FR Doc.75-32333 Filed 12-2-75;8:45 am]

[FRL 463-4]

PART 414—EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Reconsideration of Ethylene Oxide, Ethylene Glycol, Methyl Amines and Oxo Chemicals Processes

The Environmental Protection Agency today establishes final amendments to regulations for the manufacture of ethylene oxide, ethylene glycol, methyl amines and oxo chemicals production subcategories of the organic chemicals manufacturing point source category. A notice of proposed amendments to these regulations appeared in the FEDERAL REGISTER on August 15, 1975 (40 FR 34409).

On April 25, 1974, the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., promulgated effluent limitations guidelines for the Organic Chemicals Manufacturing Point Source Category (39 FR 14576) creating a new part 414 of 40 CFR Chapter I, Subchapter N. These regulations included limitations on discharges from the following manufacturing processes: ethylene oxide and methyl amines (40 CFR 414.20, 414.23 and 414.25) and ethylene glycol and oxo chemicals (40 CFR 414.30, 414.33 and 414.35).

Several corporations soon thereafter filed petitions for review with the United States Court of Appeals for the Fourth Circuit (No. 74-1459 etc.). On October 1, 1974, the Court ordered all the actions consolidated into two groups, the first group relating to effluent limitations and the second group relating to standards of performance for new sources. On October 7, 1974, the Court granted a joint motion and stipulation to sever consideration of Pretreatment Standards for New Sources and to defer consideration of Pretreatment Standards for New Sources until Pretreatment Standards for existing sources were promulgated.

On September 6, 1974, the DuPont Company requested that EPA reconsider regulations as they pertain to methyl amines. On September 20, 1974, in reliance on representations that substantial additional information would be forthcoming, EPA entered into a stipulation and joint motion to the Court, calling for the review by EPA of data the Petitioners had supplied and were to supply, with respect to the production of methyl amines. Under this stipulation and motion, which was granted by the Court on November 19, 1974, EPA was to make a determination on the basis of the new data, and recommend regulations for control of discharges resulting from production of methyl amines. On this basis, methyl amines were segregated from other processes at issue before the Court.

On September 18, 1974, the Celanese Chemical Company requested EPA to reconsider the regulations for ethylene oxide. On September 27, 1974, Union Carbide Corporation requested that the regulations for the ethylene glycol and ethylene oxide processes be reconsidered. On October 3, counsel for Exxon Chemical Company and Union Carbide Corporation asked for reconsideration of the limitations for the oxo chemicals manufacturing process. On the basis of representations from the companies noted above, and others, that substantial new data would be forthcoming, EPA joined in a stipulation and motion for reconsideration of the effluent limitations guidelines and new source performance standards for ethylene oxide, ethylene glycol, and oxo chemicals, which stipulation called for issuance of a determination respecting these manufacturing process lines by January 15, 1975, and for removing these categories from the cases before the Court for review. This motion was granted on November 19, 1974.

In early November EPA sent letters to manufacturers of all four chemicals under review at that time, requesting detailed information that would be useful in review of the existing regulations for those manufacturing processes. In response to these letters and as part of the general review some additional data was provided to EPA. This information was insufficient for EPA to determine that changes to the existing regulations were warranted. The industry representatives agreed that the data was insufficient and that additional data was necessary, and requested additional time to collect and submit these data.

In January, 1975, EPA sent letters to manufacturers of the four chemicals being reconsidered, requesting additional information, citing section 308 of the Federal Water Pollution Control Act as authority for EPA to require discharger to submit information for the purpose of developing effluent limitations guidelines. On January 27, 1975, the industry petitioners and EPA filed with the Court a joint motion and stipulation to extend the time for completion of reconsideration and issuance of a determination as to all four chemicals, to April 1, 1975. This motion was granted on January 29, 1975.

During February and March, 1975, the active industry petitioners in the cases pending before the Court of Appeals for the Fourth Circuit asked for additional time to develop and submit data. EPA agreed with petitioners that if substantial new information were submitted, EPA also would require additional time to review it. The information that had been submitted to the Agency was too fragmented to provide a legitimate basis for revising the existing effluent limitations guidelines. The Court ordered that any additional information must be submitted to EPA by June 10, 1974, and that EPA was to complete its review of the information by July 31, 1975. It was in compliance with that order that EPA published the notice of proposed rulemaking which appeared in the FEDERAL REGISTER on August 15, 1975 (40 FR 34409).

I. SUMMARY OF COMMENTS

Comments were received from the following sources in response to the August 15, 1975 notice:

Air Products and Chemicals Corporation; Allied Chemical Corporation; BASF Wyandotte Corporation; Celanese Corporation; Cities Service Oil Company; Cleary, Gottlieb, Steen and Hamilton; Dow Chemical Company; E. I. DuPont de Nemours and Company; ICI United States, Incorporated; Monsanto Corporation; Northern Petrochemical Company; Olin Corporation; Oxochem Enterprise Company; PPG Industries, Incorporated; Rohm and Haas Company; Shell Oil Company; Sun Olin Corporation; Texas Eastman Company; and Union Carbide Corporation.

The summary of the major comments and responses follows:

1. The Air Products and Chemicals Company commented that an erroneous statement appeared on page 34414 of the August 15, 1975 FEDERAL REGISTER Notice: "* * * Air Products and Chemicals Company responded that (it) no longer manufacture(s) this product (methyl amines)."

The Agency acknowledges that this statement is erroneous and that the Air Products and Chemicals Company does manufacture methyl amines on a campaign basis. Raw waste load data was not available from the Air Products and Chemicals methyl amines process since its production schedule would not permit the collection of data within the Agency's established timetable.

2. The DuPont Corporation provided extensive comments concerning the interpretation and application of data from its Houston, Texas and Belle, West Virginia plants. DuPont suggested that the raw waste load values for the Houston and Belle plants be increased approximately 300 percent to account for less efficient operation of distillation equipment.

The raw waste load data for methyl amines production at the Belle, West Virginia plant was included in the data base for methyl amines effluent limitations and standards. The suggestion that raw waste loads per unit of production be increased approximately 300 percent was evaluated and is rejected. Evaluation of the suggested higher raw waste load levels indicated that the BOD5 effluent limitations and standards for BPCTCA (1977), BATEA (1983) and new sources would be unaffected since the limitations are controlled in this case by limiting values of effluent concentrations. The effluent limitation for the COD pollutant parameter would be higher for the BATEA (1983) if the suggested higher raw waste loads were used. The data available to the Agency indicate that the loss in distillation efficiency as a function of the higher production rate is the result of undersized distillation equipment and that this can be readily remedied by installation of additional distillation capacity to the process by 1983. Thus, the Agency has not changed the regulation.

3. Several commenters stated that the methodology in calculating raw waste loads on the average of the best plants does not account for factors such as age, size of plant and mechanical differences in the processes. It was suggested that either all plants be considered in the average or separate subcategories be established to account for those processes with higher raw waste loads.

Both as part of the extensive reconsideration which preceded today's promulgation and in the original consideration of Phase I organic chemicals regulations, factors such as age, size of plant, mechanical differences were examined to determine if there are reliable relationships with raw waste loads. The Agency concluded that these factors were not, for various reasons, a basis for subcategorization. One of the major reasons is that although a plant may structurally be quite old, the industry follows a practice of replacing equipment and making process and equipment modifications at frequent intervals. Unlike some other industrial categories, the facilities with the highest raw waste loads were not uniformly the oldest plants. The size of plants does not affect raw waste load per unit of production in a uniform fashion.

4. The Texas Eastman Company commented that the raw waste load data attributed to their plant for the ethylene oxide and ethylene glycol processes were incorrectly calculated.

The unit raw waste loads for the Texas Eastman plants for ethylene oxide and ethylene glycol were incorrectly interpreted from the data which was made available to the Agency. Corrected unit raw waste loads supplied by the commenter have been substituted in the calculations for the average of the best plants, where applicable.

5. PPG Industries (Houston Chemical Company) and several commenters noted that the Houston Chemical raw waste load for ethylene glycol contains process waste water from the ethylene oxide process. It was suggested that the Houston Chemical data not be considered in the calculations for ethylene oxide and ethylene glycol since these process wastes are combined.

The Houston Chemical plant raw waste loads for ethylene oxide were understated and the raw waste loads were overstated for the ethylene glycol process. These data points were not used in the calculation of the average of the best plants.

6. The Cities Service Oil Company (Citgo) commented that the data submitted to the Agency for the Lake Charles, Louisiana ethylene oxide and ethylene glycol plants should be deleted from the data base since the BOD5 data is too low and may be in error.

The Agency finds little substantive reason to allow deletion of the raw waste load data submitted to it from the Citgo ethylene oxide and ethylene glycol processes. The Citgo submission of March 21, 1975 states "that the BOD5 data could possibly be too low". The Agency concludes that these BOD5 data as analyzed by the industry commenter cannot be correlated with recent COD data submitted. EPA therefore concludes that the industry analytical system was faulty. The data from Citgo was not used in the raw waste load calculations.

7. Many commenters disagreed with the use of raw waste load data from plants that have unusually high COD to BOD ratios. It was suggested that only those plants, which have a COD to BOD ratio below approximately 2.5 should be considered.

The Agency has attempted to use all available industry supplied data which have been represented to be correct by the company supplying it. One of the major criticisms of earlier Agency organic chemicals regulations was the alleged lack of a sizable data base. There is reason to believe that one would encounter a range of BOD to COD ratios from varying process operations. Efforts to firmly discern a specific value of the relationship of COD to BOD to raw waste load reliability have been unsuccessful.

8. Several commenters disagreed with the Agency's use of 93 percent reduction of the raw waste load (limited by a 20–30 mg/l range) and a maximum reduction of 99 percent. Some commenters suggested a lower reduction of 85 percent and others suggested that a fixed percent reduction be applicable to the raw waste load.

Evaluation of the data base indicates that a fixed percentage reduction without an appropriate minimum and maximum range would be unreasonably restrictive for some product-process segments and overly liberal for others. The Agency's approach establishes a lower concentration of 20 mg/l so as not to be overly restrictive to cleaner plants and an upper limit of 99 percent at 30 mg/l. The maximum reduction establishes a reasonable limit at which the BPCTCA technology model can be expected to perform. The average reduction factor for the industry of 93 percent whenever the resulting effluent concentration is between 20–30 mg/l is a reasonable figure based on the performance of similar treatment systems in this industry.

9. Several commenters suggested that the Agency's BATEA effluent limitations which are based on the addition of activated carbon technology to a model represented by biological treatment be deferred to a later date (1980) pending further evaluation and demonstration of the activated carbon technology for individual plants. It is suggested that the Agency's data base is inadequate, the required reductions are overly restrictive and the cost effectiveness questionable.

Activated carbon treatment has been demonstrated to be a viable technology (either alone or in combination with biological treatment) for removal of dissolved organic chemical pollutants which are resistant to biological oxidation. It is well established that the effectiveness of carbon treatment increases as the proportion of high molecular weight compounds increases. In this respect carbon adsorption technology is complementary to the biological treatment systems (1977 Standard). Activated carbon treatment may also be utilized as an in-process control, for byproduct recovery, pretreatment of toxic and biorefractory pollutants and reduction of raw waste loads to the biological treatment system. It must

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be emphasized that the 1983 BATEA limitations do not require use of any one technology. Some facilities found it possible to reduce waste loads and improve treatment by use of recycle water systems and in-plant modifications.

10. The Union Carbide Corporation commented that studies of activated carbon treatment of biological treatment plant wastes at organic chemical plants indicate positive results. Union Carbide suggested that 40 percent reduction of BOD and 50 percent COD were reasonably achievable reductions for add-on carbon treatment systems.

The Union Carbide data appears substantially to verify the Agency's BATEA effluent reduction criteria for BOD and COD. Recent data gathered by the Agency and EPA contractors on 10 chemical plants indicate that an average reduction of 89 percent of the COD contained in biological treated effluent would be feasible by use of activated carbon systems.

11. Dow Chemical Company commented that data for the Freeport, Texas and Palquemine, Louisiana, plants producing ethylene oxide and ethylene glycol were sent to EPA prior to publication in the FEDERAL REGISTER on August 15, 1975, although the notice of that date indicated that the data was not available for the Dow plants.

Information for the Dow plants was received on September 12, 1975 and is noted here. The Dow, Plaquemine, Louisiana plant data was submitted as a combined raw waste load determination from both ethylene oxide and ethylene glycol production and did not contain COD data. The new data for the Dow, Freeport, ethylene oxide plant was submitted but did not include COD data and did not include data on the ethylene glycol process.

Further analyis of data and comments received as a result of the August 15, 1975 notice of proposed rulemaking are summarized in Section VI.

II. Potential Benefits and Costs To Be Achieved

The presence of organic chemicals (products, byproducts, intermediate chemicals and raw materials) in the nation's waters is a significant—in some scientists' views, the most significant—threat to human health. Many organic chemicals, including many products covered by the "Phase I" and "Phase II" Organic Chemical regulations, are acutely toxic to people and aquatic life, cause cancer in test animals and man, bring about first generation birth deformities or abnormaly alter genetic patterns. A majority of those product-processes regulated by the Phases I and II of the Organic Chemical Manufacturing Point Source Category are listed in the Department of Health, Education, and Welfare's *Toxic Substances List* (1974 ED.).

Recent disclosures that many synthetic organic chemicals are present in the drinking water supplies of this Country have resulted in increased Congressional, public and Agency concern that the problem may have been grossly underestimated. Following hearings on proposed safe drinking water legislation, the House of Representatives Committee on Interstate and Foreign Commerce Stated that:

> It must be noted that more than 12000 chemical compounds are now being used commercially, not counting additional variants and fractions. About 500 new chemical compounds are added each year. Many of these will find their way into the Nation's drinking water supplies. *H. Rep.* No. 93–1185. (93rd Congress 2d Session, 1975).

EPA has conducted several recent surveys of contamination of drinking water by organic chemicals. It recently discovered, for example, that at least 187 organic compounds are present in one or more of the nation's water supply systems. *Suspect Carcinogens in Water Supplies*, April 1975. As that report states, "This list will undoubtedly grow as work continues in the analysis of drinking waters and as analytical techniques are improved for the concentration, separation, identification and measurement of organic compounds in drinking water." Id., p. 1. With few exceptions, the organic compounds found in drinking water are also found in the effluent of organic chemical plants regulated by Phases I and II. Many synthetic organics have their origins in the effluent of organic chemical plants.

While the Agency has the authority to require public water supplies to reduce the quantities of organic chemicals in the water provided to the public for drinking purposes, it has found that the costs associated with reductions of the quantities of organics in raw drinking water at the water supplier stage and the financial burdens on communities, are substantial. Many commenters on proposed drinking water regulations, under the Safe Drinking Water Act, P.L. 93–523, 88 Stat. 1660, have protested the placing of the pollution abatement burden directly on the public sector, while the main cause of the problem, industrial sources of the chemicals, are allowed to continue to release substantial loading of COD prior to 1983. It is also more difficult to remove troublesome organics from raw drinking water supplies because (a) the constituent organics are in low concentrations (b) the presence of any one organic is hard to predict and (c) monitoring costs for detection of a changing number of synthetic chemicals are extreme. On the other hand, the operator of an organic chemical plant is able to deal with a predictable number of synthetic products and by-products in high enough concentrations to make treatment effective and more efficient. Moreover, it is more equitable to ask the party who introduces a pollutant to remove it or prevent it, rather than placing that burden on downstream users. For these reasons the Agency has relied to a great extent on equitable, industry-wide, technology-based standards such as these published today to achieve significant public health benefits.

The pollution parameters chosen for reference in the Phase I (and Phase II) Organic regulations do not specifically deal with the toxic qualities of the effluent; rather, the more conventional BOD, TSS and COD parameters are addressed. This was done because the effluent limitations guidelines are technology based regulations in which these familiar parameters more accurately reflect the proper operation of treatment systems considered in the preparation of the regulations. Nevertheless, by using methods such as activated sludge, mixed, media filtration and carbon adsorption, large percentages and quantities of toxic synthetic organic materials are removed.

As noted in the August 15 notice, generally the costs of compliance with the changes proposed are low and are not expected to significantly affect prices, profitability, industry production, or growth. In most cases, it is expected that these costs can be passed on to the consumer through small price increases. However, in the ethylene glycol segment up to three producers which are not integrated backward into the production of ethylene oxide may discontinue ethylene glycol production. This results from the very large abatement capital investment for BPT relative to process investment which cannot be averaged over both processes as is possible for the integrated producers. These plants are believed to represent no more than five percent of industry capacity, and would thus, have minimal impact on industry capacity, employment, balance of trade, or industry growth.

III. Derivation of Variability Factors

The choice of variability factors has been the focus of many comments from industry and arguments by industry petitioners in the case of *Union Carbide et al.* v. *Train*, No. 74–1459, etc., now pending before the United States Court of Appeals for the Fourth Circuit. Variability factors are used by the Agency to convert long term treatment plant performance data into regulations based on daily maxima and monthly averages, which regulations would reasonably take into account fluctuations in performance of treatment facilities. Section VII of the Development Document for the Major Organic Products Segment of the Organic Chemicals Manufacturing Point Source Category presents the basis for the original variability factors, which were 4.5 and 2.0 for the daily maximum and maximum thirty day ("monthly") average limitations, for the BOD and TSS parameters to be achieved by 1977. The variability factors for COD (1983 regulations) were 1.8 and 2.5 for the monthly average and daily maximum, respectively, and 1.7 and 3.0 for the BOD and TSS parameters. As noted in the FEDERAL REGISTER announcement of August 15, 1975, (40 FR 34409) which proposed revisions to the regulations for the four product-processes addressed in this rulemaking, the Agency has extensively reconsidered all the variability factors in light of the extensive criticisms offered by the organic chemicals industry, and has decided to change the variability factors with respect to the 1977 regulations. Based upon data from 21 organic chemical, plastics and petrochemical plants, the variability factors of 2.1 and 3.9 (as opposed to 2.0 and 4.5) will be used to establish Phase II regulations. But as announced in the August 15 notice, because industries presumably have relied upon the original regulations using the 2.0 and 4.5 figures, and because the Agency wishes to avoid any prejudice to those parties, it is retaining those original variability factors for use in calculating effluent limitations for Phase I product-processes. However, the Agency today changes the variability factors which are to be applied to compute the 1983 regulations.

The most reliable data base for the determination of variability factors is the analysis of the variability of 21 comparable (for purposes of variability calculations, organic, plastics and petrochemical plants. This data source, commonly referred to as the "Cook Memo" is to be used as the basis for the 1983 variability factors. Thus, instead of the 1.7 and 1.8 values for monthly average, and the 2.5 and 3.0 values for daily maxima for the BATEA and New Source Performance Standards, the Agency has used values of 2.1 and 3.9 respectively. The use of these new values will increase the allowable discharges for all product-processes for 1983.

Since the 1983 limitations are not the bases for the discharge permits issued and to be issued in the near future, and since there will be a new round of permit issuance which will incorporate the 1983 effluent limitations, there should be no prejudice to dischargers by announcing the change at this date, especially since the change results in less stringent regulations.

The Agency is conducting several studies are analyses of variability in per of carbon adsorption devices, and other approaches suitable for complying with the 1983 regulations. Included in these studies are analyses of variability in performance. There are also several private studies underway which should produce information in this area. The Agency will examine these results and may change the variability factors used in generating the 1983 regulations if this is appropriate. Indeed, consistent with the instruction of 33 U.S.C. 1311(d), the Agency attempts to review new information and modify regulations if appropriate on a continuous basis.

IV. Effect of Use of Different Microorganisms for BOD5 Analyses

One of the major reasons the industry petitioners and EPA agreed to develop and evaluate new information in the four product-processes for which regulations are promulgated today, was to consider the industry allegation that for four of the forty Phase I product-processes, the type of "seed" used in the BOD5 analyses was crucial.

The Agency and its contractor, the Roy F. Weston Company, examined the data filed by petitioners in support of their contentions, and have conducted a thorough review on their own. The results of these analyses are set out in the August 15 notice (40 F.R. 34410–34412). The comments received following the August notice repeated prior statements on this subject, added little to the existing understanding of the problem, and suggested no reason why the conclusions outlined in the August 15 notice are in error.

V. Development of Specific Regulations

A. *Methyl Amines.* Data and information were requested from all known manufacturers of methyl amines. Two companies, DuPont and Commercial Solvents, Inc. responded with data. Another company, GAF Corporation, offered to respond with data but has not forwarded data at this time. Rohm and Haas Corporation and Pennwalt Corporation responded that they no longer manufacture this product. Air Products and Chemicals Company manufactures methyl amines on a campaign basis and was not able to provide this information within a reasonable time frame.

Both the Commercial Solvents and DuPont data were obtained over a 30 day period or longer and are considered long term averages. The Commercial Solvents, Terre Haute, Indiana plant data was determined to be significantly different from the DuPont plant's data since the former does not employ methanol recovery and recycle. The resultant wastes from this process are, as a result, very high and are discharged to a unique land application treatment system.

DuPont Corporation submitted data for a 60 day period from the Houston, Texas plant and for a 35 day period from the Belle, West Virginia plant. Both sets of data were reported on the basis of net saleable production and on the basis of gross throughput production. The most appropriate basis for calculation of methyl amines limitations is gross throughput production.

It was also suggested by DuPont that the actual raw waste loads per unit of production be increased by 300 percent to allow for less efficient operation of distillation equipment at a projected 100 percent capacity operation. This increase, although significant, would not affect effluent limitations for the BOD pollutant parameter for BPCTCA, BATEA and New Source Standards since the flow basis is unchanged at the higher production rate and the limitations are concentration limited. The COD pollutant parameter for BATEA would increase commensurately with a higher unit raw waste load. New sources and existing sources by 1983 can reasonably be expected to have adequate distillation equipment capacity for efficient operation. Thus, the 300 percent increase in unit raw waste loads and effluent limitations was not justified.

The following is a summary of the unit raw waste load for the two plants:

	Houston, Tex., plant		Belle, W. Va., plant [3]
	Data, Aug. 15, 1975 [1]	Data, Sept. 1, 1975 [2]	
Net saleable production basis:			
Flow, gal/1,000 lb	790	790	550
BOD, lb/1,000 lb (kg/kkg)	2.74	2.8	3.0
COD, lb/1,000 lb (kg/kkg)	5.3	5.1	5.6
Gross throughput production basis:			
Flow, gal/1,000 lb	175	198	237
BOD, lb/1,000 lb (kg/kkg)	0.6	0.7	1.3
COD, lb/1,000 lb (kg/kkg)	1.17	1.3	2.4

[1] Houston plant data for a 60-d sampling period which was submitted to the Agency prior to the Aug. 15, 1975 FEDERAL REGISTER notice (40 F.R. 34409).

[2] Houston plant data for a 60-d sampling period which was submitted to the Agency (40 F.R. 34409) on Sept. 15, 1975.

[3] Belle plant data for a 35-d sampling period submitted to the Agency on Sept. 15, 1975, with comments on 40 F.R. 34409.

On the basis of the average of the best plants those below the median plant raw waste load (BOD5 raw waste load), the better of the two plants is the Houston plant. The raw waste load value used for calculation has not changed as a result of the new data submitted for the Belle plant. Current data of September 15, 1975 for the Houston plant, as indicated above are slightly different from the previous data submitted prior to the August 15, 1975 FEDERAL REGISTER notice (40 F.R. 34409). Using the raw waste load values indicated and application of the appropriate reduction factor (or concentration limit) the design effluent limitations are derived. Limitations based on the daily maximum and 30 day maximum average were derived as follows:

for BPCTCA:

BOD5=198×8.34×10⁻⁶×30 mg/l=0.05 lb/1000 lb
0.05×2=0.10 lb/1000 lb (30 day maximum average)
0.05×4.5=0.22 lb/100 lb (daily maximum)
TSS=198×8.34×10⁻⁶×30 mg/l=0.05 lb/1000 lb
0.05×2=0.10 lb/1000 lb (30 day maximum average)
0.05×4.5=0.22 lb/1000 lb (daily maximum)

for NSPS:

BOD5=0.05×(1—0.17)=0.042 lb/1000 lb
0.042×2.1=0.088 lb/1000 lb (30 day maximum average)
0.042×3.9=0.16 lb/1000 lb (daily maximum)
TSS=198×8.34×10⁻⁶×15 mg/l=0.025 lb/1000 lb
0.025×2.1=0.052 lb/1000 lb (30 day maximum average)
0.025×3.9=0.098 lb/1000 lb (daily maximum)

for BATEA:

COD=1.5×(1—0.92)=0.10 lb/1000 lb
0.10×2.1=0.21 lb/1000 lb (30 day maximum average)
0.10×3.9=0.39 lb/1000 lb (daily maximum)
BOD5=198×8.34×10⁻⁶×10 mg/l=0.016 lb/1000 lb
0.016×2.1=0.034 lb/1000 lb (30 day maximum average)
0.016×3.9=0.062 lb/1000 lb (daily maximum)

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TSS=198×8.34×10⁻⁴×15 mg/l=0.025 lb/1000 lb
0.025×2.1=0.052 lb/1000 lb (30 days maximum average)
0.025×3.9=0.098 lb/1000 lb (daily maximum)

The values for BPCTCA, NSPS and BATEA are slightly increased from those which were proposed in the August 15, 1975 due in part to the addition of the more current data for the Houston plant.

B. *Ethylene Glycol.* Data and information on the production of ethylene glycol were requested from all known manufacturers. Nine companies responded with data and one company responded that it no longer manufactures this product.

The data received were generally collected over a 30 day period or longer. The following is a summary of the available data.

Summary of data and responses ethylene glycol

Source	Flow, gal/1,000 lb	BOD, lb/1,000 lb or kg/kkg	COD, lb/1,000 lb or kg/kkg
Dow Chemical Co.,[1] Freeport, Tex.	584	0.34	8.76
Union Carbide Corp., Ponce, P.R.	29	0.5	0.80
Jefferson Chemical Co., Port Neches, Tex.	178	1.02	2.18
Union Carbide Corp., Taft, La.	66	3.5	9.7
Shell Chemical Co., Houston, Tex.	5,130	10.5	22.6
Olin Corp.; Brandenburg, Ky.	7,000	12.4	209.0
Texas Eastman Co.,[2] Longview, Tex.	9.1	27.7	48.6
Union Carbide,[3] Port Lavaca, Tex.	272	7.6	10.4
Houston Chemical Co.,[4] Houston, Tex.	14,300	11.3	12.2
Dow Chemical Co.,[5] Plaquemine, La.	NA	NA	NA
Citgo Corp.,[6] Lake Charles, La.	120	0.07	11.3

[1] These data were taken from the development document. Current data for ethylene glycol was not available. The data was submitted as combined load for ethylene oxide and ethylene glycol production.
[2] This data replaces earlier data reported in the Aug. 15, 1975, FEDERAL REGISTER notice. That data was misinterpreted and subsequently corrected.
[3] This data was submitted on Aug. 15, 1975, and did not appear in 40 F.R. 34409. Process waste waters for the ethylene oxide and ethylene glycol processes which were combined could not be apportioned by plant personnel. This data was not considered in the average of the best plants.
[4] Process waste waters are combined with ethylene oxide process waters. This data was not considered in the determination of best plants.
[5] Waste waters from this process are combined with the ethylene oxide process waste water. Since the data base consisted of combined flows which were not separated, this plant was not considered in the determination of the best plants.
[6] Citgo reported that this data is suspect due to possible incorrect analysis. These data were deleted from consideration of the average of the best plants.

Of the seven plant data considered, three plants were below the median BOD5 raw waste load: Dow Chemical's Freeport plant; Union Carbide's Ponce plant and Jefferson Chemical's Company, Port Neches plant. The average of the best, in terms of BOD5 is therefore 0.62 lb/1000 lb product. Corresponding mean flow for the three plants is 264 gallons per 1000 lb product and COD raw waste is 3.9 lb/1000 lb product.

From these raw waste loads and the appropriate reduction factors (or concentration limits), the design limits are calculated. Application of the appropriate variability factors results in the following effluent limitations for the ethylene glycol product-process in Subcategory C.

for BPCTCA:

BOD5=264×8.34×10⁻⁴×20 mg/l=0.044 lb/1000 lb
0.044×2=0.088 lb/1000 lb (30 day maximum average)
0.044×4.5=0.20 lb/1000 lb (daily maximum)
TSS=264×8.34×10⁻⁴×30 mg/l=0.066 lb 1000 lb
0.066×2=0.13 lb/1000 lb (30 day maximum average)
0.066×4.5=0.30 lb 1000 lb (daily maximum)

for NSPS:

BOD5=0.044×(1−0.17)=0.036 lb 1000 lb
0.036×2.1=0.076 lb/1000 lb (30 day maximum average)
0.036×3.9=0.14 lb/1000 lb (daily maximum)
TSS=264×8.34×10⁻⁴×15 mg/l=0.033 lb/1000 lb
0.033×2.1=0.069 lb/1000 lb (30 day maximum average)
0.033×3.9=0.13 lb 1000 lb (daily maximum)

for BATEA:

COD=3.9×(1−0.92)=0.31 lb/1000 lb
0.31×2.1=0.65 lb/1000 lb (30 day maximum average)
0.31×3.9=1.2 lb/1000 lb (daily maximum)
BOD5=264×8.34×10⁻⁴×10 mg/l=0.022 lb 1000 lb
0.022×2.1=0.046 lb/1000 lb (30 day maximum average)
0.022×3.9=0.086 lb/1000 lb (daily maximum)
TSS=264×8.34×10⁻⁴×15 mg/l=0.033 lb 1000 lb =0.033 lb/1000 lb
0.033×2.1=0.069 lb/1000 lb (30 day maximum average)
0.033×3.9=0.13 lb/1000 lb (daily maximum)

C. *Ethylene Oxide.* Data and information on the production of ethylene oxide were requested from all known manufacturers. Nine companies responded with data and one responded that it no longer manufactures this product. The data supplied generally represents production over a 30 day period or longer for each plant and are considered long term averages:

Summary of data and responses ethylene oxide

Source	Flow, gal/1,000 lb	BOD, lb/1,000 lb or kg/kkg	COD, lb/1,000 lb or kg/kkg
Houston Chemical Co.,[1] Houston, Tex.	NA	NA	NA
Jefferson Chemical Co., Port Neches, Tex.	12	0.0003	0.0014
Dow Chemical Co.,[2] Freeport, Tex.	55	1.3	NA
Dow Chemical Co.,[3] Plaquemine, La.	119	1.0	NA
Texas Eastman Co.,[4] Longview, Tex.	80	2.7	1.8
Union Carbide Corp., Taft, La.	100	2.5	4.6
Union Carbide Corp., Ponce, P.R.	176	4.6	11.0
Celanese Corp., Clear Lake, Tex.	20	5.6	8.2
Union Carbide Corp.,[5] Port Lavaca, Tex.	272	7.6	10.4
Shell Chemical Co., Houston, Tex.	1,206	9.1	20.0
Citgo Corp.,[6] Lake Charles, La.	880	0.51	88.0
Olin Corp., Braudeburg, Ky.	980	8.4	24.5

[1] Process waste water is combined with the ethylene glycol process and could not be apportioned by plant personnel. This data was deleted from consideration of the average of the best plants.
[2] This data represents long-term sampling and replaces the data from the development document for the Dow, Freeport, plant which appeared in the Aug. 15, 1975, FEDERAL REGISTER (40 F.R. 34409). COD data was not available.
[3] This data was made available after Aug. 15, 1975, but is not included in the average of the best plants because of the combination of waste water from the ethylene glycol process.
[4] Earlier data for the Texas Eastman plant were misinterpreted and subsequently corrected. These data are as corrected by the industry coumenter.
[5] These data were submitted on Aug. 15, 1975, and did not appear in 40 F.R. 34409. These are not used in the calculation since they represent combination of ethylene glycol and ethylene oxide production waste streams.
[6] Citgo data was said to be suspect due to possible incorrect BOD5 analyses. This data was deleted from consideration of the average of the best plants.

The best plants as exemplified by BOD5 unit raw waste loads below the median for the eight plants considered are Jefferson Chemical's Port Neches plant, Dow Chemical's Freeport plant, Texas Eastman Company's Longview plant and Union Carbide's Taft Plant. Raw waste load for BOD5 represented by the average of the best is therefore 1.6 lb/1000 lb product. The mean corresponding flow from the same plants is 62 gallons per 1000 lb product and the COD raw waste load is 3.1 lb/1000 lb product.

From these raw waste loads the appropriate reduction factors (or concentration limits) are calculated. Application of the appropriate variability factors result is the effluent limitations for the ethylene oxide product-process in Subcategory B.

for BPCTCA:

BOD5=62×8.34×10⁻⁴×30 mg/l=0.016 lb 1000 lb
0.016×2=0.032 lb/1000 lb (30 day maximum average)
0.016×4.5=0.072 lb/1000 lb (daily maximum)
TSS=62×8.34×10⁻⁴×30 mg/l=0.016 lb/1000 lb
0.016×2=0.032 lb/1000 lb (30 day maximum average)
0.016×4.5=0.072 lb/1000 lb (daily maximum)

for NSPS:

BOD5=0.016×(1−0.17)=0.013 lb/1000 lb
0.013×2.1=0.027 lb/1000 lb (30 day maximum average)
0.013×3.9=0.051 lb/1000 lb (daily maximum)
TSS=62×8.34×10⁻⁴×15 mg/l=0.0078 lb/1000 lb
0.0078×2.1=0.016 lb/1000 lb (30 day maximum average)
0.0078×3.9=0.030 lb/1000 lb (daily maximum)

for BATEA:

COD=3.1×(1−0.92)=0.25 lb/1000 lb
0.25×2.1=0.52 lb/1000 lb (30 day maximum average)
0.25×3.9=0.98 lb/1000 lb (daily maximum)
BOD5=62×8.34×10⁻⁴×10 mg/l=0.0052 lb/1000 lb
0.0052×2.1=0.011 lb/1000 lb (30 day maximum average)
0.0052×3.9=0.020 lb/1000 lb (daily maximum)
TSS=62×8.34×10⁻⁴×15 mg/l=0.0078 lb/1000 lb
0.0078×2.1=0.016 lb/1000 lb (30 day maximum average)
0.0078×3.9=0.030 lb/1000 lb (daily maximum)

D. *Oxo Chemicals.* Data and information on the production of oxo chemicals were requested from all known manufacturers. Five companies responded with data including one plant's data which was available from the contractor's earlier study as reported in the Development Document. Data from additional plants which was not reported in the August 15, 1975 notice (40 FR 34409) are also included in this summary:

Source	Flow, gal/1,000 lb	BOD, lb/1,000 lb or kg/kkg	COD, lb/1,000 lb or kg/kkg
Dow Badische,[1] Freeport, Tex.	420	3.20	4.25
Exxon Chemicals, Houston, Tex.	1,400	5.40	9.15
Shell Chemical Co., Houston, Tex.	15	11.20	14.40
Texas Eastman Co., Longview, Tex.	165	13.50	25.00
Shell Chemical Co.,[2] Geismar, La.	4,517	10.53	24.79
Union Carbide Corp.,[3] Ponce, P.R.	532	17	32
Union Carbide Corp., Texas City, Tex.	816	20.60	40.8
Union Carbide Corp., Port Lavaca, Tex.	1,121	24.30	45.40
USS Chemical Co.,[4] Ironton, Ohio.	212	NA	NA

[1] This data was reported in the development document.
[2] This plant data was included since the Aug. 15, 1975, notice (40 F.R. 34409).
[3] These new data were submitted to the Agency on Aug. 15, 1975, and was not included in the Aug. 15, proposed.
[4] Raw waste load data were not available.

The four best plants selected out of eight plants evaluated are Dow Badische's Freeport plant, Exxon Chemical's Houston plant, Shell Chemical's Houston plant and Texas Eastman's Longview plant. The Shell Chemical Geismar plant was not selected as one of the four best plants because of the high volume of water used as a result of barometric condensers. The Texas Eastman plant whose raw waste loads are similar to the Shell Chemical data was selected as one of the best plants. This plant does not employ barometric condensers. The raw waste load for the average of the best plants is therefore 8.3 lb/1000 lb product. Corresponding average flow and COD are 500 gallons per 1000 lb product and 13.2 lb/1000 lb product.

From these values and the appropriate reduction factors (or concentration limits) the design limits are calculated. Application of the appropriate variability factors results in the effluent limitations for the oxo chemicals product-process in Subcategory C.

for BPCTCA:

BOD5=500×8.34×10⁻⁴×30 mg/l=0.12 lb/1000 lb
0.12×2=0.24 lb/1000 lb (30 day maximum average)
0.12×4.5=0.54 lb/1000 lb (daily maximum)
TSS=500×8.34×10⁻⁴×30 mg/l=0.12 lb/1000 lb
0.12×2=0.24 lb/1000 lb (30 day maximum average)
0.12×4.5=0.54 lb/1000 lb (daily maximum)

for NSPS:

BOD5=0.12×(1−0.17)=0.10 lb/1000 lb
0.10×2.1=0.21 lb/1000 lb (30 day maximum average)
0.10×3.9=0.39 lb/1000 lb (daily maximum)
TSS=500×8.34×10⁻⁴×15 mg/l=0.062 lb/1000 lb
0.062×2.1=0.13 lb/1000 lb (30 day maximum average)
0.062×3.9=0.24 lb/1000 lb (daily maximum)

for BATEA:

COD=13.2 (1−0.92)=1.06 lb/1000 lb
1.06×2.1=2.2 lb/1000 lb (30 day maximum average)
1.06×3.1=2.2 lb/1000 lb (30 day maximum
BOD5=500×8.34×10⁻⁴×10 mg/l=0.042 lb/1000 lb
0.042×2.1=0.088 lb/1000 lb (30 day maximum average)
0.042×3.9=0.16 lb/1000 lb (daily maximum)
TSS=500×8.34×10⁻⁴×15 mg/=0.062 lb/1000 lb
0.062×2.1=0.13 lb/1000 lb (30 day maximum average)
0.062×3.9=0.24 lb/1000 lb (daily maximum)

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR, Chapter I, Subpart N, Part 414, Organic Chemicals Manufacturing Point Source Category is hereby amended to read as set forth below

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

40 CFR Chapter I, Subchapter N, Part 414, is amended as follows:

§§ 414.22, 414.23, 414.25, 414.32, 414.33, 414.35 [Amended]

1. The phrases, "ethylene oxide" and "methyl amines" are deleted from the following: §§ 414.22(a), 414.23(a) and 414.25(a). The phrase "ethylene glycol" is deleted from the following sections: 414.32(a), 414.33(a) and 414.35(a). The phrase "oxo chemicals" is deleted from the following sections: 414:32(b), 414.33 (b), and 414.35(b).

2. Section 414.22 (c) and (d) are added to read as follows:

§ 414.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

• • • • •

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of methyl amines by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD5	0.22	0.10
TSS	0.22	0.10
pH	Within the range 6.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene oxide by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD5	0.072	0.032
TSS	0.072	0.032
pH	Within the range 6.0 to 9.0.	

3. Section 414.23 (c) and (d) are added to read as follows:

§ 414.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

• • • • •

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of methyl amines by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
COD	0.39	0.21
BOD5	0.062	0.034
TSS	0.068	0.052
pH	Within the range 6.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene oxide by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
COD	0.98	0.52
BOD5	0.020	0.011
TSS	0.030	0.016
pH	Within the range 6.0 to 9.0.	

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4. Section 414.25 (c) and (d) are added to read as follows:

§ 414.25 Standards of performance for new sources.

* * * * *

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of methyl amines by a new source subject to the provision of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.16	0.088
TSS	0.098	0.052
pH	Within the range 6.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene oxide by a new source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.051	0.027
TSS	0.030	0.016
pH	Within the range 6.0 to 9.0.	

5. Section 414.32 (f) and (g) are added to read as follows:

§ 414.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(f) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene glycol by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.20	0.088
TSS	0.30	0.13
pH	Within the range 6.0 to 9.0.	

(g) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of oxo chemicals by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.54	0.24
TSS	0.54	0.24
pH	Within the range 6.0 to 9.0.	

6. Section 414.33 (f) and (g) are added to read as follows:

§ 414.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(f) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene glycol by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.051	0.027
TSS	0.030	0.016
pH	Within the range 6.0 to 9.0.	

(g) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of oxo chemicals by a new source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
COD	1.2	0.65
BOD_5	0.086	0.046
TSS	0.13	0.069
pH	Within the range 6.0 to 9.0.	

7. Section 414.35 (f) and (g) are added to read as follows:

§ 414.35 Standards of performance for new sources.

* * * * *

(f) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of ethylene glycol by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.14	0.076
TSS	0.13	0.069
pH	Within the range 6.0 to 9.0.	

(g) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of oxo chemicals by a new source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	kg/kkg or lb/1,000 lb	
BOD_5	0.30	0.21
TSS	0.24	0.13
pH	Within the range 6.0 to 9.0.	

[FR Doc.75-32332 Filed 12-2-75;8:45 am]

Title 49—Transportation

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-127; Amdt. No. 107-1]

PART 107—PROCEDURES

Exemption Procedures

On October 10, 1975, the Materials Transportation Bureau issued procedural regulations governing the filing and processing of applications for exemptions from the Department of Transportation's hazardous materials regulations (40 FR 48466, October 15, 1975). Since that time the Bureau has become aware that a number of technical and clerical amendments to those regulations are necessary.

In section 107.111, *Party to an exemption*, paragraph (a) provides that:

Any person who is eligible to apply under § 107.103 for an exemption may apply to the Director, OHMO, to be made a party to an application filed under that section or to an exemption granted under § 107.109(d).

It was the Bureau's intention that a person could apply to be made a party to an initial application for an exemption or an application for renewal of an existing exemption. It was also the Bureau's intent to permit a person to apply to be made a party to an exemption or renewal of an exemption granted under § 107.109(d). Section 107.111 as presently written does not satisfy either of these intents. This discrepancy will be clarified by these amendments.

In § 107.113, *Application for and processing of emergency exemption*, paragraph (b), the reference to § 107.103(b)(2) through (10) has inadvertently been written to read "§ 107.103(2) through (11)".

The last sentence in paragraph (c) of § 107.113 reads:

If the Director, OHMO, cannot determine that an emergency exists or that there is not adequate justification for the exemption, he immediately notifies the applicant.

For clarity the word "determines" will be inserted between the words "or" and "that".

In Appendix A to the exemption regulations there was a list of Department of Transportation officials through whom applications for emergency exemptions could be initiated. It has come to the Bureau's attention that the list does not identify the FAA field officials through whom commercial operators of large aircraft and aircraft operators operating under FAR Part 91 (14 CFR, Part 91) may initiate such applications. These amendments will correct this oversight.

In consideration of the foregoing, Subpart B of Part 107 of title 49, Code of Federal Regulations, is amended as follows:

1. Section 107.111(a) is amended to read as follows:

§ 107.111 Party to an exemption.

(a) Any person who is eligible to apply under § 107.103 for an exemption may apply to the Director, OHMO, to be made a party to an application filed under that section or § 107.105 or to an exemption or renewal granted under § 107.109(d).

* * * * *

§ 107.113 [Amended]

2. In § 107.113, paragraph (a) is amended by changing the reference to § 107.103(2) through (11) to read "§ 107.103(b)(2) through (10)".

3. In section 107.113, paragraph (c) is amended by inserting the word "determines" between the words "or" and "that" in the last sentence.

Appendix A [Amended]

4. Appendix A is amended by revising the two paragraphs captioned "AIR CARRIERS" and "AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT" to read as follows:

APPENDIX A

LIST OF DEPARTMENT OF TRANSPORTATION OFFICIALS THROUGH WHOM APPLICATION FOR EXEMPTIONS SEEKING PRIORITY TREATMENT ON THE BASIS OF EXISTING EMERGENCIES MAY BE INITIATED BY TELEPHONE

CERTIFICATE HOLDING AIRCRAFT OPERATIONS

The Federal Aviation Administration Flight Standards District Office, Air Carrier District Office, or General Aviation District Office which serves the place where the flight[s] concerned will originate or which is responsible for overall inspection of the operator's operations.

NONCERTIFICATE HOLDING AIRCRAFT OPERATORS (OPERATORS OPERATING UNDER FAR PART 91)

The Federal Aviation Administration Flight Standards District Office, Air Carrier District Office, or General Aviation District Office which serves the place where the flight[s] concerned will originate.

* * * * *

Since these amendments are procedural rather than substantive and because of the need for immediate public guidance with respect to the new exemption procedures, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

(18 U.S.C. 831–835, 46 U.S.C. 170(11), 49 U.S.C. 1421(c), 49 U.S.C. 1806, 49 CFR 1.53(e)–(h).)

Effective date. This amendment takes effect December 3, 1975.

Issued in Washington, D.C., on November 28, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-32608 Filed 12-2-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 9 to Service Order No. 1129]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Burlington Northern Inc.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1975.

Upon further consideration of Service Order No. 1129 (38 FR 6062, 9868, 18026, 33399; 39 FR 8161, 19218, 43633; and 40 FR 8823, 27940), and good cause appearing therefor:

It is ordered, that:

Service Order No. 1129 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1129 Service Order No. 1129.

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32619 Filed 12-2-75;8:45 am]

[Amdt. No. 4 to Service Order No. 1163]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Company Authorized To Operate Over Tracks of Union Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1975.

Upon further consideration of Service Order No. 1163 (38 F.R. 32259; 39 F.R. 18280, 41845; and 40 F.R. 24005), and good cause appearing therefor:

It is ordered, that:

Service Order No. 1163 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1163 Service Order No. 1163.

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short

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Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32615 Filed 12-2-75;8:45 am]

[Service Order No. 1225]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co., Authorized To Operate Over Certain Trackage Abandoned by Missouri-Kansas-Texas Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of November, 1975.

It appearing, That the Missouri-Kansas-Texas Railroad Company (MKT), in Finance Docket No. 26967, was authorized to abandon its line serving Woodward, Oklahoma; that that portion of this line between former MKT mileposts 218.26 and 221.59 has been sold to Northwestern Oklahoma Railroad Co. (NWO); that the NWO, in Finance Docket No. 27310, has requested permanent authority to acquire and operate this trackage; that operation over this trackage by the NWO is necessary to restore railroad service to shippers served by this trackage in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1225 Service Order No. 1225.

(a) *Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Company.* Northwestern Oklahoma Railroad Co. (NWO) be, Oklahoma Railroad Co. (NWO) be, and it is hereby, authorized to operate over trackage abandoned by the Missouri-Kansas-Texas Railroad Company (MKT) in the vicinity of Woodward, Oklahoma, between former MKT mileposts 218.26 and 221.59, a distance of approximately 3.33 miles, pending disposition of the application of the NWO in Finance Docket No. 27310 seeking permanent authority to acquire and operate this trackage.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a pre-judgment of the application of the NWO in Finance Docket No. 27310 seeking permanent authority to acquire and operate this line.

(d) *Effective date.* This order shall become effective at 11:59 p.m., November 30, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101 as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32618 Filed 12-2-75;8:45 am]

[Corrected Amdt. No. 1 to Second Rev. Service Order No. 1171]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of November 1975.

Upon further consideration of Second Revised Service Order No. 1171 (40 FR 45174), and good cause appearing therefor:

It is ordered, That

Second Revised Service Order No. 1171 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1171 Service Order No. 1171.

• • • • • •

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32616 Filed 12-2-75;8:45 am]

[Amdt. No. 1 to Service Order No. 1215]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Company Authorized To Operate Over Tracks of Soo Line Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1975.

Upon further consideration of Service Order No. 1215 (40 F.R. 24906), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1215 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1215 Service Order No. 1215.

• • • • • •

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32617 Filed 12-2-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Great Swamp National Wildlife Refuge, New Jersey

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted only during daylight hours to public parking areas designated as open by signs. Access through the refuge on Pleasant Plains Road is permitted daily from 8 a.m. to dusk.

Entry on foot is permitted during daylight hours on designated routes and trails for the purpose of nature study, photography, hiking, and sightseeing. All organized groups of more than ten persons requesting use of refuge facilities for weekday activities are required to contact refuge headquarters for reservations at least two weeks in advance. A permit, obtainable at refuge headquarters, is required for any bus using the public parking areas. Possession of alcoholic beverages is prohibited. Smoking is permitted only in parking areas. Pets on a leash not exceeding 10 feet in length are permitted in parking areas only. The use of unregistered motor vehicles, snowmobiles, boats, bicycles, canoes, air cushion, and all terrain vehicles is prohibited.

The refuge area, comprising 5,836 acres, is delineated on maps available from the Refuge Manager, Great Swamp National Wildlife Refuge, Pleasant Plains Road, Basking Ridge, New Jersey 07920 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 25, 1975.

[FR Doc.75-32554 Filed 12-2-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Missisquoi National Wildlife Refuge, Vermont

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking and sight-seeing during daylight hours. Pets are permitted on a leash not over 10 feet in length. Launching of boats and parking of boat trailers is permitted in designated areas.

The refuge area, comprising 4,794 acres, is delineated on maps available from the Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, Vermont 05488 and from the Regional Director U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 25, 1975.

[FR Doc.75-32556 Filed 12-2-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Moosehorn National Wildlife Refuge, Maine

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length.

The refuge area, comprising 22,666 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 25, 1975.

[FR Doc.75-32555 Filed 12-2-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Presquile National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Entry by foot is permitted for the purpose of wildlife trail use, nature study, wildlife observation, and photography. Access is gained by Government-owned and operated ferry only. Visitation is limited to organized groups such as school, civic, and church groups between the hours of 7:30 a.m. and 4:00 p.m. Monday through Friday except holidays. Vehicles may not be used by groups except when specifically authorized by the refuge manager. Pets, alcoholic beverages, overnight camping, and littering are not permitted.

Students and teachers engaged in scientific studies, under special use permit, may enter the refuge either by ferry or by boat and may visit the refuge as necessary providing that prior notice is given to the refuge manager.

The refuge area, comprising 1,329 acres, is delineated on maps available from the Refuge Manager, Presquile National Wildlife Refuge, Post Office Box 620, Hopewell, Virginia 23860, office located in 202 Tartan Building, 320 East Broadway, Hopewell, Virginia, or from the Regional Director, U.S. Fish and

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Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD D. WOON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 25, 1975.

[FR Doc.75-32553 Filed 12-2-75;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Idaho

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions. Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of the refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

Bear Lake National Wildlife Refuge, (Headquarters: Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, ID 83276.)

Special Condition: The use of boats on the refuge is not permitted except during the migratory waterfowl hunting season.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651.

Special Conditions: (1) Sport fishing is permitted on the entire refuge yearround except as stipulated under Special Conditions.

(2) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(3) Boats with motors may be used during daylight hours only (interpreted here to be one hour before sunrise to one hour after sunset) from April 15 through September 30.

(4) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, ID 83805.

Special Condition: Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

Special Conditions: (1) Sport fishing is permitted on the entire refuge yearround except as stipulated under Special Conditions.

(2) Shoreline fishing is permitted yearround except within the authorized hunting areas during the migratory waterfowl season.

(3) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island April 1 through September 30, and from Smith Springs to the east end of the refuge October 1 through June 30, during daylight hours only.

(4) Boats crossing lanes at Smith and Gifford Springs open year-round.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

DONALD J. HANKLA,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-32465 Filed 12-2-75;8:45 am]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Michigan

The following special regulation is effective December 3, 1975.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Michigan is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Stream and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M-28 south to the Diversion Ditch.

(b) Walsh Creek and Ditch from Highway M-28 south to C-3 Pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1976 through December 31, 1976.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All Pools—January 1, 1976 through February 29, 1976.

(b) Show Pools (located west of Highway M-77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 31, 1975) through Labor Day (September 6, 1975).

(c) C-3 Pool—July 1, 1975 through Labor Day (Sept. 6, 1975).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, All-Terrain Vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

JOHN R. FRYE,
Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan 49883.

NOVEMBER 24, 1975.

[FR Doc.75-32456 Filed 12-2-75;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Oregon

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of the refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

Ankeny National Wildlife Refuge, (Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.)

Special Conditions: (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

Cold Springs National Wildlife Refuge. (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.)

Special Conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for the purpose of fishing.

Hart Mountain National Antelope Refuge, (Headquarters: Sheldon-Hart Mountain National Antelope Refuges, P.O. Box 111, Lakeview, OR 97630.)

Klamath Forest National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134.)

Special Condition: Use of boats is not permitted.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, OR 97720.

Special Conditions: (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

(2) The use of motors on boats is not permitted on Krumbo Reservoir.

McKay Creek National Wildlife Refuge, (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.)

Special Condition: The refuge is closed to sport fishing during the migratory waterfowl hunting season.

Upper Klamath National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134.)

Special Condition: Speed boats shall not exceed ten miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

DONALD J. HANKLA,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-32464 Filed 12-2-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ARBITRAGE BONDS

Notice of Proposed Rulemaking

On June 1, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 10946) in regard to regulations under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, to conform such regulations to amendments made by section 601(a) of the Tax Reform Act of 1969 (83 Stat. 656).

By notice of proposed rule making published in the FEDERAL REGISTER on May 3, 1973 (38 FR 10944), as corrected by notice published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405), the proposed regulations set forth in paragraph 2 of the prior notice of proposed rule making were withdrawn except for § 1.103–13(b)(5) (ii) and (iii) and § 1.103–14(e). Notice is hereby given that § 1.103–13(b)(5) (ii) and (iii) and § 1.103–14(e) of the June 1, 1972, notice of proposed rule making are hereby withdrawn and portions of the May 3, 1973, notice of proposed rule making are revised.

Further notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 2, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by January 2, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 103(d) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, in order to conform such regulations to the provisions of section 601(a) of the Tax Reform Act of 1969. These amendments supersede the provisions of § 1.4 of this chapter which were prescribed by T.D. 7072 and published in the FEDERAL REGISTER for November 13, 1970 (35 FR 17406), as amended by T.D. 7174 published in the FEDERAL REGISTER for June 26, 1972 (37 FR 10932), and T.D. 7273 published in the FEDERAL REGISTER for May 27, 1973 (8 FR 10927).

This document withdraws rules regarding refunding issues contained in § 1.103–13(b)(5) (ii) and (iii) and § 1.103–14(e) of the notice of proposed rule making published in the FEDERAL REGISTER for June 1, 1972 (7 FR 10946) and prescribes new rules in lieu thereof. In addition, conforming revisions are made to the notice of proposed rule making published in the FEDERAL REGISTER for May 3, 1973 (38 FR 10944).

In general, the revision of § 1.103–13(a)(3) provides that a refunding issue issued before is not an arbitrage bond if it either satisfies the rules regarding refunding issues proposed in this document and the rules contained in the May 3, 1973, notice of proposed rule making or satisfies the rules contained in the June 1, 1972, notice of proposed rule making. After a refunding issue must satisfy the rules proposed by this document and the May 3, 1973, notice of proposed rule making. Furthermore, after the yield produced by acquired obligations acquired with the proceeds of an issue of governmental obligations which is an overissuance under § 1.103–13 (b) (5) (iv), is materially higher than the yield on the governmental obligations if it exceeds the yield on the governmental obligations.

Section 1.103–13 (b)(1)(ii) and § 1.103–14 (d) (1) are revised to simplify the determination of a major portion and a reasonably required reserve or replacement fund.

Section 1.103–13 (b)(9) incorporates the rule for multipurpose issues which previously appeared in § 1.103–14 (a) (2) and (3) and expands on the prior rule by requiring that an issue of governmental obligations be treated as several issues of governmental obligations if part of the issue will be used for refunding or to finance a governmental program or if an election under § 1.103–13 (b) (5) (i) (B) to waive the temporary period has been made for a portion of the proceeds of an issue of governmental obligations. The issue must be split for purposes of the temporary period requirements, the determination of materially higher yield, and the reasonably required reserve or replacement fund and major portion test.

Section 1.103–13(b)(5) (ii) and (iii) and § 1.103–14(e) provide new rules for governmental obligations which are issued for the purpose of refunding the principal or interest of a prior outstanding issue of governmental obligations. While both the prior issue and the refunding issue are outstanding, the yield on investments acquired with the proceeds of the refunding issue is materially higher than the yield on the refunding issue if the yield on the investments exceeds the yield on the refunding issue. This rule does not affect the yield on investments which are acquired with the proceeds of the prior issue. Proceeds of the prior issue ratably become proceeds of the refunding issue (referred to as "transferred proceeds") and cease to be proceeds of the prior issue as the prior issue is discharged. When proceeds of the prior issue become transferred proceeds, the determination whether investments of such proceeds produce a materially higher yield is made by substituting the yield of the refunding issue for the yield of the prior issue.

A general 30-day temporary period is provided in § 1.103–14(e)(3) for the proceeds of the refunding issue. In addition, § 1.103–14(e) provides a temporary period in excess of 30 days and up to 2 years, depending on the length of the prior issue and the refunding issue, provided that the period beginning on the date the refunding issue is issued and ending on the date the prior issue is discharged does not exceed the temporary period.

Section 1.103–14 (e) (4) provides that the proceeds of a refunding issue may be invested in materially higher yield acquired obligations for purposes of the reasonably required reserve or replacement fund or the major portion test. The amount of proceeds that may be so invested is the smaller of the amount permitted for the refunding issue or the prior issue, unless, prior to the date of issue, the issuer obtains a ruling from the Commissioner permitting a larger reasonably required reserve or replacement fund. During the period when both issues are outstanding, the amount of proceeds of the refunding issue which may be invested in materially higher yield acquired obligations pursuant to these rules is reduced to the extent that proceeds of the prior issue are so invested.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

To conform the Income Tax Regulations (26 CFR Part 1) to certain amendments made to the Internal Revenue Code of 1954 by section 601 (a) of the Tax Refrom Act of 1969 (83 Stat. 656), relating to arbitrage bonds, such regulations are hereby amended as set forth below:

PARAGRAPH 1. Section 1.103–13, as set forth in the notice of proposed rule making of May 3, 1973 (38 FR 10944), as corrected by notice published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405) is revised as follows:

a. Paragraph (a)(3) is changed;

b. The first two sentences of paragraph (b)(1)(ii) are changed;

c. New paragraphs (ii) and (iii) are added to paragraph (b)(5);

d. Paragraph (b)(5)(iv) is revised by adding a new sentence at the end of such thereof; and

e. New paragraph (9) is added to paragraph (b).

The revised and added provisions read as follows:

§ 1.103–13 Arbitrage bonds.

(a) *Scope.* • • •

(3) *Effective date.* The provisions of section 103(d), this section, and § 1.103–14 apply with respect to obligations issued after October 9, 1969. Notwithstanding the rule in the preceding sentence, obligations issued prior to June 4, 1973, will not be arbitrage bonds if such obligations are not arbitrage bonds under the provisions of the proposed regulations under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, appearing in the FEDERAL REGISTER for June 1, 1972 (37 FR 10946), but in determining whether obligations issued after March 8, 1973, are arbitrage bonds, the yield on governmental obligations and acquired obligations may be computed pursuant to the method described in § 1.103–13(c) of such proposed regulations only if such method does not significantly distort yield. In the case of a refunding issue which is issued prior to January 2, 1976, the rules of § 1.103–13(b)(5)(i), (ii), and (iii), and § 1.103–14(e) of the proposed regulations under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, appearing in the FEDERAL REGISTER for June 1, 1972 (37 FR 10946), may be applied in lieu of the rules of paragraph (b)(5) (ii) and (iii) of this section and § 1.103–14(e). In the case of governmental obligations issued prior to January 2, 1976, the provisions of both § 1.103–13(b)(1)(ii) and § 1.103–14(d)(1) of the proposed regulations under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, appearing in the FEDERAL REGISTER for May 3, 1973 (38 FR 10944), may be applied in lieu of the provisions of both paragraph (b)(1)(ii) of this section and § 1.103–14(d)(1), and the provisions of § 1.103–14(a) (2) and (3) of such proposed regulations may be applied in lieu of the provisions of paragraph (b)(9) of this section. The rules of § 1.103–14(b)(8) do not apply with respect to obligations issued before January 2, 1976. See paragraph (b)(6) of this section for definition of the term "date of issue."

• • • • •

(b) *Definitions.* • • •

(1) *Arbitrage bonds.* • • •

(ii) A major portion of the proceeds is an amount in excess of 15 percent of the original face amount of the issue. If the original proceeds of an issue (determined without regard to issuing expenses) are less than 98 percent of the original face amount of such issue, then the percentage specified in the preceding sentence shall be based on the amount of such original proceeds. • • •

• • • • •

(5) *Materially higher.* • • •

(ii) In the case of an issue of governmental obligations which is a refunding issue, the rules of paragraph (b)(5)(iii) of this section apply to such issue in lieu of the provisions of paragraph (b)(5)(i) of this section and paragraph (e)(1)(ii) of this section. The term "refunding issue" is defined in § 1.103–14(e)(2)(i).

(iii)(A) Prior to the date on which the last obligation of the prior issue (as defined in § 1.103–14(e)(2)(i)) is discharged, the yield produced by acquired obligations allocated to the proceeds (other than transferred proceeds as defined in § 1.103–14(e)(2)(ii) of the refunding issue is materially higher than the yield produced by such issue if the yield of such acquired obligations exceeds the yield of such issue.

(B) The rules of paragraph (b)(5)(i) of this section apply to the yield produced by acquired obligations allocated to (*1*) transferred proceeds, and (*2*) on or after the date on which the last obligation of the prior issue is discharged, other proceeds of the refunding issue. The determination as to whether the yield on acquired obligations allocated to transferred proceeds is materially higher shall be made with reference to the yield of the refunding issue. The rules of paragraph (b)(5)(i)(B) and (iv) of this section and the rules of paragraph (e)(1)(ii) of this section shall apply to transferred proceeds if such rules applied to the prior issue.

(iv) • • • However, in the case of obligations issued after January 2, 1976, the yield produced by such acquired obligations is materially higher than the yield produced by such issue of governmental obligations if the yield of such acquired obligations exceeds the yield of such issue.

• • • • •

(9) *Multipurpose issues.* (i) In the case of an issue of governmental obligations—

(A) Issued to finance two or more projects with respect to which the temporary periods provided in paragraph (b)(1), (b)(5), or (e)(3) of § 1.103–14 are different (including different temporary periods resulting from an election under paragraph (b)(5)(i)(B)) of this section, or

(B) Part of the proceeds of which are used for refunding to which the rules of paragraph (e) of § 1.103–14 apply or for a governmental program to which the rules of paragraph (d) of this section apply,

the portions of the proceeds of such governmental obligations to be used to finance projects having different temporary periods or to be used partly for refunding or partly for a governmental program shall be treated as separate issues of governmental obligations for purposes of determining the temporary period requirements, the reasonably required reserve or replacement fund, the application of the major portion test with respect to each such separate issue, and whether the yield on acquired obligations is materially higher than the yield produced by the governmental obligations.

(ii) For purposes of this section and for purposes of § 1.103–14, the term "project" means any governmental purpose financed by the issue of governmental obligations. Such purpose does not include the investment of the proceeds of such issue in acquired nonpurpose obligations.

• • • • •

PAR. 2. Section 1.103–14, as set forth in the notice of proposed rule making of May 3, 1973 (38 FR 10944), is revised as follows:

a. The heading of § 1.103–14 is changed;

b. Paragraph (a)(2) is changed;

c. Paragraph (a)(3) is deleted;

d. Two new sentences are added at the end of paragraph (b)(1);

e. New paragraph (8) is added to paragraph (b);

f. The last two sentences of paragraph (d)(1) are changed; and

g. A new paragraph (e) is added.

§ 1.103–14 Temporary investments, reserve fund, and refunding issues.

(a) *Temporary investments.* • • •

(2) *Multipurpose issues.* See § 1.103–13(b)(9) for rules regarding application of the temporary period requirements to an issue which finances two or more projects with different temporary periods.

(3) [Deleted]

• • • • • •

(b) *Temporary period*—(1) *In general.* • • • This paragraph (b) does not apply in th case of an issue of obligations issued in anticipation of taxes or other revenues. See paragraph (c) of this section for rules relating to temporary priods for tax and other revenue anticipation notes.

• • • • • •

(8) *Replacement issue.* (i) In the case of a replacement issue of obligations (as

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defined in paragraph (b)(8)(ii) of this section) that replaces an earlier issue of obligations of the issuer, the period described in paragraph (b)(1) of this section for the replacement issue shall be reduced by a period equal to the period during which the obligations of the earlier issue were outstanding. See paragraph (e)(3) of this section for rules relating to temporary periods for a refunding issue.

(ii) The term "replacement issue of obligations" means any obligations which are issued after the retirement of all or a portion of an earlier issue of obligations if the proceeds of such subsequently issued obligations—

(A) Are used to replace any proceeds of such earlier issue (or of such retired portion) which were not expended on the project for which such earlier issue was issued, and

(B) Are used for substantially the same project as was intended for such replaced and unexpended proceeds.

* * * * *

(d) *Reasonably required reserve or replacement fund*—(1) *In general.* * * * As a general rule, a reserve or replacement fund will be considered to be reasonably required only if the amount so invested at any time during the term of the issue does not exceed 15 percent of the original face amount of the issue. If the original proceeds of an issue (determined without regard to issuing expenses) are less than 98 percent of the original face amount of such issue, then the percentage specified in the preceding sentence shall be based on the amount of such original proceeds.

* * * * *

(e) *Refunding issue*—(1) *In general.* (i) This paragraph provides rules that apply in the case of a refunding issue. The general rules regarding temporary period investments (paragraph (b) of this section), the reasonably required reserve or replacement fund (paragraph (d) of this section), and the major portion test (§ 1.103–13(b)(1)) do not apply to a refunding issue except as provided in this paragraph. The provisions of this paragraph do not apply to proceeds of the prior issue until such proceeds become "transferred proceeds" of the refunding issue under the rules of paragraph (e)(2) of this section.

(ii) If the proceeds of an issue of governmental obligations are used to refund two or more prior issues, the portion of the proceeds used to refund each such issue is treated as a separate refunding issue. Where the principal or interest of all or part of a prior issue is refunded with the proceeds of two or more refunding issues under circumstances such that the refunding is in substance a single transaction, such refunding issues shall be treated as a single issue for purposes of this paragraph. If less than the entire outstanding principal amount of the prior issue is refunded with the proceeds of a refunding issue, the refunded and nonrefunded portions of such prior issue shall be treated as separate issues, and the amount of any proceeds of such prior issue and the amounts described in paragraph (d) of this section or in § 1.103–13(b)(1)(ii) with respect to the prior issue shall be allocated between the refunded and nonrefunded portions in the same proportion as the refunded portion bears to the total outstanding principal amount of such prior issue.

(2) *Definitions.* (i) A refunding issue is an issue of governmental obligations the proceeds of which are used to pay any principal or interest of a prior issue of governmental obligations (hereinafter referred to as the "prior issue"). The term "prior issue" means (A) any outstanding issue of governmental obligations (including any governmental obligations issued for temporary financing) issued by the governmental unit or (B) any outstanding issue of governmental obligations issued by any governmental unit that is included within the governmental unit issuing the governmental obligations the proceeds of which are used to pay principal or interest of such outstanding governmental obligations. The use of proceeds of an issue of governmental obligations within 1 year after the date of issue of such issue to pay interest on other governmental obligations need not be treated as the refunding of a prior issue unless the principal of the other governmental obligations is also refunded. In addition, the use of proceeds of an issue to pay certain capitalized interest (as defined in paragraph (e)(2)(iii) of this section) on a prior governmental issue need not be treated as the refunding of such prior issue. An issue of obligations to which paragraph (c) of this section applies issued in anticipation of revenues to finance annual budget expenses of the issuer (including supplemental appropriations and other expenses) shall not be treated as a refunding issue unless issued to refund a prior issue of obligations of such issuer issued in anticipation of revenue for the same budget period.

(ii) At the time that proceeds of the refunding issue discharge the outstanding principal of the prior issue, proceeds of the prior issue become proceeds of the refunding issue (hereinafter referred to as "transferred proceeds") and cease to be proceeds of the prior issue. In the case of a discharge of a portion of such principal, the amount of proceeds of the prior issue that become transferred proceeds is an amount which bears the same relationship to the total proceeds of such prior issue at the time of such discharge as the amount of such discharged principal bears to the total principal of the prior issue outstanding immediately prior to such discharge. Investment proceeds resulting from the investment of transferred proceeds shall be treated as transferred proceeds. Amounts received during the term of the refunding issue and after the discharge of the prior issue which would have been indirect proceeds of the prior issue and included within the definition of proceeds of such issue if such issue had not been discharged earlier than its maturity date by the refunding issue shall be treated as transferred proceeds when received. For the purpose of determining whether any amounts received by the issuer during the term of the refunding issue are indirect proceeds under § 1.103–13(b)(2)(iii)(A), any acquired purpose obligations or property acquired or financed with the proceeds of the prior issue shall be treated as also acquired or financed with the proceeds of the refunding issue. Any amounts treated as indirect proceeds solely by reason of the preceding sentence shall not be treated as proceeds of the refunding issue until the prior issue is discharged. Thus, notwithstanding that at the date of issue of the prior issue the issuer did not reasonably expect to receive a repayment of principal on an acquired purpose obligation or to recover principal from the sale or disposition of property, any amounts reasonably expected at the date of issue of the refunding issue to be received as a repayment of principal on an acquired purpose obligation acquired with the proceeds of the prior issue or as a recovery of principal from the sale or other disposition of property acquired or financed with the proceeds of the prior issue are treated as indirect proceeds of the refunding issue.

(iii) For purposes of paragraph (e)(2)(i) of this section, interest on a prior governmental obligation shall be treated as capitalized interest if such interest accrues within the period of time necessary to complete the construction or the acquisition of the project for which such prior issue was issued plus 1 year thereafter. In lieu of the 1 year referred to in the preceding sentence, there may be substituted a period not longer than 5-years if, prior to the issuance of the obligations the proceeds of which are used to pay interest on a prior issue of obligations, the issuer demonstrates to the satisfaction of the Commissioner that because of inadequate revenues during the period of commencement of operations of the project such interest should be treated as capitalized interest. For example, if a first issue is issued on January 1, 1976, to provide funds to construct a hospital and it is necessary to issue a second issue on January 1, 1979, to provide additional funds to complete construction of the hospital, the use of any proceeds of the second issue to pay interest on the first issue during the period needed to complete contruction of the hospital, plus one year thereafter, need not be treated as a refunding of the first issue. However, if the hospital had been completed on January 1, 1979, and a second issue is issued on January 1, 1981, both to provide funds for a new wing for the hospital and to pay interest on the 1976 issue, interest on the first issue is not treated as capitalized interest unless the issuer demonstrates that there are not sufficient revenues from the hospital (without regard to any revenues or losses from the new wing) to pay the interest on the first issue accruing during the period beginning January 1, 1979, and ending not later than January 1, 1984.

(3) *Temporary period.* (i) Proceeds (other than transferred proceeds) of a refunding issue that are invested for a period described in paragraph (e)(3)(ii) of this section are invested for a temporary period. Paragraph (e)(3)(ii)(B) and (C) of this section applies only if the period beginning on the date of issue and ending on the date of discharge of the last obligation of the prior issue is not longer than the period determined under such paragraph. The issuer shall certify in any certification under § 1.103–13(a)(2)(ii) whether paragraph (e)(3)(ii)(A), (B) or (C) of this section applies to the issue.

(ii) The periods provided by this subdivision are—

(A) A 30-day period beginning on the date of issue;

(B) A period which is not in excess of the shortest of—

(*1*) A period beginning on the date of issue and ending on the date on which the last obligation of the prior issue is discharged,

(*2*) 2 years,

(*3*) A period equal to 25 percent of the term of the refunding issue,

(*4*) A period equal to the greater of—

(*i*) 50 percent of the term of the prior issue, but not more than 6 months, or

(*ii*) 25 percent of the term of the prior issue, or

(*5*) In the case of a refunding issue which is part of a series of refunding issues, where a refunding issue is refunded by a refunding issue, 2 years reduced by the sum of all temporary periods for all prior refunding issues in such series to which this subdivision (B) or paragraph (e)(3)(ii)(C) of this section applied. See paragraph (e)(3)(ii)(C)(*3*) of this section for the application of this subdivision (*5*) to a refunding issue described in paragraph (e)(3)(ii)(C)(*1*) of this section.

(C) (*1*) In the case of a refunding issue for which different temporary periods under paragraph (e)(3)(ii)(A) or (B) of this section would apply to portions of such issue because

(*i*) Proceeds of the refunding issue are used to pay principal or interest on two or more prior issues, or

(*ii*) One or more portions of the issue is part of a series of refunding issues under paragraph (e)(3)(ii)(B)(*5*) of this section,

the period described in paragraph (e)(3)(ii)(C)(*2*) of this section.

(*2*) The period described in this subdivision is a period determined by (*i*) multiplying the number of months (rounded to at least one decimal point) or days in the period determined under paragraph (e)(3)(ii)(A) or (B) of this section (determined without regard to paragraph (e)(3)(ii)(B)(*1*) of this section and without regard to any allocation under paragraph (e)(3)(ii)(C)(*3*) of this section with respect to such issue) for each such portion of the refunding issue by the amount of principal and interest of the prior issue discharged by each such portion and (*ii*) dividing the sum of the amounts determined under paragraph (e)(3)(ii)(C)(*2*)(*i*) of this section by the total amount of principal and interest to be refunded by all portions of the refunding issue.

(*3*) In the case of the refunding of any prior issue to which this subdivision (C) applied, the reduction referred to in paragraph (e)(3)(ii)(B)(*5*) of this section for the temporary period for such prior issue shall be the temporary period of the issue determined under this subdivision (C) rather than the periods under paragraph (e)(3)(ii)(A) or (B) of this section used in determining the temporary period of the issue under this subdivision (C). Because of the application of this subdivision (C) to a refunding issue, the sum of the temporary period for a portion of such issue and all prior temporary periods under paragraph (e)(3)(ii)(B) or (C) of this section for such portion may exceed 2 years. If such sum exceeds 2 years then, for purposes of determining the amount of the reduction under paragraph (e)(3)(ii)(B)(*5*) of this section for the portions of such issue in which the sum of temporary periods does not exceed 2 years, the temporary period determined under this subdivision (C) for such other portions shall be increased by a period determined by multiplying such excess by a fraction the numerator of which is the amount of principal and interest to be discharged by the portion exceeding 2 years and the denominator of which is the amount of remaining principal and interest to be discharged by all other portions of such issue. If the temporary period in paragraph (e)(3)(ii)(A) of this section is used for any portion of the issue in determining the temporary period of the issue under this subdivision (C), and the temporary period under paragraph (e)(3)(ii)(B)(*5*) of this section for such portion is a period shorter than 31 days, then, for purposes of the preceding sentence, the excess shall be the period by which the temporary period under this subdivision (C) for such issue exceeds 30 days. If, as a result of any increase under this subdivision (3), the cumulative temporary period for another portion exceeds 2 years, such excess shall also be allocated in accordance with this subdivision (3).

(iii) Proceeds to which any temporary period provided in paragraph (b) of this section for the prior issue applied (or to which any temporary period would apply if such prior issue had been issued after October 9, 1969) which become transferred proceeds and are invested during the period beginning on the date of transfer and ending on the date on which the applicable temporary period for such prior issue would end (determined without regard to the discharge of the prior issue) are invested for a temporary period.

(iv) If proceeds of a prior issue are permitted to be invested in materially higher yield acquired obligations beyond any temporary period provided in paragraph (b) of this section because such proceeds were not expended as anticipated (or could be so invested if such prior issue were not discharged), and if prior to the issuance of the refunding issue the issuer demonstrates to the satisfaction of the Commissioner that, on the basis of facts, estimates and circumstances in existence on the date of issue, a reasonable extension of such investment is necessary for such proceeds, then such proceeds may be invested in materially higher yield acquired obligations when such proceeds become transferred proceeds. In determining whether an extension under this subdivision is necessary and in determining the period of any such extension, the Commissioner shall take into account (A) whether the proceeds can be expended on the project or projects in a reasonable period of time, and (B) the effect of applying such proceeds to pay all, or any portion of the principal or interest, when due, of the prior issue.

(v) The temporary periods provided in paragraph (b)(6) of this section (relating to investment proceeds) and paragraph (b)(7) of this section (relating to indirect proceeds) apply to the refunding issue. For the purpose of applying the preceding sentence to investments that are not made with transferred proceeds, a reference to paragraph (e)(3)(i) and (ii) of this section shall be substituted for the reference to paragraph (b)(1) of this section appearing in paragraph (b)(6) of this section.

(vi) Where an issue of obligations to which paragraph (c) of this section applies is a refunding issue, transferred proceeds shall be deemed invested for a temporary period if the obligations of the refunding issue (A) will not be outstanding after the period applicable to the prior issue under paragraph (c)(1)(i) of this section (determined, in the case of the 6 months referred to therein, on the basis of the facts, estimates, and circumstances in existence on the date of issue of the refunding issue), and (B) will not be issued in an amount greater than the amount determined under paragraph (c)(1)(ii) of this section.

(4) *Reasonably required reserve or replacement fund and major portion test.* (i) Subject to the exception of paragraph (e)(4)(ii) of this section and the limitation of paragraph (e)(4)(iii) of this section, proceeds (including transferred proceeds) of a refunding issue may be invested in materially higher yield acquired obligations for purposes of the major portion test and the reasonably required reserve or replacement fund to the extent that such proceeds are not invested in an amount in excess of the lesser of—

(A) The amount provided in § 1.103–13(b)(1)(ii) or paragraph (d)(1) of this section determined with reference to the refunding issue, or

(B) The amount provided in § 1.103–13(b)(1)(ii) or paragraph (d)(1) of this section for the prior issue. See the allocation rule in paragraph (e)(1)(ii) of this section if less than the entire outstanding principal amount of the prior issue is refunded with the proceeds of a refunding issue.

(ii) A reserve or replacement fund for a refunding issue in excess of the amount permitted under paragraph (e)(4)(i) of this section will be considered to be reasonably required only if the State or local governmental unit issuing the refunding issue establishes to the satisfac-

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tion of the Commissioner, prior to such issuance, that the specified reserve or replacement fund is necessary.

(iii) Prior to the date on which the last obligation of the prior issue is discharged, the amount of proceeds of the refunding issue (including transferred proceeds) that may be invested in materially higher yield acquired obligations under paragraph (e)(4)(i) or (ii) of this section is reduced by the amount of proceeds of the prior issue that are invested in materially higher yield acquired obligations pursuant to paragraph (d) of this section and § 1.103-13(b)(1)(ii).

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) In 1970 Authority A issued a 20 year $20 million issue with a yield of 6 percent. On January 1, 1980, Authority A issues a 10 year $9 million issue with a yield of 5 percent solely to refund the 1970 issue. Four million dollars of the proceeds of the 1980 issue will be used on July 1, 1980, to discharge $4 million of principal of the 1970 issue. The remaining $5 million principal of the 1970 issue will be discharged on July 1, 1981. On January 1, 1980, the 1970 issue has $3.5 million in proceeds. By July 1, 1980, the 1970 issue will have an additional $100,000 in proceeds of interest earned on investments. Three million dollars of these proceeds are held in a reasonably required reserve or replacement fund and are invested in acquired obligations with a yield of 7 percent. The remaining proceeds are invested in acquired obligations which yield 6½ percent. None of these proceeds will be expended prior to July 1, 1981. An amount of proceeds of the refunding issue equal to $1.35 million (the lesser of the amount of the major portion test or the reasonably required reserve or replacement fund provided for the 1980 issue, $1.35 million, or the amount of the major portion test or the reasonably required reserve or replacement fund provided for the 1970 issue, $3 million) may be invested in materially higher yield obligations as a reasonably required reserve or replacement fund or under the major portion test without a prior ruling. However, Authority A has established to the satisfaction of the Commissioner prior to the issuance of the 1980 issue that a $2.3 million reserve or replacement fund is necessary, since property constructed with the proceeds of the 1970 issue will continue to require a replacement fund after July 1, 1981. The $2.3 million of proceeds of the 1980 issue which may be invested in materially higher yield obligations is reduced by the amount of any proceeds of the 1970 issue which are invested at a materially higher yield as part of a reasonably required reserve or replacement fund or under the major portion test.

(ii) The proceeds of the refunding issue may be invested for a 1½-year temporary period beginning on January 1, 1980. The 1½-year temporary period is a period equal to the shortest of (A) a period ending on July 1, 1981, the date on which the last obligation of the prior issue is discharged (1½-years), (B) a 2-year period, (C) a period equal to 25 percent of the term of the 1980 issue (2½-years) or (D) 5 years, a period equal to the greater of 50 percent of the term of the 1970 issue (10 years) but not longer than 8 months, or 25 percent of the term of the 1970 issue (5 years). All of the proceeds of the 1980 issue may be invested in materially higher yield acquired obligations during such temporary period.

(iii) On July 1, 1980, $1.6 million of the proceeds of the 1970 issue will become transferred proceeds. This figure represents 4/9 (the ratio of the $4 million principal to be discharged on July 1, 1980, to the total $9 million principal outstanding immediately before such discharge) of $3.6 million (the total proceeds of the 1970 issue on July 1, 1980). Since the last proceeds of the prior issue which become transferred proceeds are the proceeds of the prior issue which are invested in a reasonably required reserve or replacement fund at a materially higher yield, $600,000 of the transferred proceeds will come from the proceeds of the prior issue which are not invested in such a fund. Such $600,000 of transferred proceeds may be invested in acquired obligations which do not yield more than 5 1/8 percent (1/8 of 1 percentage point above the 5 percent yield on the 1980 issue). Of the $1,000,000 in transferred proceeds that are treated as coming from the reasonably required reserve or replacement fund of the prior issue, $300,000 may be invested as part of the reasonably required reserve or replacement fund of the refunding issue ($2.3 million reserve fund minus $2 million invested in the reserve fund of the prior issue). (Because any investment proceeds received after July 1, 1980, and on or before July 1, 1981, resulting from investment of the proceeds of the 1970 issue in the reserve fund for that issue will all be received within 1 year, they need not be treated as reinvested in the reserve fund but instead may be treated as invested for a temporary period under paragraph (b)(6) of this section. If the $5,000,000 principal amount of the 1970 issue were discharged on September 1, 1981, and if such investment proceeds were reinvested in the reserve fund after a one year temporary period, the reserve fund for the refunding issue would have to be further reduced for the period July 1, 1981 to September 1, 1981, by the amount of any increase in the reserve fund of the 1970 issue resulting from the reinvestment of investment proceeds.) The remaining $700,000 of transferred proceeds may be invested in acquired obligations which do not yield more than 5 1/8 percent. The remaining $2 million of untransferred proceeds of the prior issue may continue to be invested in materially higher yield acquired obligations as a part of the prior issue's reasonably required reserve or replacement fund.

(iv) On July 1, 1981, all remaining proceeds of the 1970 issue will become transferred proceeds. As of July 1, 1981, the reasonably required reserve or replacement fund for the 1970 issue will be extinguished. The amount of the reasonably required reserve or replacement fund for the 1980 issue is $2.3 million. All proceeds which are a part of the reasonably required reserve or replacement fund are invested in materially higher yield acquired obligations. After July 1, 1981, all proceeds of the refunding issue, other than the $2.3 million invested as a reasonably required reserve or replacement fund, are subject to the rule that such proceeds may not be invested in acquired obligations which yield more than 5½ percent.

Example (2). In 1970 City A issued a 30-year $70 million issue of obligations which are all first callable in 1985. Five million dollars of the 1970 issue are invested in a reasonably required reserve or replacement fund. In 1980 City A, to take advantage of lower interest rates and to modify restrictions in the indenture for the 1970 issue, refunds the 1970 issue with a 20-year $100 million issue the principal amount of which is adequate to pay both principal and interest of the 1970 issue. The $100 million refunding issue is necessary because State law requires full cash defeasance for a refunding issue. City A certifies that the 1980 issue is not an "over-issuance." The amount of proceeds of the 1980 issue that may be invested in materially higher yield acquired obligations as a part of the major portion test or the reasonably required reserve or replacement fund without a prior ruling is $10.5 million, the lesser of $15 million (the amount of the major portion test or the reasonably required reserve or replacement fund provided for the 1980 issue) or $10.5 million (the amount of the major portion test or the reasonably required reserve or replacement fund provided for the 1970 issue). However, until the 1970 issue is discharged in 1985, the $10.5 million amount is reduced by $5 million, the amount of the proceeds of the 1970 issue already invested at a materially higher yield under the major portion test. (While the effect of the issuance of the refunding obligations and the escrow of their proceeds may be to defease the reserve or replacement fund of the 1970 issue, the $5 million of proceeds previously invested as a part of a reserve or replacement fund for the 1970 issue will be treated as being invested under the major portion test.)

Example (3). Assume the same facts as in example (2) except that instead of issuing a single $100 million issue City A issues two refunding issues. The first refunding issue, designated series "A", is a $70 million issue and its proceeds will be used to refund the principal of the 1970 issue. The second refunding issue, designated series "B", is a $30 million issue and its proceeds will be used to pay the interest when due on the 1970 issue. Because the combined proceeds of the two issues are used to refund the principal and interest of the prior issue under circumstances such that the refunding is in substance a single transaction, the two refunding issues are treated as a single refunding issue. Accordingly, as in example (1), $10.5 million of the combined proceeds of the series "A" and series "B" issues may be invested in materially higher yield acquired obligations as a part of the major portion test or the reasonably required reserve or replacement fund, reduced by the $5 million of proceeds of the 1970 issue invested in materially higher yield acquired obligations.

Example (4). (a) On January 1, 1980, City B issues a note due on January 1, 1983 in the principal amount of $100,000. On May 1, 1982, City B issues a note due May 1, 1992, in the principal amount of $400,000. One hundred thousand dollars of the proceeds of the 1982 note are used to refund the 1980 note on January 1, 1983, and the other $300,000 of proceeds are used for a new governmental project. The temporary period for the $100,000 refunding portion of the 1982 note under paragraph (e)(3)(ii)(B) is 8 months (the period beginning on May 1, 1982, and ending on January 1, 1983, when the 1980 issue is discharged).

(b) City B wishes to issue a single 10-year note to refund the 1982 note. Because one portion of the 1982 issue was a refunding issue, a portion of the new issue is part of a series of refunding issues. The temporary period under paragraph (e)(3)(ii)(B) of this section is 24 months for the $300,000 portion and 16 months for the $100,000 portion (24 months minus the 8 months temporary period used for the 1982 refunding issue). Because the temporary periods under such paragraph (e)(3)(ii)(B) are different for the two portions, paragraph (e)(3)(ii)(C) of this section applies. The temporary period for the new issue is 22 months, determined as follows:

$$\begin{array}{rr} 24 \text{ (months)} \times 300{,}000 = & 7{,}200{,}000 \\ 16 \text{ (months)} \times 100{,}000 = & 1{,}600{,}000 \\ \hline \$400{,}000 & 8{,}800{,}000 \end{array}$$

$$\frac{8{,}800{,}000}{400{,}000} = 22 \text{ months}$$

Accordingly, proceeds of the new issue may be invested for a 22-month temporary period if the new issue is issued within 22 months prior to the discharge of all obligations of the 1962 note.

Example (5). **(a) In 1978 Authority A issues a $5 million refunding issue to refund five prior issues. The amount of principal and interest of each prior issue to be discharged by the 1978 issue and the temporary period under paragraph (e)(3)(ii)(B)(2) through (5) of this section for the portion of the 1978 issue that refunds each prior issue is as follows:**

Issue A=$1 million (4 months)
Issue B=$500,000 (8 months)
Issue C=$2,000,000 (10 months)
Issue D=$1,000,000 (12 months)
Issue E=$500,000 (24 months)

Different temporary periods apply to each portion of the refunding issue and paragrah (e)(3)(ii)(C) of this section applies to the refunding issue. Issue A is a prior refunding issue and has previously used 18 months of temporary period. Under the series rule in paragraph (e)(3)(ii)(B)(5) of this section the portion of the 1978 issue that refunds issue A may not have more than a 6-month temporary period (24 months less the 18 months temporary period previously used for issue A). Issue C is also a prior refunding issue and has previously used 14 months of temporary period. Under the series rule the portion of the 1978 issue that refunds issue C may not have more than a 10 month temporary period.

(b) The temporary period for the 1978 issue under paragraph (e)(3)(ii)(C)(2) of this section, determined without regard to the last sentence of such paragraph, is 10.4 months, computed as follows:

$$\begin{array}{rr} \text{Issue A: } 4 \text{ (months)} \times 1{,}000{,}000 = & 4{,}000{,}000 \\ \text{Issue B: } 8 \text{ (months)} \times 500{,}000 = & 4{,}000{,}000 \\ \text{Issue C: } 10 \text{ (months)} \times 2{,}000{,}000 = & 20{,}000{,}000 \\ \text{Issue D: } 12 \text{ (months)} \times 1{,}000{,}000 = & 12{,}000{,}000 \\ \text{Issue E: } 24 \text{ (months)} \times 500{,}000 = & 12{,}000{,}000 \\ \hline 5{,}000{,}000 & 52{,}000{,}000 \end{array}$$

$$\frac{52{,}000{,}000}{5{,}000{,}000} = 10.4 \text{ months}$$

However, the last obligation of issues A, B, C, D, and E will be discharged 10 months after the 1978 issue is issued. Accordingly, the temporary period under paragraph (e)(3)(ii)(C) of this section is limited to 10 months.

(c) In the event that the 1978 issue, or any portion of it, is refunded, then for purposes of determining under paragraph (e)(3)(ii)(B)(5) of this section the temporary period previously used as part of a series of refunding issues, the temporary period used by each portion of the 1978 issue (without regard to the temporary period used by the previous refunding of issues A and C) is 10 months plus any increase under paragraph (e)(3)(ii)(C)(3) of this section. Because the cumulative temporary period for the portion of the 1978 issue that refunds issue A exceeds 2 years, the temporary period of the 1978 issue for portions B, C, D, and E is increased by 1 month from 10 months to 11 months, determined as follows:

(a) Principal and interest discharged by issue A=1,000,000,

(b) Principal and interest discharged by issues B, C, D and E=4,000,000,

(c) Excess temporary period attributable to issue A for purposes of the series=4 months (the 10-month temporary period for the 1978 issue plus the 18-month temporary period previously used for issue A under the series rule),

$$\text{(d) } \frac{1{,}000{,}000 \text{ (from (a) above)}}{4{,}000{,}000 \text{ (from (b) above)}} \times 4 \text{ (from (c) above)} = 1 \text{ month.}$$

Thus, for purposes of the series rule, portions B, D, and E of the 1978 issue have used a temporary period of 11 months and portion C of the 1978 issue has used a temporary period of 25 months (11 months plus 14 months previously used). Because the cumulative temporary period of portion C exceeds 24 months, it is necessary to increase the temporary period attributable to portions B, D, and E by 1 month from 11 months to 12 months, determined as follows:

$$\frac{2{,}000{,}000 \text{ (issue C)}}{2{,}000{,}000 \text{ (issue B, D, E)}} \times 1 \text{ month} = 1 \text{ month.}$$

Accordingly, for purposes of aggregating the temporary periods in a series of refunding issues in the event of a subsequent refunding of all or a portion of the 1978 issue, the portions of the 1978 issue used to refund issue A and issue C have used a full 24 months of temporary period and the portions used to refund issues B, D, and E have used 12 months of temporary period.

Example (6). **(a) In 1980 County B issues a $15 million refunding issue to discharge $12 million of principal and interest of prior issue A and $3 million of principal and interest of prior issue B. Prior issue A is a refunding issue and County B applies the 30-day temporary period under paragraph (e)(3)(ii)(A) of this section to the portion of the 1980 issue that refunds issue A since under paragraph (e)(3)(ii)(B)(5) the sum of the prior temporary periods for issue A is 24 months and no temporary period remains under paragraph (e)(3)(ii)(B). Prior issue B is not a refunding issue and the temporary period under paragraph (e)(3)(ii)(B) of this section for the portion of the 1980 issue that refunds issue B is 7 months. The temporary period for the 1980 issue as determined under paragraph (e)(3)(ii)(C) of this section is 2.2 months, and the 1980 refunding issue is issued 2.2 months before the date on which the last obligation of the two prior issues is discharged. The excess temporary period attributable to the portion of the 1980 issue that refunds issue A is 1.2 months (2.2 months minus 1 month). See paragraph (e)(3)(ii)(C)(3) of this section. Consequently, the portion of the 1980 issue that refunds issue B must be adjusted for purposes of aggregating temporary periods in the series of refunding issues of which issue B is a part. This adjustment is:**

$$1.2 \text{ (excess temporary period)} \times \frac{\$12 \text{ million (issue A)}}{\$3 \text{ million (issue B)}} = 4.8 \text{ months}$$

Accordingly, for purposes of aggregating the temporary periods in a series of refunding issues in the event of a subsequent refunding of the 1980 issue, the portion of the 1980 issue used to refund issue B has used a temporary period of 7 months (2.2 months plus 4.8 months).

(b) In 1985 County B issues a $12 million refunding issue to discharge the portion of the 1980 issue used to refund issue A. Since the 1985 issue is part of a series of refunding issues and has previously used 24 months of temporary period, no temporary period remains under paragraph (e)(3)(ii)(B) of this section. However, the 1985 issue may have a 30 day temporary period under paragraph (e)(3)(ii)(A) of this section.

(c) In 1986 County B issues a $3 million refunding issue to discharge the portion of the 1980 issue used to refund issue B. Since the 1986 issue is a part of a series of refunding issues, the period provided in paragraph (e)(3)(ii)(B)(5) of this section for such issue is a 17 month period (24 months minus 7 months of temporary period allocated to the portion of the 1980 issue used to refund issue B).

[FR Doc.75-32607 Filed 11-28-75;2:53 pm]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[28 CFR Part 19]

LEAA IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Preparation of Environmental Impact Statement

Notice is hereby given of proposed amendments to the regulations pertaining to the preparation of environmental impact statements.

The amendments are proposed to bring the regulations in accordance with recent statutory amendments to the National Environmental Policy Act (Pub. L. 94-83). The statutory amendments pertain to the participation of State agencies or officials in the preparation of environmental impact statements.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351, 82 Stat. 197, 42 U.S.C. 3701, *et seq.* as amended by Pub. L. 91-644, by Pub. L. 93-83, and by Pub. L. 93-415), these amendments to subpart E of Part 19 of Title 28 of the Code of Federal Regulations are proposed.

1. In § 19.10(b) after the sentence "In some cases draft Environmental Impact Statements will be prepared by private consultants" insert the following:

§ 19.10 Preparation of environmental impact statements.

(b) • • • In some cases draft Environmental Impact Statements may be prepared by a State agency or official. Such State agency or official should have statewide jurisdiction and responsibility for the program or project. In such cases the responsible LEAA official will furnish guidance, participate in the preparation of the statement, and will independently evaluate the statement prior to its approval and adoption. On statements prepared after January 1, 1976, the responsible LEAA official will provide early notification to, and solicit the views of, any other State or any Federal land management entity of any program or project which may have a significant impact upon such State or affected Federal land management entity. If there is any disagreement on the impact of the program or project, the responsible LEAA official will prepare a written assessment of such impact and views for incorporation into the final statement. • • •

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2. Revise the last sentence of § 19.10(b) as follows:

(b) * * * In all cases LEAA will make its own evaluation of the environmental issues and take responsibility for the scope, objectivity, and content of the draft and final Environmental Impact Statements.

Written views on the proposed regulations should be submitted to the LEAA Office of General Counsel, 633 Indiana Avenue, N.W., Room 1268, Washington, D.C. 20531, no later than January 2, 1976.

NOVEMBER 26, 1975.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-32463 Filed 12-2-75;8:45 am]

[28 CFR Part 42]

GRANT PROGRAM

Notice of Proposed Rulemaking

By virtue of the authority vested in it by 5 U.S.C. 301, sections 501 and 518(c) of the Crime Control Act of 1973 (Pub. L. 93-83, 87 Stat. 197) and Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415, 88 Stat. 1109), the Law Enforcement Assistance Administration (LEAA) hereby promulgates as proposed rules the following proposed additions to, and revisions of, its regulations affecting recipients of LEAA funds. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

However, in order that LEAA may have a full opportunity to consider the opinions of interested persons, comments, suggestions, and data or arguments may be submitted to Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531, Attention: Office of Civil Rights Compliance, on or before January 19, 1976. Material thus submitted will be considered by LEAA prior to promulgation of final rules.

Subpart D—Equal Employment Opportunity in Federally Assisted Programs and Activities

1. Section 42.203 is amended by designating the existing paragraph as (a), and by adding a new paragraph (b) to read:

§ 42.203 Discrimination prohibited.

* * * * *

(b) The following guidelines of the Equal Employment Opportunity Commission are incorporated in this section by reference: Guidelines on Discrimination Because of Sex, 29 CFR 1604; Guidelines on Discrimination Because of Religion, 29 CFR 1605; Guidelines on Discrimination Because of National Origin, 29 CFR 1606; and Guidelines on Employee Selection Procedures, 29 CFR 1607.

2. Section 42.206(a) is revised to read as follows:

§ 42.206 Conduct of investigations, procedures for effecting compliance, hearings, decisions, and judicial review; forms, instructions, and effect on other regulations.

(a) Each responsible Department official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions and procedures for effectuating this subpart as applied to programs for which he is responsible. The conduct of investigations and the procedures for effecting compliance, holding hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by §§ 42.107 through 42.111 of subpart C of this part; provided that no recipient of Federal financial assistance or applicant for such assistance shall be denied access to the hearing or appeal procedures set forth in sections 510 and 511 of the Act for denial or discontinuance of a grant or withholding of payments thereunder resulting from the application of this subpart.

* * * * *

3. Section 42.306(b) is revised to read:

§ 42.306 [Guidelines]

* * * * *

(b) Post award compliance review of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency. Equal employment program modification may be required by LEAA whenever identifiable referral or selection procedures and policies evidence to LEAA the appropriateness of improved selection procedures and policies. Such modification may require that recipients establish goals and timetable for the hiring of qualified minority and female employees where there is evidence that a recipient has engaged in unlawfully discriminatory practices. Such practices need not have been intentional, as for example the use of a nonvalidated test which has an adverse impact on female or minority applicants. Use of goals and timetables in such a situation may be required as a temporary measure to overcome the effects of the past discriminatory practices. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

4. Subpart F is added as follows:

Subpart F—Nondiscrimination in Federally Assisted Programs—Implementation of Section 518(c) of the Crime Control Act of 1973 and Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974

Sec.
42.401 Purpose.
42.402 Definitions.
42.403 Discrimination prohibited.
42.404 Complaint investigation.
42.405 Compliance reviews by the LEAA.
42.406 Civil rights compliance activities by SPA.
42.407 LEAA oversight over SPA compliance efforts.
42.408 Determination of non-compliance by Administrator.
42.409 Request to Chief Executive of a State.
42.410 Administrative hearing.

AUTHORITY: The Provisions of this Subpart F are issued under 5 U.S.C. 301, Sections 501 and 518(c) of the Crime Control Act of 1973 (Pub. L. 93-83, 87 Stat. 197) and Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415, 88 Stat. 1109).

§ 42.401 Purpose.

The purpose of this subpart is to implement the provisions of section 518(c) of the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, and § 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109 to the end that no person in any state shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded in whole or in part with funds made available under either Act. This subpart also implements section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 prohibiting discrimination on the ground of creed.

§ 42.402 Definitions.

(a) "Crime Control Act" means the Crime Control Act of 1973, as amended, Pub. L. 93-83, 87 Stat. 197.

(b) "EEOC" means the Equal Employment Opportunity Commission.

(c) "Investigation" includes both fact-finding efforts and attempts to secure the voluntary compliance of recipients.

(d) "Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109.

(e) "Non-compliance" means the failure of a recipient to comply with section 518(c) of the Crime Control Act, or section 262 of the Juvenile Justice Act, or their implementing regulations;

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom LEAA financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) "706 Agency" means an agency designated by the Equal Employment Opportunity Commission in 29 CFR 1601.13(m).

(h) "State or local civil rights agency" includes any state, local, or municipal civil rights, or human rights agency or commission, or any other agency authorized by law to investigate or conciliate complaints of discrimination based on race, color, national origin, creed, or sex, regardless of whether the agency is designated as a 706 Agency, or whether it is authorized to seek judicial or administrative relief from the practices alleged.

(i) "State Planning Agency" or "SPA" means the criminal justice state planning agency created by the Governor to implement the Crime Control Act and the Juvenile Justice Act within each state.

§ 42.403 Discrimination prohibited.

(a) No person in the United States shall, on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded in whole or in part with funds made available under the Crime Control Act. No person in the United States shall, on the ground of race, creed, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded in whole or in part with funds made available under the Juvenile Justice Act.

(b) (1) A recipient may not, directly or through contractual or other arrangements, on the grounds set forth in paragraph (a) of this section:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of advantage or privilege enjoyed by others receiving any disposition, service, or financial aid or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program;

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program;

(viii) Subject any individual to discrimination in its employment practices as set out in 28 CFR 42.202(b);

(ix) Use any criterion which adversely affects hiring, promotion, transfer, or any other employment opportunity of any individual unless:

(A) The criterion has been validated in accordance with the EEOC Guidelines on Employee Selection Procedures, 29 CFR 1607; and

(B) The department or agency acting upon the results of the criterion can demonstrate that alternative suitable criteria which do not adversely affect minority persons, or women, are unavailable for its use.

(2) A recipient in determining the type of disposition, services, financial aid, benefits or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination under section 518(c) of the Crime Control Act or section 262 of the Juvenile Justice Act, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, creed, color, sex, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination prohibited by this subpart under any program to which this subpart applies; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(c) The enumeration of specific forms of prohibited discrimination in paragraph (b) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

§ 42.404 Complaint investigation.

(a) The LEAA shall investigate every complaint received within 180 days of the alleged discrimination that alleges a violation of:

(1) Section 518(c) of the Crime Control Act of 1973; or

(2) Section 262 of the Juvenile Justice Act of 1974; or

(3) Title VI of the Civil Rights Act of 1964; or

(4) The LEAA Non-Discrimination Regulations, Subparts C-G, 28 CFR 42.101, *et seq.*

(b) The LEAA may defer its investigation of complaints where:

(1) An SPA has been authorized by the LEAA to conduct the initial investigation of such complaints; or

(2) The complainant has filed a complaint with EEOC or a state or local civil rights agency certified by EEOC under 29 CFR 1601.13(m); or

(3) Authority to investigate allegations of prohibited discrimination has been delegated by LEAA to other federal or state agencies.

(c) If, upon a review of the findings of fact of an agency referred to under (b)(2) or (3) of this section, the LEAA finds that further investigation is warranted, it shall commence its own investigation into the unresolved issues.

§ 42.405 Compliance reviews by the LEAA.

(a) The LEAA shall, from time to time, conduct pre-award and post-award civil rights compliance reviews of recipents. In determining which recipient shall be scheduled for a compliance review, the LEAA shall:

(1) Consider the following factors:

(i) The amount of funds due under current awards to the recipient;

(ii) The amount of funds requested by the recipient in pending applications; for awards;

(iii) The disparity between the percentage of a minority group, or women, in the employment of the recipient and the percentage of the minority group, or women, in the service population of the recipient;

(iv) The number and substance of complaints received by the LEAA, EEOC, the Civil Rights Division of the Department of Justice, or the civil rights compliance offices of other Federal agencies, alleging unlawful discrimination by the recipient; and

(2) Consult with the SPA where the recipient is located in a state where the SPA has been authorized by OCRC to initiate and conduct compliance reviews.

§ 42.406 Civil rights compliance activities by SPA.

(a) An SPA seeking to participate in the enforcement of the civil rights obligations of LEAA recipients shall submit a plan to include the following:

(1) A statement that the SPA, or a state or local civil rights agency assigned civil rights compliance duties by the SPA, has the capacity and willingness to establish a comprehensive program to enforce LEAA civil rights compliance obligations at the state level;

(2) A statement that the SPA desires to conduct the initial investigation and voluntary resolution of complaints against recipients within its state, or pre-award and post-award civil rights compliance reviews of recipients, or both;

(3) A statement describing the civil rights compliance structure within the SPA, providing the number, grade, person-hours available, race, sex, and ethnicity of staff assigned to civil rights compliance matters;

(4) A statement concerning the legal processes available to the SPA to enforce civil rights compliance obligations, and copies and a comprehensive analysis of all state statutes, regulations, rules, or executive orders applicable to civil rights aspects of the LEAA program;

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(5) A description of other organizations within the state, i.e., state or local civil rights agencies, that have the power to investigate, conciliate, or otherwise enforce civil rights obligations, to whom the SPA may delegate its authority to address the civil rights compliance obligations of LEAA recipients within the state;

(6) A statement indicating where the SPA, or a state or local civil rights agency to which the SPA proposes to assign civil rights responsibilities, is likely to be deficient in resources or time for the activities it proposes to undertake, and where the LEAA could best provide training, temporary personnel, or other assistance;

(7) An assurance that the SPA shall audit the Equal Employment Opportunity Programs of all LEAA recipients within its state to insure that they conform to the requirements of Subpart E, 28 CFR 42.301, *et seq.*, and that no funds will be awarded to any recipient whose EEOP is not in compliance with Subpart E;

(8) An assurance that the LEAA will be advised at least every 90 days, and at such other times as it may require, of the status of all investigations or compliance reviews being conducted by the SPA;

(9) An assurance that the SPA shall comply with such guidelines as the Administration may issue with respect to the conduct of complaint investigations and compliance reviews;

(10) An assurance that the SPA will promptly notify LEAA of its findings of fact and attempts to secure compliance whenever negotiations leading to voluntary compliance have been concluded in a manner satisfactory to both the recipient and the SPA, or whenever the SPA has determined that voluntary compliance cannot be achieved; and

(11) An assurance that the SPA shall thoroughly investigate all complaints referred to it by the LEAA, or conduct comprehensive compliance reviews of recipients, or both.

(b) The SPA may delegate its compliance duties to another state or local agency when:

(1) The SPA has informed the LEAA, in its plan, of its intention to do so;

(2) The state or local agency has provided the LEAA with a plan containing the information and assurances required by § 42.405(a) (1–11); and

(3) The LEAA has expressly informed the SPA and state or local agency, in writing, that it is authorized to conduct the initial investigation of complaints or to undertake compliance reviews.

(c) The SPA, or state or local agency acting for it, may undertake only those civil rights compliance activities it is expressly authorized to undertake by the LEAA.

(d) (1) An SPA, or state or local agency acting for it, the plan of which has been approved by LEAA, shall be responsible for both the initial investigation of a compliance matter, and attempts to secure voluntary compliance. If matters are not resolved within 120 days from the date a complaint is received, or a compliance review is initiated, the LEAA may assume primary responsibility for seeking resolution.

(2) The LEAA retains the authority to conduct the initial investigation and voluntary resolution of complaints, and to undertake compliance reviews, in a state where an SPA plan for civil rights enforcement has been approved, whenever the Administration determines that the LEAA can more expeditiously determine the facts in a particular matter once the facts are determined and conclusions of law are reached.

(e) The SPA or that state or local agency acting for it shall notify LEAA of its intention to undertake a compliance review at least 30 days in advance of undertaking a review of a recipient agency, and shall consider at least the following factors, before determining which recipient shall be scheduled for a compliance review:

(1) The amount of funds received under current block and DF awards to the recipient;

(2) The amount of funds requested by the recipient in pending applications for block and DF awards;

(3) The disparity between the percentage of a minority group, or women, in the employment of the recipient and the percentage of the minority group, or women, in the service population of the recipient;

(4) The number and substance of complaints received by the SPA, the LEAA, and human rights agencies within the state, alleging unlawful discrimination by the recipients in LEAA-funded activities and programs; and

(5) Such comments or suggestions as LEAA may have with respect to the need for undertaking a review of the recipient in question.

§ 42.407 LEAA oversight over SPA compliance efforts.

(a) Whenever negotiations leading to voluntary compliance have been concluded in a manner satisfactory to both the recipient and the SPA, or whenever the SPA has determined that voluntary compliance cannot be achieved, LEAA shall promptly review the findings of fact and undertake, in consultation with the SPA, such other measures as it determines to be necessary in order to assure consonance of proceedings at the state level with Federal law. No voluntary resolution of matters between the recipient and the SPA shall be binding upon the Administration unless expressly approved, in writing, by LEAA.

(b) In no event shall the SPA undertake enforcement proceedings at the state level until LEAA has been notified and given the opportunity to participate in further negotiations or the coordination of enforcement proceedings at the Federal and state level.

(c) LEAA may, at any time, withdraw its authorization of an SPA, or designated state or local civil rights agency, whenever it believes the SPA, or agency, has not adequately met the obligations it assumed under § 42.405.

§ 42.408 Determination of non-compliance by Administrator.

(a) No action to defer, suspend, or terminate an award to a receipent for the failure of the recipient to comply with sec. 518(c)(1) of the Crime Control Act, sec. 262(b) of the Juvenile Justice Act shall be taken until LEAA has:

(1) Made a determination that a State government or a unit of general local government is in non-compliance;

(2) Requested, in writing, the chief executive of the state to secure voluntary compliance; and

(3) Waited a reasonable time for the chief executive to secure compliance.

(b) LEAA shall be deemed to have made a determination only when, after an attempt by the Administration to secure voluntary compliance within a reasonable time has failed, it notifies the recipient, in writing of:

(1) In summary form, the factual basis for the conclusion that the recipient is in non-compliance;

(2) The requirements of law with which the recipient has failed to comply; and

(3) Its intention to request the chief executive of the state to secure compliance.

§ 42.409 Request to Chief Executive of a State.

(a) Where the Administration determines that a state government or a unit of general local government is in non-compliance, it shall request the chief executive of the state to secure compliance. Its request shall advise the chief executive:

(1) Of the general legal and factual basis for its determination:

(2) That compliance with the law and these regulations cannot be achieved by voluntary means;

(3) Of the action to be taken, and the provisions of law under which the proposed action is to be taken should the chief executive fail to secure compliance.

(b) LEAA may not exercise any of the enforcement powers provided in § 518(c)(2) of the Crime Control Act or § 42.409 of these regulations until it has permitted the chief executive of the state a reasonable time to secure the compliance of the recipient.

(c) In determining what constitutes a "reasonable time" under the preceding paragraph, the Administration shall consider:

(1) The urgency of protecting or securing the rights of individuals adversely affected by the non-compliance of the recipient;

(2) The length of time for which the Administration has attempted to secure the voluntary compliance of the recipient;

(3) The scheduled date or dates of payment of funds due under existing awards to the recipient;

(4) The amount of funds due under proposed awards to the recipient;

(5) The length of time in which the chief executive was able to secure compliance pursuant to previous requests to do so by the Administration in similar cases; and

(6) The previous inability of the chief executive to secure compliance pursuant to previous requests to do so by the Administration in similar cases.

(d) Ordinarily, a reasonable time shall not exceed 60 days from the date of the Administration's request.

§ 42.410 Administrative hearing.

(a) Where the Administration has made a determination of non-compliance and the chief executive of the state has been unable to secure voluntary compliance within a reasonable time, the Administration shall give notice to the recipient by registered mail, return receipt requested, of:

(1) The legal and factual basis for its determination of non-compliance;

(2) The failure of the Administration and the chief executive of the state to secure the compliance of the recipient by voluntary means;

(3) The opportunity to request, within 20 days from the date of notice, a hearing on the matters at issue; and

(4) Its intention to order, unless a hearing is requested within the prescribed time, the termination of all or part of those awards which the recipient is currently receiving.

(b) (1) At any time after the Administration has given the notice required by paragraph (a) of this section, the Administration may:

(i) Institute an appropriate civil action;

(ii) Exercise the powers and functions pursuant to Title VI of the Civil Rights Act of 1964; or

(iii) Take such other actions as may be provided by law.

(2) Where the Administration initiates judicial or administrative proceedings in accordance with section 518(c)(2) of the Crime Control Act and paragraph (b)(1) of this section, it may defer convening a hearing pursuant to section 509 of the Crime Control Act until such time as final orders issue from a court or administrative law judge adjudicating the same issues that would be involved in such a hearing. If, in the opinion of the Administration, one or more of those issues has been resolved by such court or judge, LEAA may limit presentation of evidence in a hearing convened pursuant to section 509 of the Crime Control Act to those issues as yet unresolved.

(c) If the recipient requests a hearing within 20 days of the date of the notice, a hearing shall be conducted in accordance with the provisions of 28 CFR section 42.109, *et seq.*, unless, within the 20 day period, the Administration:

(1) Secures the voluntary compliance of the recipient; or

(2) Exercises its discretion under section 42.209(b)(2), supra.

(d) If, after notice and opportunity for hearing, the Administration determines that the recipient is in substantial non-compliance, it:

(1) Shall order that no further payments, or no further payments which in any way abet, sanction, or perpetuate the non-compliance, shall be made to the recipient, until it is satisfied that the recipient is in compliance with the applicable provisions of the law; and

(2) May also invoke one or more of the lesser sanctions provided in the LEAA Administrative Review Procedure, 28 CFR 18.32.

(e) No order of the Administration terminating, deferring, or suspending payments to a recipient for non-compliance with section 262(b) of the Juvenile Justice Act shall be effective until the expiration of 30 days after the Administration has filed with the committee of the House and the committee of the Senate having legislative jurisdiction circumstances and the grounds for such action.

(f) If the Administration determines, after notice and opportunity for a hearing, that the recipient is in less than substantial non-compliance, it may, in its discretion:

(1) defer or reduce further payments due under existing awards; or

(2) deny all applications for future awards until such time as it is satisfied that the recipient is in compliance with the applicable provisions of the law.

RICHARD W. VELDE,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.75-32449 Filed 12-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

HANDLING OF OLIVES GROWN IN CALIFORNIA

Notice of Proposed Rulemaking With Respect to an Increase in Expenses for the 1975–76 Fiscal Year

Consideration is being given to the following proposal submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary find that provisions pertaining to the expenses in paragraph (a) of § 932.210 (40 F.R. 54236) be amended to read as follows:

§ 932.210 Expenses, rate of assessment and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee, during the period September 1, 1975, through August 31, 1976, will amount to $876,550.

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All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than December 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 28, 1975.

RUSSELL L. HAWES,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-32604 Filed 12-2-75;8:45 am]

Soil Conservation Service

[7 CFR Part 622]

REVIEW OF WATERSHED PLANS AND ENVIRONMENT IMPACT STATEMENTS

Notice of Proposed Rulemaking

The Soil Conservation Service is considering revising 7 CFR 622.34 (40 F.R. 12478) of the Soil Conservation Service Regulations by combining the local agency review and the local public review of watershed plans and environmental impact statements.

Interested persons are invited to participate in the proposed regulation change by submitting written data, views, or arguments as they may desire. Comments should identify the regulatory docket or notice number and may be submitted in duplicate to: Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All communications received on or before January 2, 1975, will be considered by the Administrator before taking any action on the proposed rule. The proposal contained in this notice may be changed due to comments received. All comments submitted will be made available, both before and after the closing date for comments, by the Administrator for examination by interested persons. If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued.

In light of the foregoing, it is proposed to revise § 622.34 of Subchapter C of Title 7, Code of Federal Regulations, as follows:

§ 622.34 Review.

(a) *Technical review.* The draft watershed plan and draft EIS shall be reviewed by SCS for technical adequacy and conformity with legal and policy requirements.

(b) *Local review.* Following the technical review, the watershed plan and, if required, the environmental impact statement will be provided to the sponsors, local agencies, groups, individuals, and local offices of federal agencies for review. The local review will also include a public meeting called by the sponsors, jointly by the sponsors and SCS, or by an established state procedure. Agencies, groups, and individuals who have evidenced an interest in the watershed will be invited to participate. The public will be notified as provided in § 650.7(d) of this chapter. All comments received as a

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result of this local review will be considered by the state conservationist and sponsors and appropriate changes made before proceeding with the interagency review.

(c) *Interagency review.* The draft watershed plan and, if required, the draft EIS will be submitted by SCS to the governor, the appropriate clearinghouses, and other concerned federal agencies for review and comment. The draft plan and, if required, draft EIS will also be sent to interested individuals, groups, or organizations. If received by the end of the review period, reports from the Secretaries of the Interior, Army, Health, Education and Welfare, and the appropriate regional administrator of the Environmental Protection Agency shall accompany any plan submitted to the Congress for approval.

(d) *Office of Management and Budget.* Following the interagency review, the final watershed plan and, if required, the final EIS shall be prepared after giving consideration to all substantive comments received. The watershed plan agreement shall be signed by the sponsors and the SCS. For watershed plans requiring congressional approval, the plan and EIS shall be sent by the Secretary to the Office of Management and Budget for transmittal to the appropriate congressional committees.

(Catalog of Federal Domestic Assistance Program No. 10.904 National Archives Reference Services)

Dated: November 20, 1975.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

[FR Doc.75-32466; Filed 12-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5, further amended]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Modification in Standards for Home Health Agency Supervision in Connecticut

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to Subpart L of Regulations No. 5 set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

In order to participate in the health insurance for the aged and disabled program, a home health agency must meet the statutory requirements of section 1861(o) of the Social Security Act and, as further specified by section 1861(o)(6), certain conditions provided by regulation in the interest of health and safety. Under section 1863 of the Act the Secretary, in establishing conditions of participation for home health agency participation in the Medicare program, may, at the request of a State, require that home health agencies in such State have health and safety requirements which are higher than those required in other States.

The high standard for home health agency supervision reflected in the present addenda to § 405.1221(d) relating to Connecticut (in the Appendix to Subpart L) was adopted at the request of the State of Connecticut. This requires, in order for a home health agency to meet the agency supervision condition of participation, that it designate a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services. The minimum qualifications of the nursing supervisor are a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities. (The minimum requirement adopted by the Secretary in the absence of higher State standards is that the agency be under the direction of a physician or registered nurse (who preferably has at least 1 year of nursing experience and is a public health nurse)).

The State of Connecticut has now requested that the agency supervision condition of participation be amended to provide that the minimum qualifications for a nursing supervisor in a town having a population of more than 30,000 shall be a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities. The proposed amendment would also provide that a nursing supervisor in a town having a population of 30,000 or less shall be at least a registered nurse, licensed to practice in Connecticut, with 5 years of experience as a nurse in charge of a visiting nurse agency or other home health agency; or a registered nurse, licensed to practice in Connecticut, with a baccalaureate degree in nursing and 2 years of experience in a visiting nurse agency or other home health agency.

Since the standard requested by the State would still be higher than the minimum Medicare requirement, the proposed amendment to the addenda (in the Appendix) incorporates that standard into the regulations.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, on or before January 2, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The proposed amendment is issued under the authority contained in sections 1102, 1861(o), 1863, and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 320, as amended, 79 Stat. 325, and 79 Stat. 331 (42 U.S.C. 1302, 1395x(o), 1395z, and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged——Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: October 24, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 26, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), is further amended by revising that part of the addenda to § 405.1221(d) in the appendix to Subpart L which relates to Connecticut to read as follows:

CONNECTICUT

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by the physician. The following qualifications apply to the supervisor and director:

(1) *Supervisor.* (i) *Towns having a population of more than 30,000.* The minimum qualifications for a nursing supervisor are a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(2) *Towns having a population of 30,000 or less.* Any nursing supervisor shall be at least:

(i) A registered nurse, licensed to practice in Connecticut, with 5 years of experience as a nurse in charge of a visiting nurse agency or other home health agency; or

(ii) A registered nurse, licensed to practice in Connecticut, with a baccalaureate degree in nursing and 2 years of experience in a visiting nurse agency or other home health agency.

(b) *Director.* When a unit through which home health services are provided reaches a total nursing staff of 9 to 12, depending upon the number of towns involved and area served, a qualified public health nursing director shall be employed in addition to the nursing supervisor. The qualifications for the director are:

(1) *Preferred.* A master's degree with a major in public health nursing administration or supervision from a university program approved by the National League for Nursing, or a master's degree in public health from a university program approved by the American Public Health Association, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

(2) *Acceptable.* A baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, supplemented by approved courses in public health nursing supervision and administration, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

[FR Doc.75-32565 Filed 12-2-75;8:45 am]

HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-799]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Refugio, Refugio County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Refugio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Refugio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William O'Rear, P.O. Box 323, Refugio, Texas 78377. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Mission River	South Alamo St.	41	170	*(1)
Tributary A	East Fedeacion St.	42	900	(1)
	West North St.	42	750	(1)
Dry Bayou	Pearl St.	37	50	(1)
Tributary B	North Alamo St.	47	150	90
	Swift St.	52	70	50

[1] Corporate limits.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 26, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.

Issued: November 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32573 Filed 12-2-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[34 CFR Chapter I]

MAJOR SYSTEMS ACQUISITIONS

Proposed Rulemaking

Notice is hereby given that the Office of Management and Budget, Office of Federal Procurement Policy, is considering promulgating the following regulation on major systems acquisition. This regulation is proposed pursuant to Public Law No. 93-400.

Interested persons may attend a public hearing on the proposed regulation to be held on December 16, 1975 at 1:00 p.m. and if necessary, December 17, 1975 from 9:00 a.m. to 1:00 p.m. in Room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503. Oral presentations should be accompanied by written copy, and should generally be limited to a summary of the main points covered by prior written comment. These comments to be submitted to the Office of Federal Procurement Policy on or before December 12, 1975.

Persons unable to attend the public hearing may comment on the proposed regulation by submitting their written views to the Administrator for Federal Procurement Policy, Room 9001, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503. Comments received before December 16, 1975 will be considered.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

MAJOR SYSTEM ACQUISITIONS

1. *Purpose.* This Circular establishes policy and key decision responsibilities to be followed in the acquisition of major systems with federally appropriated funds.

2. *Authority.* The "Office of Federal Procurement Policy Act," Public Law 93-400, 41 U.S.C. 401 *et seq.*, the Budget and Accounting Act, 1921, the Budget and Accounting Procedures Act of 1950, Reorganization Plan No. 2 of 1970, and Executive Order 11541, July 1, 1970.

3. *Background.* The acquisition of major systems by the Federal Government constitutes one of the most important, vital, and expensive activities performed in the Nation. Its impact is critical on technology, on the Nation's economy, and on the accomplishment of Government agency missions in such areas as defense, space, energy, and transportation. For a number of years, many people expressed deep concern regarding the effectiveness of the management of major system acquisitions. The report of the Commission on Government Procurement recommended fundamental changes in the process of acquiring major systems. This Circular is based on findings and conclusions growing out of executive branch consideration of the Commission's recommendations.

4. *Responsibility.* Each agency head shall insure that the provisions of this Circular are followed.

5. *Application.* This Circular applies to the management of the acquisition of major systems including: analysis of the agency mission, determination of mission needs and the setting of mission goals, determination of system requirements, system program planning, budgeting, funding, research, engineering, development, testing and evaluation, contracting, production, program control, and introduction of the system into use. The Circular is applicable to all major acquisition programs even though some agencies may not have full or direct responsibility for each of these functions. For instance, an agency may not procure systems for its own use but instead may develop optional demonstration hardware for private sector choice, or may procure one-of-a-kind systems. Such variations do not justify the exclusion of programs from the management concepts of this Circular.

6. *Definitions.* As used in this Circular:

a. *"Executive agency"* means an executive department or an independent establishment within the meaning of sections 101 and 104(1), respectively, of Title 5, United States Code.

b. *"Agency head"* means the head or deputy head of an executive agency.

c. *"Agency component"* means a major organizational subdivision of an executive agency; i.e., the Army, Navy, Air Force, and Defense Supply Agency are agency components of DOD; the Federal Aviation Administration, Urban Mass Transportation Administration, and the Federal Highway Administration are agency components of DOT.

d. *"Mission need"* means within an agency's overall purpose a desired capability, including cost and schedule considerations, expressed in mission functional terms, not equipment terms. A mission need may be the result of a deficiency in existing agency capabilities or the decision to establish new capabilities in response to technologically feasible opportunity. Mission needs are

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independent of any particular system or technological solution.

e. *"Major system"* means that combination of elements which will function together to produce the desired capabilities to achieve an agency mission need or goal. The elements may include, for example, hardware, equipment, software, construction, or other improvements of real property. Major system acquisition programs are considered all those which (1) are directed at and critical to achieving agency mission responsibilities, (2) entail the allocation of relatively large resources, and (3) warrant special management attention. Additional criteria and dollar thresholds for the determination of agency programs to be considered major systems under the purview of this Circular shall otherwise be at the discretion of the agency head.

f. *"Acquisition process"* means the sequence of activities starting with reconciliation of mission needs and goals with capabilities, priorities and resources and extending through the introduction of a system into operational use or the otherwise successful achievement of program objectives.

7. *General policy.* The guidelines of this Circular are designed to work as an integrated whole toward the improvement of the effectiveness and efficiency of the major system acquisitions process. They are based on the general policy that Federal agencies when acquiring major systems shall:

a. Establish needs and goals based on broad agency mission definition.

b. Perform planning, programming, and budgeting built on analysis of such missions and goals which implies: better resource allocation resulting both from improved agency articulation of missions and goals, and from improved communication with Congress in accord with the Congressional Budget Act of 1974, Public Law 93-344 (31 U.S.C. 1301).

c. Create and explore alternative system concepts within the broad agency "mission" context—with emphasis upon generating increased innovation, participation, and conceptual competition from industry as opposed to undue reliance upon agency internally developed concepts and/or preliminary designs to meet a particular mission need or goal.

d. Rely on private industry in accordance with the policy established by OMB Circular No. A-76.

e. Encourage agency early R&D funding for exploration of alternatives as relatively inexpensive insurance against the possibility that a premature or preordained choice may later prove to be either a less effective or a more costly means of fulfilling a mission need.

f. Focus competition on alternative system concepts as opposed to confining competition to price or performance differentiation within a single system design concept.

g. Choose a final system from among alternative systems that result from a competitive development and demonstration environment.

h. Manage systematically the entire mission need determination, development, and production process.

i. Utilize appropriate managerial level for decisionmaking and an effective management hierarchy of authority, responsibility and accountability.

j. Provide strong checks and balances for systems destined for use by ensuring adequate unbiased system test and evaluation. Such tests and evaluation should be independent, where practicable, of developer and user.

8. *Management objectives.*

a. A major system acquired by the Government must fulfill a mission need, be affordable, operate effectively in its intended environment, and demonstrate a performance level and reliability that justify the allocation of resources to its acquisition and ownership. In providing a system with acceptable mission performance levels, efforts shall be made to minimize life cycle costs by including the appropriate use of technology, competition, and incentives.

b. An "acquisition strategy" must be tailored for each individual system program as soon as a determination is made to solicit design concepts which could lead to the acquisition of a new major system. Such strategy should include test and evaluation criteria and business management considerations such as: the timing of essential elements of the acquisition process, the content of proposal solicitations, whom to solicit, methods for obtaining and sustaining competition, data rights, use of warranties, need for developing contractor incentives, and selection of contract types. The contracting process should be recognized as an important tool in system acquisitions.

9. *Management structure.*

a. Each agency that acquires major systems, or is responsible for the activities leading to the acquisition of major systems, shall have an acquisition executive, designated by the head of the agency, who shall be held responsible for integrating and unifying the agency's system acquisition management process and for monitoring policy implementation and practice under this Circular. There shall be clear channels of delegation of responsibility and authority within the agency's acquisition management process. Technical and program decisions normally should be made at the operating activity or component level with clear channels of accountability within the agency. However, the following four key decision points should be retained by the agency head over the course of the system acquisition program:

(1) Identifying and defining mission need, and the goals that an acquisition program is to achieve, including the relative priority within the agency and the general magnitude of resources required.

(2) Selecting those competitive candidate systems to be advanced to a test and/or demonstration phase, or entering noncompetitive (single concept) system development.

(3) Committing a system to full-scale development and limited production.

(4) Committing a system to full production release.

b. Major system acquisition programs shall be managed by a program manager, who should be designated when a decision is made to fulfill a mission need by pursuing design concept alternatives and who, with satisfactory performance, should be retained for a sufficient period to provide reasonable continuity and personal accountability. Program managers should have an understanding of user needs and constraints, familiarity with development principles, and program management skills and experience in the following functional areas where applicable: research and development, operations, engineering, construction, testing, contracting, prototyping and fabrication of complex systems, production, business, budget, and finance. A program manager shall have a written charter which provides responsibility and authority to accomplish approved program goals. Budget guidance should be provided to a program manager at the inception of a system acquisition.

c. Each agency shall rely, to the greatest extent possible, on competitively derived concepts and designs. The agency should limit management layering, staff reviews, reporting procedures and paperwork requirements placed on program managers and contractors to those requirements that are essential to mission accomplishment.

d. Each agency shall develop the capability to predict, review, assess, negotiate and monitor costs for system development, engineering, design, test, production, operation and support (i.e., life cycle costs). Acquisition costs, schedules and performance shall be assessed against predictions, and examined by the agency head at key decision points, and new cost/schedule/benefit analyses shall be performed where significant cost, schedule or performance variances occur. Life cycle cost techniques shall be employed during concept evaluation and selection, full-scale development, facility conversion, and production, to insure identification and achievement of the lowest lifetime costs in consonance with the capability being required. Independent cost estimates should be used, where feasible, for comparison purposes.

e. Joint interagency working groups should be established where appropriate as a means to enhance interagency technology transfer, prevent unwarranted duplication of technological efforts, reduce system costs, promote standardization and help create a competitive acquisition environment.

10. *Mission needs and goals.*

a. Initiation of all major system acquisition programs should be based on an analysis of an agency's mission and a determination of needs and goals reconciled with overall capabilities, priorities and resources. If analysis of an agency's mission shows that a need for a new major system exists, such a need should be defined in terms of the mission, purpose, agency components involved, capability, schedule and cost goals, and operating constraints. Benefits to be derived should be optimized by competitive exploration of alternative system concepts, and trade-offs of capability goals, time, and cost. Care should be exercised during the initial steps of the acquisition process not to distort needs and goals by forcing their conformance to any known systems or products that might foreclose consideration of alternatives.

b. Agencies having more than one component shall assign roles and responsibilities at the outset. If so desired, agencies may have components sponsoring competing system concepts in order to consider innovative approaches and select the most tchnically suitable and most cost effective approach to fulfilling a mission need.

c. Those agencies requiring a technological base should conduct, support, or sponsor research, system concept studies, proof of concept work, exploratory subsystem development, and tests and evaluations in both the private sector and Government in-house technical centers relevant to the agency's assigned responsibilities. More advanced technology efforts oriented to system developments shall be performed in response to approved mission needs.

11. *Alternative systems.*

a. System concept design alternatives shall be solicited from a broad base or qualified firms, specifically including the smaller and newer businesss in order to achieve the most preferred system solution through encouraging innovation and competition. Conceptual designs are to be primarily solicited from private industry. Federal laboratories, federally funded research and development centers, educational institutions, and other not-for-profit organizations may also be considered as sources for competitive system concepts.

b. Ideas, concepts, or technology, developed by Government laboratories or at Government expense for which Government rights have been established, may be made available to private industry through the procurement process. Industry proposals to the agency may be made on the basis of these ideas, concepts, or technology or on the basis of alternatives which industry considers superior.

c. Requests for system concept design proposals shall contain explanation of the emission need, time, cost, and capability goals, and operating constraints. Each offerer shall be free to propose his own technical approach, main design features, subsystems, and alternatives to time, cost, and capability goals. In the conceptual and less than full-scale development stages, the contractors should not be restricted by detailed Government specifications and standards. Selections from among competing proposals shall be based on a review by a team of experts, preferably from inside and outside the responsible development organization. Such a review shall consider proposed system functional and performance capabilities to meet mission needs, and program goals, including resources required, and benefits to be derived by trade-offs of technical performance, acquisition costs, ownership costs, time to develop and procure, and the accomplishment record of competitors.

d. During the uncertain period of identifying and exploring alternative system concepts, contracts covering relatively short time periods at planned dollar levels shall be used. Timely technical reviews of alternative system concepts will be made to effect the orderly elimination of those least attractive.

e. System acquisitions programs shall be structured and resources planned to insure demonstration and evaluation of competing alternative system concepts in fulfilling mission needs. This would include competition between similar or differing concepts and whenever economically beneficial throughout the entire acquisition process. Contractors shall be provided with operational test conditions, mission performance criteria, and lifetime ownership cost factors that will be used by the agency in the evaluation and selection of the system(s) for full-scale development and production.

f. Appropriate interaction between agency representatives with relevant operational experience and participating contractors should be encouraged as necessary in developing performance and other requirements for each system alternative as tests and trade-offs are made. Such interaction should be conducted through the program manager.

g. Development of subsystems which are intended to be included in a major system acquisition program should be restricted to less than fully designed hardware (full-scale development) until the subsystem is identified as a part of a system candidate for full-scale development. Exceptions may be authorized by the agency head if the subsystems are long lead time items fulfilling a recognized generic need or if they have a high potential for common use among several existing or future systems.

h. Approval for development of a system design concept which has not been competitively selected should be considered only if justified by factors typified by either extreme urgency of need with only one viable approach, or physical and financial impracticality of demonstrating alternatives. Design concepts which have been neither competitively selected nor demonstrated should be implemented using strong program management and technical capabilities.

12. *Full-scale development and production.*

a. Full-scale development, including limited production, shall not be approved until agency mission needs and goals are reaffirmed and competitive demonstration results verify that the chosen technical approach is sound.

b. Full production shall not be approved until agency mission needs and goals are reaffirmed. In addition, full production shall not be approved until system performance has been satisfactorily tested, independent of the agency development and user organizations, and evaluated in an environment that assures demonstration in expected operational conditions. Exceptions to the independent testing portions of this policy may be authorized under such circumstances as physical or financial impracticability or extreme urgency.

c. Selection of a system and system contractors for full-scale development and production should be made on the basis of system performance measured against current mission needs and goals and include such factors as (1) an evaluation of estimated acquisition and ownership costs and (2) the contractor's demonstrated management, financial, and technical capabilities as related to program requirements.

d. System tests and contractor performance relative to meeting system performance, cost, and schedule commitments shall be monitored by the program manager. Significant actual or forecast variances shall be brought to the attention of the appropriate management authority for corrective action. The acquisition executive shall be informed of such variances and corrective actions.

13. *Budgeting and financing.* Agencies shall develop and allocate research and development budgets in accordance with mission functional needs and goals. In so doing, the agencies shauld identify funding between (1) the general technology base in support of the agency's overall missions and (2) the specific development efforts in support of system candidates to accomplish mission functions. Each agency should insure that research and development is not undesirably duplicated across its mission functions.

14. *Information to Congress.*

a. Agencies shall develop procedures, in conjunction with the Office of Management and Budget and the various committees of Congress having oversight responsibility for agency functional responsibilities, to inform Congress in the normal budget process about agency missions, capabilities, deficiencies and needs and goals related to new acquisition programs in consonance with Section 601(1) of the Congressional Budget Act of 1974, Public Law No. 93-344.

b. Disclosure of the basis for proceeding with a single design concept without competitive selection and demonstration shall be made to the appropriate congressional committees as a part of the normal budget process.

15. *Implementation.*

a. Agency guidelines, policy directives, or regulations implementating this Circular shall be furnished the Administrator for Federal Procurement Policy (OMB) for review as soon as available. Within six months after the date of release of the Circular, each agency shall submit to the Administrator for Federal Procurement Policy (OMB) a time-phased action plan for meeting the requirements of this Circular. During this period, the agencies shall work with the Administrator to resolve implementation problems.

b. Agency approval of any exceptions permitted under the preceding paragraphs of this policy shall be forwarded to the Administrator for Federal Procurement Policy (OMB).

[FR Doc.75-32552 Filed 12-2-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[CM-5/128]

OCEAN AFFAIRS ADVISORY COMMITTEE

Notice of Meeting

The Ocean Affairs Advisory Committee will meet on January 7, 1976, in the conference room of the Hotel Ponce de Leon, St. Augustine, Florida, at 9:30 AM.

The Committee will discuss the recent negotiations in the International Commission for Northwest Atlantic Fisheries, the International North Pacific Fisheries Commission, the Inter-American Tropical Tuna Commission, the Romanian and Polish bilaterals, upcoming fisheries meetings, and be updated on the recent organization of the State Department's Bureau for Oceans, and International Environmental and Scientific Affairs. This session will be open to the public. The public will be given the opportunity to participate in discussions according to the instructions of the Chairman and will be admitted to the open session to the limits of the seating capacity.

The Ocean Affairs Advisory Committee will also meet in the afternoon of January 7 and all day on January 8. These sessions will not be open to the public since the discussions will be devoted to matters exempt from public disclosures under 5 USC 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. These discussions will be confined to classified briefings on the law of the sea meetings and upcoming fisheries negotiations, and will include examination and discussion of classified documents.

Dated: November 21, 1975.

WILLIAM L. SULLIVAN, Jr.,
Acting Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc.75-32462 Filed 12-2-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 17728]

ASSISTANT COMMISSIONER, GOVERNMENT ACCOUNTING

Redelegation of Authority

By virtue of the authority vested in me as Fiscal Assistant Secretary pursuant to Treasury Department Order No. 190 (Revision 10), I hereby redelegate to and through the Commissioner, Bureau of Government Financial Operations, to the Assistant Commissioner, Government-wide Accounting, with the right further to redelegate, authority to assign to the Federal Reserve Bank of New York shares of stock which have been assigned to the Secretary of the Treasury, and to perform any additional functions necessary to effectuate such assignment. Such Assistant Commissioner shall be responsible for referring to the Fiscal Assistant Secretary any matters on which action should appropriately be taken by the Fiscal Assistant Secretary.

The authority which is redelegated hereby, or which may further be redelegated hereunder, may be exercised in the individual capacity and under the individual title of each official receiving such authority.

Dated: November 26, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-32460 Filed 12-2-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Divison

U.S. V. ATOMIC FIRE EQUIPMENT CO., ET AL.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment agreed to by the United States and all the defendants, and a competitive impact statement have been filed with the United States District Court for the Northern District of Ohio (Civil No. C72-1185). The complaint alleges that five corporations, Atomic Fire Equipment Co.; Fire Equipment Associates, Inc.; Fire Safety Company, Inc.; L & L Fire Fighting Equipment Co.; S. R. Smith Company, Inc.; and two individuals, Joseph V. Rattay dba Cleveland Fire Equipment Company, and Maxine Siebert dba Fire Equipment Service and Sales, violated Section 1 of the Sherman Act by conspiring to fix prices on sales and services of fire extinguishers, and to allocate service customers in the Cleveland, Ohio area.

The judgment perpetually enjoins the defendants from participating in any agreement or arrangement to fix prices, to set discounts, or to allocate customers. Defendants are enjoined from maintaining any existing agreement or arrangement, or entering into any new agreement or arrangement, to fix prices, discounts, or other conditions for the sale or service of fire extinguishers; from communicating or exchanging price information or terms and conditions of sale or service of fire extinguishers with any person or group of persons involved in the sale or service of fire extinguishers; and allocating customers for the sale or service of fire extinguishers. The proposed judgment requires that each defendant not discuss with any other fire extinguisher distributor the price charged or other terms and conditions of sale and service to third parties or the identity of such defendant's customers; and that each defendant establish new prices and other terms and conditions of sale and service of fire extinguishers, or to file an affidavit stating that it has already complied with this requirement. The injunctive provisions are nationwide in geographic coverage and perpetual in time.

Public comment is invited on or before February 2, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John A. Weedon, Chief, Cleveland Office; Department of Justice, Antitrust Division, 995 Celebreezze Federal Building, Cleveland, Ohio 44199.

Dated: November 26, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

[Civil No. C72-1185 (Chief Judge Battisti)]

UNITED STATES OF AMERICA, PLAINTIFF, V. ATOMIC FIRE EQUIPMENT COMPANY; FIRE EQUIPMENT ASSOCIATES, INC.; FIRE SAFETY COMPANY, INC.; L & L FIRE FIGHTING EQUIPMENT CO.; S. R. SMITH COMPANY, INC.; JOSEPH V. RATTAY DBA CLEVELAND FIRE EQUIPMENT CO.; AND MAXINE S. SIEBERT DBA FIRE EQUIPMENT SERVICES AND SALES, DEFENDANTS

STIPULATION

Filed: November 26, 1975.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. Joseph V. Rattay is no longer doing business as Cleveland Fire Equipment Company; and

2. Joseph V. Rattay is released from compliance with Sections VII and VIII of the Final Judgment in this matter, provided that this defendant does not become an owner, partner, or majority or controlling stockholder in any business concerning the distribution of fire extinguishers at any time during the ten (10) year period set forth in Section VIII of the Final Judgment.

Dated: November 26, 1975.

Thomas E. Kauper, *Assistant Attorney General.* Baddia J. Rashid, Charles F. B. McAleer, and John A. Weedon, *Attorneys, Department of Justice.*

For the defendant: Dale D. Powers, *Attorney for Joseph V. Rattay, dba Cleveland Fire Equipment Co.*

William T. Plesec, and Susan B. Cyphert, *Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216-522-4014.*

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

[Civil No. C72-1185 (Chief Judge Battisti)]

UNITED STATES OF AMERICA, PLAINTIFF, V. ATOMIC FIRE EQUIPMENT COMPANY; FIRE EQUIPMENT ASSOCIATES, INC.; FIRE SAFETY COMPANY, INC.; L & L FIRE FIGHTING EQUIPMENT CO.; S. R. SMITH COMPANY, INC.; JOSEPH V. RATTAY DBA CLEVELAND FIRE COMPANY; AND MAXINE S. SIEBERT DBA FIRE EQUIPMENT SERVICE AND SALES, DEFENDANTS

STIPULATION

Filed: November 26, 1975.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: November 26, 1975.

For Plaintiff: Thomas E. Kauper, *Assistant Attorney General.*

Baddia J. Rashid, Charles F. B. McAleer, and John A. Weedon, *Attorneys, Department of Justice.*

William T. Plesec and Susan B. Cyphert, *Attorneys, Department of Justice, Antitrust Division,* 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216-522-4070.

For the Defendant: Donald Goldman, *Attorney for Atomic Fire Equipment Company.* Walter Bates, *Attorney for S. R. Smith Company, Inc.* Alan Arnold, *Attorney for Fire Safety Company, Inc.* Albert J. Morhard, *Attorney for L & L Fire Fighting Equipment Co. and Maxine S. Siebert dba Fire Equipment Service and Sales.* Dale D. Powers, *Attorney for Joseph V. Rattay dba Cleveland Fire Equipment Co.* Joseph C. Domiano, *Attorney for Fire Equipment Associates, Inc.*

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

[Civil No. C72-1185,
(Judge Frank J. Battisti)]

UNITED STATES OF AMERICA, PLAINTIFF, V. ATOMIC FIRE EQUIPMENT COMPANY; FIRE EQUIPMENT ASSOCIATES, INC.; FIRE SAFETY COMPANY, INC.; L & L FIRE FIGHTING EQUIPMENT CO.; S. R. SMITH COMPANY, INC.; JOSEPH V. RATTAY DBA CLEVELAND FIRE EQUIPMENT COMPANY; AND MAXINE S. SIEBERT DBA FIRE EQUIPMENT SERVICE AND SALES, DEFENDANTS.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on November 2, 1972, and plaintiff and defendants, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of or finding on any issues of fact or law herein and without this Final Judgment constituting evidence or admission by plaintiff or defendants, or any of them, in respect to any such issue;

Now, Therefore, before any testimony has been taken and without trial or adjudication of or finding on any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto, and the Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890 (15 U.S.C. § 1), commonly known as the Sherman Act, as amended. Entry of this Judgment is in the public interest.

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity.

(B) "Fire extinguishers" shall mean portable, hand-operated fire extinguishing equipment.

(C) "Service" shall mean installation, inspection, testing, maintenance or recharging of fire extinguishers.

(D) "Distributors" shall mean those persons engaged in the business of selling and servicing fire extinguishers manufactured by others.

III

The provisions of this Final Judgment applicable to any defendant shall apply also to its subsidiaries, successors, assigns, directors, officers, agents, servants, and employees, and to all persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transactions or activity solely between a defendant and its directors, officers, agents, servants, employees, parent company, subsidiaries, or any of them, when acting in such capacity.

IV

Each defendant is enjoined and restrained, individually and collectively, from entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, understandng, plan or program with any other person, directly or indirectly, to:

(A) Fix, determine, establish, maintain, stabilize, increase or adhere to prices, discounts or other terms or conditions for the sale or service of fire extinguishers to any third person;

(B) Eliminate or suppress price competition in the sale or service of fire extinguishers;

(C) Communicate to or exchange with any other person selling or servicing fire extinguishers, or any trade group or association whose members include persons engaged in the sale or servicing of fire extinguishers, any information concerning any actual or proposed price, price change, discount, or other term or condition of sale at or upon which fire extinguishers are to be, or have been, sold or serviced to or for any third person prior to the communication of such information to the public or trade generally;

(D) Allocate customers for the sale or service of fire extinguishers.

V

Each defendant is enjoined and restrained, individually and collectively, from directly or indirectly: (a) urging, influencing or suggesting to any other fire extinguisher distributor the prices or other terms or conditions of sale or service for fire extinguishers to any third person; and (b) advising or informing any other defendant of the identity of any of its customers.

VI

Nothing herein shall be deemed to prohibit:

(A) Any *bona fide* arm's length purchase, sale or service negotiations between any defendant and any supplier or distributor of fire extinguishers or fire extinguisher parts, components or supplies.

(B) The affixing to fire extinguishers of tags or labels which identify a defendant as the seller or servicer of said extinguisher.

(C) Any advertisement or article which discloses the identity of a customer of a defendant, provided, however, that no defendant shall advertise or disclose the name of any of its retail customers for sale or service of fire extinguishers in a trade journal for distributors of fire extinguishers.

(D) The mere suggestion by any defendant fire extinguisher manufacturer to its distributors of suggested resale prices for fire extinguishers manufactured by or for it.

VII

Within sixty (60) days of the entry of this Final Judgment, each defendant is ordered and directed, individually and independently:

(A) To review, determine and establish its prices and other terms and conditions of sale and service of fire extinguishers, on the basis of its independent judgment; provided, however, that compliance with the provisions of this Section VII (A) and (B) shall not be required if within such sixty (60) day period an affidavit signed by the officer or officers responsible for the determination of such prices, terms and conditions is filed with this Court (with a copy to the Assistant Attorney General in charge of the Antitrust Division) stating that such defendant, prior to the effective date of this Final Judgment and subsequent to November 2, 1972, reviewed, determined and announced the prices, discounts, or terms and conditions of sale and service of fire extinguishers in accordance with the requirements of this Section.

(B) To withdraw its then current price lists, if any, and adopt and publish price lists, if any are used, arrived at pursuant to subparagraph (A) above.

VIII

For a peroid of ten (10) years from the date of entry of this Final Judgment, each defendant is ordered to file with the plaintiff, on each anniversary date of this Final Judgment, a report setting forth the steps it has taken during the prior year to advise its appropriate officers, directors, employees, and agents of its and their obligations under this Final Judgment.

IX

For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege (a) access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment, and (b) subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, servants or employees of such defendant, who may have counsel present, regarding any such

V40233 DEC 3 75 XUM

matters. Any defendant, upon such written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to its principal office, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section IX shall be divulged by any representatives of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceeding to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction of or the carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

[Civil No. C72–1185, (Chief Judge Battisti)]

UNITED STATES OF AMERICA, PLAINTIFF, V. ATOMIC FIRE EQUIPMENT COMPANY; FIRE EQUIPMENT ASSOCIATES, INC.; FIRE SAFETY COMPANY, INC.; L&L FIRE FIGHTING EQUIPMENT CO.; S. R. SMITH COMPANY, INC.; JOSEPH V. RATTAY D.B.A. CLEVELAND FIRE EQUIPMENT CO.; AND MAXINE S. SIEBERT D.B.A. FIRE EQUIPMENT SERVICES AND SALES, DEFENDANTS

PROPOSED CONSENT JUDGMENT; COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16(b)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the Proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

On November 2, 1972, the Department of Justice filed a civil antitrust complaint alleging that five corporations and two individuals conspired to fix prices and allocate customers in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

II. PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATIONS OF THE ANTITRUST LAWS

The complaint alleged that beginning sometime prior to 1962 the defendants had conspired to raise, fix and maintain the prices to be charged for the sale and service of fire extinguishers and to allocate certain service customers in the Cleveland, Ohio area. The complaint sought a judgment by the Court declaring that the defendants had engaged in a combination and conspiracy in unreasonable restraint of trade in violation of the Sherman Act, and an order by the Court to enjoin and restrain the defendants from such activities in the future.

The corporations named in the complaint were: Atomic Fire Equipment Company; Fire Equipment Associates, Inc.; Fire Safety Company, Inc.; L & L Fire Fighting Equipment Company; and S. R. Smith Company, Inc. The individuals named in the complaint were Joseph V. Rattay d.b.a. Cleveland Fire Equipment Co., and Maxine S. Siebert d.b.a. Fire Equipment Service and Sales.

Fire extinguishers are portable, hand-operated fire extinguishing equipment which are generally used to control and extinguish small, localized fires. They are generally classified according to the chemical agent employed (water, CO_2, foam, dry chemical, etc.) or the type of hazard for which each is suited (paper and wood, electrical equipment, and oil). There are several sizes of fire extinguishers (e.g., 5 lbs., 10 lbs., 20 lbs.) within each classification. Fire extinguishers require periodic servicing to maintain their functional efficiency. Servicing is frequently performed on an annual basis and consists of installing, inspecting, testing, maintaining or recharging fire extinguishers.

During the period of time covered by the complaint, the defendants had sold substantial quantities of fire extinguishers to and performed substantial services for commercial, industrial, and government customers located in the Cleveland area.

The defendants held meetings to discuss, and ultimately to agree upon, the minimum prices to be charged for various fire extinguishers and upon a method to fix, raise, and maintain the prices to be charged for the service of fire extinguishers. The result was a two-price system which was also used as a means of allocating service customers. A specified price was to be quoted to any new customer, and if a "present" customer of one distributor sought to switch to another, the customer became a "new" customer of the latter distributor and was therefore quoted the higher price. The effect of the two-price system was to allow the fire equipment distributors to increase their prices and still retain their present customers, without fear of price competition from other distributors.

III. EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

Under the provisions of the *Antitrust Procedures and Penalties Act*, entry of the proposed consent judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent judgment provides a number of measures to dispel the anticompetitive effects alleged in the complaint. Each defendant is enjoined from maintaining any existing agreement or arrangement, or entering into any new agreement or arrangement, to fix prices, discounts or other conditions for the sale or service of fire extinguishers; from communicating or exchanging price information or terms and conditions of sale or service with any person or group of persons involved in the sale or service of fire extinguishers, prior to that information being disclosed to the public or trade generally; and allocating customers for the sale or service of fire extinguishers.

Each defendant may not discuss with other fire extinguisher distributors the price charged or other terms and conditions of sale and service to third parties, or the identity of such defendant's customers.

Each defendant must also either establish new prices and other terms and conditions of sale and service of fire extinguishers on the basis of its own independent judgment, or in the alternative, may submit an affidavit stating that it has already complied with this requirement.

The judgment also makes provision for the United States to have access to the defendant's records, and to interview officials of each defendant to determine if they are abiding by the terms of the judgment.

The judgment does not prohibit the following business activities which are either usual and customary in the trade, ordinary business practices, or required by local law: (1) any *bona fide* arm's length purchase, sale, or service negotiations between any defendant and any supplier or distributor of fire extinguishers or fire extinguisher parts, components or supplies; (2) affixing to fire extinguishers tags or labels which identify a defendant as the seller or servicer of the extinguisher; (3) any advertisement or article which discloses the identity of a customer of a defendant provided that the advertisement or disclosure is not made in a trade journal for distributors for fire extinguishers; and (4) the mere suggestion by any defendant fire extinguisher manufacturer to its distributors of suggested retail prices for fire extinguishers manufactured by or for it.

The proposed consent judgment will have the effect of causing fire extinguishers to be sold at independently established and competitive prices. The injunction provisions are nationwide in geographic coverage and perpetual in time.

The Government and Joseph V. Rattay, dba Cleveland Fire Equipment Co., have entered into a stipulation whereby Mr. Rattay is released from complying with Sections VII and VIII of the proposed consent judgment, since he is no longer doing business as Cleveland Fire Equipment Co., provided, however, that he does not, for ten years, become an owner, partner, or majority or controlling stockholder in any company distributing fire extinguishers. Section VII requires each defendant either to independently establish new prices and other terms and conditions of sale for fire extinguishers and services or to submit an affidavit signed by an officer stating that it has done so since November 1972. Section VIII requires each defendant to file with the plaintiff, each year for ten years, a report setting forth the steps it has taken to advise its officers, directors, employees, and agents of its and their obligations under the judgment.

IV. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

The alternative to the proposed consent decree considered by the Antitrust Division was a full trial on the merits wherein the Government would have contended that the defendants had engaged in a combination and conspiracy to fix prices and to allocate customers in the fire equipment sales and service industry.

The Division considers the substantive language of the proposed judgment to be of sufficient scope and effect to make litigation unnecessary, and provides all of the relief requested in the complaint. Upon approval of the Court to this proposed consent judgment, the public should once again be assured the benefits of free and open competition in the sale and service of fire extinguishers and related equipment.

V. REMEDIES TO POTENTIAL PRIVATE PLAINTIFFS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been damaged as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees.

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered.

VI. PROCEDURES FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed judgment should be modified may for a 60-day period submit written comments to John A. Weedon, Chief, Cleveland Office, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199. The Department of Justice will evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed consent judgment. The Department of Justice will file with the Court and publish in the FEDERAL REGISTER the comments and its responses to such comments.

By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for its modification.

No materials and documents were considered by the Government to be determinative in the formulation of the proposed judgment, and, consequently, none are submitted pursuant to Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)).

Dated: November 26, 1975.

William T. Plesec, Susan B. Cyphert, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216–522–4014.

[FR Doc.75–32448 Filed 12–2–75;8:45 am]

Office of the Attorney General

[Order No. 633–75]

NOTICES OF SYSTEMS OF RECORDS PURSUANT TO THE PRIVACY ACT OF 1974

Routine Uses of Systems

This order proposes new routine uses of systems of records maintained by the Department of Justice. These proposed routine uses apply to all systems of records maintained by the Department and subject to the Privacy Act of 1974, P.L. 93–579, to the extent that they are relevant to the particular records maintained. They would permit release of certain information to the news media and to Members of Congress.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written comments on these routine uses. Comments may be submitted in writing to the Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, D.C. 20530. All comments must be received by December 16, 1975.

No oral hearings are contemplated.

DEPARTMENT OF JUSTICE SYSTEMS OF RECORDS—ROUTINE USES

The following are routine uses of information contained in systems of records maintained by the Department of Justice where applicable to records maintained in those systems:

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 C.F.R. § 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Dated: November 20, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75–32445 Filed 11–28–75;9:22 am]

Drug Enforcement Administration

CIBA-GEIGY CORPORATION

Notice of Registration for Manufacture of Controlled Substances

By Notice dated September 25, 1975, and published in the FEDERAL REGISTER on October 9, 1975; (40 FR 47525), Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of methylphenidate, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of methylphenidate is granted.

Dated: November 19, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–32625 Filed 12–2–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 566]

ARIZONA

Filing of Plat of Survey

NOVEMBER 24, 1975.

1. Plat of survey of lands described below will be officially filed in Arizona State Office, Phoenix, effective 10:00 A.M. January 14, 1976.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 N., R. 1 W.
A dependent resurvey of line 3–4, Sunny South lode and line 4–5 Moss lode, Mineral Survey No. 2235, and line 2–3, Estella lode, Mineral Survey No. 3187, and the metes and bounds survey of Tract No. 37.

The area described above aggregates 13.08 acres.

2. The area of this survey is located on Bradshaw Mountains and within the Prescott National Forest and varies from rough and broken to rolling land. The elevation is approximately 6,000 feet above sea level. The soil is sandy and decomposed granite. Timber, pine; undergrowth, young trees, shrub live oak, curlleaf mountain-mahogany, brush, and grass are found in the area.

3. Since the lands are withdrawn by the Prescott National Forest, the described lands will not be subject to disposition under the general public land laws, by reason of the official filing of this plat.

CHARLES G. BAZAN, JR.,
Chief, Branch of
Records and Data Management.

[FR Doc.75–32457 Filed 12–2–75;8:45 am]

[Wyoming 52502]

WYOMING

Notice of Reclassification

NOVEMBER 25, 1975.

Notice of Classification Wyoming 6227 which published in the Federal Register on November 8, 1967 (32 F.R. 15551, 15552), classified the following described land, totaling 40 acres in Carbon County, Wyoming, for multiple-use management under the Act of September 19, 1964, 43 U.S.C. 1411–18 (1970). The land was segregated from sales under Section 2455 of the Revised Statutes, 43 U.S.C. 1171. It has been determined that the classification is no longer appropriate. Accordingly, pursuant to 43 CFR 2400, notice is hereby given that the land is being reclassified for sale under the provisions of Section 2455 of the Revised Statutes, 43 U.S.C. 1171 (1970):

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 81 W.,
Sec. 25, NE¼NW¼.

No comments were received following publication of the Notice of Proposed Reclassification (40 F.R. 46329) on October 7, 1975.

Interested parties may submit their comments in writing no later than January 5, 1976, to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

DANIEL P. BAKER,
State Director.

[FR Doc.75–32458 Filed 12–2–75;8:45 am]

[Wyoming 53140]

WYOMING

Notice of Application

NOVEMBER 24, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
Sec. 9.

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The pipeline will convey natural gas from the Fogarty Creek #2-16 well to an existing pipeline, all in T. 28 N., R. 114 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32459 Filed 12-2-75;8:45 am]

[Wyoming 53136]

WYOMING

Notice of Application

NOVEMBER 24, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 112 W.,
Sec. 5.

The pipeline will convey natural gas from the East LaBarge #24-5 well to an existing pipeline, all in sec. 5, T. 26 N., R. 112 W., in Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32460 Filed 12-2-75;8:45 am]

[INT FES 75-98]

Bureau of Land Management

RED ROCK CANYON RECREATION LANDS AREA, NEVADA

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement concerning the management and development of the Red Rock Canyon Recreation Lands in southern Nevada. The lands are located in Clark County, Nevada.

The environmental statement considers the impact of various alternatives for the management and development of the Red Rock area.

Copies are available for inspection at the following locations:

Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.
Las Vegas District Office, 4765 W. Vegas Drive, Box 5400, Las Vegas, Nevada 89102.
Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.
Public Library, Las Vegas, Nevada.
Public Library, Reno, Nevada.
State Library, Carson City, Nevada.

A limited number of copies of the statement are also available to the public, interested agencies, and groups at the Bureau of Land Management adresses listed above for the District, State and Washington Offices.

Dated: November 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-32524 Filed 12-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN PLUMAS NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Plumas National Forest, California, USDA-FS-R5-FES (Adm)-75-7.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest and proposes a Potential Yield of 2505.4 million board feet of timber from the Standard, Special, and Marginal Components for the 10-year period from July 1, 1975 to July 1, 1985 under a sustained yield program based on a 140 year rotation. This timber management plan is in accordance with the objectives set forth in the Regional Multiple Use Guide for Northern California. It will be carried out in the State of California within the Counties of Plumas, Butte, Lassen, Sierra and Yuba.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on November 26, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 630 Sansome Street, Rm. 529, San Francisco, California 94111.
Plumas National Forest, 1500 Lawrence St., Quincy, California 95971.

A limited number of single copies are available, upon request, from Regional Forester, Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

T. W. KOSKELLA,
Deputy Regional Forester.

NOVEMBER 26, 1975.

[FR Doc.75-32467 Filed 12-2-75;8:45 am]

BIGWOOD SKI AREA DEVELOPMENT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Bigwood Ski Area Development, Sawtooth National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-4.

The draft environmental statement concerned the proposed development of a new ski area within the Sawtooth National Recreation Area, Sawtooth National Forest, Idaho. Comments on the draft statement and further evaluation of the situation led to a determination that the development should not be pursued at this time. The decision has been made to halt action on development, terminate the existing special use permit, and restore to natural conditions, as nearly as possible, areas where vegetation has been removed and/or soil disturbed.

This final environmental statement was transmitted to CEQ on November 24, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Sawtooth National Forest, 1525 Addison Avenue, Twin Falls, Idaho 83301.
Area Ranger (Superintendent), Sawtooth National Recreation Area, P.O. Box 438, Ketchum, Idaho 83340.

A limited number of single copies are available upon request to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Street, Twin Falls, Idaho 83301.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 24, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-32420 Filed 12-2-75;8:45 am]

APACHE-SITGREAVES NATIONAL FORESTS GRAZING ADVISORY BOARD

Notice of Meeting

The Apache-Sitgreaves Grazing Advisory Boards meeting on November 24, 1975, has been cancelled. The meeting has been rescheduled to meet at 1:30 p.m. on January 12, 1976, at the Ramada Inn, Springerville, Arizona.

The purpose of the meeting is to elect officers for the newly formed Apache and Sitgreaves National Forests Grazing Advisory Boards. The charter and by-laws will be reviewed at this time. Other business concerning permittee and Forest Service relationships will be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone No. 333-4301.

1. Those wishing to make a verbal statement are to submit written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time allotted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: November 24, 1975.

JAMES L. KIMBALL,
Forest Supervisor.

[FR Doc.75-32523 Filed 12-2-75;8:45 am]

BUCK CREEK—NORTH FORK CATAWBA RIVER UNIT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Buck Creek—North Fork Catawba River Unit Plan, National Forests in North Carolina USDA-FS-R8-FES (Adm.) 75-17.

The management plan is for the North Fork Catawba River Unit and Buck Creek Unit, Grandfather Ranger District, Pisgah National Forest; located in Avery, Burke and McDowell Counties. These units contain 59,674 acres of National Forest land. Included are specific projects and proposals for recreation management, timber management (including harvest and stand improvement), vegetative manipulation to benefit wildlife, erosion control, transportation and others.

This final environmental statement was transmitted to CEQ November 26, 1975. Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Avenue, SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Room 804, Atlanta, Ga. 30309.
USDA, Forest Service, Grandfather Ranger District, P.O. Box 519, Marion, NC 28752.

A limited number of single copies are available upon request to Forest Supervisor, National Forests in North Carolina, 50 S. French Broad Ave., Asheville, NC 28801.

Dated: November 26, 1975.

EDWARD G. ELLENBERG,
Acting Regional Environmental Coordinator.

[FR Doc.75-32525 Filed 12-2-75;8:45 am]

N. CATAHOULA—S. WINN UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the North Catahoula—South Winn Unit Plan, Kisatchie National Forest, USDA-FS-R8-DES (Adm.) 76-07.

This unit contains 104,395 acres of National Forest land located in Grant and Winn Parishes, Louisiana. Major actions are harvesting timber products, development of wildlife and range facilities, development of recreation facilities for dispersed recreation and reconstruction of roads.

This draft environmental statement was transmitted to CEQ November 25, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd. NW., Room 804, Atlanta, Ga. 30309.
U.S. Forest Service, Winn Ranger District, P.O. Box 307, Pollock, La. 71467.
U.S. Forest Service, Winn Ranger District, P.O. Box 30, Winnfield, La. 71483.

A limited number of single copies are available upon request to Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360. Comments must be received by January 26, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: November 25, 1975.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.75-32526 Filed 12-2-75;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF AGRICULTURE, Chief, Research Agreement and Patent Management Branch, Federal Building, Hyattsville, Md. 20782.

Patent 3,835,638: Process for Producing Core Yarn; 17 September 1974; not available NTIS.

Patent 3,859,121: Formulations for Preparing Long Lasting Insect Repellent Finishes for Textile Fabrics. 7 January 1975; not available NTIS.

Energy Research and Development Administration, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent Application 513,210: Liposome-Encapsulated Antimomycin for Cancer Chemotherapy; filed 19 October 1974; PC$3.25/MF$2.25.

Patent 3,851,527: Maximum Temperature Monitor; filed 21 January 1974, patented 3 December 1974; not available NTIS.

Patent 3,855,003: Thermal Sensing, Fire Safing Device for a Thermal Battery; filed 2 January 1974; patented 17 December 1974; not available NTIS.

Patent 3,856,517: Irradiation Swelling Resistant Alloy for Use in Fast Neutron Reactors; filed 26 November 1973; patented 24 December 1974; not available NTIS.

Patent 3,856,622: High Temperature Nuclear Reactor Fuel; filed 18 April 1972; patented 24 December 1974; not available NTIS.

Patent 3,859,179: Calibration Source Emitting High Energy Beta Particles; 7 January 1975; not available NTIS.

Patent 3,860,437: Method for Producing Refractory Carbide Coatings on Graphite; 14 January 1975; not available NTIS.

Patent 3,860,445: Method for Producing Refractory Carbide Coatings on Graphite; 14 January 1975; not available NTIS.

Patent 3,860,506: Electrophoretic Process for Coating Ceramics; 14 January 1975; not available NTIS.

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Patent 3,862,303: Method for Rapid Detection and Identification of Serological Factors; 21 January 1975; not available NTIS.
Patent 3,860,482: Reactor Reactivity Control by Coolant Passage Coating; 14 January 1975; not available NTIS.

Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Arlington, Va. 22217.

Patent Application 475,696: Low Energy Electric Impact Fuze; filed 3 June 1974; PC $3.25/MF$2.25.
Patent Application 476,958: Rotary Gas Joint; filed 6 June 1974; PC$3.25/MF$2.25.
Patent Application 478,010: Mechanically Initiated Igniter; filed 10 June 1974; PC $3.25/MF$2.25.
Patent Application 478,012: Extraction Rocket; filed 10 June 1974; PC$3.25/MF $2.25.
Patent Application 481,088: Mechanical Heat Flux Recorder; filed 20 June 1974; PC$3.25/ MF$2.25.
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Patent Application 482,544: Laser System for Weapons Fire Simulation; filed 24 June 1974; PC$3.25/MF$2.25.
Patent Application 483,862: Particle Vaporizer; filed 27 June 1974; PC$3.25/MF$2.25.
Patent Application 488,385: Nearly Asymmetric Coupler; filed 15 July 1974; PC$3.25/ MF$2.25.
Patent Application 490,433: Wideband, Matched Three-Port Power Divider; filed 22 July 1974; PC$3.25/MF$2.25.
Patent Application 492,110: Electrochemical Preparation of Metallic Tellurides; filed 22 July 1974; PC$3.25/MF$2.25.
Patent Application 495,473: Integration Gate; filed 7 August 1974; PC$3.25/MF$2.25.
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Patent Application 498,696: Direct Fire Weapons Simulator; filed 19 August 1974; PC $3.25/MF$2.25.
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Patent Application 516,858: Cavitating Parametric Underwater Acoustic Source; filed 22 October 1974; PC$3.25/MF$2.25.
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Patent Application 521,312: Non-Saturating Power Switch; filed 6 November 1974; PC $3.25/MF$2.25.
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Patent Application: 535,542: Updated Diver Navigation Device; filed 23 December 1974; PC$3.25/MF$2.25.
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National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

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[FR Doc.75-32585 Filed 12-2-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

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Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, Washington, D.C. 20314.

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Patent Application 561,767: Cold Cylinder Assembly for Cryogenic Refrigerator; filed 25 March 1975; PC$3.25/MF$2.25.
Patent Application 561,769: Fiber Optics Connector with Linear X-Y Register; filed 25 March 1975; PC$3.25/MF$2.25.
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Patent 3,878,791: Encapsulated Pellet, Igniter Charge; filed 17 January 1969; patented 22 April 1975; not available NTIS.
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Patent 3,880,527: Annular Beam Radial Scanner; filed 23 September 1971; patented 29 April 1975; not available NTIS.
Patent 3,880,550: Outer Seal for First Stage Turbine; filed 22 February 1974; patented 29 April 1975; not available NTIS.
Patent 3,880,638: Thermal Tempering of Non-Oxide Glass Compositions; filed 21 December 1973; patented 29 April 1975; not available NTIS.
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Patent 3,846,449: N-Substituted Fatty Acid Amide Lubricants; filed 6 April 1973; patented 5 November 1974; not available NTIS.
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[FR Doc.75-32586 Filed 12-2-75;8:45 am]

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, Washington, D.C. 20314.

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Patent Application 566,160: Free Expansion Nozzle for Gas Dynamic Lasers; filed 8 April 1975; PC$3.25/MF$2.25.
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Patent 3,833,661: Novel Process for the Preparation of Tris(Hydroxymethyl) Phosphine and Tris(Hydroxymethyl) Phosphine Oxide; filed 18 July 1972; patented 3 September 1974; not available NTIS.
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Patent 3,847,542: Process for Preparing Frosted and Multicolored Cotton Pile Fabrics; filed 1 June 1973; patented 12 November 1974; not available NTIS.
Patent 3,849,066: Method of Increasing Covering Power of Knitted Cotton Fabric; filed 13 September 1972; patented 19 November 1974; not available NTIS.
Patent 3,854,868: Non-Aqueous Process for Reacting Sultones with Cellulosic Materials and the Product Produced; filed 15 November 1972; patented 17 December 1974; not available NTIS.
Patent 3,854,873: Use of Sodium Bisulfite in an Improved Process for the Treatment of Cellulose Textile Materials with Carbamate Finishing Agents and Sulfurous Acid; filed 13 December 1972; patented 17 December 1974; not available NTIS.

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[FR Doc.75-32587 Filed 12-2-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

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DOUGLAS J. CAMPION,
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U.S. Department of the Air Force, AF/JACP, Washington, D.C. 20314.

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Patent 3,886,366: Compton Back-Scattered Radiation Source; filed 13 April 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,463: Pulse Width Detector Circuit; filed 9 May 1974; patented 27 May 1975; not available NTIS.

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U.S. Department of Agriculture, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

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Patent Application 453,913: A Laboratory Apparatus for Treating Cotton and Cotton-Blend Textiles with Organic Solvent Vapors; filed 22 March 1974; PC$3.25/MF $2.25.

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Patent Application 476,244: Process for Preparing Multicolored Cotton Pile Fabric; filed 4 June 1974, PC$3.25/MF$2.25.

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Patent Application 489,797: Agricultural Foams as Carriers for Activated Charcoal; filed 17 June 1974; PC$3.25/MF$2.25.

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Patent Application 499,689: Glassy Materials from Plumbites and Cellulosics; filed 22 August 1974; PC$3.25/MF$2.25.

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Patent Application 501,412: Method of Fixing Water-Soluble Vinyl Monomers in and on Fibrous Substrates; filed 28 August 1974; PC$3.75/MF$2.25.

Patent Application 501,416: High-Molecular Weight Acidic Polymers; filed 28 August 1974; PC$3.25/MF$2.25.

Patent Application 501,417: Recurable Durable Press Fabric with Soil Release Properties; filed 28 August 1974; PC$3.75/MF $2.25.

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Patent Application 501,421: Fixation of Multivalent Metal Salts of Carboxyl-Containing Vinyl Monomers on Fibrous Substrates; filed 28 August 1974; PC$3.25/MF$2.25.

Patent Application 502,241: Alkoxylated Hydroxymethylated Resin Acids and Resin Derivatives as Reactants for Rigid Polyurethane Foams; filed 30 August 1974; PC$3.75/MF$2.25.

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U.S. Department of Transportation, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent Application 590,192: Portable Remote Pilot Terminal; filed 25 June 1975; PC $3.25/MF $2.25.

Patent Application 590,814: Self-Adjusting String Extensiometer; filed 27 June 1975; PC $3.25/MF $2.25.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent Application 568,541: Surface Finishing filed 16 April 1975; PC $3.75/MF $2.25.

[FR Doc.75–32588 Filed 12–2–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA–225–76–4004]

INSPECTION OF VIRGINIA FOOD PROCESSING AND STORAGE FACILITIES

Memorandum of Understanding With the Virginia Department of Agriculture and Commerce

The Virginia Department of Agriculture and Commerce's Division of Product and Industry Regulation and the Food and Drug Administration have renewed their agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed concerning inspection of all Virginia food processing and storage facilities of mutual obligation, reads as follows:

Memorandum of Understanding between the Food Inspection Section, Division of Product and Industry Regulation, Virginia Department of Agriculture and Commerce and the Baltimore District, Food and Drug Administration.

I. *Purpose.* It is the purpose of this understanding to provide more effective consumer protection through more efficient coverage of the Virginia food industry to maximize federal and state manpower utilization by the complete elimination of duplication.

II. *Work-sharing program.*

A. *Goals and responsibilities.* The Virginia Department of Agriculture and Commerce (VDAC) Food Inspection Section and the Food and Drug Administration (FDA) Baltimore Investigations Branch will share the responsibility for the inspection of all Virginia food establishments of mutual obligation. Close coordination and communication must be maintained and joint planning and work scheduling will be performed to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance.

B. *Commitment:* 1. *Inspection inventory:* An inventory of firms covered by this understanding, hereinafter referred to as the cooperative establishment inventory (CEI) will be maintained by FDA's data processing unit (DPU) and updated continuously as data is received from both agencies.

2. *Inspection commitment:* Each agency will make an annual commitment for the number of inspections it plans to make of CEI firms. The commitments will be made at each September planning session and will be included as an addendum to this agreement. The commitments may be reviewed and adjusted if necessary.

III. *General provisions.*

A. *Information exchange:* There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. *CEI inspections:* All inspection reports, assay reports and correspondence pertaining to firms in the CEI will be exchanged in a timely fashion.

a. *VDAC inspection reports:* The complete inspection report will be submitted with an FD–481 (cover sheet. An FD–481a (endorsement sheet will be prepared and submitted with violative reports only and with reports of contract inspections. VDAC inspection classification, followup inspection date, and inspection priority will be included on all reports with the date and initials of the endorser.

b. *FDA inspection reports:* Completed FDA inspection reports will be sent to VDAC in a timely fashion. The list of observations will be mailed to VDAC as soon after inspection as possible.

2. *Samples:* Copies of reports of analysis of violative out-of-state food products sampled by VDAC under its surveillance programs will be forwarded to FDA for appropriate followup. In addition, each agency's assay reports of CEI firms' products will be exchanged for informational purposes. Violative reports will be appropriately flagged.

3. *Complaints:* Consumer complaints involving CEI firms will be investigated by the agency receiving the complaint. The exception to this procedure would involve consumer complaints concerning CEI firms which are scheduled for inspectional coverage by the other agency. In such instances the complaint will be forwarded immediately to the supervisor of the inspector/investigator scheduled for that firm. This will allow the inspector/investigator to handle the complaint during his routine inspection.

B. *Work planning:* 1. *Planning:* DPU will prepare a printout of the CEI by August 31 each year to be used for the annual cooperative work plan to be prepared jointly by September 15.

2. *Scheduling:* DPU will prepare a printout of firms scheduled for inspection during a particular month by the 15th of the preceding month and will return assignment printouts to VDAC by the 25th. Between the 15th and 25th of each month, work will be scheduled by the Falls Church Supervisory Investigator and Food Section Assistant Supervisor for the following month.

3. *Accomplishments:* A monthly accomplishment report will be prepared by the 15th of each month by the FDA Investigations Branch and sent to the VDAC Food Section.

C. *Compliance followup:* 1. *Responsibility:* Compliance problems will be handled on a case-by-case basis. It will be the responsibility of the agency which discovers a violation to determine the impact required for achieving compliance and to follow through.

2. *Impact actions:* The responsible agency may elect to use one of several types of impact—reinspection, sample collection, seizure, product recall, warning letter, joint inspection, hearing, prosecution, referral to the other agency, etc. The partner agency will cooperate within its authority with the responsible agency if compliance followup is requested. If referral is selected for impact, it will then become the responsibility of the agency to which referred to pursue the violation to achieve compliance.

D. *Recall and emergency:* The agencies will cooperate to the fullest extent possible in handling emergency public health problems and in checking effectiveness of product recalls.

1. *Disaster work:* Problems involving food contamination caused by such disasters as flood, fire, hurricane, carrier wreck, etc. will be handled jointly with VDAC in command. The food section supervisor or assistant supervisor will promptly notify the FDA investigations branch director or Falls Church supervisory investigator of the situation and request help as needed.

2. *Recall:* Each agency will cooperate with the other in checking the effectiveness of product recalls. The recall initiator will request the assistance of the partner agency if necessary.

3. *Food poisoning:* Each agency will notify the other about food poisonings brought to its attention involving foods of mutual obligation. Investigation of such food poisonings will be a cooperative effort.

E. *Program review:* Joint planning sessions will be held within the first two weeks of March and September each year to review this agreement, discuss the cooperative program, evaluate accomplishments, and plan future cooperative work. During the March meetings a review of the inspection commitment will be made, if not previously accomplished. A new inspection commitment for the year beginning October 1 will be made at each September meeting.

F. *Training:* Training is considered essential for the maintenance of effective inspectional units. It will be discussed and planned for at each planning session.

1. *Formal:* Formal training courses sponsored by either agency will be available whenever possible for the other's personnel.

2. *On-the-job:* Joint inspections will be used frequently for training inspectors of both agencies. It will be the responsibility of the inspection unit head to recognize inspectional weaknesses and request joint inspection when indicated.

3. Joint inspection techniques courses will be conducted periodically to attempt to achieve a uniform approach to inspectional coverage of CEI firms.

G. *Mutual performance evaluations:* Evaluation of the quality of each agency's inspectional performance is necessary to assure that its responsibility for enforcing its respective laws is being carried out. Performance evaluation will be a continual process in which three techniques will be used.

1. *Scheduled joint evaluation inspection:* Each VDAC food inspector and each FDA inspector regularly performing inspections of CEI firms will be evaluated through one joint inspection per agreement year to provide one measure of his performance.

a. *Evaluation of FDA investigators:* The supervisor of VDAC's food section or a mutually acceptable designee will accompany each FDA investigator assigned regular inspection of CEI firms on one inspection per year to observe and evaluate his performance. The investigator, evaluator, and the firm will be determined by the VDAC supervisor or his designee during the joint monthly scheduling sessions. An evaluation memo will be prepared and submitted to the director of Baltimore District's Investigations Branch, who will be responsible for correcting any deficiencies.

b. *Evaluation of VDAC inspectors:* The director of Baltimore District's Investigations Branch or a mutually acceptable designee will accompany each VDAC food inspector on one inspection per year to observe and evaluate his performance. The inspector, evaluator, and firm will be determined by the director of FDA Investigations Branch or his designee during the joint monthly scheduling session. An evaluation memo will be prepared and submitted to the VDAC Food Section supervisor, who will be responsible for correcting any deficiencies.

2. *Rotational coverage of firms:* As coverage of firms rotates between the two agencies, areas neglected by one agency will be brought to the attention of the other's inspection unit head, who will be responsible for correcting the deficiency in his agency's coverage.

3. *Report review:* As each agency reviews inspection reports submitted by its partner agency, inadequate reporting and/or handling of the inspection can be determined. Such inadequacies will be reported by the reviewer to the responsible inspection unit head to prevent recurrence. Data errors will be reported by DPU to both inspection units.

H. *Term of understanding:* This understanding will expire on September 30, 1976, unless renewed and signed by both agencies to continue it in effect until the following September 30.

Both agencies must meet in September of each year to review the understanding, to plan their cooperative programs for the following year, to set their respective inspection commitments for the year, and to officially renew this understanding.

The renewed understanding shall contain the inspection commitment agreed to at the September meeting and signed by the heads of the agencies' inspection units (Supervisor, Food Section, VDAC and Director, Investigations Branch, FDA Baltimore District), and any changes required in the basic understanding.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the Virginia Department of Agriculture and Commerce:

By: Billy W. Southall, Director, Division of Product and Industry Regulation, Virginia Department of Agriculture and Commerce.

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Dated: September 24, 1975.

Approved and accepted for the Food and Drug Administration:

By: M. L. Stralt, Deputy Regional Food and Drug Director, Food and Drug Administration, Baltimore District.

Dated: September 26, 1975.

Effective date. This Memorandum of Understanding became effective September 26, 1975.

Dated: November 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32532 Filed 12-2-75;8:45 am]

[Docket No. 75N-0213]

PRE-1962 NEW DRUG PRODUCTS NOT REVIEWED BY NAS-NRC

Invitation To Submit Data

Correction

In FR Doc. 75-31184, appearing at page 53609 in the issue for Wednesday, November 19, 1975, make the following changes:

1. In the second column of the table on page 53610, the first line of the second entry should read, "Hypertensin Injection, containing".

2. At the end of the next to last full paragraph of the document, a line should be added, reading, "Such notice will offer an opportunity for hearing concerning any indications concluded to lack substantial evidence of effectiveness."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-445, etc.]

OYSTER BAY COMMUNITY ET AL.

Order of Suspension; Correction

In the matter of Oyster Bay Community, (Docket No. N-75-445), RINCON RESORTS OF COSTA RICA (Docket No. N-75-448), HOLIDAY OUT IN AMERICA AT TANSI, INC. (Docket No. N-75-447), and TRANQUILITY FALLS (Docket No. N-75-446).

1. On October 16, 1975, the Department published an Order of Suspension on Oyster Bay Community 40 FR 48545. The following change should be made to that Order: Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C., October 9, 1975.

ALAN J. KAPPELER,
Interstate Land Sales Administrator (Acting).

2. On October 16, 1975, the Department published an Order of Suspension on Rincon Resorts of Costa Rica 40 FR 48545. The following change should be made to that Order: Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C., October 3, 1975.

ALAN J. KAPPELER,
Interstate Land Sales Administrator (Acting).

3. On October 16, 1975, the Department published an Order of Suspension on Holiday Out in America at Tansi, Inc. 40 FR 48546. The following change should be made in that Order: Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C. October 3, 1975.

ALAN J. KAPPELER,
Interstate Land Sales Administrator (Acting).

4. On October 16, 1975, the Department published an Order of Suspension on Tranquility Falls 40 FR 48546. The following change should be made to that Order. Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C. October 3, 1975.

ALAN J. KAPPELER,
Interstate Land Sales Administrator (Acting).

Issued in Washington, D.C., November 20, 1975.

JOHN R. McDOWELL,
Interstate Land Sales Administrator (Acting).

[FR Doc.75-32568 Filed 12-2-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28453; Order 75-11-116]

AMERICAN AIRLINES, INC., ET. AL.

U.S. Mainland-Puerto Rico/Virgin Islands Fares; Order

In the matter of increases in U.S. Mainland-Puerto Rico/Virgin Islands fares proposed by American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of November, 1975.

By Order 75-10-127, October 31, 1975, the Board suspended a proposal by American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American) to increase fares by eight percent in the U.S. Mainland-Puerto Rico/Virgin Islands (PR/VI) market.[1] The Commonwealth of Puerto Rico (Commonwealth) filed a complaint against the proposal to increase fares, alleging, *inter alia*, that it is manifestly unfair to Puerto Rico to allow another fare increase before the fares case is decided; that current trends in carrier costs cast serious doubt on the need for a further increase; and that with a nine percent unadjusted return on investment in fiscal 1975, American surely would exceed a 12 percent return after ratemaking adjustments and that an eight percent increase will result in excess profits for American, the only carrier operating economically and efficiently in the market. The Civil Aeronautics Board's Office of the Consumer Advocate also filed a complaint alleging that continuous *ad hoc* fare adjustments during the pendency of an extended fare investigation, which is the case in Docket 24353, essentially render nugatory the regulatory process by interfering with the orderly conclusion of the case. The Board indicated that it was not possible to complete a definitive analysis of the carriers' revenue need on and after November 1, 1975, but that it would issue an order prior to December 1, 1975 dealing with the merits of the proposal.

The Board now concludes that, after appropriate ratemaking adjustments to carrier results, the requested eight percent general fare increase would produce an excessive return on investment, and should not be permitted. However, as discussed below, an overall increase of approximately two percent would not appear to be unreasonable.

Adjustments to the carriers' operating results fall into two general categories: those required by application of the ratemaking standards established in Order 74-10-78, (*Mainland U.S.-Puerto Rico/Virgin Islands Fares* case), and those adjustments which are carried over from determination of 48-state revenue need which we believe to be sound ratemaking concepts regardless of the ratemaking entity involved; namely, an adjustment to compensate for a decline in aircraft utilization, and an adjustment to reflect cost inflation (net of productivity) up to November 1, 1975.[2]

By far the most significant adjustment relates to load factor, which impacts most heavily on Eastern since its reported load factor for the year ended June 1975 in the New York-San Juan market was 58.6 percent (versus the 68 percent standard), and 57.6 percent in all other markets (versus the 60 percent standard). The adjustment to eliminate discount fares does not have a significant impact on either American or Eastern in the New York-San Juan market, but in the "all other" markets, it is substantial for Eastern since discount-fare traffic accounted for approximately 52 percent of its total traffic for the year ended June 1975.

Operating costs have been adjusted to bring them forward to November 1, 1975. The Board calculated the cost-escalation factor consistent with the methodology used in 48-state ROI determination; *i.e.*, fuel separated from nonfuel expense.[3] Fuel costs were determined for each carrier for this operating entity based on the latest data available to the Board. The nonfuel expense calculation reflects productivity changes for fiscal

[1] At present, Pan American operates only between Miami and San Juan in this ratemaking entity.

[2] The details of the Board's analysis will be available for public inspection in the public reference room on Monday, December 1, 1975.

[3] See Orders 75-6-72 and 75-8-99 for discussions of the rationale behind separating fuel from nonfuel expenses.

1975 over fiscal 1974. Application of the foregoing calculations results in an inflation factor of 5.72 percent for American and −0.5 percent for Eastern. These compare with cost-inflation factors used by American and Eastern of 12.8 percent and 11.5 percent, respectively. The difference between the results arrived at by the Board and those of the carriers can be laid primarily to the separation of fuel and nonfuel expense, and a differing computational technique in bringing historical results forward to November 1.[4]

Again, consistent with the methodology used in assessing 48-state revenue need, aircraft utilization for the year ended June 30, 1975 was compared with that experienced in calendar year 1972. With respect to Eastern, this comparison reveals that L-1011 utilization increased slightly while utilization for other aircraft types dropped modestly. Since the dollar impact of the increase in L-1011 utilization more than offset the decrease in utilization of other aircraft, no adjustment was warranted in Eastern's case. On the other hand, virtually all aircraft types operated by American showed a decline in utilization from 1972; most importantly the B-747. B-747 utilization declined almost 25 percent and because it is the predominant aircraft used by American in this market, the utilization adjustment has a significant impact for ratemaking purposes. Nevertheless, the requested eight percent increase produces a combined rate of return for both carriers of approximately 15 percent, even without a utilization adjustment.

After making the foregoing adjustments, including the utilization adjustment, we have determined that at present fare levels, the ratemaking ROI for both carriers combined was 10.68 percent for the year ended June 1975, and with the requested eight percent increase would be 15.62 percent. Consequently, it must be concluded that the requested fare increase would produce an excessive rate of return. Contrary to the contention of the Commonwealth, and consistent with our interim decision in the fares case, our determination herein reflects industry results, and not just those of the carrier in the most favorable financial position in this operating entity. Adjusted results for the year ended June 1975 at present fares and with the requested eight percent increase are set forth in Appendix A, filed as part of the original document.

Our analysis indicates that an across-the-board fare increase of 2.2 percent in all Mainland-Puerto Rico/Virgin Islands markets would produce a ratemaking ROI of very close to 12 percent. However, such an across-the-board increase would result in a return below 12 percent in the New York-San Juan market while producing a return in excess of 12 percent in "all other" markets. By adopting a higher load-factor standard applicable to the New York-San Juan market, the Board gave recognition to the economic factors which make a higher-density, lower-fare service appropriate in this unique market. However, the existing fares exhibit a wider gap between per-mile normal fares in this market and all others than is justified by the difference in load factors and the application of our other ratemaking standards. In our judgment, the rate-of-return standard should be applied separately to the New York-San Juan and "all other" markets to ascertain whether the fare relationships are appropriate. Our calculations show that a 3.1 percent fare increase in the New York-San Juan market, and a 1.1 percent increase in all other markets, would produce a ratemaking ROI of approximately 12 percent in each subdivision of the overall ratemaking entity.

In view of the foregoing, the Board will affirm its suspension of the 8 percent fare increase.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered That: 1. The investigation and suspension of the fares and provisions described in orderly paragraphs 1 and 2 of Order 75-10-127 is hereby affirmed; and

2. A copy of this order be served on American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., the Commonwealth of Puerto Rico, and the Civil Aeronautics Board's Office of Consumer Advocate.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32583 Filed 12-2-75;8:45 am]

[Docket 28558; Order 75-11-118]

EMERY AIR FREIGHT CORP.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of November, 1975.

In the matter of increased excess-valuation charge and nonacceptance of certain commodities proposed by Emery Air Freight Corporation.

By tariff revisions issued October 30 and marked to become effective December 1, 1975, Emery Air Freight Corporation (Emery), an air freight forwarder, proposes, *inter alia*, with respect to its domestic shipments, (1) to increase excess-valuation charges from 15 cents to 50 cents per $100 of excess valuation by which such value exceeds 50 cents per pound or $50, whichever is higher, for cameras, binoculars, calculators, wigs, watches and jewelry,[1] and (2) to refuse to carry (a) certain precious metals except as a part of electrical or electronic machinery, (b) stamps, bonds, and certain other negotiables, and original-source documents with a declared value exceeding $500 per shipment.[2]

The foregoing commodities that are nonacceptable if they exceed $500 in value per shipment are acceptable at lower values only to the extent of one shipment per day from one consignor to one consignee.

In support of its proposal to increase excess value charges, Emery asserts, *inter alia*, that the commodities involved result in claims of $5.33 per shipment as compared with overall average expense of $.51 per shipment; that it is necessary to offer a higher degree of security requiring, among other things, the hiring of additional personnel, and inaugurating a new training program, at a total cost of between $116,000 and $121,000 annually; and, that the revenue expected to be derived from the proposed increase in excess value charges is about $55,000 monthly.

In support of its proposal to refuse acceptance of certain commodities, Emery declares that "these changes are for the purpose of clarifying the existing rules and are the result of prior experience with these types of shipments." With respect to original-source documents, the forwarder asserts that acceptance misleads shippers because a significant portion of the claim expense falls into the special and consequential definition of the tariff for which Emery disclaims liability.

Upon consideration of all relevant factors, the Board finds that both proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful,

[4] For example, American's cost-inflation computation incorporates fuel costs fiscal 1975 over 1974, and therefore reflects a significant upward trend. As a matter of fact, per-gallon fuel costs in this operating entity have been declining very slightly since June 30, 1975. To accept American's approach would be to grossly inflate the true fuel-cost picture. Overall, this difference in treatment of fuel costs is the primary reason for the difference between the inflation factors used by the carriers and those used by the Board.

[5] Timm, member, filed concurring statement as part of the original document.

[1] Revision to Rule 95, Tariff C.A.B. No. 45 issued by Emery Air Freight Corporation. Specifically:

a. Cameras, assembled.

b. Binoculars, Telescopes, Telescopic Sights, assembled.

c. Calculators, mini, pocket or portable.

d. Wigs, Falls, Toupees.

e. Watches, Clocks, Chronographs or time pieces with or without the watch or clock cases.

f. Jewelry, costume jewelry, cigarette lighters, pen and pencil sets and trophies.

[2] Revision to Rule 25, Tariff C.A.B. No. 45 issued by Emery Air Freight Corporation. Specifically:

a. Emery proposes to refuse to carry: Iridium, Osmium, Palladium, Rhodium, Ruthenium, and Rhenium in any pure form, (except as an integral part of electrical or electronic machinery) and these metals that have been coated, plated, bonded, laminated, impregnated, alloyed, mixed or fixed to any metal, substance, or material in any way with a declared value exceeding $500 per shipment.

b. Stamps, namely: postage, tax or trading.

c. Bonds, Bills of Exchange, Deeds, Evidence of Debt, Money, Promissory notes or stock certificates.

d. Original-source documents, namely: manuscripts and poll or survey data of which no other copy exists with a declared value exceeding $500 per shipment.

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and should be investigated. The Board further concludes that the proposals should be suspended pending investigation.

Emery has not adequately justified the proposal to increase excess-value charges from 15 to 50 cents per $100 of value for certain commodities. Although the forwarder asserts that it is planning to implement an improved security program, it does not appear that this program will cover only the commodities involved in the proposal. Furthermore, the revenues from the proposal are indicated as $660,000 annually ($55,000 per month) while expenses are shown as a maximum of $121,000 annually.

In its justification, Emery shows that the average claim cost per shipment for the commodities involved in the proposal is much higher than the average for all shipments. The data cover both domestic and international shipments as a group for the third quarter of 1974. In addition to the fact that these data are not limited to experience with domestic shipments and the fact that they cover only one quarter, there are significant limitations to the figures that reduce their value as justification for the proposal. The most important of these limitations is that the figures shown (the claims cost per shipment), do not in any way support a charge of $.50 per $100 of excess valuation. No showing has been made that existing excess-value revenues do not cover the claim expense.

Most major forwarders currently have an excess-value charge of 15 cents per $100. The Board has suspended, pending investigation, a number of previous proposals to increase excess-valuation charges where no showing has been made that existing excess-value revenues do not cover the amount of claim expense stemming from the declarations of excess value. Furthermore, the Board, after hearing in *Imperial Air Freight Service, Inc., Increased Excess Value Charges*, Docket 23538, found a proposed increase in the excess valuation charge from 15 to 25 cents per $100 unlawful, essentially on the above grounds, and ordered it canceled (Order 72–4–141, April 26, 1972).

The proposed nonacceptance of certain commodities would result in a significant reduction in the forwarder's common-carrier responsibilities to provide service. The Board has traditionally suspended, on this ground, proposals by both direct and indirect carriers to refuse acceptance of certain commodities. It should be noted, furthermore, that Emery's justification is deficient. Although the forwarder refers to "prior experience" as warranting its proposed nonacceptable of certain commodities, it does not provide any factual data in support. Emery's statement that shippers are misled when they consign original-source documents because they cannot collect claims on the basis of special and consequential damages does not justify refusing to accept such shipments altogether.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404 and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the provisions in Rule No. 25C. and Rule No. 25N. on 14th Revised Page 6 and Rule No. 95B. on 2nd Revised Page 10–A of C.A.B. No. 45 issued by Emery Air Freight Corporation, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 25C. and Rule No. 25N. on 14th Revised Page 6 and Rule No. 95B. on 2nd Revised Page 10–A of C.A.B. No. 45 issued by Emery Air Freight Corporation, is suspended and its use deferred to and including February 28, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 28558, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Emery Air Freight Corporation, which is hereby made a party to Docket 28558.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–32584 Filed 12–2–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois Advisory Committee (SAC) to this Commission originally scheduled for December 11, 12, 1975 has been cancelled.

Dated at Washington, D.C., November 26, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–32589 Filed 12–2–75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission originally scheduled for December 10, 1975, has been cancelled.

Dated at Washington, D.C., November 26, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–32590 Filed 12–2–75;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 2:30 p.m. on December 18, 1975, The Galt House, 4th at River, Louisville, Kentucky 40202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to get acquainted, orientation, planning, discussion of upcoming Commissioner Hearing, scheduling future meeting for this fiscal year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 26, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–32592 Filed 12–2–75;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 5:00 p.m. on December 17, 1975, Directors' Room, 163 Madison Avenue, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review final revision of Model Cities Hearing Report; review results of November Sault Ste., Marie hearing; consider future activities and other old and new business, public participation (if requested).

Public participation is invited during that portion of the meeting designated for that purpose by the Chairperson. Written statements are welcomed, before or after the meeting, and may be sent to either Chairperson Terry at 163 Madison, Detroit, Michigan, 48226, or to the Midwestern Regional Office. Oral statements may be made during the meeting by making arrangements with the Chairperson or staff in advance.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 26, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–32591 Filed 12–2–75;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 5:00 p.m. on December 18, 1975, at Holiday Inn, 161 St. Anthony, St. Paul, Minnesota 55103.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is an orientation of new committee members and discussion of priority issues for future projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 28, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–32593 Filed 12–2–75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

U.S.-INDIA COTTON TEXTILE AGREEMENT

Notice of Consultations

DECEMBER 1, 1975.

The Committee for the Implementation of Textile Agreements expects that consultations with the Government of India will be held on December 15, 1975 to resolve three problems under the Bilateral Cotton Textile Agreement of August 6, 1974 between the Governments of the United States and India:

1. Certification by the Government of India as exempt, of handloomed products provided under Article 17 of the U.S.-India bilateral textile agreement and Article 12, paragraph 3, of the Arrangement Regarding International Trade in Textiles. The United States has received products certified as exempt which do not conform to the agreed definition.

2. Overshipment by India of agreement levels for the period ending September 30, 1975.

3. Undue concentration by India of exports in Category 52 (cotton blouses). Article 6 of the Agreement provides for consultations in case of undue concentration.

Any party wishing to express a view or provide data or information with regard to these problems or other issues relating to the U.S.-India bilateral textile and apparel agreement or any other aspects of the agreement, is invited to furnish eleven copies of their submission to Mr. Alan Polansky, Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Policy—DIBA, and Director, Bureau of Resources, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted at the earliest date possible, and must be received before 5:00 p.m. e.s.t. December 11, 1975.

Views, data or information submitted under this procedure will be available for public inspection at the Office of Textiles, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 2815, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. 552 (1970), as amended, Pub. L. 93–502 (November 21, 1974) and the regulations of the Department of Commerce (15 CFR Part 4 (1974)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States."

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Policy—DIBA, and Director, Bureau of Resources.

[FR Doc.75–32753 Filed 12–2–75;10:08 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 464–6; OPP–180058]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Use Malathion and Fenthion To Control Mediterranean Fruit Fly in California

Pusuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (USDA) has availed itself of a crisis exemption for the use of the pesticides Malathion and Fenthion (Baytex) to control a Mediterranean fruit fly (*Ceratitis capitata* Wiedemann) infestation in Los Angeles County, California. This exemption is in accordance with, and is subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the Federal Register on December 3, 1973 (38 FR 33303). As required, the USDA has submitted in writing the following certified information.

According to the USDA, the Mediterranean fruit fly, sometimes called the "Medfly", is considered to be the world's most important and widespread citrus pest in the fruit fly group. This pest occurs in many countries of Europe, Asia, Africa, South America, and in Hawaii, and attacks more than 200 fruit and vegetable crops. This fruit fly has previously been introduced into and subsequently eradicated from the States of Florida and Texas. This is the first time it has been introduced into California. Its presence poses an extremely serious economic loss potential to the California fruit and vegetable industry and, if it is not eradicated, to other areas in the Continental United States.

No pesticide registered for this particular use to eradicate or control the Mediterranean fruit fly was readily available; the time element was so critical that there was no time to request either a specific or quarantine exemption.

Fruit fly surveys in California have detected a Mediterranean fruit fly infestation in southern California, specifically in Venice, which is located in Los Angeles County. On October 1, the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, began treatment and eradication efforts. A toxic food bait, consisting of 1 part technical Malathion (25 percent wettable) and 4 parts Staley's protein bait, was applied on host plants at the rate of 3 to 5 milliliters per spot treatment. Backpack sprayers or equivalent units were used. Up to 18,000 spots were to be treated per square mile. The pesticide treatment procedure also included a 50 percent Baytex (emulsifiable) concentrate, which was used as a soil drench under host trees at the rate of 6 pounds actual per acre. Applications of the pesticides were made by trained Plant Protection and Quarantine, State and county personnel, who are also surveying for the pest. No adverse effects to man or the environment are expected as a result of the pesticide treatments.

In accordance with section 166.8 of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The USDA has submitted such an application; however, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH–567), Office of Pesti-

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cide Programs, EPA, Room E-315, 401 M St., S.W., Washington, D.C. 20460.

Dated: November 25, 1975.

MARTIN H. ROGOFF,
Associate Director,
Registration Division.

[FR Doc.75-32451 Filed 12-2-75;8:45 am]

[FRL 465-4; OPP-180058A]

DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Mediterranean Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Department of Agriculture (USDA) to use Malathion and Fenthion (Baytex) for the control of recently established infestations of the Mediterranean fruit fly (*Ceratitis capivata* Wiedemann) in Los Angeles County, California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the USDA, the Mediterranean fruit fly, sometimes called the "Medfly", is considered to be the world's most important and widespread citrus pest in the fruit fly group. This pest occurs in many countries of Europe, Asia, Africa, South America, and in Hawaii, and attacks more than 200 fruit and vegetable crops. This fruit fly has previously been introduced into and subsequently eradicated from the States of Florida and Texas; this is the first time it has been introduced into California. Its presence poses an extremely serious economic loss potential to the California fruit and vegetable industry, and, if it is not eradicated, to other areas in the Continental United States.

On October 1, 1975, the USDA exercised its prerogative in availing itself of a crisis exemption regarding the Mediterranean fruit fly infestation, and so notified the Administrator. In addition, in accordance with section 166.8(c) of the controlling regulations, the USDA requested a specific exemption for the use of a toxicant bait consisting of technical Malathion and Staley's protein bait and a soil drench, using a 50 percent Baytex (Fenthion) emulsifiable concentrate, in an eradication program, since it was obvious that treatment pursuant to the crisis exemption would continue for more than a total of fifteen (15) days. There are no pesticides registered specifically to control the Mediterranean fruit fly because this pest is not endemic to the Continental United States.

Pesticide products containing Malathion as the active ingredient are currently registered to control fruit flies in Hawaii. Thus, this insecticide is proposed for use in a manner consistent with established use patterns, except that it is not specifically registered for control of the Mediterranean fruit fly in California. Malathion is registered for use on citrus and most of the other crops likely to be infested by the "Medfly" as a foliage application at a rate considerably higher than the rate of application proposed in the USDA eradication program. Staley's protein bait is not known to pose a threat to the environment. Pesticide products containing Fenthion (Baytex) as the active ingredient are currently registered for livestock insect control, mosquito control, residual control of household insects, and for the control of various insects attacking ornamentals. No residue tolerances have been established on crops. However, the USDA program calls for the destruction of any food or feed crops grown on soil drenched with Fenthion.

Fruit fly surveys in California detected a Mediterranean fruit fly infestation in southern California, specifically in Venice, which is located in Los Angeles County. A toxicant bait, consisting of 1 part technical Malathion (25 percent wettable) and 4 parts Staley's protein bait, will be applied on host plants at the rate of 3 to 5 milliliters per spot treatment. Backpack sprayers or equivalent units will be used. Up to 18,000 spots will be treated per square mile; approximately 90 square miles require treatment. The pesticide treatment procedure will include the use of approximately 1,200 pounds of 50 percent Baytex (Fenthion) emulsifiable concentrate as a soil drench under host trees at the rate of 6 pounds actual per acre; 1,000 pounds of Malathion are expected to be used. Thus, the amounts of pesticides to be used are relatively small.

The USDA states that, based on patterns of spread in other countries, the potential impact of this pest could grow from a few thousand dollars today to $228 million in 4 years without cooperative efforts to eradicate the "Medfly". The USDA estimated that the agricultural yield losses inflicted upon California alone could amount to $128 million a year; with approximately $100 million in control costs added, the direct economic impact would be $228 million annually.

Applications of the pesticides have been and will continue to be made by trained personnel of the USDA, and State and county personnel. The controls proposed appear to be adequate to prevent misuse of the pesticides and prevent any serious short-term or long-term adverse environmental effects.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the Mediterranean fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control the Mediterranean fruit fly in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the Mediterranean fruit flies are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the USDA has been granted a specific exemption to use the pesticides noted above until November 7, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following additional provisions:

1. The amounts of Malathion and Fenthion used in the eradication program shall not exceed 1,000 and 1,200 pounds respectively;

2. The pesticide treatments shall be limited to the delineated California infestation;

3. All food or feed crops grown on soil treated with the Fenthion drench will be destroyed;

4. Precautions will be taken to preclude the Fenthion drench from contaminating other crops; and

5. Precautions will be taken to preclude the Fenthion from coming into contact with fish and wildlife.

It should be noted that if the Administrator determines that the USDA is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: November 26, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.75-32609 Filed 12-2-75;8:45 am]

[FRL 465-7; PP5G1562/T19]

TEBUTHIURON

Notice of Establishment of a Temporary Tolerance

Elanco Products Co., Division of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206, submitted a pesticide petition (PP 5G1562) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the herbicide tebuthiuron (N - [1,1 - dimethylethyl) - 1,3,4 - thiadiazol - 2 - yl] - N,N-' - dimethylurea) in or on the following raw agricultural commodities: sugarcane at 0.1 part per million (ppm); eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported has shown that the tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that such tolerances will protect the public health. The temporary tolerances are established, therefore, for the herbicide with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire November 26, 1976. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the herbicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate that such revocation is necessary to protect the public health.

Dated: November 26, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-32612 Filed 12-2-75;8:45 am]

[FRL 466-1; OPP-30103]

EM LABORATORIES, INC.

Receipt of Application to Register a Pesticide Product Containing a New Active Ingredient

EM Laboratories, Inc., 500 Executive Blvd., Elmsford NY 10523, has submitted to the Environmental Protection Agency (EPA) an application (EPA File Symbol 21137-A) to register the pesticide product TRIFORINE TECHNICAL containing 97% of the active ingredient triforine N,N' - [1,4-piperazinediyl-bis-(2,2,2-trichloroethylidene)]-bis[foramide] which has not been included in any previously registered pesticide product. TRIFORINE TECHNICAL is intended for manufacturing use only. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on the application referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before January 2, 1976 and should bear the notation "EPA File Symbol 21137-A". Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the application to register this pesticide product will be announced in the FEDERAL REGISTER.

The label furnished by EM Laboratories, Inc., for TRIFORINE TECHNICAL as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 26, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-32614 Filed 12-2-75;8:45 am]

[FRL 463-6; OPP-33000/343]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before February 2, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after February 2, 1976.

Dated: November 24, 1975.

MARTIN H. ROGOFF,
Associate Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/343)

EPA File Symbol 8859-I. Aqualand Pool Co., Inc., Dakota at W. Lake St., Minneapolis MN 55416. ALGAE CONTROL CONCENTRATE. Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene-(dimethyliminio)ethylene dichloride] 40.0% Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1913-EU. The Drackett Co. 5020 Spring Grove Ave., Cincinnati OH 45232. VANISH DISINFECTANT BOWL CLEANER. Active Ingredients: Sodium Acid Sulfate 75.00%; Monopotassium Peroxymonosulfate 0.15%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 37649-R. Eurotherm Inc., 1141 N. Fairview St., Burbank CA 91505 KILLVIT 40. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 15.0% Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 18716-R. K. C. Pool & Recreation Supply Co., Inc., 11924 Santa Fe, Lenexa KS 66215. CASEY POOLE ALGAECIDE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.75-32328 Filed 12-2-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

EXXON NUCLEAR CO., INC.

Intent To Negotiate Land Use Arrangement

Notice is hereby given that Exxon Nuclear Company, Inc. (Exxon), 777 106th Avenue, N.E., Bellevue, Washington 98004, has requested Government-owned land comprising part of the Energy Research and Development Administration (ERDA) site at Oak Ridge, Tennessee, be made available to Exxon for nuclear purposes. ERDA has expressed, pursuant to the authority of Section 161 g. of the Atomic Energy Act of 1954, as amended, its willingness to undertake discussions with Exxon to determine whether a suitable arrangement can be negotiated for approximately 160 acres near the inter-

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section of Bear Creek and White Wing Roads on the Oak Ridge reservation for these purposes, with appropriate limitation on uses of an adjacent buffer area.

Availability and use of such land would be limited to the construction and operation by Exxon, at Exxon expense, of facilities for spent fuel reprocessing and temporary storage of spent fuel elements from nuclear power plants, would be subject to Exxon's obtaining and complying with all necessary licenses to construct and operate the facility, and would be subject to such other terms and conditions as may be deemed to be appropriate. Should an ERDA need for the land arise, ERDA would withdraw the land from Exxon's use.

Any other person who wishes to express an interest in the use of this land for these purposes should so notify R. G. Romatowski, Assistant Administrator for Administration, U.S. Energy Research and Development Administration, Washington, D.C. 20545, in writing within thirty days of the date of publication of this notice.

Negotiations with Exxon will not be initiated prior to forty-five days after the date of publication of this notice.

For the Energy Research and Development Administration.

ROBERT F. ALLNUTT,
Acting Assistant Administrator for Administration.

[FR Doc.75-32542 Filed 12-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 781]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

NOVEMBER 24, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b) (3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20831–CD–P–(2)–76, The Lincoln Telephone and Telegraph Company (KBM532) C.P. to relocate and consolidate base facilities operating on 152.69 (formerly of station KHM530) and 152.51 MHb at new location: 5.77 miles N. 35°E. from Table Rock, Nebraska.

20832–CD–P–76, Digital Paging Systems of Toledo, Inc. (NEW) C.P. for a new 1-way-signaling station to operate on 43.58 MHz to be located at Hillcrest Hotel, Madison & Sixteenth, Toledo, Ohio.

20833–CD–R–76, The Pacific Telephone and Telegraph Company (KA4326) Renewal of Radio Station License to operate at any location within the territory of the grantee. (Developmental) TERM: December 11, 1965 thru' December 11, 1976.

20834–CD–P–76, Nebraska Radio Telephone Systems, (KUO644) C.P. to relocate facilities and replace transmitter operating on 152.15 MHz to be located 1.8 miles ESE of North O'Neill, Nebraska.

20835–CD–P–76, Answer, Inc. of San Antonio (KUS372) C.P. to relocate facilities and replace transmitter operating on 43.58 MHz (Base) to be located 9 miles South of Seguin on St. Rt. 123, near Seguin, Texas. (1-way-signaling)

20836–CD–P–76, Alan H. Rosenson Trust d/b/a All-Florida Communications Co. (KIN645) C.P. for additional facilities to operate on 43.22 MHz at new Loc. No. 4: 1025 W. 44 Plz. Hialeah, Florida (1-way-signaling)

20837–CD–P/L–(3)–76, Alan H. Rosenson Trust d/b/a All-Florida Communications Co. (KIN645) C.P. and License to change antenna system, replace transmitter and change emission of facilities operating on 35.22 MHz at Loc. No. 1: 111 N.E. Second Avenue, Miami, Florida; and Loc. No. 2: West Dixie Hwy. & 159 Street, North Miami Beach, Florida; and at Loc. No. 3: Red Road and Sunset Drive, South Miami, Florida. (1-way-signaling)

20838–CD–P–(3)–76, South Central Bell Telephone Company (KIB389) C.P. to relocate facilities operating on 152.51, 152.63 and 152.81 MHz (Base) to be located approx. 7.9 miles NE of Signal Mountain, Tennessee.

20839–CD–P–76, Minnesota Communications Corporation (KUC949) C.P. for additional facilities to operate on 35.56 MHz (Base) at new Loc. No. 3: Blaine and Lydiard Avenue, Orono, Minnesota. (1-way-signaling)

20839–CD–AL–76, Jamestown Telephone Corporation (KGI773 Consent to Assignment of Radio Station License from Jamestown Telephone Corporation, ASSIGNOR, to Midstate Telephone Co., Inc., ASSIGNEE.

20840–CD–P/L–76, King Communications, Inc. (KQD810) C.P. and License to relocate base facilities operating on 152.12 MHz to be located at 1795 Tittabawassee Road, Saginaw, Michigan.

20841–CD–P–76, Airsignal International of Philadelphia, Pennsylvania, Inc. (KGC 596) C.P. to change antenna system operating on 454.025 MHz (Base) located at Domino Lane and Ridge Avenue, Philadelphia, Pa.

20842–CD–P–76, Electro-Craft, Inc. (New) C.P. for a new base station to operate on 152.24 MHz to be located on old highway 16, 1.6 miles S of Rapid City, South Dakota.

20843–CD–P–(2)–76, Mobilfone Service, Inc. (KRS660) C.P. for additional facilities to operate on 35.22 MHz (Base) at new Loc. No. 3: 41st Street and Darlington Avenue, Tulsa, Oklahoma; also for additional transmitter to operate on 35.22 MHz at existing Loc. No. 2: 901 North Elgin, Tulsa, Oklahoma. (1-way-signaling)

20844–CD–AL–76, Autophone of Del Rio, Inc. (KFJ689) Consent to Assignment of Radio Station License from Autophone of Del Rio, Inc., Assignor, to B. F. Barnes d/b/a B & B Communications Co., Assignee. (Del Rio, Texas)

20845–CD–P–76, Jim Bob Measures, d/b/a Radiofone (KQZ791) C.P. for additional facilities operating on 454.125 MHz (Base) at existing location: 313 South Bowie Drive, Weatherford, Texas.

MAJOR AMENDMENTS

20817–CD–P–(3)–76, (New) Collins Radio Communications Corporation. Amend to change location to 12 miles NE of Douglas, Wyoming, of 152.03 MHz base station. File number has been corrected from 20771–CD–P–(3)–76 to 20817–CD–P–(3)–76. All other particulars of operation remain as reported in Public Notice No. 779, dated November 10, 1975.

20509–CD–P–76, (New) Central Control Systems, Inc., Williamstown, Vermont. Amend to change base station frequency to 152.03 from 152.15 MHz. All other particulars of operation remain as reported in Public Notice No. 773, dated September 29, 1975.

INFORMATIVE:

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

FN: 20755–CD–P–(2)–76, RAM Broadcasting of Washington, Inc. (KTR996) Seattle, Washington.

FN: 20617–CD–P–75, Island Telepage Systems, (NEW) Blyn, Washington.
Frequency: 454.025 MHz.

RURAL RADIO SERVICE

60215–CR–P/L–76, Bledsoe Telephone Cooperative Corporation (NEW) C.P. and License for a new Rural Subscriber-Fixed station to operate on 157.83 MHz at any temporary-fixed location within the territory of the grantee.

60216–CR–P/L–76, The Mountain States Telephone and Telegraph Company (NEW) C.P. and License for a new Rural Subscriber-Fixed station to operate on 157.86 MHz to be located at Box-L Ranch, 35 miles NW of Prescott, Arizona.

POINT TO POINT MICROWAVE RADIO SERVICE:

1242–CF–P–76, The Mountain States Telephone and Telegraph Company (KPN70) 619 Bannock Street, Boise, Idaho. Lat. 43° 36''57" N., Long. 116°11'59" W. C.P. to add a point of communication on frequency 2128.0H MHz toward War Eagle, Idaho on azimuth 211.3°.

1253–CF–P–76, The Chesapeake and Potomac Telephone Company of West Virginia. (KXR62) 3.9 Miles North of Layland, West Virginia. Lat. 37°55'38" N., Long. 80°58'14" W. C.P. to change frequency 10755V to 10915V MHz toward Rainelle, West Virginia on azimuth 65.8°; replace transmitters for 10915V and 6345.5V MHz toward Rainelle.

1254–CF–P–76, Same (KYJ69) 2.5 Miles NW of Rainelle, West Virginia. Lat. 37°58'48" N., Long. 80°49'18" W. C.P. to correct coordinates, change frequency 11685V to 11525V MHz toward Layland, West Virginia on azimuth 245.9°; replace transmitters for 11525V and 6063.8H MHz toward Layland.

1255–CF–P–76, American Telephone and Telegraph Company (KEE60) 2.5 Miles NW of Colesville, New Jersey. Lat. 41°18'15" N., Long. 74°40'27" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3750 3830 3910 3990 4070 4150, and from Vertical to Horizontal on 3770 3850 3930 4010 4090 4170 MHz toward Green Pond 1, New Jersey on azimuth 151.3°.

1256–CF–P–76, Same (KEB27) Green Pond 1, 0.8 Mile East of Green Pond, New Jersey. Lat. 41°00'56" N., Long. 74°27'55" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3710, 3790, 3870, 3950, 4030, 4110, and from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, 4130 MHz toward Colesville, New Jersey on azimuth 331.4°.

1257–CF–P–76, Same (KAR 60) 1.9 Miles ENE of Helena, Missouri. Lat. 39°55'21" N., Long. 94°37'05" W. C.P. to add frequency 3710.0H MHz toward Dearborn, Missouri on azimuth 194.6°.

1258–CF–P–76, Same (KAR59) 1.5 Miles NE of Dearborn, Missouri. Lat. 39°32'22" N., Long. 94°44'50" W. C.P. to add frequency 3750.0V MHz toward Kansas City, Missouri on azimuth 163.3°.

1261–CF–P–76, United States Transmission Systems, Inc. (WAH511) 2.0 Miles North of Davidson, North Carolina. Lat. 35°31'31" N., Long. 80°51'27" W. C.P. to replace transmitter, correct coordinates to those above, change frequency and polarization on 6004.5V to 5945.2H towards Crowders Mtn., North Carolina on azimuth 229.6 degrees.

1262–CF–MP–76, Same (WAH512) 3.8 Miles East of Crowders Mountain, North Carolina. Lat. 35°13'56" N., Long. 81°16'35" W. Mod. C.P. to replace transmitters, correct coordinates to those above and to change frequency and polarization on 6256.5V to 6226.9H towards Davidson, North Carolina on azimuth 49.4 degrees.

1263–CF–MP–76, Same (WAH513) 2.0 Miles Southeast of Gaffney, South Carolina. Lat. 35°03'01" N., Long. 81°37'27" W. Mod. C.P. to replace transmitters, correct coordinates to those above, change frequencies 5945.2H to 5974.8H towards Crowders Mountain, North Carolina on azimuth 57.4 degrees and 6063.8H to 6034.2V towards Moore, South Carolina on azimuth 237.2 degrees.

1264–CF–MP–76, Same (WAH514) 1.5 Miles Northwest of Moore, South Carolina. Lat. 34°50'42" N., Long. 82°00'36" W. Mod. C.P. to replace transmitter, correct coordinates to those above, change frequencies 6315.9H to 6197.2V towards Gaffney, South Carolina on azimuth 57.0 degrees and 6226.9V towards a new point of communication at Owings, South Carolina on azimuth 204.4 degrees.

1265–CF–P–76, Same (New) 1.0 Miles NNE of Owings, South Carolina. Lat. 34°38'44" N., Long. 84°07'29" W. C.P. for a new station on 6226.9V towards Moore, South Carolina on azimuth 25.4 degrees and 5974.8H towards Honea Path, South Carolina on azimuth 226.8 degrees.

1266–CF–MP–76, Same (WAH515) 1.0 Miles Northwest of Princeton, South Carolina. Lat. 34°30'40" N., Long. 82°17'51" W. Mod. C.P. to replace transmitter, correct coordinates to those above, change frequency 6152.8V to 6197.2H towards Iva, South Carolina on azimuth 241.9 degrees and add 6197.2H towards a new point of communication at Owings, South Carolina on 46.7 degrees.

1267–CF–MP–76, Same (WAH516) 2.7 Miles Northwest of Iva, South Carolina. Lat. 34°19'55" N., Long. 82°42'02" W. Mod. C.P. to replace transmitter, change antenna system, change frequencies 6345.5H to 5945.2V towards Danielsville, Georgia on azimuth 243.7 degrees and 6404.8V to 5974.8H towards Honea Path, South Carolina on azimuth 61.7 degrees.

1268–CF–P–76, United States Transmission Systems, Inc. (WAH517) 4.7 Miles WSW of Danielsville, Georgia. Lat. 34°09'00" N., Long. 83°08'26" W. C.P. to replace transmitters, replace antenna, change frequencies 6093.5H to 6226.9V towards Iva, South Carolina on azimuth 63.4 degrees and 6123.1V to 6226.9V towards a new point of communication at Center, Georgia on azimuth 244.7 degrees.

1269–CF–P–76, Same (New) 1.2 Miles ESE of Center, Georgia. Lat. 34°02'53" N., Long. 83°23'58" W. C.P. for a new station on 5945.2V towards Danielsville, Georgia on azimuth 26.4 degrees and 5974.8V towards Good Hope, Georgia on azimuth 220.5 degrees.

1270–CF–MP–76, Same (WAH518) 5.4 Miles Northeast of Good Hope, Georgia. Lat. 33°49'22" N., Long. 83°37'47" W. Mod. C.P. to replace transmitter, correct coordinates to those above, change frequency 6345.5H to 6226.9V towards Milstead, Georgia on azimuth 224.2 degrees and to add 6197.2V towards a new point of communication at Center, Georgia on azimuth 40.4 degrees.

1271–CF–MP–76, Same (WAH519) 5.4 Miles ENE of Milstead, Georgia. Lat. 33°42'40" N., Long. 83°54'18" W. Mod. C.P. to replace transmitters, change frequency 6093.5V to 5974.8V towards Stockbridge, Georgia on azimuth 244.3 degrees and to add 5945.2V towards Good Hope, Georgia on azimuth 64.0 degrees.

1172–CF–MP–76, Same (WAH520) 2.0 Miles NWN of Stockbridge, Georgia. Lat. 33°-34'10" N., Long. 84°15'18" W. Mod. C.P. to replace tranksmitters, to add 6226.9V towards a new point of communication at Atlanta, Georgia on azimuth 329.6 degrees.

1273–CF–P–76, Same (New) Peachtree Plaza, Atlanta, Georgia. Lat. 33°45'34" N., Long. 84°23'19" W. C.P. for a new station on 5974.8H towards Stockbridge, Georgia on azimuth 149.5 degrees.

MAJOR AMENDMENT

177–CF–P–76, Microband Corporation of America (New) Application amended to change station location to 1419 West 12th Place Tempe, Arizona. Lat. 33°29'06" N., Long. 111°57'42" W. On 6167.6H MHz toward South Mountain Park, Arizona, on azimuth 226°28'.

605–C1–P–71, Newhouse Alabama Microwave, Inc. (New) Red Mountain, Alabama. Lat. 33°29'25" N., Long. 86°47'53" W. Application amended (a) to relocate station to foregoing coordinates; (b) to change point of communication from Millet to Woodstock (Sand Mountain), Alabama, on azimuth 220 degrees/20 minutes; (c) to change frequency to 5960.0V MHz toward Woodstock (Sand Mountain), Alabama; and (d) to change transmitter.

2738–C1–P–73, Eastern Microwave, Inc. (KGO27) Elk Hill, 4.25 Miles North of Dundaff, Pennsylvania. Lat. 41°42'54" N., Long. 75°33'42" W. Application amended to add 6360.3V MHz toward proposed new point of communication at Penobscot #3, Pennsylvania, on azimuth 203°54'.

3086–CF–P–75, Pacific Telatronics, Inc. (New) Vollmer Peak, California. Lat. 37°52'58 N., Long. 122°13'11" W. Application amended to (a) change point of communication from Sacramento to Mt. Vaca, California, on azimuth 10°23'; (b) to change frequencies to 11055V MHz and 11135V MHz toward Mt. Vaca; and (c) to change transmitters.

1058–CF–P–76, Frank K. Spain, dba Microwave Service Company (NEW) Asbury, 5.0 Miles West of Dubuque, Iowa. Lat. 42°30'52" N., Long. 90°44'42" W. Application amended to change frequency to 5960.0H MHz toward Platteville, Iowa on azimuth 41.2 degrees.

[FR Doc.75-32391 Filed 12-2-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

PRIVACY ACT OF 1974

Notice of an Additional System of Records

On October 24, 1975 the Federal Deposit Insurance Corporation ("FDIC"), in accordance with section 3(e) of the Privacy Act of 1974, 5 U.S.C. 552(e), 88 Stat. 1896, 1899–1900, published on page 49935 of the FEDERAL REGISTER notice of a proposed system of records, entitled "FDIC/15 Unofficial Personnel System," to supplement the FDIC's previously adopted systems, as published on October 6, 1975 on page 46288 of the FEDERAL REGISTER. Because of the need for the existence of the system for daily internal personnel functions the Board of Directors of the FDIC determined, pursuant to section 302.6 of the rules and regulations of the FDIC, that good cause existed for the waiver of the thirty day period for effectiveness, and; therefore, the notice was effective, except for the "Routine Uses" section, on the date of its publication. The Privacy Act does require advance publication of the "Routine Uses" section of a system notice. Interested parties were given the opportunity to submit, not later than November 22, 1975, data, views and recommendations regarding the adopted system and its proposed "Routine Uses."

No written objections have been received, and the system is hereby adopted with a few technical amendments and corrections, as set forth below, effective November 24, 1975.

By order of the Board of Directors, November 26, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

FDIC—15

System name: Unofficial Personnel System—FDIC.

System location: Personnel Branch, FDIC, 1709 New York Ave., NW., Wash-

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ington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: This system consists of general personnel-related records, that are maintained in addition to the Civil Service Commission's published "General Personnel Records," CSC/GOVT–3, notice. These records may contain information on individuals relating to: birthdate; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original application and resume; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; and, data documenting reasons for personnel actions, decisions or recommendations made about an employee.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Primarily maintained to be used by employee's supervisor for preparation of general personnel actions; however, disclosure may be made to financial and credit institutions for loan and credit "reference" purposes (solely to verify the employee's employment with the FDIC, date of employment and pay grade), to the Civil Service Commission in the event of any grievance procedures, or, in the event of any litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal cabinets.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices.)

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th St., NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain, and their immediate supervisors or persons at other supervisory levels.

Systems exempted from certain provisions of the act: None.

[FR Doc.75–32446 Filed 11–28–75;9:22 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75–56]

CANADIAN-AMERICAN WORKING ARRANGEMENT, ET AL.

Order of Investigation and Hearing

On September 28, 1973, the Federal Maritime Commission (FMC) approved as modified the Canadian American Discussion Agreement (CADA), FMC Agreement No. 10057, which allowed the nine member conferences serving the trades between the U.S. and Canada on the one hand and the Continent, Scandinavia/Baltic and British Isles on the other hand to meet, discuss and propose solutions to mutual problems. Five conferences serving the foreign commerce of the United States and four conferences serving the foreign commerce of Canada operating between the Atlantic coast of North America and the Continent and British Isles, together with their member lines, constitute the membership.

The major problem giving rise to the establishment of such an agreement was the diversion of cargo of one country through the ports of the other. For example, apparently it was the practice of carriers serving the foreign commerce of both the United States and Canada to interpret both their agreement and tariffs as not applying to third country cargoes. Accordingly, conference carriers serving Canada did not apply the Canadian conference rates on cargoes destined to or orginating in the United States moving through Canadian ports. Conversely, conference carriers serving United States ports did not apply United States conference rates on cargoes to or from Canada, and moving under a through bill of lading.

As a proposed solution to this problem, the parties filed the Canadian-American Working Arrangement (CAWA) FMC Agreement No. 10090 on September 28, 1973. Briefly its function was to eliminate manipulation of ocean carrier rates as a means of inducing the diversion of one country's cargo through the ports of the other. The three modifications to CAWA, the one modification to CADA and the single modification to each of seven basic conference agreements are all derived from the CADA and CAWA agreements.[1]

Agreement No. 10090 provides that the conferences and their member lines agree that cargo originating in or destined to Canada but moving between United States ports and Europe will be charged port-to-port rates identical to the governing Canadian conference rates. This provision also provides that cargo originating in or destined to the United States but moving between Canadian ports and Europe will be charged port-to-port rates identical to the governing United States conference rates. However, with respect to the United States only, cargo originating at or destined to points east of the 76th longitude west of Greenwich are subject to the arrangement. (Article 1.3)

The agreement also provides that full information on rates west of 76° W would be exchanged on request and that the Conference serving a particular port would be responsible for self policing functions with respect to cross-boarder traffic. In addition, any member of a United States or Canadian conference not also a full-fledged member of the counterpart conference serving the other country could become a nonvoting associate member thereof. The Commission approved the agreement on October 31, 1974 for a period of one year, subject to certain modifications.

Agreement Nos. 10090–1, 7670–13 and 9982–5 add conferences serving the trades between the Scan/Baltic area and the United States and Canadian North American trade to CAWA and authorize the participation of these conferences in CAWA, including the granting of individual associate memberships. These agreements themselves do not present novel issues. They are included in this proceeding because of their logical relationship with the disputed modifications and the original agreement.

The primary modification, Agreement No. 10090–2, which has been the catalyst to protesting parties reads as follows:

> • • • the parties hereto shall strive to reach agreement on relevant rates on the general basis of parity of cost to the shipper, regardless of whether shipments move via Great Lakes ports or via East Coast ports, and equality of competitive opportunity as among the parties themselves in respect to such cargo.

No change was made in the exclusion of United States cargo originating at or destined to points West of the 76° meridian moving through Canadian ports from the application of the agreement.

Agreement No. 10090–2 apparently contemplates the equalization of total door-to-door costs to the shipper using Atlantic ports with his total transportation costs through Great Lakes ports. This appears to be an attempt to equalize total transportation costs via Atlantic ports with Great Lakes ports.

This modification was protested by 29 different persons or groups as enumerated in Appendix III. They see the proposal as violating Section 16 First of the Shipping Act by depriving the Great Lakes ports of their natural advantage, namely lower total cost, thereby giving an unreasonable preference or advantage to a particular locality and subjecting

[1] See Appendix I for Agreement Nos.

the United States Great Lakes ports to undue or unreasonable prejudice or disadvantage. They basically allege that if carriers serving the Atlantic ports are allowed to equalize costs, the United States Great Lakes ports would lose their one advantage since they cannot compete on a straight service basis.

Furthermore, the protestants also allege the proposed arrangement violates Section 17 of the Act by discriminating against particular shippers or ports by charging rates that are discriminatory against United States Great Lakes shippers and ports.

The protestants also argue that in the absence of a Commission waiver such as that which now applies to the port-to-port rates on Canadian traffic, carriers participating in the foreign commerce of the United States would be required to publish the exact inland and ocean portions and indicate any absorptions and file all these with the FMC or be in violation of Section 18(b)(1) and General Order 13 Amendment 4, 46 C.F.R. § 536.16.

Apart from these alleged violations of specific sections of the Act, several protestants allege that the proposal violates one or more of the tests for approval set forth in Section 15 itself. The Chicago Regional Port District, for example, states that the Agreement is contrary to the public interest because it would eliminate general cargo shipments out of the United States Great Lakes ports and would destroy businesses and jobs including related jobs in trucking and railroads. Others submit that the arrangement would ultimately result in higher shipper costs since the lower Atlantic Coast rates cannot be expected to continue after the alternative United States Great Lakes service has been destroyed. As an example of this potential problem, the Hormel Packing Company of Austin, Minnesota, suggests that it will not be able to sell meats in Europe in competition with South American sources if the agreement eliminates low cost freight. The United States Department of Transportation (DOT) estimates that the St. Lawrence Seaway Corporation could lose as much as 15 percent of its cargo and 40 percent of its revenues if the equalization plan is effected.

Others also state that Agreement No. 10090–2 is vague and ambiguous, that it is not responsive to the Commission order of October 31, 1974 which attached certain conditions to the approval of Agreement No. 10090 and that no convincing public need has been demonstrated.

Through counsel parties to Agreement No. 10057–2 request that CADA be approved for an additional 18 months or such other period as the Commission deems appropriate.[2] Three protests have been filed asking that the continued existence of CADA be made the subject of a hearing.[3] They suggest that the Agreement has done its work, such as it is, in producing Agreement No. 10090 and its modifications and that no legitimate purpose remains.

Parties to CADA respond to this by stating that CADA is merely a discussion agreement and as such, innocuous, that it is required to furnish the Great Lake interests with copies of minutes and all substantive agreements, and that in view of the uncertain future of CAWA, CADA will be needed to explore alternatives. During the course of this proceeding concerning Agreement Nos. 10057–2 and 10090–2 and related agreements, the parties will be able to propose alternatives.

Finally, Agreement No. 10090–3 and related conference agreement modifications seek the interim extension of CAWA and the related authority of conferences to belong to it and have associate members. It seeks extension pending the resolution of the litigation foreseen in connection with 10090–2, or for six months, whichever may first occur. Five groups protested this group of extensions (anticipating that the parties will seek additional extensions if the six months is granted), primarily on the grounds that the parties have made no attempt to meet the conditions for renewal of the agreement as set forth in the Commission's original order and should not be allowed to enjoy the fruits of this agreement as if it had been approved when, in fact, its fate is being debated in a hearing which may ultimately find that it should be disapproved. DOT points out that the agreement is decidely anticompetitive and in its opinion confers no benefits commensurate with its anticompetitive effect. DOT is the one party that does not oppose interim extension, however.

The real issue remains not whether FMC Agreement No. 10090 should be amended in various ways, but whether it should continue to exist.

Upon consideration of the above matters, the Commission is of the opinion that the Agreements Nos. 10057 and 10090 and modifications thereto, and modifications to various conference agreements to permit participation in Agreement No. 10090, should be made the subject of a public investigation and hearing to determine whether they should be approved, disapproved, or modified. However, in order to protect those allegedly affected by these Agreements during this inquiry we would not at this time approve Agreements Nos. 10090–3 and Agreement No. 10057–2 pending the outcome of this hearing pursuant to section 15 of the Shipping Act, 1916.

Now therefore it is ordered, That the Commission enter upon an investigation and hearing pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether Agreement No. 10090 as amended by Agreement Nos. 10090–1, 2 and 3 if approved would be in violation of Section 16 First, 17 and 18(b)(5) in that it would implement a procedure which could discriminate unreasonably against United States Great Lakes shippers and port interests, could give Atlantic coast interests an unreasonable advantage and could provide a framework for the assessment of unreasonably low freight rates.

It is further ordered, That a determination be made whether Agreement No. 10090–2, if approved, would be within the requirements of section 18(b)(1) of the Shipping Act and Commission General Order No. 13, Amendment 4, 46 C.F.R. § 536.16, i.e., how do the parties intend to implement any agreement or relevant rates "regardless of whether shipments move via Great Lakes ports or via East Coast ports. • • •"?

It is further ordered, That a determination be made as to whether Agreement Nos. 10090, 10090–1, 2 and 3 violate the criteria of approvability set forth in Section 15 in that they may be discriminatory and unfair as between ports and shippers, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States and contrary to the public interest.

It is further ordered, That Agreement Nos. 7670–13, 5850–29, 7100–19, 7770–14, 8210–31, 9214–16 and 9982–5, because of their logical relationship with Agreement No. 10090, as amended, be included within this investigation to determine whether these modifications to the listed basic agreements are approvable pursuant to the standards of section 15 of the Act.

It is further ordered, That pursuant to sections 15 and 22 of the Act, that a determination be made whether Agreement No. 10057, as amended has operated consistent with the standards of section 15 since its original approval and whether Agreement Nos. 10057 and 10057–2 meet the standards of section 15 for approval.

It is further ordered, That in the event there is any modification of Agreements Nos. 10057 and 10090 other than requests for interim extension of expiration dates such modification shall be filed with the Commission, and shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916. However, if there are requests of the Commission for interim extension of expiration dates of Agreements Nos. 10057 and 10090, as amended, such requests must be served simultaneously on all parties to this proceeding.

It is further ordered, That the parties listed in Appendix II be named as Respondents here:

It is further ordered, That the parties as listed in Appendix III hereto be named Petitioners;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the

[2] On October 31, the Commission extended approval of FMC Agreement Nos. 10057 and 10090 until November 30, 1975.

[3] Milwaukee Board of Harbor Commissioners, Ogdensburg Bridge and Port Authority, and the U.S. Department of Transportation.

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presiding Administrative Law Judge, but not later than May 27, 1976.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and a copy thereof be served upon Respondents and Petitioners;

It is further ordered, That any person other than respondents, petitioners, and the Bureau of Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(l) (46 CFR § 502.72) of the Commission's Rules of Practice and Procedure;

Pursuant to the Rules, absent good cause shown, parties must commence discovery procedure on or before January 2, 1976, and any intervenor desiring to utilize the discovery procedures prescribed by Subpart L thereof, must commence doing so not later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than 30 days after the date of publication of this Order in the FEDERAL REGISTER, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30 day period. (46 C.F.R. § 502.72(b))

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX I

SUBJECT:

1. The Canadian-American Working Arrangement (CAWA), approved (conditionally) October 31, 1974;
2. Agreement No. 10090–1, enlarging the geographic scope of CAWA, filed April 14, 1975;
3. Agreement No. 10090–2, enlarging the prospective application of CAWA, filed July 18, 1975;
4. Agreement No. 10090–3, extending the term of CAWA, filed August 7, 1975;
5. Agreement No. 5850–29, extending the authority of the North Atlantic Westbound Freight Association to participate in CAWA, filed August 7, 1975;
6. Agreement No. 7100–19, extension of the authority of the North Atlantic United Kingdom Freight Conference to participate in CAWA, filed August 7, 1975;
7. Agreement No. 7770–14, extension of the authority of the North Atlantic French Atlantic Freight Conference to participate in CAWA, filed August 7, 1975;
8. Agreement No. 8210–31, extension of the authority of the Continental North Atlantic Westbound Freight Conference to participate in CAWA, filed August 7, 1975;
9. Agreement No. 9214–16, extension of the authority of the North Atlantic Continental Freight Conference to participate in CAWA, filed August 7, 1975;
10. Agreement No. 7670–13, authorizing the North Atlantic Baltic Freight Conference to join and participate in CAWA, filed April 14, 1975.
11. Agreement No. 9982–5, authorizing the Scandinavia/Baltic-U.S. North Atlantic Westbound Freight Conference to join and participate in CAWA, filed April 14, 1975; and
12. Agreement No. 10057–2, extending the term of the Canadian-American Discussion Agreement (CADA), filed August 26, 1975.

APPENDIX II

RESPONDENT CONFERENCES AND MEMBER LINES

Canadian Continental Eastbound Freight Conference.
Canada - Scandinavia / Baltic Eastbound Freight Conference.
Canada-United Kingdom Freight Conference, c/o R. H. Corbett, Chairman, 410 St. Nicholas Street, Montreal H2Y 2P5, Quebec, Canada.
Canada North Atlantic Westbound Freight Conference.
Scandinavia/Baltic - Canada Westbound Freight Conference, c/o Canadian Atlantic Freight Secretariat, Ltd., Cunard Building, Liverpool L3 1DS, England.
Continental Canadian Westbound Freight Conference.
Continental North Atlantic Westbound Freight Conference.
Scandinavia/Baltic-U.S. North Atlantic Westbound Freight Conference, c/o D. J. Christiansen, Chairman, Atlantic Freight Secretariat, 74 St. Jame's Street, London SW1A 1PS, England.
North Atlantic Westbound Freight Association, c/o D. K. Conway, Chairman, Atlantic Freight Secretariat, 74 St. Jame's Street, London SW1A 1PS, England.
North Atlantic United Kingdom Freight Conference.
North Atlantic Baltic Freight Conference.
North Atlantic French Atlantic Freight Conference.
North Atlantic Continental Freight Conference, c/o Louis P. Kopley, Chairman, 17 Battery Place, New York, New York 10004.
American Export Lines Inc., 17 Battery Place, New York, New York 10004.
Atlantic Container Line, 80 Pine Street, New York, New York 10005.
Atlantic Gulf Service AB, Boise-Griffin Steamship Co., Inc., One World Trade Center, 38th Floor, New York, New York 10048.
Bristol Channel Line, J. H. Bennet, Director, Cumberland Road, Bristol, England.
Canadian Pacific Steamships Ltd., Trafalgar Square, London WC2N 5EB, England.
Combi Line, c/o Hapag-Lloyd AG, Ballindamm 25, 2 Hamburg, W. Germany.
Dart Containerline Ltd., Northeast Plaza Building, 9th Floor, Five World Trade Center, New York, New York 10048.
Donaldson Line, 14 St. Vincent Place, Glasgow C1, Scotland.
Ernst Russ, Alstarkaden 27, Post Fech 7347, 2 Hamburg 36, West Germany.
Johnston Warren Line, H. Suffield, Director, Wheelwright House 157, Regent Road, Liverpool 5, England.
Hapag-Lloyd AG, Ballindamm 25, 2 Hamburg, W. Germany.
Head Line and Lord Line, Head Line Building, Belfast, N. Ireland.
Manchester Liners, Ltd./Golden Cross Lakes Line, P.O. Box 189, Manchester Liners House, Port of Manchester M5 2XA, England.
New England Express Line, Patterson, Wylde and Company, Inc., 156 State Street, Boston, Massachusetts 02109.
Sea-Land Service, Inc., P.O. Box 900, Edison, New Jersey 08817.
Seatrain Lines, Inc./Seatrain International S.A., Port Seatrain, Weehawken, New Jersey 07087.
United States Lines, One Broadway, New York, New York 10004.
Norwegian America Line, (Boise-Griffin Steamship Agency, Inc.), One World Trade Center—Suite 3811, New York, New York 10048.

APPENDIX III

PROTESTANTS

James V. Anthony, Chairman, Conneaut Port Authority, P.O. Box 218, Conneaut, Ohio 44030.
Edwin F. Avery, Director of Commerce & Traffic, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.
Robert W. Barclay, Port Director, Brown County Board of Harbor Commissioners, Courthouse Annex, Green Bay, Wisconsin 54301.
L. S. Bolla, Traffic Manager, Erie-Western Pennsylvania Port Authority, Room 507—Municipal Bldg., Erie, Pennsylvania 16501.
Edwin C. Brohl, Executive Secretary, Lorain Port Authority, City Hall—Room 511, Lorain, Ohio 44052.
Maxim M. Cohen, General Manager, Chicago Regional Port District, Butler Drive-Lake Calumet Harbor, Chicago, Illinois 60633.
Frank J. Dempsey, Jr., Hansen Seaway Service, Ltd., 2880 N. 112th Street, Milwaukee, Wisconsin 53222.
John F. Donelan, Attorney—Frederic L. Wood for the National Industrial Traffic League, Donelan, Cleary and Caldwell, 914 Washington Building, Washington, D.C. 20005.
Mr. H. M. Finch, Hormel Packing Co., Austin, Minnesota 55912.
Jack P. Fitzgerald, Port Director & Chief Executive Officer, Indiana Port Commission, P.O. Box 189, Portage, Indiana 46368.
James R. Friesema, Chairman, Detroit/Wayne County Port Commission, 2nd Floor—Veterans Memorial Bldg., 151 W. Jefferson, Detroit, Michigan 48226.
S. L. Hamilton, Executive Director, Port of Oswego Authority, Oswego, New York 13126.
T. J. Hart, Administrator, Div. of Planning, Wisconsin Department of Transportation, 933 Hill Farms State Office Bldg., 4802 Sheboygan Avenue, Madison, Wisconsin 53702.
Richard D. Jackson, Director of Transportation, Ohio Department of Transportation, 25 South Front Street, Columbus, Ohio 43215.
R. K. Jorgensen, Port Traffic Manager, Board of Harbor Commissioners, 500 N. Harbor Drive, Milwaukee, Wisconsin 53202.
Robert P. Kane, Attorney General, Gordon P. McDougall, Special Assistant Attorney General, Commonwealth of Pennsylvania, 1100 17th Street NW., Washington, D.C. 20036.
William A. Kutzke, Acting Ass't. General Counsel for Litigation, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.
Arthur Lancaster, Trade Development Manager, Niagara Frontier Transportation Authority, 901 Fuhrmann Blvd., Buffalo, New York 14203.
John A. McWilliam, Chairman, Great Lakes Task Force, c/o Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.
Michael J. Moran, Managing Director International Transportation, Illinois Department of Business and Economic Development, 295 West Wacker Drive, Chicago, Illinois 60606.
M. O. Morelli, President, Morelli Overseas Export Service of Wisconsin, Inc., South Dock, Kenosha Harbor, P.O. Box 748, Kenosha, Wisconsin 53140.
Noel C. Painchaud, Executive Director, Cleveland-Cuyahoga County Port Authority, 101 Erieside Avenue, Cleveland, Ohio 44114.
G. B. Perry, New Orleans Traffic & Transportation Bureau, International Trade Mart, 2 Canal Street, New Orleans, La. 70130.
Cornelis Pieterman, Traffic Consultant, National Association of Alcoholic Beverage Importers, 1025 Vermont Avenue NW., Washington, D.C. 20005.
Roland Ronshausen, Ass't. to Director of Transportation, Outboard Marine Corporation, 100 Pershing Road, Waukegan, Illinois 60085.
Robert H. Smith, Deputy Executive Director, Seaway Port Authority of Duluth, 1200 Port Terminal Drive, P.O. Box 310, Duluth, Minnesota 55801.
Arthur W. Todd, Council Secretary, Council of Lake Erie Ports, c/o Lincoln Electric Company, P.O. Box 3115, Cleveland, Ohio 44117.
Richard H. Van Derzee, Port Director, Ogdensburg Bridge and Port Authority, Ogdensburg, New York 13669.
Thomas D. Wilcox, Attorney, Great Lakes Terminals Conference, 919 Eighteenth Street NW., Washington, D.C. 20006.

[FR Doc.75-32567 Filed 12-2-75;8:45 am]

PACIFIC-STRAITS CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 23, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. R. Rollins, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 5680–19, entered into by the member lines of the Pacific-Straits Conference amends Article 1 of the conference agreement to provide for the issuance of a conference tariff covering through intermodal movements of cargo from points in the United States and Canada to ports or points in the Republic of Singapore, Federation of Malaysia and Sultanate of Brunei. Notwithstanding the above, member lines may publish their own individual intermodal tariffs covering traffic from points at Atlantic and Gulf ports and adjacent land carrier terminals and from any other point or points in the U.S. or Canada to the aforesaid destination ports or points until the conference adopts and effectuates a tariff or tariffs which includes such traffic.

By Order of the Federal Maritime Commission.

Dated: November 28, 1975.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-32566 Filed 12-2-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–260]

ARIZONA PUBLIC SERVICE CO.

Supplement to Agreement

NOVEMBER 24, 1975.

Take notice that on November 17, 1975, Arizona Public Service Company filed a Letter Supplement dated November 6, 1975 to Agreement dated July 15, 1962 between Arizona Public Service Company (Company) and Navopache Electric Cooperative (NEC), FPC Rate Schedule No. 17, for a new delivery point between the Company's Show Low and Apache Substations to be known as Wagon Wheel, with an effective date of December 10, 1975.

The Company states that there is no change in rate. The Company further states that NEC will pay for the construction of the added delivery point which is estimated to cost $23,554.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32510 Filed 12-2-75;8:45 am]

[Docket No. RP76–11]

BACA GAS GATHERING SYSTEM, INC.

Settlement Conference on Rates and Charges

NOVEMBER 24, 1975.

Take notice that on November 24, 1975, a conference of all parties to this proceeding and Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32511 Filed 12-2-75;8:45 am]

[Docket No. ID–1772]

ALABERT G. BAER

Application

NOVEMBER 20, 1975.

Take notice that on October 24, 1975, Albert G. Baer (Applicant) filed an application with the Federal Power Commission. Pursuant to Secetion 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, The Connecticut Light & Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power & Electric Company, Public Utility.

The Connecticut Light and Power Company has its principal place of business at Selden Street, Berlin, Connecticut and is primarily engaged in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company has its principal place of business at 176 Cumberland Avenue, Wethersfield, Connecticut, and is engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts Electric Company has its principal place of business at 174 Brush Hill Avenue, West Springfield, Massachusetts and is primarily engaged in the production, purchase transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power Company has its principal place of business at One

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Canal Street, Holyoke, Massachusetts, and is engaged primarily in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal, and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is a wholly-owned subsidiary of Holyoke Water Power Company which conducts certain of that Company's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C., petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32474 Filed 12-2-75;8:45 am]

[Docket No. ID-1773]

RUFUS C. BARKLEY, JR.

Application

NOVEMBER 20, 1975.

Take notice that on October 17, 1975, Rufus C. Barkley, Jr. (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, South Carolina Electric & Gas Company, Public Utility.
Chairman, The Cameron & Barkley Company, Industrial Supply House Handling Mill Supply and Electric Equipment.

South Carolina Electric and Gas Company has its principal place of business at 328 Main Street, Columbia, South Carolina, and is engaged in the generation, transmission, and distribution of electric energy and the transmission and distribution of natural gas in the central, southern and southwestern portion of the State of South Carolina. The Company also provides public transit services in the cities of Charleston and Columbia, South Carolina.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32488; Filed 12-2-75;8:45 am]

[Docket No. ER76-250]

BOSTON EDISON CO.

Filing of Request for Waiver

NOVEMBER 24, 1975.

Take notice that on November 6, 1975, Boston Edison Company (Edison) filed a petition requesting waiver of § 35.14 of the Commission's Regulations. Edison requests that the January 1, 1976 deadline by which fuel adjustment clauses must conform with the new regulations be waived so as to permit Edison an extension until January 31, 1976, to file a conforming fuel clause.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32512 Filed 12-2-75;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Compliance Filing

NOVEMBER 20, 1975.

Take notice that Boston Edison Company (Edison) on November 12, 1975, tendered for filing amendments to its Rate Schedule FPC No. 75 with New England Power Company. Edison states that the filing is being made to comply with the Commission's order of October 15, 1975, approving a settlement agreement in the above captioned proceeding.

Edison states that a copy of the filing was served upon all parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32475 Filed 12-2-75;8:45 am]

[Docket No. ER76-240]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Cancellation

NOVEMBER 24, 1975.

Take notice that on November 11, 1975, Central Louisiana Electric Company (CLECO) tendered for filing a notice of cancellation of Rate Schedule FPC No. 29, under which the Town of Melville, Louisiana has been receiving electric service. CLECO states that Melville has sold its municipal electric system to another utility, and does not wish to purchase power and energy for resale beyond October 21, 1975.

CLECO states that it was not given sufficient notice of the date proposed for termination of service to Melville to make a timely filing of the cancellation notice and respectfully requests that the notice provisions of the Commission's Regulations be waived in order that service and billing to Melville can be terminated effective October 21, 1975 as requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32513 Filed 12-2-75;8:45 am]

[Docket No. E-9480]

CITY OF MISHAWAKA, INDIANA

Order Setting for Hearing

NOVEMBER 21, 1975.

On June 10, 1975, the City of Mishawaka, Indiana (Applicant) filed an "Application for an Order Directing the Establishment of Physical Connection of Facilities," pursuant to Section 202(b) of the Federal Power Act, 16 U.S.C. 824a (b), seeking an order directing Indiana & Michigan Electric Company (I&M) to physically connect its facilities with those of Applicant. The application states that Applicant purchases at wholesale from I&M its power requirements and it in turn distributes such power to customers within the City. Applicant has constructed a new substation known as the Bercado Substation, within the vicinity of an existing 35 kv line owned by I&M. This facility was completed in January, 1974, at a cost of $125,000.00 and which station Applicant maintains is needed to relieve the load on another of Applicant's substations and will be used for future expanded service within Applicant's service area. The application states that the station was built and the investment made by Applicant with the full knowledge of I&M and with the understanding that, once completed, I&M would attach its 35 kv line to the facility.

On August 14, 1975, the Commission issued a "Notice of Application for Order Directing Physical Interconnection" which was published in the Federal Register on August 25, 1975. 40 F.R. 37093. On September 9, 1975, I&M filed with the Commission a "Protest and Petition to Intervene" asking that the application in this Docket be dismissed, or in the alternative, that it be granted the right to intervene as a "party participant".

When a proceeding is initiated pursuant to Section 202(b) of the Federal Power Act, it is not necessary for the public utility which could be directed to interconnect with an Applicant's facility to file a peititon to intervene. If a hearing is held that utility would automaticaly be a party to the proceeding. In the instant case, it was unnecessary for I&M to file a petition to intervene. However, since it chose to do so, intervention should be granted.

Section 202(b) of the Federal Power Act gives the Commission authority to order a public utility to interconnect its transmission facilities with the facilities of one or more other persons engaged in the transmission or sale of electric energy and to sell or exchange energy with such persons. After appropriate notice and opportunity for hearing, the Commission can exercise its authority under this section if such action is consistent with the public interest. The Commission's authority to order interconnection is subject to certain limitations. The Commission cannot compel the enlargement of generating facilities for such purposes; nor can it compel such public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers.

In order for the Commission to act on Applicant's application, the public interest requires the development of an evidentiary record in this Docket.

The Commission finds: It is necessary and in the public interest that an evidentiary hearing be held in this Docket. Otherwise the Commission would be unable to discharge its statutory responsibilities under Section 202(b) of the Federal Power Act.

The Commission orders: (1) That I&M be granted the right to participate as a party in this proceeding.

(2) An evidentiary hearing on the application of the City of Mishawaka, Indiana, commencing with a prehearing conference before an Administrative Law Judge on December 11, 1975 at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32476 Filed 12-2-75;8:45 am]

[Docket No. RI76-41]

CLINTON OIL CO.

Petition for Special Relief

NOVEMBER 24, 1975.

Take notice that on October 10, 1975, Clinton Oil Company (Petitioner), P.O. Box 1201, Wichita, Kansas 67201, filed a petition for special relief in Docket No. RI76-41, pursuant to Order No. 481 and Section 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks a price of 45.0 cents per Mcf for the sale of gas to Southern Natural Gas Company under Petitioner's FPC Gas Rate Schedule No. 74 from the Federal Land Bank Gas Unit G, Well No. 1-A, Grange Field, Lawrence and Jefferson Davis Counties, Mississippi. The petition is based upon the cost of mechanical repairs and acid stimulation of the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32514 Filed 12-2-75;8:45 am]

[Docket No. CP76-154]

COLUMBIA GAS TRANSMISSION CORP.

Application

NOVEMBER 21, 1975.

Take notice that on November 6, 1975, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP76-154 an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the transportation of natural gas for Royal China Company (Royal), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Columbia requests authorization to transport up to 740 Mcf per day for Royal, which volumes will be received from a point of delivery to be agreed upon in Muskingum County, Ohio and redelivered to an existing point of delivery with Columbia Gas of Ohio, Inc., a wholesale customer and affiliate of Columbia. Royal will purchase the gas so transported from Petroc Company for a 3-year period. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to only those amounts required to offset curtailments of the high priority requirements of Royal. Columbia's transportation charge for this service will be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6% of the volumes received for the account of Royal.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act, as amended, (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32506 Filed 12-2-75;8:45 am]

[Docket No. RP75-106]

COLUMBIA GAS TRANSMISSION CORP.

Change in Tariff

NOVEMBER 24, 1975.

Take notice that on November 14, 1975, Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing Twenty-Fifth Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1.

Columbia states that the proposed tariff sheet is necessary to place its rates suspended by Commission Order issued July 14, 1975, in this proceeding into effect at the end of the prescribed suspension period. Columbia further states the rates contained in this tariff sheet have been revised to give effect to: (1) the exclusion of costs associated with facilities which have not been certified and placed in service as of December 15, 1975; (2) cost classification and allocation procedures which allocate according to the *United* method of classification; (3) redesign of SGE's rate to reflect average System Storage and transmission costs excluding transmission and compression of gas by others; and, (4) inclusion of Columbia's purchase gas adjustment filing which became effective September 2, 1975.

Columbia requests an effective date of December 15, 1975, for the proposed change. Columbia further indicates that copies of this filing were served upon its jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32515 Filed 12-2-75;8:45 am]

[Docket No. RP75-105]

COLUMBIA GULF TRANSMISSION CORP.

Proposed Changes in Tariff

NOVEMBER 24, 1975.

Take notice that on November 24, 1975, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing twenty-second Revised Sheet No. 7 to its FPC Gas Tariff Original Volume No. 1.

Columbia Gulf states that the tariff sheet is necessary to place its rates, suspended by Commission Order issued July 14, 1974, in this proceeding, into effect at the end of the suspension period. Columbia Gulf further states the revision gives effect to: (1) the exclusion of costs associated with facilities which have not been certified and placed in service as of December 15, 1975, and, (2) cost classification and allocation procedures which allocate fixed costs according to the *United* method of classification.

Columbia Gulf requests an effective date of December 15, 1975, for this change. Columbia Gulf indicates that copies of this filing have been served on Columbia Gas Transmission Corporation and interested state commissions.

Any person desiring to be held or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32516 Filed 12-2-75;8:45 am]

[Docket No. ER76-235]

CONSUMERS POWER CO.

Termination

NOVEMBER 25, 1975.

Take notice that on November 10, 1975 Consumers Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with:

City of Marshall (Marshall), Contract dated August 22, 1967, Rate Schedule FPC No. 7, Proposed termination date: November 16, 1976.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on THE SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the order of the Federal Power Commission in Docket No. ER76-45 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to Marshall at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32470 Filed 12-2-75;8:45 am]

[Docket No. ER76-190]

DUKE POWER CO.

Supplement to Rate Schedule

NOVEMBER 25, 1975.

Take notice that on November 5, 1975, the Duke Power Company filed a supplement to its electric power contract with the City of Rock Hill, North Carolina (City), designated as Duke Power Company Rate Schedule FPC No. 228. The supplement provides for an increase in contract demand from 20,000 KW to 35,000 KW made at the City's request.

The Company has requested an effective date of December 19, 1975.

A copy of this filing has been mailed to the City.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32469 Filed 12-2-75;8:45 am]

[Docket No. RP72-134 (DCA76-1A)]

EASTERN SHORE NATURAL GAS CO.

Filing of Corrected Revised Tariff Sheets

NOVEMBER 21, 1975.

Take notice that on November 10, 1975, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing corrected revised tariff sheets to replace sheets filed on October 29, 1975. Eastern Shore states that the reason for the filing is that in filing Fifteenth Revised Sheet No. 3A and Fifteenth Revised PGA-1 it neglected to increase its Rate Schedule E-1 by .038 Mcf to reflect curtailment credits to December 1, 1975. The revised tariff sheets reflect such change.

Eastern Shore states that the corrected tariff sheets are identical in all other respects to those filed on October 29 and asks that they be allowed to become effective on December 1, 1975 as previously requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32507 Filed 12-2-75;8:45 am]

[Docket Nos. RP72-155 and RP73-104, RP72-156 and RP74-57, RP72-155, *et al.*, (PGA75-2)]

EL PASO NATURAL GAS CO.

Intention To Act

NOVEMBER 14, 1975.

On October 15, 1975, El Paso Natural Gas Company (El Paso) filed a motion requesting that the Commission by order grant summary judgment affirming the lawfulness of those portions of El Paso's jurisdictional rate increases pursuant to its Purchased Gas Adjustment Clause (PGAC) rate adjustment filings of February 14, 1974 (at Docket Nos. RP72-155 and RP73-104), August 16, 1974 (at Docket Nos. RP72-155 and RP74-57) and February 24, 1975 (at RP72-155, *et al.*, PGA75-2), as reflect and are intended to recover purchased gas costs attributable to El Paso's purchase of gas from producers holding small-producer certificates issued pursuant to Section 157.40 of the Commission's Regulations Under The Natural Gas Act. In support, El Paso alleges that none of the rates paid to small producers pursuant to the purchases reflected by these three PGAC rate adjustment filings exceed the per se just and reasonable rate for small-producer sales established in Opinion No. 742.

Pursuant to Section 1.12(e) of the Commission's Rules of Practice and Procedure, the above motion would be deemed to have been denied if the Commission has taken no action by November 14, 1975.

Notice is hereby given of the intention of the Commission to act on the above motion subsequent to the expiration of the 30-day period prescribed by Section 1.12(e).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32505 Filed 12-2-75;8:45 am]

[Docket No. ER76-216]

FLORIDA POWER & LIGHT CO.

Filing of Amendments To Interchange Agreements

NOVEMBER 24, 1975.

Take notice that Florida Power & Light Company (FP&L), on November 4, 1975, tendered for filing two letter agreements, as follows:

1. Letter agreement dated March 29, 1974 between FP&L and Orlando Utilities Commission (Orlando) to amend FP&L Rate Schedule FPC No. 4, as supplemented. The proposed effective date is June 26, 1975.

2. Letter agreement dated June 18, 1974 between FP&L and the City of Vero Beach, Florida (Vero Beach) to amend FP&L Rate Schedule FPC No. 6, as supplemented. The proposed effective date is March 16, 1975.

FP&L states that these two letter agreements change the energy charge for energy produced from fossil steam generating plants for emergency and scheduled interchange service from the second preceding month to the month in which the energy is sold. FP&L states that no change is proposed in the charge for energy produced from combustion gas turbines as provided in the July 23, 1973 letters between FP&L and Orlando and Vero Beach which were made effective August 13, 1973, subject to refund, by letter-order dated September 12, 1975 in Docket No. E-8769. The two July 23, 1973 letters have been designated as Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC Nos. 4 and 6, respectively, and are both involved in the consolidated proceedings (Docket Nos. E-8769, E-8770 and E-9119) initiated by the Commission's order issued July 23, 1975. FP&L states that service has been made on Orlando and Vero Beach in accordance with Section 35.2(d).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest said the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32517 Filed 12-2-75;8:45 am]

[Docket No. CP76-82]

GAS SERVICE CO. AND CITIES SERVICE GAS CO.

Order Setting Formal Hearing and Prescribing Procedures

NOVEMBER 21, 1975.

On September 8, 1975, The Gas Service Company (Gas Service) filed in Docket No. CP76-82 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities) to establish physical connection of its interstate natural gas pipeline facilities with facilities proposed to be constructed by Gas Service and to sell and deliver natural gas to Gas Service for resale and distribution to serve the residents of two mobile home parks and environs located in Jasper County, Missouri.

Gas Service has been granted a certificate of public convenience and necessity by the Public Service Commission of the State of Missouri (PSCM) to serve in the area which includes two mobile home parks (the Sherwood Forest Mobile Home Park and the Suburban Wheels Estates Mobile Home Park). Gas Service states that the present population of the aforementioned parks is approximately 200 people; and as of the third year of service it is anticipated that they will contain 131 residences, two fixed residences and one office.

Gas Service estimates that in the first year of service it will serve 57 customers with a peak day requirement of 50.6 Mcf, and an annual requirement of 8,872 Mcf (both at 14.73 psia); it is estimated that these requirements will increase in the third year of service to 77 customers, with an estimated peak day requirement of 70.0 Mcf, and an estimated annual requirement of 13,772 Mcf. Gas Service states that the estimates of the number of customers to be served "have been based upon the known and anticipated number of residents at the mobile home parks" (Application pp. 4-5), and that the estimated peak day requirements per customer have been based on the demand factors shown in American Standards Association—Z21.30, 1964, for mobile homes.

An Answer in support of Gas Service's application was filed by Cities.

While we realize that the proposed service, as reflected in Gas Service's application, is not a large volume of gas, the Commission believes that the instant proposal raises questions regarding the propriety and wisdom of allowing continued growth, albeit to high priority customers, during the nationwide natural gas shortage, and more specifically, in

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the face of Cities declining supplies of natural gas. We note in this regard that Cities anticipates that it will curtail, to some extent, during the 1975–76 winter heating season, deliveries to all customers whose gas uses fall within categories 3 through 8 of its presently effective curtailment plan; and that only users in categories 1 and 2 will escape curtailment.[1] As such, we deem it necessary and appropriate, to convene a formal hearing on the growth issues raised by Gas Service's filing, and shall order, *infra*, Gas Service to file testimony and evidence in support of its application.

The Commission finds: That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders: (A) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for this purpose—See Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearings in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(B) Gas Service and Cities are hereby ordered and required to file their testimony and exhibits in support of their respective positions in the instant proceeding, on all parties including Commission Staff on or before December 19, 1975.

(C) Pursuant to the authority of the Natural Gas Act, a hearing will be held commencing on January 15, 1976, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on the issues raised by Gas Service's filing.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32481 Filed 12-2-75;8:45 am]

[Docket No. CI64-26]

GULF OIL CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Extension of Procedural Dates

NOVEMBER 25, 1975.

On November 18, 1975, Gulf Oil Corporation filed a motion to extend the procedural dates set by order issued on November 7, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, December 15, 1975.
Hearing, January 13, 1976 (10:00 a.m., e.s.t.).

Please note that all parties to the original proceeding are deemed to be parties to this proceeding. However, any party wishing to participate in the instant proceeding should so notify the Secretary of the Federal Power Commission by December 5, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32504 Filed 12-2-75;8:45 am]

[1] See Cities Service Gas Company, Docket No. RP75-62; Initial Decision on Three Requests For Relief From Curtailment For the Winter of 1975–76; October 7, 1975, p. 2.

[Docket No. ER76-252]

HOLYOKE WATER POWER CO.; HOLYOKE POWER AND ELECTRIC CO.

Petition for Delay in the Implementation of Commission's Regulations

NOVEMBER 24, 1975.

Take notice that Holyoke Water Power Company ("HWP") and Holyoke Power and Electric Company, HWP's wholly-owned subsidiary, (collectively "Holyoke") on November 10, 1975, petitioned the Commission for a delay in the implementation of Section 35.14 of the Commission's Regulations. Section 35.14 provides, among other things, that all public utilities should conform their fuel adjustment clauses with said Section by January 1, 1976. Section 35.14(8) provides that the Commission upon showing of good cause may waive the aforementioned requirements for an additional one-year period. Holyoke has requested the Commission to waive the requirements of Section 35.14 until a time when the type of fuel clause required thereunder can be incorporated as part of a rate filing which also reflects the capacity costs which will be contractually incurred by Holyoke when a new 830,000 kw nuclear generating unit known as Millstone 2 becomes commercially operational, but in no event later than December 31, 1976.

Copies of the filing were served upon Holyoke's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32518 Filed 12-2-75;8:45 am]

[Docket No. ER76-262]

ILLINOIS POWER CO.

Filing of Revised Schedules A and B to Agreements for Purchase of Power

NOVEMBER 24, 1975.

Take notice that Illinois Power Company ("Illinois Power") on November 17, 1975 tendered for filing proposed revisions of Schedules A and B to the Agreements for Purchase of Power (the "Agreement") by certain electric cooperatives from Illinois Power. The revised Schedules A and B are intended to replace the previous Schedules A and B dated March 25, 1971 and included in Illinois Power Rate Schedule FPC Nos. 53, 58, 59 and 60.

Illinois Power states that pursuant to Section 1.01(5)(b) of the Agreements, Schedule A has been revised to include additional points of delivery at which electric energy is being supplied to four (4) electric cooperatives who purchase power from Illinois Power. Upon initiation of service at the new points of delivery, reference to such points have been removed from Schedule B and listed in Schedule A. Additionally, Revised Schedule A includes unanticipated delivery points as may be provided in accordance with Section 1.01(5)(c) of the Agreements. All service taken at said delivery points will be under the rates and terms of the Agreements on file with the Commission.

Illinois Power requests the Commission to waive the prior notice requirements and accept the filing with retroactive effective dates on the dates that service commenced at the various delivery points. Illinois Power states that copies of the filing have been served upon Corn Belt Electric Cooperative, Inc., Southwestern Electric Cooperative, Inc., Tri-County Electric Cooperative, Inc. and Western Illinois Power Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32519 Filed 12-2-75;8:45 am]

[Docket No. ER76-206]

IOWA ELECTRIC LIGHT AND POWER CO.

Extension of Time to Intervene

NOVEMBER 24, 1975.

On November 20, 1975, the Iowa Defense Group filed a motion to extend the time for filing petitions to intervene, as set by notice issued November 7, 1975, in the above-indicated proceeding.

Notice is hereby given that the time for filing petitions to intervene in the above proceeding is extended from November 24, 1975, to and including December 5, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32490 Filed 12-2-75;8:45 am]

[Docket No. ER76-234]

IOWA SOUTHERN UTILITIES CO.

Filing of Interconnection, Interchange and Joint Construction Agreement

NOVEMBER 25, 1975.

Take notice that Iowa Southern Utilities Company (Iowa Southern) on November 10, 1975, tendered for filing an Interconnection, Interchange and Joint Construction Agreement between it and Associated Electric Power Cooperative, Inc. Iowa Southern states that this Agreement supersedes an earlier Interchange Agreement between these two parties dated October 26, 1967.

Iowa Southern further states that the Agreement reflects the changes in the companies' systems since the execution of the October 26, 1967 agreement and continues to allow the companies to plan, coordinate, construct, and operate their interconnected facilities for the interchange of electric power and energy.

Copies of the filing were served on the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32468 Filed 12-2-75;8:45 am]

[Docket No. ER76-261]

THE KANSAS POWER AND LIGHT CO.

Proposed Change in Fuel Cost Adjustment Clause

NOVEMBER, 24, 1975.

Take notice that the Kansas Power and Light Company (KPL) on November 17, 1975, tendered for filing proposed changes in the following FPC Electric Service Tariffs, with a requested effective date of December 16, 1975.

Customer:	FPC Rate No.
Ark Valley ECA, Inc	148
Brown-Atchison ECA, Inc	149
Butler Rural ECA, Inc	150
The C & W ECA, Inc	151
Coffey County Rural ECA, Inc	152
D. S. & O. Rural ECA, Inc	153
Doniphan ECA, Inc	154
Flint Hills Rural ECA, Inc	155
The Kaw Valley ECC, Inc	156
Leavenworth-Jefferson EC, Inc	157
Lyon County EC, Inc	158
Nemaha-Marshall ECA, Inc	159
Ninnescah ECA, Inc	160
P. R. & W. ECA, Inc	161
The Smoky Hill ECA, Inc	162
The Smoky Valley ECA, Inc	163
The Twin Valley EC, Inc	164

The proposed change will set forth the fuel cost adjustment base amount expressed in cents per kilowatt-hour rather than the present base amount expressed in cents per BTU. The Kansas Power and Light Company expects no change in net revenue to result from the proposed change in its fuel cost adjustment clause.

Copies of the filing were served upon KPL's seventeen (17) wholesale rural electric cooperative customers, and upon the State Corporation Commission of the State of Kansas.

The proposed change is in accordance with the Commission's Regulation Part 35, Sec. 35.14, fuel cost adjustment clauses, and is in response to FPC Order No. 517 (39 FR 40582), issued November 13, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32499 Filed 12-2-75;8:45 am]

[Docket No. ER76-264]

MISSOURI UTILITIES CO.

Tariff Change

NOVEMBER 24, 1975.

Take notice that on November 7, 1975, Missouri Utilities Company (MU) tendered for filing proposed tariff changes,[1] Revised Statements (H, J, L, M, N, O) and a Revised Exhibit 2 to its filing in Docket No. E-9473 which was suspended for three months until November 17, 1975. MU requests an effective date of November 17, 1975, for these changes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32491 Filed 12-2-75;8:45 am]

[1] Revised Southeast Electric Division SFR-1 Wholesale Electric Rate Schedule (Interim First Revised Sheets No. 3, 4 and 5 and Interim Original Sheet No. 6 of Company's FPC Electric Tariff, Original Volume No. 1).

[Docket Nos. RP74-97 and PGA76-1]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

NOVEMBER 24, 1975.

Montana-Dakota Utilities Company ("MDU"), on November 14, 1975, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed "Third Revised Sheet No. 3A." The proposed effective date is January 1, 1976.

MDU states that this tariff sheet is field pursuant to its Purchased Gas Cost Provision. The proposed changes involve MDU's Current Surcharge Adjustment only and are supported by computations of unrecovered purchased gas cost attached to the filing, according to MDU.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32492 Filed 12-2-75;8:45 am]

NATIONAL GAS SURVEY

Order Removing Members From Executive Advisory Committees, Technical Advisory Committees and Technical Advisory Task Forces

NOVEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new National Gas Survey program, established new Survey Advisory Committees and Task Forces, and designated initial membership for the Executive Advisory Committee, the Technical Advisory Committees and Technical Advisory Task Forces.

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1. Membership. Resignations from National Gas Survey Advisory Committees and Task Forces have been received and accepted from several persons who had been selected and approved for participation as members. The following members, with Commission approval, are hereby removed from membership on Committees and Task Forces of the National Gas Survey as indicated:

EXECUTIVE ADVISORY COMMITTEE

Robert C. Seamans, Jr., Administrator, Energy Research and Development Administration, Washington, D.C.
Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

SUPPLY-TECHNICAL ADVISORY COMMITTEE

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources

Mildred Clark, Audubon Naturalist Society Chevy Chase, Maryland

Supply-Technical Advisory Task Force-Foreign Gas Supply

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.
Peter Schuck, Consumer's Union, Washington, D.C.

Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland

Supply-Technical Advisory Task Force Regulatory Aspects of Substitute Gas

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Transmission, Distribution and Storage—Technical Advisory Task Force—Rate Design

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Transmission, Distribution and Storage—Technical Advisory Task Force—Impact of Gas Shortage on Consumers

Keith C. Brown, Purdue University, Lafayette, Maryland.
Charles Denton, Department of Commerce, Washington, D.C.
Fowler W. Martin, Department of Military & Veterans Affairs, Raleigh, North Carolina.
Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Transmission, Distribution and Storage—Technical Advisory Task Force—Impact of Gas Shortage on Transmission, Distribution and Storage of Gas

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Conservation—Technical Advisory Committee

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.
Peter Schuck, Consumer's Union, Washington, D.C.

Conservation—Technical Advisory Task Force—Efficiency in Use of Gas

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems

Earl Cook, Texas A & M University, College Station, Texas.
Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Finance-Technical Advisory Committee

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Curtailment Strategies-Technical Advisory Committee

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.

Research & Development-Technical Advisory Committee

Mildred Clark, Audubon Naturalist Society, Chevy Chase, Maryland.
Peter Schuck, Consumer's Union, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32497 Filed 12-2-75;8:45 am]

[Docket Nos. RP71-125, PGA76-2b, RP71-125 and RP75-108, PGA76-3a]

NATURAL GAS PIPELINE CO. OF AMERICA

Revision to PGA Filing To Track Pipeline Supplier Rate Increase

NOVEMBER 21, 1975.

Take notice that on November 3, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed substitute tariff sheets:

	To Be Effective
Second Substitute Fourth Revised Substitute Twenty-fourth Revised Sheet No. 5.	Nov. 14, 1975.
Second Substitute Twenty-fifth Revised Sheet No. 5.	Dec. 1, 1975.
(Alternate) Second Substitute Twenty-fifth Revised Sheet No. 5.	Dec. 1, 1975.

Natural states that on October 15, 1975, Great Lakes Gas Transmission Company (Great Lakes) filed revised PGA recovery rates in lieu of such rates filed on September 17, 1975 to be effective November 14, 1975 in Docket No. RP75-94. Said PGA recovery rates incorporate a new formula for allocating purchased gas costs between sales and transportation services in lieu of the presently effective formula reflected in the filing of September 17, 1975. These revised PGA recovery rates of Great Lakes will result in an additional increase to Natural Gas Pipeline Company of America (Natural) in the amount of approximately $1,700,000.

Great Lakes had previously proposed the change in allocation formula by a filing dated June 13, 1975. By order issued July 18, 1975, the Commission granted Great Lakes' request to withdraw certain tariff sheeets incorporating the proposed allocation method, and ordered that a hearing should be held to adjudicate the propriety of changing the allocation method and that the issue be consolidated with Great Lakes' current rate case at Docket No. RP75-94.

Natural states that it cannot determine at this time whether the Commission will grant the special permissions and waivers of its regulations requested by Great Lakes in order to permit the tariff sheets tendered October 15, 1975 to become effective November 14, 1975.

Therefore, Natural tendered the following substitute tariff sheet to be effective November 14, 1975 in the event that the Commission should allow the aforesaid revised PGA recovery rates filed by Great Lakes to become effective as requested:

Second Substitute Fourth Revised Substitute Twenty-fourth Revised Sheet No. 5.

Natural requested that this tariff sheet be substituted for the corresponding tariff sheet filed by Natural on October 1, 1975.

Natural also tendered Second Substitute Twenty-fifth Revised Sheet No. 5 and an Alternate to be effective December 1, 1975 to be substituted for the corresponding tariff sheets filed with Natural's PGA filing and with its "Motion to Make Suspended Tariff Sheets Effective" in the proceedings at Docket No. RP75-108, which were submitted under separate cover letters dated October 16, 1975.

Natural respectfully requests waiver of the terms of its PGA clause and the Commission's Regulations to the extent necessary to permit the requested substitutions of the enclosed tariff sheets for the tariff sheets previously filed should the Commission grant the special permissions and waivers requested by Great Lakes.

Copies of this filing were mailed to Natural's jurisdictional customers, interested state commissions and interested parties in Docket No. RP75-108.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32508 Filed 12-2-75;8:45 am]

[Docket No. ER-76-106 and E-8954]

NEW ENGLAND POWER CO.

Order Granting Late Petition To Intervene

NOVEMBER 20, 1975.

On October 3, 1975 the Commission issued an order which, *inter alia*, accepted for filing and made effective, subject to refund, proposed contracts and tariffs tendered for filing by the New England Power Company (NEPCO) in the above captioned docket.

Notice of the filing was issued by the Commission on October 1, 1975 with protests and petitions to intervene due on or before October 10, 1975.

An untimely petition to intervene was filed by Boston Edison Company. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32483 Filed 12-2-75;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Order Granting Intervention

NOVEMBER 20, 1975.

By order issued October 30, 1975, the Commission accepted for filing and suspended for one day until November 1, 1975 the amendment to its electric tariff tendered for filing by New England Power Company (NEPCO) on October 1, 1975. Public notice of the filing was issued on October 9, 1975 with protests, comments or petitions to intervene due on or before October 24, 1975.

A timely protest, petition to intervene and joinder in motion to suspend for one day was filed by The Massachusetts Municipal Wholesale Electric Company ("MMWEC") and members thereof [1] who are also wholesale customers of NEPCO. Having reviewed the above petition to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

We note that the protest and joinder in NEPCO's motion to suspend the proposed amendment for one day have been rendered moot by the Commission's order of October 30, 1975 which directed that the proposed amendment be accepted for filing and suspended for one day.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32484 Filed 12-2-75;8:45 am]

[Docket No. ER76-256]

NIAGARA MOHAWK POWER CORP.

Filing of Notice of Cancellation

NOVEMBER 20, 1975.

Take notice that on November 14, 1975, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a notice of cancellation of its Rate Schedule FPC No. 77 with Central Hudson Gas & Electric Corporation (Central Hudson). Niagara Mohawk states that the rate schedule was cancelled on November 1, 1975 by agreement of the Parties.

Niagara Mohawk states that a copy of the filing has been sent to Central Hudson.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32477 Filed 12-2-75;8:45 am]

[Docket No. ER76-236]

NORTHEAST UTILITIES SERVICE CO.

Filing of Notice of Termination

NOVEMBER 24, 1975.

Take notice that Northeast Utilities Service Company on November 10, 1975, tendered for filing a notice of termination of the following rate schedules with New England Power Company (NEPCO):

	Rate Schedule FPC No.
The Connecticut Light and Power Co.	46
The Hartford Electric Light Co.	39
Western Massachusetts Electric Co.	56

The notice of termination indicates that the rate schedules were terminated by their own terms effective October 31, 1972.

The filing indicates that a copy of the notice of termination was served upon NEPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32493 Filed 12-2-75;8:45 am]

[1] The Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Hingham, Holden, Hudson, Littleton, Mansfield, Marblehead, Middleton, North Attleboro, Paxton, Peabody, Shrewsbury, Sterling, Templeton, Wakefield and West Boylston.

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[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Order Granting Petition to Intervene

NOVEMBER 20, 1975.

On October 21, 1975, The People of the State of California and the Public Utilities Commission of the State of California (CPUC) filed an untimely Notice of Intervention and protest in the captioned proceeding. CPUC states that it seeks intervention to represent the interests of direct and indirect consumers of natural gas in California. It states further that it would not ordinarily seek intervention in a proceeding involving Northern since Northern does not provide service in California. However, CPUC asserts a relationship between the advance payment agreements between Northern and Exxon Company, U.S.A., and certain proceedings before the California Commission. By its protest, CPUC requests that we disallow rate base treatment of Northern's advance payments to Exxon.

Northern opposes both the requested intervention and the protest of CPUC. Northern asserts that CPUC has no interest in these proceedings since no California consumer will be required to pay increased rates as a result of Commission action in this proceeding.

By order issued herein on October 31, 1975, we required Northern to file revised tariff sheets eliminating the rate effect of the advance payment agreements with Exxon. Accordingly, we need not consider CPUC's protest or Northern's opposition thereto. Further, we believe that the relationship between the advances Northern sought to include in rate base herein and the proceedings before the California Commission warrant CPUC's untimely intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32485 Filed 12-2-75;8:45 am]

[Docket No. CP76-4]

NORTHERN NATURAL GAS CO.

Order Granting Interventions and Scheduling Formal Hearings

NOVEMBER 21, 1975.

On July 3, 1975, Northern Natural Gas Company (Northern) filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point for Iowa Public Service Compay (IPS), in Black Hawk County, Iowa, and the transportation by displacement of gas for IPS. Notice of the above proposal was published in the FEDERAL REGISTER on July 24, 1975 (40 FR 31040).

Northern seeks authorization for the construction and operation of an additional town border station (TBS) facility as an additional point of delivery to IPS at Waterloo, Iowa. The estimated cost of the proposed new delivery point is $45,000. IPS will reimburse Northern for the total cost of the facilities necessary to provide the new delivery point, including the entire initial installation plus any additional costs which may be involved to change or revise the measurement and regulating facilities to meet the design levels for maximum and minimum flow rates.

The natural gas volumes to be provided through the proposed facility will come out of IPS's presently effective contract demand and will provide IPS with gas for liguefaction and storage near Waterloo. Gas liquefied and stored would be regasified during the winter months for service of IPS's customers who would otherwise receive gas through the existing Waterloo TBS. Pursuant to a Gas Transportation Contract dated June 10, 1975, between IPS and Northern, Northern proposes to reduce deliveries to IPS, at the Waterloo TBS by that portion of the output of the new LNG plant and redeliver equivalent volumes by displacement to IPS at Northern's Sioux City, Iowa TBS No. 1A, up to a maximum daily volume of 15,000 Mcf per day. The contract is to start November 27, 1976, and continue through March 26, 1977, and continue for each successive November 27th through March 26th.

IPS will pay Northern, for the transportation of the Sioux City maximum daily volumes, an annual demand charge of $5.01 per Mcf and a commodity charge of 2.12 cents per Mcf. The charges are based on data contained in Volume III of Northern's 1975 General Rate Increase Application in Docket No. RP75-89 filed April 11, 1975. They are derived by computation of the Mcf demand mile and Mcf commodity mile costs of transporting gas from Palmyra, Nebraska to Sioux City, Iowa (a distance of 126.75 miles).

On July 31, 1975, Michigan Power Company (Michigan Power) petitioned for leave to intervene. Michigan Power purchases natural gas for distribution from Northern. Michigan Power states that it approached Northern in the past with the view of negotiating similar arrangements, as that contracted with IPS, but Northern refused to do so. Also, Michigan Power questions whether the purpose of Northern's proposed project is to enable IPS to upgrade its end-use requirements or whether IPS intends to use its intended new peaking capability to increase the level of its annual takes from Northern.

IPS petitioned for intervention on August 4, 1975. It was therein requested that the Commission approve Northern's application. Also, Terra Chemicals International (Terra), petitioned on August 5, 1975, for intervention. Terra states that it is a customer of IPS at Sioux City currently served out of the presently effective contract demand.

We find that the three above petitioners have stated a sufficient interest in this proceeding and will accordingly grant intervention.

We believe that significant questions presented by this application, as well as those raised by petitioners require a formal public hearing at which time all issues bearing upon the public interest can be fully developed on the evidentiary record. Accordingly, we shall direct Northern to provide evidence as to their policy concerning exchange arrangements, the change in end-use composition of IPS's customers which would be effectuated by this arrangement, which of the IPS customers would have volumes reduced, and whether IPS will receive increased volumes from Northern as a result of this arrangement.

The Commission finds: (1) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in this proceeding to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(2) It is necessary in the public interest that the proceeding involving the above-named Applicant be set for hearing.

The Commission orders: (A) The above-named petitioners, who have petitioned to intervene in this proceeding are permitted to intervene in such proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The direct case of the Applicant and all intervenors in support thereof shall include, *inter alia,* data bearing on the above-specified issues, and shall be filed and served on all parties on or before December 16, 1975. The Presiding Administrative Law Judge shall fix dates for the filing of any answering testimony after completion of cross-examination of direct testimony as may be appropriate.

(C) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., on January 7, 1976, at 10:00 a.m. (e.s.t.). Such hearing shall consider testimony on the issues listed above and any other issues which may be revelant to the proceerings. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32478 Filed 12-2-75;8:45 am]

[Docket No. CP73-215]

NORTHERN NATURAL GAS CO.

Filing Revised Tariff Sheets

NOVEMBER 25, 1975.

Take notice that on November 10, 1975 Northern Natural Gas Company (Northern) tendered for filing as part of its F.P.C. Gas Tariff, Original Volume No. 2, First Revised Sheet Nos. 493 and 498. Northern requests an effective day of December 15, 1975.

Northern states that by Agreement dated September 29, 1975, Rate Schedule X-34 which is a Gas Purchase and Sales Agreement between Northern and El Paso Natural Gas Company was amended to extend the term of the Agreement from January 31, 1976, up to and including October 26, 1978. Northern states that all other provisions of the Agreement remain unchanged. Northern states that Certificate Authority to perform this service under Rate Schedule X-34 was granted by the F.P.C. at Docket No. CP73-215.

Northern states that a copy of this filing has been mailed to El Paso Natural Gas Company and that a copy is also available for public inspection in a convenient form and place at Northern's office in Omaha, Nebraska.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32471 Filed 12-2-75;8:45 am]

[Docket No. RP76-34]

NORTHWEST PIPELINE CORP.

Proposed Changes in FPC Gas Tariff

NOVEMBER 24, 1975.

Take notice that on October 31, 1975, Northwest Pipeline Corporation (Northwest), P.O. Box 10-1526, Salt Lake City, Utah 84110, filed with the Commission proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would modify the language contained in Section 15, *Unauthorized Overrun Provisions,* of the General Terms and Conditions of said tariff.

Northwest states that because of the continued gas supply deficiency on its system, it must curtail its customers substantially below entitlements based upon contract demand. Northwest avers that the language in Section 15 on unauthorized overruns must be modified in order to permit Northwest to calculate overrun penalties on the basis of scheduled entitlements, rather than contract demand. Northwest concludes that the tariff changes will permit Northwest to more effectively monitor its curtailment provisions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32495 Filed 12-2-75;8:45 am]

[Docket Nos. G-17350, *et al.*]

PACIFIC GAS TRANSMISSION CO.

Cancellation of Rate Schedule

NOVEMBER 20, 1975.

Take notice that on November 7, 1975, Pacific Gas Transmission Company (PGT) tendered for filing a proposed tariff sheet to give notice that, effective November 1, 1975, PGT's Rate Schedule X-7 is cancelled. PGT states that this rate schedule expired by its own terms and in accordance with Commission order on October 31, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32486 Filed 12-2-75;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Proposed Changes

NOVEMBER 21, 1975.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 31, 1975, tendered for filing Substitute Alternate Fourteenth Revised Sheet No. 3-A and Substitute Fourth Revised Sheet No. 43—4 to its FPC Gas Tariff, Original Volume No. 1 to replace and in substitution for Alternate Fourteenth Revised Sheet No. 3-A and Fourth Revised Sheet No. 43-4 as originally included in Panhandle's rate filing of May 15, 1975 in Docket No. RP75-102. Panhandle requests the lower rates be placed in effect without suspension but subject to the provisions of the Commission's order of June 30, 1975 suspending the rates filed on May 15, 1975 until December 1, 1975.

Panhandle seeks to substitute the rates contained on Substitute Alternate Fourteenth Revised Sheet No. 3-A for those originally filed thereby resulting in a lower level rates to become effective December 1, 1975. Panhandle has redesigned the rates so as to reflect 75% of the demand costs in the commodity component of the rates. In addition, Panhandle states that since the proposed rates as originally filed were suspended, the prior rates were changed August 1, 1975 to reflect additional advance payments and in order to carry out the objective of such tracking authority, the advance payments under existing agreements must also be incorporated in the rates to become effective December 1, 1975.

Panhandle requests such waivers as downward revision in gas purchase costs which would otherwise be left at the filed level should the tariff sheets filed herein not be substituted for those initially filed. Also, the tariff sheets as filed reflect the current DCA Surcharge Adjustment which became effective August 1, 1975.

Panhandle reqeusts such waivers as appropriate including a waiver of Section 154.66(b) and Section 154.63 of the Commission's Regulations under the Natural Gas Act to permit the filing and acceptance of the above-mentioned tariff sheets.

Copies of this filing were served on Panhandle's customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Fed-

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eral Power Commission, 825 North Capitol Street, NW., Washington, D.C. in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32479 Filed 12-2-75;8:45 am]

[Docket No. ER76-149]

PUBLIC SERVICE CO. OF INDIANA, INC.

Order Denying Rehearing

NOVEMBER 20, 1975.

On September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing proposed tariff and rate schedule changes for PSCI's sales of electrical energy to forty municipals, who purchase all of their electrical requirements from PSCI; fifteen rural electrical membership corporations, who purchase all of their electrical requirements from PSCI; five municipals, who have their own generation facilities but purchase firm power from PSCI; and the Hoosier Energy Division of the Indiana Statewide Rural Electrical Cooperative, who purchases partial requirements from PSCI for resale to its members. The proposed rate increases amount to $9,713,394 based upon the 12 month period ending October 31, 1976. PSCI requested that the rate changes be made effective October 24, 1975, thirty days after filing.

Upon review of PSCI's filing of September 23, 1975, we concluded that it was deficient with respect to certain requirements of the Commission's regulations. Accordingly, the Commission Secretary, by letter dated October 7, 1975, informed PSCI that its filing did not comply with Section 35.13(b)(4)(iii) of the Regulations in that Period I (twelve months ending December 31, 1974) did not incorporate the most recent twelve consecutive months for which actual data is available. The letter order required PSCI to submit data revising Period I and II such that Period I end no earlier than four months prior to the date of filing. PSCI was notified that a filing date would not be assigned to its submittal pending receipt of the requested data.

On November 6, 1975, PSCI filed a petition for rehearing of the letter order dated October 7, 1975, in which PSCI requests that the subject letter order be vacated and that PSCI be restored to the position it would have been in the absence of the letter order. Prior to that time, on October 30, 1975, PSCI tendered for filing supplemental data in response to the Secretary's deficiency letter which included, *inter alia*, a revised Period I (the twelve months ended June 30, 1975). We will pass on the proposed rate increases filing as supplemented, including what filing date should be assigned, by separate order.

PSCI argues in support of its petition for rehearing of the letter order that summary deferral of PSCI's use of the increased rates on the grounds asserted in the October 7, 1975, letter order would be unlawful and unconstitutional in that (1) the Commission's action rested on the two conclusions of fact, which PSCI was not given the opportunity to present evidence on, that PSCI's use of calendar year 1974 as Period I did not comply with Section 35.13(b)(4)(iii) of the Commission's Regulations and that the 1974 data was so stale that the propriety of the proposed increases could not be properly evaluated; (2) the Commission could not take summary action on PSCI's rate change where there are disputed questions of fact without allowing PSCI the opportunity to submit evidence; and (3) that the authorities cited in the October 7, 1975, letter order did not show that Section 35.13(b)(4)(iii) requires Period I to be older than any specific number of months. PSCI further asserts that it may not lawfully be deprived of the increased revenues under its proposed rates after March 24, 1976, at the latest, which is five months beyond the proposed effective date of October 24, 1975, in that (1) the history of Section 35.13(b)(4)(iii) confirms the Commission's intention, consistently adhered to, to avoid the meaning sought to be ascribed to it by the letter order and (2) it was too late for the Commission to change the standards to be met by its decision holding that they had not been met.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirement of Section 35.13(b)(4)(iii) of the Regulations that such date be "* * * for the most recent twelve consecutive months for which actual data are available * * *" However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of Section 35.13(b)(4)(iii) of the Regulations which requires submission of the most recently available data. In the *Interstate*[1] order, we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with Section 35.13(b)(4)(iii) of the Regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more then seven months old.

In the instant proceeding, the Commission by letter dated October 7, 1975, assessed as deficient PSCI's filing which was tendered on September 23, 1975, because the Period I data was 9 months old. We therefore determined that this data was too stale to be the "most recently available", as required by Section 35.13(b)(4)(iii) of the Regulations and told PSCI that a filing date would not be assigned to its submittal until PSCI submitted data revising Period I and Period II such that Period I ended no earlier than four months prior to the date of filing. We find the action taken with respect to PSCI's tender for filing to be consistent with the action taken with respect to *Interstate* as well as other similar filings. However, consistent with our findings in the preceding paragraph that data for a Period I which ends more than 7 months prior to the date of a filing will not be construed as the most recently available, as required by Section 35.13(b)(4)(iii) of the Regulations, we believe that it would be necessary to modify our October 7, 1975, letter order to provide that the revised data for Period I and Period II be such that Period I end no earlier than 7 months prior to the date of any new tender of filing. Accordingly, the October 7, 1975, letter assessing PSCI's filing as deficient shall be modified to so provide. With regard to PSCI's contentions that factual issues are involved which require a hearing, we believe that the issue before us is a threshold one involving the proper interpretation and application of the Commission's filing requirements governing rate increases and that a hearing for factual development of the issue is not required. In light of the above, we shall deny PSCI's petition for rehearing of our October 7, 1975, letter order.

On November 7, 1975, PSCI filed a petition requesting that the Commission pass on PSCI's petition for rehearing and vacating of the October 7, 1975, letter order or in the alternative grant a stay *pendente lite* of the letter order and prescribe a period of ten days for the filing of any answer to the petition no later than November 21, 1975. In light of our passing on the petition for rehearing and vacating of the said letter order, prior to the requested November 21, 1975, date, we have taken the action requested by PSCI in its November 7, 1975, petition.

The Commission finds:

Good cause exists to deny PSCI's petition for rehearing, as hereinafter ordered.

The Commission orders:

(A) PSCI's petition for rehearing is denied.

(B) The October 7, 1975, letter assessing PSCI's filing as deficient is hereby modified to provide that the revised data for Period I and Period II be such that Period I end no earlier than 7 months prior to the date of any new tender of filing.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32487 Filed 12-2-75;8:45 am]

[1] *Interstate Power Co.*, FPC Docket No. ER76-70 (September 10, 1975).

[Docket No. E-9454]

PUBLIC SERVICE CO. OF NEW MEXICO

Order Denying Motion for Stay

NOVEMBER 21, 1975.

On October 24, 1975, the City of Gallup, New Mexico (Gallup) filed a motion asking the Commission to stay *pendente lite* its orders of July 31, 1975, and September 26, 1975, in the above captioned docket. In its July 31, 1975, order, the Commission found that the current Public Service Company of New Mexico (PNM)—Gallup contract did not allow for the filing of Section 205 unilateral rate increase filings but that the contractual language indicated that the parties did provide for the rate to be changed pursuant to a Section 206(a) proceeding without the *Mobile-Sierra*[1] burden of proof. In its order of September 26, 1975, the Commission denied an application for rehearing filed by PNM, which asserted, *inter alia*, that the contract permitted PNM to file for Section 205 unilateral rate increases; and the Commission denied a petition for rehearing filed by Gallup which asserted, *inter alia*, that the Commission erred in failing to impose the *Mobile-Sierra* burden of proof on PNM in the Section 206(a) proceeding. Gallup states that its request for stay meets each and every criteria set out in *Virginia Petroleum Jobbers Association* v. *Federal Power Commission* (*Virginia Jobbers*), 259 F. 2d 921, 925 (U.S.C.A. D.C. Cir. 1958). Gallup states that it is seeking review of those orders by the United States Court of Appeals for the District of Columbia Circuit in *City of Gallup, New Mexico* v. *Federal Power Commission*, Docket No. 75-1957. On November 7, 1975, PNM filed an answer urging that the Commission deny Gallup's motion for stay for Gallup's failure to satisfy the criteria set out in *Virginia Jobbers*. For the reasons stated below, we shall deny Gallup's motion for stay.

The Commission agrees with Gallup and PNM that in ascertaining whether to stay its orders, the Commission should consider the test of *Virginia Jobbers* (259 F. 2d 921, 925) which is as follows: (1) whether petitioner has shown that it is likely to succeed on the merits on appeal; (2) whether petitioner has shown irreparable harm if the order is not stayed; (3) whether issuance of the stay would substantially harm other parties; and (4) whether issuance of the stay is in the public interest.

First, as to likelihood of success on appeal, Gallup contends that, based upon an analysis of the decisions of the Supreme Court in the *Mobile-Sierra* cases and the decisions of the D.C. Circuit in *Richmond Power & Light* v. *F.P.C.*, 481 F. 2d 490 (D.C. Cir. 1973) and *Gulf States Utilities Company* v. *F.P.C.*, 518 F. 2d 450 (D.C. Cir. 1975), it has shown there is a strong likelihood that it will win on its appeal as to the appropriate burden of proof applicable to this proceeding. PNM disputes Gallup's interpretation of these cases and PNM also points to the precedent that the Commission cited on pgs. 7 and 9 of its September 26, 1975, order, and concludes that Gallup has failed to make a strong showing that it is likely to prevail on appeal. Gallup is raising arguments such as were considered in the two Commission orders in question and which were there rejected by the Commission. We believe Gallup has not made a strong showing that it will prevail on appeal.

Secondly, Gallup urges the stay because it believes it will suffer irreparable harm if the stay is not granted in that Gallup will suffer irreparable monetary injury if forced at this juncture to prepare its case on a Section 205 standard in light of its belief that a Section 206 *Mobile-Sierra* type of evidence and standard will be found applicable by the Court. PNM opposes Gallup's contentions of irreparable harm in the absence of a stay because, *inter alia*, Gallup claims monetary harm in contravention of *Virginia Jobbers;* Gallup can only be injured by an increase in rates, which in either type of Section 206 case can only be effected prospectively from Commission order; and Gallup's argument is moot since it filed its case on November 5, 1975. In *Virginia Jobbers*, (259 F. 2d 921, 925) the D.C. Circuit dismissed monetary injuries which Gallup claims as follows:

"The Key word in this consideration is *irreparable*. Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay are not enough."

We believe that Gallup has not shown that without the relief of a stay it will be irreparably injured.

Thirdly, Gallup argues that PNM will suffer no harm as a result of Gallup's requested relief. PNM answers and states, *inter alia*, that in a Section 206 proceeding, rate relief can only be secured by PNM prospectively. We agree with PNM that inasmuch as relief pursuant to Section 206 can have prospective effect only that Gallup will not suffer harm within the meaning of *Virginia Jobbers*.

Finally, Gallup argues that the public interest lies in protecting the consumer from being exploited by excessive charges, while PNM argues that the public interest lies in the statutory insistence on just and reasonable rates. Gallup's arguments go to the issue of whether the proposed increase in just and reasonable which is the very matter and is to be litigated in the Section 206(a) hearing.

Our review of Gallup's motion, PNM's answer, as well as the entire record in this proceeding, indicates that Gallup's motion should be denied. For the same reasons stated above, we will also deny Gallup's motion for a temporary stay. Gallup in both cases has failed to meet the criteria set out in *Virginia Jobbers*.

The Commission finds:

Good cause does not exist to grant Gallup's October 24, 1975, motion for stay.

The Commission orders:

(A) Gallup's Ostober 24, 1975, motion for stay is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32480 Filed 12-2-75;8:45 am]

[1] *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956); *United Gas Pipe Line Company* v. *Mobile Gas Service Corporation* 350 U.S. 332 (1956).

[Docket Nos. ER76-258 and ER76-259]

PUBLIC SERVICE CO. OF OKLAHOMA

Rate Schedule Supplements

NOVEMBER 24, 1975.

Take notice that Public Service Company of Oklahoma (PSCO) tendered for filing on November 17, 1975, two agreements, both supplements to FPC Rate Schedule No. 118, and both dated September 23, 1975, in which PSCO proposes to sell system participation capacity without reserves from four generating units to Southwestern Electric Power Company (Southwestern) for the period from 1-1-76 to 12-31-76 (Docket No. ER76-258) and PSCO proposes to purchase system participation capacity without reserves from four generating units of Southwestern for the period 6-1-78 to 5-31-79 (Docket No. ER76-259). PSCO states that its agreement to the 1976 transaction is dependent upon acceptance for filing of the 1978 transaction and requests waiver of the 90-day notice requirement. PSCO requests an effective date of January 1, 1976, for the 1976 transaction agreement and June 1, 1978, for the 1978 transaction agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32496 Filed 12-2-75;8:45 am]

[Docket No. RP73-64, PGA76-1]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 24, 1975.

Take notice that Southern Natural Gas Company (Southern), on November 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective January 1, 1976. Such filing is pursuant to Section 17 (Purchased Gas Adjust-

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ment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items:

(1) A Current Adjustment, pursuant to Section 17.3 of the Terms and Conditions of Southern's FPC Gas Tariff, for an increase in cost of purchased gas to jurisdictional customers of $24,999,436, or 4.178¢ per Mcf.

(2) A Surcharge Adjustment, pursuant to Section 17.4 of the General Terms and Conditions of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs of 2.372¢ per Mcf which is a net increase of 1.398¢ above the present Surcharge Adjustment. The balance in Account No. 191, Unrecovered Purchased Gas Costs, as of September 30, 1975, is $7,261,770 and will be collected over the estimated sales for the six-month period commencing January 1, 1976.

Copies of this filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32498 Filed 12-2-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Postponement of Prehearing Conference

NOVEMBER 24, 1975.

On November 20, 1975, Transcontinental Gas Pipe Line Corporation filed a motion to postpone the prehearing conference fixed by notice issued November 5, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the prehearing conference in the above proceeding is postponed from November 25, 1975 to December 2, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32500 Filed 12-2-75;8:45 am]

[Docket No. CP76-153]

UNION CARBIDE CORP.

Petition of Declaratory Order

NOVEMBER 25, 1975.

Take notice that on November 5, 1975, Union Carbide Corporation (Union), 270 Park Avenue, New York, New York, filed in Docket No. CP76-153 pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure, a petition for a declaratory order disclaiming jurisdiction over the exportation of cylinder of compressed methane gas of various chemical purities. In this regard Union asks for an order as to the correctness of their statement that:

> We do not believe that the methane products listed above are covered by the definition of natural gas in Section 717(a) of the Natural Gas Act and we do not believe that we need apply to the Federal Power Commission for authorization to make these exports.

Union is not a natural gas company subject to the jurisdiction of the Commission. Union produces, *inter alia*, chemical products for sale. In this case Union states that its Speciality Gas Department produces methane gas products for various calibration and chemical non-fuel uses. Specifically, Union proposes to export to a customer in Brazil 55 cylinders of compressed methane gas (about 19580 cubic feet). A portion of this gas is to be 99.97 percent pure for use to form carbon black for use in electronic components, part is to be 99 percent pure for use in producing methane gas mixtures, and part is to be 97 percent pure to test gas appliances.

Union states that the Commerce Department, Office of Export Administration, has jurisdiction of exports of chemically pure hydrocarbons including the above described methane products. Union, however, does not state whether the gas is manufactured from non-natural gas feedstocks, or whether natural gas is processed for in purification. While this distinction does not appear to affect the jurisdiction of the Department of Commerce, such may control the jurisdiction of the Commission.[1]

Any person desiring to be heard or to make protest with reference to said petition for declaratory order should within 30 days file with the Federal Power Commission, 825 North Capitol Street N.W., Washington D.C., 20426, a petition to intervene or to protest in accordance with the requirements of the Commission's Rules of Practice and Procedure [18 CFR 1.8 or 1.10] and the Regulations under the National Gas Act [18 CFR 157.10]. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32472 Filed 12-2-75;8:45 am]

[1] Algonquin SNG, Inc. *et al.*, Opinion No. 637, 48 FPC 1216 (1972); Opinion No. 637-A, 49 FPC 345 (1973).

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO., ET AL.

Establishment of Phase I

NOVEMBER 24, 1975.

In the matter of United Gas Pipe Line Company, Complainant, v. Billy J. McCombs, R. James Stillings, d/b/a Gastill Company, David A. Onsguard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, E. I. du Pont D'Nemours & Company, and Bill Forney, Respondents.

Take notice that in Opinion No. 740-A, issued on November 7, 1975, the Commission established Phase I of these proceedings to facilitate consideration of issues relevant to the expanded inquiry ordered by that Opinion.

The instant proceedings arose from a complaint filed by United Gas Pipe Line Company (United) on October 9, 1973. That complaint alleged violations by respondents herein of Section 7 of the Natural Gas Act and a refusal to comply with the terms of a certificate of public convenience and necessity, issued in Docket No. G-12694. United founded its claim on a gas purchase contract dated April 29, 1953 which provided for the sale to United of volumes of gas produced from a tract referred to as the Butler B leasehold and from surrounding tracts to which the Butler B tract might later be unitized. Service under this contract was certified by the Commission and the Butler B tract was in fact incorporated as part of several units in 1971 and 1972. One of these units also included a tract referred to as the Butler A tract. United contended that the formation of the unit containing the Butler A tract gave United an entitlement to a portion of the gas produced from the tract. The issues of the existence and extent of this entitlement were addressed by the Commission in Opinion Nos. 740 and 740-A.

In Opinion No. 740-A, the Commission broadened the scope of the initial inquiry to consider a second basis for possibly finding a dedication to United of the gas produced from the Butler A tract. The Commission cited an amendment to the 1953 gas purchase contract which would appear to embrace the Butler A tract and dedicate *all* of its gas to United. A separate expedited Phase I was ordered to explore the possible existence of such a dedication. Since many of the issues presented earlier relating to unitization could be rendered moot by a Phase I finding that all of the A tract gas was dedicated by the 1953 contract, further consideration of all of the remaining issues was deferred to Phase II of the divided proceedings.

Any person desiring to be heard or to make any protest with reference to the issues to be considered in Phase I of the instant proceedings should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All parties to the original proceeding are deemed parties to the Phase I proceeding and therefore need not file an additional petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32501 Filed 12-2-75;8:45 am]

[Docket No. ID-1584]

ANTHONY E. WALLACE

Supplemental Application

NOVEMBER 24, 1975.

Take notice that on October 23, 1975, Anthony E. Wallace (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(B) of the Federal Power Act, applicant seeks authority to hold the following positions:

Vice Chairman, The Hartford Electric Light Company, Public Utility.
Executive Vice President, Western Massachusetts Electric Company, Public Utility.
Executive Vice President, Holyoke Water Power Company, Public Utility.
Executive Vice President, Holyoke Power and Electric Company, Public Utility.

The Hartford Electric Light Company has its principal place of business at 176 Cumberland Avenue, Wethersfield, Connecticut, and is engaged primilarly in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of Gas at retail within the State of Connecticut.

Western Massachusetts Electric Company has its principal place of business at 174 Brush Hill Ave., West Springfield, Massachusetts, and is primarily engaged in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of Western Massachusetts.

Holyoke Water Power Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is primarily engaged in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal, and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in Western Massachusetts.

Holyoke Power and Electric Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is a wholly-owned subsidiary of Holyoke Water Power Company which conducts certain of that Company's Electric Operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32509 Filed 12-2-75;8:45 am]

[Docket No. ER76-251]

WESTERN MASSACHUSETTS ELECTRIC CO.

Petition for Delay in the Implementation of Commission's Regulations

NOVEMBER 24, 1975.

Take notice that Western Massachusetts Electric Company, ("WMECO") on November 10, 1975, petitioned the Commission for a delay in the implementation of Section 35.14 of the Commission's Regulations. Section 35.14 provides, among other things, that all public utilities should conform their fuel adjustment clauses with said Section by January 1, 1976. Section 35.14(8) provides that the Commission upon showing of good cause may waive the aforementioned requirements for an additional one-year period. WMECO has requested the Commission to waive the requirements of Section 35.14 until a time when the type of fuel clause required thereunder can be incorporated as part of a rate filing which also reflects the capacity costs incurred by WMECO as a result of its ownership interest in a new 830,000 kw nuclear generating unit known as Millstone 2, but in no event later than December 31, 1976.

Copies of the filing were served upon WMECO's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32502 Filed 12-2-75;8:45 am]

[Docket No. ER76-237]

WISCONSIN MICHIGAN POWER CO.

Filing of Letter Agreements

NOVEMBER 24, 1975.

Take notice that Wisconsin Michigan Power Company (Wis-Mich), on November 3, 1975, tendered letter agreements concerning the joint purchase of energy from Wis-Mich by the City of Oconto Falls Water and Light Commission and Oconto Electric Cooperative. The filing indicates that said letters will serve as agreement between the parties until the preparation and execution of a purchased power agreement is completed. Delivery of energy under said letter agreements was scheduled to begin on November 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 1, 1975. Protests will be considered by the Commission in detremining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75 32503 Filed 12-2-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Order Granting Stay Pending Commission Action on Application for Rehearing

NOVEMBER 21, 1975.

On November 10, 1975, Wisconsin Public Service Corporation (WPSC) filed an application for rehearing of the Commission's Order Approving Settlement Agreement With Conditions, issued October 21, 1975, in the above captioned docket, and a motion for stay of this order pending final disposition of WPSC's application for rehearing. We hereby stay our order of October 21, 1975, pending Commission action on the application for rehearing.

The Commission finds:

Good cause exists to grant WPSC's motion for stay of the Commission's order of October 21, 1975, pending Commission action on the application for rehearing as ordered *infra*.

The Commission orders:

(A) The Commission's Order Approving Settlement Agreement With Condltions of October 21, 1975, is hereby stayed pending Commission action on WPSC's application for rehearing.

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(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32482 Filed 12-2-75; 8:45 am]

FEDERAL RESERVE SYSTEM

FIRST UNITED BANCORPORATION, INC.

Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the successor by merger to Gateway National Bank of Fort Worth, Fort Worth, Texas ("Bank"). Applicant presently holds 24.9 percent of the voting shares of Bank. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of additional voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Texas, controls eight banks with aggregate deposits of approximately $843 million, representing approximately 2.0 percent of the total deposits in commercial banks in the State of Texas.[1] Acquisition of Bank would not significantly increase Applicant's share of statewide deposits nor change Applicant's ranking among Texas banking organizations.

Bank ($18.6 million deposits) is the 18th largest of 46 banks in the Fort Worth banking market, which is approximated by the Fort Worth RMA, and controls 0.7 percent of the commercial bank deposits in that market. Applicant is the second largest banking organization in the Fort Worth market with five subsidiaries controlling 29.3 percent of the deposits therein.

Although Applicant and Bank operate in the same market, the facts of record indicate that there is little meaningful competition between Bank and any of Applicant's subsidiaries. In addition to directly owning 24.9 percent of the voting shares of Bank for several years, Applicant has had a long-standing and close working relationship with Bank. Moreover, it appears unlikely that this relationship between Applicant and Bank would be terminated even if the subject proposal were denied. Thus, the prospect of competition developing between the two is remote. Accordingly, based on the foregoing and other facts of record, the Board concludes that, on balance, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. Acquisition of Bank by Applicant should enable Bank to expand and improve the banking services offered by it. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application.

In the course of its consideration of the subject application, the Board noted that First National Bank of Fort Worth, Applicant's lead bank, was involved in the organization and subsequent operations of Bank. Specifically, First National Bank of Fort Worth made loans to three individuals for the purpose of their subscribing to approximately 60 percent of the shares of Bank; such individuals were not personally liable on the loans extended by First National Bank of Fort Worth; payments on these loans have been nominal and have been limited to the dividends declared on Bank's stock held by the three individuals; and First National Bank entered into an understanding with such individuals whereby it had the right to acquire the shares in Bank held by them at what was in effect the original subscription price. In the Board's view, the facts surrounding First National Bank's involvement with Bank are sufficient to justify at least a finding that, subsequent to the passage of the 1970 Amendments to the Act, First National Bank of Forth Worth violated the Bank Holding Company Act. However, in accord with the Board's recently announced position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding First National Bank's involvement with Bank and, upon an examination of all the facts of record, including the fact that the Federal Reserve System was apparently informed of First National Bank of Fort Worth's involvement with Bank on several occasions in the past and, in each of those instances, neither the Federal Reserve Bank of Dallas nor the Board was able to conclude on the basis of the facts before them that a violation of the Act had occurred and no action was taken, the Board does not believe that the facts surrounding the violation in this case are such as to call for denial of this application. Accordingly, having reviewed all the facts of record in this case, the Board has considered the subject application on its merits and, on that basis, concludes that approval of the proposal would be consistent with the public interest.

Nevertheless, the Board believes it appropriate at this time to set forth for the record its view that transactions of the type described herein, if entered into without the prior approval of the Board, would justify a finding by the Board that a company (or a bank) has violated the provisions of the Bank Holding Company Act. Thus, the Board believes it appropriate to caution companies (and banks) to be circumspect in their activities and to avoid scrupulously entering into or continuing any arrangements that may reasonably indicate that the company has gained direct or indirect control or ownership of bank shares without the Board's prior approval, as required by the Act.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective November 26, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-32527 Filed 12-2-75;8:45 am]

ROYAL HOLDING CORPORATION

Formation of Bank Holding Company

Royal Holding Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Inter National Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 19, 1975.

Board of Governors of the Federal Reserve System, November 26, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-32528 Filed 12-2-75;8:45 am]

METRO INSURANCE AGENCY, INC.

Acquisition of Bank

Metro Insurance Agency, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 25 percent of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1975.

Board of Governors of the Federal Reserve System, November 26, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-32529 Filed 12-2-75;8:45 am]

PEOPLES CREDIT CO.

Acquisition of Bank

Peoples Credit Co., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 19.7 percent of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1975.

Board of Governors of the Federal Reserve System, November 26, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-32530 Filed 12-2-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on December 20, 1975 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Saturday, December 20, 1975, 8:30 a.m. until conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by representatives of the Westinghouse Electric Corporation and the NRC Staff, and will discuss with these groups analytical models formulated to meet current ECCS criteria.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of UHI System design and analytical models.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 13, 1975 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on December 18, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 29, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after March 22, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: November 26, 1975.

JOHN C. HOYLE, *Advisory Committee Management Officer.*

[FR Doc.75-32543 Filed 12-2-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through September 30, 1975.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Coldwell, and Jackson. Absent and not voting: Governors Bucher and Wallich.

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ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on December 19, 1975 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss the report of Carl J. Hocevar entitled: "A Critique of the Computer Safety Prediction Methods."

The agenda for subject meeting shall be as follows:

Friday, December 19, 1975, 8:30 a.m. until conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by Mr. Carl J. Hocevar, the NRC Staff and several reactor vendors and will discuss with these groups computer safety prediction methods.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 12, 1975 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on December 18, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 29, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after March 19, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: November 26, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75 32544 Filed 12-2-75;8:45 am]

[Docket Nos. 50-373A and 50-374A]

COMMONWEALTH EDISON CO. (LASALLE COUNTY UNITS 1 AND 2)

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Commonwealth Edison Company (LaSalle County Units 1 and 2) Docket Nos. 50-373A and 50-374A.

This action is in reference to a notice concerning "Antitrust Matters; Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene", published in the FEDERAL REGISTER on the above matter (38 F.R. 901—January 5, 1973).

The members of the Board are:

Andrew C. Goodhope, Esq., Chairman, 3320 Estelle Terrace, Wheaton, Maryland 20906.

Mr. Michael A. Duggan, (Member), College of Business Administration, University of Texas, Austin, Texas 78712.

Margaret M. Laurence, Esq., (Member), 5007 King Richard Drive, Annandale, Virginia 22003.

Dated at Bethesda, Maryland this 25th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.75-32540 Filed 12-2-75;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant Located in Middlesex County, Connecticut. The amendment is effective 30 days after the date of issuance.

This amendment revised the Administrative Controls and Reporting Requirements of the Technical Specifications for the Haddam Neck Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 27, 1974, (2) Amendment No. 5 to License No. DPR-61, with Change No. 5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-32537 Filed 12-2-75;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment revises the provisions in the Technical Specifications to provide for automatic, continuous axial offset monitoring and provides a new operating curve of percent rated power versus allowable incore axial offset.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 20, 1975, as supplemented October 23, 1975, (2) Amendment No. 6 to License No. DPR-61, with Change No. 6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1975.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-32538 Filed 12-2-75;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 15, 15, and 12 to Facility Operating Licenses No. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments provide Oconee Unit I control rod position and operational power imbalance limits for four-pump operation applicable to the period after 245±10 Effective Full Power Days of operation.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated November 10, 1975, (2) Amendments No. 15, 15, and 12 to Licenses No. DPR-38, DPR-47, and DPR-55, with Changes No. 25, 20, and 12, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1975.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-32539 Filed 12-2-75;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 13 and 12 to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendment is effective 60 days from the date of issuance.

The amendment modifies the reporting requirements of the Technical Specifications for the Turkey Point Nuclear Generating, Units 3 and 4.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commisison's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1974, (2) Amendments Nos. 13 and 12 to Licenses Nos. DPR-31 and DPR-41, with Change No. 25 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 26 day of November, 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32549 Filed 12-2-75;8:45 am]

[Docket Nos. 50-458 and 50-459]

GULF STATES UTILITIES COMPANY (RIVER BEND STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Member, Michael C. Farrar, Member.

Dated: November 26, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-32547 Filed 12-2-75;8:45 am]

V40233 DEC 3 75 XUM

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Drafts for Public Comments

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA has received and collated relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

An IAEA draft Safety Guide on Qualifications and Training of the Regulatory Staff has just been developed and the NRC staff is soliciting U.S. public comment on it.

An IAEA Working Group, consisting of Mr. P. Trueba of Spain, Mr. D. Blickle of the Federal Republic of Germany, and Mr. B. H. Faulkenberry (Nuclear Regulatory Commission) of the United States, developed this draft from an IAEA collation during a meeting in October 1975. An opportunity for public comment exists prior to review of this draft at the next meeting of the IAEA Technical Review Committee on Governmental Organization on December 15–19, 1975. Opportunities for public comment on later drafts will also be present as this draft is later sent to the IAEA Senior Advisory Group, then to the Member States.

In order to have them in time for the December 1975 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by December 8, 1975. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 21st day of November 1975.

For the Nuclear Regulatory Commission.

CARL E. JOHNSON,
Acting Director,
Office of Standards Development.

[FR Doc.75-32535 Filed 12-2-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.7, Revision 1, "General Site Suitability Criteria for Nuclear Power Stations," discusses the major site characteristics related to safety, public health, and environmental issues that the NRC staff considers in determining the suitability of sites for light-water-cooled and high temperature gas-cooled nuclear power stations. It is intended to assist applicants in the initial stage of selecting potential sites for a nuclear power station. This revision reflects comments received from the public and other factors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).
Cooling Water System—Protection of Aquatic Organisms (Entrainment).
Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
Effluent Monitoring Guide for UF_6 Conversion Facilities.
Effluent Monitoring Guide for Uranium Mills.
Effluent Monitoring Guide for Fuel Fabrication Facilities.
Effluent Monitoring Guide for Irradiated Fuel Reprocessing.
Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies.
Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors.
Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I.
Land Use Assessment—Agriculture.
Nuclear Power Stations—Guide to Terrestrial Studies.
Preparation of Early Site Review Reports for Nuclear Power Stations.
Environmental Technical Specifications for Nuclear Power Plants.
Assessment of Environmental Impacts of Renewals and Amendments of Licenses for Nuclear Fuel Cycle Facilities.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-32536 Filed 12-2-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the pubic methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.107, "Qualifications for Cement Grouting for Prestressing Tendons in Containment Structures," describes quality standards acceptable to the NRC staff for the use of portland cement grout as the corrosion inhibitor for prestressing tendons in prestressed concrete containment structures. In specific areas this guide endorses portions of existing national standards.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.107 will, however, be particularly useful in evaluating the need for an early revision if received by January 30, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 25th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-32546 Filed 12-2-75;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 11 to Facility Operating Licenses Nos. DPR–32 and DPR–37 issued to Virginia Electric & Power Company (VEPCO) which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the provisions in the Technical Specifications relating to the replacement of 81 of 157 fuel assemblies in the reactor core, constituting refueling of the core for third cycle operation of Unit 1.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations. The Commission's rules and regulations in Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration relating to it.

For further details with respect to this action, see (1) the application for amendments dated September 8, 1975, as supplemented October 22, 1975 and October 30, 1975, (2) Amendments No. 11 to Licenses Nos. DPR–32 and DPR–37, with Change No. 26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 26th day of November, 1975.

For the Nuclear Regulatory Commission.

MORTON FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-32545 Filed 12-2-75;8:45 am]

[Docket No. P–636–A]

FLORIDA POWER & LIGHT CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated July 14, 1975, in connection with its plans to construct and operate two nuclear power reactors. At this time, final decisions have not been reached with respect to site selection, and it is possible that more than one site will be utilized. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application, consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. As soon as a site is selected, a Local Public Document Room will be established where related documents will be made available for public inspection. Docket No. P–636–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before January 26, 1976.

Dated at Bethesda, Maryland this 20th day of November 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75-31859 Filed 11-25-75;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1976, shall be at the rate of twelve cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1976, 10.3 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 89.7 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: November 26, 1975.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-32461 Filed 12-2-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3875]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

Application

NOVEMBER 25, 1975.

In the matter of Aetna Variable Annuity Life Insurance Company, Variable Annuity Account C of Aetna Variable Annuity Life Insurance Company, and Variable Annuity Account D of Aetna Variable Annuity Life Insurance Company, 151 Farmington Avenue, Hartford, Connecticut, 06156.

NOTICE IS HEREBY GIVEN that Aetna Variable Annuity Life Insurance Company ("AVAR"), an Arkansas stock life insurance company, Variable Annuity Account C of AVAR ("Account C"), a separate account of AVAR registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and Variable Annuity Account D of AVAR ("Account D"), a separate account of AVAR not registered under the Act because its assets are derived solely from contracts issued in connection with pension and profit-sharing plans described in Section 3(c)(11) of the Act (collectively referred to as "Applicants") filed an application on October 31, 1975, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for

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an order of the Commission exempting the Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit certain Account D assets to be transferred to Account C and Account D liabilities to be assumed by Account C. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The assets of Accounts C and D are invested in shares of either AEtna Variable Fund, Inc. ("Fund") or AEtna Encore Fund, Inc. ("Encore Fund") depending on the election made by owners of or participants under the variable annuity contracts issued by Accounts C and D. The application states that since May 1, 1975, variable annuity contracts sold in connection with plans covering employees within the meaning of Section 401(c)(1) of the Internal Revenue Code ("Section 401(c)(1) contracts") have been funded in Account D, but that such contracts sold prior to May 1, 1975, are funded in Account C as the result of a realignment program implemented as of May 1, 1975, under which Account C became registered as a unit investment trust and under with AVAR itself ceased to be an investment company.

The application further represents that AVAR is engaged in certain revisions of its variable annuity contracts which, in the very near future, will cause it to fund Section 401(c)(1) contracts in Account C. Applicants indicate that this would result in having a small portion of Section 401(c)(1) contracts funded in Account D, while all the rest would be funded in Account C. Accordingly, to simplify its administrative procedures, AVAR proposed to transfer the assets in Account D funding Section 401(c)(1) contracts, shares of Fund and Encore Fund, to Account C and, correspondingly, to have Account C assume certain liabilities connected with these contracts.

As of the time of transfer, each Account D Section 401(c)(1) contract will have a dollar value determined by multiplying the number of Accumulation Units credited to that contract by the then prevailing value of an Accumulation Unit. The contract value, so determined, would be transferred from Account D to Account C without any charge. On the same day, the number of Account Accumulation Units which will be credited to the contract as of the time of transfer will be determined by dividing the total value of the contract by the then value of an Account C Accumulation Unit. The corresponding contract liabilities would then be assumed by Account C. Thereupon, all of AVAR's contracts issued in connection with such plans would be funded in Account C. Applicants represent that the required approval of such transfer under Arkansas insurance law has been requested.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to or to purchase any security or other property from such registered company. Accounts C and D are affiliated persons by reason of their being separate accounts of the same insurance company (AVAR) and therefore under common control. Section 17(a) is applicable here because the proposal made by Applicant involves the sale of securities, shares of Fund and Encore Fund, by Account D to a registered investment company, Account C, in exchange for the assumption by Account C of the liabilities attributable to the Account D Section 401(c)(1) contracts. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The basic contractual right of the variable annuity contract owners involved would remain unaffected by the transfer, the proposed transfer would not affect the operation or objectives of Account C [the registered investment company concerned] and the general purposes of the Act would be furthered in that contract owners whose contracts are presently funded through Account D, which is not an investment company, following such transfer will be afforded the protections of the Act through Account C, which is a registered investment company.

NOTICE IS FURTHER GIVEN, that any interested person may, not later than December 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such a request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following such date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and the date of the hearing (if ordered) and orders issued in this matter, including any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32560 Filed 12-2-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

NOVEMBER 24, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 25, 1975 through December 4, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32559 Filed 12-2-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

NOVEMBER 25, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 26, 1975 through December 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32556 Filed 12-2-75;8:45 am]

[Release No. 34-11866; File No. SR-NYSE-75-15]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 12, 1975 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE—

1. Text of Proposed Rules sections 305, 306 and 307.

REGULATION OF ACCESSEES (RULE 305)

A. Except as provided in paragraph B hereof, each person who is a broker-dealer in securities, other than a member, member organization, or person associated with such member or member organization, who transacts business in securities on the Exchange through a member or member organization, shall apply to the Exchange to be registered as a non-member accessee and, in order to be approved shall agree in writing with the Exchange:

(i) to supply the Exchange with such information relating to its activity in any security traded on the Exchange as the Exchange may reasonably require;

(ii) to permit examination by the Exchange, or any person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information so supplied and to determine compliance by such person with the anti-fraud and anti-manipulation provisions of the Securities Exchange Act of 1934, and the rules and regulations thereunder, and the anti-fraud and anti-manipulation rules of the Exchange;

(iii) to appear before, and give testimony to, the Exchange, or any Committee or person designated by it, upon any matter under investigation by the Exchange pertaining to a security traded on the Exchange, or to a member, member organization or to a person associated with a member or member organization of the Exchange;

(iv) to be subject to the regulation and surveillance of the Exchange with respect to compliance with the anti-fraud and anti-manipulation provisions of the Securities Exchange Act of 1934 and the rules and regulations thereunder as they relate to transactions on the Exchange and the anti-fraud and anti-manipulation provisions of the Constitution and Rules of the Exchange specified in the supplementary material hereunder as they relate to the transaction of business by such person on the Exchange, and to be subject to discipline by the Exchange as provided by, and in accordance with procedures set forth in the Exchange Constitution and Rules.

B. Any broker or dealer in securities who transacts business on the Exchange through a member or member organization but who has not transacted business on the Exchange during the current calendar year in an amount in excess of $1,000,000 market value of securities, and who has not transacted business on the Exchange during the immediately preceding calendar year in excess of $1,000,000 market value of securities, shall be exempt from the provisions of this Rule.

C. If any person required to enter into the agreement referred to above fails to do so, it may be denied access to the use of the facilities of the Exchange.

D. If any person required to enter into the agreement referred to above breaches such agreement, it may be denied access to the use of the facilities of the Exchange or access to the use of such facilities may be limited as the Exchange may deem appropriate.

E. Any person who has entered into an agreement with the Exchange pursuant to this Rule may terminate such agreement on 30 days written notice to the Exchange, provided that (1) such person has not transacted business on the Exchange in excess of $1,000,000 market value of securities in either the current calendar year of the preceding calendar year, or (ii) such person has not transacted business on the Exchange during the current calendar year in an amount in excess of $1,000,000 and it certifies to the Exchange that the nature of its business has materially changed and it does not expect to transact business in excess of $1,000,000 on the Exchange during the current calendar year.

. . . Supplementary Material.

.10 Each person required to file an agreement with the Exchange pursuant to Rule 305 is subject to regulation and surveillance by the Exchange with respect to (1) compliance with the anti-fraud and anti-manipulative provisions of the Securities Exchange Act of 1934 as related to transactions on the Exchange, and (2) Exchange Rules 78, 91, 92, 112.10, 122, 401, 403, 410(b) and 435.

.20 For purposes of this Rule "person" shall have the same meaning as provided in Section 3(a)(9) of the Securities Exchange Act of 1934, as amended.

APPROVAL OF ACCESSEES (RULE 306)

A. No member or member organization shall effect transactions on the Exchange for any broker-dealer whom such member or member organization knows, or in the exercise of reasonable care should know, is subject to and not in compliance with Rule 305.

B. Without the prior approval of the Exchange, no member or member organization shall effect transactions on the Exchange for any broker-dealer who is denied access to the facilities of the Exchange as provided in Rule 305.

APPLICATION FEE, DUES AND OTHER CHARGES (RULE 307)

(1) Each person required to be registered with the Exchange pursuant to Rule 305 shall:

(a) at the time it submits its application pursuant to Rule 305, pay to the Exchange a non-refundable fee of $200,

(b) be subject to a fee of $100, payable on January 1 of each calendar year during which it is required to be so registered unless specifically exempted by the Exchange, and

(c) be subject to a fee of one per cent of the difference between the gross commission charged by any person registered with the Exchange pursuant to Rule 305 and the commissions payable by such person to members or member organizations with respect to transactions effected on the Exchange.

(2) Every person registered with the Exchange pursuant to Rule 305 shall file a certified report, on the 18th day following the month covered by the report, or the next business day if such day be a day on which the Exchange is closed, showing the total of all commissions received or receivable less the commissions paid to any member or member organization by such person, with respect to transactions effected by such member or member organizations on the Exchange for such person together with a computation of the fee required by paragraph (1)(c) of this rule and a check in that amount drawn to the order of and sent to the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, Attention: Treasurer's Department.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

2. *Purpose of Proposed Rules.*

Recent developments in the securities industry—implementation of competitive commission rates, start-up of the composite tape, availability of NYSE quotes to non-members—have tended to blur certain distinctions between member organizations and non-member broker/dealers. While non-members do a significant amount of trading on the NYSE, they are not now subject to Exchange rules designed to prevent manipulation and other abuses in the marketplace.

To make enforcement of NYSE market surveillance rules uniformly applicable to all broker/dealers who trade on the Exchange, and to prevent the possible erosion of the NYSE's surveillance standards, the staff believes that all non-member broker/dealers doing substantial business in securities on the Exchange through the facilities of member organizations should agree to (a) register with the Exchange; (b) be subject to the Exchange's market surveillance regulations and to sanction for breach thereof, including being barred with cause from transacting business on the Exchange; and (c) pay appropriate fees to the Exchange in connection with these surveillance activities.

Implementation of this proposal would involve the adoption of three new Exchange rules:

Rule 305 would require registration with the Exchange of non-member broker/dealers transacting business on the Exchange through a member or member organization in an amount in excess of $1,000,000 market value of securities, either during the immediately preceding twelve-month period or during any current calendar year. It would also extend Exchange regulation and surveillance jurisdiction over the Exchange-directed activities of such broker/dealers with regard to the anti-fraud and anti-manipulative provisions in the Securities Exchange Act of 1934 and in the Exchange's rules.

Rule 306 would require that Exchange members and member organizations obtain Exchange approval prior to effecting transactions on the Exchange for non-member broker/dealers subject to regulation under Rule 305.

Rule 307 would require that any non-member broker/dealer subject to Rule 305 pay fees to cover the cost of regulating and overseeing its Exchange-directed activities.

3. *Basis Under The Act For The Adoption Of The Rules.*

Section 6(b)(7) of the Securities Exchange Act provides that the Exchange adopt fair procedures for prohibiting or limiting the right of any person to access services offered by the Exchange or

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a member thereof. Sections 6(d)(1) and 6(d)(3)(c) of the Act provide that any determination to prohibit or limit access shall be supported by a statement setting forth the specific grounds for such action; and that the Exchange may, in a summary proceeding, limit or prohibit access to services offered by the Exchange for any person who (a) is presently suspended or expelled from association with a self-regulatory body; (b) is in a financial or operational condition that precludes continued use of Exchange facilities; or (c) does not meet the qualification requirements or other prerequisites for such access, and therefore could not have access without jeopardizing the safety of investors, creditors, or members of the Exchange. Section 6(b)(4) of the Act specifies that Exchange rules must provide for an equitable allocation of dues, fees and other charges among its members, issuers and other persons using its facilities.

These provisions give the Exchange authority to require that non-member broker/dealers effecting transactions on the Exchange, through a member, must comply with appropriate rules, regulations and standards. In fact, the Exchange may have an obligation to its members to require that non-members pay an equitable share of the costs incurred by the Exchange in connection with executing their transactions and regulating their activities.

(i) The proposed rule relates to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the Act and the rules and regulations thereunder, by affording the Exchange access to the books and records of non-member broker/dealers who effect transactions on the Exchange. Access to such information will enhance the ability of the Exchange to regulate its members and their associated persons.

(ii) Inapplicable.

(iii) Inapplicable.

(iv) The proposed Rule relates to the equitable allocation of reasonable dues, fees and other charges among its members, issuers and other persons using its facilities (or any system it operates or controls) in that it would require that non-member broker/dealers who effect transactions on the Exchange on a regular basis contribute to the costs involved in the maintenance of the market.

Non-member broker/dealers who currently utilize the facilities of the Exchange do not contribute to the expenses involved in the maintenance and regulation of the market. This situation is addressed in the Act by authorizing the Exchange to assess equitable charges against both member and non-member accessees.

Absent such charges, the Exchange's revenue base could be weakened at a time when additional regulatory responsibilities are being imposed on the Exchange. Accordingly, the proposed rules provide that non-member broker/dealers who regularly use NYSE facilities pay a reasonable fee to the Exchange.

Rule 307 provides that non-member broker/dealers pay a $200 registration fee covering the cost of processing their applications; a minimum $100 annual fee to cover the basic costs of overseeing their Exchange-directed market activity and a charge of one percent of the difference between the gross commission charged by such non-member broker/dealers and the commissions they pay to members or member organizations on account of transactions effected on the Exchange. These charges would be subject to revision from time to time, based on actual expense data. The aforementioned 1% charge parallels the Exchange's present 1% charge on members commissions.

(v) The proposed rules relate to the ability of the Exchange to (1) prevent fraud and manipulative acts and practices; (2) promote just and equitable principles of trade; (3) foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; (4) remove impediments to and perfect the mechanism of a free and open market and a national market system, and (5) protect investors and the public interest, in the following manner:

Regulation of non-member broker/dealers who regularly use the facilities of the Exchange would enhance the Exchange's ability to investigate and police manipulation in the marketplace. With its current limited jurisdiction, the Exchange often cannot compel non-member broker/dealers to provide information vital to an investigation of possible acts of fraud and manipulation of listed securities. A jurisdictional basis for requiring such non-members to comply with anti-manipulative regulations would both strengthen the integrity of the marketplace and better protect the interest of public investors.

Exchange Rules 305, 306 and 307 would establish a viable basis for regulation and surveillance of Exchange-directed activities of non-member broker/dealers and for charging equitable fees to offset the costs involved.

Rule 305 would specifically require non-member broker/dealer accessees to register with the Exchange and to agree to regulation by the Exchange. Such broker/dealers would be required to file an application, with an agreement to comply with Exchange rules in the area of market surveillance. The Exchange, in turn, would agree to permit them to transact business on the Exchange through a member organization. Rule 306 would prohibit Exchange members and member organizations from executing transactions on the Exchange for non-member broker/dealers subject to, but not in compliance with Rule 305, without the prior approval of the Exchange.

The Exchange could require non-member broker/dealer accessees to comply with three broad categories of Exchange rules (1) anti-fraud and anti-manipulative rules which bear on activity in securities traded on the Exchange; (2) anti-fraud and good business practice rules dealing with sales activities, and (3) financial and operational responsibility rules. However, the proposed rules only require broker/dealers who are subject to Rule 305 to be subject to Exchange regulation with respect to fraud and manipulation relating to transactions on the Exchange.

The Exchange's market surveillance staff is responsible for overseeing all activity on the Floor of the NYSE regardless of where a transaction order originates. Because of current jurisdictional limitations, this surveillance is basically limited to members and member organizations. Surveillance of the market place could be more effective if jurisdiction were extended to non-members utilizing Exchange facilities.

(vi) Although the proposed rules do not relate to the appropriate disciplining of persons associated with a member for violations of the provisions of the Act, to effectively regulate non-member broker/dealers, the Exchange must have the power to limit or prohibit access by broker/dealers found to have engaged in manipulative or fraudulent conduct. Rule 305 would establish the Exchange's authority in this area. Section 6(d) and 19(d), (e), and (f) of the Act recognizes this problem by establishing procedures to be used in determining whether a person may be denied access to Exchange facilities or may be sanctioned for improper conduct while having such access. The rules also cover acceptability proceedings for broker/dealer accessees, who, on the basis of past misconduct, poor financial or operational condition, or lack of competence, may be judged ineligible to transact business through the use of the facilities of the Exchange, or a member thereof.

(vii) The proposed rules comply with Section 6(d) of the Act by requiring that the same procedures used in acceptability proceedings involving members, member organizations, registered representatives and other employees be used in connection with Rule 305 accessees.

(viii) Inapplicable.

4. *Comments Received From Members, Participants or Others on Proposed Rule.*

No comments were solicited or received with respect to the subject rules.

5. *Burden of Competition.*

Adoption of Rules 305, 306 and 307 will not represent a burden on competition since they are designed to subject all broker/dealers who regularly effect transactions on the Exchange to similar regulation and surveillance with respect to transactions on the Exchange.

On or before January 7, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 25, 1975.

[FR Doc.75-32562 Filed 12-2-75;8:45 am]

[Release No. 34-11868; File No. SR-MSE-75-5]

MIDWEST STOCK EXCHANGE, INC.

Time Periods for the Payment of Debts By Members; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

ARTICLE XXVII. DISCIPLINARY PROCEDURES FOR FAILURE TO PAY DEBTS

Rule 13. Any member or member organization who shall fail to pay any debt for dues, fine, net commission charge, or other sum owing the Exchange or its subsidiaries within 60 days after the same shall become payable shall, after due notice, be suspended until payment is made. If payment be not made within *one year* six months after such suspension, the membership of the delinquent member or member organization may be disposed of by the President on at least 10 days' written notice mailed to him or it at his or its address last registered with the Exchange.

MIDWEST STOCK EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change would enable the President to transfer the membership of a member firm within a shorter and more reasonable period of time as a result of the failure of a member to pay any debt, fine, due or charge.

The proposed rule change would help protect the public investor and the public interest. Public creditors of irresponsible or potentially insolvent members will be more protected by the limited period in which the member has to further accumulate dues and debt.

Comments on the proposed rule have been neither solicited nor received.

The Midwest Stock Exchange believes that no burdens have been placed on competition.

On or before January 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 2, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 26, 1975.

[FR Doc.75-32563 Filed 12-2-75;8:45 am]

[Release No. 34-11867; File No. SR-MSE-75-4]

MIDWEST STOCK EXCHANGE, INC.

Time Periods for Selling a Membership; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF THE SUBSTANCE OF THE PROPOSED RULE CHANGE

ARTICLE I. SELLING OF MEMBERSHIP

Rule 11. The President shall sell the membership of a member or member organization under any of the following circumstances:

1. The legal representative of a deceased or insane member has failed to consummate a sale of the membership within [one year] *six months* of the member's death or insanity or within such extended time as may have been granted such legal representative by the Exchange.

2. The member organization owning a membership has been in process of liquidation for more than [one year] *six months* without having sold the membership owned by it.

3. The member or member organization has been found to be insolvent and has not been reinstated to membership within [one year] *six months* of its insolvency or such further period as may have been extended it in writing by the Exchange.

4. The member or member organization which has been suspended for reasons other than insolvency fails of reinstatement as the expiration of the period for which he or it has been suspended.

5. The member or member organization has been expelled from the Exchange.

MIDWEST EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change would enable the President of the Midwest Stock Exchange to transfer memberships within a shorter and more reasonable period of time.

The proposed rule change promotes just and equitable principles of trade and protects the public interest. In expediting transfers of membership, persons with the proper experience and fiscal credibility who desire membership will be assured easier access. Also, public creditors of insolvent and irresponsible members will be more protected by the limited period in which the member has to further accumulate dues and debt.

Comments on the proposed rule have been neither solicited nor received.

The Midwest Stock Exchange believes that no burdens have been placed on competition.

On or before January 7, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 2, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 26, 1975.

[FR Doc.75-32564 Filed 12-2-75;8:45 am]

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[812-3811]

THE TRAVELERS INSURANCE CO.

Application

NOVEMBER 25, 1975.

In the matter of the Travelers Insurance Company, the Travelers Fund A for Variable Annuities, and the Travelers Fund A–1 for Variable Annuities, One Tower Square, Hartford, Connecticut 06115.

Notice is hereby given that the Travelers Insurance Company ("Travelers"), a Connecticut stock life insurance company, The Travelers Fund A for Variable Annuities ("Account A"), a separate account of Travelers which is registered as an open-end management investment company under the Investment Company Act of 1940 ("Act"), and The Travelers Fund A–1 for Variable Annuities ("Account A–1"), a separate account of Travelers which is registered as an open-end management investment company under the Act, (hereinafter collectively referred to as the "Applicants") filed an application on May 13, 1975, and amendments thereto on June 17, July 7, August 20, September 15, and November 19, 1975, pursuant to Section 11 of the Act for an order on behalf of Applicants approving an offer of exchange, and for an order pursuant to Section 17(f) and for an order granting exemption pursuant to Section 6(c) of the Act from provisions of Rule 17f–2 and Sections 27(a)(3) and 27(c)(2) and Rule 22c–1 on behalf of Travelers and Account A–1, and pursuant to Section 6(c) of the Act for an order granting exemption from provisions of Section 27(a)(3) and Rule 22c–1 on behalf of Account A. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Account A, originally named The Travelers Fund for Variable Annuities, and Account A–1 are separate accounts of Travelers and, in accordance with Connecticut law, are facilities through which Travelers set aside and invests assets attributable to certain variable annuity contracts (the "variable annuity contracts").

The Travelers Corporation is a Connecticut stock insurance company which is the publicly held parent of The Travelers Group of companies.

Travelers Equities Fund, Inc. ("TEFI"), a Maryland corporation, is registered as a diversified open-end management investment company under the Act. The Travelers Investment Company and Travelers Equities Sales, Inc. act as investment adviser and principal underwriter respectively for Accounts A and A–1 and TEFI.

The Massachusetts Company, Inc., a wholly owned subsidiary of The Travelers Corporation, is a corporate trustee and it or its subsidiaries act as investment adviser or distributor of Massachusetts Fund, Freedom Fund, Inc., Independence Fund, Inc. and Massachusetts Fund for Income (hereinafter collectively referred to as the "Massachusetts Funds") which are open-end management investment companies registered under the Act.

SECTION 11(a)

Section 11(a) of the Act makes it unlawful for any registered open-end company or any principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

A. Travelers and Account A–1 seek an exemption from the requirements of Section 11(a) to allow a shareholder of TEFI or any one of the Massachusetts Funds to transfer his accumulated investment in this investment company to a variable annuity contract issued by Account A–1 at net asset value plus the imposition of a transfer charge of $5.00 or 1.25% of the accumulated investment, whichever is lesser.

Travelers and Account A–1 assert that it would be inappropriate to charge a shareholder of TEFI or any one of the Massachusetts Funds the sales charge for the exchange as no sales effort would be involved in the transaction, but as there are expenses involved in effecting the transfer, it would be unfair to existing contract owners to allow these persons to transfer their accounts and avoid these expenses. Applicants assert that this charge will pay for the administrative costs involved in the transfer, will not be used to compensate any sales personnel, and will apply only to those shareholders who elect the transfer and, therefore, will not discriminate against those shareholders who do not make the election.

B. The variable annuity contracts of Account A and Account A–1 allow for the transfer of all or any part of the cash value (the number of accumulation units credited to the contract in that separate account multiplied by the then accumulation unit value for that separate account) from Account A–1 to Account A and vice versa. Applicants represent that Account A–1 and Account A have different investment objectives and the transfer privilege will allow the contractowner to change his investment media when he deems that the circumstances warrant it.

The Applicants request an exemption from the requirements of Section 11(a) to impose a $5.00 transfer charge to cover the cost of effecting the transfer except that there will be no charge imposed on the first transfer and there will be no charge on any request for transfer received between 60 and 30 days before the due date of the first annuity payment under the variable annuity contract. A contract owner will be notified between 90 and 60 days before the due date of the first annuity payment of his right to transfer cash value at no cost. Applicants will absorb the cost of a final transfer before the annuity payout commences in order that the contractowner, may, at no cost, elect the investment media for the to 60 days before the annuity payout beannuity payout period. At any time piror gins, Applicants will not consider a transfer of cash value to be the owner's final election. No transfer will be allowed less than 30 days prior to the commencement of the annuity payments due to the time necessary for administrative handling and no transfer will be allowed after the annuity payout period begins.

Applicants represent that the $5.00 transfer charge will be uniformly applied only to those individuals who exercise the transfer privilege to pay for the administrative cost involved and, therefore, will not be discriminatory to those contractowners who do not exercise the transfer privilege.

SECTION 17(f)(3) AND RULE 17f–2

Section 17(f)(3) of the Act provides that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2(b) provides, with certain exceptions, that all securities and similar investments must be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by federal or state authority. Rule 17f–2(d) provides that no more than five persons shall have access to such investments.

Travelers and Account A–1 request an order pursuant to Section 17(f)(3) and, pursuant to Section 6(c), an order of exemption from Rule 17f–2, to permit duly authorized representatives of the Connecticut Commissioner of Insurance to have access to the assets of Account A–1 on the grounds that adequate protection will be afforded to variable annuity contract owners.

The assets of Account A–1 will be deposited with the Hartford National Bank and Trust Company, Hartford, Connecticut, pursuant to the terms of a safekeeping agreement. Applicants represent that access by authorized representatives of the Connecticut Commissioner of Insurance will facilitate the regulatory functions of the Commissioner and will provide an additional protection for contract owners.

RULE 22c–1

Rule 22c–1 promulgated under Section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate actions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that the literal requirements of Rule 22c–1 may not be

met by the method proposed to be used by Accounts A and A–1 to apply the first purchase payment under the variable annuity contract. Under the proposed procedure, the first net purchase payment will be applied by Travelers to provide accumulation units to the credit of the contract as of the valuation next following receipt of the purchase payment at the Travelers home office, or on the date indicated by the purchaser in the application for the contract, if later. An election by the purchaser of a later date could result in the sale of a security at a price which is not based on the current net asset value of such security which is next computed after receipt of an order to purchase such security. Applicants represent that it is industry practice to allow an investor to specify a date for applying the first payment under a variable annuity contract and that such a request by an investor is usually made for valid tax reasons.

Applicants request an exemption from Rule 22c–1 to allow the purchaser, if he elects, to designate a specific date for commencement of the variable annuity contract and to allow Travelers to apply the first purchase payment under the variable annuity contract in accordance with this designation.

Applicants assert that Rule 22c–1 was intended to eliminate dilution resulting from the sale, redemption or repurchase of securities at a price other than their net asset value and speculative trading practices which are unfair to the other shareholders of an investment company issuing redeemable securities. Applicants assert that this proposed valuation method would not lead to the abuses which Rule 22c–1 was designed to eliminate.

SECTION 27(a)(3)

Section 27(a)(3) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Rule 27a–2 provides, in pertinent part, that a registered separate account shall be exempt from Section 27(a)(3) provided that the amount of sales load deducted from any payment during a contract year does not exceed the proportionate amount deducted from any prior payment during the contract period.

The amount of sales load deduction from a Single Premium Variable Annuity Contract is 5.25% of the first $15,000 of the premium payment (purchase payment). The sales load on the portion of a single premium in excess of $15,000 is 3.25% of the next $35,000, 1.25% of the next $50,000 and 0.25% of any portion in excess of $100,000. No further premium payment may be made under a single premium contract without the consent of Travelers.

Applicants state, however, that an additional premium payment may be made, with the consent of Travelers. Accordingly, under the schedule of sales deductions it is possible that the percentage of sales load deducted from premium payments made in any contract year after the first year could exceed proportionately the percentage deducted from premium payments made in any previous contract year. For example, if in the first contract year the single premium was $45,000, the applicable sales load would be 5.25% of the first $15,000 and 3.25% of the next $30,000. However, if in the fourth contract year Travelers consented to an additional single premium of $10,000, the sales load would be 5.25%. Applicants state that since an increase in the level of sales load would occur during the term of the contract, Rule 27a–2 would not be applicable and the uniformity of deduction provisions of Section 27(a)(3) would be violated.

Applicants request an exemption from Section 27(a)(3) of the Act to permit the deduction of sales charges from additional premium payments received on Single Premium Variable Annuity Contracts issued by Account A–1 and Account A to be at the highest applicable rate, provided that the percentage of sales load deducted may not exceed 9%.

Applicants assert that this sales load deduction is necessary as there will be sales effort required in acquiring additional premium payments. They also state that such additional premium payments may be advantageous for an investor since the purchase of a new contract would require the payment of certain administrative charges which are assessed against each contract.

Applicants assert that Section 27(a)(3) of the Act was designed to lessen losses which might be incurred on early termination of periodic payment plan certificates involving a front-end load arrangement. Applicants represent that their proposed sales deduction schedule does not involve a frontend load arrangement and that such schedule cannot lead to the abuses intended to be curbed by Section 27(a)(3).

SECTION 27(c)(2)

Section 27(c)(2) of the Act prohibits a registered investment company, or a depositor or underwriter for such company, from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are depositor or underwriter for such comtodian and held under an indenture agreement containing, in substance, the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust. Section 26(a)(2) requires the trustee or custodian to segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative service delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. Travelers and Account A–1 request an exemption from Section 27(c)(2) to permit the proceeds of all payments under the variable annuity contracts for which Account A–1 is the funding medium to be held by Travelers on the ground that the obligations undertaken by Travelers, a regulated insurance company, to the holders of such contracts provide substantially the protection contemplated by the requirements of Section 27(c)(2).

Travelers and Account A–1 have consented that the order granting exemption from Section 27(c)(2) may be subject to the conditions that: (1) the charges for administrative services under the variable annuity contracts for which Account A–1 is the funding medium shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) the payment of sums and charges out of the assets of Account A–1 shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that the consent of Travelers and Account A–1 to the conditions shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Travelers and Account A–1 reserve the right to assert in any proceeding before the Commission, in any suit or action in any court or otherwise, that the Commission has no authority to regulate the payment of such other sums or charges.

SECTION 6(c)

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being

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served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 22, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–32561 Filed 12–2–75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA–W–165]

BARRINGER KNITTING MILLS, INC.

Certification Regarding Eligibility to Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–165; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing ladies' sweaters and knit tops at Barringer Knitting Mills, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44638) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Barringer Knitting Mills, its customers, industry analysts, the U.S. Department of Commerce, and the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average employment of production workers at Barringer reached peak levels in the first week of November 1974 and declined 14 percent thereafter through the end of the year.

Employment and average weekly hours for production workers at Barringer declined six percent and twelve percent respectively in the first eight months of 1975 compared to the first eight months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of sweaters and knit tops by Barringer declined nine percent in 1974 from 1973 and declined 26 percent in the first eight months of 1975 compared to the same period in 1974. Production at the firm followed a pattern similar to that of sales during the period.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. Imports of women's, misses', girls', and infants' sweaters increased absolutely in each year from 1970 to 1974 and increased 15 percent in the first seven months of 1975 compared to the same period in 1974. The ratio of imports of sweaters to domestic production increased from 93.7 percent in 1973 to 97.3 percent in 1974.

Major U.S. retailers have increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Customers of Barringer indicate that their purchases from Barringer have declined in recent months while in many cases their purchases of imported sweaters have increased.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Barringer Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Barringer Knitting Mills, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after November 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75–32602 Filed 12–2–75;8:45 am]

[TA–W–167]

BARRY KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–167; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing men's and ladies' sweaters at Barry Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44638) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Barry Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Barry declined nine percent in 1974 from 1973 and declined 15 percent in the first eight months of 1975 compared to the same period in 1974. Average weekly hours declined three percent in 1974 and seven percent in the first eight months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Ninety percent of all production at Barry during 1973 and 1974 was of men's sweaters. Total sales declined 29 percent in quantity and 14 percent in value in 1974 and 1973; and declined 27 percent in quantity and 24 percent in value in the first eight months of 1975 compared to the first eight months of 1974. Production declined in a similar manner.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Firms such as Barry which produce on a contractual basis have been particularly affected by increased imports in that their customers, most of whom also manufacture, are in many cases able to absorb their own sales declines by reducing purchases from their contractors.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Barry Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Barry Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 9, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade Adjustment Policy.

[FR Doc.75–32603 Filed 12–2–75;8:45 am]

[TA–W–161]

NA-LOR MANUFACTURING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–161; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing men's sweaters at Na-lor Manufacturing Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Na-Lor Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Na-Lor increased 10 percent 1974 from 1973 and declined less than two percent in the first eight months of 1975 compared to the first eight months of 1974. Average weekly hours increased two percent in 1974 as compared to 1973 and declined one percent in the first eight months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. In addition to producing sweaters, Na-Lor also orders sweaters from other firms which produce on a contractual basis. Contract production comprised 30 percent of Na-Lor's total sweater sales during 1973–1974. Total sales of sweaters by Na-Lor increased 18 percent in 1974 from 1973, and declined 21 percent in the first eight months of 1975 compared to the first eight months of 1974. Production by Na-Lor increased 18 percent in value in 1974 from 1973 and increased four percent in value in the first eight months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms.

The evidence developed in the Department's investigation reveals that, while total sales of sweaters by Na-Lor declined in the first eight months of 1975, the firm was able to maintain a stable level of production at its own plant by reducing its orders from its contractors. In addition, increased sales of cut and sewn shirts and men's sportswear by Na-Lor, all of which are produced for the firm under contract, resulted in increased employment of workers involved in the stocking and shipping operations at the firm and helped to stabilize total employment levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Na-Lor Manufacturing Company, Philadelphia, Pennsylvania did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. November 22, 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75–32599 Filed 12–2–75;8:45 am]

[TA–W–157]

RICHLINE KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–157; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing men's and ladies' sweaters at Richline Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44645) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Richline Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number, or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are

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threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Richline declined three percent in 1974 from 1973 levels, and declined 26 percent in the first eight months of 1975 compared to the same period in 1974. Average weekly hours for production workers declined eight percent in 1974 from 1973 and 21 percent in the first eight months of 1975 compared to the first eight months in 1974.

Sales or Production, or Both, Have Decreased Absolutely. The value of sales at Richline increased one percent in 1974 from 1973 and then declined 16 percent in the first eight months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased absolutely and relatively to domestic production and consumption. Imports of women's, misses', girls' and infants' sweaters increased absolutely in each year during 1970–1974 and increased 15 percent in the first seven months of 1975 compared to the same period in 1974. The ratio of imports of sweaters to domestic production increased from 93.7 percent in 1973 to 97.3 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Major customers of Richline indicate that their purchases from Richline have declined because their own sales have declined at the retail level due to increased import competition and because, in some cases, those customers have themselves increased purchases of imported sweaters at the expense of sweaters formerly purchased from Richline.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Richline Knitting Mills, Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b) (2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Richline Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32598 Filed 12-2-75;8:45 am]

[TA-W-162]

SOMERSET KNITTING MILLS; EASTERN KNITTING MILLS

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-162; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing men's sweaters and sweater shirts at Somerset Knitting Mills, Philadelphia, Pennsylvania. The investigation was expanded to include Eastern Knitting Mills, Blenheim, New Jersey. The firms are subsidiaries of the Phillips-Van Heusen Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44641–44642) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Somerset Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Separate data were not available on employment, production, and sales for the Philadelphia and Blenheim plants; thus all data reflects combined operations at both plants.

Significant Total or Partial Separations. Employment of production workers at Somerset and Eastern Knitting Mills increased four percent between 1973 and 1974. Employment declined 18 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Company sales increased by three percent between 1973 and 1974. Sales in the first eight months of 1975 declined by 37 percent from the same period in 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters and sweater shirts has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first seven months of 1975 were 60 percent greater than during the same period in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Production at Somerset and Eastern is interchangeable. Major customers of Somerset indicate that their purchases from Somerset have declined because many of their own customers at the retail level have switched increasingly to imported sweaters.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters and sweater shirts produced by Somerset Knitting Mills, Philadelphia, Pennsylvania and Eastern Knitting Mills, Blenheim, New Jersey contributed importantly to the total or partial separation of the workers of those firms. Section 223(b) (2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Somerset Knitting Mills, Philadelphia, Pennsylvania and Eastern Knitting Mills, Blenheim, New Jersey who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of November, 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-32600 Filed 12-2-75;8:45 am]

[TA-W-163]

WILSHIRE KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-163; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing ladies' sweaters at Wilshire Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44643) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wilshire Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appporpriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Wilshire declined eight percent in 1974 from 1973 levels, and declined 12 percent in the first six months of 1975 compared to the same period in 1974. Average weekly hours for production workers declined three percent in 1974 and 27 percent in the first six months of 1975 compared to the first six months in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of sweaters by Wilshire declined four percent in 1974 from 1973 and declined 46 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. Imports of women's, misses', girls' and infants' sweaters increased absolutely in each year from 1970 to 1974 and increased 15 percent in the first seven months of 1975 compared to the same period in 1974. Imports in relation to domestic production increased from 93.7 percent in 1973 to 97.3 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Major customers of Wilshire indicate that their purchases from Wilshire have declined because many of their own customers at the retail level have switched increasingly to imports. Firms such as Wilshire which produce on a contractual basis have been particularly affected by increased imports in that their customers, many of whom also manufacture, are often able to absorb their own sales declines by reducing purchases from their contractors.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Wilshire Knitting Mills, Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b) (2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Wilshire Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32601 Filed 12-2-75;8:45 am]

Wage and Hour Division

FULLTIME STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their fulltime students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The regulation provides for the authority to be effective on the date a properly completed application is forwarded to the Wage and Hour Division provided applicable conditions of the regulation are met. After review by the Division, the authority may be continued in effect for up to one year from the date the application was forwarded to the Division. The expiration date of the authority granted to a particular institution of higher education listed in this notice occurs between December 20, 1975 and June 19, 1976, inclusive.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Abilene Christian College, Abilene, TX.
Adirondack Community College, Glens Falls, NY.
Alabama, University of, University, AL.
Alabama Christian College, Montgomery, AL.
Alabama State University, Montgomery, AL.
Albany State College, Albany, GA.
Albright College, Reading, PA.
Albuquerque, University of, Albuquerque, NM.
Alderson-Broaddus College, Philippi, WV.
Alfred University, Alfred, NY.
Allan Hancock College, Santa Maria, CA.
Allegheny College, Meadville, PA.
Allentown College of St. Francis De Sales, Center Valley, PA.
Alverno College, Milwaukee, WI.
American International College, Springfield, MA.
Anderson College, Anderson, SC.
Andover-Newton Theological School, Newton Centre, MA.
Andrew College, Cuthbert, GA.
Anna Maria College, Paxton, MA.
Arizona State University, Tempe, AZ.
Arizona, University of, Tucson, AZ.
Arkansas College, Batesville, AR.
Arkansas Polytechnic College, Russellville, AR.
Arkansas State University, State University, AR.
Asbury College, Wilmore, KY.
Athens College, Athens, AL.
Auburn Community College, Auburn, NY.
Augustana College, Rock Island, IL.
Austin College, Sherman, TX.
Avertt College, Danville, VA.
Azusa Pacific College: Azusa, CA; Glendora, CA.
Bacons College, Musogee, OK.
Bainbridge Junior College, Bainbridge, GA.
Baptist Bible College, Denver, CO.
Bard College, Annadale-on-Hudson, NY.
Bartlesville Wesleyan College, Bartlesville, OK.

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Bartin County Community Junior College, Great Bend, KS.
Baylor University, Waco, TX.
Bee County College, Beeville, TX.
Belmont College, Nashville, TN.
Benedictine College, Atchison, KS.
Berry College, Mount Berry, GA.
Bethany Bible College, Santa Cruz, CA.
Bethany College, Lindsborg, KS.
Bethany College, Bethany, WV.
Bethany Nazarene College, Bethany, OK.
Bethel College, North Newton, KS.
Bloomsburg State College, Bloomsburg, PA.
Bluefield College, Bluefield, VA.
Bluefield State College, Bluefield, WV.
Blue Mountain College, Blue Mountain, MS.
Bluffton College, Bluffton, OH.
Bob Jones University, Greenville, SC.
Bradford College, Bradford, MA.
Bradley University, Peoria, IL.
Brazosport College, Lake Jackson, TX.
Brevard College, Brevard, NC.
Brewer State Junior College, Fayette, AL.
Brewer State Junior College, Tuscaloosa, AL.
Brewton Parker College, Mount Vernon, GA.
Briar Cliff College, Sioux City, IA.
Bridgewater College, Bridgewater, VA.
Brockport College, Brockport, NY.
Broome Community College, Binghamton, NY.
Buena Vista College, Storm Lake, IA.
Butler County Community College, El Dorado, KS.
Cabrini College, Radnor, PA.
California Institute of the Arts, Valencia, CA.
California Lutheran College, Thousand Oaks, CA.
California State College, California, PA.
Calvary Bible College, Kansas City, MO.
Campbell College, Buies Creek, NC.
Campbellsville College, Campbellsville, KY.
Campbellsville College, Milwaukee, WI.
Carl Albert Junior College, Poteau, OK.
Carnegie-Mellon University, Pittsburgh, PA.
Carson-Newman College, Jefferson City, TN.
Castleton State College, Castleton, VT.
Cazenovia College, Cazenovia, NY.
Cecil Community College, North East, MD.
Cedar Crest College, Allentown, PA.
Cedarville College, Cedarville, OH.
Centenary College of Louisiana, Shreveport, LA.
Central Arkansas, University, Conway, AR.
Central Bible College, Springfield, MO.
Central College, Pella, IA.
Central Methodist College, Fayette, MO.
Central Missouri State University, Warrensburg, MO.
Centre College of Kentucky, Danville, KY.
Chatham College, Pittsburgh, PA.
Chesnut Hill College, Philadelphia, PA.
Chowan College, Murfreesboro, NC.
Christian Brothers College, Memphis, TN.
Cincinnati Bible Seminary, Cincinnati, OH.
Cisco Junior College, Cisco, TX.
Claremont Graduate School, Claremont, CA.
Claremont Men's College, Claremont, CA.
Claremore Junior College, Claremore, OK.
Clarion State College: Clarion, PA.; Oil City, PA.
Clarke College, Dubuque, IA.
Clarke College, Newton, MS.
Clarkson College of Technology, Potsdam, NY.
Coahoma Junior College, Clarksdale, MS.
Coastal Carolina Community College, Jacksonville, NC.
Coe College, Cedar Rapids, IA.
Coffeyville, Community Junior College, Coffeyville, KS.
Colby College, Waterville, ME.
College Misericordia, Dallas, PA.
The Columbia College, Columbia, SC.
Columbia State Community College, Columbia, TN.
Conception Seminary College, Conception, MO.
Concord College, Athens, WV.
Concordia College, Bronxville, NY.
Concordia Lutheran College, Austin, TX.
Concordia Teachers College, Seward, NB.
Connolly College of Long Island University, Brooklyn, NY.
Copiah-Lincoln Junior College: Natchez, MS; Wesson, MS.
Cottey College, Nevada, MO.
Creighton University, Omaha, NE.
Crowder College, Neosho, MO.
Cullman College, Inc., Cullman, AL.
Culver-Stockton College, Canton, MO.
C. W. Post College of Long Island University, Greenvale, NY.
Dallas Baptist College, Dallas, TX.
Dana College, Blairs, NE.
David Lipscomb College, Nashville, TN.
Davis and Elkins College, Elkins, WV.
Delta State University, Cleveland, MS.
Denison University, Granville, OH.
Denver, University of, Denver Co.
De Pauw University, Greencastle, IN.
Dominican College of San Rafael, San Rafael, CA.
Dordt College, Inc., Sioux Center, IA.
Drexel University, Philadelphia, PA.
Drury College, Springfield, MO.
Dutchess Community College, Poughkeepsie, NY.
Dyersburg State Community College, Dyersburg, TN.
D'Youville College, Buffalo, NY.
Earlham College, Richmond, IN.
East Central Junior College, Decatur, MS.
East Central State University, Ada, OK.
East Stroudsburg State College, East Stroudsburg, PA.
East Texas Baptist College, Marshall, TX.
Eastern Mennonite College, Harrisonburg, VA.
Eastern Nazarene College, Quincy, MA.
Eastern Oklahoma State College, Wilburton, OK.
Eckerd College, St. Petersburg, FL.
Edgecliff College, Cincinnati, OH.
Edinboro State College: Edinboro, PA; Farrell, PA; Warren, PA.
Eisenhower College, Seneca Falls, NY.
Elizabethtown College, Elizabethtown, PA.
Elizabethtown Extension Center, Elizabethtown, NY.
Elmira College, Elmira, NY.
Elon College, Elon College, NC.
Emanuel County Junior College, Swainsboro, GA.
Embry-Riddle Aeronautical University, Daytona Beach, FL.
Emory & Henry College, Emory, VA.
Emporia Kansas State College, Emporia, KS.
Enterprise State Junior College, Enterprise, AL.
Erie Community College: City and North Campuses, Buffalo, NY.
Evangel College, Springfield, MO.
Experiment in International Living and its School for International Training, Brattleboro, VT.
Fairmont State College, Fairmont, WV.
Ferris State College, Big Rapids, MI.
Ferrum College, Ferrum, VA.
Fontbonne College, Clayton, MO.
Fort Hays Kansas State College, Hays, KS.
Franklin & Marshall College, Lancaster, PA.
Freed-Hardeman College, Henderson, TN.
Friends University, Wichita, KS.
Fulton-Montgomery Community College, Johnstown, NY.
Gannon College, Erie, PA.
Garden City Community Junior College, Garden City, KS.
Geneva College, Beaver Falls, PA.
George Williams College, Downers Grove, IL.
Georgia College, Milledgeville, GA.
Grayson County Junior College, Denison, TX.
Gettysburg College, Gettysburg, PA.
Glenville State College, Glenville, WV.
Goldey Beacom College, Inc., Wilmington, DE.
Gordon Junior College, Barnesville, GA.
Goucher College, Towson, MD.
Graceland College, Lamoni, IA.
Graduate Theological Union, Berkeley, CA.
Grove City College, Grove City, PA.
Guilford College, Greensboro, NC.
Gwynedd-Mercy College, Gwynedd Valley, PA.
Hagerstown Junior College, Hagerstown, MD.
Hampton Institute, Hampton, VA.
Hannibal-LaGrange College, Hannibal, MO.
Harding College, Searcy, AR.
Hardin-Simmons University, Abilene, TX.
Harriman College, Harriman, NY.
Harvey Mudd College, Claremont, CA.
Hastings College, Hastings, NE.
Heidelberg College, Tiffin, OH.
Henderson County Junior College: Athens, TX; Palestine, TX; Terrell, TX.
Hendrix College, Conway, AR.
Hesston College, Hesston, KS.
Highland Community Junior College, Highland, KS.
Hinds Junior College: Jackson, MS; Raymond, MS; Vicksburg, MS.
Hilbert College, Hamburg, NY.
Hobart and William Smith Colleges, Geneva, NY.
Hocking Technical College, Nelsonville, OH.
Hollins College, Hollins College, VA.
Holmes Junior College, Goodman, MS.
Holy Family College, Philadelphia, PA.
College of the Holy Cross, Worcester, MA.
Hood College, Frederick, MD.
Houghton College, Houghton, NY.
Howard Payne University, Brownwood, TX.
Humphreys College, Inc., Stockton, CA.
Huntingdon College, Montgomery, AL.
Illinois Benedictine College, Lisle, IL.
Immaculata College, Immaculata, PA.
Incarnate Word College, San Antonio, TX.
Indiana Central College, Indianapolis, IN.
Indiana University of PA: Indiana, PA; Kittanning, PA; Punxsutawney, PA.
Indian Hills Community College: Centerville, IA; Ottumwa, IA.
Iowa Wesleyan College, Mount Pleasant, IA.
Itawamba Junior College, Fulton, MS.
Ithaca College, Ithaca, NY.
Jacksonville State University, Jacksonville, AL.
Jacksonville University, Jacksonville, FL.
Jamestown Community College, Jamestown, NY.
John A. Logan College, Carterville, IL.
John Brown University, Siloam Springs, AR.
John M. Patterson State Tech. College, Montgomery, AL.
Johnson State College, Johnson, VT.
Johnson & Wales College, Providence, RI.
Jones County Junior College, Ellisville, MS.
Judson College, Marion, AL.
Juniata College, Huntingdon, PA.
Junior College District of Jefferson County, Missouri, Hillsboro, MO.
Junior College of Albany, Albany, NY.
Kansas City Art Institute, Kansas City, MO.
Kansas Newman College, Wichita, KS.
Kansas State University, Manhattan, KS.
Kentucky, University of, Lexington, KY.
Kentucky Christian College, Grayson, KY.
Keuka College, Keuka Park, NY.
Keystone Junior College, LaPlume, PA.
King's College, Briarcliff Manor, NY.
The King's College, Wilkes-Barre, PA.
Knox College, Galesburg, IL.
La Roche College, Pittsburgh, PA.
LaGrange College, LaGrange, GA.
Lake Erie College, Painerville, OH.
Lambuth College, Jackson, TN.
Lander College, Greenwood, SC.
La Verne College, La Verne, CA.
Lawrence University, Appleton, WS.
Lawson State Community College, Birmingham, AL.
Le Moyne College, Syracuse, NY.

Lebanon Valley College, Annville, PA.
Lee College District, Baytown, TX.
LeTourneau College, Longview, TX.
Limestone College, Gaffney, SC.
Lincoln Memorial University, Harrogate, TN.
Lincoln University, Lincoln University, PA.
Loma Linda University, Riverside, CA.
Lon Morris College, Jacksonville, TX.
Long Island University, Greenvale, NY.
Longwood College, Farmville, VA.
Los Angeles Baptist College, Newhall, CA.
Louisburg College, Louisburg, NC.
Louisiana College, Pineville, LA.
Louisiana State University at Alexandria, Alexandria, LA.
Louisiana Tech University, Ruston, LA.
Longview Community College, Lee's Summit, MO.
Lubbock Christian College, Lubbock, TX.
Luther College, Decorah, IA.
Lyndon State College, Lyndonville, VT.
McLennan Community College, Waco, TX.
McMurray College, Abilene, TX.
McPherson College, McPherson, KS.
Madison College, Harrisonburg, VA.
Manhattan Christian College, Manhattan, KS.
Manhattan College, Bronx, NY.
Maple Woods Community College, Kansas City North, MO.
Maria Regina College, Syracuse, NY.
Marian College, Indianapolis, IN.
Marietta College, Marietta, OH.
Marist College, Poughkeepsie, NY.
Maritime College, Bronx, NY.
Marquette University, Milwaukee, WI.
Martin College, Pulaski, TN.
Mary Baldwin College, Staunton, VA.
Mary Hardin-Baylor College, Belton, TX.
Marymount College, Salina, KS.
Maryville College, St. Louis, MO.
Mary Washington College, Fredericksburg, VA.
Marywood College, Scranton, PA.
Medical College of Georgia, Augusta, GA.
Menlo College, Menlo Park, CA.
Meredith College, Raleigh, NC.
Meridian Junior College, Meridian, MS.
Messiah College, Grantham, PA.
Metropolitan Institute of Community Services, Kansas City, MO.
Miami—Jacobs Junior College of Business, Dayton, OH.
Middle Tennessee State University, Murfreesboro, TN.
Mid-South Bible College, Memphis, TN.
Mills College, Oakland, CA.
Mineral Area College, Flat River, MO.
Mississippi, University of, University, MS.
Mississippi College, Clinton, MS.
Mississippi Delta Junior College, Moorehead, MS.
Mississippi University for Women, Columbus, MS.
Mississippi Gulf Coast Jr. College, Perkinston, MS.
Missouri Baptist College, St. Louis, MO.
Missouri Southern State College, Joplin, MO.
Mobile College, Mobile, AL.
Monmouth College, Monmouth, IL.
Moore College of Art, Philadelphia, PA.
Moravian College, Bethlehem, PA.
Morehead State University, Morehead, KY.
Morris Harvey College, Charleston, WV.
Mount Ida Junior College, Newton Centre, MA.
Mount St. Clare College, Clinton, IA.
Mount St. Mary's College, Los Angeles, CA.
Mount Saint Mary's College, Emmitsburg, MD.
Mt. San Jacinto College, San Jacinto, CA.
Mount Vernon Nazarene College, Mount Vernon, OH.
Muhlenberg College, Allentown, PA.
Murray State College, Tishomingo, OK.
Murray State University, Murray, KY.
Muskingum College, New Concord, OH.
Nazareth College of Rochester, Rochester, NY.
Neosho County Community Junior College, Chanute, KS.
Newberry College, Newberry, SC.
New Mexico Highlands University, Las Vegas, NM.
New Mexico Institute of Mining, Socorro, NM.
New Mexico Junior College, Hobbs, NM.
New Rochelle, College of, New Rochelle, NY.
New York, City University of: Baruch College, New York; Borough of Manhattan Community College, New York; Bronx Community College, Bronx; Brooklyn College, Brooklyn; City College, New York; LaGuardia Community College, Long Island City; Graduate School, New York; Herbert H. Lehman College, Bronx; Hostos Community College, Bronx; Hunter College,
New York; John Jay College of Criminal Justice, New York; Kingsborough Community College, Brooklyn; Medgar W. Evers College, Brooklyn; New York City Community College, Brooklyn; Queens College, Flushing; Queensborough Community College, Bayside; Richmond College, Staten Island; Staten Island Community College, Staten Island; York College, Jamaica, NY.
Norfolk State College, Norfolk, VA.
North Alabama, University of, Florence, AL.
North Alabama College of Commerce, Huntsville, AL.
North Country Community College: Malone Extension Center, Malone, NY; Main Campus, Saranac Lake, NY.
North Florida Junior College, Madison, FL.
North Georgia College, Dahlonega, GA.
North Georgia Technical and Vocational School, Clarkesville, GA.
North Greenville College, Tigerville, SC.
Northeast Alabama State Junior College, Rainsville, AL.
Northeast Bible Institute, Green Lane, PA.
Northeast Louisiana University, Monroe, LA.
Northeast Mississippi Junior College, Booneville, MS.
Northern Arizona University, Flagstaff, AZ.
Northwest Iowa Vocational School, Sheldon, IA.
Northwest Kansas Area Vocational-Technical School, Goodland, KS.
Northwestern College, Orange City, IA.
Northwestern Oklahoma State University, Alva, OK.
Northwestern State University: Natchitoches, LA; Shreveport, LA.
Notre Dame, College of, Belmont, CA.
Notre Dame of Maryland, College of, Baltimore, MD.
Nyack College, Nyack, NY.
Ohio Valley College, Parkersburg, WV.
Okaloosa-Walton Junior College, Niceville, FL.
Oklahoma, University of, Norman, OK.
Oklahoma Baptist University, Shawnee, OK.
Oklahoma City University, Oklahoma City, OK.
Ottawa University, Ottowa, KS.
Ouachita Baptist University, Arkadelphia, AR.
Our Lady of Angels College, Aston, PA.
Ozark Academy, Gentry, AR.
Pace University: New York, NY; Pleasantville, NY.
Pacific, University of the, Stockton, CA.
Pacific College of Fresno, Fresno, CA.
Pacific Union College, Angwin, CA.
Panola Junior College, Carthage, TX.
Park College: Kansas City, MO; Parkville, MO.
Peace College of Raleigh, Raleigh, NC.
Pennvalley Community College, Kansas City, MO.
Pepperdine University: Anaheim, CA; Los Angeles, CA; Malibu, CA; Santa Ana, CA.
Peru State College, Peru, NE.
Phillips County Community College, Helena, AR.
Piedmont College, Demorest, GA.
Pikeville College, Pikeville, KY.
Pima County Community College: Downtown Campus and Main Campus, Tucson, AZ.
Platte Valley Bible College, Scottsbluff, NE.
Plymouth State College, Plymouth, NH.
Point Park College, Pittsburgh, PA.
Pomona College, Claremont, CA.
Potomac State College of West Virginia University, Keyser, WV.
Prentiss Normal and Industrial Institute, Prentiss, MS.
Presbyterian College, Clinton, SC.
Princeton Theological Seminary, Princeton, NJ.
Princeton University, Princeton, NJ.
Providence College, Providence, RI.
Quincy College, Quincy, IL.
Radford College, Radford, VA.
Randolph-Macon College, Ashland, VA.
Redlands, University of, Redlands, CA.
Reinhardt College, Waleska, GA.
Rensselaer Polytechnic Institute, Troy, NY.
Richmond, University of, Richmond, VA.
Ripon College, Ripon, WI.
Riverside City College, Riverside, CA.
Roanoke College, Salem, VA.
Robert Morris College, Coraopolis, PA.
Roberts Wesleyan College, Rochester, NY.
Rochester Institute of Technology, Rochester, NY.
Roosevelt University, Chicago, IL.
Rosary Hill College, Buffalo, NY.
Russell Sage College, Troy, NY.
St. Ambrose College, Davenport, IA.
St. Andrews Presbyterian College, Laurinburg, NC.
St. Bernard College, St. Bernard, AL.
St. Bonaventure University, St. Bonaventure, NY.
St. Catharine College, St. Catharine, KY.
St. Francis College, Biddeford, ME.
St. Gregory's College, Shawnee, OK.
St. John's College: Annapolis, MD; Santa Fe, NM.
St. Joseph's College: Rensselaer, IN; Philadelphia, PA.
St. Lawrence University, Canton, NY.
St. Louis-Chaminade Education Center, Honolulu, HI.
St. Mary, College of, Omaha, NE.
St. Mary of the Plains College, Dodge City, KS.
St. Mary's College, Notre Dame, IN.
St. Mary's College, Raleigh, NC.
St. Mary's Dominican College, New Orleans, LA.
St. Mary's University, San Antonio, TX.
St. Olaf College, Northfield, MN.
St. Paul's College, Concordia, MO.
St. Paul's College, Lawrenceville, VA.
Salem College, Salem, WV.
Sam Houston State University, Huntsville, TX.
San Francisco Theological Seminary, San Anselmo, CA.
Scripps College, Claremont, CA.
Seaton Hill College, Greensburg, PA.
Shenandoah College and Conservatory of Music, Winchester, VA.
Shepherd College, Shepherdstown, WV.
Siena College, Loudonville, NY.
Simpson College, San Francisco, CA.
Simpson College, Indianola, IA.
Sioux Empire College, Hawarden, IA.
Skidmore College, Saratoga Springs, NY.
Slippery Rock State College, Slippery Rock, PA.
South Carolina State College, Orangeburg, SC.
South Florida, University of, Tampa, FL.
South Plains College, Levelland, TX.
Southeastern Christian College, Winchester, KY.
Southern Baptist College, Walnut Ridge, AR.
Southern Baptist Theological Seminary, Louisville, KY.
Southern California College, Costa Mesa, CA.
Southern Methodist University, Dallas, TX.

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Southern Mississippi, University of, Hattiesburg, MS.
Southern State College, Magnolia, AR.
Southern West Virginia Community College: Logan, WV; Williamson, WV.
Southampton College of Long Island University, Southampton, NY.
Southwest Baptist College, Bolivar, MO.
Southwest Minnesota State College, Marshall, MN.
Southwest Mississippi Junior College, Summit, MS.
Southwest State Technical College, Mobile, AL.
Southwest Technical Institute, East Camden, AR.
Southwestern Assemblies of God College, Waxahachie, TX.
Southwestern Christian College, Terrell, TX.
The Southwestern College, Winfield, KS.
Southwestern Louisiana, University of, Lafayette, LA.
Southwestern Oklahoma State University, Weatherford, OK.
Southwestern University, Georgetown, TX.
Spartanburg Methodist College, Spartanburg, SC.
Spencer School of Business, Spencer, IA.
Spring Arbor College, Spring Arbor, MI.
Springfield College in Illinois, Springfield, IL.
Springfield College, Springfield, MA.
State Fair Community College, Sedalia, MO.
State University College: Cortland, NY; Fredonia, NY; New Paltz, NY; Oswego, NY; Potsdam, NY.
State University of New York: Albany, NY; Oneonta, NY.
Stephan F. Austin State University, Nacogdoaches, TX.
Stephens College, Columbia, MO.
Sterling College, Sterling, KS.
Stillman College, Tuscaloosa, AL.
Sullins College, Bristol, VA.
Swarthmore College, Swarthmore, PA.
Sweet Briar College, Sweet Briar, VA.
Tabor College, Hillsboro, KS.
Talladega College, Talladega, AL.
Tampa, University of, Tampa, FL.
Tarkio College, Tarkio, MO.
Taylor University, Upland, IN.
Temple Junior College, Temple, TX.
Texas Lutheran College, Seguin, TX.
Texas Wesleyan College, Fort Worth, TX.
Thiel College, Greenville, PA.
Three Rivers Community College, Poplar Bluff, MO.
Tift College, Forsyth, GA.
Tougaloo College, Tougaloo, MS.
Trenton Junior College, Trenton, MO.
Trevecca Nazarene College, Nashville, TN.
Trinity College, Burlington, VT.
Trinity University, San Antonio, TX.
Troy State University, Troy, AL.
Trustees of Union College, Schenectady, NY.
Tulane University, New Orleans, LA.
Tuskegee Institute, Tuskegee Institute, AL.
Union University, Jackson, TN.
United Wesleyan College, Allentown, PA.
Upper Iowa University, Fayette, IA.
Ursinus College, Collegeville, PA.
Utica Junior College, Utica, MS.
Utica College of Syracuse University, Utica, NY.
Valdosta State College, Valdosta, GA.
Villa Maria College, Erie, PA.
Virginia, University of, Wise, VA.
Virginia Polytechnic Institute and State University, Blacksburg, VA.
Virginia Wesleyan College, Norfolk, VA.
Wagner College, Staten Island, NY.
Wake Forest University, Winston-Salem, NC.
Walker College, Jasper, AL.
Walters State Community College, Morristown, TN.
Warner Southern College, Lake Wales, FL.
Wartburg College, Waverly, IA.
Washburn University of Topeka, KS.
Washington and Jefferson College, Washington, PA.
Washington and Lee University, Lexington, VA.
Washington College, Chestertown, MD.
Wayland Baptist College, Plainview, TX.
Waynesburg College, Waynesburg, PA.
Wells College, Aurora, NY.
Wentworth Military Academy, Lexington, MO.
Wesleyan College, Macon, GA.
West Georgia College, Carrollton, GA.
West Liberty State College, West Liberty, WV.
West Texas State University, Canyon, TX.
West Virginia Institute of Technology, Montgomery, WV.
West Virginia State College, Institute, WV.
West Virginia University, Morgantown, WV.
West Virginia Wesleyan College, Buckhannon, WV.
Western Kentucky University, Bowling Green, KY.
Western Maryland College, Inc., Westminster, MD.
Western New Mexico University, Silver City, NM.
Westmar College, Le Mars, IA.
Westminster College: Florence, MS; Fulton, MO; New Wilmington, PA.
Wharton County Junior College, Wharton, TX.
White Plains College, Chester, NH.
Whittier College, Whittier, CA.
Whitworth College, Brookhaven, MS.
Widener College, Chester, PA.
Wilkes College, Wilkes-Barre, PA.
William and Mary, College of, Williamsburg, VA.
William Carey College: Hattiesburg, MS; New Orleans, LA.
William Jewel College, Liberty, MO.
William Marsh Rice University, Houston, TX.
Wilson College, Chambersburg, PA.
Winona State College, Winona, MN.
Wisconsin, University of: La Crosse, WI; Stevens Point, WI.
Wofford College, Spartanburg, SC.
Wood Junior College, Mathiston, MS.
Yavapai College, Prescott, AZ.
Yeshiva University College for Men, New York, NY.
Yeshiva University Ferkauf Graduate School, New York, NY.
Yeshiva University Stern College for Women, New York, NY.
York College, York, NE.
York College of Pennsylvania, York, PA.

The authority has been granted to each institution of highest education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before January 19, 1976.

Signed at Washington, D.C. this 28th day of November, 1975.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.75-32597 Filed 12-2-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 28, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 C.F.R. 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 2, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 700), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 81 and Interstate Highway 83 northeast of Harrisburg, Pa., over Interstate Highway 81 to junction U.S. Highway 11 east of Carlisle, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction Interstate Highway 81 and Interstate Highway 83 (northeast of Harrisburg, Pa.) over Interstate Highway 83 to Harrisburg, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 (east of Carlisle, Pa.) and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32621 Filed 12-2-75;8:45 am]

[Notice No. 42]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 28, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 2, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Deviation No. 10), CONSOLIDATED FORWARDING CO., INC., 1300 N. Tenth St., St. Louis, Mo. 63106, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 66 and Missouri Highway 13 over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Hitghway 71, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 66 and Missouri Highway 13 over U.S. Highway 66 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7 and return over the same route.

No. MC 41432 (Deviation No. 26), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 15 to the Michigan-Indiana State line, thence over Michigan Highway 103 to Mottville, Mich., thence over U.S. Highway 12 to Detroit, Mich., thence over U.S. Highway 25 to Toledo, Ohio, and return over the same route.

No. MC 41432 (Deviation No. 27), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 40 to Nashville, Tenn., thence over Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 to junction Interstate Highway 75, thence over Interstate Highway 75 to Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., thence over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 15 to the Michigan-Indiana State line, thence over Michigan Highway 103 to Mottville, Mich., thence over U.S. Highway 12 to Detroit, Mich., thence over U.S. Highway 25 to Toledo, Ohio, and return over the same route.

No. MC 59336 (Deviation No. 2), U.S. TRUCK COMPANY, INC., 2290 Twenty-fourth St., Detroit, Mich. 48216, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 127 and U.S. Highway 223, near Jackson, Mich., over U.S. Highway 127 to junction U.S. Highway 30 near Van Wert, Ohio, thence over U.S. Highway 30 to Lima, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 127 and U.S. Highway 223 over U.S. Highway 223 to Toledo, Ohio, thence over Ohio Highway 25 (formerly portion U.S. Highway 25) to junction Interstate Highway 75, thence over Interstate Highway 75 to Lima, Ohio, and return over the same route.

No. MC 59680 (Deviation No. 95), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to Alexandria, La., thence over U.S. Highway 165 to Kinder, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 67 to Texarkana, Tex., thence over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 171 to junction U.S. Highway 190, thence over U.S. Highway 190 to Kinder, La., and return over the same route.

No. MC 60580 (Deviation No. 1), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., LaSalle, Quebec, Canada, H8N1X4, filed November 20, 1975. Carrier's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Binghamton, N.Y., over New York Highway 17 to Painted Post, N.Y., thence over New York Highway 15 to Springwater, N.Y., thence over New York Highway 15A to Rochester, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Binghamton, N.Y., over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y., and return over the same route.

No. MC 60580 (Deviation No. 2), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., LaSalle, Quebec, Canada, H8N1X4, filed November 20, 1975. Carrier's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Binghamton, N.Y., over New York Highway 17 to Painted Post, N.Y., thence over New York Highway 15 to junction Interstate Highway 390, thence over Interstate Highway 390 to junction New York Highway 63, thence over New York Highway 63 to Batavia, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Binghamton, N.Y., over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y., thence over New York Highway 33A to junction New York Highway 33, thence over New York Highway 33 to Batavia, N.Y., and return over the same route.

No. MC 111383 (Deviation No. 39), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 44447, Dallas, Tex. 75208, filed November 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 71 and Arkansas Highway 24 at Lockesburg, Ark., over Arkansas Highway 24 to Camden, Ark., thence over Arkansas Highway 4 to Monticello, Ark., thence over Arkansas Highway 35 to junction U.S. Highway 65, thence over U.S. High-

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way 65 to Lake Village, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 71 and Arkansas Highway 24 over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 80 to Monroe, La., thence over U.S. Highway 165 to Montrose, Ark., thence over U.S. Highway 82 to Lake Village, Ark., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32622 Filed 12-2-75;8:45 am]

[Notice No. 95]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 28, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 2, 1976, (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

NO. MC 117324 (Sub-No. 4), (Republication), filed March 24, 1975, and published in the FEDERAL REGISTER issue of April 24, 1975, and republished this issue. Applicant: FORT DODGE TRANSPORTATION COMPANY, a Corporation, P.O. Box 901, East Highway 20, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. An Order of the Commission, Operating Rights Board, dated October 14, 1975, and served November 20, 1975, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Carrol, Greene, Boone, Sac, Calhoun, Webster, Hamilton, Hardin, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Palo Alto, Hancock, Kossuth, Emmet, and Dickinson Counties, Iowa, and Nobles County, Minn., and extending to points in the United States, including Alaska, but excluding Hawaii; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, that this decision is not a major Federal action significantly affecting the quality of human environment within the meaning of the National Environmental Policy Act of 1969. The purpose of this republication is to indicate the base territory in terms of named counties. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 136464 (Sub-No. 9), (Republication), filed May 8, 1975, and published in the FEDERAL REGISTER issue of June 12, 1975, and republished this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004. An Order of the Commission, Operating Rights Board, dated October 24, 1975, and served November 20, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *such commodities*, as are used in the construction, maintenance and operation of amusement parks and facilities (1) between Burbank, North Hollywood, Sun Valley and Mountain View, Calif., on the one hand, and, on the other, the Omni International Amusement Park at or near Atlanta, Ga., Busch Gardens at or near St. Louis, Mo., and Williamsburg, Va., Six Flags at or near Dallas, Tex., and the warehouse or storage facilities of Krofft Development Corporation located at or near Atlanta, Ga., St. Louis, Mo., Dallas, Tex., and Williamsburg, Va., and (2) between the amusement, warehouse and storage facilities of Krofft Development Corporation located at or near Atlanta, Ga., St. Louis, Mo., Dallas, Tex., and Williamsburg, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the change of carriage from contract to common in this grant of authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 61592 (Notice of Filing of Petition to Add a Supporting Shipper), filed November 3, 1975. Petitioner: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Petitioner's representative: Emil Anthony (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 61592, issued January 10, 1975, authorizing transportation, as pertinent, over irregular routes, of (1) *Dry milk replacer*, (2) *animal, poultry and pet foods*, and (3) *materials, equipment and supplies*, used in the manufacture, processing and distribution of the commodities named in (1) and (2) above, (A) from the plant site of Doane Feed Products Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Arkansas, Louisiana, Mississippi, Tennessee, Oklahoma, Texas, Missouri, Kansas, and Hawaii); and (B) from points in the United States (except Joplin, Mo., and points in Alaska and Hawaii), to the plant site of Doane Feed Products Company located at or near Muscatine, Iowa. Restriction: The authority granted under the commodity description next-above is restricted (a) against the transportation of commodities in bulk, and (b) to the transportation of shipments originating at or destined to the named plant site.

By the instant petition, petitioner seeks to add Grain Processing Corporation as a supprting shipper in (A) and (B) of territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 94393 (Sub-No. 7), (Notice of Filing of Petition to Modify Certificate), filed December 26, 1974. Petitioner: W. J. CASEY TRUCKING & RIGGING CO., INC., 1200 Springfield Road, Union, N.J. 07083. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* certificate in No. MC 94393 (Sub-No. 7), issued June 10, 1975, authorizing transportation, over irregular routes, of *pumps and pump supplies*, (1) from Rockaway, N.J., to points in Virginia, Maryland, Rhode Island, New Jersey, Ohio, and West Virginia; and (2) between Rockaway, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New York, and Pennsylvania.

By the instant petition, petitioner seeks to modify the territorial description in part (1) of the above authority to read, between Rockaway, N.J., on the one hand, and, on the other, points in Virginia, Maryland, Rhode Island, New Jersey Ohio, and West Virginia. Any interested persons or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124221 (Sub-No. 6), (Notice of Filing of Petition for Removal of Exceptions), filed November 5, 1975. Petitioner: HOWARD BAER, P.O. Box 27, Route 98W, Morton, Ill. 61550. Petitioner's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Petitioner holds a motor *contract carrier* permit in No. MC 124221 (Sub-No. 6), issued September 26, 1972, authorizing transportation, as pertinent, over irregular routes, of *Foodstuffs* (except meat, meat by-products, fish, fowl, canned vegetables, canned soups, frozen vegetables, bakery goods, and consumer candy), *stabilizers, confections, food acids, dry ice, ice cream containers, milk containers, emulsifiers, and office supplies*, in vehicles equipped with mechanical refrigeration, (1) between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nebraska, Ohio, Tennessee and Wisconsin; and (2) between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nebraska, Ohio, Tennessee and Wisconsin, on the one hand, and, on the other points in Minnesota and South Dakota. Restriction: The operations authorized above are subject to the following conditions: (a) Said operations are restricted against the transportation of shipments in bulk; (b) Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts with Kraftco Corporation; and (c) Said operations are restricted to the transportation of shipments which originate at or are destined to the sites of the plants and/or branch distribution facilities of Kraftco Corporation.

By the instant petition, petitioner seeks to remove the exceptions in the above described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134929 (Sub-No. 2), (Notice of Filing of Petition to Substitute Contracting Shipper), filed October 3, 1975. Petitioner: EYRE'S BUS SERVICE, INC., 15190 Union Chapel Road, Woodbine, Md. 21797. Petitioner's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Petitioner holds a motor *contract carrier* permit in No. MC 134929 (Sub-No. 2), issued March 25, 1975, authorizing transportation, over irregular routes, of *Passengers and their baggage*, in the same vehicle with passengers, between Columbia, Md., and Washington, D.C., under a continuing contract, or contracts, with Columbia Park and Recreation Association, Inc.

By the instant petition, petitioner seeks to delete Columbia Park and Recreation Association as a contract shipper in the above authority, and to substitute in lieu thereof, Columbia Commuter Bus Corporation. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138237 (Sub-No. 2), Notice of Filing of Petition for Reopening or Clarification of Certificate), filed June 22, 1975. Petitioner: METRO HAULING, INC., 20848-77th Ave., South, Kent, Wash. 98031. Petitioner's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Petitioner holds a motor *common carrier* certificate in No. MC 138237 (Sub-No. 2), issued August 22, 1975, authorizing transportation, as pertinent, over irregular routes, of (1) *Machinery, contractors' equipment, and construction material* (except cement and commodities in bulk), between points in those parts of Washington and Oregon west of the Cascade Mountains and north of a line beginning at Florence, Oreg., and extending along Oregon Highway 36 to junction U.S. Highway 99, thence south along U.S. Highway 99 to junction U.S. Highway 126, thence along U.S. Highway 126 to the Cascade Mountains, including points on the indicated portions of the highway specified; and (2) *Wood poles, reinforcing and construction steel, and steel poling*, between Milwaukee, Oreg., and points in Multnomah County, Oreg., on the one hand, and, on the other, points in that part of Washington west of the Cascade Mountains.

By the instant petition, petitioner seeks to reopen for clarification the territorial description which reads, "west of the Cascade Mountains". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

MC 87103 (Sub-No. 17), filed February 28, 1975. Applicant: MILLER TRANSFER AND RIGGING CO., 3917 State Rte. 183, Edinburg, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery* which by reason of size or weight requires special equipment, (1) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Michigan; and (2) between Greenville and Ebensburg, Pa., and points in Chester County, Pa., and Tuscarawas County, Ohio, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway in the Michigan territory east and south of routes U.S. 23 and Michigan 21 and within 35 miles of Lansing. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12137 published in the FEDERAL REGISTER of February 27, 1974.

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No. MC 87103 (Sub-No. 18), filed February 28, 1975. Applicant: MILLER TRANSFER AND RIGGING CO., 3917 State Route 183, Edinburgh, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery*, between points in Clarion County, Pa., on the one hand, and, on the other, Ebensburg, Pa. The purpose of this filing is to eliminate the gateways at points in Ohio or New York.

(2) *Machinery and contractors' equipment and supplies*, between points in Clarion County, Pa., on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., and those in Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion of U.S. Highway 111) to junction Pennsylvania Highway 295 (formerly portion U.S. Highway 111), thence along Pennsylvania Highway 295 through Strinestown and Zions View, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Interstate Highway 83 (formerly portion U.S. Highway 111) thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway through Jacobus and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways at points in Cuyahoga County, Ohio.

3. *Machinery and contractors' equipment and supplies*, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in New York, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway at points in Clarion County, Pa.

4. *Heavy machinery*, (a) between points in Clarion County, Pa., on the one hand, and, on the other, points in Indiana on and east of U.S. Highway 31. The purpose of this filing is to eliminate the gateway at Newark, Ohio. (b) between points in Clarion County, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways at points in Tuscarawas County, Ohio. (c) between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in New York, Ohio and West Virginia. The purpose of this filing is to eliminate the gateway at points in Clarion County, Pa.

5. *Machinery*, (a) between points in Clarion County, Pa., on the one hand, and, on the other, points in Chester County, Pa. The purpose of this filing is to eliminate the gateway at points in New York or Ohio. (b) between Greenville, Pa., on the one hand, and, on the other, points in Clarion County, Pa. The purpose of this filing is to eliminate the gateway at points in New York on and west of U.S. Highway 62 or those in Ohio on and east of U.S. Highway 21; (c) between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, Ebensburg, Pa., and points within 10 miles thereof. The purpose of this filing is to eliminate the gateways at points in New York or Ohio.

6. *Machinery, contractors' equipment and other commodities* which because of size or weight require special equipment, between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., and those in Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to junction Pennsylvania Highway 295 (formerly U.S. Highway 111), thence along Pennsylvania Highway 296 through Strinestown and Zions View, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway through Jacobus and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway at points in Cuyahoga County, Ohio.

7. *Articles* which because of size or weight require special equipment, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, New York, Ohio and West Virginia. The purpose of this filing is to eliminate the gateways at Clarion, Pa., and points within 40 miles thereof.

8. *Hydraulic pressure and shearing machinery* which because of size or weight require special equipment, from Clarion, Pa., and points within 40 miles thereof to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Mt. Carmel, Ill.

9. *Machinery, materials, supplies and equipment* used in the drilling of water wells, and machinery materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of nautral gas and petroleum, which because of size or weight require special equipment, between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in that part of Indiana on and south of U.S. Highway 40, points in that part of Illinois on and south of U.S. Highway 24, and points in that part of Kentucky on and west of U.S. Highway 31W extending from the Kentucky-Indiana State line to junction U.S. Highway 68, and on and north of a line beginning at the junction of U.S. Highway 31W and 68 and extending along U.S. Highway 68 to junction U.S. Highway 60, and thence along U.S. Highway 60 to the Kentucky-Missouri State Line. The purpose of this filing is to eliminate the gateways at points in Indiana and south of U.S. Highway 40 or points in Illinois on and south of U.S. Highway 24.

10. *Heavy machinery* which because of size or weight requires special equipment, (a) between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Indiana on and east of U.S. Highway 31. The purpose of this filing is to eliminate the gateway at Newark, Ohio (b) Between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Illinois and Indiana within 300 miles of Chicago, Ill. The purpose of this filing is to eliminate the gateways at points and places in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673. (c) Between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Ohio, Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway at points in Tuscarawas County, Ohio. (d) Between points in Tuscarawas County, Ohio, on the one hand, and on the other, points in Ohio, Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways at Clarion, Pa., and points within 40 miles thereof.

11. *Machinery* which because of size or weight requires special equipment, between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Chester County, Pa. The purpose of this filing is to eliminate the gateways at points in New York and Ohio.

12. *Steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, and lumber*, which, because of size or weight require special equipment, between Clarion, Pa. and points within 40 miles thereof, on the one hand, and, on the other, Greenville, Pa. The purpose of this filing is to eliminate the gateways at points in Ohio on and east of U.S. Highway 21 and points in New York on and west of U.S. Highway 62.

13. *Heavy machinery* which by reason of size or weight requires the use of special devices for handling, (a) between points in Connecticut, Massachusetts, New York and Rhode Island, and, on the other, Ebensburg, Pa. The purpose of this filing is to eliminate the gateways at points in New York within 25 miles of Pittsfield, Mass. (b) Between Pittsfield, Mass. and points within 25 miles thereof, on the one hand, and, on the other, Ebensburg, Pa. The purpose of this filing is to eliminate the gateways at points in New York. (c) Between Pittsfield, Mass. and points within 25 miles thereof, on the one hand, and, on the other, points in Chester County, Pa. The purpose of this filing is to eliminate the gateways at points in Connecticut, Massachusetts, New York and Rhode Island.

14. *Steel tanks and parts thereof, steel castings, heavy machinery, machine parts, bridge materials, and lumber*, which by reason of size or weight require the use of special devices for handling, between Pittsfield, Mass. and points within 25 miles thereof, on the one hand, and, on the other, Greenville, Pa. The purpose of this filing is to eliminate the gateway at points in New York on and west of U.S. Highway 62.

15. *Heavy machinery* which by reason of size or weight requires the use of special devices for handling, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, Pittsfield, Mass. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at points in New York on and west of U.S. Highway 62.

16. *Hydraulic pressure and shearing machinery* used in the drilling of water wells or used in the construction, development, and production of natural gas and petroleum, from Clarion, Pa., and points within 40 miles thereof, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at points in Indiana on and south of U.S. Highway 40 and points in Illinois on and south of U.S. Highway 24.

17. *Heavy machinery*, between points in Clarion County, Pa., on and one hand, and, on the other, points in Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway at points in Tuscarawas County, Ohio.

18. *Heavy machinery* which because of size or weight requires special equipment, (a) between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 23. (b) between points in Illinois and Indiana, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 21 and on east of U.S. Highway 23. (c) between points in New York and West Virginia, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway at points in Tuscarawas County, Ohio, in (18) (a), (b) and (c) above.

19. *Machinery*, between points in Maryland, on the one hand, and, on the other points in Clarion County, Pa. The purpose of this filing is to eliminate the gateway at points in Cuyahoga County, Ohio.

20. *Machinery* which because of size or weight requires special equipment, (a) between points in Maryland, on the one hand and, on the other, Clarion, Pa., and points within 40 miles thereof, (b) between points in Maryland on the one hand, and, on the other, points in Illinois and Indiana. (c) between points in Maryland, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateway at points in Cuyahoga County, Ohio, in (20) a, b and c above.

21. *Machinery*, between points in New York on and west of U.S. Highway 62, on the one hand, and, on the other, points in Clarion County, Pa. The purpose of this filing is to eliminate the gateway at points in Cuyahoga County, Ohio.

22. *Machinery* which because of size or weight requires special equipment, (a) between points in New York on and west of U.S. Highway 62, on the one hand, and, on the other, Clarion, Pa., and points within 40 miles thereof. (b) between points in New York on and west of U.S. Highway 62, on the one hand, and, on the other, points in Illinois and Indiana. (c) between points in New York on and west of U.S. Highway 62, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateway at points in Cuyahoga County, Ohio, in (22) (a) (b) and (c).

23. *Machinery*, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Clarion County, Pa. The purpose of this filing is to eliminate the gateway at points in New York on and west of U.S. Highway 62.

24. *Machinery* which because of size or weight requires special equipment, (a) between points in Cuyahoga County, Ohio, on the one hand, and, on the other points in Clarion, Pa., and points within 40 miles thereof. (b) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois and Indiana. (c) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Ohio. (d) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway at points in New York on and west of U.S. Highway 62, in parts (a) (b) (c) and (d).

25. *Hydraulic pressure and shearing machinery* which because of size or weight require the use of special equipment (a) from Clarion, Pa., and points within 40 miles thereof, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia. (b) from points in Ohio, New York and West Virginia to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at points in the Chicago, Ill., commercial zone as defined by the Commission, in parts (a) and (b).

26. *Hydraulic pressure and shearing machinery* used in the drilling of water wells or used in the construction, development, and production of natural gas and petroleum, which because of size or weight requires special equipment, from points in Ohio, New York and West Virginia to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at points in Illinois on and south of U.S. Highway 24 and points in Indiana on and south of U.S. Highway 40.

27. *Steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, lumber, and other contractors equipment and supplies* which because of size or weight require special equipment, (a) between Greenville, Pa., on the one hand, and, on the other points in Clarion County, Pa. (b) between Greenville, Pa., on the one hand, and, on the other points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway at points in Ohio on and east of U.S. Highway 21 and points in New York on and west of U.S. Highway 62, in (a) and (b).

28. *Steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, lumber, and other contractors' equipment and supplies* which because of size or weight require special equipment, between Greenville, Pa., on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateway at points in Ohio on and east of U.S. Highway 21.

29. *Steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, lumber, and other contractors' equipment and supplies* which because of size or weight require special equipment, (a) between Greenville, Pa., on the one hand, and, on the other, points in Ohio. (b) Between Greenville, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway at points in New York on and west of U.S. Highway 62, in (a) and (b).

30. Machinery which because of size or weight requires special equipment. (a) between Ebensburg, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway at points in Ohio and New York. (b) Between Ebensburg, Pa. and points within 10 miles thereof, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gate-

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way at points in Ohio. (c) between Ebensburg, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Ohio. (d) between Ebensburg, Pa., and points within 10 miles thereof, on the one hand, and, on the other points in West Virginia. The purpose of this filing in (30) (c) and (d) is to eliminate the gateway at points in New York.

31. *Machinery and contractors' equipment and supplies* which because of size or weight require special equipment, between points in that part of Michigan east and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., and those in Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to junction Pennsylvania Highway 295 (formerly portion U.S. Highway 111), thence along Pennsylvania Highway 295 through Strinestown and Zions View, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway through Jacobus and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Illinois and Indiana.

32. *Machinery and contractors' equipment and supplies* which because of size or weight require special equipment. Between points in that part of Michigan east and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, Mich., thence along Michigan Highway 21 to Port Huron, Mich., and those in Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to junction Pennsylvania Highway 295 (formerly portion U.S. Highway 111), thence along Pennsylvania Highway 295 through Strinestown and Zions View, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway through Jacobus and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this republication is to eliminate the gateway at points in Cuyahoga County, Ohio in (31) and (32).

33. *Machinery, materials, supplies and equipment* used in the drilling of water wells, and machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, which because of size or weight require special equipment, between points in Ohio, New York and West Virginia, on the one hand, and, on the other, points in that part of Indiana on and south of U.S. Highway 40, points in that part of Illinois on and south of U.S. Highway 24, and points in that part of Kentucky on and west of U.S. Highway 31W, extending from the Kentucky-Indiana State line to junction U.S. Highway 68, and on and north of a line beginning at the juction of U.S. Highway 31W and 68 and extending along U.S. Highway 68 to junction U.S. Highway 60, and thence along U.S. Highway 60 to the Kentucky-Missouri State line. The purpose of this filing is to eliminate the gateway at points in Indiana on and south of U.S. Highway 40 and points in Illinois on and south of U.S. Highway 24.

34. *Hydraulic pressure and shearing machinery* which because of size or weight requires the use of special equipment, from points in Ohio, New York, and West Virginia to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway at Mt. Carmel, Ill.

35. *Heavy machinery* which because of size or weight requires special equipment. (a) between points in Indiana on and east of U.S. Highway 31, on the one hand, and, on the other, points in Illinois and Indiana. (b) Between points in Indiana on and east of U.S. Highway 31, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this, filing is to eliminate the gateway at Newark, Ohio. (c) Between Newark, Ohio, on the one hand, and, on the other, Clarion, Pa., and points within 40 miles thereof. The purpose of this filing is to eliminate the gateway at points in Indiana on and east of U.S. Highway 31. (d) Between Newark, Ohio, on the one hand, and, on the other, points in New York, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway at points in Indiana on and east of U.S. Highway 31. (e) Between points in New York, Ohio, and West Virginia, on the one hand, and, on the other, points in Illinois and Indiana within 300 miles of Chicago, Ill. The purpose of this filing is to eliminate the gateway at points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673. (f) Between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, on the one hand, and, on the other, Clarion, Pa., and points within 40 miles thereof. The purpose of this filing is to eliminate the gateways at points in Illinois and Indiana within 300 miles of Chicago, Ill. (g) Between points in New York, Ohio, and West Virginia, on the one hand, and, on the other, points in the Chicago, Ill. Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateways at points in Illinois and Indiana within 300 miles of Chicago, Ill. (h) Between points in Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway at points in Tuscarawas County, Ohio. (i) Between points in Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateway at points in Tuscarawas County, Ohio.

36. *Heavy machinery*, between points in Clarion County, Pa., on the one hand, and, on the other, points in Tuscarawas County, Ohio. The purpose of this filing is to eliminate the gateways at points in Ohio and West Virginia.

37. *Heavy machinery* which because of size or weight requires special equipment, (a) Between points in Tuscarawas County, Ohio, on the one hand, and, on the other, Clarion, Pa., and points within 40 miles thereof. (b) Between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in Illinois and Indiana. The purpose of this filing is to eliminate the gateways at points in Ohio and West Virginia in parts (a) and (b). (c) Between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateways at points in Ohio. (d) Between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway at points in West Virginia. (e) Between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, New York, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway at Clarion, Pa., and points within 40 miles thereof. (f) Between points in Chester County, Pa., on the one hand, and, on the other, points in Illinois and Indiana. The purpose of this filing is to eliminate the gateways at points in New York and Ohio. (g) Between points in Chester County, Pa., on the one hand, and, on the other, points in New York and West Virginia. The purpose of this filing is to eliminate the gateway at points in Ohio. (h) Between points in Chester County, Pa., on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway at points in New York. (i) Between points in Chester County, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway at points in New York. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8 noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-11545 published in the FEDERAL REGISTER of June 1, 1972.

No. MC 109821 (Sub-No. 44), filed October 28, 1975. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except motion picture films, household goods as defined by the Commission, silk, and silk products, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and commodities of unusual value): Between Baltimore, Md. and Washington, D.C.: From Baltimore over U.S. Highway 1, to Washington, D.C. and return over the same route, serving all intermediate points. This is a matter directly related to a Section 5 (2) proceeding in MC-F-12605 published in the FEDERAL REGISTER issue of August 20, 1975. Common control may be involved. Applicant has concurrently filed a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 111398 (Sub-No. 15) (Partial correction), filed October 14, 1975, published in the FEDERAL REGISTER issue of November 5, 1975, and republished, as corrected in part, this issue. Applicant: FISCHBACH TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio 44309. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. (3) *Such commodities* as are manufactured, processed and dealt in by rubber manufacturers and steel products manufacturers, and equipment, materials and supplies used in the conduct of such businesses, from points in Ohio, to points in that part of New York from Watertown, N.Y. over U.S. Highway 11 to its intersection with U.S. Highway 20, thence east along U.S. Highway 20 to its intersection with New York Highway 12, thence north along New York Highway 12 to Watertown, N.Y., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

NOTE.—The purpose of this partial republication is to correct the authority stated above previously published in error. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-12656 published in the FEDERAL REGISTER issue of October 29, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-F-12684. Authority sought for control by EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA., 17901, of CENTURY EXPRESS, LTD., OPERATOR OF LANSDALE TRANSPORTATION CO., INC., 300 So. Centre Street, Pottsville, PA., 17901, and for acquisition by Albert L. Evans, Sr., Albert L. Evans, Jr. and George F. Hassel, all of the Pottsville, PA., 17901 address, of control of CENTURY EXPRESS, LTD., OPERATOR OF LANSDALE TRANSPORTATION CO., INC., through the acquisition by EVANS DELIVERY COMPANY, INC. Applicants' attorney: Kenneth R. Davis, 121 S. Main Street, Taylor, PA., 18517. Operating rights sought to be controlled: *General commodities*, as a *common carrier* over regular routes with exceptions between Lansdale, Pa., and New York, N.Y., serving all intermediate points; and the off-route points of Trenton, N.J., those in that part of Pennsylvania within 26 miles of Lansdale, Pa., and those in that part of New Jersey within 30 miles of Newark, N.J., from Norristown over U.S. Highway 422 to Philadelphia, Pa., thence across the Delaware River to Camden, and return over the same route, from Norristown over U.S. Highway 202 to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to Philadelphia, Pa., thence across the Delaware River to Camden, and return over the same route, from Norristown over U.S. Highway 202 to junction Pennsylvania Highway 73, thence over Pennsylvania Highway 73 to Philadelphia, Pa., thence across the Delaware River to Camden, and return over the same route. *General commodities*, with exceptions as a *common carrier* over irregular routes between Philadelphia, Norristown, Collegeville, Graterford, Schwenkville, Boyertown, Pottstown, Royersford, Spring City, and Phoenixville, Pa., *tanks*, and *parts* thereof, *pumps, range boilers, hot water heaters, air compressors, asbestos pipe, insulating materials, magnesia, firebricks, cement, pipe-covered materials*, and *related articles*, from Philadelphia and Norristown, Pa., and points within 15 miles of Norristown, to New York, N.Y., and points in New York within 50 miles of New York, N.Y., and points in New Jersey, Virginia, Delaware, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Virginia, Delaware, and District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12685. Authority sought for purchase by WILLIAM E. LEWIS, INC., P.O. Box 10820, Houston, TX 77018, of a portion of the operating rights of E. L. BEAKLEY (BARBARA ANN BREWER, INDEPENDENT EXECUTRIX), 116 Riviera Drive, Chickasha, OK 73018, and for acquisition by WILLIAM E. LEWIS, 2015 LaMonte Lane, Houston, TX, of control of such rights through the purchase. Applicants' attorney: J. G. Dail, Jr., 1111 E St., N.W., Washington, DC 20004. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum; and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in main lines, as a *common carrier* over irregular routes, between points in Kansas and Oklahoma. Vendee is authorized to operate as a *common carrier* in Louisiana, Oklahoma and Texas. Application has not been filed for temporary authority under section 210a(b).

PASSENGER

No. MC-F-12687. Authority sought for purchase by RED LION BUS COMPANY, P.O. Box 271, Red Lion, Pennsylvania, 17356, of the operating rights and property of RELIANCE MOTOR COACH COMPANY, INC., Railroad, Pennsylvania, 17355, and for acquisition by EARL D. WARNER, 175 Linden Avenue, Red Lion, PA., 17356, of control of such rights through the purchase. Applicants' attorney: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA., 17108. Operating rights sought to be transferred: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between York, Pa., and the sites of the Black and Decker Manufacturing Company plant, the Bendix Corporation plant, and the Murray Corporation plant, near Towson, Md., serving all intermediate points, restricted against service between any 2 points on Interstate Highway 83 (formerly U.S. Highway 111) and Maryland Highway 148, between New Freedom, Pa., and Hampstead, Md., serving all intermediate points, restricted against service between any 2 points on Interstate Highway 83 (formery U.S. Highway 111), between Towson, Md., and Baltimore, Md., serving no intermediate points, and serving Baltimore only for traffic moving to or from points in Pennsylvania which carrier is presently authorized to serve, between Railroad, Pa., and Baltimore, Md., *Passengers and their baggage*, restricted to traffic originating at the points indicated, round-trip charter operations, as a *common carrier* over irregular routes from points in Baltimore and Carroll Counties, bounded by a line beginning at the Pennsylvania-Maryland State line at a point 3 miles west of Maryland Highway 30, and extending in a southerly direction parallel to Maryland Highway 30 and U.S. Highway 140 to a point opposite Owings Mills, Md., thence in an easterly direction to Owings Mills, thence in a northeasterly direction to Monkton, Md., thence in a northerly direction along a line 3 miles east of and parallel to Interstate Highway 83 (formerly U.S. Highway 111) to the Maryland-Pennsylvania State line, and thence in a westerly direction along the Maryland-Pennsylvania State line to the point of beginning, to points in the District of Columbia and those in Pennsylvania and Virginia within 200 miles of Hampstead, Md., and return. Vendee is authorized to operate as a common carrier in all the States in the United States

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including Alaska, Hawaii, and the District of Columbia. Applicaiton has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–32623 Filed 12–2–75;8:45 am]

[Notice No. 131]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 3, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 23, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76077. By order of November 26, 1975, the Motor Carrier Board approved the transfer to Mid-States Express, Inc., Lee's Summit, Mo., of that portion of the operating rights in Certificate No. MC 125996 (Sub-No. 16) issued July 6, 1972, to Road Runner Trucking, Inc., Omaha, Nebr., authorizing the transportation of meats, meat products, and meat by-products, and articles distributed by meat packinghouses, except hides and commodities in bulk, from Emporia, Kans., to points in New Jersey and New York, restricted to the transportation of traffic from the plant and storage facilities of Iowa Beef Processors, Inc., at Emporia, Kans. Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebraska 68106, attorney for applicants.

No. MC–FC–76174. By order entered November 26, 1975 the Motor Carrier Board approved the transfer to Feldman's Express, Inc., Boston, Mass., of the operating rights set forth in Certificate No. MC 63592, issued April 29, 1957, to Raia Transportation Co., Inc., Boston, Mass., authorizing the transportation of steel, paper, furniture, liquors, candy, groceries, and fruit and produce, over specified routes, between specified points in Massachusetts and Rhode Island; and fruit and produce, over irregular routes, from Boston, Charlestown, and South Boston, Mass., to Moosup, Conn. Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell St., Peabody, Mass. 01960, attorney for applicants.

No. MC–FC–76189. By order of November 26, 1975, the Motor Carrier Board approved the transfer to Caswell Van Lines, Inc., 1489 Lehigh Station Road, Henrietta, N.Y. 14467 of the operating rights in Certificate No. MC 40404 issued March 21, 1941 to Paul D. Caswell, doing business as Caswell Van Lines, and acquired by Leslie C. Moore, Jr., doing business as Caswell Van Lines, 1489 Lehigh Station Road, Henrietta, N.Y. 14467 pursuant to MC–FC–74528, authorizing the transportation of household goods, between Rochester, N.Y., and points within 20 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, Ohio, and Illinois; and between New York, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, and Ohio.

No. MC–FC–76206. By order of November 26, 1975, the Motor Carrier Board approved the transfer to Twigg Transfer, Inc., Bridgeport, W. Va., of the operating rights in Certificate No. MC 69850 issued November 30, 1949, to Murl E. Twigg, doing business as Twigg Transfer and General Hauling, Bridgeport, W. Va., authorizing the transportation of household goods and general commodities, with exceptions, between Clarksburg, W. Va., on the one hand, and, on the other, points in West Virginia within 160 miles of Clarksburg. A Charles Tell, Suite 1800, 100 West Broad Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–32620 Filed 12–2–75;8:45 am]

federal register

WEDNESDAY, DECEMBER 3, 1975

PART II:

FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS

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FEDERAL ELECTION COMMISSION

[Notice 1975–83]

ADVISORY OPINION

Establishment of Political Action Committee and Employee Political Giving Program by Corporation

The Federal Election Commission announces the publication today of Advisory Opinion 1975–23. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in the opinion is altered by the Commission's regulations, the person to whom the opinion is issued will be notified.

ADVISORY OPINION 1975–23

ESTABLISHMENT OF POLITICAL ACTION COMMITTEE AND EMPLOYEE POLITICAL GIVING PROGRAM BY CORPORATION

In this advisory opinion, rendered pursuant to 2 U.S.C. 437f, the Commission responds to a request for an advisory opinion submitted by the Sun Oil Company and published as AOR 1975–23 in the FEDERAL REGISTER on July 29, 1975 (40 FR 31879). Interested persons were invited to submit written comments with respect to this request. A number of such comments were received and considered by the Commission before this opinion was issued.

A. Introduction

Sun Oil proposed to sponsor a bifurcated responsible citizenship program for political activities. One part of this program will involve the expenditure of general corporate treasury funds to establish, administer, and solicit voluntary contributions to a political action committee. This committee (hereinafter SUN PAC) will be maintained as a separate segregated fund and used by Sun Oil for political purposes under the provisions of 18 U.S.C. 610. The other part of this program will involve the expenditure of treasury funds to establish and administer a "trustee" plan. Under the plan (hereinafter SUN EPA) Sun Oil will open separate bank accounts for participating employees in order to channel their contributions to candidates for political office. The activities of SUN EPA will be separate and apart from those of SUN PAC.

The Commission has been asked to evaluate SUN PAC and SUN EPA with respect to the requirements of the Federal Election Campaign Act of 1971, as amended (hereinafter the "FECA" or the "Act") and the proscriptions of 18 U.S.C. § 610. In the following opinion, the Commission will discuss various legal aspects of corporate segregated funds and trustee plans.

B. Applicable Law

Section 610 of Title 18 of the United States Code provides, in pertinent part, as follows:

CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS OR LABOR ORGANIZATIONS

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or [officials] to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any • • • political committee • • • to accept or accept or receive any contribution prohibited by this section.

As used in this section, the phrase "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value • • • to any candidate, campaign committee, or political party or organization in connection with any election to any of the offices referred to in this section; but shall not include • • • the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or local organization • • •: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.

The history of section 610, prior to its amendment by section 205 of the Federal Election Campaign Act of 1971, was set forth in *United States* v. *UAW*, 352 U.S. 567 at 570–90 (1957). Moreover, the history of the 1971 amendment, which permits corporations to establish, administer and solicit contributions to separate segregated funds, was discussed in some detail in *Pipefitters Local 562* v. *United States*, 407 U.S. 385 at 409–13, 421–27, 429–32 (1972). See also, *United States* v. *CIO*, 335 U.S. 106 (1948). There is no need, therefore, to trace that history here in any detail. However, some general conclusions can be made in light of legislative history about the application of section 610 to the corporate political activities proposed by Sun Oil.

C. Conclusions

(1) First, it is lawful for Sun Oil to expend general treasury funds to defray expenses incurred in establishing, administering, and soliciting contributions to SUN PAC so long as it is maintained as a separate segregated fund. The language of section 610 and the supporting legislative history of the 1971 Amendment to the statute plainly permits such expenditures. See, *Pipefitters*, *supra*, at 429–33. SUN PAC must register and file reports just as any other political committee is required to do under the FECA.

(2) Secondly, it is lawful for Sun Oil to make any political contributions and expenditures it sees fit in connection with any Federal election so long as the monies used for such purposes are expended from SUN PAC and the fund consists of voluntary contributions.

In situations where SUN PAC makes contributions or expenditures in connection with Federal and non-Federal elections, it may establish and maintain a separate account for use in Federal elections. Thereafter, monies to be expended in non-Federal elections should not be commingled with monies to be expended in Federal elections. SUN PAC should designate the bank in which it maintains any such account for Federal elections as the campaign depository of the fund. 2 U.S.C. 437b. All contributions received or expenditures made in connection with Federal elections should be deposited in or drawn from this account. If SUN PAC so decides to maintain a separate account for use in Federal elections, it may file reports pertaining only to the separate Federal account. However, if SUN PAC fails to segregate the accounts and monies to be used in connection with both Federal and non-Federal elections, then SUN PAC will be required to report all contributions and expenditures regardless of whether they are made for non-Federal purposes.

Any political contributions or expenditures made by SUN PAC are subject to the applicable reporting requirements of the FECA and the limitations of 18 U.S.C. 608. Moreover, since individual contributions made to SUN PAC are also contributions within the meaning of 18 U.S.C. § 591(e), such contributions are also subject to the limitations of 18 U.S.C. § 608.

(3) Thirdly, it is lawful for Sun Oil to control and direct the disbursement of contributions and expenditures from SUN PAC. When the issue of the control of segregated funds was presented to the Supreme Court in the *Pipefitters* case, (which involved a section 610 criminal prosecution against a labor union) the Court held that "such a fund must be separate from the sponsoring union only in the sense that there must be a strict segregation of its monies from union dues and assesssments." *Id.* at 414. After an exhaustive review of legislative history, the Court concluded that (*Id.* at 415–417):

> Nowhere, however, has Congress required that the political organization [i.e., the fund] be formally or functionally independent of union control or that union officials be • • • precluded from determining how the monies raised will be spent. • • • Senator Taft adamantly maintained that labor organizations were not prohibited from expending those monies [from the fund] in connection with Federal elections. • • • Neither the absence of even a formally separate organization, • • •, nor the method for choosing the candidate to be supported was mentioned as being material. Similarly, the *only* requirements for permissible political organizations were that they be funded through separate contributions [which were voluntary]. (Emphasis added.)

The Court also concluded from the legislative history that (*Id.* at 426):

> [T]he term 'separate' • • • is synonymous with 'segregated.' Nothing in the legislative history indicates that the word is to be understood in any other way. • • • It is difficult to conceive how a valid political fund can be meaningfully 'separate' from the sponsoring union in any way other than 'segregated.'

Since corporations and labor unions are subject to the same restrictions under section 610, it is clear that under the language of the *Pipefitters* case, Sun Oil can exercise control over the operations and activities of SUN PAC.

There is much concern in the business community about the proper class of persons who may be solicited by a corporation with its treasury money for contributions to a political fund. Sun Oil advised in its request for an opinion that "[t]o achieve its purpose, SUN PAC will solicit and accept contributions from individuals and from other political committees." Sun Oil now advises, through counsel, that its solicitation efforts will not be as broad as the language of its request suggested. The Commission is now advised that Sun Oil "will not solicit contributions from members of the general public who are neither Sun employees nor shareholders" but that "Sun does intend to use corporate funds to solicit contributions to SUN PAC from its employees."

(4) It is the opinion of the Commission that Sun Oil may spend general treasury funds for the solicitation of contributions to SUN PAC from stockholders and employees of the corporation. The Federal Election Campaign Act of 1971 amended section 610 by defining contribution and expenditure and setting forth exemptions to that definition. The first two exceptions permit the use of corporate treasury funds for activities aimed only at stockholders and their families. The third exception places no limitation on the categories of persons who may be solicited for voluntary contributions to a separate segregated fund. However, the legislative history of the 1971 Act clearly states that general treasury money may not be used to solicit the general public. 117 Cong. Rec. 43380–81. The absence of a limitation in the third exception similar to that contained in the first two exceptions, indicates that it was Congress' intent not to limit the use of corporate funds for solicitation of contributions to separate segregated funds only to stockholders. Furthermore, corporations have traditionally solicited their employees for both political and non-political purposes. Absent any express language in the statute or the legislative history prohibiting such solicitations, it would be illogical to conclude that corporations could solicit only their stockholders and not their employees. Finally, section 610 provides that contributions to a separate segregated fund may not be secured by "job discrimination" or "financial reprisals", actions which an employer may take against an employee.

The Commission recognizes, however, that there is in the best-intentioned plans a potential for coercion which is inherent in the employment relationship and which may be triggered by solicitation of employees by or on behalf of an employer. Section 610 forbids coercion or reprisal of any kind in the solicitation of contributions to separate segregated funds. To minimize the appearance or perception of coercion, the Commission recommends the following guidelines on solicitation of political contributions by employees to such funds. First, no superior should solicit a subordinate. Second, the solicitor should inform the solicited employee of the political purpose of the fund for which the contribution is solicited. Third, the solicitor should inform the employee of the employee's right to refuse to contribute without reprisal of any kind.

(5) An issue related to that of soliciting contributions is that of SUN PAC accepting contributions from any donor willing to make them. It is the opinion of the Commission that SUN PAC generally can accept any contribution from any donor, whether or not it is lawful for Sun Oil to solicit a contribution from that donor. However, section 610 would prohibit SUN PAC from accepting any political contribution which would be an unlawful contribution by the donor under that statute.

Although Sun Oil cannot spend treasury funds to solicit contributions from political committees, SUN PAC could solicit such contributions with expenditures from its fund of voluntary contributions. Accordingly, SUN PAC may accept contributions from political committees which it solicited and contributions which were not so solicited but freely donated by political committees.

(6) Finally, Sun Oil has proposed a detailed organizational plan for SUN PAC. Essentially, SUN PAC will be a voluntary, non-profit, unincorporated, political membership association open to certain employees of Sun Oil and its subsidiaries. Several employees will be appointed by Sun Oil to create SUN PAC. In addition, Sun Oil will appoint the administrative officers of SUN PAC. A contribution committee will manage the overall financial operations of SUN PAC and will designate the donees of contributions. The committee may delegate all of its powers to the Chairman of SUN PAC who is a Sun Oil appointee.

Section 610 does not mandate any formal organizational structure for corporate political committees. However, under 2 U.S.C. 432, SUN PAC, just as any other political committee, would be required to have a chairman and treasurer in order to accept or make any political contributions. Beyond these requirements, there are no other formal organizational requirements applicable to SUN PAC under Federal law.

Sun Oil also proposed to spend general treasury funds to establish a political giving program for its employees called SUN EPA. SUN EPA is what is commonly called a "trustee" plan. This plan was described in some detail in Sun Oil's request for an advisory opinion and briefly in the introductory paragraphs to this opinion. One commentator has described the concept of SUN EPA as follows:

> • • • SUN EPA conceptually serves a purpose not unlike a Christmas Club—i.e., systematic 'saving' toward a set goal (in this case, in order to provide a source for individual contributions at campaign time, rather than fund for Christmas gifts).

Sun Oil conceded that SUN EPA would not be a segregated fund under the only applicable exception of section 610, and that it would not be a political committee subject to the registration and reporting requirements of the Act. Sun Oil stressed the fact that it will not exercise any control over the affairs of SUN EPA and that employees who participate in the plan will exercise complete control and discretion over the disbursement of their political contributions.

(7) It is the opinion of the Commission that the expenditure of general treasury funds by Sun Oil for the ordinary and necessary administrative costs of implementing SUN EPA is not prohibited by section 610. The assumption of these costs would not represent any direct or indirect payment by Sun Oil to any candidate, campaign committee, or political party or organization, within the meaning of section 610, so long as Sun Oil will exercise no control over the program nor will attempt to influence employee contributions.

The legislative history of the 1974 Amendments to the Federal Election Campaign Act clearly states that if a person exercises any direction and control over the making of a contribution then that contribution shall count as a contribution with respect to that person. Thus, in order to avoid making a contribution under section 610, Sun Oil and its management may not make any effort, either orally or in writing, to direct contributions by participants in SUN EPA to any candidate, group of candidates, political party or other person. Participants in SUN EPA must exercise independent judgment when making contributions.

The Commission notes that the Justice Department, which has criminal prosecution powers with respect to section 610, would not regard the use of corporate funds to administer such plans as being within the prohibitions of section 610:

> [P]rovided that the corporation in no manner suggests to the contributing employee the identity of certain candidates or committees which should be the beneficiaries of such personal contributions, provided that absolutely no pressure of any kind is applied to induce participation in the program, and provided corporate funds are not indirectly contributed to the ultimate receipients through such means as artificially inflating employees' salaries • • •. (Letter to John G. Murphy, General Counsel, Federal Election Commission, November 3, 1975.)

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Sun Oil states that:

[T]he bank, on a quarterly basis, will inform SUN of the total amounts of contributions under SUN EPA for the quarter to specific candidates, committees, or political parties receiving them, so it may be published for those participating in the plan.

The receipt and publication of any report on the source or recipient of any contribution(s) or donation(s) into or out of any SUN EPA account(s) may constitute the exercise of direction and control over future contributions. The Commission would not object to Sun Oil's receiving reports setting forth the total number of employees in the plan, the total amount of funds in all the accounts and the total amount of contributions made to all candidates and committees.

The Commission further notes that the possibility of exercising direction and control may be inherently present when an employee trustee plan and a political action committee are administered simultaneously by the same corporation. This, of course, will be a factual determination. However, under section 610, a violation need not be willful.

This advisory opinion is issued on an interim basis only, pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

NOTE: The foregoing opinion was adopted by the Commission by a 4 to 2 vote with Commissioners Harris and Tiernan voting against adoption. The dissenting opinion of Commissioners Harris and Tiernan is published as follows.

Dated: November 24, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

COMMISSIONER HARRIS AND COMMISSIONER TIERNAN, DISSENTING

A. SUN-PAC: Solicitation of Contributions.

We do not think that the statute permits Sun Oil to use its general funds to solicit donations to its political fund from persons other than Sun Oil's stockholders. This conclusion is based on the language and overall objective of § 610, the legislative history of the Hansen Amendment, and the Supreme Court's opinion in *Pipefitters Local 562 v. United States*, 407 U.S. 385 (1972). [Also, the effect of the Commission's decision appears to be to give corporations greater leeway than unions as respects solicitation for their political funds—a result surely astounding to both supporters and opponents of the Hansen Amendment.[1]

1. The language added to Section 610 in 1972 by the Hansen Amendment creates three exceptions to the section's general ban on the expenditure of corporate or union funds in connection with any election to federal office. They are (a) "communications by a corporation to its *stockholders* and their families or by a labor organization to its *members* and their families on any subject;" (b) "nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its *stockholders* and their families, or by a labor oragnization aimed at its *members* and their families;" and (c) "solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization." The first of these exceptions, i.e., as to communications, is paralleled in the definition of "expenditure" [2 U.S.C. 431 (f) (4) (c) and 18 U.S.C. 591(f) (4) (c)], which excludes from "expenditure" "any communication or corporation to its *members* or *stockholders* * * *" (Emphasis added).

The first two Hansen Amendment exceptions are restricted in terms to stockholders in the case of a corporation and members in the case of a union, while the third exception has no restriction. Thus, read literally, the third exception would permit a corporation or union to solicit not only stockholders or members, but the general public, that is, anybody and everybody. Such a construction of the third exception would however go far to destroy the general ban of Section 610 on the expenditure of corporate or union funds in connection with a federal election; and it would likewise undercut the provision in the first exception that corporations may communicate with stockholders and union with members and the parallel provision in the statutory definition of "expenditure". This is so because the "solicitation" of contributions to a political fund necessarily includes representations as to what sort of causes and candidates the fund will support, and as to why those solicited should contribute to it. If corporations and unions are free to use their general funds to solicit the public at large, they may legally carry on extensive political campaigns in support of particular candidates or types of candidates as a part of their solicitation efforts.

A more rational construction of the statute is that the first and third Hansen Amendment exceptions are to be read together. Individuals cannot be solicited to make a voluntary contribution except by communicating with them. As § 610 states and as its legislative history makes emphatic, Congress intended to assure that corporate communications on political subjects financed by treasury money would be directed only at stockholders and their families and that such union communications would be to members and their families. It creates an inexplicable exception to that intent to read the permission to solicit contributions as separate from the permission to communicate with stockholders and members rather than reading these two clauses of the same sentence together. And, since there is in fact no dividing line between communication and solicitation, if such an exception were to be made there would soon be little if anything left of the rule. A corporation could then legally take out a full-page advertisement in the *New York Times* soliciting for contributions by stating who those contributions would be used to support and why. Except for the top and bottom line, such an advertisement would be no different than one communicating the corporation's views on those candidates to the general public through the expenditure of treasury money. That, of course, is precisely what § 610 prohibits.

Since a construction which permitted corporations and unions to solicit the general public would go far to undercut § 610, no one has urged it. Sun Oil has, subsequent to its initial presentation, disclaimed any purpose to solicit the general public. However, as far as a simple reading of the statute goes, there is no basis for drawing any distinction between the use of corporate funds to solicit the general public and their use to solicit employees of the corporation.

2. Since the statute is thus ambiguous and not to be read literally, it is of course appropriate to examine the legislative history of the Hansen Amendment. *Pipefitters Local 562 v. United States, supra.* That history confirms that the first and third exceptions are to be read together, and that the Hansen Amendment was intended to sanction the use of corporate or union funds only to communicate with and/or solicit stockholders or members.

In explaining his Amendment to the House, Representative Hansen stated:

Next, the amendment, in further defining the phrase "contribution or expenditure", draws a distinction between activities directed at the general public, which are prohibited, and *communications by a corporation to its stockholders and their families and by a labor organization to its members and their families*, on any subject, which the courts have held is permitted.

The amendment sets forth the *limited circumstances* where *such communications* are permitted *in connection with an election.* These include:

(1) non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families.

(2) *the establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.* (Emphasis added). (117 Cong. Rec. 43379)

Representative Hansen reiterated this distinction, between corporate political activity directed at stockholders (and union political activity directed at members) and political activity financed by treasury money directed at the general public, in three separate passages in his explanatory floor statement:

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their *shareholding interest or membership status* but who disagree with the majority's political views. The balance presently obtaining provides, in my judgment, an optimum solution to the complex problem of accommodating these conflicting interests. This solution is sound in theory as I shall show, has proved workable in practice, and has generated a broad bi-partisan consensus in favor of continuation of the present rules. For this reason my amendment, with one exception, follows the present law.

Thus, Section 610 as it stands, and under my proposal, represents a complete victory for those who believe that corporations and unions have no moral right to utilize their organizations' general funds for active public partisan politicking. It totally subordinates organizational interest to individual interests. (Emphasis added) (117 Cong. Rec. 43380)

. . . . . .

Recognizing that group interests must be given some play and that the interest of the minority is weakest when corporations and unions confine their activities to their own *stockholders* and *members, the beneficial owners of these organizations*, the second subdivision of the amendment sets out three precisely defined and limited permissions for corporate and union activity related to the political process.

The courts, as well as other independent students of section 610 and its legislative history, have concluded that the 1947 Congress did not intend to prohibit corporations or unions from communicating freely with their *members* and *stockholders*—see *U.S. v. CIO*, 335 U.S. 106—from conducting nonpartisan registration and get-out-the-vote campaigns, or from securing voluntary contributions made directly to the support of a labor or management political organization—93 Congressional Record 6440, remarks of Senator Taft." (Emphasis added). (117 Cong. Rec. 43380).

. . . . . .

At the present time there is broad agreement as to the essence of *the proper balance in regulating corporate and union political activity required by sound policy and the Constitution.* It consists of a strong prohibition on the use of corporate and union treasury funds to reach the general public in support of, or opposition to, Federal candidates and *a limited permission to corporations and unions*, allowing them to communicate freely with members and stockholders on any subject, *to attempt to convince members and stockholders* to register and vote, and *to make political contributions, and expenditures financed by voluntary donations which have been kept in a separate segregated fund. This amendment writes that balance into clear and unequivocal statutory language.* (Emphasis added). (117 Cong. Rec. 43381).

. . . . . .

Representative Hansen further emphasized this distinction by quoting Senator Taft's explanation of section 610 as it was enacted in 1947:

The dividing line established by 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds * * *

Finally, there can be no doubt that *union members* or *stockholders* should have the right to set up special political action funds supported by voluntary donations from which political "contributions and expenditures" can lawfully be made. As Senator Taft stated in his floor explanation of section 610:

If [union members or stockholders] are asked to contribute directly * * * *to the support of a labor [or management] political organization, they know what their money is to be used for and presumably approve it.* From such contribution the organization can spend all the money it wants to with respect to such matters. But the prohibition is against labor unions using their *members'* dues for political purposes, which is exactly the same as the prohibition against a corporation using its *stockholders'* money for political purposes, and perhaps in violation of the wishes of many of its stockholders. 93 Cong. Rec. 6440 (Emphasis added). (117 Cong. Rec. 43381).

Earlier in the debate the following colloquy occurred among Rep. Hansen and Reps. Dellenback and Hays:

May I ask as a general question, Mr. Hansen, *is it your intent by the way you have drafted the amendment to propose that corporations and unions be treated absolutely equally?*

Mr. Hansen of Idaho. That is correct.

Mr. Dellenback. And, further, if a situation is proper for a corporation, it is also proper for a union and if it is proper for a union, then it is also proper for a corporation.

I think it is extremely important that what you have *here proposed is an amendment that seeks to bring about equity.* I think it is important that a union be able to communicate with its *members* and do what the law already permits it to do, and likewise I feel it is important that a corporation be able to do that same thing with its *stockholders.*

Mr. Hays. I join in support of this particular amendment. It seems to me that it does work equity in what has been a very troublesome situation in the past. (Emphasis added). (117 Cong. Rec. 43380).

This statement of Congressional intent, involving as it does the author of the amendment (Rep. Hansen) and the Chairman of the House Committee (Rep. Hays) is entitled to special weight.

3. In line with this legislative history, the Supreme Court stated in the *Pipefitters* case that the first and third exceptions of the Hansen Amendment are integrally related and similarly limited to stockholders and members:

With the exemption for communications to *stockholders* or union *members* and their families apparently in mind, Hansen stated, for example, 117 Cong. Rec. H11478:

"[E]very organization should be allowed to take the steps necessary for its growth and survival. There is, of course, no need to belabor the point that Government policies profoundly affect both business and labor * * * If an organization, whether it be the NAM, the AMA or the AFL–CIO, believes that certain candidates pose a threat to its well-being or the well-being of its *members* or *stockholders*, it should be able to get its views to those *members* or *stockholders*. As fiduciaries for their *members* and *stockholders* the officers of these institutions have a duty to share their informed insights on all issues affecting their institution with their constituents. Both union *members* and *stockholders* have the right to expect this expert guidance.

This reasoning, of course, applies as well to solicitations for contributions to voluntary political funds." (Emphasis added). (*Pipefitters, supra* at 431 no. 42).

4. The interpretation given § 610 by the majority of the Commission seems to me to be slanted in favor of corporate political fund solicitations, as compared with union. Congress meant to hold the balance even.

In introducing his Amendment, Rep. Hansen stated:

The net effect of the amendment, therefore, is to tighten and clarify the provisions of section 610 of title 18 United States Code, and to codify the case law. It spells out more clearly the rules governing election activities *that apply equally* to labor unions and corporations. While prohibiting abuses that involve activities directed at the general public, the amendment recognizes that the constitutional guarantee of free speech protects the right of labor organizations and corporations to communicate with their own *members or stockholders.* (Emphasis added). (117 Cong. Rec. 43379).

The Commission's ruling destroys that balance. Unions are presumably limited to communicating with and soliciting their members, while corporations may solicit not only their stockholders, but all employees, whether union members or not. This is a curious result to flow from the union-supported and corporation opposed Hansen Amendment.

The imbalance resulting from the majority's ruling can readily be discerned by reference to statistical data. The Sun Oil Co.,[1] which had gross earnings in excess of 3.7 billion dollars at the end of 1974, has almost five times as many stockholders as it does employees. As of December 31, 1974, the company had 126,555 stockholders holding 57,301,668 shares of preferred and common stock in the company. At the end of the same period, the company had only 27,707 employees. Under the majority's ruling, Sun Oil is now permitted to solicit partisan political contributions from well over 127,000 individuals including employees who are not also stockholders. On the other hand, the labor union affiliated with Sun Oil is restricted in its solicitation to the small percentage of the 27,000 employee workforce which holds membership in the union. The union presumably cannot even solicit employees who must go through its hiring halls for employment with Sun Oil if those employees are not also union members. On a national scale, the majority ruling grants corporations as a group an unfair advantage over labor unions in the solicitation of political contributions. It is estimated that over 30,900,000 individuals own shares of stock in American corporations. 1975 *World Almanac* 94. But, out of the nation's total workforce of 84,000,000 workers, only 18,000,000 of them (or about 21%) are members of labor unions including AFL–CIO, independent, CNTU, and CLC unions. 1975 *World Almanac* 108. Had corporations been restricted to soliciting only their stockholders, they could have solicited almost twice as many individuals as labor unions. Under the majority's ruling, however, corporations now have the potential of soliciting almost the entire workforce of the nation. Congress certainly did not intend to create such a gross disparity in the solicitation power of corporations and unions, by enacting the segregated fund exception to § 610, as the majority of the Commission now permits in its interpretation of the statute.

5. Finally, the majority ruling is inconsistent with scholarly writings dealing specifically with the solicitation question. These writings demonstrate in clear terms that a reasonable interpretation of § 610 would restrict corporations to soliciting only their stockholders.

For instance, corporations have been advised in the *Business Lawyer*, a regular journal of the American Bar Association's Section of Corporation, Banking and Business Law, to direct solicitations of partisan political money to their stockholders. R. Garrett, "Corporate Contributions for Political Purposes," 14 *Bus. Law.* 365 (1959). Mr. Garrett closely examined § 610 and cases construing the statute including *United States v. CIO*, 335 U.S. 106 (1948) and *United States v. UAW*, 352 U.S. 567 (1957). On the basis of these and other Federal court decisions and labor union practices, particularly in operating COPE, Mr. Garrett reached the following conclusions:

Since Section 610 in terms *applies equally to labor organizations and to corporations*, certain conclusions relative to corporations under that section may be derived from the labor cases and the known practices of the unions:

. . . . . .

(3) Corporations may use corporate facilities for soliciting voluntary contributions from *stockholders* to a fund to be donated or used for political purposes. (Emphasis added). *Garrett, supra*, at 375–76.

Mr. Garrett explained further that:

Corporate management eager to do something, but unwilling to put its neck in the noose for the purpose of making some law at the risk of heroic sacrifice, might well be advised to use the corporate facilities to arouse *stockholders* to voluntary contributions and political awareness. *The New York Stock Exchange has estimated that there are over 8½ million holders of stock in American corporations. They constitute a group who might be aroused to contribute and work for polittical purposes with possibly great effect.*[2] Where corporate soliciting of contributions from stockholders is bipartisan, as, for example, where stockholders are invited to contribute a very small percentage of a dividend to the party which they designate individually, there would seem to be little real danger of prosecution. (Emphasis added). *Id.* at 377.

Another writer, the General counsel of the United States Chamber of Commerce, reached similar conclusions. Speaking in the *American Bar Association Journal*, the General Counsel said, after a thorough and careful analysis of Section 610 and Federal court decisions, that:

[1] The statistics on the Sun Oil Co. may be found in *Moody's Industrial Manual*, 2351–57 (Vol. 2, 1975).

[2] This was the 1959 estimate. As previously noted, the current estimate of stockholders in American corporations exceeds 30 million.

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As for the Federal Corrupt Practices Act, *the corporation can play safe in its partisan political activity only if it limits its appeals*, whether written or oral, so as to avoid the general public and communicate rather *to its stockholders*. On principle it seems a corporation should be allowed to appeal also to its employees, along with its stockholders, although there is no decision which settles this point. (Emphasis added). W. Barton, "Corporation in Politics: How Far Can They Go Under the Law," 50 *ABA Journal* 228, 231 (1964).

There have been no court decisions which have held that under § 610 corporations are authorized to solicit contributions from employees.

We see no warrant for the construction of § 610 adopted by the majority.

B. The Establishment of SUN–EPA.

We also dissent from the majority's ruling monies to establish a "trustee" plan contribution program for its employees.

1. As previously noted, the intent of the Hansen Amendment was to set forth in "clear and unequivical statutory language" the "*limited* circumstances" under which corporations could spend treasury money in connection with federal elections. Those "limited circumstances" included the establishment of segregated funds. They did not include any other types of political contributions or expenditures from general corporate funds. The majority ruling, permitting corporations to subsidize "trustee" plans with treasury funds, simply does violence to the plan language of § 610 which authorizes only three types of activities which are supportable with corporate or union treasury money.

2. The meanings of the terms "expenditure" and "in connection with a federal election," as used in § 610, are broad enough to embrace the "trustee" plan proposed by Sun Oil. Certainly, the expenditure of treasury funds for SUN–EPA is intended to be "in connection with a federal election" inasmuch as Sun Oil has admitted that as a result of these expenditures, its employees will have a facility through which they can make contributions to candidates for federal office. The Justice Department made a similar observation in its comments when it said that "the general objective of the program is certainly 'political' in that it encourages employees to participate voluntarily in politics through personal contributions."

This conclusion is consistent with judicial interpretations of the terms "expenditure" and "in connection with." As noted by the D.C. Circuit United States Court of Appeals in *Buckley v. Valeo*, 519 F. 3d 821, 852–53 (D.C. Cir. Aug. 29, 1975):

An expenditure may obviously inure to the benefit of a candidate even though the expenditure was not directed by the candidate and the candidate was not in control of the expenditures or of the goods or services purchased.

Similarly, Mr. Justice Rutledge, concurring in *United States v. CIO*, *supra*, characterized the broad reach of the terms "expenditure" and "in connection with" as used in section 610. (*Id.* at 133):

The crucial words are "expenditure" and "in connection with." Literally they cover any expenditure whatever relating at any rate to a pending election, and possibly to prospective elections or elections already held. The broad dictionary meaning of "expenditure" takes added color from its context with "contribution." *The legislative history is clear that it was added by the 1947 amendment expressly to cover situations not previously included within the legislative interpretation of "contribution." The coloration added is therefore not restrictive, it is expansive.* * * * (Emphasis added).

Mr. Justice Frankfurter applied these same principles, regarding the breadth of the term "expenditures," in upholding an indictment prosecuted under section 610. See, *United States v. UAW*, *supra*, at 585.

It matters not that Sun Oil will exercise no control over the operations of SUN–EPA or the activities of employees participating in the program. The law prohibits expenditures in connection with Federal elections—it does not go behind those expenditures to determine whether they will be made with a benevolent or patriotic intent. By facilitating employee contributions, through its subsidization of SUN–EPA, Sun Oil is necessarily using treasury funds in connection with Federal elections.

3. The majority concluded that expenditures for SUN–EPA were not prohibited by § 610 because they would not represent "any direct or indirect payment by Sun Oil to any candidate, campaign committee, or political party or organization." (Emphasis added). This conclusion apparently relies on the definition of the terms "contribution" and "expenditure" added to § 610 by the 1971 Amendment. But, that definition says that these terms "shall *include*" certain transactions. Since this is not language of limitation, it is clear that the majority's interpretation of these terms is too narrow. Mr. Justice Rutledge's broad interpretation of these terms in the *CIO* case has still survived the 1971 Amendment and is controlling. Accordingly, the majority should have restricted its focus to the broader concept of an expenditure "in connection with a federal election" which would have made expenditures for SUN–EPA unlawful. The Justice Department recently prosecuted a § 610 case against a labor union official where it expressed its views on the meaning of "contribution" and "expenditure" prior to the 1971 Amendment. In *United States v. Boyle*, 482 F. 2d 755 (D.C. Cir.), *cert. denied* —— U.S. ——, 94 S. Ct. 593 (1973), the Justice Department advised the trial court that:

It is important to note that Section 610 itself *does not speak in terms of contributions to candidates for office but rather in terms of "in connection with any election."* (Emphasis added).

Trial Brief for Department of Justice at 11, *United States v. Boyle*, No. 1741–71 (D. D.C.)

The trial court sustained this view of the law in rejecting the defendant's motion to dismiss the indictment on the grounds that Section 610 was unconstitutional or vague. *United States v. Boyle*, 338 F. Supp. 1026, 1031–32 (D. D.C., 1972). This case shows that what makes an expenditure of treasury funds unlawful is simply the fact that it is "in connection with" an election.

4. The majority's narrow interpretation of § 610, to permit expenditures for SUN–EPA, has the effect of overruling by implication practically all of the advisory opinions which have dealt with indirect contributions or expenditures. Three opinions which immediately come to mind are (1) AO 1975–4, 40 Fed. Reg. 29793 (July 15, 1975), in which the Commission held that the guarantee of a loan made to the Democratic National Committee, to the extent that the loan was not repaid, was a contribution even though the loan itself was not; (2) AO 1975–14, 40 Fed. Reg. 34084 (Aug. 13, 1975), in which the Commission held that the donation by a corporation of a computer, to analyze the results of a non-partisan public issue opinion poll issued by a Congressman, was a violation of Section 610; and (3) AO 1975–27, 40 Fed. Reg. 51351 (Nov. 4, 1975), in which the Commission held that expenses incurred by a candidate for legal and accounting fees for the purpose of complying with the election laws were expenditures.

For these reasons, we see no merit in the majority view that expenditures for SUN–EPA are lawful under § 610.

Sun Oil has not asked and the Commission has not ruled whether the two plans are permissible under § 611, assuming that Sun Oil is a government contractor. It should be noted, however, that the language of § 611 is even broader than that of § 610. It provides severe criminal penalties for any government contractor who "directly or indirectly makes any contribution of money or other thing of value * * * to any person for any political purpose or use." And while § 611 contains a special proviso, added by the 1974 Act, validating a "separate segregated funds" which meets the requirements of § 610, it contains no exception in favor of a trustee plan, such as SUN–EPA.

THOMAS E. HARRIS,
Comissioner for the Federal Election Commission.

ROBERT O. TIERNAN,
Comissioner for the Federal Election Commission.

[FR Doc.75–32172 Filed 12–2–75;8:45 am]

[Notice 1975–84]

ADVISORY OPINION 1975–59

Acceptance of Corporate Contributions for Non-Federal Purposes; Correction

The Federal Election Commission on November 19, 1975, at 40 FR 53723, published Advisory Opinion 1975–59. As published the citation to the Advisory Opinion Request in the first paragraph was incorrect. We should have stated that the request was published on September 18, 1975, in the FEDERAL REGISTER at 40 FR 43166.

Dated: November 24, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75–32171 Filed 12–2–75;8:45 am]

[Notice 1975–86]

ADVISORY OPINION

Contribution and Spending Limits to Presidential Candidates Travel for Party Purposes

The Federal Election Commission announces the publication today of Advisory Opinion 1975–72. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in opinion is altered by the Commission's regulations, the person to whom the opinion was issued will be notified.

ADVISORY OPINION 1975–72

APPLICATION OF CONTRIBUTION AND SPENDING LIMITS IN 18 U.S.C. § 608 TO PRESIDENTIAL CANDIDATE'S TRAVEL FOR PARTY PURPOSES

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request by a Republican National Committee (hereinafter RNC). The request was published as AOR 1975–72 in the FEDERAL REGISTER for September 24, 1975 (40 FR 44041). Interested parties were given an opportunity to submit written comments relating to the request. Numerous comments were received by the Commission.

The RNC request stated that:

National political parties * * * are charged with the ongoing responsibility of promoting voter registration and creating voter recognition of party identity and ideology, without reference to an individual candidate or election. A large measure of this function is performed by the President, Vice President and their aides on behalf of their National and State parties * * *.

When the President, Vice President, and their aides are engaged in political activity on behalf of their National, State or Local political parties, the R.N.C. assumes the cost of their travel and transportation, advance men expense, telephone and telegraph cost and the cost of receptions incidental to those activities.

The RNC indicated that in 1975 it had allocated the sum of $500,000 to meet the costs noted *supra*, and that as of September 1, 1975, it had received or paid $309,000 in bills against this allotment.

The request asked specifically whether "* * * the * * * Federal Election Campaign Law of 1974 * * * (has) * * * application to * * * (a) * * * national party's payment of expenses incurred by the President of the United States, the Vice President of the United States, and their aides while engaged in national, State, or local party promotional activities?"

It is the opinion of the Commission that a political party may designate any person to represent them at a legitimate party promotional event. If such person is a candidate under the Federal Election Campaign Act, as amended, the Commission will presume after January 1 of a presidential election year, for reasons noted infra, that the candidate's appearances benefit his candidacy directly and must be treated as subject to the provisions of the FECA, as amended. The Commission is also of the opinion that candidate appearances at a legitimate party promotional event, prior to January 1 of a presidential election year are party building in nature and are not inherently intended to influence the candidate's nomination for election to Federal office. Therefore, these appearances are not subject to the limitations of the FECA, as amended, as long as they are in compliance with the guidelines set forth herein.

Since President Ford is a candidate within the meaning of 2 U.S.C. 431(b)(2) and 18 U.S.C. 591(b)(2), the question to be answered here is whether a political committee's payment to a candidate for his expenditures in connection with an appearance at a legitimate party promotional activity is "made for the purpose of influencing the nomination * * * of (the candidate) to Federal office * * *." (See 2 U.S.C. 431(f), 18 U.S.C. 591(f).)

The FECA implicitly recognizes the role of political parties in our electoral process and encourages stronger and more competitive, major, minor and new parties through the payment of Federal moneys

The report of the Senate Rules and Administration Committee issued to accompany S. 3044 (Report No. 93–689) expresses this point:

(the) Committee agrees that a vigorous party system is vital to American politics and has given this matter careful study * * *. Parties will retain their essential nonfinancial responsibilities in electoral politics * * *. [P]arties will play an increased role in building stronger coalitions of voters and in keeping candidates responsible to the electorate through the party organization * * *. [P]arties will continue to perform crucial functions in the election apart from fundraising, such as registration in voter turnout campaigns, providing speakers, organizing volunteer workers and publicizing issues. Indeed, the combination of substantial public financing with limits on private gifts to candidates will release large sums presently committed to individual campaigns and make them available for donation to the parties, themselves. As a result, our financially hard-pressed parties will have increased resources not only to conduct party wide election efforts, but also to sustain important party operations in between elections.

See also, comments of Rep. Bill Frenzel in *Congressional Record*, H. 10333, daily ed., October 10, 1974.

While there is no question, given the nature and functions of the RNC, that such appearances can and do promote party-building, there is also little doubt that when these appearances occur in proximity to an election in which the President is a candidate, the appearances may be reasonably construed to confer a benefit to the President's own candidacy. Cognizant of these realities, the Commission will divide President Ford's party appearances into two categories: those occurring before January 1 of the election year, and those occurring after January 1 of the election year. The post January 1 appearances will be presumed to be candidate-related and will be governed by the relevant portions of the FECA, as amended. Those before January 1 will be presumed not to be candidate-related. The Commission's conclusions may be rebutted upon a showing, inter alia, that the solicitations for the party event, or the setting of the event, or the remarks made by candidates who were invited to attend were "for the purpose of influencing the nomination for election, or election, of [that candidate(s)] to Federal office." (See 2 U.S.C. §§ 431 (c) and (f); 18 U.S.C. § 591 (e) and (f).) Moreover, the Commission presumes that in the period prior to January 1, 1976, the NRC will accord equitable treatment to all of its presidential candidates.

In situations where it can be shown that President Ford, after the date he became a candidate,[1] attended an event which did not, under the preceding criteria, fulfill legitimate party building purposes, the Commission assumes that the RNC will treat its expenditures on behalf of the President as contributions in kind, subject to the $5,000 limitation in 18 U.S.C. 608(b)(2). In the event this limit is exceeded, the President Ford Committee should repay the RNC for costs incurred on behalf of the President and then list such repayments as expenditures, subject to the provisions of 18 U.S.C. 608(c).

The Commission notes that the matching payment period for the payment of public funds to properly qualified Federal candidates begins on January 1 of the presidential election year (see 26 U.S.C. 9037(b)). At the very least, the Congressional determination that the public payments shall become available on January 1 supplies a persuasive suggestion that Congress believed that date to mark the commencement of increasingly serious presidential campaigning which will consume an increasing portion of the candidate's time. This justifies the view that almost all public activities engaged in thereafter are candidate-related.

The opinion expressed herein is distinguishable from AO 1975–13 (appearing in 40 FR 36747) in which the Commission indicated that "once an individual has become a candidate for the presidency, all speeches made before substantial numbers of people are presumed for the purpose of enhancing his candidacy." When the statement is examined in context—namely as a response to a question as to whether 18 U.S.C. 610 prohibited a

[1] Since President Ford, on June 19, 1975, authorized a political committee to receive contributions and make expenditures on his behalf, at that time he became a candidate within the meaning of 2 U.S.C. 431(b)(2) and 18 U.S.C. 591(b)(2).

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presidential candidate from receiving corporation-paid travel expenses for a speaking engagement before a local chamber of commerce, it becomes clear that it is applicable only to an appearance which in contrast to the present situation, serves directly to benefit the candidate. This is not the case with regard to party appearances prior to January 1 of the election year, where such appearances are not accompanied by any express communication evidently directed to advancing a candidate's chances for election.

Although the views expressed in this opinion are specifically applicable to the RNC, as the requesting party herein (see 2 U.S.C. 437f), they would also be applied by the Commission to presidential candidates other than President Ford.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Commissioner Harris dissents.

Dated: November 26, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-32447 Filed 12-2-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 3, 1975



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Flood Prone Areas

V40233 DEC 3 75 XUM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-75-376]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the FEDERAL REGISTER at 40 FR 52919-52927.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to January 1, 1975, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.4 *List of eligible communities*. At that time the sanctions of section 202 will no longer apply to the communities listed below.

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ALABAMA	
010210	ALEXANDER, CITY OF [TALLAPOOSA CO.]	NOVEMBER 08, 1974
010001	AUTAUGAVILLE, TOWN OF [AUTAUGA CO.]	JUNE 07, 1974
010190	AVON, TOWN OF [HOUSTON CO.]	SEPTEMBER 20, 1974
010255	BARRY, TOWN OF [FAYETTE CO.]	DECEMBER 27, 1974
010053	BELK, TOWN OF [FAYETTE CO.]	SEPTEMBER 13, 1974
010042	BOLIGEE, CITY OF [GREENE CO.]	DECEMBER 13, 1974
010055	BRANTLEY, TOWN OF [CRENSHAW CO.]	JUNE 28, 1974
010114	CARDIFF, TOWN OF [JEFFERSON CO.]	SEPTEMBER 20, 1974
010102	COTTONWOOD, TOWN OF [HOUSTON CO.]	MAY 17, 1974
010244	COVINGTON COUNTY *	DECEMBER 13, 1974
010103A	COVARTS, TOWN OF [HOUSTON CO.]	AUGUST 16, 1974
010246	CRENSHAW COUNTY *	DECEMBER 06, 1974
010056	DOZIER, TOWN OF [CRENSHAW CO.]	SEPTEMBER 20, 1974
010212	ELBERTA, TOWN OF [BALDWIN CO.]	NOVEMBER 15, 1974
010027	FIVE POINTS, TOWN OF [CHAMBERS CO.]	NOVEMBER 15, 1974
0100c0	GADSDEN, CITY OF [ETOWA CO.]	MARCH 08, 1974
010053	GANTT, TOWN OF [COVINGTON CO.]	JUNE 07, 1974
010057A	GLENWOOD, TOWN OF [CRENSHAW CO.]	SEPTEMBER 20, 1974
010105	GORDON, TOWN OF [HOUSTON CO.]	OCTOBER 25, 1974
010271	LAMAR COUNTY *	DECEMBER 06, 1974
010272	LOWNDES COUNTY *	NOVEMBER 29, 1974
010268	PLEASANT GROVE, CITY OF [JEFFERSON CO.]	DECEMBER 20, 1974
010155	PROVIDENCE, TOWN OF [MACON CO.]	NOVEMBER 01, 1974
010162	RANDOLPH COUNTY *	SEPTEMBER 13, 1974
010054	RIVER FALLS, TOWN OF [COVINGTON CO.]	SEPTEMBER 20, 1974
010010	SILVER HILL, TOWN OF [BALDWIN CO.]	JUNE 28, 1974
010108	TAYLOR, TOWN OF [HOUSTON CO.]	SEPTEMBER 13, 1974
010302	WASHINGTON COUNTY *	DECEMBER 20, 1974
	TOTAL IN THE STATE 28	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ALASKA	
020049	HOONAH, CITY OF (UNORGANIZED BORO.)	JUNE 07, 1974
020108	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 28, 1974
	TOTAL IN THE STATE 2	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ARIZONA	
040028	GILA COUNTY *	NOVEMBER 01, 1974
040066	MAMMOTH, TOWN OF [PINAL CO.]	DECEMBER 07, 1973
040053	SURPRISE, TOWN OF [MARICOPA CO.]	JUNE 28, 1974
	TOTAL IN THE STATE 3	

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* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	ARKANSAS			
050017A	ALPENA, TOWN OF [BOONE CO.]	AUGUST	30, 1974	ANI
		OCTOBER	03, 1975	
050123	AUBREY, TOWN OF [LEE CO.]	DECEMBER	06, 1974	
050062A	CARTHAGE, CITY OF [DALLAS CO.]	MARCH	08, 1974	ANI
		OCTOBER	10, 1975	
050214	ELKINS, TOWN OF [WASHINGTON CO.]	DECEMBER	20, 1974	
050019	EVERTON, TOWN OF [BOONE CO.]	AUGUST	30, 1974	
050130A	FOREMAN, CITY OF [LITTLE RIVER CO.]	MARCH	01, 1974	ANI
		NOVEMBER	07, 1975	
050224A	GARNER, TOWN OF [WHITE CO.]	AUGUST	30, 1974	ANI
		NOVEMBER	07, 1975	
050217A	GREENLAND, TOWN OF [WASHINGTON CO]	JUNE	28, 1974	ANI
		OCTOBER	24, 1975	
050031	GREENBAY, TOWN OF [CLAY CO.]	AUGUST	30, 1974	
050234A	HAVANA, CITY OF [YELL CO.]	AUGUST	23, 1974	
050225	HIGGINSON, TOWN OF [WHITE CO.]	AUGUST	16, 1974	
050120A	IMBODEN, TOWN [LAWRENCE CO]	MAY	03, 1974	ANI
		OCTOBER	10, 1975	
050227	KENSETT, CITY OF [WHITE CO.]	OCTOBER	12, 1973	
050203	MIDLAND, TOWN OF [SEBASTIAN CO.]	AUGUST	16, 1974	
050069	MITCHELLVILLE, TOWN OF [DESHA CO.]	NOVEMBER	08, 1974	
050055	MOUNT PLEASANT, TOWN OF [IZARD CO.]	NOVEMBER	22, 1974	
050051A	MOUNTAINBURG, TOWN OF [CRAWFORD CO.]	MAY	03, 1974	ANI
		NOVEMBER	28, 1975	
050007A	PARKDALE, CITY OF [ASHLEY CO.]	MARCH	29, 1974	ANI
		OCTOBER	31, 1975	
050040A	RISON, CITY OF [CLEVELAND CO.]	MARCH	08, 1974	ANI
		OCTOBER	10, 1975	
050134	ST. PAUL, TOWN OF [MADISON CO.]	DECEMBER	20, 1974	
050043A	WALDO, CITY OF [COLUMBIA CO.]	APRIL	05, 1974	ANI
		OCTOBER	17, 1975	
050077A	WINCHESTER, TOWN OF [DREW CO.]	AUGUST	30, 1974	ANI
		OCTOBER	10, 1975	
	TOTAL IN THE STATE	22		

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	CALIFORNIA			
060017	BUTTE COUNTY *	SEPTEMBER	06, 1974	
060068A	CALIPATRIA, CITY OF [IMPERIAL CO.]	APRIL	12, 1974	
060196A	CARMEL BY-THE-SEA, CITY OF [MONTEREY CO.]	JUNE	14, 1974	
060249	COACHELLA, CITY OF [RIVERSIDE CO.]	MAY	17, 1974	
060022	COLUSA COUNTY *	OCTOBER	25, 1974	
060110A	COMMERCE, CITY OF [LOS ANGELES CO.]	JUNE	28, 1974	
060040	EL DORADO COUNTY *	AUGUST	02, 1974	
060404	EXETER, CITY OF [TULARE CO.]	MARCH	08, 1974	
060445	FERNDALE, CITY [HUMBOLDT CO.]	DECEMBER	20, 1974	
060211	GRASS VALLEY, CITY OF [NEVADA CO.]	MAY	17, 1974	
060326	HUGHSON, CITY OF [STANISLAUS CO.]	MAY	24, 1974	
060045A	HURON, CITY OF [FRESNO CO.]	MAY	17, 1974	
060255A	INDIO, CITY OF [RIVERSIDE CO.]	MAY	31, 1974	ANI
		AUGUST	08, 1975	
060079A	MARICOPA, CITY OF [KERN CO.]	JUNE	14, 1974	ANI
		NOVEMBER	14, 1975	
060185	POINT ARENA, CITY OF [MENDOCINO CO.]	OCTOBER	18, 1974	
060056	SELMA, CITY OF [FRESNO CO.]	MAY	24, 1974	
060412A	SONORA, CITY OF [TUOLUMNE CO.]	MAY	31, 1974	ANI
		OCTOBER	10, 1975	
	TOTAL IN THE STATE	17		

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* UNINCORPORATED AREAS ONLY

COLORADO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
080003	BENNETT, TOWN OF [ADAMS CO.]	NOVEMBER 22, 1974	
080148	BOONE, TOWN OF [PUEBLO CO.]	SEPTEMBER 06, 1974	
080111	CROOK, TOWN OF [LOGAN CO.]	NOVEMBER 08, 1974	
080120	DINOSAUR, TOWN OF [MOFFAT CO.]	AUGUST 30, 1974	
080047A	DOVE CREEK, TOWN OF [DOLORES CO.]	MAY 24, 1974	AND
		NOVEMBER 28, 1975	
080056	ELIZABETH, TOWN OF [ELBERT CO.]	SEPTEMBER 06, 1974	
080112	FLEMING, TOWN OF [LOGAN CO.]	NOVEMBER 08, 1974	
080073	FRASER, TOWN OF [GRAND CO.]	SEPTEMBER 06, 1974	
080117A	GRAND JUNCTION, CITY OF [MESA CO.]	FEBRUARY 01, 1974	AND
		JUNE 28, 1974	
080195	GREENWOOD VILLAGE, CITY OF [ARAPAHOE CO.]	DECEMBER 27, 1974	
080074A	HOT SULPHUR SPRINGS, TOWN OF [GRAND CO.]	NOVEMBER 22, 1974	
080044	HOTCHKISS, TOWN OF [DELTA CO.]	JUNE 21, 1974	
080268	IGNACIO, TOWN OF [LA PLATA CO.]	MARCH 22, 1974	
080207	ILIFF, TOWN OF [LOGAN CO.]	DECEMBER 27, 1974	
080057	KIOWA, TOWN OF [ELBERT CO.]	SEPTEMBER 06, 1974	
080033	KIT CARSON, TOWN OF [CHEYENNE CO.]	DECEMBER 13, 1974	
080034	LA VETA, TOWN OF [HUERFANO CO.]	DECEMBER 27, 1974	
080096A	LEADVILLE, CITY OF [LAKE CO.]	MAY 17, 1974	
080167	NORWOOD, TOWN OF [SAN MIGUEL CO.]	NOVEMBER 22, 1974	
080127	NUCLA, TOWN OF [MONTROSE CO.]	MAY 24, 1974	
080178A	OTIS, TOWN OF [WASHINGTON CO.]	MAY 24, 1974	AND
		OCTOBER 31, 1975	
080170	OVID, TOWN OF [SEDGWICK CO.]	NOVEMBER 15, 1974	
080158	RIDGWAY, TOWN OF [OURAY CO.]	NOVEMBER 08, 1974	
085078	RIFLE, CITY OF [GARFIELD CO.]	JUNE 15, 1973	
080200	SILVER PLUME, TOWN OF [CLEAR CREEK CO.]	DECEMBER 13, 1974	
080058	SIMLA, TOWN OF [ELBERT CO.]	SEPTEMBER 13, 1974	
080100	STARKVILLE, TOWN OF [LAS ANIMAS CO.]	SEPTEMBER 06, 1974	
080160	YAMPA, TOWN OF [ROUTT CO.]	MAY 24, 1974	
	TOTAL IN THE STATE	28	

* UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
090179	CHAPLIN, TOWN OF [WINDHAM CO.]	DECEMBER 13, 1974
090160	COLEBROOK, TOWN OF [LITCHFIELD CO.]	NOVEMBER 29, 1974
090159	WILLINGTON, TOWN OF [TOLLAND CO.]	DECEMBER 20, 1974
	TOTAL IN THE STATE	3

* UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
100013	KENTON, TOWN OF [KENT CO.]	SEPTEMBER 13, 1974
100014	LEIPSIC, TOWN OF [KENT CO.]	AUGUST 09, 1974
100044	MILLVILLE, TOWN OF [SUSSEX CO.]	OCTOBER 18, 1974
	TOTAL IN THE STATE	3

* UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
120194	BELLE GLADE, CITY OF [PALM BEACH CO.]	JULY 19, 1974	
120071	BIG ALLIGATOR LAKE, TOWN OF [COLUMBIA CO.]	SEPTEMBER 06, 1974	
120323	BITHLO, TOWN OF [ORANGE CO.]	DECEMBER 13, 1974	
120197	BRINY BREEZES, TOWN OF [PALM BEACH CO.]	JANUARY 23, 1974	
120324	BRISTOL, TOWN OF [LIBERTY CO.]	DECEMBER 13, 1974	
120016	BROOKER, TOWN OF [BRADFORD CO.]	AUGUST 30, 1974	
120171	CALLAHAN, CITY OF [NASSAU CO.]	JULY 19, 1974	
120126	CAMPBELLTON, CITY OF [JACKSON CO.]	SEPTEMBER 06, 1974	
120128	GRAND RIDGE, TOWN OF [JACKSON CO.]	AUGUST 02, 1974	
120205	HAVERHILL, TOWN OF [PALM BEACH CO.]	JUNE 28, 1974	
120269	NORTH DAVENPORT, CITY OF [POLK CO.]	JUNE 28, 1974	
120103	OCEAN BREEZE, TOWN OF [MARTIN CO.]	AUGUST 02, 1974	
120051	PARKLAND, TOWN OF [BROWARD CO.]	AUGUST 30, 1974	
120130	SNEADS, TOWN OF [JACKSON CO.]	AUGUST 02, 1974	
120270	WEST DUNDEE, CITY OF [POLK CO.]	AUGUST 02, 1974	
120100	WEWAHITCHKA, TOWN OF [GULF CO.]	AUGUST 09, 1974	
	TOTAL IN THE STATE	16	

* UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
130235	ADAIRSVILLE, TOWN OF [BARTOW CO.]	JUNE 14, 1974	
130205	BALDWIN, TOWN OF [BANKS CO.]	JUNE 28, 1974	
130103	CLARKESVILLE, CITY OF [HABERSHAM CO.]	JUNE 21, 1974	
130146	CRAWFORD, CITY OF [OGLETHORPE CO.]	JUNE 07, 1974	
130129	DAHLONEGA, CITY OF [LUMPKIN CO.]	JUNE 28, 1974	
130215	DENTON, CITY OF [JEFF DAVIS CO.]	DECEMBER 13, 1974	
130058	DULUTH, CITY OF [GWINNETT CO.]	MAY 24, 1974	
130023	GIRARD, TOWN OF [BURKE CO.]	SEPTEMBER 06, 1974	
130220	GREENSBORO, CITY OF [GREENE CO.]	DECEMBER 20, 1974	
130107	HAMPTON, CITY OF [HENRY CO.]	JUNE 28, 1974	
130192A	HELEN, CITY OF [WHITE CO.]	SEPTEMBER 06, 1974	AND
		OCTOBER 17, 1975	
130221	HIRAM, CITY OF [PAULDING CO.]	OCTOBER 18, 1974	
130112	JEFFERSON, CITY OF [JACKSON CO.]	JUNE 28, 1974	
130043	JONESBORO, CITY OF [CLAYTON CO.]	MAY 24, 1974	
130128	LUDOWICI, CITY OF [LONG CO.]	JUNE 14, 1974	
130223A	LYONS, CITY OF [TOOMBS CO.]	DECEMBER 06, 1974	AND
		NOVEMBER 21, 1975	
130225	MANCHESTER, CITY OF [MERIWETHER + TALBOT COS.]	DECEMBER 06, 1974	
130046	MOUNTAIN VIEW, CITY OF [CLAYTON CO.]	MAY 10, 1974	
130161	NEWINGTON, TOWN OF [SCREVEN CO.]	SEPTEMBER 06, 1974	
130162	ROCKY FORD, TOWN OF [SCREVEN CO.]	SEPTEMBER 06, 1974	
130168	SCOTLAND, CITY OF [TELFAIR + WHEELER COS.]	AUGUST 30, 1974	
130260	STONE MOUNTAIN, CITY OF [DEKALB CO.]	MAY 12, 1974	
135165A	VERNONBURG, TOWN OF [CHATHAM CO.]	JULY 27, 1973	AND
		OCTOBER 31, 1975	
130174	YOUNG HARRIS, TOWN OF [TOWNS CO.]	JUNE 14, 1974	
	TOTAL IN THE STATE	24	

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* UNINCORPORATED AREAS ONLY

IDAHO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
160053	CHALLIS, CITY OF [CUSTER CO.]	JUNE 28, 1974
160015	CHATCOLET, CITY OF [BENEWAH CO.]	SEPTEMBER 13, 1974
160005	COUNCIL, CITY OF [ADAMS CO.]	MAY 03, 1974
160044	DECLO, CITY OF [CASSIA CO.]	SEPTEMBER 06, 1974
160068	FERDINAND, CITY OF [IDAHO CO.]	SEPTEMBER 06, 1974
160079	FERNAN LAKE, CITY OF [KOOTENAI CO.]	SEPTEMBER 06, 1974
160004A	GARDEN CITY, CITY OF [ADA CO.]	DECEMBER 17, 1973
160080	HARRISON, CITY OF [KOOTENAI CO.]	MARCH 22, 1974
160082	HAYDEN LAKE, CITY OF [KOOTENAI CO.]	SEPTEMBER 06, 1974
160089A	KENDRICK, CITY OF [LATAH + NEZ PERCE COS.]	OCTOBER 18, 1974
160197	MALTA, TOWN OF [CASSIA CO.]	DECEMBER 13, 1974
160045	OAKLEY, TOWN OF [CASSIA CO.]	OCTOBER 18, 1974
160039	PARMA, CITY OF [CANYON CO.]	MAY 17, 1974
160110	ROCKLAND, CITY OF [POWER CO.]	DECEMBER 27, 1974
160056	SHOSHONE, TOWN OF [LINCOLN CO.]	JUNE 28, 1974
160119	VICTOR, CITY OF [TETON CO.]	SEPTEMBER 06, 1974
160072	WHITE BIRD, CITY OF [IDAHO CO.]	SEPTEMBER 13, 1974
	TOTAL IN THE STATE	17

* UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170228	ALTAMONT, CITY OF [EFFINGHAM CO.]	MARCH 22, 1974
170489	ANCHOR, VILLAGE OF [MCLEAN CO.]	DECEMBER 06, 1974
170657	ANNA, CITY OF [UNION CO.]	MARCH 29, 1974
170243A	ATWOOD, VILLAGE OF [PIATT CO.]	NOVEMBER 23, 1973
170742	AVON, VILLAGE OF [FULTON CO.]	OCTOBER 18, 1974
170743A	BANNER, VILLAGE OF [FULTON CO.]	DECEMBER 28, 1973
170470	BARDOLPH, VILLAGE OF [MCDONOUGH CO.]	SEPTEMBER 13, 1974
170464	BATH, VILLAGE OF [MASON CO.]	DECEMBER 17, 1973
170608	BLUFFS, VILLAGE OF [SCOTT CO.]	JUNE 07, 1974
170268	BOWEN, VILLAGE OF [HANCOCK CO.]	NOVEMBER 15, 1974
170046	BREESE, CITY OF [CLINTON CO.]	JUNE 07, 1974
170468	BRIDGEPORT, CITY OF [MASSAC CO.]	JUNE 07, 1974
170226	BROWNS, VILLAGE OF [EDWARDS CO.]	NOVEMBER 15, 1974
170747	BRUSSELS, VILLAGE OF [CALHOUN CO.]	NOVEMBER 22, 1974
170746	BRYANT, VILLAGE OF [FULTON CO.]	DECEMBER 06, 1974
170471	BUSHNELL, CITY OF [MCDONOUGH CO.]	JUNE 07, 1974
170764	BUSH, VILLAGE OF [WILLIAMSON CO.]	MARCH 29, 1974
170765	CAMARGO, VILLAGE OF [DOUGLAS CO.]	APRIL 05, 1974
170250	CARROLLTON, CITY OF [GREEN CO.]	JUNE 07, 1974
170039	CASEY, CITY OF [CLARK CO.]	JUNE 28, 1974
170748	CLEVELAND, VILLAGE OF [HENRY CO.]	NOVEMBER 15, 1974
170044	CLINTON COUNTY *	DECEMBER 20, 1974
170193	CLINTON, CITY OF [DEWITT CO.]	MAY 24, 1974
170646	CREVE COEUR, VILLAGE OF [TAZEWELL CO.]	MARCH 01, 1974
170422	CULLOM, VILLAGE OF [LIVINGSTON CO.]	FEBRUARY 22, 1974
170292	DANFORTH, VILLAGE OF [IROQUOIS CO.]	FEBRUARY 22, 1974
.....	(IROQUOIS CO.)	SEPTEMBER 13, 1974
170751	DE SOTO, VILLAGE OF [JACKSON CO.]	APRIL 05, 1974
170647	DEER CREEK, VILLAGE OF [TAZEWELL CO.]	JUNE 28, 1974
170658	DONGOLA, VILLAGE OF [UNION CO.]	MARCH 08, 1974
170432	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JULY 19, 1974
170441	EDWARDSVILLE, CITY OF [MADISON CO.]	APRIL 05, 1974
170251	ELDRED, VILLAGE OF [GREENE CO.]	DECEMBER 17, 1973
170869	ELLISVILLE, VILLAGE OF [FULTON CO.]	MARCH 22, 1974
170628	FAYETTEVILLE, VILLAGE OF [ST. CLAIR CO.]	FEBRUARY 22, 1974
170552	FLORENCE, VILLAGE OF [PIKE CO.]	DECEMBER 17, 1973
170750	FREEBURG, VILLAGE OF [ST. CLAIR CO.]	MARCH 22, 1974
170263	GALVA, CITY OF [HENRY CO.]	JUNE 14, 1974
170049	GERMANTOWN, VILLAGE OF [CLINTON CO.]	MARCH 29, 1974
170254	GIBSON CITY, CITY OF [FORD CO.]	MARCH 29, 1974
170326	GILBERTS, VILLAGE OF [KANE CO.]	SEPTEMBER 06, 1974
170002	GOLDEN, VILLAGE OF [ADAMS CO.]	JUNE 07, 1974
170252	GREENFIELD, CITY OF [GREEN CO.]	FEBRUARY 22, 1974
170548	HAMMOND, VILLAGE OF [PIATT CO.]	JUNE 14, 1974
170327	HAMPSHIRE, VILLAGE OF [KANE CO.]	MAY 03, 1974
170465	HAVANA, CITY OF [MASON CO.]	APRIL 05, 1974
170497A	HEYWORTH, VILLAGE OF [MCLEAN CO.]	JUNE 14, 1974
170253	HILLVIEW, VILLAGE OF [GREENE CO.]	DECEMBER 06, 1974
170184	HINCKLEY, VILLAGE OF [DEKALB CO.]	MARCH 01, 1974
170307	INA, VILLAGE OF [JEFFERSON CO.]	AUGUST 16, 1974
170369	INDIAN CREEK, VILLAGE OF [LAKE CO.]	AUGUST 23, 1974
170315	JERSEYVILLE, CITY OF [JERSEY CO.]	JUNE 07, 1974
170757	JOPPA, VILLAGE OF [MASSAC CO.]	NOVEMBER 23, 1973
170457	LACON, CITY OF [MARSHALL CO.]	NOVEMBER 30, 1973
170573	LAKE BLUFF [VILLAGE OF [LAKE CO.]	FEBRUARY 01, 1974
170458	LAROSE, VILLAGE OF [MARSHALL CO.]	OCTOBER 25, 1974
170528	LEAF RIVER, VILLAGE OF [OGLE CO.]	NOVEMBER 23, 1973
170500	LEXINGTON, CITY OF [MCLEAN CO.]	JUNE 28, 1974
170118	LINCOLNWOOD, VILLAGE OF [COOK CO.]	JUNE 21, 1974
170342	LISBON, VILLAGE OF [KENDALL CO.]	NOVEMBER 01, 1974
170754	LIVINGSTON, VILLAGE OF [MADISON CO.]	MARCH 22, 1974

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* UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170763	LONDON MILLS, VILLAGE OF [LAKE CO.]	OCTOBER 18, 1974
170765A	MAEYSTOWN, VILLAGE [MONROE CO.]	DECEMBER 20, 1974 AND OCTOBER 31, 1975
170301	MAKANDA, VILLAGE OF [JACKSON CO.]	AUGUST 23, 1974
170187	MALTA, VILLAGE OF [DEKALB CO.]	JUNE 07, 1974
170351	MAQUON, VILLAGE OF [KNOX CO.]	NOVEMBER 15, 1974
170650	MARQUETTE HEIGHTS, CITY OF [TAZEWELL CO.]	MARCH 08, 1974
170041	MARTINSVILLE, CITY OF [CLARK CO.]	NOVEMBER 23, 1973
170466	MASON CITY, CITY OF [MASON CO.]	NOVEMBER 15, 1974
170624	MAUNIE, VILLAGE OF [WHITE CO.]	JANUARY 09, 1974
170501	MCLEAN, VILLAGE OF [MCLEAN CO.]	DECEMBER 06, 1974
170573	MCNABB, VILLAGE OF [PUTNAM CO.]	SEPTEMBER 13, 1974
170581	METTAWA, VILLAGE OF [LAKE CO.]	OCTOBER 18, 1974
170685	MILL SHOALS, VILLAGE OF [WHITE CO.]	JULY 19, 1974
170230	MONTROSE, VILLAGE OF [EFFINGHAM CO.]	AUGUST 23, 1974
170309	MASON, CITY OF [JEFFERSON CO.]	AUGUST 16, 1974
170554	NEBO, VILLAGE OF [PIKE CO.]	DECEMBER 28, 1973
170555A	NEW CANTON, TOWN OF [PIKE CO.]	AUGUST 16, 1974
170769	NEWMAN, VILLAGE OF [DOUGLAS CO.]	NOVEMBER 29, 1974
170303	NEWTON, CITY OF [JASPER CO.]	DECEMBER 17, 1973
170430	NIANTIC, VILLAGE OF [MACON CO.]	MARCH 01, 1974
170515	NOKOMIS, CITY OF [MONTGOMERY CO.]	MARCH 29, 1974
170770A	NORRIS, VILLAGE OF [FULTON CO.]	DECEMBER 06, 1974
170352	ONEIDA, CITY OF [KNOX CO.]	JUNE 07, 1974
170641	ORANGEVILLE, VILLAGE OF [STEPHENSON CO.]	AUGUST 16, 1974
170235	PAXTON, CITY OF [FORD CO.]	NOVEMBER 22, 1974
170556	PEARL, VILLAGE OF [PIKE CO.]	DECEMBER 28, 1973
170797	PECATONICA, VILLAGE OF [WINNEBAGO CO.]	APRIL 05, 1974
170538	PERRY COUNTY *	DECEMBER 13, 1974
170758	PLEASANT PLAINS, VILLAGE OF [SANGAMON CO.]	MARCH 22, 1974
170272	PONTOOSUC, VILLAGE OF [HANCOCK CO.]	JANUARY 16, 1974
170643	RIDOTT, VILLAGE OF [STEPHENSON CO.]	DECEMBER 17, 1973
170603	RIVERTON, VILLAGE OF [SANGMON CO.]	NOVEMBER 16, 1973
170635	SAUGET, VILLAGE OF [ST. CLAIR CO.]	DECEMBER 13, 1974
170595	SILVIS, CITY OF [ROCK ISLAND CO.]	MAY 31, 1974
170776	SMITHFIELD, VILLAGE OF [FULTON CO.]	DECEMBER 06, 1974
170852	SMITHTON, VILLAGE OF [ST. CLAIR CO.]	MARCH 29, 1974
176519	SOUTH JACKSONVILLE, CITY OF [MORGAN CO.]	MARCH 29, 1974
170459	SPARLAND, VILLAGE OF [MARSHALL CO.]	NOVEMBER 23, 1973
170686	SPRINGERTON, VILLAGE OF [WHITE CO.]	DECEMBER 06, 1974
170600	STONEFORT, VILLAGE OF [SALINE CO.]	AUGUST 30, 1974
170775	ST. DAVID, VILLAGE OF [FULTON CO.]	DECEMBER 06, 1974
170801	ST. FRANCISVILLE, VILLAGE OF [LAWERENCE CO.]	MARCH 29, 1974
170636	SUMMERFIELD, VILLAGE OF [ST. CLAIR CO.]	MAY 03, 1974
170412	SUMNER, CITY OF [LAWRENCE CO.]	MARCH 01, 1974
170803	TALLULA, VILLAGE OF [MENARD CO.]	MARCH 29, 1974
170005	TAMMS, VILLAGE OF [ALEXANDER CO.]	MAY 10, 1974
170392	THIRD LAKE, VILLAGE OF [LAKE CO.]	SEPTEMBER 06, 1974
170010	TIREWELL, VILLAGE OF [BROWN CO.]	SEPTEMBER 20, 1974
170559	VALLEY CITY, VILLAGE OF [PIKE CO.]	DECEMBER 17, 1973
170781	VERMONT, VILLAGE OF [FULTON CO.]	NOVEMBER 29, 1974
170318	WALTONVILLE, VILLAGE OF [JEFFERSON CO.]	AUGUST 23, 1974
170455	WAMAC, CITY OF [CLINTON CO]	JUNE 28, 1974
170254	WHITE HALL, CITY OF [GREENE CO.]	APRIL 05, 1974
170356	YATES CITY, VILLAGE OF [KNOX CO.]	JUNE 14, 1974

TOTAL IN THE STATE 114

* UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180012	ADVANCE, TOWN OF [BOONE CO.]	SEPTEMBER 20, 1974
180184	ALBION, TOWN OF [NOBLE CO.]	JUNE 07, 1974
180031	ALTON, TOWN OF [CRAWFORD CO.]	JANUARY 23, 1974
180303	AMBOY, TOWN OF [MIAMI CO.]	NOVEMBER 29, 1974
180097	ANDREWS, TOWN OF [HUNTINGTON CO.]	JUNE 07, 1974
180315	ARCADIA, TOWN OF [HAMILTON CO.]	FEBRUARY 01, 1974
180233	AUSTIN, CITY OF [SCOTT CO.]	NOVEMBER 23, 1973
180252	BATTLE GROUND, CITY OF [TIPPECANOE CO.]	MAY 24, 1974
180316	BLOOMFIELD, TOWN OF [GREENE CO.]	NOVEMBER 23, 1973
180273	BOONVILLE, CITY OF [WARRICK CO.]	DECEMBER 28, 1973
180087	BROWNSBURG, TOWN OF [HENDRICKS CO.]	NOVEMBER 23, 1973
180317	BROWNSTOWN, TOWN OF [JACKSON CO.]	NOVEMBER 23, 1973
180318	BURLINGTON, TOWN OF [CARROLL CO.]	NOVEMBER 23, 1973
180319	CAMDEN, TOWN OF [CARROLL CO.]	MAY 31, 1974
180258	CAYUGA, TOWN OF [VERMILLION CO.]	JANUARY 09, 1974 AN
180274A	CHANDLER, TOWN OF [WARRICK CO.]	JULY 11, 1975
180247	CLEAR LAKE, TOWN OF [STEUBEN CO.]	DECEMBER 06, 1974
180029	CLINTON COUNTY *	DECEMBER 13, 1974
180167A	CONVERSE, TOWN OF [MIAMI CO.]	MAY 17, 1974
180044	DEKALB COUNTY *	DECEMBER 06, 1974
180054	DUBOIS COUNTY *	DECEMBER 13, 1974
180106	DUPONT, TOWN OF [JEFFERSON CO.]	NOVEMBER 29, 1974
180324	EDWARDSPORT, TOWN OF [KNOX CO.]	NOVEMBER 23, 1973
180052A	ENGLISH, TOWN OF [CRAWFORD CO.]	APRIL 12, 1974 AN OCTOBER 24, 1975
180261	FAIRVIEW PARK, TOWN OF [VERMILLION CO.]	SEPTEMBER 20, 1974
180282	FOUNTAIN CITY, CITY OF [WAY	MAY 10, 1974
180187	FRENCH LICK, TOWN OF [ORANGE CO.]	FEBRUARY 01, 1974
180070	FULTON COUNTY *	DECEMBER 20, 1974
180325	GOSPORT, TOWN OF [OWEN CO.]	NOVEMBER 23, 1973
180060	HAMILTON COUNTY *	DECEMBER 13, 1974
180241	HAMLET, CITY OF [STARK CO.]	JUNE 21, 1974
180069	HARTFORD CITY, CITY OF [BLACKFORD CO.]	NOVEMBER 23, 1973
180327	HAZLETON, TOWN OF [GIBSON CO.]	NOVEMBER 23, 1973
180328	HILLSBORO, TOWN OF [FOUNTAIN CO.]	FEBRUARY 01, 1974
180249	HUDSON, TOWN OF [STEUBEN CO.]	JULY 19, 1974
180225	INDIAN VILLAGE, TOWN OF [ST. JOSEPH CO.]	OCTOBER 18, 1974
180108	JENNINGS COUNTY *	DECEMBER 13, 1974
180193	JUDSON, TOWN OF [PARKE CO.]	DECEMBER 17, 1973
180090	KNIGHTSTOWN, TOWN OF [HENRY CO.]	NOVEMBER 30, 1973
180172	LADOGA, TOWN OF [MONTGOMERY CO.]	MAY 24, 1974
180164	LAPORTE COUNTY *	DECEMBER 20, 1974
180035	LEAVENWORTH, TOWN OF [CRAWFORD CO.]	NOVEMBER 30, 1973
180091	LEWISVILLE, TOWN OF [HENRY CO.]	SEPTEMBER 20, 1974
180278	LIVONIA, TOWN OF [WASHINGTON CO.]	OCTOBER 18, 1974
180307	MACY, TOWN OF [MIAMI CO.]	DECEMBER 06, 1974
180033A	MARENGO, TOWN OF [CRAWFORD CO.]	FEBRUARY 01, 1974 AND SEPTEMBER 19, 1975
180330	MECCA, TOWN OF [PARKE CO.]	JANUARY 23, 1974
180098	MEDORA, TOWN OF [JACKSON CO.]	NOVEMBER 23, 1973
180034A	MILLTOWN, TOWN OF [CRAWFORD & HARRISON COS.]	NOVEMBER 30, 1973 AND OCTOBER 10, 1975
180010	MONTPELIER, TOWN OF [BLACKFORD CO.]	DECEMBER 07, 1973
180176	MORGAN COUNTY *	DECEMBER 20, 1974
180178	MORGANTOWN, TOWN OF [MORGAN CO.]	SEPTEMBER 20, 1974
180336A	NEW PALESTINE, TOWN OF [HANCOCK CO.]	NOVEMBER 30, 1973
180337	NEWBERRY, TOWN OF [GREENE CO.]	FEBRUARY 01, 1974
180262	NEWPORT, TOWN OF [VERMILLION CO.]	MAY 31, 1974

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* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	INDIANA			
180072	OAKLAND CITY, CITY OF [GIBSON CO.]	MAY	10, 1974	
180206	OGDEN DUNES, TOWN OF [PORTER CO.]	MAY	31, 1974	
180250	ORLAND, TOWN OF [STEUBEN CO.]	MAY	31, 1974	
180188	ORLEANS, TOWN OF [ORANGE CO.]	MAY	31, 1974	
180229	OSCEOLA, TOWN OF [ST. JOSEPH CO.]	DECEMBER	17, 1973	
180189A	PAOLI, TOWN OF [ORANGE CO.]	NOVEMBER	23, 1973	ANI
180338	PARAGON, TOWN OF [MORGAN CO.]	OCTOBER	31, 1975	
180192	PARKE COUNTY *	FEBRUARY	01, 1974	
180340	PATOKA, TOWN [GIBSON CO.]	DECEMBER	20, 1974	
180395	PERRYSVILLE, TOWN [VERMILLION CO.]	NOVEMBER	23, 1973	
180089A	PLAINFIELD, TOWN OF [HENDRICKS CO.]	NOVEMBER	23, 1973	
180101	REMINGTON, TOWN OF [JASPER CO.]	FEBRUARY	01, 1974	ANI
180342	RILEY, TOWN OF [VIGO CO.]	SEPTEMBER	26, 1975	
180221	RIPLEY COUNTY *	MAY	31, 1974	
180096	ROANOKE, TOWN OF [HUNTINGTON CO.]	FEBRUARY	01, 1974	
180071	ROCHESTER, CITY OF [FULTON CO.]	DECEMBER	13, 1974	
180343A	ROSEDALE, TOWN OF [PARKE CO.]	DECEMBER	28, 1973	
180218	RUSSELLVILLE, TOWN OF [PUTNAM CO.]	FEBRUARY	15, 1974	
180143	SCHNEIDER, TOWN OF [LAKE CO.]	NOVEMBER	30, 1973	ANI
180404	SPENCERVILLE, TOWN OF [DEKALB CO.]	AUGUST	08, 1975	
180346	SPRING LAKE PARK, TOWN OF [HANCOCK CO.]	SEPTEMBER	20, 1974	
180347	SPRINGPORT, TOWN OF [HENRY CO.]	DECEMBER	17, 1973	
180348	STINESVILLE, TOWN OF [MONROE CO.]	FEBRUARY	15, 1974	
180349	SULPHUR SPRINGS, TOWN OF [HENRY CO.]	FEBRUARY	01, 1974	
180350	TENNYSON, TOWN OF [WARRICK CO.]	FEBRUARY	01, 1974	
180198A	TROY, TOWN OF [PERRY CO.]	FEBRUARY	01, 1974	
180351	UNIVERSAL, TOWN OF [VERMILLION CO.]	FEBRUARY	01, 1974	
180175	WAYNETOWN, TOWN OF [MONTGOMERY CO.]	MAY	31, 1974	
180288	WELLS COUNTY *	FEBRUARY	01, 1974	
180190	WEST EATON SPRINGS, TOWN OF [ORANGE CO.]	MAY	31, 1974	
180265	WEST TERRE HAUTE, TOWN [VIGO CO]	DECEMBER	13, 1974	
180298	WHITLEY COUNTY *	DECEMBER	28, 1973	
180272	WILLIAMSPORT, TOWN OF [WARREN CO.]	NOVEMBER	22, 1974	
180200	WINSLOW, TOWN OF [PIKE CO.]	DECEMBER	13, 1974	
		DECEMBER	17, 1973	
		DECEMBER	17, 1973	

TOTAL IN THE STATE 89

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	IOWA			
190138	ALDEN, TOWN OF [HARDIN CO.]	JUNE	21, 1974	
190065	ALTA VISTA, TOWN OF [CHICKASAW CO.]	DECEMBER	20, 1974	
190286	ANTHON, TOWN OF [WOODBURY CO.]	JANUARY	23, 1974	
190092	ARION, TOWN OF [CRAWFORD CO.]	SEPTEMBER	06, 1974	
190303A	BELMOND, CITY OF [WRIGHT CO.]	MAY	03, 1974	ANI
190266	BONAPARTE, CITY OF [VAN BUREN CO.]	AUGUST	22, 1975	
190093	BUCK GROVE, TOWN OF [CRAWFORD CO.]	JANUARY	09, 1974	
190277	CALLENDER, TOWN OF [WEBSTER CO.]	NOVEMBER	29, 1974	
190269	CHILLICOTHE, TOWN OF [WAPELLO CO.]	NOVEMBER	08, 1974	
190307	COLUMBUS JUNCTION, CITY OF [LOUISA CO.]	NOVEMBER	08, 1974	
190421	DAKOTA CITY, TOWN OF [HUMBOLDT CO.]	JANUARY	09, 1974	
190246	DEFIANCE, TOWN OF [SHELBY CO.]	NOVEMBER	08, 1974	
190095	DELOIT, TOWN OF [CRAWFORD CO.]	DECEMBER	20, 1974	
190097	DOW CITY, TOWN OF [CRAWFORD CO.]	AUGUST	30, 1974	
190305	DOWS, TOWN OF [WRIGHT CO.]	MAY	31, 1974	
190271	ELDON, TOWN OF [WAPELLO CO.]	JUNE	21, 1974	
190136	ELLSWORTH, TOWN OF [HAMILTON CO.]	DECEMBER	17, 1973	
190301	FERTILE, TOWN OF [WORTH CO.]	DECEMBER	13, 1974	
190027	FREDERIKA, TOWN OF [BREMER CO.]	DECEMBER	27, 1974	
190279	GOWRIE, TOWN OF [WEBSTER CO.]	NOVEMBER	22, 1974	
190104	GRANGER, TOWN OF [DALLAS CO.]	JUNE	28, 1974	
190159	GREEN ISLAND, TOWN OF [JACKSON CO.]	MARCH	22, 1974	
190236	HANCOCK, TOWN OF [POTTAWATTAMIE CO.]	OCTOBER	25, 1974	
190280	HARCOURT, TOWN OF [WEBSTER CO.]	AUGUST	30, 1974	
190224	HINTON, TOWN OF [PLYMOUTH CO.]	DECEMBER	06, 1974	
190275	INDIANOLA, CITY OF [WARREN CO.]	SEPTEMBER	06, 1974	
190023	JANESVILLE, TOWN OF [BLACK HAWK AND BREMER COS.]	JUNE	07, 1974	
190164	KELLOGG, TOWN OF [JASPER CO.]	DECEMBER	28, 1973	
190098	KIRON, CITY OF [CRAWFORD CO.]	JUNE	21, 1974	
190309	LA PORTE CITY, CITY OF [BLACK HAWK CO.]	NOVEMBER	08, 1974	
190006	LANSING, TOWN OF [ALLAMAKEE CO.]	DECEMBER	06, 1974	
190311	LETTS, TOWN OF [LOUISA CO.]	JANUARY	04, 1974	
190032	LINN GROVE, TOWN OF [BUENA VISTA CO.]	DECEMBER	27, 1974	
190078	LITTLEPORT, TOWN OF [CLAYTON CO.]	AUGUST	16, 1974	
190196	LUCAS, TOWN OF [LUCAS CO.]	AUGUST	23, 1974	
190160	MAQUOKETA, CITY OF [JACKSON, CO.]	NOVEMBER	29, 1974	
190148A	MODALE, TOWN OF [HARRISON CO.]	JUNE	28, 1974	
190010	MYSTIC, CITY OF [APPANOOSE CO.]	OCTOBER	18, 1974	
190087	NEW ALBIN, TOWN OF [ALLAMAKEE CO.]	NOVEMBER	01, 1974	
190082	NORTH BUENAVISTA, TOWN OF [CLAYTON CO.]	MAY	17, 1974	
190176	OLIN, TOWN OF [JONES CO.]	OCTOBER	18, 1974	
190294	OTO, TOWN OF [WOODBURY CO.]	AUGUST	30, 1974	
190172	OXFORD, TOWN OF [JOHNSON CO.]	SEPTEMBER	13, 1974	
190150	PERSIA, TOWN OF [HARRISON CO.]	MAY	10, 1974	
190151	PISGAH, TOWN OF [HARRISON CO.]	DECEMBER	13, 1974	
190061	PLYMOUTH, TOWN OF [CERRO GORDO CO.]	DECEMBER	06, 1974	
190167	REASNER, TOWN OF [JASPER CO.]	NOVEMBER	08, 1974	
190100	RICKETTS, TOWN OF [CRAWFORD CO.]	NOVEMBER	01, 1974	
		NOVEMBER	22, 1974	

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* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190132	SHEFFIELD, TOWN OF [FRANKLIN CO.]	JUNE 28, 1974
190178A	SIGOURNEY, CITY OF [KEOKUK CO.]	MARCH 15, 1974
190207	SILVER CITY, TOWN OF [MILLS CO.]	NOVEMBER 08, 1974
190056	STANWOOD, TOWN OF [CEDAR CO.]	AUGUST 09, 1974
190062	THORNTON, TOWN OF [CERRO GORDO CO.]	DECEMBER 20, 1974
190173	TIFFIN, TOWN OF [JOHNSON CO.]	NOVEMBER 22, 1974
190194	WAPELLO, CITY OF [LOUISA CO.]	JANUARY 16, 1974
190058	WEST BRANCH, CITY OF [CEDAR CO.]	MARCH 01, 1974
190179	WHAT CHEER, CITY OF [KEOKUK CO.]	JANUARY 09, 1974
190090	WHEATLAND, TOWN OF [CLINTON CO.]	JUNE 28, 1974
190070	WOODBURN, TOWN OF [CLARKE CO.]	DECEMBER 20, 1974
190260	ZEARING, TOWN OF [STORY CO.]	JULY 19, 1974

TOTAL IN THE STATE 60

* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200291	ALDEN, CITY OF [RICE CO.]	DECEMBER 27, 1974	
200340	ATHOL, CITY OF [SMITH CO.]	DECEMBER 13, 1974	
200287A	BELLEVILLE, CITY OF [REPUBLIC CO.]	FEBRUARY 15, 1974	ANI
		OCTOBER 31, 1975	
200270	BELVUE, CITY OF [POTTAWATOMIE CO.]	NOVEMBER 29, 1974	
200128	BLUFF CITY, CITY OF [HARPER CO.]	DECEMBER 27, 1974	
200157	BURR OAK, CITY OF [JEWELL CO.]	NOVEMBER 29, 1974	
200130A	BURRTON, CITY OF [HARVEY CO.]	MARCH 15, 1974	ANI
		OCTOBER 24, 1975	
200230A	CANEY, CITY OF [MONTGOMERY CO.]	FEBRUARY 15, 1974	ANI
		OCTOBER 24, 1975	
200004	COLONY, CITY OF [ANDERSON CO.]	DECEMBER 20, 1974	
200139	DELIA, CITY OF [JACKSON CO.]	AUGUST 30, 1974	
200079	DENTON, CITY OF [DONIPHAN CO.]	DECEMBER 27, 1974	
200162	EDGERTON, CITY OF [JOHNSON CO.]	MARCH 08, 1974	
200256	ELKHART, CITY OF [MORTON CO.]	MAY 24, 1974	
200271	EMMETT, CITY OF [MIAMI CO.]	DECEMBER 20, 1974	
200120	EUREKA, CITY OF [GREENWOOD CO.]	APRIL 12, 1974	
200028	FAIRVIEW, CITY OF [BROWN CO.]	NOVEMBER 08, 1974	
200221	FONTANA, CITY OF [MIAMI CO.]	DECEMBER 20, 1974	
200211A	FRANKFORT, CITY OF [MARSHALL CO.]	JANUARY 23, 1974	ANI
		OCTOBER 24, 1975	
200342	GAYLORD, CITY OF [SMITH CO.]	DECEMBER 27, 1974	
200263	GLADE, CITY OF [PHILLIPS CO.]	DECEMBER 27, 1974	
200227	GLEN ELDER, CITY OF [MITCHELL CO.]	DECEMBER 27, 1974	
200206	GOESSEL, CITY OF [MARION CO.]	NOVEMBER 22, 1974	
200239	GOFF, CITY OF [NEMAHA CO.]	NOVEMBER 08, 1974	
200111	GRANDVIEW PLAZA, CITY OF [GEARY CO.]	FEBRUARY 01, 1974	ANI
		AUGUST 09, 1974	
200006	GREELEY, CITY OF [ANDERSON CO.]	NOVEMBER 22, 1974	
200064	GRIDLEY, CITY OF [COFFEY CO.]	NOVEMBER 22, 1974	
200355	HADDAM, CITY OF [WASHINGTON CO.]	DECEMBER 27, 1974	
200352	HARVEYVILLE, CITY OF [WABAUNSEE CO.]	NOVEMBER 08, 1974	
200261	HERNDON, CITY OF [RAWLINS CO.]	NOVEMBER 22, 1974	
200141A	HOLTON, CITY OF [JACKSON CO.]	FEBRUARY 22, 1974	
200142	HOYT, CITY OF [JACKSON CO.]	DECEMBER 20, 1974	
200226	HUNTER, CITY OF [MITCHELL CO.]	DECEMBER 13, 1974	
200012	HURON, CITY OF [ATCHISON CO.]	DECEMBER 13, 1974	
200116	INGALLS, CITY OF [GRAY CO.]	DECEMBER 20, 1974	
200007	KINCAID, CITY OF [ANDERSON CO.]	NOVEMBER 22, 1974	
200329	KISMET, CITY OF [SEWARD CO.]	NOVEMBER 22, 1974	
200196	LA CYGNE, CITY OF [LINN CO.]	MARCH 15, 1974	
200103	LANE, CITY OF [FRANKLIN CO.]	DECEMBER 27, 1974	
200189A	LANSING, CITY OF [LEAVENWORTH CO.]	AUGUST 23, 1974	ANI
		NOVEMBER 28, 1975	
200343	LEBANON, CITY OF [SMITH CO.]	DECEMBER 20, 1974	
200082	LEONA, CITY OF [DONIPHAN CO.]	DECEMBER 20, 1974	

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* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200066A	LEROY, CITY OF [COFFEY CO.]	DECEMBER 28, 1973	ANI
		OCTOBER 24, 1975	
200265A	LOGAN, CITY OF [PHILLIPS CO.]	JULY 19, 1974	ANI
		OCTOBER 17, 1975	
200222	LOUISBURG, CITY OF [MIAMI CO.]	MARCH 01, 1974	
200272	LOUISVILLE, CITY OF [POTTAWATOMIE CO.]	DECEMBER 06, 1974	
200143	MAYETTA, CITY OF [JACKSON CO.]	NOVEMBER 08, 1974	
200310	MCCRACKEN, CITY OF [RUSH CO.]	NOVEMBER 22, 1974	
200051A	MINNEOLA, CITY OF [CLARK CO.]	FEBRUARY 08, 1974	ANI
		OCTOBER 17, 1975	
200055	MORGANVILLE, CITY OF [CLAY CO.]	DECEMBER 20, 1974	
200032	MORRILL, CITY OF [BROWN CO.]	NOVEMBER 22, 1974	
200356	MORROWVILLE, CITY OF [WASHINGTON CO.]	DECEMBER 06, 1974	
200197A	MOUND CITY, CITY OF [LINN CO.]	MARCH 01, 1974	
200014	MUSCOTAH, CITY OF [ATCHISON CO.]	NOVEMBER 22, 1974	
200144	NETAWAKA, CITY OF [JACKSON CO.]	NOVEMBER 22, 1974	
200318	NEW CAMBRIA, CITY OF [SALINE CO.]	DECEMBER 27, 1974	
200067	NEW STRAWN, CITY OF [COFFEY CO.]	NOVEMBER 22, 1974	
200150	NORTONVILLE, CITY OF [JEFFERSON CO.]	MARCH 01, 1974	
200252A	OSAGE CITY, CITY OF [OSAGE CO]	MARCH 01, 1974	ANI
		FEBRUARY 28, 1975	
200311	OTIS, CITY OF [RUSH CO.]	NOVEMBER 22, 1974	
200357	PALMER, CITY OF [WASHINGTON CO.]	DECEMBER 20, 1974	
200105	PARONA, CITY OF [FRANKLIN CO.]	FEBRUARY 08, 1974	
200256	PORTIS, CITY OF [OSBORNE CO.]	DECEMBER 27, 1974	
200253	QUENEMO, CITY OF [OSAGE CO.]	DECEMBER 20, 1974	
200276	RAYMOND, CITY OF [RICE CO.]	DECEMBER 27, 1974	
200025	REDFIELD, CITY OF [BOURBON CO.]	DECEMBER 27, 1974	
200288	REPUBLIC, CITY OF [REPUBLIC CO.]	DECEMBER 06, 1974	
200305A	RILEY, CITY OF [RILEY CO.]	FEBRUARY 15, 1974	ANI
		NOVEMBER 14, 1975	
200312	RUSH CENTER, CITY OF [RUSH CO.]	NOVEMBER 22, 1974	
200315B	RUSSELL, CITY OF [RUSSELL CO.]	FEBRUARY 08, 1974	ANI
		NOVEMBER 08, 1974	
200083	SEVERANCE, CITY OF [DONIPHAN CO.]	DECEMBER 20, 1974	
200145	SOLDIER, CITY OF [JACKSON CO.]	NOVEMBER 22, 1974	
200213	VERMILLION, TOWN OF [MARSHALL CO.]	DECEMBER 20, 1974	
200277	WESTMORELAND, CITY OF [POTTAWATOME CO.]	MARCH 08, 1974	
200008	WESTPHALIA, CITY [ANDERSON CO]	DECEMBER 20, 1974	
200086	WHITE CLOUD, CITY OF [DONIPHAN CO.]	DECEMBER 27, 1974	
200146	WHITING, CITY OF [JACKSON CO.]	NOVEMBER 29, 1974	

TOTAL IN THE STATE 76

* UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
210070	ALLEN, TOWN OF [FLOYD CO.]	JANUARY 23, 1974	
210043	ARLINGTON, TOWN OF [CARLISLE CO.]	MAY 17, 1974	
210044	BARDWELL, TOWN OF [CARLISLE CO.]	MAY 17, 1974	
210106	BERRY, TOWN OF [HARRISON CO.]	AUGUST 16, 1974	
210167	BOONEVILLE, CITY OF [OWSLEY CO.]	FEBRUARY 01, 1974	
210016	BOYD COUNTY *	DECEMBER 13, 1974	
210161	BRADFORDSVILLE, CITY OF [MARION CO.]	MAY 10, 1974	
210201	BRODHEAD, CITY OF [ROCK CASTLE CO.]	MAY 17, 1974	
210154	CALHOUN, TOWN OF [MCLEAN CO.]	FEBRUARY 01, 1974	
210213	CAMPBELLSVILLE, CITY OF [TAYLOR CO.]	MAY 24, 1974	
210042	CARLISLE COUNTY *	OCTOBER 18, 1974	
210050	CARTER COUNTY *	DECEMBER 13, 1974	
210053	CASEY COUNTY *	DECEMBER 13, 1974	
210195	CLAY CITY, CITY OF [POWELL CO.]	FEBRUARY 01, 1974	
210057	CLAY COUNTY *	DECEMBER 27, 1974	
210222	CLAY, CITY OF [WEBSTER CO.]	FEBRUARY 01, 1974	
210111	CLINTON, TOWN OF [HICKMAN CO.]	MAY 17, 1974	
210227	CORBIN, CITY OF [WHITLEY CO.]	JUNE 14, 1974	
210143	CRAB ORCHARD, TOWN OF [LINCOLN CO.]	JUNE 14, 1974	
210167	DOVER, TOWN OF [MASON CO.]	AUGUST 02, 1974	
210238	FLORENCE, TOWN OF [BOONE CO.]	FEBRUARY 01, 1974	
210069	FLOYD COUNTY *	DECEMBER 13, 1974	
210038	FORT THOMAS, CITY OF [CAMPBELL CO.]	JANUARY 25, 1974	AN
		OCTOBER 18, 1974	
210081	GARRARD COUNTY *	OCTOBER 18, 1974	
210046	GHENT, TOWN OF [CARROLL CO.]	JANUARY 16, 1974	
210078	GLENCOE, CITY OF [GALLATIN CO.]	FEBRUARY 01, 1974	
210068	GREENUP, TOWN OF [GREENUP CO.]	JANUARY 23, 1974	
210054	HARDIN COUNTY *	OCTOBER 18, 1974	
210303	HARDIN, CITY OF [MARSHALL CO.]	JUNE 14, 1974	
210165	HARDIN, TOWN OF [MARSHALL CO.]	MAY 10, 1974	
210172	HARRODSBURG, CITY OF [MERCER CO.]	MAY 10, 1974	
210032	HAZEL, TOWN OF [CALLOWAY CO.]	AUGUST 09, 1974	
210110	HENRY COUNTY *	OCTOBER 18, 1974	
210077	HICKMAN, CITY OF [FULTON CO]	JUNE 28, 1974	
210112	HOPKINS COUNTY *	OCTOBER 18, 1974	
210137	HYDEN, CITY OF [LESLIE CO.]	MAY 24, 1974	
210158	JENKINS, CITY OF [LETCHER CO.]	JUNE 07, 1974	
210134	LAUREL COUNTY *	DECEMBER 27, 1974	
210304	LEBANON JUNCTION, CITY OF [BULLITT CO.]	MARCH 15, 1974	
210085	LEITCHFIELD, TOWN OF [GRAYSON CO.]	MAY 10, 1974	
210141	LEWIS COUNTY *	DECEMBER 20, 1974	
210166	MARTIN COUNTY *	DECEMBER 13, 1974	
210071	MARTIN, TOWN OF [FLOYD CO.]	MAY 24, 1974	
210233	MCHENRY, TOWN OF [OHIO CO.]	OCTOBER 25, 1974	
210153	MCLEAN COUNTY *	DECEMBER 06, 1974	
210014	MILLERSBURG, CITY OF [BOURBON CO.]	MAY 10, 1974	
210242	MORGANTOWN, TOWN OF [BUTLER CO.]	FEBRUARY 01, 1974	
210139	NEON, TOWN OF [LETCHER CO.]	MAY 24, 1974	

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* UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
210126	OWEN COUNTY *	OCTOBER	18, 1974	
210244	PETERSBURG, TOWN OF [BOONE CO.]	JANUARY	23, 1974	
210194	POWELL COUNTY *	NOVEMBER	29, 1974	
210047	PRESTONVILLE, TOWN OF [CARROLL CO.]	AUGUST	16, 1974	
210089	RACELAND, TOWN OF [GREENUP CO.]	FEBRUARY	08, 1974	
210310	ROCHESTER, TOWN OF [BUTLER CO.]	FEBRUARY	01, 1974	
210245	ROCKPORT, TOWN OF [OHIO CO.]	FEBRUARY	01, 1974	
210048	SANDERS, TOWN OF [CARROLL CO.]	JANUARY	23, 1974	
210209	SHELBY COUNTY *	OCTOBER	18, 1974	
210028	SHEPHERDSVILLE, CITY OF [BULLITT CO.]	MAY	24, 1974	
210225	SLAUGHTERS, CITY OF [WEBSTER CO.]	AUGUST	16, 1974	
210079	SPARTA, CITY OF [GALLATIN CO.]	FEBRUARY	01, 1974	
210212	TAYLOR COUNTY *	OCTOBER	18, 1974	
210216	UNIONTOWN, TOWN OF [UNION CO.]	MAY	17, 1974	
210172	VICCO, CITY OF [PERRY CO.]	MAY	10, 1974	
210096	VINE GROVE, CITY OF [HARDIN CO.]	MAY	17, 1974	
210309	VISALIA, CITY OF [KENTON CO.]	JANUARY	23, 1974	
210020	WARSAW, CITY OF [GALLATIN CO.]	FEBRUARY	01, 1974	
210073	WAYLAND, TOWN OF [FLOYD CO.]	AUGUST	23, 1974	
210242	WHEAT CROFT, TOWN OF [WEBSTER CO.]	FEBRUARY	15, 1974	
210307	WINSTON PARK, TOWN OF [KENTON CO.]	JANUARY	23, 1974	
210308	WOODBURY, TOWN OF [BUTLER CO.]	FEBRUARY	01, 1974	
210045	WORTHVILLE, TOWN OF [CARROLL CO.]	JANUARY	23, 1974	

TOTAL IN THE STATE 71

* UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
220114	ALBANY, VILLAGE OF [LIVINGSTON PARISH]	APRIL	12, 1974	
220065A	BASILE, TOWN [EVANGELINE PARISH]	MAY	24, 1974	AM
		OCTOBER	31, 1975	
220147	BOYCE, TOWN OF [RAPIDES PARISH]	APRIL	05, 1974	
220130	CLARENCE, VILLAGE OF [NATCHITOCHES PARISH]	MARCH	01, 1974	
220236A	DOYLINE, VILLAGE OF [WEBSTER PARISH]	APRIL	05, 1974	AM
		OCTOBER	17, 1975	
220117	FRENCH SETTLEMENT, VILLAGE OF (LIVINGSTON PAR.)	OCTOBER	25, 1974	
220006A	MERMENTAU, TOWN OF [ACADIA PARISH]	NOVEMBER	23, 1973	AM
		NOVEMBER	14, 1975	
220007	MORSE, TOWN [ACADIA PARISH]	NOVEMBER	23, 1973	
220012A	OBERLIN, CITY OF [ALLEN PARISH]	JUNE	21, 1974	AM
		NOVEMBER	14, 1975	
220203	PEARL RIVER, TOWN OF [ST. TAMMANY PARISH]	MAY	24, 1974	
220030	RINGGOLD, TOWN OF [BIENVILLE PARISH]	MAY	03, 1974	
220212	ROSELAND, TOWN OF [TANGIPAHOA PARISH]	OCTOBER	26, 1973	
220050	SICILY ISLAND, VILLAGE OF [CATAHOULA PARISH]	DECEMBER	28, 1973	
220120	SPRINGFIELD, TOWN OF [LIVINGSTON PARISH]	AUGUST	23, 1974	
220137	STERLINGTON, TOWN OF [OUACHITA PARISH]	DECEMBER	17, 1973	
220205	SUN, VILLAGE OF [ST. TAMMANY PARISH]	AUGUST	30, 1974	
220069A	TURKEY CREEK, VILLAGE OF [EVANGELINE PARISH]	AUGUST	30, 1974	AM
		OCTOBER	31, 1975	
220234	VARNADO, VILLAGE OF [WASHINGTON PARISH]	OCTOBER	25, 1974	
220076	VILLE PLATTE, TOWN OF [EVANGELINE PARISH]	MAY	17, 1974	

TOTAL IN THE STATE 19

* UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
230303	ALEXANDER, TOWN OF [WASHINGTON CO.]	DECEMBER	06, 1974
230144	BERWICK, TOWN OF [YORK CO.]	AUGUST	09, 1974
230130	BURNHAM, TOWN OF [WALDO CO.]	JULY	26, 1974
230146	BUXTON, TOWN OF [YORK CO.]	APRIL	05, 1974
230148	DAYTON, TOWN OF [YORK CO]	JUNE	28, 1974
230064	DRESDEN, TOWN OF [LINCOLN CO.]	SEPTEMBER	20, 1974
230237	FAYETTE, TOWN OF [KENNEBEC CO.]	NOVEMBER	29, 1974
230165	FRENCHVILLE, TOWN OF [AROOSTOOK CO.]	SEPTEMBER	20, 1974
230425	HERSEY, TOWN OF [AROOSTOOK CO.]	DECEMBER	20, 1974
230108	KENDUSKEAG, TOWN OF [PENOBSCOT CO.]	NOVEMBER	01, 1974
230152	LIMINGTON, TOWN OF [YORK CO.]	MAY	31, 1974
230175	LIVERPORE, TOWN OF [ANDROSCOGGIN CO.]	NOVEMBER	08, 1974
230008	MINOT, TOWN OF [ANDROSCOGGIN CO.]	FEBRUARY	01, 1974
230365	NEW PORTLAND, TOWN OF [SOMERSET CO.]	DECEMBER	27, 1974
230366	PALMYRA, TOWN OF [SOMERSET CO.]	NOVEMBER	29, 1974
230154	PARSONFIELD, TOWN OF [YORK CO.]	JUNE	28, 1974
230115	PATTEN, TOWN OF [PENOBSCOT CO.]	NOVEMBER	01, 1974
230143	PEMBROKE, TOWN OF [WASHINGTON CO.]	OCTOBER	18, 1974
230246	ROME, TOWN OF [KENNEBEC CO.]	DECEMBER	27, 1974
230011	SABATTUS, TOWN OF [ANDROSCOGGIN CO.]	MAY	31, 1974
230163	ST. FRANCIS, TOWN OF [AROOSTOOK CO.]	DECEMBER	20, 1974
230062	WASHINGTON, TOWN OF [KNOX CO.]	SEPTEMBER	06, 1974
230158	WELLS, TOWN OF [YORK CO.]	OCTOBER	18, 1974
230327	WESLEY, TOWN OF [WASHINGTON CO.]	DECEMBER	27, 1974
230250	WEST GARDINER, TOWN OF [KENNEBEC CO.]	DECEMBER	27, 1974
230087	WHITEFIELD, TOWN OF [LINCOLN CO.]	JULY	26, 1974

TOTAL IN THE STATE 26

* UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
240097	BROOKVIEW, TOWN OF [DORCHESTER CO.]	DECEMBER	06, 1974
240102	DEER PARK, TOWN OF [GARRETT CO.]	NOVEMBER	08, 1974
240059	QUEEN ANNE, TOWN OF [QUEEN ANNE'S CO.]	AUGUST	09, 1974
240127	VIENNA, TOWN OF [DORCHESTER CO.]	NOVEMBER	08, 1974

TOTAL IN THE STATE

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* UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
250048	ACUSHNET, TOWN OF [BRISTOL CO.]	SEPTEMBER 06, 1974
250109A	ASHFIELD, TOWN OF [FRANKLIN CO.]	JUNE 28, 1974 AND NOVEMBER 14, 1975
250134	BLANDFORD, TOWN OF [HAMPDEN CO.]	JULY 26, 1974
250260	BRIDGEWATER, TOWN OF [PLYMOUTH CO.]	JULY 19, 1974
250135	BRIMFIELD, TOWN OF [HAMPDEN CO.]	JULY 19, 1974
250127	CARLISLE, TOWN OF [MIDDLESEX CO.]	AUGUST 16, 1974
250136	CHESTER, TOWN OF [HAMPDEN CO.]	JULY 19, 1974
250066	CHILMARK, TOWN OF [DUKES CO.]	DECEMBER 06, 1974
250300	CLINTON, TOWN OF [WORCESTER CO.]	AUGUST 09, 1974
250116	CONWAY, TOWN OF [FRANKLIN CO.]	AUGUST 02, 1974
250115	DEERFIELD, TOWN OF [FRANKLIN CO.]	SEPTEMBER 13, 1974
250191	DUNSTABLE, TOWN OF [MIDDLESEX CO.]	NOVEMBER 29, 1974
250160	EAST HAMPTON, TOWN OF [HAMPSHIRE CO.]	JUNE 21, 1974
250070	GAY HEAD, TOWN OF [DUKES CO.]	DECEMBER 06, 1974
250071	GOSNOLD, TOWN OF [DUKES CO.]	DECEMBER 20, 1974
250139	GRANVILLE, TOWN OF [HAMPDEN CO.]	AUGUST 30, 1974
250119	HAWLEY, TOWN OF [FRANKLIN CO.]	NOVEMBER 22, 1974
250195	HOLLISTON, TOWN OF [MIDDLESEX CO.]	AUGUST 02, 1974
250196	HOPKINTON, TOWN OF [MIDDLESEX CO.]	JULY 19, 1974
250311	HUBBARDSTON, TOWN OF [WORCESTER CO.]	SEPTEMBER 06, 1974
250199	LINCOLN, TOWN OF [MIDDLESEX CO.]	DECEMBER 13, 1974
250204	MAYNARD, TOWN OF [MIDDLESEX CO.]	JULY 26, 1974
250316	MENDON, TOWN OF [WORCESTER CO.]	SEPTEMBER 06, 1974
250166	MIDDLEFIELD, TOWN OF [HAMPSHIRE CO.]	DECEMBER 20, 1974
250094	MIDDLETON, TOWN OF [ESSEX CO.]	DECEMBER 06, 1974
250244	MILLIS, TOWN OF [NORFOLK CO.]	JULY 19, 1974
250146	MONTGOMERY, TOWN OF [HAMPDEN CO.]	NOVEMBER 22, 1974
250052	NEW ASHFORD, TOWN OF [BERKSHIRE CO.]	NOVEMBER 22, 1974
250324	OAKHAM, TOWN OF [WORCESTER CO.]	AUGUST 02, 1974
250326	PAXTON, TOWN OF [WORCESTER CO.]	JULY 26, 1974
250168	PELHAM, TOWN OF [HAMPSHIRE CO.]	JUNE 28, 1974
250056	PERU, TOWN OF [BERKSHIRE CO.]	NOVEMBER 01, 1974
250169	PLAINFIELD, TOWN OF [HAMPSHIRE CO.]	NOVEMBER 01, 1974
250101	ROWLEY, TOWN OF [ESSEX CO.]	JULY 26, 1974
250145	SOUTHWICK, TOWN OF [HAMPDEN CO.]	NOVEMBER 08, 1974
250043	TYRINGHAM, TOWN OF [BERKSHIRE CO.]	NOVEMBER 29, 1974
250044	WASHINGTON, TOWN OF [BERKSHIRE CO.]	NOVEMBER 01, 1974
250047	WINDSOR, TOWN OF [BERKSHIRE CO.]	NOVEMBER 22, 1974
	TOTAL IN THE STATE	38

* UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260192	BERLIN, TOWNSHIP OF [ST. CLAIR CO.]	AUGUST 23, 1974
260027	BLAINE, TOWNSHIP OF [BENZIE CO.]	SEPTEMBER 20, 1974
260073	BURTON, TWP [GENESEE CO]	AUGUST 16, 1974
260195	CLYDE, TOWNSHIP OF [ST. CLAIR CO.]	JULY 26, 1974
260314A	HASTINGS, CITY OF [BARRY CO.]	APRIL 12, 1974 AND OCTOBER 03, 1975
260137	HINTON, TOWNSHIP OF [MECOSTA CO.]	SEPTEMBER 06, 1974
260064	ITHACA, CITY OF [GRATIOT CO.]	DECEMBER 27, 1974
260014	LINCOLN, TOWNSHIP OF [ARENAC CO.]	JUNE 14, 1974
260255	NORTHVILLE, CITY OF [WAYNE CO.]	SEPTEMBER 06, 1974
260319A	PARCHMENT, CITY OF [KALAMAZOO CO.]	MAY 10, 1974
260236	PLYMOUTH, CITY OF [WAYNE CO.]	MAY 17, 1974
260240A	RIVERVIEW, CITY OF [WAYNE CO.]	MAY 03, 1974 AND FEBRUARY 28, 1975
260243	SUMPTER, TOWNSHIP OF [WAYNE CO]	JUNE 28, 1974
260049	WEESAW, TOWNSHIP OF [BERRIEN CO.]	JUNE 28, 1974
	TOTAL IN THE STATE	14

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★ UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270345A	ASKOV, CITY OF [PINE CO.]	OCTOBER	25, 1974	AND
		AUGUST	29, 1975	
270417	AURORA, CITY OF [ST. LOUIS CO.]	APRIL	05, 1974	
270445	AVON, CITY OF [STEARNS CO.]	MARCH	29, 1974	
270554	BAUDETTE, CITY OF [LAKE OF THE WOODS CO.]	DECEMBER	27, 1974	
270261	BISCAY, CITY OF [MCLEOD CO.]	NOVEMBER	15, 1974	
270333	BLUFFTON, CITY OF [OTTER TAIL CO.]	AUGUST	09, 1974	
270293	BOWLUS, CITY OF [MORRISON CO.]	OCTOBER	25, 1974	
270070	BRANCH, CITY OF [CHISAGO CO.]	AUGUST	30, 1974	
270557	BROOK PARK, CITY OF [PINE CO.]	OCTOBER	25, 1974	
270388	BROOKS, CITY OF [RED LAKE CO.]	AUGUST	09, 1974	
270191	BROWNSVILLE, CITY OF [HOUSTON CO.]	OCTOBER	18, 1974	
270262	BROWNTON, CITY OF [MCLEOD CO.]	MAY	03, 1974	
270294	BUCKMAN, CITY OF [MORRISON CO.]	AUGUST	09, 1974	
270521	CAMPBELL, CITY OF [WILKIN CO.]	AUGUST	02, 1974	
270312A	CHANDLER, CITY OF [MURRAY CO.]	AUGUST	09, 1974	AND
		NOVEMBER	21, 1975	
270464A	CHOKIO, CITY OF [STEVENS CO.]	MAY	03, 1974	
270559	CLEARBROOK, CITY OF [CLEARWATER CO.]	NOVEMBER	01, 1974	
270560	CLEVELAND, CITY OF [LESUEUR CO.]	DECEMBER	27, 1974	
270363	CLIMAX, CITY OF [POLK CO.]	SEPTEMBER	20, 1974	
270024	CLINTON, CITY OF [BIG STONE CO.]	MAY	17, 1974	
270468	CLONTARF, CITY OF [SWIFT CO.]	JULY	19, 1974	
270561	COBDEN, CITY OF [BROWN CO.]	NOVEMBER	01, 1974	
270202A	COHASSET, CITY OF [ITASCA CO.]	MAY	31, 1974	ANI
		SEPTEMBER	12, 1975	
270562	COLOGNE, CITY OF [CARVER CO.]	NOVEMBER	01, 1974	
270035	COMFREY, CITY OF [BROWN CO.]	SEPTEMBER	20, 1974	
270282	COSMOS, CITY OF [MEEKER CO.]	MAY	17, 1974	
270314	COURTLAND, CITY OF [NICOLLET CO.]	JULY	19, 1974	
270313	CURRIE, CITY OF [MURRAY CO.]	AUGUST	02, 1974	
270369	CYRUS, CITY OF [POPE CO.]	AUGUST	09, 1974	
270395	DANUBE, CITY OF [RENVILLE CO.]	SEPTEMBER	20, 1974	
270469A	DANVERS, CITY OF [SWIFT CO.]	AUGUST	09, 1974	
270334	DEER CREEK, CITY OF [OTTER TAIL CO.]	AUGUST	16, 1974	
270470	DEGRAFF, CITY OF [SWIFT CO.]	AUGUST	09, 1974	
270117	DELAVAN, CITY OF [FAIRBAULT CO.]	AUGUST	16, 1974	
270565	DELHI, CITY OF [REDWOOD CO.]	OCTOBER	25, 1974	
270566A	DOVER, CITY OF [OLMSTEAD CO.]	NOVEMBER	01, 1974	ANI
		OCTOBER	17, 1975	
270059A	EAST GULL LAKE, CITY OF [CASS CO.]	DECEMBER	20, 1974	AN
		OCTOBER	10, 1975	
270283	EDEN VALLEY, CITY OF [STEARNS CO.]	MAY	03, 1974	
270320	ELLSWORTH, CITY OF [NOBLES CO.]	MAY	03, 1974	
270295	ELROSE, CITY OF [MORRISON CO.]	AUGUST	09, 1974	
270119	ELMORE, CITY OF [FAIRBAULT CO.]	MAY	14, 1974	
270657	EMMONS, CITY OF [FREEBORN CO.]	DECEMBER	27, 1974	
270336	ERHARD, CITY OF [OTTER TAIL CO.]	AUGUST	09, 1974	
270422	EVELETH, CITY OF [ST. LOUIS CO.]	JUNE	07, 1974	
270329A	EYOTA, CITY OF [OLMSTEAD CO.]	APRIL	12, 1974	
270396	FAIRFAX, CITY OF [RENVILLE CO.]	MARCH	29, 1974	
270276	FAIRMONT, CITY OF [MARTIN CO.]	JUNE	07, 1974	
270096	FIFTY LAKES, CITY OF [CROW WING CO.]	OCTOBER	18, 1974	
270366	FISHER, CITY OF [POLK CO.]	AUGUST	02, 1974	
270570	FRAZEE, CITY OF [BECKER CO.]	NOVEMBER	15, 1974	
270446A	FREEPORT, CITY OF [STEARNS CO.]	MAY	03, 1974	AN
		AUGUST	08, 1975	
270136	GENEVA, CITY OF [FREEBORN CO.]	SEPTEMBER	06, 1974	
270439	GIBBON, CITY OF [SIBLEY CO.]	JUNE	21, 1974	
270088	GONVICK, CITY OF [CLEARWATER CO.]	AUGUST	23, 1974	
270142A	GOODHUE, CITY OF [GOODHUE CO.]	MAY	24, 1974	

★ UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270026A	GRACEVILLE, CITY OF [BIG STONE CO.]	MAY	17, 1974	AN
		NOVEMBER	14, 1975	
270277	GRANADA, CITY OF [MARTIN CO.]	AUGUST	02, 1974	
270447	GREENWALD, CITY OF [STEARNS CO.]	AUGUST	23, 1974	
270061	HACKENSACK, CITY OF [CASS CO.]	SEPTEMBER	20, 1974	
270071A	HARRIS, CITY OF [CHISAGO CO.]	SEPTEMBER	20, 1974	ANI
		OCTOBER	24, 1975	
270338A	HENNING, CITY OF [OTTER TRAIL CO.]	MAY	03, 1974	AN
		OCTOBER	31, 1975	
270002	HILL CITY, CITY OF [AITKIN CO.]	NOVEMBER	08, 1974	
270409A	HILLS, CITY OF [ROCK CO.]	APRIL	12, 1974	
270448A	HOLDINGFORD, CITY OF [STEARNS CO.]	MAY	27, 1974	
270158	HOLLANDALE, CITY OF [FREEBORN CO.]	SEPTEMBER	20, 1974	
270356	HOLLAND, CITY OF [PIPESTONE CO.]	AUGUST	30, 1974	
270471	HOLLOWAY, CITY OF [SWIFT CO.]	SEPTEMBER	06, 1974	
270228	HUMBOLDT, CITY OF [KITTSON CO.]	AUGUST	09, 1974	
270357	IHLEN, CITY OF [PIPESTONE CO.]	AUGUST	02, 1974	
270235	INTERNATIONAL FALLS, CITY OF [KOOCHICHING CO.]	JUNE	07, 1974	
270579	IONA, CITY OF [MURRAY CO.]	DECEMBER	20, 1974	
270580	IRON JUNCTION, CITY OF [ST. LOUIS CO.]	OCTOBER	25, 1974	
270098	JENKINS, CITY OF [CROW WING CO.]	AUGUST	23, 1974	
270205	KEEWATIN, CITY OF [ITASCA CO.]	MAY	03, 1974	
270143	KENYON, CITY OF [GOODHUE CO.]	MAY	24, 1974	
270121	KIESTER, CITY OF [FARIBAULT CO.]	MAY	10, 1974	
270206A	LA PRAIRIE, CITY OF [ITASCA CO.]	AUGUST	23, 1974	AN
		OCTOBER	17, 1975	
270062	LAKE SHORE, CITY OF [CASS CO.]	SEPTEMBER	13, 1974	
275241A	LILYDALE, CITY OF [DAKOTA CO.]	FEBRUARY	09, 1973	
270015	LINO LAKES, CITY OF [ANOKA CO.]	DECEMBER	13, 1974	
270517	MADELIA, CITY OF [WATONWAN CO.]	APRIL	12, 1974	
270242	MADISON, CITY OF [LAC QUI PARLE CO.]	APRIL	12, 1974	
270243	MARIETTA, CITY OF [LAC QUI PARLE CO.]	SEPTEMBER	06, 1974	
270053	MAYER, CITY OF [CARVER CO.]	NOVEMBER	23, 1973	
270587	MAYNARD, CITY OF [CHIPPEWA CO.]	NOVEMBER	15, 1974	
270487	MAZEPPA, CITY OF [WABASHA CO.]	JULY	19, 1974	
270588	MCINTOSH, CITY OF [POLK CO.]	NOVEMBER	29, 1974	
270493A	MENAHGA, CITY OF [WADENA CO.]	APRIL	12, 1974	AND
		AUGUST	29, 1975	
270110	MENDOTA HEIGHTS, CITY OF [DAKOTA CO.]	NOVEMBER	23, 1973	
270109	MENDOTA, CITY OF [DAKOTA CO.]	FEBRUARY	08, 1974	
270367	MENTOR, CITY OF [POLK CO.]	DECEMBER	20, 1974	
270270	MIDDLE RIVER, CITY OF [MARSHALL CO.]	JULY	19, 1974	
270111	MIESVILLE, CITY OF [DAKOTA CO.]	JULY	19, 1974	
270488	MILLVILLE, CITY OF [WABASHA CO.]	AUGUST	02, 1974	
270122	MINNESOTA LAKE, CITY OF [FARIBAULT CO.]	MAY	17, 1974	
270405A	MORRISTOWN, CITY OF [RICE CO.]	MARCH	29, 1974	AND
		SEPTEMBER	12, 1975	
270300	MOTLEY, CITY OF [MORRISON CO.]	AUGUST	02, 1974	
270424	MOUNTAIN IRON, VILLAGE OF [ST. LOUIS CO.]	MAY	24, 1974	
270473A	MURDOCK, CITY OF [SWIFT CO.]	AUGUST	23, 1974	
270451	NEW MUNICH, CITY OF [STEARNS CO.]	OCTOBER	25, 1974	
270497	NEW RICHLAND, CITY OF [WASECA CO.]	APRIL	12, 1974	
270315	NICOLLET, CITY OF [NICOLLET CO.]	APRIL	05, 1974	
270590	NIELSVILLE, CITY OF [POLK CO.]	NOVEMBER	01, 1974	
270592	NORCROSS, CITY OF [GRANT CO.]	DECEMBER	13, 1974	
270072	NORTH BRANCH, CITY OF [CHISAGO CO.]	MAY	10, 1974	
270593	NORWOOD, CITY OF [CARVER CO.]	NOVEMBER	08, 1974	
270512	OAK PARK HEIGHTS, CITY OF [WASHINGTON CO.]	MARCH	22, 1974	
270594	ODIN, CITY OF [WATONWAN CO.]	DECEMBER	13, 1974	
270555	OKABENA, CITY OF [JACKSON CO.]	DECEMBER	27, 1974	

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* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	COMMUNITY NAME	HAZARD AREA IDENTIFIED
	MINNESOTA	
270648	ORR, CITY OF [ST. LOUIS CO.]	DECEMBER 13, 1974
270004	PALISADE, CITY OF [AITKIN CO.]	AUGUST 02, 1974
270291	PEASE, CITY OF [MILLE LACS CO.]	AUGUST 02, 1974
270128	PETERSON, CITY OF [FILLMORE CO.]	AUGUST 30, 1974
270063	PILLAGER, CITY OF [CASS CO.]	JULY 19, 1974
270596	PLATO, CITY OF [MCLEOD CO.]	NOVEMBER 01, 1974
270221	PRINSBURG, CITY OF [KANDIYOHI CO.]	AUGUST 23, 1974
270218	QUAMBA, CITY OF [KANABEC CO.]	AUGUST 09, 1974
270453	RICHMOND, CITY OF [STEARNS CO.]	MARCH 29, 1974
270341	RICHVILLE, CITY OF [OTTER TAIL CO.]	OCTOBER 25, 1974
270455	ROSCOE, CITY OF [STEARNS CO.]	AUGUST 02, 1974
270073	RUSH CITY, CITY OF [CHISAGO CO.]	MAY 10, 1974
270600	RUSSELL, CITY OF [LYON CO.]	DECEMBER 13, 1974
270360A	RUTHTON, CITY OF [PIPESTONE CO.]	AUGUST 09, 1974
270350	RUTLEDGE, CITY OF [PINE CO.]	AUGUST 09, 1974
270402A	SACRED HEART, CITY OF [RENVILLE CO.]	MAY 03, 1974
270046	SCANLON, CITY OF [CARLTON CO.]	NOVEMBER 02, 1973
270602	SEAFORTH, CITY OF [REDWOOD CO.]	DECEMBER 13, 1974
270494A	SEBEKA, CITY OF [WADENA CO.]	APRIL 12, 1974 AND JULY 11, 1975
270352	STURGEON LAKE, CITY OF [PINE CO.]	OCTOBER 25, 1974
270183	ST. BONIFACIUS, CITY OF [HENNEPIN CO.]	JUNE 07, 1974
270053	ST. CLAIR, CITY OF [BLUE EARTH CO.]	AUGUST 23, 1974
270458	ST. STEPHEN, CITY OF [STEARNS CO.]	AUGUST 23, 1974
270260A	TAUNTON, CITY OF [LYON CO.]	JULY 19, 1974 AND NOVEMBER 14, 1975
270047	THOMSON, CITY OF [CARLTON CO.]	AUGUST 02, 1974
270605	TOWER, CITY OF [ST. LOUIS CO.]	DECEMBER 13, 1974
270361	TROSKY, CITY OF [PIPESTONE CO.]	AUGUST 09, 1974
270159	TWIN LAKES, CITY OF [FREEBORN CO.]	AUGUST 02, 1974
270255	TYLER, CITY OF [LINCOLN CO.]	MAY 03, 1974
270306	UPSALA, CITY OF [MORRISON CO.]	OCTOBER 25, 1974
270607	VERNDALE, CITY OF [WADENA CO.]	OCTOBER 25, 1974
270498	WALDORF, CITY OF [WASECA CO.]	AUGUST 09, 1974
270147A	WANAMINGO, CITY OF [GOODHUE CO.]	MAY 10, 1974 AND AUGUST 29, 1975
270210	WARBA, CITY OF [ITASCA CO.]	SEPTEMBER 13, 1974
270286	WATKINS, CITY OF [MEEKER CO.]	APRIL 12, 1974
270610	WATSON, CITY OF [CHIPPEWA CO.]	DECEMBER 06, 1974
270279	WELCOME, CITY OF [MARTIN CO.]	MAY 10, 1974
270612	WILLIAMS, CITY OF [LAKE OF THE WOODS CO.]	NOVEMBER 29, 1974
270427	WINTON, CITY OF [ST. LOUIS CO.]	AUGUST 02, 1974
270524	WOLVERTON, CITY OF [WILKIN CO.]	AUGUST 09, 1974
270048	WRIGHT, CITY OF [CARLTON CO.]	SEPTEMBER 13, 1974

TOTAL IN THE STATE 150

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	COMMUNITY NAME	HAZARD AREA IDENTIFIED
	MISSISSIPPI	
280156	BRAXTON, VILLAGE OF [SIMPSON CO.]	JULY 19, 1974
280240	CHUNKY, TOWN OF [NEWTON CO.]	DECEMBER 20, 1974
280220	CLARKE COUNTY *	NOVEMBER 29, 1974
280047	DUNCAN, TOWN OF [BOLIVAR CO.]	JUNE 21, 1974
280188	EDEN, VILLAGE OF [YAZOO CO.]	JULY 19, 1974
280117	GATTMAN, VILLAGE OF [MONROE CO.]	JULY 19, 1974
280045A	GEORGETOWN, TOWN OF [COPIAH CO.]	AUGUST 02, 1974
280010	HICKORY FLAT, TOWN OF [BENTON CO.]	OCTOBER 25, 1974
280093	LAFAYETTE COUNTY *	DECEMBER 27, 1974
280149	LAKE, TOWN OF [SCOTT CO.]	JULY 19, 1974
280204	LENA, TOWN [LEAKE CO]	OCTOBER 25, 1974
280225	MONTICELLO, TOWN OF [LAWRENCE CO.]	DECEMBER 27, 1974
280219	PACHUTA, TOWN OF [CLARKE CO.]	NOVEMBER 08, 1974
280234	PONTOTOC COUNTY *	NOVEMBER 29, 1974
280147	PUCKETT, TOWN OF [RANKIN CO.]	AUGUST 23, 1974
280009	SALLIS, VILLAGE OF [ATTALA CO.]	AUGUST 09, 1974
280105	SCHLATER, TOWN OF [LEFLORE CO.]	AUGUST 23, 1974
280054	SHUBUTA, TOWN OF [CLARKE CO.]	JUNE 07, 1974
280263	TOCCOPOLA, TOWN OF [POTOTOC CO.]	DECEMBER 13, 1974
280237	UNION COUNTY *	DECEMBER 13, 1974
280098	WALNUT GROVE, TOWN OF [LEAKE CO]	JUNE 28, 1974
280238	WAYNE COUNTY *	DECEMBER 20, 1974
280025	WINSTONVILLE, TOWN OF [BOLIVAR CO.]	JULY 19, 1974

TOTAL IN THE STATE 23

V40 33104 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
290005	AMAZONIA, TOWN OF [ANDREW CO.]	AUGUST	16, 1974	
290217	ANDERSON, CITY OF [MCDONALD CO.]	MAY	17, 1974	
290229A	ANNISTON, TOWN OF [MISSISSIPPI CO.]	MAY	03, 1974	
290061	ARCHIE, TOWN OF [CASS CO.]	JUNE	07, 1974	
290461	AUGUSTA, VILLAGE OF [ST. CHARLES CO.]	DECEMBER	06, 1974	
290121	AVA, CITY OF [DOUGLAS CO.]	MAY	17, 1974	
290352	BEL NOR, VILLAGE OF [ST. LOUIS CO.]	APRIL	05, 1974	
290421A	BELL CITY, CITY OF [STODDARD CO.]	OCTOBER	18, 1974	AND
		NOVEMBER	21, 1975	
290139	BLAND, CITY OF [GASCONADE CO.]	MAY	17, 1974	
290170A	BUCKNER, TOWN OF [JACKSON CO.]	DECEMBER	21, 1973	AND
		NOVEMBER	07, 1975	
290119	BUNKER, TOWN OF [REYNOLDS CO.]	SEPTEMBER	06, 1974	
290238	CALIFORNIA, CITY OF [MONITEAU CO.]	APRIL	05, 1974	
290124	CAMPBELL, CITY OF [DUNKLIN CO.]	MARCH	29, 1974	
290180	CARTERVILLE, TOWN OF [JASPER CO.]	DECEMBER	28, 1973	
290311	CENTERVILLE, VILLAGE OF [REYNOLDS CO.]	NOVEMBER	22, 1974	
290303	CENTER, TOWN OF [RALLS CO.]	JULY	26, 1973	
290028	COLE CAMP, CITY OF [BENTON CO.]	OCTOBER	25, 1974	
290196A	CONWAY, TOWN OF [LACLEDE CO.]	MAY	10, 1974	AND
		NOVEMBER	21, 1975	
290100	CRAIG, TOWN OF [HOLT CO.]	DECEMBER	06, 1974	
290430A	CRANE, CITY OF [STONE CO.]	JUNE	07, 1974	AND
		OCTOBER	31, 1975	
290464	DALTON, VILLAGE OF [CHARITON CO.]	DECEMBER	13, 1974	
290146	DARLINGTON, VILLAGE OF [GENTRY CO.]	DECEMBER	13, 1974	
290055	DELTA, CITY OF [CAPE GIRARDEAU CO.]	DECEMBER	06, 1974	
290455	DENVER, VILLAGE OF [WORTH CO.]	NOVEMBER	22, 1974	
290465	DEWITT, CITY OF [CARROLL CO.]	SEPTEMBER	06, 1974	
290182A	DUENWEG, CITY OF [JASPER CO.]	MAY	03, 1974	AND
		OCTOBER	24, 1975	
290466A	ELLSINORE, CITY OF [CARTER CO.]	OCTOBER	18, 1974	AND
		NOVEMBER	15, 1975	
290219	ELMER, CITY OF [MACON CO.]	DECEMBER	06, 1974	
290425	ESSEX, TOWN OF [REYNOLDS CO.]	SEPTEMBER	06, 1974	
290016	FARBER, CITY OF [AUDRAIN CO.]	NOVEMBER	01, 1974	
290066	FREEMAN, CITY OF [CASS CO.]	NOVEMBER	08, 1974	
290051	FULTON, CITY OF [CALLAWAY CO.]	MAY	17, 1974	
290431A	GALENA, CITY OF [STONE CO.]	AUGUST	30, 1974	AND
		OCTOBER	31, 1975	
290151	GALT, CITY OF [GRUNDY CO.]	OCTOBER	18, 1974	
290460	GRANDIN, CITY OF [CARTER CO.]	NOVEMBER	08, 1974	
290037	HARTSBURG, VILLAGE OF [BOONE CO.]	DECEMBER	27, 1974	
290308	HENRIETTA, CITY OF [RAY CO.]	OCTOBER	18, 1974	
290266	KOSHKONONG, CITY OF [OREGON CO.]	SEPTEMBER	06, 1974	
290152A	LAREDO, CITY OF [GRUNDY CO.]	OCTOBER	18, 1974	
290053A	LINN CREEK, CITY OF [CAMDEN CO.]	OCTOBER	25, 1974	AND
		NOVEMBER	28, 1975	
290082A	LUKAY, VILLAGE OF [CLARK CO.]	OCTOBER	18, 1974	AND
290031	LUTESVILLE, CITY OF [BOLLINGER CO.]	MAY	10, 1974	
290402A	MALTA BEND, CITY OF [SALINE CO.]	OCTOBER	18, 1974	AND
		NOVEMBER	07, 1975	
290032A	MARBLE HILL, CITY OF [BOLLINGER CO.]	MAY	10, 1974	AND
		NOVEMBER	28, 1975	
290215	MARCELINE, CITY OF [LINN CO.]	MARCH	29, 1974	
290200A	MARIONVILLE, CITY OF [LAWRENCE CO.]	MAY	17, 1974	AND
		OCTOBER	17, 1975	
290368	MARLBOROUGH, VILLAGE OF [ST. LOUIS CO.]	MAY	31, 1974	
290444A	MARTHASVILLE, VILLAGE OF [WARREN CO.]	SEPTEMBER	13, 1974	
290369	MARY RIDGE, VILLAGE OF [ST. LOUIS CO.]	APRIL	05, 1974	
290271A	META, TOWN OF [OSAGE CO.]	SEPTEMBER	13, 1974	AND
		NOVEMBER	28, 1975	

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
		OCTOBER	31, 1975	
290499	MILL SPRING, VILLAGE OF [WAYNE CO.]	DECEMBER	13, 1974	
290097	MISSOURI CITY, VILLAGE OF [CLAY CO.]	AUGUST	16, 1974	
290207	MONTICELLO, VILLAGE OF [LEWIS CO.]	DECEMBER	27, 1974	
290314A	NAYLOR, CITY OF [RIPLEY CO.]	MARCH	01, 1974	AND
		NOVEMBER	21, 1975	
290405	NELSON, CITY OF [SALINE CO.]	OCTOBER	18, 1974	
290500	NEW FRANKLIN, TOWN OF [HOWARD CO.]	NOVEMBER	22, 1974	
290078	NIXA, CITY OF [CHRISTIAN CO]	JUNE	28, 1974	
290218A	NOEL, TOWN OF [MCDONALD CO.]	MAY	24, 1974	AND
		NOVEMBER	14, 1975	
290059A	NORBORNE, CITY OF [CARROLL CO.]	APRIL	05, 1974	
290293A	NORTHMOOR, TOWN OF [PLATTE CO.]	JULY	19, 1974	AND
		NOVEMBER	14, 1975	
290079A	OZARK, CITY OF [CHRISTIAN CO.]	DECEMBER	28, 1973	
290224A	PALMYRA, CITY OF [MARION CO.]	MARCH	29, 1974	AND
		JULY	18, 1975	
290428	PUXICO, TOWN OF [STODDARD CO.]	MARCH	08, 1974	
290070	RAYMORE, CITY OF [CASS CO.]	DECEMBER	27, 1974	
290381A	RIVERVIEW, CITY OF [ST. LOUIS CO]	JUNE	28, 1974	AND
		NOVEMBER	14, 1975	
290019	RUSH HILL, VILLAGE OF [AUDRAIN CO.]	DECEMBER	06, 1974	
290487	SHOAL CREEK DRIVE, TOWN OF [NEWTON CO.]	AUGUST	16, 1974	
290177	SIBLEY, VILLAGE OF [JACKSON CO.]	AUGUST	30, 1974	
290212	SILEX, VILLAGE OF [LINCOLN CO.]	NOVEMBER	22, 1974	
290117	STEWARTSVILLE, CITY OF [DEKALB CO.]	DECEMBER	20, 1974	
290071A	STRASBURG, CITY OF [CASS CO.]	AUGUST	16, 1974	AND
		NOVEMBER	14, 1975	
290135	ST. CLAIR, TOWN OF [FRANKLIN CO.]	APRIL	12, 1974	
290228A	TUSCUMBIA, VILLAGE OF [MILLER CO.]	OCTOBER	25, 1974	AND
		NOVEMBER	21, 1975	
290014	WATSON, VILLAGE OF [ATCHISON CO.]	NOVEMBER	29, 1974	
290272A	WESTPHALIA, CITY OF [OSAGE CO.]	OCTOBER	18, 1974	AND
		NOVEMBER	21, 1975	
290452	WILLIAMSVILLE, CITY OF [WAYNE CO.]	OCTOBER	18, 1974	
290156	WINDSOR, CITY OF [HENRY CO.]	APRIL	05, 1974	
290085A	WYACONDA, CITY OF [CLARK CO.]	OCTOBER	18, 1974	AND
		NOVEMBER	14, 1975	
290033A	ZALMA, VILLAGE OF [BOLLINGER CO.]	OCTOBER	25, 1974	AND
		NOVEMBER	07, 1975	

TOTAL IN THE STATE 79

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* UNINCORPORATED AREAS ONLY

MONTANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
300018A	BAKER, CITY OF [FALLON CO.]	MARCH 15, 1974 AND OCTOBER 24, 1975
300012A	BIG SANDY, TOWN OF [CHOUTEAU CO.]	MARCH 29, 1974 AND NOVEMBER 28, 1975
300020	DENTON, TOWN OF [FERGUS CO.]	DECEMBER 27, 1974
300053	DODSON, TOWN OF [PHILLIPS CO.]	DECEMBER 27, 1974
300044A	ENNIS, TOWN OF [MADISON CO.]	MARCH 15, 1974
300064	FAIRVIEW, TOWN OF [RICHLAND CO.]	AUGUST 16, 1974
300070	FORSYTH, CITY OF [ROSEBUD CO.]	MARCH 08, 1974
300013A	FORT BENTON, CITY OF [CHOUTEAU CO.]	MAY 10, 1974 AND NOVEMBER 28, 1975
300005	FROMBERG, TOWN OF [CARBON CO.]	NOVEMBER 22, 1974
300061	GLASGOW, CITY OF [VALLEY CO.]	JANUARY 09, 1974
300021	GRASS RANGE, TOWN OF [FERGUS CO.]	DECEMBER 27, 1974
300073	HOT SPRINGS, TOWN OF [SANDERS CO.]	JUNE 07, 1974
300080	HYSHAM, TOWN OF [TREASURE CO.]	DECEMBER 27, 1974
300006	JOLIET, TOWN OF [CARBON CO.]	DECEMBER 27, 1974
300025	KALISPELL, CITY OF [FLATHEAD CO.]	FEBRUARY 15, 1974
300074	PLAINS, TOWN OF [SANDERS CO.]	MARCH 22, 1974
300069	ROSEBUD COUNTY *	AUGUST 02, 1974
300037	STANFORD, TOWN OF [JUDITH BASIN CO.]	JUNE 28, 1974
300047	WHITE SULPHUR SPRINGS, CITY OF [MEAGER CO.]	MAY 24, 1974
300052	WINNETT, TOWN OF [PETROLEUM CO.]	DECEMBER 27, 1974

TOTAL IN THE STATE 20

* UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310050	ANSELMO, VILLAGE OF [CUSTER CO.]	NOVEMBER 22, 1974
310050A	BARNESTON, TOWN OF [GAGE CO.]	SEPTEMBER 06, 1974 AND NOVEMBER 21, 1975
310208	BEAVER CROSSING, VILLAGE OF [SEWARD CO.]	NOVEMBER 08, 1974
310026	BELLWOOD, VILLAGE OF [BUTLER CO.]	NOVEMBER 22, 1974
310060	BIG SPRINGS, VILLAGE OF [DEUEL CO.]	DECEMBER 20, 1974
310155	BROCK, VILLAGE OF [NEMAHA CO.]	AUGUST 16, 1974
310161	BURR, VILLAGE OF [LOTOE CO.]	DECEMBER 06, 1974
310093	CLATONIA, VILLAGE OF [GAGE CO.]	NOVEMBER 29, 1974
310040	CLAY CENTER, CITY OF [CLAY CO.]	MARCH 22, 1974
310123A	COOK, VILLAGE OF [JOHNSON CO.]	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310041	DEWEESE, VILLAGE OF [CLAY CO.]	NOVEMBER 08, 1974
310162	DOUGLAS, VILLAGE OF [LOTOE CO.]	NOVEMBER 29, 1974
310007	DUNNING, VILLAGE OF [BLAINE CO.]	DECEMBER 20, 1974
310060	EDDYVILLE, VILLAGE OF [DAWSON CO.]	NOVEMBER 29, 1974
310125A	ELK CREEK, VILLAGE OF [JOHNSON CO.]	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310114	EWING, VILLAGE OF [HOLT CO.]	MAY 03, 1974
310061	FARNAM, VILLAGE OF [DAWSON CO.]	NOVEMBER 08, 1974
310152	FULLERTON, CITY OF [NANCE CO.]	JUNE 07, 1974
310213A	HAY SPRINGS, CITY OF [SHERIDAN CO.]	MARCH 22, 1974 AND NOVEMBER 07, 1975
310292	JACKSON, VILLAGE OF [DAKOTA CO.]	DECEMBER 20, 1974
310177	LINDSAY, VILLAGE OF [PLATTE CO.]	NOVEMBER 08, 1974
310028	LINWOOD, VILLAGE OF [BUTLER CO.]	OCTOBER 25, 1974
310085	MAYWOOD, VILLAGE OF [FRONTIER CO.]	DECEMBER 20, 1974
310156	NEMAHA, VILLAGE OF [NEMAHA CO.]	AUGUST 30, 1974
310070	NICKERSON, TOWN OF [DODGE CO.]	JANUARY 23, 1974
310159	OAK, VILLAGE OF [NUCKOLLS CO.]	NOVEMBER 15, 1974
310021	OMIOWA, VILLAGE OF [FILLMORE CO.]	NOVEMBER 08, 1974
310044	ONG, VILLAGE OF [CLAY CO.]	NOVEMBER 08, 1974
310005	ORCHARD, VILLAGE OF [ANTELOPE CO.]	NOVEMBER 15, 1974
310165	PALMYRA, VILLAGE OF [LOTOE CO.]	SEPTEMBER 06, 1974
310216	PILGER, VILLAGE OF [STANTON CO.]	DECEMBER 06, 1974
310067	PONCA, CITY OF [DIXON CO.]	APRIL 12, 1974
310202	PRAGUE, VILLAGE OF [SAUNDERS CO.]	NOVEMBER 15, 1974
310138	RAYMOND, VILLAGE OF [LANCASTER CO.]	OCTOBER 18, 1974
310134	ROCA, VILLAGE OF [LANCASTER CO.]	NOVEMBER 29, 1974
310214	RUSHVILLE, CITY OF [SHERIDAN CO.]	MAY 03, 1974
310125	SALEM, VILLAGE OF [RICHARDSON CO.]	NOVEMBER 08, 1974
310171	STEINAUER, VILLAGE OF [PAWNEE CO.]	NOVEMBER 22, 1974
310106	STOCKHAM, VILLAGE OF [HAMILTON CO.]	DECEMBER 06, 1974
310172	TABLE ROCK, VILLAGE OF [PAWNEE CO.]	NOVEMBER 01, 1974
310079	WATERLOO, VILLAGE OF [DOUGLAS CO.]	SEPTEMBER 06, 1974
310205	WESTON, VILLAGE OF [SAUNDERS CO.]	OCTOBER 18, 1974
310049	WISNER, TOWN OF [CUMING CO.]	DECEMBER 07, 1973
310099	WOLBACH, VILLAGE OF [GREELEY CO.]	NOVEMBER 08, 1974

TOTAL IN THE STATE 44

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* UNINCORPORATED AREAS ONLY

NEVADA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
320025	LOVELOCK, CITY OF [PERSHING CO.]	DECEMBER 13, 1974
320018	NYE COUNTY *	OCTOBER 18, 1974
	TOTAL IN THE STATE	2

* UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330152	ACWORTH, TOWN OF [SULLIVAN CO.]	SEPTEMBER 13, 1974
330104	ANDOVER, TOWN OF [MERRIMACK CO.]	JUNE 28, 1974
330010	BARTLETT, TOWN OF [CARROLL CO.]	JUNE 28, 1974
330044	BENTON, TOWN OF [GRAFTON CO.]	DECEMBER 27, 1974
330045	BETHLEHEM, TOWN OF [GRAFTON CO.]	JUNE 28, 1974
330105	BOSCAWEN, TOWN OF [MERRIMACK CO.]	MARCH 15, 1974
330047A	BRISTOL, TOWN OF [GRAFTON CO.]	JUNE 21, 1974 AND
		SEPTEMBER 26, 1975
330048	CAMPTON, TOWN OF [GRAFTON CO.]	APRIL 05, 1974
330109	CHICHESTER, TOWN OF [MERRIMACK CO.]	APRIL 05, 1974
330156	CROYDON, TOWN OF [SULLIVAN CO.]	NOVEMBER 29, 1974
330112	EPSOM, TOWN OF [MERRIMACK CO.]	MARCH 15, 1974
330013	FREEDOM, TOWN OF [CARROLL CO.]	AUGUST 30, 1974
330131	FREMONT, TOWN OF [ROCKINGHAM CO.]	AUGUST 09, 1974
330057	HAVERHILL, TOWN OF [GRAFTON CO.]	MARCH 08, 1974
330114	HENNIKER, TOWN OF [MERRIMACK CO.]	MARCH 15, 1974
330092	HUDSON, TOWN OF [HILLSBOROUGH CO.]	MARCH 08, 1974
335277	LANCASTER, TOWN OF [COOS CO.]	APRIL 13, 1973
330060	LANDAFF, TOWN OF [GRAFTON CO.]	DECEMBER 06, 1974
330134	LONDONDERRY, TOWN OF [ROCKINGHAM CO.]	AUGUST 09, 1974
330117	LOUDON, TOWN OF [MERRIMACK CO.]	AUGUST 02, 1974
330055	MILAN, TOWN OF [COOS CO]	JUNE 28, 1974
330068	MONROE, TOWN OF [GRAFTON CO.]	NOVEMBER 29, 1974
330007	NEW HAMPTON, TOWN OF [BELKNAP CO.]	MARCH 08, 1974
330099	NEW IPSWICH, TOWN OF [HILLSBOROUGH CO.]	DECEMBER 13, 1974
330137	NOTTINGHAM, TOWN OF [ROCKINGHAM CO]	JUNE 28, 1974
330120	PITTSFIELD, TOWN OF [MERRIMACK CO.]	MARCH 15, 1974
330136	PLAISTOW, TOWN OF [ROCKINGHAM CO.]	OCTOBER 18, 1974
330075	RUMNEY, TOWN OF [GRAFTON CO.]	MARCH 15, 1974
330143	SEABROOK, TOWN OF [ROCKINGHAM CO.]	AUGUST 02, 1974
330057	SHELBURNE, TOWN OF [COOS CO.]	NOVEMBER 29, 1974
330058	STARK, TOWN OF [COOS CO.]	NOVEMBER 29, 1974
330164	SUNAPEE, TOWN OF [SULLIVAN CO.]	JUNE 28, 1974
330122	SUTTON, TOWN OF [MERRIMACK CO]	JUNE 28, 1974
330018	TAMWORTH, TOWN OF [CARROLL CO.]	JULY 19, 1974
330165	UNITY, TOWN OF [SULLIVAN CO.]	MAY 31, 1974
330019	WAKEFIELD, TOWN OF [CARROLL CO.]	JULY 26, 1974
330168	WARREN, TOWN OF [GRAFTON CO.]	SEPTEMBER 13, 1974
330166	WASHINGTON, TOWN OF [SULLIVAN CO.]	DECEMBER 27, 1974
330040	WHITEFIELD, TOWN OF [COOS CO.]	JULY 26, 1974
330124	WILMOT, TOWN OF [MERRIMACK CO.]	AUGUST 16, 1974
	TOTAL IN THE STATE	40

* UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
340122	AUDUBON PARK, BOROUGH OF [CAMDEN CO.]	JUNE 21, 1974
340525	BUENA VISTA, TOWNSHIP OF [ATLANTIC CO.]	DECEMBER 20, 1974
340555	CHESTER, TOWNSHIP OF [MORRIS CO.]	DECEMBER 06, 1974
340201	ELK, TOWN OF [GLOUCESTER CO.]	JUNE 28, 1974
340202	FRANKLIN, TOWNSHIP OF [GLOUCESTER CO.]	SEPTEMBER 13, 1974
340507	FRANKLIN, TOWNSHIP OF [HUNTERDON CO.]	JULY 26, 1974
340529	GREEN, TOWNSHIP OF [SUSSEX CO.]	NOVEMBER 01, 1974
340221	HARRISON, TOWN OF [HUDSON CO.]	JUNE 28, 1974
340345	KINNELON, BOROUGH OF [MORRIS CO.]	JULY 13, 1973
340489	LIBERTY, TOWNSHIP OF [WARREN CO.]	AUGUST 09, 1974
340137	LINDENWOLD, BOROUGH OF [CAMDEN CO.]	NOVEMBER 22, 1974
340206A	LOGAN, TOWNSHIP OF [GLOUCESTER CO.]	SEPTEMBER 13, 1974 AND
		NOVEMBER 28, 1975
340212	SOUTH HARRISON, TOWNSHIP OF [GLOUCESTER CO]	JUNE 28, 1974
340116	SPRINGFIELD, TWP [BURLINGTON CO]	JULY 26, 1974
340544	TAVISTOCK, BOROUGH OF [CAMDEN CO.]	NOVEMBER 29, 1974
340537	TETERBORO, BOROUGH OF [BERGEN CO.]	NOVEMBER 01, 1974
340332	UPPER FREEHOLD, TOWNSHIP OF [MONMOUTH CO.]	MARCH 22, 1974
340479A	WINFIELD, TOWNSHIP OF [UNION CO.]	MARCH 08, 1974 AND
		OCTOBER 17, 1975
340120	WRIGHTSTOWN, BOROUGH OF [BURLINGTON CO]	JUNE 28, 1974
	TOTAL IN THE STATE	19

* UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
350050	CHAMA, VILLAGE OF [RIO ARRIBA CO.]	AUGUST 16, 1974
350007	CIMARRON, VILLAGE OF [COLFAX CO.]	MAY 17, 1974
350037	COLUMBUS, VILLAGE OF [LUNA CO.]	DECEMBER 13, 1974
350030	JEMEZ SPRINGS, VILLAGE OF [SANDOVAL CO.]	DECEMBER 13, 1974
350076	MAGDALENA, VILLAGE OF [SOCORRO CO.]	AUGUST 02, 1974
350115A	MELROSE, VILLAGE [CURRY CO]	JULY 25, 1974 AND
		NOVEMBER 28, 1975
350064	SAN JUAN COUNTY *	SEPTEMBER 13, 1974
350032	TATUM, TOWN OF [LEA CO.]	JUNE 21, 1974
	TOTAL IN THE STATE	8

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* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360324	ADAMS, TOWN OF (JEFFERSON CO.)	MAY	31, 1974	
361067	ALABAMA, TOWN OF (GENESEE CO.)	MAY	03, 1974	
361252	ALBION, TOWN OF (ORLEANS CO.)	OCTOBER	25, 1974	
360641	ALBION, VILLAGE OF (ORLEANS CO.)	MAY	24, 1974	
360980	ALMA, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	
360646	ALTMAR, VILLAGE OF (OSWEGO CO.)	NOVEMBER	15, 1974	
361260	AMBOY, TOWN OF (OSWEGO CO.)	NOVEMBER	15, 1974	
361332	AMENIA, TOWN OF (DUTCHESS CO.)	OCTOBER	18, 1974	
361094	ANDOVER, TOWN OF (ALLEGANY CO.)	DECEMBER	27, 1974	
360023	ANGELICA, VILLAGE OF (ALLEGANY CO.)	DECEMBER	06, 1974	
361105	ARKWRIGHT, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	18, 1974	
361325	AUSTERLITZ, TOWN OF (COLUMBIA CO.)	DECEMBER	27, 1974	
360518	AVA, TOWN OF (ONEIDA CO.)	JUNE	28, 1974	
361054	BALDWIN, TOWN OF (CHEMUNG CO.)	MAY	31, 1974	
360711	BALLSTON, TOWN OF (SARATOGA CO.)	AUGUST	02, 1974	
360166	BEEKMANTOWN, TOWN OF (CLINTON CO.)	AUGUST	30, 1974	
361333	BEEKMAN, TOWN OF (DUTCHESS CO.)	OCTOBER	18, 1974	
361046	BELFAST, TOWN OF (ALLEGANY CO.)	OCTOBER	18, 1974	
361532	BELLE TERRE, VILLAGE OF (SUFFOLK CO.)	DECEMBER	27, 1974	
361157	BERGEN, TOWN OF (GENESEE CO.)	NOVEMBER	22, 1974	
361489	BLASDELL, VILLAGE OF (ERIE CO.)	NOVEMBER	22, 1974	
361127A	BLEECKER, TOWN OF (FULTON CO.)	NOVEMBER	22, 1974	AND
		NOVEMBER	14, 1975	
361490	Bloomingdale, Village of (Essex Co.)	NOVEMBER	15, 1974	
361247	BRADFORD, TOWN OF (STEUBEN CO.)	DECEMBER	13, 1974	
360521	BRIDGEWATER, TOWN OF (ONEIDA CO.)	SEPTEMBER	06, 1974	
360522	BRIDGEWATER, VILLAGE OF (ONEIDA CO.)	MAY	17, 1974	
361128	BROADALBIN, TOWN OF (FULTON CO.)	SEPTEMBER	20, 1974	
361063A	BROWNVILLE, TOWN OF (JEFFERSON CO.)	DECEMBER	06, 1974	
361460	BRUSHTON, VILLAGE OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361416	BURLINGTON, TOWN OF (OTSEGO CO.)	NOVEMBER	22, 1974	
361098	BURNS, TOWN OF (ALLEGANY CO.)	NOVEMBER	08, 1974	
361445	BUTLER, TOWN OF (WAYNE CO.)	NOVEMBER	29, 1974	
361247	BUTTERNUTS, TOWN OF (OTSEGO CO.)	DECEMBER	13, 1974	
361223	CAMBRIDGE, TOWN OF (WASHINGTON CO.)	OCTOBER	25, 1974	
361513	CANAAN, TOWN OF (COLUMBIA CO.)	NOVEMBER	01, 1974	
361297	CANADICE, TOWN OF (ONTARIO CO.)	NOVEMBER	08, 1974	
360555	CANASTOTA, VILLAGE OF (MADISON CO.)	MARCH	29, 1974	
360833	CANDOR, TOWN OF (TIOGA CO.)	AUGUST	02, 1974	
361129	CAROGA, TOWN OF (FULTON CO.)	NOVEMBER	08, 1974	
360063	CARROLLTON, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER	20, 1974	
360994	CARROLL, TOWN OF (CHAUTAUQUA CO.)	SEPTEMBER	20, 1974	
361243	CASTILE, TOWN OF (WYOMING CO.)	DECEMBER	27, 1974	
360354	CASTORLAND, VILLAGE OF (LEWIS CO.)	AUGUST	09, 1974	
361203	CAYUTA, TOWN OF (SCHUYLER CO.)	NOVEMBER	15, 1974	
361246	CAZENOVIA, TOWN OF (MADISON CO.)	NOVEMBER	22, 1974	
360328A	CHAMPION, TOWN OF (JEFFERSON COU)	MAY	31, 1974	AND
		FEBRUARY	07, 1975	
360444	CHARLESTON, TOWN OF (MONTGOMERY CO.)	JULY	26, 1974	
360136	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY	10, 1974	
360264	CHESTERFIELD, TOWN OF (ESSEX CO.)	SEPTEMBER	06, 1974	
360870	CHESTER, TOWN OF (ORANGE CO.)	APRIL	12, 1974	
361461	CLARKSVILLE, TOWN OF (ALLEGANY CO.)	NOVEMBER	15, 1974	
360524	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	24, 1974	
360998	CLEVELAND, VILLAGE OF (OSWEGO CO.)	MAY	31, 1974	
361173	CLIFTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	29, 1974	
361354	CLINTON, TOWN OF (DUTCHESS CO.)	DECEMBER	20, 1974	
360850	CLYDE, VILLAGE OF (WAYNE CO.)	MAY	31, 1974	
361573	COBLESKILL, TOWN OF (SCHOHARIE CO.)	DECEMBER	20, 1974	

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360743A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE	07, 1974	AND
		SEPTEMBER	12, 1975	
360064	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE	21, 1974	
360299	COLUMBIA, TOWN OF (HERKIMER CO.)	MARCH	29, 1974	
361432	CONESVILLE, TOWN OF (SCHOHARIE CO.)	DECEMBER	13, 1974	
360065	CONEWANGO, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	
360108A	CONQUEST, TOWN OF (CAYUGA CO.)	AUGUST	16, 1974	AND
		SEPTEMBER	12, 1975	
360360	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST	09, 1974	
361115	COXSACKIE, TOWN OF (GREENE CO.)	DECEMBER	06, 1974	
361068	CROGHAN, VILLAGE OF (LEWIS CO.)	MAY	31, 1974	
361148	CROWN POINT, TOWN OF (ESSEX CO.)	NOVEMBER	08, 1974	
360300	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	05, 1974	
361126	DAY, TOWN OF (SARATOGA CO.)	NOVEMBER	15, 1974	
361251	DE RUYTER, TOWN OF (MADISON CO.)	SEPTEMBER	20, 1974	
361524	DERING HARBOR, VILLAGE OF (SUFFOLK CO.)	DECEMBER	20, 1974	
360364	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	
361122	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER	08, 1974	
360908	DOBBS FERRY, VILLAGE OF (WESTCHESTER CO.)	MAY	17, 1974	
361355	DOVER, TOWN OF (DUTCHESS CO.)	DECEMBER	06, 1974	
360943	EAGLE, TOWN OF (WYOMING CO.)	SEPTEMBER	13, 1974	
361224	EASTON, TOWN OF (WASHINGTON CO.)	DECEMBER	20, 1974	
361189	EDINBURG, TOWN OF (SARATOGA CO.)	NOVEMBER	01, 1974	
361465	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	
361073	ELLICOTT, TOWN OF (CHAUTAUQUA CO.)	DECEMBER	06, 1974	
361074	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	25, 1974	
361149	ESSEX, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	
360302	FAIRFIELD, TOWN OF (HERKIMER CO.)	MARCH	29, 1974	
360071	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	
360349	FENNER, TOWN OF (MADISON CO.)	SEPTEMBER	13, 1974	
360050	FILLMORE, VILLAGE OF (ALLEGANY CO.)	FEBRUARY	01, 1974	
360197	FLEISCHMANNS, VILLAGE OF (DELAWARE CO.)	DECEMBER	06, 1974	
360527	FLORENCE, TOWN OF (ONEIDA CO.)	SEPTEMBER	13, 1974	
360529	FOREST PORT, TOWN OF (ONEIDA CO.)	JUNE	28, 1974	
361231	FORT ANN, TOWN OF (WASHINGTON CO.)	DECEMBER	06, 1974	
360884	FORT ANN, VILLAGE OF (WASHINGTON CO.)	APRIL	12, 1974	
360618A	FOWLER, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	01, 1974	AND
361195	FULTON, TOWN OF (SCHOHARIE CO.)	NOVEMBER	08, 1974	
361225	GALEN, TOWN OF (WAYNE CO.)	DECEMBER	06, 1974	
361316	GALLATIN, TOWN OF (COLUMBIA CO.)	OCTOBER	25, 1974	
361181	GENESEE, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER	15, 1974	AND
		NOVEMBER	14, 1975	
360111	GENOA, TOWN OF (CAYUGA CO.)	JUNE	28, 1974	
361184	GERRY, TOWN OF (CHAUTAUQUA CO.)	NOVEMBER	08, 1974	
361433	GILBOA, TOWN OF (SCHOHARIE CO.)	DECEMBER	06, 1974	
360336	GLEN PARK, VILLAGE OF (JEFFERSON CO.)	MARCH	29, 1974	
361027	GREENE, TOWN OF (CHENANGO CO.)	DECEMBER	27, 1974	
360365	GREIG, TOWN OF (LEWIS CO.)	JUNE	28, 1974	
361005	GROVE, TOWN OF (ALLEGANY CO.)	JUNE	28, 1974	
361451	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER	15, 1974	
361234	HARTFORD, TOWN OF (WASHINGTON CO.)	DECEMBER	27, 1974	
361271	HARTWICK, TOWN OF (OTSEGO CO.)	OCTOBER	25, 1974	
361513	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER	15, 1974	
361204A	HECTOR, TOWN OF (SCHUYLER CO.)	DECEMBER	06, 1974	
360367	HIGH FARKET, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	
361154	HODSICK, TOWN OF (RENSSELAER CO.)	NOVEMBER	01, 1974	
361405	HOPE, TOWN OF (HAMILTON CO.)	NOVEMBER	22, 1974	
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	
361434	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER	27, 1974	

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* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360078	HUMPHREY, TOWN OF [CATTARAUGUS CO.]	AUGUST 30, 1974
360243	HUNTER, VILLAGE OF [GREENE CO.]	AUGUST 16, 1974
361358	HYDE PARK, TOWN OF [DUTCHESS CO.]	DECEMBER 20, 1974
361008	INDEPENDENCE, TOWN OF [ALLEGANY CO.]	SEPTEMBER 06, 1974
360112	IRA, TOWN OF [CAYUGA CO.]	JULY 26, 1974
360079	ISCHUA, TOWN OF [CATTARAUGUS CO.]	MAY 31, 1974
360958	ITALY, TOWN OF [YATES CO.]	JUNE 28, 1974
361212	JASPER, TOWN OF [STEUBEN CO.]	NOVEMBER 01, 1974
361244	JAVA, TOWN OF [WYOMING CO.]	OCTOBER 25, 1974
360265	JAY, TOWN OF [ESSEX CO.]	NOVEMBER 08, 1974
361151	KEENE, TOWN OF [ESSEX CO.]	NOVEMBER 01, 1974
360266	KEESEVILLE, VILLAGE OF [ESSEX CO.]	MAY 31, 1974
361075	KIANTONE, TOWN OF [CHAUTAUQUA CO.]	OCTOBER 18, 1974
361350	LACONA, VILLAGE OF [OSWEGO CO.]	NOVEMBER 22, 1974
361351	LAUREAS, VILLAGE OF [OTSEGO CO.]	NOVEMBER 15, 1974
361265	LEICESTER, TOWN OF [LIVINGSTON CO.]	OCTOBER 18, 1974
360080	LEON, TOWN OF [CATTARAUGUS CO.]	MAY 31, 1974
360368	LEWIS, TOWN OF [LEWIS CO.]	JUNE 28, 1974
361152	LEWIS, TOWN OF [ESSEX CO.]	NOVEMBER 29, 1974
361376	LINCKLAEN, TOWN OF [CHENANGO CO.]	DECEMBER 06, 1974
360304	LITCHFIELD, TOWN OF [HERKIMER CO.]	MARCH 15, 1974
360175	LIVINGSTON, TOWN OF [COLUMBIA CO.]	MAY 24, 1974
360753	LODI, TOWN OF [SENECA CO.]	JULY 26, 1974
360342A	LORRAIN, TOWN OF [JEFFERSON CO.]	MAY 10, 1974 AND OCTOBER 17, 1975
361459	LYNDONVILLE, VILLAGE OF [ORLEANS CO.]	DECEMBER 20, 1974
360083	LYNDON, TOWN OF [CATTARAUGUS CO.]	AUGUST 09, 1974
360371	LYONSDALE, TOWN OF [LEWIS CO.]	AUGUST 16, 1974
360084	MACHIAS, TOWN OF [CATTARAUGUS CO.]	OCTOBER 18, 1974
361262	MADISON, TOWN OF [MADISON CO.]	DECEMBER 20, 1974
361181	MADRID, TOWN OF [ST. LAWRENCE CO.]	NOVEMBER 01, 1974
360085	MANSFIELD, TOWN OF [CATTARAUGUS CO.]	MAY 31, 1974
361327	MARATHON, TOWN OF [CORTLAND CO.]	NOVEMBER 29, 1974
361272	MARYLAND, TOWN OF [OTSEGO CO.]	OCTOBER 18, 1974
361423	MAYFIELD, VILLAGE OF [FULTON CO.]	NOVEMBER 15, 1974
360207	MEREDITH, TOWN OF [DELAWARE CO.]	JUNE 28, 1974
361520	MERIDIAN, VILLAGE OF [CAYUGA CO.]	DECEMBER 06, 1974
360654	MEXICO, TOWN OF [OSWEGO CO.]	NOVEMBER 15, 1974
360744A	MIDDLEBURG, TOWN OF [SCHOHARIE CO.]	MAY 31, 1974
360209	MIDDLETOWN, TOWN OF [DELAWARE CO.]	SEPTEMBER 06, 1974
361274	MILFORD, TOWN OF [OTSEGO CO.]	DECEMBER 13, 1974
361153	MINERVA, TOWN OF [ESSEX CO.]	DECEMBER 20, 1974
361125	MOIRA, TOWN OF [FRANKLIN CO.]	NOVEMBER 15, 1974
360117	MORAVIA, TOWN OF [CAYUGA CO.]	JUNE 14, 1974
361389	MORIAH, TOWN OF [ESSEX CO.]	NOVEMBER 22, 1974
360706	MORRISTOWN, TOWN OF [ST. LAWRENCE CO.]	SEPTEMBER 06, 1974
361557	MORRISTOWN, VILLAGE [ST. LAWRENCE CO.]	MAY 31, 1974
360406	MORRISVILLE, VILLAGE OF [MADISON CO.]	MARCH 08, 1974
361273	MORRIS, TOWN OF [OTSEGO CO.]	NOVEMBER 15, 1974
361353	MORRIS, VILLAGE OF [OTSEGO CO.]	NOVEMBER 15, 1974
360407	MUNNSVILLE, VILLAGE OF [MADISON CO.]	AUGUST 30, 1974
360086	NAPOLI, TOWN OF [CATTARAUGUS CO.]	JUNE 14, 1974
361155	NASSAU, TOWN OF [RENSSELAER CO.]	NOVEMBER 22, 1974
360675	NASSAU, VILLAGE OF [RENSSELAER CO.]	MARCH 22, 1974
360453	NELLISTON, VILLAGE OF [MONTGOMERY CO.]	FEBRUARY 15, 1974
361243	NELSON, TOWN OF [MADISON CO.]	OCTOBER 25, 1974
360373	NEW BREMEN, TOWN OF [LEWIS CO.]	NOVEMBER 01, 1974

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360655	NEW HAVEN, TOWN OF [OSWEGO CO.]	JULY 19, 1974
360836	NEWARK VALLEY, VIL [TIOGA CO]	JUNE 07, 1974
361111	NEWPORT, TOWN OF [HERKIMER CO.]	NOVEMBER 15, 1974
360838	NICHOLS, VILLAGE OF [TIOGA CO.]	JUNE 07, 1974
361500	OAKFIELD, VILLAGE OF [GENESEE CO.]	NOVEMBER 15, 1974
361516	ODESSA, VILLAGE OF [SCHUYLER CO.]	DECEMBER 20, 1974
361134	OPPENHEIM, TOWN OF [FULTON CO.]	NOVEMBER 08, 1974
360748	ORANGE, TOWN OF [SCHUYLER CO.]	JULY 26, 1974
361354	ORISKANY FALLS, VILLAGE OF [ONEIDA CO.]	NOVEMBER 22, 1974
361262	ORWELL, TOWN OF [OSWEGO CO.]	OCTOBER 25, 1974
360657A	OSWEGO, TOWN OF [OSWEGO CO.]	MAY 10, 1974 AND SEPTEMBER 12, 1975
360589	OTISCO, TOWN OF [ONONDAGA CO.]	MAY 31, 1974
361276	OTSEGO, TOWN OF [OTSEGO CO.]	DECEMBER 20, 1974
361040	OTSELIC, TOWN OF [CHENANGO CO.]	DECEMBER 20, 1974
360090A	OTTO, TOWN OF [CATTARAUGUS CO.]	MAY 31, 1974 AND SEPTEMBER 19, 1975
360754A	OVID, TOWN OF [SENECA CO.]	JULY 26, 1974 AND SEPTEMBER 12, 1975
360120	OWASCO, TOWN OF [CAYUGA CO.]	MAY 31, 1974
360454	PALATINE BRIDGE, VILLAGE OF [MONTGOMERY CO.]	FEBRUARY 15, 1974
361415	PALATINE, TOWN OF [MONTGOMERY CO.]	NOVEMBER 29, 1974
360346	PAMELIA, TOWN OF [JEFFERSON CO.]	OCTOBER 18, 1974
361357	PARISH, TOWN OF [OSWEGO CO.]	DECEMBER 27, 1974
361341	PAWLING, TOWN OF [DUTCHESS CO.]	OCTOBER 25, 1974
360091	PERRYSBURG, TOWN OF [CATTARAUGUS CO.]	MAY 17, 1974
360946	PERRY, TOWN OF [WYOMING CO.]	JUNE 28, 1974
361155	PERTH, TOWN OF [FULTON CO.]	OCTOBER 18, 1974
361091	PHARSALIA, TOWN OF [CHENANGO CO.]	OCTOBER 18, 1974
360947	PIKE, TOWN OF [WYOMING CO.]	SEPTEMBER 13, 1974
361027	PIKE, VILLAGE OF [WYOMING CO.]	AUGUST 09, 1974
360375	PINCKNEY, TOWN OF [LEWIS CO.]	SEPTEMBER 06, 1974
361141	PINE PLAINS, TOWN OF [DUTCHESS CO.]	DECEMBER 20, 1974
361277	PITTSFIELD, TOWN OF [OTSEGO CO.]	OCTOBER 25, 1974
361278	PLAINFIELD, TOWN OF [OTSEGO CO.]	NOVEMBER 08, 1974
361221	PLATTEKILL, TOWN OF [ULSTER CO.]	DECEMBER 06, 1974
361077	POLAND, TOWN OF [CHAUTAUQUA CO.]	OCTOBER 18, 1974
361518	POQUOTT, VILLAGE OF [SUFFOLK CO.]	NOVEMBER 15, 1974
361029	PORTAGE, TOWN OF [LIVINGSTON CO.]	AUGUST 16, 1974
361142	PRINCETOWN, TOWN OF [SCHENECTADY CO.]	DECEMBER 20, 1974
361356	PROSPECT, VILLAGE OF [ONEIDA CO.]	NOVEMBER 15, 1974
361140	PROVIDENCE, TOWN OF [SARATOGA CO.]	NOVEMBER 15, 1974
360781	RATHBONE, TOWN OF [STEUBEN CO.]	AUGUST 02, 1974
361205	READING, TOWN OF [SCHUYLER CO.]	OCTOBER 25, 1974
361265	REDFIELD, TOWN OF [OSWEGO CO.]	NOVEMBER 22, 1974
360014	RENSSELAERVILLE, TOWN OF [ALBANY CO.]	DECEMBER 06, 1974
360032	RICHBURG, VILLAGE OF [ALLEGANY CO.]	AUGUST 09, 1974
361360	RICHFIELD SPRINGS, VILLAGE OF [OTSEGO CO.]	NOVEMBER 15, 1974
361216	RICHFORD, TOWN OF [TIOGA CO.]	DECEMBER 20, 1974
360755	ROMULUS, TOWN OF [SENECA CO.]	JULY 26, 1974
360857	ROSE, TOWN OF [WAYNE CO.]	JUNE 28, 1974
361035	ROSLYN HARBOR, VILLAGE OF [NASSAU CO]	JUNE 28, 1974
361186	ROSSIE, TOWN OF [ST. LAWRENCE CO.]	NOVEMBER 01, 1974
361121	RUSSIA, TOWN OF [HERKIMER CO.]	NOVEMBER 01, 1974
360317	SALISBURY, TOWN OF [HERKIMER CO.]	JUNE 07, 1974
361167	SAND LAKE, TOWN OF [RENSSELAER CO.]	DECEMBER 27, 1974
361358	SANDY CREEK, VILLAGE OF [OSWEGO CO.]	NOVEMBER 15, 1974
361504	SAUGERTIES, VILLAGE OF [ULSTER CO.]	NOVEMBER 15, 1974
361229	SAVANNAH, TOWN OF [WAYNE CO.]	DECEMBER 20, 1974

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* UNINCORPORATED AREAS ONLY

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361168	SCHAGHTICOKE, TOWN OF [RENSSELAER CO.]	DECEMBER 20, 1974
361158	SCHROON, TOWN OF [ESSEX CO.]	DECEMBER 20, 1974
360172	SCHUYLER FALLS, TOWN OF [CLINTON CO.]	SEPTEMBER 13, 1974
360122	SCIPIO, TOWN OF [CAYUGA CO.]	MAY 31, 1974
361328	SCOTT, TOWN OF [CORTLAND CO.]	NOVEMBER 01, 1974
360123	SEMPRONIUS, TOWN OF [CAYUGA CO.]	MAY 31, 1974
360124	SENNETT, TOWN OF [CAYUGA CO.]	JUNE 14, 1974
361200	SHARON, TOWN OF [SCHOHARIE CO.]	NOVEMBER 08, 1974
361258	SHELBY, TOWN OF [ORLEANS CO.]	NOVEMBER 08, 1974
361308	SMYRNA, TOWN OF [CHENANGO CO.]	DECEMBER 20, 1974
361242	SOMERS, TOWN OF [WESTCHESTER CO.]	DECEMBER 20, 1974
360099	SOUTH CAYTON, VILLAGE OF [CATTARAUGUS CO.]	MAY 31, 1974
360100	SOUTH VALLEY, TOWN OF [CATTARAUGUS CO.]	SEPTEMBER 06, 1974
361288	SPARTA, TOWN OF [LIVINGSTON CO.]	NOVEMBER 08, 1974
361471A	SPENCER, VILLAGE OF [TIOGA CO.]	NOVEMBER 15, 1974
361145	STANFORD, TOWN OF [DUTCHESS CO.]	OCTOBER 18, 1974
361170	STEPHENTOWN, TOWN OF [RENSSELAER CO.]	DECEMBER 20, 1974
360126	STERLING, TOWN OF [CAYUGA CO.]	JULY 26, 1974
360555	STEUBEN, TOWN OF [ONEIDA CO.]	JUNE 28, 1974
361081	STOCKTON, TOWN OF [CHAUTAUQUA CO.]	NOVEMBER 01, 1974
361136	STRATFORD, TOWN OF [FULTON CO.]	NOVEMBER 15, 1974
361157	ST. ARMAND, TOWN OF [ESSEX CO.]	OCTOBER 25, 1974
360456	ST. JOHNSVILLE, TOWN OF [MONTGOMERY CO.]	AUGUST 16, 1974
360353	THERESA, VILLAGE OF [JEFFERSON CO.]	MAY 10, 1974
361213	THURSTON, TOWN OF [STEUBEN CO.]	OCTOBER 25, 1974
361597	TIVOLI, VILLAGE OF [DUTCHESS CO.]	DECEMBER 20, 1974
360966	TORREY, TOWN OF [YATES CO.]	MAY 31, 1974
360557	TRENTON, VILLAGE OF [ONEIDA CO.]	AUGUST 30, 1974
360055A	TRIANGLE, TOWN OF [BROOME CO.]	APRIL 05, 1974 AND NOVEMBER 21, 1975
361355	TURIN, VILLAGE OF [LEWIS CO.]	NOVEMBER 29, 1974
361214A	TUSCARORA, TOWN OF [STEUBEN CO.]	OCTOBER 25, 1974 AND SEPTEMBER 26, 1975
361206A	TYRE, TOWN OF [SENECA CO.]	OCTOBER 18, 1974 AND OCTOBER 17, 1975
361469	VALLEY FALLS, VILLAGE OF [RENSSELAER CO.]	NOVEMBER 22, 1974
360561	VERONA, TOWN OF [ONEIDA CO.]	SEPTEMBER 13, 1974
361057	VETERAN, TOWN OF [CHEMUNG CO.]	OCTOBER 25, 1974
360131	VICTORY, TOWN OF [CAYUGA CO.]	JULY 26, 1974
360753	VICTORY, VILLAGE OF [SARATOGA CO.]	APRIL 05, 1974
361102	VILLENOVA, TOWN OF [CHAUTAUQUA CO.]	OCTOBER 18, 1974
361187	WADDINGTON, TOWN OF [ST. LAWRENCE CO.]	DECEMBER 13, 1974
361228A	WALWORTH, TOWN OF [WAYNE CO.]	DECEMBER 13, 1974 AND OCTOBER 10, 1975
361147	WASHINGTON, TOWN OF [DUTCHESS CO.]	NOVEMBER 01, 1974
360563	WATERVILLE, VILLAGE OF [ONEIDA CO.]	JUNE 14, 1974
360377	WATSON, TOWN OF [LEWIS CO.]	NOVEMBER 01, 1974
361126	WAVERLY, TOWN OF [FRANKLIN CO.]	OCTOBER 25, 1974

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361112	WELLS, TOWN OF [HAMILTON CO.]	NOVEMBER 29, 1974
360564	WESTERN, TOWN OF [ONEIDA CO.]	AUGUST 02, 1974
361282	WESTFORD, TOWN OF [OTSEGO CO.]	OCTOBER 25, 1974
361160	WESTPORT, TOWN OF [ESSEX CO.]	DECEMBER 20, 1974
361123	WESTVILLE, TOWN OF [FRANKLIN CO.]	DECEMBER 27, 1974
361246	WETHERSFIELD, TOWN OF [WYOMING CO.]	DECEMBER 13, 1974
361258	WHITE CREEK, TOWN OF [WASHINGTON CO.]	OCTOBER 18, 1974
361351	WILLET, TOWN OF [CORTLAND CO.]	DECEMBER 20, 1974
361267	WILLIAMSTOWN, TOWN OF [OSWEGO CO.]	NOVEMBER 01, 1974
360267	WILLSBORO, TOWN OF [ESSEX CO.]	NOVEMBER 08, 1974
360736	WILTON, TOWN OF [SARATOGA CO.]	JUNE 14, 1974
360401	WOLCOTT, TOWN OF [WAYNE CO.]	JUNE 28, 1974
361283	WORCESTER, TOWN OF [OTSEGO CO.]	NOVEMBER 01, 1974
361202	WRIGHT, TOWN OF [SCHOHARIE CO.]	NOVEMBER 08, 1974
360952	WYOMING, VILLAGE OF [WYOMING CO.]	MAY 17, 1974

TOTAL IN THE STATE 285

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* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NORTH CAROLINA NAME	HAZARD AREA IDENTIFIED
370210	CHINA GROVE, TOWN OF [ROWAN CO.]	JANUARY 09, 1974
370099	GASTON COUNTY *	NOVEMBER 29, 1974
370235	INDIAN TRAIL, CITY OF [UNION CO.]	SEPTEMBER 06, 1974
370144	LENOIR COUNTY *	DECEMBER 27, 1974
370146	LINCOLN COUNTY *	DECEMBER 27, 1974
370090	MACCLESFIELD, TOWN OF [EDGECOMBE CO.]	JANUARY 09, 1974
370155	MARTIN COUNTY *	NOVEMBER 29, 1974
370101	MCADENVILLE, CITY OF [GASTON CO.]	JUNE 21, 1974
370106	ROBBINSVILLE, TOWN OF [GRAHAM CO.]	JUNE 14, 1974
370166	ROBBINS, TOWN OF [MOORE CO.]	NOVEMBER 22, 1974
370258	RONDA, TOWN OF [WILKES CO.]	SEPTEMBER 06, 1974
370220	SAMPSON COUNTY *	DECEMBER 20, 1974
370005	SPARTA, CITY [ALLEGANY CO.]	FEBRUARY 15, 1974
370095	SPEED, TOWN OF [EDGECOMBE CO.]	JANUARY 09, 1974
370075	VANCEBORO, TOWN OF [CRAVEN CO.]	MARCH 01, 1974
370254	WAYNE COUNTY *	DECEMBER 27, 1974
370269	WEAVERVILLE, TOWN OF [BUNCOMBE CO.]	NOVEMBER 29, 1974
370256	WILKES COUNTY *	DECEMBER 20, 1974

TOTAL IN THE STATE 18

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NORTH DAKOTA NAME	HAZARD AREA IDENTIFIED
380055	ALEXANDER, CITY OF [MCKENZIE CO.]	DECEMBER 13, 1974
380080	BATHGATE, CITY OF [PEMBINA CO.]	NOVEMBER 22, 1974
380121	COURTENAY, CITY OF [STUTSMAN CO.]	DECEMBER 27, 1974
380093	CRARY, CITY OF [RAMSEY CO.]	NOVEMBER 15, 1974
380039	DAWSON, CITY OF [KIDDER CO.]	DECEMBER 06, 1974
380035	GILEY, CITY OF [GRAND FORKS CO.]	NOVEMBER 22, 1974
380099	GREAT BEND, CITY OF [RICHLAND CO.]	NOVEMBER 22, 1974
380084	HAMILTON, CITY OF [PEMBINA CO.]	DECEMBER 20, 1974
380094	HAMPDEN, CITY OF [RAMSEY CO.]	NOVEMBER 29, 1974
380151A	HATTON, CITY OF [TRAIL CO.]	MAY 10, 1974
380123	KENSAL, CITY OF [STUTSMAN CO.]	DECEMBER 20, 1974
380075	LAKOTA, CITY OF [NELSON CO.]	MAY 03, 1974
380095	LAWTON, CITY OF [RAMSEY CO.]	DECEMBER 06, 1974
380003	LEEDS, CITY OF [BENSON CO.]	APRIL 05, 1974
380043	LEHR, CITY OF [LOGAN + MCINTOSH COS.]	NOVEMBER 22, 1974
380004A	MADDOCK, CITY OF [BENSON CO.]	MARCH 08, 1974 AND
		NOVEMBER 15, 1974
380115	MARMARTH, CITY OF [SLOPE CO.]	NOVEMBER 29, 1974
380008	MAXBASS, CITY OF [BOTTINEAU CO.]	NOVEMBER 22, 1974
380060	MAX, CITY OF [MCLEAN CO.]	NOVEMBER 22, 1974
380124	MEDINA, CITY OF [STUTSMAN CO.]	DECEMBER 20, 1974
380125	MONTPELIER, CITY OF [STUTSMAN CO.]	NOVEMBER 15, 1974
380031	NEW ROCKFORD, CITY OF [EDDY CO.]	NOVEMBER 23, 1973
380009	NEWBURG, CITY OF [BOTTINEAU CO.]	DECEMBER 06, 1974
380073	PARSHALL, CITY OF [MOUNTRAIL CO.]	NOVEMBER 29, 1974
380129	ROCK LAKE, CITY OF [TOWNER CO.]	NOVEMBER 22, 1974
380088A	RUGBY, CITY OF [PIERCE CO.]	MARCH 22, 1974 AND
		OCTOBER 03, 1975
380010	SOURIS, CITY OF [BOTTINEAU CO.]	NOVEMBER 29, 1974
380096	STARKWEATHER, CITY OF [RAMSEY CO.]	DECEMBER 06, 1974
380127	STREETER, CITY OF [STUTSMAN CO.]	NOVEMBER 22, 1974
380040	TAPPEN, CITY OF [KIDDER CO.]	DECEMBER 06, 1974
380061	TURTLE LAKE, CITY OF [MCLEAN CO.]	MARCH 22, 1974
380041	TUTTLE, CITY OF [KIDDER CO.]	NOVEMBER 29, 1974
380050	UPHAM, CITY OF [MCHENRY CO.]	DECEMBER 06, 1974
380063	WASHBURN, CITY OF [MCLEAN CO.]	MARCH 22, 1974
380074	WHITE EARTH, CITY OF [MOUNTRAIL CO.]	DECEMBER 20, 1974
380011	WILLOW CITY, CITY OF [BOTTINEAU CO.]	NOVEMBER 15, 1974
380065A	WILTON, CITY OF [MCLEAN AND BURLEIGH CO.]	MAY 24, 1974

TOTAL IN THE STATE 37

V 40 N 233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
390205	ADDYSTON, VILLAGE OF [HAMILTON CO.]	MARCH 01, 1974	
390329	ALEXANDRIA, VILLAGE OF [LICKING CO.]	MAY 31, 1974	
390296	AMSTERDAM, VILLAGE OF [JEFFERSON CO.]	APRIL 12, 1974	
390435	ANTWERP, VILLAGE OF [PAULDING CO.]	MARCH 29, 1974	
390642	APPLE CREEK, VILLAGE OF [WAYNE CO.]	MARCH 29, 1974	
390207	ARLINGTON HEIGHTS, VILLAGE OF [HAMILTON CO.]	FEBRUARY 01, 1974	
390242	ARLINGTON, VILLAGE OF [HANCOCK CO.]	MAY 17, 1974	
390159	BALTIMORE, VILLAGE OF [FAIRFIELD CO.]	JUNE 21, 1974	
390024	BARNESVILLE, VILLAGE OF [BELMONT CO.]	JUNE 07, 1974	
390060	BATAVIA, VILLAGE OF [CLERMONT CO.]	NOVEMBER 30, 1973	
390650	BERLIN HEIGHTS, VILLAGE OF [ERIE CO.]	APRIL 05, 1974	
390500	BETTSVILLE, VILLAGE OF [SENECA CO.]	APRIL 12, 1974	
390074	BLANCHESTER, VILLAGE OF [CLINTON CO.]	APRIL 05, 1974	
390488	BURGOON, VILLAGE OF [SANDUSKY CO.]	AUGUST 02, 1974	
390461	CAMDEN, VILLAGE OF [PREBLE CO.]	MAY 10, 1974	
390655	CASTALIA, VILLAGE OF [ERIE CO.]	MARCH 29, 1974	
390017	CHAUNCEY, VILLAGE OF [ATHENS CO.]	JUNE 21, 1974	
390056	CHRISTIANSBURG, VILLAGE OF [CHAMPAIGN CO.]	AUGUST 09, 1974	
390483	CLARKSBURG, VILLAGE OF [ROSS CO.]	NOVEMBER 15, 1974	
390326	COAL GROVE, VILLAGE OF [LAWRENCE CO.]	JUNE 14, 1974	
390291	COALTON, VILLAGE OF [JACKSON CO.]	FEBRUARY 01, 1974	
390466	COLUMBUS GROVE, VILLAGE OF [PUTNAM CO.]	FEBRUARY 08, 1974	
390575	CRESTON, VILLAGE OF [WAYNE CO.]	FEBRUARY 01, 1974	
390441	CROOKSVILLE, VILLAGE OF [PERRY CO.]	FEBRUARY 01, 1974	
390654	CUYAHOGA HEIGHTS, VILLAGE OF [CUYAHOGA CO.]	MARCH 29, 1974	
390157	DARKE COUNTY *	DECEMBER 20, 1974	
390049	DELPHOS, VILLAGE OF [CARROLL CO.]	AUGUST 09, 1974	
390061	DONNELSVILLE, VILLAGE OF [CLARK CO.]	FEBRUARY 01, 1974	
390467	DUPONT, VILLAGE OF [PUTNAM CO.]	AUGUST 09, 1974	
390080	EAST ROCHESTER, VILLAGE OF [COLUMBIANA CO.]	SEPTEMBER 13, 1974	
390650A	ELIDA, VILLAGE OF [ALLEN CO.]	MARCH 29, 1974	
390214	EVENDALE, VILLAGE OF [HAMILTON CO.]	MARCH 01, 1974	
390657	FAIRLAWN, CITY OF [SUMMIT CO.]	MARCH 29, 1974	
390468	FORT JENNINGS, VILLAGE OF [PUTNAM CO.]	MAY 31, 1974	
390395	FORT RECOVERY, VILLAGE OF [MERCER CO.]	JUNE 07, 1974	
390426	FRAZEYSBURG, VILLAGE OF [MUSKINGHAM CO.]	AUGUST 30, 1974	
390185	GALLIA COUNTY *	DECEMBER 27, 1974	
390469	GILBOA, VILLAGE OF [PUTNAM CO.]	AUGUST 09, 1974	
390442	GLENFORD, VILLAGE OF [PERRY CO.]	AUGUST 23, 1974	
390014	GRAFTON, VILLAGE OF [LORAIN CO.]	DECEMBER 20, 1974	
390492	GREEN SPRINGS, VILLAGE OF [SANDUSKY CO.]	MARCH 01, 1974	
390554	HARDIN, VILLAGE OF [VINTON CO.]	FEBRUARY 01, 1974	
390264	HAMLER, VILLAGE OF [HENRY CO.]	APRIL 12, 1974	
390351	HARTFORD, VILLAGE OF [LICKING CO.]	SEPTEMBER 13, 1974	
390505	JACKSON CENTER, VILLAGE OF [SHELBY CO.]	MAY 31, 1974	
390019	JACKSONVILLE, VILLAGE OF [ATHENS CO.]	MAY 17, 1974	
390294	JEFFERSON COUNTY *	DECEMBER 27, 1974	
390246	JENERA, VILLAGE OF [HANCOCK CO.]	AUGUST 09, 1974	
390471	KALIDA, VILLAGE OF [PUTNAM CO.]	MARCH 01, 1974	
390201	KIMBOLTON, VILLAGE OF [GUERNSEY CO.]	DECEMBER 06, 1974	
390270	LEESBURG, VILLAGE OF [HIGHLAND CO.]	APRIL 05, 1974	
390050	LEESVILLE, VILLAGE OF [CARROLL CO.]	SEPTEMBER 20, 1974	
390065	LISBON, VILLAGE OF [COLUMBIANA CO.]	APRIL 12, 1974	
390223	LOCKLAND, CITY OF [HAMILTON CO.]	FEBRUARY 15, 1974	
390360	LONDON, CITY OF [MADISON CO.]	MAY 10, 1974	
390202	LORE CITY, VILLAGE OF [GUERNSEY CO.]	AUGUST 30, 1974	
390661A	LUCAS, VILLAGE OF [RICHLAND CO.]	APRIL 05, 1974 AND SEPTEMBER 26, 1975	
390271	LYNCHBURG, VILLAGE OF [HIGHLAND CO.]	MARCH 29, 1974	
390051	MAGNOLIA, VILLAGE OF [CARROLL CO.]	MAY 03, 1974	
390226A	MARIEMONT, VILLAGE OF [HAMILTON CO.]	FEBRUARY 08, 1974 AND JANUARY 10, 1975	

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390247	MCCOMB, VILLAGE OF [HANCOCK CO.]	MAY 10, 1974
390254	MCGUFFEY, VILLAGE OF [HARDIN CO.]	MAY 10, 1974
390155	MILAN, VILLAGE OF [ERIE CO.]	APRIL 12, 1974
390041	MILLVILLE, VILLAGE OF [BUTLER CO.]	JUNE 07, 1974
390396	MONTEZUMA, VILLAGE OF [MERCER CO.]	AUGUST 09, 1974
390581	MONTPELIER, VILLAGE OF [WILLIAMS CO.]	MAY 31, 1974
390248	MOUNT BLANCHARD, VILLAGE OF [HANCOCK CO.]	AUGUST 09, 1974
390249	MOUNT CORY, VILLAGE OF [HANCOCK CO.]	SEPTEMBER 20, 1974
390119	NEWBURGH HEIGHTS, VILLAGE OF [CUYAHOGA CO.]	MARCH 15, 1974
390251	NORTH BEND, VILLAGE OF [HAMILTON CO.]	MARCH 15, 1974
390285	NORTH FAIRFIELD, VILLAGE OF [HURON CO.]	MARCH 15, 1974
390433	OAK HARBOR, VILLAGE OF [OTTAWA CO.]	MARCH 01, 1974
390437	OAKWOOD, VILLAGE OF [PAULDING CO.]	MAY 17, 1974
390176	OBETZ, VILLAGE OF [FRANKLIN CO.]	FEBRUARY 15, 1974
390141	OSGOOD, VILLAGE OF [DARKE CO.]	AUGUST 30, 1974
390150A	OSTRANDER, VILLAGE OF [DELAWARE CO.]	SEPTEMBER 20, 1974
390439	PAYNE, VILLAGE OF [PAULDING CO.]	MAY 03, 1974
390162A	PICKERINGTON, VILLAGE OF [FAIRFIELD CO.]	JUNE 28, 1974
390203	PLEASANT CITY, VILLAGE OF [GUERNSEY CO.]	AUGUST 23, 1974
390287	PLYMOUTH, VILLAGE OF [HURON CO.]	MAY 03, 1974
390453	PORTAGE COUNTY *	DECEMBER 27, 1974
390390	RACINE, VILLAGE OF [MEIGS CO.]	APRIL 05, 1974
390499	RARDEN, VILLAGE OF [SCIOTO CO.]	AUGUST 23, 1974
390416A	RIVERSIDE, VILLAGE OF [MONTGOMERY CO.]	FEBRUARY 15, 1974
390645	ROGERS, VILLAGE OF [COLUMBIANA CO.]	MARCH 22, 1974
390086	SALEM, CITY OF [COLUMBIANA CO.]	MAY 03, 1974
390151	SHAWNEE HILLS, VILLAGE OF [DELAWARE CO.]	FEBRUARY 08, 1974
390505	SHELBY COUNTY *	DECEMBER 20, 1974
390054	SHERRODSVILLE, VILLAGE OF [CARROLL CO.]	AUGUST 09, 1974
390647	SHREVE, VILLAGE OF [WAYNE CO.]	MARCH 29, 1974
390312	SOUTH MOUNT VERNON, VILLAGE OF [KNOX CO.]	JUNE 21, 1974
390485	SOUTH SALEM, VILLAGE OF [ROSS CO.]	AUGUST 23, 1974
390059	ST. PARIS, VILLAGE OF [CHAMPAIGN CO.]	JUNE 07, 1974
390546	SUGAR CREEK, VILLAGE OF [TUSCARAWAS CO.]	MAY 31, 1974
390666	TUSCARAWAS, VILLAGE OF [TUSCARAWAS CO.]	APRIL 05, 1974
390592	UPPER SANDUSKY, CITY OF [WYANDOT CO.]	JANUARY 09, 1974
390385	VALLEY CITY, VILLAGE OF [MEDINA CO.]	AUGUST 02, 1974
390648	VAN BUREN, VILLAGE OF [HANCOCK CO.]	MARCH 22, 1974
390475	VAUGHNSVILLE, TOWN OF [PUTNAM CO.]	NOVEMBER 15, 1974
390464	VERNONA, VILLAGE OF [PREBLE CO.]	OCTOBER 18, 1974
390189	VINTON, VILLAGE OF [GALLIA CO.]	DECEMBER 27, 1974
390649	WAITE HILL, VILLAGE OF [LAKE CO.]	DECEMBER 17, 1973
390268	WAKEMAN, VILLAGE OF [HURON CO.]	NOVEMBER 09, 1973
390087	WASHINGTONVILLE, VILLAGE OF [COLUMBIANA + MAHONING	NOVEMBER 09, 1973
390565	WAYNESVILLE, VILLAGE OF [WARREN CO.]	NOVEMBER 09, 1973
390293	WELLSTON, CITY OF [JACKSON CO.]	FEBRUARY 15, 1974
390072A	WILLIAMSBURG, VILLAGE OF [CLERMONT CO.]	MARCH 29, 1974
390459	WINDHAM, VILLAGE OF [PORTAGE CO.]	MARCH 15, 1974
390345	ZANESFIELD, VILLAGE OF [LOGAN CO.]	OCTOBER 18, 1974

TOTAL IN THE STATE 109

V40233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400074	ADDINGTON, TOWN OF [JEFFERSON CO.]	OCTOBER 18, 1974
400101	BLANCHARD, TOWN OF [GRADY + MCCLAIN COS.]	SEPTEMBER 13, 1974
400158	BOLEY, TOWN OF [OKFUSKEE CO.]	APRIL 12, 1974
400036	BOSWELL, TOWN OF [CHOCTAW CO.]	MARCH 15, 1974
400051	BRISTOW, CITY OF [CREEK CO]	JUNE 28, 1974
400175	BYNG, TOWN OF [PONTOTOC CO.]	AUGUST 30, 1974
400165	CATOOSA, TOWN OF [ROGERS CO.]	SEPTEMBER 06, 1974
400167	CHELSEA, CITY OF [ROGERS CO.]	DECEMBER 28, 1973
400183	CHEYENNE, TOWN OF [ROGER MILLSCO.]	JUNE 28, 1974
400122	COUNCIL HILL, TOWN OF [MUSKOGEE CO.]	DECEMBER 13, 1974
400226	DACOMA, TOWN OF [WOODS CO.]	NOVEMBER 08, 1974
400204A	DAVIDSON, TOWN OF [TILLMAN CO.]	JULY 26, 1974
400229	FORT SUPPLY, TOWN OF [WOODWARD CO.]	MAY 24, 1974
400194	GANS, TOWN OF [SEQUOYAH CO.]	NOVEMBER 29, 1974
400032	GENE AUTRY, TOWN OF [CARTER CO.]	NOVEMBER 08, 1974
400013	GREENFIELD, TOWN OF [BLAINE CO.]	AUGUST 30, 1974
400167	HAILEYVILLE, CITY OF [PITTSBURG CO.]	JULY 26, 1974
400140	HARRAH, TOWN OF [OKLAHOMA CO.]	AUGUST 02, 1974
400151	HOMINY, CITY OF [OSAGE CO.]	DECEMBER 28, 1973
400024	HYDRO, TOWN OF [CADDO CO.]	JULY 26, 1974
400456	INOLA, CITY OF [ROGERS CO.]	MAY 10, 1974
400057	JAY, TOWN OF [DELAWARE CO]	JUNE 28, 1974
400007	JET, TOWN OF [ALFALFA CO.]	DECEMBER 06, 1974
400071	KINTA, CITY OF [HASKELL CO.]	NOVEMBER 08, 1974
400190	KONAWA, CITY OF [SEMINOLE CO.]	APRIL 05, 1974
400169	KREBS, CITY OF [PITTSBURG CO.]	DECEMBER 28, 1973
400096	LOGAN COUNTY *	DECEMBER 27, 1974
400085	LONE WOLF, TOWN OF [KIOWA CO.]	MAY 03, 1974
400014	LONGDALE, TOWN OF [BLAINE CO.]	DECEMBER 13, 1974
400025	LOOKEBA, TOWN OF [CADDO CO.]	OCTOBER 25, 1974
400203	MARLOW, CITY OF [STEPHENS CO.]	DECEMBER 28, 1973
400113	MINO, TOWN OF [MAJOR CO.]	NOVEMBER 15, 1974
400217	OKAY, TOWN OF [WAGONER CO.]	AUGUST 16, 1974
400015	OKEENE, TOWN OF [BLAINE CO]	JUNE 28, 1974
400158	PEORIA, TOWN OF [OTTAWA CO.]	NOVEMBER 22, 1974
400171	PITTSBURG, TOWN OF [PITTSBURG CO.]	NOVEMBER 08, 1974
400127A	PORUM, TOWN OF [MUSKOGEE CO.]	JUNE 28, 1974 AND NOVEMBER 28, 1975
400222	RAMONA, TOWN OF [WASHINGTON CO.]	JULY 19, 1974
400437	RED OAK, TOWN OF [LATIMER CO.]	DECEMBER 20, 1974
400176	ROFF, CITY OF [PONTOTOC CO.]	MARCH 22, 1974
400086	ROOSEVELT, TOWN OF [KIOWA CO.]	NOVEMBER 01, 1974
400151	SASAKWA, TOWN OF [SEMINOLE CO.]	NOVEMBER 08, 1974
400061	SHATTUCK, TOWN OF [ELLIS CO.]	MAY 24, 1974
400177	STONEBALL, TOWN OF [PONTOTOC CO]	JUNE 28, 1974
400122	TAFT, TOWN OF [MUSCOGEE CO.]	JUNE 28, 1974
400055	THOMAS, CITY OF [CUSTER CO.]	APRIL 05, 1974
400077	TISHOMINGO, CITY OF [JOHNSTON CO.]	JANUARY 16, 1974
400079	TONKAWA, CITY OF [KAY CO.]	NOVEMBER 23, 1973
400219	WAGONER, CITY OF [WAGONER CO]	JUNE 28, 1974
400129	WAINWRIGHT, TOWN OF [MUSKOGEE CO.]	DECEMBER 13, 1974
400180	WANETTE, TOWN OF [POTTAWATOMIE CO.]	DECEMBER 20, 1974
400161	WYANDOTTE, TOWN OF [OTTAWA CO.]	JUNE 28, 1974

TOTAL IN THE STATE 52

* UNINCORPORATED AREAS ONLY

OREGON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
410205	ADAMS, CITY OF [UMATILLA CO.]	AUGUST 30, 1974
410217	COVE, CITY OF [UNION CO.]	DECEMBER 06, 1974
410157	DETROIT, CITY OF [MARION CO.]	NOVEMBER 01, 1974
410062	ELKTON, CITY OF [DOUGLAS CO.]	SEPTEMBER 13, 1974
410003	HAINES, CITY OF [BAKER CO.]	DECEMBER 06, 1974
410134	HALSEY, CITY OF [LINN CO.]	NOVEMBER 22, 1974
410208	HELIX, CITY OF [UMATILLA CO.]	DECEMBER 20, 1974
410078	LONG CREEK, CITY OF [GRANT CO.]	DECEMBER 27, 1974
410162	SCOTTS MILLS, CITY OF [MARION CO.]	DECEMBER 20, 1974
410166	ST. PAUL, CITY OF [MARION CO.]	NOVEMBER 22, 1974

TOTAL IN THE STATE 10

V40I233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422453	ABINGTON, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
421667	ALEPPO, TOWNSHIP OF [GREENE CO.]	DECEMBER 27, 1974
421266	ALEPPO, TOWNSHIP OF [ALLEGHENY CO.]	MAY 10, 1974
421928	ALLEN, TOWNSHIP OF [NORTHAMPTON CO.]	SEPTEMBER 06, 1974
422072	APOLACON, TOWNSHIP OF [SUSQUEHANNA CO.]	NOVEMBER 29, 1974
420871	ARONA, BOROUGH OF [WESTMORELAND CO.]	AUGUST 09, 1974
422074	AUBURN, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 27, 1974
421643	BARNETT, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
422440	BARNETT, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 27, 1974
421683	BARREE, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421884	BARRETT, TOWNSHIP OF [MONROE CO.]	NOVEMBER 15, 1974
421738	BEALE, TOWNSHIP [JUNIATA CO]	DECEMBER 06, 1974
422129	BEALLSVILLE, BOROUGH OF [WASHINGTON CO.]	DECEMBER 13, 1974
422544	BEAR LAKE, BOROUGH OF [WARREN CO.]	DECEMBER 27, 1974
421547	BEAVER, TOWNSHIP OF [COLUMBIA CO.]	NOVEMBER 01, 1974
422032	BEAVER, TOWNSHIP OF [SNYDER CO.]	NOVEMBER 01, 1974
421659	BELFAST, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974
420009	BELLEVUE, BOROUGH OF [ALLEGHENY CO.]	DECEMBER 28, 1973
421513	BELL, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
422185	BELL, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 13, 1974
422244	BELL, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974
420010	BEN AVON, BOROUGH OF [ALLEGHENY CO.]	DECEMBER 28, 1973
421951	BERNVILLE, BOROUGH OF [BERKS CO.]	SEPTEMBER 13, 1974
421052	BETHEL, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 20, 1974
420508	BIG RUN, BOROUGH OF [JEFFERSON CO.]	JULY 19, 1974
421514	BIGLER, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421973	BINGHAM, TOWNSHIP OF [POTTER CO.]	NOVEMBER 29, 1974
420482	BIRMINGHAM, BOROUGH OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421709	BLACK LICK, TOWNSHIP OF [INDIANA CO.]	NOVEMBER 15, 1974
422141	BLAINE, TOWNSHIP OF [WASHINGTON CO.]	OCTOBER 18, 1974
420495	BLAIRSVILLE, BOROUGH OF [INDIANA CO.]	JULY 26, 1974
421962	BLOOMING GROVE, TOWNSHIP OF [PIKE CO.]	NOVEMBER 08, 1974
421301	BOGGS, TOWNSHIP OF [ARMSTRONG CO.]	AUGUST 30, 1974
421515	BOGGS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
420873	BOLIVAR, BOROUGH OF [WESTMORELAND CO.]	JUNE 14, 1974
420794	BOSWELL, BOROUGH OF [SOMERSET CO.]	JULY 26, 1974
421516	BRADFORD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421302	BRADYS BEND, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 29, 1974
421517	BRADY, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
420297	BRISBIN, BOROUGH OF [CLEARFIELD CO.]	SEPTEMBER 20, 1974
422115	BROKENSTRAW, TOWNSHIP OF [WARREN CO.]	DECEMBER 20, 1974
422075	BROOKLYN, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 13, 1974
421859	BRYN ATHYN, BOROUGH OF [MONTGOMERY CO.]	DECEMBER 20, 1974
421824	BUCK, TOWNSHIP OF [LUZERNE CO.]	DECEMBER 20, 1974
421711	BUFFINGTON, TOWNSHIP OF [INDIANA CO.]	DECEMBER 27, 1974
421622	BULLSKIN, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 27, 1974
420847	BURGETTSTOWN, BOROUGH OF [WASHINGTON C.]	JANUARY 23, 1974
421054	BURLINGTON, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 13, 1974
420298	BURNSIDE, BOROUGH OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
421303	BURRELL, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
421213	BURRELL, TOWNSHIP OF [INDIANA CO.]	SEPTEMBER 13, 1974
421929	BUSHKILL, TOWNSHIP OF [NORTHAMPTON CO.]	NOVEMBER 08, 1974
421304	CADOGAN, TOWNSHIP OF [ARMSTRONG CO.]	DECEMBER 06, 1974
420213	CALLERY, BOROUGH OF [BUTLER CO.]	AUGUST 09, 1974
421436	CAMBRIA, TOWNSHIP OF [CAMBRIA CO.]	DECEMBER 06, 1974
421564	CAMBRIDGE, TOWNSHIP OF [CRAWFORD CO.]	SEPTEMBER 06, 1974
422102	CANAL, TOWNSHIP OF [VENANGO CO.]	DECEMBER 06, 1974
421357	CANTON, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 18, 1974
421837	CASCADE, TOWNSHIP [LYCOMING CO]	OCTOBER 18, 1974
420795	CASSELMAN, BOROUGH OF [SOMERSET CO.]	NOVEMBER 08, 1974

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421666	CASS, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
422000	CASS, TOWNSHIP OF [SCHUYLKILL CO.]	NOVEMBER 29, 1974
420020	CASTLE SHANNON, BOROUGH OF [ALLEGHENY CO]	JUNE 28, 1974
420129	CENTERPORT, BOROUGH OF [BERKS CO.]	NOVEMBER 22, 1974
421417	CENTER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 13, 1974
421056A	CENTRE, TOWNSHIP OF [BERKS CO.]	NOVEMBER 01, 1974 AND NOVEMBER 07, 1975
422251	CHAPMAN, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF [WARREN CO.]	DECEMBER 27, 1974
422052	CHERRY, TOWNSHIP OF [SULLIVAN CO.]	DECEMBER 20, 1974
421885	CHESTNUT HILL, TOWNSHIP OF [MONROE CO.]	NOVEMBER 15, 1974
421519	CHEST, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
422311	CHIPPEWA, TOWNSHIP OF [BEAVER CO.]	DECEMBER 27, 1974
421974	CLARA, TOWNSHIP OF [POTTER CO.]	OCTOBER 18, 1974
421221	CLAREADON, BOROUGH [WARREN CO]	SEPTEMBER 06, 1974
421567	CLARION, TOWNSHIP OF [CLARION CO.]	NOVEMBER 29, 1974
420476A	CLARKSVILLE, BOROUGH OF [GREENE CO.]	NOVEMBER 15, 1974 AND OCTOBER 31, 1975
421687	CLAY, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
422077	CLIFFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 27, 1974
422532	CLINTONVILLE, BOROUGH OF [VENANGO CO.]	DECEMBER 27, 1974
422059	COLLEY, TOWNSHIP OF [SULLIVAN CO.]	DECEMBER 13, 1974
421438	CONEMAUGH, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421715	CONEMAUGH, TOWNSHIP OF [INDIANA CO.]	DECEMBER 06, 1974
42124c	CONEWAGO, TOWNSHIP OF [ADAMS CO.]	NOVEMBER 22, 1974
422406	CONEWAGO, TOWNSHIP OF [DAUPHIN CO.]	DECEMBER 27, 1974
421361	CONNEAUT, TOWNSHIP OF [ERIE CO.]	DECEMBER 13, 1974
421023	CONNELLSVILLE, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 20, 1974
421413	CONNOQUENESSING, BOROUGH OF [BUTLER CO.]	NOVEMBER 15, 1974
422126	COOK, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421520	COOPER, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421521	COVINGTON, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421230	COWANSHANNOCK, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 13, 1974
421535	CRAWFORD, TOWNSHIP OF [CLINTON CO.]	DECEMBER 20, 1974
421688	CROMWELL, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
422209	CROSS ROADS, BOROUGH OF [YORK CO.]	DECEMBER 13, 1974
421439	CROYLE, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421188	CUMBERLAND, TOWNSHIP OF [GREENE CO.]	AUGUST 30, 1974
422313	DAUGHERTY, TOWNSHIP OF [BEAVER CO.]	DECEMBER 27, 1974
421440	DEAN, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 08, 1974
421189	DECATUR, TOWNSHIP OF [CLEARFIELD CO.]	SEPTEMBER 20, 1974
421176	DEERFIELD, TOWNSHIP OF [TIOGA CO.]	AUGUST 30, 1974
422118	DEERFIELD, TOWNSHIP OF [WARREN CO.]	NOVEMBER 15, 1974
420640	DELAWARE WATER GAP, BOROUGH OF [MONROE CO.]	JUNE 21, 1974
422177	DELMONT, BOROUGH OF [WESTMORELAND CO.]	NOVEMBER 22, 1974
422211	DELTA, BOROUGH OF [YORK CO.]	NOVEMBER 22, 1974
422146	DONEGAL, TOWNSHIP OF [WASHINGTON CO.]	DECEMBER 06, 1974
422127	DONEGAL, TOWNSHIP OF [WESTMORELAND CO.]	JUNE 21, 1974
421685	DUBLIN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
421681A	DUDLEY, BOROUGH OF [HUNTINGDON CO.]	NOVEMBER 08, 1974 AND NOVEMBER 14, 1975
422252	EAST BANGOR, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
420215	EAST BUTLER, BOROUGH OF [BUTLER CO.]	JULY 26, 1974
422259	EAST CONEMAUGH, BOROUGH OF [CAMBRIA CO.]	NOVEMBER 15, 1974
421478	EAST COVENTRY, TOWNSHIP OF [CHESTER CO.]	OCTOBER 18, 1974
422147	EAST FINLEY, TOWNSHIP OF [WASHINGTON CO.]	NOVEMBER 29, 1974
422218	EAST HOPEWELL, TOWNSHIP OF [YORK CO.]	DECEMBER 27, 1974
422188	EAST HUNTINGDON, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421884	EAST LACKAWANNOCK, TOWNSHIP OF [MERCER CO.]	SEPTEMBER 06, 1974

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* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421461	EAST MANTMEAL, TOWNSHIP OF [CHESTER CO.]	DECEMBER 20, 1974
420108	EAST ROCHESTER, BORCUGH OF [BEAVER CO.]	FEBRUARY 01, 1974
420109	ECUNOPY, BORCUGH OF [BEAVER CO.]	APRIL 05, 1974
421772	EDEN, TOWNSHIP OF [LANCASTER CO.]	AUGUST 30, 1974
420228	EHRENFELD, BCROUGH OF [CAMBRIA CO.]	AUGUST 09, 1974
421587	ELDRED, TOWNSHIP OF [MONROE CO.]	DECEMBER 06, 1974
421263	ELIZABETH, BCROUGH OF [ALLEGHENY CO.]	JANUARY 09, 1974
422048	ELK LICK, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
422096	ELKLAND, TOWNSHIP OF [TIOGA CO.]	NOVEMBER 22, 1974
421752	ELMHURST, TOWN OF [LACKAWANNA CO.]	OCTOBER 18, 1974
422189	FAIRFIELD, TCWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 06, 1974
422049	FAIRHOPE, TOWNSHIP OF [SOMERSET CO.]	NOVEMBER 15, 1974
421238A	FAIRVIEW, BORO [ERIE CO]	JULY 26, 1974
421865	FAIRVIEW, TOWNSHIP OF [MERCER CO.]	NOVEMBER 29, 1974
422219	FAWN, TOWNSHIP OF [YORK CO.]	DECEMBER 27, 1974
422067	FOREST CITY, BOROUGH OF [SUSQUEHANNA CO.]	NOVEMBER 22, 1974
421419	FORWARD, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 13, 1974
421582	FOXBURG, BORCUGH OF [CLARION CO.]	DECEMBER 20, 1974
421608	FOX, TOWNSHIP OF [ELK CO.]	NOVEMBER 15, 1974
422063	FOX, TOWNSHIP OF [SULLIVAN CO.]	DECEMBER 20, 1974
422007	FRAILEY, TOWNSHIP OF [SCHUYLKILL CO.]	NOVEMBER 08, 1974
421398	FRANKLIN, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 25, 1974
421362	FRANKLIN, TOWNSHIP OF [ERIE CO.]	DECEMBER 13, 1974
422079	FRANKLIN, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 20, 1974
422573	FRANKLIN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
422288	FRANKLIN, TOWNSHIP OF [CHESTER CO.]	NOVEMBER 29, 1974
422050	FREEBURG, BORCUGH OF [SNYDER CO.]	DECEMBER 13, 1974
422110	FRENCH CREEK, TOWNSHIP OF [VENANGO CO.]	NOVEMBER 22, 1974
421727	GASKILL, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974
420112	GLASGOW, BCROUGH OF [BEAVER CO.]	AUGUST 16, 1974
420365	GLEN HOPE, BCROUGH OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421754	GLENBURN, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
421561	GRATZ, BCROUGH OF [DAUPHIN CO.]	DECEMBER 20, 1974
421669	GRAY, TOWNSHIP OF [GREENE CO.]	DECEMBER 13, 1974
422317	GREENE, TOWNSHIP OF [BEAVER CO.]	DECEMBER 06, 1974
421365	GREENFIELD, TOWNSHIP OF [ERIE CO.]	
421523	GREENWOOD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421539	GRUGAN, TOWNSHIP OF [CLINTON CO.]	NOVEMBER 08, 1974
421524	GULICH, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421688	HAMILTON, TOWNSHIP OF [MONROE CO.]	NOVEMBER 22, 1974
421223	HANOVER, TOWNSHIP OF [BEAVER CO.]	SEPTEMBER 06, 1974
422061	HARFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	SEPTEMBER 20, 1974
422528	HARTLETON, BCROUGH OF [UNION CO.]	DECEMBER 27, 1974
422102	HARTLEY, TOWNSHIP OF [UNION CO.]	DECEMBER 20, 1974
421503	HAWTHORNE, BCROUGH OF [CLARION CO.]	DECEMBER 27, 1974
421728	HEATH, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 06, 1974
421809A	HEIDELBERG, TOWNSHIP OF [LEHIGH CO.]	DECEMBER 27, 1974 AND
		OCTOBER 17, 1975
421069	HEIDELBERG, TOWNSHIP OF [BERKS CO.]	DECEMBER 06, 1974
421628	HENRY CLAY, TOWN OF [FAYETTE CO.]	DECEMBER 06, 1974
421646	HICKORY, TOWNSHIP OF [FOREST CO.]	DECEMBER 20, 1974
422289	HIGHLAND, TOWNSHIP OF [CHESTER CO.]	NOVEMBER 29, 1974
422064	HILLSGROVE, TOWNSHIP OF [SULLIVAN CO.]	DECEMBER 13, 1974
421690	HOPEWELL, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421581	HOPEWELL, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
421610	HORTON, TOWNSHIP OF [ELK CO.]	SEPTEMBER 13, 1974
420307	HOUTZDALE, BCROUGH OF [CLEARFIELD CO.]	MAY 17, 1974
421464	HOWARD, TOWNSHIP OF [CENTRE CO.]	NOVEMBER 22, 1974
421525	HUSTON, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
422179	HYDE PARK, BCROUGH OF [WESTMORELAND CO.]	NOVEMBER 01, 1974

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421323	INDEPENDENCE, TOWNSHIP OF [BEAVER CO.]	AUGUST 30, 1974
420308	IRVONA, BOROUGH OF [CLEARFIELD CO.]	APRIL 12, 1974
420502	JACKSONVILLE, BOROUGH OF [INDIANA CO.]	DECEMBER 13, 1974
421952	JACKSON, TOWNSHIP OF [PERRY CO.]	DECEMBER 27, 1974
421552	JACKSON, TOWNSHIP OF [COLUMBIA CO.]	DECEMBER 13, 1974
421671	JACKSON, TOWNSHIP OF [GREENE CO.]	DECEMBER 20, 1974
421651	JACKSON, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
421611	JAY, TOWNSHIP OF [ELK CO.]	NOVEMBER 15, 1974
421421	JEFFERSON, TOWNSHIP OF [BUTLER CO.]	NOVEMBER 01, 1974
422050	JEFFERSON, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 13, 1974
422514	JENNERSTOWN, BOROUGH OF [SOMERSET CO.]	DECEMBER 27, 1974
422084	JESSUP, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 27, 1974
421390	JUNIATA, TOWNSHIP OF [BLAIR CO.]	DECEMBER 27, 1974
420218	KARNS CITY, BOROUGH OF [BUTLER CO.]	NOVEMBER 08, 1974
421526	KARTHAUS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421981	KEATING, TOWNSHIP OF [POTTER CO.]	NOVEMBER 22, 1974
422586	KENNETT, TOWNSHIP OF [CHESTER CO.]	DECEMBER 06, 1974
422423	KINGSLEY, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
421209	KISKIMINETAS, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
422010	KLINE, TOWNSHIP OF [SCHUYLKILL CO.]	NOVEMBER 08, 1974
421730	KNOX, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 20, 1974
421422	LANCASTER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 06, 1974
422057	LAPORTE, BOROUGH OF [SULLIVAN CO.]	DECEMBER 20, 1974
422085	LATHROP, TOWNSHIP OF [SUSQUEHANNA CO.]	NOVEMBER 29, 1974
421540	LEIDY, TOWNSHIP OF [CLINTON CO.]	DECEMBER 20, 1974
422200	LEMON, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 29, 1974
422086	LENOX, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 20, 1974
421076	LEROY, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 20, 1974
422425	LETTERKENNY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 20, 1974
420929	LEWISBERRY, BOROUGH OF [YORK CO.]	AUGUST 02, 1974
422087	LIBERTY, TOWNSHIP OF [SUSQUEHANNA CO.]	NOVEMBER 29, 1974
421662	LICKING CREEK, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974
422609	LIGONIER, BOROUGH OF [WASHINGTON CO.]	APRIL 12, 1974
421430	LILLY, BOROUGH OF [CAMBRIA CO.]	NOVEMBER 01, 1974
422547	LIMESTONE, TOWNSHIP OF [WARREN CO.]	DECEMBER 27, 1974
421533	LOGANTON, BORCUGH OF [CLINTON CO.]	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421582	LOWER MIFFLIN, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
422253	LOWER NAZARETH, TOWNSHIP OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
421650	LOWER TYRONE, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 06, 1974
421811	LOWHILL, TOWNSHIP OF [LEHIGH CO.]	DECEMBER 20, 1974
421812	LYNN, TOWNSHIP OF [LEHIGH CO.]	NOVEMBER 29, 1974
421308	MADISON, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 22, 1974
420310	MAHAFFEY, BORCUGH OF [CLEARFIELD CO.]	AUGUST 30, 1974
422168	MANCHESTER, TOWNSHIP OF [WAYNE CO.]	NOVEMBER 29, 1974
421325	MANNS CHOICE, BOROUGH OF [BEDFORD CO.]	DECEMBER 13, 1974
420219	MARION TWP [BUTLER CO]	JUNE 02, 1974
421364	MARTINSBURG, BOROUGH OF [BLAIR CO.]	DECEMBER 20, 1974
421361	MAXATAWANY, TOWNSHIP OF [BERKS CO.]	NOVEMBER 22, 1974
421935	MCEWENSVILLE, BOROUGH OF [NORTHUMBERLAND CO.]	DECEMBER 27, 1974
421245	MCSHERRYSTOWN, BOROUGH OF [ADAMS CO.]	NOVEMBER 22, 1974
421256	MENALLEN, TOWNSHIP OF [ADAMS CO.]	DECEMBER 27, 1974
421881	MENNO, TOWNSHIP OF [MIFFLIN CO.]	NOVEMBER 22, 1974
422044	MEYERSDALE, BCROUGH OF [SOMERSET CO.]	NOVEMBER 15, 1974
421443	MIDDLE TAYLOR, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421871	MILL CREEK, TOWNSHIP OF [MERCER CO.]	DECEMBER 20, 1974
421695	MILLER, TOWNSHIP OF [HUNTINGDON CO.]	NOVEMBER 29, 1974
421025	MONROE, TWP [BRADFORD CO]	SEPTEMBER 13, 1974
422426	MONTGOMERY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 13, 1974

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* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
421674	MORGAN, TOWNSHIP OF [GREENE CO.]	NOVEMBER 01, 1974
421696	MORRIS, TOWNSHIP OF [HUNTINGDON CO.]	NOVEMBER 22, 1974
421847	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 20, 1974
422263	MUNSTER, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
420725	NAZARETH, BORCUGH OF [NORTHAMPTON CO.]	JANUARY 09, 1974
420684A	NEW ALEXANDRIA, BOROUGH OF [WESTMORELAND CO.]	JUNE 28, 1974 AND OCTOBER 17, 1975
420799	NEW BALTIMORE, BORCUGH OF [SOMERSET CO.]	NOVEMBER 08, 1974
422012	NEW CASTLE, TOWNSHIP OF [SCHUYLKILL CO.]	DECEMBER 27, 1974
420512	NEW WASHINGTON, BOROUGH OF [CLEARFIELD CO.]	DECEMBER 20, 1974
420311	NEWBURG, BOROUGH OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421822	NEWPORT, TOWNSHIP OF [LUZERNE CO.]	DECEMBER 27, 1974
422460	NORTH ABINGTON, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
422182	NORTH BELLE VERNON, BOROUGH OF [WESTMORELAND CO.]	NOVEMBER 29, 1974
422203	NORTH BRANCH, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 29, 1974
421510	NORTH BUFFALO, TOWNSHIP OF [ARMSTRONG CO.]	APRIL 05, 1974
421085	NORTH FAYETTE, TWP [ALLEGHENY CO]	SEPTEMBER 20, 1974
421086	NORTH HEIDELBERG, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 13, 1974
422204	NORTH MORELAND, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 15, 1974
422111	OAKLAND, TOWNSHIP OF [MONONGO CO.]	DECEMBER 13, 1974
422052	OGLE, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 13, 1974
421732	OLIVER, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974
420313	OSCEOLA MILLS, BOROUGH OF [CLEARFIELD CO.]	MARCH 29, 1974
421982	OSWAYO, TOWNSHIP OF [POTTER CO.]	NOVEMBER 22, 1974
421868	OTTO, TOWNSHIP OF [MCKEAN CO.]	NOVEMBER 15, 1974
422568	OVERFIELD, TOWNSHIP OF [WYOMING CO.]	DECEMBER 27, 1974
421402	OVERTON, TOWNSHIP OF [BRADFORD CO.]	AUGUST 30, 1974
422521	PAINT, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
421968	PALMYRA, TOWNSHIP OF [PIKE CO.]	DECEMBER 13, 1974
420059	PARKER CITY, CITY OF [ARMSTRONG CO.]	JUNE 14, 1974
421219	PARKER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 20, 1974
421311	PARKS, TOWNSHIP OF [ARMSTRONG CO.]	MAY 03, 1974
422456	PENNSBURG, BOROUGH OF [MONTGOMERY CO.]	DECEMBER 27, 1974
421848	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER 01, 1974
421698	PENN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421550	PENN, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421509	PERRY, TOWNSHIP OF [CLARION CO.]	NOVEMBER 15, 1974
420221	PETROLIA, BORCUGH OF [BUTLER CO.]	NOVEMBER 22, 1974
421403	PIKE, TOWNSHIP OF [BRADFORD CO.]	NOVEMBER 01, 1974
421140	PIKE, TOWNSHIP OF [CLEARFIELD CO.]	SEPTEMBER 06, 1974
421312	PINE, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
422125	PITTSFIELD, TOWNSHIP OF [WARREN CO.]	NOVEMBER 08, 1974
421984	PLEASANT VALLEY, TOWNSHIP OF [POTTER CO.]	NOVEMBER 29, 1974
421327	PLEASANTVILLE, BOROUGH OF [BEDFORD CO.]	NOVEMBER 29, 1974
421313	PLUM CREEK, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 06, 1974
420504A	PLUMVILLE, BOROUGH OF [INDIANA CO.]	AUGUST 09, 1974 AND OCTOBER 10, 1975
421733	POLK, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 06, 1974
421893	POLK, TWP [MONROE CO]	NOVEMBER 22, 1974
421985	PORTAGE, TOWNSHIP OF [POTTER CO.]	DECEMBER 13, 1974
421510	PORTER, TOWNSHIP OF [CLARION CO.]	SEPTEMBER 06, 1974
422327	POTTER, TOWNSHIP OF [BEAVER CO.]	DECEMBER 13, 1974
422326	PULASKI, TOWNSHIP OF [BEAVER CO.]	DECEMBER 20, 1974
422053	QUEMAHONING, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 20, 1974
421655	QUINCY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 27, 1974
421220	RACCOON, TOWNSHIP OF [BEAVER CO.]	AUGUST 02, 1974
421465	READE, TOWNSHIP OF [CAMBRIA CO.]	DECEMBER 06, 1974
421315	REDBANK, TOWNSHIP OF [ARMSTRONG CO.]	DECEMBER 06, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
420479	RICHES LANDING, BOROUGH OF [GREENE CO.]	NOVEMBER 08, 1974
421557	ROARING CREEK, TOWNSHIP OF [COLUMBIA CO.]	DECEMBER 13, 1974
421057	ROBINSON, TOWNSHIP OF [ALLEGHENY CO.]	SEPTEMBER 20, 1974
422045	ROCKWOOD, BORCUGH OF [SOMERSET CO.]	DECEMBER 06, 1974
422255	ROSETO, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
420826	ROSEVILLE, BOROUGH OF [TIOGA CO.]	DECEMBER 13, 1974
421734	ROSE, TOWNSHIP OF [JEFFERSON CO.]	SEPTEMBER 20, 1974
421895	ROSS, TOWNSHIP OF [MONROE CO.]	NOVEMBER 29, 1974
421986	ROULETTE, TOWNSHIP OF [POTTER CO.]	DECEMBER 20, 1974
422090	RUSH, TOWNSHIP OF [SUSQUEHANNACO.]	SEPTEMBER 20, 1974
421468	SADSBURY, TOWNSHIP OF [CHESTER CO.]	SEPTEMBER 20, 1974
	[CHESTER CO.]	SEPTEMBER 13, 1974
422192	SALEM, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421636	SALTLICK, TOWNSHIP OF [FAYETTE CO.]	NOVEMBER 15, 1974
421674	SANDY LAKE, TOWNSHIP OF [MERCER CO.]	DECEMBER 13, 1974
422357	SAXONBURG, BOROUGH OF [BUTLER CO.]	DECEMBER 27, 1974
420257	SCALP LEVEL, BOROUGH OF [CAMBRIA CO.]	JUNE 28, 1974
422173	SCOTT, TOWNSHIP OF [WAYNE CO.]	NOVEMBER 22, 1974
421757	SCOTT, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
420071	SEWICKLEY HTS, BORO [ALLEGHENY CO]	MARCH 22, 1974 AND MAY 17, 1974
420892	SHANKSVILLE, BOROUGH OF [SOMERSET CO.]	NOVEMBER 15, 1974
422126	SHEFFIELD, TOWNSHIP OF [WARREN CO.]	NOVEMBER 22, 1974
420764	SHINGLEHOUSE, BOROUGH OF [POTTER CO.]	JUNE 28, 1974
421585	SHIPPENSBURG, TWP [CUMBERLAND CO]	SEPTEMBER 06, 1974
420117	SHIPPING PORT, BOROUGH OF [BEAVER CO.]	FEBRUARY 01, 1974
420493	SHIRLEYSBURG, BOROUGH OF [HUNTINGDON CO.]	NOVEMBER 15, 1974
421700	SHIRLEY, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
421506	SLIGO, BOROUGH OF [CLARION CO.]	NOVEMBER 08, 1974
420859	SMITHTON, BORCUGH OF [WESTMORELAND CO.]	MAY 31, 1974
421214	SOUTH BEND, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
420100	SOUTH BETHLEHEM, BOROUGH OF [ARMSTRONG CO]	JUNE 28, 1974
420268	SOUTH COATESVILLE, BOROUGH OF [CHESTER CO.]	MAY 31, 1974
421619	SOUTH CONNELLSVILLE, BOROUGH OF [FAYETTE CO.]	NOVEMBER 08, 1974
420900	SOUTH GREENBURG, BOROUGH OF [WESTMORELAND CO.]	JUNE 14, 1974
422194	SOUTH HUNTINGDON, TOWNSHIP OF [WESTMORELAND CO.]	AUGUST 09, 1974
421566	SOUTH NEWTON, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
422197	SOUTH SHENANGO, TOWNSHIP OF [CRAWFORD CO]	NOVEMBER 29, 1974
421587	SOUTHAMPTON, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
422523	SOUTHAMPTON, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
422127	SOUTHWEST, TOWNSHIP OF [WARREN CO.]	NOVEMBER 22, 1974
421759	SPRING BROOK, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
421614	SPRING CREEK, TOWNSHIP OF [ELK CO.]	DECEMBER 06, 1974
421636	SPRINGFIELD, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 27, 1974
421570	SPRING, TOWNSHIP OF [CRAWFORD CO.]	MAY 31, 1974
421745	SPRUCE HILL, TOWNSHIP OF [JUNIATA CO.]	NOVEMBER 22, 1974
421406	STANDING STONE, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 20, 1974
421407	STEVENS, TOWNSHIP OF [BRADFORD CO.]	NOVEMBER 01, 1974
421640	STEWART, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 13, 1974
422151	ST. CLAIR, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421446	SUMMERHILL, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 29, 1974
420816	SUSQUEHANNA DEPOT, BOROUGH OF [SUSQUEHANNA CO.]	JUNE 21, 1974
421447	SUSQUEHANNA, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 15, 1974
421990	SYLVANIA, TOWNSHIP OF [POTTER CO.]	DECEMBER 06, 1974
421464	TAYLOR, TOWNSHIP OF [CENTRE CO.]	DECEMBER 20, 1974
421664	THOMPSON, TOWNSHIP [FULTON CO.]	DECEMBER 13, 1974

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* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421113	TOWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY 26, 1974
420315	TROUTVILLE, BOROUGH OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF [BERKS CO.]	NOVEMBER 08, 1974
421116	TUSCARORA, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 18, 1974
421345	TYRONE, TOWNSHIP OF [BLAIR CO.]	DECEMBER 13, 1974
421704	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER 06, 1974
422449	UNION, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 27, 1974
421261	UNION, TOWNSHIP OF [ADAMS CO.]	DECEMBER 06, 1974
421573A	UNION, TOWNSHIP OF [CRAWFORD CO.]	AUGUST 30, 1974
421370	UNION, TOWNSHIP OF [ERIE CO.]	DECEMBER 13, 1974
422436	UNION, TOWNSHIP OF [FULTON CO.]	DECEMBER 27, 1974
421116	UPPER BERN, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 20, 1974
421585	UPPER MIFFLIN, TOWNSHIP OF [CUMBERLAND CO.]	NOVEMBER 15, 1974
421934	UPPER NAZARETH, TOWNSHIP OF [NORTHAMPTON CO.]	DECEMBER 27, 1971
421918	UPPER SALFORD, TOWNSHIP OF [MONTGOMERY CO.]	DECEMBER 06, 1974
422525	UPPER TURKEYFOOT, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
421491	UPPER UWCHLAN, TOWNSHIP OF [CHESTER CO.]	DECEMBER 20, 1974
420841	UTICA, BOROUGH OF [VENANGO CO.]	AUGUST 16, 1974
421316	VALLEY, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 29, 1974
420355	VENANGO, BORough OF [CRAWFORD CO.]	AUGUST 30, 1974
421574	VENANGO, TOWNSHIP OF [CRAWFORD CO.]	MAY 31, 1974
420081	VERSAILLES, BOROUGH OF [ALLEGHENY CO.]	MARCH 29, 1974
420316	WALLACETON, BOROUGH OF [CLEARFIELD CO.]	NOVEMBER 08, 1974
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER 27, 1974
421678	WASHINGTON, TOWNSHIP OF [GREENE CO.]	NOVEMBER 01, 1974
421365	WASHINGTON, TOWNSHIP OF [BERKS CO.]	NOVEMBER 22, 1974
421448	WASHINGTON, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421598	WASHINGTON, TOWNSHIP OF [DAUPHIN CO.]	DECEMBER 13, 1974
422196	WASHINGTON, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 06, 1974
422207	WASHINGTON, TOWNSHIP OF [WYOMING CO.]	DECEMBER 06, 1974
420224	WASHINGTON, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 13, 1974
421317	WASHINGTON, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 15, 1974
421722	WASHINGTON, TWP [INDIANA CO]	DECEMBER 22, 1974
422027	WAYNE, TOWNSHIP OF [SCHUYLKILL CO.]	NOVEMBER 29, 1974
421679	WAYNE, TOWNSHIP OF [GREENE CO.]	DECEMBER 27, 1974
421666	WELLS, TOWNSHIP OF [FULTON CO.]	DECEMBER 13, 1974
421760	WEST ABLINGTON, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 20, 1974
422156	WEST BETHLEHEM, TOWNSHIP OF [WASHINGTON CO.]	NOVEMBER 29, 1974
422166	WEST BUFFALO, TOWNSHIP OF [UNION CO.]	NOVEMBER 01, 1974
421497	WEST CALN, TOWNSHIP OF [CHESTER CO.]	SEPTEMBER 06, 1974
421449	WEST CARROLL, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
422565	WEST FINLEY, TOWNSHIP OF [WASHINGTON CO.]	DECEMBER 27, 1974
421542	WEST KEATING, TOWNSHIP OF [CLINTON CO.]	DECEMBER 06, 1974
420505	WEST LEECHBURG, BOROUGH OF [WESTMORELAND CO.]	JUNE 21, 1974
422354A	WEST MANHEIM, TOWNSHIP OF [YORK CO.]	DECEMBER 13, 1974 AND OCTOBER 31, 1975
422280	WEST NOTTINGHAM, TOWNSHIP OF [CHESTER CO.]	NOVEMBER 22, 1974
422029	WEST PENN, TOWNSHIP OF [SCHUYLKILL CO.]	NOVEMBER 15, 1974
422042	WEST PERRY, TOWNSHIP OF [SNYDER CO.]	NOVEMBER 01, 1974
421725	WEST ROCKHILL, TOWNSHIP OF [BUCKS CO.]	SEPTEMBER 13, 1974
421458	WEST TAYLOR, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421680	WHITELEY, TOWNSHIP OF [GREENE CO.]	DECEMBER 27, 1974
422258	WHITE, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421725	WHITE, TOWNSHIP OF [INDIANA CO.]	DECEMBER 13, 1974
420400	WILLIAMSTOWN, BOROUGH OF [DAUPHIN CO.]	JUNE 28, 1974
421601	WILLIAMS, TOWNSHIP OF [DAUPHIN CO.]	DECEMBER 13, 1974
420244	WILMORE, BOROUGH OF [CAMBRIA CO.]	AUGUST 09, 1974
421124	WILMOT, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 06, 1974
422208	WINDHAM, TOWNSHIP OF [WYOMING CO.]	DECEMBER 06, 1974

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421215	WINSLOW, TWP [JEFFERSON CO]	SEPTEMBER 20, 1974
420157	WOMELSDORF, BOROUGH OF [BERKS CO.]	MAY 24, 1974
421330	WOODBURY, BOROUGH OF [BEDFORD CO.]	DECEMBER 06, 1974
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER 13, 1974
421532	WOODWARD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 27, 1974
422306	WORTHINGTON, BORO LARMSTRONG CO.]	DECEMBER 27, 1974
421472	WORTH, TOWNSHIP OF [CENTRE CO.]	DECEMBER 27, 1974
421126	WYALUSING, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 20, 1974
420946	YORK HAVEN, BOROUGH OF [YORK CO.]	JANUARY 23, 1974
421737	YOUNG, TOWNSHIP OF [JEFFERSON CO.]	AUGUST 30, 1974
421726	YOUNG, TWP [INDIANA CO]	DECEMBER 20, 1974
	TOTAL IN THE STATE	413

* UNINCORPORATED AREAS ONLY

RHODE ISLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
440034	GLOUCESTER, TOWN OF [PROVIDENCE CO.]	OCTOBER 18, 1974
	TOTAL IN THE STATE	1

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* UNINCORPORATED AREAS ONLY

SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
450201	ALLENDALE COUNTY *	NOVEMBER 29, 1974
450222A	ATLANTIC BEACH, TOWN OF	AUGUST 23, 1974
450203	BAMBERG COUNTY *	NOVEMBER 29, 1974
450204	BARNWELL COUNTY *	DECEMBER 20, 1974
450027A	BLUFFTON, TOWN OF [BEAUFONT CO.]	MAY 17, 1974
450056A	BRUNSON, TOWN [HAMPTON CO.]	MAY 31, 1974 AND NOVEMBER 14, 1975
450004	BURNETTOWN, TOWN OF [AIKEN CO.]	OCTOBER 25, 1974
450077	COWARD, TOWN OF [FLORENCE CO.]	OCTOBER 25, 1974
450124	CROSS HILL, TOWN OF [LAURENS CO.]	SEPTEMBER 06, 1974
450060	DARLINGTON COUNTY *	DECEMBER 27, 1974
450065	DILLON, TOWN OF [DILLON CO.]	MAY 17, 1974
450074	EDGEFIELD, TOWN OF [EDGEFIELD CO.]	MAY 24, 1974
450022	EHRHARDT, TOWN OF [BAMBERG CO.]	JULY 19, 1974
450010	FAIRFAX, TOWN OF [ALLENDALE CO.]	MAY 31, 1974
450132	GILBERT, TOWN OF [LEXINGTON CO.]	OCTOBER 25, 1974
450210	GRAY COURT, TOWN OF [LAURENS CO.]	DECEMBER 13, 1974
450165	HOLLY HILL, TOWN OF [ORANGEBURG CO.]	JUNE 07, 1974
450037	HOLLYWOOD, TOWN OF [CHARLESTON CO.]	SEPTEMBER 06, 1974
450005	JACKSON, TOWN OF [AIKEN CO.]	MAY 17, 1974
450039	MCCLELLANVILLE, TOWN OF [CHARLESTOWN CO.]	OCTOBER 25, 1974
450080	OLANTA, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450081	PAMPLICO, TOWN OF [FLORENCE CO.]	MAY 10, 1974
450053	PAXVILLE, TOWN OF [CLARENDON CO.]	AUGUST 09, 1974
450135	PELION, TOWN OF [LEXINGTON CO.]	AUGUST 09, 1974
450185	PINEWOOD, TOWN OF [SUMTER CO.]	JUNE 21, 1974
450215	REEVESVILLE, TOWN OF [DORCHESTER CO.]	DECEMBER 27, 1974
450071	RIDGEVILLE, TOWN OF [DORCHESTER CO.]	MAY 31, 1974
450165	ROWESVILLE, TOWN OF [ORANGEBURG CO.]	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF [OCONEE CO.]	NOVEMBER 08, 1974
450145	SELLERS, TOWN OF [MARION CO.]	JUNE 07, 1974
450057	SMOAKS, TOWN OF [COLLETON CO.]	SEPTEMBER 06, 1974
450011	SYCAMORE, TOWN OF [ALLENDALE CO.]	OCTOBER 25, 1974
450084A	TIMMONSVILLE, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450012	ULMERS, TOWN OF [ALLENDALE CO.]	AUGUST 16, 1974
450214	WOODRUFF, TOWN OF [SPARTANBURG CO.]	NOVEMBER 08, 1974

TOTAL IN THE STATE 35

* UNINCORPORATED AREAS ONLY

SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
460077	ASHTON, CITY OF [SPINK CO.]	DECEMBER 06, 1974
460058	BALTIC, TOWN OF [MINNEHAHA CO.]	DECEMBER 06, 1974
460078	CONDE, TOWN OF [SPINK CO.]	DECEMBER 20, 1974
460026	EDGEMONT, CITY OF [FALL RIVER CO.]	AUGUST 02, 1974
460009	FREDERICK, TOWN OF [BROWN CO.]	NOVEMBER 22, 1974
460052A	MONTROSE, TOWN OF [MCCOOK CO.]	DECEMBER 13, 1974
460080	NORTHVILLE, TOWN OF [SPINK CO.]	DECEMBER 13, 1974
460082	TURTON, TOWN OF [SPINK CO.]	DECEMBER 20, 1974

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470159	ADAMS, TOWN OF [ROBERTSON CO.]	NOVEMBER 15, 1974
470007	BELL BUCKLE, TOWN OF [BEDFORD CO.]	JUNE 14, 1974
470128	BETHEL SPRINGS, TOWN OF [MCNAIRY CO.]	JUNE 28, 1974
470057	BRADFORD, TOWN OF [GIBSON CO.]	JUNE 21, 1974
470147	BYRDSTOWN, CITY OF [PICKETT CO.]	JUNE 21, 1974
470016	CAMPBELL COUNTY *	NOVEMBER 29, 1974
470120	CHAPEL HILL, TOWN OF [MARSHALL CO.]	JUNE 14, 1974
470046	DICKSON COUNTY *	DECEMBER 06, 1974
470166	EAGLEVILLE, TOWN OF [RUTHERFORD CO.]	AUGUST 23, 1974
470271	ENGLEWOOD, CITY OF [MCMINN CO.]	MAY 17, 1974
470129	FINGER, TOWN OF [MCNAIRY CO.]	SEPTEMBER 06, 1974
470048	GALLAWAY, CITY OF [FAYETTE CO.]	DECEMBER 13, 1974
470150	GILT EDGE, CITY OF [TIPTON CO.]	SEPTEMBER 13, 1974
470161	GREENBRIER, CITY OF [ROBERTSON CO.]	JUNE 21, 1974
470088	HENDERSON COUNTY *	DECEMBER 20, 1974
470101	IRON CITY, CITY OF [LAWRENCE CO.]	JUNE 14, 1974
470224	KENTON, TOWN OF [GIBSON CO.]	DECEMBER 27, 1974
470121	LEWISBURG, CITY OF [MARSHALL CO.]	MARCH 01, 1974
470065	LYNNVILLE, CITY OF [GILES CO.]	JUNE 14, 1974
470149	PUTNAM COUNTY *	SEPTEMBER 13, 1974
470151	RAMER, TOWN OF [MCNAIRY CO.]	NOVEMBER 29, 1974
470277	RICHARD CITY, CITY OF [MARION CO.]	FEBRUARY 01, 1974
470162	RIDGETOP, CITY OF [ROBERTSON CO.]	JUNE 07, 1974
470050	ROSSVILLE, TOWN OF [FAYETTE CO.]	JULY 19, 1974
470061	RUTHERFORD, TOWN OF [GIBSON CO.]	JUNE 07, 1974
470085	SALTILLO, TOWN OF [HARDIN CO.]	JUNE 14, 1974
470078	SIGNAL MOUNTAIN, TOWN OF [HAMILTON CO.]	JUNE 14, 1974
470180	STEWART COUNTY *	SEPTEMBER 13, 1974
470279	SURGOINSVILLE, CITY OF [HAWKINS CO.]	MAY 17, 1974
470280	TELLICO PLAINS, CITY OF [MONROE CO.]	MARCH 08, 1974
470282	TRACY CITY, CITY OF [GRUNDY CO.]	MAY 10, 1974
470009	WARTRACE, TOWN OF [BEDFORD CO.]	JUNE 14, 1974
470201	WAYNESBORO, CITY OF [WAYNE CO.]	JUNE 14, 1974
470118	WHITWELL, CITY OF [MARION CO.]	FEBRUARY 15, 1974

TOTAL IN THE STATE 34

V40N233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	TEXAS		
480335A	ALAMO, CITY OF [HIDALGO CO.]	JANUARY 23, 1974	AMD
		SEPTEMBER 05, 1975	
480397	ALVARADO, CITY OF [JOHNSON CO.]	AUGUST 09, 1974	
480007	ANGELINA COUNTY *	DECEMBER 27, 1974	
480132	ANNA, CITY OF [COLLIN CO.]	AUGUST 09, 1974	
480353	ANTON, CITY OF [HOCKLEY CO.]	MARCH 29, 1974	
480567	ARP, CITY OF [SMITH CO.]	AUGUST 16, 1974	
480065	BAILEYS PRAIRIE, TOWN OF [BRAZORIA CO.]	NOVEMBER 08, 1974	
480021	BANDERA, CITY OF [BANDERA CO.]	APRIL 12, 1974	
480350	BLUM, CITY OF [HILL CO.]	NOVEMBER 01, 1974	
480051	BOSQUE COUNTY *	DECEMBER 27, 1974	
480676	BOYD, CITY OF [WISE CO.]	DECEMBER 28, 1973	
480084	BREWSTER COUNTY *	DECEMBER 27, 1974	
480396	BRIAR OAKS, CITY OF [JOHNSON CO.]	MARCH 29, 1974	
480649	BURTON, CITY OF [WASHINGTON CO.]	DECEMBER 20, 1974	
480490	CACTUS, CITY OF [MOORE CO.]	JUNE 14, 1974	
480364	CADDO MILLS, CITY OF [HUNT CO.]	JUNE 28, 1974	
480365	CELESTE, CITY OF [HUNT CO.]	JUNE 21, 1974	
480566	CENTER, CITY OF [SHELBY CO.]	MARCH 01, 1974	
480326	CHANDLER, CITY OF [HENDERSON CO.]	JUNE 28, 1974	
480169	COCKRELL HILL, CITY OF [DALLAS CO.]	DECEMBER 07, 1973	
480144	COLORADO COUNTY *	OCTOBER 25, 1974	
480104	COMBES, TOWN OF [CAMERON CO.]	MAY 10, 1974	
480195	COOPER, CITY OF [DELTA CO.]	JANUARY 09, 1973	
480527	CORRIGAN, CITY OF [POLK CO.]	MAY 24, 1974	
480409	CRANDALL, CITY OF [KAUFMAN CO.]	MARCH 08, 1974	
480164	DALHART, CITY OF [DALLAM CO.]	AUGUST 23, 1974	
480088	EARLY, CITY OF [BROWN CO.]	MAY 17, 1974	
480635	EDGEWOOD, CITY OF [VAN ZANDT CO.]	JUNE 14, 1974	
480207	ENNIS, CITY OF [ELLIS CO.]	JUNE 28, 1974	
480277	ESTELLINE, CITY OF [HALL CO.]	NOVEMBER 08, 1974	
480226	FLOYDADA, CITY OF [FLOYD CO.]	MAY 31, 1974	
480446A	FOLLETT, CITY OF [LIPSCOMB CO.]	JUNE 28, 1974	AMD
		AUGUST 15, 1975	
480003	FRANKSTON, CITY OF [ANDERSON CO.]	AUGUST 16, 1974	
480529A	FRIONA, CITY OF [PARMER CO.]	APRIL 12, 1974	
480574	GLEN ROSE, CITY OF [SOMERVELL CO.]	AUGUST 23, 1974	
480328	GUN BARREL CITY, CITY OF [HENDERSON CO.]	NOVEMBER 08, 1974	
480153	GUSTINE, TOWN OF [COMANCHE CO.]	AUGUST 02, 1974	
480273	HALE CENTER, CITY OF [HALE CO.]	MAY 10, 1974	
480600	HASLET, CITY OF [TARRANT CO.]	NOVEMBER 01, 1974	
480201	HEDLEY, CITY OF [DONLEY CO.]	NOVEMBER 08, 1974	
480458	HEWITT, CITY OF [MCLENNAN CO.]	JANUARY 23, 1974	
481072	IREDELL, TOWN OF [BOSQUE CO.]	NOVEMBER 01, 1974	
480417	KENDALL COUNTY *	DECEMBER 27, 1974	
480674	KERMIT, CITY OF [WINKLER CO.]	MAY 24, 1974	
480576	LA GRULLA, CITY OF [STARR CO.]	DECEMBER 27, 1974	
480475	LACOSTE, CITY OF [MEDINA CO.]	JANUARY 04, 1974	
480278	LAKEVIEW, TOWN OF [HALL CO.]	DECEMBER 06, 1974	
480441	LIBERTY, TOWN OF [LIBERTY CO.]	DECEMBER 20, 1974	
480569	LINDALE, CITY OF [SMITH CO.]	MARCH 22, 1974	
480451	LLANO, CITY OF [LLANO CO.]	DECEMBER 28, 1973	
480329	MALAKOFF, CITY OF [HENDERSON CO.]	OCTOBER 25, 1974	
480268	MARION, CITY OF [GUADALUPE CO.]	JANUARY 09, 1974	
480467	MASON, CITY OF [MASON CO.]	MAY 10, 1974	
480208	MAYPEARL, CITY OF [ELLIS CO.]	NOVEMBER 29, 1974	
480257	MCLEAN, CITY OF [GRAY CO.]	MAY 17, 1974	
480463	MCMULLEN COUNTY *	DECEMBER 27, 1974	
480376	MERTZON, CITY OF [IRION CO.]	JULY 26, 1974	
480541	MIAMI, CITY OF [ROBERTS CO.]	MAY 24, 1974	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	TEXAS		
480679	MINEOLA, CITY OF [WOOD CO.]	MAY 03, 1974	
480937	MITCHELL COUNTY	APRIL 12, 1974	
480433	MOULTON, TOWN OF [LAVACA CO.]	APRIL 05, 1974	
480500	NEWTON, CITY OF [NEWTON CO.]	JUNE 07, 1974	
480436	NORMANGEE, CITY OF [LEON CO.]	AUGUST 16, 1974	
480437	OAKWOOD, TOWN OF [LEON CO.]	MAY 24, 1974	
480206A	ODESSA, CITY OF [ECTOR CO.]	JUNE 28, 1974	
481082	OZONA, CITY OF [CROCKETT CO.]	DECEMBER 07, 1973	
480258	PAMPA, CITY OF [GRAY CO.]	MAY 10, 1974	
480509A	PERRYTON, CITY OF [OCHILTREE CO.]	SEPTEMBER 13, 1974	
480274	PETERSBURG, CITY OF [HALE CO.]	APRIL 12, 1974	
480116	PITTSBURG, CITY OF [CAMP CO.]	JANUARY 23, 1974	
480141	PROSPER, TOWN OF [COLLIN CO.]	JUNE 21, 1974	
480645	PYOTE, CITY OF [WARD CO.]	AUGUST 16, 1974	
480370	QUINLAN, CITY OF [HUNT CO.]	APRIL 12, 1974	
480205	RANGER, CITY OF [EASTLAND CO.]	MAY 17, 1974	
480628	RANKIN, CITY OF [UPTON CO.]	MAY 10, 1974	
480562	RICHLAND SPRINGS, CITY OF [SAN SABA CO.]	NOVEMBER 08, 1974	
480496	ROARING SPRINGS, CITY OF [MOTLEY CO.]	NOVEMBER 08, 1974	
480225	ROBY, CITY OF [FISHER CO.]	MAY 17, 1974	
480610	SAGINAW, CITY OF [TARRANT CO.]	MARCH 08, 1974	
480667	SAN PERLITA, CITY OF [WILLACY CO.]	OCTOBER 25, 1974	
480114	SANTA ROSA, CITY OF [CAMERON CO.]	MAY 17, 1974	
480488	SPLENDORA, CITY OF [MONTGOMERY CO.]	AUGUST 30, 1974	
480375	STINNETT, CITY OF [HUTCHINSON CO.]	MAY 31, 1974	
480673A	STOCKDALE, CITY OF [WILSON CO.]	MAY 31, 1974	AMD
		OCTOBER 10, 1975	
480355	SUNDOWN, CITY OF [HOCKLEY CO.]	APRIL 12, 1974	
480416	TERRELL, CITY OF [KAUFMAN CO.]	DECEMBER 20, 1974	
480663	VERNON, CITY OF [WILBARGER CO.]	MAY 17, 1974	
480652	WHARTON COUNTY *	AUGUST 02, 1974	
480633	WILLS POINT, CITY OF [VAN ZANDT CO.]	MAY 17, 1974	
480675	WINK, CITY OF [WINKLER CO.]	JUNE 28, 1974	
480573	WINONA, CITY OF [SMITH CO.]	NOVEMBER 01, 1974	
480372	WOLFE CITY, CITY OF [HUNT CO.]	JUNE 28, 1974	
480434	YOAKUM, CITY OF [LAVACA CO.]	MAY 10, 1974	
480687	ZAPATA COUNTY *	AUGUST 02, 1974	

TOTAL IN THE STATE 94

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	UTAH		
490002	BEAVER, CITY OF [BEAVER CO.]	JUNE 11, 1974	
490095	CIRCLEVILLE, TOWN OF [PIUTE CO.]	AUGUST 02, 1974	
490169	ENTERPRISE, CITY OF [WASHINGTON CO.]	AUGUST 16, 1974	
490008	HONEYVILLE, TOWN OF [BOX ELDER CO.]	JUNE 28, 1974	
490188	HUNTSVILLE, TOWN OF [WEBER CO.]	JUNE 21, 1974	
490018	LEWISTON, CITY OF [CACHE CO.]	AUGUST 16, 1974	
490185	LOA, TOWN OF [WAYNE CO.]	DECEMBER 20, 1974	
490100A	RANDOLPH, TOWN OF [RICH CO.]	AUGUST 16, 1974	
490037	WELLINGTON, CITY OF [CARBON CO.]	JULY 26, 1974	
490011	WILLARD, CITY OF [BOX ELDER CO.]	JUNE 07, 1974	

TOTAL IN THE STATE 10

V40233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974
500062	BARTON, VILLAGE OF [ORLEANS CO.]	NOVEMBER 08, 1974
500227	BELVIDERE, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500045	BLOOMFIELD, TOWN OF [ESSEX CO.]	SEPTEMBER 06, 1974
500234	BRADFORD, VILLAGE OF [ORANGE CO.]	OCTOBER 25, 1974
500236	BROOKFIELD, TOWN OF [ORANGE CO.]	DECEMBER 13, 1974
500245	BROWNINGTON, TOWN OF [ORLEANS CO.]	DECEMBER 13, 1974
500107	CABOT, VILLAGE OF [WASHINGTON CO.]	SEPTEMBER 06, 1974
500063	CHARLESTON, TOWN OF [ORLEANS CO.]	AUGUST 09, 1974
500127	DOVER, TOWN OF [WINDHAM CO.]	AUGUST 02, 1974
500209	EAST HAVEN, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500225	EDEN, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500051	ENOSBURG, TOWN OF [FRANKLIN CO.]	AUGUST 09, 1974
500055	ESSEX JCT., VILLAGE OF [CHITTENDEN CO.]	JUNE 28, 1974
500210	FERDINAND, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500251	GLOVER, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500129	GRAFTON, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974
500211	GRANBY, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500187	HARDWICK, VILLAGE OF [CALEDONIA CO.]	DECEMBER 20, 1974
500055	HIGHGATE, TOWN OF [FRANKLIN CO.]	MAY 31, 1974
500313	HUBBARDTON, TOWN OF [RUTLAND CO.]	DECEMBER 13, 1974
500056	HUNTINGTON, TOWN OF [CHITTENDEN CO.]	JULY 21, 1974
500230	HYDE PARK, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500231	HYDE PARK, VILLAGE OF [LAMOILLE CO.]	AUGUST 30, 1974
500252	IRASBURG, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500260	IRA, TOWN OF [RUTLAND CO.]	DECEMBER 06, 1974
500253	JAY, TOWN OF [ORLEANS CO.]	SEPTEMBER 13, 1974
500188	KIRBY, TOWN OF [CALEDONIA CO.]	DECEMBER 13, 1974
500254	LOWELL, TOWN OF [ORLEANS CO.]	SEPTEMBER 20, 1974
500048	LUNENBURG, TOWN OF [ESSEX CO.]	JUNE 28, 1974
500213	MAIDSTONE, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500263	MARLBORO, TOWN OF [WINDHAM CO.]	DECEMBER 27, 1974
500039	MILTON, VILLAGE OF [CHITTENDON CO.]	MAY 03, 1974
500256	NEWPORT, TOWN OF [ORLEANS CO.]	NOVEMBER 01, 1974
500057	NORTH TROY, VILLAGE OF [ORLEANS CO.]	AUGUST 02, 1974
500218	RICHFORD, TOWN OF [FRANKLIN CO.]	AUGUST 02, 1974
500184	SEARSBURG, TOWN OF [BENNINGTON CO.]	NOVEMBER 15, 1974
500193	SHELBURNE, TOWN (CHITTENDEN CO)	DECEMBER 13, 1974
500267	SOMERSET, TOWN OF [WINDHAM CO.]	NOVEMBER 22, 1974
500198	SUTTON, TOWN OF [CALEDONIA CO.]	DECEMBER 13, 1974
500270	TINMOUTH, TOWN OF [RUTLAND CO.]	DECEMBER 06, 1974
500241	TOPSHAM, TOWN OF [ORANGE CO.]	DECEMBER 13, 1974
500268	TOWNSEND, VILLAGE OF [WINDHAM CO.]	NOVEMBER 29, 1974
500215	VICTORY, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500138	WARDSBORO, TOWN OF [WINDHAM CO.]	DECEMBER 27, 1974
500077	WASHINGTON, TOWN OF [ORANGE CO]	JUNE 28, 1974
500233	WATERVILLE, TOWN OF [LAMOILLE CO.]	DECEMBER 20, 1974
500078	WELLS RIVER, VILLAGE OF [ORANGE CO.]	AUGUST 09, 1974
500257	WESTFIELD, TOWN OF [ORLEANS CO.]	SEPTEMBER 06, 1974
500140	WESTMINSTER, VILLAGE OF [WINDHAM CO.]	DECEMBER 20, 1974
500204	WHEELOCK, TOWN OF [CALEDONIA CO.]	NOVEMBER 15, 1974

TOTAL IN THE STATE 51

* UNINCORPORATED AREAS ONLY

VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
510022	BRISTOL, CITY OF [INDP. CITY]	MARCH 08, 1974
510289	GLEN LYN, TOWN OF [GILES CO.]	NOVEMBER 15, 1974
510218	HALLWOOD, TOWN OF [ACCOMACK CO.]	AUGUST 09, 1974
510121A	HAYMARKET, TOWN OF [PRINCE WILLIAM CO.]	AUGUST 09, 1974
510226A	NEW CASTLE, TOWN OF [CRAIG CO.]	AUGUST 09, 1974
510128	RAPPAHANNOCK COUNTY *	NOVEMBER 29, 1974
510322	ROYKINS, TOWN OF [SOUTHAMPTON CO.]	MAY 31, 1974

TOTAL IN THE STATE 7

* UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
530107	ALMIRA, TOWN OF [LINCOLN CO.]	DECEMBER 06, 1974
530108	CRESTON, TOWN OF [LINCOLN CO.]	DECEMBER 20, 1974
530150	FRIDAY HARBOR, TOWN OF [SAN JUAN CO.]	NOVEMBER 29, 1974
530110	HARRINGTON, TOWN OF [LINCOLN CO.]	DECEMBER 13, 1974
530045	KAHLOTUS, TOWN OF [FRANKLIN CO.]	DECEMBER 13, 1974
530178	LATAH, TOWN OF [SPOKANE CO.]	DECEMBER 06, 1974
530156	METALINE FALLS, TOWN OF [PEND OREILLE CO.]	DECEMBER 20, 1974
530042	REPUBLIC, TOWN OF [FERRY CO.]	JUNE 07, 1974
530181	ROCKFORD, TOWN OF [SPOKANE CO.]	DECEMBER 06, 1974
530006A	WASHTUCNA, TOWN OF [ADAMS CO.]	DECEMBER 27, 1974 AND OCTOBER 10, 1975
530184	WAVERLY, TOWN OF [SPOKANE CO.]	NOVEMBER 15, 1974

TOTAL IN THE STATE 11

* UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
540259	FRIENDLY, TOWN OF [TYLER CO.]	NOVEMBER 29, 1974
540065	JEFFERSON COUNTY *	DECEMBER 20, 1974
540197	MARSHALL COUNTY *	DECEMBER 20, 1974
540270	MASONTOWN, TOWN OF [PRESTON CO.]	NOVEMBER 15, 1974
540124	MERCER COUNTY *	DECEMBER 13, 1974
540283	POCAHONTAS COUNTY *	MARCH 29, 1974
540191	TUCKER COUNTY *	DECEMBER 13, 1974
540207	WETZEL COUNTY *	DECEMBER 20, 1974

TOTAL IN THE STATE 8

V40233 DEC 3 75 XUM

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550009	ALMENA, VILLAGE OF [BARRON CO.]	SEPTEMBER 06, 1974
550174	BARNEVELD, VILLAGE OF [IOWA CO.]	MAY 17, 1974
550526	BEAR CREEK, VILLAGE OF [OUTAGAMIE CO.]	NOVEMBER 22, 1974
550311	BELGIUM, VILLAGE OF [OZAUKEE CO.]	JUNE 07, 1974
550068	BELL CENTER, VILLAGE OF [CRAWFORD CO.]	JANUARY 09, 1974
550493	BIG FALLS, VILLAGE OF [WAUPACA CO.]	AUGUST 30, 1974
550148	BOSCOBEL, CITY OF [GRANT CO.]	DECEMBER 17, 1973
550161	BROWNTOWN, VILLAGE OF [GREEN CO.]	JANUARY 09, 1974
550018A	CABLE, VILLAGE OF [BAYFIELD CO.]	AUGUST 30, 1974 AND NOVEMBER 21, 1975
550011	CAMERON, VILLAGE OF [BARRON CO.]	DECEMBER 28, 1973
550425	CASCADE, VILLAGE OF [SHEBOYGAN CO.]	MAY 03, 1974
550358A	CAZENOVIA, VILLAGE OF [RICHLAND CO.]	AUGUST 23, 1974 AND OCTOBER 24, 1975
550371	CONRATH, VILLAGE OF [RUSK CO.]	AUGUST 30, 1974
550065	DESOTO, VILLAGE OF [CRAWFORD CO.]	JANUARY 09, 1974
550121	DOWNING, VILLAGE OF [DUNN CO.]	NOVEMBER 08, 1974
550059	DOYLESTOWN, VILLAGE OF [COLUMBIA CO.]	MAY 17, 1974
550461	EAGLE RIVER, CITY OF [VILAS CO.]	DECEMBER 28, 1973
550464	EAST TROY, VILLAGE OF [WALWORTH CO.]	MAY 24, 1974
550417	ELAND, VILLAGE OF [SHAWANO CO.]	AUGUST 23, 1974
550249	ELDERON, VILLAGE OF [MARATHON CO.]	JULY 19, 1974
550129	FAIRCHILD, VILLAGE OF [EAU CLAIRE CO.]	MAY 31, 1974
550250	FENWOOD, VILLAGE OF [MARATHON CO.]	AUGUST 02, 1974
550110	FORESTVILLE, VILLAGE OF [DOOR CO.]	NOVEMBER 30, 1973
550367	FORTVILLE, VILLAGE OF [ROCK CO.]	MAY 31, 1974
550258	FRANCIS CREEK, VILLAGE OF [MANITOWOC CO.]	MAY 17, 1974
550443	GALESVILLE, CITY OF [TREMPEALEAU CO.] (SHAWANO CO.)	MAY 17, 1974 NOVEMBER 30, 1973
550372	GLEN FLORA, VILLAGE OF [RUSK CO.]	NOVEMBER 08, 1974
550050	GRANTON, VILLAGE OF [CLARK CO.]	AUGUST 30, 1974
550229	GRATIOT, VILLAGE OF [LAFAYETTE CO.]	JANUARY 16, 1974
550157	GREEN COUNTY *	DECEMBER 06, 1974
550023	HOWARD, VILLAGE OF [BROWN CO.]	DECEMBER 28, 1973
550537A	HUSTISFORD, VILLAGE OF [DODGE CO.]	NOVEMBER 30, 1973
550202	HUSTLER, VILLAGE OF [JUNEAU CO.]	AUGUST 23, 1974
550374	INGRAM, VILLAGE OF [RUSK CO.]	SEPTEMBER 06, 1974
550393	IRONTON, VILLAGE OF [SAUK CO.]	AUGUST 16, 1974
550154	JOHNSON CREEK, VILLAGE OF [JEFFERSON CO.]	JANUARY 09, 1974
550396	LIME RIDGE, VILLAGE OF [SAUK CO.]	AUGUST 23, 1974
550397	LOGANVILLE, VILLAGE OF [SAUK CO.]	SEPTEMBER 06, 1974
550102	LOWELL, VILLAGE OF [DODGE CO.]	MAY 17, 1974
550454	LUBLIN, VILLAGE OF [TAYLOR CO.]	SEPTEMBER 20, 1974
550170	MARQUETTE, VILLAGE OF [GREEN LAKE CO.]	DECEMBER 28, 1973
550419	MATTOON, VILLAGE OF [SHAWANO CO.]	AUGUST 30, 1974
550288	MELVINA, VILLAGE OF [MONROE CO.]	AUGUST 30, 1974
550123A	MENOMONIE, CITY [DUNN CO.]	JUNE 28, 1974 AND AUGUST 15, 1975
550189	MERRILLAN, VILLAGE OF [JACKSON CO.]	MAY 31, 1974
550152	MOUNT HOPE, VILLAGE OF [GRANT CO.]	AUGUST 30, 1974
550205	NECEDAH, VILLAGE OF [JUNEAU CO.]	JANUARY 09, 1974
550046	NEW AUBURN, CITY OF [CHIPPEWA CO.]	JULY 19, 1974
550350	NORTH BAY, VILLAGE OF [RACINE CO.]	SEPTEMBER 06, 1974
550500	OGDENSBURG, VILLAGE OF [WAUPACA CO.]	AUGUST 23, 1974
550115	OLIVER, VILLAGE OF [DOUGLAS CO.]	AUGUST 30, 1974
550533	OMRO, VILLAGE OF [WINNEBAGO CO.]	NOVEMBER 15, 1974
550457	ONTARIO, VILLAGE OF [VERNON CO.]	JANUARY 09, 1974
550427	OOSTBURG, VILLAGE OF [SHEBOYGAN CO.]	JUNE 28, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550062	PARDEEVILLE, VILLAGE OF [COLUMBIA CO.]	DECEMBER 28, 1973
550446	PIGEON FALLS, VILLAGE OF [TREMPEALEAU CO.]	SEPTEMBER 06, 1974
550114	POPLAR, VILLAGE OF [DOUGLAS CO.]	DECEMBER 28, 1973
550155	POTOSI, VILLAGE OF [GRANT CO.]	DECEMBER 28, 1973
550401	PRAIRIE DU SAC, VILLAGE OF [SAUK CO.]	DECEMBER 07, 1973
550024	PULASKI, VILLAGE OF [BROWN CO.]	MAY 24, 1974
550508	REDGRANITE, VILLAGE OF [WAUSHARA CO.]	MAY 17, 1974
550250	SHULLSBURG, CITY OF [LAFAYETTE CO.]	MAY 17, 1974
550231	SOUTH WAYNE, VILLAGE OF [LAFAYETTE CO.]	DECEMBER 07, 1973
550368	STANTON, TOWN OF [ST. CROIX CO.]	NOVEMBER 15, 1974
550367	STAR PRAIRIE, VILLAGE OF [ST. CROIX CO.]	DECEMBER 28, 1973
550353A	STURTEVANT, VILLAGE OF [RACINE CO.]	MAY 24, 1974
550142	ST. CLOUD, VILLAGE OF [FOND DU LAC CO.]	DECEMBER 28, 1973
550150	TAYLOR, VILLAGE OF [JACKSON CO.]	DECEMBER 07, 1973
550207	UNION CENTER, VILLAGE OF [JUNEAU CO.]	NOVEMBER 15, 1974
550257	UNITY, CITY OF [MARATHON CO.]	SEPTEMBER 20, 1974
550519	VESPER, VILLAGE OF [WOOD CO.]	AUGUST 02, 1974
550124	WHEELER, VILLAGE OF [DUNN CO.]	AUGUST 02, 1974
550507	WILD ROSE, VILLAGE OF [WAUSHARA CO.]	MAY 31, 1974
550369A	WILSON, VILLAGE OF [ST. CROIX CO.]	AUGUST 30, 1974
550156A	WOODMAN, VILLAGE OF [GRANT CO.]	JANUARY 16, 1974 AND AUGUST 08, 1975
	TOTAL IN THE STATE	75

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WYOMING	
560009A	BAGGS, TOWN OF [CARBON CO.]	NOVEMBER 22, 1974
560041	CHUGWATER, TOWN OF [PLATTE CO.]	DECEMBER 13, 1974
560018	DUBOIS, TOWN OF [FREMONT CO.]	JANUARY 23, 1974
560025	EAST THERMOPOLIS, TOWN OF [HOT SPRINGS CO.]	NOVEMBER 08, 1974
560005A	GREYBULL, TOWN OF [BIG HORN CO.]	JUNE 21, 1974
560028	KAYCEE, TOWN OF [JOHNSON CO.]	NOVEMBER 22, 1974
560035	KEMMERER, TOWN OF [LINCOLN CO.]	MARCH 29, 1974
560002	LARAMIE, CITY OF [ALBANY CO.]	APRIL 05, 1974
560006	MANDERSON, TOWN OF [BIG HORN CO.]	SEPTEMBER 13, 1974
560046	RANCHESTER, TOWN OF [SHERIDAN CO.]	SEPTEMBER 06, 1974
560021	RIVERTON, CITY OF [FREMONT CO.]	MARCH 29, 1974
560055	TEN SLEEP, TOWN OF [WASHAKIE CO.]	DECEMBER 13, 1974
560023A	TORRINGTON, TOWN OF [GOSHEN CO.]	MARCH 15, 1974 AND SEPTEMBER 12, 1975
560053	UINTA COUNTY *	DECEMBER 27, 1974
560024	YODER, TOWN OF [GOSHEN CO.]	DECEMBER 06, 1974
	TOTAL IN THE STATE	15

NATIONAL TOTAL - 2,332

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1969), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32365 Filed 12-2-75;8:45 am]

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Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 425—PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Correction; Reclassification

FR Doc. 75-30114 published in the Proposed Rules section of the FEDERAL REGISTER of Monday, November 10, 1975 (40 FR 52416), should have appeared in the Rules and Regulations section.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education and Welfare

Section 213.3316 is amended to show that one position of Confidential Secretary to the Under Secretary has been reestablished and excepted under Schedule C.

Effective on December 4, 1975, § 213.3316(a)(5) is amended as set out below:

§ 213.3316 Department of Health, Education and Welfare.

(a) *Office of the Secretary.* * * *

(5) One Confidential Secretary to the Under Secretary.

* * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32741 Filed 12-3-75;8:45 am]

PART 736—INVESTIGATIONS

Pledges of Confidence

A notice of proposed rulemaking was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37051), for issuance of a new part 5 CFR Part 736 entitled, "Investigations" to establish procedures for determining when a promise of confidentiality is to be made under subsection (k)(5), section 3 of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579) and otherwise to implement this subsection for all purposes except those pertaining to military service. Interested persons were given until September 24, 1975, to submit written comments, suggestions, or objections. Full and careful consideration was given to all comments received.

The requirement that notifications of possible Privacy Act disclosures to the individual being investigated and of each source's right to ask that his or her identity not be disclosed be made at the beginning of the interview or review of records has been changed. The revision requires that each source of information in personal investigations be notified some time during the interview that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request.

The investigating agent has the discretion of notifying the source that he may have confidentiality where he feels such notification is necessary to secure information pertinent to the investigation.

Each agency must prepare implementing instructions for its investigators or agents consistent with these regulations.

Agencies are given an option when using written inquiries, except for law enforcement or educational custodians of records, of providing a space for the respondent to ask for a pledge of confidentiality, or making an offer to use special arrangements to get information which the respondent does not want to provide without a pledge of confidentiality.

In consideration of the comments received, 5 CFR Part 736 is issued as follows:

Sec.
736.101 Definitions.
736.102 Purpose of investigation.
736.103 Personal investigation.
736.104 Written inquiry.

AUTHORITY: Pub. L. 93–579; (5 U.S.C. 552a).

§ 736.101 Definitions.

In this part: (a) "Federal employment" means all civilian service for the Federal government including (1) appointments to Federal Advisory Committees or to membership agencies, whether or not salaried; (2) cooperative work assignments in which the individual has access to Federal materials such as examination booklets or performs service for or under supervision of a Federal agency but may be paid by another organization, such as a State or local government; (3) volunteer arrangements in which the individual performs service for or under the supervision of a Federal agency; and (4) volunteer or other arrangements in which the individual represents the United States Government or any agency thereof.

(b) "Agency" means any authority of the Government of the United States, whether or not it is within or subject to review by another agency and includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 736.102 Purpose of investigation.

In conducting an investigation, either by personal investigation or by written inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas, the investigating agency will notify the source from which information is requested of the purposes for which the information is sought and how it will be used. Procedures used in conducting investigations must take proper account of the rights of the individual being investigated as well as the rights of the individual furnishing testimony or information.

§ 736.103 Personal investigation.

In conducting a personal investigation, including a telephone inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas in which selection standards demand loyalty, good character and trustworthiness, the interviewing agent will notify each person interviewed and each custodian of record contacted that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request. This notification must be made at some time during the interview. The agent may promise confidentiality if requested by the source, and in his discretion notify the source that he may have confidentiality where the agent feels that such notification is necessary to secure information pertinent to his investigation or inquiry. If such a request is made, the confidentiality will apply only to the source's identity, and any information furnished by the source that would reveal the identity of the source. A promise of confidentiality will require the investigative agency and all other agencies that receive information obtained under the promise to take all reasonable precautions to protect the confidentiality of the source's identity. Pledges of confidentiality may not be assumed, and the interviewing agent may not ask a source to request confidentiality. Each agency

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shall prepare implementing instructions for its investigators or agents consistent with these regulations.

§ 736.104 Written inquiry

In requesting information by a written inquiry concerning the character, loyalty and qualifications of an individual to determine suitability, eligibility or qualifications for Federal employment, Federal contracts or access to classified information or restricted areas, the form, instructions or correspondence used by an agency will include:

(a) A notification that information provided, including the respondent's identity, will be disclosed to the individual on his or her request; and

(b) Except for law enforcement or educational custodians of records,

(1) Space for the respondent to request a pledge that his or her identity will not be disclosed to the subject of the inquiry, or

(2) An offer to make special arrangements to obtain significant information which the respondent feels he or she cannot provide without a pledge of confidentiality as to identify.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32749 Filed 12-3-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-153, Amdt. 39-2448]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200T Series Airplanes

There have been cracks of the engine oil pressure hose assembly on PA-34-200T airplanes that could result in loss of engine oil. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the existing hose assembly with a tube assembly and new hose assembly for each engine on PA-34-200T airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-34-200T airplanes, serial numbers 34-7570001 through 34-7670077 certificated in all categories.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent loss of engine oil, accomplish the following: Replace the existing engine oil pressure hose assemblies with a tube assembly and a new hose assembly in accordance with Piper Service Bulletin Number 483 or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective December 10, 1975.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on November 24, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32637 Filed 12-3-75;8:45 am]

[Airspace Docket No. 75-NW-21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On September 18, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 43036) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Eugene, Oreg., and Spokane, Wash., via The Dalles, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended by adding the following:

Jet Route No. 143 from Eugene, Oreg., via The Dalles, Oreg.; to Spokane, Wash.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-32635 Filed 12-3-75;8:45 am]

[Airspace Docket No. 75-NW-22]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On September 22, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 43513) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Portland, Oreg., and Redmond, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received in response to the NPRM was from the Air Transport Association (ATA) in which they offered no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended by adding the following:

Jet Route No. 159 from Portland, Oreg., to Redmond, Oreg.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-32636 Filed 12-3-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-940; Amdt. No. 46]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for Certain Air Transportation

Part 288 of the Board's Economic Regulations (14 CFR Part 288) sets forth minimum rates for certain air transportation services performed by air carriers for the Department of Defense (DOD), and procured through the Military Airlift Command (MAC). At the present time, the minimum rates are subject to a surcharge based upon currently reported fuel prices. Under established procedure, the carriers report changes in fuel prices on a monthly basis, and, in the absence of precipitous changes in fuel prices, the Board automatically adjusts the surcharge rates on a quarterly basis. See ER-920, July 1, 1975.[1] The last fuel surcharge adjustment was adopted by ER-932, dated September 30, 1975, to be effective October 1, 1975.

Trans International Airlines, Inc. (TIA) by petition for rule making (Docket 28441) filed October 29, 1975, requests an increase in the surcharge rates established in ER-932 effective on or before the date of its petition, to provide the carrier relief from sharply higher fuel prices experienced since October 1. TIA contends that all of the MAC carriers are experiencing precipitous fuel price increases as a result of OPEC's recently announced increase in crude oil prices, so that the quarterly review procedure is no longer appropriate.

Pan American World Airways, Inc., The Flying Tiger Line Inc. and World Airways, Inc. filed answers in support of the petition. The DOD answered in opposition to TIA's proposal both for a return to automatic monthly surcharge adjustments, and for a retroactive increase in the surcharge rate.

Upon consideration, we have determined to adopt an interim surcharge adjustment to be effective prospectively from December 1, 1975. However, we are not persuaded either to return to an automatic monthly fuel surcharge adjustment, or to abandon the established procedures which provide only for prospective surcharge adjustments. Accordingly, except to the extent granted herein, TIA's petition to amend Part 288 Contrary to the implications of the petition and answers, the Board has not abandoned its monthly review of the rate impact of reported fuel price changes. By ER-920, we merely dropped the automatic monthly surcharge rate adjustment in favor of a quarterly adjustment procedure. In doing so, however, the Board expressly indicated its intent to reported as of October 1, 1975, including change warrant amendment of the surcharge rates. Our review of the surcharge-rate impact for the fuel prices reported as at October 1, 1975, including the revised data for TIA, did not produce results for the international MAC carriers as a class to warrant an amendment to the existing fuel surcharge rates. The analysis of reported fuel prices as of November 1, 1975, however, indicates that adjustment to these rates should now be made.[2]

In addition, we are not persuaded that the recently announced increase in crude oil prices requires a return to a monthly surcharge adjustment procedure. In this respect, we agree with DOD that the recent experience does not establish that the fuel price situation is again so unstable that an automatic adjustment of the surcharge rate on a monthly basis is required. We will, however, continue to monitor fuel price changes on a monthly basis, and are prepared to adopt additional interim adjustments as required.[3] In order to expedite the procedures, however, the carriers are requested to provide the Government Rates Division quarterly consumption figures 30 days following the close of each quarter, as opposed to the present 40 days.

Appendices A and B [4] set forth the results of our computations of reported fuel price changes for commercial and military fuels as at November 1, 1975, based upon application of the "active stations". methodology to the fuel consumption reported for the quarter ended September 30, 1975; [4] and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective December 1, 1975, as follows: (a) increase the long-range Category B and A rate from 2.30 to 3.45 percent; (b) maintain the Pacific interisland short-range Category B rate at 5.81 percent; and, (c) decrease the "all other" short-range Category B rate from 4.86 to 2.42 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective December 1, 1975, as follows:

§ 288.7 [Amended]

1. Amend § 288.7(a)(1) by amending the third proviso following the table to read as follows:

. . . . . .

(a) . . .

(1) . . .: *Provided, however,* That effective December 1, 1975, the total minimum compensation pursuant to the rates set forth in paragraph (a)(1) of this section for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 3.45 percent, 5.81 percent, and 2.42 percent, respectively.[1]

2. Amend § 288.7(d) by amending the proviso to subparagraphs (2) to read as follows:

. . . . . .

(d) For Category A transportation . . .

(2) . . .

Provided, That effective December 1, 1975, the total minimum compensation pursuant to the rates specified in paragraphs (d)(1) and (2) of this section shall be increased by a surcharge of 3.45 percent.

. . . . . .

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32731 Filed 12-3-75;8:45 am]

[1] Prior to the adoption of ER-920, the established practice was to adjust the surcharge rates on a monthly basis.

[2] We are not persuaded that an increase in the surcharge rate effective as of the date of TIA's petition would be appropriate. The effect of the carriers' request would be to retroactively increase the surcharge rate as of a date prior to Board action on the petition. Such a change would be inconsistent with the established principle that the minimum rates in Part 288 are final and not subject to retroactive adjustment to a date prior to Board action specifically "reopening" the rate. See ER-845, May 1, 1974.

[3] The next fuel surcharge adjustments will be based upon reported fuel price changes as of December 1, 1975, and be effective as of January 1, 1976.

[4] Appendices A and B filed as part of the original document.

[4] We note that in several telegrams addressed to Chief of the Government Rates Division of the Bureau of Economics, TIA has suggested certain modifications to the procedures for determining the surcharge rate. Because these suggestions are not properly before us, we have not considered them herein.

[1] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER D—GENERAL REGULATIONS OF THE ENVIRONMENTAL DATA SERVICE

PART 950—ENVIRONMENTAL DATA

NOVEMBER 28, 1975.

The general information that follows describes the type and availability of environmental data and information that may be obtained from the Environmental Data Service for use by Federal, State, and local agencies, and the general public, including those segments engaged in commerce, industry, science, and engineering.

ROBERT M. WHITE,
Administrator.

Part 950 is revised to read as follows:

Sec.
950.1 Scope and purpose.
950.2 Environmental Data Service (EDS).
950.3 National Climatic Center (NCC).
950.4 National Oceanographic Data Center (NODC).
950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).
950.6 Center for Experiment Design and Data Analysis (CEDDA).
950.7 Environmental Science Information Center (ESIC).
950.8 Center for Climatic and Environmental Assessment (CCEA).
950.9 Satellite Data Services Branch (SDSB).
950.10 Deepwater Ports Project Office (DWPPO).
950.11 Comprehensive Referral Service.

AUTHORITY: (5 U.S.C. 552, 553), Reorganization Plan No. 4 of 1970.

§ 950.1 Scope and purpose.

This part describes the Environmental Data Service (EDS), a principal organization element of the National Oceanic and Atmospheric Administration and EDS management of environmental data and information.

§ 950.2 Environmental Data Service (EDS).

The Environmental Data Service is the Government's first major line organization created specifically to manage environmental data. Under U.S. Department of Commerce, Department Organization Order 25-5B, EDS shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public and by Federal, State and local governments. It shall also guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and provide editorial, publishing, library, and related information services. In support of this mission EDS operates six centers: National Climatic Center, National Oceanographic Data Center, National Geophysical and Solar-Terrestrial Data Center, Center for Experiment Design and Data

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Analysis, Environmental Science Information Center, and Center for Climatic and Environmental Assessment. It also operates a Satellite Data Services Branch, Deepwater Ports Project Office, and a comprehensive referral service.

§ 950.3 National Climatic Center (NCC).

The National Climatic Center acquires, processes, archieves, and disseminates climatological data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center—A (Meteorology and Nuclear Radiation). It is the collection center and custodian of all United States weather records, the largest of the EDS Centers, and the largest climatic center in the world:

(a) Climatic Data Available from NCC include:

(1) Hourly Surface Observations from Land Stations (ceiling, sky cover, visibility, precipitation or other weather phenomena, obstructions to vision, pressure, temperature, dew point, wind direction, wind speed, gustiness).

(2) Three-Hourly and Six-Hourly Surface Obervations from Land Stations, Ocean Weather Stations, and Moving Ships (variable data content).

(3) Upper Air Observations (radiosondes, rawinsondes, rocketsondes, low-level soundings, pilot balloon winds, aircraft reports).

(4) Radar Observations (radar log sheets, radar scope photography).

(5) Selected Maps and Charts (National Meteorological Center products).

(6) Derived and Summary Data (grid points, computer tabulations, digital summary data).

(7) Special Collections (Barbados Oceanographic and Meteorological Experiment meteorological data, Global Atmospheric Research Program basic data set, solar radiation data, many others).

(b) Queries should be addressed to:

National Climatic Center, National Oceanic and Atmospheric Administration, Asheville, N.C. 28801, Tel: (704) 258–2850 Ext. 683.

§ 950.4 National Oceanographic Data Center (NODC).

The National Oceanographic Data Center acquires, processes, archives, and disseminates oceanographic data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center—A (Oceanography). It was the first NODC established and houses the world's largest usable collection of marine data.

(a) Oceanographic Data Available from NODC include:

(1) Mechanical and expendable bathythermograph data in analog and digital form.

(2) Oceanographic station data for surface and serial depths, giving values of temperature, salinity, oxygen, inorganic phosphate, total phosphorus, nitrite-nitrogen, nitrate-nitrogen, silicate-silicon, and pH.

(3) Continuously recorded salinity-temperature-depth data in digital form.

(4) Surface current information obtained by using drift bottles or calculated from ship set and drift.

(5) Biological data, giving values of plankton standing crop, chlorophyll concentrations, and rates of primary productivity; also papers on marine biology.

(b) Queries should be addressed to:

National Oceanographic Data Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Tel: (202) 634–7500.

§ 950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).

The National Geophysical and Solar-Terrestrial Data Center acquires, processes, archives, evaluates, and disseminates solid earth and marine geophysical data as well as ionospheric, solar, and other space environment data; develops analytical, climatological and descriptive products to meet user requirements; and provides facilities for World Data Center—A (Solid-Earth Geophysics and Solar Terrestrial Physics).

(a) Geophysical and solar-terrestrial data available from NGSDC include:

(1) Marine geology and geophysics. Bathymetric measurement; seismic reflection profiles; gravimetric measurements; geomagnetic total field measurements; and geological data, including data on heat flows, cores, samples, and sediments.

(2) Solar-terrestrial physics. Ionosphere data, including ionograms, frequency plots, riometer and field-strength strip charts, and tabulations; solar activity data; geomagnetic variation data, including magnetograms; auroral data; cosmic ray data; and airglow data.

(3) Seismology. Seismograms; accelerograms; digitized strong-motion accelerograms; earthquake data list (events since January 1900); earthquake data service, updates on a monthly basis.

(4) Geomagnetic main field. Magnetic survey data and secular-change data tables.

(b) Queries should be addressed to:

National Geophysical and Solar-Terrestrial Data Center, National Oceanic and Atmospheric Administration, Boulder, Colorado 80302, Tel: (303) 499–1000, ext. 6215.

§ 950.6 Center for Experiment Design and Data Analysis (CEDDA).

The Center for Experiment Design and Data Analysis provides service and support in data management and scientific analysis for large-scale environmental field research projects, and assists in the planning, design, and implementation of such projects to ensure that data needs are met:

(a) CEDDA is currently concerned with three major field projects:

(1) BOMEX—The Barbados Oceanographic and Meteorological Experiment. The complete set of data resulting from this project are available at the National Climatic Center.

(2) IFYGL—The International Field Year for the Great Lakes. Most of the data resulting from this project are available at the National Climatic Center.

(3) GATE—The Global Atmospheric Research Project (GARP) Atlantic Tropical Experiment. A set of basic data from this project is available from the National Climatic Center.

(b) Queries should be addressed to:

Center for Experiment Design and Data Analysis, National Oceanic and Atmospheric Administration, Washington, D.C. 20234, Tel: (202) 634–7251.

§ 950.7 Environmental Science Information Center (ESIC).

The Environmental Science Information Center develops policies for and provides editorial and publishing services to NOAA components; manages a central library system; provides functional guidance to other NOAA libraries; and develops and implements automated scientific information systems for NOAA and external use. It complements the Environmental Data Service family of data centers, enhancing the service structure necessary for a comprehensive, single source for environmental data and information within NOAA;

(a) ESIC issues a "NOAA Publications Announcement" several times a month. This booklet describes NOAA publications by title, author, source, date, abstract, keywords, and availability.

(b) The NOAA libraries, run by ESIC, are open to the public for reference use. The Atmospheric Sciences Library, 8060 13th Street, Silver Spring, Maryland, specializes in climatic publications; the Marine and Earth Sciences Library, 6001 Executive Boulevard, Rockville, Maryland, in cartographic, oceanographic, and fisheries publications; the NOAA Miami Library, 15 Rickenbacker Causeway, Miami, Florida, in oceanographic, cartographic, and climatic publications; the EDS Great Lakes Library, 630 Federal Building and U.S. Courthouse, Detroit, Michigan, in lake levels and hydrology of the Great Lakes; and the NOAA Environmental Research Laboratories Library, University of Colorado, Boulder, Colorado, in solar-terrestrial physics.

(c) ESIC also responds to requests for copies of NOAA technical publications by sending out those in stock or referring the request to the proper NOAA or non-NOAA source.

(d) Queries should be addressed to:

Environmental Science Information Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Tel: (202) 634–7334.

§ 950.8 Center for Climatic and Environmental Assessment (CCEA).

(a) CCEA provides tailored consultant services and products to Federal agencies concerned with the impact of the environment on national socioeconomic programs and policies. The center's mission is to statistically model and assess climate, climatic change, and other natural environmental phenomena and their variations, and to quantitatively evaluate their probable impact upon national and international socioeconomic issues.

(b) CCEA is participating in the joint USDA–NOAA–NASA program called the Large Area Crop Inventory Experiment (LACIE). The aim of the LACIE experiment is to improve the timeliness and accuracy of major crop forecasts by combining current and historical, surface and satellite, crop and weather source data. CCEA will develop and refine the mathematical models which relate crop yields to weather conditions and provide processed climatological and meteorological data.

(c) Special studies and consultant services are provided to government agencies along with the following products: early warning and timely crop/climate alerts, crop yield estimates on a monthly basis, global weather briefings which relate climate impact on socioeconomic systems, and risk assessments of climatological phenomena on national resources. Queries should be addressed to:

Center for Climatic and Environmental Assessment, 600 East Cherry Street, Columbia, MO 65201, Tel: (314) 442–2271, Ext 3261.

§ 950.9 Satellite Data Services Branch (SDSB).

The Satellite Data Services Branch of the EDS National Climatic Center provides environmental and earth resources satellite data to other users once the original collection purposes (i.e., weather forecasting) have been satisfied. The branch also provides photographs collected during NASA's SKYLAB missions.

(a) Satellite data available from SDSB include: (1) Data from the TIROS (Television InfraRed Observational Satellite) series of experimental spacecraft; much of the imagery gathered by spacecraft of the NASA experimental NIMBUS series; full-earth disc photographs from NASA's Applications Technology Satellites (ATS) I and III geostationary research spacecraft; tens of thousands of images from the original ESSA and Current NOAA series of Improved TIROS Operational Satellites; and both full-disc and sectorized images from the Synchronous Meteorological Satellites (SMS) 1 and 2, the current operational geostationary spacecraft. In addition to visible light imagery infrared data are available from the NIMBUS, NOAA, and SMS satellites. Each day, SDSB receives about 239 negatives from the polar-oribiting NOAA spacecraft, more than 235 SMS–1 and 2 negatives, and several special negatives and movie film loops.

(2) Multispectral imagery derived from data collected by NASA's Earth Resources Technology Satellites (ERTS), currently LANDSAT–1 and 2.

(3) Photographs (both color and black-and-white) taken during the three SKYLAB missions (May–June, 1973, July–September, 1973, and November 1973–February 1974). Queries should be addressed to:

Satellite Data Services Branch, World Weather Building, Room 606, Washington, D.C. 20233, Tel: (301) 763–8111.

§ 950.10 Deepwater Ports Project Office (DWPPO).

(a) The Deepwater Ports Project Office was established to meet requirements placed upon NOAA by the Deepwater Port (DWP) Act of 1974. The Act establishes procedures for the location, construction, and operation of deepwater ports off the coasts of the United States. It invests licensing authority in the Secretary of Transportation, while the Administrator of NOAA is called upon to provide essential support. To meet NOAA's obligation, EDS' Project Office reviews, evaluates, and prepares recommendations for the Administrator on DWP license applications, related environmental impact statements, and adjacent coastal State status.

§ 950.11 Comprehensive referral service.

(a) Since 1969, EDS has been building the Environmental Data Index (ENDEX). When fully operational (target date, 1978), ENDEX will provide convenient, rapid referral to existing NOAA, national, and global environmental science data files and sources, as well as documentation concerning their quality, quantity, and character. A complementary, literature-based system, Oceanic and Atmospheric Scientific Information System (OASIS), will provide a parallel subject-author-abstract referral service. A telephone call to any EDS data or information center or NOAA library will allow a user to "plug into" this interdisciplinary NOAA data dialog machine.

[FR Doc.75-32658 Filed 12-3-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2751]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Baza'r, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.180 Quantity; 13.180–30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–40 Furnishing information to media; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1882 Prices; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Baza'r, Inc., a corporation.

Consent order requiring a Portland, Oreg., supermarket chain, among other things to cease not having advertised items readily available for sale at or below the advertised price. Further, respondent is required to use shelf signs to indicate the location of items advertised below regular shelf price; to mark customarily price-marked items with the advertised prices; to post at store entrances and check-out counters notices (1) containing a copy of the ad, (2) listing any advertised items unavailable, and (3) announcing that rainchecks will be issued for them; and to maintain a program of continuing surveillance to ensure that their stores comply with the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondent Baza'r, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or grocery products or other merchandise, hereafter sometimes referred to as items, offered or sold in its retail stores, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless throughout the effective period of the advertised offer at each retail store covered by the advertisement:

1. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

2. There is a sign or other conspicuous marking at the place where an item advertised below regular shelf price is displayed for sale clearly disclosing that the item is "as advertised" or "on sale" or words of similiar import as appropriate, and disclosing on such sign or marking, the advertised price;

3. Each advertised item, which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price;

4. Each advertised item is sold to customers at or below the advertised price;

Provided, That it shall not be deemed a violation of the above subparagraphs A.1., A.2., A.3., or A.4., if respondent is complying with a specific exemption, limitation or restriction with respect to store, item or price which is clearly and conspicuously disclosed in all advertisements.

Provided, further, It shall constitute a defense to a charge of unavailability under subparagraph I.A.1. if respondent

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand, or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price.

In determining compliance with section I of this order, the Commission will consider the circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices due to circumstances beyond respondent's control.

II. *It is further ordered,* That respondent Baza'r, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or drugs, as those terms are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated, by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains any of the offers prohibited by section I of this order;

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the offers prohibited by section I of this order.

III. *It is further ordered,* That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following:

A. A copy of the advertisement.

B. A statement that:

All items advertised are readily available for sale at or below advertised price except the following items:

Rain checks will be gladly issued for these items, that will enable you to purchase these items at or below the advertised price in the near future. If you have any questions, the store director will be glad to assist you.

IV. *It is further ordered,* That respondent shall cause the following statement to be clearly and conspicuously set forth in each advertisement which represents that items are available for sale at a stated price at any of its stores:

Each of these advertised items is required to be readily available for sale at or below the advertised price in each _____ (store name) store, except as specifically noted in this ad.

V. *It is further ordered,* That:

A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store directors who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

C. Respondent shall, for a period of three (3) years subsequent to the date of this order:

1. Maintain business records which show the efforts taken to ensure continuing compliance with the terms and provisions of this order;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives;

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32659 Filed 12-3-75;8:45 am]

[Docket No. C-2754]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sansui Electronics Corp.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; § 13.1165–80 Requiring information of price cutting; 13.1165–90 Spying on and reporting price cutters, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Sansui Electronics Corporation, a corporation.

Consent order requiring a Woodside, N.Y., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from, or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondent Sansui Electronics Corporation, a corporation, its successors and assigns, and respondent's agents, representatives, including sales representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] Copies of the Complaint, Decision, and Order, filed with the original document.

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, stabilizing or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling, maintaining or stabilizing the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however,* That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this order: *It is further provided,* That after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to establish and distribute resale prices for its products under fair trade laws then in effect.

II. *It is further ordered,* That respondent shall:

1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every new dealer for period of three (3) years.

2. Forthwith distribute a copy of this order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said order.

3. Within thirty (30) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents, sales representatives and advertising agencies informing such persons that their violation of any provision of this order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this order and take appropriate disciplinary and corrective action, which may include termination, for nonwillful violations.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement, upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order, unless respondent can establish that the applicant does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products at retail, and forthwith reinstate any such distibutor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. *It is further ordered,* That respondent:

1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the order.

2. For a period of three (3) years from the date this order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

IV. *It is further ordered,* That in the event the Commission issues any order which is less restrictive than the provisions of Paragraphs I, II, or III of this order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of Sansui Electronics Corporation reconsider this order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32660 Filed 12-3-75;8:45 am]

[Docket No. C-2750]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Taylor & Kimbrough Realty Co. and Lloyd R. Taylor

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.155 Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions;

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13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.-1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Taylor & Kimbrough Realty Company, a corporation, and Lloyd R. Taylor, individually and as an officer of said corporation.

Consent order requiring a Memphis, Tenn., realty company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Taylor & Kimbrough Realty Company, a corporation, its successors and assigns, and its officers, and Lloyd R. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Stating the rate of a finance charge unless such rate is expressed as an annual percentage rate, using the term "annual percentage rate," as "finance charge" and "annual percentage rate" are defined in § 226.2 of Regulation Z, as prescribed by § 226.10(d)(1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The amount of the loan;

b. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

c. The amount of the finance charge expressed as an annual percentage rate.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said copy of this order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–32661 Filed 12–3–75;8:45 am]

[Docket No. C–2752]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Teac Corporation of America

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165–80 Requiring information of price cutting; 12.1165–90 Spying on and reporting price cutters, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of TEAC Corporation of America, a corporation.

Consent order requiring a Montebello, Calif., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from, or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent TEAC Corporation of America, a corporation, its successors and assigns, and respondent's employees, agents, representatives, including sales representatives, or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling, or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however*, That subsequent to two (2) years after the date on which this order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any TEAC dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this order.

In connection with the foregoing provisions under Part I of this order: *It is further provided*, That after the expiration of five (5) years from the date of this order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to establish and distribute resale prices for its products under fair trade laws then in effect.

II. *It is further ordered*, That respondent shall: 1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every person or company that within three (3) years becomes a new dealer.

2. Forthwith distribute a copy of this order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents, sales representatives, and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this order and take appropriate disciplinary and corrective action, which may include termination, for nonwillful violations.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement, upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this Order, unless respondent can establish that the applicant does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products at retail, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. *It is further ordered*, That respondent: 1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date of this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

IV. *It is further ordered*, That in the event the Commission issues any order which is less restrictive than the provisions of Paragraphs I, II, or III of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of TEAC Corporation of America, reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–32662 Filed 12–3–75;8:45 am]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 0–6X and Sizes 7–14; Labeling and Recordkeeping Requirements

Correction

In FR Doc. 75–30922, appearing at page 53233 in the issue for Monday, November 17, 1975, in the middle column on page 53235 immediately following the last line insert the following: " turer. A style may be composed of garments that form all or part of one or more garment production units and the ".

TRle 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions of Participation; Home Health Agencies—Arrangements for Home Health Services Under Medicare

On June 9, 1975, there was published in the FEDERAL REGISTER (40 FR 24530) a notice of proposed rulemaking which

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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set forth proposed amendments to Subpart L of Regulations No. 5 of the Social Security Administration, as amended, (20 CFR Part 405).

At present, the regulations require public or nonprofit home health agencies to make arrangements for services not provided directly through agency employees, only with other public or nonprofit agencies and organizations. The amendments permit such arrangements to be made with proprietary agencies and organizations as well.

In order to participate in the health insurance for the aged and disabled program, a home health agency must meet the statutory requirements of section 1861(o) of the Social Security Act and, as further specified by section 1861(o)(6), certain conditions provided by regulation in the interest of health and safety. Since the beginning of the program, a public or nonprofit home health agency has been able to qualify for participation by providing skilled nursing and one other covered therapeutic service (i.e., physical therapy, speech therapy, occupational therapy, medical social services, or home health aide services). The public or nonprofit agency has been required to provide at least one of the above qualifying services directly through agency employees but could arrange with another public or nonprofit agency or organization to provide the second qualifying service and any additional services.

Before Medicare, visiting nurse organizations frequently did not furnish services other than skilled nursing services. In many communities, visiting nurse organizations and official health agencies were (and are now) the only agencies which provided any measure of health services to homebound patients. Therefore, in order to enable these particular visiting nurse organizations and official health agencies to qualify for participation in the Medicare program, the Congress authorized them to provide home health services through arrangements with like health care organizations.

In 1965, when Medicare was enacted, existing home health agencies included visiting nurse associations established in our larger cities, official health agencies of county or municipal governments, and a few large community hospitals which furnished home health services. Agencies operating on a profit basis were not in existence. In anticipation of the establishment of home health agencies for profit, the Congress authorized their participation, subject to limitation specified in the statute, with the understanding expressed in the committee reports that they be self-contained in providing a range of services directly, rather than under the arrangements which were intended to be available through the visiting nurse organizations with like health care organizations.

A major concern in the administration of the home health benefit has been the cost of home health services and this is reflected in the requirements established for home health agencies. The Medicare program reimburses providers of services, including home health agencies, for the lesser of reasonable cost or customary charges (see section 1814(b) of the Act, 42 U.S.C. 1395f(b)). Because there was no history or experience concerning the cost of home health services, it was determined that the more conservative approach would be to assure that arranged for services should be obtained only from agencies which themselves operate on a nonprofit basis. Thus, the present regulation was consciously drafted to make an explicit distinction between proprietary and nonprofit home health agencies in the conditions of participation.

The Congress has now acted to reduce the basis for concern regarding excessive cost. Under section 251(c) of Pub. L. 92-603, the Social Security Amendments of 1972 (see 1861(v)(5)(A) of the Act—42 U.S.C. 1395x(v)(5)(A)) reimbursement for the reasonable cost of physical therapy and other therapy services, or services of other health-related personnel (other than physicians) furnished by a provider of services (i.e., a hospital, skilled nursing facility, or home health agency), rehabilitation agency, clinic, or public health agency under arrangements with others will be limited to amounts equivalent to the salary and other costs incurred if the services were performed by an employee, plus other costs such as maintaining an office, travel expenses, and similar costs which a therapist not employed might have. With the cost of therapy services under arrangements controlled by statute, we believe public or nonprofit agencies should now be allowed to make arrangements for such services with proprietary agencies or organizations organized for profit. It was made clear that the regulations implementing section 251(c) apply to the services of all health-related personnel other than physicians, including skilled nursing and home health aide services. Costs to the provider of such services could be evaluated and determined for reimbursement purposes under this provision.

In addition, there were other reasons for proposing a modification of the regulations relating to arrangements for services by a home health agency.

The Social Security Administration's Bureau of Health Insurance had been advised that a significant number of home health agencies are unable to employ or appropriately contract with individual therapists or with public or nonprofit agencies or organizations for the purpose of qualifying with skilled nursing and one other useful therapeutic service or to expand existing home health programs. Many therapists are organized as partnerships and corporations, and in most, if not all, instances as organizations for profit. Communities and home health agencies may thus be hard pressed to positively respond to the Social Security Administration's encouragement to respectively develop and expand home health services.

The Social Security Administration also believes that the intent of Congress in including the home health benefit in the health insurance program is to make this benefit most viable and available to as many beneficiaries as is possible, and that in the consideration of program requirements, viability and availability of services is to be given priority where feasible. In consideration of the recent statutory limitation on the cost of therapy services provided under arrangements, the statement in the Congressional committee report regarding establishment of agencies providing a wide range of organized home health services, the Social Security Administration's continued encouragement of the development, expansion, and utilization of services, and its belief that present regulations assure sufficient control of services provided under arrangements, the Social Security Administration proposed revising its regulations to permit a public or nonprofit home health agency to make arrangements for services with public, nonprofit, or proprietary agencies or organizations. However, under such circumstances the home health agency would not be considered merely a billing agency but would be required to assume control and supervision of the services under arrangements as it does with respect to services it provides directly through employees.

Interested parties were given 30 days within which to submit any data, views, or arguments with regard to the proposed amendments.

All except one of the comments reflected agreement with the proposed change. The one adverse comment expressed concern about possible increase in costs. However, we believe costs will be sufficiently controlled by existing regulations.

Accordingly, the amendments as announced under the notice of proposed rulemaking are hereby adopted and set forth below.

(Secs. 1102, 1861(o), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 320, as amended, and 79 Stat. 331 (42 U.S.C. 1302, 1395x (o), and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Effective date. These amendments shall be effective January 5, 1976.

Dated: September 16, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 26, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration, as amended (20 CFR 405), is further amended as follows:

1. Paragraphs (a) and (h) of § 405.1221 are revised to read:

§ 405.1221 Condition of participation: Organization, services, administration.

• • • • •

(a) *Standard: Services provided.* Part-time or intermittent skilled nursing services and at least one other therapeutic service (physical, speech, or occupational therapy; medical social services; or home health aide services) must be made available on a visiting basis, in a place of residence used as a patient's home. A public or nonprofit home health agency must provide at least one of the qualifying services directly through agency employees, but may provide the second qualifying service and additional services under arrangements with another agency or organization. A proprietary home health agency, however, must provide all services directly, through agency employees.

• • • • •

(h) *Standard: Services under arrangements.* Services (see paragraph (a) of this section) provided under arrangements must be subject to a written contract conforming with the requirements specified in paragraph (f) of this section and with the requirements of section 1861(w) of the Act (42 U.S.C. 1395x(w)).

[FR Doc.75-32649 Filed 12-3-75;8:45 am]

Title 22—Foreign Relations

CHAPTER VI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PART 602—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Part 602 of Chapter VI, Title 22 of the Code of Federal Regulations is hereby amended by deleting the current Part 602 in its entirety and substituting therefor a new part as shown below.

The purpose of amending Part 602 is to implement the Freedom of Information Act Amendments of 1974 (Pub. L. 93-502, 88 Stat. 1561, 5 U.S.C. 552) by providing new guidance to the general public in requesting information from the U.S. Arms Control and Disarmament Agency (hereinafter referred to as the "Agency" or "ACDA").

Pursuant to the 1974 Amendments to the Freedom of Information Act, the Agency hereby determines that publication of an index providing identifying information on matters described in 5 U.S.C. 552(a)(2) is unnecessary and impractical in view of the extremely small amount of material available at this time. As materials are created and become available they will be incorporated into a current index which will be available to the public free of charge.

Subpart C—*Fees*, was published as a notice of proposed rulemaking in 40 FR 36381, August 20, 1975. No comments from the public having been received, these sections are now reprinted in final form below with only minor editorial changes:

Part 602 of Chapter VI, Title 22 of the Code of Federal Regulations is hereby amended by deleting the current Part 602 entirely and substituting a new Part 602 as follows:

Subpart A—Basic Policy

Sec.
602.1 Scope of part.
602.2 Definitions.
602.3 General policy.

Subpart B—Procedure for Requesting Records

602.10 Requests for records.
602.11 Requests in person.
602.12 Availability of records at the ACDA Library.
602.13 Copies of records.
602.14 Records of other agencies, governments and international organizations.
602.15 Overseas requests.
602.16 Responses and time limits on requests.
602.17 Time extensions.
602.18 Inability to comply with requests.

Subpart C—Fees

602.20 Schedule of fees.
602.21 Waiver of fees.
602.22 Fees for unsuccessful searches.
602.23 GPO and free publications.
602.24 Method of payment.

Subpart D—Denials of Records

602.30 Denials.
602.31 Exemptions.

Subpart E—Review of Denials of Records

602.40 Procedure for appealing initial determinations to withhold records.
602.41 Decision on appeal.

Subpart F—Annual Report to the Congress

602.50 Requirements for annual report.

AUTHORITY: Sec. 1, 81 Stat. 54, as amended by Sec. 1, 88 Stat. 1561 (5 U.S.C. 552); sec. 41, 75 Stat. 635, (22 U.S.C. 2581); and sec. 501, 65 Stat. 290, (31 U.S.C. 483a).

Subpart A—Basic Policy

§ 602.1 Scope of part.

This Part 602 establishes the policies, responsibilities and procedures for release to members of the public of Agency records which are under the jurisdiction of the U.S. Arms Control and Disarmament Agency.

§ 602.2 Definitions.

As used throughout this part, the following terms have the meaning set forth below:

(a) The term "Agency" and the acronym "ACDA" stand for the U.S. Arms Control and Disarmament Agency.

(b) The term "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Agency in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired solely for reference or exhibition purposes, are not included within the definition of the term "records."

§ 602.3 General policy.

(a) In accordance with section 2 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2551), it is the policy of ACDA to carry out as one of its primary functions the dissemination and coordination of public information concerning arms control and disarmament.

(b) In compliance with the Freedom of Information Act, as amended (5 U.S.C. 552), ACDA will make available upon request by members of the public to the fullest practicable extent all Agency records under its jurisdiction, as described in the Act, except to the extent that they may be exempt from disclosure under § 602.31.

Subpart B—Procedure for Requesting Records

§ 602.10 Requests for records.

(a) A written request for records should be addressed to: Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451. To facilitate processing, the letter of request and envelope should be conspicuously marked "FOIA request."

(b) The request should identify the desired record or reasonably describe it. The identification should be as specific as possible so that a record can be found readily. Blanket requests or requests for "the entire file of" or "all matters relating to" a specified subject will not be accepted. The Agency will make any reasonable effort to assist the requester in sharpening his request to eliminate extraneous and unwanted materials and to keep search and copying fees to a minimum. The ten day response time referred to in § 602.16 in this instance will begin when the records requested are identifiable or reasonably described.

(c) If a fee is chargeable under Subpart C of this part for search or duplication costs incurred in connection with a request for an Agency record, the request should include the anticipated fee or should ask for a determination of such fee. Any chargeable fee must be paid in full prior to issuance of requested materials. The method of payment is described in § 602.24. Cash should not be sent by mail.

§ 602.11 Requests in person.

A member of the public may request an Agency record by applying in person between the hours of 9 a.m. and 5 p.m. on weekdays (holidays excluded) at the ACDA Library located in Room 804, 1700 North Lynn Street, Rosslyn, Virginia. Form ACDA-21, Public Information Service Request, is available at the ACDA Library for the convenience of members of the public in requesting Agency records.

§ 602.12 Availability of records at the ACDA Library.

(a) A current index identifying all available records is kept on file at the

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ACDA Library. Copies of this index may be obtained free upon request.

(b) In addition, the ACDA Library will maintain or have available, unless authorized to be withheld, certain types of unclassified records, including but not necessarily limited to the following:

(1) A copy of the ACDA Manual and other Agency regulations, including a copy of Title 22 of the Code of Federal Regulations (CFR) and any other title of the CFR in which Agency regulations have been published;

(2) Copies of arms control and disarmament treaties or agreements in force;

(3) Personnel information;

(4) Procurement information;

(5) Research contracts between the Agency and universities or other non-Government organizations;

(6) Reimbursable agreements with other Government agencies.

(c) Copies of records available to the public may be inspected by a requester in the ACDA Library during the business hours stated in § 602.10. Copies of records made available for inspection may not be removed by any requester from the Library.

§ 602.13 Copies of records.

(a) The Agency will provide copies of requested records of the same type and quality which it would provide to personnel of another U.S. Government agency in the course of official business. It will not accept requests for special types of copying processes or for special standards of quality of reproduction.

(b) Copies of records requested will be reproduced as promptly as possible and mailed to the requester. Chargeable fees will be determined according to the schedule set forth in Subpart C of this part. The Freedom of Information (FOI) Officer is authorized to limit the number of copies of each requested record to 10 or less when he finds that there exists an extraordinary demand for the number of available copies or where requirements place excessive demands on the Agency's copying facilities.

§ 602.14 Records of other agencies, governments and international organizations.

(a) Requests for records that have been originated by or are primarily the concern of another U.S. Government department or agency shall be forwarded to the particular department or agency involved, and the requester notified in writing. Proper referral of the request and notification to the requester will constitute completed action on the part of ACDA.

(b) Requests for records that have been furnished to the Agency by foreign governments or by international organizations will not be released unless the organization or government concerned has indicated that the particular information should or may be made public. Where international organizations or foreign governments concerned have not made such a determination the requester will be so advised, and if possible, furnished the address to which the request may be sent.

§ 602.15 Overseas requests.

Pursuant to the general policy outlined in § 602.3, ACDA has made arrangements to provide the U.S. Information Agency (USIA) with material for dissemination abroad. Requests for information or materials originating in an area served by a USIA office, and which is received at Agency headquarters, will be referred to USIA when appropriate for direct response to the requester. The USIA also from time to time disseminates abroad information on official U.S. positions and arms control and disarmament policy for the Agency.

§ 602.16 Responses and time limits on requests.

(a) An initial determination on a request for an Agency record will be made within 10 working days after receipt of the request, and the requester notified immediately.

(b) If it is determined that the requested record (or portions thereof) will be made available, the requested material will be included in the notification or, if that is not feasible, forwarded promptly after the initial determination, provided the fee has been paid in full.

(c) If prior to making an initial determination it is anticipated that the search costs chargeable for a request will amount to more than $10 or the amount of the payment accompanying the request, whichever is larger, the requester shall be promptly notified of the total amount of the anticipated fee or such portion thereof as can readily be estimated. In these instances an advance deposit in the estimated amount of the search costs may be required. The request for an advance deposit shall extend an offer to the requester to consult with Agency personnel in order to reformulate the request in a manner which will reduce the fee, yet still meet the needs of the requester.

(d) In instances where the Agency has requested an advance deposit, the date of receipt of the deposit will be considered as the request date which begins the period of response by the Agency.

(e) Receipt of a request for Agency records will be determined by the time and date the request is received in the ACDA Library, or, when classified records are requested, in the Office of the Chief, Communications and Information Center (CIC). Time and date of receipt will be recorded on the incoming request by use of an electrical time stamping device.

(f) Where an obvious delay in receipt of a request has occurred, such as in cases where the requester has failed to address the request properly, or where a delay has been caused in the mails, the Agency will dispatch to the requester an acknowledgment of the receipt of his request.

§ 602.17 Time extensions.

(a) In unusual circumstances the time limit for an initial or final determination may be extended, but not to exceed a total of 10 working days in the aggregate in the processing of any specific request for an Agency record. Distribution of the 10 days between processing an initial and processing a final determination will be made by the FOI Officer.

(b) Unusual circumstances means, but only to the extent reasonably necessary to the proper processing of the particular case:

(1) The need to search for and collect the requested records from other establishments that are physically separate from ACDA headquarters;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

(c) In exceptional circumstances, if it would be impossible to complete a search for or review of Agency records within the 10 working day period for an initial determination, the FOI Officer may seek an extension of time from the requester. If such an extension of time can be agreed upon, that fact will be clearly documented and the initial determination made within the extended time period; if not, an initial determination that the record cannot be identified or located, or reviewed, within the 10 working day time limit shall be made under § 602.16.

§ 602.18 Inability to comply with requests.

When a request cannot be fulfilled, the requester will be so informed with reasons, and any fees returned after deduction of applicable search costs. Such reasons may include, but are not limited to the following:

(a) Insufficient or vague identifying information which makes identification or location of the record impossible;

(b) No such record in existence;

(c) Record available for purchase from the Government Printing Office or elsewhere;

(d) Records destroyed pursuant to the Records Disposal Act.

Subpart C—Fees

§ 602.20 Schedule of fees.

(a) The following fees shall be applicable throughout the Agency with respect to service rendered to members of the public under this part:

(1) *Records Search.* By clerical personnel: First one-quarter hour free, each subsequent quarter hour or fraction thereof $1.50. By professional or supervisory personnel: fee to be established in each case.

(2) *Copying Service.* $0.10 per page.

(3) *Certification.* Certification of each record as a true copy. $1.00.

(4) *Printed Research Reports.* Printed research reports which are not published by the Government Printing Office are available in limited supply. The following schedule of fees for such reports will remain in effect until the supply of copies in stock is exhausted; thereafter reports will be copied at the expense of the requester in accordance with the fee schedule established for copying service.

(i) $1.00 per copy of each report of 50 pages or less.

(ii) $2.00 per copy of each report of 50 through 100 pages.

(iii) $4.00 per copy of each report of 101 through 300 pages.

(iv) $6.00 per copy of each report over 300 pages.

(b) When no specific fee has been established for a service or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Chief, Communications and Information Center (CIC), is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User Charges." An example of a service covered by this provision is a search involving computer time. Requesters will be provided with cost estimates in these instances.

§ 602.21 Waiver of fees.

The Chief, CIC, may waive or authorize the ACDA Librarian to waive all or part of any fee provided for in this subpart when he determines that waiver or reduction of the fee is either in the Agency's interest or in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 602.22 Fees for unsuccessful searches.

Unless waived, search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Agency determines that a record which has been requested, but which is exempt from disclosure under Agency regulations, is to be withheld.

§ 602.23 GPO and free publications.

(a) The index of records available in the Agency's Library will list the sales offices of records published by the Government Printing Office (GPO). The Agency will refer each requester to the appropriate sales office and refund any fee payments accompanying the request. Published records out of print at the GPO may be copied by the Agency for the requester at his expense in accordance with the fee schedule established for copying service. In some instances the Agency may have extra copies of out of print GPO records. These extra copies will be provided to requesters at the printed GPO price.

(b) The Agency makes some publications or records available to the public without charge. These regulations neither change that practice nor require payment of a fee by a requester unless the original stock has been exhausted and copying services are necessary to satisfy a request.

§ 602.24 Method of payment.

(a) Payment may be in the form of cash, a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed or delivered to the Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451.

(b) A receipt for fees paid will be given upon request.

Subpart D—Denial of Records

§ 602.30 Denials.

(a) Requests for inspection or copies of records may be denied where the information or record may be exempt from disclosure for reasons stated in § 602.31.

(b) Denials shall be in writing, shall set forth the reasons therefor, shall be signed by the name and title of the FOI Officer or person acting in his behalf and shall include an explanation of the requester's right to ask for an appeal, including the address to which an appeal may be directed.

§ 602.31 Exemptions.

The requirements of this part to make Agency records available do not apply to matters that are:

(a) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

(b) Related solely to the internal personnel rules and practices of the Agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel;

(h) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Subpart E—Review of Denials of Records

§ 602.40 Procedure for appealing initial determinations to withhold records.

(a) A member of the public who has requested an Agency record in accordance with Subpart B of this part and who has received an initial determination which does not comply fully with the request, may appeal such a determination.

(b) The appeal shall:

(1) Be in writing;

(2) Be initiated within 30 working days of the initial determination denying the request;

(3) Be sent by certified mail;

(4) Include a copy of the inital written request, a copy of the letter of denial, and the requester's reasons for appealing the denial; and

(5) Be addressed to the Executive Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451.

(c) The 30 day period for appealing a denial begins on the date of receipt of the denial by the requester in cases of denial of the entire request and from date of receipt of any records being made available in case of partial denial. The 30 day limitation may be waived, in the discretion of the Executive Officer, for good cause shown. The Agency will consider any request closed if, within 30 working days after a complete or partial denial, the requester fails to respond in writing, outlining his appeal.

§ 602.41 Decision on appeal.

(a) Except as provided in paragraph (b) of this section, review and final determination on an appeal shall be made by the Executive Officer of ACDA.

(b) When an initial determination to withhold access to a record is predicated on exemption in paragraph (a) listed in § 602.31 (i.e., continued classification of the record under an executive order), review of an appeal shall be made by the ACDA Classification Review Committee (hereinafter referred to as the "Committee"). The Committee shall make a written record of the reasons for its decision and the views of each member. The final determination on the appeal shall be in writing from the Chairman of the Committee to the requester, shall briefly state the reasons for the determination, and shall be promptly communicated to the requester. Copies of the Committee's records shall be made available to all Committee members and to the FOI Officer.

(c) Review of an appeal shall be made on the submitted record. No personal appearance, oral argument, or hearing shall be permitted.

(d) The final determination on an appeal from a denial shall be made, by either the Executive Officer or the Com-

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mittee as appropriate, within 20 working days of receipt of the appeal by the Agency. In unusual circumstances, and upon notification to the requester, a ten day extension of the time period may be authorized but only to the extent that such extension does not extend beyond 10 working days any time extension used under the initial review of the request.

(e) If the final determination is affirmative, the requester will be notified immediately and the requested material will be forwarded promptly in accordance with the procedure described in § 602.16 for notifications of initial determinations.

(f) If the final determination is to withhold a record in whole or in part, the requester will be notified immediately of the determination, the reasons therefore, and his right to judicial review.

(g) All decisions shall be indexed and available for inspection and copying in the same manner as other Agency final orders and opinions, if any, under 5 U.S.C. 552(a)(2).

Subpart F—Annual Report to the Congress

§ 602.50 Requirements for annual report.

(a) On or before March 1 of each calendar year, ACDA shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include the following information:

(1) The number of determinations made by ACDA not to comply with requests for records made to the Agency under this part and the reasons for each such determination;

(2) The number of appeals made by persons under Subpart E of this part, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under this part, and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of this Part 602 and any other rule or regulation made by ACDA regarding 5 U.S.C. 552;

(6) A copy of the fee schedule and the total amount of fees collected by ACDA for making records available under this part; and

(7) Such other information as indicates efforts to administer fully this part.

(b) The FOI Officer shall be responsible for preparing the report for review and submission to the Congress by the Executive Officer of ACDA.

Dated: November 28, 1975.

FRED C. IKLE,
Director.

[FR Doc.75-32710 Filed 12-3-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart X—Financial Distress Grants to Schools of Nursing

In the FEDERAL REGISTER of April 3, 1975 (40 FR 14932), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 by adding a new Subpart X to implement former section 805(b) of the Public Health Service Act (42 U.S.C. 296d(b)) authorizing the Secretary to award grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements.

Subsequent to publication of the notice of proposed rulemaking, Congress enacted the Nurse Training Act of 1975 (Pub. L. 94-63, title IX) which, effective July 1, 1975, repeals section 805 of the Public Health Service Act and adds a new section 815 continuing the authority of former section 805(b). In substance the new section 815 extends the same program of financial distress grants to schools of nursing which was formerly authorized by section 805(b). New section 815(b)(1) provides that the Secretary may not approve or disapprove an application for a grant except after consultation with the National Advisory Council on Nurse Training. Such consultation was formerly required under section 807 of the Public Health Service Act, and is provided for in § 57.2306(a) of the proposed regulations.

Since the financial distress program authorized by the new section 815 is substantively the same as that which was previously authorized under section 805(b), the Department will adopt the proposed regulations with several minor changes to conform with the Nurse Training Act of 1975, as set forth below. Throughout the regulations, references to the statutory authority for financial distress grants have been changed from the former section 805(b) of the Public Health Service Act to the new section 815. In addition, references to other sections of title VIII of the Public Health Service Act have been revised to conform with the redesignation of such sections under the Nurse Training Act of 1975. (For example, sections 841 and 843 of the Public Health Service Act, which are referred to in § 57.2302 of the proposed regulations, are redesignated as sections 851 and 853, respectively.)

The notice of proposed rulemaking which was published on April 3, 1975, offered interested persons the opportunity to participate in the rulemaking through submission of comments on or before May 5, 1975.

The only comment received concerned the eligibility of church-affiliated schools of nursing for financial distress grants and the related question of discrimination on the basis of religion in the admission of students to such schools. The writer expressed the view that grants to such schools would be in violation of the establishment of religion clause of the First Amendment to the Constitution. The Department recognizes the complexity of the issue of aid to church-affiliated educational institutions. This issue is currently before the Supreme Court in the form of a challenge to a State's program of general institutional support to all schools of higher education: "Roemer v. Board of Public Works of the State of Maryland" (Supreme Court No. 74-730). In light of the pendency of this issue and the lack of any statutory indication that church-affiliated institutions should be excluded from the financial distress grants program, which provides funds solely for the purposes of meeting operating costs of the nursing education programs of nursing schools or to assist such schools in meeting their accreditation requirements, it would be premature for the Department to prohibit such eligibility as a matter of law at this time.

The Department, however, has decided to make explicit in the regulations the existing constitutional prohibition against Federal assistance for sectarian instruction or other religious activities. In accordance with the Supreme Court's decision in "Tilton v. Richardson", 403 U.S. 672 (1970), concerning restrictions on the use of funds for sectarian activities, § 57.2308 of the proposed regulations has been revised to prohibit recipients of financial distress grant funds from using such funds for religious purposes.

With respect to the issue of discrimination on the basis of religion in the admission of students to church-affiliated schools, the Department considers such discriminatory practices to be contrary to the nurse training objectives of the financial distress grant program. The purpose of the program is to aid nursing schools which are in serious financial difficulty in order that they may continue to train nurses and thereby increase the supply and improve the distribution of nurses in the United States. Any nursing school which denies admission to qualified applicants for reasons unrelated to their qualification for the training involved, such as religion or creed, is less effective in meeting the nurse training needs of the Nation in that it arbitrarily excludes an element of the population which otherwise would be available to provide needed nursing services. Moreover, the capacity of such a school will not be utilized to the extent it would be were its students freely selected from among those persons best qualified to pursue its training program. For these reasons, a provision has been added to § 57.2309 of the proposed regulations, "Nondiscrimination," prohibiting grantees from discriminating on the basis of religion in the admission of individuals to their training programs.

Section 57.2309 of the proposed regulations, "Nondiscrimination," has also been revised to include a provision calling attention to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, relating to nondiscrimination of the handicapped. Finally, several minor editorial or technical changes have been made in the regulations as proposed.

Accordingly, a new Subpart X is added to 42 CFR Part 57 and is adopted as set forth below.

Effective date. These regulations are effective December 4, 1975.

Dated: October 23, 1975.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary.

Subpart X—Financial Distress Grants to Schools of Nursing

Sec.
57.2301 Applicability.
57.2302 Definitions.
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57.2313 Applicability of 45 CFR Part 74.
57.2314 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 815, 89 Stat. 358 (42 U.S.C. 296j).

§ 57.2301 Applicability.

The regulations of this subpart are applicable to the award of grants pursuant to section 815 of the Public Health Service Act (42 U.S.C. 296j) to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have a special need for financial assistance to meet accreditation requirements.

§ 57.2302 Definitions.

All terms not defined herein shall have the same meaning as given them under Title VIII of the Act. As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b)(1) "Construction" means the construction and equipping of new buildings and the acquisition and expansion of existing buildings (including related costs, such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings), and (2) the remodeling, alteration and repair of existing buildings.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 851 of the Act).

(d) "Fiscal year" means the Federal fiscal year as defined in 31 U.S.C. 1020(a).

(e) "Secretary" means the Secretary of Health, Education, and Welfare, and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(f) "School" or "school of nursing" means a school of nursing as defined in section 853(b) of the Act and which is accredited as provided in section 853(f) of the Act.

(g) "State" means any one of the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

§ 57.2303 Eligibility.

To be eligible for a grant under this subpart the applicant shall:

(a)(1) Be a school as defined in § 57.2302(f)(1) with operating income insufficient to meet operational costs required to maintain quality educational programs or (2) with special need for financial assistance to meet accreditation requirements of a nonrecurring nature. For purposes of this paragraph, a school will be considered to have such "special need" for financial assistance where the requirements necessary in order to have the program of education in professional nursing of such school accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education cannot be met within the school's operating income.

(b) Be located in a State as defined in § 57.2302(g).

§ 57.2304 Application.

(a) Each eligible school desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may require.[1]

(b) Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) The application shall contain a full and adequate description of the purpose for which the application is made, the manner in which the applicant intends to utilize funds awarded in accordance with this subpart, the proposed plan to eliminate the need for support under this subpart, and such other pertinent information as the Secretary may require.

§ 57.2305 Assurances required.

(a) Pursuant to section 815(b)(2) of the Act, the applicant shall submit an assurance satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which the grant is sought, an amount of non-Federal funds (excluding costs of construction as defined in § 57.2302(b) at least as great as the average amount of non-Federal funds (excluding expenditures of a nonrecurring nature, including costs of construction as defined in § 57.2302(b) expended for this purpose during the 3 fiscal years immediately preceding such fiscal year. The determination of the average amount of non-Federal funds expended by a new school during such 3-year period shall be the average for such of the preceding years as expenditures were actually made in carrying out the functions of the school: *Provided*, That the Secretary may, after consultation with the Council, waive the above requirements with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of section 815 of the Act.

(b) The Secretary may in individual cases require additional assurances where he finds that such additional assurances are necessary to carry out the purposes of section 815 of the Act.

§ 57.2306 Grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose support will best promote the purposes of section 815 of the Act, taking into consideration among other pertinent factors:

(1) The extent of the applicant's financial need to meet its costs of operation to maintain quality educational programs or to meet accreditation requirements;

(2) The actions which the applicant has taken or proposes to take to ameliorate the problem;

(3) The alternatives available to the applicant to meet its need for financial assistance; and

(4) The merit of the applicant's proposed plan to eliminate the long-range need for support under this program.

(b) The amount of any award under this subpart shall be determined by the Secretary on the basis of his estimate of the sum necessary to carry out the purposes of the applicant's approved plan.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee, generally a 12-month period.

(d) Neither the approval of any application nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, or other award with respect to any approved plan or portion thereof.

§ 57.2307 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a

[1] Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, 9000 Rockville Pike, Bethesda, Maryland 20014.

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portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.2308 Expenditure of grant funds.

(a) Grant funds awarded to schools for the purpose of meeting costs of operation to maintain quality educational programs may be expended in accordance with the applicable provisions of the Act, the regulations of this subpart, and the terms and conditions of the award to meet any operating costs of the school during the period for which the grant is made, including the liquidation of obligations incurred either by the grantee or parent institution prior to the date of the grant award to the extent such obligations were incurred for costs properly considered operating costs of the school: *Provided*, That such funds shall not be expended for (1) construction as defined in § 57.2302(b) (except that grant funds may be used for alteration and renovation); (2) student aid; or (3) depreciation, amortization or use charges: *And, provided, further*, That such funds shall not be expended for sectarian instruction or for any religious purpose. Such funds will be available for a fixed period set forth on the grant award statement based upon the Secretary's estimate of the time necessary to permit the school to utilize the grant funds to meet such operating costs.

(b) Grant funds awarded to schools for the purpose of meeting accreditation requirements shall be expended solely for carrying out the school's approved plan in accordance with the applicable provisions of the Act, the regulations of this subpart, the terms and conditions of the award and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74: *Provided*, That grant funds may only be used to pay direct costs: *And, provided, further*, That such funds shall not be expended for sectarian instruction or for any religious purpose. Such funds will be available for obligation through the end of the fiscal year following the fiscal year in which the grant is sought.

§ 57.2309 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and to 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(e) The Secretary may not make a grant under this subpart to an entity unless the application for such grant contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of religion in the admission of individuals to its training programs.

(f) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.2310 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each award the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(2) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420, Department of Health, Education, and Welfare Grants Administration Manual.[2]

(c) *Grant Closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each grant the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

§ 57.2311 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 57.2312 Inspection and audit.

Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives. In addition, the acceptance of a grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

§ 57.2313 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded pursuant to this subpart:

Subpart

A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
K Grant Payment Requirements.
L Budget Revision Procedures.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

§ 57.2314 Additional conditions.

The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interests of the public health or the conservation of grant funds, including where applicable that the school agree (a) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (b) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (c) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of a comprehensive cost analysis study or on the basis of other relevant information.

[FR Doc.75-32401 Filed 12-3-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5550; A-061629, AA-8253]

ALASKA

Partial Revocation of Executive Order No. 8278; Withdrawal of Lands for Native Selection; Transfer of Lands from Department of the Navy to the Coast Guard; Partial Revocation of Public Land Order No. 5187; Amendment of Public Land Order No. 5184

By virtue of the authority vested in the President and pursuant to sections 11(b)(3) and 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 696 (hereafter referred to as the Act), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is order as follows:

1. Executive Order No. 8278 of October 28, 1939, as amended, which withdrew lands for the Department of the Navy for naval purposes, is hereby revoked so far as it affects the following described lands:

Starting from Corner No. 5, U.S. Survey 2539 go east, 8,440 feet to a point on the 5–6 line of said survey, thence N. 47°09' E., 4,590 feet to Corner No. 1, which is the point of beginning; thence N. 42°51' W., 7,636 feet to Corner No. 2; N. 47°09' E., 3,925 feet to Corner No. 3; S. 42°51' E., 7,636 feet to Corner No. 4; S. 47°09' W., 3,925 feet to the point of beginning. Containing approximately 688.05 acres.

2. The lands described in paragraph 1 are hereby withdrawn pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), for selection by the Koniag Regional Corporation and appropriate village corporations within that Region.

3. Executive Order No. 8278 of October 28, 1939, as amended, which withdrew lands for use of the Department of the Navy for naval purposes is hereby revoked so far as it affects the following described lands, for the reason that said lands were on May 21, 1975, transferred pursuant to section 2571a, Title 10, U.S.C. (1970), to the Coast Guard, Department of Transportation for defense purposes and said lands are hereby reserved to the Coast Guard for such purposes:

All public land and water within the former Kodiak Naval Station and Kodiak Naval Communication Station more particularly described as:

KODIAK ISLAND

All land and water withdrawn by E.O. No. 8278 of October 28, 1939, as amended by PLO No. 1182 of July 1, 1955, and PLO No. 4119 of December 13, 1966, excepting those lands described in paragraph 1.

Containing approximately 29,182 acres.

4. Public Land Order No. 5187 of March 15, 1972, which withdrew lands in military reservations for the protection of the public interest under section 17(d)(1) of the Act is hereby revoked so far as it relates to the lands described in paragraph 1 of this order.

5. Public Land Order No. 5184 of March 9, 1972, which withdrew certain lands for classification and reclassification under section 17(d)(1) of the Act is hereby amended to include the lands described in paragraph 1 of this order.

6. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 1, 1975.

[FR Doc.75-32700 Filed 12-3-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–14; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Correction

In FR Doc. 75–21282, appearing at page 33977 in the issue of Wednesday, August 13, 1975, a conforming amendment of the date "August 15, 1975" as it appears in S6.2 and S6.3 of the standard was inadvertently omitted, although this change to these underlying sections is necessary to fully extend the effectiveness of S4.1.2.3 of the standard as intended.

Accordingly, the date "August 15, 1975", appearing in sections S6.2 and S6.3 of Standard No. 208, *Occupant Crash Protection*, is changed to "August 31, 1976".

(Sec. 103, 119 Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-32732 Filed 12-3-75;8:45 am]

[Docket No. 3–3; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials

This notice establishes a new section, S3A. *Definitions*, in Motor Vehicle Safety Standard No. 302, 49 CFR 571.302.

On September 16, 1975, the NHTSA published in the FEDERAL REGISTER its response to a petition for reconsideration of Motor Vehicle Safety Standard No. 302, Flammability of interior materials (40 FR 42746). The rule established a definition of the term "occupant compartment air space" that was supposed to be added to "S3A. *Definitions*." The wording of the amendment was faulty, however, since the Definitions section had not yet been established in Standard No. 302. This notice corrects the error by adding that section to the standard.

Petitions have been received from General Motors Corporation, Motor Vehicle Manufacturers Association, American Motors Corporation, and Ford Motor Company requesting that the definition of "occupant compartment air space" in Notice 9 be revoked. These petitions will be addressed in a separate notice. The purpose of this notice is only to promulgate the section heading which was omitted in error from Notice 9.

In light of the above, in place of the amendment numbered 1. in Docket 3–3, Notice 9 (40 FR 42746, September 16, 1975), Motor Vehicle Safety Standard No. 302 is amended by adding a new S3A. *Definitions*, reading as follows:

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S3A. *Definitions.*

"Occupant compartment air space" means the space within the occupant compartment that normally contains refreshable air.

Effective date: December 4, 1975. Because this amendment is of an interpretative nature and makes no substantive change in the rule, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-32733 Filed 12-3-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex parte No. 54]

PART 1010—COMPETITIVE BIDS

Bids of Carriers Subject to the Clayton Antitrust Act

DECEMBER 1, 1975.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of November, 1975.

It appearing, That by order of the Commission, dated October 6, 1919, as amended October 4, 1920, this proceeding was instituted for the purpose of establishing the rules and regulations pertaining to competitive bidding for the securities, supplies, other articles of commerce, and certain contracts, as directed by section 10 of the Clayton Antitrust Act (38 Stat. 734, 15 U.S.C. 20), which regulations are presently found in 49 CFR 1010.1 to 1010.7;

It further appearing, That, by petition filed August 29, 1975, Southern Railway Company, of Washington, D.C., and Union Pacific Railroad Company, of Salt Lake City, Utah, both class I railroads subject to Part I of the Interstate Commerce Act, request that the regulations found at 49 CFR 1010.1(b) and 1010.2(a) be amended; that at present the regulations read, as pertinent herein, as follows:

Section 1010.1(b)

• • • Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date on or before which the bids must be submitted • • •

Section 1010.2(a)

Every bid to receive consideration shall be submitted at the place specified in the notice on or before noon of the day on which the bids shall be opened after noon and before 6 o'clock, on the day and at the place and by the person or persons designated in the notice • • •;

that the petition seeks to amend the regulations to read as follows:

Section 1010.1(b)

• • • Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date *and time at* or before which the bids must be submitted, and the person by whom • • •; (modification *underscored*)

Section 1010.2(a)

Every bid to receive consideration shall be submitted at the place *and at or before the hour* specified in the notice *for the* receipt of bids. *The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day,* and the bids shall be opened after *the specified hour* and before six o'clock on the day and at the place and by the person or persons designated in the notice • • •; (modifications in italic);

and, that the reason for the proposed modifications is that at the present time the winning bidder is unable to confirm its own sales of the securities, etc., resulting in unnecessary risks which will be alleviated by the proposed modification;

It further appearing, That statements in support of the modifications of the regulations were submitted by spokesmen for Salomon Brothers; Merrill Lynch, Pierce, Fenner & Smith Incorporated; Halsey, Stuart & Co., Inc.; Burlington Northern Inc.; The Chesapeake and Ohio Railway Company, The Baltimore and Ohio Railroad Company and Western Maryland Railway Company jointly; Norfolk and Western Railway Company; Seaboard Coast Line Railroad Company; and The Atchison, Topeka and Santa Fe Railway Company; and that all the supporting statements maintain that the procedural modifications requested in the petition are reasonable and will improve the procedure for competitive bidding;

It further appearing, That, as presently set forth in the above regulations, the procedure and notice requirements may be, under certain circumstances, cumbersome and result in unnecessary risks to the winning bidders; that the modifications of the regulations would eliminate such difficulties; and that under these circumstances and for other good cause, the regulations should be modified as shown below; and

It further appearing, That such modifications constitute procedural rule changes within the exception to section 553 of the Administrative Procedure Act; and that notice and hearing of the proposed modifications are therefore not required.

It is ordered, That for the aforesaid reasons, the regulations found at 49 CFR 1010.1(b) and 1010.2(a), as modified and set forth below, be, and they are hereby, adopted;

It is further ordered, That this order shall become effective on the date of service;

It is further ordered, That except as herein modified, the report and order of October 6, 1919, in this proceeding, as amended by order of October 4, 1920, and as modified and supplemented, shall remain in full force and effect; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action having a significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

§ 1010.1 Specifications, form of proposal and contract; publication of request of bids; variation from the generally applicable procedure.

• • • • • •

(b) The carrier shall publish in each case a request for bids in at least two daily newspapers of general circulation, at least two publications in each week for 2 weeks, the first publication to be at least 2 weeks immediately preceding the day when the bids are to be submitted; one such newspaper shall be published or shall be of general circulation in the city or town where the principal operating office of the carrier is located and the other newspaper shall be published in one other of the following cities nearest to the operating or financial office of the carrier or the place where the contract is to be performed, namely: New York, N.Y., Boston, Mass., Chicago, Ill., St. Louis, Mo., Atlanta, Ga., San Francisco, Calif., and Portland, Oreg.; and a printed copy of the published notice in each case shall be posted in plain view, for 2 weeks immediately preceding the day on which bids are to be received, on a bulletin board, designated for that purpose, in a public and conspicuous place in the building where the principal operating office of the carrier is located.

(1) Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date and time at or before which the bids must be submitted, and the person by whom and the office at which the bids submitted will be received and opened as provided in this part. The carrier may in said notice reserve the right to reject, any and all bids and may, at its option, require each bidder to tender a bond in a reasonable sum to be therein named, with sufficient surety or sureties conditioned upon the faithful and prompt performance of the terms of the contract.

• • • • • •

§ 1010.2 Opening of bids; bonds; forms and contents of bids.

(a) Every bid to receive consideration shall be submitted at the place and at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day, and the bids shall be opened after the specified hour and before six o'clock on the day and at the place and by the person or persons designated in the notice. Each bidder may attend in person or by duly authorized representative at the opening of the bids, and shall be afforded an opportunity to do so and to examine each bid. The bids shall forthwith be tabulated in conformity with the form of proposal prepared and a copy of such tabulation shall be promptly furnished to any bidder or his authorized representative upon application therefor.

Consideration by the Interstate Commerce Commission of a petition to modify the notice requirements embodied in 49 CFR 1010.1(b) and 1010.2(a) pertaining to the request for and consideration of bids for the securities, supplies, other articles of commerce, and certain contracts of carriers subject to the Clayton Antitrust Act.

On August 29, 1975, a petition was filed by Southern Railway Company and the Union Pacific Railway Company requesting that the regulations found at 49 CFR 1010.1(b) and 1010.2(a) be amended.

Two proposed changes were requested. The first involved changing the contents of the published notice of the competitive bidding to include the time at or before which the bids must be submitted. The second concerned a change in the time the bids shall be submitted, from "on or before noon" to "at or before the hour" specified in the notice, provided the time is from 10:00 a.m. until 3:00 p.m.

No hearing will be held as the matter is procedural in nature and as such falls within the exception to section 553 of the Administrative Procedure Act.

It is ordered, That 49 CFR 1010.1(b) and 1010.2(a) are revised to read as follows:

• • • • • •

§ 1010.1 Specifications, form of proposal and contract; publication of request for bids; variation from the generally applicable procedure.

• • • • • •

(b) The carrier shall publish in each case a request for bids in at least two daily newspapers of general circulation, at least two publications in each week for 2 weeks, the first publication to be at least 2 weeks immediately preceding the day when the bids are to be submitted; one such newspaper shall be published or shall be of general circulation in the city or town where the principal operating office of the carrier is located and the other newspaper shall be published in one other of the following cities nearest to the operating or financial office of the carrier or the place where the contract is to be performed, namely: New York, N.Y., Boston, Mass., Chicago, Ill., St. Louis, Mo., Atlanta, Ga., San Francisco, Calif., and Portland, Oreg.; and a printed copy of the published notice in each case shall be posted in plain view, for 2 weeks immediately preceding the day on which bids are to be received, on a bulletin board, designated for that purpose, in a public and conspicuous place in the building where the principal operating office of the carrier is located.

(1) Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date and time at or before which the bids must be submitted, and the person by whom and the office at which the bids submitted will be received and opened as provided in this part. The carrier may in said notice reserve the right to reject, any and all bids and may, at its option, require each bidder to tender a bond in a reasonable sum to be therein named, with sufficient surety or sureties conditioned upon the faithful and prompt performance of the terms of the contract.

§ 1010.2 Opening of bids; bonds; form contents of bids.

(a) Every bid to receive consideration shall be submitted at the place and at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day, and the bids shall be opened after the specified hour and before six o'clock on the day and at place and by the person or persons designated in the notice. Each bidder may attend in person or by duly authorized representative at the opening of the bids, and shall be afforded an opportunity to do so and to examine each bid. The bids shall forthwith be tabulated in conformity with the form of proposal prepared and a copy of such tabulation shall be promptly furnished to any bidder or his authorized representative upon application therefor.

• • • • • •

Issued in Washington, D.C. on the 20th day of November 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32744 Filed 12-3-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Mason Neck National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

VIRGINIA

MASON NECK NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from April 1 through November 30, during daylight hours on Woodmarsh Trail only, as posted, for nature study, photography, and sightseeing. Advance appointments for environmental education trips must be made with the refuge manager.

The refuge, comprising 1,025 acres, and those portions open to public access are delineated on maps available from the Refuge Manager, Mason Neck National Wildlife Refuge, 14015 Jefferson Davis Highway, Woodbridge, Virginia 22191, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
Fish and Wildlife Service.

NOVEMBER 28, 1975.

[FR Doc.75-32665 Filed 12-3-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Miscellaneous Amendments

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to revise the delegations of authority to the Administrator, Agricultural Marketing Service, to delete the designation as Chairman of the Commodity Exchange Commission and to add the management support functions for the Packers and Stockyards Administration that were formerly assigned to the Economic Management Support Center, as follows:

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

1. Section 2.50(a) is amended to revise subparagraph (5) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) *Delegations.* • • •

(5) Provide management support services for the Packers and Stockyards Administration, as agreed upon by the agencies, with authority to take actions required by law or regulation. As used herein, the term, management support services, includes budget, finance, personnel, procurement, property management, communications, messenger and paperwork management, and related administrative services, but excludes fiscal accounting.

• • • • • •

(5 U.S.C. 301, Reorganization Plan No. 2 of 1953 (5 U.S.C. Appendix)).

Effective date: December 4, 1975, for Subpart F.

Dated: December 1, 1975.

RICHARD L. FELTNER,
Assistant Secretary for
Marketing and Consumer Services.

[FR Doc.75-32743 Filed 12-3-75;8:45 am]

V40234 DEC 4 75 XUM

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 356]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 5–11, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.656 Navel Orange Regulation 356.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fairly strong. Prices f.o.b. averaged $4.65 a carton on a reported sales volume of 693 carlots last week, compared with an average f.o.b. price of $5.01 per carton and sales of 424 carlots a week earlier. Track and rolling supplies at 312 cars were up 266 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 5, 1975, through December 11, 1975, are hereby fixed as follows:

(i) District 1: 1,330,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 70,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-32919 Filed 12-3-75;11:44 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-804]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Arapahoe	Deer Trail, town of	Nov. 24, 1975, emergency	Nov. 29, 1974		
Idaho	Kootenai	Worley, city of	do	Sept. 6, 1974		
Indiana	Vigo	Seelyville, town of	do	Nov. 29, 1974		
Maine	Penobscot	Hampden, town of	do	Nov. 8, 1974		
Massachusetts	Worcester	West Boylston, town of	do	July 26, 1974		
Michigan	Oakland	Highland, township of	do			
New Jersey	Sussex	Hardyston, township of	do	Sept. 6, 1974		
Do	do	Lafayette, township of	do	Dec. 20, 1974		
New York	Genesee	Bergen, village of	do			
Do	Madison	Smithfield, town of	do	Oct. 25, 1974		
North Carolina	Beaufort	Pantego, town of	do	Sept. 6, 1974		
Oklahoma	Woods	Freedom, town of	do	Nov. 8, 1974		
Do	Caddo	Gracemont, town of	do	Dec. 6, 1974		
Do	Le Flore	Poteau, city of	do	Nov. 1, 1974		
Pennsylvania	Berks	Brecknock, township of	do	Sept. 13, 1974		
Do	Chester	Charlestown, township of	do	Oct. 18, 1974		
Do	Cambria	Ferndale, borough of	do	Nov. 8, 1974		
Do	Blair	Logan, township of	do	Jan. 3, 1975		
Do	Berks	Longswamp, township of	do	Nov. 1, 1974		
Do	Montour	Washingtonville, borough of	do			
South Carolina	Spartanburg	Landrum, town of	do	Nov. 8, 1974		
Texas	Travis	Sunset Valley, city of	do			
Vermont	Orange	Braintree, town of	do	Dec. 13, 1974		
West Virginia	Preston	Reedsville, town of	do	Nov. 15, 1974		
Wisconsin	Washburn	Minong, village of	do	Aug. 30, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Barbour	Louisville, town of	Nov. 25, 1975, emergency	Jan. 10, 1975		
Florida	Highland	Unincorporated areas	do	Dec. 20, 1974		
Illinois	Clinton	New Baden, village of	do	May 24, 1974		
Do	Sangamon	Thayer, village of	do	Mar. 22, 1974		
Kentucky	Jackson	Unincorporated areas	do			
New Mexico	Los Alamos	do	do	Oct. 25, 1974		
New York	Resselaer	Berlin, town of	do	Aug. 30, 1974		
Do	Lewis	Harrisburg, town of	do	do		
Ohio	Highland	Greenfield, city of	do	Mar. 1, 1974		
Oregon	Morrow	Irrigon, city of	do	Nov. 29, 1974		
				Oct. 3, 1975		
Pennsylvania	Cambria	Adams, township of	do	July 18, 1975		
Do	Huntingdon	Brady, township of	do	Jan. 24, 1975		
Do	Cumberland	Penn, township of	do	Jan. 3, 1975		
West Virginia	Jackson	Unincorporated areas	do	Jan. 17, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Boone	Unincorporated areas	Nov. 26, 1975, emergency	Nov. 29, 1974		
Ohio	Cuyahoga	Beachwood, city of	do	July 11, 1975		
Pennsylvania	Wayne	Starrucca, borough of	do	Sept. 6, 1974		
Do	Centre	Snow Shoe, township of	do	Sept. 13, 1974		
Wisconsin	Price	Catawba, village of	do	Nov. 8, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Sangamon	Springfield, city of	Nov. 28, 1975, emergency	June 7, 1974		
				Oct. 3, 1975		
Indiana	Tippecanoe	Battle Ground, town of	do	May 24, 1974		
Kansas	Wabaunsee	Paxico, city of	do	Dec. 20, 1974		
Massachusetts	Plymouth	Bridgewater, town of	do	July 19, 1974		
Missouri	Scott	Scott City, city of	do	Apr. 12, 1974		
				Nov. 14, 1975		
New York	Oneida	Boonville, town of	do	Sept. 6, 1974		
Do	Cattaraugus	Franklinville, town of	do			
Do	Rockland	Haverstraw, village of	do	Apr. 12, 1974		
Do	Cattaraugus	Little Valley, town of	do	Oct. 25, 1974		
Do	Schoharie	Middleburgh, village of	do	May 31, 1974		
North Dakota	Cass	Horace, city of	do	Nov. 29, 1974		
Ohio	Hamilton	Mount Healthy, city of	do	June 7, 1974		
Pennsylvania	Greene	Richhill, township of	do	Jan. 17, 1975		
South Carolina	Lexington	Pine Ridge, town of	do	June 21, 1974		
South Dakota	Brown	Hecla, city of	do			
Washington	Whatcom	Nooksack, town of	do	Nov. 22, 1974		
Wisconsin	Richland	Boaz, village of	do	Aug. 23, 1974		

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Litchfield	Bethlehem, town of	Nov. 28, 1975, emergency	Feb. 21, 1975		
Florida	Putnam	Crescent City, city of	do			
Georgia	Effingham	Unincorporated areas	do			
Illinois	La Salle	Sheridan, village of	do	Apr. 12, 1974		
Kansas	Shawnee	Auburn, city of	do	Oct. 25, 1974 Nov. 7, 1957		
New York	Sullivan	Bloomingburgh, village of	do	Nov. 15, 1974		
Do.	Essex	Lake Placid, village of	do	do		
Ohio	Lake	Mentor-on the Lake, city of	do	July 11, 1975		
Oklahoma	Muskogee	Webbers Falls, town of	do	Jan. 10, 1975		
Oregon	Sherman	Rufus, city of	do	Dec. 13, 1974		
Pennsylvania	Tioga	Duncan, township of	do	Nov. 1, 1974		
Do.	Potter	Genesee, township of	do	Apr. 4, 1975		
Do.	Susquehanna	Montrose, borough of	do	Jan. 10, 1975		
Do.	Beaver	Patterson, township of	do	Dec. 13, 1974		
Do.	Bradford	Terry, township of	do	Oct. 18, 1974		
Do.	Chester	Warwick, township of	do	Sept. 13, 1974		
South Dakota	Yankton	Mission Hill, town of	do	Dec. 12, 1974		
Wisconsin	Dane	Cambridge, village of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, (34 F.R. 2680, Feb. 27, 1969) as amended (39 F.R. 2787, Jan. 24, 1974)).

Issued: November 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32595 Filed 12-3-75;8:45 am]

[Docket No. FI-806]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Administrative Withdrawal of Special Flood Hazard Maps

● Purpose. The purpose of this notice is to amend Part 1915 of Title 24 of the Code of Federal Regulations to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968 (Pub. L. 90–448), as amended; and the Flood Disaster Protection Act of 1973 (Pub. L. 92–234, December 31, 1973), 42 U.S.C. 4001–4128, was suspended. ●

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et. seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 1915.1 is revised to read as follows:

§ 1915.1 Purpose of this part.

42 U.S.C. 4101 authorizes the Administrator to identify and publish information with respect to all flood plain areas within the United States having special flood hazards, mudslide (i.e., mudflow) areas having special mudslide hazards, and flood-related erosion areas having special erosion hazards. The purpose of this part is to list those communities that have been identified by the Administrator as having such special flood, mudslide (i.e., mudflow) or flood-related erosion hazards. Additional communities will be added to this list from time to time as the necessary information becomes available. This part also provides a list of communities for which detailed engineering data in the form of water surface elevation data for the flood with one percent chance of annual occurrence has been made available, and the flood insurance rate zones for the special hazard areas within those communities. Additionally, this Part contains information concerning the revision of Flood Hazard Boundary Maps (FHBM's) or Flood Insurance Rate Maps (FIRM's), and notice of administrative withdrawal of special flood hazard maps (i.e., FHBM's or FIRM's).

2. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).* The following is a cumulative list of withdrawals pursuant to this part:

40 F.R. 5149
40 F.R. 17015
40 F.R. 20798
40 F.R. 46102
40 F.R. 53579
40 F.R. 56672

(b) *Flood Insurance Rate Maps (FIRM's).* The following is a cumulative list of withdrawals pursuant to this part:

40 F.R. 17015

3. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6.

State	County	Location	Map number and F.R. citation	Effective date of withdrawal
Arkansas	Hempstead	McNab, town of [3]	H 050258 01; Vol. 40, No. 93, pg. 20808.	Sept. 30, 1975.
California	Los Angeles	Artesia, city of [1]	H 060097 01; Vol. 39, No. 152, pg. 28249.	Sept. 25, 1975.
Do.	Santa Clara	Unincorporated areas [1]	H 060337 01–06; Vol. 39, No. 216, pg. 39444.	Oct. 28, 1975.
Do.	Los Angeles	South El Monte, city of [1]	H 060162 01–02; Vol. 39, No. 135, pg. 25649.	Oct. 6, 1975.
Do.	Sutter	Unincorporated areas [1]	H 060394 01–03; Vol. 39, No. 212, pg. 38626.	Oct. 2, 1975.
Colorado	Bent	Las Animas, city of [1]	H 08 011 1470 01; Vol. 39, No. 6, pg. 1431.	Sept. 25, 1975.
Do.	Logan	Merino, town of [1]	H 080113 01; Vol. 39, No. 238, pg. 43080.	Do.
Florida	Bay	Edgewater Beach, town of [3]	H 120007 01; Vol. 39, No. 186, pg. 34270.	Oct. 28, 1975.
Do.	do	Long Beach Resort, city of [3]	H 120045 01; Vol. 39, No. 186, pg. 34270.	Do.
Georgia	Upson	Flowery Branch, city of [3]	H 130345 01; Vol. 39, No. 212, pg. 38626.	Sept. 24, 1975.
Do.	Gordon	Ranger, town of [3]	H 130320 01; Vol. 40, No. 93, pg. 20809.	Sept. 30, 1975.
Idaho	Madison	Sugar City, city of [1]	H 06 065 1760 01; Vol. 38, No. 233, pg. 33467.	Oct. 22, 1975.
Illinois	Cook	Hillside, village of [1]	H 17 031 3940 01–02; Vol. 39, No. 81, pg. 14602.	Sept. 25, 1975.
Do.	McLean	Chenoa, city of [1]	H 170492 01; Vol. 40, No. 19, pg. 4128.	Oct. 28, 1975.
Do.	Vermillion	Ridge Farm, village of [1]	H 170669 01; Vol. 39, No. 241, pg. 43393.	Oct. 31, 1975.
Do.	Schuyler	Rushville, city of [1]	H 17 169 7600 01; Vol. 39, No. 42, pg. 7934.	Do.
Indiana	Wayne	Pennville, town of [3]	H 18 177 3920 01; Vol. 39, No. 23, pg. 4099.	Sept. 24, 1975.
Do.	Warren	State Line City, town of [1]	H 180396 01; Vol. 40, No. 42, pg. 8812.	Oct. 10, 1975.
Iowa	Lee	Donnellson, city of [1]	H 19 111 2370 01; Vol. 39, No. 85, pg. 15103.	Oct. 22, 1975.
Kansas	Harper	Anthony, city of [1]	H 200126 01; Vol. 39, No. 152, pg. 28255.	Sept. 25, 1975.
Do.	Kearny	Lakin, city of [1]	H 20 093 2940 01–04; Vol. 39, No. 6, pg. 1432.	Do.
Maryland	Dorchester	Church Creek, town of [3]	H 240101 01; Vol. 39, No. 224, pg. 40571.	Oct. 23, 1975.
Missouri	Audrain	Benton City, village of [3]	H 290015 01; Vol. 39, No. 248, pg. 44395.	Oct. 1, 1975.
Do.	Benton	Lincoln, city of [1]	H 290029 01; Vol. 39, No. 115, pg. 20691.	Oct. 28, 1975.
Do.	Gasconade	Rosebud, city of [1]	H 290144 01; Vol. 39, No. 224, pg. 40571.	Sept. 25, 1975.
Nebraska	Dawson	Cozad, city of [1]	H 310059 01; Vol. 39, No. 119, pg. 21144.	Do.
New Jersey	Union	Westfield, town of [1]	H 340475 01–03; Vol. 39, No. 130, pg. 24642.	Do.
New York	Chenango	Smithville, town of [3]	H 361040 01–04; Vol. 40, No. 33, pg. 6960.	Oct. 7, 1975.
Do.	Columbia	Valatie, village of [3]	H 361508 01; Vol. 39, No. 231, pg. 41505.	Oct. 14, 1975.
Ohio	Hardin	Ada, village of [1]	H 390251 01; Vol. 39, No. 119, pg. 21146.	Sept. 25, 1975.
Oregon	Douglas	Oakland, city of [3]	H 410271 01; Vol. 40, No. 19, pg. 4130.	Oct. 1, 1975.
Pennsylvania	Chester	East Fallowfield, township of [3]	H 421479 01–03; Vol. 39, No. 186, pg. 34275.	Oct. 28, 1975.
Do.	Huntingdon	Marklesburg, borough of [1]	H 422574 01–03; Vol. 40, No. 24, pg. 5157.	Sept. 30, 1975.
Texas	Hidalgo	Palmhurst, city of [1]	H 480346 01–02; Vol. 39, No. 178, pg. 32899.	Oct. 22, 1975.

REASONS FOR WITHDRAWAL:

[1] The community appealed its flood-prone designation and FIA determined the community would not be inundated by a flood having a 1-percent chance of occurrence in any given year.
[2] The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
[3] The community lacked enabling authority over the special flood hazard areas.
[4] The FHBM does not accurately reflect the community's special flood hazard areas (i.e. sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
[5] A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, (34 F.R. 2680, Feb. 27, 1969)).

Issued: November 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32596 Filed 12-3-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 141, 142, 143, 159]

ENTRY OF MERCHANDISE

Proposed New Duty Assessment by Account (DABA) Procedure

Notice of proposed amendments to Parts 141, 142, 143, and 159 of Customs Regulations (19 CFR Parts 141, 142, 143, 159), pertaining to the establishment of a new Duty Assessment by Account (DABA) procedure, which would permit an importer who qualifies for the proposed procedure to file at a single designated port of entry a package of entry documents and one estimated duty deposit covering all of the importer's shipments released in the United States during the previous month, was published in the FEDERAL REGISTER on Friday, October 3, 1975 (40 FR 45825). Pursuant to that notice, the public was given until December 2, 1975, to submit data, views, or arguments pertaining to the proposed amendments.

Requests have been received for an extention of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments with respect to the cited amendments is extended to February 2, 1976.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-32912 Filed 12-3-75;10:21 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1060]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby gievn that, pursuant to the provisfons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Minnesota-North Dakota marketing area is being considered for the months of December 1975, January and February 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before December 9, 1975. The time provided for such filing is reasonable under the circumstances. If it should be found that an emergency marketing situation exists that would warrant suspension action and an effective date beginning December 1, 1975, as proposed, only a limited time would be available to effectuate such emergency action. Any such action would not require of persons affected substantial or extensive preparation prior to the effective date. Persons known to be interested in the proposed suspension have been notified prior to FEDERAL REGISTER publication of this notice. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1060.13, *Producer milk:*

a. The parts of paragraph (c)(1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

b. The parts of paragraph (c)(2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

STATEMENT OF CONSIDERATION

The proposed suspension would permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of December 1975 and January and February 1976.

The order provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The suspension action is requested by Land O'Lakes, Inc., to accommodate the handling of reserve milk on the market. The producer association, which represents producers supplying a substantial portion of the market's total fluid needs, claims that such suspension action is necessary in order to allow more economic handling of the market's reserve milk during the months of December 1975, and January and February, 1976.

The association expressed the belief that in the months of December 1975, January and February 1976, reserve milk supplies associated with regulated plants under the Minnesota-North Dakota order will exceed the specified diversion limits. Thus, they contend, if the diversion limitations are not suspended for the three months, a portion of the reserve milk of the market, if it is to be priced under the order, must be moved from farms to pool plants and then reshipped to manufacturing plants rather than being moved directly from the farms to such plants. The association estimates that under such circumstances, additional handling costs would be incurred amounting to about $5,000 dollars during each of the three months.

The petitioner pointed out that diversion limitations under the order have been a reoccuring problem the same provisions having been suspended for the months of January, February, July, and August 1975. Petitioner further pointed out that "the problem, was dealt with at the November 1974 hearing to consider merging the Minnesota-North Dakota order with other orders. A final decision is now pending in that proceeding. In the interim, suspension of diversion limitations would create potential cost savings and promote orderly marketing."

Signed at Washington, D.C., on November 28, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc.75-32652 Filed 12-3-75;8:45 am]

[7 CFR Part 1063]

MILK IN QUAD CITIES—DUBUQUE MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Quad Cities—Dubuque marketing area is being considered for the months of December 1975 and January 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 on or before December 9, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

Section 1063.13(b)(2), that limits diversion of a producer's milk from a pool plant to a nonpool in September through January to the number of days that his milk was delivered from his farm to a pool plant during the month.

The proposed suspension would remove the limitation on diversion of producer milk in December 1975 and January 1976.

Land O'Lakes, Inc., requests this suspension to accommodate the handling of reserve supplies of milk for this market. The cooperative states that in order to maintain pool status for the milk of certain of its producers, it is directing the milk from farms in the Clinton, Iowa area to its pool plant in Cedar Rapids, Iowa, and then reloading the milk for transfer to a nonpool plant in Clinton. This proopsed suspension would permit continued producer milk status for milk moved directly from producers' farms to a nonpool plant.

Signed at Washington, D.C., on November 28, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc.75-32651 Filed 12-3-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORT

Proposed Revision of Animal Export Regulations

Correction

In FR Doc. 75-30791 appearing at page 53262 in the issue of Monday, November 17, 1975, in the table to § 91.9(c) on page 53266, under "Containers 7 feet 3 inches in width," the second and third entries in the fourth column reading "70.1 and 75.5" should read "70.0 and 75.6" respectively.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 330]

[Docket No. 75N-0345]

MARKETING STATUS OF INGREDIENTS RECOMMENDED FOR OVER-THE-COUNTER USE

Proposed Rulemaking and Enforcement Policy

The Commissioner of Food and Drugs is proposing to amend Part 330 (21 CFR Part 330) to set forth the policy of the Food and Drug Administration regarding the marketing of over-the-counter (OTC) drug products containing either (a) an ingredient at a dosage level higher than that currently available in an OTC product or (b) an ingredient that is currently limited to prescription use, but is regarded by an OTC drug advisory review panel as generally recognized as safe and effective and not misbranded for OTC use. Interested persons have until February 6, 1975 to submit comments. The proposed effective date of the regulation is 30 days after the date of publication of the final regulation in the FEDERAL REGISTER, but the Commissioner intends to make the enforcement policy set forth effective immediately.

THE OVER-THE-COUNTER DRUG REVIEW

Under procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), a review of the safety and effectiveness of OTC drug ingredients was undertaken by the Food and Drug Administration. Advisory review panels were appointed to evaluate the safety and effectiveness of OTC ingredients, to review labeling for OTC drugs, and to advise the Commissioner on the promulgation of monographs establishing conditions under which OTC drug ingredients are generally recognized as safe and effective and not misbranded (category I). Each advisory review panel was instructed to include in its report to the Commissioner a statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that their use would result in OTC products not being generally recognized as safe and effective or would result in misbranding (category II). Each panel was also instructed to include in its report a statement of all ingredients, labeling claims or other statements, or other conditions reviewed and not included in the monograph on the basis of the panel's determination that the available data are insufficient to classify a drug in category I or category II and for which further testing is required (category III).

The advisory review panels were also directed to review and make recommendations concerning any prescription drug ingredients that could be used safety and effectively by laymen. Several panels have considered or are considering ingredients that are currently marketed only in prescription drug products. A number of the panels have also recommended that the dosage level of some ingredients currently available in OTC products be increased to a level that the panel believes is generally recognized as or likely to be safe and effective.

The OTC panels' consideration of prescription ingredients and of increased dosage levels of OTC ingredients is appropriate, but it has raised questions about the current marketing status of such ingredients and dosage levels. A number of years prior to establishing the OTC review procedures in Part 330, the agency adopted by regulation under § 310.200 (21 CFR 310.200) a procedure for transferring to OTC status new drugs which had previously been marketed only as prescription products. This regulation was not amended at the time the OTC procedures were adopted, and there has been some confusion over whether both regulations apply to a new drug ingredient which is a prescription drug under review by an OTC review panel. It is therefore necessary to clarify the relationship between § 310.200 and Part 330.

Confusion has also resulted from the fact that some OTC review panels have tentatively determined that certain ingredients that have been used only in prescription drug products can be considered as safe and effective in OTC drug products (category I), or as potentially safe and effective for OTC use pending the outcome of additional studies (category III). In addition, some panels have concluded that the currently available OTC dosage levels of some ingredients are too low to be effective, and have therefore recommended that higher dosage levels should be used.

Some manufacturers have, in light of these recommendations, initiated OTC marketing of these prescription ingredients pending completion of the OTC drug review, relying on previous informal expressions of general Food and Drug Administration policy. The Commissioner is also concerned that some manufacturers may be contemplating increasing the dosage level of some OTC ingredients on the basis of these anticipated recommendations to the agency.

Accordingly, the Commissioner is now stating the enforcement policy of the Food and Drug Administration so that all interested persons will know the regulatory status of such ingredients prior to final promulgation of an applicable OTC drug monograph.

PROCEDURES FOR CHANGING FROM PRESCRIPTION TO OTC STATUS

There are two procedures, described in § 310.200 and in Part 330, by which a prescription drug ingredient may lawfully be marketed for OTC use: Virtually all of the prescription drug ingredients that the OTC panels are considering were introduced into the market as prescription drug products through the new drug procedures under Part 314 (21 CFR Part 314). Prior to the OTC drug review, the procedures for obtaining approval to market a prescription ingredient as an OTC ingredient were by petition to the Food and Drug Administration following procedures set forth under § 310.200 (implementing section 503(b)(3) (21 U.S.C. 353(b)(3)) of the Federal Food, Drug, and Cosmetic Act by providing a procedure for transferring a prescription new drug to OTC status). This procedure may be initiated by the Commissioner or by a petition from any interested person, which may be in the form of a supplement to an approved new drug application. Paragraph (c) of § 310.200 provides that a drug so transferred continues to be regarded as a new drug, and this procedure thus differs from the pro-

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cedure afforded by the OTC drug review process.

The OTC drug review process under Part 330 provides another procedure by which a prescription ingredient can be transferred to OTC status. This process includes review by an OTC review panel (with a resulting recommendation for OTC use), publication in the FEDERAL REGISTER of a proposed monograph (ordinarily accompanied by the adopted report of the panel) for comment, publication of a tentative final monograph, and finally promulgation of a final OTC drug monograph. Only after promulgation of a final monograph will drug products containing ingredients classified by an OTC review panel as category I for a particular indication, route of administration, and in a specified dosage level, whether or not introduced to the market through the new drug procedures, no longer be regarded as new drugs subject to section 505 of the act. At the time of publication of a final monograph prescription requirements will also be waived; a new drug application will not be required for marketing of any OTC drug product complying with the monograph; and any outstanding approved new drug applications for products that can be marketed under the conditions set out in the monograph will be revoked.

Any ingredient that is not being or has not been reviewed by an OTC review panel and that is limited to prescription use under section 503(b)(1)(C) of the act may be the subject of a proposal initiated by the Commissioner or by a petition from an interested party under the procedures set forth in § 310.200. Because there may be some confusion as to whether such a petition pursuant to § 310.200 is required for a prescription drug ingredient that is the subject of an approved new drug application and that has been classified as generally recognized as safe and effective in a final monograph, the Commissioner proposes to amend that section to make clear that the OTC drug review process is another procedure for transferring an ingredient from prescription to OTC status.

OTC REVIEW PROCESS AND MARKETING POLICY

Section 330.10 describes a three-stage procedure for promulgating OTC drug monographs. This administrative process is completed only upon promulgation of a final monograph for a class of drug ingredients.

The Commissioner is aware, however, that before the publication of a final monograph, some manufacturers have begun marketing OTC drug products containing ingredients currently limited to prescription use or dosage levels of ingredients that are higher than currently available in OTC drug products. In some cases marketing of such products has occurred even before the publication of a proposed monograph. Those manufacturers appear to have assumed that the panel's preliminary judgments, as revealed through summary panel minutes, would ultimately be adopted by the Food and Drug Administration when the administrative process was completed.

The Commissioner emphasizes that the OTC drug review panels are established solely to provide recommendations to the Food and Drug Administration. Determination of actions to be taken and policy to be followed with respect to matters upon which an advisory panel makes recommendations must be made solely by the Commissioner. He may reach conclusions and make decisions contrary to a panel's recommendations.

It has been the policy of the Food and Drug Administration to encourage drug manufacturers to reformulate and/or relabel currently marketed OTC drug products to bring them into conformity with current medical knowledge and experience. This policy has permitted manufacturers and distributors to improve the safety and effectiveness of their OTC drug products based on an advisory panel's judgment even before the effective date of the final monograph. Thus many products have been reformulated so that they no longer contain category II ingredients; in other cases category III ingredients have been replaced by category I ingredients. The Commissioner believes this policy to be in the public interest. However, he advises that this policy extends only to drug products containing ingredients or dosage levels of ingredients already marketed for OTC use.

The Commissioner emphasizes that this policy does not permit the marketing, prior to publication in the FEDERAL REGISTER of a proposed monograph, of products containing ingredients that are currently limited to prescription use or dosage levels of ingredients above those currently available OTC, even though a panel may tentatively and/or finally regard such ingredients or dosage levels as appropriate for classification in category I. He reminds all persons so affected that, after review and evaluation of a panel's report, he may reach conclusions contrary to a panel's report and recommendations. For example, the Commissioner may conclude that an ingredient currently limited to prescription use which a panel regards as generally recognized as safe and effective for OTC use, nonetheless lacks such general recognition for OTC use because of problems such as manufacturing or formulation difficulties, or unresolved questions concerning potential for abuse or misuse. Any drug product containing an ingredient that lacks general recognition of safety and effectiveness is classified in category II under the OTC review procedures.

The Commissioner is of the opinion that, to assure orderly implementation of a panel's recommendations and to prevent precipitous marketing of OTC drug products that may not be safe and effective, the agency's policy concerning the OTC marketing of such drug products should be clarified in a regulation. Accordingly, he is proposing to amend Part 330 of Title 21 of the Code of Federal Regulations by adding a new section setting forth that policy.

The Commissioner also wishes to advise all persons that any opinions informally expressed by officials of this agency in conference or in writing prior to and inconsistent with the policy as announced and proposed for codification herein are hereby revoked. This includes any previous statements regarding reclassification of prescription drugs for OTC marketing both prior to and during the OTC drug review. The policy announced in this proposed regulation shall constitute the enforcement policy of the Food and Drug Administration pending promulgation of the final regulation. The announcement of this enforcement policy will be the occasion for agency review of prescription drugs already introduced into the OTC market in anticipation of a final monograph to determine whether regulatory action is appropriate. Consideration will be given to the safety, effectiveness, and current labeling of these products.

As indicated earlier, the Commissioner is aware that, prior to clarification of this policy, some ingredients marketed only as prescription ingredients such as oxymetazoline, diphenhydramine, and chlorpheniramine (at a dosage level currently permitted only for prescription use) have been introduced into the market for OTC use prior to the Commissioner's receipt or acceptance of a panel's report. The Commissioner concludes that such OTC products are subject to the policy stated herein, and they are under review to determine their regulatory status.

The Commissioner does not wish to impede the relabeling and reformulation that can occur for products in the marketplace as long as such revisions are consistent with presently marketed OTC drugs and/or are consistent with the enforcement policy set forth in this proposal.

The Commissioner is proposing to amend Part 330 to set forth the following policy:

1. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a dosage level higher than that currently available in an OTC drug product, which ingredient and/or dosage level is classified by the panel in category I, will be regarded as a new drug within the meaning of section 201(p) of the act if marketed prior to the date of publication in the FEDERAL REGISTER of a proposed monograph. Marketing of such a product prior to such date will be subject to regulatory action against the product, the marketer, or both.

2. Any such OTC drug product marketed after publication in the FEDERAL REGISTER of a proposed monograph, but prior to the effective date of a final monograph, would be subject to the risk that the Commissioner may not accept the panel's recommendation and instead adopt a different position that could require relabeling, recall, or other regulatory action. Marketing of such a product with a formulation or labeling not in accord with the proposed monograph or the tentative final monograph may also result in regulatory action against the product, the marketer, or both.

The Commissioner advises that, in the preamble to the proposed monograph (and published adopted report of a panel), he may indicate his disagreement with the panel's recommendation(s) regarding specific ingredients proposed for classification in category I, e.g., ingredients having manufacturing or formulation problems or unresolved questions concerning a potential for abuse or misuse, and may make a tentative determination that an approved new drug application is required for marketing an OTC drug product containing such ingredients. If the Commissioner makes such a determination, the marketing of such a product without an approved new drug application will be subject to regulatory action unless and until the final monograph for that class of drug products classifies the ingredient in category I.

3. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category II, will be regarded as a new drug within the meaning of section 201(p) of the act, requiring an approved new drug application prior to marketing. When such a drug product is the subject of a previously approved new drug application for prescription use, the procedures set out in § 310.200 must be followed before OTC marketing and the requirements for conducting clinical investigations with unapproved new drugs will apply.

4. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient and/or amount is classified by the panel in category III, may be marketed for OTC use only after one of the following has occurred: (a) The ingredient is determined by the Commissioner to be generally recognized as safe and effective and not misbranded or (b) a new drug application for the product for OTC use has been approved.

The Commissioner points out that the policy stated in paragraph 4 above applies only to ingredients previously limited exclusively to prescription use or to dosage levels of any active ingredient higher than those previously marketed for OTC use. The conditions under which a product already marketed for OTC use and placed by a panel or final monograph in category III may continue to be marketed, pending development of data to support approval of the ingredient or its labeling as safe and effective and not misbranded, were published as a proposed regulation in the FEDERAL REGISTER of October 21, 1975 (40 FR 49097).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 and Part 330 be amended as follows:

1. In Part 310, by amending § 310.200 by revising paragraphs (a) and (c) and adding a new paragraph (e) to read as follows:

§ 310.200 Prescription-exemption procedure.

(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503(b)(1)(C) of the act remains so limited until it is exempted as provided in paragraph (b) or (e) of this section.

* * * * *

(c) *New drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201(p) of the act until it has been used to a material extent and for a material time under such conditions except as provided in paragraph (e) of this section.

* * * * *

(e) *Prescription-exemption procedure of OTC drug review.* A drug limited to prescription use under section 503(b)(1)(C) of the act may also be exempted from prescription-dispensing requirements by the procedure set forth in § 330.13 of this chapter.

2. In Part 330 by adding a new § 330.13 to read as follows:

§ 330.13 Conditions for marketing ingredients recommended for over-the-counter (OTC) use under the OTC drug review.

(a) Before the publication in the FEDERAL REGISTER of an applicable proposed monograph, an OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required.

(b) (1) An OTC drug product that contains: (i) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(ii) An active ingredient at a dosage level higher than that currently available in an OTC drug product, which ingredient and/or dosage level is classified by the panel in category I, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required if marketed for OTC use prior to the date of publication in the FEDERAL REGISTER of a proposed monograph.

(2) An OTC drug product covered by paragraph (b)(1) of this section which is marketed after the date specified in that paragraph but prior to the effective date of a final monograph shall be subject to the risk that the Commissioner may not accept the panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action. Marketing of such a product with a formulation or labeling not in accord with a proposed monograph or tentative final monograph also may result in regulatory action against the product, the marketer, or both.

(c) An OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category II, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required for marketing.

(d) An OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975 which ingredient and/or dosage level is classified by the panel in category III, may be lawfully marketed only after either the ingredient is determined by the Commissioner to be generally recognized as safe and effective, or a new drug application for the product has been approved.

Interested persons may, on or before February 2, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE: It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: December 1, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-32645 Filed 12-3-75;8:45 am]

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Office of Education

[45 CFR Part 162]

NATIONAL READING IMPROVEMENT PROGRAMS

Proposed Rules and Criteria Governing Contract Awards

Pursuant to the authority contained in title VII of Pub. L. 93-380 (20 U.S.C. 1901, 1921, 1941-44, 1961-63, 1981-82), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 162 to read as set forth below.

The proposed regulation would set forth rules and criteria governing grant and contract awards by the Commissioner of Education to State and local educational agencies and other nonprofit organizations, where eligible under the following subparts, to:

(a) Strengthen reading instructional programs in elementary grades;

(b) Develop the capacity of preelementary school children for reading;

(c) Establish and improve preelementary school programs in language and reading;

(d) Develop and enhance skills of instructional and other educational staff for reading programs;

(e) Support State-administered reading programs;

(f) Test the effectiveness of intensive instruction by reading specialists and reading teachers; and

(g) Promote literacy among youths and adults.

(a) *Summary of proposed regulations*—1. *Organization.* Proposed Part 162 is divided into a number of subparts. Subpart A sets forth general introductory provisions, including common definitions, for the part as a whole; Subpart B governs direct project grants under part A of title VII, Pub. L. 93-380; Subpart C governs the State-administered programs under part B of title VII of Pub. L. 93-380; Subpart D governs Special Emphasis Projects under section 721 of Pub. L. 93-380; and Subpart E governs adult academy grants under section 723 of Pub. L. 93-380. Appendix A sets forth the statutory provisions of part B of title VII, Pub. L. 93-380 and Appendix B contains guidelines for the adult academy program under section 723 of Pub. L. 93-380.

2. *Subpart A—General.* Section 162.1 sets forth the scope and purposes for reading programs under this part. Section 162.2 includes definitions which are applicable throughout this part.

3. *Subpart B—Reading Improvement Projects.* (i) Section 162.10 describes the nature of the federally supported projects to be carried out by eligible recipients:

(A) Projects to strengthen reading instructional programs in elementary schools having large numbers or a high percentage of children with reading deficiencies; and

(B) Projects to establish and improve programs in language arts and reading in preelementary schools, in areas where there are large numbers or a high percentage of elementary school children with reading deficiencies;

(ii) Section 162.11 provides further explanation of the nature of projects to be carried out with awards under this subpart and indicates that projects receiving assistance must be designed to establish, expand, or improve the reading programs in one or more specific elementary or preelementary schools. The section indicates that two types of grants will be made:

(A) Grants for elementary school projects may be made to State or local educational agencies;

(B) Grants for preelementary school projects may be made to State or local educational agencies or nonprofit educational or child care institutions.

Section 162.11(b)(4) makes it clear that reading program activities and services assisted under this subpart must be directly administered by or under the supervision of the grantee. Subgrants may not be made to other entities; however, contracts may be made to secure services necessary to assist the grantee in carrying out a portion of the program activities, subject to certain conditions. State educational agencies may receive grants only if they will directly administer or supervise assisted reading programs where an SEA:

(A) Directly operates an elementary or preelementary school;

(B) Applies jointly with a local educational agency or other eligible applicant; or

(C) Assumes responsibility for reading activities in schools administered by the LEA or other eligible applicant, under proper arrangements;

(iii) Section 162.12 sets forth application requirements including, in § 162.12 (a), project objectives which include measurable objectives for overcoming reading deficiencies with timetables and an appropriate evaluation component. With respect to elementary school projects, the objectives must include plans for having children in project schools reading at the appropriate grade level at the end of grade three.

Section 162.12(b) requires that project school(s) be identified with supporting information on selection, numbers, and percentages of children with reading deficiencies attending the identified schools, the nature of the deficiencies, demographic information on children to be served, and information on existing reading programs and activities in the project schools with an explanation of how the proposed project will improve or expand the existing programs.

Section 162.12(c) requires that the application set forth a reading program including specified elements; this requirement is divided into three parts:

(A) Elements to be included in all applications;

(B) Those to be included in applications for elementary school projects; and

(C) Those to be included in preelementary school projects. Requirements which all applications must contain include documentation of on-going participation of specified parties in planning and developing the program, and evidence of planning for comprehensive programs which includes appropriate testing of students, staff training, use of bilingual education methods, and dissemination of information on results of the program.

Each relevant application requirement in § 162.12 would have to be met by an application for assistance under Subpart B in order for the application to be considered for funding;

(iv) Section 162.13 sets out the requirements for review of applications by State educational agencies and State advisory councils. The State educational agency must approve every application and establish an advisory council on reading, broadly representative of the educational resources and the general public of the State, which will designate priorities among applications for grants under this subpart in its State. Section 162.13 (c) indicates that the Commissioner may establish a cut-off date for approval of applications by a State educational agency, with failure to approve by that date regarded as State disapproval of the application;

(v) Section 162.14 sets forth evaluation criteria and is divided into general criteria and specific programmatic criteria. Specific programmatic criteria include the extent the proposed project is designed to achieve high quality with respect to certain specific program elements required by § 162.12(c).

With respect to many of the specific program criteria, the proposed provisions set out the criterion and follow the criterion with a number of examples of considerations which may enter into the Commissioner's judgment of how many points to assign a particular criterion for each application. These examples are introduced by the lanuguage "as measured by factors such as whether." They are not requirements or hard and fast criteria and are not intended as an exhaustive list of considerations which will influence application of the stated criterion. However, they do give guidance to applicants as to some of the kinds of factors which might be addressed in the application to receive the maximum number of points under each respective criterion;

(vi) Section 162.15 indicates the criteria the Commissioner will use to seek to assure an equitable distribution of funds throughout the United States and among urban and rural areas in approving applications under this part. Not more than 12½ percent of funds available under this subpart in any fiscal year may be expended in any State;

(vii) Section 162.17 sets forth provisions on project duration, indicating that grants will be made for a period of up to one year, with the possibility that continuation grants may be made to support some two-year projects. Any continuation awards will be competitive with other applications for continuation awards, but not with applications for new grants; and

(viii) Section 162.18 provides information on the expected size of awards.

4. Subpart C—*State Reading Improvement Programs.* The Commissioner has determined that only limited proposed regulations are needed to implement part B of title VII of Pub. L. 93-380. The proposed regulations cover information which may be required by the Commissioner for purposes of reallotments (§ 162.26); the standard of excellence to be developed by the State educational agency with the advice of the State advisory council on reading (§ 162.27); and judicial review of the Commissioner's final action on State agreements (§ 162.29).

In the event that appropriations are made at a level which would trigger part B of title VII, the program would be administered under the terms of the statute (which is set forth in Appendix A) with limited regulatory provisions which may be adopted pursuant to this rulemaking process.

5. Subpart D—*Special Emphasis Projects.* Subpart D sets forth proposed regulations governing projects under section 721 of Pub. L. 93-380. These projects involve awards to local educational agencies to determine the relative effectivness of intensive reading instruction by reading specialists and reading teachers.

Because the purpose of the statute is to evaluate an approach to reading instruction, a number of requirements in the proposed regulation relate to necessary conditions for the evaluation, including the designation of a project and a control school, the relationship between the project and control schools, and cooperation by the award recipient in an evaluation to be conducted by the Commissioner or by a contractor.

Awards to recipients under this subpart would be by means of assistance, rather than procurement, contracts, with awards to be made on the basis of applications submitted pursuant to a notice of closing date in the FEDERAL REGISTER.

Many of the application requirements in proposed § 162.40 derive from section 721(b)(1) of Pub. L. 93-380, which requires each application for a special emphasis project to provide assurances that the provisions of section 705(b) of Pub. L. 93-380 are met.

6. Subpart E—*Reading Academy Program.* Subpart E sets forth proposed regulations for the Reading Academy Program authorized by section 723 of Pub. L. 93-380. This program was first funded in FY 1975 under the authority of the Cooperative Research Act, and the proposed regulations follow closely regulations which were in effect for the Academy Program in FY 1975 (45 CFR Part 151, Subpart E).

The Reading Academy Program will provide exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults not reached through other reading programs. Grants for reading academy programs may be made to State and local educational agencies, institutions of higher education, and community and other nonprofit organizations.

According to a 1970 Harris survey, approximately 18 million adult Americans are functionally illiterate, lacking even minimal reading skills. Of this number, it is estimated that 1.5 million are totally illiterate. An analysis of the limited literature available on functionally illiterate youths and adults reveals that this group is the most difficult to recruit into educational programs and, once recruited, the most difficult to retain. Many come into an educational program with a feeling of failure and are easily discouraged. It is hypothesized, however, that given highly personalized instruction and educational counseling, a significant number of these youths and adults can be helped to attain a functional level of literacy.

The proposed rules set forth in Subpart E set out the funding requirements and application criteria which will be used in awarding grants under this program. Information on allowable costs and project duration is also provided. Following the proposed rules, in Appendix B, are proposed guidelines for the Reading Academy Program which provide guidance, suggestions, and recommendations for meeting the funding requirements and application criteria set out in the proposed rules.

(b) *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

(c) *Other applicable regulations.* The proposed regulation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Appendices thereto, which include rules on direct and indirect costs.

(d) *Notice to prospective applicants.* This first publication is *not* the final regulation. It is followed by a thirty day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration and will be answered in substance in the preamble to the final regulation. Following this review, the regulation will be published in final form, with any appropriate changes, in the FEDERAL REGISTER.

The publication of a proposed regulation is only a beginning step in a series of formal procedures and actions required before funds can be awarded to recipients. Further administrative steps would have to take place before the award of grants or contracts, including the preparation for distribution of appropriate application forms, the publication in the FEDERAL REGISTER of notices of closing dates informing applicants of the period within which applications must be filed and where application forms may be obtained, and allowing the applicants sufficient time for the preparation of applications, and the receipt, processing, evaluation, and selection of applications for funding. Finally, the terms of the actual award documents must be negotiated with those applicants whose applications have been selected for funding. No applications are being accepted at the present time.

(e) *Submission of comments.* All interested parties are invited to submit written comments and recommendations concerning the proposed regulation to the Director, Right to Read Effort, Room 2131, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. These comments and recommendations will be available for public inspection on Mondays through Fridays between 8:00 a.m. and 4:30 p.m. at the above office.

All relevant material must be received not later than January 5, 1976, unless January 5, 1976 is a Saturday, Sunday, or Federal holiday in which case the material must be received by the next following business day.

(Catalog of Federal Domestic Assistance No. 13.533, Right to Read)

Dated: October 6, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

PART 162—NATIONAL READING IMPROVEMENT PROGRAM

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Appendix B—Manual of Guidelines for the Reading Academy Program.

AUTHORITY: Title VII of Pub. L. 93–380 (20 U.S.C. 1901–1982).

Subpart A—General

§ 162.1 Scope and purposes.

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to the National Reading Improvement Program, title VII of Pub. L. 93–380.

(b) *Purposes.* The purposes of the programs carried out pursuant to this part are, through grants and contracts to State and local educational agencies and other non-profit organizations, to:

(1) Provide financial assistance to encourage State and local educational agencies to undertake projects to strengthen reading instructional programs in elementary grades;

(2) Provide financial assistance for the development and enhancement of necessary skills of instructional and other educational staff for reading programs;

(3) Develop a means by which measurable objectives for reading programs can be established and progress toward these objectives assessed;

(4) Develop the capacity of preelementary school children for reading;

(5) Establish and improve preelementary school programs in language arts and reading; and

(6) Provide financial assistance to promote literacy among youths and adults.

(c) *Other pertinent regulations.* Awards under this part are subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a, 100b).

(20 U.S.C. 1901)

§ 162.2 Definitions.

As used in this part:

"Act" means title VII of the Education Amendments of 1974, Pub. L. 93–380.

"Elementary school" means a day or residential school which provides elementary education, as determined under State law.

"Commissioner" means the U.S. Commissioner of Education.

"Innovative" means a program element which is new and different to participants in project activities.

"Institution of higher education" means an institution of higher education in any State as defined under the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Non-profit educational or child care institution" means any public or private non-profit organization which sponsors a regular, on-going educational or child care program for preschool age children.

"Reading deficiencies" means that reading achievement is less than that which would normally be expected for children of comparable ages or comparable grades of school; for children in grades 2–8 this would mean one or more years below grade level in reading.

"Project" means those activities of a grantee or contractor which the Commissioner determines to be eligible for Federal financial assistance.

"Reading-related activities" means any activities directly or indirectly connected with skills and/or behaviors in the area of reading; for example, listening, speaking, writing activities, reading games, discussing illustrations, classifying and categorizing, and developing auditory and visual perceptual skills.

(20 U.S.C. 1901 and 1921)

"State" means, except as used in Subpart C, the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. As used in Subpart C, "State" means the several States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

(20 U.S.C. 1942(a)(2))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1901 and 1921)

§ 162.3–162.9 [Reserved]

Subpart B—Reading Improvement Projects

§ 162.10 Scope and purpose.

(a) *Scope.* This subpart applies to projects assisted with funds appropriated to carry out part A, section 705 of title VII of Pub. L. 93–380;

(20 U.S.C. 1921)

(b) *Purpose.* The purpose of the program carried out pursuant to this subpart is, through grants to eligible recipients, to support:

(1) Projects to strengthen reading instructional programs in elementary school(s) having large numbers or a high percentage of children with reading deficiencies; and

(2) Projects to establish and improve programs in language arts and reading in preelementary school(s), in areas where there are large numbers or a high percentage of elementary school children with reading deficiencies, to develop the capacity of preelementary school children for reading.

(20 U.S.C. 1921(a))

§ 162.11 Eligible applicants; nature of projects.

(a) *Eligible applicants.* (1) As stated in section 705 of the Act, local educational agencies, State educational agencies, or both, may apply for elementary school projects described in paragraph (b)(1)(i) of this section and for preelementary school projects described in paragraph (b)(1)(ii) of this section. In addition, non-profit educational or child care institutions may apply for the preelementary school projects;

(2) Though multiple applications may be submitted by a single applicant, in no case will more than one grant for an elementary school project and one grant for a preelementary school project be awarded to the same applicant;

(b) *Nature of projects.* (1) Two types of grants will be awarded pursuant to this subpart:

(i) Projects to carry out in elementary school(s) having large numbers or a high percentage of children with reading deficiencies, programs involving the use of innovative methods, systems, materials, or other elements which show promise of overcoming the reading deficiencies; and

(ii) Projects to carry out in kindergarten(s), nursery school(s), child care institution(s), or other preschool institution(s) (in areas where elementary schools having large numbers or a high percentage of children with reading deficiencies are located), programs involving the use of innovative methods, systems, materials, or other elements which show promise of developing the capacity for reading of preelementary school children who might otherwise develop reading deficiencies;

(2)(i) Applications for elementary school projects under paragraph (b)(1)(i) of this section which propose to carry out reading activities in elementary schools for children above the kindergarten level may involve children in any or all grades within the elementary schools, including children at the kindergarten level;

(ii) Applications which do not propose to carry out activities for children above the kindergarten level shall be reviewed as preelementary school projects;

(3) Projects assisted pursuant to this subpart must be designed to establish, to expand, or to improve the reading programs in one or more specific and identified elementary or preelementary schools;

(20 U.S.C. 1921(a), S. Rep. No. 763, 93d Cong. 2d Sess. 125 (1974))

(4)(i) Reading program activities and services assisted under the project must be directly administered by, or under the supervision of, the grantee;

(ii) Grantees may not use any Federal funds awarded pursuant to this subpart to award subgrants to other entities or persons;

(iii) Grantees may, with Federal funds awarded pursuant to this subpart, enter into contracts with other entities or persons to secure services which will assist them in carrying out a portion of the program activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 of this chapter which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter into a service contract in the approved application or an approved amendment thereto; and

(iv) In accordance with paragraphs (b)(4)(i) and (ii) of this section, State educational agencies may receive grants under this subpart only if they will directly administer or supervise reading programs to be assisted by the project in cases where the State educational agency:

(A) Is directly responsible for operating an elementary or preelementary school;

(B) Applies jointly with a local educational agency or other eligible applicant responsible for administering an elementary or preelementary school, pursuant to § 100a.19 of this chapter (General Provisions Regulations for Office of Education programs; 45 CFR 100a.19); or

(C) Under arrangements with a local educational agency or other eligible applicant, assumes responsibility for reading activities to be assisted by the project in schools administered by the local educational agency or other eligible applicant.

(20 U.S.C. 1921(a), (b), and (c); 1221c(b)(1), 1232c(b)(1))

§ 162.12 Application requirements.

The Commissioner will award a grant to a State educational agency, local educational agency, or other eligible applicant under this subpart only upon an application submitted to the Commissioner which meets the following requirements:

(a) *Project objectives.* The application must set forth:

(1) Specific and measurable objectives related to overcoming reading deficiencies of children in the project school(s) including (only with respect to elementary school projects described in § 162.11(b)(1)(i)) plans and strategies for having the children in project schools reading at the appropriate grade level at the end of grade three;

(2) A proposed time frame for accomplishing these objectives; and

(3) An evaluation component providing for the collection, verification, and analysis of data to measure the extent the objectives are accomplished by the project;

(20 U.S.C. 1921(a), (b), (c)(2))

(b) *Project school(s).* (1) The application must identify the school(s) and the class(es) to be served by the project and provide information on how the school(s) and class(es) were selected for the project, the numbers and percentages of children in the project school(s) with reading deficiencies, and the nature of reading deficiencies of those children, including (only with respect to elementary school projects described in § 162.11(b)(1)(i)) documentation that appropriate measures have already been taken by the applicant to analyze the reasons why elementary school children are not reading at the appropriate grade levels and the results of those measures;

(2) The application must provide demographic information on children in the school(s) to be served by the project, including information on the socio-economic, racial, ethnic, language and cultural composition of the school(s); and

(3) The application must:

(i) Provide information on existing reading programs and activities in the project school(s), including information on the resources and methods used to teach reading or reading-related activities to children and the extent of effectiveness of those resources and methods; and

(ii) Explain how the proposed project will improve or expand upon the existing reading activities and programs, including a description of innovative methods, systems, materials, or other elements which will be used in the project to overcome reading deficiencies;

(20 U.S.C. 1921(a), (b), (c)(1))

(c) *Program requirements.* The Commissioner will award a grant under this subpart only upon an application submitted to the Commissioner which meets the requirements in paragraphs (a) and (b) of this section, as applicable, and which sets forth a reading program which includes the following elements, as applicable:

(1) *All applications.* All applications under this subpart must:

(i)(A) Document that there has been participation in the planning and development of the program described in the application by parents of children to be served by the program, the policy-making board of the applicant, and leaders of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, nonprofit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural and educational resource agencies of the community.

(B) Include a description of procedures which have been used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(C) Provide for the continuing participation of groups and representatives described under paragraph (c)(1)(i)(A) of this section in the development and implementation of the program described in the application;

(ii) Set forth a reading program which provides for:

(A) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(B) Planning and establishing comprehensive reading programs in project schools;

(C) Preservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel, within the project schools, and inservice training and development programs, where feasible, designed to enable these personnel to improve their ability to teach students to read;

(D) Participation of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(E) With respect to tests of reading proficiency administered pursuant to paragraphs (c)(2)(i)(B) and (3)(i) of this section:

(*1*) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and

(*2*) The availability of test results on reading achievement on an individual basis to parents and guardians of any child tested;

(F) Use of bilingual education methods and techniques consistent with the number of elementary school age children (or of preelementary school age children with respect to preelementary school projects under § 162.11(b)(1)(ii)) in the area served by a reading program who are of limited English-speaking ability; and

(G) Dissemination of information on the results of the program and of the means used to achieve the results to State educational agencies, local educational agencies, other educational

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agencies and institutions, and the Commissioner;

(2) *Elementary school projects.* (i) Applications under this subpart for elementary school programs under § 162.11(b)(1)(i) must set forth a reading program which, in addition to meeting the requirements in paragraph (c)(1) of this section, provides:

(A) Reading instruction focused upon elementary school children whose reading achievement is less than that normally expected for children of comparable ages or in comparable grades of school, but also instruction which provides for every child in classes involved in the project;

(B) Periodic testing for elementary school children on a sufficiently frequent basis to measure accurately reading achievement;

(C) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet.

(ii) Applications must also: (A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation; and

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet, and provide for what kind of continuing participation by those officials there will be in the development and implementation of the program;

(3) *Preelementary school projects.* Applications for preelementary school programs under § 162.11(b)(1)(ii) must set forth a reading program which, in addition to meeting the requirements in paragraph (c)(1) of this section, provides:

(i) A test of reading proficiency at the conclusion, minimally, of the first-grade programs into which the preelemenatry school program is integrated for children who had previously participated in the preelementary school program;

(ii) Assessment, evaluation, and collection of information on individual children by teachers during each year of the preelementary program to be made available for teachers in the subsequent year, in order that continuity for the individual child be maintained; and

(iii) Appropriate coordination with the reading programs of the educational agencies or institutions where the preelementary school children will be next in attendance, including any necessary arrangements by the applicant with those educational agencies or institutions for meeting the requirements relating to testing and test results described in paragraph (c)(3)(i) of this section and paragraph (c)(1)(ii)(E) of this section; and

(d) *Other information.* Applications may include other appropriate information to respond to criteria in § 162.14.

(20 U.S.C. 1921(b))

§ 162.13 Review of applications by State educational agencies and State advisory councils.

(a) The Commissioner will not approve an application submitted under this subpart unless the State educational agency has:

(1)(i) Established and appointed an advisory council on reading broadly representative of the educational resources and of the general population of the State, including but not limited to persons representative of:

(A) Public and private non-profit elementary and secondary schools;

(B) Institutions of higher education;

(C) Parents of elementary and secondary school children; and

(D) Areas of professional competence relating to instruction in reading; and

(ii) Authorized and provided the opportunity to the advisory council to receive and designate priorities among applications for grants under this subpart in that State; and

(2) Approved the application;

(20 U.S.C. 1921(d), (e)(1), S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

(b) Applicants other than the State educational agency must provide a copy of their application to the State educational agency of the State in which they are located 15 days prior to their submission of the application to the Commissioner;

(c) The Commissioner may establish a cut-off date for approval of applications by the State educational agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval of the application by the State educational agency, and the application will not be considered for funding by the Commissioner;

(d)(1) The State educational agency must inform the Commissioner, in writing, in accordance with any cut-off date established by the Commissioner under paragraph (c) of this section, of those applications within its State which it approves for funding under this subpart;

(20 U.S.C. 1921(e)(1))

(2) The State educational agency must include in its written submission to the Commissioner:

(i) Documentation that it has established and appointed an advisory council in accordance with paragraph (a)(1) of this section, including information on the membership of the council, and that the council has been provided with an opportunity to receive and designate priorities among applications for grants under this subpart in that State (including applications by the State educational agency);

(ii) Information on any priorities designated by the advisory council among applications for grants under this subpart in that State; and

(iii) With respect to applications from local educational agencies, assurances that the State educational agency will supervise (if the application is funded under this subpart) compliance by the local educational agencies in that State with the requirements set forth in § 162.12(c), including specific plans and arrangements for doing so; and

(e) While there is no specific limitation on the number of applications which may be approved by the State educational agency, State educational agencies are urged to approve only a reasonable number of applications and to forward to the Commissioner the rankings and copies of any written reviews of the applications.

(20 U.S.C. 1921 (d), (e)(2))

§ 162.14 Evaluation criteria.

Applications for grants under this part which meet all of the application requirements in § 162.12 and which are approved by the appropriate State educational agency will be evaluated by the Commissioner on the basis of the following criteria, weighted according to the indicated points (in addition to the priorities designated by the State advisory councils pursuant to § 162.13, and the provisions of § 162.15 concerning equitable distribution of funds and State maximums):

(a) *General criteria.* (1) The need for the proposed activity in the area to be served by the applicant, particularly as it relates to the percentage or numbers of children with reading deficiencies in school(s) to be served by the project (10 points);

(2) Whether the program to be assisted responds to the reading needs it identifies and holds substantial promise of overcoming the reading deficiencies of children in the project schools (10 points);

(3) The adequacy of qualifications and experience of personnel designated to carry out the proposed project (10 points);

(4) The adequacy of facilities and other resources to carry out the project and, in particular, the use staff will make of those facilities in the project (5 points);

(5) Reasonableness of estimated cost in relation to anticipated results (5 points);

(6) Whether the proposed methods, systems, materials, or approaches of the program are sufficiently exemplary to be utilized in other projects or programs for similar educational purposes (5 points);

(7) Sufficiency of size, scope, and duration of the project so as to secure productive results (5 points);

(8) Soundness of the proposed plan of operation, including consideration of the extent to which (15 points):

(i) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provision is made for high quality evaluation of the effectiveness of the project and for determining the extent the objectives are accomplished; and

(iii) Provision is made for disseminating the results of the project and for making the resulting materials, techniques, and other inputs available to the general public and specifically to those concerned with the area of education with which the project is itself concerned;

(9) The likelihood that program activities to be carried out under the project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by:

(i) Evidence of financial and other commitment of the applicant, including its policymaking board, to the program; and

(ii) The extent the project is designed to build the capacity of the applicant to plan, expand, and improve effective reading programs on the elementary or preelementary school level (5 points); and

(10) Extra points will be awarded to projects which provide for reaching a large number of schools through:

(i) Their direct involvement in the project as project schools;

(ii) A statement of commitment by the applicant and reasonable time-tables to implement, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or other elements developed in the project in all other schools administered by the applicant; and/or

(iii) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods, systems, materials, or other elements developed in the project, including documentation of the applicant's access to existing networks of potential users (10 points);

(20 U.S.C. 1921 (a), (b), (c))

(b) *Specific programmatic criteria.* The extent the proposed project is designed to achieve high quality (beyond meeting minimum requirements) for the following specific program elements required by § 162.12(c) to be contained in each program funded under this subpart:

(1) Diagnostic testing to identify school children with reading deficiencies (5 points), as measured by factors such as whether:

(i) Testing with children will be done at appropriate times and frequencies;

(ii) Tests will assist teachers and administrators in making decisions within the classroom and school;

(iii) Tests will diagnose the student's strengths and identify areas to be taught;

(iv) Tests will be used which are most specific and which give recommendations for specific treatments in cognitive and affective areas;

(v) Diagnosis will be an ongoing process; and

(vi) Tests are valid and reliable, as well as culturally and linguistically fair;

(2) Planning and establishing comprehensive reading programs (10 points), as measured by factors such as whether:

(i) The program focuses on the training of existing staff and would be carried out with existing staff rather than hiring additional staff members with Federal funds;

(ii) The project objectives are derived from and responsive to the findings of the needs assessment and diagnostic testing in the school(s) proposed to be served;

(iii) The reading program is designed to focus on children with reading deficiencies, but also provides reading instruction for every child in classes involved in the project;

(iv) Provision is made for individualized instruction which allows individual children to proceed at their own pace and in appropriate skill sequences;

(20 U.S.C. 1921)

(v) Continuity in teaching methods from grade to grade is attempted within each project school, while at the same time there is flexibility to adjust methods and techniques for individual children based on the results of diagnostic testing;

(S. Rep. No. 463, 93d Cong. 2d Sess. 125 (1974))

(vi) Children are not separated away from the classroom by ability or lack of ability, unless the applicant demonstrates that separation for a portion of the school day for supplementary instruction and instruction different from that offered in the classroom:

(A) Is essential to the purpose of the program; and

(B) Is essential to the needs of the child; and

(vii) Attention is given in the preelementary school program and in the early primary grades to reading readiness activities.

(3) Preservice and inservice training for teaching personnel (15 points), as measured by factor such as whether:

(i) The training to be provided relates to the assessed needs of teaching and ancillary educational personnel and children in project school(s);

(ii) The training will be offered at convenient times and locations;

(iii) Provision is made for classroom application of newly learned competencies and for follow up technical assistance to staff members;

(iv) Provision is made for evaluation of the training; and

(v) Instructional theory and experiences are offered which provide trainees with a capacity to:

(A) Understand the language arts process, children's literature, and reading readiness;

(B) Use diagnostic techniques to identify the reading needs of individual children and to evaluate student progress toward instructional objectives;

(C) Develop and carry out reading programs designed to meet the needs of individual children, including activities to meet the special reading needs of children from diverse cultural and linguistic backgrounds;

(D) Work constructively and positively, on a group and individual basis, with children, parents, and other educational personnel;

(E) Effectively utilize a variety of approaches to the teaching of reading, including sequenced instruction, integration of reading instruction into other subject matter areas, flexible grouping of students based on student interest, needs, and abilities, and individualized instruction; and

(F) Plan and manage overall reading programs, including aspects such as problem-solving techniques, needs assessment and planning instruments, record-keeping, the identification and use of program resources, and program evaluation;

(4) Involvement in the project of school faculty, parents, the policymaking board of the applicant, and leaders of educational and cultural resources of the area to be served (15 points) as measured by such factors as whether:

(i) Two way communication is fostered between the project schools and appropriate groups outside the school;

(ii) Practical involvement of parents and board members in carrying out project activities is permitted; and

(iii) The project staff provides evaluative information to parents and board members;

(5) Periodic achievement testing (5 points), as measured by such factors as whether:

(i) Testing will be done with the children at appropriate times and frequencies;

(ii) The project staff delineates before the testing what the tests are intended to measure, how the test results are going to be used, and the audiences for whom the test results are intended;

(iii) The same level of the same test is used for both pre- and post-testing of children;

(iv) Project staff will carefully administer and score the tests according to the procedures outlined by test publishers;

(v) There is a clear rationale why the test measures will be criterion-referenced, norm-referenced, or informal; and

(vi) Project staff will scrutinize carefully whether the causes for observed gains are due to the treatment or other factors;

(6) Appropriate use of bilingual education methods and techniques (5 points) as measured by such factors as whether:

(i) There will be increased use of culturally relevant resources appropriate to the children in project school(s);

(ii) Students will be provided a knowledge of the history and culture associated with their languages;

(iii) Students will develop listening, speaking, reading, writing, and other academic skills in two languages;

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(iv) The project will prevent the separation of children away from the classroom by language or ethnic background in any activity included in the programs, unless the applicant demonstrates that separation for a portion of the school day for specific language/reading activities is essential to the purpose of the program and needs of the child; and

(v) The project will utilize bilingual teaching and administrative staff;

(7) Collection and assessment of information on the reading needs of individual children to be made available for teachers in the subsequent year, including that information yielded by periodic testing (5 points), as measured by such factors as whether the assessment is designed to:

(i) Aim at factual information rather than mere opinnion;

(ii) Include information on both cognitive and affective factors related to reading; and

(iii) Be done with uniform data collection instruments that can be used as a part of the school's total evaluation design;

(20 U.S.C. 1921(b))

(8) Publication of the test results on achievement by grade level and, where appropriate, by school, without identification of achievement of individual children (5 points), as measured by such factors as whether publication and interpretation of test results is done in a way to:

(i) Protect the children;

(ii) Be understandable to the people who receive the results;

(iii) Present pre-test and post-test results with adequate explanation of the correlations;

(c) *Additional criteria for preelementary school projects.* The Commissioner will evaluate applications for preelementary school projects on the basis of the criteria set forth in paragraphs (a) and (b) of this section, according to the indicated weights, and the following criteria, weighted as indicated:

(1) The extent the project goals are commensurate with the appropriate developmental stages for the children to be served (10 points);

(2) The extent the project assesses the needs of preschool children by employing reliable and field-tested tools which can diagnose, screen, and predict potential readiness for reading (10 points);

(3) The extent qualified teachers use multi-teaching strategies and varied materials and resources in providing reading readiness experiences (5 points);

(4) The extent the project takes into account the various modalities for learning (5 points); and

(5) The extent provision is made for parent education in child management (5 points).

(20 U.S.C. 1921(b))

§ 162.15 Equitable geographic distribution.

(a) In approving applications under this subpart the Commissioner will, to the maximum extent feasible, assure an equitable distribution of funds throughout the United States and among urban and rural areas. In assuring an equitable distribution of funds throughout the United States, the Commissioner will consider:

(1) School-age population within a State;

(2) Urban and rural population distribution;

(3) Percentage of children with reading deficiencies;

(4) A widespread geographic distribution of projects;

(5) Ethnic/racial and cultural diversity of population to be served;

(6) Any other pertinent information;

(b) Not more than 12½ percent of the funds expended under this subpart in any fiscal year may be expended in any State in that year.

(20 U.S.C. 1921(g))

§ 162.16 [Reserved]

§ 162.17 Duration of projects.

(a) Individual grant awards under this subpart shall be for a period of up to one year, subject to the possibility that continuation grants may be made to support a project for a second year in accordance with the provisions of this section;

(b) Grant awards to support the second year of a project already funded under this subpart may be made, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent continuation of Federal assistance to the project is in the best interests of the Government; and

(iv) The extent continuation of Federal assistance would further a multiplier effect through:

(A) Directly involving additional schools and students in the project;

(B) Provisions for implementing, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or other elements developed in the project in all other schools administered by the applicant; and/or

(C) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods systems, materials, or other elements developed in the project.

(20 U.S.C. 1921)

§ 162.18 Size of awards; allowable costs.

(a) Although there will be no formula for establishing any limits to the amount of assistance provided under this subpart, it is suggested that applicants base their total dollar request under this subpart on the product of $15 multiplied by the number of elementary school children to be served within the project school(s);

(b) It is expected that most awards under this subpart will range between $15,000 and $125,000 for elementary school projects and between $5,000 and $25,000 for preelementary school projects with most of the awards made at the lower halves of these ranges. Nothing in this section shall be construed to limit the size of any particular grant award under this subpart; and

(c) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restrictions that:

(1) A maximum of 10 percent of the amount of the grant award may be spent for evaluation purposes; and

(2) A maximum of 10 percent of the grant award may be spent for the purchase of inexpensive books for distribution on a loan basis to elementary and preelementary school children.

(20 U.S.C. 1921, S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

Subpart C—State Reading Improvement Programs

§ 162.25 Scope and purpose.

(a) This subpart governs grants to State educational agencies under part B of title VII of Pub. L. 93–380;

(20 U.S.C. 1941 and 1944(b))

(b) Grants under this subpart shall be made in accordance with the provisions of part B of title VII of Pub. L. 93–380 (set forth in Appendix A of this part) and shall be subject to the General Provisions Regulations contained in 45 CFR Parts 100, 100b; and

(c) Grants under this subpart are to provide assistance to State educational agencies to enable them to:

(1) Provide financial assistance for projects designed to reach the objectives of this part, as set out in § 162.1;

(2) Develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3 Provide State leadership in planning, improving, executing and evaluating reading programs in elementary schools; and

(4) Arrange for and assist in the training of special reading personnel and specialists needed in programs assisted under this part.

(20 U.S.C. 1941)

§ 162.26 Allotments; reallotments.

(a) Section 713(b) of Pub. L. 93–380 authorizes the Commissioner to reallot sums allotted to a State under section 713(a) which the Commissioner determines will not be required by the allottee for that year. The reallotment to other States is in proportion to the amounts originally allotted, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of that State need and will be able to use for that year; and

(b) In order to provide a basis for reallotment of sums by the Commissioner pursuant to this section, each State educational agency shall, if requested, submit to the Commissioner, by a date or dates the Commissioner may specify, a statement or statements showing the anticipated need for the funds previously allotted during the period for which the funds are available, or any amount needed to be added by reallotment. Further information the Commissioner may request for the purpose of making reallotments shall be reflected in these statements.

(20 U.S.C. 1943)

§ 162.27 Standard of excellence.

(a) Section 714(a) of Pub. L. 93–380 provides that any State which desires to receive grants under part B of title VII of Pub. L. 93–380 must, through its State educational agency, enter into an agreement with the Commissioner which, among other things, provides for the establishment of a State advisory council on reading to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools;

(b) The standard of excellence adopted by the State educational agency with the advice of the State advisory council under paragraph (a) of this section shall include, but need not be limited to, those statements of conditions that address or characterize a quality reading program in elementary schools;

(c) States are encouraged to consider at least the following factors when constructing a standard of excellence:

(1) Community and school climate;

(2) Organizing and managing a reading program;

(3) Staffing a reading program;

(4) Selecting and utilizing materials; and

(5) Fostering reading interests; and

(d) The standard of excellence developed pursuant to this section must be designed for use by local educational agencies to plan, develop, implement, and evaluate their reading programs, and as a means for State educational agencies to evaluate the elementary reading programs of local educational agencies within their State.

(20 U.S.C. 1944(a))

§ 162.28 [Reserved]

§ 162.29 Judicial review.

(a) If any State is dissatisfied with the Commissioner's final action with respect to entering into an agreement with the State under this subpart, the State may, within sixty days after notice of the action, file a petition for review of that action with the United States court of appeals for the circuit in which the State is located. A copy of the petition shall be immediately transmitted by the clerk of the court to the Commissioner. The Commissioner shall then file in the court the record of the proceedings on which the Commissioner's action was based, as provided in section 2112 of title 28, United States Code;

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may then make new or modified findings of fact and may modify the previous action, and shall certify to the court the record of the further proceedings. New or modified findings of fact shall likewise be conclusive if supported by substantial evidence; and

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 1944(d), 827)

Subpart D—Special Emphasis Projects

§ 162.35 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds pursuant to section 721 of Pub. L. 93–380; and

(b) *Purpose.* The purpose of the program carried out pursuant to this part is to support, through contracts with local educational agencies, special emphasis projects to determine the relative effectiveness of intensive reading instruction by reading specialists and reading teachers.

(20 U.S.C. 1961)

§ 162.36 Definitions.

As used in this subpart:

"Intensive reading instruction" means instruction in reading that would provide pupils with a minimum of 20 to 30 minutes of direct teacher-pupil instructional interaction each day (either individually or in small groups) and 15 to 20 minutes per day of independent reinforcement activities.

"Reading problem" means reading achievement which is less than would normally be expected for children of comparable ages in comparable grades of school.

"Reading specialist" means an individual who has a master's degree, with a major or specialty in reading, from an accredited institution of higher education and has successfully completed three years of teaching experience, which included reading instruction.

"Reading teacher" means an individual, with a bachelor's degree, who has successfully completed a minimum of twelve credit hours, or its equivalent, in courses in the teaching of reading at an accredited institution of higher education, and has successfully completed two years of teaching experience, which included reading instruction.

(20 U.S.C. 1961 and 1961(f))

§ 162.37 Eligibility; number of applications.

(a) Local educational agencies are eligible to file applications for contract awards under this subpart; and

(b) An applicant may submit only one application in a given fiscal year for an award pursuant to this subpart.

(20 U.S.C. 1961)

§ 162.38 Nature of projects.

(a) Projects supported under this subpart must be designed to carry out:

(1) The teaching of reading by reading specialists or reading teachers to all children in the first and second grades of an elementary school and to those children in grades three through six who have reading problems; and

(2) An intensive vacation reading program for elementary school children found to be reading below the appropriate grade level or who are experiencing problems in learning to read;

(b) Projects funded under this subpart must be designed to permit an evaluation by the Commissioner or by a contractor selected by the Commissioner of the effectiveness of intensive instruction by reading specialists and reading teachers;

(1) This evaluation will require the establishment or maintenance of a control school and may include a reasonable number of interviews, questionnaires, achievements tests, and other evaluation instruments administered to administrators, principals, teachers and students, project staff, and community members at reasonable times and places; and

(2) The evaluation may require the applicant to provide reasonable assistance in the organization and administration of the evaluation, including record keeping.

(20 U.S.C. 1961(a))

§ 162.39 Review and certification by State educational agencies.

(a) *Review of applications.* (1) The Commissioner will not approve an application submitted by a local educational agency under this subpart unless the State educational agency of the State in which the local educational agency is located has first approved it;

(2) Applicants must provide a copy of their application to the appropriate State educational agency concurrently with the submission of the application to the Commissioner;

(3) The Commissioner may establish a cut-off date for approval of applications by the State eductional agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval by the State educational agency of the application, which thereafter will not be considered for funding by the Commissioner; and

(4) The State educational agency must inform the Commissioner in writing, in accordance with any cut-off date established by the Commissioner under par-

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agraph (a) (3) of this section, of those applications within its State which it approves for funding under this subpart.

(20 U.S.C. 1961(c))

(b) *Certification of reading specialists and teachers.* (1) The Commissioner will not approve any application unless it provides assurances that the State educational agency has certified that individuals employed as reading specialists and reading teachers meet the requirements set out in the definitions in § 162.36, except as provided in paragraph (b) (3) of this section;

(2) A reading teacher may be used in lieu of a reading specialist in projects under this subpart:

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of a reading specialist; and

(ii) If the reading teacher is enrolled or will enroll in a program to become a reading specialist;

(3) A regular elementary teacher may be used in lieu of a reading teacher in projects funded under this subpart:

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of the reading teacher; and

(ii) If the regular elementary teacher is enrolled or will enroll in a program to become a reading teacher.

(20 U.S.C. 1961(b) (2) and (e))

§ 162.40 Application requirements.

(a) With respect to activities to determine the relative effectiveness of intensive reading instruction to be carried out in the project, an application submitted under this subpart must set forth:

(1) Documentation that each of the provisions in § 162.38 will be satisfied by the project;

(2) Documentation that the project school has an enrollment which includes a substantial number of students who have a serious deficiency in reading achievement. For the purposes of this paragraph, "substantial number" means that 50 percent of the students in grades three through six are reading one or more years below grade level;

(3) A commitment by the applicant to cooperate with the Commissioner and with any contractor selected by the Commissioner in an evaluation to determine the effectiveness of intensive instruction by reading specialists and reading teachers in the project assisted under this subpart;

(4) The name of the project school and the name of the control school, and a commitment that these schools will remain the participating schools for the duration of the project;

(5) Documentation that:

(i) The project and control schools will be comparable (matched) as to:

(A) Instructional approaches;

(B) Curriculum materials; and

(C) Size of enrollment; and

(ii) The control school will not have reading specialists or reading teachers responsible for reading instruction;

(6) Documentation that the project and control schools have comparable student bodies regarding:

(i) Socio-economic status;

(ii) Ethnicity; and

(iii) Scores on standardized tests;

(7) A management plan that includes a process evaluation to measure the extent the project is meeting stated objectives; and

(8) A description of a reading specialists' format plan which includes a description of the instructional strategies, staffing plans (including the pupil-teacher ratio), instructional intensity pattern, and grouping patterns;

(b) The Commisisoner will award a contract under this subpart only upon an application which meets the requirements in paragraph (a) of this section, and which:

(1) (i) Documents that there has been participation in the planning and development of the program described in the application by parents of children to be served by the program, the policy-making board of the applicant, and leaders of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, nonprofit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural and educational resources of the community;

(ii) Includes a description of procedures used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(iii) Provides for the continuing participation of groups and representatives described under pargraph (b) (1) (i) of this section in the development and implementation of the program described in the application; and

(2) Sets forth a reading program which provides:

(i) Plans for facilitating the re-entry and integration of students into the regular classroom program;

(ii) (A) A vacation reading program of at leat four weeks including information about student selection procedures, duration, curriculum, and staffing; and

(B) A commitment that participation in the vacation program will be limited to children enrolled in the project school;

(iii) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(iv) Planning and establishing comprehensive reading programs in project schools;

(v) Preservice and inservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel designed to enable these personnel to improve their ability to teach students to read;

(vi) Particiaption of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(vii) Sufficient periodic testing of elementary school children to accurately measure reading achievement; and

(A) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and

(B) The availability of test results on an individual basis to parents or guardians of any child tested;

(viii) Use of bilingual education methods and techniques consistent with the number of elementary school age children in the area served by a reading program who are of limited English-speaking ability;

(ix) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet. The application must:

(A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation;

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet and provide for the continuing participation of these officials in developing and implementing the program; and

(x) *Other information.* Applications may include other information appropriate to respond to the criteria in § 162.41.

(20 U.S.C. 1921)

§ 162.41 Evaluation criteria.

In reviewing applications under this subpart, the Commissioner will seek to identify a small number of high quality projects and will apply the following criteria and point system totaling 175 points:

(a) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the project are sharply defined, clearly stated, and capable of being attained by the proposed program and capable of being measured and evaluated (20 points); and

(2) Provision is made for inservice training appropriate to the needs of the project (10 points);

(b) The overall quality of the instructional design including:

(1) The extent the project plans promise an effective instructional climate (15 points);

(2) The quality and comprehensiveness of plans for improving the whole school reading program (15 points);

(3) The extent plans for the summer school are integrated with the overall school reading program (10 points);

(4) The adequacy of the diagnostic program to identify students with reading problems and needs (10 points); and

(5) The extent the project will utilize recent research findings and provide for the adoption of innovative products and practices;

(c) Provision is made for the sole use of reading specialists or reading teachers, rather than regular classroom teachers, under the conditions set out in § 162.39(b) (50 points);

(d) The qualifications of the project director (15 points);

(e) The reasonableness of cost in relation to anticipated results (10 points);

(f) The quality of the proposed management design that includes process evaluation, schedules, and resource utilization plans (10 points); and

(g) Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications submitted under this subpart.

(20 U.S.C. 1921)

§ 162.42 District-wide project award.

(a) Subject to the availability of funds for a district-wide project, the Commissioner will consider awarding one or more district-wide projects which would be conducted in all schools within a local educational agency;

(b) Any award pursuant to this section will be subject to all other provisions of this subpart on the same basis as other projects funded under this subpart;

(c) In addition to the criteria set out in § 162.41, priority will be given to applications:

(1) Where the local educational agency:

(i) Gives credit for any course to be developed for reading teachers or reading specialists under section 722 of the Act; and

(ii) Encourages participation by the teachers of the agency in the training;

(2) Where the local public educational television station:

(i) Will present or distribute, in the event supplementary noncommercial telecommunication is utilized, any course to be developed under section 722 of the Act at a convenient time for viewing by elementary school teachers; and

(ii) If possible, at a convenient time for these teachers to take the course as a group at the elementary school where they teach; and

(3) Where the local educational agency makes arrangements with the appropriate officials of institutions of higher education to obtain academic credit for their elementary school teachers for the completion of a course described in paragraph (c) (2) of this section.

(20 U.S.C. 1961(d))

§ 162.43 [Reserved]

§ 162.44 Duration of projects.

(a) Individual contracts under this subpart shall be for one year, subject to the possibility that continuation contracts may be made to support a multi-year (up to three year) project in accordance with the provisions of this section;

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need and usefulness for evaluation purposes for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year;

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial contract award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation contracts; and

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new contract awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the contractor has complied with the contract terms and conditions, the Act, and applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent the project is meeting the applicable priorities; and

(iv) The extent continuation of Federal assistance to the project is in the best interests of the Government.

(20 U.S.C. 1961)

§ 162.45 Size of awards; allowable costs.

(a) The size of individual contract awards under this subpart will depend upon the number of children and educational personnel to be served by the proposed project. It is expected that contract awards will generally range between $100,000 and $200,000. Nothing in this section shall be construed as a limit on the amount of individual contract awards; and

(b) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restriction that a maximum of five percent of funds may be spent on equipment.

(20 U.S.C. 1961)

Subpart E—Reading Academies Program

§ 162.50 Scope and purpose.

(a) This subpart governs applications for grants from State and local educational agencies, institutions of higher education, and community and other non-profit organizations to support exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults under section 723 of Pub. L. 93-380; and

(b) Grants under this subpart will support the development and installation of these activities in facilities to be known as reading academies.

(20 U.S.C. 1963)

§ 162.51 Definitions.

As used in this subpart:

"Adult" means an individual 18 years of age or older.

"Functional illiteracy" means the absence of reading skills necessary to enable individuals to function effectively in society.

"Participant" means an individual enrolled in an academy program for the purpose of receiving reading instruction.

"Service area" means the geographic area to be served by a project funded pursuant to this subpart.

"Youth" means an individual 16 or 17 years old.

(20 U.S.C. 1963)

§ 162.52 Application requirements.

(a) With respect to reading assistance and instruction activities proposed to be carried out in the project, an application submitted under this subpart must set forth:

(1) Specific and measurable project objectives which will contribute to the elimination of functional illiterarcy of adults and youths within the service area;

(2) A proposed time frame for accomplishing each of the objectives;

(3) An explanation of proposed procedures and strategies for accomplishing each objective; and

(4) An evaluation component providing for the collection, verification, and analysis of data to measure the extent each objective is accomplished by the project, and including pre- and post-use of appropriate standardized reading achievement tests which indicate reading grade level and, insofar as possible, relate to the cultural and linguistic variables of the target population;

(b) An applicant for assistance pursuant to this subpart must provide evidence of demonstrated experience and/or capability in providing reading instruction to youths and adults; and

(c) The Commissioner will approve an application submitted under this subpart only upon his determination that the requirements in paragraphs (a) and (b) of this section are satisfied and that the application:

(1) Describes project components involving the use of methodologies, systems, materials, or programs which show promise of overcoming the reading deficiencies of adults and youths in need of reading instruction and of making the project worthy of replication in other communities;

(2) Defines the geographic area to be served ("service area"), such as a city, county, regional area, or a smaller area within these units, and provides demographic and educational data supporting the need for a functional literacy program in the service area;

(3) Describes a system which the applicant either has in place or will develop for the identification and recruitment, as participants in the project, of youths and adults in need of reading instruction;

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(4) Describes and provides for the implementation of a staffing plan that would:

(i) Provide one-to-one or individualized instruction to participants; and

(ii) Establish reading academies that would offer instruction at locations and times convenient to the participants; for example, through decentralized facilities or satellite academies;

(5) Provides for utilization of materials suitable for youths and adults related to their expressed needs and interests; e.g., employment tasks, consumer information, health and welfare services, and current events;

(6) Describes a strategy to involve community and service organizations in the elimination of illiteracy in the service area;

(7) Describes job position qualifications for the project director and other staff which include experience in administration and knowledge of adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and community resources;

(8) Describes administrative arrangements whereby the project director assumes responsibility for all project activities; and

(9) Provides for the establishment of a unit task force which will play an active role in planning and implementing the project and which will include representatives from the applicant agency, out-of-school youths and adults from the potential target population to be served, and, wherever possible and appropriate, representatives from community groups, other Federal or State programs, and business and industry.

(20 U.S.C. 1963)

§ 162.53 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totaling 200 points:

(a) The criteria set forth in § 100.a26 (b) of this chapter (the Office of Education General Provisions Regulations) (10 points);

(b) The extent the project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the requirements set forth in § 162.52 (total of 110 points), weighted as follows:

(1) The quality of the project objectives described pursuant to § 162.52(a)(1). (25 points);

(2) The time frame for accomplishing each objective, as provided in § 162.52(a)(2) (5 points);

(3) Procedures and strategies for accomplishing these objectives as provided in § 162.52(a)(3) (5 points);

(4) The evaluation component described pursuant to § 162.52(a)(4) (10 points);

(5) The experience and capability of the applicant in providing reading instruction to youths and adults, as provided in § 162.52(b) (5 points); and

(6) Each of the subparagraphs under paragraph (c) of § 162.52 will be weighted 5 points, except that paragraph (c)(2) of § 162.52 will be assigned 15 points and § 162.52(c)(4) will be assigned 10 points;

(c) The relationship of projected costs to both the numbers of functionally illiterate youths and adults to receive reading assistance and instruction and to the quality and intensity of the instruction to be offered (for example, one low-cost approach that might be considered could be the utilization of volunteers as tutors) (10 points); and

(d) The extent to which:

(1) Appropriate procedures will be used for measuring the achievement of the participants (10 points);

(2) The applicant plans to develop materials and provide assistance designed to meet the individual needs of participants (5 points);

(3) The applicant will provide periodic inservice training for tutors, supervisory staff, and organiztaions interested in establishing similar literacy programs (10 points);

(4) The applicant will carry out the project in cooperation with other local programs concerned with adult education and, where appropriate, will utilize volunteers from such programs as VISTA, the Retired Senior Citizens Program, college work-study programs, and community service organizations (10 points);

(5) The applicant will establish working relationships with such programs as manpower programs under the Comprehensive Employment and Training Act of 1974 and the Neighborhood Youth Corps as part of its recruitment strategy (5 points);

(6) The applicant plans to provide appropriate supportive services to tutors or other instructional personnel in any decentralized, satellite, or branch academies (20 points); and

(7) Where applicable, the applicant proopses to utilize materials and approaches that take into account the language and heritage of those participants of limited or no English-speaking ability (10 points).

(20 U.S.C. 1963)

§ 162.54 Allowable costs.

Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided for under Subpart G of 45 CFR Part 100a, subject to the following restrictions:

(a) A maximum of 5 percent of funds may be spent on equipment; and

(b) It is anticipated that grants under this subpart will generally range from $50,000 to $80,000 per year depending on the size of the service area, the number of adults and youths proposed to be served, the scope and nature of the proposed project, and relative local costs. The thrust of the Reading Academy Program is to provide good quality, individualized instruction to large numbers of functionally illiterate youths and adults at the lowest possible cost. This will necessitate strong reliance on the multiplier effect, the utilization of volunteer assistance, and the coordination of support services and facilities. It is expected that a substantial number of projects will be funded rather than concentrating on relatively few projects with big budgets. Nothing in this section shall be construed to limit the size of any particular grant award.

(20 U.S.C. 1963)

§ 162.55 Project duration.

(a) Projects may be for up to three years duration; and

(b) Grants will be made for twelve-month periods, and decisions on refunding will be made yearly on the basis of the extent the grantee has satisfactorily performed during the previous grant period, and on the availability of funds. A budget for the first twelve-month period must be developed. Tentative projected budgets and a planned scope of work for each subsequent year must also be developed if a project of more than one year's duration is planned.

(20 U.S.C. 1963)

APPENDIX A—PART B OF TITLE VII OF PUB. L. 93-380

STATE READING IMPROVEMENT PROGRAMS

STATEMENT OF PURPOSE

SEC. 711. It is the purpose of this part to provide financial assistance to the States to enable them—

(1) To provide financial assistance for projects designed to facilitate reaching the objectives of this title;

(2) To develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) To provide State leadership in the planning, improving, execution, and evaluation of reading programs in elementary schools; and

(4) To arrange for and assist in the training of special reading personnel and specialists needed in program assisted under this title.

APPLICABILITY AND EFFECTIVE DATE

SEC. 712. (a) The provisions of this part shall become effective only in any fiscal year in which appropriations made pursuant to section 732(a) exceed $30,000,000 and then only with respect to the amount of such excess.

(b) The provisions of this part shall be effective on and after the beginning of fiscal year 1976.

ALLOTMENTS TO STATES

SEC. 713. (a)(1) From the sums appropriated pursuant to section 732(a) for each fiscal year which are available for carrying out this part, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine, and shall apportion such amount to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. Of the remainder of such sums, he shall allot an amount to each State which bears the same ratio to the amount available for allotment as the number of school age children (aged 5 to 12, inclusive) in each such State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. The allotment of a State which would be less than $50,000 under the preceding sentence shall be increased to $50,000, and the total of the increases thereby required shall be derived by proportionately reducing the allotments to the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotments to any such remaining States from being reduced to less than $50,000.

(2) For the purpose of this section, the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(b) The amount allotted to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment from time to time, on such dates during that year as the Commissioner may fix, to other states in proportion to the amounts originally allotted among those states under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 732 for any fiscal year shall be deemed part of the amount allotted to it under subsection (a) for that year.

AGREEMENTS WITH STATE EDUCATIONAL AGENCIES

SEC. 714. (a) Any State which desires to receive grants under this part shall, through its State educational agency, enter into an agreement with the Commissioner, in such detail as the Commissioner deeems necessary, which—

(1) Designates the State educational agency as the sole agency for administration of the agreement;

(2) Provides for the establishment of a State advisory council on reading, appointed by the State educational agency, which shall be broadly representative of the educational resources of the State and of the general public, including persons representative of—

(A) Public and private nonprofit elementary school children, and

(B) Institutions of higher education,

(C) Parents of elementary school children, and

(D) Areas of professional competence relating to instruction in reading,

to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools and on the preparation of, and policy matters arising in the administration of, the agreement (including the criteria for approval of applications for assistance under such agreement) and in the evaluation of results of the program carried out pursuant to the agreement;

(3) Describes the reading programs in elementary schools for which assistance is sought under this part and procedures for giving priority to reading programs which are already receiving Federal financial assistance and show reasonable promise of achieving success;

(4) Sets forth procedures for the submission of applications by local educational agencies within that State, including procedures for an adequate description of the reading programs for which assistance is sought under this part;

(5) Sets forth criteria for achieving an equitable distribution of the assistance under this part which is made available to local educational agencies pursuant to the second sentence of subsection (b) of this section, which criteria shall—

(A) Take into account the size of the population to be served, beginning with preschool, the relative needs of pupils in different population groups within the State for the program authorized by this title, and the financial ability of the local educational agency serving such pupils,

(B) Assure that such distribution shall include grants to local educational agencies having high concentrations of children with low reading proficiency, and

(C) Assure an equitable distribution of funds among urban and rural areas;

(6) Sets forth criteria for the selection or designation and training of personnel (such as reading specialists and administrators of reading programs) engaged in programs assisted under this part, including training for private elementary school personnel, which shall include qualifications acceptable for such personnel;

(7) Provides for the coordination and evaluation of programs assisted under this part;

(8) Provides for technical assistance and support services for local educational agencies participating in the program;

(9) Makes provision for the dissemination to the educational community and the general public of information about the objectives of the program and results achieved in the course of its implementation;

(10) Provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to evaluate the effectiveness of the program and to carry out his other functions under this title;

(11) Provides that not more than 5 per centum of the amount allotted to the State under section 713 for any fiscal year may be retained by the State educational agency for purposes of administering the agreement; and

(12) Provides that programs assisted under this part shall be of sufficient size, scope, and quality so as to give reasonable promise of substantial progress toward achieving the purposes of this title.

(b) Grants for projects to carry out the purposes of this part may be made to local educational agencies (subject to the provision of subsection (e) relating to the participation of private elementary and secondary school pupils), institutions of higher education, and other public and nonprofit private agencies and institutions. Not less than 60 per centum of the amount allotted to a State under section 713 for any fiscal year shall be made available by the State for grants to local educational agencies within that State.

(c) The Commissioner shall enter into an agreement which complies with the provisions of subsection (a) with any State which desires to enter into such an agreement.

(d) The Commissioner's final action with respect to entering into an agreement under subsection (a) shall be subject to the provisions of section 207 of the Elementary and Secondary Education Act of 1965, relating to judicial review.

(e) The provisions of section 141A of the Elementary and Secondary Education Act of 1965 relating to the participation of children enrolled in private elementary and secondary schools shall apply to programs assisted under this part.

APPENDIX B—MANUAL OF GUIDELINES FOR THE READING ACADEMY PROGRAM

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AUTHORITY: Sec. 723, Pub. L. 93-380.

CHAPTER I—INTRODUCTION

Part 1—Guidelines

Sec. 1.1 *Scope of guidelines.* (a) These guidelines are recommendations and suggestions for meeting the funding requirements and evaluation criteria for reading academy programs under section 723 of Pub. L. 93-380 (20 U.S.C. 1963), and Subpart E of 45 CFR Part 162. The legal requirements include the Act and the regulations (Subpart E of 45 CFR Part 162). The guidelines are not to be construed as requirements; however, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

Projects which do not come within these guidelines will not be prejudiced. Projects are not subject to termination proceedings or audit exceptions for conduct which is recommended or suggested in the guidelines; and

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is the Act (20 U.S.C. 1963) and the guideline affects § 162.52 of the regulation (45 CFR 162.52), the follow-

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ing citation will be placed on the line immediately following the guideline: (20 U.S.C. 1963) (45 CFR 162.52). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

Part 1—General Information

SEC. 1.1 *General.* The Reading Academy Program provides grants to State and local educational agencies, institutions of higher education, and community and other nonprofit organizations to provide exemplary reading assistance and instruction to functionally illiterate out-of-school youths and adults not reached through other reading programs. The instruction is to be provided in facilities to be known as reading academies. While there are a variety of ways that an applicant may plan for, and then implement, a reading academy, the following suggestions and guidelines are intended to provide assistance which may help in developing a project to meet the requirements, or in implementing a funded project.

(20 U.S.C. 1963) (45 CFR 162.50)

Part 2—Planning

SEC. 2.1 *General planning information.* The regulations set out several requirements concerning a description of an applicant's proposed project which can be met only if adequate planning has been done for developing the project. In planning, it is generally helpful to go through the following steps:

(a) Identification of the problem (needs assessment);

(b) Analysis of community resources;

(c) Community involvement;

(d) Establishing objectives and strategies to solve the problems; and

(e) Staff development.

(20 U.S.C. 1963) (45 CFR 162.52(a)(1))

SEC. 2.2 *Identification of the problem.* To determine the number and characteristics of youths and adults with reading problems in a given area, and therefore the type of reading academy program which will best solve the problems, the following types of information are relevant:

(a) The number of adults and youths (out-of-school) who have not finished elementary and secondary school;

(b) The number of youths and adults who may be defined as functionally illiterate;

(c) The age range and sex of target groups (between 16–20, 21–35, over 35);

(d) The ethnic backgrounds of the target groups;

(e) The non-English-speaking populations;

(f) The estimated income levels of target groups (below $3,600, $3,600 to $7,200, and so forth);

(g) Their employment profiles (number of full-time, part-time, and unemployed; whether skilled, semi-skilled, unskilled); and

(h) Identification of the neighborhoods where the target population lives.

(20 U.S.C. 1963) (45 CFR 162.52(c)(2))

SEC. 2.3 *Identification of community resources.* Knowledge of what educational services are available to adults in their communities is helpful in determining how a reading academy should be structured to supplement existing services or to build bridges between agencies and services. Information may be obtained by making an inventory of community agencies, service organizations, local business and industry, State agencies, local and federally funded programs; and by identifying which agencies might be helpful in identifying and recruiting participants and/or serving as sources of volunteers, providing materials and facilities, providing publicity, offering special expertise in training volunteers, or having the capability of sponsoring or housing reading academy branches in neighborhood facilities convenient to participants.

(20 U.S.C. 1963) (45 CFR 162.53(d)(5) and (6))

SEC. 2.4 *Community involvement.* Involving diverse segments of the community in planning, developing, and operating a project increases the possibilities for greater project success. Applicants are encouraged to consider developing an effective structure of involvement entailing extensive planning on the part of each applicant (and follow-up planning by each grantee). Recognition of the competence and interest of a variety of groups both within and outside formal educational institutions in planning and operating project activities may result in programs which can best meet the needs of the target population and sustain the interest and support of the community. As one means of ensuring community involvement, the regulations require establishing a unit task force. Further guidance on the unit task force is provided in Part 7 of these guidelines.

(20 U.S.C. 1963) (45 CFR 162.52(c)(6) and (c)(9))

SEC. 2.5 *Establishing objectives.* (a) Section 162.52(a) of the regulations requires the applicant, having identified the needs of functionally illiterate youths and adults in a given area, to develop objectives that relate to the overall project activities. A number of provisions in the regulations also concern the meeting of participants' individual needs (§§ 162.52(c)(4)(1), 162.53(c)(1) and (2)). To do this, it is suggested that participants in a project be involved with their tutors in the formulation of their own learning objectives. Objectives allow participants and staff to see what behaviors must be demonstrated for successful completion of the program, in addition to allowing them to evaluate their own progress toward the successful accomplishment of the objectives. For the project director and the teachers, the objectives serve to identify problems encountered by the learners at various stages, providing the opportunity for revising the learning approaches utilized. Furthermore, clearly stated objectives for individual participants make it possible to evaluate learner progress as well as the instructional design's effectiveness; and

(b) With respect to overall project objectives called for in § 162.52(a) of the regulations, objectives in three areas might be identified: operational objectives, instructional objectives, and product objectives.

(1). Operational objectives refer to the goals for the processes that are necessary to carry out the project, such as recruiting and teaching participants and recruiting and training volunteer and other teaching and administrative staff;

(2) Instructional objectives refer to the goals for changes in students' (and staff members') cognitive and affective behavior (see Part 4—Instructional Program); and

(3) Product objectives refer to goals in developing such material items as criterion-referenced tests, curriculum guides, or reading materials. It is useful to set out time schedules for the production of materials.

The effectiveness of the instructional program is likely to be directly related to the clarity of the operational objectives and the instructional objectives. The operational objectives, in addition to reflecting the total program planning design and the process necessary to carry out the program, are based upon the applicant or grantee agency's philosophy about adult education. The instructional objectives specify the observable results by which the project's activities can be measured. The instructional objectives set the stage for the specific behavioral objectives which will be achieved by the participants. Clarity of the objectives will also facilitate the selection of instructional materials.

(20 U.S.C. 1963) (45 CFR 162.52(a) and (c)(1) and (2); 162.53.(d)(2))

SEC. 2.6 *Staff development.* The regulations set out several requirements designed to ensure that staff have adequate experience and expertise with adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, administration, and knowledge of community resources. While any one person may not have all of the above experience or expertise, the staff as a whole should have these experiences, which should be enhanced by further training. The regulations do require that the project director assume responsibility for all aspects of the program.

(20 U.S.C. 1963) (45 CFR 162.52(b), (c)(7) and (8) and 162.53(d)(4) and (5))

Part 3—Participant Recruitment and Retention

SEC. 3.1 *Recruitment.* The regulations require developing and implementing a system to identify and recruit participants. Identifying and recruiting youths and adults who are functionally illiterate are sensitive and complicated tasks. Due to the social stigma attached to illiteracy, individuals are often too shy to admit that they cannot read. Many have developed a whole series of protective mechanisms to hide their disability from family and friends. In the past, the school failed to serve them adequately; consequently, they are suspicious of educational programs. It may be that the best way to identify and approach potential participants is to reach them indirectly through communcommunity, youth, and social organizations will help to establish awareness of the program. Other agencies such as social service agencies, State employment agencies, and the Department of Motor Vehicles might be encouraged to refer to the academy those persons they have identified as in need of basic reading instruction. In some communities, staff may have to organize door-to-door recruitment campaigns. Volunteers from local organizations have proven in the past to be very effective in these recruitment campaigns. Obviously, it is important to plan well in advance the types of recruitment strategies that are appropriate for a particular service area, to implement these plans as soon as possible after the receipt of the grant award. Applicants and grantees are encouraged to consider whether special emphasis might be given to plans for the participation of out-of-school youths, as experience has shown that this group is the most difficult to recruit into literacy programs and the most difficult to retain once enrolled.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3) and (6) and 162.53(d)(6))

SEC. 3.2 *Retention.* Attracting functionally illiterate youths and adults to the reading academy project is only part of the effort needed to have a successful project. Keeping their interest with a relevant and interesting curriculum, and providing supportive services are additional elements of a successful program. Out-of-school youths and adults come to reading programs with a variety of problems. For them, learning is never easy; they are quickly discouraged and need continual encouragement. Many are unemployed and looking for work. Some are employed in physically exhausting labor. Others must rely on public transportation or the generosity of friends in order to reach the academy. An applicant may have a more successful program if the staff is able to anticipate these and other problems which might cause the participant to drop out. Experience with successful adult literacy programs indicates that a project may need to include a referral service to appropriate social service and health agencies, provide help in cutting through red tape to gain a much needed service and, at times, provide minimal funds to offset the cost of transportation. In very isolated areas where public transportation does not exist, some projects have found that it is necessary to provide transportation to the instructional site. Applicants are encouraged to consider and provide for these elements as appropriate.

(20 U.S.C. 1963) (45 CFR 162.53(d) (4), (5), and (6))

Part 4—Instructional program

SEC. 4.1 *Program.* The regulations require that an exemplary program of reading assistance be developed for teaching the functionally illiterate youth and adult target population. It is hoped that programs will be planned to provide participants with opportunities for immediate reading success, practice of reading and related skills, and positive reinforcement. A more successful program may result where supervisory and teaching staff have an understanding of the process of reading development for adults, of how to assess a participant's reading ability, a working knowledge of available instructional print and other media materials suitable for adults, and the ability to exercise creativity in developing instructional programs. A program more relevant to the needs and interests of the target population may be developed if representatives of the target population and the community are involved in planning and implementing the project.

The Right to Read Office of the U.S. Office of Education does not advocate any one method or set instructional materials; rather, it advocates that instruction be tailored to meet the needs of the individual learner. As a means of facilitating individualization, applicants are urged to adopt a diagnostic/prescriptive approach to instruction. This approach requires that each individual be diagnosed to determine the strengths and the needs he or she has regarding reading. Following the diagnosis, it is then necessary to prescribe a program of experiences utilizing appropriate materials and activities which will meet the needs which have been identified. Participant needs will dictate what kinds of materials should be used in the instructional process; since participants' needs will likely be varied, a variety of materials at different levels of difficulty may be required to provide necessary individualized instruction.

If English as a second language is a component of the instructional program, the participants should be given ample opportunity for practice of oral English.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2), (7) and (8))

SEC. 4.2 *Materials.* Choosing appropriate learning materials is an important part of the program. More learning is likely to take place if the materials are relevant to the backgrounds and immediate reading needs and interests of participants, and if the staff understands how the materials are to be used (and any prerequisites necessary to their use). Both commercially produced materials (adopted or adapted) and relevant teacher-made materials may be used together. The materials, whether commercially produced or teacher-made, should be realistic, practical, functional, usable, and reflective of the needs and interests of the participants.

Whenever appropriate, the native language and culture of the participants should be used as an integral part of the instructional program. Instruction is more meaningful if focused around real-life coping skills such as consumer education—and consumer rights, the world of work, job application skills, job or vocation-related skills, and so forth. Teachers may also use a variety of materials such as newspapers, cooking recipes, various types of application forms, signs, or any other printed materials that are interesting and relevant to the adult and youth participants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2) and (7))

Part 5—Evaluation

SEC. 5.1 *General.* The regulations require an evaluation component for each project providing for the collection, verification, and analysis of data to measure the extent to which the project objectives are accomplished and procedures for measuring the achievement of participants. Both process (formative) and impact (summative) evaluation should be conducted. Process evaluation can be defined as a timely examination of project activities that actually occur with a view to:

(1) How they correspond with what was promised;

(2) To what extent the activities appear to be effective; and

(3) How they can be improved by modification. Within this system, as each modification is implemented, the cycle would start again. In its simplest form, process evaluation can be defined as a management information system. Impact evaluation examines the final results and asks whether the objectives were achieved.

(20 U.S.C. 1963) (45 CFR 162.52(a) and 162.53(d)(1))

Part 6—Project Director and Staff

SEC. 6.1 *Staff.* The regulations require that:

(a) The project director and the staff have specified experiences and expertise in the areas of adult education and in non-school settings, literacy education, administration, teacher or tutor training, recruitment of volunteers, and knowledge of community resources; and

(b) The applicant develop a system whereby the project director assumes responsibility for directing the project and all of its activities, including communication, programming, and evaluation. The following discussion presents some practical considerations which may be helpful in meeting these requirements.

An enormous part of the responsibility for the program rests with the project director, and it is important that he or she spend a major part of his or her time on the project. A suitable candidate for the position of project director should be identified during the planning stage prior to submission of the application so that he or she may be hired as soon as approval is granted and, if possible, be involved in the planning of the program. Other staff, paid and volunteer, should be chosen to complement the experience and expertise of the project director as well as to carry out training and/or teaching functions. In areas with high concentrations of participants of limited or no English-speaking ability, the applicant is encouraged to actively recruit project staff who speak the same language as the participants and who are of the same ethnic background as the participants. The director is responsible for all project activities, evaluations, and communication concerning the project. It is important to establish efficient internal and external communication systems so that feedback to and by project staff, participants, and the community is timely and continuous. A determination should also be made as to which reports should be prepared about the program for the Office of Education according to the General Provisions Regulations (45 CFR Part 100a, Subparts P–R), and what communications might be desirable for informing the public about the existence of the program, its services, and accomplishments.

NOTE: Grantees will be provided with instructions and format for submission of required Office of Education reports.

(20 U.S.C. 1963) (45 CFR 162.52(c)(7) and (8) and 162.53(d)(8))

SEC. 6.2 *Volunteers.* (a) *General.* A review of the literature of volunteers in adult literacy programs and Right to Read program experience suggests that functionally illiterate youths and adults need instruction that is frequent, intensive, and personal. The limited financial resources available to the academy program necessitates that a project use imaginative schemes to insure that an academy offers this type of instruction. One effective way to stretch program funds is to enlist the aid of volunteers. Volunteer tutors, when given appropriate training and support, have been particularly effective in working with adults in reading programs.

Projects which put strong emphasis on the use of volunteers will need to develop detailed plans that include volunteer recruitment, preservice and inservice training, placement of volunteers and supportive services. The guidelines below present recommendations for projects which choose to make use of volunteer staff;

(b) *Recruitment.* If a project determines that it will rely on volunteer tutors, it should estimate the total number and types of volunteers it will need in order to form a resource pool of tutors and then set recruitment goals. Any plan to recruit volunteers should include identification of sources of volunteers (such as service organizations and college work study programs), establish working relationships with these groups, and launch a public awareness program through the media. The recruitment strategy should be designed to continue through the duration of the project and should take into account the traditionally high turnover rate of volunteers in the early part of any project;

(c) *Responsibilities.* It is helpful if job descriptions for volunteers are written and used as a basis for any recruitment campaign. These descriptions might include some indication of the type of commitment that will be expected from a volunteer. For example, "A tutor will teach reading to an individual adult, a minimum of three hours a week for thirty weeks," or "The tutor will participate in x number of preservice training sessions and periodic inservice training sessions"; and

(d) *Training.* Objectives for the training of volunteers should be clearly stated. Generally, they would include both affective and cognitive behaviors. The training should develop an awareness of, and a sensitivity to, the needs of the target population, orientation to the community and its resources, some basic reading instructional approaches and skills, and a familiarity with the instructional materials. The training program goal is to lead to the establishment of a helping relationship between the tutor and the professional staff. This preservice training sequence could be anywhere from 15 to 45 hours in length and might be followed by

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inservice training and supportive service offered once the volunteer tutor is in the field. Regularly scheduled contact between the tutor and the professional staff of the academy is important. Inservice training needs will be as varied as the number and types of volunteers and participants involved in the program. General training sessions should be directed toward the resolution of problems common to all literacy programs; the informal followup services should concentrate on the resolution of specific problems.

(20 U.S.C. 1963) (45 CFR 162.52(c)(4) and (6) and 162.53(c) and (d)(7))

Part 7—The Unit Task Force

SEC. 7.1 *Composition.* The regulations require that a unit task force be established consisting of representatives from the applicant agency, out-of-school youths and adults from the potential target population, representatives from community groups, other Federal or State programs, and business and industry. Some points that might be considered in selecting members of the unit task force are:

(a) Special care might be taken to select youths who have demonstrated leadership among their peer groups;

(b) Community groups which might be involved include social agencies, adult education programs, local action groups, the public library, youth organizations, labor unions and municipal agencies; and

(c) Federal and State programs might include Adult Basic Education, the Model Cities Program, manpower training programs, Neighborhood Youth Corps, State employment agencies and volunteer organizations, particularly those sponsored by Federal programs (such as the retired senior citizens programs and VISTA).

It is important to keep in mind that while the unit task force should be large enough to represent diverse groups and interests, it should not be so large that its size limits efficient operation. For some projects, a unit task force and several sub-unit task forces might be established. For instance, if several neighborhood facilities are used to provide reading instruction, different sub-unit task forces for each neighborhood facility might be established so that more grassroots involvement and identification are obtained.

(20 U.S.C. 1963) (45 CFR 162.52(c)(9))

SEC. 7.2 *Responsibilities.* The following are examples of functions which might be performed by the unit task force to satisfy the regulation requirement that it play an active role in planning and implementing the project:

(a) Assistance in program planning including the identification of the target population, the assessment of needs, and the selection of project activities and priorities;

(b) Recruitment of volunteers and assistance in the mobilization of community resources;

(c) Assistance in staff development programs for project staff and volunteers;

(d) Assistance in identifying agencies which might serve as sponsors of locations for neighborhood reading academies;

(e) Assistance in the dissemination of information about the project throughout the community; and

(f) Coordination of the project with other community groups, with professional organizations, and with public and private agencies.

(20 U.S.C. 1963) (45 CFR 162.52(c)(9))

CHAPTER III—A MODEL: ACADEMY CENTERS AND SATELLITES

Part 1—The Model

SEC. 1.1 *General.* Several of the funding requirements and evaluation criteria suggest and support the development of a model for a reading academy project. In short summary they are: that low-cost individualized instruction be provided at locations and times convenient to participants; that the community be involved, perhaps by providing community or neighborhood facilities; that because of the difficulty in reaching the target populations, the staff be knowledgeable about providing instruction in non-school settings and in recruiting volunteers to work with participants. A model is therefore suggested which would include an academy center where planning, programming, staff recruitment, training and evaluation would be conducted, and satellite academies which would be located in facilities in neighborhoods convenient to potential participants where instruction would actually be provided. Volunteer tutors would provide the one-to-one instruction and would individualize attention and assistance to participants.

This model is not given as the exclusive approach to meeting the requirements and criteria contained in the regulations, but as one possible approach recommended for consideration by applicants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7)))

SEC. 1.2 *Academy Centers.* Under the model, the reading academy grantee would be responsible not only for carrying out an instructional program for youths and adults in a centralized reading academy, but also for developing a network of neighborhood-based or satellite academies staffed by trained volunteers who would provide instruction in the neighborhoods of the target population. The academy center would be responsible for developing a comprehensive volunteer system which would include recruitment and training of volunteers and placement of volunteer tutors in satellite academies. The academy center would also provide a wide variety of supportive services to the volunteer once he or she starts tutoring an adult, whether the instruction occurs at the center or in a neighborhood satellite academy. Such service might include help for the tutors in material selection, in diagnostic testing and instructional prescription. The center would provide specific services to participants such as education counseling, referral service to appropriate social service or health agencies, and job placement. The academy center, as part of its effort to launch neighborhood-based academies or satellites, would work with various community groups, neighborhood councils and with branch libraries to identify appropriate places to house the instructional programs which are convenient to the target population. It would also mobilize a variety of community resources to support the academy.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

SEC. 1.3 *Satellites.* The satellite academies would take instruction to the places that are most suitable, convenient and easily accessible to the adult participants. They could be housed in libraries, community centers, homes, places of employment, schools, YMCA's or in a variety of other appropriate facilities. The center might adopt any one of a number of strategies to implement the satellite concept. It could establish a satellite academy or a network of academies as a direct outgrowth of its own operation and carry the full responsibility for its management. Under this arrangement the center would identify and obtain community facilities but without further commitment from an organization. In communities with already established literacy programs, the center might establish a cooperative arrangement whereby it would provide certain specified professional services. In other communities the center could work through local organizations which would be willing to sponsor an academy, provide facilities and serve as a source of volunteers. Whichever arrangements are made for the establishment of a satellite academy, it would have a coordinator who would be responsible for recruiting participants who lived in the neighborhood, scheduling sessions with tutors and participants, maintaining a communication link between the tutor and participants, keeping records (attendance, progress charts, test scores), storage of instructional materials, and making sure that facilities are available as scheduled.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

[FR Doc.75-31403 Filed 12-3-75;8:45 am]

Public Health Service

[42 CFR Part 2a]

PROTECTION OF IDENTITY—RESEARCH SUBJECTS AND PATIENTS

Proposed Procedures

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subchapter A, Chapter I of Title 42, Code of Federal Regulations, by adding a new Part 2a, entitled "Protection of Identity—Research Subjects."

This proposed amendment sets forth procedures under which persons engaged in research on mental health, including research on the use and effect of alcohol and other psychoactive drugs, may apply for an authorization under section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) as amended by Pub. L. 93-282, to protect the privacy of the research subjects by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such research subjects.

As set forth in § 2a.1, the proposed regulations are not applicable to authorizations of confidentiality for research on drugs which are classified, under the Federal Food, Drug, and Cosmetic Act, as investigational new drugs or as approved new drugs subject to special requirements (methadone). The Secretary's authority to grant authorizations of confidentiality to persons engaged in research on these drugs has been delegated to the Commissioner of the Food and Drug Administration.

Section 2a.1 also refers to the separate authority of the Attorney General to issue authorizations of confidentiality and notifies researchers that implementation of the various authorities for grant of confidentiality will be coordinated in order to avoid delay. Further coordination is provided in § 2a.5(b), which affords a researcher the opportunity to include a request to the Drug Enforcement Administration for exemption from prosecution for possession, distribution, and dispensing of controlled drugs in the application to the Secretary.

The proposed regulations provide that persons receiving an authorization of confidentiality may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the research subjects encompassed by the authorization (§ 2a.7(a)), but that such persons are not authorized to refuse to reveal identifying information where (1) the subject (or, if legally incompetent, his guardian) consents, in writing, to the disclosure of identifying information, (2) the medical welfare of the subject would be threatened by a failure to reveal such information, or (3) release of such information is required by the Federal Food, Drug, and Cosmetic Act or the regulations promulgated thereunder (§ 2a.7(b)). The purpose of these exceptions is to prevent the protection against compulsory disclosure of identifying information from being invoked to the detriment of the research subject.

The regulations also set forth procedures on termination of Confidentiality Certificates. The protection afforded by a confidentiality certificate is, however, permanent with respect to subjects who participated in research during any time the authorization was in effect.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed amendment to the Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 13C-06, Rockville, Maryland 20852 on or before January 19, 1976. Comments received will be available for public inspection at that address during regular office hours.

Dated: October 28, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary.

It is proposed to amend Subchapter A of Chapter I, Title 42 CFR, by adding a new Part 2a to read as follows:

PART 2a—PROTECTION OF IDENTITY—RESEARCH SUBJECTS

Sec.
2a.1 Applicability; coordination.
2a.2 Definitions.
2a.3 Application.
2a.4 Contents of application; in general.
2a.5 Contents of application; research projects in which drugs will be administered.
2a.6 Issuance of Confidentiality Certificates; single project limitation.
2a.7 Effect of Confidentiality Certificate; exceptions.
2a.8 Termination.

AUTHORITY: Sec. 3(a), Pub. L. 91-513 as amended by sec. 122(b), Pub. L. 93-282; 84 Stat. 1241 (42 U.S.C. 242a(a)), as amended by 88 Stat. 132.

§ 2a.1 Applicability; coordination.

(a) Under section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) the Secretary of Health, Education, and Welfare may authorize persons engaged in research on mental health, including research on the use and effect of alcohol and other psychoactive drugs, to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names and other identifying characteristics of such individuals. The regulations in this part establish procedures pursuant to which any person engaged in such research may, subject to the exceptions set forth in paragraph (b) of this section, apply to the National Institute on Drug Abuse, the National Institute of Mental Health, or the National Institute on Alcohol Abuse and Alcoholism for such an authorization of confidentiality. Persons unsure of which Institute has the authority and jurisdiction to grant the Confidentiality Certificate may submit an application to any of the three Institutes.

(b) These regulations do not apply to: (1) Authorizations of confidentiality for research requiring an Investigational New Drug exemption under section 505 (i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or to approved new drugs, such as methadone, requiring continuation of long-term studies, records, and reports. Attention is called to 21 CFR 310.505(g) relating to authorizations of confidentiality for patient records maintained by methadone treatment programs.

(2) Authorizations of confidentiality for research which are related to law enforcement activities or otherwise within the purview of the Attorney General's authority to issue authorizations of confidentiality pursuant to section 502 (c) of the Controlled Substances Act (21 U.S.C. 872(c)) and 21 CFR 1316.21.

(c) Persons who are uncertain with regard to the application of these regulations to a particular type of research may apply for an authorization of confidentiality under this part. Requests which are within the scope of the authorities described in paragraph (b) of this section will be forwarded to the appropriate agency for consideration and the applicant will be advised accordingly.

§ 2a.2 Definitions.

(a) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(b) "Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, partnership, association, or other legal entity.

(c) "Research" means any activity that is intended and designed to establish, discover, develop, elucidate, demonstrate, or confirm information or procedures. The term includes, but is not limited to, behavioral science studies, surveys, evaluations, and clinical investigations.

(d) "Drug" has the meaning given that term by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)((1)).

(e) "Controlled drug" means a drug which is included in schedule I, II, III, IV, or V of Part B of the Controlled Substances Act (21 U.S.C. 811-812).

(f) "Administer" refers to the direct application of a drug to the body of a human research subject, whether such application be by injection, inhalation, ingestion, or any other means, by (1) a qualified researcher (or, in his presence, by his authorized agent), or (2) a research subject in accordance with instructions of a qualified researcher, whether or not in the presence of a qualified researcher.

(g) "Identifying characteristics" refers to any data collected on an individual by a researcher that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual which could reasonably distinguish that individual from all others in the study, including but not limited to fingerprints, voiceprints, or photographs.

(h) "Psychoactive drug" means, in addition to alcohol, a drug which has its principal action an effect on thought, mood, or behavior.

§ 2a.3 Application.

(a) Any person engaged in applicable research as discussed in § 2a.1, who desires authorization to withhold the names and other identifying characteristics of individuals who are the subject of such research from any person or authority not connected with the conduct of such research may apply to the Office of the Director of the National Institute on Drug Abuse, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, or the Office of the Director, National Institute of Mental Health, or the Office of the Director, National Institute on Alcohol Abuse and Alcoholism, 5600 Fishers Lane, Rockville, Maryland 20852 for an authorization of confidentiality. Such an application may accompany the submission of an application for grant or contract assistance.

(b) A separate application, submitted in triplicate, is required for each research project for which an authorization of confidentiality is requested.

§ 2a.4 Contents of application; in general.

(a) In addition to any other pertinent information which the Secretary may require, each application for an authorization of confidentiality for a research project shall contain:

(1) The name and address of the individual primarily responsible for the conduct of the research and the sponsor or institution with which he is affiliated, if any;

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(2) The location of the research project and a description of the facilities available for conducting the research, including the name and address of any hospital, institution, or clinical laboratory facility to be utilized in connection with the research;

(3) The names, addresses, and summaries of the scientific or other appropriate training and experience of all personnel having major responsibilities in the research project;

(4) On outline of the research protocol for the project including, where applicable, the following information:

(i) A clear and concise statement of the purpose and rationale of the research project;

(ii) A statement of the methodology to be followed, including: (A) The number and types of subjects (e.g., age, sex, education) who will be used in the research project;

(B) The type of information which is to be collected and the instruments and methods for such collection; and

(C) The procedures for the safeguarding of data on the research subjects, which shall include as a minimum an assurance that records containing any information pertaining to research subjects shall be kept in a locked file cabinet, safe, or other similar container when not in use; and

(iii) A statement: (A) From applicants who receive DHEW grant or contract support for the research project with respect to which a Confidentiality Certificate is requested assuring that they will comply with all the requirements of 45 CFR Part 46, "Protection of Human Subjects," or

(B) From all other applicants assuring that they will, if it is determined by the Secretary, on the basis of information submitted by the applicant, that (1) the subjects will be placed at risk and (2) a decision to allow the subjects to accept the risks is warranted, comply with the informed consent requirements of 45 CFR 46.3(c) and document legally effective informed consent in a manner consistent with the principles stated in 45 CFR 46.10. If a modification of paragraphs (a) or (b) of 45 CFR 46.10 is to be used, as permitted under paragraph (c) of this section, the applicant will describe the proposed modification and submit it for approval by the Secretary.

(5) The estimated date for completion of the project;

(6) A specific request for authority to withhold the names and other identifying characteristics of the research subjects and the reasons supporting such request;

(7) An assurance that if an authorization of confidentiality is given it will not be represented as a general endorsement of the research project by the Secretary or used to coerce individuals to participate in the research project; and

(8) An assurance that the research subjects will be immediately advised of any termination of the authorization of confidentiality.

(See § 2a.8(c)).

§ 2a.5 Contents of application; research projects in which drugs will be administered.

(a) In addition to the information required by § 2a.4 and any other pertinent information which the Secretary may require, each application for an authorization of confidentiality for a research project which involves the administering of a drug shall contain:

(1) In the case of a controlled drug, a copy of the Drug Enforcement Administration Certificate of Registration (END Form 223) under which the research project will be conducted;

(2) Identification of the drugs to be administered in the research project and a description of the methods for such administration, which shall include a statement of the dosages to be administered to the research subjects; and

(3) Evidence that individuals who administer drugs are authorized to do so under applicable Federal and State law.

(b) An application for an authorization of confidentiality with respect to a research project which involves the administering of a controlled drug may include a request for exemption of persons engaged in the research from State or Federal prosecution for possession, distribution, and dispensing of controlled drugs as authorized under section 502 (d) of the Controlled Substances Act (21 U.S.C. 872(d)) and 21 CFR 1316.22. If the request is in such form, and is supported by such information, as is required by 21 CFR 1316.22, the Secretary will forward it, together with his recommendation that such request be approved or disapproved, for the consideration of the Administrator of the Drug Enforcement Administration.

§ 2a.6 Issuance of Confidentiality Certificates; single project limitation.

(a) In reviewing the information provided in the application for a confidentiality certificate, the Secretary will take into account:

(1) The soundness of the purposes and methods of the research project;

(2) The scientific or other appropriate training and experience of all personnel having major responsibilities in the research project;

(3) The suitability for use in the research project of the proposed subject population and the protections to be afforded to subjects; and

(4) Such other factors as he may consider necessary and appropriate. All applications for confidentiality certificates shall be evaluated by the Secretary through such officers and employees of the Department and such experts or consultants engaged for this purpose as he determines to be appropriate.

(b) After consideration and evaluation of an application for an authorization of confidentiality, the Secretary will either issue a Confidentiality Certificate or a letter denying a Confidentiality Certificate, which will set forth the reasons for such denial, or will request additional information from the applicant. The Confidentiality Certificate will include:

(1) The applicant's name and address;

(2) The name and address of the individual primarily responsible for conducting the research, if such individual is not the applicant;

(3) The location of the research project;

(4) A brief description of the research project;

(5) The Drug Enforcement Administration registration number for the project, if any; and

(6) The date of expiration of the Confidentiality Certificate.

(c) A Confidentiality Certificate is not transferable and is effective only with respect to the names and other identifying characteristics of those individuals who are the subjects of the single research project specified in the Confidentiality Certificate. The recipient of a Confidentiality Certificate shall, within 15 days of any completion or discontinuance of the research project which occurs prior to the expiration date set forth in the Certificate, provide written notification to the Secretary. If the recipient determines that the research project will not be completed by the expiration date set forth in the Confidentiality Certificate he may submit a written request for an extension of the expiration date which shall include a justification for such extension and a revised estimate of the date for completion of the project. Upon approval of such a request, the Secretary will issue an amended Confidentiality Certificate.

(d) The protection afforded by a Confidentiality Certificate does not extend to significant changes in the research project as it is described in the application for such Certificate (i.e., changes in the personnel having major responsibilities in the resaerch project, or changes in the research protocol affecting the number and types of research subjects or the nature of their participation in the project). The recipient of a Confidentiality Certificate shall notify the Secretary of any proposal for such a significant change by submitting an amended application for a Confidentiality Certificate in the same form and manner as an original application. On the basis of such application and other pertinent information the Secretary will either:

(1) Approve the amended application and issue an amended Confidentiality Certificate together with a Notice of Cancellation terminating the original Confidentiality Certificate in accordance with § 2a.8; or

(2) Disapprove the amended application and notify the applicant in writing that adoption of the proposed significant changes will result in the issuance of a Notice of Cancellation terminating the original Confidentiality Certificate in accordance with § 2a.8.

§ 2a.7 Effect of Confidentiality Certificate; exceptions.

(a) Subject to the exceptions set forth in paragraph (b) of this section, a Confidentiality Certificate authorizes the withholding of the names and other identifying characteristics of individuals

who participate as subjects in the research project specified in the Certificate while the Certificate is in effect. The authorization applies to all persons who, in the performance of their duties in connection with the research project, have access to information which would identify the subjects of the research. Persons so authorized may not, at any time, be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the research subjects encompassed by the Certificate, except in those circumstances specified in paragraph (b) of this section.

(b) *Exceptions.* A Confidentiality Certificate granted under this part does not authorize any person to refuse to reveal information which would identify a research subject where (1) the subject (or, if he is legally incompetent, his guardian) consents, in writing, to the disclosure of such information, (2) the medical welfare of the research subject would be threatened by a failure to reveal such information, or (3) release of such information is required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) or the regulations promulgated thereunder (Title 21, Code of Federal Regulations).

§ 2a.8 Termination.

(a) A Confidentiality Certificate is in effect from the date of its issuance until the effective date of its termination. The effective date of termination shall be the earlier of:

(1) The expiration date set forth in the Confidentiality Certificate; or

(2) Ten days from the date of mailing a Notice of Cancellation to the applicant, pursuant to a determination by the Secretary that the research project has been completed or discontinued or that retention of the Confidentiality Certificate is otherwise no longer necessary or desirable.

(b) A Notice of Cancellation shall include: an identification of the Confidentiality Certificate to which it applies; the effective date of its termination; and the grounds for cancellation. Upon receipt of a Notice of Cancellation the applicant shall return the Confidentiality Certificate to the Secretary.

(c) Any termination of a Confidentiality Certificate pursuant to this section is operative only with respect to the names and other identifying characteristics of individuals who begin their participation as research subjects after the effective date of such termination (see §§ 2a.4(a)(8) and 2a.5 requiring researchers to immediately notify subjects of any termination of the Confidentiality Certificate). The protection afforded by a Confidentiality Certificate is permanent with respect to subjects who participated in research during any time the authorization was in effect.

[FR Doc.75-32402 Filed 12-3-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice No. 473]

Office of the Secretary

FIELD ORGANIZATION

Pursuant to the requirements of the Administrative Procedure Act (5 U.S.C. 552(a)) there follows a list of the field organization (foreign) of the Department of State as of September 16, 1975.

EMBASSIES

Afghanistan, Kabul
Algeria, Algiers
Argentina, Buenos Aires
Australia, Canberra
Austria, Vienna
Bahamas, The, Nassau
Bahrain, Manama
Bangladesh, Dacca
Barbados, Bridgetown
Belgium, Brussels
Bolivia, La Paz
Botswana, Gaborone
Brazil, Brasilia
Bulgaria, Sofia
Burma, Rangoon
Burundi, Bujumbura
Cameroon, Yaounde
Canada, Ottawa
Central African Republic, Bangui
Chad, N'Djamena
Chile, Santiago
China, Taipei (Taiwan)
Colombia, Bogota
Costa Rica, San Jose
Cyprus, Nicosia
Czechoslovakia, Prague
Dahomey, Cotonou
Denmark, Copenhagen
Dominican Republic, Santo Domingo
Ecuador, Quito
Egypt, Cairo
El Salvador, San Salvador
Equatorial Guinea, Malabo
Ethiopia, Addis Ababa
Fiji, Suva
Finland, Helsinki
France, Paris
Gabon, Libreville
Gambia, The, Banjul
Germany, Federal Republic, Bonn
Germany, Democratic Republic, Berlin
Ghana, Accra
Greece, Athens
Guatemala, Guatemala
Guinea, Conakry
Guyana, Georgetown
Haiti, Port-au-Prince
Honduras, Tegucigalpa
Hungary, Budapest
Iceland, Reykjavik
India, New Delhi
Indonesia, Jakarta
Iran, Tehran
Iraq, Baghdad (U.S. Interests Section, Belgian Embassy)
Ireland, Dublin
Israel, Tel Aviv
Italy, Rome
Ivory Coast, Abidjan
Jamaica, Kingston
Japan, Tokyo
Jordan, Amman
Kenya, Nairobi
Korea, Seoul
Kuwait, Kuwait
Laos, Vientiane
Lebanon, Beirut
Lesotho, Maseru
Liberia, Monrovia
Libya, Tripoli
Luxembourg, Luxembourg
Madagascar, Tananarive
Malawi, Blantyre
Malaysia, Kuala Lumpur
Mali, Bamako
Malta, Valletta
Mauritania, Nouakchott
Mauritius, Port Louis
Mexico, Mexico, D.F.
Morocco, Rabat
Nepal, Kathmandu
Netherlands, The Hague
New Zealand, Wellington
Nicaragua, Managua
Niger, Niamey
Nigeria, Lagos
Norway, Oslo
Oman, Muscat
Pakistan, Islamabad
Panama, Panama
Papua New Guinea, Port Moresby
Paraguay, Asuncion
Peru, Lima
Philippines, Manila
Poland, Warsaw
Portugal, Lisbon
Qatar, Doha
Romania, Bucharest
Rwanda, Kigali
Saudi Arabia, Jidda
Senegal, Dakar
Sierra Leone, Freetown
Singapore, Singapore
Somalia, Mogadiscio
South Africa, Pretoria
Soviet Union, Moscow
Spain, Madrid
Sri Lanka, Colombo
Sudan, Khartoum
Swaziland, Mbabane
Sweden, Stockholm
Switzerland, Bern
Syria, Damascus
Tanzania, Dar es Salaam
Thailand, Bangkok
Togo, Lome
Trinidad and Tobago, Port-of-Spain
Tunisia, Tunis
Turkey, Ankara
United Arab Emirates, Abu Dhabi
United Kingdom, London
Upper Volta, Ouagadougou
Uruguay, Montevideo
Venezuela, Caracas
Yemen, Sana
Yugoslavia, Belgrade
Zaire, Kinshasa
Zambia, Lusaka

U.S. MISSIONS TO INTERNATIONAL ORGANIZATIONS

Austria, Vienna: U.S. Mission to the International Atomic Energy Agency (IAEA); U.S. Mission to the U.N. Industrial Development Organization (UNIDO).
Belgium, Brussels: U.S. Mission to the European Communities (USEC); U.S. Mission to the North Atlantic Treaty Organization (USNATO).
Canada, Montreal: U.S. Mission to the International Civil Aviation Organization (ICAO).
France, Paris: Office of Permanent U.S. Representative to United States Educational, Scientific, and Cultural Organization (UNESCO); U.S. Mission to the Organization for Economic Cooperation and Development (USOECD).
Italy, Rome: Office of U.S. Representative to Food and Agriculture Organization (FAO).
Switzerland, Geneva: U.S. Mission to the European Office of the United Nations and other International Organizations.

SPECIAL OFFICES

China: Peking
Germany: Berlin, U.S. Mission
Malawi: Lilongwe

CONSULATES GENERAL

Australia:
Melbourne
Sydney
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Sao Paulo
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Vancouver
Winnipeg
Ecuador: Guayaquil
Egypt: Alexandria
Ethiopia: Asmara
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Germany:
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Frankfurt am Main
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Greece:
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Jerusalem
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Paramaribo, Surinam
New Zealand: Auckland
Pakistan:
Karachi
Lahore
Portugal:
(Africa):
Luanda, Angola
Saudi Arabia:
Dhahran
South Africa:
Cape Town
Durban
Johannesburg
Soviet Union:
Leningrad
Spain:
Barcelona
Seville
Switzerland: Zurich
Turkey:
Istanbul
Izmir
United Kingdom (Great Britain and Northern Ireland):
Belfast
Edinburgh
Liverpool
(Americas):
Belize City, Belize
Hamilton, Bermuda
(Asia):
Victoria, Hong Kong
Yugoslavia: Zagreb

CONSULATES

Algeria: Oran
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Austria: Salzburg
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Porto Alegre
Recife
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Cameroon: Douala
Colombia:
Cali
Medellin
France: Nice
(Americas):
Fort-de-France, Martinique
Indonesia:
Medan
Surabaya
Iran:
Isfahan
Shiraz
Tabriz
Italy:
Florence
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Japan:
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Sapporo
Mexico:
Ciudad Juarez
Matamoros
Mazatlan
Merida
Nuevo Laredo
Nigeria:
Ibadan
Kuduna
Pakistan:
Peshawar
Philippines:
Cebu
Poland:
Krakow
Poznan
Portugal:
Oporto
Ponta Delgada
Sao Miguel
Azores
Spain:
Bilboa
Tanzania:
Zanzibar
Thailand:
Chiang Mai
Udorn
Turkey:
Adana
Venezuela:
Maracaibo
Zaire:
Eukavu
Lubumbashi

SPECIAL PURPOSE POSTS

(No consular district; contact embassy for consular matters.)

Burma:
Mandalay
Thailand:
Songkhla

CONSULAR AGENCIES

Australia: Adelaide
Bolivia: Santa Cruz
Brazil: Manaus, Amazonas
Colombia:
Buenaventura
Israel: Haifa
New Zealand:
Christchurch
Peru: Piura
Portugal: Funchal, Madeira Islands
Spain:
Ibiza
Las Palmas-Santa Cruz de Tenerife
Malaga
Palma de Mallorca
Valencia

This notice supersedes Public Notice No. 360 (37 F.R. 13814, 13815 July 14, 1972).

Dated: November 24, 1975.

For the Secretary of State.

[SEAL] LAWRENCE S. FAGLEBURGER,
Deputy Under Secretary of State for Management.

[FR Doc.75-32668 Filed 12-3-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

FLOAT GLASS FROM FRANCE

Final Countervailing Duty Determination

On June 30, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 27499) with respect to float glass from France.

The notice stated that, on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination had been made that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The notice further stated that, before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of the notice of preliminary determination. The 30-day period was extended to September 3, 1975, by notice published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34423).

On the basis of the investigation it has also been determined that the allowable method of depreciation is not a bounty or grant, and that none of the exporters involved receive a remission of the trading license tax.

After consideration of all information received, a final determination is hereby made, that, for the reasons stated in the preliminary determination and for the reasons stated above, no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from France.

This notice is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 26, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-32647 Filed 12-3-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 6, 1976; Tuesday, January 13, 1976; Tuesday, January 20, 1976; and Tuesday, January 27, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 2D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

DECEMBER 1, 1975.

[FR Doc.75-32728 Filed 12-3-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

JUVENILE DELINQUENCY RESEARCH

Deadline for Submission of Concept Papers

Notice is hereby given that the deadline for submission of concept papers on Juvenile Delinquency Research topics under LEAA's 1976–1977 Visiting Fellowship Program is extended from November 15, 1975 to December 31, 1975. Concept papers on all other topics will not be included in LEAA's present review cycle.

The Visiting Fellowship Program supports a community of criminal justice scholars at the National Institute of Law Enforcement and Criminal Justice and the National Institute for Juvenile Justice and Delinquency Prevention in Washington, D.C. Fellowship recipients come to the Nation's Capital to work on projects of their own design for periods of three months to two years. The emphasis is on creative, independent research on major issues relating to crime prevention and control and the administration of justice. Interaction with LEAA staff and criminal justice professionals is encouraged through informal discussions, seminars, and conferences.

The Visiting Fellowship Program is open to highly qualified persons in the criminal justice professions or the academic community seeking support on projects related to law enforcement and criminal justice. Each Fellow is selected on the basis of past work either in an academic position or a professional career, the potential impact of the project, the quality and feasibility of the research methodology, and the feasibility of conducting the project in the Washington, D.C. area. Project periods are flexible, but should not begin before July 1, 1976.

Researchers and practitioners are encouraged to take advantage of the extended deadline to submit concept papers on proposed research in juvenile delinquency areas for consideration under the 1976–1977 Program. Concept papers should include details on the juvenile delinquency research topic, the project's scope, methodology, estimated cost and time necessary to complete the research.

V40234 DEC 4 75 XUM

For further information, please contact: Ms. Phyllis Modley, National Institute for Juvenile Justice and Delinquency Prevention, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C., 20531, (202) 376-3645.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-32667 Filed 12-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS

Determination; Amendment

NOVEMBER 20, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2.

Section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law enforcement functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determinations concerning Indian tribes not listed are made on an individual basis upon application by such tribes under the provisions of the Act of the Law Enforcement Assistance Administration, Department of Justice. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM1.

It has been determined by the Commissioner of Indian Affairs that certain tribes in the State of Nevada have responsibility to exercise all six of the law enforcement functions in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) as amended is further amended by revising the entry for the Indian Tribes of Nevada to read as follows:

Tribal entitities recognized by the Federal Government listed by State	To employ tribal Police	To establish a tribal court	To adopt a tribal law & order code	To undertake correction functions	To undertake programs aimed at prevention of adult crime and delinquency	To undertake adult and juvenile rehabilitation programs
Nevada						
Battle Mountain Colony [2]	X	X	X	X	X	X
Carson Colony [1]	X	X	X	X	X	X
Dresslerville Colony [1]	X	X	X	X	X	X
Elko Colony [2]	X	X	X	X	X	X
Goshute Reservation [2]	X	X	X	X	X	X
Lovelock Colony	X	X	X	X	X	X
Odger's Ranch [2]	X	X	X	X	X	X
Reno-Sparks Colony	X	X	X	X	X	X
Ruby Valley Allotment [2]	X	X	X	X	X	X
South Fork Reservation [2]	X	X	X	X	X	X
Washoe Tribal Farms [1]	X	X	X	X	X	X
Washoe Pinenut Allotment [1]	X	X	X	X	X	X
Winnemucca Colony	X	X	X	X	X	X
Yomba Reservation	X	X	X	X	X	X
Duckwater Reservation	X	X	X	X	X	X

1 Under Washoe Constitution
2 Under TeMoak Constitution

MORRIS THOMPSON,
Commissioner of
Indian Affairs.

[FR Doc.75-32626 Filed 12-3-75;8:45 am]

Bureau of Land Management

COLORADO STATE MULTIPLE USE ADVISORY BOARD

Meeting

NOVEMBER 26, 1975.

Notice is hereby given that the Colorado State Multiple Use Advisory Board of the Bureau of Land Management will meet in the Colorado State Bank Building, Room 709, 1600 Broadway, Denver, Colorado, January 9, 1976 from 9:00 a.m. to 4:00 p.m.

The meeting will be devoted to reviewing the board's role—significance and responsibilities. There will be an election of Chairman and Vice-Chairman and a briefing by District Managers on district resources.

The meeting will be open to the public. Time will be made available from 1:00 p.m. to 2:00 p.m. for brief statements by members of the public. Such statements must not exceed ten minutes, and be limited in content to suggested topics or issues for consideration by the Board.

DALE R. ANDRUS,
State Director.

[FR Doc.75-32663 Filed 12-3-75;8:45 am]

[Wyoming 53141]

WYOMING

Application

NOVEMBER 26, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Kansas-Nebraska Natural Gas Company, Inc., has applied for a natural gas pipeline right-of-way across the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 95 W.,
Sec. 23,
Sec. 26.

The pipeline will convey natural gas from a well in sec. 23 to an existing gathering system in sec. 26, T. 34 N., R. 95 W., Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-32664 Filed 12-3-75;8:45 am]

Geological Survey

NEW MEXICO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby added to the Baca Location No. 1 known geothermal resources area, effective February 1, 1974:

(31) NEW MEXICO

BACA LOCATION NO. 1 KNOWN GEOTHERMAL RESOURCES AREA

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 N., R. 3 E.,
Secs. 19 to 22, inclusive, and 27 to 32, inclusive.
T. 19 N., R. 2 E.,
Secs. 1, 2, 12 and 13.
T. 20 N., R. 2 E.,
Secs. 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36.
T. 20 N., R. 3 E.,
Secs. 5, 7 and 18.

The area described aggregates 15,898.45 acres, more or less.

Dated: November 18, 1975.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc.75-32666 Filed 12-3-75;8:45 am]

National Park Service

NATIONAL CAPITAL PARKS

Authorization of Additional Interpretive Visitor Transportation Services

Pub. L. 93-62 (Act of July 6, 1973, 87 Stat. 146), directed the Secretary of the Interior to provide interpretive visitor transportation services between or in Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to insure proper management and protection of these areas.

Pursuant to this authority, it has been determined that providing interpretive visitor transportation services between the Mall and on the grounds of the North Pentagon Parking Lot and the Robert F. Kennedy Memorial Stadium, which was authorized in a letter of amendment to Concessions Contract No. 14-10-9-990-27 on January 25 and subsequently discontinued, is desirable to facilitate visitation and to insure proper management and protection of such areas. Therefore, notice is hereby given that, pursuant to the direction of Public Law 93-62 and the authority of the Act of August 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), interpretive visitor transportation services are to be provided between the Mall and the grounds of the North Pentagon Parking Lot and the authorized service to the Robert F. Kennedy Memorial Stadium reinstated.

MANUS J. FISH, JR.,
Director,
National Capital Parks.

[FR Doc.75-32650 Filed 12-3-75;8:45 am]

Office of the Secretary

SURFACE MANAGEMENT AND MINING OF FEDERALLY-OWNED COAL RESOURCES

Public Meetings

Notice is hereby given that a series of public meetings will be held in Cheyenne, Wyoming; Denver, Colorado; and Billings, Montana; to afford the public an opportunity to comment upon proposed rulemaking by the Department of the Interior relating to the surface management of Federally-owned coal resources and operating regulations for coal mining. The proposed rules were published September 5, 1975 in Volume 40 of the FEDERAL REGISTER, beginning on page 41122 (40 FR 41122).

The first meeting will be held in the auditorium of the Wyoming Highway Department, I-25 north of Cheyenne, Wyoming, December 18, 1975, commencing at 9:30 a.m. Persons wishing to offer their views should contact Mr. John Burnette, Office of Public Affairs, Bureau of Land Management, O'Mahoney Federal Center, Cheyenne (Tel. 778-2220, Ext. 2384).

On Friday, December 19, there will be a meeting held in the Weyer Auditorium of the Denver Public Library, 1375 Broadway, Denver, beginning at 9:30 a.m. Persons wanting to be heard should contact Mr. George C. Hinton, Office of Public Affairs, Bureau of Land Management, Colorado State Bank Building, Denver (Tel. No. 837-4481).

The last meeting will be held in Room 152 of the Library Building, Eastern Montana University, Billings, on Saturday, December 20, commencing at 9:30 a.m. Persons wishing to offer their views should contact Mr. Rod Ottenbright, Office of Public Affairs, Bureau of Land Management, Federal Building and U.S. Courthouse, Billings (Tel. No. 245-6711, Ext. 6561).

The meetings will be open to the public. Depending upon the number of people desiring to be heard, the Chairperson may limit the amount of time available for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 15 minutes. Additionally, such remarks should be reduced to writing and at least two copies filed with the Chairperson at the meetings. Individuals desiring to present extended remarks or written comments only for the record may do so at the meetings through the filing of at least two copies.

All meetings will conclude by early evening. Mr. Hugh C. Garner, Associate Solicitor, Division of Energy and Resources, U.S. Department of the Interior, will serve as Chairperson for all three meetings.

KENT FRIZZELL,
Acting Secretary of the Interior.

NOVEMBER 28, 1975.

[FR Doc.75-32646 Filed 12-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LONG ISLAND UNIT MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Long Island Unit Management Plan, USDA-FS-R10-DES(Adm) 76-01.

This environmental statement concerns a proposed land use plan for Long Island, on the Ketchikan Area of the Tongass National Forest. The plan gives direction for managing the timber, recreation, fish, wildlife, water, and minerals resources of Long Island. Timber, commercial fish, and mineral commodities are optimized. No significant recreation use is anticipated. Timber harvest is anticipated to have the greatest impact on the land and wildlife. Water quality will be protected and critical wildlife habitat maintained.

This draft environmental statement was transmitted to CEQ on November 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3231, 12th St. & Independence Avenue, SW., Washington, D.C. 20250
USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802
Forest Supervisor, Chatham Area, Tongass National Forest, 329 Harbor Drive, Sitka, Alaska 99835
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901

A limited number of single copies are available upon request to James S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to James

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S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901. Comments must be received by January 24, 1975 in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

NOVEMBER 20, 1975.

[FR Doc.75-32654 Filed 12-3-75;8:45 am]

Soil Conservation Service

CHEAHA CREEK WATERSHED, ALABAMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Cheaha Creek Watershed Project, Clay, Cleburne, and Talladega Counties, Alabama.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 1,800 feet of channel work on an existing, ephemeral stream (Bowden Lateral).

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-32657 Filed 12-3-75;8:45 am]

KETCHEPEDRAKEE CREEK WATERSHED, ALABAMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Ketchepedrakee Creek Watershed Project, Clay, Cleburne, and Randolph Counties, Alabama.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one single purpose floodwater retarding structure (FRS No. 15).

The environmental assessments file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
138 South Gay Street,
Auburn, Alabama 36830

Requests for the negative declaration should be sent to the above address.

No administrative action on the proposal will be taken until on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-32656 Filed 12-3-75;8:45 am]

SANDY CREEK WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for an independent portion of the Sandy Creek Watershed project described below, in Garvin and Pontotoc Counties, Oklahoma.

The environmental assessment of the federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. The planned action covered by this negative declaration includes conservation land treatment supplemented by three floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours and the negative declaration is available for single copy requests at the following location:

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074

No administrative action on implementation of the proposal will be taken on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32655 Filed 12-3-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-477]

FARRELL LINES INC.

Application

Notice is hereby given that Farrell Lines Incorporated has applied for permission to amend its Trade Route No. 15-A service as described in Appendix A to Operating-Differential Subsidy Agreement, Contract No. MA/MSB-352, effective January 1, 1976, to permit Farrell Lines' vessels on Trade Route No. 15-A to call at Puerto Rico for the purpose of carrying cargo and/or passengers between Puerto Rico and ports in South and East Africa. Farrell presently has this privilege in its Operating-Differential Subsidy Agreement, Contract No. FMB-64, which expires December 31, 1975.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent thereto should, by the close of business on December 15, 1975, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), and with as much specificity as possible state the facts the intervenors would undertake to prove at such a hearing.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specfied time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: December 1, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-32740 Filed 12-3-75;8:45 am]

National Oceanic and Atmospheric Administration

ALASKA DEPARTMENT OF FISH AND GAME

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Alaska Department of Fish and Game on July 19, 1974, is modified in the following manner:

The prohibitions relating to taking of pregnant, lactating or unweaned marine mammals do not apply to the taking authorized by the Permit.

This modification is effective on December 4, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: November 17, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-32711 Filed 12-3-75;8:45 am]

CENTRAL MAINE POWER CO.

Issuance of a Permit To Take Marine Mammals

On August 12, 1975, notice was published in the FEDERAL REGISTER (40 FR 33848), that an application had been filed with the National Marine Fisheries Service by Central Maine Power Company, 9 Green Street, Augusta, Maine 04330, for a permit to take an unspecified number of marine mammals for the purpose of scientific research, incidental to environmental monitoring activities.

Notice is hereby given, that on November 13, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to take by accidental capture an aggregated total, per year for five years, of up to fifteen marine mammals from one or more species not listed as threatened or endangered under the Endangered Species Act of 1973. This Permit issued to Central Maine Power Company is subject to certain conditions therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 13, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-32713 Filed 12-3-75;8:45 am]

LOUISIANA STATE UNIVERSITY

Issuance of Permit To Take and Import

On October 2, 1975, notice was published in the FEDERAL REGISTER (40 FR 45458) that an application had been filed with the National Marine Fisheries Service by the Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana 79803, for a permit to take and import cetacean specimen materials which are killed incidental to fishing or other operations or dead of natural causes from various locations worldwide.

Notice is hereby given that on November 14, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking and importing to the Museum of Zoology, Louisiana State University, subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: November 14, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-32712 Filed 12-3-75;8:45 am]

OCEAN WORLD, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Ocean World, Inc., 1701 S.E. 17th Street, Fort Lauderdale, Florida 33316, to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*), for the purpose of public display.

The bottlenosed dolphins will be captured in the Gulf of Mexico, off the west coast of Florida, by a professional collector using a seine net.

The dolphins will be maintained and displayed in a 220,0000 gallon salt water tank, 50 feet in diameter and 16 feet deep.

Ocean World, Inc. is a profit organization. The facility hosts 250,000 visitors annually, in addition to 12,000 school children and others in educational programs.

The staff at Ocean world, Inc. has had considerable experience in oceanarium maintenance techniques and animal handling and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before January 5, 1976.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: November 24, 1975.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-32715 Filed 12-3-75;8:45 am]

V40234 DEC 4 75 XUM

SOUTHWEST FISHERIES CENTER

Issuance of Permit for Marine Mammals

On October 10, 1975, notice was published in the FEDERAL REGISTER (40 FR 47816), that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92038, for a scientific research permit to tag 7,000 spotted dolphins (*Stenella attenuata*) and 3,000 spinner (*Stenella longirostris*), and to import specimen materials from any dolphins of either species which accidentally die in the course of the tagging.

Notice is hereby given that, on November 24, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above described activities to the Southwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 24, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-32714 Filed 12-3-75;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-4]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Organization and Authority

This order, effective September 30, 1975, supersedes the material appearing at 35 FR 5970 of April 10, 1970, 40 FR 12532 of March 19, 1975, 40 FR 17772 of April 22, 1975, and 40 FR 36604 of August 21, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of the Economic Development Administration.

.02 This revision incorporates the provisions of prior amendments 2 and 3 (subparagraph 4.01d., paragraph 5.n., and subparagraphs 4.01e. and 4.01f., respectively) and delegates to the Assistant Secretary for Economic Development the authority for final approval of allocation of funds under Title X of the Act which had been reserved to the Secretary under a prior amendment of March 6, 1975.

SEC. 2. *General.* Pursuant to the authority vested in the Secretary by law, the Economic Development Administration (the "Administration") is continued as a primary operating unit of the Department of Commerce.

SEC. 3. *Designation of positions.* .01 The position of Assistant Secretary of Commerce, established by Title VI of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the "Act") shall continue to be designated the Assistant Secretary for Economic Development (the "Assistant Secretary"), and shall continue to serve as the operating head of the Administration.

.02 The following Deputy Assistant Secretarial positions are continued as the principal assistants of the Assistant Secretary:

Deputy Assistant Secretary for Economic Development, Deputy Assistant Secretary for Economic Development Operations, and Deputy Assistant Secretary for Economic Development Planning.

SEC. 4. *Delegation of authority.* .01 The Assistant Secretary is hereby delegated the functions, powers, duties, and authorities vested in the Secretary of Commerce by:

(a) The Act except that:

1. Reports to the Congress required by Section 707 of the Act shall be transmitted by the Secretary.

2. The functions, powers, duties, and authorities contained in Title V—Regional Action Planning Commissions, and that part of section 601(a) relating to coordinating the Federal Cochairmen shall be excluded from this delegation.

3. Appointment of a National Public Advisory Committee on Regional Economic Development as required by section 602 of the Act shall be reserved to the Secretary.

(b) The Manpower Development Training Act of 1962, as amended (42 U.S.C. 2571).

(c) Section 217 of Pub. L. 89-298 (42 U.S.C. 3142a) relating to rivers and harbors projects.

(d) 41 CFR Part 101-43, Public Contracts and Property Management, for the acquisition, use and eventual disposition of excess personal property obtained by the Administration and furnished to the Administration's project grantees and cost reimbursement type contractors:

(e) Chapters 3 and 4 of Title II of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) as they pertain to providing adjustment assistance to firms and communities which are certified eligible to apply or be considered for adjustment assistance.

(f) Chapter 2 of Title III of the Trade Expansion Act of 1962 (76 Stat. 872, 19 U.S.C. 1801 et seq.), as amended by the Trade Act of 1974, relating to the administration of adjustment assistance authorized to firms under the Trade Expansion Act.

.02 The Assistant Secretary may redelegate any functions, powers, duties and authority conferred on him by this order to any officer of the Economic Development Administration subject to such conditions as he may prescribe.

SEC. 5. *General functions.* The Assistant Secretary shall have primary responsibility for domestic economic development activities of the Department of Commerce except those relating to Regional Commissions. In carrying out this responsibility, the Assistant Secretary shall:

(a) Serve as the principal advisor to the Secretary on economic development responsibilities and activities.

(b) Propose general Federal policies for the Secretary to establish relating to economic development of undeveloped or underdeveloped portions of the country.

(c) Designate redevelopment areas, economic development districts and economic development centers in accordance with provisions of the Act and terminate such designations when conditions require.

(d) Encourage and assist State and local agencies in planning and carrying out economic development programs for designated areas, districts and centers; establish guides as to nature, scope, content, and format of any overall economic development programs submitted for approval; and review, evaluate, and act upon requests for approval of overall economic development programs.

(e) Consistent with approved overall economic development programs, encourage and assist State and local agencies in developing proposals for technical and financial assistance through loans, guarantees, and grants, including assistance for public works and development facilities, review, evaluate and act upon requests for approval of economic development projects; and develop, issue and interpret policy guides and criteria to be followed by other agencies performing functions under these financial assistance programs.

(f) Determine occupational training and retraining needs in redevelopment areas, in consultation with the Department of Labor, and coordinate training in accordance with applicable provisions of law.

(g) Coordinate the Administration's plans for specific grants and loans for economic development assistance within the boundaries of Regional Commissions with the Federal Cochairmen of the Commissions involved, consulting with the Special Assistant for Regional Economic Coordination as may be required; and review and comment on proposed Regional Commission comprehensive long-range plans and on plans for specific projects.

(h) Perform or sponsor research applicable to authorities delegated the Assistant Secretary; perform or provide for growth studies for specific areas, districts and centers; perform special studies and compile information related to economic development; and make the results of research and studies compiled available to Government agencies or others interested in economic development.

(i) Serve as a principal advisor to the Secretary on matters dealt with by the Federal Advisory Council on Regional Economic Development, including recommendations of the Council to promote effective coordination of the activities of the Federal Government relating to regional economic development.

(j) Establish and maintain effective relations with other Federal agencies and national organizations concerned with policies and programs for economic development.

(k) Within resources available, provide professional and administrative assistance on a reimbursable basis as may be requested by the Special Assistant for Regional Economic Coordination or by the Federal Cochairmen.

(l) Provide assistance to the Secretary in connection with matters related to meetings of the National Public Advisory Committee on Regional Economic Development, such assistance to include the provision of executive secretariat services for the Committee.

(m) Serve as the Department's point of contact with international organizations concerned with economic development, and in consultation with the Secretary determine the Department's representation at meetings of such organizations.

(n) Establish the Administration's policy and procedures for fulfilling requirements for an excess personal property program, including requirements of EDA grantees.

(o) Issue such rules and regulations as may be required to carry out these functions.

GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-32632 Filed 12-3-75;8:45 am]

[Dept. Organization Order 35-2B]

BUREAU OF THE CENSUS

Authority and Organization

This order is effective September 29, 1975.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The major changes made in the Bureau's organization and assignment of functions include: the addition of an Equal Employment Opportunity Officer (subparagraph 3.03c.), the addition of a Program Planning Staff (subparagraph 3.03d.), the creation of the position of Associate Director for Administration (Section 4.), and the assignment to the Economic Surveys Division of certain functions formerly carried out by the Transportation Division, which was abolished (paragraph 6.05).

SEC. 2. *Organization Structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of Exhibit 7 is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The Director determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Management and Budget.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 *Staff Elements.* (a) The Congressional Liaison Office shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

(b) The Public Information Office shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Communications (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

(c) The Equal Employment Opportunity Officer designated under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity" and shall participate in the planning and direction of the Equal Employment Opportunity program.

(d) The Program Planning Staff shall assist in the overall planning, review and evaluation of Bureau programs. The Staff shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long range plans for the Bureau as a whole. The staff shall provide Emergency Planning support to the Bureau and shall assist and advise the Director in these matters.

SEC. 4. *The Associate Director for Administration.* The Associate Director for Administration shall provide administrative management services to all components of the Bureau and advise the Director on administrative management and shall have and direct the following units:

.01 The Administrative Services Division shall provide administrative services to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations.

.02 The Budget Division shall perform budget functions which shall include preparation of official budget estimates and justification and allocation and control of all funds.

.03 The Finance Division shall perform financial analysis, maintenance of financial accounts, coordination of payroll and leave audits, and preparation of financial reports.

.04 The Management Information System Staff shall develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

.05 The Management and Organization Division shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; and prepare special analytical reports on management matters.

.06 The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

.07 The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

SEC. 5. *The Associate Director for Demographic Fields.* The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields and shall have and direct the units described below. He shall be assisted by an Assistant Director for Demographic Censuses who shall direct and provide planning and coordination for the demographic censuses and also head the Demographic Census Staff.

.01 The Office of Demographic Analysis shall provide support in developing social indicators; conduct research on the need for additional indicators; develop data sources; conduct research into possible data gaps; develop recommendations to fill these needs; and develop reports and publications.

.02 The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, and computer programming; and organize and conduct pretest research programs.

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.03 The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform non-mechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

.04 The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research and prepare special analytical reports, monographs, and special studies.

.05 The International Statistical Programs Center shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical program of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

.06 The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

.07 The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

SEC. 6. *The Associate Director for Economic Fields.* The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields, and he shall have and direct the units described below. He shall be assisted by an Assistant Director for Economic Censuses who shall direct the Economic Surveys Division and direct and provide planning and coordination for the economic censuses and also head the Economic Census Staff.

.01 The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

.02 The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs and special studies.

.03 The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

.04 The Economic Census Staff shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

.05 The Economic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing and dissemination of statistical data from surveys or censuses relating to the transportation industry.

.06 The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform non-mechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare special reports, monographs and studies.

.07 The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

.08 The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

SEC. 7. The Associate Director for *Statistical Standards and Methodology.* The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs of geographical services, and programs for the enhancement of the availability and utility of data to meet State and local government needs, and advise the Director in these fields. The Associate Director shall have and direct the units described below and he shall be assisted by an Assistant Director for Statistical Standards and Methodology who shall assist in providing technical direction and coordination in these program areas and also head the Statistical Research Division.

.01 The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

.02 The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; provide guidance to theoretical and applied statisticians and subject matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems; and shall perform Departmental review and clearance of proposals of any organization of the Department for requests for information from the public that require the approval of the Office of Management and Budget under DAO 216-8, dealing with the Federal Reports Act, 44 U.S.C. 3501.

.03 The Center for Census Use Studies shall plan, coordinate, and develop systems that will allow efficient interrelating of Census Data with other local and State data to meet specific needs; explore current uses and future needs of Census and local data; and investigate the benefits of cooperative data collection between the Bureau and other local, State, and Federal agencies and the level of detail and form in which Census data should be made available to local users both in the Government and private sector; develop and analyze programs to allow the rapid conversion of census data into information useful to local communities for analysis; publish reports relating to such programs; and serve as Census liaison to Federal agencies sponsoring the studies.

.04 The Geography Division shall plan, coordinate and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

SEC. 8. *The Associate Director for Field Operations and User Services.* The Associate Director for Field Operations and User Services shall plan and direct programs of field data collection, non-computer processing operations, and the coordination of the Bureau's user program through both Headquarters and Regional Offices, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Data Preparation Division located in Jeffersonville, Indiana, shall carry out non-computer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by Census records, as provided by law.

.02 The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Regional Offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

.03 The Data User Services Division shall devise, test, and apply techniques of improving access to the Census data base, research new techniques for incorporation into regular Bureau operations and procedures to improve all services to data users; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, maps, etc.; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements and coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as a whole.

SEC. 9. *The Associate Director for Electronic Data Processing.* The Associate Director for Electronic Data Processing shall plan and direct programs for electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

.02 The Systems Software Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.03 The Engineering Division shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electromechanical and electronic equipment required for data processing.

SEC. 10. The Regional Offices. .01 The principal field structure of the Bureau shall consist of twelve Regional Offices, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Field Operations and User Services. The location and geographic area covered by each Regional Office shall be as shown in Exhibit 2. A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

.02 Each Regional Office shall carry our assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Regional Offices.

.04 The Seattle Regional Office shall have an Area Office in San Francisco, and the Kansas City Regional Office shall have an Area Office in St. Paul, Minnesota, which shall carry out assigned field data collection programs.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32631 Filed 12-3-75;8:45 am]

[Dept. Organization Order 40-1, Amdt. 3]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Function

This order, effective September 24, 1975, further amends the materials appearing at 40 FR 8978 of March 4, 1975, 40 FR 12532 of March 19, 1975, and 40 FR 31651 of July 28, 1975.

Department Organization Order 40-1, dated February 11, 1975, is hereby further amended as shown below. The purpose of this amendment is to reflect the abolishment of the Office of Energy Programs.

1. In Section 7. Bureau of Resources and Trade Assistance, paragraph .04 is deleted.

2. The organization chart Exhibit 1, attached to this amendment supersedes the organization chart dated June 30, 1975. A copy of Exhibit 1 is on file with the original of this document with the Office of the Federal Register.

Effective date: September 24, 1975.

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32638 Filed 12-3-75;8:45 am]

INFLATIONARY IMPACT OF LEGISLATIVE AND REGULATORY PROPOSALS

Criteria, Procedures and Responsibilities

This order is effective November 28, 1974.

SECTION 1. *Purpose.* This order establishes criteria, procedures, and responsibilities for determining and certifying the inflationary impact of all proposed legislation, rules, and regulations originating within the Department.

SEC. 2. *Authority.* This order is issued pursuant to OMB Circular No. A-107 of January 28, 1975 (Appendix A hereto), and in implementation of Executive Order 11821 of November 27, 1974 (Appendix B hereto). A copy of the Appen-

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dices are on file with the Office of the Federal Register with the original of this document.

SEC. 3. *Scope.* .01 *Included.* This order applies to all operating units and staff offices of the Department. It encompasses:

(a) All legislative proposals, including those which have already been submitted (to either OMB or the Office of the General Counsel) for transmittal to the 1st Session, 94th Congress. With respect to those already submitted, see Section 8 of this order.

(b) All rules and regulations issued either in final form or in a notice of proposed rule making. With respect to those which have been issued for the first time since November 27, 1974, action to effect the requirements of this order shall be initiated within 60 days of the issuance date of this order.

.02 *Excluded.* This order does not apply to housekeeping matters (e.g., S and E matters) which involve minimal probabilities of inflationary consequences, nor to legislative proposals which merely appropriate sums contained in the President's budget.

SEC. 4. *Responsibilities.* .01 The Assistant Secretary for Economic Affairs shall be responsible for all matters of policy or subject matter interpretation with respect to this order; and shall serve as the designated official responsible for Department compliance pursuant to section 4.d. of Circular A-107.

Further, the Assistant Secretary may amend, append, or revise the criteria and procedural provisions of this order as deemed necessary, in accordance with the provisions of DAO 200-3 on Department Administrative Orders, subject to approval by the Office of Management and Budget of any substantive revision of criteria.

.02 "Heads of Operating Units and Departmental Offices" shall be responsible for the implementation of this order with respect to all legislative and regulatory proposals originating within their organizations, and for clearing with the Assistant Secretary for Economic Affairs or his designee all analysis certification statements prepared pursuant to Section 6 of this order.

SEC. 5. *Inflationary review procedures.* .01 *Review Requirement and Criteria.* Every legislative or regulatory proposal shall be reviewed to determine whether the matter is a major proposal requiring evaluation and certification under Section 6 of this order. The review shall be carried out by applying the six inflationary determination criteria set forth under a. through f., below.

(a) Will the proposal be expected, during any one year period of its implementation, to result in a price change of one percent or more for the most specific affected item or category for which data are regularly published in connection with the Wholesale Price Index, the Consumer Price Index, or the GNP Implicit Price Deflator, or a 1/10 of one percent change in either index or the deflator?

(b) Will the proposal be expected to:

1. Result in increased combined budget outlays by consumers, businesses, and Federal, state and local governments exceeding $100 million in any one year period, or $150 million in any two year period as a consequence of compliance costs associated with the program, or

2. Result in increased budget outlays by either consumers, businesses, or Federal, state and local governments exceeding $50 million in any one year period, or $75 million in any 2 year period as a consequence of compliance costs associated with the program?

(c) Will the proposal be expected to reduce labor productivity by one percent or more in the item which is the unit of focus in the proposal (i.e., workers per ship, safety people per construction site, etc.)? If the proposed action, due to such factors as constraints on output or investment, barriers to substitution of materials supplies, or limitation on use of technologies or skills, would restrict increases in labor productivity which otherwise would have occurred, such restriction shall be considered as a reduction.

(d) Will the proposal be expected to change employment by one percent or more in the activity which is the unit of focus in the proposal?

(e) For the explicitly defined relevant market affected, will the proposal be expected to result in a one percent or more decline in supply of materials, products, or services, or a one percent or more increase in consumption of these materials, products or services after all incipient compliance adjustments have occurred? These materials, products, or services include, but are not limited to, energy and energy products, components of the National Stockpile, materials or services identified as critical by either the National Security Council, Economic Policy Board, or Council on International Economic Policy, and other materials, services, or products as the Secretary may designate. In the case of energy, if the impact on supply or consumption exceeds 1/10 of one percent of total U.S. consumption an impact analysis will be required.

(f) For the same explicitly defined relevant market, will the proposal be expected to result in a clearly identifiable decline in competition, including such factors as limitation of market entry, restraint of market information, or other impediments to the functioning of the market system, after all incipient compliance adjustments have occurred?

.02 *Negative finding.* If the review determines that the proposal does not meet any of the six criteria, then the subsequent transmittal letter to the Congress (with respect to proposed legislation), or preamble (with respect to rules or regulations being transmitted to the FEDERAL REGISTER), shall contain a statement that the subject proposal has been reviewed pursuant to E.O. 11821 and OMB Circular A-107 and it was determined to have no major inflationary impact.

.03 *Positive finding.* If the review reveals that the proposal does meet one or more of the six interrogatory criteria, an inflationary analysis must be undertaken by the operating unit or staff office. The provisions of Section 6, below, shall apply.

SEC. 6. *Inflationary analysis procedures.* .01 *The Analysis.* When the inflationary review of a proposal yields a positive finding (as explained in Section 5), the originating organization shall effect a detailed economic evaluation. This evaluation shall include, as applicable:

(a) An analysis of the principal cost or other inflationary effects of the action on markets, consumers, businesses or industries, etc., and, where practical, an analysis of secondary cost and price effects. These analyses should include confidence interval estimates where possible and should encompass a time period sufficient to determine all significant economic and inflationary consequences, and the explicit market or markets affected shall, to the extent possible, be decribed using appropriate levels of detail set forth in the Standard Industrial Classification Manual.

(b) Comparison of the benefits to be derived from the proposed action with estimated costs and inflationary impacts. These benefits should be quantified on the basis of generally acceptable value judgments; and

(c) A brief comparison between alternatives and the proposed action, including probable costs, benefits, risks, and inflationary implications.

.02 *The Analysis Certification.* At all times thereafter, the legislative or regulatory proposal shall include a statement certifying that the inflationary impact of the proposal has been analyzed and evaluated. Further:

(a) With respect to legislative proposals, these evaluations will be forwarded to OMB on request. When the legislation has been submitted to Congress, such information will be forwarded to the Congress on request and, in any event, no later than the date of agency testimony on the proposal; and

(b) With respect to agency rules and regulations:

1. The proposed issuance, the certification, and a summary of the evaluation shall be submitted to the Council on Wage and Price Stability immediately upon certification.

2. The document when presented to the FEDERAL REGISTER shall include, immediately preceding the signature of the authorizing official, the following standard certification language: "It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107."

SEC. 7. *Additional requirements.* .01 In conducting the analysis under paragraph 6.01, all significant value judgments and probabilistic statements must be explicit.

.02 All analysis certification statements made under paragraph 6.02 shall be cleared with the Assistant Secretary for Economic Affairs, or his designee.

.03 The requirements of this order shall be met within existing resources.

SEC. 8. DOC *proposals to the 1st session, 94th Congress.* With respect to proposals which have already been submitted to OMB or OGC for the 1st Session of the 94th Congress, the following procedures shall apply:

a. The originating operating unit or departmental office shall review the proposal in accordance with Section 5 of this order.

b. If the review results in a positive finding, or if OMB advises that the proposal could have an inflationary impact, an analysis in accordance with Section 6 of this order shall be effected by the originating DOC component before the proposal is submitted to the Congress.

c. In the event that neither OMB nor the originating office or operating unit finds that an inflationary impact is likely, the transmittal letter to the Congress shall include a statement as explained in paragraph 5.02.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32634 Filed 12-3-75;8:45 am]

[Dept. Organization Order 25-2, Amdt. 3]

MARITIME ADMINISTRATION

This order, effective September 29, 1975, further amends the materials appearing at 38 FR 30757 of November 7, 1973, 40 FR 16707 of April 14, 1975, and 40 FR 31824 of July 29, 1975.

Department Organization Order 25-2, dated October 23, 1973, is hereby further amended, as shown below. The purpose of this amendment is to transfer certain accounting and payroll functions from the Office of Budget and Program Analysis to the former Office of Financial Analysis, renamed the Office of Financial Management.

1. In Section 9. Assistant Administrator for Policy and Administration, paragraphs .02 and .03 are amended to read:

.02 The Office of Budget and Program Analysis shall conduct studies to evaluate the effectiveness of operating programs in accomplishing established objectives; develop and maintain the Agency program category structure and a system of multi-year program analysis and evaluation; direct and coordinate the development and operation of a system of management by objectives, including identification of program objectives and measurement of accomplishments against these objectives; formulate, recommend and interpret budgetary policies and procedures; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; analyze fiscal and program plans and reprogramming proposals for conformance with established policies; and maintain a continuous review of the status of funds and program performance in relation to fiscal plans.

.03 The Office of Financial Management shall render financial advice and opinions with respect to the substantive programs and contractual activities of the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts (except those of research and development contractors) to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; make special financial surveys and analyses of contractors or of their operations, when necessary; develop a data base and a financial analysis system to determine the financial condition of the American merchant marine, segments thereof, or individual contractors under the substantive programs of the Administration; perform accounting, payrolling and related functions, including preparation of financial statements and reports, auditing and certification of vouchers for payment, and collection of amounts due the Administration; and develop and maintain a financial information reporting system to assist officials in managing their programs and resources.

2. The organization chart of the Maritime Administration is amended, by changing the Office of Financial Analysis to "Office of Financial Management," under the box headed Assistant Administrator for Policy and Administration.

ROBERT J. BLACKWELL,
Assistant Secretary for Maritime Affairs.

Approved:
GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32630 Filed 12-3-75;8:45 am]

[Dept. Organization Order 25-7A]

OFFICE OF ENERGY PROGRAMS

This order is effective September 24, 1975.

SECTION 1. *Purpose.* This order establishes the Office of Energy Programs and prescribes its functions.

SEC. 2. *Establishment.* .01 Pursuant to the authority vested in the Secretary of Commerce by 15 U.S.C. 1513, Reorganization Plan No. 5 of 1950, and other law, the Office of Energy Programs is hereby established as a primary operating unit of the Department of Commerce. It shall be headed by a Director who shall report, and be responsible to the Secretary.

.02 The Office of Energy Programs of the Bureau of Resources and Trade Assistance in the Domestic and International Business Administration, in existence pursuant to Department Organization Order 40-1 of February 11, 1975, as amended, is hereby abolished and its functions are transferred to the Office of Energy Programs herein established.

SEC. 3. *Functions.* The Office of Energy Programs shall assist the Secretary in carrying out his responsibilities under 15 U.S.C. 175, 5 U.S.C. 1512 and other law, with respect to energy matters by performing the following functions:

a. Develop and implement the Department of Commerce programs on energy and ensure consistency with the Department's positions on energy;

b. Coordinate the formulation of the Department's energy policy, energy conservation programs and energy-related analytical activities;

c. Provide comment on legislative proposals related to energy;

d. Develop and carry out energy programs, such as energy conservation, optimum fuel utilization, etc., in cooperation with the business and industrial sectors, with trade associations and with other government agencies;

e. Collect, analyze and disseminate information on the impact of Federal energy-related activities on the business community, on corporate energy conservation, and on Federal energy conservation programs; and

f. Provide staff assistance and support for the Energy Working Group of the DOC Policy Council, and for Departmental participation in the Energy Resources Council, the National Industrial Energy Council, their sub-councils and other committees contributing to the formulation or execution of Federal energy programs.

SEC. 4. *Support services.* The Office of the Assistant Secretary for Administration shall perform personnel, procurement, accounting, payroll, and budget services for the Office of Energy Programs.

SEC. 5. *Transitional provisions.* The Assistant Secretary for Administration shall determine the funds, personnel, property and records transferred by this order and shall arrange for such transfers.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32629 Filed 12-3-75;8:45 am]

[Dept. Organization Order 20-13]

OFFICE OF PROGRAM EVALUATION

Organization and Authority

This order, effective October 22, 1975, supersedes the material appearing at 38 FR 12146 of May 9, 1973.

SECTION 1. *Purpose.* .01 This order prescribes the functions of the Office of Program Evaluation.

.02 This revision redesignates the Office of Planning and Evaluation as the Office of Program Evaluation.

SEC. 2. *Status and line of authority.* The Office of Program Evaluation, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

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(a) Interpret Presidential initiatives in the areas of program planning, management control, and operational evaluation.

(b) Conduct special studies to evaluate the effectiveness of Departmental programs in meeting objectives established through legislation or other appropriate authority.

(c) Identify major program, operational, or management issues and problems, and undertake analyses to resolve them.

(d) Advise and assist operating units in the development and operation of systems for the identification of program objectives and the measurement of the results of actions taken against these objectives.

.02 The Director shall exercise such authorities of the Assistant Secretary for Administration as are implicit and essential to carrying out the functions assigned in this order.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32633 Filed 12-3-75;8:45 am]

[Dept. Organization Order 15-5]

OFFICE OF REGIONAL ECONOMIC COORDINATION

Organization and Authority

This order, effective August 20, 1975, supersedes the material appearing at 37 FR 3460 of February 16, 1972.

SECTION 1. *Purpose.* .01 This order prescribes the functions of the Office of Regional Economic Coordination.

.02 This revision delegates to the Special Assistant to the Secretary for Regional Economic Coordination certain of the Secretary's authorities under Title V and Section 601(a) of the Public Works and Economic Development Act of 1965, as amended, and under Executive Order 11386, as amended. (Section 3)

SEC. 2. *General.* The Office of Regional Economic Coordination (the "Office") is hereby continued as a Departmental office. The Office shall be headed by the Special Assistant to the Secretary for Regional Economic Coordination (the "Special Assistant") who shall report and be responsible to the Secretary.

SEC. 3. *Delegation of Authority.* The authorities of the Secretary under Title V of the Public Works and Economic Development Act of 1965, as amended (the "Act"), (42 U.S.C. 3181 et. seq.), except for the authority to designate or to modify the boundaries of economic development regions, and the authorities of the Secretary under section 601(a) of the Act (42 U.S.C. 3201) and Executive Order 11386, as amended, with respect to coordination and liaison with the Federal Cochairmen are hereby delegated to the Special Assistant.

SEC. 4. *Functions.* In exercising the authorities delegated under section 3 of this order, the Special Assistant shall, where necessary, assist the Federal Cochairmen, and in dealings with the Regional Commissions shall work through the Federal Cochairmen.

Specifically, the Office shall:

(a) Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and make recommendations to the Secretary for modifications in the geographic area of a designated region.

(b) On behalf of the Secretary, assist the Federal Cochairmen in providing effective and continuing liaison between the Federal Government and each Regional Commission.

(c) Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under Title V of the Act, including standards for meeting the requirements of Section 604 of the Act for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

(d) Be responsible for issuance of instructions (in accord with Section 7, subparagraph 102a. of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Programs, as authorized by Title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accordance with approved financial plans, will have final authority to commit such funds for Federal grants and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

(e) Assist the Secretary in communicating to the Federal Cochairmen such general policies affecting regional economic development and any other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

(f) Assure adequate coordination between the Regional Commissions and all Commerce organizations, such coordination encompassing planning, development, and the execution of economic development activities, including individual projects.

(g) Assist the Secretary in achieving effective coordination of the activities of the Federal Government, relating to economic development regions.

(h) With the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions; and based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

(i) Serve as Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive Order 11386, and provide staff support to the Council in performing its functions set forth in the Executive Order and as may be requested by the Secretary.

(j) Perform or sponsor research related to objectives of Title V of the Act, coordinating such research plans with the Federal Cochairmen.

(k) Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any differences in policy that may arise between a Federal Cochairman and a Federal department or agency, and, if necessary, propose action to the Secretary for resolving such questions.

(l) Review proposed Regional Commission annual reports prior to transmittal to the Congress.

(m) Review the effectiveness of programs of Regional Commissions in achieving statutory objectives, and submit recommendations thereon to the individual Federal Cochairmen or, when appropriate, to the Secretary.

(n) Perform such other duties as may be necessary to assist the Secretary and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

(o) Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary, directly to the Federal Cochairmen as may be required.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32627 Filed 12-3-75;8:45 am]

[Dept. Organization Order 30-3B]

PATENT AND TRADEMARK OFFICE

Organization and Authority

This order, effective September 9, 1975, further amends the materials appearing at 40 FR 3627 of January 23, 1975, and 40 FR 16707 of April 14, 1975.

Department Organization Order 30-3B dated December 31, 1974 is hereby further amended as shown below. This amendment establishes an Office of International Classification and an Office of Micrographic Systems.

1. In section 5. Offices reporting to the Assistant Commissioner for Patents, paragraph .02 is amended by the addition of subparagraphs e. and f. which read as follows:

(e) The Office of International Classification shall direct Patent and Trademark Office initiatives designed to foster harmonization of the United States Patent Classification System with the International Patent Classification System. The Office shall also consult and participate with foreign counterparts representing national offices and appropriate international groups in further development and refinement of the International Patent Classification System. In carrying out such consultations and participations, it shall coordinate all related policy matters with the Office of Legislation and International Affairs.

(f) The Office of Micrographic Systems shall develop and recommend plans for micrographic information systems including analyses of existing and proposed micrographic hardware and techniques suitable for meeting the particular demands of the U.S. Patent and Trademark Office. It shall also evaluate ongoing micrographic information systems in respect to the responsiveness of such systems to evolving informational needs. The foregoing shall be coordinated with other appropriate offices such as the Office of Computer Services and the Office of Search Systems.

2. The organization chart attached to this amendment supersedes the organization chart dated January 2, 1975. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-32628 Filed 12-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1975:

Minority Advisory Committee, ADAMHA
December 15, 16, and 17—Open meeting.
December 15; 1:00 p.m.: December 16 and 17; 9:00 a.m.
Conference Room No. 3837, 26 Federal Plaza, New York, N.Y. 10007.
Contact Ernest F. Hurst, Parklawn Building, Room 13C-15, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3838.

Purpose. The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda. This meeting will be open to the public. December 15, from 1:00 to 5:00 p.m., will be devoted to a report by the Executive Secretary and a planning session on the fiscal year 1976-1977 Operating Plan. From 6:30 to 10:00 p.m., the public is invited to discuss the impact of the current financial problems of New York City on the delivery of alcohol, drug abuse, and mental health services to minority groups. On December 16, there will be further discussion on issues, objectives, and assignments relating to the Operating Plan, and between 1:00 and 5:00 p.m., there will be meetings with minority community groups and agency staff to review and discuss the impact of the current fiscal and economic problems of New York City on the delivery of alcohol, drug abuse, and mental health services to minority groups. On December 17, the agenda will include a review and discussion of special alcohol, drug abuse, and mental health needs and concerns of minority groups in New York City. Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

It had not been previously planned to convene a meeting during the month of December; however, the unique alcohol, drug abuse, and mental health problems of minority groups in New York City require immediate attention.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3783.

Dated: November 28, 1975.

DAVID F. KEFAUVER,
Assistant Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-32640 Filed 12-3-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEE

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 17, 1975 (40 FR 53285), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Bacterial Vaccines and Bacterial Antigens scheduled for December 8 and 9, has been cancelled.

Dated: November 28, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32643 Filed 12-3-75;8:45 am]

ADVISORY COMMITTEE

Meeting Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 17, 1975 (40 FR 53290), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs scheduled for December 17-19 will be held in Rm. 1409, 200 C St. SW., Washington, DC. and that the open public hearing has been changed from December 19 to December 17 at 9 a.m.

Dated: November 28, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32642 Filed 12-3-75;8:45 am]

PANEL ON REVIEW OF ANESTHESIOLOGY DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the Report of the Anesthesiology Panel's Classification Results. This report contains the tentative classification conclusions of the Anesthesiology Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device.

Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk and may be viewed at that office during working hours Monday through Friday.

Dated: November 26, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32644 Filed 12-3-75;8:45 am]

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[Docket No. 75F-0335]

WITCO CHEMICAL CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 5A3032) has been filed by Witco Chemical Corp., Organics Div., 400 North Michigan Ave., Chicago, IL 60611, proposing that § 121.1099 *Defoaming agents* (21 CFR 121.1099) be amended to provide for the safe use of octadecylsiloxydimethylsiloxypolysiloxane as a component of defoamers intended for use in processing sugar beets and yeast.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 24, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-32641 Filed 12-3-75;8:45 am]

Office of Education

EDUCATIONAL PROGRAMS FOR MIGRATORY CHILDREN

Closing Date for Receipt of Applications

Notice is hereby given pursuant to the authority contained in section 122 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241c-2), that applications are being accepted from State educational agencies for grants to establish or improve programs of education for migratory children of migratory agricultural workers or of migratory fishermen.

Complete applications for grants for such programs for Fiscal Year 1976 must be submitted on or before February 2, 1976. Such applications shall include, in addition to the required descriptions and budgets for programs to be funded with Fiscal Year 1976 funds, separate descriptions and budgets for programs for migratory children being conducted or to be conducted with Title I migrant funds which may be available from the appropriations for Fiscal Year 1975.

A. *Applications sent by mail.* An application sent by mail shall be addressed as follows: Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education 400 Maryland Avenue, SW., (Room 3642-G, ROB-3), Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the Migrant Branch if:

(1) The application was sent by registered or certified mail not later than January 28, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, Room 3642-G, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Migrant Branch, Division of Education for the Disadvantaged, Bureau of School Systems, U.S. Office of Education, Room 3642-G, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and Financial Assistance to Meet the Special Educational Needs of Educationally Deprived Children (45 CFR Part 116).

(20 U.S.C. 241c-2)

(Catalog of Federal Domestic Assistance Program Number 13.429, Educationally Deprived Children)

Dated: November 25, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-32649 Filed 12-3-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on December 19, 1975, in the Council Office, 425 13th St., NW., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376-8888) no later than December 15, 1975. The purpose of the meeting will be to review the annual submission to the Council by the USOE/DHEW, National Title I Office, the status of the Title I (HEA) program. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St., NW., Washington, D.C.

RICHARD M. MCCARTHY,
Associate Director.

NOVEMBER 25, 1975.

[FR Doc.75-32396 Filed 12-1-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-378]

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

Correction

In FR Doc. 75-29112 appearing on page 50557 in the issue of Thursday, October 30, 1975, in the sixth line of the document the Item number reading "15" should read "5".

[Docket No. D-75-393]

FEDERAL INSURANCE ADMINISTRATOR

Delegation of Authority

Section 7(i) (6) of the Department of Housing and Urban Development Act, Pub. L. 89-174, 42 U.S.C. 3531 et seq., authorizes the Secretary of the Department of Housing and Urban Development to "include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary." Pursuant to this authority, a provision requiring safeguarding of program assets by program participants through insurance or bonding has been included in contracts used in several of the programs of this Department. In order to assure that this safeguarding is adequately carried out at a minimal cost to the program participant, and therefore the Department, the Department provides professional and technical advice and guidance on insurance and bonding matters to program participants. Related to the contract requirements, the Department also provides approval of non-Federal insurance contracts as meeting the contract requirement and endorsement of insurance checks, including loss claim checks, on which the United States of America, the Department, or any predecessor of the Department is a joint payee. These functions until recently had been carried out by headquarters and field personnel of the Assistant Secretary for Housing Management. With the development of insurance expertise in the Federal Insurance Administration, the Secretary determined that these functions should be carried out by that office. Accordingly, the delegation of these functions to the Assistant Secretary for Housing Management was revoked, and the authority for carrying out all aspects of the Department-wide program insurance and bonding function was delegated to the Federal Insurance Administrator in a Delegation of Authority published at 40 FR 37075, August 25, 1975. That delegation omitted a necessary reference to the Urban Growth and New Community Development Act of 1970 (40 U.S.C. 4501 et seq.). That delegation is now being superseded by this one in which the omission is corrected.

SECTION A. *Authority Delegated.* The Federal Insurance Administrator is, except as provided in section B, delegated the authority and responsibility of the Secretary for all aspects of the Department-wide program insurance and bonding function with respect to the following programs:

(1) Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949 (42 U.S.C. 1450-1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 Note).

(2) Program of Loans for Housing of the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(3) College Housing under Title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c).

(4) Low-Rent Public Housing Program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq. and 42 U.S.C. 1430 et seq.).

(5) New Communities Program under the Housing Act of 1968 (42 U.S.C. 3901 et seq.) and the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4501 et seq.).

(6) Comprehensive Planning, 701b Program under the Housing Act of 1954 (40 U.S.C. 461).

This authority and responsibility shall include the following:

1. The authority and responsibility for rendering professional and technical advice and guidance on insurance and bonding matters, including the development and selection of all procedures and training materials.

2. The authority and responsibility for the making of policy with respect to the insurance and bonding matters involved in this delegation.

3. The authority and responsibility for review and evaluation of field office performance of the insurance and bonding function, as well as for recommendations for appropriate corrective actions where needed.

4. With respect to master contracts for insurance and bonding, the authority and responsibility for appropriate bid requests, openings and recordings, analysis, awarding of contracts, ongoing administrative functions (including servicing) with respect to the contracts, and liaison between Area and Insuring Offices, local HUD program participants, and private insurers who issue policies under the contracts.

5. The authority and responsibility to approve or disapprove non-Federal insurance contracts and to execute endorsements on insurance checks, including loss claim checks, on behalf of the Department of Housing and Urban Development on which the United States of America, the Department of Housing and Urban Development or any predecessor agency of the Department of Housing and Urban Development is a payee (joint or otherwise).

SEC. B. *Au horily excepted.* There is excepted from the authority delegated under section A the power to sue and be sued.

SEC. C. *Authority to redelegate.* The Federal Insurance Administrator is authorized to redelegate to the employees of the Department any of the authority delegated under section A.

SEC. D. *Delegations revoked and superseded.* This delegation revokes paragraph 18 of Section A of the delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management with respect to the approval of non-Federal insurance contracts and the endorsements on behalf of the Department of insurance checks, published at 36 FR 5006, March 16, 1971. It also supersedes the delegation of authority to the Federal Insurance Administration with respect to the insurance and bonding function, published at 40 FR 37075, August 25, 1975.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).)

Effective date. This delegation of authority is effective as of August 19, 1975.

CARLA A. HILLS,
Secretary,
Housing and Urban Development.

[FR Doc.75-32653 Filed 12-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-25; Notice 2]

AUTOMOBILI LAMBORGHINI

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Automobili Ferruccio Lamborghini S.p.A. of Italy has been granted a 3-year exemption of its Countach model from Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

Notice of the petition was published on September 30, 1975 (40 FR 44859) and an opportunity afforded for comment.

Lamborghini's annual production is approximately 350 passenger cars. It manufactured 60 Countachs from June 1974 to June 1975, and anticipates that 20 vehicles per year will be produced under the exemption for the United States market. Although the car entered production relatively recently, its design and engineering date from late 1968 and early 1969 before the proposal and adoption of Standard No. 215, which was initially effective September 1, 1972. The company has spent approximately $268,000 conforming the vehicle with all other Federal motor vehicle safety standards, and it submitted a detailed estimate of 40 changes plus costs necessary to effect compliance with Standard No. 215. Conformance would require $435,960, which is approximately 90 percent of the company's cumulative net profits in the years 1971-73. Lamborghini has spent $17,855 on tooling for bumper equipment to be added to Countachs to be sold in the United States that will afford partial compliance with Standard No. 215. The company intends to conform at the end of the 3-year period. Because of the decline in luxury auto sales in Europe, the company argued that failure to enter the American market with the Countach would cause it further hardship.

One comment was received on the petition, supporting it.

The NHTSA notes that the petitioner has evidenced its good faith by bringing the Countach into compliance with all but a portion of the applicable Federal standards, by the expenditure of sums that are sizable in comparison with its net income. The company's finances appear to have become more marginal with the decline of the sales of luxury automobiles in Europe, and entry of the Countach into the American market (for which money has already been expended) should assist the company financially. The failure of only 60 Countachs to partially meet Standard No. 215 should not have a significant effect upon motor vehicle safety.

For the above reasons, the Administrator finds that a denial of the petition would cause the petitioner substantial economic hardship, and that a temporary exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, Automobili Lamborghini is hereby granted NHTSA Exemption No. 75-25 from 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection*, for its Countach model only, expiring November 1, 1978.

(Sec. 3, Pub. L. 92-548, 88 Stat. 1159 (15 U.S.C. 1410), delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-32735 Filed 12-3-75;8:45 am]

[Docket No. EX75-8; Notice 4]

KOEHRING CO.

Petition for Exemption From Federal Motor Vehicle Safety Standard

This notice denies the petition by Koehring Company for an extension until December 1, 1976, of NHTSA Exemption No. 75-8 excusing it from compliance with Federal Motor Vehicle Safety

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Standard No. 121, *Air Brake Systems* (49 CFR 571.121).

Notice of Koehring's petition was published on September 5, 1975 (40 FR 41169), and an opportunity accorded for comment. Notice of Koehring's original petition was published on February 13, 1975 (40 FR 6702). The notice that the petition was granted was published on April 22, 1975 (40 FR 17775).

Koehring requested an extension based upon the reasons set forth in both its original and current petitions. The vehicles concerned are trucks, primarily hydraulic excavators and crane carriers manufactured by its Bantam Division. They are six-wheel units with front driving steerable axles. The smaller models are the T–644 excavator and T–350 crane using steering driving axles rated at 11,000 pounds GAWR. The larger models are the T–744 excavator and the T–588 crane using steering driving axles rated at 18,000 pounds GAWR. Koehring stated that it had been unable to find a supplier other than Rockwell Standard to build front driving axles for its lighter vehicles, but "Because of previous order commitments Rockwell Standard will not be able to deliver complying axles to Koehring (until approximately July 1976)." Although Oshkosh Truck Corporation had commented that it could supply Koehring with axles for its heavier vehicles, Koehring, after investigation, argued that Oshkosh would not be a realistic source of supply. The axle ratings differ, and, in Koehring's words, "The Oshkosh Truck axles use air over hydraulic brakes whereas Bantam Division uses full air brakes; the gear ratios available from Oshkosh Truck would require redesign of the gears currently in use by Bantam Division whereas the Rockwell Standard axles would not; the price quoted by Oshkosh Truck is approximately $4,300 to $4,500 per axle as compared to Rockwell Standard's quote of $2,700 per axle." Koehring also argued that relying upon Oshkosh "would require Bantam to * * * start afresh with new designs * * * which might further delay * * * the date on which Bantam Division would comply with FMVSS–121 * * *."

Comments were received from Oshkosh Truck Corporation, Kelsey-Hayes Company, and Warner & Swasey. The three commenters opposed an extension. Oshkosh remarked that Koehring's investigation of its axles consisted of one "brief telephone conversation" summarily describing the axles and that "Koehring did not volunteer technical information or request technical assistance from Oshkosh Truck Corporation." Oshkosh admitted, however, that "the full air brakes required by the Bantam Division do not appear to be available" for axles with 18,000 pound GAWR. Kelsey-Hayes commented that it can presently supply axles through the 16,000 pound GAWR range and will have full air 18,000 pound GAWR axles available in mid-1976. Warner & Swasey noted that Koehring seeks an extension only with respect to one-third of the vehicles that were the subject of the initial petition and that denial of the extension, in its view, should not cause substantial economic hardship to Koehring whose net income in fiscal 1974 exceeded $5,250,000. Both Oshkosh and Warner & Swasey commented that with minor modifications of their high speed capability, the vehicles in question could be permanently excluded from standard No. 121 by the amendment of August 27, 1975 (40 FR 31860), excepting vehicles whose top speed does not exceed 45 mph. (The top speed of the Koehring T–644 excavator is advertised as 52 mph, and the T–744 as 61–62 mph.) Warner & Swasey also argued that an extension would not be in the public interest since Koehring through its exemption has enjoyed an advantage over its competitors Harnischfeger and Warner & Swasey whose petitions for exemption were denied.

On September 9, 1975, NHTSA asked Koehring to provide its views:

> * * * as to why Koehring cannot or is unwilling to meet the "interim" (dynamometer) requirements that are applicable to vehicles with front driving steerable axles having GAWR's of less than 18,000 pounds. Your supplier, Rockwell International, is believed to have front steerable driving axles that can be given a GAWR of 11,000 pounds and permit a vehicle to meet the interim requirements of Standard No. 121. It is also believed to have front steerable driving axles available that can be given a GAWR of slightly less than 18,000 pounds that would permit Koehring's larger vehicles to meet the interim requirements.

The Administrator must make the same findings in granting an extension as he did in issuing the original exemption, specifically that compliance would cause the petitioner substantial economic hardship and that the extension would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Koehring's exemption was predicated upon the hardship that might be caused by "economic disruption and uncertainty in the event of a shutdown of facilities during the period before conforming vehicles could be produced" and the effect upon "the economic wellbeing of the community of Waverly, Iowa." Because of the apparent ability of Oshkosh, reflected in its comment, to supply conforming axles, the exemption was limited to the period before June 1, 1975. Since the grant of the original petition it appears that Koehring has been able to conform much of its production to Standard No. 121. Standard No. 121 has also been amended to exclude Koehring's non-conforming vehicles if modifications, that do not appear significant, are performed to reduce their top-speed capability. Even if Koehring chose not to modify its excavators, it does not appear that a denial would cause it to cease operations, since a portion of its production apparently meets Standard No. 121. The Administrator further notes that Koehring has not supplied a dollar figure with respect to the cost that a denial would cause, nor has it answered NHTSA's letter of September 9, 1975. Accordingly, the Administrator is unable to find that a denial would cause petitioner substantial economic hardship. Findings of public interest and consistency with objectives of traffic safety are therefore not reached.

For the foregoing reasons the petition by Koehring Company for an extension of its temporary exemption is denied. NHTSA Exemption No. EX75–8 expires on January 5, 1976.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–32734 Filed 12–3–75;8:45 am]

[Docket No. EX75–26; Notice 2]

TVR ENGINEERING LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

TVR Engineering Ltd. Blackpool, England, has been granted a 3-year exemption from Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

Notice of TVR's petition appeared in the FEDERAL REGISTER on September 30, 1975 (40 FR 44859), and an opportunity afforded for comment.

TVR manufactured 450 passenger cars from January 1, 1974, to August 31, 1975. Approximately 80 percent of its 1974 production was shipped to North America (388 cars to the United States, 12 to Canada). On January 3, 1975, its factory was almost completely destroyed by a fire. Petitioner was in the process of designing and testing procedures related to Standard No. 215 at that time, but "all of the stock, including the developmental work in progress, was destroyed." As a result, TVR "was unable to produce and market a production model for the year 1975, and to complete its research, development, testing" and work related to compliance with Standard No. 215. Unless the exemption is granted, "Petitioner will be deprived of its 1976 sales year." The effect of this "will be the financial ruin and collapse of Petitioner's business." Its net income in 1974 was approximately $8,000 (3519 Pounds).

No comments were received on the petition.

Because of TVR's past reliance upon the American market to absorb 80 percent of its production, and the damages incurred in the fire, TVR's prediction that without an exemption the company will be financially ruined appears justified. The agency also notes that even with small resources and production the petitioner has nevertheless, with this one exception, been able apparently to meet all Federal safety standards that apply to its products.

For the reasons discussed above it is found that the denial of the petition would create substantial economic hardship, and that a temporary exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, TVR Engineering Ltd. is hereby granted NHTSA Exemption No. 75–28 from 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection*, expiring November 1, 1978.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–32736 Filed 12–3–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 25953, 22322; Order 75–12–5]

FEDERAL EXPRESS CORPORATION ET AL.

Order Granting and Denying Petitions for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1975.

By Order 75–3–42, March 13, 1975, the Board consolidated and set for hearing applications in two related dockets. The first application, in Docket 25953, involved the joint request of General Dynamics Corporation (General Dynamics) and certain other investors (the "investors") along with Federal Express Corporation (Federal Express) for disclaimer of jurisdiction in part and grant of an exemption or approval, pursuant to sections 408 and 409 of the Federal Aviation Act, of the acquisition by General Dynamics and the other investors of varying amounts of equity securities of Federal Express.

The second application, in Docket 22322, involved the joint request of Mr. Lester Crown and Trans World Airlines (TWA), for indefinite renewal of the approval heretofore granted by Order 71–11–92 and by letter to counsel for the joint applicants dated February 13, 1972, of the interlocking relationships resulting from Mr. Crown's position as a member of the Board of Directors of TWA, on the one hand, and various close relationships between Mr. Crown and General Dynamics, a business engaged in a phase of aeronautics, on the other hand.[1]

The pertinent facts concerning the transactions and relationships involved in the two applications are set forth in some detail in Order 75–3–42, and need not be repeated here. Various petitions for reconsideration of Order 75–3–42 have been filed.

1. TWA and Mr. Lester Crown have filed a joint petition for reconsideration asking that the issue of the renewal of the TWA/Lester Crown interlocking relationship pending in Docket 22322 not be consolidated for hearing with the matter of control of Federal Express Corporation pending in Docket 25953. The joint petitioners urge that a nonhearing proceeding, through the device of a show cause order, be used to expedite the application. In so doing, the joint petitioners propose a specific restriction on the participation of Lester Crown in any discussion or other action by the Boards of Directors of TWA or General Dynamics having to do with ownership or control of Federal Express or having to do with any transaction in excess of $100,000 between Federal Express and General Dynamics or TWA, or among them all, without prior approval of the Board.

2. The investors have filed a petition requesting that the Board reconsider its order with respect to the inclusion of both the senior bank creditors of Federal Express, and the holders of "nonvoting" equity interests. It is the contention of the investors that the inclusion of the banking creditors[2] in a full evidentiary hearing is inappropriate in light of the pending Institutional Control of Air Carriers Investigation, Docket 26349. To assure consistency with the ultimate findings of the Institutional Control Investigation, the investors request the Board to modify its order by either disclaiming jurisdiction as to the bank creditors or exempting the acquisition pending the outcome of the investigation. The investors contend that the only conceivably unique aspect of the Federal Express financing is the issuance of warrants to the lenders. These warrants, they argue, by their express terms cannot be exercised by the banks, but may only be exercised by transferees of the banks. The petitioners suggest that the Board may specifically reserve a right of prior approval over any sale or transfer of the warrants.

The investors further request the Board to reconsider its decision with respect to the Allstate and Prudential Insurance Companies, holders of "nonvoting" equity interests in Federal Express. While the nonvoting restriction on these shares currently extends only to election of directors, the petitioners state that Allstate and Prudential would be prepared to relinquish any additional voting rights as the Board may determine. They further stipulate their willingness to accept a specific condition that any bulk sale of the shares held by them would be subject to prior Board approval.

Finally, the investors propose an alternate solution. Citing the current financial condition of Federal Express and the possibility of additional financing during 1975, they suggest that the hearing in this case be postponed until a decision is reached in the Institutional Control Investigation.

3. Federal Express has filed a petition for reconsideration, expressing as its primary concern the "potentially staggering cost" of hearings of the scope presently ordered by the Board, as well as its conviction that the procedures instituted are wholly disproportionate to the relatively limited importance of the issues in the present proceeding.

In support of its petition, Federal Express states that the case merely involves consideration of the transfer of control or potential control interests in a noncertificated air taxi operating pursuant to the free entry provisions of Part 298 of the Board's Economic Regulations. As such, it argues, there should be a strong presumption toward the propriety of nonhearing relief. Further, Federal Express contends that the case arises out of relatively short-term financing transactions and does not reflect the purchasers' intent to acquire control. The petitioner also notes that virtually all of the applicant's costs in the case must be borne by Federal Express,[3] and suggests that the cost of the hearings could result in a severe cash drain and might exhaust the working capital needed to sustain the carrier's operations.

Further, Federal Express contends that the opposition to its application by Executive Jet Aviation[4] "might be neutralized" by a firm assurance eliminating the potential competitive threat to that air taxi operator. The petitioner proposes to accept, without objection or reservation, a restriction limiting it to cargo-only operations as a condition precedent to Board approval, in the event that EJA withdraws its prior demand for a hearing and its opposition to approval of the application.

Finally, Federal Express urges the Board to adopt one of three possible courses of action. The first is that the acquisitions of its equity securities should

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[1] These relationships include (a) the holding by the Crown family and business associates of a controlling interest in General Dynamics, (b) Mr. Crown's position as a member of the Board of Directors of General Dynamics, (c) Mr. Crown's position as a member of the board and an officer of certain subsidiaries of General Dynamics, and (d) the position of Mr. Crown's father, Mr. Harry Crown, Sr., as a member of the Board of Directors of General Dynamics.

[2] The "bank creditors" consist of six banks who have received, in partial consideration for their loans to Federal Express, warrants for the purchase of common stock. Through increased financing, these banks continue to receive additional warrants as consideration for deferral on interest payments. The current warrant holdings would comprise about 10 percent of the outstanding common stock if exercised. Assuming that Federal Express continues to issue warrants in lieu of interest payments to the extent of their ability to do so under the agreement, the total warrants issued to the banks could equal the equivalent of 18.48 percent of the outstanding common stock. The warrants are not exercisable by the banks, but may be so exercised by any transferee.

[3] By virtue of the Purchase Agreement, dated November 9, 1973, Section 12. C; Submitted as Appendix A to Amendment No. 1 to the Joint Application, filed December 7, 1973.

[4] An answer in opposition to the application as well as a petition for leave to intervene were filed by Executive Jet Aviation (EJA), an air taxi operator. In its answer, EJA requested that the Board assert jurisdiction over the entire transaction, deny the request for an exemption, and either deny the request for approval or, at a minimum, set the matter for a full evidentiary hearing.

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be authorized by exemption. Secondly, in the alternative, it is proposed that the acquisitions may be approved by show-cause procedures. Finally, Federal Express declares that at a minimum any hearings found to be necessary must be limited by the exclusion of institutional control case issues. Additionally, the petitioner urges the Board to extend its disclaimer of jurisdiction to include the two investors, Allstate and Prudential, who purchased "nonvoting" securities.

Upon careful review of the matters presented in the petitions for reconsideration, the Board has decided to grant, in part, the relief sought. The petitioners have persuasively shown that the present scope of the proceedings may be unduly broad, and that with the imposition of appropriate conditions, some of the concerns previously expressed by the Board can be alleviated.

At the same time, however, the magnitude of the operations and financial transactions of the parties is sizeable. After less than three years of operation Federal Express operates one of the largest, if not the largest, fleets of business jet aircraft in the nation. Moreover, as Federal Express itself states, we are dealing with "the establishment of a brand-new and unique air transportation service which is a rare occurrence."

The leading investor in the current financing of this venture is General Dynamics, a business engaged in a phase of aeronautics and one of the country's 100 largest corporations, with 1974 sales of almost two billion dollars and assets of $1.184 billion.[6] The total financing of Federal Express, under the initiative and with the participation of General Dynamics, exceeds $50 million. Further, the new investors apparently control three of the five seats on the Board of Directors.

Given these circumstances, we must reject the petitioners' proposals to proceed by nonhearing procedures. We are not persuaded by the arguments of Federal Express that opposition which exists to its application can be "neutralized" by a stipulation that it would refrain from carrying passengers. While Federal Express clearly is free to so stipulate, it is not at all clear that such a condition would meet the objection to Federal Express' application. In any event, while our decision to set this matter for hearing took into consideration the answer of Executive Jet Aviation opposing the application, it has always been our basic view that a hearing in this instance is needed in the public interest, regardless of lack of formal opposition.

In any case, the proceedings are being limited herein to such an extent that they will not produce too severe a financial burden upon the applicant, but at the same time will allow the Board to exercise its legitimate responsibility under Section 408 of the Act to evaluate the very real question of whether the transactions for which the applicants seek approval affect the control of the air carrier, and if so whether it is in the public interest to approve that control relationship. Accordingly, we will scope the proceeding along the following lines.

Lester Crown-Interlocking Relationships

Order 75–3–42 consolidated for hearing the proceeding in Docket 22322, involving the interlocking relationships of Mr. Lester Crown, with the proceeding in Docket 25953, involving the control and acquisition of Federal Express. Upon reconsideration, the Board has decided to reaffirm its determination that these two matters be consolidated and set for concurrent hearing.

Despite Mr. Crown's willingness to accept a condition which would prohibit his participation in any discussion or other action by the Board of Directors of General Dynamics with respect to important matters concerning Federal Express Corporation, we have determined that a hearing on the question of the pertinent interlocking relationships is required in the public interest. Our determination is based in large part upon the possibility that General Dynamics may be found to be in control of Federal Express within the meaning of section 408 of the Act. In that event, Mr. Crown would be both a director of a certificated airline (TWA), and a director and major stock holder of a business involved in a phase of aeronautics (General Dynamics) which is also in control of perhaps the largest air taxi operator in the nation (Federal Express). Such possible interlocking relationships require close scrutiny under Section 409 regardless of the conditions proposed by the joint petitioners.

The determination under Section 409 of whether the public interest would be adversely affected by the Lester Crown interlocking relationships is closely related to, and to some extent dependent upon, the extent to which General Dynamics might be found to be in control of Federal Express under section 408. We are not convinced that consolidation and concurrent hearing will be unduly burdensome. In the first place, we are confident that the Administrative Law Judge assigned to the consolidated proceeding will, within reason, be able to schedule procedural dates and witness appearances in a manner convenient to the parties concerned. Moreover, by virtue of the automatic extension provisions of section 9(c) of the Administrative Procedure Act (5 U.S.C. 558), the Board's previous approval of the interlocking relationships involved in Docket 22322 will continue in effect pending final Board determination in the consolidated proceeding, and thus the applicant will not be prejudiced by any delay as a result of consolidation.

Nonvoting Equity Shareholders

The Allstate and Prudential Insurance Companies together own over thirty percent of the equity interest in Federal Express.[7] These shares consist of "nonvoting" Class B common stock only. By their terms, such securities may be converted into voting securities only upon transfer to a holder other than Prudential or Allstate. This nonvoting restriction, however, extends only to election of directors, and does not restrict the right to vote on other corporate matters. As noted in Order 75–3–42, these remaining voting rights in Federal Express present questions under Section 408 of the Act which weigh against a disclaimer of jurisdiction.[8] Moreover, in the absence of a full hearing, the Board cannot, as the investors suggest, simply determine a priori which, if any, of the retained voting rights raise questions of control. However, as an alternative to a hearing, the Joint applicants have indicated their willingness to resolve these potential control problems by, if necessary, relinquishing their remaining voting rights and obtaining prior Board approval of any substantial future transfers of securities held in Federal Express.

Upon reconsideration, the Board has determined that the conditions suggested by Allstate and Prudential will adequately resolve any remaining questions of control in Federal Express. Accordingly, we have decided to disclaim jurisdiction over Allstate and Prudential, subject of the filing of statements by the two investors verifying their relinquishment of voting rights in Federal Express and indicating their acceptance of the prior approval requirement on substantial future transfers of Federal Express securities.[9]

Bank Creditors

The strongest objections in the petitions of both Federal Express and the investors concern the inclusion of the bank creditors as parties to the proceeding. While the petitioners are objecting to the propriety of our decision, there is no contention that the Board lacks the legal right to examine the question of possible control which may result from the debt financing of Federal Express. Section 408(a)(5) of the Federal Aviation Act of 1958, as amended by Pub. L. 91–62 in 1969, gives the Board jurisdiction over any person who may acquire control in any manner whatsoever.

The Board thus has a legitimate statutory interest in the question of control as it relates to the bank creditors of Federal Express. However, in reviewing the petitioners' arguments, we have taken into consideration a condition proposed

[6] Fortune Magazine, Directory of the 500 Largest Corporations, May 1975 at 212.

[7] Letter of information to the Board, dated October 18, 1974, Appendix A, page 1, Docket 25953.

[8] Such rights presumably include the right to vote on mergers or consolidations, approval of bylaws, sale of corporate assets, basic charter amendments, reorganization of the corporate structure, and voluntary dissolution.

[9] A substantial transfer will be defined as any transaction or series of transactions occurring within a one-year period which results in a transfer of five percent or more of the voting securities of Federal Express.

by the petitioners which will help to alleviate our previously expressed reservations about one aspect of the debt financing of Federal Express. Specifically, in Order 75–3–42, the Board expressed its special concern about interests held by the creditor banks of Federal Express in the form of warrants to purchase common stock. Petitioners point out that the warrants are expressly not exercisable by the banks themselves and suggest that any sale or transfer of the warrants to other persons can be made subject to prior Board approval.

In our view, such a prior-approval requirement will satisfactorily meet the Board's principal concerns over the holding of warrants by creditor banks. Accordingly, upon reconsideration, we will not place in issue the specific warrants currently held by the creditor banks, although we will adopt the suggested prior-approval requirement. However, it is not our intent to completely dismiss the question of the debt financing of Federal Express as an aspect of the entire control issue in the hearing. All credit agreements entered into by Federal Express are pertinent to this case. Consideration of possible conditions on Federal Express in regard to its debt financing, aside from the above-mentioned condition on creditor bank warrant holdings, is certainly within the scope of this proceeding. Consequently, while we have decided not to require that the bank creditors be formal parties to the proceeding, to the extent that they determine it to be in their interest to participate in this proceeding, they may do so pursuant to the Rules of Practice in Part 302 of the Board's Procedural Regulations.

The Major Equity Shareholders

Finally, Federal Express, in its petition, has urged the Board to utilize nonhearing procedures to approve its application. The Board will deny this request. There are still unanswered questions of fact, law, and Board policy related to the acquisition of such a large air taxi operator by a major aircraft manufacturer (General Dynamics) which can only be resolved by a hearing procedure.[9]

Accordingly, it is ordered, That: 1. The petitions of Federal Express Corporation and its investors requesting that the Board disclaim jurisdiction over the acquisition of Federal Express stock by the Allstate and Prudential Insurance Companies is granted: *Provided*, That, this disclaimer shall not become effective unless, within 30-days of the effective date of this order, Allstate and Prudential, file statements with the Board's Docket Section indicating that:

(a) All voting rights which are now held or may be acquired in Federal Express have been relinquished; and

(b) Any transaction or series of transactions occurring within a one-year period which results in the transfer of five percent or more of the securities of Federal Express will be subject to prior approval of the Board;

2. The petitions of Federal Express and its investors requesting reconsideration of the inclusion of bank creditor relationships in the investigation instituted in Order 75–3–42 is granted insofar as the bank creditors of Federal Express are hereby excused as formal parties to this proceeding and upon the condition that any sale or transfer of warrants to purchase stock in Federal Express which are now held or may be acquired by the creditors of Federal Express be subject to the express prior approval by the Board; and

3. Except to the extent granted herein, the petitions of (1) Lester Crown and Trans World Airlines, Inc., (2) Federal Express Corporation, and (3) the Investors in Federal Express for reconsideration of Order 75–3–42 setting for hearing the applications in Dockets 22322 and 25953 be and they hereby are denied.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.75–32730 Filed 12–3–75;8:45 am]

[9] Acquisition of Los Angeles Airways, Inc., by Westgate-California Corporation, Order 69–1–40, effective January 10, 1969, concerning, inter alia, acquisition of an air taxi operator, Catalina Airlines.

[Docket No. 27573 Agreement C.A.B. 25515 R–1 and R–2; Order 75–11–120]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 28, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 14th TC3 Specific Commodity Rates Board and the 20th Joint Specific Commodity Rates Board and has been assigned the above C.A.B. agreement number.

The agreement would establish three new specific commodity descriptions (Item 4306 for "Teleprinters", Item 5210 for "Pottery", and Item 6858 for "Machine parts and Automobile weather shields made of plastic") as well as specific commodity rate for several items to apply between various world markets outside of air transportation. We will approve the new descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new specific commodity descriptions incorporated in Agreement C.A.B. 25515, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 25515 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That: 1. That portion of Agreement C.A.B. 25515 described in finding paragraph 1 above, which has general application in air transportation as defined by the Act, be and hereby is approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25515 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published the Federal Register.

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.75–32729 Filed 12–3–75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, December 24, 1975. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

Richard H. Hall,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75–32742 Filed 12–3–75;8:45 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TOWELS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 2, 1975.

On June 4, 1975, there was published in the FEDERAL REGISTER (40 FR 24042), a letter dated May 30, 1975 from the chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period beginning on July 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment according to the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan.

Pursuant to Paragraph 13 of the bilateral agreement, the Governments of the United States and Pakistan have agreed to permit entry of shipments in Category 31 (other than shop towels) which will exceed the level of restraint established for the agreement period which began on July 1, 1974. The additional amount will be charged against the level of restraint applicable to Category 31 (other than shop towels) for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

Effective date: December 4, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, Deputy Assistant Secretary for Policy-DIBA, and Director, Bureau of Resources U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of The Treasury,
Washington, D.C. 20229.

DECEMBER 2, 1975.

DEAR MR. COMMISSIONER: On May 30, 1975, the chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the eighteen-month period beginning on July 1, 1974 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 13 of the Bilaterial Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective on December 4, 1975, to permit entry of cotton textile products in Category 31 (other than shop towels), even though the level of restraint will be exceeded.[2] Shipments entered on and after December 4, 1975 will be charged to the level of restraint for Category 31 (other than shop towels) during the agreement period beginning on January 1, 1976.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, Deputy Assistant Secretary for Policy-DIBA, and Director Bureau of Resources U.S. Department of Commerce.

[FR Doc.75-32644 Filed 12-3-75;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] All T.S.U.S.A. Numbers in Category 31 except T.S.U.S.A. Number 366.2740.

ESTABLISHMENT OF NEW LEVELS OF RESTRAINT FOR CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal From Warehouse for Consumption

Correction

In FR Doc. 75-32442, appearing at page 55697 in the issue of December 1, 1975, the table at the bottom of the first column on page 55698 should read as set forth below:

Category:		*12-mo. level of restraint*
39	dozen pairs	386,952
45/46/47	sq. yds. equivalent	3,500,000
49	dozen	40,000
50	do	100,000
51	do	100,000
214	dozen pairs	1,000,000
219	dozen	326,110
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143)	pounds	100,000
Pt. 224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103)	do	100,000
225	dozen	2,500,000
229	do	200,000
235	do	30,000
237	numbers	180,000

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SAVANNAH RIVER PLANT SITE

Trespassing on Administration Property

The notice concerning unauthorized entry into and upon the Savannah River Plant Site dated October 12, 1965, appearing at pages 13290–13292 of the FEDERAL REGISTER of October 19, 1965 (30 FR 13290–13292, FR Doc. 65–11116), and amended at page 2402 of the FEDERAL REGISTER of January 31, 1968, 33 FR 2402 (FR Doc. 68–1172) is hereby further amended to read as follows:

Notice is hereby given that the Energy Research and Development Administration, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, and section 104 of the Energy Reorganization Act of 1974, as implemented by 10 CFR Part 860 published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28789, 29790) prohibits the unauthorized entry, as provided in 10 CFR 860.3 and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into and upon the following-described portion of the Savannah River Plant Site of the Energy Research and Development Administration, said portion of such site being all that tract or parcel of land lying or being situated in Aiken and Barnwell Counties, in the State of South Carolina, approximately 14 miles southeast of the city of Augusta, State of Georgia, and 12 miles south of the town of Aiken, State of South Carolina; bounded on the southwest and south by the Savannah River, on the east by lands of the Estate of Florence L. S. Clark (Creek Plantation) and other lands of the United States of America, E.R.D.A., on the north by other lands of E.R.D.A. and U.S. Highway No. 278, on the west by SRP Road 1, other lands of E.R.D.A., a county road, lands now or formerly of W. H. Harper, Fitch Gilbert, J. L. Pew, Mack Foreman, J. L. Steed, et al. and being more particularly described as follows:

Bearings on the following descriptions are referred to the Savannah River Plant coordinate system, unless otherwise specifically noted; a plat of said property containing both the S. C. Lambert and the Savannah River Plant coordinate systems is recorded in both Aiken and Barnwell Counties, as hereinafter set forth:

Beginning at concrete monument SRO 4D, located on the south right-of-way of the SCL Railroad approximately 4.0 miles south of the town of Jackson, South Carolina, Post Office; said point having a coordinate value on the Savannah River Plant coordinate system of N–91,044.4 and E–24,940.9, and having a coordinate value on the S. C. Lambert coordinate system of N–522,755.8 and E–1,762,-208.7. Thence from the point of beginning S. 84°27′ E., 165.49 feet to concrete monument SRO 5, located on the N. right-of-way of the SCL Railroad and having a coordinate value on the Savannah River Plant coordinate system of N. 91,028.3 and E. 25,105.6, and having a coordinate value on the S. C. Lambert coordinate system of N. 552,839.7 and E. 1,762,351.2; thence N. 0°06′ W. along the SCL Railroad right-of-way 3,322.84 feet to concrete monument SRO 6; thence N. 21°54′ E., 455.06 feet to concrete monument SRO 6A; thence N. 75°34′ E., 1,613.10 feet to concrete monument SRO 7; thence N. 78°34′ E., 1,854.50 feet to concrete monument SRO 8; thence N. 14°07′ W., 2,513.82 feet to concrete monument SRO 9; thence N. 73°38′ E., 3,390.15 feet to concrete monument SRO 10, having a coordinate value on the Savannah River Plant coordinate system of N. 98,936.9 and E. 31,289.6, and having a coordinate value on the S. C. Lambert coordinate system of N. 532,873.1 and E. 1,762,695.9; thence N. 02°31′ W., 622.96 feet to concrete monument SRO 11; thence S. 73°06′ E., 458.29 feet to concrete monument SRO 12; thence N. 01°09′ E., 3,667.03 feet to concrete monument SRO 13; thence N. 49°16′ W., 369.50 feet to concrete monument SRO 14; thence N. 53°07′ E., 1,809.37 feet to concrete monument SRO 15; thence N. 38°48′ W., 217.21 feet to concrete monument SRO 16; thence N. 65°50′ E., 964.59 feet to concrete monument SRO 17; thence N. 56°37′ E., 261.80 feet to concrete monument SRO 18; thence S. 62°38′ E., 210.33 feet to concrete monument SRO 19;

Thence N. 55°35′ E., 197.73 feet to concrete monument SRO 20; thence N. 63°04′ W., 210.34 feet to concrete monument SRO 21; thence N. 56°27′ E., 1,033.58 feet to concrete monument SRO 22; thence N. 27°16′ E., 1,128.07 feet to concrete monument SRO 23, said point having a coordinate value on the Savannah River Plant coordinate system of N. 106,811.8 and E. 35,445.1, and having a coordinate value on the S. C. Lambert coordinate system of N. 541,686.3 and E. 1,761,420.6; thence S. 60°11′ E., 2,190.62 feet to a point on SRP Road A; thence N. 46°41′ E., 72.00 feet to a fence corner (F.C.); thence continuing N. 46°41′ E., 1,670.74 feet to a F.C. at gate 7 on the S. side of SRP Road 1; thence S. 89°52′ E. along the S. side of SRP Road 1 a distance of 7,103.44 feet to a F.C.; thence N. 77°58′ E., 1,156.83 feet to a F.C.; thence S. 89°55′ E., 340.59 feet to a F.C.; thence S. 89°09′ E., 3,800.00 feet along the S. side of SRP Road 1 to a point; thence N. 77°51′ E., 3,300.00 feet to a F.C.; thence N. 74°19′ E. along the S. side of SRP Road 1, a distance of 6,401.47 feet to a F.C.; thence N. 85°11′ E., 371.76 feet to a F.C.; thence S. 84°25′ E., 191.01 feet to a F.C.; thence S. 81°40′ E., 4,582.57 feet to a F.C.; thence S. 85°08′ E., 957.95 feet to a F.C.; thence S. 86°43′ E., 1,956.10 feet to a F.C.; thence N. 37°58′ E., 516.07 feet to a F.C.; thence N. 85°28′ E., 2,300.70 feet to a F.C.; thence S. 84°37′ E., 600.42 feet to a F.C.; thence S. 82°56′ E., 403.86 feet to a F.C.; thence S. 70°15′ E., 286.42 feet to a F.C.; thence S. 17°19′ W., 1,829.23 feet to F.C.; thence S. 52°31′ E., 259.73 feet to a point in the centerline of SRP Road 2; thence continuing S. 52°31′ E., 482.57 feet to a F.C.; thence N. 37°36′ E., 3,548.26 feet to a F.C.; thence N. 82°20′ E., 345.84 feet to a F.C. on the S. side of U.S. Highway No. 278; thence S. 31°00′ E., along the S. side of U.S. Highway No. 278 a distance of 8,800.47 feet to a F.C.; thence S. 34°21′ E., 725.33 feet to a F.C.; thence S. 41°03′ E., 702.07 feet to a F.C.; thence S. 47°46′ E., 480.15 feet to a F.C.; thence S. 53°28′ E., 530.6 feet to a F.C.; thence S. 33°24′ E., 100 feet to a F.C. (Gate 10); thence N. 57°24′ E., 35 feet across Gate 10 to a F.C.; thence continuing along the south side of the right-of-way of U.S. Highway No. 278 S. 63°30′ E., 22,000 feet to a F.C.; thence S. 01°30′ W., 20 feet across Gate 14–A to a F.C.; thence S. 88°30′ E., 50 feet to a F.C.;

Thence S. 63°30′ E., 2,091 feet to a F.C.; thence around a left curve 1,000 feet to a F.C.; thence S. 83°00′ E., 4,182.8 feet to a F.C.; thence S. 66°30′ E., 170 feet to a F.C.; thence N. 23°30′ E., 50 feet across Gate 15–A to a F.C.; thence S. 83°00′ E., 640 feet to a F.C. located on the S. side of the right-of-way of U.S. Highway 278 directly across said highway from Bench Mark 381; thence S. 20°58′ W., 140 feet to SRO concrete monument 76; said point having a coordinate value on the Savannah River Plant coordinate system of N–88,045.41 and E–108,563.98, and having a coordinate value on the S.C. Lambert coordinate system of N–569,548.91 and E–1,831,-578.78; thence generally in an easterly direction with the meanders of the N. side of a dirt road to a F.C. located approximately 4 feet from SRO concrete monument 77, said monument having a coordinate value on the Savannah River Plant coordinate system of N–87,253.77 and E–110,850.84, and having a coordinate value on the S.C. Lambert coordinate system of N–570,254.87 and E–1,833,-893.52; thence S. 21°02′ W., 584.61 feet to a F.C.; thence S. 30°23′ E., 455.48 feet to a F.C.; thence S. 13°19′ E., 3,229.19 feet to a F.C.; thence S. 15°13′ E., 2,117.60 feet to a F.C.; thence S. 8°46′ W., 500.00 feet to a F.C.; thence S. 8°23′ W., 2,366.24 feet to a F.C.; thence S. 80°06′ E., 213.21 feet to a F.C.; thence S. 21°20′ W., 1,136.02 feet to a F.C.; thence S. 21°12′ E., 5,044.03 feet to a F.C.; thence S. 50°39′ E., approximately 625 feet to a F.C., on the W. side of State Highway No. 278; thence along the W. side of the right-of-way of State Highway No. 278 S. 12°00′ E., approximately 2,000 feet more or less to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N–71,469.54 and E–116,044.64, and having a coordinate value on the S.C. Lambert coordinate system of N–560,551.01 and E–1,847,382.50; thence N. 76°07′ E., 208.95 feet to a F.C.; thence N. 85°35′ E., 253.51 feet to a F.C.; thence S. 8°18′ E., 1,464.01 feet to a F.C.; thence N. 86°39′ E., 412.10 feet to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N–70,114.50 and E–116,211.94, and having a coordinate value on the S.C. Lambert coordinate system of N–559,554.00 and E–1,848,315.28; thence S. 42°20′ W., 1,316.22 feet to a F.C.;

Thence S. 39°52′ W., 598.95 feet to a F.C.; thence S. 13°01′ E., 1,416.18 feet to a F.C.; thence S. 52°57′ E., 679.77 feet to a F.C.; thence S. 06°56′ E., 1,298.14 feet to a F.C.; thence S. 31°36′ W., 605.47 feet to a F.C. located within 3 feet of SRO concrete monument 96; thence S. 11°09′ E., 428 feet to a F.C.; thence S. 58°50′′ W., 80 feet to a F.C.; thence S. 70°00′ W., 114.4 feet to a F.C.; thence across the Williston barricade on SRP Road 8 S. 20°00′ E., 96.1 feet to a F.C.; thence N. 70°00′ E., 190 feet to a F.C.; thence S. 11°09′ E., 806.03 feet to SRO concrete monument 97; thence S. 85°54′ 1,378.48 feet to a F.C.; thence S. 70°00′ W., 221.18 feet to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N–63,587.32 and E–114,367.89, and having a coordinate value on the S.C. Lambert coordinate system of N–553,191.76 and E–1,850,666.13; thence S. 18°50′ E., 422.49 feet to a F.C.; thence S. 09°30′ W., 974.78 feet to a F.C.; thence S. 10°14′ E., 2,517.39 feet to a F.C.; thence S. 63°27′ W., 445.77 feet to a F.C.; thence S. 21°30′ E., 3,748.86 feet to a F.C.; thence S. 41°39′ W., 2,639.80 feet to a F.C.; thence S. 58°26′ W., 1,514.08 feet to a F.C.; thence S. 08°19′ W., 1,621.02 feet to a F.C.; thence S. 38°25′ W., 1,880.12 feet to a F.C.; thence N. 52°34′ W., 517.12 feet to a F.C.; thence S. 39°52′ W., 690.43 feet to a F.C.; thence S. 28°08′ W., 3,516.05 feet to a F.C.; thence S. 30°34′ W., 205.97 feet to a F.C.; thence N. 86°01′ W., 1,203.84 feet to a F.C.; thence S. 24°21′ W., 657.46 feet to a F.C.; thence S. 25°12′ W., 1,858.36 feet to a F.C.; thence S. 15°27′ W., 3,141.21 feet to a F.C.; thence N. 60°32′ W., 853.31 feet to a F.C.; thence N. 55°51′ W., 4,429.13 feet to SRO concrete monument 330; thence S. 38° 21′ W., 7,043.2 feet to SRO monument 331; thence S. 67°37′ W., 1,897.9 feet to SRO monument 332; thence S 66°14′ W., 2,627.2 feet to SRO monument 333; thence S. 68°09′ W., 2,342.2 feet to SRO monument 334; thence S. 50°51′ W., 2,230.3 feet to SRO monument 335; thence S. 37°18′ W., 736.3 feet to SRO monument 336; thence S. 21°04′ W., 1,097.9 feet to SRO monument 337; thence S. 46°37′ W., 575.7 feet to SRO monument 338; thence S. 31°27′ W., 775.9 feet to SRO monument 339;

Thence S. 70°25′ E., 3,501.1 feet to SRO monument 340; thence S. 53°33′ E., 3,756.0 feet to SRO monument 341; thence N. 53°25′ E., 237.8 feet to SRO monument 342; thence S. 20°23′ E., 465.6 feet to SRO monument 343; thence S. 36°23′ W., 150.00 feet to a point in the centerline of the traffic island, continuing S. 36°23′ W., 186.40 feet to a F.C.; thence N. 52°03′ W., 1,976.30 feet to a F.C.; thence S 88°22′ W., 547.01 feet to a F.C.; thence N. 79°11′ W., 1,885.41 feet to a F.C. at gate 19; thence N. 72°37′ W., 1,451.86 feet to a F.C.; thence N. 61°33′ W., 1,967.05 feet to a F.C.; thence S. 89°37′ W., 1,955.75 feet to a F.C.; thence S. 89°27′ W., 1,110.47 feet to a F.C.; thence S. 83°38′ W., 645.95 feet to a F.C.; thence S. 84°46′ W., 1,038.98 feet to a F.C.; thence S. 77°15′ W., 265.32 feet to a F.C; thence S. 83°21′ W., 307.99 feet to a F.C.; thence N. 83°57′ W., 674.03 feet to a F.C.; thence N. 85°49′ W., 183.66 feet to a F.C.; thence S. 53°12′ W., 595.98 feet to a F.C.; thence S 48°45′ W., 984.17 feet to a F.C.; thence S. 22°12′ W., 33.97 feet to a F.C.; thence S. 52°0′ W., 543.87 feet to a F.C. on the right-of-way of the SCL Railroad Main Line; thence S 64°21′ W., along the SCL Railroad right-of-way 500.00 feet to a F.C.; thence S. 76°22′ W., 900.00 feet to a F.C.; thence S. 73°21′ W., 8,300.00 feet to a F.C.; thence S. 81°58′ W., 600.00 feet to a F.C.; thence S. 87°02′ W., 800.00 feet to a F.C.; thence N. 87°19′ W., 1,105.73 feet to a F.C.; thence N. 87°30′ W., 7,556.54 feet to a F.C.; thence N. 87°58′ W., 825.86 feet to a F.C.; thence N. 87°32′ W., 6,517.60 feet to a F.C.; thence N. 82°25′ W., 930.50 feet to a F.C.; thence N. 78°36′ W., 774.98 feet to a F.C.; thence N. 87°32′ W., 6,517.60 feet to a F.C.; thence N. 68°08′ W., 342.73 feet to a F.C.; thence N. 89°28′ W., 295.90 feet to a F.C.; thence S. 37°00′ W., across the SCL Railroad Main Line 114.44 feet to a F.C.; thence N. 56°08′ W., 292.39 feet to a F.C.; thence N. 50°25′ W., 561.00 feet to a F.C.; thence N. 46°54′ W., 860.00 feet to a F.C.; thence N. 70°15′ W., 197.58 feet to a F.C.; thence along the E. side of SRP Road 9 as follows: S. 64°26′ W., 276.67 feet to a F.C.; thence S..51°32′ W., 225.75 feet to a F.C.;

Thence S. 39°63′ W., 905.09 feet to a F.C.; thence S. 44°19′ W., 321.00 feet to a F.C.; thence S. 48°19′ W., 836.80 feet to a F.C.; thence S. 48°19′ W., 281.27 feet to a F.C.; thence S. 41°49′ W., 210.73 feet to a F.C.; thence S 23°37′ W., 1,034.20 feet to a F.C.; thence S. 25°22′ W., 412.59 feet to a F.C.; thence S. 23°38′ W , 2,844.95 feet to a F.C.; thence S. 33°32′ W., 1,423.83 feet to a F.C; thence S. 33°30′ W., 298.00 feet to a F.C.; thence S. 38°40′ W., 586.34 feet to a F.C.; thence S 43°06′ W., 668.91 feet to a F.C.; thence S. 44°52′ W., 1,368.65 feet to a F.C.; thence S. 28°10′ W., 178.85 feet to a F.C; thence S 18°33′ W., 2,775.90 feet to a F.C.; thence S. 24°47′ W., 347.88 feet to a F.C.; thence S 48°0′ W., 978.90 feet to a F.C.; thence S. 04°49′ W., 783.02 feet to a F.C.; thence S 78°53′ W., 289.87 feet to a point on the centerline of SRP Road A at Allendale Barricade; thence continuing S. 78°53′ W., 373.35 feet to a F.C.; continuing S. 78°53′ W., 51.61 feet to Point A; thence N. 39°57′ W., 3,961.39 feet to a concrete monument SRO 321, said point having a coordinate value on the Savannah River Plant coordinate system of N. 18,662.5 and E. 35,337.6, and having a coordinate value on the S.C.

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Lambert coordinate system of N. 470,357.9 and E. 1,813,215.4; thence S. 42°43' W., 3,029.41 feet to concrete monument SRO 322; thence N. 68°06' W., 1,001.01 feet to concrete monument SRO 323; thence S. 41°19' W., 406.03 feet to concrete monument SRO 324; thence S. 35°25' W., 6,891.15 feet to concrete monument SRO 325 located on the left (South Carolina) bank of the Savannah River near the mouth of Steel Creek, said point having a coordinate value on the Savannah River Plant system of N. 10,887.5 and E. 28,091.2 and having a coordinate value on the S. C. Lambert coordinate system of N. 459,807.2 and E. 1,811,933. Thence in a generally northwesterly direction along the meander of the left bank of the Savannah River a distance of approximately 84,100 feet to a point on the north bank of Savannah River near the outfall of Dead Man's Lake and Savannah River; thence N. 30°50' E., approximately 4,980 feet to a concrete monument, having a coordinate value of N. 81,902.16 and E. 16,197.21; thence N. 85°35' E., 2,161 feet to a concrete monument; thence N. 53°04' E., 1,410.8 feet to a concrete monument; thence N. 51°19' E., 827.8 feet to a concrete monument; thence N. 60°38' W., 233.6 feet to a concrete monument, having a coordinate value of N. 83,586.39 and E. 20,325.84; thence N. 31°45' E., 8,770.4 feet to the point of beginning and containing a net total of 171,341 acres more or less; 65,183 acres in Aiken County and 106,158 acres in Barnwell County.

Excluded from the above-described tract are the following railroad and highway rights-of-way:

Seaboard Coast Line Railroad (formerly Charleston and Western Carolina Railroad). A strip of right-of-way, averaging approximately 100 feet in width, the centerline of which is described as follows:

Beginning at the SRP boundary line near the Augusta Barricade; thence in a southerly direction through the former town of Ellenton, continuing in a southeasterly direction through Robbins Station to the SRP boundary line a distance of 14.2 miles and continuing 173 acres, more or less.

Seaboard Coast Line Railroad. A strip of right-of-way averaging approximately 100 feet in width, the centerline of which is described as follows:

Beginning at Robbins Station, thence in an easterly and northeasterly direction (crossing SRP Road A) to Meyers Mill siding, a distance of 4.3 miles and containing 68 acres, more or less.

South Carolina Highway 125. A strip of right-of-way varied in width beginning at the intersection of the centerlines of S.C. Highway 125 and S.C. Highway 62 near the town limits of Jackson, S.C., and extending in a southeasterly direction through the Savannah River Plant of the U.S. Energy Research and Development Administration for 18.3 miles through the Allendale Barricade to the point of intersection of the centerline of S.C. Highway 125 and the boundary line of the Savannah River Plant, said point having a coordinate value on the S.C. Lambert coordinate system of N. 459,337.21 and E. 1,817,753.41, all as is more particularly described in the Deed of Easement granted by the United States of America acting through the U.S. Atomic Energy Commission to the S.C. State Highway Department, dated July 27, 1967, and recorded in the records of the Clerk of Court of Aiken County, S.C. in Title Book 338, at pages 191–200, and Plat Book 3, page 102, and in the records of the Clerk of Court of Barnwell County, S.C. in Book 13–E, on page 34.

The property as described is the same land as that shown on a revised plat of the Savannah River Plant land posted pursuant to Public Law 84–1006 (70 Stat. 1089); said plat containing both the S.C. Lambert and the Savannah River Plant coordinate systems; a copy of said plat is recorded in Book 6, Page 155, dated September 25, 1975, of the Aiken County Court Records and another copy recorded in Book L, Page 283 dated September 25, 1975, of the Barnwell County Court Records.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said tract and all intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 21st day of November 1975.

ALFRED D. STARBIRD,
Assistant Administrator for National Security.

[FR Doc.75-32541 Filed 12-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 465-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendicies during the period of October 1, 1975 and October 15, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone AC 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: November 24, 1975.

J. M. MCCABE,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Oct 1, 1975, and Oct. 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E65005-NC	Nantahala unit, Nantahala National Forest, Clay, Macon, Swain, and Graham Counties, N.C.	LO-2	E
D-AFS-E65006-MS	Delta unit plan, Delta National Forest, Sharkey County, Miss.	LO-2	E
D-AFS-G65010-TX	Conroe unit, Sam Houston National Forest, Walker and Montgomery Counties, Tex.	LO-2	G
D-AFS-J02008-MT	Oil and gas lease application, exploration and development, Flathead National Forest, Mont.	ER-2	I
D-AFS-J65024-MT	Multiple-use plan, Dickey Sunday planning unit, Kootenai National Forest, Mont.	ER-2	I
D-AFS-J65026-UT	Lone Peak Wilderness study, Unita and Wasatch National Forests, Salt Lake and Utah Counties, Utah.	ER-2	I
D-AFS-J65028-MT	Petty Mountain planning unit, Lolo National Forest, Missoula County, Mont.	LO-1	I
D-AFS-L61039-ID	Emerald Creek planning unit, St. Joe National Forest, Idaho.	LO-2	K
D-AFS-L61046-ID	Multiple-use plan, Horse Creek administrative-research project, Nerperee National Forest, Idaho.	LO-1	K
D-SCS-D36011-VA	Cedar Run watershed, Fauquier County, Va.	ER-2	D
Corps of Engineers:			
D-COE-B28001-00	Northeastern United States water supply study and Northfield Mountain water supply.	ER-2	B
D-COE-B30001-CT	New London hurricane protection project, New London County, New London, Conn.	LO-2	B
D-COE-F32024-MI	Maintenance dreging of the Federal navigation channels, Lake St. Clair, Mich.	ER-1	F
D-COE-F32025-MI	Grand Haven Harbor and the Grand River, maintenance dredging of the Federal navigation channels, Mich.	ER-2	F
D-COE-F32026-MI	Maintenance dredging, Federal navigation channels, St. Clair River, Mich.	LO-2	F
D-COE-F35014-OH	Diked disposal facility site No. 14, Lake Erie, Cleveland Harbor, Ohio.	LO-2	F
D-COE-F36026-IN	Logjam removal project, Wabash River, Adams County, Ind.	LO-2	F
D-COE-K35005-CA	Maintenance dredging, Federal navigation project, San Francisco Bay region, Calif.	LO-2	J
Federal Energy Administration:			
LD-FEA-A00087-MO	Electric Power Facilities Construction Incentives Act of 1975.	LO-2	A
Department of Housing and Urban Development:			
D-HUD-D89016-PA	University City urban renewal, Philadelphia, Pa.	3	D
D-HUD-E89002-TN	University Center urban renewal area 1, Nashville and Davidson Counties, Tenn.	LO-2	E
D-HUD-H91000-MO	Dangerous buildings and demolitions program, Kansas City, Jackson County, Mo.	3	H
Department of the Interior:			
D-IGS-A02078-CA	Oil and gas development plans, Santa Barbara Channel, Outer Continental Shelf, Calif.	ER-2	A
Department of Transportation:			
D-COD-C42001-NY	Loran-C chain transmitting station, Seneca County, N.Y.	LO-2	C
D-COD-F30002-OO	Ohio River bridge and relocated U.S. 22, Weirton, W. Va., to Steubenville, Ohio.	LO-2	F
D-COD-L34002-AK	Gulf of Alaska loran-C chain, Alaska	LO-1	K
D-FHW-B40012-NH	NH-101, Hillsborough County, Milford, N.H.	LO-1	B
D-FHW-D40022-WV	I-64, Bragg to Sam Black Church, Raleigh, Summers, and Greenbriar Counties, W. Va.	LO-2	D
D-FHW-D40025-PA	LR 1071, section 50, I-70, Monongahela Valley to Arnold City, Washington, Fayette, and Westmoreland Counties, Pa.	LO-2	D
D-FHW-E40051-NC	U.S. 321, Blowing Rock to Boone, Watauga County, N.C.	LO-2	E
D-FHW-E40052-OO	Louisa-Fort Gay Bridge, Lawrence County, Ky., Wayne County, W. Va.	LO-2	E
D-FHW-E40054-AL	Florida St., Mobile County, Ala.	LO-2	E
D-FHW-E40056-FL	FL-A-1-A, from Dania to Fort Lauderdale, Broward County, Fla.	LO-2	E
D-FHW-F40035-OH	Detroit-Rocky River bridge replacement, Lakewood Rocky River, Cuyahoga County, Ohio.	LO-2	F
D-FHW-F40037-WI	WI-14, Brooklyn-Madison Rd., Dane County, Wis.	LO-1	F
D-FHW-H40031-NB	U.S. 81 and U.S. 30, Columbus and vicinity, Platte, Polk, and Butler Counties, Nebr.	ER-2	H
Tennessee Valley Authority:			
D-TVA-E09001-OO	Policies relating to electric power rates, Tennessee, Alabama, Georgia, Kentucky, Virginia, Mississippi, and North Carolina.	LO-1	E

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action.

LO—Lack of Objection.

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory.

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement.

Category 1—Adequate.

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

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APPENDIX III.—*Final environmental impact statements for which comments were issued between Oct. 1, and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A32327-NJ, F-COE-A32328-NJ, F-COE-A32329-NJ, F-COE-A32404-NJ, F-COE-A32600-NJ.	Operation and maintenance of the New Jersey intercoastal waterways; Manasquan, Barnegat, Absecon and Cold Springs Inlts, N.J.	EPA generally had no objections to the project as proposed.	C
F-COE A35113-WI.	Maintenance dredging and dredged material disposal, Manitowoc and Two Rivers Harbors, Wis.	EPA generally had no objections to the project as porposed. However, EPA requested the opportunity to comment on the effluent monitoring plans in regard to project related impacts.	F
F-COE-F32037-OH.	Conneaut Harbor, Ashtabula County, operations and maintenance, Ohio	EPA generally had no objections to the project as proposed.	F
Department of Housing and Urban Development:			
F-HUD-C36016-NY	Pascack Brook improvement project, Rockland County, N.Y.	EPA generally had no objections to the project as proposed. However, EPA suggested that the value of the Pascack Brook as a potential fresh water fishery might be slightly improved.	C
Department of the Interior:			
F-NPS-A61287-HI	Proposed master plan, Hawaii Volcanoes National Park, Hawaii.	EPA generally had no objections to the project as proposed.	J
F-NPS-F61002-OO	Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.	EPA generally had no objections to the project as proposed.	F
Department of Transportation:			
FS-FAA-A51269-MI.	Addendum, development at Detroit Metropolitan Wayne County Airport, Mich.	EPA generally had no objections to the project as proposed.	I
F-FHW A41336-NJ	I-55, freeway, Gloucester County, between NJ 42 and NJ 40, N.J.	EPA generally had no objections to the project as proposed. However, EPA recommended that wetlands be preserved through use of a pile-supported road.	F
NF-FHW-A42211-WI.	Durand-Eau Claire Road, WI-85, Dunn and Eau Claire Counties, Wis.	EPA generally had no objections to the project as proposed.	F
F-FHW C42006-NY.	Newburgh-Beacon Bridge expansion, I-84, Hudson River crossing, Orange and Dutchess Counties, N.Y.	EPA generally had no objections to the project as proposed. However, EPA is concerned with the noise impact, particularly with regard to the selection of noise descriptors and the evaluation of mitigative measures.	C
F-UMT A35025-DC	Metropolitan Washington Regional Rapid Rail Transit System, Metro, Washington, D.C.	EPA generally had no objections to the proposed project. EPA also noted continuing interest in the project's on-going development as it will relate to EPA's programs to attain and maintain air quality in the Washington Region.	D

NOTE.—Errata—The "general nature of comments" for the supplemental final environmental impact statement "FS-FPC-A03045-NY: Construction and operation of an LNG import terminal at Staten Island, N.Y." is revised to read "EPA generally has no objections to the area covered by the supplemental FEIS. However, EPA continues to express concern respecting the public safety aspect of the proposed project," (see 39 FR 36011)" in lieu of "EPA generally had no objections to the project as proposed". (40 FR 53070)

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Oct. 1, and 15, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-G65003-TX	Lyndon B. Johnson National Grasslands, Fannin County, Tex.	G
F-AFS-J65012-CO	Timber management plan for Medicine Bow National Forest, Colo.	I
F-AFS-L61016-ID	Land use plan, South Fork Salmon River planning unit, Boise and Payette National Forests, Idaho.	K
F-AFS-L60122-ID	Multiple use plan, Rainy Day planning unit, Nesperce National Forest, Idaho County, Idaho.	K
F-AFS-L61029-ID	Land use plan, Garden Valley planning unit, Boise National Forest, Idaho.	K
F-SCS-A36302-MO	South Fork Blackwater River watershed, Mo.	H
F-SCS-G36003-OK	Pott-Sem-Turkey watershed, Seminole and Pottawatomie Counties, Okla.	G
F-SCS-G36014-NM	Zuni Pueblo watershed project, McKinley County, N. Mex.	G
F-SCS-L36010-OR	Rock Creek Watershed work plan, Gilliam and Morrow Counties, Oreg.	K
F-AFS-L60127-ID	Land use plan, Shafer Butte planning unit, Boise National Forest, Idaho.	K
Corps of Engineers:		
F-COE-A32489-OK	Operation and maintenance program, McClellan-Kerr, Arkansas River Navigation System, Okla.	G
FS-COE-A34061-TX	Aubrey Lake, Elm Fork of the Trinity River, Tex.	G
F-COE-A34120-OK	Big Pine Lake, Pig Pine Creek, Red River County, Okla.	G
F-COE-A35036-WA	Seattle Harbor, maintenance dredging project, Wash.	K
F-COE-A36255-SC	Scotts Creek project, Newberry County, S.C.	E
F-COE-A36320-MO	Lost and Little Lost Creek, local flood protection project, Mo.	H
F-COE-C35007-NY	Maintenance of Downs Creek, Long Island, navigation project, N.Y.	C
F-COE-A34128-AR	Long Lake area, Helena, Ark.	E
F-COE-E36002-FL	South Dade conveyance canals and east coast backpumping, central and Southern Florida	E
F-COE-G32008-TX	Maintenance dredging, Clear Creek and Clear Lake, Tex.	G
F-COE-G32010-TX	Maintenance dredging, Double Bayou, Chambers County, Tex.	G
F-COE-G34002-TX	Lake Brownwood modification, Tex.	H
F-COE-H34003-MO	Clarence Cannon Dam and Reservoir, Salt River, Mo.	K
F-COE-L36005-OO	Construction, operation management, Columbia River, Umatilla to the Dalles, Oregon and Washington.	K
Department of Defense:		
FS-USA-E11001-OO	Control of Blackbirds on Fort Campbell, Ky. and Milan Army Ammunition Plant, Tenn.	E
Department of Housing and Urban Development:		
F-HUD-E35004-GA	Stoneleigh subdivision Dekalb County, Ga.	E
Department of the Interior:		
F-NPS-A61251-AR	Proposed master plan, Buffalo National River, Ark.	G
Department of Transportation:		
F-DOT-A40524-OR	US 30, Warren-Scappoose unit, St. Helens and Columbia Counties, Oreg.	K
NF-FHW-A41155-NC	US 64, Rosman to Brevard, Transylvania County, N.C.	E
NF-FHW-A41280-FL	FL-794, Palm Beach County, Fla.	E
F-FHW-A42266-OR	Divide-Anlauf Section, Pacific Highway, I-5, Douglas and Lane Counties, Oreg.	K
F-FHW-H40004-KS	US 54, Kingman and Pratt Counties, Kans.	H
F-FHW-H40008-IA	IA-2, Lee County, Iowa.	H
F-FHW-L40005-OR	West Portland Park and Ride, Oreg.	K
F-FHW-L40013-OR	Elk River, US 101, Port Orford section, Oregon Coast Highway, Curry County, Oreg.	K

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 1, and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Aviation Administration:			
R-FAA-A51907-00	14 CFR pt. 153, processing airport development actions affecting the environment.	EPA offered substantive comments pertaining to the air, noise, water, and solid wastes implications of the proposed rules.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Praotection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-32452 Filed 12-3-75;8:45 am]

[FRL 465-2]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 16, 1975 and October 31, 1975.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone AC 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the

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originating Federal department or agency.

Dated: November 24, 1975.

J. M. McCABE,
Acting Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Oct. 16 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
LD-AFS-A65121-00	Programs for the Nation's renewable resources as required by the Forest and Range and Renewable Resources Planning Act of 1974.	(1)	A
D-AFS-J65023-UT	Land use plan, Monticello Planning Unit, Manti-Lasal National Forest, San Juan County, Utah.	LO-2	I
D-AFS-J65025-UT	Timber management plan, Dixie National Forest, Utah	ER-2	I
D-SCS-H36006-CT	Farm Brook watershed, New Haven County, Conn	LO-1	B
D-SCS-G36031-AR	South Fourche watershed, Perry, Yell, Saline and Garland Counties, Ark.	LO-2	G
Corps of Engineers:			
D-COE-E60002-00	Little River development plan, Clark Hill Lake, Georgia and South Carolina.	LO-2	E
D-COE-F32027-MI	Saginaw River and Saginaw Bay, maintenance dredging of navigation channels, Michigan.	LO-2	F
D-COE-F32028-OH	Rocky River Harbor, operation and maintenance, Cuyahoga County, Ohio.	LO-1	F
D-COE-F32029-MI	St. Marys River and Straits of Mackinac, maintenance dredging, Michigan.	LO-2	F
D-COE-G36030-LA	Bayou Des Familles Corp. flood protection, Jefferson County, La.	ER-2	G
D-COE-J35000-ND	Pembiller Lake and Dam, Pembina River Basin, Cavilier and Pembia Counties, N. Dak.	ER-2	I
D-COE-L39004-AK	Proposed small boat harbor, No. 2, Wrangell, Alaska	LO-2	K
Department of Commerce:			
D-NOA-E61014-FL	Key Largo Coral Reef Marine Sanctuary, Fla.	LO-2	E
RD-NOA-A36092-00	Permits to commercial fishermen allowing the taking of marine mammals in the course of normal commercial fishing operations.	ER-2	A
Energy Research and Development Administration:			
D-ERD-A00112-00	United States nuclear power export activities	ER-2	A
Federal Power Commission:			
D-FPC-E05004-AL	Holt, Bankhead, and Lewis Smith projects, No. 2203 and 2165, Tuscaloosa County, Ala.	ER-2	E
D-FPC-E05005-GA	Rocky Mountain project No. 2725, Heath Creek, Floyd County, Ga.	LO-2	E
Department of Housing and Urban Development:			
D-HUD-C09001-NY	Construction of access roads, water and sewer lines to proposed Arcadia Industrial Park, Wayne County, N.Y.	LO-2	C
D-HUD-F85005-IN	Sunbeat subdivision, Fishers, Hamilton County, Ind	LO-2	F
D-HUD-F89001-OH	Demolition program, Cleveland, Ohio	LO-2	F
D-HUD-J85000-CO	Hutchinson's Green Mountain Village, Lakewood, Jefferson County, Colo.	EU-2	I
Department of the Interior:			
D-BLM-A02981-00	Proposed 1975 Outer Continental Shelf OCS oil and gas lease sale No. 41, Gulf of Mexico.	LO-2	A
D-HIM-A03062-00	Alaska Natural Gas Transportation System	3	A
D-BOR-H61009-00	Proposed Oregon National Historic Trail, Kansas, Missouri, Nebraska, Wyoming, Idaho and Oregon.	LO-1	H
D-BOR-J61008-00	Lewis and Clark National Historic Trail, Illinois, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Oregon and Washington.	LO-2	I
D-IBR-G32021-NM	Rio Grande, VAR DK to Caballo Dam, operation and maintenance, New Mexico.	LO-2	G
D-NPS-J61007-UT	Proposed Zion Master plan, Zion National Park, Utah	LO-1	I
Department of Transportation:			
D-FAA-D51063-VA	New Kent County, Airport, Quinton, Va.	ER-2	D
D-FHW-D40024-PA	LR 1061, Sections 6-10, relocated US 220, Blair County, Pa.	LO-2	D
D-FHW-E40057-GA	16th Street to Greene or Telfair Streets, Richmond County, Ga.	LO-2	E
D-FHW-E40068-GA	US 301, Screven County, Ga.	LO-2	E
D-FHW-E40069-FL	FL-21, Blanding Boulevard, Clay County, Fla.	LO-2	E
D-FHW-F40026-WI	Oneida Street Bridge and approaches, Outagamia County, Wis.	LO-2	F
D-FHW-G40037-LA	LA-641, US 61 to I-10, St. James Parish, La.	ER-2	G
D-FHW-H40032-NB	90th Street, Omaha, Douglas County, Nebr.	ER-2	H
D-FHW-K40024-CA	Fresno transportation, Facility, CA-41 and CA-180, Fresno County, Calif.	3	J

1 EPA rated program directions I, II, III, IV, V, VI, VIII, as ER-2 and program direction VII as EU-2.

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action.

LO—Lack of Objection.

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action. ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement.

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision to be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Oct. 16, and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Architect of the Capitol:			
F-AOC-A09006-DC	Capitol Power Plant, Washington, DC.	EPA expressed environmental reservations as to the capability of the project's proposed air pollution control techniques to meet the District of Columbia's particulate emission standards. Nonetheless, stack emission tests to be performed by EPA to determine the burden of particulate pollution on the proposed control devices will be made in an attempt to resolve partly this issue.	D
Corps of Engineers:			
F-COE-A34115-OK	Wanrika Lake, Beaver Creek, Okla.	EPA has expressed environmental reservations on the proposed project. EPA's concerns center around the impact of the project on water quality and the use of the water provided by the project for public water supply.	G
F-COE-A35102-CA	Operation and maintenance of Morro Bay Harbor, San Luis Obispo County, Calif.	EPA generally had no objections to the project as proposed.	J
FS-COE-A39052-PA	Trexler Lake, Jordan Creek, Lehigh County, Pa.	EPA withheld judgment on the project pending further investigation being conducted by the U.S. Geological Survey regarding the possible adverse effects on groundwater in the Lower Jordan Creek watershed.	D
F-COE-A60081-WI	Ashwaubay Harbor, Maintenance Dredging, Wisconsin.	EPA generally had no objections to the project as proposed.	F
F-COE-F32018-OH	Navigation project, Huron Harbor, Erie County, Ohio.	do	F
F-COE-F32022-MI	Great Lakes-St. Lawrence Seaway navigation season extension demonstration programs fiscal year 1976, Michigan.	do	F
F-COE-F36013-IL	East Moline, Flood Protection System, Illinois.	do	F
F-COE-F36011-MN	Upper and Lower Red Lakes, operation and maintenance, Minnesota.	do	F
F-COE-K36002-CA	Sacramento River and major and minor tributaries, Calif.	do	J
General Services Administration:			
F-GSA-K60002-CA	Disposal of Hill 733 Marine Corps Air Station, El Toro, Orange County, Calif.	do	J
Department of Housing and Urban Development:			
F-HUD-C36015-NJ	Lightning Brook to tributary, channel modification project, Union County, N.J.	do	C
F-HUD-D85002-DE	Wilton, New Castle County, Del.	do	D
F-HUD-D89013-MD	Upton urban renewal, Baltimore, Md.	do	D
Department of the Interior:			
F-FBR-K32001-00	Granite Reef Aqueduct Transmission System, Central Arizona project, Clark County, Nevada, Mohave, Yuma, and Maricopa Counties, Ariz.	EPA expressed environmental reservations on the proposed project. EPA has continuing concerns relating to the secondary effects of the proposed project and the primary effects on the desert ecosystem from the use of natural washes and the access provided by maintenance roads.	J
F-SFW-A64004-HI	Hawaiian Islands National Wildlife Refuge, Wilderness area, Honolulu County, Hawaii.	EPA generally had no objections to the project as proposed.	J
Department of Transportation:			
F-CGD-K32001-00	Loran-C Chain Radionavigation System, West Coast and Gulf of Alaska.	do	J
F-FHW-A41667-VA	VA-58, Mecklenburg County, Va.	do	D

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APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Oct. 16, and 31, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-L61028-ID	Moose Creek Basin planning unit, Salmon National Forest, Salmon, Idaho.	K
F-AFS-L61033-ID	Land use plan, Cascade planning unit, Boise National Forest, Valley County, Idaho.	K
F-REA-E07001-AL	Tombigbee unit Nos. 2 and 3, and related 230 KV transmissions lines, Alabama.	E
F-SCS-D36006-PA	Pine Run watershed, Montgomery County, Pa.	D
F-SCS-D36009-WV	North and South Mill Creek subwatershed grant, Pendleton and Hardy Counties, W. Va.	D
F-SCS-G36005-OK	Upper Muddy Boggy Creek watershed, Coal, Hughes, Pittsburg, Pontotoc Counties, Okla.	G
Corps of Engineers:		
F-COE-A30078-FL	Beach erosion control project, Duval County, Fla.	E
F-COE-A32523-NY	Black Rock Channel and Tonawanda Harbor, operation and maintenance, N. Y.	C
F-COE-A35090-AL	Bayou La Batre maintenance dredging, Mobile County, Ala.	E
F-COE-A60051-KY	Disposal of Government land, Lake Barkley, Lyon County, Ky.	E
FS-COE-A61012-KY	Kehoe Lake, Tygarts Creek, Ky.	E
F-COE-E02002 AL	Permit, Chevron Oil Co., dredging, Mobile River Delta, Baldwin County, Ala.	E
Department of the Interior:		
F-NPS-A61288-CO	Proposed master plan, Rocky Mountain National Park, Colo.	I
Department of Transportation:		
F-FHW-A42201-FL	Old Spanish Trail, Chipley Street to FL-290, Escambia County, Fla.	E
F-FHW-E40024-TN	U.S. 51, Northwest County Highway, Shelby County, Tenn.	E
Department of Defense:		
F-USN-G81004-LA	Naval Personnel Administrative Complex, Belle Chasse, Plaquemines County, La.	G
Federal Power Commission:		
F-FPC-J05000-UT	American Fork Creek Project No. 696, Utah	I

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 16, and Oct. 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
None			

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-32453 Filed 12-3-75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN GREAT LAKES/MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Agreement Filed; Correction

In FR Doc. 75-32023 appearing in Vol. 40, No. 229-Wednesday, November 26, 1975, at page 54873 in the first and second column, the first paragraph which reads "Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)" should read "Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a)."

Dated: November 28, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32738 Filed 12-3-75;8:45 am]

COMPANIA SUD AMERICANA DE VAPORES AND LYKES BROS. STEAMSHIP CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd Strickland, Vice President, Lykes Bros. Steamship Co., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9942-3, between Compania Sud Americana De Vapores and Lykes Bros. Steamship Co., Inc., is a petition by the parties to extend the effective period of the basic pooling, sailing and equal access to government-controlled cargo arrangement in the trade from U.S. Atlantic Coast ports to ports on the Chilean Coast as far south as and including the ports of Talcahuano and San Vicente from December 31, 1975 to December 31, 1980.

Dated: November 28, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32739 Filed 12-3-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-203, etc.]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Denying Waiver Without Prejudice To Requesting Waiver Upon Condition, and Consolidating Proceedings for Purpose of Decision

NOVEMBER 26, 1975.

On October 28, 1975, Boston Edison Company (Edison) in Docket No. ER76-203 tendered for filing as an initial rate schedule an agreement[1] providing for payments by New England Power Company (NEPCO) for transmission service provided over certain 115 KV radial transmission facilities serving NEPCO's East Holbrook Substation. Edison requests that the Commission waive the prior notice requirements to permit the agreement to be effective as of December 1, 1973. Public notice of the filing was issued on November 13, 1975, with protests or petitions to intervene due on or before November 21, 1975.

On Nobember 3, 1975, Edison made a similar filing in Docket No. ER76-238 of an agreement[2] providing for payments by NEPCO for transmission service provided over certain 115 KV terminal facilities located at Edison's Station #150 at Weymouth, Massachusetts. Edison requests that the Commission waive the prior notice requirements to permit the agreement to be effective as of March 15, 1973. Public notice of the filing was issued on November 21, 1975, with protests or petitions to intervene due on or before November 28, 1975.

The subject agreements relate to Edison's firm power transmission service to NEPCOs Quincy-Weymouth service area. Prior to 1972 the total requirements of NEPCO's Quincy-Weymouth area were supplied by Edison. In November of 1972 NEPCO converted approximately half of the Quincy-Weymouth load from Edison generation to its own generation, relying on Edison to provide the wheeling of NEPCO's generation across Edison's transmission system. The remainder of the Quincy-Weymouth load was converted in November of 1974. The rates applicable to such transmission service to NEPCO's Quincy-Weymouth area are the subject of proceedings being conducted in Docket Nos. E-8187 and E-8700. Those consolidated proceedings are presently pending initial decision by the Presiding Administrative Law Judge.

Edison states that the subject agreements were not filed with the Commission because of Edison's belief that agreements of this nature did not require such filing. However when the agreements were questioned in the proceedings being conducted in Docket Nos. E-8187 and E-8700, Edison believed it appropriate to file the agreements. Our review indicates that the subject agreements are clearly rate schedules covering rates and charges received by a public utility for or in connection with the transmission of electric energy subject to the jurisdiction of the Commission and therefore are required to be filed with the Commission pursuant to Section 205 of the Federal Power Act.

Our review indicates that the proposed rates, charges, terms, and conditions of service of the proposed rate schedules have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. A review of the record in Docket Nos. E-8187 and E-8700 indicates that the subject agreements were received in evidence[3], and their justness and reasonableness are being questioned in those proceedings. Furthermore, we find that the subject agreements are part and parcel to the ultimate determination of just and reasonable rates in those proceedings. Finding common questions of law and fact, we deem it appropriate to consolidate Docket Nos. ER76-203 and ER76-238 with the proceedings in Docket Nos. E-8187 and E-8700 for purposes of decision.

We note that Edison has filed the subject agreements as initial rate schedules. However, our review indicates that the filed agreements constitute rate changes. We further note that the extreme untimeliness of the subject filings severely jeopardizes our ability to protect the public against potentially unlawful rates.

Accordingly, we will deny Edison's request for waiver of the notice requirements, accept the subject rate schedules for filing effective thirty days after the respective filing dates and suspend their effectiveness for one day such that the rates filed in Docket Nos. ER76-203 and ER76-238 will be effective as of November 29, 1975, and December 5, 1975, respectively, subject to refund. Accordingly, Edison shall refund all amounts collected under the corresponding agreements prior to November 29, 1975 and December 5, 1975 unless Edison files within 15 days of the date of issuance of this order an agreement that all rates collected under the subject agreements are subject to refund of any amounts ultimately found by this Commission to be in excess of a just and reasonable rate level after resolution of these consolidated proceedings.[4] After receipt of Edison's response, if any, we shall issue a further order taking appropriate action.

The Commission finds. (1) Good cause exists to deny Edison's request for waiver of the notice requirements of the Commission's Regulations.

(2) The rate changes proposed by Edison in Docket Nos. ER76-203 and ER76-238 should be accepted for filing and suspended until November 29, 1975 and December 5, 1975, respectively.

(3) Good cause exists to require Edison to refund all amounts collected under the corresponding rate changes prior to November 29, 1975 and December 5, 1975, without prejudice to Edison's filing with the Commission within 15 days of the issuance of this order, a request that the Commission accept the rate changes to be effective December 1, 1973 and March 15, 1973, Edison's proposed effective dates, based upon an agreement by Edison that the rates charged under the subject agreements shall be subject to refund as of those effective dates, pending final disposition upon the conclusion of these consolidated proceedings.

(4) Good cause exists to consolidate Docket Nos. ER76-203 and ER76-238 with the proceedings in Docket Nos. E-8187 and E-8700 for purposes of decision.

The Commission orders. (A) The requested waiver of the prior notice requirements of § 35.3 of the Commission's regulations is hereby denied.

(B) The proposed rate changes tendered for filing on October 28, 1975 and November 3, 1975, in Docket Nos. ER76-203 and ER76-238, respectively, are accepted for filing and suspended until November 29, 1975 and December 5, 1975, respectively, when they will become effective subject to refund, subject to the conditions of Ordering Paragraph (C) below.

(C) Edison shall refund all amounts collected under the corresponding rate changes prior to November 29, 1975 and December 5, 1975, without prejudice to Edison's filing within 15 days of the issuance of this order, a request that the Commission accept the rate changes to be effective December 1, 1973 and March 15, 1973, Edison's proposed effective dates, based on an agreement by Edison that all rates charged under the subject agreements shall be subject to refund as of those proposed effective dates, pending final disposition upon the conclusion of these consolidated proceedings.

(D) The proceedings instituted herein shall be consolidated for purposes of decision with those established in Docket Nos. E-8187 and E-8700.

(E) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32699 Filed 12-3-75;8:45 am]

[1] Designated: Boston Edison Company, Supplement No. 4 to Rate Schedule FPC No. 46.

[2] Designated: Boston Edison Company, Supplement No. 5 to Rate Schedule FPC No. 46.

[3] The subject agreements were received into evidence as Exhibit Nos. 7 and 8.

[4] Northeast Utilities Company, ---- FPC ----, issued May 31, 1974, in Docket Nos. E-8756, et al.

Arizona Public Service Company, ---- FPC ----, issued July 15, 1974, in Docket Nos. E-8621, E-8004, E-8767, E-8019, E-8023, E-8688, E-8779, E-8620, E-7904, E-8689, E-7907, E-7905.

Bangor Hydro-Electric Company, ---- FPC ----, issued June 4, 1975, in Docket No. E-8302.

Florida Power and Light Company, ---- FPC ----, issued July 3, 1975, in Docket Nos. E-8769, E-8770, E-8008, E-9119.

Connecticut Light and Power Company, ---- FPC ----, issued June 21, 1974, in Docket Nos. E-8105 and E-8811.

Boston Edison Company, ---- FPC ----, issued June 21, 1974, in Docket No. E-8810.

Pacific Power and Light Company, ---- FPC ----, issued September 25, 1975, in Docket Nos. E-9173 and E-9212.

Lockhart Power Company, ---- FPC ----, issued August 15, 1975, in Docket No. E-9469.

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[Docket Nos. E-8445, E-8949]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Revised Rate Schedule, Service Agreement, and Schedule of Refunds in Compliance With Approved Settlement

NOVEMBER 26, 1975.

Take notice that on October 17, 1975 Cambridge Electric Light Company (Cambridge) tendered for filing a settlement Rate Schedule FPC No. 26, an executed service agreement providing for service thereunder, and an attested schedule of refunds governing its wholesale electric service to the Town of Belmont, Massachusetts (Belmont).

Cambridge states that the tendered filing is made pursuant to the terms of a settlement agreement executed July 17, 1975 by Cambridge and Belmont resolving all outstanding issues in the consolidated proceedings above captioned. Said settlement agreement was certified to the Commission by the Presiding Administrative Law Judge on July 24, 1975 and was approved by Commission order issued September 22, 1975.

Cambridge has also tendered, as part of the instant filing, a schedule of revenues, including interest thereon at the rate of 7 percent per annum, which have been refunded as provided for in the settlement agreement as approved. Said refunds represent the difference between the rate which became effective in Docket No. E-8949 and the settlement rate herein tendered for filing. Cambridge states that its chief financial officer has attested to the accuracy of the aforementioned refunds and to the fact that said refunds have in fact been made to Belmont as provided in Paragraph (C) of the Commission's order issued September 22, 1975.

Cambridge further states that the proposed effective date of the tendered settlement rate is August 31, 1975 and accordingly requests waiver of the Commission's notice requirements pursuant to § 35.11 of its regulations.

Copies of the tendered filing have been served by Cambridge upon Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest the tendered filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32677 Filed 12-3-75;8:45 am]

[Docket Nos. E-8885, E-8546]

CINCINNATI GAS & ELECTRIC CO.

Filing Pursuant to Commission Settlement Order

NOVEMBER 26, 1975.

Take notice that on October 7, 1975 as completed October 30, 1975 the Cincinnati Gas & Electric Company (CG&E) filed tariff sheets and a report on refunds. CG&E states that these filings are in conformance with the Commission's order of September 5, 1975, "Order Approving Settlement Agreement Subject to Conditions".

Any person desiring to be heard or to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before December 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32676 Filed 12-3-75;8:45 am]

[Docket Nos. ER76-122, E-9002]

COMMONWEALTH EDISON CO.

Order Granting Rehearing for Purposes of Further Consideration

NOVEMBER 26, 1975.

On September 12, 1975, Commonwealth Edison (Com Ed) tendered for filing in Docket No. ER76-122 a proposed revised fuel adjustment clause, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12, 10, and a proposed increase in its energy charge, Seventh Revised Sheet No. 1, applicable to Rate 78 of its FPC Electric Tariff. By Order issued October 10, 1975, the Commission accepted for filing and suspended Com Ed's proposed filing terminated the section 206 investigation of Com Ed's fuel clause [1] and consolidated Docket No. ER76-122 with Docket No. E-9002. The intervenors, Cities,[2] petitioned for rehearing of our October 10, 1975 order on the grounds, inter alia, that the Commission erred in failing to reject Com Ed's fuel clause and energy charge filing, in suspending the operation of the fuel clause for only one day, and in terminating the Section 206 investigation of Com Ed's fuel clause.

Because of the complicated nature of the issues raised in Cities' application, we believe good cause exists to grant rehearing for purposes of further consideration.

The Commission finds. Good cause exists to grant rehearing of our October 10, 1975, order in this docket for purposes of further consideration.

The Commission orders. (A) Rehearing of our October 10, 1975, order is hereby granted for purposes of further consideration.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32608 Filed 12-3-75;8:45 am]

[Docket No. ER76-216]

FLORIDA POWER & LIGHT CO.

Filing of Agreement

NOVEMBER 26, 1975.

Take notice that Florida Power & Light Company (FP&L), on November 4, 1975, tendered for filing a letter agreement between FP&L and Lake Worth Utilities Authority (Lake Worth). FP&L states that this letter agreement changes the energy charge for energy produced from fossil steam generating plants for emergency and scheduled interchange service pursuant to sections A2 and B2 of the Contract for Interchange Service between FP&L and Lake Worth dated March 6, 1972 from the second preceding month to the calendar month in which the energy was produced and sold. The letter agreement also provides for an energy charge for energy produced from combustion gas turbines and diesel engines. FP&L also states that service has been made on the Lake Worth Utilities Authority in accordance with § 35.2(d).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspecton.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32674 Filed 12-3-75;8:45 am]

[Docket No. E-8336]

IOWA POWER AND LIGHT CO.

Application

NOVEMBER 26, 1975.

Take notice that on November 10, 1975, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed a Supplemental Application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to $70,000,000 principal amount of short-term unsecured promissory notes on or before December 31, 1976, with final maturities not more than one year after date of issuance. Of this total, an amount not exceeding twenty-five percent (25%) of the Applicant's gross revenues during the preceding twelve (12) months of operations may, in the aggregate at any one time, be in the form of commercial paper. By order of December 16, 1974, in FPC Docket No. E-8336, Applicant was authorized to issue on or before December 31, 1975, bank and commercial paper notes maturing not more than one year after issuance in amounts not exceeding $60,000,000 in the aggregate, of which up to $30,000,000 was authorized to be issued as commercial paper. Applicant, in its Supplemental Application, seeks authority to: (1) Increase the authorized amount to $70,000,000, and increase the amount which could be issued as commercial paper, (2) extend the period during which such securities can be issued to December 31, 1976, and (3) issue commercial paper either through an established commercial paper dealer, or directly to buyers of the paper, as determined in the discretion of the Company and as allowed by the laws of Iowa regulating the sale of securities.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

The notes are to be issued from time to time to banking institutions or sold through a commercial paper dealer. Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities on demand with semi-annual renewals, or specific maturities of not more than one year from their dates and are to bear interest at the prevailing rate in effect at the time of issuance. Commercial paper will be issued as promissory notes either through an established commercial paper dealer, or directly to buyers of the paper, as determined in the discretion of the Company and as allowed by the laws of Iowa regulating the sale of securities. Commercial paper notes are to have maturities of not more than nine months from their dates and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance. The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to the Application should on or before December 8, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32679 Filed 12-3-75;8:45 am]

[Docket No. RP72-32 (PGA76-1)]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment Subject to Condition, Establishing Hearing Procedures, Instituting Investigation Under Natural Gas Act and Consolidating Proceedings

NOVEMBER 28, 1975.

On September 29, 1975, Kansas-Nebraska Natural Gas Company, Inc. (K-N) filed a 5.1¢ per Mcf PGA rate increase [1] (1) to track a 4.86¢ per Mcf, or $5,230,000 per year increase in purchased gas costs and (2) to reflect a .24¢ per Mcf increase (from negative .9402¢ to negative .6008¢) in the surcharge to recoup the balance in the Deferred Purchased Gas Cost Account. K-N proposes to make the increase effective as of December 1, 1975.

Notice of the filing was issued on October 2, 1975, with all comments protests or petitions to intervene due on or before October 31, 1975. No responses were received.

Our review of K-N's filing indicates that the PGA increase is based, in part, on small producer purchases at rates in excess of the rate levels established in Opinion No. 742. Further, K-N's filing reflects increases by Sun Oil Company (Sun) and Texaco, Inc. under Rate Schedule Nos. 419 and 327 for purchases in the Syracuse Field, Kansas from 11.3¢ and 12.3¢ to 29.4¢ and 29.8¢ per Mcf, respectively. The proposed increases are $37,000 to Sun Oil Company and $46,000 to Texaco, Inc. The increases from Sun and Texaco which K-N proposes to track are at rates in excess of the prescribed ceiling rates. Sun was granted special relief to collect over ceiling rates for a portion of its sales and was permitted to collect at ceiling rates for the remainder. Texaco has not been permitted to collect above ceiling rates. Therefore, a portion of the increases by Sun and Texaco do not qualify as known changes under K-N's PGA clause. Accordingly, we shall accept the tariff sheet for filing and suspend it for one day until December 2, 1975, when it shall become effective, subject to refund, subject of K-N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in K-N's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to K-N are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, K-N shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject to the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of K-N's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

K-N must show that the rate paid by K-N to the small producer is just and reasonable by presenting evidence considering all relevant factors including, *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[3]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of those claimed increased purchased gas costs contained in K-N's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742 indicates that, with the exception of that portion which is represented by the increases by Sun and Texaco found to be excessive, they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit K-N to file a revised tariff sheet to become effective December 1, 1975, which reflects the costs in K-N's filing which are in conformance with Docket No. R-406. Our acceptance of the revised tariff sheet is subject

[1] Substitute Fourth Revised Sheet No. PGA-1 to FPC Gas Tariff, Second Revised Volume No. 1.

[2] The 206 investigation was originally instituted by order issued October 29, 1974, in Docket No. E-9002.

[2] Batavia, Geneva, Naperville, Rochelle, Rock Falls and St. Charles, Illinois.

[3] ---- FPC ---- issued August 28, 1975, in Docket No. R-393.

[3] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

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to K–N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

The Commission finds. It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that K–N's proposed rates be accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund, as hereinafter conditioned.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on April 13, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of K–N's proposed PGA rates filed on September 29, 1975, insofar as those proposed rates reflect small producer purchasers in excess of the "130% formula" prescribed in Opinion No. 742.

(B) Within 15 days of the date of this order, K–N shall file with the Commission a list, including addresses, of the parties from whom K–N is purchasing gas involved in the small producer, sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondent to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to K–N in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) K–N shall file its direct testimony and evidence on or before February 10, 1976. The parties from whom K–N makes the subject shall producer purchases, shall file their direct testimony on or before February 10, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before March 9, 1976. Any rebuttal evidence shall be filed on or before March 23, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) K–N's tariff sheet, identified in footnote (1) of this order, is hereby accepted for filing and suspended for one day, until December 2, 1975, when it shall become effective, subject to refund, and subject to K–N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

(G) Within 15 days of the date of issuance of this order, K–N may file a revised tariff sheet to become effective December 1, 1975, which reflects those claimed increased purchased gas costs contained in K–N's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed in Opinion No. 742 and which also reflects K–N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–32669 Filed 12–3–75;8:45 am]

[Docket No. ER76–39]

KANSAS POWER AND LIGHT CO.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued September 9, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 23, 1976.
Service of Intervenor Testimony, February 6, 1976.
Service of Company Rebuttal, February 20, 1976.
Hearing, March 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–32690 Filed 12–3–75;8:45 am]

[Docket No. RP76–31]

LOUISIANA-NEVADA TRANSIT CO.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Establishing Procedures

NOVEMBER 28, 1975.

On October 30, 1975, Louisiana–Nevada Transit Company (LNT) tendered for filing a revised tariff sheet[1] reflecting a rate increase of $157,059 annually to its wholesale customer, the City of DeQueen, Arkansas, based upon a test period ending June 30, 1975, as adjusted, and a revised tariff sheet[2] which changes the forty-five (45) days' notice provision in LNT's Purchased Gas Adjustment Clause (PGAC) to a thirty (30) days' notice provision.

[1] Fifth Revised Sheet No. PGA–1 to Original Volume No. 1.

[2] First Revised Sheet No. 12E to Original Volume No. 1.

LNT states that the rate increase is primarily necessitated by a reduction in gas supplies available to LNT by reason of the cut off of gas supplies from the Walker Creek field for repressuring[3] and by a court judgment against LNT with respect to purchases from Walker Creek producers.[4]

LNT requests an effective date for its tariff changes of December 1, 1975.

Notice of LNT's filing was issued on November 10, 1975, with protests, comments or petitions to intervene due on or before November 21, 1975. Any responses received will be reported separately.

We note that for purposes of the present filing, LNT has utilized the unmodified Atlantic Seaboard method of cost classification with respect to its transmission costs. In Opinion 671,[5] we expressed our concern over the worsening gas supply situation, particularly as it existed on United's system. Based upon the record in that case, we concluded that more weight should be given to the annual use of United's pipeline system than would result under the Atlantic Seaboard method. Therfore, we assigned 75 percent of fixed transmission and storage costs to the commodity component of United's rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the LNT system all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the propriety of the continued use of LNT's Atlantic Seaboard method of cost classification as well as to the propriety of LNT's cost classification, allocation, and rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's policy objectives in this area.[6] In this connection, we refer the parties to our notice of proposed rulemaking issued February 20, 1975, in Docket No. RM75–19.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortage and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Atlantic Seaboard may be frustrated. To the extent that the rate structure found reasonable for LNT after hearing and decision departs from the Atlantic Seaboard methodology used by LNT in its instant filing by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure LNT from protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place LNT on notice that it may be subject to undercollections if after hearing and decision we find its rates design improper.

With regard to the previously mentioned court decision adverse to LNT with respect to its cost of gas purchases, we will allow collection of the rates associated therewith after suspension and subject to refund.

Our review of LNT's revised tariff sheet reflecting increased rates indicates that issues have been raised which require development in an evidentiary hearing. The tariff sheet reflecting changes in rates, charges and conditions of service has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall therefore accept this revised tariff sheet for filing, suspend its effectiveness for five months and establish hearing procedures to determine its justness and reasonableness.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the issues above as well as the following issues:

(1) LNT's method of allocating transmission demand costs on the basis of maximum available firm supply on a given day.

(2) LNT's requested overall rate of return of 11.0 percent (13.0 percent on common equity) in light of the fact that LNT, in its prior rate case in Docket No. RP74–26, requested an overall rate of return of 10.25 percent but agreed to an overall rate of return of 8.69 percent in a settlement agreement that was certified to the Commission and approved by Commission order issued April 1, 1975. All parties, including Commission Staff, should present evidence to justify divergence from the overall rate of return of 8.69 percent approved by the Commission for this service.

(3) LNT's inclusion in its claimed working capital allowance in its test period rate base of an amount for the unamortized balance of the liability imposed by the aforementioned declaratory judgment rendered against LNT. LNT proposes to amortize the estimated judgment at a rate of 5¢ per Mcf of sales commencing with the effective date of the proposed rate and continuing until the jurisdictional portion of the judgment has been extinguished. LNT states that it proposes to calculate the jurisdictional portion of the judgement to be liquidated by multiplying the amount of the judgment by the ratio of test period volumes of jurisdictional sales to total sales.

(4) The amount of line losses on the LNT system.

With respect to LNT's revised tariff sheet reflecting a reduction in the notice period in its PGAC, we will accept it for filing as of the requested date of December 1, 1975.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept for filing and suspend for five months the revised tariff sheet reflecting an increase in rates by LNT as hereinafter provided.

(2) Good cause exists to accept for filing as of the requested effective date of December 1, 1975, the revised tariff sheet reflecting a reduction in the notice period for the PGAC to thirty (30) days.

The Commission orders. (A) Pending a hearing and a decision thereon, LNT's Fifth Revised Tariff Sheet No. PGA–1 of Original Volume No. 1 is accepted for filing and suspended for five months to become effective on May 1, 1976, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Ch. I) a hearing for the purposes of determining the justness and reasonableness of LNT's proposed changes in its rates, charges and conditions of service shall be held commencing on April 20, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before March 9, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before March 23, 1976. Any rebuttal evidence by LNT shall be served on or before April 6, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(E) LNT's First Revised Sheet No. 12E is hereby accepted for filing and permitted to become effective December 1, 1975.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–32685 Filed 12–3–75;8:45 am]

[Docket Nos. RP74–97, PGA76–1]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

NOVEMBER 24, 1975.

Montana-Dakota Utilities Company ("MDU"), on November 14, 1975, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed "Third Revised Sheet No. 3A." The proposed effective date is January 1, 1976.

MDU states that this tariff sheet is filed pursuant to its Purchased Gas Cost provision. The proposed changes involve MDU's Current Surcharge Adjustment only and are supported by computations of unrecovered purchased gas cost attached to the filing, according to MDU.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–32686 Filed 12–3–75;8:45 am]

[Docket No. CP75–348, etc.]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

Order Permitting Storage Withdrawals, Granting Interventions, Scheduling Formal Hearing, and Establishing Procedures

NOVEMBER 28, 1975.

By letter order dated July 24, 1975, National Fuel Gas Supply Corporation (Na-

[3] LNT states that deliveries of gas from the Walker Creek Field were cut off during March of 1975 when reinjection of all gas produced was commenced under a plan approved by the Arkansas Oil and Gas Commission. LNT states that prior to the commencement of repressuring activities, LNT's normal purchase from Walker Creek amounted to 3,387,007 Mcf or 43.50 percent of LNT's gas supply. In its filing, LNT reflects zero volumes from Walker Creek field related to the repressuring.

[4] LNT states that it has suffered an adverse decision in the case of "Louisiana-Nevada Transit Company v. Dalton J. Woods, et al." (Case No. T–72–C–43, U.S. District Court for the West District Ark.) involving a suit by LNT seeking a declaratory judgment that under its existing gas purchase contracts in the Walker Creek Field certain other gas purchase contracts between third parties were not "triggering" contracts under a favored nations clause in the LNT contracts, as had been asserted by the sellers. LNT states that the court decision found that LNT owed additional sums of money to the sellers for gas purchased during 1972–75. LNT computes its maximum liability under the judgment to be $772,166.00, plus interest from the date of judgment for additional gas costs under the contracts in controversy. LNT states that the judgment is being appealed, but it has not been stayed.

[5] United Gas Pipeline Company, 50 FPC 1348 (1973); affirmed, Consolidated Gas Supply Corporation v. F.P.C., —— F. 2d —— (D.C. Cir. October 9, 1975).

[6] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74–82 and RP74–84.

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tional Fuel) was issued in Docket No. CP75-348 a temporary certificate pursuant to the emergency provisions of the Natural Gas Act to perform storage service for Lowell Gas Company (Lowell). National Fuel in that docket sought permanent and temporary authorization to store for Lowell an aggregate amount of 1,500,000 Mcf of gas for the period June 1, 1975 through April 30, 1976. The gas would be redelivered to Lowell by displacement during the 1975-76 winter heating season. Receipt and redelivery would occur at a volumetric rate of up to 12,500 Mcf per day.

The above-referenced letter order also granted temporary certification to Tennessee Gas Pipeline Company in Docket No. CP75-372 to perform the necessary transportation service for Lowell to permit the storage injections into National Fuel's facilities. Tennessee proposes to transport the listed quantities of natural gas from Tewkesbury, Massachusetts to Ellisburg, Pennsylvania.[1]

The temporary certification was issued on condition that all charges are subject to refunds if required and that withdrawals not be commenced without further Commission authorization. Furthermore, the temporary certificates were issued without prejudice to such final disposition as the record may require.

Petitions to intervene were filed in Docket No. CP75-348 by Elizabethtown Gas Company and Lowell Gas Company. Having reviewed the petitions to intervene, we are convinced that the petitioners have demonstrated sufficient interest in these proceedings to warrant intervention, and we shall so order.

In a related application in Docket No. CP76-11, Columbia Gas Transmission Corporation (Columbia), Consolidated Gas Supply Corporation (Consolidated) and Transcontinental Gas Pipeline Corporation (Transco), by letter order of July 24, 1975, were issued temporary certificates in Docket No. CP76-11 to commence a transportation and exchange program to enable Elizabethtown Gas Company (Elizabethtown) to inject storage gas into National Fuel's facilities. Elizabethtown would inject up to 1,500,000 Mcf into storage, with receipt and redelivery at no greater than 10,000 Mcf per day. Elizabethtown proposes to withdraw the subject gas during the 1976-77 winter season. The temporary certificates in CP76-11 were issued on conditions identical to those enumerated in CP75-348 and CP75-372, as described above.

On November 12, 1975, Lowell filed a telegram request urging that withdrawal from storage now be permitted in order to meet individual day requirements for the winter season. The Commission recognizes the need for withdrawal at this time and shall hereby authorize such withdrawals as Lowell requires, consistent with the applications on file.

The Commission furthermore believes that common questions of law and fact exist in the various applications on file, and shall consolidate them for purposes of hearing and disposition. Such hearing shall be for the purpose of determining whether the rates and charges proposed for the storage, transportation, and exchange services are required by the public convenience and necessity, whether refunds should be ordered, and for resolving such other issues as may be pertinent.

The Commission finds. (1) It is in the public interest to allow Lowell Gas Company to withdraw from storage volumes which have been injected pursuant to letter order of July 24, 1975.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The public interest requires that a formal hearing be convened in these proceedings in order to establish the propriety of the proposed rates and charges, including whether refunds are required, and to resolve any other outstanding issues.

The Commission orders. (A) Docket Nos. CP75-348, CP75-372, CP75-373, and CP76-11 are consolidated for purposes of hearing and disposition.

(B) The above named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) National Fuel Gas Supply Corporation is hereby authorized to withdraw from storage and redeliver to Lowell Gas Company those quantities of gas which it has stored for the account of Lowell pursuant to letter order of July 24, 1975, subject to such final disposition of this proceeding as the Commission may determine to be appropriate.

(D) The direct case of the Applicants and all intervenors in support thereof on the issue of the rates and charges shall be filed and served on all parties on or before December 15, 1975. At the conclusion of cross-examination of the direct case, the Presiding Administrative Law Judge assigned to the case shall fix a date for the submission of answering testimony.

(E) A formal hearing shall be convened in these proceedings in a hearing room of the Federal Power Commission, 825 North Capitol St. NE., Washington, D.C., on January 20, 1976 at 10:00 a.m. (e.d.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32684 Filed 12-3-75;8:45 am]

[1] By letter of July 25, 1975, the letter order of July 24 was amended to permit National Fuel and Tennessee to also perform storage and transportation service for Elizabethtown Gas Company. Requests for such authorization had been included in National Fuel's and Tennessee's initial application in the subject dockets.

[Docket Nos. RP71-125; PGA 76-3]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Rejecting Tariff Sheets, Establishing Hearing Procedures, Instituting Investigation Under Natural Gas Act and Consolidating Proceedings

NOVEMBER 28, 1975.

On October 16, 1975, as supplemented on November 19, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing two sets of revised tariff sheets[1] to its FPC Gas Tariff to reflect a PGA rate increase. The proposed changes reflect (1) increased purchased gas costs of 0.89¢ per Mcf or $4,201,442 annually, and (2) a 0.85¢ reduction (from 1.04¢ to 0.19¢) in Natural's surcharge to amortize the balance in the deferred purchased gas cost account.

The proposed rates in the tendered tariff sheets additionally incorporate certain revisions which were the subject of a concurrent filing by Natural in Docket No. RP75-108 and which are discussed and approved in a separate order in Docket No. RP75-108 issued today.

Public notice of Natural's October 16, 1975 filing was issued on November 5, 1975, with all protests, comments, and petitions to intervene due on or before November 14, 1975. No comments have been received.

On November 3, 1975, Natural tendered substitute tariff sheets[2] incorporating the PGA increase and requests their acceptance and approval in the event the Commission approves a request by Great Lakes Gas Transmission Company (Great Lakes), a supplier of Natural, to modify its purchased gas allocation method. Great Lakes' request, which would result in changing the allocation of purchased gas costs between its sales customers and transportation customers, was tendered on October 15, 1975 in Docket No. RP75-94. By order issued November 13, 1975, we rejected Great Lakes' tariff sheets incorporating the proposed allocation change referring to our earlier decision to set the issue for a Section 5 proceeding. In view of our action in the Great Lakes' proceeding we will reject Natural's tariff sheets tendered on November 3, 1975.

Because we have approved and will permit to become effective by separate order issued today the tariff sheets in Docket No. 75-108 reflecting certain revisions in Natural's base rates we will accept for filing the Alternate tariff sheets tendered in this docket on October 16, 1975. However, our review of such tariff sheets indicates that they contain small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheets for filing and suspend them for one day until December 2, 1975, when they shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Natural's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Natural are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a section 5 investigation against the small producers involved so that the just and reasonable small producer rate determination in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Natural shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the smal producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc." 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Natural's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Natural must show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[4]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699-H.

With regard to the 180 day emergency purchases from other than small producers we note that the Supreme Court has recently denied a request for certiorari[6] from the D.C. Circuit Court of Appeals decision in Consumer Federation of America v. F.P.C.,[7] wherein the Court found that the Commission exceeded its authority under Section 7 of the Natural Gas Act in promulgating Order No. 491.[8] Pending Commission decision on appropriate action to be taken with respect to sales made pursuant to Order No. 491 we shall defer action on Natural's 180 day emergency purchases reflected in the instant PGA filing. In the interim the portion of the PGA rate increase reflecting such purchases is suspended for one day and subject to refund of all amounts found to be necessary by the Commission.

Our review of those claimed increased purchased gas costs contained in Natural's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion 742 and with that portion of the 60 day and 180 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit Natural to file revised tariff sheets to become effective December 1, 1975, which reflect the costs in Natural's filing which are in conformance with Docket No. R-406, as indicated above.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Natural's Alternate substitute tariff sheets tendered in this docket on October 16, 1975, be accepted for filing and permitted to become effective December 2, 1975, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Natural be permitted to file, to become effective December 1, 1975, revised tariff sheets reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the levels established in Opinion Nos. 742 and 699-H.

(3) Good cause does not exist to accept for filing the substitute tariff sheets tendered in this docket by Natural on November 3, 1975.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on March 23, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of Natural's proposed PGA rates filed on October 16, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and (2) 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

(B) Within 15 days of the date of this order, Natural shall file with the Commission a list, including addresses, of the parties from whom Natural is purchasing gas involved in the small producer and 60 day emergency sales set for hearing above. Following receipt of this list, we shall make the small producer and 60 day emergency sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Natural in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP71-125 (PGA76-3).

(D) Natural shall file its direct testimony and evidence on or before January 6, 1976. The parties from whom Natural makes the subject emergency and small producer purchases, shall file their direct testimony on or before January 6, 1976. Any evidence by the Commission Staff or any intertvenor shall be filed on or before February 12, 1976. Any rebuttal evidence shall be filed on or before March 9, 1976.

(E) That portion of Natural's PGA increase reflecting costs associated with 180-day purchases under Order No. 491

[1] Substitute Twenty-fifth Revised Sheet No. 5, Substitute Original Sheet No. 5A; (Alternate) Substitute Twenty-fifth Revised Sheet No. 5, (Alternate) Substitute Original Sheet No. 5A.

[2] Second Substitute Fourth Revised Substitute Twenty-fourth Revised Sheet No. 5, Second Substitute Twenty-fifth Revised Sheet No. 5, (Alternate) Second Substitute Twenty-fifth Revised Sheet No. 5.

[3] ---- FPC ---- issued August 28, 1975, in Docket No. R-393.

[4] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[5] ---- FPC ---- issued September 9, 1975, in Docket No. R-389-B.

[6] F.P.C. v. Consumer Federation of America, et al., S. Crt. No. 75-227, cert. denied October 14, 1975.

[7] 515 F.2d 347 (D.C. Cir. 1975).

[8] 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973).

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is hereby suspended, subject to refund, pending further action by the Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) Natural's Alternate tariff sheets tendered on October 16, 1975, are hereby accepted for filing and suspended for one day, until December 2, 1975, when they shall become effective, subject to refund.

(H) Within 15 days of the date of issuance of this order, Natural may file revised tariff sheets to become effective December 1, 1975, which reflect those claimed increased purchased gas costs contained in Natural's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day and 180-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H.

(I) Natural's substitute tariff sheets tendered in this docket on November 3, 1975 are hereby rejected.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32682 Filed 12-3-75;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 21, 1975, the town of Massena, New York filed a motion to extend the procedural dates fixed by order issued November 13, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 29, 1975.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 9, 1976.
Hearing, March 1, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32694 Filed 12-3-75;8:45 am]

[Docket No. ER76-50]

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Accepting for Filing and Approving Proposed Settlement Agreements

NOVEMBER 24, 1975.

On August 1, 1975, Northern Indiana Public Service Company (NIPSCO) tendered for filing proposed changes in its rates for wholesale service[1] to 12 Rural Electric Membership Corporations (REMCs) and 8 municipal utilities (Municipals). NIPSCO requested that the new rates be made effective September 1, 1975. The proposed rates would have produced additional revenues from the REMCs of $4,964,991 (59.77%) and from the Municipals of $856,653 (51.67%) based on test year 1975, and a 9.0% overall rate of return.

By letter of the Commission Secretary dated August 29, 1975, NIPSCO was notified that its filing was deficient in certain respects and would not be assigned a filing date until such deficiencies were cured by the submittal of additional material. On September 18, 1975, NIPSCO supplied the additional material. On October 15, 1975, a further deficiency letter was sent to NIPSCO.

The August 1 and August 29 filings were noticed on August 7 and September 30, 1975, with comments due on or before August 18 and October 9, 1975, respectively. Petitions to intervene were filed by the REMCs[2] and Wabash Valley Power Association, Inc. on August 14, 1975, and by the Municipals[3] on August 21, 1975.

On September 18, 1975, NIPSCO filed a proposed Settlement Agreement dated September 5, 1975, between NIPSCO and the REMCs. On November 3, 1975, NIPSCO filed a proposed Settlement Agreement dated October 21, 1975, between NIPSCO and the Municipals. Both filings also contained supporting material and a motion requesting acceptance and approval of the agreement. With the submittal of the two settlement agreements the proposed rate increase is reduced to $4,792,203 (44.8%).

Notice of the September 18 filing was issued September 24, 1975, with comments due on or before October 10, 1975. Notice of the. November 3 filing was issued November 7, 1975, with comments due on or before November 21, 1975.

THE REMCs AGREEMENT

A summary of the terms of the Settlement Agreement with the REMCs is as follows:

(1) The parties agree that the rate schedule changes reflected in the agreement are acceptable for settlement purposes and should be allowed to become effective on October 1, 1975.

(2) The REMCs agree to waive any and all notice requirements relating to the effectiveness of the new rate schedule.

(3) The parties agree not to be bound in any future unrelated proceeding to any principle, rule or construction of law embodied within the subject settlement.

(4) The parties agree that no rates for wholesale service to the REMCs subsequently filed by NIPSCO shall become effective for a period of two years after the effective date of the rate schedule filed pursuant to the subject settlement.

(5) The parties agree that the settlement shall not bind any party should it not be unconditionally approved by this Commission, and that Commission failure to accept the proposed settlement shall result in its becoming privileged.

NIPSCO claims that these rates will yield an earned rate of return of 6.72 percent from service to the REMCs.[4] The REMCs are served under Rate Schedule VA 11 which is composed of a single demand charge and two step block energy charges. Under the agreement the block charges are eliminated.

THE MUNICIPALS AGREEMENT

A summary of the terms of the Settlement Agreement with the Municipals is as follows:

(1) The parties agree that the rate schedule changes reflected in the agreement are acceptable for settlement purposes and should be allowed to become effective on January 1, 1976.

(2) The Municipals agree to waive any and all notice requirements relating to the effectiveness of the new rate schedule, including any further filing by NIPSCO of information and data as was recently required by the Commission in Docket Nos. ER76–70 and ER76–83.

(3) The parties agree not to be bound in any future unrelated proceeding to any principle, rule or construction of law embodied within the subject settlement.

(4) The parties agree that no rates for wholesale service to the Municipals subsequently filed by NIPSCO shall become effective for a period of two years after the effective date of the rate schedule filed pursuant to the subject settlement.

(5) The parties agree that the settlement shall not bind any party should it not be unconditionally approved by this Commission, and that Commission failure to accept the proposed settlement shall result in its becoming privileged.

NIPSCO claims that the proposed rates will result in an earned rate of return of 7.06 percent from service to the Municipals.[5] The proposed fuel clause conforms to Commission Order No. 517. The Municipals are served under Rate Schedule VA 1.

In the motion accompanying the proposed Settlement Agreement with the Municipals, NIPSCO requested that the Commission grant any necessary waivers in order to expedite acceptance of the proposed rates. We find that NIPSCO's filing, together with the two proposed Agreements, provides sufficient supporting data on which to base acceptance and approval of the proposed Agreements.

Based upon our review of the proposed settlement agreements, we find that they represent a reasonable resolution of the issues in the public interest, and that

[1] Designated as: Northern Indiana Public Service Company, FPC Electric Tariff, Second Revised Volume No. 1 (Supersedes First Revised Volume No. 1).
[2] See Appendix A.
[3] See Appendix B.
[4] See Appendix C below which is identical to Statement N of the proposed settlement filed on November 3, 1975. See also Appendix D, which is identical to Statement G in the November 3, 1975, settlement agreement.
[5] See Appendix C and D below.

accordingly they should be approved and adopted. We will accept NIPSCO's new tariff effective as of October 1, 1975. The REMCs Agreement will be accepted and made effective as of October 1, 1975. The Municipals Agreement will be accepted and made effective as of January 1, 1976.

The Commission finds. The settlements of these rates are reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreements should be adopted.

The Commission orders. (A) The Settlement agreement filed September 18, 1975, is hereby incorporated herein by reference, approved and adopted, effective October 1, 1975. The Settlement Agreement filed November 3, 1975, is hereby incorporated herein by reference, approved and adopted, effective January 1, 1976.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[Docket No. ER76–50]

NORTHERN INDIANA PUBLIC SERVICE CO.

APPENDIX A

Carroll County Rural Electric Membership Corporation
Fulton County Rural Electric Membership Corporation
Jasper County Rural Electric Membership Corporation
Kankakee Valley Rural Electric Membership Corporation
Kosciusko County Rural Electric Membership Corporation
Lagrange County Rural Electric Membership Corporation
Marshall County Rural Electric Membership Corporation
Newton County Rural Electric Membership Corporation
Noble County Rural Electric Membership Corporation
Steuben County Rural Electric Membership Corporation
Warren County Rural Electric Membership Corporation
White County Rural Electric Membership Corporation

APPENDIX B

Town of Argos
Town of Bremen
Town of Brookston
Town of Chalmers
Town of Etna Green
Town of Kingford Heights
Town of Walkerton
Town of Winamac

APPENDIX C

Northern Indiana Public Service Co. comparison of jurisdictional cost of service, period II; as shown with settlement rates, 12 mo ended Dec. 31, 1975, in dollars

Line No.	Description	Rural electric membership corporation			Municipals					Total		
			Settlement			As filed		Settlement			Settlement	
		Present rates	Increase	Total	Present rates	Increase	Total	Reduction	Total	Present rates	Increase	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Electric operating expense:											
1	Operation and maintenance	7,092,059		7,092,059	1,174,650		1,474,650		1,474,650	9,166,709		9,166,709
2	Depreciation	968,578		968,578	181,006		181,006		181,006	1,149,584		1,149,584
3	Taxes other than income	668,254	122,984	811,238	130,022	28,152	158,174	(6,370)	151,804	818,276	144,766	963,042
	Income taxes:											
4	Federal	(93,150)	1,603,166	756,016	(144,882)	387,576	242,694	(87,690)	154,998	(1,082,032)	1,993,046	911,014
5	State	(64,311)	91,968	27,657	(9,942)	21,052	11,110	(4,763)	6,347	(74,253)	108,257	34,004
6	Total electric operating expense	8,347,430	1,908,118	10,255,548	1,330,854	436,780	2,067,634	(98,820)	1,968,805	9,978,284	2,246,069	12,224,353
7	Electric operating income	(40,822)	1,834,264	1,793,442	27,046	419,873	446,919	(95,004)	351,915	(13,776)	2,159,133	2,145,357
8	Total cost of service	8,306,608	3,742,382	12,048,990	1,657,900	856,653	2,514,553	(198,833)	2,320,720	9,964,508	4,405,202	14,369,710
9	Total average rate base	26,670,169		26,670,169	4,984,107		4,984,107		4,984,107	31,654,276		31,654,276
10	Rate of return (percent)	(0.15)		6.72	0.54		9.0		7.06	(0.04)		6.78

APPENDIX D—*Statement G (Settlement Rates) Docket No. ER76–50*

[Northern Indiana Public Service Company—Rate filing pursuant to regulations p. 35.13, statement G—Rate of return based upon claimed rate of return of 6.78 pct., 12 mos. ending Dec. 31, 1975]

Type of capital	Amount outstanding at Dec. 31, 1975	Percentage		
		Proportion of total	Cost of each type of capital	Cost
Long-term debt	$658,638,309	55.8	7.15	3.99
Preferred stock	156,126,900	13.2	7.50	.99
Common equity	366,988,889	31.0	5.81	1.80
Total	1,180,757,189	100.0		6.78

NOTE.—For purposes of this proceeding *only*, the claimed rate of return has been applied to an average net origina cost rate base. Approximately 96.8 pct of NIPSCO's electric revenue is produced under rates regulated by and subject to the jurisdiction of the Public Service Commission of Indiana. Approximately 94.6 pct of NIPSCO's rate base (based for the purpose of this proceeding on average net original cost) is subject to the jurisdiction of the Indiana Commission. Rates regulated by the Indiana Commission are based upon a fair and reasonable rate of return applied to the fair value of the property used and useful in rendering the utility service.

[FR Doc.75-32494 Filed 12-3-75;8:45 am]

[Docket No. RP75–80]

NORTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 16, 1975, as most recently modified by notice issued August 20, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 10, 1976.
Service of Company Rebuttal, February 24, 1976.
Hearing, March 2, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32693 Filed 12-3-75;8:45 am]

[Docket No. RP76–34]

NORTHWEST PIPELINE CORP.

Proposed Changes in Gas Tariff

NOVEMBER 24, 1975.

Take notice that on October 31, 1975, Northwest Pipeline Corporation (Northwest), P.O. Box 10–1526, Salt Lake City, Utah 84110, filed with the Commission proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would modify the language contained in section 15, Unauthorized Overrun Provisions, of the General Terms and Conditions of said tariff.

Northwest states that because of the continued gas supply deficiency on its system, it must curtail its customers substantially below entitlements based upon contract demand. Northwest avers that the language in Section 15 on unauthorized overruns must be modified in order

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to permit Northwest to calculate overrun penalties on the basis of scheduled entitlements, rather than contract demand. Northwest concludes that the tariff changes will permit Northwest to more effectively monitor its curtailment provisions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32688 Filed 12-3-75;8:45 am]

[Docket Nos. E-9497, E-9068, E-9118]

OHIO EDISON CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1975, as most recently modified by notice issued September 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 22, 1975.
Service of Intervenor Testimony, January 5, 1976.
Service of Company Rebuttal, January 19, 1976.
Hearing, February 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32692 Filed 12-3-75;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPELINE CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 7, 1975, Michigan Consolidated Gas Company filed a motion to extend the procedural dates fixed by order issued June 30, 1975, as most recently modified by notice issued October 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 3, 1976.
Service of Intervenor Testimony, March 2, 1976.
Service of Company Rebuttal, March 16, 1976.
Hearing, April 6, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32695 Filed 12-3-75;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Permitting Proposed Substitute Rates To Become Effective, Subject to Refund and Subject to Condition, and Granting Waiver

NOVEMBER 28, 1975.

On October 31, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing on October 31, 1975, substitute tariff sheets[1] to replace and in substitution for tariff sheets included in Panhandle's general rate change application of May 15, 1975, in Docket No. RP75-102. The rates as filed on May 15, 1975, were suspended until December 1, 1975, by Commission order issued June 30, 1975. Panhandle's initially proposed rates reflected a Seaboard 50-50 rate design. The Commission's June 30 order advised Panhandle that "it may be subject to undercollections if after hearing and decision we find its rate design improper." The subject "substitute" rates reflect an assignment of 75 percent of the fixed costs (as classified by Panhandle) to the commodity component of the rates. Panhandle indicates that the substitute rates are in compliance with the Commission's indicated rate design policy, and Panhandle requests waivers of the Commission's regulations to permit the substitute tariff sheets to become effective in lieu of those initially submitted.

Panhandle's proposed "substitute" rates also reflect an "updating" of the rates to reflect Panhandle's projected advance payments balance as of December 1, 1975, the date the originally proposed rates in Docket No. RP75-102 were to become effective, subject to refund, after a 5 month's suspension. This "updating" results in increase of over $40 million in the advance payments rate base balance reflected in Panhandle's rates over the levels reflected in Panhandle's originally filed rates in Docket No. RP75-102, as increased by the rates permitted to become effective as of August 1, 1975, by order issued July 31, 1975, in Docket No. RP73-108/AP75-2) and RP73-36(PGA75-4).[2] Additionally, Panhandle's proposed "substitute" rates reflect a reduction in the cost of gas purchased from Trunkline Gas Company (Trunkline) pursuant to the settlement approved in Docket No. RP74-89, as well as an adjustment to reflect the revised Demand Charge Adjustment-Commodity Surcharge (DCA) to the DCA rate, which was made effective as August 1, 1975, by our July 31, 1975 order in Docket Nos. RP73-108 et al.

On November 21, 1975, notice of the filing was issued. On November 12, 1975, Citizens Gas & Coke Utility of the City of Indianapolis (Citizens Gas) filed a pleading protesting Panhandle's filing insofar as it reflected a change from the Seaboard 50-50 method of rate design to the United 25-75 method. Citizens Gas argues, inter alia that Panhandle's rates have "consistently" reflected the Seaboard approach, that the United approach penalizes customers with storage, and that prior to implementation of the United method on Panhandle's system, a hearing should be held.

On November 18, 1975, Panhandle filed an answer to Citizens Gas stating that, inter alia, the overall rate level proposed by Panhandle is lower than the rates originally filed in Docket No. RP75-102, the change to the United method was made to protect Panhandle from possible undercollections, and that, in any event, a hearing has been set to resolve the issue of the proper rate design on Panhandle's system.

Our review of Panhandle's proposal to re-design its rates to the United method indicates that it is appropriate and should therefore be permitted. Contrary to Citizens Gas' assertions, Panhandle's presently effective rates reflect a United methodology. Moreover, the hearing requested by Citizens Gas has already been set to determine, inter alia, the proper rate design for Panhandle's system. Accordingly, we shall permit Panhandle to re-design its proposed rates to reflect the United method.

We also find it reasonable and appropriate to permit Panhandle to adjust its proposed rates to reflect the DCA adjustment previously made effective as of August 1, 1975, as well as to reflect the revised cost of purchased gas from Trunkline. However, we note that Panhandle has no tracking authority to reflect increased costs associated with proposed increased rate base balances of advance payments over those reflected in the rates made effective as of August 1, 1975. Panhandle's tracking authority in the settlement agreement approved in Docket No. RP73-108: *Provided*, That rate changes to reflect changes to reflect changes in its advance payment rate base balances could be made effective on February 1, and August 1, and then only if the proposed rate change reflected the advance payments balance sixty days prior to the effective date of the rate change and if such rate change was filed 45 days prior to the proposed effective date of the rate change. By the terms of the settlement agreement in Docket No. RP73-108, Panhandle's tracking authority expires when the rates in the next major rate increase filing become effective subject to refund. Since the instant case in Docket No. RP75-102 is the next major rate increase and it becomes effective as of December 1, 1975, subject to refund, we find that Panhandle has no tracking authority to reflect costs related to increased advance payment rate base balances over those made effective as of August 1, 1975. Moreover, the Commission has consistently refused to extend tracking authority for advance payments beyond the date the next major rate increase filing becomes effective, subject to refund.[3]

In light of the above, we shall accept for filing Panhandle's revised rates and permit them to become effective as of December 1, 1975, subject to refund, subject to Panhandle filing, within 15 days of the date of this order, substitute tariff sheets reflecting elimination of costs associated with increases in advance payments rate base balances in excess of those reflected in the rates made effective as of August 1, 1975. For good cause shown, waiver of §§ 154.63 and 154.66(b) of the Commission's Regulations is hereby granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund.

The Commission finds. (1) Good cause exists to permit Panhandle's substitute rates to become effective, subject to refund, as hereinafter ordered and conditioned.

(2) Waiver of § 154.66(b) and § 154.63 of the regulations should be granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund, as of December 1, 1975.

The Commission orders. (A) Panhandle's proposed substitute rates reflected in its October 31, 1975, filing are accepted for filing and permitted to become effective, subject to refund, as of December 1, 1975, subject to the condition that Panhandle file, within 15 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of costs associated with increases in advance payments rate base balances in excess of those reflected in the rates made effective as of August 1, 1975, by order issued 1975, in Docket Nos. RP73-108, et al.

(B) For good cause shown, waiver of Sections 154.66(b) and 154.63 of the Regulations is granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund, as of December 1, 1975.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32680 Filed 12-3-75;8:45 am]

[Docket No. E-9542]

PROPRIETOR OF LOCKS AND DAMS, ET AL.

Order To Show Cause

NOVEMBER 26, 1975.

It appearing to the Commission that:

(a) The Proprietor of Locks and Dams, Boott Mills, Nashua Manufacturing Company, Jackson Properties, Inc., and Newmarket Manufacturing Company (Companies) all of Lowell, Massachusetts, are presently operating and maintaining a jurisdictional water power development, known as the Lowell (Pawtucket) Dam Project, at Lowell, Massachusetts on the Merrimack River, a navigable waterway of the United States within section 3(8) of the Federal Power Act [16 U.S.C. 796(8)]. The Commission has previously determined that the Merrimack River is a navigable waterway of the United States, Concord Electric Company, Project No. 1903, 4 FPC 635 (1944); Public Service Company of New Hampshire, Project No. 1893, 8 FPC 853 (1949); and Public Service Company of New Hampshire, Project. 2140, 14 FPC 604 (1955).

(b) By letter dated May 17, 1974, the Companies were requested to file an application for major license for the continued operation and maintenance of the constructed project.

(c) The Companies have failed, after a reasonable time to actively participate in the process of applying for a license under the Federal Power Act for the project.

The Commission orders that the Companies shall, under oath, show cause, if any, within 60 days of the issuance of this order:

(1) Why the Commission should not assert jurisdiction over the project;

(2) Why the Commission should not issue such other and further orders as it may find appropriate, expedient, and in the public interest to facilitate the timely application or applications for license for the project, under terms of the Federal Power Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32672 Filed 12-3-75;8:45 am]

[Docket No. ER76-263]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Agreement

NOVEMBER 26, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on November 5, 1975, tendered for filing as an initial rate schedule a Transmission Contract with Vermont Electric Cooperative, Inc. (Vermont).

Under the contract, PSNH will transmit through its system an entitlement of power which Vermont will be purchasing from the Connecticut Light and Power Company and the Hartford Electric Light Company.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of November 1, 1975.

PSNH states that a copy of the filing was served upon Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32673 Filed 12-3-75;8:45 am]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

Application for Change in Land Rights

NOVEMBER 26, 1975.

Public notice is hereby given that an application was filed on October 21, 1974, and supplemented on September 24, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 2 of Grant County, Washington (PUD) (Correspondence to: Mr. Larry D. Peterson, Manager, Grant County Public Utility District, P.O. Box 878, Ephrata, Washington 98823) for approval of an easement at its constructed Priest Rapids Project No. 2114, located in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington on the Columbia River, a navigable waterway of the United States, and affecting lands of the United States. The proposed easement would be located in Grant County, Washington.

The PUD requests approval of an easement that would allow Berry & Stark of Denver, Colorado, to construct a pumping facility on the east shore of the project reservoir and a pipeline therefrom across a 1,300-foot-long strip of project lands. The pipeline would be used to convey up to 5,497 acre-feet of water per year to irrigate 2,000 acres to be developed by Berry & Stark for agricultural purposes. The right-of-way would also be used for access and for an electrical distribution line to be constructed

[1] Substitute Alternate Fourteenth Revised Sheet No. 3-A and Substitute Fourth Revised Sheet No. 43-4 to its FPC Gas Tariff, Original Volume No. 1.

[2] By order issued October 9, 1975, the Commission granting the California Public Utilities Commission's motion for reconsideration of our July 31, 1975, order in Docket Nos. RP73-108, et al. of our approval of the Panhandle—ARCO Alaskan advance payment pending the outcome of the Commission's advance payment program investigation in Docket Nos. R-41 and RM74-4.

[3] Southern Natural Gas Company, ---- FPC ---- issued April 13, 1973, in Docket No. RP72-91, et al.; rehearing denied ---- FPC ----, issued June 8, 1973; Northern Natural Gas Company, ---- FPC, issued May 20, 1974, in Docket No. RP74-60; rehearing denied in pertinent part ---- FPC ---- issued July 15, 1974, Florida Gas Transmission Company, ---- FPC ---- issued May 29, 1974, in Docket No. RP74-80. Columbia Gas Transmission Corporation, ---- FPC ---- issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al. ---- FPC ---- issued July 14, 1975, in Docket Nos. RP75-106 et al.

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by the PUD. The PUD stated that it would receive no compensation for the easement or the water withdrawn from the reservoir. The U.S. Department of the Army, Corps of Engineers, has issued a permit for the pumping facilities. An application for a certificate of water right for the subject withdrawal has been filed with the Washington Department of Ecology.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32687 Filed 12-3-75;8:45 am]

[Docket No. ER76-107]

PUGET SOUND POWER & LIGHT CO.

Compliance Filing of Service Agreement

NOVEMBER 26, 1975.

Take notice that on November 13, 1975, by letter dated November 11, 1975, Puget Sound Power & Light Company tendered for filing a copy of its service agreement with the Water and Power Department of the City of Pasadena, California, dated October 31, 1975. Puget states that the filing is in accordance with the Commission's letter of October 10, 1975 accepting for filing Puget's FPC Electric Tariff Original Volume No. 2, terminating Docket No. ER76-107 and requesting the timely filing of an appropriate service agreement upon initiation of service to any customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32675 Filed 12-3-75;8:45 am]

[Docket No. RP73-57 (PGA No. 76-1)]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Accepting for Filing and Suspending Proposed PGA, Establishing Hearing Procedures, Instituting Investigation Under Natural Gas Act, and Consolidating Proceedings

NOVEMBER 28, 1975.

On October 31, 1975, the South Texas Natural Gas Gathering Company (South Texas) tendered for filing a PGA rate decrease[1] under its Rate Schedule No. 2 reflecting (1) increased purchased gas costs of $521,078 (1.19¢ per Mcf) annually from producer suppliers, and (2) a 4.24¢ per Mcf decrease (from 7.24¢ to 3¢) in the surcharge to clear the balance in its Unrecovered Purchased Gas Account. According to South Texas' proposal, the purchased gas charge under Rate Schedule No. 2 would decrease from 35.86¢ to 32.81¢ per Mcf, while the gathering charge under Rate Schedule No. 2 would remain constant at 6.22¢ per Mcf. South Texas requests an effective date of December 1, 1975.

Our review of South Texas' proposed rates indicates that they contain, inter alia, small producer purchases at rates in excess of the rate levels prescribed in Opinion No. 742.[2] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept South Texas' proposal for filing and suspend it for one day until December 2, 1975, when it shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in South Texas' filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to South Texas are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, South Texas shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of South Texas' rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

South Texas must show that the rate paid by South Texas to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices[3].

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of those claimed increased purchased gas costs contained in South Texas' filing other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742, indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit South Texas to file revised tariff sheets to become effective December 1, 1975, which reflect the costs in South Texas' filing which are in conformance with Docket No. R-406, as indicated above.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that South Texas' rates be accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund.

(2) The claimed purchased gas costs in South Texas' rate filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130% formula" prescribed in Opinion 742, are in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on April 16, 1976 at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426; to determine the lawfulness of South Texas' proposed PGA rates filed on October 31, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130% formula" prescribed in Opinion 742.

(B) Within 15 days of the date of this order, South Texas shall file with the Commission a list, including addresses, of the parties from whom South Texas is purchasing gas involved in the small producer sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to South Texas in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) South Texas shall file its direct testimony and evidence on or before February 3, 1976. The parties from whom South Texas makes the subject small producer purchases shall file their direct testimony on or before February 3, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before March 2, 1976. Any rebuttal evidence shall be filed on or before March 16, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(F) Pending hearing and decision thereon, South Texas' rates are accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund.

(G) Within 15 days of the date of issuance of this order, South Texas may file revised tariff sheets to become effective December 1, 1975, which reflect those claimed purchased gas costs contained in South Texas' rate other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32671 Filed 12-3-75;8:45 am]

[1] Designated as: Fifth Revised Exhibit A (Fifth Revised PGA-1) to FPC Rate Schedule No. 2.

[2] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[3] Opinion 742 (mimeo, p. 13, paragraph (1)).

[Docket Nos. RP76-87 and RP72-121]

SOUTHWEST GAS CORP.

Order Accepting for Filing and Suspending Proposed Rate Changes, Providing for Hearing and Establishing Procedures

NOVEMBER 28, 1975.

On October 31, 1975, Southwest Gas Corporation (Southwest) tendered for filing tariff sheets[1] proposing revisions to its purchased gas adjustment (PGA) clause to permit the flow-through of changes in costs resulting from liquefied natural gas (LNG) services and increasing its rate by .026¢ per therm, or $12,500 annually to compensate for the additional cost of purchasing LNG services from Northwest Pipeline Corporation (Northwest). In addition, Southwest proposes to modify its PGA clause to provide for the flow-through of changes in the demand component of purchased gas to the demand component of the rate. Southwest requests that the proposed changes become effective December 1, 1975, to coincide with the effective date of Northwest's Rate Schedule LS-1.[2]

Public notice of Southwest's filing was issued on November 17, 1975, with protests or petitions to intervene due on or before November 28, 1975.

Section 154.38(d)(4) of the Commission's regulations under the Natural Gas Act (18 CFR 154.38 (d)(4)) provides that LNG purchases shall not be reflected in a PGA clause without prior Commission approval. Our review indicates that the proposed rate changes and PGA clause amendment have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. We believe that issues exist that may require development in an evidentiary proceeding. Accordingly we shall suspend the proposed filing for one day until December 2, 1975, and set the matter for hearing as hereinafter ordered.

Without limiting the rights of any party, including Commission Staff, to file such other evidence as they deem relevant and material, we direct that all parties present evidence addressed to the propriety of flowing LNG costs through a PGA adjustment on a rolled-in basis as opposed to selling LNG on an incremental basis in a separate rate schedule.

The Commission finds. (1) Good cause exists to accept for filing the revised tariff sheets and suspend their effectiveness for one day, to become effective December 2, 1975, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the changes proposed by Southwest herein.

The Commission order. (A) The revised tariff sheets tendered by Southwest on October 31, 1975, are accepted for filing and suspended for one day to become effective December 2, 1975, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on March 16, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the changes proposed herein.

(C) On or before January 9, 1976, Southwest shall serve its prepared testimony and exhibits. On or before February 6, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be served on or before February 20, 1976. Any rebuttal evidence by Southwest shall be served on or before March 5, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32681 Filed 12-3-75;8:45 am]

[1] Thirteenth Revised Sheet No. 3A, First Revised Sheet No. 13D, Second Revised Sheet No. 13E, First Revised Sheet 13E-1, Original Sheet No. 13E-2, and Second Revised Sheet No. 13F to FPC Gas Tariff, Original Volume No. 1.

[2] In Docket No. CP74-46, Northwest was authorized by Commission Order issued March 19, 1974, to construct a LNG plant and by Commission Order issued November 4, 1975, to distribute LNG under Rate Schedule LS-1 effective December 1, 1975.

[Docket No. RP-84, etc.]

SOUTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 15, 1975, as most recently modified by notice issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 24, 1975.
Service of Intervenor Testimony, January 8, 1976.
Service of Company Rebuttal, January 23, 1976.
Hearing, February 16, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32696 Filed 12-3-75;8:45 am]

[Docket Nos. RP75-13, RP75-113]

TENNESSEE GAS PIPELINE CO.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1974, in the above-designated proceeding.

V40234 DEC 4 75 XUM

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 5, 1976.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 2, 1976.
Hearing, February 9, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32697 Filed 12-3-75;8:45 am]

[Docket No. RP76-33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing, Suspending, Instituting Investigation, Granting Interventions and Establishing Procedures

NOVEMBER 28, 1975.

On October 31, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales, transportation, and storage services by $60,852,265 based on the 12 month period ending July 31, 1975, as adjusted through April 30, 1976.

Transco alleges that the jurisdictional rates filed herewith are designed to enable Transco to recover for increased advance payments incurred and to be incurred during the test period and the increase in unit cost of operation resulting from the continuing decline of gas supply and consequent reduction in annual gas sales. Transco projects a 50 percent average curtailment of the system sales for the test period.

Transco's filing includes pro forma tariff sheets to the General Terms and Conditions which will provide Transco the right to (1) "track" in its GSS Storage Service rate schedule any changes in the rates for storage service furnished to Transco by Consolidated Gas Supply Corporation under the latter's Rate Schedule GSS and (2) "track" in its Rate Schedule S-2 any changes in the rates for storage service furnished to Transco by Texas Eastern Transmission Corporation under the latter's Rate Schedule X-28.

In addition, Transco submitted proforma tariff sheets in the filing incorporating Volumetric Variation Adjustment Clause (VVAC) in the General Terms and Conditions of Transco's tariff. According to Transco this provision would permit it to change its rates to reflect changes in unit fixed costs as a result of changes in gas supply and to collect the jurisdictional portion of such fixed costs based on the formula contained therein.

Transco has requested that any decision on the pro forma sheets be prospective only. Accordingly, consistent with our Order issued August 30, 1974 in Docket Nos. RP75-3 and RP75-48, we will make these pro forma sheets and their clauses issues in this proceeding and will take no action upon them until final resolution of the issues raised by such sheets and the clauses contained therein.

Notice of this filing was issued on November 13, 1975, with protests or petitions to intervene due on or before November 20, 1975. On November 17, 1975, the Piedmont Natural Gas Company, Inc. (Piedmont) filed a petition to intervene. On November 18, 1975, both the Columbia Gas Transmission Corporation (Columbia) and the South Jersey Gas Company (South Jersey) individually filed their petitions to intervene in the proceedings as established herein as did the Washington Gas Light Company on November 19, 1975. Good cause exists to grant all these petitions.

Although Transco's proposed rates reflect the method of rate design whereby 73% of the fixed costs are recovered in the commodity rates, as adopted in Opinion No. 671, we, nevertheless, shall continue our review and evaluation of commodity rate levels to determine that level most appropriate in light of present day supply and market conditions. In Opinion No. 671, we expressed our concern over the worsening gas supply situation, and in view thereof we found, inter alia, that low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed. As we indicated in said Opinion, in continuing our review and analysis of pipeline cost allocation and rate design structures we shall, where necessary, establish pipeline rates for resale or industrial use which are more in line with the costs of available competitive fuels. Accordingly, in the preparation of evidence all parties to this proceeding should direct their attention toward cost classification, allocation and rate design alternatives which would best implement our stated objectives of establishing rates for resale and industrial use which more closely approximate the costs of available competitive fuels.[1]

We note that on November 13, 1975, the Commission approved a settlement agreement in Docket Nos. RP74-48 and RP75-3 which reflected a 9.28% rate of return and a 14.75 percent return on common equity. All parties, including our Staff, should address themselves to the propriety of this increase in light of the conditions on Transco's system including, inter alia, its worsening gas supply situation. We also note that Transco's filing reflects a substantial increase in the amount of advance payments to be included in rate base. All parties should also address themselves to the reasonableness and appropriateness of these additional advances.

Transco's proposed jurisdictional rate increase includes $1,248,662 covering the amortized portion of "carrying charges under an advance payment agreement with the Louisiana Land and Exploration Company" (LLOXY). This component results from an October 1, 1974, contract between Transco and LLOXY in which Transco agreed to make interest cost advances to LLOXY in return for gas purchase contracts for all gas produced and sold from the working interests procured with Transco's financial assistance. By an order issued on September 9, 1975, in Docket No. RP75-75, the Commission denied a similar inclusion for such carrying charges in Transco's cost of service, and ordered the company to file a revised rate schedule to reflect this change. In that order, the Commission stated that it could not make a finding that such interest cost advances were just and reasonable as they do comply with our advance payment regulations. By way of explanation the Commission noted its initial unequivocal determination that advance regulations[2] do not encompass interest reimbursements to producers[3] because "advance payment programs are intended to assist in capital formation so as to stimulate exploration and development of gas for the interstate market, (whereas) the instant interest cost advances go to producers who have already been able to acquire E&D capital.[4]

The Commission in its order of September 9, 1975, denied Transco a full hearing on this issue as it has "already been dispositively treated in a manner fatal to the applicant's position as a matter of law or regulatory policy", summarily disposed of that issue based on Transco's failure to establish a prima facie in support of its position through its direct evidence, and subsequently denied rehearing on November 5, 1975.

For the same reasons as stated in Docket No. RP75-75, we will accord identical treatment to the carrying charges reflected in the instant filing and require that on or before May 1, 1976 Transco should file revised rates to eliminate the carrying charges to LLOXY.

Transco's proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Moreover, our review of Transco's proposed changes that certain issues of fact and law are raised therein which may require development at an evidentiary hearing. Accordingly, we will suspend their use for five months and order hearings as set out below.

The Commission finds. (1) The proposed changes in Transco's FPC Gas Tariff, should be accepted for filing, suspended, and the use thereof deferred until May 1, 1976, as hereinafter provided.

(2) That on or before May 1, 1976, Transco should file revised rates to eliminate the carrying charges to LLOXY.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges in Transco's FPC Gas Tariff, as proposed to be amended in this docket.

(4) Good cause exists to permit the intervention of the aforementioned petitioners.

(5) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders. (A) Pending a hearing and decision thereon, the proposed tariff sheets are accepted for filing and suspended for the full statutory period and the use thereof deferred until May 1, 1976, or until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing April 27, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in Transco's FPC Gas Tariff, as proposed to be amended.

(C) On or before March 16, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before April 5, 1976. The company's rebuttal evidence shall be served on or before April 19, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Piedmont, Columbia Gas, South Jersey, and the Washington Gas Light Company are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of the parties of this proceeding regarding the convening of conferences or offers or settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The pro forma sheets filed on October 31, 1975, and discussed herein will be a subject for review in this proceeding and any determination by this Commission with respect to the *pro forma* sheets will have prospective effect only.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32683 Filed 12-3-75;8:45 am]

[Docket Nos. RP74-48, RP75-3; AP76-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Rejecting Tracking Filing and Granting Intervention

NOVEMBER 28, 1975.

On October 16, 1975, Trancontinental Gas Pipe Line Corporation (Transco) tendered for filing in the referenced docket revised tariff sheets[1] to reflect a "tracking" rate increase for advance payments made by Transco. Transco states that the proposed increase is the result of inclusion in rate base of $6,454,241, said amount being the net increase in advance payments as of September 30, 1975, for which a filing has not previously been made. Transco requests that the instant filing be made effective as of December 1, 1975.

Public notice of the subject filing was issued on October 16, 1975, with comments, protests and petitions to intervene due on or before November 12, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted, as hereinafter ordered and conditioned. In addition, on November 12, 1975, the Commission Staff filed its coments asking for rejection of the filing, and, in the alternative, requests a hearing to determine the reasonableness and appropriateness of the inclusion of the advances in the rate base.

We have only permitted permanent tracking authority for purchased gas and research and development costs,[2] as well as, in certain instances, demand charge rate adjustments. Tracking authority for other costs, such as advance payments, has only been granted as part of an approved rate settlement agreement, wherein the Commission has reviewed all of the pipeline's costs including the cost item to be tracked, as well as revenues, and has determined that a tracking provision for such costs is proper for the period the settlement remains in effect; i.e., until the next major rate change, pursuant to Section 4 or 5 of the Natural Gas Act, becomes effective. At the time such a major rate change occurs, the Commission has required that the temporary tracking authority allowed by the settlement be terminated.[3]

On November 13, 1975, we approved a settlement with conditions in Docket Nos. RP74-48 and RP75-3. There we determined that the advance payment tracking provisions in the settlement should be terminated on October 1, 1975, when superseding rates in Docket No. RP75-75 became effective. Therefore we must now reject Transco's filing.

The Commission finds. (1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of the order.

The Commission orders. (A) Transco's October 16, 1975, tracking filing is hereby rejected.

(B) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission in this proceeding.

(C) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32670 Filed 12-3-75;8:45 am]

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[1] In this regard, we refer all parties to our "Notice of Proposed Rulemaking with Request for Comments", issued February 20, 1975, in Docket No. RM75-19. See also Florida Gas Transmission Company, FPC Docket No. RP76-24, order issued November 14, 1975.

[2] Order Nos. 410, 410-A, 441, 465 and 499.

[3] United Gas Pipe Line Company, Docket No. RP75-109, rejection order issued July 7, 1975; Michigan Wisconsin Pipe Line Company, Docket No. RP75-96, rejection order issued May 19, 1975, rehearing denied July 11, 1975; Northern Natural Gas Company, Docket No. RP75-87, order issued May 16, 1975, rehearing denied July 11, 1975; Natural Gas Pipeline Company of America, Docket No. RP75-90, order issued May 16, 1975, rehearing denied July 11, 1975; and Southern Natural Gas Company, Docket No. RP75-84, rejection order issued May 15, 1975, rehearing denied July 11, 1975.

[4] See Transcontinental Gas Pipe Line Corp., — FPC —, Docket No. RP75-75, order issued September 9, 1975, and Order Denying Rehearing issued November 5, 1975.

[1] FPC Gas Tariff, First Revised Volume No. 1, Sixteenth Revised Sheet No. 5 and Twelfth Revised Sheet No. 6; and Original Volume No. 2, Seventeenth Revised Sheet No. 52, Fourth Revised Sheet No. 121, Thirteenth Revised Sheet No. 321, Ninth Revised Sheet No. 416, and Eighth Revised Sheet No. 495.

[2] Sections 154.38(d) (4) and (5) of the Commission's regulations.

[3] Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74-4; Southern Natural Gas Company ---- FPC ----, issued April 13, 1973, in Docket No. RP72-91, et al.; rehearing denied ---- FPC ----, issued June 8, 1973; Northern Natural Gas Company, ---- FPC ----, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part, ---- FPC ----, issued July 15, 1974; Florida Gas Transmission Company, ---- FPC ----, issued May 29, 1974, in Docket No. RP74-80; Columbia Gas Transmission Corporation, ---- FPC ----, issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al., ---- FPC ----, issued July 14, 1975, in Docket Nos. RP75-106, et al.

V40234 DEC 4 75 XUM

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Report of Refunds

NOVEMBER 26, 1975.

Take notice that on November 17, 1975 Western Massachusetts Electric Company filed a report of refunds made pursuant to the settlement agreement approved by the Commission in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 5, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32678 Filed 12-3-75;8:45 am]

[Docket Nos. E-9420, E-9421]

YANKEE ATOMIC ELECTRIC POWER COMPANY AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 17, 1975, Yankee Atomic Power Company (Yankee) filed a motion to extend the procedural dates fixed by order issued June 12, 1975, as most recently modified by notice issued September 17, 1975, in the above-designated proceeding. On November 20, 1975, Yankee amended its motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, December 12, 1975.
Hearing, January 13, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32691 Filed 12-3-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING; AMENDMENT

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on December 12-13, 1975, has been changed from a full Council meeting to an Executive Committee meeting. The meeting on December 12 will be held from 1:00 p.m.-5:30 p.m., and will reconvene from 7:00-9:00 p.m. The meeting on December 13 will be from 9:00 a.m.-12:00 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on December 1, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-32737 Filed 12-3-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-3, 50-247, 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT, UNIT NOS. 1, 2 & 3)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Member, Dr. Lawrence R. Quarles, Member

Dated: November 28, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-32703 Filed 12-3-75;8:45 am]

[Docket No. 50-333]

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Negative Declaration Regarding Proposed Changes Technical Specifications of License DPR-59

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR-59. This change would authorize the Power Authority of the State of New York and the Niagara Mohawk Power Corporation (the licensee) to operate the James A. Fitzpatrick Nuclear Power Plant (located in Oswego County, New York) with an increased maximum temperature across the main condenser during normal plant operation until midnight, December 31, 1975.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Technical Specifications of License No. DPR-59, James A. Fitzpatrick Nuclear Power Plant, described above. On the basis of this appraisal the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the James A. Fitzpatrick Nuclear Power Plant, published in March 1973.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oswego City Library, 120 East Second Street, Oswego, New York.

Dated at Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-32707 Filed 12-3-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Antitrust Hearing and Prehearing Conference

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the notice published in the FEDERAL REGISTER of December 23, 1974 (39 FR 44269) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the order dated November 25, 1975, granting the petition of Kansas Electric Cooperatives, Inc. for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of the Atomic Energy Act of 1954, 42 U.S.C. 2135(c), a hearing will be held at a time and place to be designated by the licensing board. The members of the board designated by the Chairman of the Atomic Safety and Licensing Board Panel are Margaret M. Laurence, Andrew C. Goodhope and Marshall E. Miller, Chairman.

The application, and a letter of the Attorney General dated December 10, 1974, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street, NW., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Public Document Room and will be available for inspection by members of the public. Copies of the foregoing documents will also be available at Office of County Clerk, c/o Miss Joan Cox, Coffey County Courthouse, Burlington, Kansas 66839.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position or the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than January 5, 1976. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, N.W., Washington, D.C. Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Notice is also hereby given that a Prehearing Conference to consider this matter will be held on December 31, 1975 at 9:00 a.m. at the Nuclear Regulatory Commission Hearing Room, 5th Floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland to consider factors set forth in Title 10 CFR 2.751 (a) of the Commission's rules of practice, and, in particular, the identification and specification of contentions and key issues in the proceeding. Counsel for the parties are requested and directed to hold informal conferences, including telephone conferences, and to report to the board regarding the simplification and clarification of issues, stipulations and admissions of fact, and a proposed schedule for discovery and further actions in the proceeding.

Issued at Bethesda, Md., this 26th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD,
MARSHALL E. MILLER,
Chairman.

[FR Doc.75-32704 Filed 12-3-75;8:45 am]

[Docket No. PRM-30-52]

McDONNELL DOUGLAS ASTRONAUTICS CO.

Withdrawal of Petition for Rule Making

Notice is hereby given that the Nuclear Regulatory Commission has received a letter from the McDonnell Douglas Astronautics Company withdrawing its petition for rulemaking PRM-30-52.

The McDonnell Douglas Astronautics Company petitioned the Atomic Energy Commission to amend 10 CFR 35.31 General License for Medical Use of Certain Quantities of Byproduct Material, to include promethium-147 in prosthetic devices such as nuclear batteries for cardiac pacemakers and other clinical devices. By letter dated November 3, 1975, the petitioner has with drawn its petition for rulemaking from further consideration by the Nuclear Regulatory Commission.

Copies of the petition and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 28th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-32705 Filed 12-3-75;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised Appendix B, Environmental Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance and will remain in effect until 12:00 midnight, December 31, 1975.

The amendment relates to an increase in the maximum ΔT across the main condenser during normal plant operation from 32.4° F to 34.5° F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 12, 1975, (2) Amendment No. 5 to License No. DPR-59 with Change No. 5, and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal, issued concurrently with this notice. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KREIGHTON,
Acting Assistant Director for Environmental Projects, Division of Reactor Licensing.

[FR Doc.75-32706 Filed 12-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Supplementary Guidance

NOVEMBER 21, 1975.

This material is provided to address comments and questions of general interest raised since the release of the Office of Management and Budget's guidelines for implementing section 3 of the Privacy Act of 1974. (FEDERAL REGISTER, Volume 40, Number 132, dated July 9, 1975, pp. 28949-28978.)

Additional supplements will be issued as necessary.

JAMES T. LYNN,
Director.

1. *Definition of System of Records* (5 U.S.C. 552a(a)(5)). On page 28952, third column, after line 27, add:

"Following are several examples of the use of the term 'system of records':

"Telephone directories. Agency telephone directories are typically derived from files (e.g., locator cards) which are, themselves, systems of records. For example, agency personnel records may be used to produce a telephone directory which is distributed to personnel of the agency and may be made available to the public pursuant to 5 U.S.C. 552a(b) (1) and (2), (intra-agency and public disclosure, respectively). In this case the directory could be a disclosure from the system of records and, thus, would not be a separate system. On the other hand, a separate directory system would be a system of records if it contains personal information. A telephone directory, in this context, is a list of names, titles, addresses, telephone numbers, and organizational designations. An agency should not utilize this distinction to avoid the requirements of the Act including the requirement to report the existence of systems of records which it maintains.

"Mailing lists. Whether or not a mailing list is a system of records depends on whether the agency keeps the list as a separate system. Mailing lists derived from records compiled for other purposes (e.g., licensing) could be considered disclosures from that system and would not be systems of records. If the system from which the list is produced is a system of records, the decision on the disclosability of the list would have to be made in terms of subsection (b) (conditions of disclosure) and subsection (n) (the sale or rental of mailing lists). A mailing list may, in some instances, be a stand-alone system (e.g., subscription lists) and could

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be a system of records subject to the Act if the list is maintained separately by the agency, it consists of records (i.e., contains personal information), and information is retrieved by reference to name or some other identifying particular.

"Libraries. Standard bibliographic materials maintained in agency libraries such as library indexes, Who's Who volumes and similar materials are not considered to be systems of records. This is *not* to suggest that all published material is, by virtue of that fact, not subject to the Act. Collections of newspaper clippings or other published matter about an individual maintained other than in a conventional reference library would normally be a system of records."

2. *Routine Uses—Intra-agency disclosures* (5 U.S.C. 552a(a)(7))

On page 28953, first column, after line 17, add:

"Intra-agency transfer need not be considered routine uses. Earlier versions of House privacy bills, from which the routine use concept derives, permitted agencies to disclose records within the agency to personnel who had a need for such access in the course of their official duties thus permitting intra-agency disclosure without the consent of the individual. The concept of routine use was developed to permit other than intra-agency disclosures after it became apparent that a substantial unnecessary workload would result from having to seek the consent of the subject of a record each time a transfer was made for a purpose '. . . compatible with the purpose for which [the record] was collected' (5 U.S.C. 552a(a)(7)). To deter promiscuous use of this concept, a further provision was added requiring that routine uses be subject to public notice. (5 U.S.C. 552a(e)(11).) It is our view that the concept of routine use was devised to cover disclosures other than those to officers or employees who have a need to for the record in the performance of their official duties within the agency.

"It is not necessary, therefore, to include intra-agency transfers in the portion of the system notice covering routine uses (5 U.S.C. 552a(e)(4)(D)) but agencies may, at their option, elect to do so. The portion of the system notice covering storage, retrievability, access controls, retention and disposal (5 U.S.C. 552a(e)(4)(E)) should describe the categories of agency officials who have access to the system."

3. *Consent for access in response to congressional inquiries* (5 U.S.C. 552a(b)(9))

On page 28955, third column, after line 18, add:

To assure that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request, it is recommended that each agency establish the following as a routine use for all of its systems, consistent with subsections (a)(7) and (e)(11) of the Act:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The operation of this routine use will obviate the need for the written consent of the individual in every case where an individual requests assistance of the Member which would entail a disclosure of information pertaining to the individual.

In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the agency should advise the congressional office that the written consent of the subject of the record is required. The agency should not contact the subject unless the congressional office requests it to do so.

In addition to the routine use, agencies can, of course, respond to many congressional requests for assistance on behalf of individuals without disclosing personal information which would fall within the Privacy Act, e.g., a congressional inquiry concerning a missing Social Security check can be answered by the agency by stating the reason for the delay.

Personal information can be disclosed in response to a congressional inquiry without written consent or operation of a routine use—

If the information would be required to be disclosed under the Freedom of Information Act (Subsection (b)(2));

If the Member requests that the response go directly to the individual to whom the record pertains;

In "compelling circumstances affecting the health or safety of an individual * * *" (Subsection (b)(8)); or

To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof * * *" (Subsection (b)(9)).

The routine use recommended above and disclosures thereunder are, of course, subject to the 30 day prior notice requirement of the Act. (Subsection (e)(11)). In the interim, however, it should be possible to respond to most inquiries by using the provisions cited in the previous paragraph. Furthermore, when the congressional inquiry indicates that the request is being made on the basis of a written request from the individual to whom the record pertains, consent can be inferred even if the constituent letter is not provided to the agency.

"*This standard for implied consent does not apply to other than congressional inquiries.*"

4. *Describing the purpose in the accounting of disclosures* (Subsection (c)(1))

On page 28956, first column, after line 42, add:

"Agencies which submit inquiries to other agencies in connection with law enforcement or pre-employment investigations (e.g., record checks) are reminded to include the purpose in their record check in order to preclude having record checks returned to them to ascertain the purpose of the check. It is noted that this is necessary whether the inquiry is made pursuant to the subsection (b)(3) or (b)(7) ('routine use' or law enforcement disclosures). At a minimum, the inquiring agency must describe the purpose as either a background or law enforcement check."

5. *Agency procedures for review of appeals of denials of requests to amend a record* (Subsection (d)(3))

On page 28959, second column, after line 39, add:

"This does *not* mean that the officer on appeal must be a justice or judge. Rather, the reviewing official designated by the agency head may be a justice or judge (unlikely in this case) or any other agency official who meets the criteria in 5 U.S.C. 2104a (1), (2), and (3)."

6. *Correcting records released to an individual* (Subsection (e)(6))

On page 28965, second column, after line 6, add:

"While this language requires that agencies make reasonable efforts to assure the accuracy of a record before it is disclosed, when an individual requests access to his or her record, pursuant to subsection (d)(1), above, the record must be disclosed without change or deletion except as permitted by subsections (j) and (k), exemptions. To avoid requiring individuals to file unnecessary requests for amendment, however, the agency should review the record and annotate any material disclosed to indicate that which it intends to amend or delete."

7. *Rights of parents and legal guardians* (Subsection (h))

On page 28970, second column, after line 59, add:

"This is not intended to suggest that minors are precluded from exercising rights on their own behalf. Except as otherwise provided in the Act (e.g., general or specific exemptions) a minor does have the right to access a record pertaining to him or herself. There is no absolute right of a parent to have access to a record about a child absent a court order or consent."

8. *Relationships to the Freedom of Information Act* (Subsection (q))

On page 28978, third column, after the last line, add:

"In some instances under the Privacy Act an agency may (1) exempt a system of records (or a portion thereof) from access by individuals in accordance with the general or specific exemptions (subsection (j) or (k)); or (2) deny a request for access to records compiled in reasonable anticipation of a civil action or proceeding or archival records (subsection (d)(5) or (1)). In a few instances the exemption from disclosure under the Privacy Act may be interpreted to be broader than the Freedom of Information Act (5 U.S.C. 552). In such instances the Privacy Act should not be used to deny access to information about an individual which would otherwise have been *required* to be disclosed to that individual under the Freedom of Information Act.

"Whether a request by an individual for access to his or her record is to be

processed under Privacy Act or Freedom of Information Act procedures involves several considerations. For example, while agencies have been encouraged to reply to requests for access under the Privacy Act within ten days wherever practicable, consistent with the Freedom of Information Act (FOIA), the Privacy Act does not establish time limits for responding to requests for access. (See discussion of subsection (d)(1).) The Privacy Act also does not require an administrative appeal on denial of access comparable to that under FOIA although agencies are encouraged to permit individuals to request an administrative review of initial denials of access to avoid, where possible, the need for unnecessary judicial action. It can also be argued that requests filed under the Privacy Act can be expected to be specific as to the system of records to which access is sought whereas agencies are required to respond to an FOIA request only if it 'reasonably describes' the records sought. Further, the Freedom of Information Act permits charging of fees for search as well as the making of copies while the Privacy Act permits charging only for the direct cost of making a copy upon request.

"It is our view that agencies should treat requests by individuals for information pertaining to themselves which specify either the FOIA or the Privacy Act (but not both) under the procedures established pursuant to the Act specified in the request. When the request specifies, and may be processed under, both the FOIA and the Privacy Act, or specifies neither Act, Privacy Act procedures should be employed. The individual should be advised, however, that the agency has elected to use Privacy Act procedures, of the existence and the general effect of the Freedom of Information Act, and of the differences, if any, between the agency's procedures under the two Acts (e.g., fees, time limits, access and appeals.

"The net effect of this approach should be to assure the individuals do not, as a consequence of the Privacy Act, have less access to information pertaining to themselves than they had prior to its enactment."

[FR Doc.75-32297 Filed 12-3-75;8:45 am]

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-5]

GREAT WESTERN MALTING CO.

Complaint; Correction

FR Doc. 75-31395 appearing at page 54311 in the FEDERAL REGISTER for Friday, November 21, 1975 is corrected as follows: Line 12 from the top of the center column on page 54312 should read "is estimated to be at least $4,000,000, an—"

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of Special Representative for Trade Negotiations.

[FR Doc.75-32639 Filed 12-3-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Assistant Secretary of Labor for Employment Standards

[Employment Standards Order No. 2-75]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Redelegation of Authority and Reassignment of Responsibility Assigned

1. *Purpose.* This Order redelegates authority and reassigns responsibility (a) within the Office of the Assistant Secretary; and to (b) the Wage-Hour Administrator; (c) the Director of the Women's Bureau; (d) the Director of the Office of Workers' Compensation Programs; (e) the Director of the Office of Federal Contract Compliance Programs.

2. *Background.* A. Secretary's Order No. 16-75 and 27-72 delegated authority and assigned responsibility for certain functions to the Assistant Secretary for Employment Standards with the authority to redelegate.

B. Secretary's Order No. 18-67, 32 FR 12979, formerly identified as General Order No. 46 (Revised), delegated and assigned to the Director of the Bureau of Employees' Compensation authority and responsibility for performance of the functions of the Secretary of Labor under the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., as amended and extended (except 8149 as it applied to the Employees' Compensation Appeals Board), and under the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., as amended and extended, to be performed under the general direction and control of the Assistant Secretary for Labor-Management Relations. The overall responsibility for the authority delegated to the Director of the Bureau by Secretary's Order No. 18-67 was subsequently assigned successively to the Assistant Secretary for Wage and Labor Standards (see United States Government Organization Manual, 1970/1971, p. 320) and to the Assistant Secretary for Workplace Standards (Secretary's Order No. 19-70, 36 FR 304) without change in the operational responsibilities of the Bureau of Employees Compensation (Workplace Standards Administration, Description of Organization, 36 FR 307).

C. Secretary of Labor's Order 13-71, 36 FR 8755, established the Employment Standards Administration to perform the functions of the Department with respect to employment standards program. The Assistant Secretary for Employment Standards was therein delegated the authority and assigned responsibility for carrying out such programs. That Order further provided that the Employment Standards Administration was to be headed by a Deputy Assistant Secretary/Administrator who was to report to the Assistant Secretary for Employment Standards and was to act for the Assistant Secretary in his absence. Among the employment standards programs for which the responsibility was thus delegated were:

1. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it applied to the Employees' Compensation Appeals Board).

2. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended.

3. Part C of Title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969.

D. Secretary of Labor's Order 15-71, 36 FR 8755, set forth in detail the redelegation of authority to the Deputy Assistant Secretary for Employment Standards Administration.

E. Secretary of Labor's Order 38-72, 38 FR 90, made provisions for the Benefits Review Board established by Pub. L. 92-576, 86 Stat. 1251, as a quasi-judicial body of the first appeal under the Longshoremen's and Harbor Workers' Act, as amended, 33 U.S.C. 901 et seq.; the Defense Base Act, 42 U.S.C. 1651 et seq.; the District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.; the Outer Continental Shelf Lands Act, 10 U.S.C. 1721; the Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 1871 et seq.; and Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended, by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.

F. Secretary of Labor's Order 16-73, 38 FR 19130, delegated authority to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of the functions vested with the Benefits Review Board by Secretary of Labor's Order 38-72.

G. Employment Standards Order 2-74 redelegated to the Director, Office of Workers' Compensation Programs, the authority and reassigned the responsibility vested in the Assistant Secretary for Employment Standards regarding workers' compensation programs and the performance of functions assigned to the Assistant Secretary pursuant to Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended.

H. Secretary of Labor's Order dated September 23, 1974 (39 FR 34723) revoked his prior Order 18-67, and the last sentence of paragraph 3 of Secretary's Order 13-71.

I. Secretary's Order 16-75 cancelled and replaced Secretary's Order 13-71 and incorporated the delegation contained in the Secretary's Order 16-73 and cancelled that Order.

3. *Redelegation of authority and reassignment of responsibility.* The authority and responsibility delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards for carrying out Employment Standards programs and activities is redelegated and reassigned, except as hereinafter provided, as follows:

A. The Office of the Assistant Secretary of Employment Standards.

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1. The Deputy Assistant Secretary for Employment Standards is hereby redelegated authority to act on all matters within the Assistant Secretary's delegation.

2. The Director of the Office of Program Development and Accountability shall report to the Assistant Secretary and is responsible for all program development and accountability activities, including developing plans, policies and procedures for the functions of the program planning, policy analysis and review, budgeting and financial management, accountability review, legislative analysis, research, evaluation, allocation of resources, and information and analysis of State employment standards.

3. The Director of the Office of Administrative Management shall report to the Assistant Secretary and is responsible for all administrative and management activities, including developing plans, policies and procedures, for the functions of employee development, personnel and employee management relations, position management information system, mobilization planning activities delegated to Employment Standards Administration in Secretary's Order 27–72, and general services such as procurement and supply management.

4. Assistant Regional Directors for Employment Standards are responsible for carrying out the Assistant Secretary's responsibilities for all Employment Standards programs within their geographic jurisdiction. Assistant Regional Directors report directly to the Assistant Secretary, represent the Assistant Secretary within their jurisdiction, and are the principal operating managers in the field.

5. The above redelegations made within the Office of the Assistant Secretary shall be carried out consistent with the redelegations made to the Wage-Hour Administrator; the Director of the Women's Bureau; the Director, Office of Federal Contract Compliance Programs; the Director, Office of Workers' Compensation Programs, and within the Office of the Assistant Secretary.

B. The Office of the Wage-Hour Administrator.

1. The Wage-Hour Administrator shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq., including the issuance of child labor hazardous occupation orders and other regulations concerning child labor standards;

b. The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 et seq.;

c. The Service Contracts Act of 1965, as amended, 41 U.S.C. et seq.;

d. The Davis-Bacon Act, as amended, 40 U.S.C. 276, and any laws now existing, or subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act, 40 U.S.C. 276, Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act, 16 U.S.C. 831;

e. The Contract Work Hours and Safety Act, as amended, 40 U.S.C. 327 et seq.;

f. Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671 et seq.;

g. The Vocational Rehabilitation Act Amendments 1965, 20 U.S.C. 1241;

h. The Arts and Humanities Act of 1965, 20 U.S.C. 953;

i. The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 301 et seq.;

j. The Farm Labor Contractor Registration Act of 1963, as amended, 29 U.S.C. 301 et seq;

k. Section 1450(i) of the Safe Drinking Water Act (Pub. L. 93–523);

l. Section 507 of the Federal Water Pollution Act (Pub. L. 87–88 as amended by 89–234);

m. Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

C. The Office of the Director of the Women's Bureau.

1. The Director of the Women's Bureau shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Act of 1920 establishing a Women's Bureau (Pub. L. 66–259);

b. Executive Order 11126—as amended by Executive Order 11221—Status of Women.

D. The Office of the Director of Workers' Compensation Programs.

1. The Director of the Office of Workers' Compensation Programs shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.

b. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, except 33 U.S.C. 921(b) as it pertains to the Benefits Review Board;

c. Title IV, Section 415 and Part C of the Federal Coal Mine Health and Safety Act of 1969, as amended.

E. The Office of the Director of Federal Contract Compliance Programs.

1. The Director of the Office of Federal Contract Compliance Programs shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance.

b. Section 503 of the Rehabilitation Act of 1973, as amended, and Executive Order 11758.

c. The affirmative action requirements under Title V of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended, 38 U.S.C. Section 2012.

F. The redelegation of authority contained in paragraphs 3 (B) through (E) above are to be performed consistent with the redelegations made within the Office of the Assistant Secretary in paragraph 3(a) above, except that the quasi-judicial line of adjudicatory authority and responsibility between the Director of the Office of Workers' Compensation Programs and the Deputy Commissioners or their subordinates in the OWCP District Offices in individual case actions under the laws enumerated in 3(D)(1)(a), (b) shall not be affected.

4. *Redelegation of Authority.* The authority delegated and the responsibility assigned by this Order may be redelegated and reassigned.

5. *Reservation of Authority.* The submission of reports and recommendations to the Department concerning the administration of Employment Standards programs shall be reserved to the Assistant Secretary for Employment Standards.

6. *Directives Affected.* Employment Standards Orders Nos. 1–74, 39 FR 33841; and 2–74, 39 FR 34722 are hereby cancelled. Secretary's Orders Nos. 15–71, 36 FR 8756; 20–70, 36 FR 305; 4–69, 34 FR 1202; 3–69 34 FR 1203; 2–69, 34 FR 1203; 26–68, 21–68, 34 FR 578; and 21–67, 32 FR 14802 are also hereby cancelled.

7. *Effective date.* This order is effective December 4, 1975.

Signed at Washington, D.C., this 26th day of November 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-32717 Filed 12-3-75;8:45 am]

Office of the Secretary

[TA-W-354]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allegheny Ludlum Steel Corporation, Watervliet, New York, a division of Allegheny Ludlum Industries, Pittsburgh, Pennsylvania (TA–W–354). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel bars, wire, rods and tubes, tool steel, produced by Allegheny Ludlum Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32718 Filed 12-3-75;8:45 am]

[TA-W-343]

B. GLANZROCK, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of B. Glanzrock, Incorporated, New York, New York (TA–W–343). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats, suits and leisure suits produced by B. Glanzrock, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32720 Filed 12-3-75;8:45 am]

an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32723 Filed 12-3-75;8:45 am]

[TA-W-346]

CAPE COD SPORTSWEAR COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Cape Cod Sportswear Company, Incorporated, New Bedford, Massachusetts (TA–W–346). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits and sportcoats produced by Deerfield Manufacturing Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32720 Filed 12-3-75;8:45 am]

[TA-W-347]

DEERFIELD MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Deerfield Manufacturing Corporation, New Bedford, Massachusetts (TA–W–347). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits and sportcoats produced by Deerfield Manufacturing Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance,

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at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32721 Filed 12-3-75;8:45 am]

DEFERRAL OF FEDERAL TAX CREDIT REDUCTIONS

Findings of the Secretary of Labor

Section 110 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, approved June 30, 1975) amended section 3302(c)(3) of the Federal Unemployment Tax Act so as to authorize the deferral of Federal unemployment tax credit reductions with respect to the years 1975, 1976, and 1977. Section 110 makes such deferral applicable only if the Secretary of Labor finds that the State has studied and taken appropriate action to accomplish substantially the purposes of restoring its unemployment fund's fiscal soundness and of permitting the repayment within a reasonable time of advances made to the State's account pursuant to Title XII of the Social Security Act.

Under section 110 of the Extension Act the Secretary of Labor is directed to promptly prescribe and publish in the FEDERAL REGISTER regulations setting forth the criteria for making a finding with respect to a State. Such criteria have been prescribed by the addition of paragraph (f) to section 601.5 in Part 601 of Title 20, Code of Federal Regulations, effective November 7, 1975, published in Volume 40, No. 216 of the FEDERAL REGISTER, November 7, 1975.

The State of Connecticut first obtained a repayable advance from the Federal Unemployment Account in the Unemployment Trust Fund, pursuant to Title XII of the Social Security Act, in 1972. The State has had an unpaid advance on January 1 of the years 1973, 1974, and 1975 and, as of November 10, 1975, it continued to have an unpaid advance. Accordingly, under section 3302(c)(3) of the Federal Unemployment Tax Act, its employers were subject to a Federal unemployment tax credit reduction of 0.3 percent on their 1974 taxable payrolls. But for the amendment of section 3302(c)(3) by the Extension Act and a deferral of the Federal unemployment tax credit reduction under the provisions of that amendment, Connecticut's employers would be subject to a Federal unemployment tax credit reduction on their 1975 taxable payroll of an additional 0.3 percent, effective in January 1976.

The State of Washington first obtained a repayable advance in 1973, and the State had an unpaid advance on January 1 of the years 1974 and 1975, which was not repaid by November 10, 1975. Accordingly, its employers would have been first subject to a Federal unemployment tax credit reduction of 0.3 percent on their 1975 taxable payrolls, effective in January 1976.

I find that the States of Connecticut and Washington as of November 10, 1975, have fulfilled the criteria set forth in Part 601 of Title 20, Code of Federal Regulations, § 601.5(f)(2)(i)(A), (B), and (C), and, accordingly, have satisfied the requirements of the statute for deferral of Federal unemployment tax credit reductions for taxable year 1975. As a result, the subject employers of the States of Connecticut and Washington will be subject to no Federal unemployment tax credit reduction for taxable year 1975.

The finding with respect to the State of Connecticut is based on my determination that the State has amended its unemployment compensation law, effective in 1975, increasing the State's unemployment tax rates and increasing the State's unemployment tax base so that for taxable year 1975—(1) The average employer tax rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, which is estimated to be 1.57, exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, for the ten calendar years of 1965 through 1974, which is estimated to be 1.45; and (2) The effective minimum employer tax rate is 1.5 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for taxable year 1975; and (3) The effective maximum employer tax rate is 6.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the taxable year 1975.

The finding with respect to the State of Washington is based on my determination that the State has amended its unemployment compensation law, effective prior to 1975, increasing the State's unemployment tax rates and increasing the State's unemployment tax base so that for taxable year 1975—

(1) The average employer tax rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, which is estimated to be 1.8, exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, for the 10 calendar years of 1965 through 1974, which is estimated to be 1.75; and

(2) The effective minimum employer tax rate is 3.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for taxable year 1975; and

(3) There is provision for no reduced rate of contributions for any employer subject to the State unemployment compensation law.

Signed at Washington, D.C., this 28th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32716 Filed 12-3-75;8:45 am]

[TA-W-351]

E. L. BRUCE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of E. L. Bruce Paneling and Molding Division, Covington, Tennessee of E. L. Bruce Company, Incorporated, Memphis, Tennessee, a subsidiary of Cook Industries, Memphis, Tennessee (TA-W-351). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hardwood paneling and molding produced by E. L. Bruce Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total of partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32719 Filed 12-3-75;8:45 am]

[TA-W-345]

EVERETT LEVINSOHN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of The Everett Levinsohn Corporation, New York, New York (TA-W-345). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and slacks produced by The Everett Levinsohn Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32722 Filed 12-3-75;8:45 am]

[TA-W-348]

FRANK SCOLARO MARBLE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Frank Scolaro Marble Company, Incorporated, Bronx, New York (TA-W-348). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble and granite produced by Frank Scolaro Marble Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32727 Filed 12-3-75;8:45 am]

[TA-W-350]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of International Shoe Company, St. Clair, Missouri, a division of Interco, Incorporated, St. Louis, Missouri (TA-W-350). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wood heel covering, platform covering, bottom stockfitting, outsoles, and box toes, produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the adress shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32724 Filed 12-3-75;8:45 am]

[TA-W-352]

INTERNATIONAL SILVER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Flatware Division and Hollowware Division of International Silver Company, Meriden, Connecticut, a subsidiary of Insilco Corporation, Meriden, Connecticut (TA-W-352). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel flatware, silver plated flatware, cutlery and hollowware produced by International Silver Company or an appropriate

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subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32725 Filed 12-3-75;8:45 am]

[TA-W-341]

WM. B. KESSLER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Wm. B. Kessler, Incorporated, Hammonton, New Jersey (TA-W-341). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored sportcoats, slacks and suits produced by Wm. B. Kessler, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-32726 Filed 12-3-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 19, 1975.

FSA No. 43084—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 4), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminals in California, Oregon and Washington, to ports in Europe, the United Kingdom and the Mediterranean.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., tariff I.C.C. No. 1.

Rates are published to become effective on December 28, 1975.

FSA No. 43085—*Vinyl Acetate from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-571), for interested rail carriers. Rates on vinyl acetate, in tank-car loads, as described in the application, from points in Louisiana and Texas, to Charlotte and Newell, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 40 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on January 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32747 Filed 12-3-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 19, 1975.

FSA No. 43081—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by Williams Pipe Line Company, (No. 4), for interested carriers.[1] Rates on petroleum products, as described in the application, from specified points in Kansas and Oklahoma, to specified points in Missouri, Illinois, and Iowa.

Grounds for relief—Market and carrier competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32745 Filed 12-3-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 28, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 15, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

[1] In the FEDERAL REGISTER notice dated November 24, 1975, this was shown as "for interested rail carriers".

No. MC 564 (Sub-No. E98), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa within a 150 miles of Austin, Minn., and on and west of Iowa Highway 4, on the one hand, and, on the other, points in Tennessee, (2) between points in that part of Iowa within a 150 miles of Austin, Minn., and on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to U.S. Highway 70, thence along U.S. Highway 70 to intersection U.S. Highway 11E, thence along U.S. Highway 11E to intersection U.S. Highway 321, thence along U.S. Highway 321 to Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 1380 (Sub-No. E3) (Correction), filed May 13, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (3) between points in that part of Tennessee south of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 70 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to Greenville, Tenn., thence along U.S. Highway 11E to the boundary line of points within 150 miles of Charlotte, N.C., thence along the 150 miles of Charlotte, N.C., boundary to the North Carolina-Tennessee State line, on the one hand, and, on the other, points in that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean; (9) * * * on the one hand, and on the other, points in that part of North Carolina which are within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line extending along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-Virginia State line; (11) * * * on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and on and west of U.S. Highway 25; and (13) between Augusta, Ga., on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at Cape Henry, Va., extending along U.S. Highway 60 to Richmond, thence along U.S. Highway 250 to Staunton, thence along U.S. Highway 11 to the Tennessee-Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 2253 (Sub-No. E3), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: Between Troy, on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa., points in Brooke, Hancock, Marshall and Ohio Counties, W.Va., and all points in Ohio except those on, east and north of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 305 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 83, thence along Ohio Highway 83 to Avon Lake, Ohio. The purpose of this filing is to eliminate the gateway of points in New Jersey within 15 miles of North Bergen, N.J.

No. MC 20582 (Sub-No. E2), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 14, 1975. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Steven (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (a) between points in the Lower Peninsula of Michigan in and north of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties and points in Mackinac, Luce, Chippewa, and Schoolcraft Counties, Mich., on the one hand, and, on the other, points in New Mexico; and (b) between points in the Lower Peninsula of Michigan in and north of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and Mackinac, Luce, and Chippewa Counties, on the one hand, and, on the other, points in Colorado and Texas. The purpose of this filing is to eliminate the gateways of Flint, Mich., or points within 25 miles thereof, and points in Kansas. The purpose of this correction is to correct the origin points.

No. MC 29886 (Sub-No. E34), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 400 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (1) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Michigan, and those in New Jersey east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 36, thence along New Jersey Highway 36 to the Atlantic Ocean; (2) between those points in Indiana north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in New Jersey; (3) between points in Lake, Porter, La Porte, St. Joseph, Elkhart, La Grange, Steuben, Newton, Jasper, Starke, Marshall, Kosciusko, Noble, DeKalb, Benton, White, Pulaski, Fulton, Whitely, Allen, Warren, Tippecanoe, Carroll, Cass, Miami, Wabash, Huntington, and Howard Counties, Ind., on the one hand, and, on the other, points in Pennsylvania; and (4) between those points in Indiana on and north of Indiana Highway 67, on the one hand, and, on the other, points in Pennsylvania (except those in Crawford, Venango, Clarion, Jefferson, Indiana, Cambria, Blair, Huntingdon, Franklin, Fulton, Bedford, Somerset, Westmoreland, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Fayette, and Greene Counties). The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this correction is to correct the spelling of a origin point in (3) above.

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No. MC 29886 (Sub-No. E36) (Correction), filed May 10, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (2) between points in Iowa, on the one hand, and, on the other, points in Ohio (except those in Mercer, Auglaize, Shelby, Darke, Miami, Champaign, Clark, Montgomery, Preble, Greene, Fayette, Clinton, Warren, Butler, Hamilton, Clermont, Highland, Brown, and Adams Counties), and those in Porter, LaPorte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, LaGrange, Noble, Whitley, Steuben, DeKalb, and Allen Counties, Ind. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the exception above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E47), (Correction), filed May 31, 1974, republished in the FEDERAL REGISTER October 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment*, (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment, and *self-propelled road construction, and earth moving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York, to points in Nevada, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind. The purpose of this partial correction is to correct the destination states. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E52), (Correction), filed May 31, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in Washington, Idaho, Oregon, California, Wyoming, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, Montana, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the destination points above.

No. MC 29886 (Sub-No. E55), (Correction), filed June 4, 1974. Published in FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS, 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction and earth moving machines and equipment*, which because of size or weight require the use of special equipment or handling, and (2) *self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, and (3) *related machinery, tools, parts, and supplies*, moving in connection with the commodities described in (1) and (2), moving in connection therewith, from those points in Illinois on and north of U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line to points in Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Pennsylvania (except those in Washington, Greene, and Fayette Counties, Pa.), those in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and those in North Carolina on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this correction is to reflect the correct commodities and destinations. The remainder of the letter-notice is to remain the same as previously published.

No. MC 29886 (Sub-No. E93), (Correction), filed May 16, 1974, republished in the FEDERAL REGISTER October 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to dump-truck bodies, which because of size or weight require the use of special equipment, from those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line, * * * those in Nebraska on and west of U.S. Highway 281, those in South Dakota on and west of U.S. Highway 281, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Marion, Ohio, and points within five miles thereof. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E103), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MARVIS FORWARDING CO., INC., 400 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, the transportation of which because of size or weight require the use of special equipment or special handling, and self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery, each weighing 15,000 pounds or more; (1) from those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line to points in New Mexico (except those in Union, Quay, Curry, and Roosevelt Counties), and those in Texas in and west of Winkler, Ward, Pecos, Terrell, and Val Verde Counties; and (2) from those points in Indiana on and north of Interstate Highway 74 to points in North Dakota, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, those in South Dakota (except those south and east of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, and those in Wyoming (except those in Goshen and Laramie Counties). The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line, and, Benton Harbor, Mich. The purpose of this correction is to correct the gateway above.

No. MC 31462 (Sub-No. E138), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on the one hand, and, on the other, and points in Oklahoma. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 50 miles of St. Louis, Mo., and (2) any point in Missouri within 25 miles thereof.

No. MC 31462 (Sub-No. E351), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, the transportation of which because of size or weight require the use of special equipment or special handling, and self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery, each weighing 15,000 pounds or more; (1) from those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 10 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line to points in New Mexico (except those in Union, Quay, Curry, and Roosevelt Counties), and those in Texas in and west of Winkler, Ward, Pecos, Terrell, and Val Verde Counties; and (2) from those points in Indiana on and north of Interstate Highway 74 to points in North Dakota, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, those in South Dakota (except those south and east of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, and those in Wyoming (except those in Goshen and Laramie Counties). The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line, and, Benton Harbor, Mich. The purpose of this correction is to correct the gateway above.

No. MC 59292 (Sub-No. E7), filed May 30, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Maryland 21225. Applicant's representative: Charles J. Bruan, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos, Silo parts, and materials and supplies*, used by silo manufacturing plants, restricted against commodities requiring special equipment, between (1) points in Lawrence and Butler Counties, Pa., which are on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene and Beaver Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and points in New York on and east of a line beginning at the East River along Hutchinson River Parkway to junction U.S. Highway 87, to junction Bedford Road, to junction Cresson Road, to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Frederick, Md.

No. MC 59292 (Sub-No. E8), filed May 30, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel Silos, steel silo parts, and steel materials and supplies*, used by silo manufacturing plants, between Baltimore, Md., on the one hand, and, on the other, points in Massachusetts, New Hampshire, West Virginia, points in Rhode Island on, north and west of a line beginning at the Atlantic Ocean and extending along Rhode Island Highway 138 to junction Rhode Island Highway 114, thence along Rhode Island 114 to Junction Rhode Island Highway 103, thence along Rhode Island Highway 103 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Rhode Island-Connecticut State line, points in Connecticut on and north of a line beginning at the Rhode Island-Connecticut State line and extending along U.S. Highway 44 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Connecticut Highway 55, thence along Connecticut Highway 55 to the Connecticut-New York State line, points in New York on, north and west of a line beginning at the New York-Connecticut State line and extending along New York Highway 55 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 42, thence along New York Highway 42 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 706 to junction U.S. Highway 6, thence along U.S Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 287.

Thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 284, thence along Pennsylvania Highway 284, to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 533, thence along Pennsylvania Highway 533 to junction Pennsylvania Highway 696, thence along Pennsylvania Highway 696 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Maryland-Pennsylvania State line, points in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 64 to junction Maryland Highway 153, thence along Maryland Highway 153 to junction Maryland Highway 355, thence along Maryland Highway 355 to junction Maryland Highway 80, thence along Maryland Highway 80 to junction Maryland Highway 85, thence along Maryland Highway 85 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line, points in Virginia on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659.

Thence along Virginia Highway 659 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 647, thence along Virginia Highway 647 to

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junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction Virginia Highway 230, thence along Virginia Highway 230 to junction Virginia Highway 604, thence along Virginia Highway 604 to junction Virginia Highway 652, thence along Virginia Highway 652 to junction Virginia Highway 719, thence along Virginia Highway 719 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 1002, thence along Virginia Highway 1002 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction County Highway 609, thence along County Highway 609 to junction County Highway 614, thence along County Highway 614 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E10), filed May 21, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel Products*, restricted against commodities requiring special equipment, between Baltimore, Md., on the one hand, and, on the other, (1) points in West Virginia within 150 miles of Brunswick, Md., (2) points in Pennsylvania within 150 miles of Brunswick, Md., which are on and west of a line beginning near Eagles Mere, Pa., and extending along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 284, thence along Pennsylvania Highway 284 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 244 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 533, thence along Pennsylvania Highway 533 to junction Pennsylvania Highway 696, thence along Pennsylvania Highway 696 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, (3) points in Maryland within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 64 to junction Maryland Highway 153, thence along Maryland Highway 153 to junction Ellerton Road to junction Maryland Highway 355, thence along Maryland Highway 355 to junction Maryland Highway 80, thence along Maryland Highway 80 to junction Maryland Highway 85.

Thence along Maryland Highway 85 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line, (4) points in Virginia within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231, to junction Virginia Highway 230, thence along Virginia Highway 230 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 604, thence along Virginia Highway 604 to junction Virginia Highway 608, thence along Virginia Highway 608 to junction Virginia Highway 601, thence along Virginia Highway 601 to junction Virginia Highway 652, thence along Virginia Highway 652 to junction Virginia Highway 719, thence along Virginia Highway 719 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 1002, thence along Virginia Highway 1002 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction Virginia Highway 614, thence along Virginia Highway 614 to junction Virginia Highway 40, thence along Virginia Highway 40 to a point south of Blackstone, Va. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E11), filed May 15, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general* merchandise as is dealt in by wholesale grocery business houses, between Baltimore, Md., on the one hand, and, on the other, (1) points in West Virginia within 150 miles of Brunswick, Md. (2) points in Pennsylvania within 150 miles of Brunswick, Md., which are on and west of a line beginning near Haneyville and extending along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line; (3) points in Maryland within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction Maryland Highway 67, thence along Maryland Highway 67 to junction Maryland Highway 17, thence along Maryland Highway 17 to junction Maryland Highway 79, thence along Maryland Highway 79 to the Maryland-Virginia State line; (4) points in Virginia within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Maryland-Virginia State line and extending along Virginia Highway 287, thence along Virginia Highway 287 to junction Virginia Highway 672, thence along Virginia Highway 672 to junction U.S. Highway 15.

Thence along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 653, thence along Virginia Highway 653 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 621, thence along Virginia Highway 621 to junction Virginia Highway 733, thence along Virginia Highway 733 to junction Virginia Highway 734, thence along Virginia Highway 734 to junction Virginia Highway 748, thence along Virginia Highway 748 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 721, thence along Virginia Highway 721 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction Virginia Highway 230, thence along Virginia Highway 230 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 690, thence along Virginia Highway 690 to junction Virginia Highway 610, thence along Virginia Highway 610 to junction U.S. Highway 15, thence along U.S. Highway 15 to a point near Farmville, Va. The purpose of this filing is to eliminate the gateway of Brunswick, Md., or points within 5 miles thereof.

No. MC 59292 (Sub-No. E13), filed May 28, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay prdoucts*, from Baltimore, Md., to points in New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction New York Highway 90, thence along New York Highway 90 to junction New York Highway 38, thence along New York Highway 38 to junction U.S. Highway 104, thence along U.S. Highway 104 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Chester, Pa., Wilmington, Del., and Reading, Pa.

No. MC 59292 (Sub-No. E14), filed May 28, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from Baltimore, Md., to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Pennsylvania Highway 611 to junction Pennsylvania Highway 412, thence along Pennsylvania Highway 412 to junction Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 380, thence along Interstate Highway 380 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chester, Pa., and Wilmington, Del.

No. MC 59292 (Sub-No. E16), filed June 7. 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Maryland 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from North East, Md., and points in Maryland on and west of Maryland Highway 272, to points in New Jersey on and east of a line beginning at Delaware Bay near Moores Beach and extending along unnumbered highway to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction U.S. Highway 30, thence along U.S. Highway 30 to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of Chester, Pa.

No. MC 59292 (Sub-No. E23), filed June 4, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from North East, Md., to points in New York, on and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 212, thence along New York Highway 212 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Chester, Pa., Wilmington, Del., and Reading, Pa.

No. MC 64932 (Sub-No. E132), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER September 9, 1975. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 thence along Interstate Highway 224 to the Ohio-Pennsylvania State line, to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill. The purpose of this correction is to include the destination points.

No. MC 67450 (Sub-No. E3), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 25, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Chicago, Ill., to points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind. The purpose of this correction is to correct the gateway above.

No. MC 67450 (Sub-No. E4), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 25, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Kentucky, on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and west of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind. The purpose of this correction is to correct the territorial descriptions above.

No. MC 67450 (Sub-No. E89), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 18, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from points in Illinois on, east, and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to Effingham, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 55, thence along Interstate Highway 55 to Chicago, to points in Wisconsin on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to Eau

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Claire, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and points in Wisconsin (except those lying east and north of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 41 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to Grafton, thence east from Grafton to Lake Michigan, excluding points on the aforesaid highways). The purpose of this correction is to correct the territorial descriptions above.

No. MC 67646 (Sub-No. E5) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30, on the one hand, and, on the other, those points within 50 miles of Frederick, Md., in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., and in Washington, D.C., commercial zone (Greenville, Pa.; Hagerstown, Md.; a point within 8 miles of Fairview, Md.; Frederick, Md.; and Rockville, Md.) *; (6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, those points within 50 miles of Fairview, Md., in Adams, Cumberland, and Franklin Counties, Pa., and in Washington (on and east of Interstate Highway 81), and Frederick Counties, Md. (Uniontown, Pa., and Hagerstown, Md., Fairview, Md., and points within 8 miles thereof) *;

(7) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, those points within 50 miles of Frederick, Md., which are in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., in Adams and York Counties, Pa., and in Washington, D.C., commercial zone (Uniontown, Pa., and Hagerstown, Frederick, and Rockville, Md.) *; (8) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and east of Ohio Highway 13, on the one hand, and, on the other, points in Anne Arundel, Calvert, Charles, St. Mary's, and Prince Georges Counties, Md., and in Fairfax and Prince William (on and east of Virginia Highway 123) Counties, Va. (Uniontown, Pa., Hagerstown, Frederick, and Rockville, Md.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the gateways above. The remainder of this letter-notice remains as previously published.

No. MC 67646 (Sub-No. E6), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., and those in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., on the one hand, and, on the other, points in Erie County, Pa., on and north of U.S. Highway 6, and those points in Ashtabula County, Ohio, north of U.S. Highway 6; (5) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Fayette, Green, and Washington Counties, Pa., and points in Marshall and Ohio Counties, W. Va., on the one hand, and, on the other, those points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, on and east of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 79, thence along New York Highway 79 to the New York-Pennsylvania State line, thence along Pennsylvania Highway 92 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70S, thence along Interstate Highway 70S to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 5, thence along Maryland Highway 5 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Greenville, Pa., in (1) above, and Bedford, Pa., Fairview and Hagerstown, Md., in (5) above. The purpose of this partial correction is to correct the territorial descriptions above and to correct the "E" number previously published as E5. The remainder of this letter-notice remains as previously published.

No. MC 72243 (Sub-No. E23), (Correction), filed May 15, 1974. Published in the FEDERAL REGISTER October 14, 1975. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., S.E., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Penn Bldg., 13th and Pennsylvania Ave., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel and iron and steel articles*, which because of size or weight require the use of special equipment, between points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction Kentucky Highway 15 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in the Cincinnati, Ohio Commercial Zone, which are in Kentucky. The purpose of this correction is to reflect the correct commodities. The remainder of the letter-notice is to remain as previously published.

No. MC 83745 (Sub-No. E1), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., P.O. Box 548, Irwin, Pa. 15642. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling and rigging, restricted so that, or provided that, the loading and/or unloading which necessitates the specialized handling and rigging is performed by the consignor or consignee or both, between points in Westmoreland County, Pa., located within 25 miles of Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 92983 (Sub-No. E22), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Chemicals* (except petroleum and petroleum products, synthetic resins and varnish), in bulk, in tank vehicles, from Calvert City, Ky., to points in Minnesota located in and west of St. Louis, Carlton, Pine, Chisago, Washington, Dakota, Rice, Steele, and Freeborn Counties; (B) *Chemicals*, in bulk, in tank vehicles, (1) from Calvert City, Ky., to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming, (2) from Calvert City, Ky., to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah (3) from Calvert City, Ky., to points in Missouri located in and west of Cass, Jackson, Ray, Caldwell, Daviess, and Harrison Counties, (4) from Calvert City, Ky., to points in Kansas (except Chatauqua, Montgomery, Labette, Cherokee, and Crawford Counties), (5) from Calvert City, Ky., to points in Oklahoma located in and west of Grant, Garfield, Kingfisher, Canadian, Caddo, Comanche, and Cotton Counties, (6) from Calvert City, Ky., to points in Nebraska and Colorado, (7) from Calvert City, Ky., to points in Iowa located in and west of Kassuth, Humboldt, Webster, Green, Guthrie, Adair, Union, and Ringgold Counties; (C) *Liquid chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Texas located in, north, and west of Childress, Hall, Floyd, Lubbock, Terry, and Yoakum Counties; (D) *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Washington.

(E) *Unprocessed fats*, in bulk, in tank vehicles, from points in Kentucky to points in Washington, Oregon, and Idaho; (F) *Cottonseed oil, soybean oil* and *blends* thereof, *cottonseed oil products* and *soybean oil products* (except soap products and paints), in bulk, in tank vehicles, (1) from points in Kentucky located in and east of Daviess, McLean, Muhlenberg, and Christian Counties to Evadale and Wilson, Ark., (2) from points in Kentucky located in and east of Clinton, Wayne, Pulaski, Rock, Castle, Jackson, Owsley, Lee, Wolfe, Morgan, Elliott, Lawrence, and Boyd Counties to Carthage, Mo., (3) from points in Kentucky to Jackson, Miss., (4) from points in Kentucky located in and east of Hancock, Breckinridge, Grayson, Edmondson, Warren, and Simpson Counties and to Osceola, Ark., (5) from points in Kentucky to Dallas, Tex.; (G) *Vegetable oils and vegetable oil products* (except soap products and paint), in bulk, in tank vehicles, (1) from points in Kentucky to points in Louisiana located in and west of East Feliciana, East Baton Rouge, Iberville, Iberia, and St. Mary Parishes, (2) from points in Kentucky (except McCreary, Whitley, Knox, Bell, and Harlan Counties), to points in Louisiana, (3) from points in Kentucky to points in Mississipi located in and west of Marshall, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Madison, Hinds, Copiah, Lincoln, and Pike Counties (except Jackson County), (4) from points in Kentucky located in and north of Jefferson, Spencer, Anderson, Woodford, Fayette, Bourbon, Montgomery, Bath, Rowan, Elliott, and Lawrence Counties to points in Alabama located in Mobile and Baldwin Counties and to points in Mississippi located in, south, and west of Marshall, Lafayette, Calhoun, Webster, Oktibbeha, Winston, Neshoba, and Lauderdale Counties (except those points in Mississippi described in (2) above); (H) *Vinegar*, in bulk, in tank vehicles, from points in Kentucky located in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Jessamine, Garrard, Lincoln, Casey, Russell, and Clinton Counties and to points in Arkansas.

(I) *Liquid caustic soda* and *liquid caustic potash*, in bulk, in tank vehicles, (1) from Calvert City, Ky., to points in Iowa located in and north of Clinton, Jones, Delaware, Buchanan, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, and Woodbury Counties, (2) from Calvert City, Ky., to points in Minnesota, (3) from Calvert City, Ky., to points in Wisconsin, and (4) from Calvert City, Ky., to points in Michigan; (J) *Alcoholic spirits* (except beverages), in bulk, in tank vehicles, (1) from points in Kentucky (except Ashland, Catlettsburg, Latonia, and Louisville and within 10 miles thereof) to points in North Dakota, (2) from points in Kentucky (except Ashland, Catlettsburg, Latonia, and Louisville and 10 miles thereof, to points in South Dakota (3) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof to points in Oklahoma, (4) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof to points in North Dakota, (5) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof to points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, La Crosse, Vernon, Crawford, and Grant Counties, (6) from Ashland and Catlettsburg, Ky., and points within 10 miles thereof, to points in Arkansas located in Benton, Washington, Crawford, Sebastian, Scott, Polk, and Sevier Counties, (7) from Latonia, Ky., and points within 10 miles thereof, to points in Arkansas located in and west of Boone, Newton, Pope, Yell, Montgomery, Howard, and Little River Counties, (8) from Louisville, Ky., and points within 10 miles thereof, to points in Arkansas located in Benton, Washington, Crawford, and Sebastian Counties, (9) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof, to points in Michigan located in Keweenaw, Houghton, Ontonagon, and Gogebic Counties, (10) from Ashland, Catlettsburg, and Latonia, Ky., and points within ten miles thereof, to points in Texas (except Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties), (11) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof, to points in South Dakota, (12) from Louisville, Ky., and points within 10 miles thereof to points in Texas (except Bowie, Cass, Marion, Panola, Shelby, Sabine, Newton, Orange, Jefferson, Brazoria, Chambers; Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties); (K) *Acids and chemicals*, in bulk, in tank vehicles, from points in Kentucky located in and north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties, to Dallas, Tex.

(L) *Acids* and *chemicals* (except derivatives of petroleum or petroleum products), in bulk, in tank or hopper vehicles, (1) from points in Kentucky located in and east of Meade, Hardin, Larue, Green, Adair, Russell, and Wayne Counties to points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line, (2) from points in Kentucky located in Breckenridge, Grayson, Hart, Metcalfe, Cumberland, Clinton, Monroe, Allen, Barren, Edmonson, Warren, Butler, Muhlenberg, Ohio, Hancock, Daviess, McLean, Hopkins, Webster, Henderson, Union, and Crittenden Counties to points in Minnesota located in and west of Faribault, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Stearns, Morrison, Crow Wing, Cass, Beltrami, and Lake of the Woods Counties, (3) from points in Kentucky located in and west of Simpson, Logan, Todd, Christian, Caldwell, Lyon, and Livingston Counties to points in Minnesota located on and west and north of a line extending from the Minnesota-Iowa State line along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to the Baptism River to Lake Superior; (M) *Acids* and *chemicals*, in bulk, (1) from points in Kentucky (except Calvert City) to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming, (2) from points in Kentucky (except Calvert City) to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah.

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(N) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Kentucky located in, south, and west of Henderson, McLean, Ohio, Grayson, Hart, Green, Taylor, Casey, Pulaski, Laurel, Clay, Leslie, and Harlan Counties (except Calvert City) to points in Oklahoma located on and west of a line extending from the Oklahoma-Kansas State line along Interstate Highway 35 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line, (2) from points in Kentucky located in and north of Daviess, Hancock, Breckenridge, Hardin, Larue, Marion, Boyle, Lincoln, Rock Castle, Jackson, Owsley, Perry, and Letcher Counties to points in Oklahoma located on and west of U.S. Highway 69, (3) from points in Kentucky located in and west of Bullitt, Nelson, Marion, Casey, Pulaski, McCreary, and Whitley Counties (except Calvert City), to points in Colorado, points in Kansas located on, north, and west of a line extending from the Kansas-Oklahoma State line along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. 54, thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line and points in Missouri located in Cass, Jackson, Clay, Platte, Buchanan, Clinton, DeKalb, Andrew, Holt, Nodaway, and Atchison Counties, (4) from points in Kentucky located in, east, and north of Jefferson, Spencer, Washington, Boyle, Lincoln, Rock Castle, Laurel, Knox, and Bell Counties to points in Colorado, Kansas, and points in Missouri located on and west of a line extending from the Missouri-Oklahoma State line along Interstate Highway 44 to junction U.S. Highway 71, thence along U.S. Highway 71 to the southern boundary of Cass County, thence along the southern and eastern boundaries of Cass County and eastern boundaries of Jackson, Clay, Clinton, DeKalb, Andrew, and Nodoway Counties to the Missouri-Iowa State line, (5) from points in Kentucky located in and north of Breckenridge, Hardin, Nelson, Washington, Mercer, Jessamine, Madison, Estill, Powell, Wolfe, Morgan, and Lawrence Counties to points in Iowa located in Fremont, Page, Montgomery, Mills, Pottawattamie, Harrison, Monona, Woodbury, Plymouth, Sioux, and Lyon Counties, and points in Nebraska, (6) from points in Kentucky located in, south, and west of Hancock, Ohio, Grayson, Larue, Marion, Boyle, Garrard, Rock Castle, Jackson, Lee, Breathitt, Magoffin, Johnson, and Martin Counties to points in Iowa located on and west of a line extending from the Iowa-Missouri State line along U.S. Highway 69 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line and points in Nebraska.

(O) *Acids* and *liquidchemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Kentucky located in, south, and west of Henderson, McLean, Ohio, Grayson, Hart, Green, Adair, Russell, Wayne, McCreary, Whitley, Knox, Bell, and Harlan Counties (except Calvert City), to points in Texas located in, north, and west of Wheeler, Donley, Briscoe, Swisher, Hale, Hockley, Yoakum, and El Paso Counties, (2) from points in Kentucky located in and bounded by Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Spencer, Anderson, Woodford, Fayette, Clark, Montgomery, Menifee, Morgan, Elliott, Lawrence, Martin, Pike, Letcher, Perry, Leslie, Clay, Laurel, Pulaski, Casey, Taylor, and Larue Counties to points in Texas located in and west of Wichita, Archer, Throckmorton, Haskell, Jones, Taylor, Runnels, Tom Green, Schleicher, Sutton, and Val Verde Counties, (3) from points in Kentucky located north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties to points in Texas located in and west of Grayson, Denton, Tarrant, Johnson, Bosque, Coryell, Lampasas, Burnet, Blanco, Kendall, Bexar, Atascosa, Live Oak, Jim Wells, and Nueces Counties; (P) *Liquid chemicals*, in bulk, in tank or hopper vehicles, from points in Kentucky located in and north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties to points in Texas located in and north and west of Childress, Cottle, Dickens, Kent, Scurry, Mitchell, Howard, Glasscock, Reagan, Upton, Pecos, and Terrell Counties; and (Q) *Acids* and *chemicals*, in bulk, from points in Kentucky (except Calvert city), to points in Washington. The purpose of this filing is to eliminate the gateways of: (A) Kansas City, Mo.; (B) (1) Kansas City, Kans.; (B) (2) Kansas City, Mo.; (B) (3) Olathe, Kans. (a point in the Kansas City, Mo.-Kans. commercial zone; (C) Olanthe, Kans. (a point in the Kansas City, Mo.-Kans. commercial zone), and Lawrence, Kans.; (D) Kansas City, Mo.; (E) Champaign, Ill., Dubuque, Iowa, and Kansas; (F) (1) (3)–(5) Memphis, Tenn.; (F) (2) Memphis, Tenn., and Evadale, Ark.; (G) & (H) Memphis, Tenn.; (I) (1) Chicago, Ill., (I) (2) points in Illinois within the Muscatine, Iowa, commercial zone; (I) (3) Utical, Il.; (I) (4) plantsite of Blockson Chemical Co., at or near Joliet, Ill., (J) (1) (4) & (5) Muscatine, Iowa, and points within ten miles thereof; (J) (2) & (11) Windham, Iowa, and points within 15 miles thereof; (J) (3), (6) & (8) Saginaw, Mo., and points within 15 miles thereof; (J) (9) plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa; (J) (10) & (12) Springfield, Mo.; (K), (L) points in the Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (M) (1) Kansas City, Kans. (a point formerly known as Turner, Kans.); (M) (21) points in the Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (N) those points that are in both the Olathe, Kans., and Kansas City, Kansas., commercial zones (a point formerly known as Turner, Kans.); (O) those points that are in both the Olathe, Kans., and Kansas City, Kansas, commercial zones (a point formerly known as Turner, Kans.), and Lawrence, Kans.; (P) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans., and Springfield, Mo.; and (Q) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.).

No. MC 106497 (Sub-No. E3), (correction), filed May 14, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling, (2) *Parts* of commodities described in (1) above which do not require special equipment when moving in the same shipment or the same bill of lading from a single consignor as commodities described in (1) above, and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles, which are transported on trailers), between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming. The purpose of this correction is to correct the destination States above.

No. MC 108207 (Sub-No. E35), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER December 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, 273, 766, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish*, and *prepared salads*, in vehicles

equipped with mechanical refrigeration, and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in Paragraph (1) above, and alcoholic beverages and except canned foods from Paris, Tex.), when moving in mixed loads with one or more of the commodities described in Paragraph (1) above, from points in California to points in Arkansas, Ohio, Oklahoma, Kansas, Missouri, Illinois, Iowa, Michigan, Mississippi, Wisconsin, Indiana, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of points in Texas. The purpose of this correction is to correct the destination states above.

No. MC 108207 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in California, New Mexico, Texas, and Arizona to Louisville, Ky., and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex. The purpose of this correction is to correct the gateway above.

No. MC 108207 (Sub-No. E51) (Correction), filed May 31, 1975, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to correct the gateway above.

No. MC 113459 (Sub-No. E119), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER June 25, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC, P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except in connection with main or trunk pipelines, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, except in connection with main or trunk pipelines, between points in Nebraska, on the one hand, and, on the other, Casper, Wyo., and those points in Wyoming on and east of a line beginning at the Colorado-Wyoming State line, and extending along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction U.S. Highway 14, thence along U.S. Highway 14 through Moorcroft, Sundance, and Benlah, Wyo., to the Wyoming-South Dakota State line. The purpose of this filing is to eliminate the gateways of points in Nebraska west of U.S. Highway 83. The purpose of this correction is to correct the "E" number above, previously published as E113.

No. MC 114019 (Sub-No. E270), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by packinghouses as described in Sections A and C of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment materials and supplies*, used in the conduct of such business, except liquid commodities in bulk, in tank vehicles, from the plant site of Momence Pork Packers Co., at Momence, Ill., to points in Maine, Vermont, New Hampshire, West Virginia, Maryland (except Baltimore), Delaware, points in that part of Pennsylvania on and north of U.S. Highway 22 from the Ohio-Pennsylvania State line to Nanty Glo, Pa., and on and east of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, and points in that part of Ohio south of U.S. Highway 40. Restriction: The authority authorized above is restricted to the transportation only of shipments originating at the Momence Pork Packers Company plant at Momence, Ill. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E286), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Elmira and Mt. Morris, N.Y., and from points in that part of New York on, north and west of a line beginning at Lake Erie, thence along U.S. Highway 20 to Lafayette, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Lake Ontario, to points in Bath, Breathitt, Boyd Garter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Kentucky. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E326), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in that part of Virginia on and east of U.S. Highway 52. Restriction: The operations authorized which are restricted against interlining at Darien, Wis. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E378), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in North Dakota and South Dakota and those in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Darien, Wis.

No. MC 119777 (Sub-No. E91), (Correction, filed April 23, 1974. Published in FEDERAL REGISTER September 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such guard-rail and component parts* as are embraced within building and excavating contractors' and mining materials and equipment, road building equipment and material, and such commodities which require special handling because of their size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum) • • • (18) from points in Indiana on and west of a line beginning at the Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Maine.

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(47) From points in Kentucky bounded on the north by a line beginning at Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., and bounded on the east by a line beginning at Elizabethtown, Ky.; thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, and bounded on the west by a line beginning at the Kentucky-Tennessee State line along U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Henderson, Ky., to points in Illinois west of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (110) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Maine; (120) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Ohio; (123) from points in Tennessee on and west of U.S. Highway 231 to points in Rhode Island.

(124) From Dyersburg, Tennessee; (132) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 10, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa. The purpose of this filing is to eliminate the gateways of that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Evansville, Ind. The purpose of this partial correction is to reflect the correct destinations and typographical errors. The remainder of the letter-notice is to remain as previously published.

No. MC 119777 (Sub-No. E115), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER October 10, 1975. Applicant: LIGON SPECIALIZED HAULER, P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies and parts thereof*, when moving in connection with truck bodies; (7) between Ohio, on the one hand, and, on the other, Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming; (11–12) * * * thence north on U.S. Highway 7 to the junction of Massachusetts Highway 9, thence northeast on Massachusetts Highway 9 to the junction of Massachusetts Highway 8, thence north on Massachusetts Highway 8 to the Massachusetts-Vermont State line; (11–19b) between points in Indiana on, north, and west of a line commencing at the Illinois-Indiana State line on Indiana Highway 64, thence east on Indiana Highway 64 to the junction of Indiana Highway 65, thence northeast on Indiana Highway 65 to the junction of Indiana Highway 56, thence east on Indiana Highway 56 to the junction of Indiana Highway 57, thence northeast on Indiana Highway 57 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of Indiana Highway 45, thence northeast on Indiana Highway 45 to the junction of Indiana Highway 37, thence north on Indiana Highway 37 to the junction of Interstate Highway 465, * * *; (11–24a) between Vincennes, Ind., and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana State line on U.S. Highway 31, thence south on U.S. Highway 31 to the junction of Indiana Highway 22, thence west on Indiana Highway 22 to the junction of Indiana Highway 29, thence south on Indiana Highway 29 to the junction of U.S. Highway 421, thence west on U.S. Highway 421 to the junction of Indiana Highway 39, * * *.

(12–2a) Between points in Iowa on and east of a line commencing at the Minnesota-Iowa State line on Iowa Highway 76, thence south on Iowa Highway 76 to the junction of U.S. Highway 18, thence west on U.S. Highway 18 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the junction of U.S. Highway 20, thence east on U.S. Highway 20 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Arkansas on, south, and east of a line beginning at the Arkansas-Texas State line extending along Interstate Highway 30 to the junction of U.S. Highway 70, * * *; (13–10b) between points in Kentucky on and west of a line commencing at Kosmosdale, Ky., thence south on U.S. Highway 31W to the junction of Kentucky Highway 90, thence south on Kentucky Highway 90 to the junction of U.S. Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the New Hampshire-Massachusetts State line on Massachusetts Highway 38, thence south on Massachusetts Highway 38 to the junction of U.S. Highway 3, thence south on U.S. Highway 3 to the junction of Massachusetts Highway 128, thence south on Massachusetts Highway 128 to the junction of Massachusetts Highway 24, thence south on Massachusetts Highway 24 to the Massachusetts-Rhode Island State line; (13–14) between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 31W, thence northeast on U.S. Highway 31W to the junction of U.S. Highway 231, thence northwest on U.S. Highway 231 to the junction of Kentucky Highway 69, thence north on Kentucky Highway 69 to the junction of U.S. Highway 60, thence west on U.S. Highway 60 to the terminus at Hawesville, Ky., on the one hand, and, on the other, points in New Jersey; (13–21a) between points in Kentucky on and east of a line commencing at the Indiana-Kentucky State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of Kentucky Highway 80, thence east on Kentucky Highway 80 to the junction of U.S. Highway 431, thence south on U.S. Highway 431 to the Kentucky-Tennessee State line, on the one hand, and, on the other, El Paso, Tex., and points in Texas on and west of a line commencing at the Texas-New Mexico State line on U.S. Highway 87, thence south on U.S. Highway 87 to the junction of U.S. Highway 60, thence southwest on U.S. Highway 60 to the junction of Texas Highway 214, thence south on Texas Highway 214 to the junction of Texas Highway 125, thence west on Texas Highway 125 to the Texas-New Mexico State line.

(14–3b) Between points in Upper Peninsula of Michigan on and west of a line commencing at Marquette, Mich., thence south on U.S. Highway 41 to the terminus of Escanaba, Mich., on the one hand, and, on the other, points in Connecticut on and southeast of a line beginning at New Haven extending along Interstate Highway 95 to junction of Connecticut Highway 12, thence north on Connecticut Highway 12 to the Connecticut-Massachusetts State line; (15–9b) between points in Minnesota on and east of a line beginning at Duluth, Minn., thence along U.S. Highway 53 to its terminus at International Falls, Minn., on the on hand, and, on the other, points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction Interstate Highway 10 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 287, thence along Texas Highway 287 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 259, thence along U.S. Highway

259 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line; (16–1) between points in Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 45, thence along Alabama Highway 45 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Florida-Alabama State line; (16–11a) between St. Louis, Mo., on the one hand, and, on the other, points in New Mexico on, west, and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line.

(17–3a) Between Youngstown, Ohio, and points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 739, thence along Ohio Highway 739 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Florida on and west of a line beginning at the Florida-Alabama State line extending along U.S. Highway 231 to its terminus at Panama City, Fla.; (17–4a) between points in Ohio on and west of a line beginning at Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 47, thence along Ohio Highway 47 to a terminus of Union City, Ohio, on the Indiana-Ohio State line, and points in Ohio on, west, and north of a line beginning at Lake Erie at junction Ohio Highway 531 and Ohio Highway 11, thence along Ohio Highway 11 to junction U.S. Highway 20 (at Ashtabula, Ohio), thence along U.S. Highway 20 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Georgia on and southwest of a line beginning at the Florida-Georgia State line extending along U.S. Highway 27 to Bainbridge, Ga., thence along Georgia Highway 253 to its terminus; (17–4b) between Toledo, Ohio, on the one hand, and, on the other, points in Georgia on and south of a line beginning at Columbus, Ga., thence along U.S. Highway 280 to junction U.S. Highway 341, thence along U.S. Highway 341 to the terminus of Brunswick, Ga.

(17–8) Between points in Ohio on, south, and east of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 24 to the Ohio-Michigan State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 281 (at Aberdeen, S. Dak.), thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; (18–10a) between points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in Massachusetts; (18–11a) between points in Tennessee, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line; (18–21) between El Paso and Amarillo, Tex., on the one hand, and, on the other, points in Tennessee on and northeast of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction Tennessee Highway 76, thence along Tennessee Highway 76 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 151, thence along Tennessee Highway 151 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Tennessee Highway 85, thence along Tennessee Highway 85 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction U.S. Highway 70N, thence along U.S. Highway 70N to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line.

(19–5c) Between points in West Virginia on and north of a line beginning at Henderson, W. Va., thence along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to the West Virginia-Virginia State line, on the one hand, and, on the other, Natchez, Miss.; and (20–1) between points in Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 45 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of Paris, Ill. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E240), (Correction), filed January 29, 1975, published in the FEDERAL REGISTER September 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Treated lumber;* (1) from points in Bradley, Ashley, Drew, Pulaski, Cleveland, Dallas, Ouachita, Calhoun, and Union Counties, Ark., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; (3) from points in Dallas, Cleveland, Union, Calhoun, and Ouachita Counties, Ark., to

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Helena, Ark., and points in Mississippi County, Ark., on and east of a line beginning at Osceola extending along U.S. Highway 61 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Mississippi. The purpose of this partial correction is to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 119908 (Sub-No. E10), filed June 4, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, Suite 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and Dressed Lumber*, from points in Arkansas bordered by a line beginning at El Dorado, Ark., and extending along U.S. Highway 167 to Little Rock, Arkansas, thence along U.S. Highway 70 to Memphis, Arkansas, thence along U.S. Highway 70 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Arkansas, and thence along Arkansas Highway 15 to El Dorado, Arkansas, to points in Louisiana south and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 80 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Arcadia, La.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32748 Filed 12-3-75;8:45 am]

[Notice 132]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 4, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested preson may file a petition seeking reconsideration of the following numbered proceedings on or before December 24, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75981. By order of November 26, 1975 the Motor Carrier Board approved the transfer to L. G. J. Trucking, Inc., Port Gibson, N.Y., of the operating rights in Certificates Nos. MC 119539 and MC 119539 (Sub-No. 17) issued April 7, 1960, and September 9, 1974, respectively, to Beverage Transport, Inc., Port Gibson, N.Y., authorizing the transportation of malt beverages, from Newark, N.J., to Auburn, Buffalo, Geneva, Hornell, Olean, Rochester, and Waterloo, N.Y.; malt beverages, in containers, from Newark, N.J., to Botavia, Canandalgua, Lakeville, Niagara Falls, and West Falls, N.Y.; and foodstuffs, except frozen foods and commodities in bulk, in tank vehicles, from Egypt, Rushville, Red Creek, and Waterloo, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., restricted against transportation from Egypt, Rushville, and Red Creek, to Newark and Harrison, N.J., and from Waterloo, N.Y., to New York, N.Y., and to points in Westchester, Nassau, and Suffolk Counties, N.Y. Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

No. MC-FC-75990. By order of November 26, 1975 the Motor Carrier Board approved the transfer to Lyn Transport, Inc., South Kearny, N.J., of the operating rights in Certificates No. MC 119539 (Sub-Nos. 5, 10, and 16), issued January 15, 1968, February 18, 1971, and November 6, 1972, respectively, to Beverage Transport, Inc., Port Gibson, N.Y., authorizing the transportation of foodstuffs, except frozen foods and commodities in bulk, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Genesee, Erie, Livingston, Monroe, Orleans, Wayne, Ontario, Niagara, and Yates Counties, N.Y.; and between points in Genesee, Erie, Livingston, Monroe, Orleans, Wayne, Ontario, Niagara, and Yates Counties, N.Y., on the one hand, and, on the other, Newark and Harrison, N.J., and points within 3 miles of Harrison; and Canned goods, from points in Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Vermont, Massachusetts, New Hampshire, and Rhode Island. A David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-76187. By order entered November 26, 1975 the Motor Carrier Board approved the transfer to Pacific States Transport, Inc., Seattle, Wash., of the operating rights set forth in Certificates Nos. MC 125433 (Sub-No. 15), MC 125433 (Sub-No. 45), MC 125433 (Sub-No. 48), MC 125433 (Sub-No. 49) and MC 125433 (Sub-No. 51G), issued December 30, 1970, February 11, 1975, October 17, 1974, October 4, 1974, and July 11, 1975, respectively, and certain portions of the operating rights set forth in Certificates Nos. MC 125433 (Sub-No. 24), MC 125433 (Sub-No. 39), MC 125433 (Sub-No. 48), MC 125433 (Sub-No. 49) and MC 125433 (Sub-No. 43), issued January 10, 1972, April 20, 1973, January 8, 1975, February 22, 1974, and June 3, 1974, respectively, to F-B Truck Line Company, a corporation, Salt Lake City, Utah, authorizing the transportation of various specified commodities, from, to, and between points in California, Oregon, and Washington. F. Robert Reeder, 79 South State St., P.O. Box 11898, Salt Lake City, Utah 84147, attorney for applicants.

No. MC-FC-76203. By order of November 26, 1975 the Motor Carrier Board approved the transfer to Iredell Milk Transportation, Inc., Mooresville, N.C., of the operating rights in Permits No. MC 133700 (Sub-No. 3) and MC 133700 (Sub-No. 5) issued December 3, 1970 and February 18, 1972 respectively to Duckett Transfer Company, Inc., Asheville, N.C., authorizing the transportation of orange juice, in bulk, in tank vehicles, from Lake Wales, Dunedin, and Brooksville, Fla. to Asheville, N.C. George W. Clapp, P.O. Box 836, Taylors, S.C., 29687, representative for applicants.

[SEAL] ROBERT W. OSWALD, *Secretary.*

[FR Doc.75-32746 Filed 12-3-75;8:45 am]

[Notice 96]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 28, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1968, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 263 (Sub-No. 221), filed November 6, 1975. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except in bulk), from the plantsite and storage facilities of Pepperidge Farm, Inc., at or near Clearfield, Ogden, and Richmond, Utah, to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Washington, D.C.

No. MC 5470 (Sub-No. 104), filed November 5, 1975. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys and silicon metals*, in dump vehicles, from Mount Meigs, Ala., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin and (2) *materials and supplies* used in the manufacture of alloys and silicon metals, in dump vehicles, from points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Mount Meigs, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 29886 (Sub-No. 328), filed November 5, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry, and St. Clair Counties, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 30446 (Sub-No. 9), filed Nov. 7, 1975. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, Charlotte, N.C. 28225. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*, from Bakers, and Charlotte, N.C., to points in Georgia; and (2) *cast iron pipe and fittings*, from Charlotte, N.C., to points in Georgia, locates south and west of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Athens, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 30844 (Sub-No. 559), filed October 24, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 43246 (Sub-No. 23), filed November 5, 1975. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from Neosho, Mo., to Litchfield, Ill., under a continuing contract or contracts with Milnot Company.

NOTE.—Applicant holds common carrier authority in MC 15975 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 49387 (Sub-No. 45), filed November 7, 1975. Applicant: ORSCHELN BROS. TRUCK LINES, INC., P.O. Box 658, Highway 24 East, Moberly, Mo. 65270. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods), between Wainwright, Tebbetts, Mokane, Steedman, Portland, Rhineland, Readsville, and Reform, Mo., and the facilities of Union Electric Company at or near Reform, Mo., on the one hand, and, on the other, applicants presently authorized regular route operations: (1) From Jefferson City, Mo., over Missouri State Highway 94 to its junction with Missouri State Highway 19; thence over Missouri State Highway 19 to its junction with Interstate Highway 70; (2) from the junction of Interstate Highway 70 and Callaway County, Mo., Route D, thence over Route D to its junction with Missouri State Highway 94; (3) from Reform, Mo., over Callaway County Route CC to its junction with Missouri State Highway 94; (4) from Mokane, Mo., over Callaway County Route C to

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its junction with U.S. Highway 54; (5) from Reform, Mo., over Callaway County Route CC to its junction with Callaway County Route O, thence over Route O to its junction with Callaway County K, thence over Callaway and Montgomery County Route K to its junction with Missouri State Highway 19; and (6) from the junction of Routes CC and O, thence over Route O to its junction with U.S. Highway 54 at Fulton, Mo., and return over the same routes with authority to operate over said routes and all presently authorized routes in providing service between said points and the regular route points applicant is presently authorized to serve.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 56641 (Sub-No. 5), filed October 31, 1975. Applicant: TORREY DELIVERY, INC., P.O. Box 508, Dunkirk, N.Y. 14048. Applicants' representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTE, *General commodities* (except commodities in bulk), Between Silver Creek, N.Y. and Buffalo, N.Y.: (1) From Silver Creek, N.Y., over New York Highway 5 to Buffalo, N.Y.; and (2) From Silver Creek, N.Y. over U.S. Highway 20 to the junction of New York Highway 75, thence over New York Highway 75 to the hamlet of Athol Springs (Erie County), N.Y., thence over New York Highway 5 to Buffalo, N.Y. and return over the same route, serving Lackawanna, Tonawanda, Farnham, Angola, Blasdell, Hamburg, Lancaster, Kenmore, Brant, Jerusalem Corners, Woodlawn, Derby, North Evans, Forestville, Sheridan, Smith Mills, and Iroquois, N.Y. as intermediate and off-route points; and (B) IRREGULAR ROUTE, (1) Between Buffalo, N.Y., on the one hand, and, on the other, Jamestown, N.Y., the hamlet of Chautauqua and Fredonia and Westfield, N.Y.; and (2) Between points in Erie and Cattaraugus Counties, N.Y.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration in MC 56641 (Sub-No. 3) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 58549 (Sub-No. 21), filed November 5, 1975. Applicant: CLINE MUNDY, doing business as, GENERAL MOTOR LINES, 1534 Granby Street NE., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Jerry D. Beard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES, *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over U.S. Highway 220 to Monterey, Va. and return over the same route, serving all intermediate points; (2) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over Virginia Highway 39 to junction of Secondary Route 600 at or near Mountain Grove, Va., thence over Secondary Route 600 to junction Virginia Highway 84, thence over Virginia Highway 84 to junction U.S. Highway 220 at or near Vanderpool, Va., thence over U.S. Highway 220 to Monterey, Va. and return over the same routes, serving all intermediate points; (3) Between the junction of Virginia Highways 8 and 57 and Bassett, Va.: From junction of Virginia Highways 8 and 57 over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points; (4) Between the junction of Virginia Highways 8 and 40 and Bassett, Va.: From junction of Virginia Highways 8 and 40 over Virginia Highway 40 to junction Secondary Route 704, thence over Secondary Route 704 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points; (5) Between junction of Virginia Highway 8 and Secondary Highway 618 and Bassett, Va.: From junction of Virginia Highway 8 and Secondary Highway 618 over Secondary Highway 618 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same route, serving no intermediate points.

The authority specified in paragraphs (3), (4), and (5) is for convenience only in connection with applicant's existing authority in Sub-No. 11 at Bassett, Va. and Sub No. 20 at points on Virginia Highway 8; (B) IRREGULAR ROUTES, (1) Between Roanoke, Va., on the one hand, and, on the other, points in Botetourt County, Va.; and (2) Between Roanoke, Va., on the one hand, and, on the other, points in Rockbridge County, Va. on and west of a line extending from the Amherst-Rockbridge County line along U.S. Highway 60 to its intersection with Virginia Highway 39 at or near Lexington, Va., thence along Virginia Highway 39 to its intersection with Secondary Route 780, thence along Secondary Route 780 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Rockbridge-Allegany County line, restricted in (2) above against service at Goshen, Va.

NOTE.—Applicant states proposed authority sought herein will be tacked at Roanoke, Va. with irregular route authority in Sub No. 11 to provide a through service between points in Botetourt County, Va. and the designated area of Rockbridge County, Va., on the one hand, and, on the other, points in Allegany and Bath Counties, Va. If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C.

No. MC 59680 (Sub-No. 216), filed October 30, 1975. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Effingham, Ill., and South Bend, Ind., in connection mith carrier's presently authorized regular route operations, serving no intermediate points: From Effingham over Interstate Highway 57 to junction of U.S. Highway 30, thence over U.S. Highway 30 to junction of Illinois Highway 394, thence over Illinois Highway 394 to the junction of Interstate Highway 94, thence over Interstate Highway 94 to the junction of U.S. Highways 20 and 35, thence over U.S. Highway 20 to the junction of Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route; (2) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and junction of U.S. Highway 23 and Interstate Highway 94 in connection with carrier's otherwise authorized operations, serving no intermediate points: From Richfield over Interstate Highway 271 to the junction of Interstate Highway 71, thence over Interstate 71 to the junction of Ohio Highway 18, thence over Ohio Highway 18 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to the junction of U.S. Highway 23, thence over U.S. Highway 23 to the junction of Interstate Highway 94, and return over the same route.

(3) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and the junction of Interstate Highway 75 and Interstate Highway 94, in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Richfield, Ohio over Interstate Highway 271 to the junction of Interstate Highway 71, thence over Interstate Highway 71 to the junction of Ohio Highway 18, thence over Ohio Highway 18 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to the junction of Interstate Highway 75, thence over Interstate Highway 75 to the junction of Interstate Highway 94, and return over the same route; (4) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and junction of U.S. Highway 127 and Interstate Highway 94 in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Richfield, Ohio over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20 to the junction of U.S. Highway 23, thence over U.S. Highway 23 to junction of U.S. Highway 223, thence over U.S. Highway 223 to junction of U.S. Highway 127, thence over U.S. Highway 127 to junction of Interstate Highway 94, and return over the same route. The operations authorized in 2, 3 and 4 above are restricted against the transportation of traffic having origin or destination at points in Ohio; and (5) Between Detroit, Mich. and junction of U.S. Interstate Highway 95 and U.S. Highway 1 at Newark, N.J. in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Newark, N.J. over U.S. Interstate Highway 95 (New Jersey Turnpike) to junction U.S. Interstate Highway 80, thence over U.S. Interstate Highway 80 to junction U.S. Interstate Highway 280, thence over U.S. Interstate Highway 280 to junction U.S. Interstate Highway 75, thence over U.S. Interstate Highway 75 to Detroit, Mich., and return, serving no intermediate points and serving terminal as junction points only, parts (1) through (5) are alternate routes for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Washington, D.C.

No. MC 64808 (Sub-No. 21), filed November 6, 1975. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Sand, from Berkeley Springs, W. Va.; Gore, Va.; and Mapelton, Huntingdon County, Pa., to points in Harrison, Lewis, Monongalia, Marion, Taylor, and Wood Counties, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 72243 (Sub-No. 52), filed November 7, 1975. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd. SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Einar Viren, 200 First West Side Bank Bldg., 222 S. 72 Street, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in the United States in and east of Minnesota, South Dakota, Wyoming, Colorado, and New Mexico; and (2) *materials equipment and supplies* (except in bulk), used in the manufacture and distribution of iron and steel articles, from points named in (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 78228 (Sub-No. 53), filed November 6, 1975. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead, antimonial lead and processed scrap batteries*, from the plant site of Tonolli Corporation, located at or near Nesquehoning, Carbon County, Pa., to points in Connecticut, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia; and (2) *scrap lead, recycled lead, scrap batteries, scrap parts thereof and other materials* used in the manufacture of lead, antimonial lead and processed scrap batteries, from points in the above named destination states to the plant site of Tonolli Corporation located at or near Nesquehoning, Carbon County, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Pittsburgh, Pa.

No. MC 106398 (Sub-No. 734), filed October 23, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sales and distribution of metal buildings and metal building parts and sections, from points in Kansas, Kentucky, Missouri, and Ohio, to Longview, Tex.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 218), filed November 7, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, iron and steel tanks, aluminum tanks and parts attached*, accessories for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Arkansas, Oklahoma, New Mexico, Kansas, Missouri, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 789), filed Nov. 6, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed car bodies*, from Denver, Colo., to points in the United States (except Alaska and Hawaii); and (2) *iron and steel articles*, from Cleveland and Toledo, Ohio; and Chicago, Ill., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108341 (Sub-No. 38), filed November 7, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and equipment and drying machinery and equipment, and parts, accessories and equipment* used in connection therewith, and *materials, supplies and equipment* used in the manufacture thereof, between points in Smyth County, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 741), filed September 2, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups*, and *blends* thereof, in bulk, in tank or hopper-type vehicles, from Kansas City, Kans.—Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110817 (Sub-No. 20), filed November 3, 1975. Applicant: E. L. FARMER & COMPANY, a Corporation, P.O. Box 3512, Odessa, Tex. 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plantsites and warehouse facilities of National Pipe & Tube Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 112617 (Sub-No. 336), filed Nov. 3, 1975. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Mt. Pleasant, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

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No. MC 113678 (Sub-No. 599), filed Nov. 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commecre City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from the Port of New York, located at or near New York, N.Y.; the Port of Newark, located at or near Newark, N.J.; the Port of Elizabeth, located at or near Elizabeth, N.J.; and Hazelton, Pa., to points in Georgia, Florida, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Washington, D.C.; or Denver, Colo.

No. MC 113678 (Sub-No. 600), filed Nov. 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Frozen and refrigerated sandwiches and food products*, from Phoenix, Ariz., to points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Denver, Colo.

No. MC 113678 (Sub-No. 601), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cigars*, from Tampa, Fla., and Philadelphia, Pa., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 602), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages (except commodities in bulk), from the plantsite and warehouse facilities of Witco Chemical Corp., at Bradford, Pa., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Witco Chemical Corp. at Bradford, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Chicago, Ill. or Denver, Colo.

No. MC 113678 (Sub-No. 604), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chairs and office supplies*, from Sturgis, Mich., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Louisiana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 610), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Palatka, Fla., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla., or Denver, Colo.

No. MC 113843 (Sub-No. 224), filed November 5, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Winchester, Va., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 332), filed November 6, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood paneling, and wood products*, from Cucamonga, Calif., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 113908 (Sub-No. 357), filed November 6, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral spirits, distilled spirits and alcohol*, in bulk, between Chicago, Ill., on the one hand, and, on the other, Westfield, N.Y. and their respective Commercial Zones, (2) *fruit juice and fruit juice concentrate*, in bulk, from North East, Pa., to Atlanta, Ga., and (3) *rum, distilled spirits, wine and wine products*, in bulk, from Atlanta and Roberta, Ga., to Dayton, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 114028 (Sub-No. 20), filed November 7, 1975. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, inedible skins and pieces thereof, and commodities in bulk, in tank vehicles), from Denison, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Minnesota, Wisconsin, Illinois, Missouri, Indiana, Michigan, Ohio, North Carolina, Kentucky, Kansas, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 114055 (Sub-No. 6), filed October 24, 1975. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Walworth, Wis. 43184. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from the plant site of the G. Heileman Brewing Co., Inc., located at Newport, Ky., to Elgin, Fox River Grove, and Waukegan, Ill.; (2) from the plant site of the G. Heileman Brewing Co., of Indiana, Inc., Evansville, Ind., to Elgin, Fox River Grove, and Waukegan, Ill.; and (3) from the plant site of the G. Heileman Brewing Co., Inc., located at La Crosse, Wis., to Waukegan, Ill., under a continuing contract or contracts, with L & V Distributing, Inc.; Elgin Beverage Co.; Andro Pucin Distributing Co., and G. Heileman Brewing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., Minneapolis, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 248), filed November 7, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, Colorado, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115967 (Sub-No. 10), filed November 5, 1975. Applicant: WILLIE T. HIRES, INC., P.O. Box 138, Cayuga, Ind. 47928. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy by-products* (except processed cheese), and *fruit drinks and juices*, from the plantsite of Borden, Inc., located at or near Milwaukee, Wis., to Plainfield and South Holland, Ill., under a continuing contract or contracts with Borden, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 271), filed November 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts*, from Arcadia, Fla., to points in Louisiana, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Dallas, Tex.

No. MC 119789 (Sub-No. 272), filed November 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combines, and parts*, from Sandersville, Ga., to points in Idaho, Iowa, Missouri, Montana, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Macon or Atlanta, Ga.

No. MC 124078 (Sub-No. 668), filed November 6, 1975. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wisc. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kerosene*, in bulk, in tank vehicles, from Nashville, Tenn., to Newburgh, Ind.; (2) *pulverized coal*, in bulk, in tank vehicles, from Greenup, Ky., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia; and (3) *inedible animal oils and fats*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio, to Fayetteville and Greensboro, N.C.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 272), filed November 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials and supplies, and accessories* (except in bulk), between points in Maricopa County, Ariz., on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124383 (Sub-No. 20), filed October 22, 1975. Applicant: STAR LINE TRUCKING CORPORATION, a Corporation, 161 West Wisconsin Avenue, Milwaukee, Wis. 53203. Applicant's representative: S. P. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (A) from Duluth, Minn., to points in Wisconsin; and (B) between points in Minnesota and Iowa, restricted in (B) above against movements originating at Dubuque, Iowa to points in Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 126899 (Sub-No. 88), filed November 7, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Evansville, Ind., to points in Illinois, Missouri, the lower peninsula of Michigan, Ohio, Kentucky (except Hopkinsville and points within its commercial zone), Pennsylvania, West Virginia, New York, New Jersey, Maryland, North Carolina, Virginia, District of Columbia, Tennessee, Mississippi, Alabama, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. or Louisville, Ky.

No. MC 127731 (Sub-No. 2) (Correction), filed October 28, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished as corrected this issue. Applicant: POST BROTHERS, INC., 105 Middle Street, Scranton, Pa. 18501. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Carbon, Columbia, Lackawanna, Luzerne, Pike, Monroe, Schuylkill, Susquehanna, Wayne, and Wyoming, Pa., and points in Warren County, N.J., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128007 (Sub-No. 83), filed Oct. 31, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry soybean products*, in bulk and in bags, from points in Lyon County, Kans., to points in Arizona, Arkansas, Colorado, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (2) *feed ingredients*, from points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Cochran, Hockley, Lubbock, Crosby, Dickens, and King Counties, Tex., thence on and along the eastern boundaries of King, Cottle, and Childress Counties, Tex., to the Oklahoma and Texas State line, to points in Coconino County, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128246 (Sub-No. 12), filed Nov. 6, 1975. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 500 The Swenson Bldg., 777 No. 1st Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible meat fat trimmings*, in vehicles equipped with mechanical refrigeration, from points in Maricopa, Mojave, Yavapai, and Yuma Counties, Ariz., to points in Imperia, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., under contract with Safeway Stores, Incorporated, at Oakland, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 128940 (Sub-No. 25), filed November 5, 1975. Applicant: RICHARD A. CRAWFORD, doing business as R. A.

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CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings and adhesives* used in the application thereof, and *materials, equipment and supplies* used in the manufacture, sale and distribution thereof, between Odenton, Md., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Wisconsin, and Ohio, under a continuing contract with Exxon Chemical Company U.S.A.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129645 (Sub-No. 57), filed November 6, 1975. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring systems, hardwood flooring, built-up lumber, and accessories and supplies* used in the installation thereof, from the plant site and warehouse facilities of A. G. A., Inc., located at or near Amasa, Mich., to points in the United States (except Alaska, Hawaii, and Michigan); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities above (except commodities in bulk and rough or finished lumber), from the destination states in (1) above, to the plant site and warehouse facilities of A. G. A., Inc., located at or near Amasa, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., Minneapolis, Minn., or Chicago, Ill.

No. MC 129809 (Sub-No. 10), filed September 29, 1975. Applicant: A & H INC., 324 Old Highway 11, P.O. Box 346, Footville, Wis. 53537. Applicant's representative: William L. Slover, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including commodities in bulk in equipment with mechanical temperature controls, from the facilities utilized by Universal Foods Corporation and its affiliates located in Englewood, Belleville, Carlstadt, Fort Lee, and Harrison, N.J.; New York, N.Y., and Scranton, Pa., to points in Wisconsin, Illinois, and Michigan, under a continuing contract or contracts with Universal Foods Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Washington, D.C.

No. MC 133097 (Sub-No. 13), filed Nov. 7, 1975. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, Calif. 90630. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and food-treating compounds, chemicals, additives, and advertising paraphernalia*, in vehicles equipped with mechanical refrigeration; and (2) *commodities*, the transportation of which is partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities named in (1) above, from Baltimore, Md., to points in Washington, under contract with McCormick & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133194 (Sub-No. 3), filed October 28, 1975. Applicant: WOODLINE, INC., P.O. Box 1047, Russellville, Ark. 72801. Applicant's representative: R. Connor Wiggins, Jr., Suite 909–100 N. Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), Between Ft. Smith, Ark., and its commercial zone, and Ozark, Ark.: From Ft. Smith over U.S. Highway 64 to Ozark and return over the same route serving all intermediate points, the off-route points of Hector, Dardanelle, Dover, and Petit Jena Mountain, Ark., and the commercial zones of all intermediate and off-route points. Authority is specifically sought for joinder with present authority at Ozark, Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark. and Ft. Smith, Ark.

No. MC 133494 (Sub-No. 8), filed November 5, 1975. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, 1003 West 6th Street, Austin, Tex. 78703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried bakery products*, not for human consumption, from Dallas, Tex., to points in Arkansas, New Mexico, Oklahoma, Missouri, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Austin, or Houston, Tex.

No. MC 133562 (Sub-No. 15), filed November 3, 1975. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Basil Roberts, Jr., 12 Alexander Rd., Estherville, Iowa 51334. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged commercial fertilizer* (except commodities in bulk), from Estherville, Iowa, to points in Iowa, Minnesota, South Dakota, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 135530 (Sub-No. 5), filed October 29, 1975. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and electronic supplies, equipment, fittings and accessories* (except commodities in bulk, in tank vehicles), between the plantsites of Lake Center Industries, at High Forest (near Rochester) and Lewiston, Minn.; and Chippewa Falls, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, under contract with North American Philips Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, or Winona, Minn.

No. MC 135684 (Sub-No. 18), filed November 5, 1975. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Bldg., West, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hard surface floor coverings, and materials and supplies* used in the installation thereof, when moving in the same vehicle with hard surface floor coverings, from facilities utilized by American Biltrite, Inc. located in Hamilton Township, Mercer County, N.J., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Wisconsin, Wyoming, Kentucky, Louisiana, Mississippi, Tennessee, West Virginia, North Dakota, South Dakota, and Texas; (2) *returned shipments* of hard surface floor coverings and materials and supplies used in the installation thereof, from points in the destination states named in (1) above to the facilities utilized by American Biltrite, Inc. located in Hamilton Township, Mercer County, N.J.; (3) *floor coverings* and *incidental materials and supplies* used in the installation thereof when moving in the same vehicle with floor coverings, from points in Hamilton Township, N.J., to points in Hudons, Union, and Essex Counties, N.J., restricted to the transportation of traffic having a subsequent movement by water; (4) *floor coverings, rubber products, plastic and plastic products* (except commodities in bulk), from points in Orange and Los Angeles Counties, Calif., to points in Washington, Oregon, and California.

(5) *Returned shipments* of the commodities described in (4) above, from points in Washington, Oregon, and California, to points in Orange and Los Angeles Counties, Calif.; (6) *tile, carpeting, rugs, and artificial turf*, (a) from the facilities utilized by American Biltrite, Inc., located in Hamilton Township, Mercer County, N.J., to points in Illinois, Indiana, Michigan, Ohio, Maine, New Hampshire, Vermont, Pennsylvania, New York, Maryland, Connecticut, Delaware, Rhode Island, Massachusetts, and Washington, D.C.; and (b) from the facilities utilized by American Biltrite, Inc., located at or near La Mirada, Calif., to points in Texas, Idaho, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Washington, Oregon, Arizona, California, Utah, Nevada, Montana, Wyoming, Colorado, and New Mexico; (7) *returned shipments* of the commodities described in (6) above, (a) from points in the destination states named in (6)(a) above to the plantsite of the American Biltrite, Inc. in Hamilton Township, Mercer County, N.J.; and (b) from points in the destination states named in (6)(b) above to the plantsite and storage facilities of American Biltrite, Inc. at La Mirada, Calif.; (8) *floor tile*, from Philadelphia, Pa. and points in Hudson, Union, and Essex Counties, N.J., to points in Hamilton Township, N.J.; (9) *synthetic rubber*, in containers, from the plantsites of American Synthetic Rubber Co., and E. I. Dupont De Nemours & Co., located at or near Louisville, Ky., to Cambridge, Chelsea, and Stoughton, Mass.; (10) *rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, from Moonachie, N.J., to New York, N.Y. and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; (11) *returned shipments* of the above-described commodities in (10), from points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y. and New York, N.Y., to Moonachie, N.J.; (12) *plastic and rubber tape*, from Garfield, N.J., to New York, N.Y., and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; (13) *returned shipments* of the above-described commodities in (12), from New York, N.Y. and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y., to Garfield, N.J.; (14) *rubber heels, taps, and soling*, from Ripley, Miss., to Middletown, Pa. and Chelsea, Mass.

(15) *Rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, from Cambridge and Chelsea, Mass., to Atlanta, Ga. and Ripley, Miss.; (16) *materials and supplies* used in the manufacture of rubber heels, soles, taps, and soling, other than in bulk, from Chelsea, Stoughton and Cambridge, Mass., to Ripley, Miss.; (17) *heels, taps, soles, soling, and garden and water hose*, from Ripley, Miss., to points in Los Angeles and Orange Counties, Calif.; (18) *reclaimed rubber and chemicals*, used in the manufacture of the commodities named in (17) above (except in bulk), from Etowah, Tenn. and Lawrenceville, Ill., to Ripley, Miss.; (19) *linoleum*, in rolls, from Lisbon, Maine, to points in Hamilton Township (Mercer County), N.J.; (20) *asbestos felt fibre and asbestos folding paper*, in containers, from Norristown, Pa., to Lisbon, Maine; (21) *plastic granules*, in containers, from Pottstown, Pa., to Lisbon, Maine; (22) *limestone*, in bags, from Texas, Md., to Trenton, N.J.; (23) *limestone*, in bags, and in tank or hopper-type vehicles, from Texas, Md., to Burlington and Flemington, N.J.; (24) *titanium*, in bags, from Philadelphia, Pa., to points in Hamilton Township, N.J.; and (25) *resin*, in bags, from Philadelphia, Pa., to points in Hamilton Township, N.J.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 135988 (Sub-No. 1), filed November 6, 1975. Applicant: BOB'S TOWING SERVICE, INC., 926 East 92nd Street, Brooklyn, N.Y. 11236. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, repossessed and abandoned motor vehicles and replacement vehicles therefor*, by use of wrecker equipment, between points in New York and New Jersey, on the one hand, and, on the other, points in Ohio, Kentucky, Tennessee, and Alabama, and points in the United States east thereof, extending between Maine and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136211 (Sub-No. 35), filed November 3, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between the facilities of Alperts, Inc., located at or near Seekonk, Mass., on the one hand, and, on the other, points in Rhode Island, and that part of Connecticut and Massachusetts on and east of Interstate Highway 91; and (2) between the facilities of Alperts Warehouse Showroom of Buffalo, Inc., located at or near Buffalo, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania state line and U.S. Highway 219, thence along U.S. Highway 219 to Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania-Ohio state line; and points in that part of Ohio on, north, and east of a line beginning at Ohio Highway 83 and Lake Erie, thence along Ohio Highway 83 to Interstate Highway 71, thence along Interstate Highway 71 to Interstate Highway 76, thence along Interstate Highway 76 to Ohio-Pennsylvania state line, under a continuing contract or contracts, with Alperts Inc., and Alperts Warehouse Showroom of Buffalo, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I., Boston, Mass., or Washington, D.C.

No. MC 136786 (Sub-No. 87), filed November 5, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue NW., New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden, Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals and printed matter*, from Kokomo, Ind., to points in Florida, Idaho, Montana, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136992 (Sub-No. 3), filed October 10, 1975. Applicant: T-W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging meat*, from Spokane, Wash., to points in California, under a continuing contract or contracts with Hydrade Food Products Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Spokane or Seattle, Wash.

No. MC 138875 (Sub-No. 29), filed October 29, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, composition board and treated or untreated poles, pilings and cross ties*, from points in Montana, to points in Idaho South of the southern boundary of Idaho County.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise or Meridian, Idaho.

No. MC 139420 (Sub-No. 10), filed November 3, 1975. Applicant: ART GREENBERG, dcing business as, GLACIER TRANSPORT, Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hoyland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *non-alcoholic beverages*, from Fargo, N. Dak., to Thief River Falls, Minn.; and (2) *non-alcoholic beverage containers*, from Thief River Falls, Minn., to Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 140120 (Sub-No. 1), filed Oct. 17, 1975. Applicant: CORNELIUS J. MADIGAN, doing business, as MADIGAN TRUCK COMPANY, 813 South Mag-

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nolia Street, Anaheim, Calif. 92804. Applicant's representative: John F. Kunath, Jr., 23861 El Toro Road, Suite 405, El Toro, Calif. 92630. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery*, which because of size and weight requires special equipment for handling, (1) *punch presses;* (2) *hydraulic presses;* (3) *plastic machinery;* (4) *printing machinery;* (5) *lathes;* (6) *mills;* (7) *grinders;* (8) *cold headers;* (9) *jig bores;* (10) *hydrotels;* and (11) *paper bailers*, between the Los Angeles Harbor Commercial Zone, on the one hand, and, on the other, points in Orange County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 140763 (Sub-No. 2), filed October 31, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, a Corporation, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon black*, in flo-bins, from Sunray and Borger, Tex., and Sterlington and Ville Platte, La., to Oneida, Tenn.; and (2) *empty flo-bins*, from Oneida, Tenn., to Sunray and Borger, Tex., and Sterlington and Ville Platte, La., under contract with the B. F. Goodrich Company, at Akron, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 141320 (Sub-No. 2), filed November 5, 1975. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, Six Ray Court, Nelville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals and medical test kits*, between Carlstadt and Newark International Airport, N.J., New York, N.Y. and Boston, Mass., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont and New Hampshire, under a continuing contract or contracts with Mallinckrodt, Inc., Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 141334 (Correction) filed September 15, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as corrected this issue. Applicant: GREEN VENEER, INC., YOUNG & MORGAN, INC., NORTH SANTIAM PLYWOOD CO., NORTHWEST WOOD PRODUCTS, INC. AND X L TIMBER CO., doing business as YOUNG & MORGAN TRUCKING CO., a partnership, P.O. Box 377, 4600 Linn Blvd., Mill City, Oreg. 97360. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products*, between points in Linn and Marion Counties, Oreg., on the one hand, and, on the other, points in Oregon, Washington, California, Nevada, Idaho, and Utah, under a continuing contract or contracts with North Santiam Plywood Co., Green Veneer, Inc., Young & Morgan Lumber Co., dba Stout Creek Lumber Co., Young & Morgan Lumber Co., and Northwest Wood Products, Inc.

NOTE.—The purpose of this republication is to change the name of the applicant. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141373, September 15, 1975. Applicant: K.I.T. MOTOR EXPRESS, INCORPORATED, 1228 Highland Avenue, Louisville, Ky. 40204. Applicant's representative: W. A. Knight (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Aluminum, brass, copper, iron or steel *articles, plate, sheet, rods and pipe, materials, equipment and parts* used in the manufacture of electrical transformers and transformer parts, and *supplies* used in the sale, distribution and advertising of electric transformers and parts (except dangerous explosives) between the plant sites and storage facilities of Kuhlman Electric Company, Division of Kuhlman Corporation, located at or near Bay City, Mich.; Crystal Springs, Miss.; Salinas, Calif.; and Versailles, Ky.; and its warehouses located at or near Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Dayton, Ohio; Detroit, Mich.; Jefferson City, and Kansas City, Mo.; Lafayette, La.; Norfolk, Nebr.; Orlando, Fla.; Portland, Oreg.; Rosemont and St. Paul, Minn.; and Salt Lake City, Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Kuhlman Electric Company, Division of Kuhlman Corporation of Versailles, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 141374, filed October 23, 1975. Applicant: JACK R. DAY, doing business as DAY'S TOWING & WRECKER SERVICE, P.O. Box 55, Junction of Interstate Highway 69 and U.S. Highway 224, Markle, Ind. 46770. Applicant's representative: Harry J. Harman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used motor vehicles*, to be used as replacements for wrecked or disabled motor vehicles, in truckaway service, and *motor vehicle parts, accessories, supplies, and materials*, for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from points in Adams, Blackford, Grant, Huntington, and Wells Counties, Ind., on the one hand, and, on the other, to points in Kentucky, Illinois, Ohio, Michigan and Wisconsin; and (2) *wrecked or disabled motor vehicles*, from points in Kentucky, Illinois, Ohio, Michigan, and Wisconsin, to points in Adams, Blackford, Grant, Huntington, and Wells Counties, Ind., restricted to the transportation of traffic by wrecker equipment only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis or Fort Wayne, Ind.

No. MC 141376 (Sub-No. 1), filed November 3, 1975. Applicant: CERTARO TRUCKING COMPANY, a Corporation, 492 12th Avenue, Paterson, N.J. 07514. Applicant's representative: Eugene M. Malkin, 277 Park Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture; commercial and institutional fixtures, cabinets, shelving and seating; hospital beds and hospital equipment; and material, equipment and supplies*, used in the manufacture thereof, between Plainfield, Conn.; Jamestown, N.Y.; Warren, Pa.; Michigan City, Ind.; and ports of entry on the International Boundary line between the United States and Canada, at Buffalo, Rouses Point, and Niagara Falls, N.Y.; and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under continuing contract or contracts with Inter Royal Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 141471, filed November 3, 1975. Applicant: GENERAL DRAYAGE SERVICE, INC., 3036 Chartres Street, New Orleans, La. 70117. Applicant's representative: Theodore A. Stevens, 1542 Burbank Drive, New Orleans, La. 70124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including but not limited to, synthetic fibers, foodstuff, frozen and canned, rubber goods, machinery parts, cotton, sugar, soybeans, oil, metals, chemicals, drugs, tobacco, lumber and whiskey (except Classes A and B explosives), between points in New Orleans, La. and its Commercial Zone, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 141477, filed October 22, 1975. Applicant: OLIN WOOTEN, doing business as, WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, Ga. ness as WOOTEN TRANSPORT COM-31539. Applicant's representative: Sol H.

Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tin cans, tin can ports, steel pails and drums*, from Piscataway, N.J., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia; and (2) *materials and supplies*, used in the manufacture of those items described in (1) above, from points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia, to Piscataway, N.J., under contract with Prospect Industries Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 141487, filed October 23, 1975. Applicant: FAIRFIELD TRANSPORTATION CORP., a Corporation, 6538 Collamer Road, P.O. Box 105, East Syracuse, N.Y. 13057. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages and flavoring syrups*, in containers, *empty containers and materials, supplies and equipment* used in the production, packaging, sale and distribution of beverages and flavoring syrups (except commodities in bulk), between Cicero, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Vermont; (2) *beverages*, in containers, between points in Pennsylvania, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins, and Warren Counties, N.Y.; and (3) *materials, supplies and equipment* used in the production, packaging, sale and distribution of beverages (except commodities in bulk), between points in Connecticut, New Jersey, Pennsylvania and Vermont, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins and Warren Counties, N.Y., under a continuing contract or contracts with Clinton's Ditch Cooperative Company, Inc. of Cicero, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y.

No. MC 141488, filed November 5, 1975. Applicant: MR. PEDRO E. ABRAHANTE, doing business as "P. ABRAHANTE MOVING SERIVCE", 455 East Andre Street, Duarte, Calif. 91010. Applicant's representative: Julio L. Figueroa, 4214 Beverly Blvd., Suite 224, Los Angeles, Calif. 90004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk or tank vehicles), between points in California, Arizona, Nevada and Utah, under a continuing contract or contracts, with Galaxy Distribution Co., Inc., Ruby Furniture Mfg., Inc., and M. C. W. Furniture Mfg. Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Duarte or Los Angeles, Calif.

No. MC 141490, filed October 28, 1975. Applicant: QUINCIE W. GIBSON, doing business as, GIBSON TRANSFER CO., 408 East 21st Street, Wichita, Kans. 67214. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mea s, meat products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in containers (except hides, skins and pieces thereof), from the plant site of Dold Packing Company, Inc., at or near Wichita, Kans., to points in Colorado, Nebraska, Missouri, Oklahoma, Iowa, Arkansas, Louisiana, and Texas; and (2) *materials and supplies* used in the processing and packaging of the above-described commodities (except in bulk), from the above described destination points, to the plant site of Dold Packing Company, Inc., at or near Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141493, filed November 6, 1975. Applicant: MASSA TRUCKING & LEASING CORP., 132 Cherry Lane, Medford, N.Y. 11763. Applicant's representative: Thomas F. X. Foley, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic piece goods* in cartons and on rolls, between Westbury, N.Y., on the one hand, and, on the other, points in the Commercial Zone of New York, N.Y. as defined by the Commission, and Paterson, N.J., under contract with Dressmaker Fabrics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 141495, filed October 28, 1975. Applicant: MYLES LORENTZ SR. & MYLES LORENTZ JR., doing business as LORENTZ TRUCKING, Route #1, St. Peter, Minn. 56082. Applicant's representative: Harry Christian, First National Bank Bldg., P.O. Box 8, Le Center, Minn. 56057. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged foods, frozen packaged foods, food service supplies and paper goods*, from Minnesota to points in North Dakota, South Dakota, Iowa and Wisconsin, under a continuing contract or contracts with Aslesen Company.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141497, filed November 6, 1975. Applicant: BEATTIE & SANGER, INC., Route 5, Box 233, Yakima, Wash. 98903. Applicant's representative: Charles C. Flower, 303 East "D" Street, Suite 2 Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and equipment*, between points in Washington, and points in California, Idaho, and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., Portland, Oreg., or Seattle, Wash.

No. MC 141498, filed October 31, 1975. Applicant: OWEN CRIST AUTO BODY SERVICE, INC., 1221 Keo Way, Des Moines, Iowa 50314. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles, and replacement vehicles therefor*, between Des Moines, Iowa, on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Illinois, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; Omaha, Nebr.; or Kansas City, Mo.

PASSENGER APPLICATIONS

No. MC 141394 (Sub-No. 2), filed November 3, 1975. Applicant: ED BRIDGES, doing business as OZARK COACH LINES, P.O. Box 73, Bakersfield, Mo. 65609. Applicant's representative: Ed Bridges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage, newspapers and express;* and (2) *passengers and their baggage* by charter, between West Plains, South Fork, Hocomo, Caulfield, Tecumseh and Bakersfield, Mo. and Mountain Home, Ark.: (A) From West Plains, Mo., west over U.S. Highway 160 to its junction with Missouri Highway 101 at Caulfield, Mo., thence south over Missouri Highway 101 to the Missouri-Arkansas State Boundary line, thence south over Arkansas Highway 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62 to Mountain Home, Ark., and return over the same route; (B)—From West Plains, Mo. west over U.S. Highway 160 to its junction with Ozark County Route J, thence south over Ozark County Route J to the Missouri-Arkansas State Boundary line, thence south of Arkansas Highway 201, to Mountain Home, Ark., and return over the same route; and (C) From Caulfield, Mo. south over Missouri Highway 101 to the Missouri-Arkansas State Boundary line, thence south over Arkansas High-

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way 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62, to Mountain Home, Ark., and return over the same route, serving all intermediate points in (A), (B), and (C) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Kansas City, or St. Louis, Mo.

No. MC 141499, filed November 10, 1975. Applicant: ERIC BANNETT, an individual, 1821 Grove Avenue, Sebring, Fla. 33870. Applicant's representative: J. H. Hancock, 457 South Commerce Street, Sebring, Fla. 33870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and the baggage of passengers* in the same vehicle, in charter operations, beginning and ending at points in Highlands, Polk, Hardee, DeSoto, Okeechobee Counties, Fla. and Tampa International Airport, located in Tampa, Fla., and extending to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sebring, Avon Park, or Wauchula, Fla.

BROKER APPLICATION

No. MC 130346, filed October 22, 1975. Applicant: J. SMILEY COLLINS AND SON, doing business as PEOPLE SAVING CLUB, and or P.S. CLUB TOURS, 1605 Tartan Way, Louisville, Ky. 40205. Applicant's representative: J. Smiley Collins (Same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Louisville, Ky., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., Nashville, Tenn., or Cincinnati, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF-422 (Sub-No. 1), filed October 30, 1975. Applicant: CONTINENTAL FORWARDERS, INC., 350 Broadway, New York, N.Y. 10013. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the tranportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and inport traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present scope of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32624 Filed 12-3-75;8:45 am]

federal register

THURSDAY, DECEMBER 4, 1975

PART II:

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Report to Congress

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OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Report to Congress

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose 13 new rescissions totalling $838.6 million in budget authority. In addition, I am reporting 18 new deferrals that total $253.2 million in budget authority and changes to one deferral previously transmitted that decrease the budget authority deferred by $4.1 million.

If we are to avoid excessive Federal spending, the kinds of actions I am proposing today are essential. I believe that both the legislative and executive branches must continually weigh the contribution made by each Federal program against the limited resources available. We must carefully assess new or expanded activities before they are implemented. To make room for necessary new spending, we must eliminate Federal spending for programs that are no longer needed, that duplicate other programs, or that can be financed from other sources.

The details of each rescission proposal and deferral are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE,
November 29, 1975.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(In thousands of dollars)

Rescission #	Item	Budget Authority
	Agriculture:	
	Agricultural Research Service	
R76-15	Agricultural research service (construction)	225
	Agricultural Stabilization and Conservation Service	
R76-16	Water Bank Act Program	12,500
R76-17	Forestry Incentives Program	18,750
	Farmers Home Administration	
R76-18	Rural water and waste disposal grants	150,000
R76-19	Rural development grants	12,344
R76-20	Rural housing for domestic farm labor	9,375
R76-21	Mutual and self-help housing	12,287
R76-22	Self-help housing and development fund	1,493
R76-23	Rural housing insurance fund	10,000
R76-24	Rural community fire protection grants	4.375
	Agricultural Marketing Service	
R76-25	Payments to States and possessions, Agricultural Marketing Service	2,000
	Housing and Urban Development:	
	Housing Production and Mortgage Credit	
R76-26	State housing finance and development	600,000*
	Other Independent Agencies:	
	Consumer Product Safety Commission	
R76-27	Salaries and expenses	5,225
	Subtotal, rescissions	838,579
Deferral #		
	Agriculture:	
D76-68	Agricultural Research Service	7,570
	Animal and Plant Health Inspection Service	
D76-69	Animal and plant health inspection service (construction-Fleming Key Animal Import Center)	6,314
	Agricultural Stabilization and Conservation Service	
D76-70	Agricultural Conservation program	90,000

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Deferral #	Item	Budget Authority
D76-71	Commodity Credit Corporation.....	2,787
	Farmers Home Administration	
D76-72	Rural water and waste disposal grants.....	50,000
	Soil Conservation Service	
D76-73	Watershed and flood prevention operations.....	22,500
D76-74	Resource conservation and development.	4,960
	Commerce:	
	National Oceanic and Atmospheric Administration	
D76-75	Fishermen's guaranty fund.....	152
	Office of the Assistant Secretary for Science and Technology	
D76-76	Scientific and technical research and services.....	1,187
	Health, Education, and Welfare:	
	Assistant Secretary for Human Development	
D76-11B	Research and training activities overseas (special foreign currency program).....	4,252
	Labor:	
	Departmental Management	
D76-77	Working capital fund.....	977
D76-78	Pension Benefit Guaranty Corporation.**	(1,431)
	Environmental Protection Agency:	
	Research and Development	
D76-79	Research and development (air research and development).....	2,000
D76-80	Research and development (water quality research).....	4,600
	Abatement and Control	
D76-81	Abatement and control (air control agency grants).....	3,750
D76-82	Abatement and control (water quality control agency grants)...	10,000
D76-83	Abatement and control (clean lakes grants).....	15,000

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Deferral #	Item	Budget Authority
	National Aeronautics and Space Administration:	
D76-84	Research and program management....	2,900
	State:	
	Refugee and Migration Affairs	
D76-85	Special assistance to refugees from Cambodia and Vietnam.....	28,493
	Subtotal, deferrals.....	257,442
	Total, rescissions and deferrals...	1,096,021

* Total new budget authority. For 1976, $15 million in contract authority and $15 million to liquidate that authority is proposed for rescission.

** The amount of this deferral is not counted in the total because the Pension Benefit Guaranty Corporation is excluded from the budget totals by the Employee Retirement Income Security Act of 1974 (P.L. 93-406).

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Eighth special message:		
New items	838,579	253,190
Changes to amounts previously submitted	---	-4,055
Effect of the eighth special message	838,579	249,135
Previous special messages	1,502,991	3,578,426
Total amount proposed in special messages to date	2,341,570 (in 27 rescission proposals)	3,827,561 (in 85 deferrals)

NOTE: All amounts listed represent budget authority except for $87,689,691 consisting of two general revenue sharing deferrals (of outlays only) reported in the seventh 1976 special message.

Rescission Proposal No: R76-15

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: U.S. Department of Agriculture	New budget authority (P.L. 94-122): $ 10,395,000
Bureau: Agriculture Research Service	Other budgetary resources: 8,667,500
Appropriation title & symbol: Agriculture Research Service (Construction) 12X1400	Total budgetary resources: 19,062,500
	Amount proposed for rescission: $ 225,000
OMB identification code: 05-18-1400-0-1-352	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION

Rescission is proposed of $225,000 provided in the FY 1976 Agriculture and Related Agencies Appropriation Act for planning an addition to the Human Nutrition Laboratory, Grand Forks, North Dakota, to house animals.

Initial construction at Grand Forks was limited to laboratory facilities, but a developing need for animal studies has necessitated the use of present laboratory space to house limited numbers of animals. Several steps have been taken to relieve crowding, including initiation of construction of a second floor addition to house experimental animals and completion of additional clinical and laboratory space for research scientists.

In light of these measures to relieve the current problems and of Department policy to fully utilize existing research facilities prior to authorization of new construction projects, additional construction at Grand Forks is not necessary.

ESTIMATED EFFECTS

In addition to producing current outlay savings of $225,000, adoption of this rescission would forestall future construction costs in excess of $1,000,000 and, later, annual operating costs. Research will continue to be conducted in facilities either existing or undergoing expansion. Should the need for animal studies continue to increase, additional space may be required at some future date.

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Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimated for 1976	$ 5.6
2. Outlay savings, if any, included in the budget outlay estimated	0

Current Outlay Estimate for 1976:

3. Without deferral	15.0
4. With deferral	14.8
5. Current Outlay Savings	0.2
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

R76-15

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $225,000 for the fiscal year ending June 30, 1976.

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Rescission Proposal No: R76-16

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (See (P.L. ____)
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources Coverage
Appropriation title & symbol Water Bank Act Program - 1976 12X3320	Total budgetary resources Amount proposed for rescission section below.)
OMB identification code: 05-60-3320-0-1-320	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	Type of budget authority: ☒ Appropriation
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	☐ Contract authority ☐ Other ____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$10,000,000 (P.L. 94-122)	$10,000,000	$2,500,000 (P.L. 94-122)	$2,500,000

Justification

The program was authorized by the Water Bank Act (P.L. 91-559). The Act authorized the Secretary of Agriculture to enter into long-term agreements with farmers and landowners to preserve and improve migratory waterfowl habitat.

The overall objective of this program is the same as a similar program currently being conducted by the Department of the Interior. Since the program complement each other and since adquate preservation of wetlands can be maintained under existing agreements, the Water Bank Program could be discontinued without significant adverse impact on the Nation.

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Estimated Effects

Since the program provides only limited conservation benefits, its termination is of minimal consequence. Payments under prior year agreements will continue to be made until these agreements are fully satisfied. These agreements will have annual outlays of about $3.0 million for the next 9 years.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	2.0
2. Outlay savings, if any, included in the budget outlay estimate	---

Curent Outlay Estimates for 1976:

3. Without rescission	4.1
4. With rescission	3.8
5. Current outlay savings (line 3 - line 4)	.3
Outlay Savings for the Transition Quarter	---
Outlay Savings for 1977	1.6

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Water Bank Program

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $10,000,000 for the fiscal year ending June 30, 1976, and in the amount of $2,500,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-17

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____)
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources
Appropriation title & symbol: Forestry Incentives Program-1976 12X3336	Total budgetary resources (See coverage section below)
	Amount proposed for rescission
OMB identification code: 05-60-336-0-1-302	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

	Fiscal Year 1976		Transition Quarter	
	Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
New budget authority (P.L. 94-122).....	15,000,000		3,750,000	
Other budgetary resources.....	9,280,771	_____	---	_____
Total budgetary resources.....	24,280,771	15,000,000	3,750,000	3,750,000

Justification

Rescission of the $15,000,000 FY 1976 appropriations and the $3,750,000 transition quarter appropriation would discontinue this program which was first authorized by Section 1009 of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86). The program provides cost-sharing to landowners for the purpose of stimulating long-term sawtimber production on private nonindustrial lands.

There is serious doubt as to whether the national benefits derived from investments in this kind of program justify the expenditure of scarce national resources for its funding. Moreover, it is not clear that landowners would not invest their own capital if Federal cost-sharing

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were not available. The program would be far more justifiable if there were a mechanism through which the Federal Government could regain its investment at the time the timber products were marketed just as the landowner regains his. In this case, however, the landowner not only realizes a profit on his investment; but he also realizes a profit on the government's portion of the investment.

Estimated Effects

The Forestry Incentives Program can be terminated with little, if any, adverse impact on the Nation's capability to produce forestry products. Even without cost-sharing, technical assistance and advice would still be available to owners of such lands who wished to carry out tree planting, stand improvement, etc., at their own expense based on their assessment that such an undertaking is a sound economic investment.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	0.0
2. Outlay savings, if any, included in the budget outlay estimate.....	0.0
Current Outlay Estimates for 1976:	
3. Without rescission.....	20.3
4. With rescission.....	10.9
5. Current outlay savings (line 3 - line 4).....	9.4
Outlay Savings for the Transition Quarter.....	1.3
Outlay Savings for 1977.....	3.0

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Forestry Incentives Program

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $15,000,000 for the fiscal year ending June 30, 1976, and in the amount of $3,750,000 for the period July 1, 1976, through September 30, 1976.

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Rescission Proposal No: R76-18

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L._____)
Bureau Farmers Home Administration	Other budgetary resources
Appropriation title & symbol: Rural Water and Waste Disposal Grants 12X2066	Total budgetary resources
	Amount proposed for rescission (See coverage section below)
OMB identification code: 05-75-2066-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$250,000,000 (P.L. 94-122 and 41)	$125,000,000	$37,500,000 (P.L. 94-122)	$25,000,000

Justification

A program level of $75 million for fiscal year 1976 and $12.5 million for the transition quarter is proposed. Of the $287.5 million appropriated by P.L. 94-122 and 94-41 for rural water and waste disposal grants over 15 months, $150 million is proposed for rescission and $50 million is to be deferred until fiscal year 1977. This program provides water and waste disposal development grants that are made to public or quasi-public agencies for the development, storage, treatment, purification, and distribution of domestic water or the collection, treatment, or disposal of waste in rural areas. Grants may not exceed 50 percent of the development cost of the projects.

The $75 million proposed funding level is considered sufficient to meet the needs of this program, at this time, for the following reasons:

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1. The program level proposed is sufficient to fund the most urgent grant applications on hand which are ready for funding this fiscal year.

2. The grant program level proposed, including transfers from other agencies, is the appropriate amount to complement the loan authority of $470 million provided for water and sewer facility loans (Rural Development Insurance Fund) in the FY 1976 Agriculture and Related Agencies Appropriation Act, based on revised estimates of the proper balance between loans and grants.

3. Grant funds for this type program are also available from the Economic Development Administration, the Department of Commerce; the Department of the Army; and the Appalachian Regional Commission to assist in funding water and waste disposal projects in rural areas.

Estimated Effects

The estimated effects of this rescission are minimal. The funding level recommended by the President together with fund transfers from other agencies is considered sufficient to fund this program this fiscal year.

Outlay Effect (Estimated in millions of dollars)

Comparison with President's 1976 budget:	
1. Budget outlay estimate for 1976.....	66.0
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current outlay estimates for 1976:	
3. Without rescission.....	71.8
4. With rescission.....	62.0
5. Current outlay savings (line 3 - 4).....	9.8
Outlay savings for the transition quarter.....	2.3
Outlay savings for 1977.....	31.4

The total outlay effect of the proposed rescissions of $125 million in FY 1976 and $25 million in the transition quarter, as well as the deferral of $50 million would be as follows:

FY 1976	-14.8 million
TQ	-4.3 million
FY 1977	-41.4 million

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Water and Waste Disposal Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $100,000,000 for the fiscal year ending June 30, 1976, and in the amount of $25,000,000 for the period July 1, 1976, through September 30, 1976.

Appropriations provided in the twelfth unnumbered paragraph of section 101 (e) of Public Law 94-41 for activities under the heading Rural Water and Waste Disposal Grants pursuant to sections 306 (a) (2) and 306 (a) (6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926) are rescinded in the amount of $25,000,000.

Rescission Proposal No: R76-19

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L.)
Bureau Farmers Home Administration	Other budgetary resources
Appropriation title & symbol	Total budgetary resources (See coverage section below)
Rural Development Grants 1262065	Amount proposed for rescission
OMB identification code: 05-75-2065-0-1-452	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$11,875,000	$9,375,000	$2,969,000	$2,969,000
(P.L. 94-122)		(P.L. 94-122)	

JUSTIFICATION

This program supplements business and industrial loans made in rural areas for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities.

Loan funds are available for these same purposes at reasonable interest rates and terms through the community facilities loan program of the Department of Agriculture. To avoid duplication of programs and the costs associated with such duplication, the rescission of $12,344,000 in 1976 and the transition quarter is proposed.

Estimated Effects

The elimination of this program will have a minimum effect on the rural economy since funds are available from the community facilities loan program and from other sources to fund necessary projects.

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Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976	10.0
2. Outlay savings, if any, included in the budget outlay estimate	--
Current outlay estimates for 1976:	
3. Without rescission	10.0
4. With rescission	9.3
5. Current outlay savings (line 3 - line 4)	.7
Outlay savings for the transition quarter	.4
Outlay savings for 1977	6.0

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Development Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $9,375,000 for the fiscal year ending June 30, 1976, and in the amount of $2,969,000 for the period July 1, 1976, through September 30, 1976.

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Rescission Proposal No: R76-20

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (See
Bureau Farmers Home Administration	(P.L.)
Appropriation title & symbol	Other budgetary resources Coverage
Rural Housing for Domestic Farm Labor 12X2004	Total budgetary resources
	Amount proposed for rescission section below.)
OMB identification code: 05-75-2004-0-1-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☒ No-year	☐ Other

Coverage:

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$7,500,000 (P.L. 94-122)	$7,500,000	$1,875,000 (P.L. 94-122)	$1,875,000

Justification:

Termination of this program is proposed because other programs can more effectively provide housing for farm workers. Many farm workers are settling out of the migratory stream and becoming homeowners under the home ownership loan program (Rural Housing Insurance Fund). This program can provide a loan covering the full cost of the house, repayable over 33 years, at interest rates as low as 1 percent. This kind of housing assistance has much greater social, community, and economic benefits than can be provided by the farm labor housing program which generally provides housing for families on a temporary basis. In addition, the Sec. 515 (Housing Act of 1949) rental housing program is providing an increased supply of moderate-cost rental housing in rural areas.

This program, which provides a 1 percent, 33-year loan and up to 90 percent grant, results in a very high Federal outlay relative to the number of persons benefited. In view of this fact and the other programs available to meet housing needs of domestic farm laborers, the program is proposed for termination.

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2

Estimated Effects:

The Labor Housing Loans and Grants represent a very small percentage of total funding of FmHA housing programs. The discontinuance of these grants would have a minimal effect on the supply of housing in rural areas.

Outlay Effect (Estimated in Millions of Dollars):

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976..... 6.3
2. Outlay savings, if any, included in the budget outlay estimate..... --

Current outlay estimates for 1976:

3. Without rescission..... 6.0
4. With rescission..... 5.5
5. Current outlay savings (line 3 - line 4)..... .5

Outlay savings for the transition quarter..... .1

Outlay savings for 1977..... 2.2

V40234 DEC 4 75 XUM

R76-20

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Housing for Domestic Farm Labor Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriations Act, 1976, are rescinded in the amount of $7,500,000 for the fiscal year ending June 30, 1976, and in the amount of $1,875,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-21

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. _____)
Bureau FARMERS HOME ADMINISTRATION	Other budgetary resources
Appropriation title & symbol	Total budgetary resources (See Coverage section below.)
Mutual and Self-Help Housing 12X2006	Amount proposed for rescission
OMB identification code: 05-75-2006-0-1-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

	Fiscal Year 1976		Transition Quarter	
	Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
New budget authority (P.L.94-122).....	$9,000,000	$9,000,000	$2,250,000	$2,250,000
Other budgetary resources.....	1,036,529	1,036,529	--	--
Total budgetary resources.....	$10,036,529	$10,036,529	$2,250,000	$2,250,000

Justification

Grants are used to provide technical and supervisory assistance to groups of families who build their homes by mutually exchanging labor. Owing to the relatively low number of families that have taken advantage of this program and the greater effectiveness of other programs in meeting overall housing needs, the rescission of these budgetary resources is proposed.

V40234 DEC 4 75 XUM

R76-21

2

Estimated Effects

Although a significant effort was made by the field staffs, the Farmers Home Administration had difficulty granting the funds available in 1975. There was a scarcity both of eligible applicants and of applicants who showed evidence of being able to perform satisfactorily enough to be awarded grants. The same scarcities are expected in 1976. Therefore, terminating this program will deny benefits to very few families.

Outlay Effects (Estimated in millions of dollars)

Comparison with President's in 1976 budget:

1. Budget outlay estimate for FY 1976	$ .7
2. Outlay savings, if any, included in the outlay estimate	--

Current outlay estimates for 1976:

3. Without rescission	6.0
4. With rescission	5.0
5. Current outlay savings (line 3 - line 4)	1.0
Outlay savings for transition quarter	.2
Outlay savings for 1977	4.0

R76-21

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Mutual and Self-Help Housing

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $9,000,000 for the fiscal year ending June 30, 1976, and in the amount of $2,250,000 for the period July 1, 1976, through September 30, 1976. Unobligated balances of appropriations made available under this head in Appropriation Acts for prior years are rescinded.

V40234 DEC 4 75 XUM

Rescission Proposal No: R76-22

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L._____) $ _____
Bureau Farmers Home Administration	Other budgetary resources 1,498,032
Appropriation title & symbol Self-Help Housing Land Development Fund 12X4222	Total budgetary resources 1,498,032
	Amount proposed for rescission $ 1,498,032
OMB identification code: 05-75-4222-0-3-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual. ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

The fund was authorized by section 1005 of the Housing and Urban Development Act of 1968, to make loans at three percent interest for two years to acquire and develop sites. These sites are then subdivided and sold to eligible families, nonprofit organizations, and cooperatives. This program operates in conjunction with the Mutual and self-help housing program (see R76-21) that provides grants to groups of families who build their homes--sometimes, on sites developed through use of the fund--by mutually exchanging labor. Both programs are proposed for termination because relatively few groups have made use of the programs and because other programs are more effective in meeting overall housing needs.

R76-22

2

Estimated Effects

Of the $900,000 in loan funds available for this program in FY 1975, $234,000 was obligated. Since the demand for funds under this program has been very limited, insignificant effects would result from the proposed rescission.

Outlay Effects (Estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976	.2
2. Outlay savings, if any, included in the budget outlay estimate	-

Current outlay estimates for 1976:

3. Without rescission	.8
4. With rescission	.2
5. Current outlay savings (line 3 - line 4)	.6
Outlay savings for the transition quarter	.2
Outlay savings for 1977	.6

V40234 DEC 4 75 XUM

R76-22

DEPARTMENT OF AGRICULTURE

Self-Help Housing Land Development Fund

Unobligated balances of appropriations provided for direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949 (42 USC 1471-1490C) and related advances in the Department of Agriculture and Related Agencies Appropriation Acts of 1970 and 1971, and the Supplemental Appropriation Act, 1969, are rescinded.

Rescission Proposal No: R76-23

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. 94-122) $ 2,716,000,000
Bureau Farmers Home Administration	Other budgetary resources ——
Appropriation title & symbol	Total budgetary resources 2,716,000,000
Rural Housing Insurance Fund 12X4141 (Farm Labor Housing Loans)	Amount proposed for rescission $ 10,000,000
OMB identification code: 05-75-4141-0-3-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Loan Authority

Justification

Loans for farm labor housing -- one of several loan programs encompassed by the Rural Housing Insurance Fund -- are made to farm owners, to public or private nonprofit organizations, or to nonprofit, State-incorporated organizations of farmworkers. In recent years, most of the loans have been made to public organizations and nonprofit associations at a 1% interest rate. The loans may be used to provide living quarters, household furnishings, and related facilities for domestic farm labor.

In comparison to other housing programs of the Farmers Home Administration, these loans have made insignificant contributions to meeting housing needs in rural areas. From the inception of the program in fiscal year 1962 through June 30, 1975, a total of 460 initial and subsequent loans have been made, obligating a total of $49 million. Further, loans to qualified farmworkers for similar housing purposes are available through two other programs operated under the Rural Housing Insurance Fund -- rural rental housing loans and homeownership loans.

Estimated Effects

The estimated effects of rescinding this program are considered negligible, since it represents a very small percentage of the loan authority available for housing programs and since housing assistance for farmworkers can be provided through the homeownership and rural rental housing loan programs.

V40234 DEC 4 75 XUM

R76-23

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Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	162.0
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for 1976:	
3. Without rescission	267.5
4. With rescission	267.5
5. Current outlay savings (line 3 - line 4)	---
Outlay savings for transition quarter	---
Outlay savings for 1977	0.4

R76-23

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Housing Insurance Fund

The amounts made available for insured loans and for subsidized interest loans to low income borrowers under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $10,000,000.

V40234 DEC 4 75 XUM

Rescission Proposal No: R76-24

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency DEPARTMENT OF AGRICULTURE Bureau Farmers Home Administration Appropriation title & symbol Rural Community Fire Protection Grants 1262067	New budget authority (P.L. _____) Other budgetary resources Total budgetary resources (See Coverage section below.) Amount proposed for rescission
OMB identification code: 05-75-2067-0-1-452 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$3,500,000 (P.L. 94-122)	$3,500,000	$875,000 (P.L. 94-122)	$875,000

Justification

This program, authorized under the Rural Development Act of 1972, would provide funds for fire fighting equipment and for organizing and training personnel in rural communities to assist in fire control. This program, which has a high cost per person served, is proposed for termination. Adequate credit assistance to provide this equipment is available at reasonable interest rates and terms through the community facilities loan program.

Estimated Effects: The estimated effects of the proposed rescission are negligible for the following reasons: first, community facilities loans are available at reasonable interest rates and terms; and, second, the Forest Service makes surplus fire fighting equipment available to rural communities.

R76-24

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Outlay Effect (estimated in tenths of millions of dollars):

Comparison with President's 1976 Budget:

1. Budget outlay estimate for FY 1976	0
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimate for 1976:

3. Without rescission	2.8
4. With rescission	0
5. Current outlay savings (line 3 - line 4)	2.8
Outlay Savings for the Transition Quarter	.7
Outlay Savings for 1977	.9

V40234 DEC 4 75 XUM

R76-24

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Community Fire Protection Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $3,500,000 for the fiscal year ending June 30, 1976, and in the amount of $875,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-25

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (See Coverage section below.) (P.L.)
Bureau Agricultural Marketing Service	Other budgetary resources
Appropriation title & symbol: Payments to States and Possessions, Agricultural Marketing Service, 1976 (1262501)	Total budgetary resources
	Amount proposed for rescission
OMB identification code: 05-81-2501--5-1-352	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
$1,600,000 (P.L. 94-122)	$1,600,000	$400,000 (P.L. 94-122)	$400,000

Justification

Since 1948, Federal matching funds have been provided under the program to assist State Departments of Agriculture to conduct pilot marketing service projects geared to developing ongoing State capabilities and services. The policy to restrict funds to pilot activities was developed in cooperation with States and has had consistent State support. During the 27 years, most States have been able to obtain State funding for productive activities initiated on a pilot basis under the program. As a result, the majority of State Departments of Agriculture have, in recent years, conducted the bulk of their marketing work outside this program. For example, many States are now using State resources to carry out their portion of Federal-State market news programs and agricultural statistical services that were initially funded by the Federal Government. Ongoing State domestic promotional and informational programs are fully State-funded. The costs of State livestock grading programs has been taken over by the States or supported through user fees. A number of export marketing projects started under this program just a few years ago have been shifted to other sources of funding.

V40234 DEC 4 75 XUM

R76-25

2

Over the years, as ongoing State marketing services and other responsibilities increased, the importance of this program to the States has diminished. State activities funded by this program have received less interest and attention by State leaders, resulting in fewer innovative marketing service proposals being submitted by the States to the Agricultural Marketing Service for funding consideration and generally leaving AMS with the choice of supporting activities well past the pilot stage, approving mediocre work, or turning a good share of the funds back to the Federal Treasury.

The diminishing State interest in the program is substantiated by the fact that one-third of the 1974 participants did not request program funds for fiscal year 1975. Of the 30 States submitting proposals for 1975, 16 were not able to develop projects that met the major considerations for approving work. A major stumbling block was that many States were unable or not inclined to come up with State matching funds for developing new State marketing services beyond those services already provided or those that had previously been pilot-tested.

Estimated Effects

Rescinding the 1976 and transition quarter appropriations will have little impact on the marketing projects carried out by the States. As illustrated above, States have assumed funding of marketing service activities and have recently shown little interest in the pilot programs financing available through this program.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	--
2. Outlay savings, if any, included in the budget outlay estimate	--
Current outlay estimate for 1976:	
3. Without rescission	$1.6
4. With rescission	--
5. Current outlay savings	$1.6
Outlay savings for the Transition Quarter	.4
Outlay savings for 1977	--

R76-25

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Payments to States and Possessions

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of $1,600,000 for the fiscal year ending June 30, 1976, and in the amount of $400,000 for the period July 1, 1976, through September 30, 1976.

V40I234 DEC 4 75 XUM

Rescission Proposal No: R76-26

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency DEPARTMENT OF HOUSING AND URBAN ~~DEVELOPMENT~~	New budget authority (P.L. 94-116 ___) $ 600,000,000
Bureau Housing Production and Mortgage Credit	Other budgetary resources ___
Appropriation title & symbol: State Housing Finance and Development Agencies 86x4240	Total budgetary resources 600,000,000
	Amount proposed for rescission-total new budget authority . . . . . $ 600,000,000 (for 1976, $15 million in contract authority and $15 million to liquidate that contract authority)
OMB identification code: 25-02-4240-5-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ___
Type of account or fund: ☐ Annual ☒ Multiple-year fiscal year 2116 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other ___

Justification

Section 802 of the Housing and Community Development Act of 1974 (P.L. 93-383) authorizes interest subsidy grants to, and Federal guarantees of obligations issued by, State housing finance and development agencies. The HUD-Independent Agencies Appropriation Act, 1976 (P.L. 94-116) provided $15 million in annual contract authority for interest subsidies and $15 million in appropriations to liquidate that contract authority in 1976. This appropriation is the first made under the authority of Section 802. Annual contracts up to $15 million may now be made for a term of up to 40 years, which means the available contract authority translates into $600 million of budget authority ($15 million X 40 years = $600 million.)

If used, the interest subsidy grants would subsidize up to one-third of the interest cost of taxable obligations issued by State agencies. Whether or not these subsidies would result in lower borrowing costs to the recipient agencies would depend on the interest rate on taxable securities relative to the current market rates for tax-exempt issues. In some cases, the tax-exempt rate would be more favorable than the subsidized, taxable rate -- resulting in no advantage to the agencies. In other cases, the subsidized taxable rate would be lower, reducing borrowing costs to the agency.

Federal interest subsidies as provided under Section 802 are not the only available means for lowering agency borrowing costs. A number of State agencies have indicated a preference for FHA insurance or a coinsurance program as authorized under Section 244 of the Housing and Community Development Act of 1974. A number of States are already requiring Federal mortgage insurance on agency projects, and the Department is currently examining the relative benefits and costs of implementing Section 244.

R76-26

2

Also, State governments could lower the borrowing costs of their State housing finance and development agencies more than Section 802 assistance would by pledging their "full faith and credit" to the borrowing of the agencies. It can be demonstrated that the issuance of such a pledge is equal to, and in some cases superior to, the interest subsidy provisions of Section 802. Thus, the interest subsidies are not needed.

Estimated Effects

Since State backing for securities issued by housing and development agencies could reduce borrowing costs by more than the interest subsidies, this rescission need not affect the activity level of these agencies.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	0
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimates for 1976:

3. Without rescission	0
4. With rescission	0
5. Current outlay savings (line 3 - line 4)	0
	0

Outlay savings for the Transition Quarter	0
Outlay savings for 1977	0
Outlay savings for 1978	15.0
Outlay savings for 1979	15.0

V40234 DEC 4 75 XUM

R76- 26

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Appropriations and contract authority provided for in the Housing and Urban Development-Independent Agencies Appropriation Act, 1976, for interest grant payments pursuant to Section 802(c)(2) of the Housing and Community Development Act of 1974 (88 Stat. 722) are rescinded.

Recission Proposal No: R76-27

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Consumer Product Safety Commission	New budget authority (P.L. 94-116) $ 41,820,000
Bureau	Other budgetary resources 10,000
Appropriation title & symbol	Total budgetary resources 41,830,000
Salaries and Expenses - 6150100	Amount proposed for rescission $ 5,225,000
OMB identification code: 30-40-0100-0-1-553	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The proposed rescission would maintain the President's 1976 requested level of $36,595,000 for the Consumer Product Safety Commission (CPSC). The 1976 appropriation exceeds the President's request by the $5,225,000 proposed for rescission.

The resulting level would allow maintenance of all CPSC programs at the 1975 level, which is more than 20% above the 1974 level. A $37 million funding level should provide ample resources for CPSC to demonstrate its effectiveness in reducing consumer product injuries, to address program priorities, and to accomplish essential objectives.

Estimated Effects:

The rescission would not result in personnel reductions, and all CPSC programs could be maintained at the 1975 level. No continuing grants or contracts would have to be cancelled for lack of funding. The appropriation level of $41,820,000 would result in an average 14% expansion over 1975 in all program areas—including regulatory development, information and education, compliance, and administration.

V 40 234 DEC 4 75 XUM

R76-27

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	43.4
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without rescission	47.4
4. With rescission	43.4
5. Current outlay savings (line 3 - line 4)	4.0
Outlay savings for the Transition Quarter	.2
Outlay savings for 1977	1.0

R76-27

CONSUMER PRODUCT SAFETY COMMISSION

Salaries and Expenses

Appropriations provided under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1976, are rescinded in the amount of $5,225,000 for the fiscal year ending June 30, 1976.

V40234 DEC 4 75 XUM

Deferral No: D76-68

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $ 10,395,000 Other budgetary resources 8,667,500 Total budgetary resources 19,062,500
Bureau Agricultural Research Service	
Appropriation title & symbol Agricultural Research Service (Construction) 12X1400	Amount to be deferred: Part of year $ ____ Entire year 7,570,000
OMB identification code: 05-18-1400-0-1-352 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

Currently, the research facilities of the Agricultural Research Service (ARS) are not fully utilized. Although the Department of Agriculture, with the support of the Congress, is continuing its efforts to improve utilization by further sharing resources with other Federal agencies, facilities are currently in excess of staff using them. A recent review indicated that ARS laboratories are staffed at 88 percent of their capacity in terms of scientific man-years, 79 percent with ARS personnel and 9 percent with non-ARS personnel. To optimize use of the scientific staff, programs are under constant review; priority research efforts are being identified, projects reaching completion are being terminated, and efforts are being made to relocate and consolidate similar lines of work at the various locations.

In view of these excess research facilities and no immediate prospects for substantially more scientific staff to use them, $7,570,000 appropriated in fiscal year 1976 for construction of the Northeastern Appalachian Region Fruit Crop Laboratory, Kearneysville, West Virginia, are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

Fruit research in support of regional fruit industries will continue at other locations, primarily Beltsville, Maryland. Savings in Federal expenditures are estimated at $1.0 million in fiscal year 1976, and total $5.0 million by end of fiscal year 1977 if deferral is continued until then.

D76-68

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	5.6
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimate for 1976:	
3. Without deferral	15.0
4. With deferral	14.0
5. Current Outlay Savings	1.0
Outlay Savings for the Transition Quarter	0.5
Outlay Savings for 1977	3.0

V40234 DEC 4 75 XUM

Deferral No: D76-69

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P.L.) $
Bureau Animal and Plant Health Inspection Service	Other budgetary resources 17,555,928
Appropriation title & symbol 12X1600 Animal and Plant Health Inspection Service (Construction-Fleming Key Animal Import Center)	Total budgetary resources 17,555,928
	Amount to be deferred: Part of year $ Entire year 6,314,000
OMB identification code: 05-21-1600-0-1-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Fleming Key Animal Import Center would provide quarantine facilities for cattle imported directly into the United States from countries known to be infected or to have been infected with foot and mouth disease.

Currently, exotic breeding stock can be brought into the United States through the facilities of other countries where USDA approved safeguards are exercised.

Since some desired exotic cattle breeds are currently available through facilities operated by other countries, the construction funds for the Fleming Key Animal Import Center are being deferred through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The purpose of the construction of the Fleming Key facility is to expand the import of--by partially reducing the cost of import--exotic cattle breeds to improve the production of U.S. cattle and dairy herds. Deferral of these amounts would not markedly affect the progress toward this goal. Some desired cattle are now available through other channels.

Outlay Effects (Estimated in millions of dollars)

Comparison with President's 1976 budget:	
1. Budget outlay estimate for 1976	$4.0
2. Outlay savings, if any, included in the budget outlay estimate	--
Current outlay estimates for 1976:	
3. Without deferral	1.3
4. With deferral	.5
5. Current outlay savings (line 3-line 4)	.8
Outlay savings for the transition quarter	1.0
Outlay savings for 1977	3.3

V40234 DEC 4 75 XUM

Deferral No: D76-70

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $ 175,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources ---
Appropriation title & symbol Agricultural Conservation Program, 1976 126/83315	Total budgetary resources 175,000,000
	Amount to be deferred: Part of year $ --- Entire year 90,000,000
OMB identification code: 05-60-3315-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year 12/31/76 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification

This action would defer $90,000,000 of contract authority for the 1976 Agricultural Conservation Program (ACP), authorized in the 1976 Agriculture and Related Agencies Appropriation Act until June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

A level of $85 million will provide all the funding that can be effectively used to provide cost-sharing for additional conservation above that which farmers are willing and able to perform with their own resources.

Estimated Effects The proposed deferral would leave $85,000,000 available for FY 1976. This amount will be sufficient for cost-sharing assistance to farmers. There would be no outlay savings in FY 1976 because funds are not appropriated in the current year to liquidate the 1976 contract authority.

D76-70

2

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976:	170.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	170.0
4. With deferral	170.0
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the Transition Quarter	5.5
Outlay Savings for 1977	76.0

V40234 DEC 4 75 XUM

Deferral No: D76-71

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P.L. _____) $ _____
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources $ 39,400,000
Appropriation title & symbol: Commodity Credit Corporation Administrative Expenses, 1976 12X4336	Total budgetary resources $ 39,400,000
	Amount to be deferred: Part of year $ 2,787,000
	Entire year _____
OMB identification code: 05-66-4336-0-3-999	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☒ Other P.L. 94-122
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☐ No-year	☐ Other _____

Justification

The Agriculture Appropriation Act (Commodity Credit Corporation, Limitation on Administrative Expenses) provides that no less than 7 percent of the total authorization for administrative expenses of the CCC shall be placed in reserve and used only in such manner and at such time as may be necessary to carry out program operations.

Estimated Effects

This deferral will have no programmatic impact and its economic and budgetary impact will be negligible.

D76-71

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget	
1. Budget outlay estimate for 1976.....	$39.4
2. Outlay savings, if any, included in the budget outlay estimate	0
Current outlay estimates for 1976	
3. Without deferral	39.4
4. With deferral	39.4
5. Current outlay savings	0
Outlay savings for the transition quarter.....	0
Outlay savings for 1977	0

V40234 DEC 4 75 XUM

Deferral No: D76-72

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. _____) $ 250,000,000
Bureau Farmers Home Administration	Other budgetary resources 1,053,205
Appropriation title & symbol	Total budgetary resources 251,053,205
Rural Water and Waste Disposal Grants 12X2066	Amount to be deferred: Part of year $ _____
	Entire year 50,000,000
OMB identification code: 05-75-2066-01-1-451	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other _____

Justification

A $75 million program level for fiscal year 1976 is proposed. Of the $250 million appropriated by P.L. 94-122 and 94-41 for rural water and waste disposal grants in 1976, $125 million is proposed for rescission and $50 million is planned for deferral until fiscal year 1977. This program provides water and waste disposal development grants that are made to public or quasi-public agencies for the development, storage, treatment, purification, and distribution of domestic water; and for the treatment or disposal of waste in rural areas. Grants may not exceed 50 percent of the development cost of the projects. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

The $75 million proposed funding level is considered sufficient to meet the needs of this program in FY 1976 for the following reasons:

1. The program level proposed is sufficient to fund the most urgent grant applications on hand which are ready for funding this fiscal year.

D76-72

2

2. The grant program level proposed, including transfers from other agencies, is the appropriate amount to complement the loan authority of $470 million provided for water and facility loans (Rural Development Insurance Fund) in the FY 1976 Agriculture and Related Agencies Appropriation Act, based on revised estimates of the proper balance between loans and grants.

3. Grant funds for this program have been or are in the process of transfer from the Economic Development Administration, Department of Commerce; Department of the Army; and the Appalachian Regional Commission to assist in funding water and waste disposal projects in rural areas.

Estimated Effects

The estimated effects of this deferral are minimal. The funding level recommended by the President, together with fund transfers from other agencies, is considered sufficient to fund this program this fiscal year.

Outlay Effect (Estimated in millions of dollars)

Comparison with President's 1976 budget:	
1. Budget outlay estimate for 1976	66.0
2. Outlay savings, if any, included in the budget outlay estimate	---
Current outlay estimates for 1976:	
3. Without deferral	71.8
4. With deferral	66.8
5. Current outlay savings (line 3 - line 4)	5.0
Outlay savings for the transition quarter	2.0
Outlay savings for 1977	10.0

The total outlay effect of this deferral of $50 million and the proposed rescission of $125 million in FY 1976, and $25 million in the transition quarter, would be as follows:

FY 1976	-14.8 million
TQ	-4.3 million
FY 1977	-41.4 million

V40234 DEC 4 75 XUM

Deferral No: D76-73

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $ 172,986,000 Other budgetary resources 25,052,000 Total budgetary resources 198,038,000
Bureau Soil Conservation Service	
Appropriation title & symbol Watershed and Flood Prevention Operations 12X1072	Amount to be deferred: Part of year $ ____ Entire year 22,500,000
OMB identification code: 05-78-1072-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☒ No (Both)	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

Of the total amount being deferred, $12,500,000 is for emergency work (e.g., runoff retardation and soil erosion prevention). In 1976, only the spring construction season remains. All funds available for emergency work will not be used then due to several factors including unavailability of equipment, the time necessary to obtain permits, and the unpredictability of spring weather. The funds being deferred are expected to be made available for later construction seasons, including the next summer and fall construction seasons.

The other $10,000,000 being deferred is for new construction starts. If additional new starts are made, future funding will either have to be spread over more projects in progress, resulting in a slow-down of completion of projects currently under way or future funding levels will have to be increased, since the funds provided this year are sufficient only to start the new projects.

Estimated Effects

Emergency work necessary to relieve the hazardous conditions most critical to the protection of life and property will be undertaken in FY 1976. The FY 1976 construction level will be nearly that for 1975. Less urgently needed work--correction of damage that does not pose a near-term threat to life or property--will be completed after FY 1976. Twenty new construction starts will be delayed.

D76-73

2

Outlay Effect (estimates in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	137.9
2. Outlay savings, if any, included in the budget outlay estimate	-0
Current Outlay Estimates for 1976	
3. Without deferral	185.8
4. With deferral	170.0
5. Current outlay savings (line 3 - line 4)	15.8
Outlay Savings for the Transition Quarter	-10.0
Outlay Savings for 1977	-8.8

V40234 DEC 4 75 XUM

Deferral No: D76-74

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $ 29,972,000
Bureau Soil Conservation Service	Other budgetary resources 2,337,000
Appropriation title & symbol Resource Conservation and Development, 12X1010	Total budgetary resources 32,309,000
	Amount to be deferred: Part of year $ ____
	Entire year 4,960,000
OMB identification code: 05-78-1010-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

Justification

The purpose of this program is to assist qualified local sponsoring organizations in developing and improving the economic use of natural resources. The program aids local sponsoring organizations in developing natural resource project plans and provides technical assistance in the field, as the plans are implemented.

The projects aided typically are of more than one year's duration so that a consistent and moderate level of funding is most desirable for the overall program.

The amount being deferred was to have initiated 15 new projects. If these new projects are started, future funding will either have to be spread over more projects in progress, resulting in a slow-down of completion of projects currently under way or future funding levels will have to be increased, since the funds provided this year are sufficient only to start the projects.

These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The program level that includes the effect of the deferral would provide for for project planning to be initiated in 10 new areas and completed in 35 areas during 1976. The number of areas authorized for operations is expected to reach 169 by June 30, 1976.

D76-74

Deferring the 15 new starts will help assure orderly completion, in future years, of projects now underway.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	25.7
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	28.5
4. With deferral	25.3
5. Current outlay savings (line 3 - line 4)	3.2
Outlay Savings for the Transition Quarter	.5
Outlay Savings for 1977	1.3

V40234 DEC 4 75 XUM

Deferral No: D76-75

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-12) $ 61,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 811,834
Appropriation title & symbol Fishermen's Guaranty Fund 13X4318	Total budgetary resources 872,834
	Amount to be deferred: Part of year $ 151,834 Entire year ____
OMB identification code: 06-48-4318-0-3-403	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

This fund, established pursuant to the Fishermen's Protective Act of 1967, as amended, provides compensation to vessel owners and crews for financial losses resulting from the seizure of United States fishing vessels by foreign governments on the high seas on the basis of rights or claims to territorial waters not recognized by the United States. Losses payable are generally limited to the market value of fish caught before seizure which were spoiled or confiscated and up to 50% of gross income lost as a direct result of such seizures. Capital for this fund is derived from fees paid by vessel owners at rates established by the Secretary of Commerce and appropriations from the general fund.

Between January 25 and February 1, 1975, Ecuador seized seven United States fishing vessels. Claims resulting from these seizures have totaled $2,247,987, of which, $1,553,690 was paid in FY 1975 with the remaining $694,297 to be paid in FY 1976. The current program will finance the administrative expenses of this fund and payment of all outstanding claims. Since no seizures of United States fishing vessels have occurred since February 1, 1975, $151,834 is being placed in reserve pending future seizures and resulting claims.

D76-75

2

Estimated Effects:

Deferral of these funds will have no effect on the Fishermen's Guaranty Fund as currently planned for FY 1976.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	.1
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current outlay estimates for 1976:	
3. Without deferral	1.8
4. With deferral	1.8
5. Current outlay savings	-0-
Outlay savings for the Transition Quarter	-0-
Outlay savings for 1977	-0-

V40234 DEC 4 75 XUM

Deferral No: D76- 76

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency DEPARTMENT OF COMMERCE	New budget authority (P.L. 94-121) $ 60,919,000
Bureau Office of the Assistant Secretary for Science and Technology	Other budgetary resources 10,067,419
Appropriation title & symbol Scientific and Technical Research and Services 13X0500	Total budgetary resources 70,986,419
	Amount to be deferred: Part of year $ ____ Entire year 1,187,000
OMB identification code: 06-52-0500-0-1-403	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

This appropriation funds the activities of the National Bureau of Standards, the National Technical Information Service (NTIS) and the Office of Telecommunications (OT).

This deferral is for funds available for the Experimental Technology Incentives Program (ETIP) of the National Bureau of Standards. The objective of the ETIP program is to find ways to stimulate the application of science and technology to attain national goals, such as increased productivity. Contracts are let with industry and universities and interagency cooperative efforts are organized to work toward the objective.

Appropriate projects that will contribute toward accomplishing the program objective have developed at a slower rate than available funding. Projects eligible for funding are of a very specialized nature and require substantial time to develop and review.

In FY 1975, the program had actual obligations of $1,654,000 less than planned. Of this amount, $467,000 will be used in FY 1976 to fund projects. Additional projects that would warrant use of the $1,187,000 being deferred are not expected before FY 1977. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

D76- 76

2

Estimated Effects:

The deferral will have no impact on the conduct of the Experimental Technology Incentives Program.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	61.6
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	60.1
4. With deferral	60.1
5. Current outlay savings	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	.3

V40234 DEC 4 75 XUM

D76-11B

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014 (c) of P.L. 93-344

This supplementary report modifies Deferral No. D76-11A transmitted in the special message of July 25, 1975, and printed as House Document No. 94-225.

The amount deferred for research and training activities overseas of the HEW Assistant Secretary for Human Development has been reduced from $8,306,986 to $4,251,885 as a result of final FY 1976 financial plans for approved projects and the issuance of some valid reservation certificates by Treasury. This action also reflects the planned use of $3,806,986 in FY 1977, rather than in FY 1976, as was reported in Deferral No. D76-11A.

Deferral No: D76-11B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education and Welfare	New budget authority (P.L. ____) $ ____
Bureau: Assistant Secretary for Human Development	Other budgetary resources 8,306,986
Appropriation title & symbol: Research and Training Activities Overseas (Special Foreign Currency Program) 75X0138	Total budgetary resources 8,306,986
	Amount to be deferred: Part of year $ 444,899*
	Entire year 3,806,986*
OMB identification code: 09-80-0505-0-1-506	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other ____

Justification

* The amount proposed for deferral has been placed in reserve pursuant to the Antideficiency Act (31 USC 665 et seq.). Excess foreign currencies are used in this appropriation to fund foreign research and training activities. The amount of $444,899 is being deferred pending the receipt of Treasury valid reservation certificates later in FY 1976. It is anticipated that financial plans for the utilization of the remaining $3,806,986 will not be final until FY 1977.

Estimated Effects

* This action has no programmatic or financial impact. Also, because grants are restricted in this program to countries where the United States owns excess local currencies, expenditures in this account do not take monies out of the U.S.

*Revised from initial message.

V40234 DEC 4 75 XUM

D76-11B

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	3.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	3.0
4. With deferral	3.0
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0

D76-81

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	352.0
2. Outlay savings, if any, included in the budget outlay estimate	0.0
Current Outlay Estimate for FY 1976	
3. Without deferral	395.6
4. With deferral	394.5
5. Current outlay savings	1.1
Outlay savings for the Transition Quarter	.5
Outlay Savings for 1977	.6

V40234 DEC 4 75 XUM

Deferral No: D76-82

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Environmental Protection Agency	New budget authority (P.L. 94-116 ___): $374,788,000
Bureau: Office of Water Planning & Standards	Other budgetary resources: 58,933,000
Appropriation title & symbol: Abatement and Control C8X0108 (Water Quality Control Agency Grants)	Total budgetary resources: 433,721,000
	Amount to be deferred: Part of year: $ ___
	Entire year: 10,000,000
OMB identification code: 20-00-0108-0-1-304	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ___
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification: Budget Authority of $10 M for grants to State and interstate water pollution control agencies under Section 106 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

The deferral will maintain a program level of $40 M in FY 1976, the same as FY 1975. EPA estimates that the FY 75 program level of $40 M has resulted in the following accomplishments: State issuance of 11,000 NPDES[1/] permits, completion of initial statewide water quality management planning for point sources[2/] of pollution, and increased capacity of State agencies to manage the construction of municipal facilities. Maintaining a $40 million program level in FY 1976 will allow State agencies to place increased emphasis on compliance monitoring and enforcement while permit issuance activities decline, initiate statewide water quality management planning for non-point[3/] sources of pollution as point source planning is completed, and maintain effective management of the Construction Grants program.

Estimated Effects: The deferral of $10 M will maintain the FY 1976 program at the same level as FY 1975. Because obligational levels in FY 1976 would remain constant, no agency grants would be terminated or reduced.

1/ National Pollution Discharge Elimination System
2/ pollution discharged from a pipe, ditch, conduit, etc.
3/ pollution that is not discharged from a pipe, ditch, conduit, etc.

Deferral No: D76-77

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Labor	New budget authority (P.L. ___): $ ___
Bureau: Departmental Management	Other budgetary resources: 38,379,851
Appropriation title & symbol: Working Capital Fund 16X4601	Total budgetary resources: 38,379,851
	Amount to be deferred: Part of year: $ 977,000
	Entire year: ___
OMB identification code: 12-25-4601-0-4-505	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ___
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other 29 USC 563

Justification

The Antideficiency Act requires (31 U.S.C. 665(c)(1)) that "...all appropriations or funds not limited to a definite period of time....shall be so apportioned as to achieve the most effective and economical use thereof." Accordingly, funds for expansion and modernization of automatic data processing support for this fund will be apportioned when the Department of Labor's plans for this support have been reviewed and approved as proposing "the most effective and economical" use of funds.

Estimated Effects

Deferral may delay the ordering of new computer equipment, but will permit review of the Department's plan in order to achieve the most effective and economical use of available funds.

Outlay Effect

No effect on FY 1976 or TQ outlays is anticipated.

V40234 DEC 4 75 XUM

Deferral No: D76- 78

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. ——————) $ ——
Bureau Pension Benefit Guaranty Corporation	Other budgetary resources $164,690,722
Appropriation title & symbol Pension Guaranty Fund 16X2404	Total budgetary resources 164,690,722
	Amount to be deferred: Part of year $ -0- Entire year 1,431,000
OMB identification code: 55-35-4204-0-3-601	(Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ——
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year —— (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Borrowing Authority

Justification

The Employee Retirement Income Security Act of 1974 (P.L. 93-406) authorized the establishment of this revolving fund in the Pension Benefit Guaranty Corporation (PBGC). The authorization included authority to spend public debt receipts in an aggregate amount not to exceed $100,000,000. The authorization also provided that this revolving fund would be credited with premium payments, receipts, and other budgetary resources for operation of the Corporation. The budgetary resources of the Corporation are available without regard to fiscal year limitation.

The Antideficiency Act requires (31 U.S.C. 665 (c)(1)) that "...all appropriations or funds not limited to a definite period of time...shall be so apportioned as to achieve the most effective and economical use thereof." Accordingly, funds for automated data systems will be apportioned when it has been shown that the systems proposed will meet actual needs for such processing. The full amount requested for additional personnel has not been approved, however, PBGC will be able to carry out its primary workload during FY 1976 within approved personnel funding.

Funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

D76-78

2

Estimated Effects

The deferral will result in keeping down the Corporation's administrative expenses. This will have the effect of conserving premium receipts for benefit payments to workers in failing pension plans. Also, the need to increase premium payments or to use Treasury borrowings will be reduced. Leaving staffing at present levels will avoid the need for reductions in 1977 when a downturn in workload is expected. This deferral will delay development of the Corporation's data information program. However, it will have no effect on the payments of benefits.

Outlay Effect

This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing need by $1,431,000 for FY 1976.

V40234 DEC 4 75 XUM

Deferral No: D76- 79

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Environmental Protection Agency Bureau:	New budget authority (P.L. 94-116): $166,456,000 Other budgetary resources: 24,290,000 Total budgetary resources: 190,746,000
Appropriation title & symbol: Research and Development 68X0107 (Air Research and Development)	Amount to be deferred: Part of year: $ ____ Entire year: 2,000,000
OMB identification code: 20-00-0107-0-1-304 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Budget authority of $3M was added to the President's Budget for the purposes of (1) health effects research on emissions from catalyst-equipped vehicles and (2) research on pollutant-carcinogen relationships. The deferral of $2M for research on pollutant-carcinogen relationships will give EPA the time needed to coordinate its cancer-related research program with similar efforts of the National Cancer Institute and other Government agencies and to determine which types of research would be most appropriate for EPA to undertake in the area of carcinogen effects. This problem must be fully resolved before additional funds are committed.

The budget authority is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

Estimated Effect: This deferral will give the agency time to develop an effective plan for undertaking carcinogen-pollutant effects research. However, it will not terminate or reduce any of EPA's ongoing research programs, including those for FY 1976 in this area.

D76-79

2

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	167.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimate for FY 1976	
3. Without deferral	176.2
4. With deferral	174.8
5. Current outlay savings	1.4
Outlay Savings for the Transition Quarter	.6
Outlay Savings for 1977	-2.0

V40234 DEC 4 75 XUM

Deferral No: D76-80

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Environmental Protection Agency	New budget authority (P.L. 94-116): $166,465,000
Bureau: Office of Research & Development	Other budgetary resources: 24,290,000
Appropriation title & symbol: Research and Development (Water Quality Research) 68X0107	Total budgetary resources: 190,755,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 4,600,000
OMB identification code: 20-00-0107-0-1-304	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

Justification: $4.6M of funds added by the Congress to the President's 1976 Budget request has been made available for obligation. However, $4.6M of 1976 budget authority originally included in the President's budget is now proposed for deferral through June 30, 1976, or if appropriate legislation is enacted, through September 30, 1976, in order to maintain the total program level at the President's request. The additional funds appropriated by the Congress were directed for the following purposes: ocean disposal research, wastewater disinfection, sludge disposal processes, and interdisciplinary research.

Because of the high priority nature of the items added by the Congress, they will be included in the EPA FY 1976 program plan. However, in order to maintain the total Water Quality R&D program at the level of the President's Budget, a comparable amount of specific research tasks in areas which represent the Agency's lowest program priorities will be deferred or stretched out into FY 1977, at which time the deferred funds shall be made available for obligation.

Estimated Effects: The impact of this deferral will be to delay the start of some less important projects or stretch out the completion of some on-going research projects for up to 11 months.

D76-80

2

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	167.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current outlay estimate for 1976	
3. Without deferral	176.2
4. With deferral	174.2
5. Current outlay savings	2.0
Outlay Savings for Transition Quarter	.3
Outlay Savings for 1977	.3

V40234 DEC 4 75 XUM

Deferral No: D76-81

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency Bureau	New budget authority (P.L. 94-116) $374,788,000 Other budgetary resources 58,933,000 Total budgetary resources 433,721,000
Appropriation title & symbol Abacement and Control 68X010X (Air Control Agency Grants)	Amount to be deferred: Part of year $ ____ Entire year 3,750,000
OMB identification code: 20-00-0108-0-1-304 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Budget authority of $3.75 million for grants to State and local air pollution control agencies under Section 105 of the Clean Air Act is proposed for deferral. The purpose of the funds is to support State and local agency programs which implement Clean Air Act requirements.

With the deferral, the program level will be $51.5 million in FY 1976, the same as the program level in FY 1975. In FY 1975, State and local control agencies finalized the development and implementation of basic State Implementation Plans, including the establishment of air quality monitoring networks. Maintenance of the $51.5 million level will allow the funded State and local control agencies to proceed with high priority State Implementation Plan revisions and to continue adopting new source enforcement activities from EPA. Thus, with the maintenance of a $51.5 million in FY 1976 funded agencies will proceed with their highest priority objectives.

The $3.75 million in budget authority is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

Estimated Effects Continuation of the FY 1975 obligational level in FY 1976 will not cause the reduction or the termination of any control agency grants, and the deferral of $3.75 million will have limited impact on the FY 1976 program level relative to that in FY 1975. Without this deferral, grantees would receive about a 7 percent increase over the FY 1975 program levels, or about a $14,000 increase on an average grant of $200,000.

D76-82

2

This deferral will provide for a level program in FY 1976 in lieu of a 25 percent increase over 1975. Based on past experience, it is estimated that 62 grants will be affected, resulting in maintaining an average grant of $645 thousand instead of $806 thousand.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	352.0
2. Outlay savings, if any, included in the budget outlay estimate	0.0
Current Outlay Estimate for 1976	
3. Without deferral	395.6
4. With deferral	393.6
5. Current outlay savings	2.0
Outlay Savings for the Transition Quarter	1.0
Outlay Savings for 1977	5.0

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Deferral No: D76-83

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 94-116) $ 374,788,000
Bureau Office of Water Planning & Standards	Other budgetary resources 58,933,000
Appropriation title & symbol Abatement and Control 68X0108 (Clean Lakes Grants)	Total budgetary resources 433,721,000
	Amount to be deferred: Part of year $ ____ Entire year 15,000,000
OMB identification code: 20-00-0108-0-1-304	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Budget authority of $15,000,000 for clean lakes grants under the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) is proposed for deferral. The purpose of the funds is to provide assistance to States in order to carry out methods and procedures for lake restoration approved by the EPA Administrator, consisting of land management practices to control the discharge of non-point sources 1/ of pollution to lakes and techniques for the in-lake restoration of water quality.

The funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. The funds are proposed for deferral for two reasons:

1. Because a national classification of lakes according to eutrophic condition has not yet been completed, and because of gaps in scientific knowledge of lake restoration, EPA has thus far focused the clean lakes program on developing and demonstrating cost-effective innovative techniques for lake restoration. Congress appropriated $4 M for this purpose in FY 1975. To date, EPA has received grant applications for approximately $2 M but has not yet awarded any grants. The additional $15 million cannot be utilized in an effective manner until the initial demonstrations are underway and their effectiveness evaluated.

2. The development of land management practices to control non-point sources of pollution is assigned primarily to the Section 208 areawide and statewide planning processes. Comprehensive plans for non-point source control will not be completed until 1977 or 1978. Thus, it is not known at this time how clean lakes grants can

1/ pollution that is not discharged through a pipe, ditch, conduit, etc.

D76-83
2

best be utilized in supporting comprehensive non-point source pollution abatement to restore and maintain the quality of freshwater lakes.

Estimated Effect: It is estimated that the deferral will have no programmatic effects, because:

(1) $4 M has been available for this program for almost a year with grant applications thus far for only $2 M and no funds obligated, and
(2) there are no estimated FY 1976 outlays from the $15M if it were made available for obligation at this time.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	352.0
2. Outlay savings, if any, included in the budget outlay estimate	0.0
Current Outlay Estimate for 1976	
3. Without deferral	395.6
4. With deferral	395.6
5. Current outlay savings	0
Outlay Savings for the Transition Quarter	0.5
Outlay Savings for 1977	7.5

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Deferral No: D76-84

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Aeronautics and Space Administration	New budget authority (P.L. 94-116): $775,512,000
Bureau:	Other budgetary resources: ---
Appropriation title & symbol: Research and Program Management 8060103	Total budgetary resources: 775,512,000
	Amount to be deferred: Part of year: $2,900,000
	Entire year:
OMB identification code: 27-00-0103-0-1-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

JUSTIFICATION

Purchase of an administrative aircraft provided for in NASA's fiscal year 1976 appropriation will be deferred pending review of the need for this aircraft, its economic justification, and any relevent alternatives available to the Government (e.g., lease vs. buy and the possibility of otherwise obtaining the needed transportation from commercial sources).

ESTIMATED EFFECTS

This deferral is not expected to affect NASA's ability to effectively manage its programs.

OUTLAY EFFECT

None anticipated because this is a part-year deferral.

Deferral No: D76-85

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. 94-24): $305,000,000
Bureau: Refugee and Migration Affairs	Other budgetary resources: -0-
Appropriation title & symbol: Special Assistance to Refugees from Cambodia and Vietnam	Total budgetary resources: 305,000,000
	Amount to be deferred: Part of year: $28,492,695
	Entire year: -0-
OMB identification code: 14-25-1144-0-1-604	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year June 30, 1976 (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification

Public Law 94-23, approved May 23, 1975, authorized appropriations to relocate and resettle refugees from Cambodia and Vietnam in the United States and other countries. Public Law 94-24, approved the same date, appropriated $305,000,000 to the Department of State for these purposes. This appropriation, together with certain foreign assistance funds, financed the evacuation of refugees from Cambodia and Vietnam; the establishment, outfitting and staffing refugee staging centers in the Pacific and reception centers in the United States; and contracts with voluntary agencies to recruit sponsors and to provide initial financial aid in settling refugees. Current plans anticipate that most, if not all, refugees will have left reception centers by December 30, 1975. Certain resettlement activities will, however, continue through June, 1976, by which time the State Department program must be completed as required by P.L. 94-23.

The State Department has prepared a financial plan which, at this time, identifies $276,507,305 of requirements against this appropriation. The Department proposes to maintain $28,492,695 in reserve for possible contingencies. This amount has been apportioned as a reserve for contingencies under authority of the Antideficiency Act.

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Estimated Effects:

No savings result from this deferral.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	-0-
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current outlay estimates for 1976:	
3. Without deferral	271.4
4. With deferral	271.4
5. Current outlay savings	-0-
Outlay savings for the Transition Quarter	-0-
Outlay savings for 1977	-0-

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

National Banks Acting as Travel Agents

Subsequent to the decision of the First Circuit U.S. Court of Appeals in "Arnold Tours, Inc. v. Camp," 472 F. 2d 427 (1972), the Comptroller of the Currency was requested by the American Society of Travel Agents, Inc., and also by several national banks to publish a revision of Interpretive Ruling 7.7475, an interpretive ruling dealing with the subject of travel services by national banks. The First Circuit in the *Arnold Tours* case held that I.R. 7.7475 was "invalid to the extent that it is construed by the Comptroller as authorizing a national bank to operate a full-scale travel agency."

By notice published in the FEDERAL REGISTER, 38 FR 35023, December 21, 1973, the Comptroller solicited the views of all interested parties on a possible revision of I.R. 7.7475, raising a number of questions concerning such a revision as to which specific comment was solicited. Thereafter, as a result of the comment received and staff analyses, the Comptroller published a proposed revision of I.R. 7.7475 and invited additional comment, 40 FR 14767, April 2, 1975. Notwithstanding the initial opportunity for comment, extensive additional comments were received in response to the proposed revision of I.R. 7.7475 published by the Comptroller's Office. These comments raised a number of problems which have created considerable difficulty in the drafting of an interpretive ruling which will provide appropriate guidance to national banks.

During the pendency of these administrative proceedings, the existing language of I.R. 7.7475 has been left in place. However, in a pending suit against the Comptroller, "American Society of Travel Agents, Inc. v. James E. Smith," Civil Action No. 75–0370 (D. D.C.), the Comptroller represented to the Court that the Comptroller's Office would, on or before November 28, 1975, either issue a revised interpretive ruling or repeal the existing ruling. In keeping with this representation, the existing language of I.R. 7.7475, 12 CFR 7.7475, is this day rescinded.

The Comptroller intends to issue a revised interpretive ruling on this subject. Pending the issuance of such ruling, national banks should consult with their own legal counsel as to the range of permissable travel services under applicable statutes. In addition, until a new ruling is issued, the Comptroller's Office will not accept any applications from national banks to offer travel services through an operating subsidiary pursuant to I.R. 7.7376.

§ 7.7475 [Removed]

Accordingly, 12 CFR 7.7475 is rescinded.

Dated: November 26, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75–32785 Filed 12–4–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–CE–30–AD; Amdt. 39–2449]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 65–B80 Airplanes

The manufacturer has advised that P/N 50–980109–5 and –7 shields, which are portions of the nacelle interior fire shield, may have been incorrectly installed on certain Beech Model 65–B80 airplanes. Such installations could compromise the effectiveness of the nacelle interior fire shield. Since this condition is likely to exist in certain serial numbers of Beech Model 65–B80 airplanes, an Airworthiness Directive (AD) is being issued, applicable to those airplanes, which will require inspection of the nacelle interior fire shield installation and correction thereof as necessary.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model 65–B80 (Serial Numbers LD–476 thru LD–502 and LD–504) airplanes

Compliance: Required as indicated, unless already accomplished.

To detect and correct improperly installed P/N 50–980109–5 and –7 shields, within 50 hours' time in service after the effective date of this AD, accomplish the following:

(A) Visually inspect the nacelle interior fire shield and correct as necessary in accordance with Beechcraft Service Instruction No. 0771–065 or later revision or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(B) Aircraft may be flown in accordance with FAR 21.197 to a place where the AD can be accomplished.

This amendment becomes effective December 9, 1975.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on November 24, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75–32756 Filed 12–4–75;8:45 am]

[Docket No. 75–NE–11; Amdt. 39–2447]

PART 39—AIRWORTHINESS DIRECTIVE

Sikorsky S–58 Model Series Helicopters

Amendment 39–1390 (39 FR 25644) AD 74–15–06, as amended by Amendment 39–2134 (40 FR 14298) effective April 3, 1975, requires a three hour repetitive dye penetrant inspection of intermediate housings of the tail rotor gearbox assembly on all S–58 model series helicopters if the main rotor Bifilar is not installed. After issuing Amendment 39–2134, the agency has determined that the Bifilar installation has a negligible effect on the overall steady stress level in the critical section of the intermediate housing of the tail rotor gearbox. The housing failure occurs from a high overall steady stress; fatigue is not a significant consideration. In addition, service experience indicates that the three hour repetitive inspection can be increased to ten hours. Therefore, the AD is being further amended to change the three hour repetitive inspection to every ten hours time in service and alleviate the requirement for installation of the Bifilar.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1890 (39 FR 25644) AD 75–15–06, as amended by Amendment 39–2134 (40 FR 14298) is further amended as follows:

§ 39.13 [Amended]

1. Change the first sentence of Paragraph 1 to read as follows: Within the next three hours time in service after the effective date of this AD, or whenever unusual vibration in the tail rotor system is experienced, accomplish the following in accordance with the instructions set forth in Section 2, Paragraphs A and C of Sikorsky Service Bulletin No. 58B35–17C, dated November 24, 1975 (hereinafter Bulletin No. 58B35–17C).

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2. Change Paragraphs 2a, 2b, and 2c to read as follows:

a. Every ten hours time in service inspect in accordance with Section 2, Paragraphs A(2) and C(2), (a) thru (d), if both Sikorsky Service Bulletins listed below are not complied with or lightweight input and/or intermediate tail rotor gearbox honsings are installed:

(1) 58B15–14B, Balance of Rotary Rudder Assembly.

(2) 58B20–14B, Strengthening of Pylon Carry-Thru Structure of Rotary Rudder Assembly.

b. Every 20 hours time in service, inspect in accordance with Section 2, Paragraphs C(2), (a) thru (d), if tail rotor gearbox S1635–64000–9 is installed and if both Sikorsky Service Bulletins 58B15–14B and 58B20–14B or their latest FAA approved revisions are complied with.

c. Every 50 hours time in service, inspect in accordance with Section 2, Paragraphs C(2), (a) thru (d), if tail rotor gearbox S1635–64000–10 is installed and if both Sikorsky Service Bulletins 58B15–14B and 58B20–14B or their latest FAA approved revisions are complied with.

3. In Paragraphs 2, 3, 4, and 5 change Bulletin No. 58B35–17B to Bulletin No. 58B35–17C.

This amendment becomes effective December 10, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Burlington, Massachusetts, on November 21, 1975.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.75–32757 Filed 12–4–75;8:45 am]

[Airspace Docket 75–NW–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the La Grande, Oregon, Transition Area.

A La Grande NDB–A Instrument Approach Procedure is being proposed to serve the La Grande Municipal Airport, La Grande, Oregon. Accordingly, a 700 foot Transition Area needs to be designated to provide controlled airspace to contain arriving IFR operations below 1500 feet above the surface. The availability of this Instrument Approach Procedure and its associated Transition Area will provide necessary safety for operations into and out of La Grande, Oregon, Municipal Airport during weather conditions lower than VFR. In order to provide this required safety factor to users of the La Grande Municipal Airport during this winter season, this amendment needs to be in effect coincident with the effective date of the approach procedure.

Since a situation exists whereby required safety will be provided by expedited adoption of this amendment, it is found that notice and public procedure thereon are impracticable. As it is essential that this Transition Area be designated, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective on December 5, 1975 as hereafter set forth.

Section 71.181 (40 FR 441) is amended by adding the following:

LA GRANDE, OREGON

That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at Latitude 45°39' N., Longitude 118°02' W., extending eastwardly to Latitude 45°37' N., Longitude 117°44'30" W., on the east by a line extending to Latitude 45°15'30" N., Longitude 117°49' W., on the south by a line extending to Latitude 45°17'30" N., Longitude 118°07' W., on the west by a line extending to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington on November 25, 1975.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.75–32755 Filed 12–4–75;8:45 am]

[Airspace Docket No. 75–SO–138]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airways

On November 10, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 52409) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend airways to by-pass Atlanta, Ga., on the east and on the west.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the NPRM, an error of 1° was made in describing the Rome, Ga., radial that overlies the Tyrone, Ga., INT on V–154. This radial should have been 166°T rather than 166°M. The correct radial is used in this amendment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., January 29, 1976, as hereinafter set forth.

§ 71.123 (40 FR 307, 16650, 44310) is amended as follows:

a. In V–5 "INT Anderson 274° and Chattanooga, Tenn., 127° radials;" is deleted and "INT Anderson 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Dublin via Macon, Ga., INT Macon 349° and Norcross, Ga., 150° radials; Norcross;" is substituted therefor.

b. In V–154 "From Macon, Ga.;" is deleted and "From Rome, Ga., via INT Rome 166° and Macon, Ga., 301° radials; Macon;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 28, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–32754 Filed 12–4–75;8:45 am]

[Airspace Docket No. 75–SW–28]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Routes

On July 3, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 28096) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate jet route segments from Phoenix, Ariz., to Newman, Tex., and from Roswell, N. Mex., to Abilene, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Favorable comments were received from two members of the aviation industry. The Department of the Air Force representatives in the western and southwestern regions objected. These representatives expressed concern that the present direct routes, if designated jet routes, would become so disruptive to the conduct of military training as to be unacceptable to the Department of the Air Force. Previous experience proved that the designation of direct routes as Jet Routes does not prevent FAA from providing military training operations with adequate flight services. This is evident in the Albuquerque ARTC Center area. For this reason, the FAA can not agree that this action would become disruptive to the conduct of military training.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 g.m.t., January 29, 1976, as hereinafter set forth.

§ 75.100 (40 FR 705) is amended as follows:

a. In Jet Route No. 65 "(Roswell, NM., to Red Bluff, CA.) From Roswell, NM., via" is deleted and "From Abilene, Tex., via Roswell, N. Mex.;" is substituted therefor.

b. Jet Route No. 181 is added as follows: "Jet Route No. 181 From Phoenix, Ariz., to Newman, Tex."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 28, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–32760 Filed 12–4–75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1602—STATEMENTS OF POLICY OR INTERPRETATION

Policy on Exportation of Noncomplying Goods

The purpose of this document is to revise and codify the Consumer Product Safety Commission's statement of policy concerning the exportation of any product, fabric, or related material or product made of fabric or related material that fails to conform to applicable standards or regulations issued under the Flammable Fabrics Act is amended (15 U.S.C. 1191–1204). The statement of policy was published in a notice in the FEDERAL REGISTER of October 1, 1975 (40 FR 45219).

The statement of policy, which interprets section 15 of the Flammable Fabrics Act (15 U.S.C. 1202), provides that noncomplying goods, whether domestically made or imported, cannot be exported from the United States unless the intent to export them was manifested at the time of manufacture or importation into the United States. In certain instances the Commission may allow persons subject to the Act the opportunity to re-work noncomplying goods to bring them into conformity with the law. Otherwise the goods must be destroyed.

In this revised policy statement, the Commission states that when the Commission allows noncomplying imported goods to be re-worked, the importer will be allowed to return the goods to the foreign manufacturer to bring them into conformity with the law (section 1602.2 (h)). The Commission believes this provision eliminates a possible unfairness as to importers without manufacturing facilities of their own who would otherwise be limited to having the imported goods brought into conformance by a domestic company or destroyed. At the same time, this provision would discourage the importation of noncomplying goods and thus assist in the protection of American consumers because the option of returning goods to the foreign manufacturer for correction would involve inconvenience, cost and disruption of normal business activity.

In addition, a section containing definitions has been added to the policy (section 1602.2(b)). The definition of the term "import" clarifies that the policy does not apply to items manufactured outside the United States until the items have moved from Customs custody, into the customs territory of the United States.

Accordingly, the following section is added to 16 CFR Part 1602:

§ 1602.2 Policy on Exportation of Noncomplying Goods.

(a) On May 14, 1973, the responsibilities of the Federal Trade Commission for enforcement of the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Since the transfer of the administration of the Flammable Fabrics Act, questions have arisen as to when goods that do not comply with the Act and with regulations promulgated thereunder may be exported from the United States. The Commission has therefore decided to articulate its policy as set forth in this section concerning the export of such products in order to eliminate unnecessary uncertainty from market decisions, from administrative proceedings and from other enforcement actions this Commission is taking and will take to implement the Act and regulations and standards thereunder.

(b) *Definitions.* As used in this section:

(1) "Act" means the Flammable Fabrics Act, as amended and revised (81 Stat. 568, 15 U.S.C. 1191–1204).

(2) "Export" or "exportation" means to carry or send goods out of the United States, Puerto Rico, or any territory or possession of the United States to any foreign nation.

(3) "Import" or "importation" means to carry or bring goods into the United States, Puerto Rico, or any territory or possession of the United States from any foreign nation. For the purposes of this section, goods are considered to have been imported into the United States when they have entered into the United States; that is, when they have moved from Customs custody into the customs territory of the United States.

(4) "Marketing or handling" of goods subject to the Act means all actions described in section 3 of the Act (15 U.S.C. 1192); that is, the manufacture for sale, sale, offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation or causing to be transported, in commerce, or sale or delivery after sale or shipment in commerce of any product, fabric, or related material subject to the Act or the manufacture for sale, sale, or offering for sale of any product made of fabric or related material subject to the Act and which has been shipped or received in commerce.

(c)(1) Section (3)(a) of the Flammable Fabrics Act (15 U.S.C. 1192) prohibits, among other things, the manufacture for sale, the sale, or offering for sale in commerce or the importation into the United States of any product, fabric, or related material which fails to conform to an applicable standard or regulation issued under the Act. Section 3(b) of the Act prohibits the manufacture for sale, the sale, or the offering for sale, of any product made of fabric or related material which fails to conform to an applicable standard or regulation issued under the Act and which has been shipped or received in commerce.

(2) Section 15(a) of the Act (15 U.S.C. 1202) states that the Act "does not apply to any fabric, related material, or product which is to be exported from the United States, if such fabric, related material, or product and any container in which it is enclosed bears a stamp or label stating that such fabric, related material, or product is intended for export and such fabric, related material, or product is in fact exported from the United States," with the exception that the Act does apply to goods intended to be marketed to any installation of the United States located outside the United States.

(3) Section 15(b) of the Act excludes from coverage "any fabric, related material, or product which is imported into the United States for dyeing, finishing, other processing, or storage in bond, and export from the United States," if certain requirements are met, with the exception that the Act does apply to any such imported goods manufactured for sale, offered for sale, or intended for shipment to any installation of the United States located outside of the United States.

(d) The Federal Trade Commission did not consider the exemptions found in section 15 to apply to nonconforming goods which were intended for domestic distribution at the time of manufacture or original importation and which were not intended for exportation from the United States at the time they were manufactured or imported into the United States. The enforcement staff of the Consumer Product Safety Commission has been consistently following this policy.

(e) The Consumer Product Safety Commission now affirms the basic policy adopted by the FTC and by this section. Notice explicitly interprets section 15 of the Act as exempting non-conforming goods for exportation only when the manufacturer or importer intends at the time of original manufacture or importation that such goods are to be exported from the United States, to other than an installation of the United States located outside the United States, and manifests that intent by marking such goods for export and proceeds to export them. Therefore the exportation exemption found in section 15 cannot be claimed once any nonconforming product, fabric or related material or product made of nonconforming fabric or related material has originally been imported or marketed or handled domestically or shipped to a U.S. installation without bearing the required exportation label.

(f) The Flammable Fabrics Act has the dual objectives of discouraging the introduction of flammable goods into commerce and removing from the domestic marketplace flammable goods which have entered commerce. The Act must be interpreted in such a way as to preserve its total deterrent value as well as the integrity of the authorities given to the Commission by Congress to eliminate the risk of injury to the public.

(g) If the Act were interpreted as to permit a person subject to the Act, who marketed or handled violative goods for domestic use, upon discovery of the violation, to export the nonconforming goods, the deterrent value of the Act's prohibitions would be seriously reduced. The incentive the Act gives a person to

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avoid the initial introduction of nonconforming goods into domestic channels of commerce would be reduced. Moreover such an interpretation would leave the public exposed to a continued risk of injury or property damage from products that did not comply with flammability standards. Such an interpretation would conflict with the Congressional intent to discourage the introduction of nonconforming goods into commerce and is not supported by any language in the Act. It must therefore be rejected by this Commission in favor of an interpretation that precludes exportation of any noncomplying goods that were not intended for export at the time of original manufacture or importation, or which entered domestic commerce without the manifest intent of being exported (Section 15 of the Flammable Fabrics Act mandates a labeling requirement if the item was originally intended for export).

(h) In any enforcement action taken by this Commission, the person who markets or handles nonconforming goods shall not be allowed to export domestically made goods unless the intent to export them was previously manifested at the time of manufacture nor shall a person be allowed to export foreign made noncomplying goods which were imported into the United States, unless the intent to export them was previously manifested at the time of the original importation. The Commission may in certain instances allow persons subject to the Act the opportunity to re-work the violative goods in order to bring them into conformity with the law and in such instances, as to imported goods, the importer may elect to return the goods to the foreign manufacturer to be reworked to bring them into conformity with the law. Otherwise, nonconforming goods shall be destroyed.

(Secs. 3, 5, 67 Stat. 111–112, 115, as amended 81 Stat. 568–569, 574; 15 U.S.C. 1192, 1202.)

Dated: December 1, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-32773 Filed 12-4-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-8]

PART 2—GENERAL POLICY AND INTERPRETATION

Natural Gas Services

NOVEMBER 28, 1975.

On October 14, 1975, the Commission issued its Order No. 539 which adopted § 2.83 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the enforcement of deliverability obligations and the rendition of natural gas service under rate schedules certificated by this Commission.

Applications for rehearing and/or reconsideration of Order No. 539 have been filed by Phillips Petroleum Company (Phillips) on November 10, 1975, Shell Oil Company, *et al.* (Shell) on November 12, 1975, Sohio Petroleum Company (Sohio), Continental Oil Company (Continental), Natural Gas Pipeline Company of America and Napeco, Inc. (Natural), Tenneco Oil Company, *et al.* (Tenneco), Interstate Natural Gas Association of America (INGAA), Mobile Oil Corporation (Mobil), and Texaco Inc. (Texaco) on November 13, 1975, and by Entex, Inc. (Entex) on November 14, 1975. The Tenneco, *et al.* group also filed on November 13, 1975 a petition to stay the effectiveness of Order No. 539 "until such time as the issues raised in that Order have been fully considered and resolved." A similar request for a stay has been filed by Mobil together with its petition for rehearing and reconsideration.

Two of the Tenneco *et al.* group, Tenneco Oil Company in Docket Nos. CI75-719, CI75-746 and CI75-747, and Tenneco Exploration, Ltd., in Docket Nos. CI75-718 and CI75-748, have requested a stay of Order No. 539 because of their reluctance to commence deliveries in those dockets under validly issued and accepted temporary certificates because of the assertion that Order No. 539 imposes an unlawful "warranty" delivery obligation. This question has been raised by some other parties seeking reconsideration and it will be disposed of, after due deliberation, in the Commission's final order on reconsideration in Docket No. RM76-8, along with the remaining issues posed by petitioners.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such a petition, if not acted upon "within thirty days after it is filed, * * * may be deemed to have been denied."

Despite petitioners' characterization of their applications as petitions for rehearing, we note that Order No. 539 was a statement of policy and, therefore, that applications for rehearing do not lie. Nevertheless, we intend to consider the matters raised by petitioners, and to provide us with adequate time to fully consider the issues presented, we will grant reconsideration of Order No. 539 solely for the purpose of further consideration. This action does not constitute a grant or denial of any or all of the petitions on their merits in whole or in part.[1] All motions for stay filed in this proceeding will be dealt with at such time as the Commission issues its final order on reconsideration.

The Commission orders: (A) The petitions for reconsideration of Order No. 539 filed by Phillips, Shell, Sohio, Continental, Natural, Tenneco, INGAA, Mobil, Texaco, and Entex are granted for the sole purpose of further reconsideration of Order No. 539.

[1] *Area Rate Proceeding, et al (Southern Louisiana Area)*, 40 FPC 1091 (1968).

(B) Motions for stay of the effectiveness of Order No. 539 filed by Tenneco *et al.* and Mobil will be acted upon in the Commission's final order on reconsideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32849 Filed 12-4-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969)

Payment of Benefits

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1975. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 922(a)), directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11883 dated October 6, 1975, the pay rate for Step 1 of Grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $196.80 a month beginning with the month of October 1975, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly. Benefit rates to other beneficiaries (i.e., surviving dependent children, parents, brothers, and sisters), both newly entitled and those already on the rolls, are also increased beginning October 1975. Paragraph (e) of § 410.510 contains the rules for determining the benefit rates payable to those beneficiaries based on the rates shown in § 410.510(d) for a miner or widow.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the Act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with Notice of Proposed Rule Making, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Dated: November 21, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 1, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 Computation of benefits.

* * * * *

(d) *Benefit rates for miners and widows.*

	Beginning October 1975	October 1974 to September 1975	October 1973 to September 1974	October 1972 to September 1973	January 1972 to September 1972	1971	1969–70
(1) Miner or widow with no dependents	$196.80	$187.40	$177.60	$169.80	$161.50	$153.10	$144.50
(2) Miner or widow with 1 dependent	295.20	281.10	266.40	254.70	242.20	229.60	216.70
(3) Miner or widow with 2 dependents	344.40	328.00	310.80	297.10	282.60	267.90	252.80
(4) Miner or widow with 3 or more dependents	393.50	374.80	355.20	339.50	322.90	306.10	288.90

* * * * * *

(Sections 411(a), 412(a), 426(a), and 508, 83 Stat. 793; 30 U.S.C. 921(a), 922(a), 936(a), and 957.)

Effective date. The foregoing amendment shall become effective December 5, 1975.

[FR Doc.75-32819 Filed 12-4-75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-21]

PART 194—LIQUOR DEALERS

Miscellaneous Amendments

The Director, Bureau of Alcohol, Tobacco and Firearms (ATF), with the approval of the Secretary of the Treasury, is amending Part 194 (Liquor Dealers) of Title 27 of the Code of Federal Regulations to (1) Provide an additional procedure for liquor dealers amending special tax returns which cover multiple locations when a change in location occurs; (2) clarify provisions concerning the storing, mixing, and compounding of cocktails for consumption on dealers' premises; (3) simplify the language exempting persons from special tax as wholesale dealers in liquors; and (4) limit the instances where a receipt is issued for special tax remittances.

On July 30, 1975, a notice of proposed rulemaking (Notice No. 282) was published in the FEDERAL REGISTER (40 FR 31957), setting forth the proposed miscellaneous amendments to 27 CFR Part 194. Interested persons were afforded the opportunity to submit, not later than August 29, 1975, written comments or recommendations, or a written request to comment orally at a public hearing, on the proposed regulations.

No comments or requests for a public hearing were received during the 30-day comment period. The proposed miscellaneous amendments are hereby adopted without change and are set forth below.

Effective date. This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: October 28, 1975.

REX D. DAVIS,
Director.

Approved: November 26, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Paragraph (c)(1)(i) and (ii) of § 194.24 are revised to clarify the language providing for the exemption of certain dealers from special tax as wholesale liquor dealers. As revised, § 194.24 (c)(1)(i) and (ii) read as follows:

§ 194.24 Wholesale dealer in liquors.

* * * * *

(c) *Persons exempt from special tax.*
(1) * * *

(i) A retail dealer in liquors who, having paid the special tax as such dealer for the current fiscal year, consummates sales at his place of business of beer or wine, or both, to a limited retail dealer,

(ii) A retail dealer in beer who, having paid the special tax as such dealer for the current fiscal year, consummates sales at his place of business of beer to a limited retail dealer, or

* * * * *

(72 Stat. 1340 1344 (26 U.S.C. 5111, 5112, 5113, 5123))

PAR. 2. A new center heading, and a new § 194.38, dealing with the mixing of cocktails in advance of sale, are added immediately following § 194.35. As added, the new center heading and new § 194.38 read as follows:

SPECIAL TAX AS RECTIFIER

§ 194.38 Mixing cocktails in advance of sale.

A retail liquor dealer who mixes cocktails, or compounds any alcoholic liquors in advance of sale, except for the purpose of filling, for immediate consumption on the premises, orders received at the bar or in the expectation of the immediate receipt of such orders, shall pay special tax as a rectifier. (For further provisions, see § 194.264.)

(72 Stat. 1338, 1347 (26 U.S.C. 5081, 5143))

PAR. 3. The provisions of § 194.73 are being inserted into two new sections, § 194.38 and § 194.264; thus § 194.73 is hereby vacated and reserved.

§ 194.73 [Reserved]

PAR. 4. Section 194.138 is amended to limit the issuance of receipts on Form 809. As amended, § 194.138 reads as follows:

§ 194.138 Receipt for taxes.

An alcohol, tobacco and firearms officer will issue a receipt to a dealer if cash is received as a remittance in payment of special tax (including penalties and interest, if any), or for any type of remittance received if the dealer requests a receipt.

PAR. 5. Paragraph (a) of § 194.151 is amended to provide procedures for the amendment of special tax returns covering multiple locations. As amended, § 194.151(a) reads as follows:

§ 194.151 Amended return, Form 11: endorsement on stamp.

(a) *General.* A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the director of the service center who issued the stamp, by filing a new return on Form 11, designated "Amended Return", setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the director of the service center for endorsement of the change in location: *Provided*, That a dealer who filed his original return, Form 11, under the provisions of § 194.106(b) may deliver the amended return and the stamp at any internal revenue office, or to any alcohol, tobacco and firearms officer inspecting the business, in lieu of submitting them

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directly to the director of the service center: *Provided further*, That a dealer who filed his original return under the provisions of § 194.106(c) shall forward with his amended return an attachment showing both the old and new address of any place of business which has been relocated, and the special tax stamp covering the location from which the business was removed. The director of the service center or the alcohol, tobacco and firearms officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

• • • • •

PAR. 6. Section 194.251 is amended to provide a reference to new § 194.264. As amended, § 194.251 reads as follows:

§ 194.251 Strip stamps required on all bottles.

Except as provided in §§ 194.264, 194.271, and 194.272, all distilled spirits in the possession of wholesale or retail dealers in liquors shall be in bottles or similar containers of a capacity of 1 gallon or less which shall bear the prescribed strip stamps evidencing bottling in compliance with internal revenue law. The strip stamps shall be affixed in such manner as to be broken when the containers are opened.

(72 Stat. 1358 (26 U.S.C. 5205))

PAR. 7. A new § 194.264 dealing with containers for storing mixed cocktails is added immediately following § 194.263. As added, new § 194.264 reads as follows:

§ 194.264 Mixed cocktails.

A retail liquor dealer who mixes cocktails or compounds any alcoholic liquors in advance of sale, as provided in § 194.38, may not use liquor bottles in which distilled spirits have been previously packaged for the storage of the mixture pending sale.

(72 Stat. 1374 (26 U.S.C. 5301))

[FR Doc.75-32776 Filed 12-4-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Regulation on Hunting; Cape Hatteras National Seashore, North Carolina; Revision of

Pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), the Act of August 17, 1937 (50 Stat. 669, as amended, 16 U.S.C. 459a-1) and 245 DM 1 (34 CFR 3879, as amended), National Park Service Order No. 77 (38 F.R. 7478), as amended, Regional Director, Southeast Region Order No. 5 (37 F.R. 7721), Paragraph (a) of § 7.58 of Title 36 Code of Federal Regulations is amended as set forth below.

Section 3 of the Act of August 17, 1937, as amended, establishes hunting in conformance with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) on certain lands within the Cape Hatteras National Seashore.

The purpose of this amendment is to provide for conformity between the existing rules and regulations of Cape Hatteras National Seashore and the rules and regulations of the U.S. Fish and Wildlife Service and the State of North Carolina.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rule making process. However, since this revision helps relieve a restriction, and in view of the fact that the waterfowl hunting season has already commenced, it is determined that the rule making procedure is impractical and this revision shall become effective on December 5, 1975.

Paragraph (a) (5) of § 7.58 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.58 Cape Hatteras National Seashore Recreational Area; hunting.

(a) • • •

(5) Hunting will be restricted to waterfowl. Season length, opening and closing dates, bag limits and species of waterfowl which may be taken will be in accordance with the rules and regulations issued by the North Carolina Wildlife Resources Commission and the U.S. Fish and Wildlife Service.

LAWRENCE D. ROUSH,
Acting Superintendent.

[FR Doc.75-32820 Filed 12-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 456-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision—Maryland

On December 11, 1974, the Governor of Maryland submitted to the Regional Administrator, EPA Region III, amendments to the approved Maryland State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards.

One of these amendments calls for the deletion of subsection .04B(3) of Maryland Regulations 10.03.36 through 10.03.41, inclusive, from the federally enforceable Maryland SIP. This provision presently requires that the sulfur-in-fuel content of residual fuel oil burned in the State of Maryland be lowered from the present level of 1 percent to 0.5 percent by July 1, 1975.

The State contended that the 0.5 percent provision was unnecessary for attainment of federal air quality standards for sulfur dioxide. The requirement was only postponed, however, as a matter of state law until 1980 on the grounds that the more restrictive regulation might be necessary to attain the more stringent State air quality standards.

On December 17, 1974, the State of Maryland submitted proof that after having given 30 day notice to the public, hearings on this amendment were held on August 6, 1974, in Takoma Park and on August 7, 1974, in Baltimore, pursuant to the regulations set forth in 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

On January 30, 1975 (40 FR 4447), the Regional Administrator acknowledged receipt of this amendment, proposed the amendment as a revision to the Maryland SIP, and provided for a 30 day public comment period. In conjunction with this amendment, the Regional Administrator proposed that compliance schedules promulgated by the Administrator [40 CFR § 52.1080(b)], included in the Maryland SIP to assure compliance with the 0.5 percent sulfur-in-fuel requirement, be deleted. Because of confusion that may have resulted in distinguishing the contents in the Maryland regulations and its Federal Implementation Plan, a subsequent FEDERAL REGISTER notice on March 27, 1975 (40 FR 13521) extended the comment period for an additional 30 days, until April 28, 1975. During the extended comment period, the Commonwealth of Virginia submitted comments supporting the continuation of the 1 percent sulfur-in-fuel content for residual oil, on grounds that the 1 percent level is more compatible with the Virginia regulations for National Capital AQCR, which is comprised of the District of Columbia and surrounding areas in Maryland and Virginia. The Maryland State Chamber of Commerce and the Baltimore Gas and Electric Company also supported continuation of the 1 percent requirement.

Before proposing approval of the deletion of the 0.5 percent sulfur-in-fuel regulations as a SIP revision, EPA required proof that national ambient air quality standards for sulfur dioxide were not now being violated, and further, that these standards were likely to be maintained in the State of Maryland through 1985, in accordance with 40 CFR 51.18. After reviewing the air quality data for each AQCR located in the State of Maryland, it was apparent that of the six AQCR's only Metropolitan Baltimore AQCR, where sulfur dioxide standards are just being attained, might have difficulty maintaining the standards. In view of such findings, the Agency is of the opinion that the best alternative would be to approve without qualification the proposed deletion of the 0.5 percent sulfur-in-fuel regulation for all Maryland AQCR's with the exception of the Metropolitan Baltimore AQCR.

Therefore the Administrator hereby modifies 40 CFR § 52.1080(b) to acknowledge the deletion of Section .04B(3) from Maryland Regulations 10.03.36, 10.03.37, 10.03.39, 10.03.40, and 10.03.41, inclusive, as a revision to the Maryland SIP, effective (upon publication).

At the same time, rather than approve without qualification the proposed deletion of Section .04B(3) from Maryland Regulation 10.03.38, the Administrator approves its deletion from the SIP, for the Metropolitan Baltimore AQCR, temporarily for one year thus allowing the use of 1 percent sulfur fuel during the time period specified. It is felt that within a one-year period, the State should be able to submit to the Environmental Protection Agency ambient air quality data and a completed maintenance planning analysis for the Metropolitan Baltimore AQCR which will assist the Administrator in his ultimate decision as to the propriety of a permanent deletion of Section .04B(3) from Maryland Regulation 10.-03.38.

Therefore the Administrator approves Section .04B(3) of Maryland Regulation 10.03.38 to defer the effective date of the 0.5 percent sulfur-in-fuel regulation for the Baltimore AQCR until July 1, 1976, effective (upon publication). The regulations below also include a revision to the federally promulated compliance schedule applicable to persons subject to Section .04B(3), made necessary by this qualified approval.

Copies of the amendment to delete the 0.5 percent sulfur-in-fuel requirement from the Maryland SIP, and the accompanying analysis on which the approval decisions were based are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.
Maryland Bureau of Air Quality Control, 201 West Preston Street, Baltimore, Maryland 21201.
Freedom of Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(42 USC 1857c-5)

Dated: November 26, 1975.

RUSSELL E. TRAIN,
Administrator.

• • • • •

Subpart V—Maryland

1. Section 52.1070 is amended by adding paragraph (c)(4) as follows:

§ 52.1070 Identification of Plan.

• • • • •

(c) Supplemental Information was submitted on

• • • • •

(4) December 11, 1974.

2. In § 52.1080, paragraph (b) is amended to read as follows:

§ 52.1080 Compliance Schedules.

• • • • •

(b) *Federal Compliance Schedules.*—(1) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to the requirements of Maryland Regulation 10.03.38.04B(3) or 10.03.38.04D(1), of the Maryland State Department of Health and Mental Hygiene, shall notify the Administrator, no later than January 1, 1974, of his intent to utilize either low sulfur fuel or stack gas desulfurization to meet the requirements of said regulations.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects low sulfur fuel shall be subject to the following compliance schedule:

(i) January 31, 1974—submit to the Administrator a projection of the amount of fuel, by type, that will be substantially adequate to enable compliance with the requirement of subsection .04B(3) of the Maryland regulation referred to in paragraph (b)(1) of this section on July 1, 1976, and for at least one year thereafter.

• • • • • •

(vii) July 1, 1976—Final compliance with the low-sulfur fuel requirement of subsection .04B(3) of the Maryland regulation referred to in paragraph (b)(1) of this section.

(3) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section who elects to utilize stack gas desulfurization, as specified in .04D(1) of the Maryland regulation referred to in paragraph (b)(1) of this section, shall be subject to the following compliance schedule:

• • • • • •

(iv) July 1, 1976—Final compliance with the requirements of subsections .04B(3) or .04D(1) of the Maryland regulations referred to in paragraph (b)(1) of this section.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1976. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

• • • • •

3. Section 52.1117 is added to read as follows:

§ 52.1117 Control Strategy: Sulfur Oxides.

The requirements of § 51.13(e) of this chapter are not met because the State did not submit an adequate control strategy demonstration to show that the deletion of Maryland Regulation 10.03.38.04B(3) past July 1, 1976, would not interfere with the attainment and maintenance of the national sulfur dioxide standards.

[FR Doc.75-32789 Filed 12-4-75;8:45 am]

[FRL 464-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for the attainment of national ambient air quality standards.

On July 11, 1975 the Massachusetts Secretary of Environmental Affairs informally submitted a proposed revision pursuant to recently enacted Chapter 494, Commonwealth of Massachusetts, "An Act Relative to Periodic Review of Ambient Air Quality Standards", to be included in the Implementation Plan. The Secretary completed formal submittal of the revision on September 16, 1975. This revision will make less stringent Regulation No. 5 of the regulations for the control of Air Pollution in the Metropolitan Boston Air Pollution Control District governing the sulfur content of fuels burned in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham and Watertown for electric generating facilities having an energy input capacity of two and one half billion (2.5 billion) or greater BTU per hour by allowing them to use fuel with a sulfur content not to exceed 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil). Also, those facilities located in the Metropolitan Boston Air Quality Control Region but not in the cities and towns listed above, having an energy input capacity of one hundred million (100,000,000) or greater BTU per hour woud be allowed to use fuel having a sulfur content not in excess of 1.21 pounds per million BTU heat release potential (approximately equivalent to 2.2 percent sulfur content fuel oil). These changes would be effective from July 1, 1975 to July 1, 1977. The revision requires that each source be reviewed by the Department of Environmental Quality Engineering in order to insure that ambient air quality standards will not be exceeded. The requirement which was proposed in the October 7, 1975 FEDERAL REGISTER (40 FR 46322) requiring that ambient monitoring be conducted by sources when fuel usage was over ten million oil-equivalent gallons per year is being dropped. The Commonwealth has the authority to require such monitoring under its Regulation 5 and EPA has been assured by a letter from the Commonwealth dated October 31, 1975, that they will require such monitoring, including monitoring for sulfates, where necessary as a condition of approval when the source is granted permission to use higher sulfur fuel. The Commonwealth will evaluate the necessity of additional ambient monitoring for each source or group of sources within the same area which applies for permission to burn higher sulfur fuel in a manner designed to provide the Commonwealth with sufficient data to determine whether applicable air quality standard(s) are being protected and if sources should be required to return to the use of lower sulfur fuel.

When EPA reviewed the submittal by the Commonwealth to determine what effect the revision would have on attainment and maintenance of all ambient air quality standards for sulfur oxides, each eligible facility was listed and modeled assuming existing stack height as though it was burning the maximum allowable sulfur content fuel oil on a continuous basis to obtain an estimate of highest ground level 24-hour emission

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concentrations. An analysis of the standard deviation of the estimated twenty-four hour concentrations shows that the three-hour standard will be maintained. Additional modeling was done to show protection of the annual standard. The modeling showed that, with present source configurations, (i.e. with no stack height increases and no use of SCS) applicable ambient air quality standards will be protected. Although the revised regulation requires sources to have a three day supply of lower sulfur content fuel on hand for use under adverse meteorological conditions, this switching to lower sulfur fuels is not required to protect ambient air quality standards.

It should be noted that only facilities which apply for and receive approval will be allowed to burn the higher sulfur content fuel and that these facilities must conform to all existing regulatory requirements such as the Commonwealth's Regulation 6, "Visible Emissions," Regulation 2.5.1 Particulate Emission Limitations for Fossil Fuel Utilization Facilities and all other requirements of the Massachusetts Implementation Plan. In order to ascertain compliance with these requirements, additional monitoring and stack testing may be required in accordance with the procedures of EPA Method 5, "Determination of Particulate Emissions for Stationary Sources," as prescribed in Title 40 Part 60.46 as amended in the Code of Federal Regulations and the requirements for continuous opacity monitors as delineated in the FEDERAL REGISTER of October 6, 1975 (40 FR 46247). Any violation of applicable ambient air quality standards within the area of impact of a facility burning higher sulfur fuel will be grounds for a mandatory return to previously required lower sulfur fuel. This requirement will be stipulated in the state issued approval document granted to each facility. Receipt of approval to burn the higher sulfur content fuel will establish a maximum sulfur content for sources receiving such approval based upon the use of such sulfur content fuel (0.55 pounds per million in the Boston core area and 1.21 pounds per million BTU outside the Boston core area) which emission limitation will be enforceable as a part of the Massachusetts Implementation Plan.

On September 30, 1975 (40 FR 44847), and October 7, 1975 (40 FR 46322), the Administrator published a notice and amended notice of proposed rulemaking and solicited public comment. The Agency received 182 letters in support of the proposed option I, 2 letters in support of the proposed Option II and 11 letters voicing disapproval of the entire revision. Of these 11 letters, 2 letters were petitions signed by a total of 71 people. The non-favorable letters cited adverse health effects, detrimental effects to the exteriors of homes and furnishings and the degradation of air quality as reasons to disapprove the plan revision. EPA's review shows that national primary and secondary ambient sulfur dioxide air quality standards which have been set to protect health and welfare will be maintained. No adverse effect on public health or on the environment is expected. Another cited reason to disapprove the revision was that "the existing SO_2 problem would be augmented." SO_2 violations have not been recorded in the Boston Core area since implementation of the Commonwealth's sulfur content in fuel requirements. Again, EPA's calculations show that these standards will not be violated even if the revision is approved. Some of the letters objecting to the revision stated that possible negative health and property effects would outweigh the possible economic benefits. There is a quantifiable savings due to the cost differential between different grades of fuel, but this saving did not influence EPA's technical review of the proposed revision.

In addition, it should be noted that EPA has promulgated regulations for prevention of significant deterioration (PSD) of air quality. See 40 FR 42510 (December 5, 1974). While the PSD regulations establish degradation increments which might be used up by increased emissions attributable to sources qualifying for higher sulfur fuel under the Massachusetts Plan revision, they do not impose regulatory requirements on such sources. In any event, the PSD regulations do not apply to sources that change fuels if the source was originally designed to burn the new fuel. To the knowledge of the Administrator, all of the steam generators that might otherwise be subject to the PSD regulations, i.e. those larger than 1,000 million BTU's, and which might qualify for higher sulfur fuel under the Massachusetts Plan are sources that were designed to accommodate such alternative fuels.

The majority of comments favored the plan revision for economic reasons. Other reasons given for approval were: reduction of consumer costs, minimization of environmental and health impacts, conservation of clean fuel reserves, flexibility to adapt to national energy policies and the inclusion of a safety margin so that elevated SO_2 readings will initiate actions to protect public health.

After a careful evaluation of the Commonwealth's submittal, the Administrator has determined that the regulation, as submitted by the Commonwealth, meets the requirements of the Clean Air Act. Accordingly, the Administrator approves the revision to Regulation 5 pursuant to Chapter 494, Commonwealth of Massachusetts, "An Act Relative to Periodic Review of Ambient Air Quality Standards."

The Agency finds that good cause exists for making these actions effective December 5, 1975, for the following reasons:

1. The implementation plan revision is already in effect under State Law and EPA approval imposes no additional regulatory burdens;

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs.

AUTHORITY: Section 110 of the Clean Air act, as amended, U.S.C. 1857c-5.

Dated: November 26, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart W—Massachusetts

§ 52.1120 [Amended]

In § 52.1120, paragraph (c) is amended by inserting the date "July 11, 1975" in proper chronological order.

[FR Doc.75-32790 Filed 12-4-75;8:45 am]

[FRL 458-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Utah Plan

The purpose of this rule making is to promulgate an amendment to the particulate matter regulation applicable to the Kennecott Copper Corporation smelter located in the Wasatch Front Intrastate Region. The preamble which follows contains the background for this action and a description of the promulgated amendment.

BACKGROUND

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Utah plan. The proposed regulations included emission limitations for particulate matter from process sources in the Wasatch Front Intrastate Region.

Public hearings on the proposed regulations were conducted in Salt Lake City by the Environmental Protection Agency on September 14, 1972, and November 9, 1972. Interested parties presented their comments at these hearings and through the mail. Consideration of this information and further review of the proposed regulations led to only minor revisions. The particulate matter regulations were promulgated on May 14, 1973 (38 FR 12696).

On June 8, 1973, Kennecott Copper Corporation filed a "Petition for Reconsideration" with the Agency requesting a revision in the federal compliance schedule which required all process sources subject to the particulate matter regulations promulgated on May 14, 1973 to demonstrate final compliance no later than July 31, 1975. At meetings with Environmental Protection Agency representatives, Kennecott officials presented the results of fluorescent particle tracer studies and diffusion modeling which indicated that the national standards for particulate matter in the vicinity of the Magna copper smelter would not be attained even if the Corporation achieved compliance with the process weight rate table promulgated by the Agency. The data gathered by the Corporation in its field studies, and supported by diffusion model results, indicated that violations of the national standards near the plants were principally caused by low-level fugitive emissions which were not subject to the process weight regulations. In order to control particulate matter emissions to levels which would not result in violations of the national standards, the present smelter would require control equipment and physical alterations costing approximately $30 million and requiring until mid-1976 for completion, according to the Corporation's best estimates. By comparison, the Corporation was undertaking a major modification of its smelting process which, when completed, should provide it with best available control of fugitive emissions. The Corporation planned to complete its modification program by July 31, 1977, and indicated that efforts to achieve compliance with the process weight rate table on the existing facility would interfere with the timetable for the new process. The Corporation notified the Agency that the modification program would consist of replacing the existing reverberatory furnaces with Noranda reactors and reducing the use of existing converters.

Based on an evaluation of the information developed by the Corporation, the Administrator determined that the existing regulations should be revised to require best available control of fugitive emissions and to specify the allowable particulate matter stack emissions from the smelting operations. Since these revisions imposed substantially greater demands on the Corporation than was previously the case, the Administrator also determined that a two-year extension was required for the attainment of the national standards for particulate matter in the Wasatch Front Intrastate Region. The proposed revisions were published on April 16, 1974 (39 FR 13673).

At the May 16, 1974 public hearing on the proposed revisions, Kennecott officials objected to the proposed particulate matter emission limitation, claiming that th 24-hour ambient measurement on which the proposed regulation was based was influenced by acid mist emissions from the smelter stacks as well as the solid particulate matter emissions used in EPA's calculations. The Kennecott representatives also testified that total stack emissions of particulate matter during the 24-hour measuring period were significantly greater than the average daily emissions previously reported by the Corporation. In addition, they requested that the impact of the new 1200-foot stack planned for the smelter be considered in determining the degree of control necessary to achieve the national standards for particulate matter. On June 10, 1974, Kennecott submitted supporting documentation regarding stack emissions and the sulfate fraction of the ambient sample on the day in question. On the basis of this new data, the regulation was amended to limit total particulate matter emissions to 1058 pounds per hour, of which no more than 103 pounds per hour could be solid particulates and no more than 955 pounds per hour could be acid mist and aerosols as measured by the modified EPA stack sampling method included in the regulation. The revised regulation was promulgated on September 5, 1974 (39 FR 32113).

On November 7, 1974, Kennecott filed a "Petition for Reconsideration", objecting to the promulgated regulation insofar as it:

(1) Limited Kennecott's emissions to 1058 pounds of particulates per hour,

(2) Divided the limitation into separate acid mist and solid particulate segments, and

(3) Stated the emission limitation in pounds per hour rather than tons per day.

FINDINGS

In numerous meetings and communications with EPA, Kennecott has presented considerable technical evidence indicating that the solid particulate and acid mist emissions from the stacks would be collected in identical fashion on the high volume filters measuring ambient concentrations of particulate matter. Consequently, the Administrator has determined that the division of the emission limitation into solid particulate and acid mist fractions should be eliminated. However, the promulgated stack testing procedure remains unchanged since each component must be measured separately in the stack to determine total particulate emissions.

Kennecott has also provided EPA with a revised estimate of the expected fugitive emissions from the modified smelter. The current estimate indicates that fugitive emissions of particulate matter will be reduced approximately 93 percent from existing levels. A fugitive emission reduction of 80 percent was used to develop the present emission limitation of 1058 pounds per hour. Since fugitive emissions constitute the major ambient problem near the smelter, correction of the earlier calculations to reflect the lower fugitive emissions results in allowable stack emissions of 1340 pounds of particulates per hour.

With respect to the averaging time for the emission limitation, Kennecott apparently failed to interpret the regulation properly. The petition claimed that ". . . the hourly figure is not stated as an average but rather, is stated as an absolute limit—an hourly emission rate never to be exceeded." In fact, the regulation specifies a six-hour averaging time to determine compliance with the emission limitation. Since this time period is sufficiently long to be representative of the fluctuations in the smelting process and the modified regulation permits emissions well in excess of the maximum emissions estimated by Kennecott, there is no justification for an averaging time greater than six hours. Most of the Corporation's reasons for requesting a longer averaging time related to equipment malfunctions which were addressed in a separate regulation recently proposed by EPA.

Kennecott also challenged EPA's regulation for failing to consider the new 1200-foot stack at the smelter. Since the revised emission limitation will provide for attainment of the national standards for particulate matter using reasonably available control technology, there is no justification for EPA to allow credit for dispersion techniques. This approach is consistent with recent court decisions which have held that dispersion techniques, such as tall stacks, may not be utilized as a means of achieving ambient standards unless constant control techniques sufficient to meet the standards are not available (e.g., "Big Rivers Electric Corp., et al v. EPA," 8 ERC 1092, 6th Cir. 1975).

Since this rulemaking amends a promulgated regulation which has been the subject of several public hearings, and since the modification is based on technical data which neither affect the nature of the regulation nor constitute a change in the Agency's policy or philosophy, the Administrator has determined that the amendment should be promulgated without additional public hearings or comment. The changes respond to technical data developed since the last hearing and impose no additional burdens on Kennecott.

The technical support document for this revision to Utah's particulate matter control strategy is available for public inspection at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Environmental Protection Agency, Room 4223, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

For the reasons discussed above, the amendments which follow are effective on the date of promulgation.

(42 U.S.C. 1857c-5 (c) and (e))

Dated: November 26, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

In § 52.2330, paragraph (c) (1) (iv) is amended to read as follows:

§ 52.2330 Rules and regulations: Particulate matter.

* * * * * *

(c) **Replacement for Section 2.3 (*Wasatch Front Intrastate Region*)—(1) *Regulations for control of process sources.***

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(iv) No owner or operator of any copper smelting operation in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from the stack or stacks serving the reactor and converter operations in excess of 1340 pounds per hour, maximum 6-hour average, or allow the escape of any fugitive particulate matter emissions which can be captured and controlled using best available techniques.

(A) The owner or operator of any smelter subject to this paragraph shall comply with the compliance schedule specified below:

(*1*) *December 15, 1975*—Submit a final plan to the Administrator for meeting the requirements of paragraph (c) (1) (iv) of his section. Such a plan shall be subject to approval by the Administrator.

(*2*) *January 31, 1976*—Let contracts or issue purchase orders for emission capture systems.

(*3*) *April 1, 1976*—Initiate on-site construction and/or installation of emission capture equipment.

(*4*) *May 31, 1977*—Complete on-site construction and/or installation of emission capture system.

(*5*) *July 31, 1977*—Achieve final compliance with the requirements of paragraph (c) (1) (iv) of this section.

* * * * *

[FR Doc.75-32791 Filed 12-4-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Restrictions on the Use of Records

The National Archives and Records Service has determined that it would be in the public interest to publish the statements of restrictions on the use of records in the National Archives of the United States that were previously reproduced for distribution to the staff. Restrictions in effect on July 1, 1970, have been published in the "Guide to the National Archives of the United States," which was incorporated by reference at 40 FR 7924. This amendment establishes Subpart 105–61.53, Restrictions on the Use of Records, and includes restriction statements that have been added or revised since July 1, 1970. Future changes will be published as they occur.

The table of contents for Part 105–61 is amended by the addition of new Subpart 105–61.53, as follows:

Subpart 105–61.53—Restrictions on the Use of Records

Sec.
105–61.5300 Scope of subpart.
105–61.5301 Restrictions on access.
105–61.5302 General restrictions.
105–61.5302–6 Investigatory records.
105–61.5302–8 Immigration and naturalization certificates and declarations.
105–61.5302–18 Individual privacy.
105–61.5303 Specific restrictions.
105–61.5303–13 Records of the National Mediation Board.
105–61.5303–29 Records of the Bureau of the Census.
105–61.5303–29a Procedures Governing Access to the Schedules of the Census of Population of 1900.
105–61.5303–43 Records of International Conferences, Commissions, and Expositions.
105–61.5303–56 General Records of the Department of the Treasury.
105–61.5303–59 General Records of the Department of State.
105–61.5303–60 General Records of the Department of Justice.
105–61.5303–75 Records of the Bureau of Indian Affairs.
105–61.5303–76 Records of Boundary and Claims Commissions and Arbitrations.
105–61.5303–80 General Records of the Department of the Navy, 1798–1947.
105–61.5303–81 Records of the United States Tariff Commission.
105–61.5303–84 Records of the Foreign Service Posts of the Department of State.
105–61.5303–104 Records of the Bureau of the Mint.
105–61.5303–146 Records of the United States Civil Service Commission.
105–61.5303–167 Records of the National Bureau of Standards.
105–61.5303–173 Records of the Federal Communications Commission.
105–61.5303–197 Records of the Civil Aeronautics Board.
105–61.5303–200 National Archives Gift Collection.
105–61.5303–210 Records of the War Relocation Authority.
105–61.5303–220 Records of Presidential Committees, Commissions, and Boards.
105–61.5303–227 Records of the Office of Scientific Research and Development.
105–61.5303–257 Records of the Bureau of Labor Statistics.
105–61.5303–266 Records of the Securities and Exchange Commission.
105–61.5303–267 Records of the Supreme Court of the United States.
105–61.5303–275 Records of the Export-Import Bank of the United States.
105–61.5303–280 Records of the Federal Mediation and Conciliation Service.
105–61.5303–353 Records of the Interdepartmental and Intradepartmental Committees (State Department).
105–61.5303–354 Records of the Office of Science and Technology.
105–61.5303–396 Records of the Office of Emergency Preparedness.
105–61.5303–416 Records of St. Elizabeths Hospital.

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 105–61.000–2.

Part 105–61 is amended by adding new Subpart 105–61.53, as follows:

Subpart 105–61.53—Restrictions on the Use of Records

§ 105–61.5300 Scope of subpart.

This subpart contains material referred to in § 105–61.103–1.

§ 105–61.5301 Restrictions on access.

The use of some archives and donated historical materials transferred to the National Archives of the United States, especially those of recent date, is subject to restrictions prescribed in statute or Executive order, or restrictions specified by the donor or agency from which the records were transferred and imposed by the Archivist of the United States. Restrictions on access to particular records that have been specified by the donor or transferring agency are known as "specific restrictions." Restrictions on access that may apply to more than one record group are termed "general restrictions," and apply to the winds of information or classes of records designated, regardless of the record group to which such records have been allocated. Both specific and general restrictions have been published in the "Guide to the National Archives of the United States." (See § 105–61.103–1.) Sections 105–61.5302 and 105–61.5303 contain restrictions that have been added or revised since the publication of the latest edition of the Guide.

§ 105–61.5302 General restrictions.

§ 105–61.5302–6 Investigatory records.

(a) *Records.* Investigatory records compiled for law enforcement purposes that relate to events less than 50 years old to the extent that disclosure would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel. Excluded are records series of the Department of Defense and all components and predecessors thereof specified in general restriction 12.

(b) *Restrictions.* Information in these records will be made available only as authorized by an appropriate official of the originating agency or its successor agency.

(c) *Imposed by.* Archivist of the United States.

§ 105–61.5302–8 Immigration and naturalization certificates and declarations.

(a) *Records.* Certificates of arrival, declarations of intention, certificates of naturalization, and certificates of citizenship, regardless of the length of time they have been in existence.

(b) *Restrictions.* Certified copies of the records of the kinds enumerated above shall not be furnished. Uncertified copies of these records may be furnished. Requests for certified copies shall be referred to the Immigration and Naturalization Service.

(c) *Specified by.* Department of Justice.

§ 105–61.5302–18 Individual privacy.

(a) *Records.* Records that contain information about a living individual which reveal details of a highly personal nature which the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, and that:

(1) Contain personal information not known to have been previously made public; and

(2) Relate to events less than 75 years old.

(b) *Restrictions.* Such records may be disclosed:

(1) To those officers and employees of the agency that transferred the records to NARS who have a need for the record in the performance of their official duties;

(2) To those officers and employees of the agency that originated the information in the records who have a need for the records in the performance of their officials duties;

(3) To qualified researchers for purposes of statistical or quantitative research when such researcher has provided NARS with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and that no individually identifiable information will be disclosed; or

(4) To the subject individual or his duly authorized representative (the individual requesting access will be required to furnish reasonable and appropriate identification) with the following exceptions: (1) investigatory material compiled for law enforcement purposes or for the purposes of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or Federal contracts will not be released if the disclosure of such material would reveal the identity of a source who furnished information to the Government under an expressed or implied promise of confidence; (2) evaluation material used to determine potential for promotion in the armed services if disclosure of such material would reveal the identity of the source who furnished such information to the Government under an expressed or implied promise of confidence; and (3) access to security classified material.

(c) *Imposed by.* Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

§ 105–61.5303 Specific restrictions.

§ 105–61.5303–13 Records of the National Mediation Board.

(a) *Records.* All case files of the National Mediation Board, including those for EB (emergency board) cases, I (interpretation) cases, E (emergency) cases, A (mediation) cases, R (representation) cases, and ARB (arbitration) cases.

(b) *Restrictions.* Records less than 50 years old may not be examined by or copies of or information from them furnished to any person except by permission of the Executive Secretary, National Mediation Board.

(c) *Specified by.* National Mediation Board.

(d) *Records.* Files of Robert O. Boyd, ca. 1954–62.

(e) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except by permission of the Executive Secretary, National Mediation Board.

(f) *Specified by.* National Mediation Board.

§ 105–61.5303–29 Records of the Bureau of the Census.

(a) *Records.* Schedules of the census of population of 1900.

Restrictions. (1) No one other than the Secretary of Commerce or his authorized representatives may examine these records except by written permission of the Archivist of the United States or his delegate. Persons authorized access must demonstrate in a written data use agreement that they are engaged in legitimate historical, legal, or genealogical research or other research deemed worthwhile by the Archivist and agree to the conditions of use of the record data.

(2) Researchers must fall within one of the three categories described below and agree to the restrictions pertaining to their particular category of research.

(i) *General Historical Researchers.* A "general historical researcher" is a researcher who uses the census data as statistical evidence in formulating hypotheses on historical trends of all or segments of the U.S. population. In adjudging the legitimacy of said research, the following criteria shall be determinative: (a) a researcher's reputation as being a research worker and (b) his connection with an established institution of learning or research. Researchers in this category agree that in any use made of the census data they will not publish or otherwise disclose in any manner the identity of any person enumerated in the census.

(ii) *Biographical Researcher.* A "biographical researcher" is a researcher whose use of the census data relates to the discovery of factual biographical information about a recognized historical personage enumerated in the census. In adjudging the legitimacy of said research, the following criteria shall be determinative: (a) a researcher's reputation as being a research worker and (b) his connection with an established institution of learning or research. Researchers in this category agree not to publish or otherwise disclose in any manner any information about persons not specifically identified in the stated scope of their authorized research, and agree not to use information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy of a living person.

(iii) *Genealogical or Legal Researcher.* A "genealogical or legal researcher" is a researcher whose use of the census data relates to the discovery of data about a particular person or family enumerated in the census. In adjudging the legitimacy of said research, the following criteria shall be determinative: (a) with respect to genealogical research, a researcher's connection with the person or family about whom records are desired, either through immediate family relationship or by authorization; and (b) with respect to legal research, a researcher's position as an officer of a court or tribunal that requires data to determine inheritance or otherwise adjudicate a controversy before it. Researchers in this category will be required to present written evidence of their authority to represent a person, family, court, or tribunal and agree not to publish or otherwise disclose in any manner any information about persons or families not specifically identified in the stated scope of their authorized research, and to use only the specific information that they are authorized to obtain about persons or families being researched.

(iv) *Imposed by.* Archivist of the United States.

(b) *Records.* Other post-1900 census schedules more than 50 years old.

Restrictions. (1) No one other than the Secretary of Commerce or his authorized representatives may examine these records.

(2) Copies of these records may be provided only to the Secretary of Commerce or his authorized representatives.

Imposed by. Archivist of the United States.

(c) *Records.* (1) Census schedules less than 50 years old.

(2) *Restrictions.* These records may not be examined by or copies of or information from them provided to any person other than sworn employees of the Department of Commerce having proper authorization from the Secretary of Commerce or his designee.

(3) *Specified by.* Secretary of Commerce.

§ 105–61.5303–29a Procedures Governing Access to the Schedules of the Census of Population of 1900.

(a) A copy of this statement of procedures and of the restriction statement for Records of the Bureau of the Census, Record Group 29, will be furnished to each researcher who applies for access to the schedules.

(b) Access to the schedules may be granted only:

(1) To the extent generally and specifically provided for in paragraph I of the restriction statement for Record Group 29.

(2) After the researcher has completed and signed the 1900 Population Census Data Use Agreement and after it has been approved by the Archivist or his delegate.

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(3) After the researcher properly identifies himself and:

(i) If a historical researcher, provides satisfactory evidence of his institutional affiliations or other credentials;

(ii) If a legal researcher, provides evidence of which court or tribunal he is an officer; or

(iii) If a genealogical researcher, provides evidence of his family connection or the authority pursuant to which he is acting.

(c) This statement of procedures is also intended to advise the researcher that any failure on his part to comply with the special restriction on disclosure and use of information contained in the records of the 1900 population census and with the applicable rules and procedures relating to the use of archival materials and facilities may lead to his being barred from access to these population schedules or other records in the National Archives of the United States.

(d) Researchers will be furnished a limited number of rolls of 1900 population census microfilm and the related name index at a time, as determined by the research room attendant. The rolls must relate directly to the specific information required for his proposed research as stated in the 1900 Population Census Data Use Agreement. Rolls must be returned directly to a search room attendant upon completion of use.

(e) Qualified researchers may be provided with copies of any page or pages that they have examined which relate directly to their authorized research.

(f) Mail requests for copies of any page or pages of the 1900 population census schedules may be filled provided that the requester meets the conditions for access specified in sections I and II, above, including completion and approval of a written data use agreement and proper identification. Mail requests must be made to General Services Administration (NNC), Washington, DC 20408. Mail requests will not be processed by regional archives branches.

§ 105–61.5303–43 Records of International Conferences, Commissions, and Expositions.

(a) *Records.* Records relating to participation in international conferences, commissions, and committees dated later than 1949.

(b) *Restrictions.* These records may be used only with the permission of the Department of State.

(c) *Specified by.* Department of State.

§ 105–61.5303–56 General Records of the Department of the Treasury.

(a) *Records.* Office files of the Secretary, Under Secretary, and Assistant Secretaries, 1931–65.

(b) *Restrictions.* No one may examine these records or obtain information from them or copies of them except by written permission of the Secretary of the Treasury or his duly authorized representative.

(c) *Specified by.* Department of the Treasury.

(d) *Records.* Samples of series of recorded radio programs sponsored by the Treasury Department during 1941–48.

(e) *Restrictions.* There are copyright or contractual restrictions applicable to most of these recordings, and no recording may be reproduced without the consent of the Treasury Department.

(f) *Specified by.* Department of the Treasury.

(g) *Records.* Correspondence and reports, with related indexes and statistical compilations, that document actions of the Secretary of the Treasury (as authorized by section 304 of an act of March 9, 1933, to provide relief to banks and for other purposes) in requesting the Reconstruction Finance Corporation to subscribe for preferred stock in national banking associations and State banks and trust companies that were in need of funds for capital purposes, or to make loans thereto secured by such stock as collateral, 1933–45.

(h) *Restrictions.* No one may examine these records or obtain information from them or copies of them except as authorized by the Secretary of the Treasury or his duly authorized representative.

(i) *Specified by.* Department of the Treasury.

§ 105–61.5303–59 General Records of the Department of State.

(a) *Records.* All records dated later than December 31, 1949, except Presidential nominations, copies of commissions, oaths of office, and related records concerning appointment to the Federal service; and Senate confirmations and rejections of appointments.

(1) Records of the following classes that are less than 50 years old: records that relate to unsettled claims in which the United States or its citizens have a financial interest; Foreign Service inspection reports; applications and recommendations for appointment to public office or for transfer from one post or position to another; records that relate to the efficiency, security, financial affairs, medical history, personal property, or private affairs of employees, former employees, or prospective employees of the U.S. Government; trade secrets and commercial or financial information received by the U.S. Government as privileged or confidential; and classified records originated by other Federal agencies, foreign governments, or international organizations, except insofar as such records are open under the regulations or practice of the originating agency, government, or organization.

(2) Records of the following classes that are less than 75 years old: records concerning passports and related citizenship matters; intelligence and counterintelligence documents and reports; records of the investigation of persons or groups of persons by investigative authorities of the United States or foreign governments; name files relating to the issuance or refusal of visas; and other records the disclosure of which would constitute a clearly unwarranted invasion of privacy or a breach of confidence placed in the U.S. Government.

(b) *Restrictions.* These records may be used by official and nonofficial researchers only with the permission of the Department of State.

(c) *Specified by.* Department of State.

§ 105–61.5303–60 General Records of the Department of Justice.

(a) *Records.* All records less than 25 years old except the following classes of the central files:

Class 3. Weeks Forestry Act.
Class 22. Food and Drug.
Class 33. Federal Buildings Act.
Class 38. Naturalization.
Class 39. Immigration.
Class 66. Rentals and Leases.
Class 76. Opinions of Courts.
Class 77. Claims in Favor of the United States.
Class 100. Miscellaneous Correspondence.
Class 101. Mortgage and Lien Foreclosure Act.
Class 103. Wills, Bequests, Gifts.
Class 154. Court of Claims Cases.

(b) *Restrictions.* Only authorized employees of the Department of Justice and other persons specifically authorized by the Attorney General or his alternate in archival matters may have access to the restricted records.

(c) *Specified by.* Department of Justice.

§ 105–61.5303–75 Records of the Bureau of Indian Affairs.

(a) *Records.* "Individual Indian Case Files" accessioned by the regional archives branches.

(b) *Restrictions.* These records are closed until 1995 except with the written permission of the Commissioner of Indian Affairs.

(c) *Specified by.* Bureau of Indian Affairs.

§ 105–61.5303–76 Records of Boundary and Claims Commissions and Arbitrations.

(a) *Records.* All records less than 50 years old that relate to unsettled claims in which the United States or its citizens have a financial interest, and all other records dated after 1949.

(b) *Restrictions.* These records may be used only with the permission of the Department of State.

(c) *Specified by.* Department of State.

§ 105–61.5303–80 General Records of the Department of the Navy, 1798–1947.

(a) *Records.* Photographic records of the Department of the Navy accessioned from the Naval Photographic Center, Washington, comprising the Department of the Navy's official "general" still picture history file.

(b) *Restrictions.* Access may be granted to these photographic records except that when the records are not marked or otherwise stamped "Released," the approval of the Chief of Information, Navy Department, must be obtained before reproductions thereof are furnished.

(c) *Specified by.* Assistant Vice Chief of Naval Operations/Director of Naval Administration.

§ 105–61.5303–81 Records of the United States Tariff Commission.

(a) *Records.* Records in the general files of the Tariff Board and the U.S. Tariff Commission that contain information on trade secrets and processes.

(b) *Restrictions.* "It shall be unlawful for any member of the Commission, . . . or any other officer or employee of the United States, to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, . . . or association embraced in any examination or investigation conducted by the Commission, . . ." (39 Stat. 798 and 46 Stat. 701).

(c) *Specified by.* Congress of the United States.

(d) *Records.* Records in the general files of the U.S. Tariff Commission that are marked "Confidential."

(e) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except as designated by the Tariff Commission.

(f) *Specified by.* U.S. Tariff Commission.

(g) *Records.* Records in the central correspondence file, 1916–54, that are marked "Business Confidential" or "Information Submitted in Confidence" or that have any notation of similar import.

(h) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except with the permission of the Tariff Commission.

(i) *Specified by.* U.S. Tariff Commission.

(j) *Records.* Docketed case files and other records pertaining to investigations of the Tariff Commission, 1922–66; reports of the Tariff Commission on imports, exports, trade restrictions, and foreign countries, 1922–46; reports pertaining to commodities essential for national defense and the prosecution of the war, 1938–45; records received from courts pertaining to tariff acts, 1922–32; and publications of defense and wartime agencies, 1941–43.

(k) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except by written permission of the Secretary of the U.S. Tariff Commission.

(l) *Specified by.* U.S. Tariff Commission.

§ 105–61.5303–84 Records of the Foreign Service Posts of the Department of State.

(a) *Records.* All records dated later than December 31, 1949. Records of the following classes that are less than 50 years old: records that relate to unsettled claims in which the United States or its citizens have a financial interest; Foreign Service inspection reports; records that relate to the efficiency, security, financial affairs, medical history, personal property, or private affairs of employees, former employees, or prospective employees of the U.S. Government; trade secrets and commercial or financial information received by the U.S. Government as privileged or confidential; and classified records originated by other Federal agencies, foreign governments, or international organizations and conferences that were furnished to the Department of State for its information.

(1) Records of the following classes that are less than 75 years old: records concerning passports and related citizenship matters; intelligence and counterintelligence documents and reports; records of investigation of persons or groups of persons by investigative authorities of the United States or foreign governments; name files relating to the issuance or refusal of visas; and other records the disclosure of which would constitute a clearly unwarranted invasion of privacy or a breach of confidence placed in the U.S. Government.

(b) *Restrictions.* These records may be used only with the permission of the Department of State.

(c) *Specified by.* Department of State.

§ 105–61.5303–104 Records of the Bureau of the Mint.

(a) *Records.* All records pertaining to dies, without regard to date, and records of gold and silver deposits less than 75 years old.

(b) *Restrictions.* No one may examine these records except persons authorized by the Director of the Mint.

(c) *Specified by.* Director of the Mint.

§ 105–61.5303–146 Records of the United States Civil Service Commission.

(a) *Records.* Position allocation appeal dossiers.

(b) *Restrictions.* All requests for information about specific individuals will be refered for determination of action thereon to the Chairman of the Civil Service Commission or a member of his staff authorized to act for him. Determination of action on all other requests will be made by the Archivist . . . subject to the specific requirement that each person seeking information from these records will obligate himself not to reveal the names of individuals as obtained from them without the written approval of the Chairman of the Civil Service Commission or a member of his staff authorized to act for him.

(c) *Specified by.* U.S. Civil Service Commission.

§ 105–61.5303–167 Records of the National Bureau of Standards.

(a) *Records.* "National Bureau of Standards Reports" maintained by the Office of Technical Information and Publications, 1951–68, and Joint Institute for Laboratory Astrophysics reports, 1963–67.

(b) *Restrictions.* Authorization for access to these reports must be secured from the Office of Technical Information and Publications of the National Bureau of Standards or from the individual sponsors of the reports.

(c) *Specified by.* Director of the National Bureau of Standards.

§ 105–61.5303–173 Records of the Federal Communications Commission.

(a) *Records.* Microfilm copies of the formal official minutes of the FCC bearing security or other classification mark.

(b) *Restrictions.* No one may examine these records or be given information from them or copies of them except by permission of the FCC.

(c) *Specified by.* Federal Communications Commission.

(d) *Records.* Annual financial reports filed by licensees and permittees of standard, FM, television, and international broadcast stations with the FCC in accordance with section 0.417 of the FCC Rules and Regulations.

(e) *Restrictions.* These records are not open to public inspection unless special permission is granted by the FCC upon written request describing in detail the documents to be inspected and the reasons therefor.

(f) *Specified by.* Federal Communications Commission.

(g) *Records.* Records of the Interdepartment Radio Advisory Committee, 1922–49.

(h) *Restrictions.* No one may examine these records or be given information from them or copies of them except by permission of the Interdepartment Radio Advisory Committee.

(i) *Specified by.* Interdepartment Radio Advisory Committee.

(j) *Records.* Magnetic tape copies of data relating to the licensing of amateur, aircraft, citizen, and marine radio stations.

(k) *Restrictions.* No one may examine these records or be given information from them or copies of them except by permission of the FCC.

(l) *Specified by.* Federal Communications Commission.

(m) *Records.* Magnetic tape of the Legal Index Master File of the Office of the General Counsel.

(n) *Restrictions.* No one may examine these records or be given information from them except by permission of the FCC.

(o) *Specified by.* Federal Communications Commission.

§ 105–61.5303–197 Records of the Civil Aeronautics Board.

(a) *Records.* Minutes of the Civil Aeronautics Board and its predecessor agency, the Civil Aeronautics Authority (dating from 1938).

(b) *Restrictions.* No one may examine these records or be given information from them or copies of them except by permission of the Civil Aeronautics Board or its Secretary.

(c) *Specified by.* Civil Aeronautics Board.

(d) *Records.* Magnetic tapes of "Origin Destination Survey of Airline Passenger Traffic."

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(e) *Restrictions.* Access can be granted only upon written permission of the Chief of the Statistical Data Division, Bureau of Accounts and Statistics, Civil Aeronautics Board.

(f) *Specified by.* Civil Aeronautics Board.

(g) *Records.* The Chairman's subject and pay files and the general files of the Office of the Chairman.

(h) *Restrictions.* Access can be granted only with permission from the Office of the Chairman.

(i) *Specified by.* Office of the Chairman, Civil Aeronautics Board.

§ 105–61.5303–200 National Archives Gift Collection.

(a) *Records.* X-rays and photographs relating to the autopsy of President John F. Kennedy.

(b) *Restrictions.* Access to these materials is limited to persons authorized to act for a committee of the Congress, a Presidential commission, or any other agency of the Federal Government having authority to investigate matters relating to the assassination of President Kennedy; and recognized experts in the field of pathology or related areas of science or technology for serious purposes relevant to the investigation of matters relating to the death of President Kennedy. The determination of whether such an expert has suitable qualifications and serious purposes will be made by the Kennedy family representative.

(c) *Specified by.* Archivist of the United States in conformity with the letter agreement between the Administrator of General Services and the Kennedy family representative dated October 29, 1966.

(d) *Records.* Earle H. Clapp Papers, 1905–70.

(e) *Restrictions.* Some of the files dealing with the reorganization of the Forest Service are restricted until July 1, 1987.

(f) *Specified by.* The donor.

(g) *Records.* Ernst-Schwartz Collection, 1956–58.

(h) *Restrictions.* Six items are withheld from research until December 28, 1984.

(i) *Specified by.* The donors and the Central Intelligence Agency.

(j) *Records.* Herman Finer Papers, 1935–38.

(k) *Restrictions.* The records are to be closed "during the lifetime of any surviving members of the original Board of Directors of the TVA."

(l) *Specified by.* The donor.

(m) *Records.* Ernst Posner Papers, 1928–70.

(n) *Restrictions.* Access to some of the records may be granted only with Dr. Posner's permission until December 31, 1989.

(o) *Specified by.* The donor.

§ 105–61.5303–210 Records of the War Relocation Authority.

(a) *Records.* Evacuee case files closed less than 50 years.

(b) *Restriction.* Such records may be examined only by authorized representatives of Federal and State government agencies officially concerned with them and by the evacuee or his legal representative. No information based on such records will be furnished without the written consent of the person concerned, his legal representative, or (after his death) his next of kin, except that a summary statement of internment and employment may be furnished. Access to these records for quantitative or statistical studies, if no reference is made to individuals, may be granted by the Department of the Interior.

(c) *Specified by.* Secretary of the Interior in conformity with Public Law 90–23 of June 5, 1967 (81 Stat. 54).

§ 105–61.5303–220 Records of Presidential Committees, Commissions, and Boards.

(a) *Records of the War Refugee Board. 1944–45.* (1) *Records.* All records.

(2) *Restrictions.* These records may be used by official and unofficial researchers only with the permission of the Department of State.

(3) *Specified by.* Department of State.

(b) *Records of the American War Production Mission in China. 1944–45.* (1) *Records.* All records.

(2) *Restrictions.* These records may be used by official and unofficial researchers only with the permission of the Department of State.

(3) *Specified by.* Department of State.

(c) *Records of the President's Air Policy Commission. 1947–48.* (1) *Records.* All records.

(2) *Restrictions.* These records may not be examined by or information from or copies of them provided to any person other than a Government official for official purposes except as approved in each instance by the Archivist of the United States.

(3) *Specified by.* The Commission.

(d) *Records of the Commission on the Renovation of the Executive Mansion. 1949–52.* (1) *Records.* Blueprints, drawings, and photographs of the White House.

(2) *Restrictions.* No access may be had to these records without the express approval of the U.S. Secret Service.

(3) *Specified by.* The U.S. Secret Service.

(e) *Records of the President's Advisory Committee on Government Organization. 1953–61.* (1) *Records.* All records of the Committee.

(2) *Restrictions.* These records may not be made available to any person without the written permission of the Director of the Office of Management and Budget or his authorized representative.

(3) *Specified by.* Office of Management and Budget.

(f) *Records of the Commission on International Rules of Judicial Procedure. 1958–66.* (1) *Records.* Any records originating with the Department of Justice that are less than 25 years old.

(2) *Restrictions.* Only authorized employees of the Department of Justice and other persons specifically authorized by the Attorney General or his alternate may have access to these records.

(3) *Specified by.* Department of Justice.

(4) *Records.* All records originating with the Department of State.

(5) *Restrictions.* These records may be used by official and nonofficial researchers only with the permission of the Department of State.

(6) *Specified by.* Department of State.

(g) *Records of the Presidential Railroad Commission. 1960–62.* (1) *Records.* Records in the general files of the Commission's Chairman, Executive Director, and Deputy Executive Director that were not circulated to the full Commission.

(2) *Restrictions.* These records are closed to unofficial inquirers until March 1, 1982, except as authorized by the Secretary of Labor, the Administrative Assistant Secretary, or a representative of either.

(3) *Specified by.* Department of Labor.

(h) *President's Advisory Committee on Labor-Management Policy. 1961–73.* (1) *Records.* Records of the President's Advisory Committee on Labor-Management Policy.

(2) *Restrictions.* No one may examine these records or be given copies of or information from them before July 1, 1983, except by permission of the Secretary of Labor or his authorized representative(s).

(3) *Specified by.* Secretary of Labor.

(i) *Records of the President's Committee on Juvenile Delinquency and Youth Crime. 1961–70.* (1) *Records.* All records of the Committee.

(2) *Restrictions.* Requests for access to these records are to be referred to the Assistant Attorney General for Administration, Department of Justice.

(3) *Specified by.* Department of Justice.

(j) *Records of the President's Committee on Equal Opportunity in the Armed Forces. 1962–65.* (1) *Records.* All records of the Committee.

(2) *Restrictions.* These records will be made available only upon the written authorization of an appropriate White House officer.

(3) *Specified by.* The Committee.

(k) *Records of the President's Commission on Postal Organization. 1967–68.* (1) *Records.* "Commission Hearings" and "Commission Interviews: Prominent Individuals" among the records.

(2) *Restrictions.* Access to these records is subject to the approval of the Postmaster General or his authorized representative.

(3) *Specified by.* Post Office Department.

(l) *Records of the President's Committee on Urban Housing. 1967–68.* (1) *Records.* Minutes of the Committee's meetings and the Executive Director's files; correspondence of Committee members; correspondence with the White House; and the Committee's interim report to the President (not released nor intended for release).

(2) *Restrictions.* Access to these records is limited to persons having the written permission of an authorized member of the White House Staff.

(3) *Specified by.* The Committee.

(m) *Records of the Commission on Obscenity and Pornography. 1967–70.*

(1) *Records.* Records of the Traffic and Distribution Panel, containing information received in confidence from private firms.

(2) *Restrictions.* These records shall not be available to researchers until July 24, 1995.

(3) *Specified by.* The Commission.

(n) *Records of the President's Commission on Income Maintenance Programs. 1968–70.* (1) *Records.* Transcripts of closed meetings (executive sessions) of the commissioners.

(2) *Restrictions.* No one may have access to these records until February 26, 1980.

(3) *Specified by.* The Commission.

(o) *Records of the President's Commission on Campus Unrest. 1970.* (1) *Records.* Investigatory files consisting of stenotapes of Commission sessions and files relating to the Kansas, Wisconsin, Jackson State, and Kent State investigations.

(2) *Restrictions.* These records are withheld from research for 75 years, and access to them can be obtained only with the permission of the former Chairman of the Commission during his life and thereafter only with the permission of the President of the United States. For FBI documents and information from such documents, the permission of the FBI is also necessary.

§ 105–61.5303–227 Records of the Office of Scientific Research and Development.

(a) *Records.* All records of the Office of Scientific Research and Development (OSRD) or any of its components that reveal substantive information concerning research and development projects and contracts of Division 19 (Miscellaneous Weapons) of the National Defense Research Committee (NDRC) of OSRD, Section S–1 (Atomic Energy) of NDRC–OSRD, the Uranium Committee of NDRC, or the Executive Committee of S–1 in OSRD; and any OSRD records other than those mentioned above that are security classified by order of the Department of Defense dated August 2, 1960.

(b) *Restrictions.* No one may examine these records or be given information from them or copies of them without the written permission of a duly authorized official of the Atomic Energy Commission, with respect to records relating to atomic energy, and of the Department of Defense, with respect to the other security-classified records.

(c) *Specified by.* Archivist of the United States in agreement with the Chairman of the Atomic Energy Commission, in regard to atomic energy, and with the Secretary of Defense, in regard to all other OSRD activities.

§ 105–61.5303–257 Records of the Bureau of Labor Statistics.

(a) *Records.* Collective-bargaining agreements designated as "Confidential" when filed with the Bureau of Labor Statistics by employers, trade associations, and trade unions, 1941–45.

(b) *Restrictions.* These records shall not be made available to private inquirers unless, in any particular case, the inquirer has obtained prior written permission from the parties to the agreement or agreements in question.

(c) *Specified by.* Commissioner of Labor Statistics.

(d) *Records.* Central correspondence file of the Bureau of Labor Statistics, 1939–49; and correspondence of the Commissioner of Labor Statistics, 1933 and 1935–43.

(e) *Restrictions.* No one may examine these records or be given copies of or information from them except by permission of the Commissioner of Labor Statistics or his authorized representatives.

(f) *Specified by.* Bureau of Labor Statistics.

(g) *Records.* Cost-of-living schedules, Consumer Expenditure Survey schedules, Study of Consumer Purchases schedules, wage earner money disbursement schedules, food consumption schedules, and related material.

(h) *Restrictions.* (a) No record shall be removed from the National Archives without specific authorization from the Bureau of Labor Statistics records officer, (b) personal information, including individual or firm names, addresses, or telephone numbers, shall not be removed, copied, or reproduced under any circumstances except by Bureau of Labor Statistics personnel who have been authorized to do so by the Bureau of Labor Statistics records officer.

(i) *Specified by.* Bureau of Labor Statistics.

§ 105–61.5303–266 Records of the Securities and Exchange Commission.

(a) *Records.* Records relating to the administration of the Securities Act of 1933, as amended, consisting of correspondence files and records relating to private hearings that bear the tertiary file numbers –3 (correspondence) and –5 (investigations), respectively.

(b) *Restrictions.* No one may examine these records or obtain information from them or copies of them except the records officer of the Commission who is authorized to withdraw the files on official loan.

(c) *Specified by.* Securities and Exchange Commission.

(d) *Records.* Institutional Investors Study data except public files.

(e) *Restrictions.* Access to these records is limited to personnel of the Securities and Exchange Commission.

(f) *Specified by.* Securities and Exchange Commission.

(g) *Records.* Daily trading information for New York and American Stock Exchange issues.

(h) *Restrictions.* Access to these records requires approval of the Securities and Exchange Commission and written permission from Standard and Poors, Inc.

(i) *Specified by.* Securities and Exchange Commission.

§ 105–61.5303–267 Records of the Supreme Court of the United States.

(a) *Records.* Audiotape recordings.

(b) *Restrictions.* (A) The tapes may be played for Federal personnel in connection with official duties and to the general public for serious scholarly and legal research; (B) typewritten transcriptions of the tapes may be furnished to these persons for a fee, provided that in each instance three copies of these transcriptions are deposited in the Library of the Court; (C) copies of the tapes may not be furnished to persons other than the Justices without the permission of the Marshal of the Court, and until 3 years have expired since the argument of a recorded case; (D) the National Archives and Records Service may not identify the voices of members of the Court in connection with any use of the tapes, either while they are being played or in making or furnishing transcriptions; (E) copies of the tapes will not be reproduced for commercial purposes.

(c) *Specified by.* Supreme Court of the United States.

(d) *Records.* Transcripts of oral arguments, 1968–69.

(e) *Restrictions.* Duplicating or copying these transcripts by photographic, electrostatic, or other facsimile means is prohibited.

(f) *Specified by.* Supreme Court of the United States.

§ 105–61.5303–275 Records of the Export-Import Bank of the United States.

(a) *Records.* Case files relating to credit granted to foreign nations and domestic or foreign firms to aid the foreign trade of the United States, 1934–67.

(b) *Restrictions.* No one may examine these records or be given information from them or copies of them except by permission of the Administrative Officer of the Export-Import Bank of the United States.

(c) *Specified by.* Administrative Officer, Export-Import Bank of the United States.

§ 105–61.5303–280 Records of the Federal Mediation and Conciliation Service.

(a) *Records.* Dispute case records of the U.S. Conciliation Service and the Federal Mediation and Conciliation Service, 1913–69, "special assignment" and "related activities" case files pertaining to labor-management mediation and internal assignments of various types, 1957–69; and dispute case files of the Missile Sites Labor Commission, ca. 1961–67.

(b) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except by permission of the Director of Administrative Management, Federal Mediation and Conciliation Service, or his authorized representatives.

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(c) *Specified by.* Federal Mediation and Conciliation Service.

§ 105–61.5303–353 Records of the Interdepartmental and Intradepartmental Committees (State Department).

(a) *Records.* All records dated after December 31, 1949.

(b) *Restriction.* They may be used for official use by officers and employees of the U.S. Government only with the permission of the Department of State.

(c) *Specified by.* Department of State.

§ 105–61.5303–354 Records of the Office of Science and Technology.

(a) *Records.* All records.

(b) *Restrictions.* These records may not be examined by or copies of or information from them furnished to any person except by permission of the National Science Foundation.

(c) *Specified by.* National Science Foundation.

§ 105–61.5303–396 Records of the Office of Emergency Preparedness.

(a) *Records.* Personal correspondence of Gen. Lincoln that is included in the official files.

(b) *Restrictions.* Until December 31, 1976, only persons authorized by Gen. Lincoln may use these files.

(c) *Specified by.* General Services Administration.

§ 105–61.5303–418 Records of St. Elizabeths Hospital.

(a) *Records.* All records less than 75 years old that contain clinical information.

(b) *Restrictions.* These records may be used only with the permission of the Superintendent of St. Elizabeths Hospital or his duly authorized representative.

(c) *Specified by.* Superintendent of St. Elizabeths Hospital.

Effective date. This regulation is effective December 5, 1975.

Dated: November 13, 1975.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.75–32752 Filed 12–4–75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75–7; Notice 03]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS AIR BRAKE SYSTEMS

Agricultural Commodity Trailers

This notice amends Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, to permit bulk agricultural commodity trailers designed with a high ground clearance and other special features for use with farm tractors during harvests to meet emergency and parking brake requirements other than those specified in S5.6 and S5.8 of the standard.

This amendment follows reevaluation of a petition filed by Utility Trailer Manufacturing Company, in light of further data submitted by the company on August 6, 1975, and September 23, 1975 (these materials appear in NHTSA Docket No. 75–5). The NHTSA proposed to exclude certain specialized agricultural trailers from the emergency and parking brake requirements because "spring" brakes utilized for these systems were creating particular difficulty in harvest operations (40 FR 13316, March 26, 1975). Comments persuaded the agency not to proceed with the proposal at that time for two reasons (40 FR 28097, July 3, 1975). It appeared that control of air leakage and the installation of a manual parking brake control would permit disengagement in most cases, and that manual release and application would serve in the instances when all air had leaked away. The second reason to withdraw the proposal was that the excluded category was not defined well enough to limit the extent of the exclusion.

Utility has since supplied information indicating that air leakage cannot be controlled sufficiently to rely on it for the release of spring parking brakes under the specialized conditions of harvest operations. More significantly, Utility reports that inexperienced persons who mechanically release the spring brakes often fail to reengage them for highway operation, permitting the trailer to operate on the highway without a secondary means of braking.

With regard to the agency's concern that manufacturers supplying spring brakes to meet the standard would be placed at a competitive disadvantage by the exclusion, Utility indicates that the manufacturers of the specialized trailers in question would approve of a parking and emergency braking system other than spring brakes. The competitive disadvantage would actually have occurred only with those highway trailers that were unintentionally included in the overly-broad proposed definition.

With the newly submitted information in mind, the NHTSA has decided to issue the proposed exclusion, but in a more limited form than proposed. To limit the effect of this amendment to those trailers for which it is intended, the proposed definition is modified to describe more precisely trailers that are actually disconnected from highway truck-tractors and drawn through the fields as part of their function.

As discussed in the preamble to the proposal, the exclusion would have entirely excluded the trailers from the standard's emergency and parking brake requirements, relying on Bureau of Motor Carrier Safety Regulations to ensure the use of a "breakaway" system in their place. It is now apparent, however, that many of the vehicles in question would operate intrastate only, and that the breadth of the proposal, must be somewhat restricted, to exclude only vehicles that are fitted with a breakaway system that complies with BMCS requirements.

In order to permit manufacturers of these specialized vehicles to commence manufacture for the 1976 harvest season, the NHTSA has decided to extend the duration of the limited exclusion from the proposed date of January 1, 1976, to March 1, 1976. Utility requested that the date be extended to June 30, 1976, and the NHTSA will issue a further proposal if any further delay of this magnitude appears justified.

In consideration of the foregoing, S5.6 and S5.8 of Standard No. 121 (49 CFR 571.121) are amended by the addition of a sentence at the end of the text of each to read as follows:

"However, a trailer manufactured before March 1, 1976, that is designed to transport bulk agricultural commodities in off-road harvesting sites and to a processing plant or storage location, as evidenced by skeletal construction that accommodates harvest containers, a maximum length of 28 feet, and an arrangement of air control lines and reservoirs that minimizes damage in field operations, shall meet the requirements of this section or, at the option of the manufacturer, the requirements of § 393.43 of this title."

Effective date: December 5, 1975. Because this amendment does not place additional requirements on any person, and because manufacturers must be informed of future requirements for their products, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–32813 Filed 12–2–75;2:34 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1125, Amdt. 6]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Company Authorized To Operate Over Tracks of the Kansas City Southern Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of November, 1975.

Upon further consideration of Service Order No. 1125 (38 FR 6883, 19126, 33482; 39 FR 18281, 44208; and 40 FR 24006), and good cause appearing therefor:

It is ordered, That: § 1033.1125 St. Louis-San Francisco Railway Company authorized to operate over the tracks of the Kansas City Southern Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

Expiration date. The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 1, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–32834 Filed 12–4–75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Incidental Taking in the Course of Commercial Fishing Operations

On September 8, 1975, a notice was published in the FEDERAL REGISTER (40 FR 41531–41536) announcing, among other things, that the NMFS proposed to reissue general permits for 1976 to allow commercial fishermen to take marine mammals incidental to commercial fishing operations and, in connection with the general permit for "Encircling Gear; Yellowfin Tuna Purse Seining", to establish a quota on incidental porpoise mortality. The announced purpose of the quota was to give some reasonable assurance that the principal stocks of porpoise involved in the fishery will increase in size. This would allow the NMFS to continue its efforts to reduce the rate of mortality and serious injury to insignificant levels approaching zero without being concerned about the porpoise stocks potentially being jeopardized as a result of the reissuance of the general permit. Another matter addressed in the Notice was the extent of the observer program, i.e., the number of observers placed on board vessels engaged in the fishery. Some have misconstrued the role of the observers and characterized them as enforcement officers. However, the Notice makes it clear that the role of the observers will be, among other things, to gather scientific data and monitor compliance with the regulations. Certain data collected by observers may, if requested by the public, be made available under the provisions of the Freedom of Information Act. The observers, however, will have no enforcement authority.

On October 9 and 10, informal public hearings were held in Washington, D.C., and on October 24 and 25, additional public hearings were held in San Diego, California. The Record was held open until November 5, so as to permit additional public comments. Furthermore, subsequent to the initial hearings in Washington, discussions were held with interested parties on the subject and contemporaneous Congressional hearings created another record of the position of the various parties in interest.

As a result of analyzing the foregoing hearing records, as well as other sources of information gathered in connection with the NMFS proposal, it became apparent that there were two divergent approaches to the proposal. On the one hand those spokesmen representing environmental organizations strongly endorsed the NMFS proposal of a quota and full observer program whereas the industry and the Marine Mammal Commission, submitting recommendations pursuant to Title II of the Marine Mammal Protection Act, took issue with the proposal and offered alternative approaches.

The Marine Mammal Commission, by letter dated November 6, 1975, rejected a 100% observer program as not "necessary, feasible, or worth the expenditure of time, effort, and money." The Commission indicated that while obtaining data is essential, it could be obtained on something less than a 100% observer program. Furthermore, implicit in its comments was the recognition of a need for a cooperative effort between Government and industry in order to address and ultimately solve the problem. Lastly, the Commission could not, on the basis of reliable scientific information, arrive at a figure of permissible incidental mortality which could with reasonable assurance, enable the principal stocks of porpoise to increase in size and therefore rejected the use of an overall or individual stock quota, although it suggested the permitting of killing "• • • of up to approximately 85,060 marine mammals, as set forth on page 3 of the [American Tunaboat Association] application, provided, however, that the number of marine mammals authorized to be taken may be adjusted during the term of the permit • • •"

The industry, through its Counsel, stated, *inter alia,* that (i) the record does not support the need for a quota; (ii) a quota would be contrary to the intent of the law; (iii) a quota would be economically disastrous to the industry; and (iv) a quota would be counterproductive. It is the industry's position that the answer to the problem lies in research and development through a close industry-government cooperative effort at sea. In this regard, industry restated its seven point program discussed at length during the hearing. Industry further raised some legal objections regarding the Government's right to require observers to be taken aboard vessels and suggested that the only way to assure observers access to vessels on a meaningful basis was through a cooperative effort. It is industry's contention that this is the only way to solve the tuna/porpoise problem and avoid legal contests as well as remove any concern for safety of the observers. Industry did offer to enter into an arrangement whereby observer data may be used for more than scientific purposes. In conversations with their Counsel, it was indicated that this arrangement could include the gathering of information regarding the effectiveness of the regulations.

Certain representatives of environmental groups, speaking through their Counsel, stated that they "strongly supported a comprehensive research and development program based on a joint NMFS–industry effort." However, it was their contention that such an effort "is not inconsistent with and should not be a substitute for an effective enforcement program including a comprehensive observer program and the establishment of an upper limit for the number of animals killed." Implicit in their position was the support of the Government's legal right to carry out its original proposals.

After reviewing all material submitted and considering all arguments made in connection with the matter, it is the position of the NMFS that it will modify its original proposals. It will not, at this time, impose a quota on the industry with respect to the number of porpoise its members may kill incidental to commercial fishing operations. However, the NMFS will impose a quota for the entire fishing season, if during the first part of the fishing season, porpoise mortality exceeds certain levels defined below. A decision on this matter will be made during May 1976. NMFS is planning to place observers on at least approximately 10 percent of the trips of vessels it selects which are engaged in the fishery. NMFS believes that a scientific sampling of 10 percent of the trips will be statistically sound and that the data compiled therefrom can be extrapolated to project the estimated porpoise mortality for the year by all vessels.

NMFS believes that this approach represents, at this time, the most reasonable way that it can meet its responsibility to reduce porpoise mortality incidental to yellowfin tuna fishing and its responsibility not to shut down or significantly curtail the activities of the tuna fleet as set forth in the Marine Mammal Protection Act and its legislative history. For success of this approach, cooperation is required. The NMFS expects this cooperation. If there is not significant progress, as detailed in paragraph (f), below, then a quota will be imposed and once a quota has been reached, setting on porpoises will be prohibited. Cooperation is the key to success. NMFS believes this approach (i) will reduce porpoise mortality; (ii) will result in a meaningful cooperative effort to resolve the problem; (iii) will not shut down or significantly curtail the activities of the tuna fleet; (iv) generally conforms to the recommendations of the Marine Mammal Commission; (v) deals with the problem in light of existing statutory funding limitations.

In lieu of the imposition at this time of a quota for 1976 on the number of porpoises allowed to be killed incidental to purse seining for yellowfin tuna and use of an observer on every tuna seiner

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throughout the year, the Director has determined that the following course of action will be pursued for the 1976 fishing season:

a. Prior to January 1, 1976, the National Marine Fisheries Service will review with industry representatives the specific requrements for data collection and reporting by the observers and establish appropriate procedures implementing fleetwide rēporting. As a result, it is anticipated that full agreement will be reached as to what data are to be collected aboard vessels. This will include reporting of biological and mortality data as well as information which can be used to determine the effectiveness of the regulations. The instructions to the observers will be revised accordingly. As an end result, before sailing, the fleet should fully understand what information is being collected and why such collection is necessary. As noted in the written comments of the American Tunaboat Association and the Tuna Research Foundations submitted for the record, the industry has stated its willingness "to work with a reasonable observer program" and its belief that the detailed operation of the observer program "can be resolved on an acceptable basis."

b. Industry representatives will be requested by NMFS to establish, on a fleetwide basis, a significantly improved system of reporting data by vessels of the fleet without observers aboard.

c. Briefly summarized the major changes to the regulations (50 CFR 216.24) are as follows: (1) The Director reserves the right to establish a ceiling on the number of porpoise of any stock or species that may be killed, and to prohibit the setting on that species or mixture of species after the ceiling is reached.

(2) Appropriate notification procedures are provided by which to facilitate the placement of observers on vessels during regular fishing voyages.

(3) Sets on pure schools of striped dolphins are to be prohibited due to an increased number of sets on this species in 1974 and 1975 which resulted in increased mortality. This is an uncommonly encountered species which is readily identifiable and results in very low catches of yellowfin tuna.

(4) Procedures are described for towing of the net by speedboats when in the judgment of the certificate holder this is necessary.

(5) The requirement for torque-balanced cable is deleted due to inconclusive results of experimental use.

(6) The requirement of carrying a porpoise basket is deleted.

d. Observers will be placed aboard tuna purse seiners starting in January 1976, in accordance with an appropriate scientific sampling plan devised by the NMFS. As stated in testimony at oversight hearings before the Subcommittee on Fisheries, Wildlife Conservation and the Environment on October 30, 1975, an industry spokesman has committed industry to "maximum cooperation in the placement of scientific research observers on U.S. tuna boats as recommended by the National Marine Fisheries Service sampling program."

e. The reports of all observers on vessels which have returned to port by April 15, 1976, will be analyzed by the Service in order to assess fleet performance. Specific attention will be given to projecting total porpoise deaths for 1976 on the basis of data such as:

(1) kill per set,
(2) kill per ton of tuna caught via setting on porpoise,
(3) cumulative kill of porpoises,
(4) size of porpoise schools,
(5) composition of porpoise schools,
(6) percentage of non-porpoise sets, and
(7) abundance of tuna.

In determining the success of fleet performance under the regulations, certain of the above criteria will be adjusted for fishing conditions as necessary in order to provide a valid comparison of fleet performance in 1976 with previous years.

f. A quota for 1976 will be established in May or thereafter if the total number of porpoise deaths for the year is projected to exceed 70% of the final estimated 1975 kill. The key element in the decision on imposing a quota will be the comparison of the number of porpoises killed in the first 3–4 months of 1976 with the kill in the same time period in 1975 as measured by the results of observer cruises. Estimates of numbers of porpoise killed will be based on the observer data on number of porpoises killed per set.

The purpose of a quota will be to achieve a mortality level significantly below that of 1975. The present estimate of the 1975 kill, although uncertain, is approximately 130,000 animals. A final estimate will be available in early 1976.

g. The procedure for determining the size of a quota, if one is established, will take into account the anticipated characteristics of the remaining 1976 fishing season. Any material differences in the 1975 and 1976 seasons will be considered in the establishment of the quota level.

h. The NMFS proposal of September 1975 regarding imposition of a quota indicated a desire for some reasonable assurance of continued growth of porpoise stocks. Our best scientific estimate is, at the present time, that porpoise stocks involved in the yellowfin tuna fishery are either stable, or increasing or decreasing slightly. The Marine Mammal Commission feels that there is insufficient data to determine a figure of incidental mortality which will, with "reasonable assurance" enable the principal stocks of porpoise to increase in size.

The Service agrees with the Marine Mammal Commission on this point, but considers that an overall quota can be set, if warranted, which at least reasonably assures stability for the principal porpoise stocks until technological advances permit a reduction to a level of mortality envisioned by the Act.

i. During May 1976, a public meeting will be held in Washington, D.C., at which the Director will announce his decision regarding imposition of an overall quota on porpoise kill for 1976, and the rationale for such decision. If the decision is to impose a quota, appropriate regulatory changes will be promulgated immediately without further public hearing. Based on the normal fishing pattern of the U.S. tuna fleet, the amount of fishing on porpoise remaining between May and December is such that a decision in May provides ample opportunity to ensure that porpoise stocks will not be adversely affected, and to notify the fleet so that it can adjust operations. After the decision is announced, whether a quota is imposed or not, NMFS will continue to monitor the situation and collect and analyze data to determine the need for possible subsequent action. If the analysis indicates additional actions are warranted, appropriate action will be taken.

In summary, the NMFS has concluded that the course of action delineated above will best serve the objectives of reducing incidental porpoise mortality without destroying the economic viability of the U.S. tuna fleet—both of which are mandates under the Marine Mammal Protection Act and its legislative history. The procedures modify NMFS proposals announced in the FEDERAL REGISTER in September that a ceiling be set on the numbers of porpoises that could be killed and that an observer be placed on every boat in the fleet. The modifications were made as a result of an analysis of the record of public hearings on the earlier proposals, exploration of the problem with industry and representatives of conservation interests, and review by the Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Commerce.

A solution to the problem of the reduction of incidental porpoise mortality is much more likely through the channel of cooperation of all parties concerned than through confrontation. Most parties have pledged that cooperation toward a common goal and time must be provided for such efforts to produce results. As soon as gear modifications or methods of fishing operations are developed sufficiently to warrant use on a fleet-wide basis, they will be phased into the regulations as appropriate. In addition, in the event that net collapses attributable to the poor judgment of certificate holders continue to be a significant contributor to porpoise mortality, then consideration will be given to amending the regulations with respect to towing of nets, to make towing mandatory in certain instances.

It is acknowledged that for a variety of reasons less progress was made in reducing total incidental porpoise mortality in 1975 than was anticipated or desired. It appears clear at this time that at least one of the contributing factors was a breakdown in communications between NMFS and the fleet regarding what the regulations actually were, how to comply with them, and evaluation of their merits. By working closely with industry in research and development, communications can be vastly improved. We expect as a result of cooperative efforts that the record of the U.S. fleet performance in 1976 will show a considerable improvement over previous years. It is our intent that porpoise mortality in 1976 should show a significant reduction over 1975.

As a result of the foregoing, the regulations governing the incidental taking of marine mammals during commercial fishing operations are amended as hereinafter set forth and are effective on December 19, 1975.

Summary of amendments

1. *Section 216.24(b)(2)* has been amended to itemize the information which must be submitted by an applicant for a general permit.

2. *Section 216.24(b)(3)* has been renumbered as § 216.24(b)(4) and has been altered to clarify its meaning. A new paragraph (b)(3) has been inserted which provides a mailing address for applications for a general permit, and provides that applications for a general permit should be received by the National Marine Fisheries Service not less than 180 days prior to the date upon which they are to become effective.

3. *Section 216.24(b)(4)* has been renumbered as § 216.24(c)(1) and has been amended in order to provide that the certificate holder on a fishing vessel must be the person in charge of and actually conducting fishing operations. A new paragraph (b)(4) has been inserted, which clarifies the language with regard to the period of validity of a general permit.

4. *Section 216.24(b)(5)* has been renumbered as § 216.24(c)(2). A new paragraph (b)(5) has been inserted which tracks the language of former paragraph (c)(5).

5. *Section 216.24(b)(6)* has been deleted. New language has been inserted which tracks that of former paragraph (c)(6), and clarifies the intent of the regulation that an opportunity for a hearing (with respect to a general permit application) be afforded within 60 days of publication of the notice.

6. *Section 216.24(b)(7)*, regarding general permit application fees, has been added.

7. *Section 216.24(c)(1)* has been renumbered as § 216.24(c)(3), and its wording has been clarified. A new paragraph (c)(1) has been inserted providing that the certificate holder on a vessel must be the person in charge of and actually conducting fishing operations.

8. *Section 216.24(c)(2)* has been renumbered as § 216.24(c)(4). A new paragraph (c)(2) has been inserted, which tracks former paragraph (b)(5), altered for clarification.

9. *Section 216.24(c)(3)* has been renumbered as § 216.24(c)(5). A new paragraph (c)(3) has been inserted, which tracks the language of former paragraph (c)(1).

10. *Section 216.24(c)(4)* has been renumbered as § 216.24(c)(6). A new paragraph (c)(4) has been added, which tracks the language of former paragraph (c)(2).

11. *Section 216.24(c)(5)* has been renumbered as § 216.24(b)(5). A new paragraph (c)(5) has been inserted which tracks the language of former paragraph (c)(3).

12. *Section 216.24(c)(6)* has been renumbered as § 216.24(b)(6) and its language clarified. A new paragraph (c)(6) has been inserted, which tracks the language of former paragraph (c)(4), with the addition of a fee schedule for applicants whose incomes fall below federal poverty guidelines.

13. *Section 216.24(d)(2)(i)* has been amended to prohibit the encircling of pure schools of striped dolphin, and to reflect the Director's authority to limit the taking of all other stocks or species of marine mammals.

14. *Section 216.24(d)(2)(iii)* has been amended to delete the requirement that log books be retained for one year.

15. *Section 216.24(d)(2)(iv)(A)* has been amended to clarify its meaning.

16. *Section 216.24(d)(2)(iv)(B)* has been amended.

17. *Section 216.24(d)(2)(iv)(C)* has been amended.

18. *Section 216.24(d)(2)(iv)(D)* has been deleted in large part, and language has been substituted indicating that the corkline hangings throughout the length of the corkline in which the porpoise safety panel is located must be inspected by the certificate holder following each trip, and a certain degree of tightness maintained.

19. *Section 216.24(d)(2)(iv)(E)*: Subparagraph (1) of this paragraph has been deleted. Subparagraph (2), requiring that torque-balanced cable be installed has been deleted. New language has been inserted describing the situations in which, and the methods by which, towing on the net must be performed in order to prevent net collapse and the formation of pockets of loose webbing. Subparagraph (3) has been deleted.

20. *Section 216.24(d)(2)(v)*: The requirement of this section that a "porpoise basket" be carried on purse seine vessels has been deleted. Inserted in its place is the language heretofore found in paragraph (vi), concerning the backdown procedure. In addition, the requirements concerning hand removal of porpoise from the net have been simplified in order to afford greater flexibility.

21. *Section 216.24(d)(2)(vi)* has been amended to include the language heretofore found in the first paragraph of § 216.24(d)(2)(vii).

22. *Section 216.24(d)(2)(vii)*: The first paragraph of this section has been deleted and transferred to the new preceding section.

23. *Section 216.24(e)(2)* has been amended to clarify the language.

24. *Section 216.24(e)(3)* has been amended in order to reflect the changes in wording found in the previous section.

25. *Section 216.24(f)* has been amended to describe the circumstances under which, and the procedures by which, observers may be placed on purse seine vessels operating under a category 2 general permit.

26. Figures pertaining to § 216.24(d)(2) have been renumbered.

Figure 1 becomes Figure 2; Figure 2 becomes Figure 1; Figure 3 becomes Figure 4; Figure 4 becomes Figure 5; and Figure 5 becomes Figure 3.

An additional figure, number 6, has been inserted.

Dated: December 2, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

The following are the specific amendments to the regulations. Due to the number of changes in §§ 216.24 (b), (c), and (d)(2), these sections are set forth in their entirety, notwithstanding the fact that all their subsections have not been amended.

1. Section 216.24 (b), (c), (d)(2), (e)(2), introductory text of (e)(3) and (f) are revised to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(b) Permits: (1) General permits to allow the taking of marine mammals in connection with commercial fishing operations will be issued to persons using fishing gear within any one of the following five general categories:

(i) *Towed or Dragged Gear.* Shall include those commercial fishing operations utilizing towed or dragged gear such as bottom otter trawls, bottom pair trawls, multi-rig trawls, and dredging gear.

(ii) *Encircling Gear; Yellowfin Tuna Purse Seining.* Shall include those commercial fishing operations utilizing purse seines for yellowfin tuna.

(iii) *Encircling Gear; Seining other than Yellowfin Tuna.* Shall include those commercial fishing operations utilizing purse seines for species other than "yellowfin tuna."

(iv) *Stationary Gear.* Shall include commercial fishing operations utilizing stationary gear such as traps, pots, weirs, and pound nets.

(v) *Other Gear.* Shall include those commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified under paragraph (b)(1), (i), (ii), (iii), or (iv) of this section.

(2) Permits shall be issued as general permits to a class of fishermen using one of the general categories of gear set forth above. Any member of such class may apply for a general permit on behalf of all members of the class. Subsequent to a grant of the general permit, individuals may make application to be included under the terms of a general permit. Applications for a general permit should contain:

(i) Name, address and telephone number of the Applicant. If the Applicant is an organization or corporate entity, a copy of the corporate or organizational charter which sets forth the basis for application on behalf of a group or class

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of commercial fishermen must be included;

(ii) The category of permit for which application is being made;

(iii) A statement describing why the Applicant cannot avoid taking marine mammals incidentally to commercial fishing operations. A description of the fishing operations by which marine mammals are taken;

(iv) The date upon which the general permit is to become effective;

(v) A list of the fish sought by those fishermen who may become parties to the general permit through inclusion by certificate, and the general areas of operation of such fishermen;

(vi) A statement identifying the marine mammals and numbers of marine mammals which are expected to be taken under the general permit;

(vii) A description of the procedures and techniques that will be utilized in order that takings under the permit will be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972, and these regulations; and

(viii) A certification, signed by the Applicant, in the following language:

I certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to the penalties provided under the Marine Mammal Protection Act of 1972.

(3) Applications for a general permit shall be submitted in an original and four copies to the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235. Applications should be received not less than 180 days prior to the date upon which the permit is to become effective. Assistance may be obtained by writing the Director, National Marine Fisheries Service, or by calling the Marine Mammals and Endangered Species Division, telephone number (202) 634–7529.

(4) General permits shall be valid for a period not to exceed one year. A general permit shall be valid for the time period indicated on the face of the permit. General permits shall be subject to modification, suspension or revocation and may contain terms and conditions prescribed in accordance with section 104(b)(2), 16 U.S.C. 1374(b)(2) of the Act.

(5) The Director shall determine the adequacy and completeness of such applications received by him and if found to be adequate and complete, will forthwith publish a notice of such application in the FEDERAL REGISTER, giving interested parties thirty days in which to submit written data or views with respect to the granting of such permit.

(6) If within thirty days after the date of publication of notice with respect to an application for a general permit any interested party or parties request a hearing in connection therewith, the Director may, within sixty days following such date of publication, afford such party or parties an opportunity for such a hearing. Any hearing held in connection with a general permit shall be conducted in the same manner as hearings held in connection with scientific or display permit applications under § 216.33.

(7) There is no fee associated with the application for a general permit.

(c) Certificates of Inclusion: (1) The person in charge of and actually conducting fishing operations on any vessel engaged in commercial fishing operations for which a general permit is required under this subpart shall be the holder of a valid certificate of inclusion under that general permit. Such certificates are not subject to public hearings prior to issuance. Such certificates shall not be transferable but will be valid on any vessel or boat on which the individual named in the certificate is the person in charge of and actually conducting the fishing operations.

(2) The certificate must be in the possession of the person to whom it was issued in the course of his fishing operations and shall be shown upon request to an enforcement agent or other designated agent of the National Marine Fisheries Service; provided, however, that persons at sea on a fishing trip on the expiration date of their certificate of inclusion, to whom a certificate of inclusion for the next year has been issued, may take marine mammals under the terms of the new certificate of inclusion but such persons are obligated to physically obtain the new certificate when they next return to port.

(3) After issuance of a general permit, applications for inclusion under such general permit will be accepted at any time. All persons under a general permit will receive a certificate evidencing such inclusion and setting forth the period of time during which they may conduct fishing operations under the general permit, provided, however, that each certificate shall expire no later than the general permit under which it is issued.

(4) Applications for certificates of inclusion should be addressed as follows: (i) Residents of the States of Washington, Oregon, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Utah, should make application to the Regional Director, National Marine Fisheries Service, Seattle, Washington 98102.

(ii) Residents of the States of California, Nevada, Arizona, Hawaii, and the territories of American Samoa, Guam, and the Trust Territory of the Pacific Islands should make application to the Regional Director, National Marine Fisheries Service, Terminal Island, California 90731.

(iii) Residents of the State of Alaska should make application to the Regional Director, National Marine Fisheries Service, Juneau, Alaska 99801.

(iv) Residents of the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, District of Columbia, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Wisconsin, Illinois, Indiana, and Minnesota should make application to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts 01930.

(v) Residents of the States of North Carolina, South Carolina, Florida, Mississippi, Louisiana, Texas, Georgia, Oklahoma, Alabama, Nebraska, Iowa, Tennessee, Missouri, New Mexico, Kentucky, Kansas, Puerto Rico, Virgin Islands, and Arkansas, should make application to the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida 33702.

(5) Applications for certificates of inclusion shall contain:

(i) The name of the person(s) which is to appear on the certificate(s) of inclusion (provided that not more than one name shall appear on any certificate);

(ii) The category of the general permit under which the applicant(s) wishes to be included;

(iii) The species of fish sought and general area of operations;

(iv) The identity of state or local commercial fishing licenses, if any, under which fishing operations are conducted and dates of expiration; and

(v) The name and signature of the applicant, or the organization acting on behalf of the applicant(s).

(6) Fees: (i) Applications for certificates of inclusion shall contain a payment in accordance with the following schedule for each person named in paragraph (c)(5)(i) of this section. The schedule of fee payment is:

(A) Categories 1, 3, 4, and 5, Towed or Dragged Gear; Encircling Gear, Seining other than Yellowfin; Stationary Gear; and Other Gear: $10.00.

(B) Category 2, Encircling Gear, Yellowfin Tuna Purse Seining: $200.00.

Except as provided herein, applicants desiring a certificate of inclusion under more than one category of general permit will not be required to pay a full fee for each certificate. After the initial fee for a certificate is paid, additional certificates will be issued for a fee of fifty cents each. However, in any case the full fee must be paid for certificates of inclusion in category 2.

(ii) Notwithstanding the provisions of subparagraph (c)(5)(i) of this section, an applicant whose income is below Federal poverty guidelines may, on a showing in his application that his income is below such guidelines, be issued a certificate:

(A) Under categories 1, 3, 4, and 5—upon payment of a fee of $1.00;

(B) Under category 2—upon payment of a fee of $20.00.

(iii) The Director may change the amount of these required fees at any time he determines a different payment to be reasonable, and said change may be accomplished by publication in the FEDERAL REGISTER of the new payments required.

(7) The Regional Director receiving applications or certificates of inclusion shall determine the adequacy and completeness of such applications and, upon his determination that such applications

are adequate and complete, he shall immediately approve such applications and thereafter notify the applicants of his approval and issue a certificate to approved applicants.

(d) • • •

(2) *Encircling gear; yellowfin tuna purse seining.* (i) (A) A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations, except that no certificate holder shall encircle pure schools of striped dolphin, *Stenella coeruleoalba*. The numbers of all other stocks or species of marine mammals that may be killed in the course of commercial fishing operations may be determined by the Director, who may, pursuant to such determination, prohibit the encircling of any or all of such stocks or species by purse-seine. Such a prohibition shall be announced at a public meeting held for that purpose, and notice thereof published in the FEDERAL REGISTER not less than 30 days prior to the date upon which the prohibition is to become effective.

(B) Marine Mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury. Each certificate holder shall take every possible step to minimize the incidental mortality and serious injury of marine mammals in the course of commercial fishing operations, including refraining from using a sharp or pointed instrument on porpoise and refraining from causing or permitting a purse seine under his control to be set around marine mammals when conditions of wind, sea, visibility, or the number of marine mammals and/or fish concerned would, in his judgment, be likely to prevent the effective use of the backdown and other procedures required herein. Such steps to minimize mortality and serious injury shall include, where appropriate, causing a purse seine already set on marine mammals to be released and/or opened to facilitate release of marine mammals where such a step will, in his judgment, be effective and conditions prevent the effective use of the procedures required hereunder. The Director may publish findings relating to conditions of wind, sea, visibility or numbers of marine mammals and fish concerned which prevent the effective use of equipment and procedures required hereunder and result in an unacceptably high rate of incidental mortality and serious injury of marine mammals and under which conditions it would not be permissible to cause a set to be made on marine mammals.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage, or threat of personal injury without inflicting death or injury to any marine mammal.

(iii) All certificate holders shall maintain daily logs, in such forms as the Director may prescribe, of all sets in which marine mammals are taken. Such logs must include the location, time, and date of set; weather, and water conditions; estimated number and species of marine mammals upon which set was made; estimated number and species of marine mammals caught; method used to remove marine mammals from net; amount and kind of tuna caught; and an actual count of marine mammals killed and seriously injured, if any, on each set. Such logs shall be subject to inspection at the discretion of the Regional Director, National Marine Fisheries Service, to whom a certificate application was made, or his designated agents. In addition, copies of all such logs shall be mailed or delivered to the Regional Director, NMFS, to whom a certificate application was made, at the earliest possible opportunity, but no later than 5 days after the most recent recording in the log, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port.

(iv) A certificate will be valid only on a vessel equipped with a porpoise safety panel in its purse seine, and using other gear and procedures as herein described. Porpoise safety panels and all other gear used in the course of catching and landing yellowfin tuna, backdown and other release procedures shall be maintained in a proper and seaworthy condition. The specifications and other particulars regarding the porpoise safety panel and other gear are as follows:

(A) The porpoise safety panel shall be installed so as to protect the entire perimeter of the backdown aera from the cutboard end of the number three cork bunching line to the tiedown point. This panel must be a minimum of 100 fathoms in length, except that the minimum length of the panel in nets deeper than 10 strips shall be determined at a ratio of 10 fathoms in length for each strip that the net is deep (see figure 1). The porpoise safety panel shall consist of small mesh webbing not to exceed 2" stretch mesh, extending from the corkline downward to a minimum depth equivalent to one strip of 100 meshes of 4¼" stretch mesh webbing;

(B) Each end of the porpoise safety panel must be identified with an easily distinguishable marker;

(C) Throughout the length of the corkline in which the porpoise safety panel is located, hand hold openings are to be secured so that the insertion of a 1⅜" diameter cylindrical-shaped object meets resistance (see figure 2);

(D) Throughout the length of the corkline in which the porpoise safety panel is located, corkline hangings shall be inspected by the certificate holder following each trip. Hangings found to have loosened to the extent that a cylindrical object with a 1⅜" diameter will not meet resistance when inserted between the cork and corkline hangings, must be tightened so that a cylindrical object with a 1⅜" diameter cannot be inserted. See Figure 2; and

(E) Towing: (1) Purse seine vessels engaged in fishing operations involving setting on marine mammals shall carry a minimum of two speedboats in operating condition. All speedboats carried aboard purse seine vessels and in operating condition shall be rigged with towing bridles and towlines similar to those indicated in Figure 3. Vessels that do not carry at least two speedboats in operating condition and properly rigged may not conduct fishing operations which involve setting on marine mammals. (ii) Purse seine nets shall contain bunchlines arranged to allow for at least five bow bunches to be created when necessary; except that purse seine nets on vessels of 400 tons carrying capacity or less shall contain bunchlines arranged to allow for at least three bow bunches to be created when necessary. The remaining bunchlines shall be arranged around the perimeter of the net with both ends of some bunchlines unattached to permit towing from either end, or as is indicated in Figure 4; i.e., one rigged in normal fashion and the other reversed. The arrangement of bunchlines around the perimeter of the net must allow at least three towing points to be established at locations similar to those indicated in Figure 4. The ends of all bunchlines which can be utilized as towing points shall be marked so as to be clearly visible to speedboat drivers. (iii) Except as provided herein, on every set involving marine mammals, a minimum of two manned speedboats shall be in the water until backdown commences. Speedboats shall be prepared to hook onto bunchline towing points established along the perimeter of the net in order to tow the net to prevent net collapse and a formation of pockets of loose webbing, such as stern bends, which might entrap marine mammals. Other speedboats that are in operating condition shall be prepared for immediate use to tow if needed. Vessels of 400 tons carrying capacity or less which have an observer duly authorized by the Secretary aboard shall be allowed to have a minimum of one manned speedboat in the water from the time the set is commenced until backdown has commenced. (iv) Actual towing on the net shall be performed when, in the opinion of the certificate holder, towing is necessary to prevent net collapse or the formation of pockets of loose webbing. Figures 5 and 6 show examples of possible net configurations while towing with two or three speedboats. If towing the net has been necessary, the speedboats may unhook their towlines when towing is no longer needed, or their respective bunchlines begin to go up toward the power block or backdown commences.

(v) Backdown shall be performed following a net set where marine mammals are captured in the course of utilizing a purse seine for catching and landing yellowfin tuna. Thereafter, other release procedures shall be continued until all live animals have been released from the net. "Backdown" procedure means a series of maneuvers, which takes place after the net is tied down following a set

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and pursing, which keeps the net open to the greatest degree and allows porpoise or other marine mammals to leave the pursed net over the net floats which are submerged as a result of the vessel moving astern. Commencing with backdown and continuing through the sacking up operation, a minimum of two men shall be engaged in hand removal of porpoise from the net. All live porpoise must be removed from the net prior to initiating brailing operations.

(vi) Purse seine nets and other gear and equipment utilized to catch and land fish under this section and to conduct backdown and other procedures herein required, shall be maintained in functional and seaworthy condition. All certificate holders shall maintain proficiency sufficient to perform the procedures required herein. Vessel gear and equipment as well as the proficiency of certificate holders will be subject to inspection and examination by authorized NMFS personnel at any time at the discretion of the Director. Any vessel found to not be equipped with gear which is in conformity with these regulations and maintained in a functional and seaworthy condition shall be ineligible for use by a certificate holder for commercial fishing operations under this section and the certificate of any certificate holder who is found to lack proficiency in the procedures required herein shall be immediately suspended or revoked.

(vii) A certificate holder's proficiency shall be determined by proof of attendance at, and satisfactory completion of, a formal training session conducted under the auspices of the National Marine Fisheries Service. At the training session, a certificate holder shall be instructed concerning the provisions of the Marine Mammal Protection Act of 1972, the regulations promulgated pursuant to the Act, the requirements of his certificate of inclusion and the appropriate general permit, and the fishing gear and techniques which are required or will contribute to reducing serious injury and mortality of porpoises incidental to purse seining for yellowfin tuna. In addition, for continuation or renewal of a certificate, a certificate holder may be required to attend other formal training sessions when there are substantial changes in the Act, the regulations or the required fishing gear and techniques.

(viii) The Director may publish a finding of the rate of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations conducted pursuant to these regulations.

(ix) Failure to comply with the provisions of this permit or these regulations, including, but not limited to, failure to submit, upon demand, to an inspection or examination by an authorized agent of the National Marine Fisheries Service, falsification of logs and reports required hereunder, or failure to satisfy the requirements of any provisions of these regulations will subject certificate holders, vessel masters, or owners to immediate revocation of the certificate and/or right to be included under a general permit and further subject certificate holders, vessels, masters, or owners to the penalties provided for under the Act.

(e) • • •

(2) The following fish and categories of fish, which the Director has determined are involved with commercial fishing operations which cause the death or injury of marine mammals, are subject to the prohibitions and documentation requirements of this paragraph:

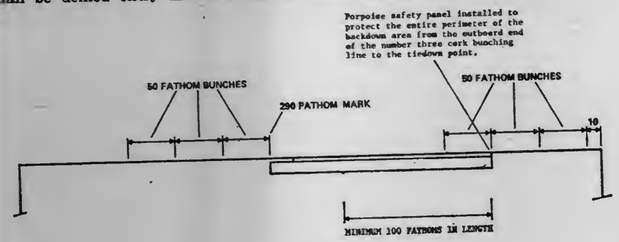
(i) Yellowfin tuna; salmon; halibut; and pilchards from South Africa. The following U.S. Tariff Schedule Item Numbers identify these categories of yellowfin tuna, salmon, halibut, and pilchard products which are imported into the United States and are to be covered by the documentation and certification requirements of § 216.24(e):

110.10–20	Tuna, yellowfin, whole fish.
110.10–25	Tuna, yellowfin, eviscerated, head on.
110.10–30	Tuna, yellowfin, eviscerated, head off.
110.10–37	Tuna, yellowfin, eviscerated.
110.20–25	Halibut, fresh or chilled.
110.20–30	Halibut, frozen.
110.20–45	Salmon, fresh or chilled.
110.10–50	Salmon, frozen.
110.70–40	Halibut, other—except portion controlled steaks.
111.48–00	Salmon, salted.
111.88–00	Salmon, smoked or kippered.
112.18–00	Salmon, preserved, not in oil.
112.20–00	Canned sardines/pilchards (from S. Africa).
112.22–00	Canned sardines/pilchards (from Africa).

(3) All fish and categories of fish listed in paragraph (e)(2)(i) of this section shall be denied entry into the United States unless accompanied by shipping documentation showing:

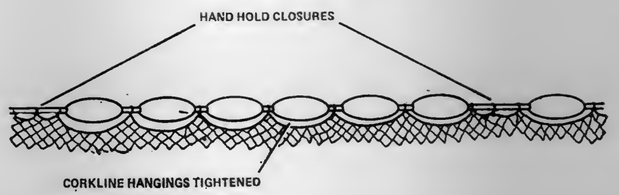
• • • • •

(f) The master of any commercial fishing vessel engaged in fishing operations for which a category 2 general permit is required shall, upon proper notification by the Regional Director as described in this section, allow an observer duly authorized by the Secretary to accompany the vessel on any or all regular fishing trips for the purpose of conducting research and observing operations. Research and observation duties shall be carried out in such a manner as to minimize interference with commercial fishing operations. No owner, master, operator or crew member of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels. The master or owner of each such vessel shall notify the Regional Director, Southwest Region, National Marine Fisheries Service (telephone (213 548–2575) or a subsequently announced phone number) at least 120 hours in advance of each fishing voyage, giving the name of the departing vessel, the date and time of departure, the port of departure, and the name of the certificate holder aboard such vessel. The Regional Director shall notify the master or owner who has so notified him, if he intends to place an observer on the vessel. Failure of the Regional Director to so notify the master or owner within 72 hours after receipt of notice of the announced departure relieves the master or owner of any obligation to carry an observer on that voyage. No vessel whose master or owner has failed to comply with the provisions of this section may engage in fishing operations for which a category 2 permit is required. Any person violating any of the provisions of this section shall be subject to the penalties provided in the Act.



LOCATION OF PORPOISE SAFETY PANEL INSERTION

Figure 1 - 216.24 d (2) (iv)



STANDARD SEINE

Figure 2 - 216.24 d (2) (iv)

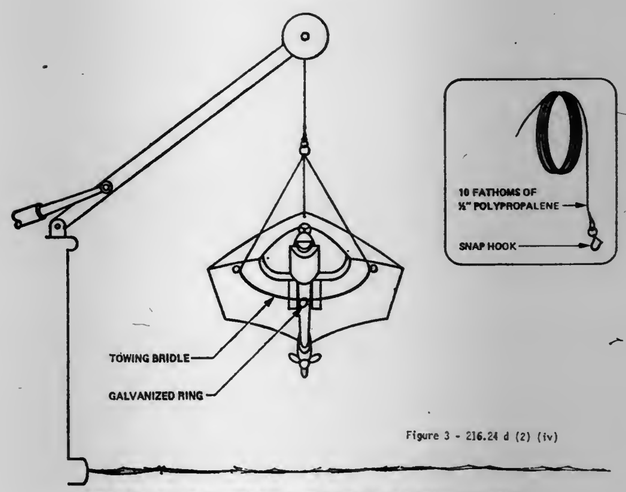


Figure 3 - 216.24 d (2) (iv)

SPEEDBOAT RIGGED WITH TOWING BRIDLE. INSET: LINE KEPT IN SPEEDBOAT TO CONNECT BUNCH LINES TO TOWING BRIDLE.

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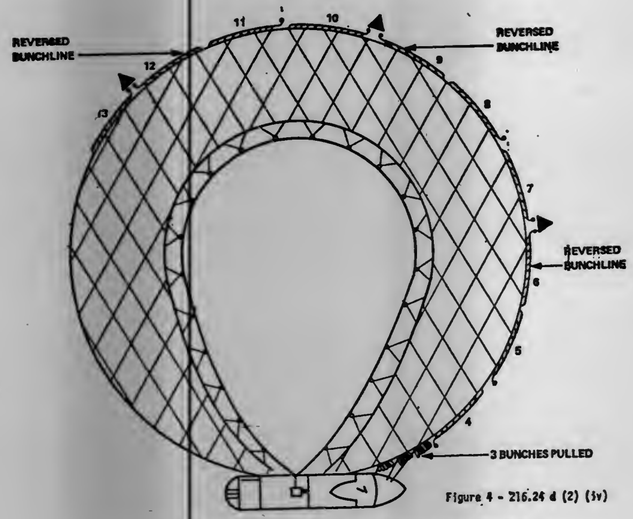


Figure 4 - 216.24 d (2) (iv)

LOCATION OF REVERSE BUNCHLINES FOR USE WITH SPEEDBOATS TO HOLD NET OPEN USING A TOTAL OF 10 BUNCH LINES. TRIANGLES DENOTE TOWING POINTS.

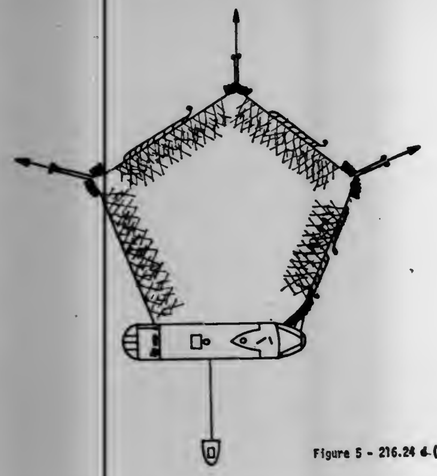


Figure 5 - 216.24 d (2)(iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING THE THREE REVERSED BUNCH LINES.

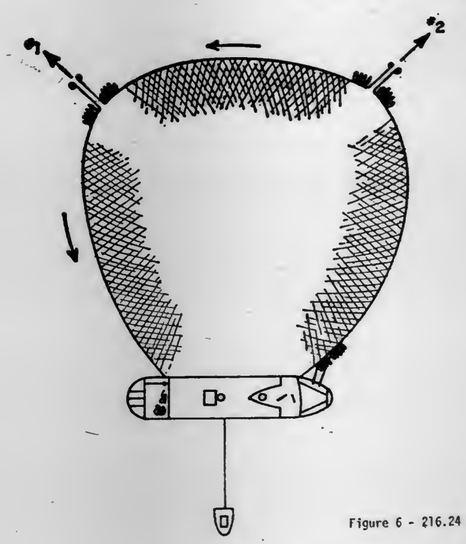


Figure 6 - 216.24 d (2)(iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING TWO SPEEDBOATS

[FR Doc.75-32835 Filed 12-4-75;8:45 am]

Title 21—Food and Drugs

[Docket No. 75F-0358]

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Aspartame; Stay of Effectiveness of Food Additive Regulation

The Commissioner of Food and Drugs is staying the effectiveness of the regulation permitting certain uses in food of the sweetening substance aspartame. The stay takes effect December 5, 1975.

In the FEDERAL REGISTER of March 5, 1973 (38 FR 5921), notice was given that a petition (FAP 3A2885) had been filed by G. D. Searle & Co., Box 5110, Chicago, IL 60680, proposing the issuance of a food additive regulation to provide for the safe use of aspartame in foods as a nutritive substance with intense sweetness and with flavor-enhancing properties. In the FEDERAL REGISTER of July 26, 1974 (39 FR 27137), the Commissioner promulgated a food additive regulation for aspartame, § 121.1258 (21 CFR 121.1258). A correction in the preamble to the regulation was published in the FEDERAL REGISTER of September 26, 1974 (39 FR 34520). Three objections and two requests for hearing were received.

The two parties who requested a hearing, John W. Olney, M.D., and, jointly, James S. Turner and LABEL, Inc., have subsequently waived their right to a formal evidentiary public hearing conditioned upon the establishment of a Public Board of Inquiry to consider the matter. The issues to be considered by the Public Board of Inquiry, together with the Commissioner's conclusions on the objection for which no hearing was requested, will be stated in a notice to be published in the FEDERAL REGISTER.

Although the Food and Drug Administration had announced its intention to convene the Public Board of Inquiry promptly, subsequent developments have made it inappropriate to consider at this time the issues raised by the objections. Preliminary results of an audit of the records of certain animal studies conducted by or for the petitioner, including studies on aspartame, indicate the need for a comprehensive review of certain of the research data held by or for the petitioner. The Public Board of Inquiry is therefore being postponed until questions raised by this audit have been resolved.

Under section 409(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)) the effectiveness of a food additive regulation upon which a hearing has been requested may be stayed in the discretion of the Commissioner. Because of the questions raised by the audit, the Commissioner concludes that the effectiveness of § 121.1258 should be stayed pending their resolution.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785–1788 as amended (21 U.S.C. 348)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the effectiveness of § 121.1258 *Aspartame* be stayed, effective December 5, 1975.

Dated: December 2, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-32976 Filed 12-4-75;9:55 am]

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION

[Docket No. R-75-362]

PART 1710—LAND REGISTRATION

State Filings

On November 11, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR) published an amendment to 24 CFR 1710.26. The amendment terminated provisions of OILSR Regulations under which initial filings of disclosure material with certain State authorities would be accepted as meeting Federal filing requirements. As to some States, the amendment became effective on January 1, 1975, but a preliminary injunction suspended the effective date of the amendment insofar as it would have precluded acceptance of initial filings made in the States of Florida and California for subdivisions located in those States.

Prior to the injunction, the State of California began to develop a federally acceptable disclosure document. An agreement has now been negotiated between OILSR and California as to changes in disclosure necessary to meet the Federal standards. These changes will be reflected in modifications to California's disclosure procedures. California has withdrawn from the litigation affecting the amendment to 24 CFR 1710.26, and the injunction suspending the effective date of that amendment has been modified by the court to eliminate the reference to California.

In accordance with the agreement between California and OILSR, a number of changes are being made in § 1710.25 and other provisions of OILSR Regulations in order to provide that initial filings made with California and accepted by authorities there may now be accepted by OILSR as meeting many of the Federal filing requirements and to specify certain limitations and conditions upon these acceptances. Specifically,

1. Section 1710.25 is being amended to clarify that, notwithstanding the general provision which will allow acceptance of California filings, OILSR retains authority to require additional information, documents, or certifications in connection with particular filings as necessary or appropriate in the public interest or for the protection of consumers and that OILSR may also refuse to accept a particular filing when this is determined to be in the public interest.

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2. Section 1710.26(a) is being amended to provide that initial filings with California authorities covering California subdivisions, filed with OILSR subsequent to the effective date of these Regulations, may be accepted as meeting certain Federal filing requirements.

3. Section 1710.115 is being amended to require that the HUD disclaimer given to purchaser with the State Property Report advise that the purchasers may have rights under State law in addition to their right to revoke in certain cases under Federal law. The new language is required only for initial California filings submitted pursuant to these amended Rules; its use for other State filings is optional at this time.

4. Section 1710.120, SECTION I, is being amended to require that the additional Federal material submitted in cases where a State filing is accepted include financial statements meeting the same criteria as required for a full Federal filing.

5. Section 1710.120 is being amended to add Section IV requiring that the supporting documents and exhibits be bound, tabbed and indexed to facilitate examination.

The amendments are being made to carry out in a timely fashion an agreement that lessens an economic burden on developers without damaging purchasers; they relieve developers currently filing in California from the burden of making an additional full Federal filing while providing disclosure protection which meets Federal standards. Accordingly, the Secretary has determined that notice and public procedure are unnecessary and impractical and that good cause exists for making the amendments effective on December 5, 1975.

In 24 CFR Part 1710 is amended as follows:

1. Section 1710.25 is amended by adding a new paragraph (d) at the end to read as follows:

§ 1710.25 State filings—in general.

. . . . . .

(d) The Secretary will examine the material filed with the State authorities and require such changes, additional information, documents or certifications as the Secretary determines to be reasonably necessary or appropriate in the public interest or for the protection of purchasers. The Secretary may refuse to accept any particular filing under this section when it is determined that acceptance is not in the public interest.

2. Section 1710.26(a) is amended to read as follows:

§ 1710.26 State Filings—acceptable filings.

(a) Pursuant to § 1710.25, the Secretary has determined that filings which have been made with State authorities in the following States, and which those authorities have permitted to become effective, may be accepted as meeting the requirements of this Part:

(1) California.

This determination does not apply in the case of any filing made with a State which pertains to a subdivision not located in that State.

. . . . . .

3. Section 1710.115 is amended by changing the sixth paragraph of the Notice and Disclaimer, i.e., the paragraph immediately before the caption "Name(s) of Developer" to read as set forth below:

§ 1710.115 State property report disclaimer.

. . . . . .

PROPERTY REPORT

Under Federal law, if you received the Property Report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day following the consummation of the transaction to revoke your contract by notice of the seller. You may have additional rights under (insert the name of the State) law. If so, they will be reflected in this report.

4. Section 1710.115 is amended by changing the *SAMPLE FIRST PAGE OF THE PROPERTY REPORT ON A STATE FILING* to read as follows:

SAMPLE FIRST PAGE OF THE PROPERTY REPORT ON A STATE FILING

PROPERTY REPORT

NOTICE AND DISCLAIMER

BY OFFICE OF INTERSTATE LAND SALES REGISTRATION

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development has accepted this (name of State) (name of property report, e.g., public offering statement) as the Property Report on this subdivision.

The Interstate Land Sales Full Disclosure Act specifically prohibits any representation to the effect that the Federal Government has in any way passed upon the merits of or given approval to this subdivision, or passed upon the value, if any, of the property.

It is unlawful for any one to make, or cause to be made to any prospective purchaser, any representation contrary to the foregoing or any representation which differ from the statements in this Property Report. If any such representation is made, you should notify the Office of Interstate Land Sales Registration at the following address:

Office of Interstate Land Sales Registration
HUD Building, 451 Seventh Street, S.W.
Washington, D.C. 20410

Inspect the property, and all documents before signing. Seek legal advice.

Unless you received this Property Report prior to or at the time you enter into a contract, you may void the contract by notice to the seller.

Under Federal law, if you received the Property Report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day following the consummation of the transaction to revoke your contract by notice to the seller. You may have additional rights under (Insert the name of the State) law. If so, they will be reflected in this report.

Name(s) of Developer:

Address:

Name of Subdivision and OILSR Number:

Location:

Effective Date of Property Report:

IMPORTANT READ CAREFULLY

Name of Subdivision:

By signing this receipt you acknowledge that you have received a copy of the property report prepared pursuant to the Rules and Regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development.

Received by.....
Street Address.....
Date.....
City.....State.....
Zip.....

Notwithstanding your signature by which you acknowledged that you received the Property Report you still have other important rights under the Interstate Land Sales Full Disclosure Act.

PURCHASER SHOULD READ THIS DOCUMENT BEFORE SIGNING ANYTHING

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5. Section 1710.120 is amended by changing the material headed SECTION I State Filings and adding a section IV to read as follows:

§ 1710.120 Statement of Record—State Filing.

* * * * *

SECTION I. *State Filings.* The following information shall preface the State Statement of Record or similar instrument and shall be done in accordance with the format and general instructions set forth in § 1710.125:

The heading to the format, Part I. Administrative Information, Part II. Developers and Holders of Ownership Interest in Land, Part III. Identity of Interest in More Than One Filing, and Part XIV. Financial Statements.

SECTION IV. All supporting documentation and exhibits contained in a State filing must be bound together and tabbed and indexed to facilitate examination. The index should be placed at the beginning, or top, of the materials submitted.

(Section 7(d), Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d)); 1419, 82 Stat. 598 (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5671, Mar. 9, 1972).

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107. The Secretary has determined that this rule has no significant impact upon the environment.

Effective date. These amendments are effective on December 5, 1975.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[FR Doc.75-32797 Filed 12-4-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-805]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Gila	Globe, city of	H 040029A 01 through H 040029A 07	Arizona State Land Department, 1624 West Adams, room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	City Manager, 150 North Pine, Globe, Ariz. 85501.	May 24, 1974. Nov. 21, 1975.
Arkansas	Columbia	Taylor, city of	H 050042A 01 through H 050042A 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Taylor, Ark. 71861	Mar. 22, 1974. Nov. 21, 1975.
Do	Independence	Oil Trough, city of.	H 050063A 01	do	Mayor, City Hall, Oil Trough, Ark. 72564.	Mar. 22, 1974. Nov. 21, 1975.
Do	Little River	Ashdown, city of.	H 050129A 01 through H 050129A 02	do	Mayor, City Hall, Ashdown, Ark. 71822.	Apr. 5, 1974. Nov. 21, 1975.
Do	Mississippi	Manila, city of	H 050149A 01	do	Mayor, City Hall, Manila, Ark. 72442	Apr. 12, 1974. Nov. 21, 1975.
Do	White	Searcy, city of	H 050229A 01 through H 050229A 04	do	Mayor, City Hall, Searcy, Ark. 72143	Jan. 23, 1974. Nov. 21, 1975.
Do	Woodruff	McCrory, city of	H 050232A 01	do	Mayor, City Hall, McCrory, Ark. 72101.	Mar. 29, 1974. Nov. 21, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Alhambra, city of.	H 060095A 01 through H 060095A 04	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, 111 South 1st St., City Hall, Alhambra, Calif. 91801.	June 28, 1974. Nov. 21, 1975.
Do	San Bernardino	Redlands, city of.	H 060279A 01 through H 060279A 11	do	Mayor, City Hall, Redlands, Calif. 92373.	May 17, 1974. Nov. 21, 1975.
Do	Santa Cruz	Watsonville, city of.	H 060357A 01 through H 060357A 05	do	Mayor, City Hall, 250 Main St., Watsonville, Calif. 95076.	Mar. 22, 1974. Nov. 21, 1975.
Do	Sutter	Live Oak, city of.	H 060395A 01	do	Mayor, City Hall, 9867 O St., Live Oak, Calif. 95953.	June 7, 1974.
Do	Los Angeles	Lynwood, city of.	H 060035A 01 through H 060035A 02	do	Mayor, City Hall, 11330 Bullis Rd., Lynwood, Calif. 90262.	June 28, 1974. Nov. 21, 1975.
Do	do	Bradbury, city of.	H 065017A 01	do	City Administrator, 600 Winston Ave., Bradbury, Calif. 91010.	Nov. 15, 1974. Nov. 21, 1975.
Florida	Polk	Frostproof, city of.	H 120265A 01 through H 120265A 02	Department of Community Affairs, 2571 Ex. Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capitol, Tallahassee, Fla. 32304.	Director of Public Works: P.O. Box 308, Frostproof, Fla. 33843.	Jan. 16, 1975.
Do	Hernando	Brooksville, city of.	H 120333A 01 through H 120333A 03	do	Mayor, 26 South Brooksville Ave., Brooksville, Fla. 33512.	Feb. 21, 1975. Nov. 21, 1975.
Georgia	Toombs	Lyons, city of.	H 130223A 01 through H 130223A 06	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, 417-419 North State St., Lyons, Ga. 30436.	Dec. 6, 1974. Nov. 21, 1975.
Do	Forsyth	Cumming, city of.	H 130236A 01 through H 130236A 03	do	Mayor, 301 Old Buford, Cumming, Ga. 30130.	June 14, 1974. Nov. 21, 1975.
Idaho	Power	American Falls, city of.	H 160109A 01	Department of Water Administration, State House-Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, room 206-Statehouse, Boise, Idaho 83707.	Mayor, City Hall, 289 Idaho St., American Falls, Idaho 83211.	May 24, 1974. Nov. 21, 1975.
Illinois	Lake	Wadsworth, village of.	H 170395A 01 through H 170395A 02	Governor's Task Force on Flood Control, 300 North State St., Wadsworth, Ill. 60083. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Chicago Ave., Wadsworth, Ill. 60083.	Mar. 1, 1974. Nov. 21, 1975.
Do	Macoupin	Virden, city of.	H 170435A 01	do	Mayor, City Hall, Virden, Ill. 62690	June 28, 1974.
Do	Moultrie	Bethany, village of.	H 170521A 01	do	Utilities Superintendent, Village Hall, Bethany, Ill. 61914.	June 7, 1974.
Indiana	Marshall	Plymouth, city of.	H 180164A 01 through H 180164A 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, Box 492, Plymouth, Ind. 46563.	Oct. 26, 1973. Nov. 21, 1975.
Kansas	Jefferson	Oskaloosa, town of.	H 200151A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, Town Hall, Oskaloosa, Kans. 66066.	May 24, 1974. Nov. 21, 1975.
Do	Johnson	Lake Quivira, city of.	H 200166A 01 through H 200166A 02	do	Mayor, city of Lake Quivira, City Hall, Quivira, Kans. 66106.	July 26, 1974. Nov. 21, 1975.
Do	do	Shawnee, city of.	H 200177A 01 through H 200177A 09	do	City Engineer, City Hall, Shawnee, Kans. 66008.	June 28, 1974. Nov. 21, 1975.
Do	Kingman	Kingman, city of.	H 200183A 01 through H 200183A 02	do	Mayor, City Hall, 324 North Main St., Kingman, Kans. 67068.	Feb. 15, 1974. Nov. 21, 1975.
Do	Linn	Mound City, city of.	H 200197A 01	do	Mayor, City Hall, Mound City, Kans. 66056.	Mar. 1, 1974.
Do	Marion	Peabody, city of.	H 200208A 01	do	Mayor, City Hall, 300 North Walnut St., Peabody, Kans. 66866.	June 28, 1974. Nov. 21, 1975.
Do	Montgomery	Cherryvale, city of.	H 200231A 01	do	Mayor, City Hall, Cherryvale, Kans. 67335.	Feb. 15, 1974. Nov. 21, 1975.
Do	do	Coffeyville, city of.	H 200232A 01 through H 200232A 04	do	Mayor, City Hall, 7th and Walnut, Coffeyville, Kans. 67337.	May 3, 1974. Nov. 21, 1975.
Do	Osborne	Natoma, city of.	H 200254A 01	do	Mayor, City Hall, Natoma, Kans. 67651.	June 28, 1974. Nov. 21, 1975.
Do	Reno	Nickerson, city of.	H 200284A 01	do	Mayor, City Hall, Dunn Bldg., Nickerson, Kans. 67561.	Mar. 8, 1974. Nov. 21, 1975.
Do	Sedgwick and Sumner.	Mulvane, city of.	H 200326A 01	do	Mayor, City Hall, 102 West Main, Mulvane, Kans. 67110.	June 28, 1974. Nov. 21, 1975.
Do	Sumner	Wellington, city of.	H 200349A 01 through H 200349A 02	do	Mayor, City Hall, 202 North Washington St., Wellington, Kans. 67152.	Feb. 15, 1974. Nov. 21, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Greenup	South Shore, city of.	H 210001A 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Chairman, Board of Trust, Box 683, South Shore, Kentucky 41175.	Feb. 1, 1974.
Louisiana	St. Martin Parish	St. Martinville, city of.	H 220191A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, St. Martinville, La. 70582.	Oct. 5, 1973. Nov. 21, 1975.
Do	Webster Parish	Minden, city of	H 220237A 01 through H 220237A 08	do	Mayor, City Hall, Minden, La. 71055	Mar. 15, 1974. Nov. 21, 1975.
Maine	Aroostook	Mars Hill, town of.	H 230039A 01 through H 230039A 02	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, Town Hall, Mars Hill, 04758.	June 21, 1974. Nov. 21, 1975.
Minnesota	Hennepin	Spring Park, city of.	H 270186A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Min. 55101.	Mayor, 4349 Warren, Spring Park, Minn. 55384.	June 7, 1974.
Do	Murray	Chandler, city of	H 270312A 01	do	Mayor, City Hall, Chandler, Minn. 56122.	Aug. 9, 1974. Nov. 21, 1975.
Do	Swift	Kerkhoven, city of.	H 270472A 01	do	Mayor, City Hall, Kerkhoven, Minn. 56252.	May 3, 1974. Nov. 21, 1975.
Do	do	Murdock, city of	H 270473A 01	do	Mayor, City Hall, Murdock, Minn. 56271.	Aug. 23, 1974.
Missouri	Bates	Butler, city of	H 290026A 01 through H 290026A 05	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Butler, Mo. 64730	Apr. 5, 1974. Nov. 21, 1975.
Do	Calloway	Mokane, village of.	H 290062A 01	do	Mayor, Village Hall, Mokane, Mo. 65059.	Oct. 18, 1974. Nov. 21, 1975.
Do	Cole and Calloway.	Jefferson City, city of.	H 290108A 01 through H 290108A 08	do	Mayor, 240 East High St., Jefferson City, Mo. 65101.	Mar. 15, 1974. Nov. 21, 1975.
Do	Gasconade	Owensville, city of.	H 290143A 01 through H 290143A 02	do	Mayor, City Hall, Owensville, Mo. 65066.	May 10, 1974. Nov. 21, 1975.
Do	Laclede	Conway, city of	H 290196A 01	do	Mayor, City Hall, Conway, Mo. 65632.	May 10, 1974. Nov. 21, 1975.
Do	Lincoln	Elsberry, city of	H 290200A 01 through H 290209A 02	do	Mayor, City Hall, 202 4th St., Elsberry, Mo. 63343.	May 10, 1974. Nov. 21, 1975.
Do	Miller	Tuscumbia, village of.	H 290228A 01	do	Mayor, Village Hall, Tuscumbia, Mo. 65082.	Oct. 18, 1974. Nov. 21, 1975.
Do	Osage	Westphalia, city of.	H 290272A 01	do	Mayor, City Hall, Westphalia, Mo. 65085.	Oct. 18, 1974. Nov. 21, 1975.
Do	Ripley	Naylor, city of	H 290314A 01	do	Mayor, City Hall, Naylor, Mo. 63953.	Mar. 1, 1974. Nov. 21, 1975.
Do	St. Louis	Grantwood Village, village of.	H 290355A 01	do	Chairman, Village Hall, 7409 Oranbury Circle, Grantwood Village, Mo. 63123.	Mar. 8, 1974. Nov. 21, 1975.
Do	Saline	Slater, city of	H 290406A 01	do	Mayor, City Hall, 109 North Main St., Slater, Mo. 65349.	May 10, 1974.
Do	Shannon	Birch Tree, city of.	H 290417A 01 through H 290417A 02	do	Mayor, City Hall, Birch Tree, Mo. 65438.	Mar. 15, 1974. Nov. 21, 1975.
Do	Stoddard	Bell City, city of	H 290421A 01	do	Mayor, City Hall, Bell City, Mo. 63735.	Oct. 18, 1974. Nov. 21, 1975.
Montana	Deer Lodge	Anaconda, city of	H 300017A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Anaconda, Mont. 59711.	Apr. 12, 1974.
Do	Park	Livingston, city of.	H 300051A 01	do	Mayor, City Hall, Livingston, Mont. 59047.	Jan. 1, 1974. Nov. 21, 1975.
Nebraska	Boyd	Bristow, village of.	310012A 01	Nebraska Natural Resources Commission, 7th floor Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Board, Village Hall, Bristow, Nebr. 68719.	Jan. 3, 1975.
Do	Colfax	Schuyler, city of	310040A 01 through 310040A 02	do	Mayor, City Hall, Schuyler, Nebr. 68661.	Jan. 16, 1974.
Do	Gage	Barneston, village of.	310090A 01	do	Mayor, Village Hall, Barneston, Nebr. 68309.	Sept. 6, 1974. Nov. 21, 1975.
Do	Johnson	Elk Creek, village of.	310125A 01	do	Chairman, Village Hall, Elk Creek, Nebr. 68348.	Nov. 1, 1974. Nov. 21, 1975.
Do	Lincoln	North Platte, city of.	310143A 01 through 310143A 02	do	Mayor, City Hall, North Platte, Nebr. 69101.	Feb. 1, 1974. Nov. 21, 1975.
New York	Broome	Triangle, town of.	360065A 01 through 360065A 10	New York State Department of Environmental Conservation, Division Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Triangle, Whitney Point, N.Y. 13862.	Apr. 5, 1974. Nov. 21, 1975.
Do	Courtland	Homer, village of	360182A 01	do	Mayor, Town Hall Bldg., Homer, N.Y. 13077.	Feb. 22, 1974. Nov. 21, 1975.
Do	Dutchess	Pleasant Valley, town of.	360251A 01 through 360251A 05	do	Town Supervisor, Town Hall, Pleasant Valley, N.Y. 12569.	July 26, 1974. Nov. 21, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Wappingers Falls, village of.	360223A 01	do	Mayor, American Legion, Spring St., Wappingers Falls, N.Y. 12590.	May 31, 1974.
Do	Jefferson	Watertown, city of.	360364A 01 through 360364A 04	do	Mayor, City Hall, Watertown, N.Y. 13601.	Apr. 5, 1974. Nov. 21, 1975.
Do	Oneida	Annsville, town of.	360516A 01 through 360516A 10	do	Town Supervisor, Town of Annsville, 4240 West Lee Rd., Tayberg, N.Y. 13471.	June 28, 1974. Nov. 21, 1975.
Do	Orange	Harriman, village of.	360618A 01 through 360618A 03	do	Mayor, Church St., Harriman, N.Y. 10926.	Mar. 8, 1974. Nov. 21, 1975.
Ohio	Guernsey	Cambridge, city of.	390200A 01 through 390200A 04	Ohio Department of Natural Resources Flood Insurance Coor. Bldg., Fountain Sq., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Municipal Bldg. Cambridge, Ohio 43725.	May 31, 1974. Nov. 21, 1975.
Do	Montgomery	Riverside, village of.	390416A 01	do	Mayor, 1119 Harshman Rd., Dayton, Ohio 45431.	Feb. 15, 1974.
Do	Sandusky	Woodville, village of.	390495A 01	do	Mayor, Box 156, Woodville, Ohio 43469	Mar. 15, 1974.
Oklahoma	Mayes	Locust Grove, town of.	400116A 01	Oklahoma Water Resources Board, 5th floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Clerk, Town Hall, Locust Grove, Okla. 74352.	Apr. 12, 1974.
Oregon	Clackamas	Molalla, city of	410020A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 97310.	Mayor, City Hall, Molalla, Oreg. 97038	May 24, 1974. Nov. 21, 1975.
Do	Columbia	Clatskanie, city of.	410035A 01	do	City Administrator, City Hall, P.O. Box 9, Clatskanie, Oreg. 97016.	Dec. 7, 1973. Nov. 21, 1975.
Do	Linn	Lyons, city of	410142A 01	do	City Recorder, City Hall, Lyons, Oreg. 97358.	Mar. 8, 1974. Nov. 21, 1975.
Do	Union	North Powder, town of.	410221A 01	do	Mayor, Town Hall, North Powder, Oreg. 97867.	Aug. 30, 1974.
Do	Wheeler	Spray, city of	410248A 01	do	Mayor, City Hall, Spray, Oreg. 97874	Do.
Pennsylvania	Cumberland	South Middleton, township of.	420371A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Supervisor, Township of Middleton, Box 88, Mount Holly Springs, Pa. 17065.	July 19, 1974. Nov. 21, 1975.
Do	Delaware	Rose Valley, borough of.	420431A 01	do	President of Council, Box 198, Rose Valley, Pa. 19065.	May 25, 1973.
Do	Lancaster	Manheim, borough of.	420655A 01 through 420655A 03.	do	Borough Manager, 20 East High St., Manheim, Pa. 17545.	Oct. 5, 1973. Nov. 21, 1975.
Do	Bradford	Asylum, township of.	421048A 01 through 421048A 05	do	Town Supervisor, Township of Asylum, RD No. 2 Towanda, Pa. 18848.	Sept. 13, 1974. Nov. 21, 1975.
Do	Erie	Elgin, borough of.	422411A 01 through 422411A 03	do	President, Borough Council, Box 86, Elgin, Pa. 16413.	Jan. 24, 1975. Nov. 21, 1975.
South Dakota	McCook	Montrose, town of.	460062A 01	State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Mayor, Town Hall, Montrose, S. Dak. 57048.	Dec. 13, 1974.
Texas	Orange	Vidor, city of	480614A 01 through 480614A 04	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jocinto St. Austin, Tex. 78701.	Mayor, 170 North Main St., Vidor, Tex. 77667.	Mar. 22, 1974. Nov. 21, 1975.
Utah	Cache	North Logan, city of.	490024A 01 through 490024A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg. Room 435. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, North Logan, Utah 84321.	June 28, 1974. Nov. 21, 1975.
Do	Wasatch	Heber City, city of.	490166A 01	do	Director of Planning, City Hall, Heber City, Utah 84032.	June 21, 1974. Nov. 21, 1975.
Vermont	Windsor	Windsor, town of	500159A 01 through 500159A 24	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman-Selectmen, P.O. Box 47, Windsor, Vt. 05089.	Aug. 16, 1974. Nov. 21, 1975.
Washington	Benton	Benton City, town of.	530010A 01 through 530010A 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Attorney for the Town of Benton City, P.O. Box 6125, 300 West Kennewick Ave., Kennewick, Wash. 99336.	Jan. 9, 1975.
Wisconsin	Bayfield	Cable, village of	550018A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Box 156, Calbe, Wis. 54821.	Aug. 30, 1974. Nov. 21, 1975.
Do	Jefferson	Lake Mills, city of.	550196A 01 through 550196A 02	do	City Manager, City Hall, Lake Mills, Wis. 53551.	May 17, 1974. Nov. 21, 1975.
Do	Sauk	LaValle, village of.	550895A 01	do	Village President, LaValle, Wis. 53941.	Dec. 28, 1973.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Yavapai	Clarkdale, town of.	H 040065A 01 through H 040065A 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona, Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, Town Hall, Clarkdale, Ariz. 86324.	Aug. 23, 1974. Nov. 28, 1975.
Arkansas	Clay	Pollard, city of.	H 050036A 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Pollard, Ark. 72456.	Aug. 23, 1974. Nov. 28, 1975.
Do	Crawford	Mountainburg, city of.	H 050051A 01	do	Recorder/Treasurer, City Hall, Mountainburg, Ark. 72946.	May 3, 1974. Nov. 28, 1975.
Do	Dallas	Fordyce, city of.	H 050063A 01 through H 050063A 02	do	Mayor, City Hall, Fordyce, Ark. 71742.	May 24, 1974. Nov. 28, 1975.
Do	Faulkner	Conway, city of.	H 050078A 01	do	Mayor, City Hall, Conway, Ark. 72032.	May 17, 1974. Nov. 28, 1975.
Do	Mississippi	Osceola, city of.	H 050151A 01 through H 050151A 03	do	Mayor, City Hall, Osceola, Ark. 72370.	Dec. 17, 1973. Nov. 28, 1975.
Do	Sebastian	Lavaca, city of.	H 050201A 01 through H 050201A 02	do	Mayor, City Hall, Lavaca, Ark. 72941.	May 10, 1974. Nov. 28, 1975.
Do	Washington	West Fork, city of.	H 050233A 01	do	Mayor, City Hall, West Fork, Ark. 72774.	June 28, 1974. Nov. 28, 1975.
California	Contra Costa	Pittsburg, city of.	H 060033A 01 through H 060033A 13	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Director, Community Development Department, P.O. Box 1518, Pittsburg, Calif. 94565.	June 21, 1974. Nov. 28, 1975.
Do	Monterey	Gonzales, city of.	H 060198A 01	do	Mayor, City Hall, Gonzales, Calif. 93926.	May 24, 1974. Nov. 28, 1975.
Do	Napa	Napa, city of.	H 060207A 01 through H 060207A 07	do	Mayor, City Hall, 955 School St., Napa, Calif. 94558.	Mar. 22, 1974. Nov. 28, 1975.
Do	San Benito	Hollister, city of.	H 060268A 01 through H 060268A 03	do	City Manager, 375 5th St., Hollister, Calif. 95023.	June 14, 1974. Nov. 28, 1975.
Do	Santa Clara	Saratoga, city of.	H 060351A 01 through H 060351A 03	do	Mayor, City Hall, 13777 Fruitvale Ave., Saratoga, Calif. 95070.	Mar. 22, 1974. Nov. 28, 1975.
Do	Solano	Fairfield, city of.	H 060370A 01 through H 060370A 13	do	Mayor, City Hall, Fairfield, Calif. 94533.	Oct. 18, 1974. Nov. 28, 1975.
Do	Sonoma	Petaluma, city of.	H 060379A 01 through H 060379A 04	do	Mayor, City Hall, Post and English Sts., Petaluma, Calif. 94952.	Mar. 8, 1974. Nov. 28, 1975.
Do	Ventura	Ojai, city of.	H 060416A 01 through H 060416A 02	do	Mayor, City Hall, 107 North Ventura St., Ojai, Calif. 93023.	May 3, 1974. Nov. 28, 1975.
Colorado	Dolores	Dove Creek, town of.	H 080047A 01	Colorado Water Conservation Board, room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, P.O. Box 557, Dove Creek, Town Hall, Dove Creek, Colo. 81324.	May 24, 1974. Nov. 28, 1975.
Do	Boulder and Weld.	Erie, town of.	H 080181A 01 through H 080181A 03	do	Mayor, Town Hall, 645 Holbrook, Erie, Colo. 80516.	June 28, 1974. Nov. 28, 1975.
Florida	Martin	Sewalls Point, town of.	H 120164A 01 through H 120164A 02	Department of Community Affairs, 2571 Ex. Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capitol, Tallahassee, Fla. 32304.	Flood Specialist, Town of Sewalls Point, 140 Sewalls Point Rd., Jensen Beach, Fla. 33457.	Mar. 15, 1974. Nov. 28, 1975.
Idaho	Latah and Nez Perce.	Kendrick, city of.	H 160089A 01	Department of Water Administration, State House-Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, room 206-Statehouse, Boise, Idaho 83707.	Mayor, City Hall, 6th and Main, Kendrick, Idaho 83537.	Oct. 18, 1974.
Illinois	Cook	Park Forest, village of.	H 170145A 01 through H 170145A 04	Governor's Task Force on Flood Control, 300 North State St., room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Manager, 200 Forest Blvd., Village Hall, Park Forest, Ill. 60466.	Apr. 12, 1974. Nov. 28, 1975.
Do	Knox	Galesburg, city of.	H 170349A 01 through H 170349A 07	do	Mayor, 161 South Cherry, Galesburg, Ill. 61401.	Feb. 22, 1974. Nov. 28, 1975.
Kansas	Ellis	Hays, city of.	H 200066A 01 through H 200066A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 1507 Main, P.O. Box 662, Hays, Kans. 67601.	Jan. 23, 1974. Nov. 28, 1975.
Do	Leavenworth	Lansing, city of.	H 200189A 01 through H 200189A 02	do	Mayor, City Hall, 108 South Main, Lansing, Kans. 66043.	Aug. 23, 1974. Nov. 28, 1975.
Do	Nemaha	Seneca, city of.	H 200240A 01 through H 200240A 04	do	Mayor, City Hall, 6th and Main, Seneca, Kans. 66538.	Feb. 8, 1974. Nov. 28, 1975.
Do	Osage	Carbondale, city of.	H 200250A 01	do	Mayor, City Hall, Carbondale, Kans. 66414.	May 24, 1974. Nov. 28, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Pawnee	Larned, city of.	H 200259A 01	do	Mayor, City Hall, 419 Broadway, Larned, Kans. 67550.	Feb. 1, 1974.
Do	Smith	Smith Center, city of.	H 200844A 01	do	Mayor, City Hall, Smith Center, Kans. 66967.	June 28, 1974. Nov. 28, 1975.
Louisiana	Ascension Parish	Gonzales, town of.	H 220015A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Gonzales, La. 70737.	Sept. 14, 1973. Nov. 28, 1975.
Do	Morehouse Parish	Mer Rouge, village of.	H 220128A 01	do	Mayor, Village Hall, Mer Rouge, La. 71261.	Mar. 17, 1974. Nov. 28, 1975.
Do	Richland Parish	Delhi, town of.	H 220155A 01	do	Mayor, Town Hall, Delhi, La. 71232.	Mar. 29, 1974. Nov. 28, 1975.
Do	St. Landry Parish	Washington, town of.	H 220177A 01	do	Mayor, Town Hall, Washington, La. 70589.	Apr. 5, 1974. Nov. 28, 1975.
Maine	Kennebec	Augusta, city of.	H 230067A 01 through H 230067A 24	Office of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	City Engineer, city of Augusta, 1 Cony St., Augusta, Maine 04330.	June 28, 1974. Nov. 28, 1975.
Maryland	Somerset	Crisfield, city of.	H 240062 01 through H 240062 02	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Mayor, Crisfield, Md. 21817.	Jan. 23, 1976.
Michigan	Lapeer	Almont, village of.	H 260311A 01 through H 260311A 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Village President, 123 West St. Clair St., Almont, Mich. 48003.	May 10, 1974.
Minnesota	Stearns	Holdingford, city of.	H 270448A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Holdingford, Minn. 56340.	May 17, 1974.
Do	Washington	Marine on St. Croix, city of.	H 270509A 01 through H 270509A 02	do	Mayor, Marine on St. Croix, Minn. 55047.	Mar. 15, 1974.
Do	Grant	Hoffman, city of.	H 270578A 01 through H 270578A 02	do	Mayor, City Hall, Hoffman, Minn. 56339.	Jan. 31, 1975.
Mississippi	Holmes	Tchula, town of.	H 280078A 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Main St., Tchula, Miss. 39169.	Jan. 23, 1974.
Missouri	Barry	Cassville, city of.	H 290022A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, 708 Townsend St., Cassville, Mo. 65625.	Aug. 16, 1974. Nov. 28, 1975.
Do	Bollinger	Marble Hill, city of.	H 290032A 01	do	Mayor, City Hall, Marble Hill, Mo. 63764.	May 10, 1974. Nov. 28, 1975.
Do	Camden	Linn Creek, city of.	H 290053A 01	do	Mayor, City Hall, Linn Creek, Mo. 65052.	Oct. 25, 1974. Nov. 28, 1975.
Do	do	Macks Creek, village of.	H 290064A 01	do	Mayor, Village Hall, Macks Creek, Mo. 65786.	Oct. 18, 1974. Nov. 28, 1975.
Do	Clay	North Kansas City, city of.	H 290090A 01 through H 290090A 02	do	Mayor, City Hall, P.O. Box 7405, 1828 Swift St., North Kansas City, Mo. 64116.	Mar. 15, 1974. Nov. 28, 1975.
Do	Dunklin	Holcomb, city of.	H 290127A 01	do	Mayor, City Hall, Holcomb, Mo. 63852.	Mar. 29, 1974. Nov. 28, 1975.
Do	Grundy	Laredo, city of.	H 290152A 01	do	Mayor, City Hall, Laredo, Mo. 64652.	Oct. 18, 1974.
Do	Jefferson	Crystal City, city of.	H 290189A 01 through H 290189A 02	do	Mayor, City Hall, 130 Mississippi Ave., Crystal City, Mo. 63019.	Mar. 15, 1974. Nov. 28, 1975.
Do	Lawrence	Aurora, city of.	H 290199A 01 through H 290199A 02	do	Mayor, City Hall, Aurora, Mo. 65605.	May 10, 1974. Nov. 28, 1975.
Do	Mercer	Princeton, city of.	H 290225A 01	do	Mayor, City Hall, Princeton, Mo. 64673.	June 7, 1974. Nov. 28, 1975.
Do	Osage	Meta, city of.	H 290271A 01	do	Mayor, City Hall, Meta, Mo. 65058.	Sept. 13, 1974. Nov. 28, 1975.
Do	Ray	Hardin, city of.	H 290307A 01	do	Mayor, City Hall, 2d and Elm, Hardin, Mo. 64035.	June 7, 1974. Nov. 28, 1975.
Do	Stoddard	Bernie, city of.	H 290422A 01	do	Mayor, City Hall, 111 North Allen, Bernie, Mo. 63822.	Mar. 29, 1974. Nov. 28, 1975.
Do	Sullivan	Milan, city of.	H 290434A 01 through H 290434A 02	do	Mayor, City Hall, Milan, Mo. 63556.	Mar. 1, 1974. Nov. 28, 1975.
Montana	Chouteau	Big Sandy, town of.	H 300012A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Town Hall, Big Sandy, Mont. 59520.	Mar. 29, 1974.
Do	do	Fort Benton, city of.	H 300013A 01	do	Mayor, City Hall, Fort Benton, Mont. 59442.	May 10, 1974. Nov. 28, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Nebraska	Butler	Ulysses, village of.	H 310029A 01	Nebraska Natural Resources Commission, 7th floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Hall, Ulysses, Nebr. 68669.	Sept. 6, 1974. Nov. 28, 1975.
Do	Cass	Nehawka, village of.	H 310032A 01	do	Chairman, Village Hall, Nehawka, Nebr. 68413.	Sept. 6, 1974. Nov. 28, 1975.
Do	Dodge	Scribner, city of.	H 310071A 01	do	Mayor, City Hall, Scribner, Nebr. 68057.	June 28, 1974. Nov. 28, 1975.
Do	Franklin	Franklin, city of.	H 310082A 01	do	Mayor, City Hall, Franklin, Nebr. 68939.	May 24, 1974. Nov. 28, 1975.
Do	Gage	Odell, village of.	H 310094A 01	do	Chairman, Village Hall, Odell, Nebr. 68415.	Sept. 6, 1974.
Do	Hamilton	Aurora, city of.	H 310105A 01	do	Mayor, City Hall, Aurora, Nebr. 68818.	May 3, 1974. Nov. 28, 1975.
Do	Johnson	Cook, village of.	H 310123A 01	do	Chairman, Village Hall, Cook, Nebr. 68329.	Oct. 18, 1974. Nov. 28, 1975.
Do	Merrill	Bridgeport, city of.	H 310151A 01	do	Mayor, City Hall, Bridgeport, Nebr. 69336.	Jan. 9, 1974. Nov. 28, 1975.
Do	Nuckolls	Superior, city of.	H 310160A 01 through H 310160A 02	do	Mayor, City Hall, Superior, Nebr. 68978.	June 28, 1974. Nov. 28, 1975.
Do	Sarpy	Springfield, city of.	H 310194A 01	do	Mayor, City Hall, Springfield, Nebr. 68059.	May 3, 1974. Nov. 28, 1975.
New Jersey	Gloucester	Logan, township of.	H 340206A 01 through H 340206A 09	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Attorney, Township of Logan, 1 Centennial Sq., Euclid Ave., Box 331, Haddonfield, N.J. 08033.	Sept. 13, 1974. Nov. 28, 1975.
New Mexico	Lea	Lovington, city of.	H 350031A 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, City Hall, P.O. Box 1268, Lovington, N. Mex. 88260.	June 21, 1974. Nov. 28, 1975.
Do	Curry	Melrose, village of.	H 350015A 01	do	Mayor, Village of Melrose, P.O. Box 367, Melrose, N. Mex. 88124.	July 25, 1975. Nov. 28, 1975.
New York	Broome	Port Dickinson, village of.	H 360053B 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Aldany, N.Y. 12201. New York State Insurance Department, Two World Trade Center, New Yor , N.Y. 10047.	Mayor, Village Hall, Port Dickinson, N.Y. 13905.	Feb. 1, 1974. Nov. 28, 1975.
Do	Cattaraugus	E. Randolph, village of.	H 360068 01	do	Mayor, Village of East Randolph, R.D. 1, Randolph, N.Y. 14772.	Jan. 23, 1976.
Do	Erie	Buffalo, city of.	H 360230A 01 through H 360230A 20	do	Mayor, City Hall, Buffalo, N.Y. 14201.	June 28, 1974. Nov. 28, 1975.
Do	Jefferson	Adams, village of.	H 360235A 01	do	Mayor, Village Hall, Adams, N.Y. 13605.	Apr. 5, 1974. Nov. 28, 1975.
Do	do	Clayton, village of.	H 360331A 01 through H 360331A 02	do	Mayor, Village Hall, Clayton, N.Y. 13624.	May 31, 1974. Nov. 28, 1975.
Do	do	Dexter, village of.	H 360333A 01	do	Mayor, Village Hall, Dexter, N.Y. 13634.	July 26, 1974. Nov. 28, 1975.
Do	do	Ellisburg, village of.	H 360335A 01	do	Mayor, Village Hall, Ellisburg, N.Y. 12636.	Aug. 30, 1974.
Do	do	Evans Mills, village of.	H 360337A 01	do	Mayor, Main St., Evans Mills, N.Y. 13667.	May 17, 1974.
Do	do	Henderson, town of.	H 360338 01 through H 360338 04	do	Town Supervisor, R.D. No. 1, Henderson, N.Y. 13650.	Jan. 23, 1976.
Do	do	West Carthage, village of.	H 360356A 01	do	Mayor, Village Hall, West Carthage, N.Y. NO ZIP.	May 10, 1974. Nov. 28, 1975.
Do	Monroe	Brockport, village of.	H 360411A 01 through H 360411A 02	do	Mayor, 18 State St., Brockport, N.Y. 14420.	May 31, 1974. Nov. 28, 1975.
Do	Oswego	Fulton, city of.	H 360049A 01 through H 360049A 02	do	Mayor, Municipal Bldg., Fulton, N.Y. 13060.	Oct. 18, 1974. Nov. 28, 1975.
Do	Rockland	Orangetown, town of.	H 360268A 01 through H 360268A 07	do	Town Supervisor, 26 Orangeberg Rd., Orangeburg, N.Y. 10962.	May 10, 1974. Nov. 28, 1975.
Do	Ulster	Kingston, city of.	H 360858A 01 through H 360858A 03	do	Mayor, City Hall, No. 1, Meadow St., Kingston, N.Y. 12401.	May 17, 1974. Nov. 28, 1975.
Do	Westchester	Mount Vernon, city of.	H 360920A 01 through H 360920A 02	do	Mayor, City Hall, Roosevelt Sq., Mount Vernon, N.Y. 10550.	June 28, 1974. Nov. 28, 1975.
Do	Wyoming	Perry, village of.	H 361025A 01	do	Village of Perry, 46 North Main St., Perry, N.Y. 14530.	May 24, 1974.
Do	Rensselaer	Schaghticoke, village of.	H 361058 01	do	Mayor, c/o Main St., Schaghticoke, N.Y. 12154.	Jan. 23, 1976.
Do	Jefferson	Brownville, town of.	H 361063A 01 through H 361063A 10	do	Town Supervisor, Brownville, N.Y. 13615.	Dec. 6, 1974.
Do	do	Antwerp, village of.	H 361554A 01	do	Mayor, Village Hall, Antwerp, N.Y. 13608.	May 31, 1974. Nov. 28, 1975.
North Carolina	Nash	Nashville, town of.	H 370167A 01 through H 370167A 04	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, P.O. Box 987, Nashville, N.C. 27856.	June 28, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Ohio	Cuyahoga	Seven Hills, city of.	H 390128A 01 through H 390128A 03	Ohio Department of Natural Resources, Fountain Sq., Flood Insurance Coord. Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 7247 Broadview Rd., Seven Hills, Ohio 44131.	Mar. 22, 1974. Nov. 28, 1975.
Do	Pickaway	Circleville, city of.	H 390440A 01 through H 390440A 03	do	Mayor, City Hall, Circleville, Ohio 43113.	Apr. 12, 1974. Nov. 28, 1975.
Oklahoma	Cimarron	Boise City, city of.	H 400042A 01	Oklahoma Water Resources Board, 5th floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Manager, P.O. Box 112, Boise City, Okla. 73933.	July 26, 1974. Nov. 28, 1975.
Do	Greer	Mangum, city of.	H 400057A 01	do	Mayor, City Hall, Mangum, Okla. 73554.	May 17, 1974.
Do	McClain	Purcell, town of.	H 400104A 01 through H 400104A 02	do	Mayor, Town Hall, Purcell, Okla. 73080.	Sept. 6, 1974. Nov. 28, 1975.
Do	Mayes	Chouteau, town of.	H 400115A 01	do	Mayor, Town Hall, 2416 North Main, P.O. Box 567, Chouteau, Okla. 73020.	May 24, 1974. Nov. 28, 1975.
Do	Muskogee	Porum, town of.	H 400127A 01	do	Clerk, Town Hall, Porum, Okla. 74455.	June 28, 1974. Nov. 28, 1975.
Do	Woods	Alva, city of.	H 400341A 01 through H 400341A 04	do	Business Manager, Alva Municipal Bldg., 415 4th St., Alva, Okla. 73717.	July 11, 1975. Nov. 28, 1975.
Oregon	Clackamas	Canby, city of.	H 410014A 01 through H 410014A 02	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Canby, Oreg. 97011.	Nov. 16, 1973. Nov. 28, 1975.
Do	Clatsop	Cannon Beach, city of.	H 410030A 01 through H 410030A 02	do	Mayor, City Hall, Cannon Beach, Oreg. 97110.	June 21, 1974. Nov. 28, 1975.
Do	do	Hammond, city of.	H 410031A 01	do	Mayor, City Hall, Hammond, Oreg. 97121.	June 28, 1974. Nov. 28, 1975.
Do	Columbia	Columbia City, city of.	H 410035A 01	do	Mayor, City Hall, Columbia, Oreg. 97018.	Dec. 26, 1975. Nov. 28, 1975.
Do	Hood River	Cascade Locks, city of.	H 410067A 01	do	Mayor, City Hall, Cascade Locks, Oreg. 97014.	May 24, 1974. Nov. 28, 1975.
Do	Lake	Paisley, town of.	H 410117A 01	do	Mayor, Town Hall, Paisley, Oreg. 97636.	Sept. 13, 1974. Nov. 28, 1975.
Do	Lane	Lowell, city of.	H 410125A 01 through H 410125A 04	do	Mayor, City Hall, Lowell, Oreg. 97452.	Mar. 29, 1974. Nov. 28, 1975.
Do	Linn	Waterloo, city of.	H 410148A 01	do	Mayor, City Hall, Waterloo, Oreg. 97395.	Aug. 30, 1974. Nov. 28, 1975.
Do	Tillamook	Wheeler, city of.	H 410203A 01	do	Mayor, City Hall, Wheeler, Oreg. 97147.	Sept. 13, 1974. Nov. 28, 1975.
Do	Yamhill	Newberg, city of.	H 410256A 01 through H 410256A 03	do	Mayor, City Hall, Newberg, Oreg. 97132.	June 14, 1974. Nov. 28, 1975.
Pennsylvania	Chester	East Nottingham town of.	H 421482A 01 through H 421482A 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Chairman, Board of Supervisors, town of East Nottingham, R.D. 3, Oxford, Pa. 19363.	Sept. 13, 1974. Nov. 28, 1975.
Do	Northampton	Glendon, borough of.	H 422254A 01 through H 422254A 02	do	President, Borough Council, P.O. Box 204, Glendon, Pa. 18042.	Nov. 15, 1974. Nov. 28, 1975.
Texas	San Patricio	Portland, city of.	H 480559A 01 through H 480559A 05	Texas Water Development Board, P.O. Box 13087, Capitol, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78710.	City Engineer, Box 550, Portland, Tex. 78374.	Feb. 1, 1974. Nov. 28, 1975.
Utah	Box Elder	Perry, city of.	H 490010A 01 through H 490010A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., room 435, Salt Lake City, Utah 84114. Utah Insurance Department., 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, R.F.D. 2 Brigham City, Perry, Utah 84302.	July 26, 1974. Nov. 28, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Carbon	Price, city of	H 400136A 01 through H 400136A 03	do	City Engineer, City Hall, Price, Utah 84501.	Jan. 16, 1974. Nov. 28, 1975.
Do	Garfield	Escalante, town of.	H 400067A 01	do	Town President, Town Hall, Escalante, Utah 84726.	Aug. 9, 1974. Nov. 28, 1975.
Do	Weber	Riverdale, city of	H 400190A 01 through H 400190A 02	do	Mayor, City Hall, Riverdale, Utah 84405.	June 28, 1974. Nov. 28, 1975.
Virginia	Prince Edward and Cumberland.	Farmville, town of.	H 510118A 01 through H 510118A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, town of Farmville, P.O. Drawer 368, Farmville, Va. 23901.	Apr. 5, 1974. Nov. 28, 1975.
Do	Lancaster	White Stone, town of.	H 510235A 01 through H 510235A 02	do	Mayor, Town Hall, White Stone, Va. 22578.	Aug. 30, 1974.
Washington	Grant	Quincy, town of	H 530054A 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, 104 B St. SW., Town Hall, Quincy, Wash. 98848.	June 7, 1974. Nov. 28, 1975.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969).

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32594 Filed 12-4-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

[Docket No. R–75–362]

LAND REGISTRATION

State Filings

The Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR), is today publishing in the FEDERAL REGISTER certain amendments to 24 CFR 1710[1] relating to the acceptability for Federal filing purposes under the Interstate Land Sales Full Disclosure Act of certain materials filed with State authorities pursuant to State law. Those amendments are effective on publication. They specify that initial filings hereafter made with the State of California may be accepted for Federal filing purposes.

They also specify the conditions upon which these State filings will be accepted including a condition not previously imposed, that any State filing be accompanied by financial statements meeting the financial information requirements applicable to a full Federal filing.

The amendments to Part 1710 described above apply only to all initial California filings made after the effective date of the amended Rules. However, OILSR is proposing to amend Part 1710 further so as to require that, in the case of any amendment to a State filing previously accepted by OILSR, or in the case of any change in a State Property Report, the initial State filing shall be brought into conformity with the requirements of Part 1710, including the requirement for financial statements, regardless of the nature of the amendment or change. This provision was not included in the amendments now being published in the FEDERAL REGISTER for effect, because it was felt that developers with currently accepted State filings should be allowed an opportunity to comment on such a change in view of its impact on existing filings. The text of the proposed amendment is set forth below. It is proposed that the amendment, if and when finally adopted, would become effective upon publication, but that it will not apply to any Florida filings if, and for so long as, the amendments to Part 1710 remain suspended as to Florida filings pursuant to court order.

Interested persons are invited to submit written comments, suggestions, objections, or data regarding the proposed amendment to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All submissions received on or before Jan. 6, 1976, will be considered. A copy of each written communication received will be available for public inspection during regular business hours at the above address.

The Secretary has found that the proposed rule will have no significant effect upon the environment, and it is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A–107.

In consideration of the above, it is proposed to amend 24 CFR 1710.26(b) so that everything after the numerical listing of States reads as set forth below:

§ 1710.26 State Filings—acceptable filings.

* * * * * *

(b) * * * The requirements of Section 1710.25, 1710.115 and 1710.120 shall apply to all amendments and consolidations which are filed or required to be filed in connection with initial filings which have been effected with States and accepted by the Secretary.

(Section 7(d), Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d)); 1419, 82 Stat. 598 (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071, Mar. 9, 1972)

Issued at Washington, D.C. December 1, 1975.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[FR Doc.75-32798 Filed 12-4-75;8:45 am]

[1] See title 24, chapter IX, Part 1710, FR Doc. 75-32797 *supra*.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–SO–152]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Glasgow, Ky., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 5, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Glasgow transition area described in § 71.181 (40 F.R. 441) would be amended as follows:

". . . 2 miles each side . . ." would be deleted and ". . . 3 miles north and 4.5 miles south . . ." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed SDF RWY 7 Instrument Approach Procedure to Glasgow Municipal Airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on November 21, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32758 Filed 12-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–NE–36]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Danbury, Connecticut, Control Zone and the Danbury, Connecticut, 700-foot Transition Area.

This action is under consideration as the result of the development of two new RNAV Approach Procedures to serve Runways 8 and 26 at the Danbury Municipal Airport. It will be necessary to alter the Danbury, Connecticut, Control Zone and 700-foot Transition Area to provide controlled airspace for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air

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Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before January 5, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Danbury, Connecticut, proposes the airspace action hereinafter set forth:

§ 71.171 [Amended]

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Danbury, Connecticut, Control Zone by inserting after the words "5-mile radius area to the Carmel Vortac" the following:

Within 2.4 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N, 73°18'45" W, extending from the 5 statute mile radius zone to 3 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 40°19'22" N, 73°39'19" W, extending from the 5 statute mile radius zone to 3 statute miles east of said point.

1. Amend the control zone effective hours to: 0700 to 2300 local time.

§ 71.181 [Amended]

2. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Danbury, Connecticut, 700-foot Transition Area by inserting after the words "11.5 miles southwest of the Carmel Vortac" the following:

Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N, 73°18'45" W, extending from 1 statute mile west of said point to 9 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22" N, 73°39'19" W, extending from 1 statute mile east of said point to 9 statute miles east of said point.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Burlington, Massachusetts, on November 13, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-32759 Filed 12-4-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-16; Notice 04]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice proposes an amendment of Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, that would standardize the format of the service, emergency, and parking brake requirements of the standard, establish new standardized brake controls, establish application and release requirements for the emergency and parking brakes, and separate the parking brake system from other systems on a truck or bus. In addition, the proposal would make simpler the use of a protected air supply on trailers as the parking brake system energy source. Also the proposal would explicitly specify the same parking brake "reapplication capabilities" for vehicles with modulated emergency braking capabilities as has been specified for vehicles with automatic parking brake systems. Finally the proposal would modify the testing procedures for a towing vehicle protection system, and would make several minor revisions of the requirements.

This notice is not the NHTSA response to its October 29–31, 1975, public meeting on field experience with the Standard.

The proposed changes are responsive to requests for clarification or modification of certain aspects of the standard from the following sources: petitions by the California Department of Highway Patrol (CHP) and the American Trucking Associations (ATA), petitions for reconsideration of NHTSA rulemaking by Utility Trailer Manufacturing Company (Utility) (Docket 75–5; Notice 2) (40 FR 28097, July 3, 1975) and Wagner Electric Corporation (Docket 74–10; Notice 17) (40 FR 31771, July 29, 1975), comments by Oshkosh Truck Corporation, Bendix Corporation, Ford Motor Company, and Midland-Ross Corporation, and requests for clarification of the definition of service brake system by International Harvester (D. E. Schmidt letter of December 12, 1974) and White Motor Corporation (J. W. Lawrence letter of January 8, 1975). The response to these requests has been consolidated because of their interrelationship and the need for a comprehensive treatment of the issues raised by them. A separate response will be made to manufacturer petitions for modification of brake performance levels in the standard (e.g. parking brake, front axle retardation force), such as those of Freightliner Corporation and PACCAR Corporation noted in Notice 2 of Docket 75–16 (40 FR 38160, August 27, 1975). Petitions from the noted sources that are not granted by this proposal, other than those that deal with brake performance levels, are denied.

This notice addresses the proposed changes in the order in which they would appear in any revision of the standard, grouped under paragraph headings that correspond to newly-designated sections of the standard. Thus, the paragraph heading (S5.6.1) refers to the parking brake requirements of the standard as newly-grouped for trucks and buses, not to the existing "S5.6.1" that specifies the static retardation test for all vehicles. To simplify he task of relating the newly-proposed provisions to related provisions in the existing standard, the new provisions are designated "future" in this preamble while the existing provisions of the standard are designated "present". Those requirements due to become effective September 1, 1976, are designated "upcoming".

(S3. *Applicability.*) The California Department of Highway Patrol (CHP) proposed a broader application of the standard than presently exists, but made no argument for inclusion of those vehicles with no passenger- or cargo-carrying capacity (and a 45-mph maximum speed in the case of trucks and buses) that are presently excluded from the standard. The NHTSA therefore does not propose this revision of S3 at this time but intends to review the present exclusions at a later date.

(S4. *Definitions.*) Four new definitions would be added to the standard as the basis for clarifying the interrelationship of the braking systems required on vehicles subject to Standard No. 121. These proposals are responsive to the petition of the CHP to improve the organization of the standard for enforcement purposes.

"Service brake system" would be defined as "the components of a motor vehicle that provide the primary means to a driver of stopping the vehicle." This establishes that all the components used in the normal, functioning brake system are considered part of the service brake system and subject to the "single failure" requirement. The term "service brake system" is used to distinguish the definition from the more general definition of "service brake" in § 571.3 of NHTSA regulations.

"Emergency braking capability" would be defined as "the ability of a motor vehicle to stop when a failure exists in any component of the service brake system that is designed to contain fluid pressure, other than a service brake system valve structural housing." This clarifies that the capability is not a set of components but rather a back-up ability for cases where a single failure occurs in the service brake system.

"Parking brake system" would be defined as "the components of a motor vehicle that provide a means, independent of service brake system operation and its energy source, to apply and release on-axle brake components (or the braking force on the driveline in the case of a driveline parking brake system) and to maintain an application of force." This definition would make clear that brake components not in the service brake system must be considered to be in the parking brake system. The term "parking brake system" is used to distinguish this definition from the "parking brake" definition of § 571.3. "On-axle brake components" is defined to permit the clarification that, in the inevitable overlap of the parking brake system with the service brake system at the foundation brake, the components at each wheel are considered a part of the service brake system.

The CHP requested the addition of many other definitions in support of added equipment specifications. These definitions are not addressed separately here, but are treated below with the equipment requests.

(S5.1 *Required equipment—trucks and buses.*) The CHP requested extensive new equipment specifications. A provision of the Act defines the standards as "minimum standard[s] for motor vehicle performance" (15 U.S.C. § 1391(2)) and the safety standards refer to equipment only to the extent that the necessary performance cannot be described in a broader fashion. The NHTSA considers that many of the CHP requests for equipment specifications can be better satisfied in terms of performance requirements later in the standard, and they are addressed along with the appropriate performance requirement instead of in this section.

In requesting the equipment specifications, the CHP indicated that the main reason for its emphasis on design requirements is the desire to enforce meaningful standards for air-braked vehicles in use. The new vehicle stopping performance requirements in S5.3 of the standard (including burnish proceedures and conducted in some cases from 60 mph) appear to the CHP to be unusable for measuring the condition of vehicles in use. Because the stopping distances apply to trucks and buses only, CHP could not use the S5.3 performance requirements in testing combination vehicles.

The NHTSA agrees that the vehicle stopping performance requirements of the standard may be an inappropriate means for a State inspection system to establish the condition of braking systems on a vehicle in use. Not only do the standard's tests require time-consuming procedures and extensive facilities, they are not designed specifically to measure the degradation of the vehicle's equipment or performance as a result of use. However, since this aspect of brake performance is not addressed by the standard, the CHP is not prevented by § 103 (d) of the Act (dealing with preemption of state safety regulations by Federal regulations) from enforcing requirements that measure the condition of the vehicle, as long as they do not dictate the design or performance of new vehicles.

The Bureau of Motor Carrier Safety (BMCS) requirement for brake performance of vehicles in use (49 CFR § 393.52) is a meaningful measure of brake system degradation and is the basis of an NHTSA standard for inspection of vehicles in use (49 CFR § 570.59(a)(2)).

The NHTSA concludes that it should propose only those equipment requirements requested by CHP that are of necessity dictated by new vehicle design.

The CHP request for limits on the operation of the air compressor (85-psi cut-in and 125-psi cut-out with exceptions for auxiliary air) appears justified to ensure that sufficient resupply of compressed air is made available rapidly to the service brake system, and that excessive pressure does not contribute to deterioration of air brake lines. The NHTSA is concerned that such a requirement could be unnecessarily design restrictive, but believes the request has sufficient merit to propose a change similar to the CHP request, in order to solicit comments.

The CHP requested temperature and strength requirements for the air compressor discharge line, and the requirement that it be "of sufficient length and flexibility to accommodate, without damage, all normal motion of the parts to which it is attached, and shall be secured against chafing, kinking, or other mechanical injury." NHTAS standards must be more objectively stated than this, however, and the agency is not prepared to specify an objective installation requirement at this time. The NHTSA has proposed as future S5.1.9 that the first 24 inches of the discharge hose be subject to all of the requirements of Standard No. 106–74 (49 CFR § 571.106–74) for air brake hose, with an increased high temperature requirement.

The extensive CHP request for regulation of all brake hose and lines on the vehicle is in most respects unnecessary. The suggested performance requirements for air hose are already specified in Standard No. 106–74 for these vehicles. Coiled nylon tubing is specifically regulated under Standard No. 106–74 in conformity with its tensile strength requirements or existing BCMS requirements. With regard to system degradation, while a manufacturer is free to install hose as it chooses to meet Standard No. 121, the CHP is not precluded from requiring that the installation not chafe, kink, etc., in use. Repair work that involves incompatible fittings, garden hose, and wired-on connections are also not sanctioned by Standard No. 121. However, the CHP-suggested specifications for "adequate shielding," "proper continued functioning," protection against the effect of "normal motion," and other subjective criteria are insufficiently objective for Federal motor vehicle safety standards. For these reasons, the CHP petition for addition of air brake hose requirements to the standard are denied.

The NHTSA has previously solicited comments (35 FR 13465, August 22, 1970) on the need for minimum safety requirements for quick-release air hose couplers (gladhands), and determined on the basis of comments that a significant safety hazard does not exist to justify requirements. The CHP is of course free to ensure that the connections do not leak and are properly maintained.

The CHP petition recommended several specifications for the truck and bus service reservoirs and their relationship to other components. The recommendations are substantial in terms of limits on capacities and protection against backflow. The NHTSA proposes these amendments in agreement with the CHP that each provides a significant measure of safety in the event a service brake system malfunctions. The proposed changes in S5.1.2.1 are that the capacity of any reservoir which supplies both halves of a split service brake system (if any) be not more than ⅓ of the capacity of the service reservoirs, that check valves be located immediately adjacent to the protected service reservoir, and that a safety valve be mounted in the air brake system so that any excessive pressure is released before it damages the system.

The CHP requested that the existing requirement for accuracy of the service reservoir pressure gauge (within 7 percent of the compressor cut-in pressure) be expanded to require 7 percent accuracy at any pressure above 20 psi. The agency has no evidence that the gauges provided under the present requirement fail to provide an adequate level of accuracy. Without further evidence of a problem, the NHTSA considers such a requirement unjustified and it is therefore not proposed. Comments are solicited on reasonable modifications to increase pressure gauge accuracy.

The CHP requested that the low-pressure warning specified under present S5.1.6 be required to signal when the vehicle engine is running as well as when the ignition is in the "on" or "run" position. The agency agrees with CHP on the safety merits of the modification and it is therefore proposed. Also the same requirement is proposed for operation of the antilock warning signal. Some manufacturers already provide this capability in their products, and it is therefore considered practicable and reasonable.

The CHP requested a clarification that a stop lamp subject to the present S5.1.7 must remain activated above the 6-psi activation point presently specified. The NHTSA agrees that a clarification may be helpful and accordingly it is proposed in the terms set out below.

In addition to the requests of the CHP petition, the NHTSA notes that the requirements for a low pressure warning (S5.1.5) and an antilock warning (S5.1.6) should be required to be different if visual warnings are utilized. Therefore, a red signal is proposed for any low-pressure warning light and a yellow signal for any antilock warning light. The latter proposal responds to a recommendation by Nartron Corporation, a manufacturer of such devices.

(S5.2 *Required equipment—trailers.*) The CHP requests for revision of trailer equipment requirements are directed to revision of the vehicle's service and parking brake systems, the emergency braking capability, and their interrelationship. These matters are not, therefore, taken up here, but discussed in detail under S5.6, S5.7, and S5.8.

(S5.3 *Service brakes—road tests*, and S5.4 *Service brake system—dynamometer tests.*) These provisions of the present standard specify the required performance of the service brake system. The NHTSA has determined that in the interest of avoiding confusion these provisions are best left unchanged and thus are simply listed as performance require-

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ments in the reorganized portions of the standard.

(S5.5 *Antilock System.*) No modification of this section is proposed.

(*S5.6, S5.7, S5.8*) Major reorganization of these paragraphs is proposed in response to the petition from the CHP and the ATA, and the comments of Bendix Corporation, Midland-Ross Corporation, and Ford Motor Company in response to Docket 74–10; Notice 12. The reorganization is also responsive to a petition for reconsideration by Wagner Electric (Docket 74–10; Notice 17).

The requirements for service brake systems (future S5.8), emergency braking capability (future S5.7), and parking brake systems (future S5.6) are stated explicitly in response to a CHP request for improved clarity of the standard to aid enforcement. Although the reorganization itself does not add new requirements to the standard, several new requirements have been added within the reorganized portions. The proposed effective date for these reorganized portions is discussed at the end of this preamble.

The new sections conform as far as possible to former designations (i.e., S5.6 remains the parking brake section and S5.7 remains the emergency brake section) but the future S5.8 would set out service brake requirements for the first time. Because the service brake system is, as an engineering matter, the basis for the other brakes, this reamble discusses the three sections of the standard in reverse order, beginning with future S5.8.

(S5.8 *Service brake system.*) The future S5.8 would explicitly require a service brake system on each vehicle, and the scattered requirements for the service brake system would be collected under this heading. The present S5.8 (Emergency braking capability—trailers) would be relocated under future S5.7 along with the truck and bus emergency braking requirements.

(S5.8.1 *Truck and bus service brake requirements.*) The future S5.8.1 would specify all truck and bus service brake system requirements. Future S5.8.1.1 would specify a single service brake control (as requested by CHP and Oshkosh Truck Corporation) and its accessibility would be specified.

Future S5.8.1.2 would specify additional requirements for towing vehicles, and establish a static test of them. This subsection responds to the CHP request for more extensive requirements for the towing vehicle portection system. Not all CHP requests are proposed because some would be design restrictive. Also the agency's favorable response on the ATA petition for standardized towing vehicle parking brake controls necessitates some specification for the connections between towing and towed vehicle and the trailer air supply control. To avoid conflict, the present equipment requirement of S5.1.3 for a towing vehicle protection system would be deleted.

A future S5.8.1.3 would incorporate the existing BMCS restriction on use of automatic pressure limiting valves in brake lines to the front axle.

(S5.8.2 *Trailer service brake system.*) The future S5.8.2 would specify all service brake system requirements in a format parallel to the truck and bus requirements. The one new requirement would specify that the trailer service brake system operate on all axles of the vehicle. While this capability is already being met under BMCS regulations (49 CFR § 393.42), it needs to be stated in this standard, because new trailer emergency braking requirements would require braking on all axles.

(S5.7 *Emergency braking capability.*) The future S5.7 would specify an emergency braking capability of each vehicle. As a practical matter this requirement for trucks and buses, along with the clarification that the emergency braking capability may be a part of the service brake system or may incorporate all or part of the service brake system and parking brake system, already appears in upcoming truck and bus emergency brake requirements that are scheduled to replace the present truck and bus emergency brake requirements on September 1, 1976 (40 FR 31771, July 29, 1975). The future S5.7 requirements, along with the definition of emergency braking capability already discussed, and additional requirements for separation of the service brake system and emergency braking capability from the parking brake system, is intended to respond to International Harvester and White requests noted earlier. Taken as a whole, future S5.7 would replace both the present requirements of S5.7 for trucks and buses and the present requirements of S5.8 for trailers, as well as the upcoming S5.7 requirements scheduled for September 1, 1976. The organization of future S5.7 parallels the organization of future S5.8 for purposes of clarity.

(S5.7.1 *Truck and bus emergency braking capability.*) The future S5.7.1 would specify all truck and bus emergency braking requirements. Future S5.7.1.1 would specify the stopping distance performance requirement that already exists in present S5.7.2.3 (and upcoming S5.7.1). Confusion in the meaning of "common valve, manifold, brake fluid housing, or brake chamber housing" as exceptions to the "single failure" requirement would be resolved by the use of the more general term "service brake system valve structural housing". This term is intended to cover the same exceptions as previously allowed, and no change in the requirement is intended by this rewording.

The option for automatic application of the parking brakes would be deleted (present S5.7.1) because no manufacturer is believed to be utilizing this option and it will end on August 31, 1976.

Future S5.7.1.2 would specify emergency brake operation. Driver operation by means of the service control is simply a restatement of the upcoming S5.7.2, which eliminates the present option of service brake or parking brake control (present S5.7.2.1). Future S5.7.1.3 would specify additional operation requirements for towing vehicles, which are simply restated from the present S5.7.2.1 and upcoming S5.7.3(c). A shorter period for testing the valve is proposed in response to Wagner's comments on Docket 74–10, Notice 17.

Future S5.7.1.4 would establish a new performance requirement for truck and bus emergency braking capability. The CHP has argued convincingly that an important safety consideration is swift removal of a vehicle with a disabled service brake system from an unsafe location on the highway, such as a tunnel. Prior to Standard No. 121, a single failure in the service brake system required use of the parking brakes of a truck or bus to stop the vehicle and an isolated source of air pressure had to be installed to provide a means to release the parking brakes and move the vehicle. With the advent of Standard No. 121, the same single failure need not require parking brake application and the problem can be avoided, because the vehicle retains an emergency braking capability that can be used. The CHP correctly points out that this ability to continue moving after a failure is dependent on two factors: (1) the emergency capability must include at least two applications and one release to permit safe stopping, movement, and parking of the disabled vehicle, and (2) the parking brake must be protected from failure of a single line in the vehicle service brake system that would cause parking brake application.

To accomplish these safeguards, the NHTSA would establish a minimum requirement of two applications and one release of the emergency brakes under future S5.7.1.4. This section would also prohibit certain line failures from causing the application of the parking brakes.

Future S5.7.1.4 would call for a first application following any single failure in accordance with step 4(e) of the present Table I stopping sequence, followed by ability to move the vehicle forward under its own power, followed by a second emergency brake application with a force equal to a parking brake application. These requirements reflect the objections of Bendix, Ford, Midland-Ross, and International Harvester to a similar provision that was established in January 1975 (40 FR 2989) but later withdrawn (40 FR 31771, July 29, 1975). It appears that the capability set out in future S5.7.1.4 exists in vehicles as they are manufactured at present.

(S5.7.2 *Trailer emergency braking capability.*) The future S5.7.2 would specify all trailer emergency braking requirements, including those for trailer converter dollies. The future S5.7.2 would expand the present emergency braking requirement (S5.8) in response to the CHP petition to provide for emergency braking on all axles of a trailer, including the front steerable axle of a full trailer. Thus, future S5.7.2 would require, as emergency brake performance, brake application on all axles, of either the service brake elements or, at the option of the manufacturer, the parking brake system elements. The CHP would have required service brake application in place of parking brake application, but the agency concludes that the manufacturers are presently meeting BMCS regulations for breakaway application of the on axle brake components by various means. Changes occasioned by this proposal can therefore be minimized by permitting use of either capability.

Trailer emergency brake operation under future S5.7.2.1 would require automatic application that remains applied when the air pressure in the supply line is at atmospheric. Future S5.8.1.2 specifies that a towing vehicle have a means that vents the supply line to the trailer to atmosphere when the pressure in the towing truck drops to a pressure between 20 and 45 psi.

As in the case of service brake systems, information available to the NHTSA indicates that vehicles are already manufactured to meet the emergency brake requirements proposed under future S5.7.

(S5.6 *Parking brake system.*) The future S5.6 would restate the present S5.6 requirements for a parking brake system for all vehicles other than trailer converter dollies, and would restate the two parking brake performance options found in the present S5.6.1 and S5.6.2. Some parking brake requirements presently included in the emergency braking requirements (e.g., present S5.7.2, S5.7.2.2) would be relocated in the future S5.6.

(S5.6.1 *Truck and bus parking brake system.*) The future S5.6.1 would specify truck and bus parking brake system requirements.

Future S5.6.1.1 through S5.6.1.6 would specify operational characteristics of the parking brake system, including the features that distinguish its capabilities from other braking systems. For example, its energy source separate from the service brake, and its capability to maintain brake application without driver action, would be listed in these sections, essentially restating the requirements of present S5.6.3 and S5.6.4, with an easing of the requirement to permit the use of protected air to apply the brakes without a dual diaphragm system. Although bus manufacturers have utilized protected air and the more expensive dual diaphragm systems in order to save space, trailer manufacturers have generally adopted springs as an energy source that is independent of service brake air pressure.

The CHP argues that a spring-braked emergency capability provides inadequate retardation force for breakaway. The Utility petition for reconsideration, which addresses trailers only, notes that the automatically-applied spring brake is difficult to release by mechanical means (i.e., "caging") when necessary, and that unskilled personnel may therefore not "uncage" the parking brakes for highway use where they are needed for emergency braking. This condition may arise during harvest operations where specialized air-braked trailers are regularly disconnected from the towing vehicle air supply for substantial periods of time, and then subsequently towed over the highway.

The NHTSA has considered these views and concludes that the present parking brake energy source requirements should be broadened to permit the use of protected air pressure that is isolated from the service brake system in a single diaphram system. There are circumstances, such as regular field use described by Utility, where the use of air pressure may provide for safer highway operations.

The existing requirement to hold a parking brake application "solely by mechanical means" (present S5.6.3) has been revised for clarity, and in conformity with BMCS requirements (49 CFR § 393.41). The future S5.6.1.2 would specify holding by "a means other than electric energy, or fluid pressure, including air pressure." This language would make clear that the chambers commonly used on buses which provide air pressure as well as a mechanical means of holding the brake would not be prohibited.

Future S5.6.1.3 would specify that automatic application of the parking brakes would not be permitted when a towed vehicle line or connection to that line is broken, because control of the truck's brakes should remain with the driver under such conditions. In addition such a single failure could immobilize a towing vehicle in a dangerous location without a means for brake release. Specifically, it is contemplated that the lines from the towing vehicle service brake system that supply air to the tractor protection valve (both supply and control) in some systems may have to be redesigned to successfully protect the towing vehicle system from failure in the towed vehicle or lines to it. The proposed changes, except for lines in the parking brake system and between the controls proposed in S5.6.1.6 and S5.8.1.2 would isolate the parking brake system from the service brake system and may involve changes in the towing vehicle air system. It is therefore proposed to become mandatory by January 1, 1978.

Future S5.6.1.4 would specify a capability for parking brake manual application at any service reservoir system pressure level (present S5.7.2).

Future S5.6.1.5 would limit the release capability of the parking brake system to situations where it retains the capability for reapplication. This states the present BMCS requirement (49 CFR § 393.41) and responds to the petition of the CHP. The NHTSA agrees that it is important that the parking brake not be releasable unless the vehicle retains the ability to be reparked.

Future S5.6.1.6 would provide for the same manual control of parking brakes (and the parking brakes of any towed vehicle) that is now specified in the present S5.6.4. Also, the section would establish standardized parking brake controls conforming to recommendations of the ATA.

The NHTSA agrees with the ATA that the driver is most likely to use controls properly if they operate in the same fashion as the controls of vehicles manufactured prior to the effective date of the standard. Thus, the "3-knob" arrangement of the Society of Automotive Engineers would be established as set out in full below (the octagonal knob is specified along with the towing vehicle protection requirements in S5.8). For single-unit trucks and for buses, other appropriate arrangements are proposed, consistent with past practices. It should be noted that Midland-Ross has proposed an arrangement different from the SAE, which has been considered by the NHTSA and is filed in the Standard No. 121 docket (Docket 74–10).

(S5.6.2 *Trailer parking brake system.*) The future S5.6.2 would establish many of the same operation requirements for trailers as were just discussed for trucks and buses. In view of the newly-stated requirements in the area of protected air energy sources, the present equipment requirement that describes the isolated reservoir on trailers (S5.2.1) would be deleted as redundant.

One difference from the truck and bus requirements would be the characteristics of the manual parking brake control set out in future S5.6.2.6. In agreement with the CHP that swift release of the parking brakes is necessary for moving disabled vehicles, the standard would require a manual control on the trailer. This control would serve the specialized applications outlined by Utility. The control would have to include an automatic reset capability so that the trailer would not be used on the highway without driver control of the parking brake. Another aspect of the CHP petition requested location of the control on the right side (curb side) of the trailer centerline so that the driver would not be exposed to traffic in operating the control. The NHTSA has considered this request but believes that no restriction on location is advisable, in view of the many considerations in this area. Vandalism, for example, can justify secure locations to prevent rollaway accidents.

In order to assure that the disabled vehicle can be moved, future S5.6.2.7 would specify a minimum capability of two applications and one release to the trailer parking brake system.

(*Remaining CHP requests.*) The CHP petition requested fundamental modification of the stopping performance requirements of the standard (S5.3) and the dynamometer testing requirements (S5.4). The requests for modification of retardation force requirements essentially asks for maximum as well as minimum retardation force limits. The NHTSA responded to other petitions on this subject (letters to White Motor Corporation, PACCAR Corporation, and Freightliner Corporation on November 6, 1975) with a decision to grant more flexibility to manufacturers to tailor the brake dynamometer requirements of S5.4 between front and rear axles. With this intention in mind, the CHP petition on retardation forces is denied.

Section S5.3 presently requires that the service brake system of trucks and buses meet certain stopping distance requirements in the unloaded and loaded conditions, on dry and wet surfaces,

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without veering from a 12-foot-wide lane and without uncontrolled lockup of wheels above 10 mph. Trailers must meet the same requirements except that no limit on stopping distance is required. Specific test procedures and conditions are set out in S5.3 and S6. The CHP requests modifications to test only on dry surfaces, to test tractors and trailers in combination, to eliminate all test procedures, and to delete the requirement for "no lockup" performance.

The NHTSA has evaluated this CHP request carefully and concludes that it should not be granted. It appears that the majority of the requested changes are intended to make the stopping distance test suitable for testing vehicles-in-use. As noted earlier, the CHP is not precluded from conducting tests of combinations in use for degradation by means of tests such as the BMCS-type test, that are different from the S5.3 test. Thus the majority of requested changes are unnecessary.

There are, of course, other reasons for not modifying the stopping distance tests in S5.3 at this time. The NHTSA has just completed reconsideration of the requirement for a 245-foot stopping distance (loaded vehicle on a dry surface) and concluded that present variations in production brake systems justify a 277-foot distance until January 1, 1978.

As for testing of vehicles in combination, the NHTSA continues to consider it unrealistic to require a truck manufacturer to be forced to base the performance of its vehicle in part on the performance of any trailer chosen by the NHTSA for use with it. The NHTSA has also recently considered the balancing of brakes between trucks and trailers, and concluded that the retardation forces on trailers are well-calculated to coincide with the stopping distance performance of trucks that meet the standard. This conclusion was based on an extensive interchange of data and views and culminated in the amendments of January 17, 1975 (40 FR 1246).

The remaining petition in this area is the CHP request for deletion of the "no lockup" requirement. The petition states ". . . California has no evidence to indicate that there is a loss of directional control in large trucks or combinations caused by wheel lockup," and cites possible safety problems with some antilock systems found on vehicles that conform to the standard.

The NHTSA understands from statements made by the CHP at a recent public meeting on Standard No. 121 that the CHP does not dispute the theoretical benefits of "no lockup" performance, but rather the adequacy of the evidence to support the requirement in the air brake standard. The contribution of a rolling wheel to vehicle directional stability is a universally-accepted principle of vehicle mechanics upon which braking and suspension improvements are based. The NHTSA explicitly reviewed this braking principle in a December 1974 FEDERAL REGISTER request for comments on the subject (39 FR 44480, December 24, 1974). No comments were received that dispute the principle. Extensive literature exists on this aspect of vehicle dynamic performance and appears in the administrative record of the standard (e.g., R. D. Lister, "Retention of Directional Control When Braking," SAE Paper 963A, January 1965). Straight-line stopping such as that cited in the CHP petition does not measure the ability of the vehicle to perform other controlled braking manœuvers.

With regard to the effective date for these proposed revisions of the standard, the NHTSA understands and agrees with the industry in its desire to minimize changes to the standard until sufficient field experience with the new systems has been gathered for analysis. For this reason the proposal is limited for the most part to reorganization of requirements that are already found in the standard. There are several requirements which make new manufacturing options available (*e.g.*, isolated air as a source of parking brake energy) or which make explicit requirements which were already dictated by good design practice or the BMCS requirements (e.g., automatic application of brakes on all trailer axles in event of breakaway). Again, these changes are calculated not to require any change in presently-conforming designs.

There are several changes that would require a modification of design, most importantly the isolation of the towing vehicle parking brake system from the effects of loss of air pressure in the towed vehicle and the lines leading to it. Another major change in some cases may be the standardization of parking brake controls on towing vehicles.

In order to make the transition to these new requirements as orderly as possible, and to provide the freedom to take advantage of the new manufacturing options at the same time, the NHTSA has proposed that the new requirement be combined in the same text as the present requirement and preceded by the phrase "on and after January 1, 1978". In this way a "midnight changeover" from one text to another is avoided, and a manufacturer can meet the new requirement as soon as it chooses on an optional basis, according to its own schedule, but need not meet them on a mandatory basis sooner than January 1, 1978. This arrangement should provide substantial planning flexibility and adequate leadtime.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. Section S4 (Definitions) would be amended by the addition of four new definitions:

"Emergency braking capability" means the ability of a motor vehicle to stop when a failure exists in any component of the service brake system that is designed to contain fluid pressure, other than a service brake system valve structural housing.

"On-axle brake components" means those components of the service brake system at each wheel, from the tire-ground interface to and including the chamber where fluid pressure is converted to linear force.

"Parking brake system" means the components of a motor vehicle that provides a means, independent of service brake system operation and its energy source, to apply and release on-axle brake components (or the parking brake force on the driveline in the case of a driveline parking brake system) and to maintain an application of parking brake force.

"Service brake system" means the components of a motor vehicle that provide the primary means to a driver of stopping the vehicle.

2. In S5.1.1, a new subsection S5.1.1.1 would be added to read:

S5.1.1.1 On and after January 1, 1978, a means that, with the engine running, automatically causes the air compressor to increase the air pressure in the service brake system when air pressure in any service reservoir is 85 psi or less, or at the option of the manufacturer, at pressure greater than 85 psi, and that automatically stops this pressurization when the air pressure is at a level, chosen at the option of the manufacturer, of 135 psi or less.

3. A new sentence would be added at the end of the text in S5.1.2.1 to read:

* * * On and after January 1, 1978, the combined volume of all reservoirs common to both subsystems of a split service brake system shall not exceed ⅓ of the combined volume of all service reservoirs.

4. Section S5.1.2.3 would be amended by the addition of a new sentence at the end of the text to read:

* * * On and after January 1, 1978, the check valve or equivalent device shall be located within or immediately adjacent to the service reservoir.

5. Section S5.1.3 would be deleted and reserved.

6. Section S5.1.5 would be amended by the addition of a sentence at the end of the text to read:

* * * On and after January 1, 1978, the signal also shall give the continuous warning whenever the engine is running, and the pressure in the service reservoir system is below 60 psi, and if the signal is a light, the color of the light shall be red.

7. Section S5.1.6 would be amended by the addition of a sentence at the end of the text to read:

* * * On and after January 1, 1978, the signal also shall give the continuous warning whenever the engine is running, and there is a total electrical failure of the antilock system, and if the signal is a light, the color of the light shall be yellow.

8. Section S5.1.7 would be amended to read:

S5.1.7 *Service brake stop lamp switch.* A switch that lights the stop lamps when the service brake control is statically depressed beyond an activating point, and that does not extinguish the stop lamps until the service brake control is released beyond a deactivating point. Both the activating and deactivating points shall be at levels that produce a

pressure of not more than 6 psi in the service brake chambers.

9. A new S5.1.8 and S5.1.9 would be added to read:

S5.1.8 On and after January 1, 1978, a pressure relief valve in the service and parking brake systems that prevents air pressure in the reservoirs of these systems from exceeding a level that is 125 percent of the compressor cut-out pressure.

S5.1.9 On and after January 1, 1978, an air compressor discharge line that, with regard to the portions within 24 inches of the air compressor discharge port (measured along the line), meets the requirements of § 106–74 of this part that apply to air brake hose, and meets the requirement of S7.3.2 of § 106–74 at a temperature of 450° F.

10. Section S5.2.1.1 would be deleted.

11. Sections S5.6, S5.7, and S5.8 would be deleted and replaced with new sections S5.6, S5.7, and S5.8 to read:

S5.6 *Parking brake system.* Each vehicle other than a trailer converter dolly shall be equipped with a parking brake system that is capable of meeting the requirements set forth in paragraph (a) or, at the option of the manufacturer, paragraph (b):

(a) *Static retardation force.* With all other brakes rendered inoperative, the static retardation force produced by the application of the parking brake system on an axle other than a steerable front axle during a static drawbar pull in a forward or rearward direction shall be such that the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

is not less than 0.28.

(b) *Grade holding.* With all parking brakes applied, the vehicle shall remain stationary, facing uphill and facing downhill on a smooth, dry Portland cement concrete roadway with a 20 percent grade, both (a) when loaded to its gross vehicle weight rating, and (b) at its unloaded vehicle weight plus 500 pounds (including driver and instrumentation).

S5.6.1 *Truck and bus parking brake system.*

S5.6.1.1 The parking brake system shall be applied by means of an energy source that is independent of service brake system air pressure, so that the application of parking brake force shall not be affected by any single failure of the service brake system other than any failure of the on-axle brake components.

S5.6.1.2 The parking brake system shall be capable of maintaining an application without action by the vehicle operator, by a means other than electric energy, or fluid pressure, including air pressure.

S5.6.1.3 On and after January 1, 1978, the parking brake system shall not apply as a result of loss of air pressure in the supply line or control line, or both, of any air-braked vehicle that the vehicle is designed to tow. In addition, the parking brake system shall not apply in response to loss of air pressure in any line within the service brake system, including the line supply air pressure to the trailer supply line, but not including lines connecting the three valves specified in S5.6.1.6 and S5.6.1.2 to each other.

S5.6.1.4 The parking brake system shall be capable of application, with the vehicle stationary, at any service brake system pressure level.

S5.6.1.5 The parking brake system shall not be capable of release unless it is capable of immediate reapplication with the retardation force specified in S5.6.

S5.6.1.6 The vehicle shall be equipped with a manual control, that is separate from the service brake control and operable by a person seated in the normal driving position, for application and release of the parking brake system of the vehicle, and of any air-braked vehicle it is designed to tow. On and after January 1, 1978, the manual control shall—

(a) In the case of a bus, be equipped with a single control for application and release of the parking brake system. At the option of the manufacturer, operations in addition to operation of the parking brake control may be specified for release of the parking brake system; and

(b) In the case of a truck that is not designed to tow an air-brake-equipped vehicle, be equipped with a single control for the application and release of the parking brake system, consisting of a blue circular knob that, when pulled, applies the parking brake system, and when pushed, releases the parking brake system. The following legend shall appear on, above, or below the knob in block capital letters at least one-eighth of an inch in height:

TRUCK PARK
PULL TO APPLY
PUSH TO RELEASE

(c) In the case of a truck designed to tow an air-brake-equipped vehicle, be equipped with two parking brake system controls that meet the requirements of (1) and (2);

(1) The tractor and trailer parking control shall consist of a yellow diamond-shaped knob that, when pulled, applies the parking brake system of the towing vehicle and vents the trailer supply line to the atmosphere, and, when pushed, releases the parking brake system of the towing vehicle and permits pressurization of the trailer supply line. The following legend shall appear on, above, or below the knob in block capital letters at least one-eighth of an inch in height:

TRACTOR-TRAILER PARK
PULL TO APPLY
PUSH TO RELEASE

The knob shall be located to the right of or above the trailer air supply control knob (S5.8.1.2).

(2) The tractor parking control shall consist of a blue circular knob that, when pulled, applies the parking brake system of the towing vehicle and, when pushed, releases the parking brake system of the towing vehicle. The following legend shall appear on, above, or below the knob in block capital letters at least one-eighth of an inch in height:

TRACTOR PARK
PULL TO APPLY
PUSH TO RELEASE

The knob shall be located to the right of or above the trailer air supply control knob (S5.8.1.2) and the tractor and trailer parking control.

S5.6.2 *Trailer parking brake system.*

S.5.6.2.1 The parking brake system shall be applied by means of an energy source that is independent of service brake system air pressure, so that the application of parking brake force shall not be affected by any single failure of the service brake system other than any failure of the on-axle brake components.

S5.6.2.2 The parking brake system shall be capable of maintaining an application without action by the vehicle operator, by a means other than electric energy, or fluid pressure, including air pressure.

S5.6.2.3 The parking brake system shall apply automatically and remain applied when the air pressure in the supply line is at atmospheric pressure.

S5.6.2.4 The parking brake system shall be capable of application, with the vehicle stationary, at any service brake system pressure level.

S5.6.2.5 The parking brake system shall not be capable of release unless it is capable of immediate reapplication with the retardation force specified in S5.6.

S5.6.2.6 On and after January 1, 1978, the vehicle shall be equipped with a parking brake system control for manual release of the parking brake system. The control shall not prevent the application and release of the parking brakes by a towing vehicle that has pressurized the trailer supply line to 85 psi.

S5.6.2.7 On and after January 1, 1978, the parking brake system shall be capable of at least one application with the retardation force specified in S5.6, followed within a period of not more than 30 minutes, by a release that permits rotation of all wheels equipped with parking brakes when the unloaded vehicle is pulled to a speed of 10 mph for 500 feet, followed by a second application with the retardation force specified in S5.6.

S5.7 *Emergency braking capability.* Each vehicle shall have an emergency braking capability. This capability may be a function of the service brake system alone, or it may utilize all or part of the service brake and parking brake systems or other separate components.

S5.7.1 *Truck and bus emergency braking capability.*

S5.7.1.1 *Truck and bus emergency brake performance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 81, with a single failure in any component of the service brake system that is designed to contain fluid pressure, other than a service brake system valve structural housing, the vehicle shall stop at least once in not more than the distance specified in column 3 of Table II, measured from the point at which movement of

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the brake control begins, without any part of the vehicle leaving the roadway, except that a truck-tractor tested at its unloaded vehicle weight plus 500 pounds shall stop at least once in not more than the distance specified in Column 4 of Table II. However, a truck manufactured before September 1, 1976, that has a front steerable non-driving axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle with a GAWR of less than 18,000 pounds, must stop as specified in this paragraph without any part of the vehicle leaving the roadway, but need not stop in the distances specified.

S5.7.1.2 *Truck and bus emergency brake operation.* Each vehicle shall be equipped with an emergency braking capability that is applied, modulated, and released by means of the service brake control or, at the option of the manufacturer until September 1, 1976, the parking brake control.

S5.1.1.3 *Towing vehicle emergency braking capability—additional requirement.* A truck designed to tow an air-braked-equipped vehicle shall—

(a) In the case of a truck-tractor in the unloaded condition and a single unit truck which is capable of towing an air-brake equipped vehicle and is loaded to gross vehicle weight rating, be capable of meeting the requirements of S5.7.1 by operation of the service brake control only, with the trailer air supply line and air control line from the towing vehicle vented to the atmosphere in accordance with S6.1.14;

(b) In the case of a truck-tractor loaded to gross vehicle weight rating, be capable of meeting S5.7.1 by operation of the service brake control only, with the air control line from the towing vehicle vented to the atmosphere in accordance with S6.1.14; and

(c) Be capable of modulating the air in the supply or control line to the trailer by means of the service brake control with a single failure in the towing vehicle service brake system as specified in S5.7.1.

S5.7.1.4 *Truck and bus emergency brake application and release.* On and after January 1, 1978, each vehicle shall be equipped with an emergency braking capability that meets the requirements of S5.7.1.1 for a vehicle loaded to gross vehicle weight rating and stopped from 60 mph on a test surface with a skid number of 81, followed within a time period of not more than 30 minutes by release of the emergency brakes that permits the vehicle to accelerate to a speed of 10 mph in a distance of 500 feet, followed by a second application that provides not less than the static retardation force specified in S5.6 for a vehicle's parking brake system.

S5.7.2 *Trailer emergency braking capability.* Each vehicle shall be equipped with an emergency braking capability that with all trailer reservoirs pressurized to 40 psi and the supply line vented to the atmosphere, the emergency brake system shall apply the service brake system or parking brake system on each axle, with not less than the retardation force specified in S5.6. The emergency brakes shall be capable of being applied at a speed of 60 mph.

S5.7.2.1 *Trailer emergency brake operation.* Each vehicle shall be equipped with an emergency braking capability that applies automatically and remains applied for not less than 15 minutes when the air pressure in the supply line is at atmospheric.

S5.8 *Service brake system.*

S5.8.1 *Truck and bus service brake system.* Each truck and bus shall be equipped with a service brake system that is capable of meeting the requirements of S5.1, S5.3, S5.4, and S5.5 that apply to trucks and buses.

S5.1.1 *Truck and bus service brake system operation.* The service brake system shall be operable by a person seated in the normal driving position and, on and after January 1, 1978, be capable of application, modulation, and release by means of a single service brake control.

S5.8.1.2 *Truck-tractor service brake system-additional requirements.* The service brake system of a truck designed to tow an air-brake-equipped vehicle shall, under the conditions of S6.1.15, be capable of modulating the air pressure in the control line of the control trailer by means of the service brake control. The service brake system shall be equipped with a means of opening and closing the connections from the service brake system of the towing vehicle to the supply and control lines of the control trailer, and simultaneously to open and close a vent to the atmosphere in the supply line to the control trailer. This means shall close automatically in all cases before automatic application of the parking brake system occurs, and before air pressure in all reservoirs of the truck service brake system drops to a level chosen at the option of the manufacturer that is more than 20 psi, but less than 45 psi. This means shall also operate by utilization of a manual control (that does not override automatic operation) consisting of a red octagonal knob that, when pulled, closes the air supply to the towed vehicle and vents the trailer supply line to the atmosphere, and when pushed, opens the air supply line to a towed vehicle and permits pressurization of the trailer supply line. The following legend shall appear on, above, or below the knob in block capital letters at least one-eighth of an inch in height:

TRAILER AIR SUPPLY

PULL TO EVACUATE

PUSH TO SUPPLY

S5.8.1.3 *Truck and bus service brake system pressure limiting valves.* The service brake system shall not be equipped with a manually-operated device to reduce or remove the front-wheel braking effort. An automatic pressure-limiting valve shall not reduce the front axle braking force when the air pressure that transmits brake control application force exceeds the vehicle's compressor cut-in pressure, except for reduction of front-axle braking force up to 50 percent in response to a malfunction of an antilock system on the front axle.

S5.8.2 *Trailer service brake system.* Each trailer shall be equipped with a service brake system that operates on each axle of the vehicle, and is capable of meeting the requirements of S5.2, S5.3, S5.4, and S5.5 that apply to trailers. The service brake system shall operate in response to modulation of air pressure in the trailer control line.

12. In S6.1.14, the reference to "S7.3 (a) and S7.3(b)" would be replaced with "S5.7.1.3 (a) and (b)" and the time "1 minute" would be revised to "20 seconds".

13. A new S6.1.15 would be added to read:

S6.1.15 In tests under S5.7.1.3(c) and S5.8.1.2, the towing vehicle is coupled to the control trailer specified in S6.1.10 with the manual control described in S5.8.1.3 in the "PUSH TO SUPPLY" position.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 21, 1976.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on December 1, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-32812 Filed 12-2-75;2:34 pm]

[49 CFR Part 557]

[Docket No. 75-31; Notice 1]

NOTIFICATION AND REMEDY OF DEFECTS OR FAILURE TO COMPLY

Petitions for Hearing

This notice proposes the issuance of a new regulation governing petitions for

hearings on whether or not a manufacturer has reasonably met his obligation to notify owners, dealers, and purchasers of a safety-related defect or noncompliance with a safety standard, or to remedy the defect or noncompliance. The proposed regulation would also specify the procedures to be followed in holding such a hearing.

Section 156 of the National Traffic and Motor Vehicle Act of 1966, as amended (88 Stat. 1470; 15 U.S.C. 1416), provides that "Upon petition of any interested person or on his own motion, the Secretary may hold a hearing in which any interested person (including a manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to notify under section 151 or 152, and to remedy a defect or failure to comply under section 154." Sections 151 and 152 require a manufacturer to notify owners, dealers and purchasers of a safety-related defect or failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of equipment manufactured by him. Section 154 requires a manufacturer to remedy without charge such defects or failure to comply. Section 156 also provides that "If the Secretary determines the manufacturer has not reasonably met such obligation, he shall order the manufacturer to take specified action to comply with such obligation; and, in addition, the Secretary may take other action authorized by this Title." This notice, which proposes a new Part 557 of Title 49 of the Code of Federal Regulations, is intended to provide guidelines for the implementation of section 156.

The NHTSA regularly receives a substantial number of complaints concerning failures of manufacturers to notify of defects or to remedy defects or failures to comply. Many of these complaints are dealt with by informal communications between the NHTSA and the manufacturer. However, some of the complaints do reveal failures on the part of manufacturers to meet their obligations under the Act. As a result, it is important that procedures be set up to implement the statutory provision for petitions to hold a hearing on such failures. This proposal lists the information that must be contained in a document so that it will be treated as a petition for a hearing. The NHTSA will not ignore documents that do not meet these requirements; rather it will treat such documents as complaints to be considered in the overall evaluation of a manufacturer's compliance with his obligation to notify and remedy under the Act.

The proposal would require the Administrator, in determining whether to hold a hearing, to consider the nature and seriousness of the complaint set forth in the petition, the existence of similar complaints, and the ability of the NHTSA to resolve the problem without a hearing. These considerations would apply to both decisions to hold a hearing in response to a petition and decisions to hold a hearing on the Administrator's own motion.

The hearing under this proposal would be an informal hearing, not subject to the requirements of 5 U.S.C. 556 and 557. The Administrator would be under no obligation to base his decision solely on the record of the hearings. In determining whether or not a manufacturer had reasonably met his obligation to notify or remedy, the Administrator could consider any other information available to him.

The proposal provides that the petitioner would be notified within 60 days after the receipt of the petition by the NHTSA of its decision to grant or deny the petition. The safety considerations involved in notification and remedy of defects and failures to comply make it necessary that a petitioner be informed as soon as possible of the Administrator's disposition of the petition. The reasons for a denial of the petition would be published in the FEDERAL REGISTER within 45 days of the denial.

In light of the foregoing, it is proposed that a new Part 557, *Petitions for Hearings on Notification and Remedy of Defects*, be added to Title 49 of the Code of Federal Regulations, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 21, 1976.

Proposed effective date: 30 days after publication of final rule.

(Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); Secs. 103, 119, 156, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on December 2, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

Part 557 is proposed to read as follows:

PART 557—PETITIONS FOR HEARINGS ON NOTIFICATION AND REMEDY OF DEFECTS

Sec.
557.1 Scope.
557.2 Purpose.
557.3 General.
557.4 Requirements for petition.
557.5 Improperly filed petitions.
557.6 Determination whether to hold a public hearing.
557.7 Public hearing.
557.8 Determination of manufacturer's obligation.

§ 557.1 Scope.

This part establishes procedures under section 156 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (88 Stat. 1470, 15 U.S.C. 1416), for the submission and disposition of petitions filed by interested persons for hearings on the question of whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a safety-related defect or failure to comply with a Federal motor vehicle safety standard, or to remedy such defect or failure to comply. This part also establishes procedures for holding a hearing on these questions.

§ 557.2 Purpose.

The purpose of this part is to enable the National Highway Traffic Safety Administration to identify and respond on a timely basis to petitions for hearings on whether a manufacturer has reasonably met his obligation to notify or remedy, and to establish the procedures for such hearings.

§ 557.3 General.

Any interested person may file with the Administrator a petition requesting him to hold a hearing on—

(a) Whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a safety-related defect in any motor vehicle or item of replacement equipment manufactured by him;

(b) Whether a manufacturer has reasonably met his obligation to notify owners, purchasers, and dealers of a failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of replacement equipment manufactured by him;

(c) Whether the manufacturer has reasonably met his obligatino to remedy a safety-related defect in any motor vehicle or item of replacement equipment manufactured by him; or

(d) Whether the manufacturer has reasonably met his obligation to remedy a failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of replacement equipment manufactured by him.

§ 557.4 Requirements for petition.

A petition filed under this part should be addressed and submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW.,

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Washington, D.C. 20590. Each petition filed under this part must—

(a) Be written in the English language;

(b) Have, preceding its text, the word "Petition";

(c) Contain a brief statement concerning the alleged failure of a manufacturer to meet reasonably his obligation to notify or remedy;

(d) Contain a brief summary of the data, views, or arguments that the petitioner wishes to present in a hearing on whether or not a manufacturer has reasonably met his obligations to notify or remedy;

(e) Specifically request a hearing.

§ 557.5 Improperly filed petitions.

(a) A petition that is not addressed as specified in § 557.4, but that meets the other requirements of that section, will be treated as a properly filed petition, received as of the time it is discovered and identified.

(b) A document that fails to conform to one or more of the requirements of paragraphs § 557.4(a) (1) through (5) will not be treated as a petition under this part. Such a document will be treated according to the existing correspondence and other procedures of the NHTSA, and any information contained in it will be considered at the discretion of the Administrator.

§ 557.6 Determination whether to hold a public hearing.

(a) The Administrator considers the following factors in determining whether to hold a hearing:

(1) The nature of the complaint;

(2) The seriousness of the alleged breach of obligation to remedy;

(3) The existence of similar complaints;

(4) The ability of the NHTSA to resolve the problem without holding a hearing; and

(5) Other pertinent matters.

(b) If, after considering the above factors, the Administrator determines that a hearing should be held, the petition is granted. If it is determined that a hearing should not be held, the petition is denied. In either case, the petitioner is notified of the grant or denial not more than 60 days after receipt of the petition by the NHTSA.

(c) If a petition submitted under this part is denied, a FEDERAL REGISTER notice of the denial is issued within 45 days of the denial, setting forth the reasons for it.

(d) The Administrator may conduct a hearing under this part on his own motion.

§ 557.7 Public hearing.

If the Administrator decides that a public hearing under this part is necessary, he issues a notice of public hearing in the FEDERAL REGISTER, to advise interested persons of the time, place, and subject matter of the public hearing and invite their participation. Interested persons may submit their views through oral or written presentation, or both. There is no cross-examination of witnesses. A transcript of the hearing is kept and exhibits may be accepted as part of the transcript. Sections 556 and 557 of Title 5, United States Code, do not apply to hearings held under this part. When appropriate, the Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 557.8 Determination of manufacturer's obligation.

If the Administrator determines, on the basis of the information presented at a hearing or any other information that is available to him, that the manufacturer has not reasonably met his obligation to notify owners, dealers, and purchasers of a safety-related defect or failure to comply with a Federal motor vehicle safety standard or to remedy such defect or failure to comply, he orders the manufacturer to take specified action to comply with his obligation, consistent with the authority granted the Administrator by the Act.

[FR Doc.75-32676 Filed 12-4-75;8:45 am]

[49 CFR Part 571]

[Docket No. 71-13; Notice 10]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Fluids, Proposed Amendments

This notice proposes amendments of 49 CFR 571.116, Motor Vehicle Safety Standard No. 116, that would specify color requirements for fluids for hydraulic brake systems and container labeling effective August 1, 1977.

Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, was amended on August 22, 1974 (39 FR 30553) to specify colors for brake fluid and their container labels effective May 1, 1975. In response to petitions for reconsideration of these requirements Standard No. 116 was amended on March 25, 1975 (40 FR 13219) to delete them pending further consideration.

Standard No. 116 originally specified that DOT 3 and 4 fluids be clear to amber in color, DOT 5 blue, and hydraulic system mineral oil, red. Wagner Electric Corporation asked that DOT 3 and DOT 4 fluids be excluded from color coding. Ford asked that DOT 5 be clear or silver in color. SA Automobiles Citroen and its associates Officine Alfieri Maserati S.p.A. and U.S. Technical Research Corporation petitioned that the color of hydraulic system mineral oil be changed to green, the color of oil that Citroen has used for some years in the central hydraulic system of its vehicles.

The NHTSA has decided that Wagner's request to exclude DOT 3 and DOT 4 from color coding must be denied in order to avoid the potential use of colors for DOT 3 and DOT 4 that could be similar to those used for DOT 5 or hydraulic system mineral oil. The majority of DOT 3 and DOT 4 fluids and their predecessors have been colorless to amber in hue, in the absence of a Federal requirement, and the agency believes that confusion will be minimized and safety enhanced if this color range is retained. Since "clear" could mean an attribute of a fluid other than color, the NHTSA is substituting "colorless" in the proposal. Ford's petition that DOT 5 be clear or silver is also denied. However, because Ford and several other fluid manufacturers have long used the color blue for DOT 3 and DOT 4 fluids the NHTSA has concluded that it would be unwise and confusing to require this color for DOT 5 fluids. Accordingly, it proposes that DOT 5 fluid be purple, a color that has not been used previously for domestic brake fluids. Since Citroen is the world's major manufacturer of passenger cars with central hydraulic systems and has used green mineral oil in them for a number of years, its petition is granted, and the NHTSA is proposing that green be the color for all hydraulic system mineral oils. Alfred Teves petitioned for a delay in color coding until all vehicle fluids can be coded. Since color coding of all fluids by the ISO is unlikely at this time, its petition is denied. The specifications for fluid colors are intended to refer to color ranges as generally interpreted in daylight by persons of normal color vision. No color coordinates are proposed, since the fluids may change color in storage or in use (without detriment to the performance of the fluids).

This proposal would require borders around the safety warnings on container labels corresponding in color to the fluid within. Since these borders would not extend around the container, the NHTSA also proposes that the cap or closure of containers with a capacity of 10 gallons or less be color coded. This would provide, at no cost, a further aid to prevent the mixing of fluids and brake systems that are incompatible. In response to several inquires as to specific color specifications, the NHTSA is proposing that each required label and lid or cap fall within the tolerances specified for hue, chroma, and value on the appropriate "Hazardous Materials Label and Placard Color Tolerance Chart" available from the Office of Hazardous Materials, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. These color values are incorporated in regulations of other government agencies such as the Federal Highway Administration and the Occupational Safety and Health Administration. Two separate sets of six charts are available at nominal cost. The charts issued January 1973 are for paints and materials for printing on metal surfaces. The charts issued January 1974 are only for printed materials such as paper labels.

Further proposed labeling changes include specifying the minimum wet boiling point in degrees Celsius as well as in Fahrenheit, container capacity in liters as well as gallons, and color border width in millimeters as well as inches. Dow Corning Corporation, a manufacturer of DOT 5, a low-water-tolerance silicone brake fluid, has suggested that the admonition in S5.2.2(g) (3) to keep containers "tightly closed to prevent absorption of moisture" is unnecessary and redundant when applied to water intolerant brake fluids. The NHTSA agrees that the phrase is technically inaccurate. However, moisture may condense in a separate phase inside DOT 5 containers. This could degrade the performance of a brake system if the contaminated fluid were inadvertently poured into it. The agency is therefore proposing that the phrase be appropriately modified. If a container is designed in normal use to be shrouded by a protective carton or covering, the NHTSA intends that the outer container, rather than the actual container, be marked and labeled in accordance with the standard.

In the test for fluidity and appearance at low temperature, S6.7.3(a), identified solvents are specified to inhibit frosting of the exterior surfaces of the specimen containers. The agency has determined that there are other suitable liquids which can be used for that purpose. An appropriate change is therefore proposed to permit a wider choice.

A number of inquiries have been received concerning interpretations of S5.2.1 *Container sealing*. A rewording of that requirement is proposed for clarification. A change in labeling requirements is proposed to warn purchasers not to accept containers with tampered seals. Several editorial changes are also proposed.

§ 571.116 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.116, Motor Vehicle Safety Standard No. 116, be amended as follows:

1. S1 would be revised to read:

S1 *Scope.* This standard specifies requirements for fluids for use in hydraulic brake systems of motor vehicles, containers for these fluids, and labeling of the containers.

2. S2 would be revised by deleting the word "brake" in the last line.

3. In S4, a definition for "brake fluid" would be added and the definition of "Hydraulic system mineral oil" would be revised, to read:

S4 *Definitions.*

* * * * *

"Brake fluid" means a liquid designed for use in a motor vehicle hydraulic brake system in which it will contact elastomeric components made of styrene and butadiene rubber (SBR), ethylene and propylene rubber (EPR), polychloroprene (CR) brake hose inner tube stock or natural rubber (NR).

* * * * *

"Hydraulic system mineral oil" means a mineral-oil-based fluid designed for use in motor vehicle hydraulic brake systems in which the fluid is not in contact with components made of SBR, EPR, CR or NR.

* * * * *

4. In S5, the first sentence would be revised to read:

S5 *Requirements.* This section specifies performance requirements for DOT 3, DOT 4 and DOT 5 brake fluids, requirements for brake fluid certification, and for container sealing, labeling and color coding for both brake fluids and hydraulic system mineral oils.

5. S5.1 would be revised to read:

S5.1 *Brake fluid.* When tested in accordance with S6, brake fluids shall meet the following requirements.

6. S5.1.14 would be added to read:

S5.1.14 *Fluid color.* Brake fluid and hydraulic system mineral oil manufactured on or after August 1, 1977, shall be of the color indicated:

DOT 3 and DOT 4—colorless to amber.
DOT 5—purple.
Hydraulic system mineral oil—green.

7. S5.2.1 would be revised to read:

S5.2.1 *Container sealing.* Each brake fluid and hydraulic system mineral oil container with a capacity of 29.6 ml (6 fluid ounces) or more shall be provided with a resealable closure. The closure shall be provided with an inner liner that is impervious to the packaged fluid. The container shall also be provided with a means of indicating that the closure or a separate inner closure has been loosened, punctured, or removed.

8. In S5.2.2.1, paragraph (c) would be revised to read:

S5.2.2.1

* * * * *

"(c) The minimum wet boiling point of the brake fluid in degrees C and F."

9. In S5.2.2.2 the words "other than by hydraulic system mineral oil" would be deleted.

10. In S5.2.2.2, paragraphs (f), (g), (g)(3) and (g)(4) would be revised to read:

S5.2.2.2

* * * * *

(f) The minimum wet boiling point of the DOT grade brake fluid in degrees C and F.

(g) The following safety warnings (which on and after August 1, 1977, shall be bordered by a line on a contrasting background not less than 3.2 millimeters (⅛ inch in width in yellow if the fluid in the container is DOT 3 or DOT 4, or in purple if the fluid is DOT 5), in capital and lower case letters as indicated:

* * * * *

(3) STORE BRAKE FLUID ONLY IN ITS ORIGINAL CONTAINER. KEEP CONTAINER CLEAN AND TIGHTLY CLOSED TO PREVENT ENTRY OF WATER AND OTHER CONTAMINANTS.

(4) CAUTION: DO NOT REFILL CONTAINER AND DO NOT USE FOR OTHER LIQUIDS. (Not required for a container with a capacity in excess of 19 liters (5 gallons)).

(5) DO NOT ACCEPT THIS CONTAINER IF ITS ---------- SEAL IS MISSING, LOOSE, BROKEN, OR PUNCTURED (Complete with "OUTER" or "INNER" as applicable).

11. In S5.2.2.3, paragraph (e) would be revised to read: S5.2.2.3.

* * * * *

(e) The following safety warnings (which on and after August 1, 1977 shall be bordered by a green line not less than 3.2 millimeters (⅛ inch) in width), in capital and lower case letters as indicated:

12. New paragraphs S5.2.2.4, S5.2.2.5, and S5.2.2.6, would be added to read:

S5.2.2.4 The color of the lid or cap of each container of brake fluid or hydraulic system mineral oil with a capacity of 38 liters (10 gallons) or less shall match the color of the border around the safety warnings on the container.

S5.2.2.5 If the exterior surface of a container of brake fluid or hydraulic system mineral oil is not normally visible but designed to be protected by an outer container or carton, the outer container or carton rather than the inner container shall meet the labeling and color requirements of S5.2.2.2 through S5.2.2.5.

S5.2.2.6 Each color used to fulfill the requirements of S5.2.2.2 through S5.2.2.5 shall fall within the tolerances specified for hue, chroma and value on the appropriate Hazardous Materials Label and Placard Color Tolerance Chart issued by the Office of Hazardous Materials, Department of Transportation. These charts are for the colors yellow, green and purple. Charts are provided for printing on metal surfaces (January 1973) and for use with printed materials only (January 1974). They are incorporated in this standard by reference, and are available for examination in Docket No. 71-13, Room 5108, 400 Seventh Street, S.W., Washington, D.C. Copies may be obtained from the Office of Hazardous Materials, Room 6222B, 2100 Second Street, S.W., Washington, D.C. The charts are subject to change, but any amendment will be accomplished by appropriate administrative procedures and noted by publication in the FEDERAL REGISTER, and be available for examination as noted in this paragraph.

13. S5.3 would be revised by deleting the word "brake" preceding "fluid".

14. The third sentence of paragraph S6.7.3(a) would be revised to read:

After 144±4 hours, remove the bottle from the chamber and quickly wipe it with a clear, lint-free cloth saturated with a suitable solvent to minimize frosting.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, and it is recommended that interested persons

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continue to examine the docket for new material.

Comment closing date: February 5, 1976.

Proposed effective date: August 1, 1977.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401 and 1407); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on December 2, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on December 2, 1975.

[FR Doc.75-32880 Filed 12-4-75;8:45 am]

[49 CFR Part 579]

[Docket No. 75-30; Notice 1]

DEFECT AND NONCOMPLIANCE RESPONSIBILITY

Proposed Rulemaking

This notice proposes a new regulation, 49 CFR Part 579, *Defect and Noncompliance Responsibility*, that would redistribute the responsibilities of manufacturers for safety-related defects and noncompliance with Federal Motor Vehicle Safety Standards. This responsibility is governed by section 159(2) of the National Motor Vehicle and Traffic Safety Act of 1966, as amended (15 U.S.C. 1419(2)).

Section 159(2) defines "original equipment" as equipment (including tires) installed in or on a motor vehicle at the time of its delivery to the first purchaser, and "replacement equipment" as equipment other than original equipment. In addition, section 159(2) provides that, for purpose of the notification and remedy provisions of the Act (15 U.S.C. 1411-1420), a defect or noncompliance in an item of original equipment is to be treated as a defect or noncompliance in the motor vehicle in which the equipment is installed, and the manufacturer of the motor vehicle in which the item of original equipment is installed is to be treated as the manufacturer of the equipment. Section 159(2) also provides that the definitions of "original equipment" and "replacement equipment" may be modified by regulations of the Secretary.

Petitions for rulemaking to redistribute the responsibility for defects and noncompliance as set forth in section 159(2) were received from the Motor Vehicle Manufacturers Association (MVMA), General Motors Corporation (GM), and the European Tyre and Rim Technical Organization (ETRTO). MVMA proposed a rule that would make vehicle manufacturers responsible only for items of equipment manufactured, assembled, or supplied by the manufacturer of the completed vehicle for installation in conformity with the manufacturer's written instructions. The MVMA proposal would also make original equipment tires "replacement equipment." The GM petition was an andorsement of the MVMA petition. The ETRTO petitioned for a rule which would make tire manufacturers responsible for defects and noncompliances in tires they manufacture, whether installed on the vehicle as original or as replacement equipment. This proposal incorporates much of the substance of these petitions, with some distinctions as noted below.

The MVMA pointed out that the legislative history of section 159(2) provides a strong indication of congressional intent that the Secretary issue regulations reapportioning responsibility for defect and noncompliance to reflect the realities of the relationship between vehicle manufacturers, equipment manufacturers, and their respective dealers. Language in the reports (H.R. Rep. No. 93-1191, 93rd Cong., 2nd Sess. 33) and debate (120 Cong. Rec. H8123, H10571 (Daily ed. 1974)) suggests that the NHTSA should reapportion the responsibility in section 159(2) to make vehicle manufacturers responsible only for equipment provided, installed, or authorized by the vehicle manufacturer and to treat original equipment tires as replacement equipment.

The NHTSA agrees that the provisions of section 159(2) should be modified by regulation in order to absolve the vehicle manufacturer of the responsibility for equipment installed in its vehicles without its knowledge or approval prior to first purchase of the vehicle in good faith for purposes other than resale. The NHTSA also agrees that original equipment tires should be considered replacement equipment, thereby making tire manufacturers responsible for defects and noncompliances in their tires. However, the NHTSA does not agree with the MVMA petition to the extent that it would require that a vehicle manufacturer be responsible only for equipment manufactured, assembled, or supplied by it for installation in conformity with the manufacturer's written instructions. Any type of express authorization given by the vehicle manufacturer for the installation of the equipment should be sufficient to make the manufacturer responsible for that equipment. If the authorization were limited to written instructions, the effect might be effectively to preclude installation of any equipment not manufactured by the vehicle manufacturer or not supplied to its dealers pursuant to written agreement. Therefore, the proposal provides that if an item of equipment is installed on a motor vehicle in accordance with the express authorization of the vehicle manufacturer it will be considered original equipment for defect and noncompliance purposes. What constitutes adequate authorization will depend on the facts of each case.

In addition to the requirements proposed in the MVMA petition, this proposal addresses the responsibilities of small vehicle manufacturers for equipment they install on their vehicles. When an equipment manufacturer provides a particular item of defective or noncomplying equipment to several small vehicle manufacturers, the equipment manufacturer is often in a better position to bear the costs of notification and remedy, although the small manufacturers have the purchase records. Accordingly, the proposal provides that if an equipment manufacturer provides defective or noncomplying equipment to 5 or more vehicle manufacturers, each vehicle manufacturer would have the option of considering the equipment as "replacement equipment" even though installed by the vehicle manufacturers prior to first purchase. The equipment manufacturer would therefore be obligated to provide notification and remedy to the owners of the vehicles.

If they chose to consider the equipment as "replacement equipment," the vehicle manufacturers would be obliged to provide purchase records to the equipment manufacturer. If the vehicle manufacturer were unwilling to turn these records over to the equipment manufacturer, it would be required to treat the equipment as "original equipment," which would mean that it would have to conduct the notification and remedy campaign itself. However, if the defect or noncompliance did not exist in the equipment itself, but rather resulted from the installation of the equipment in the vehicle, the sole responsibility for the defect or noncompliance would be on the vehicle manufacturer. This is consistent with section 573.3(f) of proposed 49 CFR 573, *Defect and Noncompliance Reports* (40 FR 43227, September 19, 1975), which would provide that if the defective or noncomplying equipment is provided to more than one vehicle manufacturer, the vehicle and the equipment manufacturers are all required to report the defect or noncompliance to the NHTSA in order to assist the NHTSA in determining the extent to which the defect or noncompliance resulted from installation of the equipment by the vehicle manufacturer. This determination would be necessary to indicate the scope of the recall and remedy campaign.

This proposal classifies original equipment tires as "replacement equipment." As noted by both the ETRTO and MVMA petitions, tire manufacturers are better equipped than vehicle manufacturers to conduct notification and remedy campaigns for defective or noncomplying tires. Tire manufacturers are presently required to keep purchase records by 49 CFR Part 574, *Tire Identification and Recordkeeping*. These records include records provided by the vehicle manufacturer of tires installed on new vehicles at the time of first purchase. In addition, replacement of defective or noncomplying original equipment tires is typically made by the tire manufacturer, not the vehicle manufacturer. Accordingly, vehicle manufacturers should not be held responsible for defects and noncompliances in original equipment tires installed on their vehicles.

In light of the above, it is proposed that Part 579 of Title 49, Code of Federal Regulations, *Defects and Noncompliance Responsibility*, be adopted as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 21, 1976.

Proposed effective date: 30 days after publication of final rule.

(Secs. 103, 108, 112, 113, Pub. L. 89-563, 80 Stat. 718, Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392, 1397, 1401, 1402, 1411-1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on December 2, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

Part 579 is proposed to read as follows:

PART 579—DEFECT AND NONCOMPLIANCE RESPONSIBILITY

Sec.
579.1 Scope.
579.2 Purpose.
579.3 Application.
579.4 Definitions.
579.5 Defect and noncompliance responsibility.

§ 579.1 Scope.

This part sets forth the responsibilities of manufacturers for safety-related defects and noncompliances with Federal motor vehicle safety standards in motor vehicles and items of motor vehicle equipment.

§ 579.2 Purpose.

The purpose of this part is to facilitate the notification of owners of defective and noncomplying motor vehicles and items of motor vehicle equipment, and the remedy of defective and noncomplying vehicles and items of equipment, by equitably reapportioning the responsibility for safety-related defects and noncompliances with Federal motor vehicle safety standards among manufacturers of motor vehicles and motor vehicle equipment.

§ 579.3 Application.

This part applies to all manufacturers of motor vehicles and motor vehicle equipment.

§ 579.4 Definitions.

(a) "Original equipment" means an item of motor vehicle equipment (other than a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser if—

(1) The item of equipment was manufactured by the motor vehicle manufacturer;

(2) The item of equipment was installed on or in the motor vehicle at the time of its delivery to a dealer for distribution; or

(3) The item of equipment was installed by the dealer or distributor with the express authorization of the motor vehicle manufacturer.

(b) "Replacement equipment" means—

(1) Motor vehicle equipment other than original equipment as defined in paragraph (a) of this section; and

(2) Tires.

§ 579.5 Defect and noncompliance responsibility.

(a) Except as provided in paragraph (c) of this section, each manufacturer of a motor vehicle shall be responsible for any defect or noncompliance determined to exist in the vehicle or in any item of original equipment installed on or in the vehicle at the time of its delivery to the first purchaser.

(b) Each manufacturer of an item of replacement equipment shall be responsible for any defect or noncompliance determined to exist in the equipment.

(c) If a defective or noncomplying item of original equipment manufactured by a single equipment manufacturer is installed by five or more vehicle manufacturers in the vehicles they manufacture, each vehicle manufacturer may, at its option,

(1) Treat the item of equipment as replacement equipment by submitting to the equipment manufacturer all of the purchase records of the vehicle containing the defective or noncomplying item of equipment; or

(2) Treat the item of equipment as original equipment.

[FR Doc.75-32879 Filed 12-4-75;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 625]

DISASTER UNEMPLOYMENT ASSISTANCE

Proposed Rulemaking

Regulations implementing the unemployment assistance provisions of section 407 of the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143, 156) were published in the FEDERAL REGISTER on October 11, 1974, at 39 FR 36579, as Part 625 of Title 20, Code of Federal Regulations. Section 625.9(b)(1)(v) of Part 625 provides that the disaster unemployment assistance payable to an individual for a week shall be reduced by the amount the individual has received or is entitled to receive for the week as a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821).

A conflict with the regulations under the Disaster Relief Act of 1974 has arisen in Parts 94 and 95 of the regulations implementing the Comprehensive Employment and Training Act of 1973, which were published in the FEDERAL REGISTER on May 23, 1975, at 40 FR 22674, as parts of Title 29, Code of Federal Regulations. Section 95.34(i)(1) of Part 95 provides that the basic weekly allowance payable to a participant pursuant to section 111 (a) of the Comprehensive Employment and Training Act of 1973 "shall be reduced, on a weekly basis, by the amount of unemployment compensation payments, if any, received by" the participant. Section 94.4(iii) of Part 94 defines the term "Unemployment compensation" as including "payments of unemployment assistance in accordance with the provisions of the Disaster Relief Act."

Authority for these conflicting regulations is based on the statutes, to which it is necessary to return to resolve the conflict. Section 407 of the Disaster Relief Act of 1974 provides that unemployment assistance payable to an individual for a week "shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment." Section 111(a) of the Comprehensive Employment and Training Act of 1973 in effect requires a similar reduction in the basic weekly allowance payable to an individual for a week, by the "amounts received by the trainee in the form of unemployment compensation payments." In order to give effect to the intent and purpose of both laws, in furnishing a compatible scheme of assistance to individuals entitled to benefits under both laws for the same week, it is apparent that the language of section 111(a) is more specific. Section 111(a) specifically requires that unemployment compensation be taken into account, and unemployment assistance is not unlike unemployment compensation, in that both provide a benefit with respect to the unemployment of individuals. The basic weekly allowance under section 111(a) is more distinguishable from unemployment compensation because it is restricted to partcipants in a training program, although it is payable in the same circumstances as unemployment compensation is payable to trainees who have earned entitlement to unemployment compensation.

Accordingly, to give the most reasonable effect consistent with the purposes of both laws, disaster unemployment assistance should be payable without regard to entitlement to a basic weekly allowance under section 111(a), and disaster unemployment assistance re-

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ceived by an individual should be deducted from any basic weekly allowance payable to the individual for the same week under section 111(a). Therefore, it is proposed that § 625.9(b)(1) of Part 625, Title 20 of the Code of Federal Regulations, be amended to resolve the conflict in the regulations.

Interested persons are invited to submit written data, views, or arguments on the amendments in this document, to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before January 5, 1976. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

It is therefore proposed that § 625.9 (b)(1) be amended by deleting therefrom paragraph (v), and by relettering paragraphs (vi) and (vii) as (v) and (vi), so that § 625.9(b)(1) reads as follows:

§ 625.9 Amount.

* * * * *

(b) *Deductions.* The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application therefor and took all procedural steps necessary under the appropriate law or insurance policy:

(i) Regular unemployment compensation, additional unemployment compensation, extended unemployment compensation, and any other unemployment compensation under a State or Federal unemployment compensation law, or

(ii) A trade readjustment allowance under the Trade Expansion Act of 1962, or

(iii) Any compensation or insurance from any source for loss of wages due to illness or disability, or

(iv) A supplemental unemployment benefit pursuant to a collective bargaining agreement, or

(v) Private income protection insurance, or

(vi) Any workmen's compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the applicant is within the provisions of § 625.8(a)(7).

(Secs. 302(a) and 601, Pub. L. 93-288, 88 Stat. 146, 163 (42 U.S.C. 5142(a), 5201); EO 11795, 39 FR 25939; delegation of authority from the Secretary of Housing and Urban Development to the Secretary of Labor, effective August 5, 1974, 39 FR 33020; and Secretary's Order 4-75, 40 FR 18515. Interpret and apply sec. 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177)).

Signed at Washington, D.C., this 21st day of November, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.75-32842 Filed 12-4-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 437-7]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Emission Regulations for New Motorcycles

Correction

In FR Doc. 75-28178, appearing at page 49496, in the issue for Wednesday, October 22, 1975, corrected in the issue for Monday, November 10, 1975, at page 52415 make the following change. On page 52415 in paragraph 8b, in the first equation the figure now reading "12,000 km" should read "30,000".

[40 CFR Parts 124, 125]

[FRL 464-6]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Separate Storm Sewers

On December 22, 1972, regulations were promulgated and published in the FEDERAL REGISTER (37 FR 28290) establishing a new Part 124, Guidelines for State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System (NPDES), the new national water discharge permit program. Comments received in response to these regulations and to proposed NPDES application forms, proposed in the FEDERAL REGISTER on December 5, 1972 (37 FR 25898), indicated a need to consider the desirability of attempting to apply the permit system to all point sources conceivably covered by the broad definitional framework established by the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.* (FWPCA). EPA's intent to consider exclusions from the permit system, particularly for agricultural and silvicultural sources, was noticed in the FEDERAL REGISTER on December 29, 1972 (37 FR 28765). On May 3, 1973, EPA proposed classes and categories of silvicultural and agricultural activities which would not be subject to NPDES permit requirements (38 FR 10960).

On May 22, 1973, regulations establishing policies and procedures for issuance of NPDES permits by the Federal government were promulgated and published (38 FR 13528) at 40 CFR Part 125. In the May 22 publication, § 125.4, entitled Exclusions, provided that NPDES permits were not required for discharges from separate storm sewers composed entirely of storm runoff uncontaminated by industrial or commercial activity. Subsequently, on July 5, 1973, EPA amended § 125.4 (38 FR 18000) to exclude categories of small concentrated animal feeding operations and certain agricultural and silvicultural activities from the permit requirement. On this date EPA also amended Part 124 by adding a new § 124.11, Exclusions. This section authorized the States to make the same exclusions as provided for in the amended Part 125 regulations. The exclusions did not operate, however, to exempt point sources within the excluded categories from compliance with applicable effluent limitations or other standards established under the FWPCA (38 FR 18001-02). In addition, the EPA Regional Administrator or the Director of a State water pollution control agency could override the exclusions by identifying individual sources as significant contributors of pollution. Once so identified, significant contributors of pollution were required to apply for and comply with NPDES permits. 40 CFR §§ 124.11 (h)(5), 125.4(b)(5) (1975).

In promulgating the July 5 regulations EPA stated its belief that while some point sources within the excluded categories may be significant contributors of pollution which should be regulated consistent with the purposes of the FWPCA, it would be administratively difficult if not impossible, given Federal and State resource levels, to issue individual permits to all such point sources. In addition, the Agency stated that regulation through the use of site-specific NPDES permits was not appropriate for most of the small sources covered by the exemptions. Essentially, these regulations providing for exemptions were based upon EPA's view (a view which it continues to maintain is correct) that most sources within the exempted categories present runoff-related problems not susceptible to the conventional NPDES permit program including effluent limitations. EPA's position was and continues to be that most rainfall runoff is more properly regulated under section 208 of the FWPCA, whether or not the rainfall happens to collect before flowing into navigable waters. Agricultural and silvicultural runoff, as well as runoff from city streets, frequently flows into ditches or is collected in pipes before discharging into streams. EPA contends that most of these sources are nonpoint in nature and should not be covered by the NPDES permit program.

In this way, the exercise of limited administrative discretion in excluding these basically nonpoint sources from the permit program is the best means for achieving the Congressional intent consistent with the language of the FWPCA. Even if these runoff sources were considered to be point sources, the FWPCA does not unambiguously require that all point sources obtain an NPDES permit. Section 301 states that the discharge by any person from a point source is unlawful "except as in compliance with" section 402. Section 402 states that "the Administrator may . . . issue a permit for the discharge of any pollutant [from a point source]." This language requires every point source discharger to comply with the permit program (including any necessary administrative exclusions) established by the Administrator under section 402; but this language does not require the Administrator to establish a program under which permits will be issued to every point source, including point sources which collect runoff pollution.

The Natural Resources Defense Council (NRDC) challenged this exercise of the Administrator's discretion in a lawsuit filed in the Federal District Court for the District of Columbia. The District Court ruled in favor of NRDC [*NRDC* v. *Train*, 396 F. Supp. 1393, 7 ERC 1881 (D.D.C. 1975)] and on June 10, 1975, issued a final order requiring EPA to propose and promulgate regulations "extending the NPDES permit system to include all point sources" in the concentrated animal feeding operation, separate storm sewer, agricultural and silvicultural categories. Under the terms of the order EPA was to propose regulations relating to storm sewers by November 10, 1975, and promulgate such regulations by March 10, 1976. An extension until December 1, 1975, was obtained for proposing the storm sewer regulations.

As part of the effort to carry out the requirements of the court order EPA has solicited and received information, statistics, and advice from other Federal agencies, State and local officials, trade associations, agricultural and environmental groups, and interested members of the public. Public meetings were held in Washington, Boston, Chicago, Omaha, and Dallas to consider the separate storm sewer and concentrated animal feeding operation categories. At each of these meetings, significant opposition was voiced to the development of an expanded permit system within the NPDES program as it has been administered to date. Such opposition came from persons representing both potential permittees and permit issuing agencies. In general, these individuals and organizations stated that expansion of the NPDES program to the previously excluded categories of point sources must not be carried out so as to require the issuance of individual permits to all affected dischargers. Many commenters pointed out that such a program would require a massive commitment of resources, both by the dischargers and by the issuing agencies, which would not be commensurate with the modest pollution reduction to be gained from the program. They also emphasized that numerical effluent limitations are inappropriate for pollution abatement from most of these sources, and they urged EPA to consider alternative pollution control processes and methods as a basis for any proposed permit system.

Taking these comments as well as the legislative history, the statutory language, the *NRDC* v. *Train* decision, and the technical data available on storm sewers into consideration, EPA today is proposing regulations for the separate storm sewer category. It must be emphasized, however, that these regulations do not apply to every point source which may fall within the definition proposed herein for "separate storm sewer." In order for these regulations to be applicable, there must be a "discharge of a pollutant" and that phrase is defined in section 502(12) to mean "any addition of any pollutant to navigable waters from any point source." Thus a separate storm sewer must emit pollutants, and they must be added to "navigable waters." The term "pollutant" is defined in section 502(6) of the FWPCA to include a broad range of substances. Similarly, the term "navigable waters" is broadly defined in section 502(7) and is interpreted in detail by the NPDES regulations at 40 CFR § 125.1(p).

The effect of these regulations, following promulgation and final publication, upon State NDPES programs will be that those NDPES States which have enacted legislation or adopted regulations embodying the earlier exclusions will be required to amend their statutes or regulations so as to be consistent with Federal law and the decisions of the District Court.

In addition to proposing these regulations for separate storm sewers EPA has proposed regulations relating to feedlots and will in the future propose regulations concerning the applicaion of the permit system to agricultural and silvicultural activities, as required by the court order. Because EPA believes that many sources of pollution within these previously excluded categories are not susceptible to regulation by effluent limitations and are not appropriate subjects for Federal regulation, EPA is seeking relief in the courts. Therefore EPA has urged the Department of Justice to appeal the decision of the District Court in *NRDC* v. *Train*.

The basic provisions of the proposed regulations, as well as the implementation strategy for the proposed permit system, are described below:

PROPOSED REGULATIONS FOR SEPARATE STORM SEWERS

CONTENT OF REGULATIONS

(1) The exclusion of separate storm sewers from the NPDES permit program is deleted from §§ 124.11 and 125.4.

(2) Provisions for the issuance of permits for pollution control from separate storm sewers are found in an amended Subpart I of Part 124 and a new Subpart F of Part 125, both Subparts entitled "Special Programs."

(3) New sections, §§ 124.83 and 125.52, Separate Storm Sewers, are added. These sections would define "separate storm sewer" as a publicly-owned system of pipes located in an urbanized area as designated by the Bureau of Census, and designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity. A Regional Administrator or the Director of a State water pollution control agency would be authorized to designate as significant contributors of pollution any pipes not located in urbanized areas but otherwise included within this definition, and such pipes would be subject to these regulations. Dischargers subject to these regulations would be authorized to discharge subject to such regulations as the Administrator may in the future promulgate. Such future regulations may include effluent guidelines based upon monitoring studies, technological advances or management practices. These regulations may also include provisions for the issuance of either general or individual permits. Furthermore, the Regional Administrator or State Director may at any time designate any discharges which are subject to these regulations as being subject to the general provisions of Part 124 or 125, thus requiring such dischargers to apply for and to obtain conventional NPDES permits.

STRATEGY OF REGULATIONS

The term "separate storm sewer" was not defined in the July 5, 1973, exclusions to the NPDES regulations. Furthermore, the exclusion applied only to those discharges from separate storm sewers (a) which were composed entirely of storm runoff and (b) which were uncontaminated by any industrial or commercial activity. Permits were thus required for those discharges from systems designed as separate storm sewers but which did not meet the elements of both (a) and (b).

The proposed regulations would define "separate storm sewer" as (1) a publicly-owned system of pipes (2) located in an urbanized area (3) which is designed, constructed, and operated for the purpose of collecting and conveying discharges (4) composed entirely of storm runoff (5) uncontaminated by process waste from any industrial or commercial activity. The fact that a storm sewer may carry industrial or commercial contaminants would not remove it from coverage by these regulations if it is located in an urbanized area and is designed, constructed, and operated for the purpose of collecting and conveying storm runoff discharges as described in the above definition. However, if a storm sewer is designed, constructed, and operated in whole or in part for the purpose of collecting and conveying commercial or industrial process waste, it would not be subject to these regulations, but would be subject to the general provisions of Parts 124 and 125.

Application of these proposed regulations to those separate storm sewers which discharge into navigable waters would cover all other separate storm sewers which connect with such discharging storm sewers. These regulations would not, however, apply to discharges into separate storm sewers from point sources which are not themselves separate storm sewers. Such discharges would be subject to and permitted pursuant to the general provisions of Parts 124 and 125. See *United States v. Granite State Packing*, 470 F.2d 303 (1st Cir. 1972). Thus where there is a discharge from a point source which is included in the definition of "separate storm sewer," and also an industrial or commercial activity which discharges into that system, both the storm sewer and the other discharge would be required to apply for a permit. Combined sewers would continue to be permitted according to the general provisions of Parts 124 and 125.

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EPA intends that the regulations should not apply to *de minimis* sources of pollution. Prior to final promulgation of these regulations, EPA welcomes comments and data concerning whether any correlations can be demonstrated between varying pipe sizes and pollutant types and loads, and if so, the nature of those correlations. If at the conclusion of the comment period it appears that there is a significant correlation between pipe size and pollutant types and loads, EPA may elect to include a reference to pipe size in the definition of separate storm sewer.

The proposed regulations contain a definition of separate storm sewer which excludes storm sewers located outside of predominantly urban areas unless the Regional Administrator or the Director of a State water pollution control agency designates such sewers as being significant contributors of pollution. The reason for this exclusion is that rural storm water drainage is a *de minimus* source of water pollution more appropriately subject to control, where necessary, through the mechanisms being developed under section 208 of the FWPCA than through the section 402 NPDES permit system.

The FWPCA establishes two different regulatory systems to control water pollution: the Federal/State NPDES permit system (section 402) and the State/Regional areawide waste treatment management system (section 208). The primary concern of the permit program established pursuant to section 402 is the regulation of pollution from industrial sources and from municipal treatment plants. There is little doubt that Congress intended permits to contain prohibitions or effluent limitations which either prohibit pollutant discharges or place precise numerical limitations upon the amount of pollution allowed. This system works well for industrial sources and municipal sewage treatment plants because the wastes produced are generated by discrete, identifiable sources and can be controlled by equally identifiable treatment methods whose abatement efficiency is known. The quality and quantity of the resulting discharge is predictable and may be incorporated in legally enforceable permits. It thus appears that Congress intended the NPDES permit program to apply primarily to industrial and municipal dischargers whose effluent is relatively constant and for which the pollution reduction attainable by particular technologies may be predicted with relative accuracy.

Congress recognized, however, that runoff pollution presents entirely different kinds of problems. Pollution from runoff results from rainfall which, in the course of draining into navigable waters, picks up naturally occurring pollutants and pollutants resulting from man's activities on the land. Examples of this type of pollution are the transport of silt, fertilizer and pesticides from farms; runoff containing silt from construction sites; and oil, automobile exhaust products, and debris from streets. Pollution from runoff frequently arises over extensive land areas, relates to intermittent and unpredictable climatic events, and depends upon a host of factors which vary from site to site. For example, the amount of silt, oil, and lead in runoff from an urban area depends upon the frequency of rainfall, the size of the area and of its population, the proportion of the area that is paved as compared to the proportion devoted to trees and plants, the amount of automobile traffic, the relative usage of leaded and non-leaded gas, and numerous other factors. Similarly, for agricultural runoff it is impossible on a national basis to quantify the pollutant loadings or to characterize the types of pollutants which will compose the runoff from farms. Hence, with certain exceptions, these pollution problems generally are not amenable to regulation through a permit incorporating precise effluent limitations based upon generally applicable technology-based effluent treatment guidelines. Instead, the adoption of appropriate management and water use methods appears to be the most promising means of reducing pollution from runoff.

Congress recognized the unique characteristics of rural runoff pollution in sections 208 and 304(e) of the FWPCA. See §§ 208(b)(2)(F) and 304(e)(2)(A). Similarly, the several discussions in the legislative history of the FWPCA of agriculturally- and silviculturally-related pollution reveal that while Congress considered it to be a problem of significant magnitude, Congress believed that technological solutions were not available (apart from solutions for feedlot-related pollution) and that the development of non-structural control measures and land use practices should be left to State and Regional agencies under section 208.

The problem which confronts EPA with the development of these regulations is that under a literal reading of the FWPCA runoff generally collects before flowing into navigable waters. The question thus raised is whether the collection of such runoff means that the conventional NPDES permit system must necessarily be applied to these sources of pollution to the exclusion of more appropriate regulatory measures. EPA has concluded that it should not. It is EPA's position that the NPDES permit system should not be extended to runoff-generated pollution which is essentially nonpoint in nature in those rural areas where the distinction between agriculturally- and silviculturally-related runoff and storm water runoff, which happens to be channelled, is tenuous at best. EPA believes that Congress intended to regulate all rural runoff through the same mechanism, the section 208 planning process. EPA has therefore differentiated in the proposed regulations between rural stormwater runoff which may be collected before discharge and urban storm sewers which, with certain accommodations, ultimately may be susceptible to the section 402 permit program.

EPA's determination that collected rural rainfall runoff is nonpoint in nature and that any pollution resulting from such runoff is best addressed by the section 208 process does not apply to pollution attributable to rainfall runoff from confined, discrete areas intimately associated with industrial and commercial sources, such as coal piles.

In those instances in which such pollution has been addressed in effluent limitations guidelines pursuant to sections 301 and 304 of the FWPCA and in new source performance standards pursuant to section 306, it has been susceptible to control or to complete elimination through well recognized pollution abatement techniques. Thus while the use of urbanized areas as designated by the Bureau of the Census represents a sensible line of demarcation between rural and urban runoff, it should not be extended beyond its intended purpose or be taken as an indication of EPA's intent to absolve industrial and commercial sources from the obligation to abate pollution attributable to material storage piles, waste piles, and similar sources which are directly associated with basic industrial processes or commercial activities.

The proposed definition of "separate storm sewer" includes only those pipes which are part of a system specifically designed, constructed, and operated to collect and convey stormwater runoff from urban areas. Thus if a pipe is neither a part of a storm sewer system nor operated as part of a system to collect (as well as to convey) uncontrolled storm runoff, it is not subject to these regulations. In particular, individual road culverts and highway ditches generally would be excluded from the proposed definition of "separate storm sewer."

The storm sewer system must be intended to collect and to convey storm runoff which itself is uncontaminated by industrial or commercial process waste. Urban systems which carry road runoff containing contaminants from commercial vehicles would be subject to these proposed regulations, provided such systems were otherwise included in the definition of "separate storm sewer." To be excluded from the definition (and, therefore, be subject to the general permit provisions of Parts 124 and 125) by reason of the type of contaminant which it carries, an urban system must be designed, constructed, and operated to carry discharges resulting from commercial or industrial processes such as manufacturing, production, and similar types of operations.

The proposed regulations authorize the discharge of pollutants from separate storm sewers, subject to two provisions: (1) EPA may in the future promulgate regulations which impose requirements upon the owners and operators of separate storm sewers, including but not limited to procedures for the issuance of general or individual permits to such persons; (2) the Regional Administrator or the State Director may at any time require any discharger to apply for and to receive a conventional NPDES permit.

It is anticipated that the permit issuing authority may, in the future, find it appropriate to impose various requirements upon some or all of the separate storm sewer dischargers. Such requirements could include provisions for inventorying, monitoring, sampling, and/or pollution control through effluent limitations based on monitoring studies, technological advances or management practices. These requirements would probably vary among classes and categories of separate storm sewers. Furthermore, the mechanisms for imposing such requirements—general or individual permits, with or without application forms and similar provisions—would vary among different types of dischargers. At present, however, it is EPA's position that none of these requirements should be made to apply across-the-board to all persons subject to these regulations. Thus EPA at this time proposes to authorize such discharges, subject to any regulations which the Agency might promulgate in the future containing information-gathering and/or pollution control provisions.

Under the proposed regulations, Regional Administrators and State Directors could require storm sewer dischargers to obtain conventional site-specific permits on a case-by-case basis. It is EPA's intent that this authority be exercised in only a limited number of cases, involving those separate storm sewers which are sources of the most serious levels and types of pollution. At present there is a lack of knowledge concerning economically practicable pollution control technologies, and EPA has no reason to believe that effluent limitations guidelines for separate storm sewers will be forthcoming in the foreseeable future. Thus at present EPA and the States may be unable to develop reasonable permit terms which require much more than information-gathering by any dischargers which receive conventional NPDES permits. Issuance of any individual permits would probably follow the development of section 208 plans, and the permits would be consistent with such plans.

This program would be intended to focus most permitting resources upon a limited number of discharges which have been identified by permit-issuing authorities as constituting the most serious sources of pollution. It would recognize present limitations upon the ability of permitting agencies to prescribe numerical effluent limitations for separate storm sewer systems but would retain their authority to impose any such limitations where they have the ability to do so. It would also enable these agencies to gather information necessary for the development of such limitations without imposing unnecessary burdens upon all separate storm sewer dischargers. In sum it would apply the NPDES system to discharges from separate storm sewers in a manner which would minimize administrative and financial burdens while addressing the need for pollution abatement from these sources in a rational and sensible manner.

REQUEST FOR COMMENT

Interested persons may participate in this rule-making by submitting written comments to the Legal Branch, Water Enforcement Division, EN-338, Office of Water Enforcement, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments upon all aspects of the proposed regulation are solicited. In particular comments are desired concerning all aspects of the proposed definition of "separate storm sewer"; the scope and purpose of the regulations; the nature and extent of any information gathering and/or control requirements which may in the future be imposed upon discharges from separate storm sewers; and the proposed future promulgation of general permits.

In the event comments are in the nature of criticism as to the adequacy of data which are available or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing this regulation, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the requirements of the court order.

No Inflationary Impact Statement is required by Executive Order 11821 for these proposed regulations since the economic effects will not exceed the criteria established by EPA and approved by the Office of Management and Budget for the preparation of such statements.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922, Rear Library-Mall, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before January 17, 1976 will be considered.

AUTHORITY: Sections 304, 402, and 501 of the Federal Water Pollution Control Act Amendments of 1972. (86 Stat. 816 *et seq.*, Pub. L. 92-500, 33 U.S.C. 1251 *et seq.*).

JOHN QUARLES,
Acting Administrator.

DECEMBER 2, 1975.

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Part 124 of Title 40 of the Code of Federal Regulations, setting forth State program elements necessary for participation in the National Pollutant Discharge Elimination System, is proposed to be amended as follows:

§ 124.11 (Amended)

1. Section 124.11 is amended by deleting subsection (f) and by relettering subsections (g), (h), (i) and (j) to (f), (g), (h), and (i) respectively.

Subpart I (Amended)

2. Subpart I of Part 124 is amended by deleting the title "Disposal of Pollutants Into Wells" and adding a new title "Special Programs," and by renumbering § 124.80 to § 124.81.

3. Subpart I of Part 124 is amended by adding a new § 124.83, Separate Storm Sewers, as follows:

§ 124.83 Separate Storm Sewers.

(a) *Definitions.* For the purpose of this subpart:

(1) Th term "separate storm sewer" means a publicly-owned system of pipes located in an urbanized area and designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity. *Provided*, however, that if the Director designates as a significant contributor of pollution any discharge of pollutants into navigable waters from a pipe or system which is designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity, even though it is not located in an urbanized area, then such pipe nevertheless shall be considered to be a "separate storm sewer" for the purpose of this Subpart.

(2) The term "urbanized area" means an area designated by the Bureau of Census as urbanized according to the criteria listed in 39 FR 15202 (May 1, 1974).

(b) *Scope and purpose.* (1) This section prescribes the procedures to be followed in connection with the authorization for discharges from separate storm sewers. Authorization for dischagres into navigable waters from separate storm sewers shall include all other separate storm sewers which connect with such discharging storm sewers.

(2) This section does not apply to discharges of pollutants into separate storm sewers from point sources other than separate storm sewers.

(c) (1) The Director, by regulation, may permit the owner or operator of a separate storm sewer to discharge pollutants from such separate storm sewer into navigable waters for purposes of Section 402 of the Federal Water Pollution Control Act, subject to (2) and (3) of this subsection.

(2) The owner or operator of a separate storm sewer shall be subject to such regulations concerning the discharge of pollutants into navigable waters as the Administrator may hereafter promulgate, including but not limited to regulations which prescribe procedures for the issuance of either general or individual permits for such discharges.

(3) The Director or the Regional Administrator may designate any discharge of pollutants from a separate storm sewer into navigable waters as being subject to the general provisions of this Part.

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PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Part 125 of Title 40 of the Code of Federal Regulations, setting forth policies and procedures for the Environmental Protection Agency's administration of its role in the National Pollutant Discharge Elimination System, is proposed to be amended as follows:

§ 125.4 [Amended]

1. Section 125.4 is amended by deleting subsection (f) and by relettering subsections (g), (h), (i) and (j) to (f), (g), (h), and (i) respectively.

2. Part 125 is amended by adding a new Subpart F, Special Programs, as follows:

Subpart F—Special Programs

§ 125.52 Separate Storm Sewers.

(a) *Definitions.* For the purpose of this subpart:

(1) The term "separate storm sewer" means a publicly-owned system of pipes located in an urbanized area and designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by prdeess waste from any industrial or commercial activity. *Provided,* however, that if the Regional Administrator designates as a significant contributor of pollution any discharge of pollutants into navigable waters from a pipe or system which is designed, constructed, and operated for the purpose of collecting and conveying discharges composed entirely of storm runoff uncontaminated by process waste from any industrial or commercial activity, even though it is not located in an urbanized area, then such pipe nevertheless shall be considered to be a "separate storm sewer" for the purpose of this Subpart.

(2) The term "urbanized area" means an area designated by the Bureau of Census as urbanized according to the criteria listed in 39 FR 15202 (May 1, 1974).

(b) *Scope and purpose.* (1) This section prescribes the procdures to be followed in connection with the authorization for discharges from separate storm sewers. Authorization for discharges into navigable waters from separate storm sewers shall include all other separate storm sewers which connect with such discharging storm sewers.

(2) This section does not apply to discharges of pollutants into separate storm sewers from point sources other than separate storm sewers.

(c) (1) The owner or operator of a separate storm sewer is hereby permitted to discharge pollutants from such separate storm sewer into navigable waters for purposes of Section 402 of the Federal Water Pollution Control Act, subject to (2) and (3) of this subsection.

(2) The owner or operator of a separate storm sewer shall be subject to such regulations concerning the discharge of pollutants into navigable waters as the Administrator may hereafter promulgate, including but not limited to regulations which prescribe procedures for the issuance of either general or individual permits for such discharges.

(3) The Regional Administrator may designate any discharge of pollutants from a separate storm sewer into navigable waters as being subject to the general provisions of this part.

[FR Doc.75-32881 Filed 12-4-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

CONFIDENTIAL BUSINESS INFORMATION

Practice and Procedure; Notice of Proposed Rulemaking

Correction

In FR Doc. 75-31575, appearing at page 54265, in the issue for Friday, November 21, 1975, in the fifth paragraph, the second sentence now reading "The Commission presently intends to make the final regulations effective December 22, 1975" should be changed to read "The Commission presently intends to make the final regulations effective thirty days after their publication in the FEDERAL REGISTER."

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Character of Discharge

The Administrator of Veterans' Affairs proposes to amend Part 3 of Title 38, Code of Federal Regulations, to incorporate a provision relating to the effect of discharge issued through boards for correction of records.

Section 3103 of Title 38, United States Code, provides that a discharge or dismissal by reason of sentence of a general court martial, discharge on the ground the person was a conscientious objector who refused to perform military duty, wear the uniform or otherwise comply with lawful orders of competent military authority, as a deserter, acceptance of resignation of an officer for the good of the service, or with an exception, discharge of an individual during a period of hostilities as an alien, shall bar all rights under laws administered by the Veterans Administration. Section 101(2) of Title 38, United States Code, which defines the term "veteran" includes a requirement that discharge be under conditions other than dishonorable. Under this provision a discharge under dishonorable conditions is a bar to veterans' benefits.

Section 3.12 of Title 38, Code of Federal Regulations, implements these statutory provisions and specifies types of discharges which will constitute a bar to payment of benefits by the Veterans Administration. The Secretaries of the service departments, acting through boards of civilian employees, may correct any military record where required to correct an error or remove an injustice. Similar authority is exercised by the Secretary of Transportation with respect to the Coast Guard. The Secretaries are also authorized to establish discharge review boards which may review any discharge other than a discharge by reason of sentence of a general court-martial. In any case subject to review, a discharge review board may change, correct or modify the discharge and issue a new discharge when the evidence submitted to it warrants such action.

For the purpose of benefits administered by the Veterans Administration it has been held that an honorable discharge or discharge under honorable conditions issued through a board for correction of records established under authority of 10 U.S.C. 1552 sets aside any prior bar to benefits because of a discharge under one of the conditions specified in § 3.12, Title 38, Code of Federal Regulations. It has also been held that an honorable discharge or discharge under honorable conditions issued through a discharge review board established under 10 U.S.C. 1553 sets aside any prior bar to benefits because of a discharge issued under one of the conditions specified in § 3.12, Title 38, Code of Federal Regulations except the bar contained in § 3.12(c)(2) relating to discharge by reason of the sentence of a general court-martial. It is proposed to incorporate these holdings in § 3.12.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before January 5, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given the amendment to the regulation would be effective the date of final approval.

1. The cross reference immediately preceding § 3.12 is deleted.

2. In § 3.12, paragraph (c)(5) is revised and paragraphs (e) and (f) are added so that the revised and added material reads as follows:

§ 3.12 Character of discharge.

• • • • •

(c) Benefits are not payable where the veteran was discharged or released under one of the following conditions:

• • • • •

(5) As an alien during a period of hostilities, where it is affirmatively shown that the veteran requested his or her release. See § 3.7(b). (38 U.S.C. 3103(a))

• • • • •

(e) An honorable discharge or discharge under honorable conditions issued through a board for correction of records established under authority of 10 U.S.C. 1552 is final and conclusive on the Veterans Administration. The action of the board sets aside any prior bar to benefits imposed under paragraph (c) or (d) of this section.

(f) An honorable discharge or discharge under honorable conditions issued through a discharge review board established under 10 U.S.C. 1553 is recognized by the Veterans Administration as setting aside any bar to benefits imposed under paragraph (c) or (d) of this section, except that bar contained in paragraph (c)(2).

3. Immediately following § 3.12, the cross references are amended to read as follows:

CROSS REFERENCES: Validity of enlistments. See § 3.14. Revision of decisions. See § 3.105. Effective dates. See § 3.400 (g).

Approved: December 1, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

[FR Doc.75-32807 Filed 12-4-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-302]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Certain Bags Used for Transportation of White Beans Designated as Instruments of International Traffic

NOVEMBER 26, 1975.

It has been established to the satisfaction of the U.S. Customs Service that bags designed to transport "white beans" with the trade designation of "Fibrex", measuring 40 inches in length, 25 inches in width and composed of a single piece of woven fabric of man-made fiber strip, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic.

Under the authority of section 10.41a (a)(1), Customs Regulations, I hereby designate the above-described bags as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These bags may be released under the procedures provided for in section 10.41a, Customs Regulations.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.75-32772 Filed 12-4-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Meeting

Under the provisions of exemption contained in Section 552(b)(1), Title 5 U.S.C., this meeting is partially closed to the public (3 February) due to the overall SECRET security classification of the material to be discussed.

Name of Committee: Army Scientific Advisory Panel.

Date: February 2-3, 1976.

Place: Ames Research Center, Moffett Field, CA.

Time: 0800—2200 hours, February 2, 1976, 0800–1135 hours, February 3, 1976.

Agenda: Attached.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., (202) 695–1447.

MARVIN E. LASSER,
Executive Director.

ASAP WINTER MEETING AGENDA
AMES RESEARCH CENTER

2-3 FEBRUARY 1976

SUNDAY, 1 FEBRUARY—ARRIVALS AT SAN FRANCISCO AND SAN JOSE AIRPORTS AND TRAVEL TO RICKEYS

MONDAY, 2 FEBRUARY

0740–0800	Enroute from Rickeys Hyatt House to Ames Research Center by bus.
0800–0805	Welcome, B.G. Stevens.
0805–0810	Remarks, Dr. Mark.
0810–0815	Remarks, Mr. O'Neill.
0815–0835	Air Mobility Requirements, M.G. Maddox.
0835–0855	Discussion.
0855–0910	Utility Tactical Transport Aircraft System (UTTAS), HQ AVSCOM.
0910–0925	Discussion.
0925–0945	Coffee Break.
0945–1000	Advanced Attack Helicopter (AAH), HQ AVSCOM.
1000–1015	Discussion.
1015–1030	Remotely Piloted Vehicles (RPV), HQ AVSCOM.
1030–1045	Discussion.
1045–1130	A/C Survivability Equipment, AH–1Q Advanded Blade, Manufacturing Methods & Technology (MM&T) Program, HQ AVSCOM.
1130–1215	Discussion.
1215–1315	Luncheon.
1315–1430	Tour, HQ AMRDL. Laser Velocimeter. Water Tunnel. Acoustics. Simulation.
1430–1450	Break.
1450–1520	Advancing Blade Concept (ABC), Tilt Rotor, Rotor Systems Research Aircraft (RSRA), Controllable Twist Rotor, HQ AMRDL.
1520–1550	Discussion.
1550–1635	Propulsion, Structures, Aerodynamics, HQ AMRDL.
1635–1720	Discussion.
1720–1740	Enroute Rickeys Hyatt House by Bus.
1740–1830	Unscheduled Time.
1830–2200	Social Hour and Dinner, Rose Room, Rickeys Hyatt House—Remarks by Assistant Secretary of the Army (R&D), Honorable Edward A. Miller; Presentation on the Army Materiel Acquisition Review Committee (AMARC), Mr. Gale.

TUESDAY, 3, FEBRUARY

0740–0800	Enroute from Rickeys Hyatt House to Ames Research Center by Bus.
0800–0805	Remarks, Panel Chairman.
0805–0855	USAF Presentation "Tactical Air Concept for Close Air Support 1980–85" (SECRET), HQ, Tactical Air Command.
0855–0945	Discussion.
0945–1005	Break.

Panel Business Meeting—Ad Hoc Group Chairman Reports

1005–1010	Remarks of Panel Chairman and Swearing In of New Members and Consultants, Mr. O'Neill.
1010–1020	Army Security Agency Programs (S), Mr. Brown.
1020–1030	Discussion.
1030–1040	1974 Summer Study Review (U), Mr. Hope.
1040–1050	Discussion.
1050–1100	Nap of the Earth (NOE) Simulation (U), Dr. Curtiss.
1100–1110	Discussion.
1110–1120	Fire Safe Fuels (C), Dr. Hess.
1120–1130	Discussion.
1130–1135	Administrative Remarks and Adjournment, Mr. O'Neill.

[FR Doc.75-32751 Filed 12-4-75;8:45 am]

Office of the Secretary

NATIONAL COMMUNICATIONS SYSTEM

Digital Interface Characteristics, Functional and Mechanical, Between Data Terminal Equipment and Data Communication Equipment; Proposed Federal Standard 1031

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS) [1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communication interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. Additionally, the Secretary of Commerce is authorized, under the provisions of Public Law 89–306 to develop and establish uniform Federal automatic data processing standards.

This proposed Federal Standard is part of a series of joint Federal Telecommunication Standards and Federal Information Processing Standards (FIPS) falling within the area of mutual responsibility of the NCS and the National Bureau of Standards (NBS) as defined in FIPS PUB 23 [2] and NCS Circular 175–1. [2]

The proposed Federal Standard and the companion FIPS Publication will adopt, in its entirety, the proposed Electronic Industries Association (EIA) Standard proposal SP 1194 when finally approved by the EIA and appropriate Federal Government agencies, considering the comments of respondents to this notice. The proopsed EIA Standard specifies the characteristics of the functional and mechanical interface between data terminal equipment and data communication equipment in applications where digital data is transmitted over telecommunication networks employing predominantly analog (i.e., nondigital) transmission facilities. The proposed EIA Standard was developed by an EIA Technical Subcommittee with Federal Government participation and has been recommended for processing as a Federal Standard by the FTSC with the concurrence of the National Bureau of Standards in response to requirements specified by various government agencies.

Prior to submission of the final endorsement of the proposed Federal Standard and its companion FIPS Publication to the Department of Commerce (DOC), the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration is given to the needs and views of industry, the public, and state and local governments. The purpose of this notice is to solicit such views. Interested parties may sumbit their comments to the Office of the Manager, National Communications System, ATTN: NCS–TS, Washington, D.C. 20305. Those parties desiring copies of the proposed EIA Standard or who would like to be included on the EIA ballot list should submit their request directly to the Electronic Industries Association, Engineering Department, 2001 Eye Street, Washington, D.C. 20006. All All comments should be submitted to NCS or EIA as appropriate by January 5, 1976.

LEE M. PASCHALL,
Lieutenant General, USAF, Manager.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 3, 1975.

FTSC
Doc. No. 75–60
1 October 1975
FED. STD. NO. 1031
FED. INFO. PROCESS. STD. NO. ------

[1] DoD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 20402 (order by SD Catalog No. C13.52:23).

[2] Filed as part of original. Copies available from Office of the Manager, NCS, Washington, D.C. 20305.

PROPOSED STANDARD

DIGITAL INTERFACE CHARACTERISTICS, FUNCTIONAL AND MECHANICAL, BETWEEN DATA TERMINAL EQUIPMENT AND DATA COMMUNICATION EQUIPMENT

Authority. This standard is issued pursuant to the Federal Property and Administrative Services Act of 1949, as amended. Pub. L. 89–306 (40 U.S.C. 759 et seq.), and as implemented by Ex. Order No. 11717, May 9, 1973, 38 FR 12315 (1973). Its application to both data processing systems and telecommunication systems is mandatory on all Federal agencies to the extent specified herein.

1. Purpose. The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems) of the Federal Government.

2. Scope. This standard specifies the characteristics of the functional and mechanical interfaces between data terminal equipment (DTE) and data communication equipment (DCE)) employing serial binary data interchange for data applications using analog telecommunication networks.

3. Application. This standard shall be used by all Federal departments and agencies in the design and procurement of DTE and DCE for date transmission on analog telecommunication networks. It is to be used with Federal Standards 1020 and 1030 as necessary to achieve complete and compatible interfaces between DTE and DCE.

4. Applicable Documents. The following document, of the issue in effect on the data of invitation for bids or request for proposals, forms part of this Standard to the extent specified herein:

Electronic Industries Association (EIA) Standard RS-_____(tentatively identified as SP 1194), Functional and Mechanical Interface Between Data Terminal Equipment and Data Communication Equipment Employing Serial Binary Data Interchange.

(Application for copies of this document should be addressed to Electronic Industries Association, 2001 Eye Street, N.W., Washington, D.C. 20006.)

5. Requirement. This Standard adopts in whole the functional and mechanical characteristics set forth in Electronic Industries Association (EIA) Standard RS-------. (NOTE: The proposed EIA Standard is presently being balloted by EIA as SP 1194. This note will be removed from this document when the proposed Standard is finally approved by both the Federal Government and the EIA.

6. Changes. When a Federal agency considers that this Standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 C.F.R. §101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

7. Conflict with Referenced Documents. When the requirements stated in this Standard conflict will any requirements in a referenced document, the requirements of this Standard shall apply. The nature of the conflict between this Standard and a referenced document shall be submitted in duplicate to the General Services Administration, Federal Supply Service, Standardization Division, Washington, D.C. 20406.

8. Notes. Federal Government activities may obtain copies of this Standard or other Federal Specifications, Standards, and Handbooks at established distribution points in their agencies. Activities outside the Federal Government may obtain copies of Federal Specifications, Standards, and Handbooks as outlined under General Information in the Index of Federal Specifications and Standards and at the prices indicated in the Index. The Index, which includes cumulative monthly supplements as issued, is for sale on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Purchase orders for copies of this Standard should be submitted to the General Services Administration, Specifications Activity, Printed Materials Supply Division, Building 197, Washington Navy Yard Annex, Washington, D.C. 20407.

MAINTENANCE AGENCY

Office of the Manager, National Communications System (NCS–TS), Washington, D.C. 20305.

[FR Doc.75–32927 Filed 12–4–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75–5]

COASTAL PHARMACEUTICALS, INC. Notice of Hearing

Notice is hereby given that on March 21, 1975, the Drug Enforcement Administration, Department of Justice, issued to Coastal Pharmaceuticals, Inc., Norfolk, Virginia, Orders to Show Cause as to why the Drug Enforcement Administration should not deny the applications for registration executed July 3, 1974, for renewal of Drug Enforcement Administration registration PC0063646 and DEA registration No. PC0003993 under section 303 of the Controlled Substances Act of 1970 (21 U.S.C. 823).

Thirty days having elapsed since said orders were received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. December 10, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C.

JERRY N. JENSON,
Deputy Administrator, Drug Enforcement Administration.

NOVEMBER 28, 1975.

[FR Doc.75–32928 Filed 12–4–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27008]

NEW MEXICO

Notice of Application

NOVEMBER 28, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by

V40235 DEC 5 75 XUM

the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 27 E.
Sec. 24, E½NW¼, NE¼SW¼ and W½SE¼;
Sec. 25, NW¼NE¼, S½NE¼ and NE¼SE¼.

This pipeline will convey natural gas across .159 of a mile of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32786 Filed 12-4-75;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Appendix to Systems Notices

Pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior hereby adopts the directory of its facilities set out below as an Appendix to be included as part of the annual compilation of notices of systems of records subject to section 3 of the Privacy Act which is to be published by the Office of the Federal Register.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

NOVEMBER 28, 1975.

APPENDIX

This appendix contains the addresses of the facilities of the Department of the Interior. The Appendix is to be used in conjunction with the Department's notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974 to determine the specific addresses of facilities maintaining these records.

I. *Office of the Secretary.* (All addresses are as follows unless otherwise indicated: U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240).
- A. Immediate Office of the Secretary
- B. Office of the Under Secretary
- C. Office of the Assistant Secretary—Fish and Wildlife and Parks
- D. Office of the Assistant Secretary—Land and Water Resources
- E. Office of the Assistant Secretary—Energy and Minerals
- F. Office of the Assistant Secretary—Management
- G. Office of the Assistant Secretary—Program Development and Budget
- H. Office of the Assistant Secretary—Congressional and Legislative Affairs
- I. Office of Legislation
- J. Office for Equal Opportunity
- K. Office of Communications
- L. Office of International Activities
- M. Office of Research and Development

- N. Office of Management Services
- O. Office of Management Operations
- P. Office of Management Consulting
- Q. Office of Organization and Personnel Management
- R. Office of Library Services
- S. Office of Manpower Training and Youth Activities
- T. Office of Audit and Investigation
  - Headquarters Office, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.
  - Eastern Region, Ballston Towers No. 1, 800 N. Quincy Street, Room 401, Arlington, Virginia 22203.
  - Central Region, 1841 Wadsworth, Lakewood, Colorado 80215.
  - Western Region, Federal Office Building, Room W 2219, 2800 Cottage Way, Sacramento, California 95825.
- U. Office of Aircraft Services
  - Headquarters Office, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705.
  - Regional Office, Office of Aircraft Services, 1935 Merrill Field Drive, Anchorage, Alaska 99501.
- V. Office of Budget
- W. Office of Policy Analysis
- X. Office of Environmental Project Review
- Y. Office of Outer Continental Shelf Program Coordination

II. *Office of the Solicitor.*
- A. *Headquarters Office:*
  - Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20204.
- B. *Anchorage Region:*
  - Regional Solicitor, Federal Building, Anchorage, Alaska 99501.
  - Field Solicitor, U.S. Post Office and Courthouse, Juneau, Alaska 99801.
- C. *Atlanta Region:*
  - Regional Solicitor, 148 Cain Street, NE., Suite 410, Atlanta, Georgia 30303.
  - Field Solicitor, Elberton, Georgia 30635.
- D. *Denver Region:*
  - Regional Solicitor, Denver Federal Center, Denver, Colorado 80225.
  - Field Solicitor, Post Office Box 549, Aberdeen, South Dakota 57401.
  - Field Solicitor, Post Office Box 1538, Billings, Montana 59103.
  - Field Solicitor, Post Office Box 983, Cheyenne, Wyoming 82001.
- E. *Portland Region:*
  - Regional Solicitor, Post Office Box 3621—Room 766, 1002 NE. Holladay Street, Portland, Oregon 97208.
  - Field Solicitor, Post Office Box 020, Boise, Idaho 83702.
  - Field Solicitor, Reclamation Building, Division and C Streets, Ephrata, Washington 98823.
- F. *Philadelphia Region:*
  - Regional Solicitor, Merchants Exchange Building, 143 South Third Street, Philadelphia, Pennsylvania 19106.
  - Field Solicitor, 686 Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
- G. *Sacramento Region:*
  - Regional Solicitor, 2800 Cottage Way—Room E-2753, Sacramento, California 95825.
  - Field Solicitor, Arizona Title Annex Building—Room 410, 135 North 2nd Avenue, Phoenix, Arizona 85003.
  - Field Solicitor, 4127 Federal Building—U.S. Courthouse, 300 Booth Street, Reno, Nevada 90502.
  - Field Solicitor, Post Office Box 36064, 450 Golden Gate Avenue—Room 14126, San Francisco, California 94102.
  - Field Solicitor, Window Rock, Arizona 86515.
- H. *Salt Lake City Region:*
  - Regional Solicitor, Federal Building—Suite 6201, 125 South State Street, Salt Lake City, Utah 84111.
- I. *Tulsa Region:*
  - Regional Solicitor, Page Belcher Federal Building—Room 3068, 333 West 4th Street, Tulsa, Oklahoma 74103.
  - Field Solicitor, Federal Building & Courthouse, 500 Gold Avenue, SW., Albuquerque, New Mexico 87101.
  - Field Solicitor, Box H—4393, Herring Plaza, 317 East Third, Amarillo, Texas 97101.
  - Field Solicitor, Post Office Box 397, Anadarko, Oklahoma 73005.
  - Field Solicitor, Federal Building—Room 319, 5th and Broadway, Muskogee, Oklahoma 74401.
  - Field Solicitor, c/o Osage Agency, Grandview Avenue, Pawhuska, Oklahoma 74056.
  - Field Solicitor, U.S. Courthouse—Room 224, Federal Place & Washington Street, Santa Fe, New Mexico 87501.

III. *Office of Hearings and Appeals.*
- A. *Headquarters Office:*
  - Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.
- B. *Field Offices:*
  - Administrative Law Judge, Federal Building, Sacramento, California 95825.
  - Administrative Law Judge, Federal Building, Salt Lake City, Utah 84138.
  - Administrative Law Judge, Indian Probate, Arizona Title Annex Building, Phoenix, Arizona 85012.
  - Administrative Law Judge, Indian Probate, Federal Building, Sacramento, California 95825.
  - Administrative Law Judge, Indian Probate, Federal Building and Courthouse, Billings, Montana 59101.
  - Administrative Law Judge, Indian Probate, V.E.M. Building, Gallup, New Mexico 87301.
  - Administrative Law Judge, Indian Probate, U.S. Post Office and Federal Office Building, Tulsa, Oklahoma 74101.
  - Administrative Law Judge, Indian Probate, Federal Building, Portland, Oregon 97208.

- IV. *Office of Land Use and Water Planning.*
  - Office of Land Use and Water Planning, U.S. Department of the Interior, 801 19th Street NW., Washington, D.C. 20006.
- V. *Office of Minerals Policy Development.*
  - Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
- VI. *Office of Territorial Affairs.*
  - Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
- VII. *Office of Water Research and Technology.*
  - Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
- VIII. *Fish and Wildlife Service* (Add "Fish and Wildlife Service, U.S. Department of the Interior to all addresses).
  - A. *Headquarters Office:*
    - 18th and C Streets NW., Washington D.C. 20240.
  - B. *Regional Offices:*
    - Portland Regional Office (Region 1), 1500 NE. Irving Street, Post Office Box 3737, Portland, Oregon 97208.
    - Albuquerque Regional Office (Region 2), 500 Gold Avenue SW., Albuquerque, New Mexico 87102.
    - Twin Cities Regional Office (Region 3), Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
    - Atlanta Regional Office (Region 4), 17 Executive Park Drive NE., Atlanta, Georgia 30329.
    - Boston Regional Office (Region 5), John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.
    - Denver Regional Office (Region 6), 10597 West Sixth Avenue, Lakewood, Colorado 80215.
    - Alaska Area Office, 813 D Street, Anchorage, Alaska 99501.
  - C. *National Fish Hatcheries:* (Add "National Fish Hatchery" to the name of each hatchery).
    - Carbon Hill, Carbon Hill, Alabama 35549.
    - Alchesay Williams Creek, P.O. Box 398, Whiterriver, Arizona 85941.
    - Willow Beach, P.O. Box 757, Boulder City, Nevada 89005.
    - Corning, Corning, Kansas 72422.
    - Greers Ferry, Rt. 4, Box 296, Herber Springs, Kansas 72543.
    - Mammoth Spring, P.O. Box 146, Mammoth Spring, Arkansas 72554.
    - Norfolk Route 3, Mountain Home, Arkansas 72653.
    - Coleman, Rt. 1, Box 2105, Anderson, California 96007.
    - Tehama-Colusa Spawning Channel, P.O. Box 1050, Red Bluff, California 96080.
    - Hotchkiss, P.O. Box 519, Hotchkiss, Colorado 81419.
    - Leadville, Box 365, Leadville, Colorado 80461.
    - Welaka, Welaka, Florida 32093.
    - Chattahoochee Forest, Suches, Georgia 30572.
    - Cohutta, Cohutta, Georgia 30710.
    - Millen, P.O. Box 719, Millen, Georgia 30442.
    - Warm Springs, Rt. 1, Box 1, Warm Springs, Georgia 31830.
    - Hagerman, Hagerman, Idaho 83332.
    - Dworshak, P.O. Box 251, Ahsahka, Idaho 83520.
    - Kooskia, Route 1, Box 987, Kooskia, Idaho 83539.
    - Manchester, R.R. #2, Manchester, Iowa 52057.
    - Cedar Bluff, Rt. 2, Ellis, Kansas 67637.
    - Frankfort, Rt. 1, Box 1, Indian Gap Road, Frankfort, Kentucky 40601.
    - Wolf Creek, Jamestown, Kentucky 42629.
    - Natchitoches, Rt. 1, Box 316, Natchitoches, Louisiana 71457
    - Craig Brook, East Orland, Maine 04431.
    - Green Lake, RFD 1, Box 48, Ellsworth, Maine 04633.
    - North Attleboro, Box 660, R.D. 2, North Attleboro, Massachusetts 02760.
    - Berkshire Trout Hatchery, Star Route Hartsville Post Office, Great Barrington, Massachusetts 01230.
    - Hiawatha Forest, (Under jurisdiction of Pendills Creek NFH).
    - Jordan River, Rt. 1, Box 64A, Elmira, Michigan 49730.
    - Pendills Creek, R.R. #1, Box 214, Brimley, Michigan 49715.
    - New London, P.O. Box 304, New London, Minnesota 56273.
    - Meridian, P.O. Box 4277, Meridian, Mississippi 39301.
    - Tunelo, Tupelo, Mississippi 38801.
    - Neosho, Neosho, Missouri 64850.
    - Bozeman, Rt. 2, Box 333, Bozeman, Montana 59715.
    - Creston, Rt. 4, Kalispell, Montana 59901.
    - Ennis, P.O. Box 335, Ennis, Montana 59729.
    - Miles City, P.O. Box 756, Miles City, Montana 59301.
    - Crawford, P.O. Box 387, Crawford, Nebraska 69339.
    - Lahontan, Rt. 2, Box 80, Gardnerville, Nevada 89410.
    - Berlin, RFD 1, Berlin, New Hampshire 03570.
    - Nashua, 151 Broad Street, Nashua, New Hampshire 03060.
    - Dexter, Box 217, Dexter, New Mexico 88230.
    - Mescalero, Box 257, Mescalero, New Mexico 88340.
    - Edenton, Edenton, North Carolina 27932.
    - McKinney Lake, Hoffman, North Carolina 28347.
    - Pisgah Forest, P.O. Box 158, Pisgah Forest, North Carolina 28768.
    - Baldhill Dam, (Under jurisdiction of Valley City).
    - Garrison Dam, Riverdale, North Dakota 58565.
    - Valley City, R.R. #1, Valley City, North Dakota 58072.
    - Hebron, Rt. 1, Hebron, Ohio 43025.
    - Senecaville, R.R. #1, Senecaville, Ohio 43780.
    - Tishomingo, Rt. 1, Tishomingo, Oklahoma 73460.
    - Eagle Creek, R. 1, Box 610, Estacada, Oregon 97023.
    - Warm Springs, Warm Spring, Oregon 97761.
    - Allegheny, RD 1, Box 1050, Warren, Pennsylvania 16365.
    - Lamar, P.O. Box 75, Lamar, Pennsylvania 16848.
    - Cheraw, Rt. 2, Box 620, Cheraw, South Carolina 29520.
    - Orangeburg, P.O. Box 410, Orangeburg, South Carolina 29115.
    - Orangeburg County, (Under jurisdiction of Orangeburg, South Carolina, Station).
    - Walhalla, P.O. Box 9, Walhalla, South Carolina 29691.
    - Gavins Point, R.R. #1, Yankton, South Dakota 57078.
    - McNenny, Spearfish, South Dakota 57783.
    - Spearfish, (Under jurisdiction of McNenny, South Dakota, Station).
    - Dale Hollow, P.O. Box C, Celina, Tennessee 38551.
    - Erwin, P.O. Box 548, Erwin, Tennessee 37650.
    - Fort Worth, 6200 Hatchery Road, Fort Worth, Texas 76114.
    - Inks Dam, Rt. 2, Burnet, Texas 78611.
    - San Marcos, Box 786, San Marcos, Texas 78666.
    - Uvalde, Box 708, Uvalde, Texas 78801.
    - Jones Hole, P.O. Box 718, Vernal, Utah 84078.
    - Pittsford, Pittsford, Vermont 05763.
    - White River, Bethel, Vermont 05032.
    - Harrison Lake, Rt. 2, Box 93, Charles City, Virginia 23030.
    - Paint Bank, Paint Bank, Virginia 24131.
    - Wytheville, Route 2, Box 300, Max Meadows, Virginia 24360.
    - Carson, Carson, Washington 98610.
    - Abernathy, Longview, Washington 98632.
    - Entiat, Star Rt. 1, Box 410, Entiat, Washington 98822.
    - Leavenworth, Rt. 1, Box 123-A, Leavenworth, Washington 98826.
    - Little White Salmon, Box 17, Cook, Washington, 98605.
    - Makah, Neah Bay, Washington 98357.
    - Quilcene, Quilcene, Washington 98376.
    - Quinault, P.O. Box 80, Neilton, Washington 98566.
    - Spring Creek, Underwood, Washington 98651.
    - Willard, Star Route, Cook, Washington 98605.
    - Winthrop, Winthrop, Washington 98862.
    - Fish Screens, Box 902, Yakima, Washington 98901.
    - Bowden, Rt. 1, Box 80, Elkins, West Virginia 26241.
    - Leetown, Kearneysville, West Virginia 25430.
    - White Sulphur Springs, P.O. Box F, White Sulphur Springs, West Virginia 24986.
    - Genoa, Rt. 1, Genoa, Wisconsin 54632.
    - Lake Mills, Lake Mills, Wisconsin 53551.
    - Jackson, Box 1845, Jackson, Wyoming 83001.
    - Saratoga, Box 665, Saratoga, Wyoming 82331.
  - D. *Fish Hatchery Biologists:*
    - Fish Hatchery Biologist, Stuttgart, Box 292, Stuttgart, Arkansas 72160.
    - Fish Hatchery Biologist, Fort Morgan, P.O. Box 917, Fort Morgan, Colorado 80701.

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Fish Hatchery Biologist, Dworshak, P.O. Box 251, Ahsahka, Idaho 83520.
Fish Hatchery Biologist, Craig Brook, East Orland, Maine 04431.
Fish Hatchery Biologist, Pisgah Forest, P.O. Box 158, Pisgah Forest, North Carolina 28768.
Fish Hatchery Biologist, San Marcos, Box 786, San Marcos, Texas 78666.
Fish Hatchery Biologist, Abernathy, Longview, Washington 98632.
Fish Hatchery Biologist, Little White Salmon, P.O. Box 17, Cook, Washington 98605.
Fish Hatchery Biologist, Leetown, Kearneysville, West Virginia 25430.
Fish Hatchery Biologist, Genoa, Box 252, Genoa, Wisconsin 54632.
Fish Hatchery Biologist, Spearfish Fisheries Center, P.O. Box 640, Spearfish, South Dakota 57783.
Fish Hatchery Biologist, Eastern Fish Disease Laboratory, Kearneysville, West Virginia 25430.

E. *National Wildlife Refuges* (Add "National Wildlife Refuge" to the name of each refuge unless otherwise designated):

Choctaw, Box 325, Jackson, Alabama 36545.
Eufaula, Box 258, Eufaula, Alabama 36027.
Wheeler, Box 1643, Decatur, Alabama 35601.
Alaska Area Office, 813 "D" Street, Anchorage, Alaska 99501.
Aleutian Islands, Box 5251, Adak, Alaska 98791.
Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.
Clarence Rhode National Wildlife Range, Box 346, Bethel, Alaska 99559.
Izembek, Pouch #2, Cold Bay, Alaska 99571.
Kenai National Moose Range, Box 500, Kenai, Alaska 99611.
Kodiak, Box 825, Kodiak, Alaska 99615.
Southwestern Desert Zones Refuges, Box 1032, Yuma, Arizona 85364.
Cibola, Box AP, Blythe, California 92225.
Havasu, Box A, Needles, California 92363.
Imperial, Box 2164, Martinez Lake, Arizona 85364.
Kofa Game Range & Cabeza Prieta Game Range, Box 1032, Yuma, Arizona 85364.
Big Lake, Box 67, Manila, Arkansas 72442.
Holla Bend, Box 1043, Russellville, Arkansas 72801.
Wapanocca, Box 257, Turrell, Arkansas 72384.
White River, Box 308, 704 S. Jefferson Street, Dewitt, Arkansas 72042.
Humboldt Bay, Box 1386, Eureka, California 95501.
Kern and Pixley, Box 219, Delano, California 93215.
Kalamath Basin Refuges, Rt. 1, Box 74, Tule Lake, California 96134.
Sacramento, Rt. 1, Box 311, Willows, California 95988.
Colusa, Box 309, Colusa, California 95932.
Sutter, Box 66, Sutter, California 95982.
Salton Sea, Box 247, Calipatria, California 92233.
San Francisco Bay, 3849 Peralta Blvd., Fremont, California 94536.
San Luis, Box 2176, Los Banos, California 93602.
Arapaho, Walden, Colorado 80480.
Browns Park, Greystone, Colorado 81635.
Monte Vista, Box 511, Monte Vista, Colorado 81144.
Alamosa, Box 1148, Alamosa, Colorado 81101.
Bombay Hook, R.D. 1, Box 147, Smyrna, Delaware 19977.
Prime Hook, R.D. 1, Box 195, Milford, Delaware 19968.
Chassahowitzka, Route 1, Box 153, Homosassa, Florida 32646.
Lake Woodruff, Box 488, DeLeon Springs, Florida 32028.
Merritt Island, Box 6504, Titusville, Florida 32780.
St. Marks, Box 68, St. Marks, Florida 32355.
St. Vincent, Box 447, Apalachicola, Florida 32320.
South Florida Refuges, Route 1, Box 278, Delray Beach, Florida 33444.
National Key Deer, Box 510, Big Pine Key, Florida 33043.
J. N. "Ding" Darling, P.O. Drawer B, Sanibel, Florida 33957.
Okefenokee, Box 117, Waycross, Georgia 31501.
Piedmont, Round Oak, Georgia 31080.
Hawaiian Islands, 337 Uluniu Street, Kailua, Hawaii 96734.
Camas, Hamer, Idaho 83425.
Deer Flat, Route 1, Box 1457, Nampa, Idaho 83651.
Grays Lake, Box 837, Soda Springs, Idaho 83257.
Bear Lake, 802 Washington, Montpiier, Idaho 83254.
Kootenai, Star Route 1, Box 160, Bonners Ferry, Idaho 83805.
Minidoka, Rt. 4, U.S.F.W.S., Rupert, Idaho 83350.
Crab Orchard, Box J, Carterville, Illinois 62918.
Mark Twain, Box 225, Quincy, Illinois 62301.
Batchtown and Calhoun Division, Box 142, Brussels, Illinois 62013.
Chautauqua and Meredosia, Rt. 2, Havana, Illinois 62644.
Savanna District, Box 190, Savanna, Illinois 61074.
Muscatatuck, Box 631, Seymour, Indiana 47274.
De Soto, Route 1, Box 114, Missouri Valley, Iowa 51555.
Lansing District, Box 128, Lansing, Iowa 52151.
Louisa and Keithsburg Division, Route 1, Wapello, Iowa 52653.
Union Slough, Box 248, Titonka, Iowa 50480.
Flint Hills, Box 213, Burlington, Kansas 66839.
Kirwin, Kirwin, Kansas 67644.
Quivira, Box G, Stafford, Kansas 67578.
Catahoula, P.O. Drawer LL, Jena, Louisiana 71342.
Delta-Breton, Venice, Louisiana 70091.
Lacassine, Route 1, Box 186, Lake Arthur, Louisiana 70549.
Sabine, MRH 107, Sulphur, Louisiana 70663.
Moosehorn, Box X, Calais, Maine 04619.
Blackwater, Route 1, Box 121, Cambridge, Maryland 21613.
Eastern Neck, Route 2, Box 225, Rock Hall, Maryland 21661.
Great Meadows, 181 Sudbury Road, Concord, Massachusetts 01742.
Parker River, Northern Boulevard Plum Island, Newburyport, Massachusetts 01950.
Seney, Star Route, Seney, Michigan 49883.
Shiawassee, 6975 Mower Road, Route 1, Saginaw, Michigan 48601.
Ottawa, 14000 W. State, Route 2, Oak Harbor, Ohio 43449.
Agassiz, Middle River, Minnesota 56737.
Fergus Falls Wetland Complex, Box 294, Fergus Falls, Minnesota 56537.
Benson Wetland Management District, NW. Highway 9, Box D, Benson, Minnesota 56215.
Big Stone NWR & Wetland, Management District, 25 NW 2nd Street, Ortonville, Minnesota 56278.
Fergus Falls Wetland Management District, Box 294, Fergus Falls, Minnesota 56537.
Fergus Falls Wetland Office, Box 222, Fergus Falls, Minnesota 56537.
Tamarac Wetland Management District, Rural Route, Rochert, Minnesota 56578.
Rice Lake, McGregor, Minnesota 55760.
Sherburne, Route 2, Zimmerman, Minnesota 55398.
Upper Mississippi River Wild Life and Fish Refuge, Box 226, Winona, Minnesota 55987.
Noxubee, Route 1, Brooksville, Mississippi 39739.
Yazoo, Route 1, 286, Hollandale, Mississippi 38748.
Clarence Cannon, Box 88, Annada, Missouri 63330.
Mingo, Rural 1, Box 9A, Puxico, Missouri 63960.
Squaw Creek, Box 101, Mound City, Missouri 64470.
Swan Lake, Box 68, Sumner, Missouri 64681.
Benton Lake, Box 450, Black Eagle, Montana 59414.
UL Bend, Box J, Malta, Montana 59538.
Charles M. Russell National Wildlife Range, Box 110, Lewiston, Montana 59457.
Medicine Lake, Medicine Lake, Montana 59247.
National Bison Range, Moiese, Montana 59824.
Ravalli, No. 5, 3rd Street, Stevensville, Montana 59870.
Red Rock Lakes, Monida Star Route, Lima, Montana 59739.
Crescent Lake, Star Route 69368, Ellsworth, Nebraska 69340.

Fort Niobrara, Hidden Timber Star Route, Valentine, Nebraska 69201.
Hastings Wetland Management District, Box 847, Hastings, Nebraska.
Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.
Ruby Lake, Ruby Valley, Nevada 89833.
Brigantine, Great Creek Road, Box 72, Oceanville, New Jersey 08231.
Great Swamp, Pleasant Plains Road, RD1, Box 148, Basking Ridge, New Jersey 07920.
Bitter Lake, Box 7, Rosewell, New Mexico 88201.
Bosque del Apache, Box 278, San Antonio, New Mexico 87832.
Sevilleta, San Acacia, New Mexico 87831.
Las Vegas, Box 1070, Las Vegas, New Mexico 87701.
Maxwell, Box 276, Maxwell, New Mexico 87728.
Iroquois, RFD 1, Basom, New York 14013.
Montezuma, RD 1, Box 232, Seneca Falls, New York 13148.
Target Rock, Target Rock Road, Huntington, New York 11743.
Mackay Island, Knotts Island, North Carolina 27950.
Mattamuskeet, New Holland, North Carolina 27885.
Pea Island, Box 606, Manteo, North Carolina 27954.
Pee Dee, Box 780, Wadesboro, North Carolina 28170.
Pungo, Box 267, Plymouth, North Carolina 27962.
Arrowwood, Rural Route 1, Edmunds, North Dakota 58434.
Audubon, Rural Route 1, Coleharbor, North Dakota 58531.
Crosby Wetland Management District, Box 148, Crosby, North Dakota 58746.
Des Lacs, Box 578, Kenmare, North Dakota 58746.
Devils Lake Wetland Management District, Box 159–D, Devils Lake, North Dakota 58301.
Garrison Waterfowl Management Office, Box 456, Bismarck, North Dakota 58501.
J. Clark Salyer, Upham, North Dakota 58789.
Kulm Wetland Management District, Box E, Kulm, North Dakota 58456.
Tewaukon, Rural Route 1, Cayuga, North Dakota 58013.
Upper Souris, Rural Route 1, Foxholm, North Dakota 58738.
Salt Plains, Route 1, Box 49, Jet, Oklahoma 73749.
Sequoyah, Box 398, Sallisaw, Oklahoma 74955.
Tishomingo, Box 248, Tishomingo, Oklahoma 73460.
Washita, Route 2, Box 100, Butler, Oklahoma 73625.
Charles Sheldon Antelope Range-Hart Mountain National Antelope Refuge, Box 111, Lakeview, Oregon 97630.
Modoc, Box 1610, Alturas, California 96101.
Malheur, Box 113, Burns, Oregon 97720.
Umatilla, Box 239, Umatilla, Oregon 97882.
William L. Finley, Route 2, Box 208, Corvallis, Oregon 97330.
Ankeny, Route 1, Box 198, Jefferson, Oregon 97352.
Baskett Slough, Route 1, Box 709, Dallas, Oregon 97338.
Erie, RD 2, Box 191, Guys Mills, Pennsylvania 16327.
Minigret, Box 307, Charlestown, Rhode Island 02813.
Cape Romain, Route 1, Box 191, Awendaw, South Carolina 24929.
Carolina Sandhills, Route 2, Box 447, McBee, South Carolina 29101.
Santee, Box 158, Summerton, South Carolina 29148.
Savannah, Route 1, Hardeeville, South Carolina 29927.
Lacreek, South Rural Route, Martin, South Dakota 57551.
Lake Andes, Box 396, Land Andes, South Dakota 57356.
Madison Wetland Management District, Box 48, Madison, South Dakota 57042.
Sand Lake, Rural Route, Columbia, South Dakota 57433.
Waubay, Rural Route 1, Waubay, South Dakota 57273.
Cross Creeks, Route 1, Box 229, Dover, Tennessee 37058.
Hatchie, Box 187, Brownsville, Tennessee 38012.
Reelfoot, Box 295, Samburg, Tennessee 38254.
Tennessee, Box 849, Paris, Tennessee 38242.
Gulf Coastal Zone Refuges, Box 2506, Victoria, Texas 77901.
Anahuac, Box 278, Anahuac, Texas 77514.
Aransas, Box 68, Austwell, Texas 77950.
Attwater Prairie Chicken, Eagle Lake, Texas 77434.
Brazoria, Box 1088, Angleton, Texas 77515.
Lauguna Atascosa, Box 2683, Harlingen, Texas 78550.
Santa Ana, Alamo, Texas 78516.
Buffalo Lake, Box 228, Umbarger, Texas 79091.
Hagerman, Route 3, Box 123, Sherman, Texas 75090.
Muleshoe, Box 549, Muleshoe, Texas 79347.
Bear River Migratory Bird Refuge, Box 459, Brigham City, Utah 84302.
Fish Springs, Dugway, Utah 84022.
Ouray, 447 E. Main St., Suite 4, Vernal, Utah 84078.
Missisquoi, Route 2, Swanton, Vermont 05488.
Back Bay, Suite 218, 287 Pembrook Office Park, Virginia Beach, Virginia 23462.
Chincoteague, Box 62, Chincoteague, Virginia 23336.
Dismal Swamp, Box 349, Suffolk, Virginia 23434.
Mason Neck, 14015 Jefferson Davis Highway, Woodbridge, Virginia 22191.
Presquile, Box 658, Hopewell, Virginia 23860.
Columbia, P.O. Drawer F, Othello, Washington 99344.
Lower Columbia River Complex, Box 457, Ridgefield, Washington 98642.
Willapa, Ilwaco, Washington 98624.
Columbian White-tailed Deer, Route 1, Box 376C, Cathlamet, Washington 98612.
McNary, Box 308, Burbank, Washington 99323.
Toppenish, Route 1, Box 1300, Topenish, Washington 98948.
Turnbull, Route 3, Box 107, Cheney, Washington 99004.
Horicon, Route 2, Mayville, Wisconsin 53050.
Necedah, Star Route, Necedah, Wisconsin 54646.
Cassville District, Box 51, Cassville, Wisconsin 53806.
La Crosse District, Box 619, La Crosse, Wisconsin 54602.
Trempealeau, Route 1, Trempealeau, Wisconsin 54661.
National Elk Refuge, Box C, Jackson, Wyoming 83001.
Seedskadee, Box 67, Green River, Wyoming 82935.

F. *Ecological Services:*

Regional Director, P.O. Box 3737, Portland, Oregon 97208.
Field Supervisor, 809 NE., Sixth Avenue, Portland, Oregon 97232.
Field Supervisor, Room 209, 4620 Overland Road, Boise, Idaho 83705.
Field Supervisor, Room E–2727, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.
Field Supervisor, P.O. Box 1487, Olympia, Washington 98501.
Field Supervisor, Federal Building, 24000 Avila Road, Laguna Niguel, California 92677.
Field Supervisor, 821 Milinani Street, Honolulu, Hawaii 96813.
Regional Director, P.O. Box 1306, Albuquerque, New Mexico 87103.
Field Supervisor, 7A25G Fritz Lanham Building, 819 Taylor Street, Fort Worth, Texas 76102.
Field Supervisor, Room 3097, Federal Building, 333 West 4th Street, Tulsa, Oklahoma 74103.
Field Supervisor, Room 247A—Downtown Post Office Building, 522 North Central Avenue, Phoenix, Arizona 85004.
Field Supervisor, Room 327—U.S. Custom House, Galveston, Texas 77550.
Field Supervisor, Commerce One Building—Suite 120, 4455 Padre Island Drive, Corpus Christi, Texas 78411.
Regional Director, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
Field Supervisor, Twin Cities, Minnesota 55111.
Field Supervisor, 301 Manly Miles Building, 1405 S. Harrison Road, East Lansing, Michigan 48823.
Field Supervisor, P.O. Box 54, Lebanon, Ohio 45306.
Field Supervisor, Rock Island County Office Building, 1504 Third Avenue, Rock Island, Illinois 61201.
Field Supervisor, University of Wisconsin Library, Green Bay, Wisconsin 54301.
Regional Director, 17 Executive Park Drive, NE., Atlanta, Georgia 30329.
Field Supervisor, Merchants National Bank Building, Room 409—820 South Street, Vicksburg, Mississippi 39180.

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Field Supervisor, Federal Office Building, Room 468—310 New Bern Avenue, Raleigh, North Carolina 27601.
Field Supervisor, P.O. Box 837, Decatur, Alabama 35601.
Biologist-in-charge, Billeaud Hall, Box 4753, University of Southwestern Louisiana, Lafayette, Louisiana 70501.
Biologist-in-charge, 217 Fort Johnson Road, Charleston, South Carolina 29412.
Regional Director, John W. McCormack Post Office and Court House, Boston, Massachusetts 02109.
Area Supervisor, 55 Pleasant Street, Federal Building, Concord, New Hampshire 03301.
Area Supervisor, 1825–B Virginia Street, Annapolis, Maryland 21401.
Area Supervisor, 100 Grange Place, Cortland, New York 11772.
Biologist-in-charge, 50 Maple Street, Patchogue, New York 11772.
Area Supervisor, Center Building—Room 225, 6816 Market Street, Upper Darby, Pennsylvania 19082.
Biologist-in-charge Necote Creek Research Center, Star Route, Absecon, New Jersey 08201.
Biologist-in-charge, P.O. Box 346, Elkins, West Virginia 26241.
Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.
Area Manager, P.O. Box 1296, Billings, Montana 59103.
Area Manager, P.O. Box 1897, Bismarck, North Dakota 58501.
Area Manager, 601 12th Street, Federal Building, Kansas City, Missouri 64106.
Area Manager, P.O. Box 250, Pierre, South Dakota 57501.
Field Supervisor, P.O. Box 159, Grand Island, Nebraska 68801.
Area Manager, Federal Building—Room 2215, 125 S. State Street, Salt Lake City, Utah 84111.
Area Director, 813 D Street, Anchorage, Alaska 99501.
Field Supervisor, 813D Street, Anchorage, Alaska 99501.
Field Supervisor, P.O. Box 1287, Juneau, Alaska 99081.

G. *Law Enforcement District Offices* (Inquiries should be addressed to Special Agent-in-charge at each district office):
813 D Street, Anchorage, Alaska 99501.
P.O. Box 3737, Portland, Oregon 97208.
Room E 1924—2800 Cottage Way, Sacramento, California 95825.
P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.
P.O. Box 1038, Independence, Missouri.
P.O. Box 329, Albuquerque, New Mexico.
P.O. Box 45, Twin Cities, Minnesota 55111.
546 Carondelet Street—Room 408, New Orleans, Louisiana 70130.
P.O. Box 95467, Atlanta, Georgia 30347.
P.O. Box 290, Nashville, Tennessee 37202.
95 Aquahart Road, Glen Burnie, Maryland 21061.
Hangar 11, Room 1–49, John F. Kennedy Airport, Jamaica, New York 11430.
P.O. Box 34, Boston, Massachusetts 02101.

XI. *U.S. Geological Survey.*

A. *Headquarters Office:*
U.S. Geological Survey, The National Center, Reston, Virginia, 22092.
(Add U.S. Geological Survey to all addresses below. The letter in parentheses after each address refers to the Division having offices at that address. The Divisions are denoted as follows: A—Administrative Division; D—Office of the Director; C—Conservation Division; CC—Computer Center Division; G—Geologic Division; P—Publication Division; T—Topographic Division; W—Water Resources Division).

B. *Alabama* (AL):
1. P.O. Box N, Room 114 Federal Building, Cullman, Alabama 35055 (W).
2. P.O. Box 56, 1765 Highland Avenue, Montgomery, Alabama 36101 (W).
3. P.O. Box V, Room 202 Oil & Gas Board Building, University of Alabama, Tuscaloosa, Alabama 35486 (W).

C. *Alaska* (AK):
1. Room 108 Skyline Building, 508 2nd Avenue, Anchorage, Alaska 99501 (P).
2. 218 E Street, Skyline Building, Anchorage, Alaska 99501 (G).
3. P.O. Box 259, 210 Skyline Building, 218 E Street, Anchorage, Alaska 99501 (C)
3. P.O. Box 259, 212 Skyline Building, 218 E Street, Anchorage, Alaska 99501 (C).
4. Skyline Building, 218 E Street, Anchorage, Alaska 99501 (T).
5. 1209 Orca Street, Anchorage, Alaska 99501 (W).
6. Skyline Building, 218 E Street, Anchorage, Alaska 99501 (W).
7. 800 A Street, 218 E Street, Anchorage, Alaska 99501 99501 (A).
8. P.O. Box 80586, College Alaska 99701 (G).
9. 310 First Avenue, Fairbanks, Alaska 99701 (W).
10. 310 First Avenue, Fairbanks, Alaska 99701 (P).
11. P.O. Box 1568, Room 441 Federal Building, 710 W. 9th Street, Juneau, Alaska 99801 (W).
12. Box 158 Sitka Observatory, Sitka, Alaska (G).

D. *Arizona* (AZ):
1. 601 East Cedar Avenue, Flagstaff, Arizona 86001 (CC).
2. P.O. Box 253, 2304½ No. 4th Street, Building A, Flagstaff, Arizona 86001 (W).
3. 601 East Cedar Avenue, Flagstaff, Arizona 86001 (G).
4. 208 Post Office Building, 544 N. Central Avenue, Phoenix, Arizona 85003 (C).
5. Room 5017 Federal Building, 230 No. 1st Avenue, Phoenix, Arizona 85025 (W).
6. P.O. Box 668, Room 9, Post Office Building, Safford, Arizona 85546 (W).
7. Federal Building, 301 W. Congress, Tucson, Arizona 85717 (W).
8. 902 S. Highland Avenue, Tucson, Arizona 85717 (W).
9. P.O. Box 5774, 1940 South 3rd Avenue, Yuma, Arizona (W).

E. *Arkansas* (AR):
1. Room 2301 Federal Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72201 (W).
2. c/o Arkansas Geological Survey, 3815 West Roosevelt Road, Little Rock, Arkansas 72204 (G).

F. *California* (CA):
1. 309 Federal Building, 800 Truxton Avenue, Bakersfield, California 93301 (C).
2. Laguna Federal Building—5th Floor, 24000 Avila Road, Laguna Niguel, California 92677 (W).
3. 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, California 92037 (G).
4. Room 7638 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012 (P)
5. 7744 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012 (C).
6. 345 Middlefield Road, Menlo Park, California 94025 (D).
7. 345 Middlefield Road, Menlo Park, California 94025 (CC).
8. 345 Middlefield Road, Menlo Park, California 94025 (P).
9. 345 Middlefield Road, Menlo Park, California 94025 (C).
9. 345 Middlefield Road, Menlo Park, California 94025 (C).
9. 345 Middlefield Road, Menlo Park, California 94025 (C).
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9. 345 Middlefield Road, Menlo Park, California 94025 (C).
8. 345 Middlefield Road, Menlo Park, California 94025 (P).
10. 345 Middlefield Road, Menlo Park, California 94025 (W).
11. 345 Middlefield Road, Menlo Park, California 94025 (G).
12. 345 Middlefield Road, Menlo Park, California 94025 (T).
13. 345 Middlefield Road, Menlo Park, California 94025 (A).
13. 345 Middlefield Road, Menlo Park, California 94025 (A).
13. 345 Middlefield Road, Menlo Park, California 94025 (A).
13. 345 Middlefield Road, Menlo Park, California 94025 (A).
8. 345 Middlefield Road, Menlo Park, California 94025 (P).
6. 345 Middlefield Road, Menlo Park, California 94025 (D).
14. 855 Oak Grove Avenue, Menlo Park, California 94025 (W).
15. Room W–2235 Federal Building, 2800 Cottage Way, Sacramento, California 95825 (W).
16. Room W–2231 Federal Building, 2800 Cottage Way, Sacramento, California 95825 (C).

17. Room 504 Custom House, 555 Battery Street, San Francisco, California 94111 (P).
18. 214 P.O. Building, 836 Anacapa Street, Santa Barbara, California 93101 (C).

G. *Colorado* (CO):
1. Denver Federal Center, Building 25, Denver, Colorado 80225 (D).
2. Room 1012 Federal Building, 1961 Stout Street, Denver, Colorado 80225 (P).
3. Denver Federal Center, Building 25, Room 1322, Denver, Colorado 80225 (C).
3. Denver Federal Center, Building 25, Room 1322, Denver, Colorado 80225 (C).
4. Denver Federal Center, Building 56, Room 239–B, Denver, Colorado 80225 (C).
2. Room 1012 Federal Building, Denver, Colorado 80225 (P).
6. Denver Federal Center, Building 25, Denver, Colorado 80225 (G).
3. Denver Federal Center, Building 25, Room 1322, Denver, Colorado 80225 (C).
3. Denver Federal Center, Building 25, Room 1322, Denver, Colorado 80225 (C).
7. Denver Federal Center, Building 41, Denver, Colorado 80225 (P).
8. Denver Federal Center, Building 20, Denver, Colorado 80225 (P).
9. Denver Federal Center, Building 53, Denver, Colorado 80225 (CC).
10. Denver Federal Center, Building 53, Denver, Colorado 80225 (W).
11. Denver Federal Center, Building 25, Denver, Colorado 80225 (T).
12. Denver Federal Center Building 25, Denver, Colorado 80225 (G).
13. Denver Federal Center, Building 20, Denver, Colorado 80225 (P).
8. Denver Federal Center, Building 20, Denver, Colorado 80225 (P).
14. Denver Federal Center, Building 25, Denver, Colorado 80225 (W).
14. Denver Federal Center, Building 25, Denver, Colorado 80225 (W).
15. Denver Federal Center, Building 25, Denver, Colorado 80225 (A).
15. Denver Federal Center, Building 25, Denver, Colorado 80225 (A).
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15. Denver Federal Center, Building 25, Denver, Colorado 80225 (A).
15. Denver Federal Center Building 25, Denver, Colorado 80225 (A).
16. P.O. Box 1809, Jarvis Building Durango, Colorado 81301 (C).
17. 5287 W. Louisiana, Lakewood, Colorado (W).
18. P.O. Box 2027, Federal Building, 4th and Hood Avenue, Grand Junction, Colorado 81501 (W).
19. P.O. Box 2027, Federal Building, 4th and Hood Avenue, Grand Junction, Colorado 81501 (C).
20. 321 7th Avenue, P.O. Box 810, Meeker, Colorado (W).
21. P.O. Box 1524, First National Bank Building, 5th and Main Streets, Pueblo, Colorado 81002 (W).

H. *Connecticut* (CI):
1. P.O. Box 715, Room 235 P.O. Building, Hartford, Connecticut 06101 (W).
2. P.O. Box 470, Middletown, Connecticut 06457 (G).

I. *Delaware* (DE):
1. 300 S. New Street, Federal Building, Room 1201, Dover, Delaware (W).

J. *District of Columbia* (D.C.):
1. 19th & F Streets, NW., Room 1028, GSA Building, Washington, D.C. 20244 (P).
2. 1825 K Street, NW., Suite 316, Washington, D.C. 20006 (C).
2. 1825 K Street, NW., Suite 316, Washington, D.C. 20006 (C).
2. 1825 K Street, NW., Suite 316, Washington, D.C. 20006 (C).
2. 1825 K Street, NW., Suite 316, Washington, D.C. 20006 (C).

K. *Florida* (FL):
1. 901 S. Miami Avenue, Miami, Florida (W).
2. Fisher Island Station, Miami, Florida 33139 (G).
3. Suite F–240, 325 John Knox Road, Tallahassee, Florida (W).
3. Suite L–103, 325 John Knox Road, Tallahassee, Florida (W).
4. Room 410 Federal Office Building, 500 Zack Street, Tampa, Florida 33602 (W).
5. Barnett Mall, Building D, 1020 W. Orlando Avenue, Winter Park, Florida (W).

L. *Georgia* (GA):
1. 1459 Peachtree Street, NE., Atlanta, Georgia 30309 (A).
2. Room 360 Federal Building, 800 Gloucester Street, Brunswick, Georgia 31520 (W).
3. 1459 Peachtree Street, NE., Suite 200, Doraville, Georgia 30309 (W).
4. 6481 Peachtree Industrial Boulevard, Suite B, Doraville, Georgia 30340 (W).
4. 6481 Peachtree Industrial Boulevard, Suite B, Doraville, Georgia 30340 (W).
5. 1411–A Tift Avenue, P.O. Box 721, Tifton, Georgia 31794 —(W).

M. *Guam* (OS):
1. P.O. Box Y, 104, U.S. Public Works Center, Agana, Guam 96910 (W).
2. Box 147, NAVCOMMSIA, Guam Observatory, FPO, San Francisco, CA 96630 (G).

N. *Hawaii* (HI):
1. Hawaiian Volcano Observatory, Hawaii National Park 96718 (G).
2. P.O. Box 1660, Federal Building, Hilo, Hawaii 96720 (W).
3. 1833 Kalakuau Avenue, 5th Floor, Honolulu, Hawaii 96815 (W).
3. 1833 Kalakuau Avenue, 5th Floor, Honolulu, Hawaii 96815 (W).
4. P.O. Box 1594, Kahului Maui, Hawaii 96723(W).
5. P.O. Box 849, Lihue Kauai, Hawaii 96766 (W).

O. *Idaho* (ID):
1. P.O. Box 036, Federal Building, 550 West Fort Street, Boise, Idaho 83702 (W).
2. P.O. Box 1099, Room 204–5 Federal Building, Idaho Falls, Idaho 83402 (W).
3. Federal Building, P.O. Box 1610, 150 S. Arthur Street, Pocatello, Idaho 83201 (C).

P. *Illinois* (IL):
1. P.O. Box 1026, 605 N. Neil Street, Champaign, Illinois 61820 (W).
1. P.O. Box 1026, 605 N. Neil Street, Champaign, Illinois 61820 (W).
2. Room 230 Federal Building, Mt. Vernon, Illinois (W).
3. P.O. Box 110, Room 207, Post Office Building, 901 Lake Street, Oak Park, Illinois 60303 (W).
4. P.O. Box 717, c/o State Water Survey, Peoria, Illinois 61601 (W).

Q. *Indiana* (IN):
1. 1819 N. Meridan Street, Indianapolis, Indiana 46202 (W).

R. *Indonesia* (OS):
3. c/o American Embassy, US AID/ENGR, APO San Francisco, CA 96356 (G).

S. *Iowa* (IA):
1. P.O. Box 917, Room 250 Federal Building, Council Bluffs, Iowa 51501 (W).
2. P.O. Box 693, Room 250 Federal Building, Fort Dodge, Iowa 50501 (W).
3. P.O. Box 1230, Room 269 Federal Building, Iowa City, Iowa Iowa 52240 (W).

T. *Kansas* (KS):
1. 1111 Kansas Plaza, Garden City, Kansas 67846 (W).
2. 1950 Avenue "A" Campus West, University of Kansas, Lawrence, Kansas 66044 (W).
3. 1851½ South 9th Street, Salina, Kansas 67401 (W).

U. *Kentucky* (KY):
1. 2035 Regency Road, Room 228, Lexington, Kentucky 40503 (T).
2. 2035 Regency Road, Lexington, Kentucky 40503 (G).
3. Regency Professional Building, 2035 Regency Road, Lexington, Kentucky 40503 (P).
4. Room 572 Federal Building, 600 Federal Place, Louisville, Kentucky 40202 (W).
5. P.O. Box 770, Room 322—323, P.O. Building, Paducah, Kentucky 42001 (W).
6. P.O. Box 178, 103 South 2nd Street, Williamsburg, Kentucky 40769 (W).

V. *Kenya* (OS):
4. US AID/Nairobi, U.S. Departpartment of State, Washington, D.C. 20521 (W).

W. *Louisiana* (LA):
1. P.O. Box 5402, Alexandria, Louisiana 71301 (W).
2. Room 215 Prudential Building, P.O. Box 6642, Baton Rouge, Louisiana 70806 (W).
3. Box 1269, Houma, Louisiana 70360 (C).

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4. P.O. Box 98, Jonesboro, Louisiana 70805 (W).
5. P.O. Box 52289, 233 Bendel Road, Lafayette, Alexandria 70501 (C).
6. P.O. Box 6088, Drew Station, Lake Charles, Louisiana 70601 (C).
7. P.O. Box 7966, 137 Imperial Office Building, 3301 Causeway Boulevard, Metairie, Louisiana 70011 (C).
7. P.O. Box 7944, 336 Imperial Office Building, 3301 Causeway Boulevard, Metairie, Louisana 70011 (C)
7. P.O. Box 7944, 336 Imperial Office Building, 3301 Causeway Boulevard, Metairie, Louisiana 70011 (C)
7. P.O. Box 7944, 336 Imperial Office Building, 3301 Causeway Boulevard, Metairie, Louisiana 70011 (C)
7. P.O. Box 7944, 336 Imperial Office Building, 3301 Causeway Boulevard 70011 (C).

X. *Maine* (ME):
1. State House Annex, Capitol Shopping Center, Augusta, Maine 04330 (W).

Y. *Maryland* (MD):
1. USGS Building 420, Agriculture Research Center, Beltsville, Maryland 20705 (G).
2. 5110 College Avenue, College Park, Maryland 20740 (W).
3. P.O. Box 1206, Room 308, P.O. Building, Cumberland, Maryland 21502 (W).
4. 8809 Satyr Hill Road, Parkville, Maryland 21234 (W).

Z. *Massachusetts* (MA):
1. 80 Broad Street, Boston, Massachusetts 02110 (G).
2. 150 Causeway Street, Suite 1001, Boston, Massachusetts 02114 (W).
3. c/o Woods Hole Ocean, Institute Building B, Quissette Campus, Woods Hole, Massachusetts 02543 (W).
4. Quissette Campus, Building B, Woods Hole, Massachusetts 02543 (G).

AA. *Michigan* (MI):
1. P.O. Box 485, Fish Hatchery, Grayling, Michigan 49738 (W).
2. Room 205 State Office Building, Escanaba, Michigan 49829 (W).
3. 2400 Science Parkway, Red Cedar Research Park, Okemas, Michigan 48864 (W).

BB. *Minnesota* (MN):
1. 18 Third Street, NW., Grand Rapids, Minnesota 55744 (W).
2. Room 1033, P.O. Building, St. Paul, Minnesota 55101 (W).

CC. *Mississippi* (MS):
1. National Space Technology Lab, Bay St. Louis, Mississippi (D).
2. Gulf Coast Hydroscience Center, National Space Technology Laboratory, Bay St. Louis, Mississippi (W).
3. 430 Bounds Street. Jackson, Mississippi 39206 (W).
4. 505 First Federal Savings & Loan Building, Jackson, Mississippi 39201 (C).

DD. *Missouri* (MO):
1. 400 Main Street, P.O. Box 936, Rolla, Missouri (C).
2. P.O. Box 41, 9th & Pine Street,, Rolla, Missouri (CC).
3. P.O. Box 340, 103 West Tenth Street, Rolla, Missouri (W).
4. P.O. Box 220, 103 West Tenth Street, Rolla, Missouri (A).
5. P.O. Box 113, 9th and Pine Street, Rolla, Missouri 65401 (T).

EE. *Montana* (MT):
1. 3—7th Street, West, Billings, Montana 59101 (W).
2. P.O. Box 2550, 217 Post Office Building, Billings, Montana 59103 (C).
2. P.O. Box 2550, 217 Post Office Building, Billings, Montana 59103 (C).
2. P.O. Box 2550, 217 Post Office Building, Billings, Montana 59103 (C).
3. P.O. Box 1696, Room 421 Federal Building, Helena, Montana 59601 (W).
3. P.O. Box 1696, Room 421 Federal Building, Helena, Montan 59601 (W).
4. P.O. Box 1012, 1015 E. Idaho Street, Kalispell, Montana 59901 (W).

FF. *Nebraska* (NE):
1. P.O. Box 507, Minnick Building, Cambridge, Nebraska 69022 (W).
2. P.O. Box 1696, 316 N. Park, Lincoln, Nebraska (W).
3. Room 127 Nebraska Hall, 901 N., 17th Street, Lincoln, Nebraska 68508 (W).
4. P.O. Box 224, Rowball Building, West Hwy. 11, Ord, Nebraska 68862 (W).

GG. *Nevada* (NV):
1. Room 229 Federal Building, 705 N. Plaza Street, Carson City, Nevada 89701 (W).
2. P.O. Box 104, Federal Building, Elko, Nevada 89801 (W).
3. 3060 S. Highland Drive, Las Vegas, Nevada 89109 (G).
4. 63 Keystone, McCarthy Building, Suite 102, Reno, Nevada 87502 (C).

HH. *New Hampshire* (NH):
1. Room 307 Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301 (W).

II. *New Jersey* (NJ):
1. P.O. Box 1238, Room 420 Federal Building, 402 E. State Street, Trenton, New Jersey 086–7 (W).

JJ. *New Mexico* (NM):
1. P.O. Bo 4369, Geological Building, 2nd Floor, University of New Mexico Campus, Albuquerque, New Mexico 87106 (W).
2. P.O. Drawer U, 105 S. 4th Street, Artesia, New Mexico (C).
3. Box 1716, 118 Federal Building, 114 S. Halagueno Street, Carlsbad, New Mexico 88220 (G).
3. Box 1716, 118 Federal Building, 114 S. Halagueno Street, Carlsbad, New Mexico 88220 (C).
4. Box 959, 407 Petroleum Club Plaza Building, 3535 East 30th Street, Farmington, New Mexico 87401 (C).
4. Box 959, 407 Petroleum Club Plaza Building, 3535 East 305h Street, Farmington, New Mexico 87401 (C).
5. 205 N. Linan Street, Box 1157, Hobbs, New Mexico 88240 (C).
6. Federal Building & U.S. Court House, Richardson Avenue at 5th Street, P.O. Drawer 1857, Roswell, New Mexico 88201 (C).
6. Federal Building & U.S. Court House, Richardson Avenue at 5th Street, P.O. Drawer 1857, Roswell, New Mexico 88201 (C).
7. P.O. Box 1350, Albany, New Mexico (W).
8. Seismological Center, Kirtland AFB, East Building, Albuquerque, New Mexico 10002 (G).
9. P.O. Box 1204, Room 213, Federal Building & Court House, Roswell, New Mexico 88201 (W).
10. Room 115, Federal Building, Cathedral Place, Santa Fe, New Mexico 87501 (W).

KK. *New York* (NY):
1. P.O. Box 1350, Room 343 U.S. Post Office & Court House, Albany, New York 12201 (W).
1. P.O. Box 1350, Room 343 U.S. Post Office & Court House, Albany, New York 12201 (W).
2. 521 West Seneca Street, Ithaca, New York 14850 (W).
3. P.O. Box 844, 122 Wickham Avenue, Middletown, New York 10940 (W).
4. 1505 Kellum Place, Mineola L.I., New York 11501 (W).

LL. *North Carolina* (NC):
1. P.O. Box 1468, Room 403 Post Office Building, Asheville, North Carolina 28802 (W).
2. P.O. Box 2857, Room 440 Century Station, Post Office Building, Raleigh, North Carolina 27602 (W).
3. P.O. Box 345, 209A North Tradd Street, Statesville, North Carolina 28677 (W).

MM. *North Dakota* (ND):
1. P.O. Box 778, Room 342 New Federal Building, Third St. & Rosser Avenue, Bismarck, North Dakota 58501 (W).
2. P.O. Box 1437, Room 137 Federal Building, 102 N. 4th Street, Grand Forks, North Dakota 58201 (W).

NN. *Ohio* (OH):
1. 975 West Third Avenue, Columbus, Ohio 43212 (W).
2. Orton Hall, Ohio State University, 155 S. Oval Drive, Columbus, Ohio 43212 (G).
3. P.O. Box 272, 551 Wabash Avenue, NW., New Philadelphia, Ohio 44663 (W).

OO. *Oklahoma* (OK):
1. 509 South Third Street, P.O. Box 816, McAlester, Oklahoma 74502 (C).
2. 50 Pennsylvania Place, Suite 404, Oklahoma City, Oklahoma 73118 (C).
3. Room 621, 201 NW. 3rd, Oklahoma City, Oklahoma 73102 (W).
4. 6136 East 32nd Place, Tulsa, Oklahoma 74135 (C).
5. 6136 East 32nd Place, Tulsa, Oklahoma 74135 (C).

PP. *Oregon* (OR):
1. P.O. Box 808, 125 Lawrence Street, Eugene, Oregon 97401 (W).
2. 1019 N. Riverside, Medford, Oregon 97501 (W).
3. P.O. Box 3202, 830 NE, Holladay Street, Portland, Oregon 97208 (W).
3. P.O. Box 3202, 830 NE, Holladay Street, Portland, Oregon 97208 (W).
3. P.O. Box 3202, 830 NE. Holladay Street, Portland, Oregon 97208 (W).
3. P.O. Box 3202, 830 NE. Holladay Street, Portland, Oregon 97208 (W).
3. P.O. Box 3202, 830 NE. Holladay Street, Portland, Oregon 97208 (W).
4. c/o Oregon State Engineer, 1178 Chemeketa Street NE., Salem, Oregon (W).

QQ. *Pakistan, West* (OS):
5. US AID/Lahore, U.S. Department of State, Reston, Virginia 22090 (W).

RR. *Pennsylvania* (PA):
1. P.O. Box 420, 100 East Mall, Carnegie, Pennsylvania 15106 (G).
2. P.O. Box 1107, 4th Floor, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17105 (W).
3. 405 Broad Street, Milford, Pennsylvania 18337 (W).
4. Room 607, U.S. Custom House, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106 (W).
5. Room 2204, Federal Building, 1600 Liberty Avenue, Pittsburgh, Pennsylvania 15222 (W).

SS. *Puerto Rico* (OS):
6. Box 936, San Juan Observatory, Cayey, Puerto Rico 00633 (G).
7. GPO Box 2230, San Juan, Puerto Rico 00936 (G).
8. P.O. Box 34168, Building 652, Fort Buchanan, San Juan, Puerto Rico 00934 (W).

TT. *Rhode Island* (RI):
1. Room 314, Federal Building & U.S. Post Office, Providence, Rhode Island 02903 (W).

UU. *Saudi Arabia* (OS):
7. c/o American Embassy, Jidda, APO New York 09697 (T).
7. c/o American Embassy, Jidda, APO New York 09697 (T).
8. c/o American Embassy, Jidda, APO New York 09697 (T).

VV. *South Carolina* (SC):
1. Suite 200, 2001 Assembly Street, Columbia, South Carolina 29201 (W).

WW. *South Dakota* (SD):
1. P.O. Box 1412, Room 231, Federal Building, Huron, South Dakota 57350 (W).
2. Room 346, Federal Building, P.O. Box 220, Pierre, South Dakota 57501 (W).
3. Room 237, Federal Building & U.S. Court House, 515 9th Street, Rapid City, South Dakota 57701 (W).
4. EROS Data Center, Sioux Falls, South Dakota 57198 (CC).
5. EROS Data Center, Sioux Falls, South Dakota 57198 (D).
6. P.O. Box 437, Vermillion, South Datoka, 57069 (W).

XX. *Tennessee* (TN):
1. 301 West Cumberland Avenue, Knoxville, Tennessee 37902 (G).
2. 1013 N. Broadway, Knoxville, Tennessee 37917 (W).
3. 826 Federal Office Building, 167 N. Main Street, Memphis, Tennessee 38103 (W).
4. Room A–413, U.S. Court House Building, Nashville, Tennessee 37203 (W).

YY. *Texas* (TX):
1. Room 801 Federal Center, Austin, Texas 78701 (G).
2. Room 630 Federal Building, 300 East 8th Street, Austin, Texas 78701 (W).
2. Room 630 Federal Building, 300 East 8th Street, Austin, Texas 78701 (W).
3. P.O. Box 6732, Corpus Christi, Texas 87411 (G).
4. Room 1045, 1100 Commerce Street, Dallas, Texas 75202 (P).
5. P.O. Box 6976, Room 200, Building 23, Ft. Worth Federal Center, Felix and Hemphill Streets, Fort Worth, Texas 76115 (W).
6. 2007 Brazosport Boulevard, P.O. Box 2006, Freeport, Texas 77541 (C).
7. 2320 La Branch Street, Room 1112, Houston, Texas 77004 (W).
8. 1409 Knickebocker Road, San Angelo, Texas 76901 (W).
9. Room 116, 7077 San Pedro Avenue, San Antonio, Texas 78216 (W).
5. Room 2204, Federal Building, 1600 Liberty Avenue, Pittsburgh, Pennsylvania 15222 (W).
10. Room 318—320–A, Federal Building, Wichita Falls, Texas 76301 (G).

ZZ. *Turkey* (OS):
9. US AID/ADCD, Ankara, APO New York 09254 (G).

AAA. *Utah* (UT):
1. P.O. Box 1066, 10 N. Main Street, Cedar City, Utah 84720 (W).
2. P.O. Box 413, 22 East Center Street 84321 (W).
3. 8102 Federal Building, 125 South State Street, Salt Lake City, Utah 84138 (P).
4. 8416 Federal Building, Salt Lake City, Utah 84138 (G).
5. 8426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138 (C).
5. 8426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138 (C).
5. 8426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138 (C).
6. Room 8002 Federal Building, 125 South State Street, Salt Lake City, Utah 84111 (W).
7. Room 119 Administration Building, 1750 South Redwood Road, Salt Lake City, Utah 84104 (W).
8. 89 West Main Street, Vernal, Utah 84078 (W).

BBB. *Virginia* (VA):
1. 1200 South Eads Street, Arlington, Virginia 22202 (P).
2. P.O. Box 5184, Barracks Road Station, Charlottesville, Virginia 22903 (W).
3. 9673 Lee Highway, Suite 20, Fairfax, Virginia 22030 (W).
4. 554 South Main Street, Marion, Virginia 24354 (W).
5. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (D).
6. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (A).
6. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (A).
6. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (A).
6. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (A).
7. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (T).
8. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (W).
9. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (P).
9. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (P).
10. 12201 Sunrise Valley Drive, Reston, Virginia 22092 (G).
11. Room 304, 200 West Grace Street, Richmond, Virginia 23220 (W).

CCC. *Washington* (WA):
1. Route 4, Box 56A, Newport Observatory, Newport, Washington 99156 (G).
2. University of Washington, Department of Oceanography, Seattle, Washington 98105 (G).
3. Room 678 U.S. Court House Building, West 920 Riverside Avenue, Spokane, Washington 99201 (P).
4. Room 694 U.S. Court House Building, West 920 Riverside Avenue, Spokane, Washington 99201 (W).
5. Room 300, 1305 Tacoma Avenue, South Tacoma, Washington 98402 (W).
6. 244 Federal Building, P.O. Box 1152, Tacoma, Washington 98402 (C).
5. Room 300, 1305 Tacoma Avenue, South Tacoma, Washington 98402 (W).

DDD. *West Virginia* (WV):
1. Room 3303 New Federal Building & U.S. Court House, 500 Quarrier Street, East, Charleston, West Virginia 25301 (W).
2. P.O. Box 730, Room 229 Federal Building, Morgantown, West Virginia (W).

EEE. *Wisconsin* (WI):
1. Room 200, 1815 University of Wisconsin, Madison, Wisconsin 53706 (W).
2. Room 222 Science Hall, University of Wisconsin, Madison, Wisconsin 53706 (G).
3. Wisconsin State University, P.O. Box 2871, Roundtree Hall, Platteville, Wisconsin 53818 (G).

FFF. *Wyoming* (WY):
1. P.O. Box 2871, Casper, Wyoming 82601 (W).
2. P.O. Box 2859, 2002 Federal Building & Post Office, Casper, Wyoming 82601 (C).
2. P.O. Box 2859, 2002 Federal Building & Post Office, Casper, Wyoming 82601 (C).
2. P.O. Box 2859, 2002 Federal Building & Post Office, Casper, Wyoming 82601 (C).
3. P.O. Box 2087, Cheyenne, Wyoming 82001 (C).
4. P.O. Box 219—201 Grieves Building, 110½ W. Main, Newcastle, Wyoming 82701 (C).
5. P.O. Box 431, Riverton, Wyoming 82501 (W).

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6. 126 Elk Street, P.O. Box 1170, Rock Springs, Wyoming 82901 (C).
6. 126 Elk Street, P.O. Box 1170, Rock Springs, Wyoming 82901 (C).
7. 202 Federal Building, P.O. Box 590, Thermopolis, Wyoming 82443 (C).
8. 1214 Big Horn Avenue, Worland, Wyoming 82401 (W).

GGG. *Yeman* (OS):
10. US AID/Sanaa, Washington, D.C. 20521 (W).

X. *Bureau of Indian Affairs.* (Add Bureau of Indian Affairs, U.S. Department of the Interior to all addresses).

A. *Headquarters Office:*
Bureau of Indian Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

B. *Aberdeen Area:*
Aberdeen Area Office, Federal Building, 115 4th Avenue, SE., Aberdeen, South Dakota 57401.
Cheyenne River Agency, Eagle Butte, South Dakota 57625.
Crow Creek Agency, P.O. Box 616, Ft. Thompson, South Dakota 57339.
Flandreau School, Flandreau, South Dakota 57028.
Fort Berthold Agency, New Town, North Dakota 58763.
Fort Totten Agency, Fort Totten, North Dakota 58335.
Lower Brule Agency, Lower Brule, South Dakota 57548.
Pierre Boarding School, Star Route 3, Pierre, South Dakota 57501.
Pine Ridge Agency, Pine Ridge, South Dakota 57770.
Rosebud Agency, Rosebud, South Dakota 55770.
Sisseton Agency, Sisseton, South Dakota 67262.
Standing Rock Agency, Fort Yates, North Dakota 58538.
Turtle Mountain Agency, Belcourt, North Dakota 58316.
Wahpeton School, Wahpeton, North Dakota 58075.
Winnebago Agency, Winnebago, Nebraska 68071.
Yankton Agency, Wagner, South Dakota.

C. *Albuquerque Area:*
Albuquerque Area Office, P.O. Box 8327, 5301 Central Avenue, Albuquerque, North Dakota 87108.
Albuquerque Indian School, 1000 Indian School NW., Albuquerque, New Mexico 87103.
Institute of American Indian Arts, Cerrillos Road, Santa Fe, New Mexico 87501.
Jicarilla Agency, Dulce, New Mexico 87528.
Mescalero Agency, Mescalero, New Mexico 88340.
Northern Pueblos Agency, P.O. Box 508, Federal Post Office Building, Santa Fe, New Mexico 87501.
Ramah-Navajo Agency, Ramah, New Mexico 87321.
Southern Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.
Southern Ute Agency, P.O. Box 315, Ignacio, Colorado 81137.
Southwestern Indian Polytechnic Institute, 9169 Coors Boulevard, NW, Albuquerque, New Mexico.
Ute Mountain Ute Agency, General Delivery, Bureau of Indian Affairs, Towaoc, Colorado 81334.
Zuni Agency, Box 5, Zuni, New Mexico 87327.
Denver Field Employment Assistant Office, 19th & Stout Street, Denver, Colorado 80202.

D. *Anadarko Area:*
Anadarko Area Office, Federal Building, P.O. Box 368, Anadarko, Oklahoma 73005.
Anadarko Agency, P.O. Box 309, Anadarko, Oklahoma 73005.
Chilocco School, Chilocco, Oklahoma 74635.
Concho Agency, Concho, Oklahoma.
Fort Sill School, Lawton, Oklahoma 73501.
Haskell Indian Junior College, Lawrence, Kansas 66044.
Horton Agency, Horton, Kansas 66439.
Pawnee Agency, Pawnee, Oklahoma 74058.
Riverside School, P.O. Box 489, Anadarko, Oklahoma.
Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.
Concho School, P.O. Box 91, Concho, Oklahoma 73022.
Oklahoma City Employment Assistance Field Office, P.O. Box 236—U.S. Post Office, Third N. Robinson, Oklahoma City, Oklahoma 73102.

E. *Billings Area:*
Billings Area Office, 316 N. 26th Street, Billings, Montana 59101.
Blackfeet Agency, Browning, Montana 59417.
Crow Agency, Crow Agency, Montana 59022.
Flathead Agency, Ronan, Montana 59864.
Flathead Irrigation Project, St. Ignatius, Montana 59865.
Fort Belknap Agency, Harlem, Montana 59526.
Fort Peck Agency, P.O. Box 637, Poplar, Montana 59255.
Northern Cheyenne Agency, Lame Deer, Montana 59043.
Planning Support Group, 316 N. 26th Street, Billings, Montana 59101.
Rocky Boy's Agency, Box Elder, Montana 59521.
Wind River Agency, Ft. Washakie, Wyoming.

F. *Juneau Area:*
Juneau Area Office, Box 3–8000, Juneau, Alaska 99802.
Southeast Agency, P.O. Box 1587, Juneau, Alaska 99802.
Anchorage Agency, P.O. Box 120, Anchorage, Alaska 99501.
Bethel Agency, P.O. Box 347, Bethel, Alaska 99559.
Fairbanks Agency, P.O. Box 530, Fairbanks, Alaska 99707.
Mt. Edgecumbe School, Mt. Edgecumbe, Alaska 99835.
Nome Agency, Box 190, Nome, Alaska.
Wrangell School, Wrangell, Alaska 99929.
Seattle Liaison Office, Bureau of Indian Affairs, 816 United Pacific Building, 1000 Second Avenue, Seattle, Washington 98104.

G. *Minneapolis Area:*
Minneapolis Area Office, 831 Second Avenue, S., Minneapolis, Minnesota 55402.
Great Lakes Agency, Federal Building, Bemidji, Minnesota.
Sac and Fox Area Field Office, Tama, Iowa 52339.
Chicago Field Employment Assistance Office, 433 West Van Buren Street, Chicago, Illinois 60607.

H. *Muskogee Area:*
Muskogee Area Office, Federal Building, Muskogee, Oklahoma 74401.
Armore Agency, P.O. Box 997, Ardmore, Oklahoma 73401.
Okmulgee Agency, P.O. Box 370, Okmulgee, Oklahoma 74447.
Osage Agency, Pawhuska, Oklahoma 74056.
Miami Agency, P.O. Box 391, Miami, Oklahoma 74354.
Sequoyah High School, Tahlequah, Oklahoma 74464.
Tahlequah Agency, P.O. Box 459, Tahlequah, Oklahoma 74464.
Talihina Agency, Drawer H, Talihina, Oklahoma 74571.
Wewoka Agency, P.O. Box 1060, Wewoka, Oklahoma 74884.
Eufaula Dormitory, Eufaula, Oklahoma 74432.
Carter Siminary, Ardmore, Oklahoma 73401.
Jones Academy, Ardmore, Oklahoma 73401.
Seneca Indian School, Wyandotte, Oklahoma 74370.
Tulsa Employment Assistance Field Office, 630 W. 7th Street, Tulsa, Oklahoma 73102.
Dallas Field Employment Assistance Office, 1100 Commerce Street, Room 2C44, Dallas, Texas 75202.

I. *Navajo Area:*
Navajo Area Office, Window Rock, Arizona 86515.
Intermountain School, P.O. Box 1060, Gallup, New Mexico 87301.
Chinle Agency, Chinle, Arizona.
Eastern Navajo Agency, P.O. Box 328, Crownpoint, New Mexico.
Fort Defiance Agency, Fort Defiance, Arizona 86504.
Navajo Irrigation Project, 900 LaPlata Highway, P.O. Box 2157, Farmington, New Mexico 87401.
Shiprock Agency, Shiprock, New Mexico 87420.
Tuba City Agency, Tuba City, Arizona 86045.

J. *Phoenix Area:*
Phoenix Area Office, 124 W. Thomas Road, P.O. Box 7007, Phoenix, Arizona 85011.
Colorado River Agency, Parker, Arizona 85344.
Eastern Nevada Agency, Owyhee, Nevada 89832.
Ft. Apache Agency, Whiteriver, Arizona.
Hopi Agency, Keams Canyon, Arizona.
Papago Agency, Sells, Arizona 85634.
Phoenix Indian High School, Phoenix, Arizona 85011.
Pima Agency, Sacaton, Arizona 85247.
Salt River Agency, Route 1, Box 907, Scottsdale, Arizona.
San Carlos Agency, San Carlos, Arizona 85550.
San Carlos Irrigation Project, Coolidge, Arizona 85228.
Sherman Indian High School, Riverside, California 92501.
Stewart Boarding School, Stewart, Nevada.
Truxton Canon Agency, Valentine, Arizona 86437.
Unintah and Ouray Agency, Ft. Duchesne, Utah.
Western Nevada Agency, Stewart,, Nevada.
Joint Use Administrative Office, Flagstaff, Arizona 86001.

K. *Portland Area:*
Portland Area Office, P.O. Box 3785, Portland, Oregon 97208.
Chemawa Indian School, 5495 Chugach Street, NE., Chemawa, Oregon 97303.
Colville Agency, P.O. Box 111, Nespelem, Washington 99155.
Fort Hall Agency, Fort Hall Idaho.
Northern Idaho Agency, Lapwai, Idaho.
Spokane Agency, Spokane Indian Agency, Wellpinit, Washington 99040.
Umatilla Agency, P.O. Box 520, Pendelton, Oregon 97801.
Wapato Irrigation Project, Wapato, Washington 98951.
Warm Springs Agency, Warm Springs, Oregon 97761.
Western Washington Agency, 3006 Colby Street, Everett, Washington 98201.
Yakima Agency, P.O. Box 632, Toppenish, Washington 98948.
Seattle Employment Assistance, 2716 East Lake Avenue, E., Seattle, Washington 98102.

L. *Sacramento Area:*
Sacramento Area Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.
Central California Agency, P.O. Box 15740, Sacramento, California 95812.
Hoopa Agency, Hoopa, California 95546.
Palm Springs Area Field Offices, P.O. Box 2245, 587 South Palm Canyon Drive, Palm Springs, California 92262.
Southern California Agency, 6848 Magnolia Avenue, Suite 8, Riverside, California 92506.
Oakland/San Francisco FEAO, 620 Central Avenue, Alameda, California 94501.
Los Angeles Field Employment Assistance Office, 300 N. Los Angeles Street, Los Angeles, California 90012.
Madera Residential Training Center, 19500 Road 28, Madera, California 93637.

M. *Eastern Area:*
Eastern Area Office, 1951 Constitution Avenue, NW., Washington, D.C. 20245.
Cherokee Agency, Cherokee, North Carolina 28719.
Choctaw Agency, Philadelphia, Mississippi 39350.
Miccosukee Agency, P.O. Box 44021, Tamiami Station, Florida 33144.
Seminole Agency, 6075 Stirling Road, Hollywood, Florida 33024.
New York Field Office, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.
Cleveland FEAO, 1240 East 9th Street, Cleveland, Ohio 44199.
Washington FEAO, Suite 900—Pomponio Building, 1117 N. 19th Street, Arlington, Virginia 22209.

XI. *Bureau of Land Management.* (Add Bureau of Land Management, U.S. Department of the Interior to all addresses.)

A. *Headquarters Office:*
Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

B. *State and District Offices:*
Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99502.
District Office, 4700 East 72nd, Anchorage, Alaska 99502.
District Office, 1028 Aurora Drive, Fairbanks, Alaska 99707.
Arizona State Office, Federal Building, Phoenix, Arizona 85025.
District Office, Arizona Strip Office, 196 E. Tabernacle, St. George, Utah 84770.
District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.
District Office, 1707 W. Thatcher Boulevard, Safford, Arizona 85546.
District Office, 2450 Fourth Avenue, Yuma, Arizona 85364.
California State Office, 2800 Cottage Way, Sacramento, California 95825.
District Office, 800 Truxtun Avenue, Bakersfield, California 93301.
District Office, 63 Natoma Street, Folsom, California 95630.
District Officer 2460 Athens Avenue, Redding, California 96001.
District Office, 1695 Spruce Street, Riverside, California 92507.
District Officer, 705 Hall Street, Susanville, California 96130.
District Office, 555 Leslie Street, Ukiah, California 95482.
Colorado State Office, 1600 Broadway, Denver, Colorado 80202.
District Office, 3080 East Main Street, Canon City, Colorado 81212.
District Office, 455 Emerson Street, Craig, Colorado 81625.
District Office, 223 Federal Office Building, Grand Junction, Colorado 81501.
District Office, Highway 550 South, Montrose, Colorado 81401.
Idaho State Office, 550 West Fort Street, Boise, Idaho 83724.
District Office, 230 Collins Road, Boise, Idaho 83702.
District Office, Route 3, Box 1, Burley, Idaho 83318.
District Office, 1808 N. Third Street, Coeur d'Arlene, Idaho 83814.
District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.
District Office, P.O. Box 430, Salmon, Idaho 83467.
District Office, 112 S. Cherry Street, Shoshone, Idaho 83352.
Montana State Office, 316 N. 26th Street, Billings, Montana 59103.
District Office, P.O. Box 2020, Billings, Montana 59103.
District Office, Ibey Building N. Dillon, Dillon, Montana 59725.
District Office, Bank Electric Building, Lewistown, Montana 59457.
District Office, 501 S. 2nd Street, E., Malta, Montana 59301.
District Office, West of Miles City, Miles City, Montana 59301.
Nevada State Office, 300 Booth Street, Reno, Nevada 89502.
District Office, P.O. Box 194, Battle Mountain, Nevada 89820.
District Manager, 801 N. Plaza Street, Carson City, Nevada 89701.
District Office, 2002 Idaho Street, Elko, Nevada 89801.
District Office, Ploche Star Route, Ely, Nevada 89301.
District Office, 4765 Vegas Drive, Las Vegas, Nevada 89102.
District Office, Highway Interstate 80 East, Winnemucca, Nevada 89445.
New Mexico State Office, South Federal Place, Santa Fe, New Mexico 87501.
District Office, 3550 Pan American Freeway, NE., Albuquerque, New Mexico 87107.
District Office, 1705 N. Valley Drive, Las Cruces, New Mexico 88001.
District Office, 1717 W. Second Street, Roswell, New Mexico 87801.
District Office, 200 Neel Avenue, NW., Socorro, New Mexico 87801.
Oregon State Office, 729 NE. Oregon Street, Portland, Oregon 97208.
District Office, Federal Building, Baker, Oregon 97814.
District Office, 74 S. Alvord Street, Burns, Oregon 97720.
District Office, 333 S. Fourth Street, Coos Bay, Oregon 97420.
District Office, 1255 Pearl Street, Eugene, Oregon 97401.
District Office, 357 North "L" Street, Lakeview, Oregon 97630.
District Office, 310 W. 6th Street, Medford, Oregon 97501.
District Office, 185 E. Fourth Street, Prineville, Oregon 97754.
District Office, 1928 NE. Airport Road, Roseburg, Oregon 97470.
District Office, 3550 Liberty Road, S., Salem, Oregon 97302.
District Office, West 920 Riverside, Spokane, Washington 99201.
District Office, 365 A Street West, Vale, Oregon 97918.
Utah State Office, 125 South State Street, Salt Lake City, Utah 84111.
District Office, 154 N. Main, Cedar City, Utah 84720.
District Office, 10 E. 5th North, Fillmore, Utah.
District Office, 320 N. First East, Kanab, Utah 84741.
District Office, 284 S. 1st West, Monticello, Utah 84535.

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District Office, 900 N. 7th E., Price, Utah 84501.
District Office, 850 N. Main Street, Richfield, Utah 84701.
Subdistrict Manager, District 2, Coal Mine Health & Safety—MESA, Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.
District Office, 1750 South Redwood Road, Salt Lake City, Utah 84104.
District Office, 91 W. Main Street, Vernal, Utah 84078.
Wyoming State Office, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
District Office, 100 East B Street, Casper, Wyoming 82601.
District Office, 1300 Third Street, Rawlins, Wyoming 82301.
District Office, Highway 187 North, Rock Springs, Wyoming 82901.
District Manager, 1700 Robertson Avenue, Worland, Wyoming 82401.
Eastern States Office, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

XII. *Bureau of Mines.*

A. *Headquarters Office:*

U.S. Bureau of Mines, Department of the Interior, 2401 E Street, N.W., Washington, D.C. 20241.

B. *Minerals and Materials Research and Development:*

Chief, Process Evaluation Group, U.S. Bureau of Mines, P.O. Box 880, Morgantown, West Virginia 26505.
Chief, Coal Sampling and Inspection Office, U.S. Bureau of Mines, College Park, Maryland 20740.
Chief, Industrial Water Laboratory, U.S. Bureau of Mines, College Park, Maryland 20740.
Chief, Coal Preparation and Analysis Group, U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Chief, Helium Operations, U.S. Bureau of Mines, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.
Superintendent, Exell Helium Plant, U.S. Bureau of Mines, Box 100, Masterson, Texas 79058.
Superintendent, Keyes Helium Plant, U.S. Bureau of Mines, P.O. Box 46, Keyes, Oklahoma 73947.
Superintendent, Satanta Maintenance Station, U.S. Bureau of Mines, Box 517, Satanta, Kansas 67870.
Chief, Environmental Field Office, U.S. Bureau of Mines, 19 North Main Street, Wilkes-Barre, Pennsylvania 18701.
Chief, Research Director, Twin Cities Mining Research Center, U.S. Bureau of Mines, P.O. Box 1660, Twin Cities, Minnesota 55111.
Research Director, Denver Mining Research Center, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.
Research Director, Spokane Mining Research Center, U.S. Bureau of Mines, E. 315 Montgomery Street, Spokane, Washington 99207.
Research Director, Pittsburgh Mining and Safety Research Center, U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Research Director, College Park Metallurgy Research Center, U.S. Bureau of Mines, College Park, Maryland 20740.
Research Director, Twin Cities Metallurgy Research Center, U.S. Bureau of Mines, P.O. Box 1660, Twin Cities, Minnesota 55111.
Research Director, Salt Lake City Metallurgy Research Center, U.S. Bureau of Mines, 1600 East 1st South, Salt Lake City, Utah 84112.
Research Director, Rolla Metallurgy Research Center, U.S. Bureau of Mines, P.O. Box 280, Rolla, Missouri 65401.
Research Director, Reno Metallurgy Research Center, U.S. Bureau of Mines, 1605 Evans Avenue, Reno, Nevada 89505.
Research Director, Albany Metallurgy Research Center, U.S. Bureau of Mines, P.O. Box 70, Albany, Oregon 97321.
Laboratory Chief, Tuscaloosa Metallurgy Research Laboratory, U.S. Bureau of Mines, P.O. Box L, University, Alabama 35486.
Laboratory Chief, Boulder City Metallurgy Research Laboratory, U.S. Bureau of Mines, 500 Date Street, Boulder City, Nevada 89005.

C. *Mineral and Materials Supply/Demand Analysis:*

Chief, Dallas Field Office, U.S. Bureau of Mines, 1200 Main Tower, Dallas, Texas 75202.
Chief, Alaska Field Operations Center, U.S. Bureau of Mines, P.O. Box 550, Juneau, Alaska, 99801.
Chief, Eastern Field Operations Center, U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Chief, Intermountain Field Operations Center, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.
Chief, Western Field Operations Center, U.S. Bureau of Mines, E. 315 Montgomery Street, Spokane, Washington 99207.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box L, University, Alabama 35486.
State Liaison Officer, U.S. Bureau of Mines, Room G-81, Federal Building, Anchorage, Alaska 99501.
State Liaison Officer, U.S. Bureau of Mines, Room 1012, 2721 N. Central Avenue, Phoenix, Arizona 85004.
State Liaison Officer, U.S. Bureau of Mines, Room 3331, Federal Office Building, Little Rock, Arkansas 72201.
State Liaison Officer, U.S. Bureau of Mines, Room 3046, 650 Capitol Mall, Sacramento, California 95814.
State Liaison Officer, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.
State Liaison Officer, U.S. Bureau of Mines, Room 204, 547 N. Monroe Street, Tallahassee, Florida 32301.
State Liaison Officer, U.S. Bureau of Mines, Room 431, 19 Hunter Street SW., Atlanta, Georgia 30334.
State Liaison Officer, U.S. Bureau of Mines, Room 203, 4620 Overland Road, Boise, Idaho 83705.
State Liaison Officer, U.S. Bureau of Mines, Room 1117, Ridgely Building, 504 E. Monroe Street, Springfield, Illinois 62701.
State Liaison Officer, U.S. Bureau of Mines, Room 113, 7th & College Streets, Bloomington, Indiana 47401.
State Liaison Officer, U.S. Bureau of Mines, Room 518, Capitol Federal Building, 700 Kansas Avenue, Topeka, Kansas 66603.
State Liaison Officer, U.S. Bureau of Mines, Room 269, John C. Watts Federal Building, 330 W. Broadway, Frankfort, Kentucky 40601.
State Liaison Officer, U.S. Bureau of Mines, Room 119, Federal Building & Courthouse, 707 Florida Street, Baton Rouge, Louisiana 70801.
State Liaison Officer, U.S. Bureau of Mines, Federal Building & Post Office, 40 Western Avenue, Augusta, Maine 04330.
State Liaison Officer, U.S. Bureau of Mines, Room 1121, Commerce Center Building, 300 Capitol Street, Lansing, Michigan 48933.
State Liaison Officer, U.S. Bureau of Mines, Room G-23, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
State Liaison Officer, U.S. Bureau of Mines, Room 408, 301 Building, 301 N. Lamar Street, Jackson, Mississippi 39202.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 1187, Rolla, Missouri 65401.
State Liaison Officer, U.S. Bureau of Mines, 636 N. Logan, Helena, Montana 59601.
State Liaison Officer, U.S. Bureau of Mines, Room 306, Post Office Building, 705 N. Plaza Street, Carson City, Nevada 89701.
State Liaison Officer, U.S. Bureau of Mines, Post Office & Federal Building, Newmarket, New Hampshire 03857.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 587, Albuquerque, New Mexico 87103.
State Liaison Officer, U.S. Bureau of Mines, Suite 203, 1659 Central Avenue, Albany, New York 12205.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 2828, Raleigh, North Carolina 27602.
State Liaison Officer, U.S. Bureau of Mines, Suite 10, 219 North 7th, Bismarck, North Dakota 58501.
State Liaison Officer, U.S. Bureau of Mines, 168 Post Office Building, NW, Third Street, Oklahoma City, Oklahoma 73102.
State Liaison Officer, U.S. Bureau of Mines, Suite 7, Standard Insurance Building, 475 Cottage Street, NE., Salem, Oregon 97301.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 783, Federal Square Station, Harrisburg, Pennsylvania 17108.
State Liaison Officer, U.S. Bureau of Mines, 403 Columbia Building, Main & Gervais Streets, Columbia, South Carolina 29201.
State Liaison Officer, U.S. Bureau of Mines, Federal Building, U.S. Courthouse, 515 9th Street, Rapid City, South Dakota 57701.
State Liaison Officer, U.S. Bureau of Mines, 1109 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219.
State Liaison Officer, U.S. Bureau of Mines, Room 782, Federal Building, Austin, Texas 78701.
State Liaison Officer, U.S. Bureau of Mines, 1600 E. First South Street, Salt Lake City, Utah 84112.
State Liaison Officer, U.S. Bureau of Mines, 909 Capitol Center Building, Olympia, Washington 98501.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 423, Charleston, West Virginia 25322.
State Liaison Officer, U.S. Bureau of Mines, P.O. Box 1796, Cheyenne, Wyoming 82001.

D. *Administration:*

Chief, Division of Automatic Data Processing, U.S. Bureau of Mines, Building 53, Denver Federal Center, Denver, Colorado 80225.
Chief, Pittsburgh/Bruceton Administrative Office, U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Chief, Division of Finance, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.
Chief, Branch of Procurement and Property Operations, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.
Chief, Branch of Personnel, U.S. Bureau of Mines, Building 20, Denver Federal Center, Denver, Colorado 80225.

XIII. *Mining Enforcement and Safety Administration.*

A. *Headquarters Office:*

Mining Enforcement and Safety Administration, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

B. *Metal and Nonmetal Mine Health and Safety:*

District Manager—MESA, Northeastern District, Metal & Nonmetal Mine Health & Safety, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Subdistrict Manager—MESA, Northeastern District, Metal & Nonmetal Mine Health & Safety, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Subdistrict Manager—MESA, Northeastern District, Metal & Nonmetal Mine Health & Safety, Federal Building, Room 329, Albany, New York 12201.
District Manager — MESA, Southeastern District, Metal & Nonmetal Mine Health & Safety, 228 West Valley Avenue, Room 102, Birmingham, Alabama 35209.
Subdistrict Manager — MESA, Southeastern District, Metal & Nonmetal Mine Health & Safety, 228 West Valley Avenue, Room 102, Birmingham, Alabama 35209.
Subdistrict Manager — MESA, Southeastern District, Metal and Nonmetal Mine Health & Safety, 301 West Cumberland Avenue, Room 223, Knoxville, Tennessee 37902.
District Manager—MESA, North Central District, Metal & Nonmetal Mine Health & Safety, 228 Federal Building, Duluth, Minnesota 55802.
Subdistrict Manager — MESA, North Central District, Metal & Nonmetal Mine Health & Safety, P.O. Box 927, Vincennes, Indiana 47591.
District Manager—MESA, South Central District, Metal & Nonmetal Mine Health & Safety, 1100 Commerce Street, Room 4050, Dallas, Texas 75202.
Subdistrict Manager — MESA, South Central District, Metal & Nonmetal Mine Health & Safety, 1100 Commerce Street, Room 4050, Dallas, Texas 75202.
Subdistrict Manager — MESA, South Central District, Metal & Nonmetal Mine Health & Safety, P.O. Box 1158, Rolla, Missouri 65401.
District Manager—MESA, Rocky Mountain District, Metal & Nonmetal Mine Health & Safety, P.O. Box 25367, Denver, Colorado 80225.
Subdistrict Manager — MESA, Rocky Mountain District, Metal & Nonmetal Mine Health & Safety, P.O. Box 25367, Denver, Colorado 80225.
Subdistrict Manager — MESA, Rocky Mountain District, Metal & Nonmetal Mine Health & Safety, 1745 West 17th South, Salt Lake City, Utah 84104.
District Manager—MESA, Western District, Metal & Nonmetal Mine Health & Safety, 620 Central Avenue, Building 7, Alameda, California 94501.
Subdistrict Manager — MESA, Western District, Metal & Nonmetal Mine Health & Safety, 117—107th Avenue, NE., Bellevue, Washington 98004.
Subdistrict Manager — MESA, Western District, Metal & Nonmetal Mine Health & Safety, 2721 North Central Avenue, Suite 706, South Tower, Amerco Towers, Phoenix, Arizona 85004.
ADP Liaison—MESA, Metal & Nonmetal Mine Health & Safety, P.O. Box 25367, Denver, Colorado 80225.

B. *Coal Mine Health and Safety:*

District Manager, District 1, Coal Mine Health & Safety—MESA, Veterans Building—Room 510, Wilkes-Barre, Pennsylvania 18071.
District Manager, District 2, Coal Mine Health & Safety—MESA, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Subdistrict Manager, District 2, Coal Mine Health & Safety—MESA, Sunray and Goucher, Johnstown, Pennsylvania 15905.
District Manager, District 3, Coal Mine Health & Safety—MESA, P.O. Box 880, Morgantown, West Virginia 26505.
Fairmont Field Office, District 3, Coal Mine Health & Safety—MESA, 736 Gaston Avenue, Fairmont, West Virginia 26554.
District Manager, District 4, Coal Mine Health & Safety—MESA, P.O. Box 112, Mt. Hope, West Virginia 25880.
Subdistrict Manager, District 4, Coal Mine Health & Safety—MESA, P.O. Box 112, Mt. Hope, West Virginia 25880.
Subdistrict Manager, District 4, Coal Mine Health & Safety—MESA, 1460 Main Street, Princeton, —West Virginia 24740.
Subdistrict Manager, District 4, Coal Mine Health & Safety—MESA, P.O. Box 8, Madison, West Virginia 25130.
District Manager, District 5, Coal Mine Health & Safety—MESA, P.O. Box 560, Norton, Virginia 24273.
Subdistrict Manager, District 5, Coal Mine Health & Safety—MESA, Norton, Virginia 24273.
Subdistrict Manager, District 5, Coal Mine Health & Safety—MESA, Drawer AA, Richlands, Virginia 24641.
District Manager District 6, Coal Mine Health & Safety—MESA, P.O. Box 262, Main Street Station, Pikesville, Kentucky 41501.
Pikesville Field Office District 6, Coal Mine Health & Safety—MESA, 686 North Lake Drive, Prestonsburg, Kentucky 41653.
District Manager, District 7, Coal Mine Health & Safety—MESA, P.O. Box 572, Barbourville, Kentucky 40906.
Subdistrict Manager, District 7, 616 Manchester Street, Barbourville, Kentucky 40906.
Jellico Field Office, District 7, Coal Mine Health & Safety—MESA, Federal Building, Jellico, Tennessee 37762.
Subdistrict Manager, District 7, Coal Mine Health & Safety—MESA, P.O. Box 473, Madisonville, Kentucky 42431.
Subdistrict Manager, District 7, Coal Mine Health & Safety—MESA, 226 West Valley Avenue, Birmingham, Alabama 35209.
District Manager, District 8, Coal Mine Health & Safety—MESA, 501 Busseron Street, Vincennes, Indiana 47591.
Subdistrict Manager, District 8, Coal Mine Health & Safety—MESA, 501 Busseron Street, Vincennes, Indiana 47591.

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Subdistrict Manager, District 8, Coal Mine Health & Safety—MESA, R.D. # 6, St. Clairsville, Ohio 43950.
District Manager, District 9, Coal Mine Health & Safety—MESA, P.O. Box 25367, Denver, Colorado 80225.
Subdistrict Manager, District 9, Coal Mine Health & Safety—MESA, P.O. Box 25367, Denver, Colorado 80225.
Subdistrict Manager, District 9, Coal Mine Health & Safety—MESA, Drawer J, Price, Utah 84501.
Subdistrict Manager, District 9, Coal Mine Health & Safety—MESA, P.O. Box 817, McAlester, Oklahoma 74501.
ADP Liaison—MESA, Coal Mine Health & Safety—MESA, P.O. Box 25367, Denver, Colorado 80225.

C. *Assessment Office:*
District Assessment Officer—MESA, Pittsburgh & Peter Streets, Federal Building, Uniontown, Pennsylvania 15401.
District Assessment Officer—MESA, 810 Quarrier Street, L & S Building, Room 200, Charleston, West Virginia 25301.
District Assessment Officer—MESA, P.O. Box 29, 2195 Euclid Avenue, Bristol, Virginia 24201.
District Assessment Officer—MESA, 1220 So. Broadway, Jordan Building, Suite 402, Lexington, Kentucky 40504.
ADP Liaison—MESA, Assessment Office, P.O. Box 25367, Denver, Colorado 80225.

D. *Training:*
Norton Training Center, Mining Enforcement & Safety Administration, P.O. Box 710, Norton, Virginia 24273.
Chicago Training Center, Mining Enforcement & Safety Administration, 10600 Higgins Road, Rosemont, Illinois 60018.
Dallas Training Center, Mining Enforcement & Safety Administration, P.O. Box 1020, Dallas, Texas 75221.
Denver Training Center, Mining Enforcement & Safety Administration, P.O. Box 1020, Dallas, Texas 75221.
Denver Training Center, Mining Enforcement & Safety Administration, Box 25367, Denver, Colorado 80225.
Boulder City Training Center, Mining Enforcement & Safety Administration, 500 Date Street, Boulder City, Nevada 89005.
Albany Training Center, Mining Enforcement & Safety Administration, P.O. Box 70, Albany, Oregon 97321.
Beckley Training Center, Mining Enforcement & Safety Administration, Drawer J, Beckley, West Virginia 24273.
Pittsburgh Training Center, Mining Enforcement & Safety Administration, 4 Parkway Center—Suite 100, Pittsburgh, Pennsylvania 15220.

Birmingham Training Center, Mining Enforcement & Safety Administration, 228 West Valley Avenue, Room 200, Birmingham, Alabama 35209.
Certification & Qualification Unit, Educating & Training, Mining Enforcement & Safety Administration, P.O. Box 25367, Denver, Colorado 80225.

E. *Technical Support:*
MESA Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
MESA Denver Technical Support Center, P.O. Box 25367, Denver, Colorado 80225.
MESA Health & Safety Analysis Center, P.O. Box 25367, Denver, Colorado 80225.
MESA Electrical Testing Project, 2239 S. Kanawha Street, Beckley, West Virginia 25801.

F. *Mine Health & Safety Academy:*
Mine Health & Safety Academy, 109 South Fayette Street, Beckley, West Virginia 25801.

XIV. *National Park Service.*

A. *Headquarters Offices:*
Washington Office, National Park Service, Department of the Interior, Washington, D.C. 20240.
North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, MA 02114.
Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, PA 19106.
Southeast Regional Office, National Park Service, Scott Hudgens Bldg., 3401 Whipple Ave., Atlanta, GA 30344.
Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NB 68102.
Rocky Mountain Regional Office, National Park Service, P.O. Box 25287, 655 Parfet Street, Denver, CO 80225.
Southwest Regional Office, National Park Service, Box 728, Santa Fe, NM 87501.
Western Regional Office, National Park Service, 450 Golden Gate Ave., P.O. Box 36063, San Francisco, CA 94102.
Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Building, Seattle, WA 98101.
National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242. (Includes over 700 park units in the Washington Metropolitan Area.)
Denver Service Center, National Park Service, P.O. Box 25287, Denver, CO 80225.
Harpers Ferry Center, National Park Service, Harpers Ferry, WV 25425.

B. *Group Offices:*
Catoctin Mountain Park and Baltimore Washington Parkway Group, Thurmont, MD 21788.
Klamath Falls Group, National Park Service, P.O. Box 128, Klamath Falls, OR 97601.
Navajo Lands Group, National Park Service, P.O. Box 539, Farmington, NM 87401.
New York Group, National Park Service, 26 Wall Street, New York, NY 10005.
Southern Arizona Group, National Park Service, 1115 North First Street, Phoenix, AZ 85004.
Western Pennsylvania Group, National Park Service, P.O. Box 247; Cresson, PA 16630.

C. *State Directors:*
Alaska State Director, National Park Service, 334 West Fifth Avenue, Suite 250, Anchorage, AK 99501.
Hawaii State Director, National Park Service, 677 Ala Moana Blvd., Suite 512, Honolulu, HI 96813.

D. *Archeological Centers:*
Midwest Archeological Center, National Park Service, Room 474, Federal Building, 100 Centennial Mall North, Lincoln, NB 68504.
Southeast Archeological Center, National Park Service, P.O. Box 2416, Tallahassee, FL 32304.
Western Archeological Center, National Park Service, P.O. Box 49008, Tucson, AZ 85717.

E. *Land Offices* (Add to each address National Park Service, U.S. Department of the Interior):
Big Cypress Lands Office, P.O. Box 1515, Naples, FL 33940.
Buffalo National River Lands Office, P.O. Box 1173, Harrison, AR 72601.
Chesapeake and Ohio Canal Lands Office, P.O. Box A, College Estate Station, Frederick, MD 21701.
Colonial Lands Office, P.O. Box 210, Yorktown, VA 23690.
Everglades Lands Office, P.O. Box 57000H Perrine Branch, Miami, FL 33157.
Fredericksburg Lands Office, P.O. Box 679, Fredericksburg, VA 22401.
Gettysburg Lands Office, P.O. Box 70, Gettysburg, PA 17325.
Glacier Lands Office, West Glacier, MT 59936.
Grand Teton Lands Office, P.O. Box 67, Moose, WY 83012.
Hot Springs Lands Office, P.O. Box 1219, Hot Springs National Park, AR 71901.
Indiana Dunes Lands Office, Marquette Mall, Suite 551, Michigan City, IN 46360.
Joshua Tree Lands Office, 74485 Palm Vista Drive, Twentynine Palms, CA 92277.
Lake Mead Lands Office, 601 Nevada Highway, Boulder City, NV 89005.
Saint Croix Lands Office, P.O. Box 579, St. Croix Falls, WI 54024.
Sleeping Bear Dunes Lands Office, 400½ Main Street, Frankfort, MI 49635.
Utah Lands Office, Room 103, Federal Annex Building, Salt Lake City, UT 84111.
Yosemite Lands Office, Yosemite National Park, CA 95389.

F. *Other Offices:*
Chaco Center, National Park Service, P.O. Box 26176, Albuquerque, NM 97125.

National Park Service Science Center, National Space Technology Laboratory, Bay St. Louis, MS 39520.
United States Park Police, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

G. *National Park Service Areas* (Add to each address National Park Service U.S. Department of the Interior):
Abraham Lincoln Birthplace, Nation Historic Site, c/o Mammoth Cave Nat'l Park, Mammoth Cave, KY 42259.
Acadia National Park, RFD #1, Bar Harbor, ME 04609.
Adams National Historic Site, Box 531, Quincy, MA 02169.
Agate Fossil Beds National Monument, c/o Scotts Bluff Nat'l Mon., P.O. Box 427, Gering, NB 69341.
Alibates Flint Quarries & Texas Panhandle, Pueblo Culture National Monument, c/o Lake Meredith NRA, P.O. Box 325, Sanford, TX 79078.
Allegheny Portage Railroad National Historic Site, P.O. Box 247, Cresson, PA 16630.
Amistad Recreation Area, P.O. Box 1463, Del Rio, TX 78840.
Andersonville National Historic Site, Andersonville, GA 31711.
Andrew Johnson National Historic Site, c/o Great Smoky Mountain Nat'l Park, Gatlinburg, TN 37738.
Antietam National Battlefield Site, P.O. Box 158, Sharpsburg, MD 21782.
Apostle Islands National Lakeshore, 1972 Centennial Drive, R.R., Bayfield, WI 54814.
Appomattox Court House National Historical Park, P.O. Box 218, Appomattox, 24522.
Appalchian National Scenic Trail, Northern Unit: c/o Mid-Atlantic Regional Office, 143 S. Third Street, Philadelphia, PA 19106. Southern Unit: c/o Southeast Regional Office 3401 Whipple Avenue, Atlanta, GA 30344.
Arbuckle Recreation Area, c/o Platt Nat'l Park, P.O. Box 201, Sulphur, OK 73086.
Arches National Park, c/o Canyonlands Nat'l Park, 446 S. Main Street, Moab, UT 84532.
Arkansas Post National Memorial, Rt. 1, Box 16, Gillett, AR 72055.
Arlington House, The Robert E. Lee Memorial, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101.
Assateague Island National Seashore, Route 2, Box 294, Berlin, MD 21811.
Aztec Ruins National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Badlands National Monument, P.O. Box 72, Interior, SD 57750.
Bandelier National Monument, Los Alamos, NM 87544.
Bent's Old Fort National Historic Site, P.O. Box 581, La Junta, CO 81050.
Big Bend National Park, Big Bend National Park, TX 79834.
Big Cypress National Preserve, c/o Southeast Regional Office, 3401 Whipple Ave., Atlanta, GA 30344.
Big Hole National Battlefield, c/o Yellowstone Nat'l Park, Yellowstone Nat'l Park, WY 82190.
Big Thicket National Preserve, c/o Southwest Regional Office, P.O. Box 728, Santa Fe, NM 87051.
Bighorn Canyon National Recreation Area, P.O. Box 458, Port Smith, MT 59035.
Biscayne National Monument, P.O. Box 1369, Homestead, FL 33030.
Black Canyon of the Gunnison National Monument, P.O. Box 1648, Montrose, CO 81401.
Blue Ridge Parkway, P.O. Box 7606, Asheville, NC 28807.
Booker T. Washington National Monument, Route 1, Box 195, Hardy, VA 24101.
Boston National Historical Park, c/o North Atlantic Regional Office, 150 Causeway Street, Room 715, Boston, MA 02114.
Brices Cross Roads National Battlefield Site, c/o Natchez Trace Parkway, R.R. 1, NT-143, Tupelo, MS 38801.
Bryce Canyon National Park, Bryce Canyon, UT 84717.
Buck Island Reef National Monument, c/o Christiansted Nat'l Hist. Site, P.O. Box 160, Christiansted, VI 00820.
Buffalo National River, P.O. Box 1173, Harrison, AR 72601.
Cabrillo National Monument, P.O. Box 6175, San Diego, CA 92106.
Canaveral National Seashore, c/o Southeast Regional Office, 3401 Whipple Avenue, Atlanta, GA 30344.
Canyon de Chelly National Monument, Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Canyonlands National Park, 446 S. Main Street, Moab, UT 84532.
Cape Cod National Seashore, South Wellfleet, MA 02663.
Cape Hatteras National Seashore, P.O. Box 457, Manteo, NC 27954.
Cape Lookout National Seashore, P.O. Box 690, Beaufort, NC 28516.
Capitol Reef National Park, Torrey, UT 84775.
Capulin Mountain National Monument, Capulin, NM 88414.
Carl Sandburg Home National Historic Site, P.O. Box 395, Flat Rock, NC 28731.
Carlsbad Caverns National Park, 3225 National Parks Highway, Carlsbad, NM 88220.
Casa Grande Ruins National Monument, c/o Southern Arizona Group, 1115 N. First Street, Phoenix, AZ 85004.
Castillo de San Marcos National Monument, 1 Castillo Drive, St. Augustine, FL 32084.
Castle Clinton National Monument, c/o Manhattan Sites Unit, 26 Wall Street, New York, NY 10005.
Catoctin Mountain Park, Thurmont, MD 21788.
Cedar Breaks National Monument, c/o Zion National Park, Springdale, UT 84767.
Chaco Canyon National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Chalmette National Historical Park, P.O. Box 429, Arabi, LA 70032.
Chamizal National Memorial, Southwest National Bank Building, Rm. 620, 300 E. Main Drive, El Paso, Texas 79901.
Channel Islands National Monument, 1699 Anchors Way Drive, Ventura, CA 93003.
Chesapeake and Ohio Canal National Historical Park, P.O. Box 158, Sharpsburg, MD 21782.
Chickamauga and Chattanooga National Military Park, P.O. Box 2126, Fort Oglethorpe, GA 30742.
Chiricahua National Monument, c/o Southern Arizona Group, 1115 N. First Street, Phoenix, AZ 85004.
Christiansted National Historic Site, c/o Virgin Islands National Park, P.O. Box 806, Charlott Amalie, VI 00801.
City of Refuge National Historical Park, c/o Hawaii State Director, 677 Ala Moana Blvd., Suite 512, Honolulu, HI 96813.
Clara Barton National Historic Site, National Capital Parks, 1100 Ohio Drive, S.W., Washington, D.C. 20242.
Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23490.
Colorado National Monument, P.O. Box 438, Fruits, CO 81521.
Coronado National Memorial, c/o Southern Arizona Group, 1115 N. First Street, Phoenix, AZ 85004.
Coulee Dam Recreation Area, P.O. Box 37, Coulee Dam, WA 99116.
Cowpens National Battlefield, c/o Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, SC 28086.
Crater Lake National Park, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601.
Craters of the Moon National Monument, P.O. Box 29, Arco, ID 83213.
Cumberland Gap National Historical Park, P.O. Box 840, Middlesboro, KY 40965.
Cumberland Island National Seashore, P.O. Box 806, Saint Marys, GA 31558.
Curecanti Recreation Area, P.O. Box 1040, Gunnison, CO 81230.
Custer Battlefield National Monument, P.O. Box 416, Crow Agency, MT 59022.
Cuyahoga Valley Nat'l Recreational Area, c/o Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102.
Death Valley National Monument, Death Valley, CA 92328.
Delaware Water Gap National Recreation Area, I-80, Columbia, NJ 07832.

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De Sota National Memorial, P.O. Box 1377, Bradenton, FL 33506.
Devils Postpile National Monument, c/o Sequoia National Park, Three Rivers, CA 93271.
Devils Tower National Monument, Devils Tower, WY 87214.
Dinosaur National Monument, P.O. Box 210, Dinosaur, CO 81610.
Edison National Historic Site, c/o Morristown National Historical Park, P.O. Box 1136R, Morristown, NJ 07960.
Effigy Mounds National Monument, P.O. Box K, McGregor, IA 52157.
Eisenhower National Historic Site, c/o Gettysburg National Military Park, P.O. Box 70, Gettysburg, PA 17325.
El Morro National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Everglades National Park, P.O. Box 279, Homestead, FL 33030.
Federal Hall National Memorial, c/o Manhattan Sites Unit, 26 Wall Street, New York, NY 1005.
Fire Island National Seashore, Box 229, Patchogue, NY 11772.
Florissant Fossil Beds National Monument, P.O. Box 185, Florissant, CO 80816.
Ford's Theatre National Historic Site, c/o National Capital Parks-West, 1100 Ohio Drive, SW., Washington, D.C. 20242.
Fort Bowie National Historic Site, c/o Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Fort Caroline National Memorial, 12713 Fort Caroline Road, Jacksonville, FL 32225.
Fort Clatsop National Memorial, Route 3, Box 604–FC, Astoria, OR 97103.
Fort Davis National Historic Site, P.O. Box 1456, Fort Davis, TX 79734.
Fort Donelson National Military Park, P.O. Box F, Dover, TN 37085.
Fort Frederica National Monument, P.O. Box 816, St. Simons Island, GA 31522.
Fort Jefferson National Monument, c/o Everglades National Park, P.O. Box 279, Homestead, FL 33030.
Fort Laramie National Historic Site, Fort Laramie, WY 82212.
Fort Larned National Historic Site, Route 3, Larned, KS 67550.
Fort Matanzas National National Monument, c/o Castillo de San Marcos National Monument, 1 Castillo Drive, St. Augustine, FL 32084.
Fort McHenry National Monument & Historic Shrine, Baltimore, MD 21230.
Fort Necessity National Battlefield, Rt. 1, Box 360, Farmington, PA 25437.
Fort Point National Historic Site, c/o Golden Gate National Recreation Area, Ft. Mason, San Francisco, CA 94123.
Fort Pulaski National Monument, P.O. Box 98, Savannah Beach, GA 31328.

Fort Raleigh National Historic Site, c/o Cape Hatteras National Seashore, P.O. Box 457, Manteo, NC 27954.
Fort Smith National Historic Site, P.O. Box 1406, Fort Smith, AR 72901.
Fort Stanwix National Monument, 112 E. Park Street, Rome, NY 13440.
Fort Sumter National Monument, Drawer R, Sullivans Islands, SC 29482.
Fort Union National Monument, Watrous, NM 87753.
Fort Union Trading Post National Historic Site, c/o Theodore Roosevelt National Memorial, Medora, ND 58645.
Fort Vancouver National Historic Site, Vancouver, WA 98661.
Fossil Butte National Monument, c/o Grand Teton National Park, P.O. Box 67, Moose, WY 83012.
Fredericksburg & Spotsylvania County Battlefields Memorial National Military Park—P.O. Box 679, Fredericksburg, VA 22401.
Gateway National Recreation Area, Floyd Bennett Field, Building 69, Brooklyn, NY 11234.
General Grant National Memorial, Manhattan Sites Unit, 26 Wall Street, New York, NY 10005.
George Rogers Clark National Historical Park, 115 Dubois Street, Vincennes, IN 47591.
George Washington Birthplace National Monument, c/o Fredericksburg & Spotsylvania County Battlefields Memorial National Military Park—P.O. Box 679, Fredericksburg, VA 22401.
George Washington Carver National Monument, P.O. Box 38, Diamond, MO 64840.
George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101.
Gettysburg National Military Park, P.O. Box 70, Gettysburg, PA 17325.
Gila Cliff Dwellings National Monument, Gila Hot Springs, Rt. 11, Box 100, Silver City, NM 88061.
Glacier National Park, West Glacier, MT 59936.
Glacier Bay National Monument, c/o Alaska State Director, 334 W. Fifth Avenue, Suite 250, Anchorage, AK 99501.
Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040.
Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.
Golden Spike National Historic Site, Promontory Star Route, Corinne, UT 84307.
Gran Quivira National Monument, Route 1, Mountainair, NM 87036.
Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023.
Grand Portage National Monument, P.O. Box 666, Grand Marais, NM 55604.
Grand Teton National Park, P.O. Box 67, Moose, WY 83012.
Grant-Kohrs Ranch National Historic Site, P.O. Box 799 Deer Lodge, MT 59722.
Great Sand Dunes National Monument, P.O. Box 60, Alamosa, CO 81101.
Great Smoky Mountains National Park, Gatlinburg, TN 37738.
Guadalupe Mountains National Park, c/o Carlsbad Caverns National Park, 3225 National Parks Highway, Carlsbad, NM 88220.
Guilford Courthouse National Park, P.O. Box 9334, Plaza Station, Greensboro, NC 27408.
Gulf Islands National Seashore, P.O. Box 100, Gulf Breeze, FL 32561.
Haleakala National Park, c/o Hawaii State Director, 677 Ala Moana Boulevard, Suite 512, Honolulu, HI 96813.
Hamilton Grange National Memorial, c/o Manhattan Sites Unit, 26 Wall Street, New York, NY 10005.
Hampton National Historic Site, c/o Fort McHenry National Monument and Historic Shrine, Baltimore, MD 96813.
Harpers Ferry National Historical Park, P.O. Box 65, Harpers Ferry, WV 25425.
Hawaii Volcanoes National Park, c/o Hawaii State Director, 677 Ala Moana Boulevard, Suite 512, Honolulu, HI 96813.
Herbert Hoover National Historic Site, P.O. Box 607, West Branch, IA 52358.
Hohokam Pima National Monument, c/o Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Home of Franklin D. Roosevelt National Historic Site, Hyde Park, Dutchess County, NY 12538.
Homestead National Monument of America, Beatrice, NB 68310.
Hopewell Village National Historic Site, R.D. 1, Box 345, Elverson, PA 19520.
Horseshoe Bend National Military Park, R. 1, Box 63, Daviston, AL 36256.
Hot Springs National Park, P.O. Box 1219, Hot Springs, AR 71901.
Hovenweep National Monument, c/o Mesa Verde National Park, Mesa Verde National Park, CO 81330.
Hubbell Trading Post National Historic Site, c/o Navajo Lands Group, P.O. Box 539. Farmington, NM 87401.
Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106.
Indiana Dunes National Lakeshore, R.R. 2, Box 139–A, Chesterton, IN 43604.
Isle Royale National Park, P.O. Box 27, Houghton, MI 49931.
Jefferson National Expansion Memorial Historic Site, 11 North 4th Street, St. Louis, MO 63102.
Jewel Cave National Monument, c/o Wind Cave National Park, Hot Springs, SD 57747.
John D. Rockefeller Junior Memorial Parkway, c/o Grand Teton National Park, P.O. Box 67, Moose, WY 83012.

John Day Fossil Beds National Monument, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601.
John F. Kennedy Center for the Performing Arts, c/o National Capital Parks Kennedy Center, Washington, D.C. 20566.
John Fitzgerald Kennedy National Historic Site, c/o Longfellow National Historic Site, Cambridge, MA 02138.
John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, CA 94553.
Johnstown Flood National Memorial, c/o Western Pennsylvania Group, P.O. Box 247, Cresson, PA 16630.
Joshua Tree National Monument, 74485 Palm Vista Drive, Twenty-nine Palms, CA 92277.
Katmai National Monument, c/o Alaska State Director, 334 W. Fifth Avenue, Suite 250, Anchorage, AK 99501.
Kennesaw Mountain National Battlefield Park, P.O. Box 1167, Marietta, GA 30061.
Kings Canyon National Park, c/o Sequoia National Park, Three Rivers, CA 93271.
Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, SC 28086.
Knife River Indian Villages National Historic Site, c/o Theodore Roosevelt National Memorial Park, Medora, ND 58645.
Lake Chelan National Recreation Area, c/o North Cascades National Park, Sedro Woolley, WA 98284.
Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005.
Lake Meredith Recreation Area, P.O. Box 325, Sanford, TX 79078.
Lassen Volcanic National Park, Mineral, CA 96063.
Lava Beds National Monument, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601.
Lehman Caves National Monument, Baker, NV 89311.
Lincoln Boyhood National Memorial, Lincoln City, IN 47552.
Lincoln Home National Historic Site, 413 South Eighth Street, Springfield, IL 62701.
Longfellow National Historic Site, 105 Brattle Street, Cambridge, MA 02138.
Lower St. Croix River, c/o St. Croix National Scenic Riverway, P.O. Box 579, St. Croix Falls, VI 54024.
Lyndon B. Johnson National Historic Site, P.O. Box 329, Johnson City, TX 78636.
Mammoth Cave National Park, Mammoth Cave, KY 42259.
Manassas National Battlefield Park, P.O. Box 350, Manassas, VA 22110.
Mar-A-Lago National Historic Site, P.O. Box 2527, Palm Beach, FL 33480.
Martin Van Buren National Historic Site, c/o Home of FDR National Historic Site, Hyde Park, Dutchess County, NY 12538.
Mesa Verde National Park, Mesa Verde National Park, CO 81330.
Minute Man National Historical Park, P.O. Box 160, Concord, MA 01742.
Montezuma Castle National Monument, c/o Tuzigoot National Monument, P.O. Box 68, Clarkdale, AZ 86234.
Moores Creek National Military Park, Currie, Pender County, NC 28435.
Morristown National Historical Park, P.O. Box 1136R, Morristown, NJ 07960.
Mound City Group National Monument, P.O. Box 327, Chillicothe, OH 45601.
Mount McKinley National Park, c/o Alaska State Director, 334 W. Fifth Avenue, Suite 250, Anchorage, AK 99501.
Mount Rainier National Park, Longmire, WA 98397.
Mount Rushmore National Memorial, Keystone, SD 57751.
Muir Woods National Monument, c/o Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.
Natchez Trace Parkway, RR. 1, NT–143, Tupelo, MS 38801.
National Visitor Center, Union Station, Washington DC 20002.
Natural Bridges National Monument, c/o Canyonlands National Park, Moab, UT 84532.
Navajo National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Nez Perce National Historical Park, P.O. Box 93, Spalding, ID 93551.
North Cascades National Park, Sedro Woolley, WA 98284.
Ocmulgee National Monument, P.O. Box 4188, Macon, GA 31208.
Olympic National Park, 600 East Park Avenue, Port Angeles, WA 98362.
Oregon Caves National Monument, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601.
Organ Pipe Cactus National Monument, Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Padre Island National Seashore, 10235 S. Padre Island Drive, Corpus Christi, TX 78418.
Pea Ridge National Military Park, Pea Ridge, AR 72751.
Pecos National Monument, P.O. Drawer 11, Pecos, NM 87552.
Perry's Victory & International Peace Memorial, P.O. Box 78, Put-in-Bay, OH 43456.
Petersburg National Battlefield, P.O. Box 549, Petersburg, VA 23803.
Petrified Forest National Park, Petrified Forest National Park, AZ 86025.
Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862.
Pinnacles National Monument, Paicines, CA 95043.
Pipe Spring National Monument, c/o Zion National Park, Springdale, UT 84767.
Pipestone National Monument, P.O. Box 727, Pipestone, MN 56164.
Platt National Park, P.O. Box 201, Sulphur, OK 73086.
Point Reyes National Seashore, c/o Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.
Prince William Forest Park, P.O. Box 208, Triangle, VA 22172.
Puukohola Heiau National Historic Site, c/o City of Refuge National Historical Park, Honaunau, HI 96726.
Rainbow Bridge National Monument, c/o Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040.
Redwood National Park, Drawer N, Crescent City, CA 95531.
Richmond National Battlefield Park, 3215 East Board Street, Richmond, VA 23223.
Rocky Mountain National Park, Estes Park, CO 80517.
Roger Williams National Memorial, c/o North Atlantic Regional Office, 150 Causeway Street, Boston, MA 02114.
Ross Lake National Recreation Area, c/o North Cascades National Park, Sedro Woolley, WA 98284.
Russell Cave National Monument, Rt. 1, Box 175, Bridgeport, AL 35740.
Sagamore Hill National Historic Site, c/o New York Group, 26 Wall Street, New York, NY 10005.
Saguaro National Monument, Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Saint Croix Islands National Monument, c/o Acadia National Park, RFD #1, Bar Harbor, ME 04609.
Saint Croix National Scenic Riverway, P.O. Box 579, St. Croix Falls, WI 54024.
Saint-Guadens National Historic Site, RD 2, Windsor, VT 05089.
Salem Maritime National Historic Site, Custom House, 174 Derby Street, Salem, MA 01970.
San Juan Island National Historical Park, P.O. Box 549, Friday Harbor, WA 98250.
San Juan National Historic Site, P.O. Box 712, Old San Juan, PR 00902.
Saratoga National Historical Park, R.D. 1, Box 113–C, Stillwater, NY 12170.
Saugus Iron Works National Historic Site, 244 Central Street, Saugus, MA 01906.
Scotts Bluff National Monument, P.O. Box 427, Gering, NB 69341.
Sequoia National Park, Three Rivers, CA 93271.
Sewall-Belmont House, 144 Constitution Avenue, NW., Washington, DC 20002.
Shadow Mountain Recreation Area, c/o Rocky Mountain National Park, Estes Park, CO 80517.
Shenandoah National Park, Luray, VA 22835.
Shiloh National Military Park, c/o Natchez Trace Parkway, RR. 1, NT–143, Tupelo, MS 38801.

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Sitka National Historical Park, c/o Alaska State Director, 334 W. Fifth Avenue—Suite 250, Anchorage, AK 99501.
Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, MI 49635.
Springfield Armory National Historic Site, c/o North Atlantic Regional Office, 150 Causeway Street, Boston, MA 02114.
Statue of Liberty National Monument, c/o New York Group, 26 Wall Street, New York, NY 10005.
Stones River National Battlefield, P.O. Box 1039, Murfreesboro, TN 37130.
Sunset Crater National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Thaddeus Kosciuszko National Memorial, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106.
Theodore Roosevelt Birthplace National Historic Site, New York Group, 26 Wall Street, New York, NY 10005.
Theodore Roosevelt Inaugural National Historic Site, 641 Delaware Avenue, Buffalo, NY 14209.
Theodore Roosevelt Island, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101.
Theodore Roosevelt National Memorial Park, Medoral, ND 58645.
Timpanogos Cave National Monument, RT. 2, Box 200, American Fork, UT 84003.
Tonto National Monument, c/o Southern Arizona Group, 1115 N. 1st. Street, Phoenix, AZ 85004.
Tumacacori National Monument, Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Tupelo National Battlefield, c/o Natchez Trace Parkway, R.R. 1, NT–143, Tupelo, MS 38801.
Tuskegee Institute National Historic Site, Tuskegee, AL 36088.
Tuzigoot National Monument, Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Vanderbilt Mansion National Historic Site, c/o Home of FDR National Historic Site, Hyde, Park, Dutchess County, NY 12538.
Vicksburg National Military Park, P.O. Box 349, Vicksburg, MS 39180.
Virgin Islands National Park, P.O. Box 806, Charlotte Amalie, VI 00801.
Vogageurs National Park, P.O. Drawer 50, International Falls, MN 56649.
Walnut Canyon National Monument c/o Southern Arizona Group, 1115 N. 1st Street, Phoenix, AZ 85004.
Whiskeytown National Recreation Area, P.O. Box 188, Whiskeytown, CA 96095.
White Sands National Monument, P.O. Box 458, Alamogordo, NM 88310.

Whitman Mission National Historic Site, RT. 2, Walla Walla, WA 99362.
William Howard Taft National Historic Site, 2038 Auburn Avenue, Cincinnati, OH 45219.
Wilson's Creek National Battlefield, c/o George Washington Carver National Monument, P.O. Box 38, Diamond, MO 64840.
Wind Cave National Park, Hot Springs, SD 57747.
Wolf National Scenic Riverway, c/o Midwest Regional Office, 1709 Jackson Street, Omaha, NB 68102.
Wolf Trap Farm Park, 1551 Trap Road, Vienna, VA 22180.
Wright Brothers National Memorial, c/o Cape Hatteras National Seashore, P.O. Box 457, Manteo, NC 27954.
Wupatki National Monument, c/o Navajo Lands Group, P.O. Box 539, Farmington, NM 87401.
Yellowstone National Park, Yellowstone National Park, WY 82190.
Yosemite National Park, P.O. Box 577, Yosemite National Park, CA 95389.
Yucca House National Monument, c/o Mesa Verde National Park, Mesa Verde National Park, CO 81330.
Zion National Park, Springdale, UT 84767.

H. *National Cemeteries* (Add National Park Service, U.S. Department of the Interior to addresses):

Antietam National Cemetery, c/o Antietam National Battlefield Site, P.O. Box 158, Sharpsburg, MD 21782.
Battleground National Cemetery, c/o National Capital Parks, 1100 Ohio Drive SW., Washington, D.C. 20242.
Fort Donelson National Cemetery, c/o Fort Donelson National Military Park, P.O. Box F, Dover, TN 37058.
Fredericksburg National Cemetery, c/o Fredericksburg & Spotsylvania County Battlefields Memorial Military Park, P.O. Box 679, Fredericksburg, VA 22401.
Gettysburg National Cemetery, c/o Gettysburg National Military Park, P.O. Box 70, Gettysburg, PA 17325.
Poplar Grove National Cemetery, c/o Petersburg National Battlefield, P.O. Box 549, Petersburg, VA 23803.
Shiloh National Cemetery, c/o Shiloh National Military Park, Shiloh, TN 38376.
Stones River National Cemetery, c/o Stones River National Battlefield, P.O. Box 1039, Murfreesboro, TN 37130.
Vicksburg National Cemetery, c/o Vicksburg National Military Park, P.O. Box 806, Vicksburg, MS 39180.
Yorktown National Cemetery, c/o Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23690.

I. *Affiliated Areas:*

Benjamin Franklin National Memorial, The Franklin Institute, 20th & Benjamin Franklin Parkway, Philadelphia, PA 19103.
Chicago Portage National Historic Site, c/o Cook County Forest Preserve, Cummings Square, River Forest, IL 60305.
Chimney Rock National Historic Site, c/o Scotts Bluff National Monument, P.O. Box 427, Gering, NB 69341.
Dorchester Heights National Historic Site, c/o Parks & Recreation Department, 33 Beacon Street, Boston, MA 02108.
Fort Scott Historic Area, c/o Fort Scott Chamber of Commerce, Fort Scott, KA 66701.
Gloria Dei (Old Swedes') Church National Historic Site, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106.
Ice Age National Scientific Reserve, P.O. Box 419, Dunseith, ND 58637.
Jamestown National Historic Site, c/o Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23690.
McLoughlin House National Historic Site, Oregon City, OR 97045.
Pennsylvania Avenue National Historic Site, c/o National Capital Parks, 1100 Ohio Drive SW., Washington, DC 20242.
Roosevelt Campobello International Park, c/o Executive Secretary, Roosevelt Campobello International Park Commission, P.O. Box 97, Lubec, ME 04652.
St. Paul's Church National Historical Site, c/o Corporation of St. Paul's Church, 897 South Columbus Avenue, Mount Vernon, NY 10550.
San Jose Mission National Historic Site, 6539 San Jose Drive, San Antonio, TX 78214.
Touro Synagogue National Historic Site, 85 Touro Street, Newport, RI 02840.
International Peace Garden, P.O. Box 419, Dunseith, ND 58637.
St. Thomas National Historic Site, Virgin Islands, Charlotte Amalie, St. Thomas, VI 00801.

XV. *Bureau of Outdoor Recreation.*

A. *Headquarters Office:*

Bureau of Outdoor Recreation, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

B. *Regional Offices* (Add Bureau of Outdoor Recreation, U.S. Department of the Interior to addresses):

Northeast Regional Office, Federal Office Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.
Southeast Regional Office, 148 Cain Street, Atlanta, Georgia 30303.
Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104.
Mid-Continent Regional Office, Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colorado 80225.
South Central Regional Office, 5000 Marble Avenue, NE., Albuquerque, New Mexico 87110.
Northwest Regional Office, Federal Building, Room 990, 915 Second Avenue, Seattle, Washington 98174.
Pacific Southwest Regional Office, 450 Golden Gates Avenue, San Francisco, California 94102.

XVI. *Bureau of Reclamation.* (The address for all offices should include U.S. Department of the Interior, Bureau of Reclamation.)

1. Chief, Division of General Services, 18th and C Streets, NW., Washington, D.C. 20240.
2. Chief, General Services Branch, Engineering & Research Center, P.O. Box 25007, Building 67, Denver Federal Center, Denver, Colorado 80225.

Pacific Northwest Region:

3. General Services Officer, Pacific Northwest Region, Federal Building & U.S. Courthouse, Box 043–550 West Fort Street, Boise, Idaho 83724.
   a. Central Sanke Projects Office, 214 Broadway, Boise, Idaho 83702.
   b. Chief Joseph Dam Project Office, Box 346, Manson, Washington 98831.
   c. Columbia Basin Project Office, Box 815, Ephrata, Washington 98823.
   d. East Greenacres Project Office, P.O. Box 857, Post Falls, Idaho 83854.
   e. Grand Coulee Project Office, Box 620, Grand Coulee, Washington 99133.
   f. Hungry Horse Project Office, Hungry Horse, Montana 59919.
   g. Minidoka Project Office, Box 549, Burley, Idaho 83318.
   h. Teton Project Office, Box 88, Newdale, Idaho 83436.
   i. Tualatin Project Office, Box 98, Forest Grove, Oregon 97116.
   j. Yakima Project Office, Box 1377, Yakima, Washington 98901.
   k. Columbia Basin Civilian Conservation Center, Building 2404, 24th Street, Moses Lake, Washington 98837.
   l. Marsing Civilian Conservation Center, Marsing, Idaho 83639.

Mid-Pacific Region:

4. Supply & Services Officer, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825.
   a. Auburn-Folsom South Unit CVP Construction Office, P.O. Box 1309, Auburn, California 95603.
   b. Lahontan Basin Projects Office, P.O. Box 640, Carson City, Nevada 89701.
   c. Folsom Field Division, P.O. Box 37, Folsom, California 95630.
   d. Fresno CVP Construction Office, Federal Building, Room 5301, 1130 "O" Street, Fresno, California 93721.
   e. Fresno Field Division, Federal Building, Room 2215, 1130 "O" Street, Fresno, California 93721.
   f. Klamath Project Office, P.O. Box R, Klamath Falls, Oregon 97601.
   g. Shasta Field Division, Route 2, Box 2615, Redding, California 96001.
   h. Tracy Field Division, P.O. Box 1209, Tracy, California 95376.
   i. Sacramento Valley CVP Construction Office, P.O. Box 988, Willows, California 95988.
   j. San Felipe CVP Construction Office, P.O. Box 67, Gilroy, California 95020.

Lower Colorado Region:

5. Lower Colorado Regional Office, P.O. Box 427, Boulder City, Nevada.
   a. Arizona Projects Office, Valley Center, Suite 2200, 201 North Central Avenue, Phoenix, Arizona 85073.
   b. Boulder Canyon Project, P.O. Box 427, Boulder City, Nevada 89005.
   c. Parker-Davis Project, P.O. Box 6457, Phoenix, Arizona 85005.
   d. Yuma Projects Office, P.O. Bin 5569, Yuma, Arizona.

Upper Colorado Region:

6. Upper Colorado Regional Office, P.O. Box 11568, Salt Lake City, Utah 84111.
   a. Collbran Job Corps Civilian Conservation Center, R.R. #1, Collbran, Colorado 81624.
   b. CRSP Power Operations Office, 1200 S. Rio Grande, P.O. Box 1069, Montrose, Colorado 81401.
   c. Flaming Gorge Field Division, P.O. Box 278, Dutch John, Utah 84023.
   d. Glen Canyon Field Division, P.O. Box 1477, Page, Arizona 86040.
   e. Uinta Basin Construction Office, P.O. Box 420, Duchesne, Utah 84021.
   f. Weber Basin Job Corps Civilian Conservation Center, R.F.D. #4, Ogden, Utah 84403.
   g. Western Colorado Projects Office, P.O. Box 1728, Grand Junction, Colorado 81501.
   h. Durango Operations Field Division, 835 Second Avenue, P.O. Box 640, Durango, Colorado 81301.
   i. Montrose Construction Field Division, 10th and Cascade Avenue, P.O. Box 1390, Montrose, Colorado 81401.

Southwest Region:

7. Public Information & General Services Officer, Southwest Region, P.O. Box H–4377, Amarillo, Texas 71901.
   a. Albuquerque Planning Office, P.O. Box 252, Albuquerque, New Mexico 87103.
   b. Austin Planning Office, P.O. Box 1946, Austin, Texas 78767.
   c. Loan Program, P.O. Box 357, Weslaco, Texas 78596.
   d. Mountain Park Project Office, P.O. Box 660, Altus, Oklahoma 73521.
   e. Navajo Indian Irrigation Project Office, P.O. Box 28, Farmington, New Mexico 87401.
   f. Oklahoma City Planning Office, P. O. Box 495, Oklahoma City, Oklahoma 73191.
   g. Palmetto Bend Project Office, P.O. Drawer O, Edna, Texas 77957.
   h. Pecos River Projects Office, P.O. Box 1356, Carlsbad, New Mexico 88220.
   i. Rio Grande Project Office, P.O. Drawer P, El Paso, Texas 79952.
   j. San Juan-Chama Project Office, P.O. Box 5091, Santa Fe, New Mexico 87502.
   k. Upper Rio Grande Basin Project Office, P.O. Box 252, Albuquerque, New Mexico 87103.

Upper Missouri Region:

8. Procurement and Property Officer, Upper Missouri Region, P.O. Box 2553, Billings, Montana 59103.
   a. Missouri-Oahe Projects Office, P.O. Box 825, Huron, South Dakota 57350.
   b. Missouri-Souris Projects Office, P.O. Box 1017, Bismarck, North Dakota 58501.
   c. Upper Missouri Projects Office, P.O. Box 1629, Great Falls, Montana 59403.
   d. Fort Peck Project Office, P.O. Box 145, Fort Peck, Montana 59223.
   e. Canyon Ferry Project Office, Canyon Ferry Rural Office, Helena, Montana 59601.
   f. Yellowtail Project Office, P.O. Box 51B YRS, Hardin, Montana 59035.
   g. Riverton Unit, P.O. Box 31, Riverton, Wyoming 82501.
   h. Power System Operations Office P.O. Box 864, Watertown, South Dakota 57201.

Lower Missouri Region:

9. General Services Officer, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225.
   a. Fryingpan-Arkansas Project, P.O. Box 515, Pueblo, Colorado.
   b. South Platte River Projects, Lower Missouri Region, P.O. Box 449, Loveland, Colorado.
   c. North Platte River Project, P.O. Box 280, Casper, Wyoming.
   d. Nebraska Reclamation Office, P.O. Box 1607, Grand Island, Nebraska.
   e. Kansas River Projects, P.O. Box 737, McCook, Nebraska.
   f. Cheyenne Construction Office, P.O. Box 507, Cheyenne, Wyoming.
   g. Missouri River Basin Planning Office, P.O. Box 423, Omaha, Nebraska.
   h. Kansas Reclamation Office, Landmark Plaza Building, 103 East 10th Street, Topeka, Kansas.

XVII. Alaska Power Administration.

Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99802.

XVIII. Bonneville Power Administration.

Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

XIX. Defense Electric Power Administration.

Defense Electric Power Administration, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

XX. Southeastern Power Administration.

Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635.

XXI. Southwestern Power Administration.

Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101.

[FR Doc.75–32689 Filed 12–4–75;8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

MILL CREEK UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Mill Creek Unit Plan, Report Number USDA–FS–DES (Adm) R1–76–10.

The environmental statement concerns environmental impacts, presents resource information, resource allocation decisions, management guidelines, and documents public involvement for the Mill Creek Unit Plan, Clearwater and Salmon River Ranger Districts, Nezperce National Forest, Idaho County, Idaho.

The draft environmental statement was transmitted to CEQ on November 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Clearwater Ranger District, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Salmon River Ranger District, White Bird, ID 83554.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Don Biddison, Forest Supervisor, 319 E. Main, Grangeville, Idaho 83530. Comments must be received by January 28, 1975 in order to be considered in the preparation of the final environmental statement.

DON BIDDISON,
Forest Supervisor.

NOVEMBER 19, 1975.

[FR Doc.75-32804 Filed 12-4-75;8:45 am]

Packers and Stockyards Administration

FRIENDS & NEIGHBORS COMMISSION CO., INC., SALIDA, COLORADO, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyard and date of posting:

COLORADO

CO–144 Friends & Neighbors Commission Co., Inc., Salida, August 1, 1975.

GEORGIA

GA–182 Appling Stockmans Feeder Pig Sale, Baxley, October 18, 1975.

ILLINOIS

IL–166 Benton Livestock Sale, Benton, August 4, 1975.

MAINE

ME–104 Crossman Livestock Sales, Corinna, November 17, 1975.

MINNESOTA

MN–167 Simon Horse Co., Rosemount, September 8, 1975.

MISSOURI

MO–240 Farmer's Auction Co., Mountain View, October 8, 1975.

PENNSYLVANIA

PA–149 Stockton's Livestock Auction, Union City, October 1, 1975.

TEXAS

TX–313 Childress Livestock Commission, Childress, September 26, 1975.

Done at Washington, D.C., this *2nd* day of *December*, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-32843 Filed 12-4-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Determination

In conformity with Title 13, United States Code, Sections 181, 224, and 225, and due notice having been published on October 28, 1975 (40 FR 50115), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required for all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.
Magnesium mill products.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Power-driven handtools.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTIONAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following survey represents an annual supplement of monthly surveys and will cover the same establishments canvassed in the monthly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected in the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Margarine Manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, woolen, and worsted fabrics.
Finishing plant report—broadwoven fabrics.
Piece goods inventories and orders.
Broadwoven gray goods (cotton, wool, and manmade).
Consumption of wool and other fibers, and production of tops and noils.
Carpets and rugs.
Knit fabric production.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials.
Paint, varnish, and lacquer.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel inventories (Consumers and Producers Report).
Copper inventories.
Aluminum inventories.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping drums and pails.
Metal cans.
Closures for containers.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The Annual Survey of Oil and Gas will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, production costs, revenues, expenditures and assets in the crude petroleum and natural gas industry.

The Annual Survey on Pollution Abatement Expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current and capital expenditures made by industry to reduce pollution in its air, water or solid forms.

The Survey of Plant Capacity will call for general statistical data such as number of shifts, hours in operation, production workers, production worker manhours, quantities of materials consumed, quantity of production, and value of production for actual, preferred and practical operating rates, as well as information on the operation rates and the length of time required to reach and to maintain these operating rates. The survey will be done on a sample basis and cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

DECEMBER 1, 1975.

[FR Doc.75-32799 Filed 12-4-75;8:45 am]

Domestic and International Business Administration

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, January 7, 1976, at 2:00 p.m. in Room 1851, Main Commerce Building, 14th and Constitution Ave. NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the pro-

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cedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of previous Subcommittee meeting minutes.
(4) Discussion of company certification projects.
(5) Evaluate other possible simplification projects.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.*, v. *C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof is published elsewhere in this issue.

Date: December 2, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration Bureau of East-West Trade U.S. Department of Commerce.

[FR Doc.75-32794 Filed 12-4-75;8:45 am]

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, January 7, 1976, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Further review of technical evaluations on foreign availability provided by industry/government and discussion thereof.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.*, v. *C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: December 2, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the computer industry, the Computer Systems Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has eleven members representing industry and fourteen members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 1977, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

G. S. CHAMBERLAIN,
Assistant Secretary for Administration.

NOVEMBER 25, 1975.

ALFRED MEISNER,
General Counsel.

NOVEMBER 21, 1975.

[FR Doc.75-32793 Filed 12-4-75;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Wednesday, January 7, 1976, at 10:00 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report on licensing policies and controls.
(4) Discussion of draft sections on findings of the Third Annual Report due April, 1976.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.* v. *C. Longhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER (40 FR 17665 appearing in the issue of April 23, 1975).

Dated: December 2, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-32795 Filed 12-4-75;8:45 am]

NEW TECHNOLOGY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Tuesday, January 13, 1976 at 10:00 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW. Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The New Technology Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was

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established on July 15, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The New Technology Subcommittee was formed to determine the impact of advanced electronics on the design of numerically controlled systems.

The agenda for the meeting is:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Informal reports of resource persons designated at previous meeting.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

Date: December 1, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-32796 Filed 12-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Notice of Meeting; Correction

In FEDERAL REGISTER Document 75-30835 appearing at page 53293 in the issue for Monday, November 17, 1975, the December 18-19, 1975, joint meeting of the United States National Committee on Vital and Health Statistics and the Cooperative Health Statistics Advisory Committee has been cancelled. However, the Cooperative Health Statistics Advisory Committee will hold its meeting as originally scheduled.

Name: Cooperative Health Statistics Advisory Committee.

Date and Time: December 18-19, 1975, 9:00 a.m.

Place: Carlton House Inn, 6515 International Drive, Orlando, Florida 32809.

Open for entire session.

Purpose: The Cooperative Health Statistics Advisory Committee represents the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: Agenda items include (1) Opening remarks, (2) Report on Health Data Policy Committee meeting, (3) Review of reports of Task Forces, and (4) Report of program planning for the 1978 Public Health Conference on Records and Statistics. Future meetings and agenda will be discussed.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster, minutes of meeting, or other relevant information should contact Mr. James A. Smith, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852 Telephone (301) 443-1470.

Agenda items are subject to change as priorities dictate.

Dated: November 28, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-32775 Filed 12-4-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held January 21-22, 1976, from 9:00 a.m. to 4:00 p.m. in the ASE Conference Room, Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted to an in-depth review of the Title III Program (Higher Education Act of 1965), recommendations for legislation, and discussion of the content of the 1976 Annual Report.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, S.W.

Signed at Washington, D.C., on December 1, 1975.

PRESTON VALIEN.

[FR Doc.75-32818 Filed 12-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 76-2; Notice 1]

PANTHER WESTWINDS LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Panther Westwinds Ltd. of Weybridge, Surrey, England has petitioned for a 3-year exemption from Motor Vehicle Safety Standards Nos. 214 *Side Door Strength* and 216 *Roof Crush Resistance*, on the basis that to test for compliance would cause it substantial economic hardship.

Petitioner seeks temporary exemptions for its luxury de Ville sedan, of which four have been manufactured since October 1974. Panther has also produced 60 other motor vehicles. The company does not know whether the de Ville meets Standards Nos. 214 and 216. Total costs of testing for development followed by testing for compliance are estimated at $3,840. The two body assemblies that would be provided for testing would cost $13,680. Although the company had a net profit of $31,000 in 1974, it had a cumulative net loss of $11,000 between December 3, 1971 and December 31, 1974. Petitioner believes that if it does not introduce the de Ville into the American market, it can not continue in existence. The company anticipates a net loss of $21,600 if the petition is denied.

With respect to its possible existing conformance with Standards Nos. 214 and 216, the company states that the doors of the vehicle are those used on the British Leyland Austin-Morris 1800 model, and the door locks and hinges meet E.C.E. requirements. Further, the de Ville's A-post and cant rails will be modified "with the introduction of tubular strengtheners." The company argues that an exemption would be in the public interest as the overall safety performance of the vehicle is consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Panther Westwinds Ltd. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: January 5, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on December 2, 1975.

ROBERT L. CARTER,
Associate Administrator Motor Vehicle Programs.

[FR Doc.75-32877 Filed 12-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28198]

AIR PACIFIC, LIMITED FOREIGN AIR CARRIER PERMIT RENEWAL

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on November 19, 1975, (40 F.R. 51216, Nov. 4, 1975), is postponed to January 9, 1976, at 9:30 a.m. (local time) and will be held in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 1, 1975.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.75-32826 Filed 12-4-75;8:45 am]

[Docket 28096]

CATEGORY Y FARE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 29, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before January 9, 1976, and the other parties on or before January 19, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 1, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-32824 Filed 12-4-75;8:45 am]

[Docket 27417]

DOMESTIC LOAD-FACTOR STANDARDS

Prehearing Conference

In light of the motion of United Air Lines, Inc., filed November 17, 1975, and the answers thereto filed by National Airlines, Inc., and the Bureau of Economics,[1] and pursuant to the provisions of the Federal Aviation Act of 1958, as amended, notice is hereby given that a prehearing conference in the above-entitled matter will be held on December 19, 1975, at 9:30 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Except to the extent reflected above, United's motion is hereby dismissed.

Dated at Washington, D.C., December 1, 1975.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.75-32822 Filed 12-4-75;8:45 am]

[Docket 27176]

LAKER AIRWAYS LIMITED

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 22, 1975, at 9:00 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on November 26, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 1, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.75-32823 Filed 12-4-75;8:45 am]

[1] The Bureau is participating in this proceeding on behalf of the Board. Order 75-10-107, October 24, 1975, p. 2.

[Docket 28068]

SERVICE TO HARLINGEN CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 7, 1976 at 9:30 a.m. (local time) in the Board Room, Harlingen Area Chamber of Commerce, 311 East Tyler, Harlingen, Texas, before the undersigned Administrative Law Judge. At the conclusion of the hearing in Harlingen, the hearing will be recessed until January 14, 1976 at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

The case to be presented by the Texas Aeronautics Commission and the Harlingen Civic witnesses will be heard in Harlingen. Southwest Airlines Co., Texas International Airlines, Inc., the Bureau of Operating Rights and Harlingen's technical witnesses will be heard in Washington, D.C.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on October 3, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 1, 1975.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.75-32827 Filed 12-4-75;8:45 am]

[Docket 28146]

WESTERN AIR LINES, INC.

U.S.-MEXICO PASSENGER FARES

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 6, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the prehearing conference, parites are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed procedural dates. The Bureau of Economics will circulate its material on or before December 17, 1975, and the other parties on or before December 29, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 1, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-32825 Filed 12-4-75;8:45 am]

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COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) were published in the FEDERAL REGISTER on August 22, 1975 (40 F.R. 38794), and September 8, 1975 (40 F.R. 41551).

Pursuant to the above notices the following commodities and service are added to the Procurement List:

CLASS 7520:

Tray, Desk (RF)	Price (each)
7520-00-232-6828	$4.20
7520-00-286-5801	4.30
7520-00-285-5043	11.70

INDUSTRIAL CLASS 7641

Furniture Rehabilitation, Eielson Air Force Base, Alaska Fairbanks, Alaska plus 30-mile radius (SH).

Price list available from GSA, PRD, Region 10.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-32808 Filed 12-4-75;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

Pallet, Wood

CLASS 3990

3990-00-935-7960, for following location only: Defense Supply Agency Depot, Mechanicsburg, Pennsylvania

Comments and views regarding this proposed addition may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice supersedes the notice of proposed addition published in the FEDERAL REGISTER on June 13, 1975 (40 F.R. 25248), as amended on June 27, 1975 (40 F.R. 27289).

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-32809 Filed 12-4-75;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following service from Procurement List 1976, November 25, 1975 (54742).

INDUSTRIAL CLASS 7349

Janitorial/Custodial
Homestead Air Force Base, Florida for following building only: Non-Commissioned Officer's Club.

Comments and views regarding this proposed deletion may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-32810 Filed 12-4-75;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 7290

Hanger, Coat 7290-00-125-9069.

MILITARY RESALE

Ice Bucket with Tongs
Clip-on Light

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-32811 Filed 12-4-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 24 through November 28, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *Minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 19, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Key Largo Coral Reef Marine Sanctuary, Florida, November 25: Proposed is the establishment of a recreational and esthetic area encompassing corals and associated flora and fauna under Title III of the Marine Protection, Research and Sanctuaries Act of 1972. The area will be managed to protect and conserve the coral and coral reef ecosystems, to regulate the uses of the sanctuary, and to provide opportunity for recreation. Users of the area will be subject to regulation and some activity, such as spear fishing and souvenir collecting, will be precluded. Comments made by: DOC, DJUS, ERDA, DOT, STAT, EPA, NASA, USCG, USDA, and State and local agencies and individuals. (ELR Order No. 51717.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environment Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Port Sonoma Development Project, Sonoma County, Calif., November 26: Proposed is the breaching of a levee on the Petaluma River for the purpose of constructing a water oriented recreation-commercial-light industrial complex at Port Sonoma. Adverse effects of the project include: reduction in the number and proportion of live aquatic organisms; possible entrophication in main project channel and basins; increased dissolved solids and surface water pollution; and loss of agricultural land. (San Francisco District.) (ELR Order No. 51723.)

Area No. 8 (Elsberry), Flood Protection, Lincoln and Pike Counties, Mo., November 24: The recommended flood protection plan for Agricultural Area No. 8 involves the reconstruction of 24.2 miles of levee, replacement of existing pump and gravity drainage structures, and the acquisition of easements (estates) to preserve and enhance the fish and wildlife habitat in the project area. One of the most significant adverse impacts would involve the clearing of 208 acres of timber and old field wildlife habitat, and the possible conversion of additional timberland to cropland over time. Other adverse impacts include disruptive effects upon fish in permanent water habitats and the removal of several buildings and the inhabitants thereof. (St. Louis District.) (ELR Order No. 51702.)

Pine Brook Flood Control Project, Manalapan, Monmouth County, N.J., November 24: The recommended plan of flood protection is channel modification consisting of widening and deepening of approximately 6000 feet of the Pine Brook, Manalapan Township, New Jersey. The newly straightened channel would extend from the vicinity of the Pension Road Bridge to 700 feet upstream of Winthrop Drive Bridge. Adverse impacts include removal of vegetation, some loss of wildlife and wildlife habitat and the change of aesthetics to a modified appearance of the stream and land. (New York District.) (ELR Order No. 51705.)

Dale Hollow Lake, Continued Operation and Maintenance, Clay County, Tenn., November 24: Proposed is the continued operation and maintenance of a dam and lake authorized for flood control and hydroelectric power generation, and operation and management of outdoor recreation facilities at Dale Hollow Lake, Obey Lake, Tennessee. Adverse impacts include localized water degradation as a result of overloaded wastewater treatment facilities, disturbance of vegetation, and boat concentrations near heavily used recreation area. Also, spawning is generally adversely affected by control of the lake for flood control. (Nashville District.) (ELR Order No. 51700.)

Carl L. Estes Lake, Sabine River, several counties in Texas, November 24: Proposed is the construction and operation of a multiple-purpose reservoir project on the Sabine River, Sabine River Basin, Texas, which will fulfill needs for flood control, water supply, fish and wildlife, and recreation. The project will require acquisition and subsequent change in land use of approximately 68,700 acres of land. Adverse impacts include: inundation of land; loss of wildlife habitat; negative effects upon 91 archeological resources; and relocation of families, cemeteries, roads and utility lines. (Fort Worth District.) (ELR Order No. 51712.)

Final

Cattaraugus Creek Harbor, Flood Control, Chautauqua and Erie Counties, N.Y., November 24: The statement refers to the proposed plan for navigation, flood control and related purposes in Cattaraugus Creek Harbor at Chautauqua and Erie Counties, N.Y. The plan calls for: breakwaters in southern Lake Erie; a bern extending from the inner end of the north breakwater northerly to high ground; an entrance channel from deep water in the lake to the inner channel; an inner channel from the entrance channel upstream approximately 2,900 feet; and, two levees on the left bank, aggregating about 770 feet in length. Adverse impacts include: temporary noise and dust during construction; permanent loss of 13 acres of bottom habitat; and, land use changes caused by shoreline development. Comments made by: USCG, USDA, DOI, DOC, EPA, HEW, and State and local agencies. (ELR Order No. 51711.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Draft

Brookhaven National Laboratory, Suffolk County, N.Y., November 26: Proposed is the continued operation of Brookhaven National Laboratory in Upton, Brookhaven Town, New York. Twenty acres of the 5265-acre site may not be suitable for future uses because of contamination. Research and development activities of the laboratory require the use of 200 million kWh of electricity and 7 million gallons of fossilfuels annually. Radioactive contamination risk is considered small. (ELR Order No. 51726.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Ernest A. Sligh, Director, Environmental Impact Division, Federal Energy Administration, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, 202-961-6214.

Draft

Natural Gas Emergency Standby Act of 1975, November 24: The statement concerns the enactment of the Natural Gas Emergency Standby Act of 1975. The intent of the Act is to prevent or ameliorate the economic and social impacts of impending natural gas curtailments. The principal environmental impact would be adverse changes in air quality due to switching from natural gas to alternative fuels that would produce greater air pollutant emissions. The term of the legislation is from its date of enactment through June 30, 1977. (ELR Order No. 51707.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Gerald Gentleman Station, Project No. 1835, Nebraska, November 24: The statement concerns approval of a license amendment application of the Nebraska Public Power District to revise the project boundary and to permit the use of 720 acres of project lands and waters in conjunction with operation of the Gerald Gentleman Station. The coal fired station would produce a total of 1,300 MW when operated at maximum capacity. Construction would include 13,700 feet of canals, 7,750 feet of dikes, 11,500 feet of reservoir intake channels, a mixing basin, reservoir pumping facilities, and associated water control structures, some of which is already constructed. Adverse impacts include increased air pollution and raised water temperatures. (ELR Order No. 51703.)

Final

Panhandle Eastern Pipeline Company, November 24: The statement analyzes three permanent natural gas curtailment plans for the Panhandle Eastern Pipeline System. Adverse effects include those occurring from increased use of coal and fuel oil and increased pollution in the form of sulfur dioxide and particulates. Comments made by: State and local agencies. (ELR Order No. 51709.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Federal Youth Center, Bastrop, Texas, Bastrop County, Tex., November 24: The project consists of construction of 145,000 square feet of space for a Federal Youth Center to be operated by the Bureau of Prisons near the city of Bastrop, Texas. Adverse impacts include minor increases in traffic volume and noise at the site, slight degradation of air quality due to the increased traffic, and temporary construction disruption (167 pages). Comments made by: HAP, DJUS, HEW, COE, DOI, EPA, USDA, HUD, and State and local agencies. (ELR Order No. 51716.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Tallapoosa County Water Supply System, Tallapoosa County Ala., November 24: The action consists of analysis of a proposed water system for the Towns of Daviston and New Site, Alabama, funded under the Housing and Community Development Act of 1974. The project will cause minor temporary erosion and siltation during construction. (ELR Order No. 51714.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Coamo Solid Waste Disposal Site, Puerto Rico, November 24: The project consists of the acquisition of 12 acres of land for expanding the solid waste disposal facilities located in Barrio Rio Jueyes. The life expectancy of the 20 acre site is 5 years. The primary adverse effect of the sanitary landfill will be the leachates and gasses generated from solid waste decomposition. (ELR Order No. 51706.)

Final

Dangerous Buildings and Demolition Program, Kansas, Mo., November 24: The statement concerns a program to demolish dangerous buildings in Kansas City. Adverse impacts include: traffic congestion, increase in ambient noise level, increase in soot generation, loss of cover vegetation, erosion, sedimentation and siltation, and compaction and settling. Comments made by: DOI, HEW, EPA, and State and local agencies. (ELR Order No. 51713.)

Arcadia Idustrial Park, Newark, N.Y., Wayne County, N.Y., November 26: The statement concerns the allocation of Community Development Block Grant funds for the construtioin of a road access and sewer and water lines up to the property line of the proposed Arcadia Industrial Park. The park is located north of the Barge Canal in the western sector of the Village of Newark. Construction of Edgett Street will require the placement of fill north of the Barge Canal. Increased noise levels, truck traffic, and commuter traffic will be inevitable. Comments made by: EPA, DOC, DOI, and State and local agencies and individuals. (ELR Order No. 51722.)

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF INDIAN AFFAIRS

Final

Ute Mountain Ute Tribal Lands Mineral Lease, Montezuma County, Colo., November 24: The statement concerns the approval of a lease of Ute Mountain Ute Tribal Lands to Mobil Oil Corporation for the purpose of exploration and possible mining of uranium and related minerals. The plan consists of a four-year exploration phase, a four-year development phase and approximately twelve years of mining and processing. The biological community and aesthetics of the area will be noticeably and adversely impacted (73 pages). Comments made by: DOI, HEW, EPA, FEA 2, and State and local agencies and one tribe. (ELR Order No. 51698.)

BUREAU OF OUTDOOR RECREATION

Final

Minnesota Memorial Hardwood Forest, several counties in Minnesota, November 26: Proposed is the acquisition by the State of Minnesota of 200,000 acres, through the Land and Water Conservation Fund. Purchase will be over a thirty year period. There will be some development for recreation, parking lots, and access roads. Some families will have to be relocated due to the action. Comments

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made by: EPA, DOI, USDA, DOT, FPC, and State and local agencies. (ELR Order No. 51720.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Lake Woodruff Wilderness Area, Volusia and Lake Counties, Fla., November 25: Proposed is the legislative designation of 958 acres of island habitat in the Lake Woodruff National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Wilderness designation would remove some future management options. Comments made by: EPA, DOI, and State and local agencies. (ELR Order No. 51719.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Palo Verde Nuclear Station, Units 1, 2, and 3 (Supplement), Maricopa County, Ariz., November 25: Proposed is the issuance of construction permits to the Arizona Public Service Corporation for the construction of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3. The station will produce up to 3817 MWt and 1270 MWe (net) of electric power capacity for each unit. The exhaust steam will be cooled by mechanical-draft cooling towers with makeup water obtained from piped sewage effluent from Phoenix. The construction will require the clearing of up to 2500 acres of land and adverse aesthetic and social impacts. The supplement covers modifications resulting from participation of Southern California Edison in the project. (ELR Order No. 51718.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

New General Aviation Airport, Baton Rouge, La., November 24: Proposed is the request for federal funds under the Airport Development Aid Program for the development of a new general aviation airport to replace the recently closed Downtown Airport, Baton Rouge, Louisiana. The proposed development would include: acquisition of 530 acres of land; construction of a new runway, taxiway, and parking apron; and construction of access roads, vehicle parking area, hangars and office space. Adverse impacts include the displacement of people and residences. (ELR Order No. 51699.)

Lopez Island Airport Improvement, Wash., November 24: The proposed action is to grant funds to improve the physical and operational characteristics of the existing Lopez Island Airport, Lopez Island, Washington. Initial stage of development will include acquisition of options and easements on 47 acres of land. Major development items include a new replacement runway parallel to and 150' to the west of the existing runway. Adverse impacts include the clearing and topping of 41 acres of wooded area, and subsequent diminishment of habitat and cover. (ELR Order No. 51697.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S.–131, 19 Mile Road to U.S.–131 North, several counties, November 24: Proposed is the construction of a segment of U.S.–131, which would begin at 19 Mile Road, North of the City of Big Rapids in Mecosta County and would terminate at LeRoy Road, north of the Village of Ashton in Osceola County, Michigan. The length of the segment is approximately 20 miles. Adverse impacts include: disruption of existing aquatic and terrestrial ecosystems, displacement of 30 residences and 2 businesses, and the acquisition of between 500 and 600 acres of agricultural land. (ELR Order No. 51704.)

PR–10, Arecibo-Ponce, P. R. November 24: Proposed is the improvement of PR–10 in Arecibo-Ponce, Puerto Rico. The improved 2-4 land route would cover a distance of 51–60 kilometers, depending upon the alternative chosen, and would extend from De-Diego Expressway in Arecibo to East-West Expressway in Ponce. Adverse effects include: displacement of residences, farms, and commercial structures; commitment of natural and economic resources; and long-term increase in noise levels. (ELR Order No. 51701.)

State Route 61, Oliver Springs Bypass, Anderson and Roane Counties, Tenn., November 24: This statement is the revision of a draft EIS sent to CEQ on June 15, 1971. The proposed project is a relocation of SR 61 around the northern portion of Oliver Springs, Tennessee. This project traverses a distance of approximately 2.2 miles starting on the southwest side of Oliver Springs and extending to existing SR 61, southeast of Oliver Springs. Adverse impacts include the displacement of residences and businesses, increase in noise and air pollution, and unavoidable soil erosion and temporary siltation of water courses during construction. (ELR Order No. 51715.)

Texas State Highway 35, Proposed Relocation, Harris and Brazoria Counties, Tex., November 26: Proposed is the relocation of Texas State Highway 35 from Almeda-Genoa Road near proposed South Beltway 8 in Harris County to existing State Highway 35 (Alvin Loop) at Spur 409 in Brazoria County and is a continuation of the development of the proposed facility from Interstate Highway 45 at Calhoun Road to the City of Alvin. Two alternate routes are being considered for the project, both routes necessitating displacement of families and businesses. The selection of either route will have a major impact on the land use and development patterns of the area involved. (ELR Order No. 51725.)

U.S. 60 Bridge Over Big Sandy River, West Virginia and Kentucky, November 26: The proposed highway improvement is the replacement of the U.S. 60 Bridge crossing the Big Sandy River between Catlettsburg, Kentucky and Kenova, West Virginia, and constructing necessary approaches. The only adverse, permanent effect is the relocation of residences and businesses in Catlettsburg and Kenova. Alternative locations 2 and 3 would require right-of-way acquisition from Dreamland Park. A 4(f) statement is included. (ELR Order No. 51724.)

Final

U.S. 77, Shields Boulevard, Oklahoma City, Oklahoma County, Okla., November 24: Proposed is the development of the Shields Boulevard extension, a primary arterial, beginning at S.E. 25th Street and extending 1.6 miles northerly to S.W. 3rd Street in Oklahoma City, Oklahoma. Adverse impacts include the displacement of 13 families and 15 businesses. Comments made by: EPA, DOI, HUD, COE, HEW, DOT, and State and local agencies. (ELR Order No. 51708.)

I–640, Knox County, Tenn., November 24: The project involves the construction of a six-lane divided highway built on a new location around the western portion of Knoxville between I–40 and I–75. The length of the project is approximately 2.8 miles. The primary adverse environmental effects are the displacement of 22 families and 4 businesses, and the introduction of a source of noise and air pollution into area relatively free from these sources of pollution (43 pages). Comments made by: HUD, DOI, ARC, USDA, DOT, TVA, HEW, EPA, AHP, and State and local agencies and officials. (ELR Order No. 51710).

U.S. COAST GUARD

Final

Coast Guard Station, Provincetown, Mass., November 26: The proposed action provides for construction of a new Coast Guard Station in Provincetown, Massachusetts to meet search and rescue and other operational commitments in the Outer Cape Cod area. Construction disruption will result. Comments made by: Doc, USDA, EPA, DOI, and State and local agencies. (ELR Order No. 51721.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–32806 Filed 12–4–75;8:45 am]

DEFENSE NUCLEAR AGENCY

SCIENTIFIC ADVISORY GROUP ON EFFECTS

Meeting

The next meeting of the Scientific Advisory Group on Effects (SAGE), sponsored by the Defense Nuclear Agency (DNA), will be held during the period 27–30 January 1976 at the USAF Conference Center Homestead AFB, Florida. SAGE members will review and evaluate ongoing and future DNA programs. Since all of the presentations and review will contain classified information, the meeting will be closed to the public under the provisions of section 552(b) (1) and (3) of title 5, United States Code.

W. A. HUGHES,
LCDR, USN,
Executive Secretary, SAGE.

[FR Doc.75–32805 Filed 12–4–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 466–2]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Change of Dates for Public Hearings

On November 7, 1975, the Environmental Protection Agency published a notice of public hearings intended to "provide opportunity for interested persons to state their views or arguments or provide information relative to the proposed emission standards for in use aircraft". The notice went on to state that "testimony at the hearings is invited on the status of the development of technology necessary for compliance with certain emission standards applicable to new aircraft turbine engines promulgated in 1973", and later that an "interim report of findings regarding available technology derived from the EPA Aircraft Emissions Technology Assessment Program will be available for inspection and copying before the hearing * * *".

Because of delays which have been encountered in completing this supporting report and the importance of having it publicly available for review and comment before the hearings, it has been decided to postpone the hearings from the announced dates of December 16 and 17, 1975, to the dates of January 27 and 28, 1976, starting at 9:30 a.m. The location remains Environmental Protection Agency, Room 2117, 401 M Street SW., Washington, D.C.

Dated: November 28, 1975.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.75–32792 Filed 12–4–75;8:45 am]

[FRL 465–5; OPP–33000/344]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before February 3, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after February 3, 1976.

Dated: November 26, 1975.

MARTIN H. ROGOFF,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/344)

EPA Reg. No. 7173–113. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016, ROZOL TRACKING POWDER. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM11

EPA Reg. No. 239–2418. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2 (a) of interim policy. Republished. Added claims. PM16

EPA File Symbol 677–GGE. Agricultural Chemicals Div., Diamond Shamrock Corp., 1100 Superior Ave., Cleveland OH 44114. CHLOROTHALONIL W–65. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 65%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 352–254. E. I. Dupont DeNemour & Co., 7065 Dupont Bldg., Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE FOR CONTROL OF ENDOSEPSIS (FUSARIUM) OF CAPRIFIGS. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM22.

[FR Doc.75–32610 Filed 12–4–75;8:45 am]

[FIFRA Docket No. 341; (FRL 466–3)]

S. L. COWLEY & SONS MFG. CO., INC.

Prehearing Conference

Take notice that a prehearing conference pursuant to the Rules of Practice (40 CFR 164.50) will be held at 9:30 a.m. on December 22, 1975, in Room 3307, Waterside Mall, 4th & M Streets SW., Washington, D.C.

Each party shall be prepared to make available to the other party:

(1) The names of the expert or other witnesses the party expects to call;

(2) A brief narrative summary of their expected testimony;

(3) A list of all documents and exhibits which the party expects to introduce into evidence.

EDWARD B. FINCH,
Administrative Law Judge.

NOVEMBER 28, 1975.

[FR Doc.75–32883 Filed 12–4–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NORTHERN ILLINOIS GAS CO., ET AL.

Synthetic Natural Gas Feedstocks; Notice of Opportunity To Comment on Issues Remanded in the Appeal Decision

On November 7, 1975, the Office of Exceptions and Appeals of the Federal Energy Administration (FEA) remanded portions of the FEA's June 30, 1975 Decision and Order[1] assigning base period uses and suppliers of various petroleum products for synthetic natural gas feedstocks for the Minooka (Morris), Illinois synthetic natural gas plant operated by the Northern Illinois Gas Company. See *Northern Illinois Gas Company, et al.*, 2 FEA ¶—— (November 7, 1975).

[1] Filed as a part of original document.

FEA hereby gives notice that it will accept written comments on any of the issues remanded by the above-referenced Decision and Order. All relevant written views, arguments and data received by January 5, 1976 will be accepted and considered by FEA. Mail or deliver comments to Mr. Finn K. Neilsen, Office of Specialty Fuels and Products, Federal Energy Administration, Room 6318, 2000 M Street NW., Washington, D.C. 20461.

DECEMBER 2, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75–32856 Filed 12–2–75;4:16 pm]

FEDERAL MARITIME COMMISSION

ALEXANDRIA SHIPPING AND NAVIGATION CO. AND AMERICAN EXPORT LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard W. Kurrus, Esquire, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 10206, between Alexandria Shipping & Navigation Company and American Export Lines, Inc. establishes a cooperative working arrangement in the trade between ports or points in Egypt and ports on the Atlantic Coast of and points in the United States, for the establishment and maintenance of coordinated common carrier services in the trade under the terms and conditions set forth therein.

V40235 DEC 5 75 XUM

By Order of the Federal Maritime Commission.

Dated: December 2, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32839 Filed 12-4-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01014---	Robert Bornhofen Reederei: *Don Roberto, Luise.*
01073---	N.V.T.V.V.D. Koninklijke Hollandsche Lloyd (Royal Holland Lloyd): *Gaasterland.*
01074---	Sigval Bergesen and Associated Compagnies: *Rimfonn.*
01306---	Shaw Savill and Albion Co., Ltd.: *Durongo.*
01324---	Rederiet Lindinger A/S: *Lindinger Pearl.*
01330---	Shell Tankers (U.K.) Limited: *Hanetia.*
01334---	American President Lines, Ltd.: *Philippine Mail, Oregon Mail.*
01339---	Compagnie Africaine D'Armement: *Dalila.*
01341---	John L. Jacobs and Co., Ltd.: *Laurelwood.*
01362---	Chevron Tankers (Nederland) N.V.: *Chevron Rotterdam.*
01428---	Ocean Transport and Trading Ltd.: *Titan.*
01442---	Charles Connell and Co., Ltd.: *Vancouver Forest.*
01557---	Knut Knutsen O.A.S.: *John Knudsen, Anna Knudsen.*
01637---	Sidarma Societa Italiana Di Armamento S.P.A.: *Francesco Morosin.*
01641---	The Bank Line Limited: *Lindenbank.*
01841---	Chas. Kurz and Co., Inc.: *Baldbutte.*
01980---	AB Oceankompaniet: *Lake Eyre.*
01998---	Gorthons Rederi AB: *Ingrid Gorthon.*
02018---	Warwick Tanker Co., Ltd.: *Bidford Priory, Brandon Priory.*
02129---	Ore Carriers Ltd.: *Mabel Warwick, St. Margaret.*
02130---	Empire Transport Co. Ltd., and Houlder Line Ltd.: *Ocean Transport.*
02131---	Houlder Line Ltd.: *Hardwicke Grange.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Danwood Snow.*
02198---	The Peninsular and Oriental Steam Navigation Co.: *Malwa, Oronsay.*
02199---	Atlantic Richfield Co.: *Atlantic Enterprise.*
02243---	Astramar Compania Argentina De Navegacion, Sociedad Anonima Comerical: *Astranorte, Puerto Buitrago.*
02282---	Park Steamships Ltd.: *Monica.*
02330---	Oriental Shipping Corp.: *Goldenrod, Gladiolus.*
02436---	Alexander Shipping Co. Ltd.: *Westbury.*
02492---	Interstate Oil Transport Co.: *Russel 105, Interstate 18.*
02524---	The Watergate Steam Shipping Co., Ltd.: *Ravensworth.*
02579---	Gadot Yam LTD.: *Chemical Enterprise.*
02715---	Allied Towing Corp.: ATC-117, ATC-3060.
02719---	Berwick Bay Transportation Co. Inc.: *Bill Lueck.*
02911---	Sib. Bergesen D.Y. & Co.: *Berge Sigval.*
02928---	PHS Van Ommeren (France): *Port Marly.*
02945---	American Trading and Production Corp.: *Virginia Trader.*
03255---	Port Line Ltd.: *Port Brisbane.*
03292---	Maritimecor S.A.: *Bering.*
03315---	Afran Transport Co.: *La Cruz.*
03422---	Daiwa Kaiun Kabushiki Kaisha: *Tacoma Maru.*
03448---	Kobe Senpaku K.K.: *Kobe Maru, Kobe Maru No. 7.*
03476---	Nissho Kisen K.K.: *Cactus Maru, Nissho Maru, Saganoseki Maru, Seiho Maru, Nitten Maru.*
03581---	Tank Barge 14, Inc.: *Barge 14.*
03583---	Tank Barge 5, Inc.: *Barge 5.*
03584---	Tank Barge 23, Inc.: *Barge 23.*
03585---	Tank Barge 10, Inc.: *Barge 10.*
03588---	Tank Barge 7, Inc.: *Barge 7.*
03591---	Tank Barge 25, Inc.: *Barge 25.*
03606---	Tank Barge 6, Inc.: *Barge 6.*
03608---	Ace Barge Co.: *Barge 1927.*
03609---	Pacific Barge 3, Inc.: *Barge 101.*
03620---	Tank Barge 17, Inc.: *Barge 17.*
03682---	Tank Barge 12, Inc.: *Barge 12.*
03683---	Tank Barge 15, Inc.: *Barge 15.*
03684---	Tank Barge 16, Inc.: *Barge 16.*
03685---	Tank Barge 18, Inc.: *Barge 18.*
03687---	Tank Barge 33, Inc.: *Cedar.*
03699---	Harbor Transportation Co.: *Barge 1.*
03704	Tank Barge 34, Inc.: *Barge Cordova.*
03709	Tank Barge 11, Inc.: Barge 11.
03730	Brown and Root, Inc.: *HCC-101, SEDCO VI, HCC-103.*
03876	Ingram Materials Inc.: *Dredge #4.*
04004	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Asian Ensign.*
04037	C. F. Bean Corp., *Jim Bean.*
04049	A/S Mosgulf Shipping Co. Quebec.
04196	Otto Candies, Inc.: Maycan I. Koninklijke Nedlloyd B. V.: *Giessenkerk, Bengalen.*
04594	The Valley Line Co., *MV 272.*
04601---	American Tunaboat Asso., *Conte Bianco.*
04623---	Seaspan International LTD.: *Powell Carrier, Crown Zellerbach No. 4.*
04674---	Pescanova, S.A.: *Espadarte.*
04803---	Brent Towing Co., Inc: *Gulf Chem 11, Gulf Chem 1.*
04808---	Tri-W Towing Co. Inc.: Frank H. Peavey.
04831---	Houston Contracting Co.: *HCC-7, HCC-8, HCC-101, HCC-103, HCR-1, HCR-2, HCR-3, HCR-4, FARKEN No. 1, SEDCO III, SEDCO IV, SEDCO V, SEDCO VI, SEDCO 102.*
05090---	Esso Petroleum Co. Ltd.: *Esso Pembrokeshire.*
05091---	Dansk Esso A/S: *Esso Denmark.*
05123---	Kinkai Yusen Kabushiki Kaisha: *Nitto Maru.*
05508---	Galaction Shipping Co. Ltd.: *Marvella.*
05676---	International Barge, Inc.: *GT 830, Chotin 967, NBC 902.*
06435---	Dampskibsaktieselskabet Den Norske Afrikaog Australlelinie, Wilhelmsens Dampskibsaktieselskabet A/S Tonsberg, A/S Tankfart I, A/S Tamlfart IV, A/S Tankfart V, A/S Tankfart VI: *Tagus.*
06440---	Dampskibsaktieselskabet Den Norske Afrika Og Australlelinie, Wilhelmsens Dampskibsaktieselskab et A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V: *Tulane.*
06596---	Issei Kisen K.K.: *Shinsei Maru.*
06776---	Whitco (Marine Services) Ltd.: *London Clipper.*
07112---	Dampskibsaktieselskabet Den Norske Afrika-Og Australlelinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, M/S Trinton, Skips A/S Tudor: *Takasago.*
07517---	C. V. Scheepvaartbedrijf "Santa Lucia": *Santa Lucia.*
07539---	Gomelgaisya Uyeno Unyu Shokai: *Japan Tuna.*
07574---	Georgian Shipping Co.: *Matkop, Alagir, Batumi, Filip Makharadze, Kutaisi, Miha Tshakaia.*
07581---	Jurong Shipping Co., Ltd.: *Silver Town.*
07673---	Doncaster Shipping Co. Ltd.: *Sophie.*
07674---	Sea Traders Co. Ltd.: *Elena.*
07710---	Laudania Seaways, Inc.: *Liza F.*
07860---	Breeze Shipping S.A.: *Northern Breeze.*
07920---	Transportes Intermares Armadora S.A.: *Mesis.*
08317---	South East Asia Shipping Co., Private Ltd.: *Jag Vijay.*
08457---	Louisiana Towboat Co. Inc.: Mr. *Louie.*
08549---	Longline Fishing Ltd.: *Southward Ho.*
08606---	Virginia Chemicals Inc.: *Chipper.*
08681---	Shinto Panama Co. S.A.: *Eastern Hill.*
08857---	Irving Oil Co., Ltd.: *Irving Stream.*
09074---	Zuito Shipping Co.: Ltd.: *Nile Maru.*
09187---	Herring Maritime S.A.: *Ginko.*
09331---	Dissen & Juhn Corp.: *Wawasee.*
09513---	B-R Dredging Co., Inc.: *ACBL-1615, BDCO No. 32, BDCO No. 52, BDCO No. 98, Barge 545, Barge 604, Barge 605, Barge 606, Barge 609, Barge 610, Barge 613, Bauer ST-4, C.S.E. Holland, Dave Blackburn, Rip-101, Spill Barge No. 10.*
09544---	B.I.P. Shipping Co., S.A.: *Seibunmaru No. 3.*
09599---	Kaiser Corp., LTD.: Bredal.
09627---	Hariz Tankers CORP.: *Pine.*
10141---	A.F. Harmstorf & Co. G.m.b.H.: *Reefer Carrier, Reefer Trader.*
10238---	Arrow Shipping Corp.: *Golar Bow.*
10333---	United River Lines, Inc.: *51.*
10465---	Kaps Transport ltd.: *No. 392, No. 394, No. 395, No. 398, No. 399, J. MATSON.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32840 Filed 12-4-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01334---	American President Lines, Ltd.: *President Kennedy, President Eisenhower.*
01358---	Orgulf Transport Co.: *Robert N. Stout.*
01428---	Ocean Transport and Trading Ltd.: *Cyclops.*
01468---	Northumbrian Shipping Co. Ltd.: *Strait of Canso.*
01562---	G. W. Gladders Towing Co. Inc.: *GWG-208 GWG-209.*
01668---	Doris Companía Naviera S.A.: *Doris.*
01758---	Chotin Transportation, Inc.: *Francis R. Keegan.*
02198---	Peninsular and Oriental Steam Navigation Co.: *Aurora.*
02295---	The Great Eastern Shipping Co. Ltd.: *Jag Priya.*
02317---	Gotaas-Larsen A/S: *Bonita.*
02358---	A/S Granger Rolf-A/S Bonheur-A/S Borga-Den Norske Middelhavslinje A/S-A/S Jeloilinjen: *Sea Brute, Bayard.*
02435---	Saint Raphael Shipping Corp.: *Delaware.*
02586---	Marlin Drilling Co., Inc.: *Marlin VII.*
02911---	Sig. Bergesen Dy. & Co.: *Berge Istra, Berge Vanga, Berge Princess, Berge Prince, Berge Lord.*
02949---	Valley Towing Service, Inc.: *Delta Miss.*
02958---	Kawasaki Kisen K.K.: *Fujikawa Maru.*
03424---	Fuji Kisen Kaisha Ltd.: *Takaosan Maru.*
03503---	Shofuku Kisen K.K.: *Saitama Maru.*
03737---	Interocean Shipping Co.: *Lorenzo Halcoussi.*
03918---	Mobil Shipping and Transportation Co.: *Mobil Condor, Soucon.*
04002---	Compagnie des messageries Maritimes: *Rodin.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Freetown.*
04032---	Sicula Oceanica S.A.: *Oslo, Sauda.*
04034---	Grimaldi Compagnia di Navigazione SPA.: *Warrington.*
04048---	A/S Mosvold Shipping Co.: *Moschip.*
04186---	Flensburger Dampfercompagnie Harald Schuldt and Co.: *Byblos, Tourmalin.*
04226---	National Marine Service Inc.: *N.M.S. 1802, N.M.S. 3500.*
04437---	Lebeouf Bros. Towing Co., Inc.: *Creole Queen, Creole Chief.*
04803---	Brent Towing Co., Inc.: *Brent Chem I, Brent Chem II.*
05004---	Flowers Transportation, Inc.: *Gladys Flowers, J. Russell Flowers.*
05098---	Esso Tankers, Inc.: *Esso Boca Grande, Esso Hawaii.*
05232---	Diamond M. Drilling Co.: *Diamond M New Era, Diamond M Farmand.*
05437---	The Dow Chemical Co.: *T.C.B.-301, T.C.B.-302, T.C.B.-303, T.C.B.-306, T.C.B.-307, T.C.B.-309.*
05549---	Polska Zegluga Morska: *Kopalnia Moszczenica, Tatry, Sokolica, Karpaty, Rysy 2, Czantoria.*
05631---	Manson Construction and Engineering Co.: *O & H 155, O & H 175.*
05886---	Hughes Bros. Inc.: *Hughes No. 800.*
06409---	India Steamship Co. Ltd.: *Indian Fame.*
06877---	Societe Francaise De Transports Maritimes: *Ile De La Reunion, Ville D'anvers, Ville De Bordeaux, Ville De Brest, Ville De Dunkerque, Ville De Genes, Ville De Hambourg, Ville Du Havre, Ville De Lyon, Ville De Majunga, Ville De Marseille, Ville De Nantes, Ville De Reims, Ville De Rotterdam, Ville De Rouen, Ville De Sete, Ville De Valence, Ville De Strasbourg.*
07151---	Sea Containers Chartering Ltd.: *Cheshire Venture, Cheshire Endeavour, Vento Di Maestrale, Vento De Scirocco.*
07640---	Exxon Co., USA: *Exxon Barge No. 301, Exxon Barge No. 302.*
07880---	Logicon, Inc.: *CBC-130.*
08034---	Asia Africa Shipping Co., Ltd.: *Uniworld, Unisingapore.*
08119---	Mediteranska Plovidba-Korcula, Yugoslavia: *Agrum.*
08304---	Botany Bay Shipping Co. Inc.: *Chios Island.*
08473---	Tokyo Marine Co., Ltd.: *Fujishio Maru, Fuji Andina.*
08681---	Eagle Marine Co. S.A.: *Eastern Hill.*
09074---	Zuito Shipping Co., Ltd.: *Toko Maru.*
09169---	Zapata Ocean Resources, Inc.: *Pathfinder, Discoverer.*
09172---	Vania Comania Naviera S.A.: *Athen Progress, Athen Sky.*
09322---	Van Camp Seafood Co., Division of Ralston Purina Co.: *Lucy.*
09502---	Great Circle Shipping Corp.: *Caribbean Arrow.*
09550---	Maconda Shipping Co., Ltd.: *Rio Eli.*
09666---	Persian Oil Tanker Corp.: *Manhattan Baron, Manhattan Viscount.*
09727---	Fukuho Kaiun Sangyo K.K.: *Washu.*
09772---	Tae Chang Fisheries Co., Ltd.: *Partera No. 77.*
09997---	Robinia Shipping Co., S.A.: *South Wing.*
10041---	Towa Shipping Corp.: *Sun Deneb, Hatsufuji.*
10096---	Ruys Bulk Transport N.V.: *Maaskant.*
10223---	Baldbutte Shipping Co.: *Baldbutte.*
10273---	Namyangsa Co., Ltd.: *Carnation No. 51.*
10283---	Molena Beta Inc.: *Benfri.*
10284---	Molena Alpha Inc.: *Nanfri.*
10297---	Imec Naviera Co., S.A.: *Seed Leaf.*
10360---	Societe Senegalaise D'Armement A La Peche: *Jofondor.*
10400---	Odeco Inc.: *Ocean Tempest.*
10434---	Chelsea Navigation Co., Inc.: *Thais.*
10472---	J. D. & Damhof: *Empire.*
10532---	Bulgarian Tanker Fleet: *Iskar.*
10562---	Southern Seas Shipping Co.: *Pacbaron.*
10569---	Peavey Company: *CC 211, TRI-W.*
10585---	Greca Compania Naviera S.A.: *Alexandros M.*
10590---	Ceylon Shipping Corp.: *Lanka Ratna.*
10591---	Transpac Marine S.A.: *Admiral, Sealift, Seacare.*
10604---	Efniki Compania Naviera S.A.: *Dimitris E.*
10615---	Clew Bay Shipping Co., Inc.: *Hope Sea, Hope Star, Hope Sky.*
10622---	Gladiolus Shipping, Inc.: *Gladiolus.*
10623---	Goldenrod Shipping, Inc.: *Goldenrod.*
10625---	K/S A/S Minibulk II and Co.: *Mini Orbit.*
10626---	Lloyd Uruguayo S.A.: *Laura.*
10627---	Elteco Compania Naviera S.A. Panama: *Kerasous.*
10628---	Malavi Shipping Corporation-Panama: *Lissabon.*
10633---	Sabine Offshore Service, Inc.: *YWN 59.*
10636---	Magic City Shipping Corporation: *Forwarder.*
10637---	Libra-Linhas Brasileiras De Navegacao S.A.: *Rica.*
10638---	Varnicos I Shipping Co., S.A.: *Georgios V.*
10640---	Five Star Navigation Co., Ltd.: *Althea.*
10641---	Lentoo Compania Maritima S.A.: *Georgios Lentoudis.*
10642---	Arago Shipping Inc. of Liberia: *Agios Panteleimon.*
10643---	Camden Shipping Co.: *World Achilles II.*
10648---	Freeport Cruise Lines Panama, Inc.: *Freeport.*
10649---	Ever Summit Line, S.A.: *Ever Summit.*
10652---	Adriatic Transports Ltd.: *Christos Bitas.*
10653---	Transworld No. 2 Tanker Services, Inc.: *Cys Excellence.*
10654---	Gilberte Shipping Corp.: *Maria Lemos.*
10657---	Quebec Maritime, Inc.: *Quebec.*
10658---	Kirton Panama S.A.: *Olympic Bravery.*
10659---	Sam Ick Lines Co., Ltd.: *Yon Eun.*
10661---	Gulf Pacific Navigation Co., Ltd.: *Selene G.*
10667---	Western Geophysical Company of America: *Anne Bravo.*
10668---	Kristian Ravns Partrederi: *Joravn.*
10669---	Ecuadorian Steamship and Trading Co. Ltd.: *Paola IX.*
10670---	Part ownership Union XVII: *Elsetil.*
10671---	Saudi Lines of Jeddah: *Saudi Glory.*
10672---	Dolphin Transport Corp.: *Stream Dolphin.*
10673---	Rudder Transport Corp.: *Stream Rudder.*
16074---	Hawser Corp.: *Stream Hawser.*
10677---	Etnea Trading Co., Inc. S.A. Panama: *Monday.*
10679---	Cyclamen Shipping Corp., Ltd.: *Scaptrade.*
10680---	Advanport Limited: *Advara.*
10681---	Invincible Steamship Co., Ltd.: *Hellespont Pride.*
10682---	Satyr Overseas Navigation Inc.: *Hellespont Glory.*
10683---	Valiant Bay Shipping Co., Ltd.: *Maria.*
10685---	Yakintos Shipping Co., S/A: *Theodoros V.*
10688---	Synetos Shipping Corp.: *Synetos.*
10692---	Grandi Traghetti S.P.A. Di Navigazione: *Dora Baltea.*
10693---	Despinoula Shipping Inc.: *Despina G.K.*
10695---	Golden Corporation: *Like Two.*
10696---	K.G.G. CO., LTD.: *Sea Bird No. 86.*
10697---	Ace Shipping Co., Inc.: *Eastern Rose.*
10698---	Fair Way Marine Co., S.A.: *Clematis.*
10700---	Messiniacos Gulf Shipping Co., S.A.: *Messiniacos Gulf.*

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Certificate No.	Owner/operator and vessels
10705---	Et Interessentskab Bestaende AF Dampskibsselskabet AF 1912 Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg Og Dampskibsselskabet AF 1960 Aktieselskab: *Louis Maersk. Leise Maersk.*
10707---	A/S Euro-Trans K/S: *Trans Sea.*
10708---	Cumulus Shipping Co., S.A. Panama: *Dory.*
10709---	Shell Bahamas Ltd.: *Caribshell.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32841 Filed 12-4-75;8:45 am]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND LYKES BROTHERS STEAMSHIP COMPANY, INC.

Notice of Agreement Filed

Notice is hereby given that the following agrement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 26, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd Strickland, Vice President, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10064-1, between Flota Mercante Grancolombiana S.A. and Lykes Bros. Steamship Co., Inc. is a petition by the parties to extend their cooperative working arrangement in the trade between United States Gulf of Mexico ports and ports in Colombia for a period of two years from January 24, 1976 to January 24, 1978.

By Order of the Federal Maritime Commission.

Dated December 2, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32837 Filed 12-4-75;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004

Agreement No. 7670-14, among the parties to the above-named agreement, is an agreement to extend the approval of its intermodal authority on a permanent basis.

By Order of the Federal Maritime Commission.

Dated: December 2, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32838 Filed 12-4-75;8:45 am]

[No. 75-46]

U.S. MIAMI-CARIBBEAN/PUERTO RICO TRADES

Order of Investigation and Hearing Regarding Possible Violations of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933; Correction

At 40 FR 51503 of the Commission's Order of Investigatic and Hearing in this proceeding served October 30, 1975 (40 F.R. 51503, November 5, 1975), the non-vessel operating common carriers set forth in Appendix A to the Order, with the exception of Transconex International, Inc., were designated as respondents in the proceeding. The omission of Transconex International, Inc. was inadvertent and Transconex International, Inc. is hereby included as a designated respondent to this proceeding.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32836 Filed 12-4-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-68]

ALGONQUIN GAS TRANSMISSION CO.

Further Extension of Time for Filing Rebuttal

NOVEMBER 26, 1975.

On November 24, 1975, Algonquin Gas Transmission Company filed a motion to extend time for filing rebuttal testimony fixed by order issued May 19, 1975, as most recently modified by notice issued November 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time for filing rebuttal testimony in the above proceeding is extended from November 28, 1975 to and including December 12, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32866 Filed 12-4-75;8:45 am]

[Docket No. CP73-5]

COLUMBIA GULF TRANSMISSION CO.

Findings and Order Amending Order Issuing Certificate of Public Convenience and Necessity and Granting Petition to Intervene

NOVEMBER 28, 1975.

On June 9, 1975, Columbia Gulf Transmission Company (Petitioner) filed in Docket No. CP73-5 a petition to amend, as supplemented August 21, 1975, the Commission's order issued October 13, 1972 (48 FPC 841), as amended June 17, 1975, in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing an additional delivery point for the receipt of gas from Texas Gas Transmission Corporation (Texas Gas) on the Blue Water Project, offshore Louisiana, all as more fully set forth in the petition to amend, as supplemented, in this proceeding.

The order of October 13, 1972, among other things, authorized Petitioner to transport and deliver for Texas Gas a contract demand of 35,700 Mcf of gas from Eugene Island Block 250 to Eugene Island Block 227, and, further, to transport the aforestated volumes plus volumes received from Texas Gas from its sources in the Vermilion Area, up to an aggregate quantity of 51,000 Mcf of gas per day, from Eugene Island Block 227 to a delivery point onshore near Egan, Louisiana.

Petitioner and Texas Gas have entered into an amendment, dated May 22, 1975, to their original transportation agreement, dated June 28, 1972, which provides for the transportation of up to 51,000 Mcf of gas per day, to add a new delivery point to be located in Block 198, Ship Shoal Area. This new delivery point is required to transport gas that Texas Gas has acquired in the Block 324 Field, Eugene Island Area, South Addition. The gas will be transported to the Blue Water Project through facilities presently being constructed pursuant to authorization granted by Commission order, issued July 18, 1975, in Docket No. CP75-127.

Petitioner does not propose to increase the existing transportation volume of 51,000 Mcf per day and no additional facilities are necessary. The initial volume of gas to be delivered at the new delivery point is approximately 20,000 Mcf per day. The additional gas will be transported pursuant to Petitioner's Rate Schedule X-13.

After due notice by publication in the Federal Register on July 15, 1975, (40 FR 29763), a petition to intervene was filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee); however, said Petitioner does not request a formal hearing in this proceeding. No further petition to intervene notice of intervention, or protest to the granting of the petition to amend has been filed in this proceeding.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order issued October 13, 1972, as amended, in Docket No. CP73-5 be further amended as hereinafter ordered.

(2) Participation by Tennessee in this proceeding may be in the public interest.

The Commission orders: (A) The Commission's order issued October 13, 1972, in Docket No. CP73-5, as amended, is further amended by authorizing an additional delivery point for the receipt of gas from Texas Gas on the Blue Water Project, as hereinbefore described and as set forth in the petition to amend, as supplemented, in this proceeding.

(B) In all other respects said order, as amended, shall remain in full force and effect.

(C) Tennessee is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and, *Provided, further,* that the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32846 Filed 12-4-75;8:45 am]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA

Extension of Time

NOVEMBER 26, 1975.

On November 17, 1975, the Department of Water Resources of the State of California filed a motion to extend the time for complying with ordering paragraphs (F), (G), and (H) of order issued October 9, 1975, in the above-indicated proceeding.

Notice is hereby given that the time for complying with ordering paragraphs (F), (G), and (H) of order issued October 9, 1975 is extended to January 30, 1976. The time for complying with ordering paragraphs (D) and (E) is also January 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32867 Filed 12-4-75;8:45 am]

[Docket Nos. RP73-104, etc.]

EL PASO NATURAL GAS CO.

Notice Establishing Additional Procedural Dates

NOVEMBER 28, 1975.

On November 14, 1975, El Paso Natural Gas Company and Staff Counsel jointly moved to extend the date for filing certain rate of return evidence set by order issued February 8, 1974, as most recently modified by notice issued August 21, 1975, in the above-designated proceeding, and to establish separate procedural dates for the rate of return issue.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Hearing of all issues except the rate of return issue, December 9, 1975 (10:00 a.m. E.s.t.)
Service of Staff's additional rate of return evidence, December 29, 1975.
Service of El Paso's rebuttal evidence on rate of return, January 13, 1976.
Hearing on rate of return issue, February 3, 1976 (10:00 a.m., E.s.t.)

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32852 Filed 12-4-75;8:45 am]

[Docket No. ER76-219]

FLORIDA POWER & LIGHT CO.

Notice of Filing of Proposed Contract Amendment

NOVEMBER 26, 1975.

Take notice that on November 4, 1975, Florida Power & Light Company (Florida) tendered for filing in the above docket proposed amendment No. 1 to the interchange service contract between Florida and Jacksonville (Florida Electric Authority) (JEA). An effective date of January 1, 1974, is requested.

Florida states that the subject amendment, which is dated September 15, 1975, amends the October 31, 1973 contract between the parties. The latter contract is subject to current hearings before the Commission in Docket Nos. E-8769, et al.

Florida further describes the subject filing as follows:

The enclosed amendment modifies Sections A2 and B2 of Service Schedule A—Emergency Service and Service Schedule B—Scheduled Interchange Service, respectively. The energy charge for energy produced from fossil steam generating plants has been changed to use the calendar month in which the energy was produced and sold rather than for the second preceding month. In addition, an energy charge for energy produced from combustion turbine generating plants has been included.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Florida's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32863 Filed 12-4-75;8:45 am]

[Docket No. CI67-818]

GULF OIL CORP.

Notice of Application

NOVEMBER 26, 1975.

Take notice that on October 31, 1975, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI67-818 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sales of natural gas to Transwestern Pipeline Company (Transwestern) attributable to the royalty interest owner's shares of certain acreage located in the Gomez Field, Pecos County, Texas, all as more fully set forth in

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the application on file with the Commission and open to public inspection.

Applicant states that it is presently selling natural gas to Transwestern from the NW/4 of Section 2, Block 106, T&STL RR Co. Survey, John W. Barrett grantee, Pecos County, Texas, pursuant to a contract dated December 1, 1966, on file as Applicant's FPC Gas Rate Schedule No. 393. It is stated that Applicant and the royalty interest owners have entered into an amendment of the leases covering subject acreage which gives the royalty owners the option to receive their respective shares of gas produced from the acreage in kind. All of the royalty interest owners in the acreage have elected to take their respective shares in kind, it is stated. These shares are said to comprise 2.8583 percent of the gas produced from the Fortson "A" Gas Unit operated by Phillips Petroleum Company. The amount of gas the royalty interest owners receive would be approximately 10,500 Mcf per month, Applicant estimates.

Applicant indicates that Transwestern has agreed to enter into a gas purchase agreement with the royalty interest owners, which would be effectuated by (1) the execution of the proposed gas purchase contracts pursuant to a letter agreement between Applicant and Transwestern dated June 17, 1975, by all of the royalty interest owners, (2) the securing by all of the royalty interest owners of small producer certificates and (3) Applicant's obtaining permisison to and approval of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1975, file with the Federal Power Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32865 Filed 12-4-75;8:45 am]

[Docket Nos. E-9296, E-9297, and E-9298]

IOWA PUBLIC SERVICE CO.

Notice of Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 5, 1975, as most recently modified by notice issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 9, 1976.
Service of Intervenor Testimony, January 23, 1976.
Service of Company Rebuttal, February 6, 1976.
Hearing, February 20, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32857 Filed 12-4-75;8:45 am]

[Docket No. E-9298]

IOWA PUBLIC SERVICE CO.

Notice of Withdrawal

NOVEMBER 26, 1975.

On November 17, 1975, Iowa Public Service Company filed a motion to withdraw its initial filing filed on February 28, 1975, in the above-designated proceeding.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on December 16, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32858 Filed 12-4-75;8:45 am]

[Docket No. ER76-204]

KENTUCKY POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention, Providing for Hearing and Establishing Procedures

NOVEMBER 28, 1975.

On October 30, 1975, Kentucky Power Company (Kentucky) tendered for filing proposed changes in its rates and charges for service to Vanceburg Electric Light, Heat and Power System of Vanceburg, Kentucky (Vanceburg) and the City of Olive Hill, Kentucky (Olive Hill).[1] According to Kentucky, the proposed changes would increase annual revenues collected from Vanceburg and Olive Hill by $117,938, based on the 12 month period ended June 30, 1975. Kentucky requests that the proposed increase to the two cities be permitted to become effective as of December 1, 1975.

The changes contained in the instant filing include a revised fuel adjustment clause in purported compliance with § 35.14 of our Regulations, as amended, as well as an increase in the demand and energy charges. Kentucky avers that such increase is necessitated by increased capital costs and the need for additional construction.

Public notice of the instant filing was issued on November 7, 1975, with comments, protests and petitions to intervene due on or before November 17, 1975. A timely protest and petition to intervene was filed by Vanceburg, which contends that the rates and fuel adjustment clause proposed by Kentucky may be unjust, unreasonable, unduly discriminatory or preferential. Good cause appearing, Vanceburg shall be permitted to intervene as hereinafter ordered and conditioned.

Our review of Kentucky's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, pursuant to authority vested in us by Section 205 of the Federal Power Act, we shall accept Kentucky's submittal for filing and suspend the use thereof for two months until February 1, 1976. In addition, we shall establish hearing procedures to determine the justness and reasonableness of the changes proposed by Kentucky.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including our Staff. Without limiting the rights of the parties, including Staff, to present such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the following issues:

(1) The justness and reasonableness of the rate of return, including return on common equity, to be earned by Kentucky from the rates and charges proposed herein;

(2) Whether the revised fuel cost adjustment clause submitted by Kentucky substantially complies with § 35.14 of our Regulations, as amended by Order No. 517; [2]

(3) The appropriateness of Kentucky's normalization of the tax effect of capitalized items in its income tax calculation; and

(4) The appropriateness of Kentucky's inclusion of minimum bank balances in the allowance for working capital.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Kentucky Power Company's filing in Docket No. ER76-204.

(2) Good cause exists to accept for filing and suspended the proposed changes in Kentucky's Rate Schedule FPC Nos. 12 and 13, as hereinafter ordered.

(3) Vanceburg's participation in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on April 27, 1976, at 10:00 a.m., prevailing local time, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates and charges contained in Kentucky Power Company's instant rate filing.

(B) On or before March 16, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before March 30, 1976. Any rebuttal evidence by Kentucky shall be served on or before April 13, 1976.

(C) Pending a hearing and a decision thereon, Kentucky's proposed changes in rates and charges, tender of which was made on October 30, 1975, are accepted for filing and suspended for two months, the use thereof deferred until February 1, 1976, when said proposed rates and charges shall become effective, subject to refund.

(D) Vanceburg is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32847 Filed 12-4-75;8:45 am]

[1] The proposed changes are designated Supplement No. 4 to Rate Schedule FPC No. 12 (Vanceburg) and Supplement No. 2 to Rate Schedule FPC No. 13 (Olive Hill).

[2] Order No. 517, —— FPC —— (Docket No. R-479), issued November 13, 1974.

[Docket No. ER76-249]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Request for Waiver of Fuel Adjustment Clause Conformity Requirements

NOVEMBER 26, 1975.

Take notice that on October 24, 1975, Lake Superior District Power Company by letter dated October 21, 1975 filed a request for waiver of the January 1, 1976 deadline for conforming its fuel cost adjustment clauses to Commission Order No. 517 in Docket No. R-479 issued November 13, 1974.

Lake Superior requests a three month extension because of the complexity of the data required.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32862 Filed 12-4-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Further Extension of Procedural Dates

NOVEMBER 28, 1975.

On November 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 27, 1975, as most recently modified by notice issued November 3, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, November 24, 1975.
Service of Intervenor Testimony, December 8, 1975.
Service of Company Rebuttal, January 6, 1976.
Hearing, January 20, 1976 (10:00 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32850 Filed 12-4-75;8:45 am]

[Docket No. RP75-68]

MID-LOUISIANA GAS CO.

Notice of Presiding Administrative Law Judge's Certification of Proposed Settlement to the Commission

NOVEMBER 28, 1975.

Take notice that on November 25, 1975, Presiding Administrative Law Judge Curtis L. Wagner, Jr., pursuant to § 1.18 (e) of the Rules of Practice and Procedure, certified to the Commission "for such action as it may deem appropriate in its discretion" a stipulation and agreement reached by Mid-Louisiana Gas Company (Mid-Louisiana) and the Commission Staff and attached by Mid-Louisiana to its motion of November 12, 1975 requesting certification of the settlement.

This proceeding was instituted by Commission order issued April 11, 1975 and involves Mid-Louisiana's proposed changes in its First Revised Volume No. 1 of its FPC Gas Tariff, Alternate Fourteenth Revised Sheet No. 3a, Alternate First Revised Sheet Nos. 26a, 26c, and First Revised Sheet No. 26d, which were accepted for filing and then made effective after a one day suspension, on April 16, 1975.

The originally proposed changes would increase Mid-Louisiana's rates in Rate Schedules G-1, SG-1, and I-1 from 48.26¢ per Mcf to 51.71¢ per Mcf at a base rate, exclusive of Purchase Gas Cost Adjustments, of 54.15¢ per Mcf. The proposed settlement rates, as of April 16, 1975, would be 50.44¢ per Mcf at a base rate of 52.88¢. As of July 1, 1975, the base rate would be increased to 58.80¢ per Mcf to track an advance payment of that date, pursuant to an advance payment tracking provision included as part of the settlement stipulation and agreement.

Also, according to the stipulation and agreement, the charges under Mid-Louisiana's Rate Schedule E-1 would be decreased from 65.38¢ per Mcf to 65.24¢ per Mcf from April 16, 1975 and then increased to 87.91¢ per Mcf on the date of a Commission order approving the settlement.

Any person desiring to comment on the proposed settlement may do so by filing comments with the Federal Power Commission 825 North Capitol Street NE., Washington, D.C. 20426. All comments should be filed on or before December 15, 1975. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32848 Filed 12-4-75;8:45 am]

[Docket No. ER76-248]

MISSISSIPPI POWER CO.

Request for Waiver of Fuel Adjustment Clause Conformity Requirements

NOVEMBER 26, 1975.

Take notice that on October 3, 1975, Mississippi Power Company by letter dated October 1, 1975 filed a request for waiver of the January 1, 1976 deadline for conforming its fuel adjustment clause in its Rate Schedule FPC No. 108 to Commission Order No. 517 in Docket No. R-479 issued November 13, 1974.

Mississippi requests an additional one year period for complying with Order 517 because of its agreement with South Mississippi Electric Power Association that the fuel adjustment clause applied to firm power sales to South Mississippi will

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be substantially the same as the fuel clause which is approved by the Commission in another proceeding, Docket No. E-9135. The waiver of the conformity deadline is requested to permit that proceeding to reach a conclusion.

And person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32864 Filed 12-4-75;8:45 am]

[Docket Nos. ER76-201 and ER76-202]

MONTAUP ELECTRIC CO.

Order Accepting for Filing and Making Effective Proposed Unit Sales Agreements Without Suspension

NOVEMBER 28, 1975.

On October 28, 1975, the Montaup Electric Company (Montaup) tendered for filing two initial rate schedules for the sale of power from the Canal Unit No. 2, 50% of which is owned by Montaup, to the Public Service Company of New Hampshire (PSNH) and the New Bedford Gas and Electric Light Company (New Bedford), designated as Docket Nos. ER76-201 and ER76-202 respectively.[1] Montaup proposes to sell 50MW through October 31, 1976, and 20MW during the subsequent twelve month period to October 31, 1977. The New Bedford proposal provides for the sale of 50 MW from the unit to New Bedford from December 1, 1975 through April 30, 1976, and then 28MW from November 1, 1977 through April 30, 1978. Furthermore, each of the proposed rates specifies the following monthly charges: (1) a monthly capacity charge based upon Montaup's direct and indirect charges incurred on the investment in and the operation and maintenance of the unit exclusive of fuel costs, and (2) a monthly energy charge based upon total fuel expense (Account 501) during the month Although New Bedford owns its own transmission facilities in the area and does not require transmission service, such service will be rendered to PSNH. The proposed rate to PSNH, therefore, includes monthly charges for certain transmission facilities utilized to deliver power from the unit to the New England 345KV grid.

[1] Designated as: ER76-201—Rate Schedule FPC No. 38 and Supplement No. 1 thereto; ER76-202—Rate Schedule FPC No. 39 and Supplement No. 1 thereto DC-24.

Notices of the filings were issued on November 10, 1975, with comments, protests, or petitions to intervene due on or before November 18, 1975. No responses were received. As noted above, Montaup has requested an effective date of December 1, 1975, that being the scheduled date for commencement of commercial operation for Canal No. 2.

Our review of the proposed rates, charges, terms and conditions of service of the proposed unit sales agreements indicates that they are just and reasonable and should therefore be accepted for filing and made effective without suspension as of December 1, 1975, the scheduled date for commencement of commercial operation of Canal Unit No. 2.

The Commission finds: Good cause exists to accept for filing and make effective Montaup's filing as hereinafter ordered and conditioned.

The Commission orders: (A) Montaup's October 29, 1975, filing is accepted for filing and made effective as of December 1, 1975, the scheduled date for commencement of commercial operation of Canal Unit No. 2.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32853 Filed 12-4-75;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing, and Permitting To Become Effective, Subject to Condition, Revised Tariff Sheets

NOVEMBER 28, 1975.

By order issued June 30, 1975 in this docket we accepted for filing and suspended certain revised tariff sheets filed by Natural Gas Pipeline Company of America (Natural) which would result in a jurisdictional rate increase of $36.2 million. Our order additionally required Natural to file revised tariff sheets, prior to the effective date of the suspended tariff sheets, reflecting a.) the elimination of costs associated with interest payments to Exxon, U.S.A., b.) the elimination from rate base of investment in plant under construction, and c.) the elimination of costs associated with certain uncertificated facilities if such facilities were not certificated and in service on or before the date the proposed rates went into effect.

In our order we further noted that Natural's rate filing reflected rates designed under the *Atlantic Seaboard* method[1] and that to the extent the rate design ultimately found to be just and reasonable for Natural departs from *Seaboard* Natural may be subject to undercollections. By order issued August 29, 1975, we affirmed our decision in our order of June 30, 1975 and denied Natural's request for rehearing.

On October 16, 1975, as completed by October 20, 1975 submittals, Natural filed a "Motion to Make Suspension Tariff Sheets Effective" as well as tariff sheets which revise the sheets originally filed and suspended in this docket.[2] In addition to reflecting the changes requested by the Commission's June 30, 1975 order, the revised tariff sheets filed on October 16, 1975 reflect the following:

(1) An addition as a credit to Natural's cost of service the amount attributable to revenues received by Natural from the sale of liquid hydrocarbons products to Phillips Petroleum Company;

(2) A change in Natural's Winter Service Rates (Rate Schedule WS-1 and WS-2) from a demand to a commodity billing basis; and

(3) A redesigning of Natural's rates from an unmodified *Seaboard* basis to the *United* 75%/25% rate design formula.[3]

Natural's October 16, 1975 filing also included *alternate* revised tariff sheets[4] reflecting the above-listed revisions as well as the exclusion of all costs associated with uncertificated facilities at issue in Docket No. CP75-256. Natural requested that these revised tariff sheets be accepted for filing and made effective December 1, 1975, in the event such facilities are not certificated by December 1, 1975. Natural states that both sets of tendered tariff sheets reflect the level of PGA unit adjustments filed October 16, 1975 in Docket No. RP71-125. Natural requests that either the revised tariff sheets or the alternate revised tariff sheets tendered of October 16, 1975 be accepted for filing and permitted to become effective on December 1, 1975, in substitution for the corresponding tariff sheets suspended by our order of June 30, 1975.

Public notice of Natural's October 16, 1975 filing was issued on October 29, 1975 with all comments due on or before November 17, 1975. On November 13, 1975, Northern Illinois Gas Company (NIGas) filed comments in opposition to the acceptance for filing of Natural's revised tariff sheets insofar as they reflect a departure from the originally filed *Seaboard* rate design and reflect the United rate design. NIGas asserts that if the Commission accepts the sheets for filing and permits them to become effective it will result in a prejudgment of the issue of the proper rate design for Natural in the pending proceeding in Docket No. RP73-110.

Upon review we find Natural's revision which adds as a credit to cost of service the amount attributable to liquid hydrocarbons revenues from Philipps Petroleum Company to be appropriate in light

[1] *Atlantic Seaboard*, 11 FPC 43 (1952).

[2] Substitute Twenty-fifth Revised Sheet No. 5, Substitute Original Sheet No. 5A.

[3] *United Gas Pipe Line Company*, Opinion No. 671, 50 FPC 1348 (1973), *reh. denied* 51 FPC 1014 (1974), *aff'd sub. nom. Consolidated Gas Supply Corp.* v. *F.P.C.*, Docket Nos. 74-1343 *et al.* (D.C. Cir., issued October 9, 1975).

[4] (Alternate) Substitute Twenty-fifth Revised Sheet No. 5, (Alternate) Substitute Original Sheet No. 5A.

of our order of September 9, 1975 in Docket No. RP73-63. In that order we denied Natural's request to add these revenues to its revolving exploration and development fund approved in a prior Commission order,[5] and cease crediting these revenues to its jurisdictional cost of service.

We find Natural's revision changing its Winter Service Rates from a demand to a commodity billing basis to be appropriate in light of recent orders in two separate dockets[6] denying Natural's request for authority to charge on a demand basis or to include a carrying charge component in its Winter Service Rates.

With respect to the revision excluding the costs associated with uncertificated facilities which have been the issue in the proceeding in Docket No. CP75-256, we issued an order in that docket on November 3, 1975 denying Natural's request for a temporary certificate. The facilities will not be certificated and in service on or before the effective date of Natural's rate increase. Natural's revision eliminating these costs is therefore in compliance with our order of June 30, 1975.

The final revision reflected in Natural's October 16, 1975 filing is a change in Natural's rate design from the *Seaboard* method to the *United* method. Natural states that its reason for revising its rate design is that it seeks to avoid being subjected to underrecovery in the event that the *Seaboard* method is ultimately determined to be unjust and unreasonable on Natural's system. Natural states further that its revision is without prejudice to its right to maintain in this proceeding that the *Seaboard* method is the appropriate rate design for Natural. We have reviewed NIGas' objection to the revised tariff sheets reflecting the *United* rate design method and find its objections to be unwarranted. The rate design found to be just and reasonable in the pending proceeding in Docket No. RP73-110 will be determined on the basis of the complete record presented to us in that proceeding. We are moreover aware that the factual situation existing on the Natural system for the locked-in period in Docket No. RP73-110 may be dissimilar to that in the present proceeding. We are moreover aware, in view of Natural's filed testimony and statements in its October 16, 1975 filing, that it intends to present this Commission with the position that the *Seaboard* method should be adopted despite its revised filing using the *United* rate design.

[5] *Natural Gas Pipeline Company of America*, Docket No. RP73-63, Order Adopting Settlement Proposal, Authorizing Sale of Gas at Applicable Area Rates, Authorizing Amendment of Purchase Gas Adjustment Clause, and Terminating Proceedings, issued August 3, 1975.

[6] *Natural Gas Pipeline Company of America*, Docket No. CP74-260, Opinion No. 738, order issued July 18, 1975; *Natural Gas Pipeline Company of America*, Docket No. CP75-269, order issued August 29, 1975.

We shall therefore accept Natural's *Alternate* revised tariff sheets tendered in this docket on October 16, 1975 for filing and permit them to become effective December 1, 1975 in substitution for the tariff sheets originally filed and suspended in this docket by order of June 30, 1975. However we note that the purchased gas cost level included in these tariff sheets reflects the costs included in Natural's most recent PGA filing. By separate order issued this day in Docket Nos. 71-125, PGA 76-3, we have found Natural's proposed PGA increase to include costs associated with small producer and emergency purchases in excess of Opinion Nos. 742 and 699-H. We therefore suspended the use of those sheets for one day, to become effective Dcember 2, 1975. We further permitted Natural to file revised tariff sheets, to become effective on December 1, 1975, reflecting the elimination of costs associated with small producer and emergency purchases in excess of levels established in Opinion Nos. 742 and 699-H. Consistent with our findings in this PGA order our acceptance for filing and authorization to make Natural's Alternate revised tariff sheets submitted in Docket No. RP75-108 effective on December 1, 1975, is hereby conditioned on the elimination of those costs associated with that portion of small producer and emergency purchases in excess of levels established in Opinion Nos. 742 and 699-H, respectively.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that we accept for filing the Alternate revised tariff sheets submitted by Natural in this docket on October 16, 1975 and permit them to become effective on December 1, 1975.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that, consistent with our order issued today in Docket Nos. RP71-125, PGA76-3, our acceptance for filing and authorization to place into effect the Alternate revised tariff sheets on December 1, 1975, is conditioned upon the elimination for December 1, 1975 of those purchased gas costs associated with that portion of small producer and emergency purchases at levels in excess of the levels established in Opinion Nos. 742 and 699-H, respectively.

The Commission orders: (A) The Alternate Revised tariff sheets submitted in this docket by Natural on October 16, 1975 are hereby accepted for filing and permitted to become effective December 1, 1975 in substitution for the tariff sheets originally filed in this docket and suspended by our order of June 30, 1975.

(B) Consistent with our order issued today in Docket Nos. RP71-125, PGA76-3, our acceptance for filing and authorization to place into effect the Alternate revised tariff sheets on December 1, 1975, is conditioned upon the elimination for December 1, 1975 of those purchased gas costs associated with that portion of small producer and emergency purchases at levels in excess of the levels established in Opinion Nos. 742 and 699-H, respectively.

(C) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32868 Filed 12-4-75;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Accepting Stipulation and Agreement

NOVEMBER 28, 1975.

On October 24, 1975, Nevada Power Company (Nevada) and California-Pacific Utilities Company (Cal-Pac) filed their joint Stipulation and Agreement[1] providing for continuation of the service by Nevada to Cal-Pac at Henderson, Nevada, beyond November 1, 1975.

On March 3, 1975, Nevada tendered for filing a Notice of Cancellation of wholesale service to Cal-Pac to become effective as of June 1, 1975. By order of May 30, 1975, the Commission accepted the Notice of Cancellation for filing and, among other things, suspended the effective date of the cancellation of service until November 1, 1975.

The October 24, 1975, Stipulation and Agreement between the parties provides the following:

1. Nevada will continue to serve Cal-Pac until May 31, 1977.

2. Cal-Pac will not attempt to use Nevada's continuation of service as an excuse to avoid looking for alternate sources of capacity.

3. Nevada's continuation of service after the expiration of the suspension period in Docket No. E-9306 will not prejudice any position Nevada or Cal-Pac might take in this or other existing or future proceedings before this Commission or any other body with jurisdiction in the premises or be used against Nevada or Cal-Pac in such proceedings.

The Agreement further recites that Staff is not objecting to the Stipulation and Agreement between Nevada and Cal-Pac, but that Staff has advised the parties that in not objecting to the Stipulation and Agreement, Staff is not prejudiced in any claims, contentions, or positions Staff might make in this or any related proceeding.

We believe it is necessary and appropriate in the public interest that the Commission ratify and adopt the October 24, 1975, Stipulation and Agreement between Nevada and Cal-Pac for the continuation of service beyond November 1, 1975, at Henderson, Nevada. This order is without prejudice to any other action we may deem necessary and appropriate in this proceeding or any other proceeding to aid in the enforcement of the Federal Power Act.

[1] Designated as Nevada Power Company Supplement No. 11 to Rate Schedule FPC No. 2.

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The Commission finds: Good cause exists to accept for filing and make effective the October 24, 1975, Stipulation and Agreement between Nevada and Cal-Pac that Nevada continue to provide service to Cal-Pac at Henderson until May 31, 1977.

The Commission orders: (A) The October 24, 1975, Stipulation and Agreement for the continuation of service by Nevada to Cal-Pac at Henderson beyond November 1, 1975, is incorporated herein by reference, accepted for filing and made effective as proposed, without prejudice to any other action we may deem necessary and appropriate in this or any other proceeding to aid in the enforcement of the Federal Power Act.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32345 Filed 12-4-75;8:45 am]

[Docket No. ER76-242]

NORTHERN STATES POWER CO.

Filing of Revised Fuel Adjustment Clause

NOVEMBER 26, 1975.

Take notice that Northern States Power Company, Minneapolis, Minnesota, (NSP) on November 12, 1975, tendered for filing proposed revisions of the fuel cost adjustment clause applicable to NSP's contracts with the following 30 wholesale customers:

	FPC Rate Schedule No.
City of Anoka	338
City of Arlington	378
Village of Brownton	324
Village of Buffalo	369
City of Chaska	323
City of Delano	278
City of Fairfax	300
City of Glencoe	328
City of Granite Falls	355
Home Light & Power Company	335
City of Janesville	316
Village of Kasota	318
Village of Kasson	379
City of Kenyon	275
City of Lake City	361
City of Lake Crystal	166
City of LeSueur	311
City of Madella	281
City of Marshall	165
City of Melrose	317
City of New Ulm	341
Village of North St. Paul	371
City of Redwood Falls	283
City of St. Peter	325
City of Shakopee	368
City of Sioux Falls	277
City of Sleepy Eye	308
Town of Valley Springs	366
City of Waseca	380
City of Winthrop	364

The revised fuel clause is filed to be effective for deliveries of power and energy on and after January 1, 1976. The purpose of the proposed revision is to comply with § 35.14 of the Commission's rules as amended by Order No. 517, issued November 13, 1974.

A copy of the proposed fuel clause and comparative billing data has been mailed to each of NSP's customers affected by the proposed change, to the Minnesota Public Service Commission, and to the South Dakota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32361 Filed 12-4-75;8:45 am]

[Docket Nos. ER76-149 and E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Accepting for Filing and Suspending Proposed Rate Increases, Setting Matters for Hearing, Consolidating Proceedings, Granting Interventions, and Deferring Ruling on Request for Summary Disposition

NOVEMBER 28, 1975.

On September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing proposed tariff and rate schedule changes docketed as ER76-149 for PSCI's sales of electrical energy to forty municipals,[1] who purchase all of their electrical requirements from PSCI; fifteen rural electrical membership corporations,[2] who purchase all of their electrical requirements from PSCI; five municipals who have their own generation facilities,[3] but purchase firm power from PSCI through interconnection agreements; and the Hoosier Energy Division of the Indiana Statewide Rural Electrical Cooperative,[4] who purchases partial requirements from PSCI for resale to its members. The proposed rate increases amount to $9,713,394 based upon the twelve month period ending October 31, 1976. PSCI requested that the rate changes be made effective October 24, 1975, thirty days after filing.

Notice of the proposed rate increases in Docket No. ER76-149 was issued on October 1, 1975, with comments, protests, or petitions to intervene due on or before October 14, 1975.

Upon review of PSCI's filing of September 23, 1975, we concluded that it was deficient with respect to certain requirements of the Commission's Regulations. Accordingly, the Commission Secretary, by letter dated October 7, 1975, informed PSCI that its filing did not comply with § 35.13(b)(4)(iii) of the Regulations in that Period I (twelve months ending December 31, 1974) did not represent the most recent twelve consecutive months for which actual data is available. The letter order required PSCI to submit data revising Period I and II such that Period I ended no earlier than four months prior to the date of filing. PSCI was notified that a filing date would not be assigned to its submittal pending receipt of the requested data.

On October 30, 1975, PSCI tendered for filing supplemental data in Docket No. ER76-149 which included a new Period I (the twelve months ending June 30, 1975). Notice of this filing of supplemental data was issued on November 5, 1975, with comments, protests, or petitions to intervene due on or before November 21, 1975.

On October 3, 1975, the Indiana Municipal Electric Association (IMEA Cities) representing twenty-four of the forty Indiana municipals served under Tariff Volume No. 1[5] filed a motion to reject stating that Period I contained stale data in violation of § 35.13(b)(4)(iii) of the Commission's Regulations. On October 15, 1975, IMEA Cities filed a motion to reject, protest and petition to intervene wherein they, *inter alia*, request that (1) PSCI's filing be rejected under § 35.13(b)(4)(iii) in that Period I contains stale data; (2) PSCI's filing be rejected under § 35.13(b)(1) in that PSCI's comparison of proposed revenues with existing revenues does not include in existing revenues the revenues that are in effect subject to refund pursuant to the Commission's suspension order issued March 7, 1974, in Docket Nos. E-8586 and E-8587 which, *inter alia*, suspended PSCI's last wholesale rate increase filing and additionally Statement N of Period I does not reflect the return PSCI is currently earning by also excluding these revenues subject to refund; (3) summary disposition be granted on PSCI's comprehensive tax normalization of certain items including, *inter alia*, interest during construction and costs of removal; (4) summary disposition be granted with respect to the inclusion in rate base of PSCI's Gibson Unit No. 1, which according to IMEA Cities should be viewed as construction

[1] FPC Electric Tariff Original Volume No. 1 (4th Revision).

[2] FPC Electric Tariff Original Volume No. 2 (2nd Revision).

[3] Service Schedule A—Firm Power, 2nd Revised Exhibit I to Rate Schedule FPC Nos. 211, 212, 215, 223 and 224.

[4] Service Schedule G—Firm Power, 2nd Revised Exhibit I to Rate Schedule FPC No. 222.

[5] Town of Bambridge; Town of Bargersville; Town of Centerville; City of Covington; Town of Darlington; Town of Edinburg; Town of Flora; Town of Greendale; City of Greenfield; Town of Hagerstown; Lawrenceburg Utilities, Lawrenceburg; City of Lebanon; City of Linton; Town of Middletown; Town of Paoli; Town of Pendletown; City of Rising Sun; Town of Rockville; City of Scottsburg; Town of South Whitley; Town of Thorntown; City of Tipton; Town of Veedersburg; and the Town of Waynetown; all located in the State of Indiana.

work in progress (CWIP), and with respect to PSCI's inclusion as part of working capital in rate base of $5,572,000 of compensating bank balances; (5) that the rate increases be suspended for five months because of an excessive rate of return, revised depreciation rates, and inaccurate estimates of future costs.

On October 14, 1975, the Wabash Valley Power Associations, Inc. (Wabash) and thirteen rural electrical membership corporations (REMCs)[6] filed a timely protest, petition to intervene and motion to reject PSCI's filing wherein they request, *inter alia*, that (1) PSCI's filing be rejected under § 35.13(b)(4)(iii) in that Period I contains stale data and (2) PSCI's rate increases be suspended for five months because the requested rate of return on common equity is excessive, transmission facilities are specifically assigned rather than rolled-in, federal income taxes in Period II are increased because actual interest expense is reduced; compensating bank balances are included in working capital, and Gibson Unit No. 1 is not time weighted in rate base.

On October 14, 1975, Henry and Jackson County, Indiana, Rural Electric Membership Corporations filed a timely protest and petition to intervene requesting intervention and objecting to PSCI's requested rate of return as being excessive, the inclusion of a 60% demand ratchet during the preceding twelve month period, and the maximum load charge of $3.50 per kva.

On October 14, 1975, the Hoosier Cooperative Energy Division, Indiana Statewide Rural Electric Cooperative, Inc., filed a timely protest and petition to intervene and reject wherein it requests, *inter alia*, that (1) PSCI's filing be rejected under § 35.13(b)(4)(iii) in that Period I contains stale data and (2) PSCI's rate increase be suspended for five months because it includes minimum bank balances in working capital, contains increased depreciation rates, normalizes the tax savings associated with construction interest and capitalized overheads, and requests excessive rates of return.

On October 14, 1975, the interconnection customers consisting of the Cities of Crawfordsville, Frankfort, Logansport, Peru and Washington, Indiana, filed a petition to intervene, formal protest and motion to reject wherein they request, *inter alia*, that (1) PSCI's filing be rejected as to them since their contracts are fixed rate contracts within the meaning of the *Mobile-Sierra*[7] doctrine and that PSCI's filing be rejected under § 35.13(b)(4)(iii) in that Period I contains stale data or (2) PSCI's filing be suspended for five months.

On October 20, 1975, PSCI filed an answer to the motions to reject based on the allegations that Period I contains stale data. PSCI states that the Commission's October 7, 1975, letter order moots the motions to reject and otherwise opposes rejection.

On October 23, 1975, PSCI filed a motion for extension of time in which to respond to the various petitions in opposition to its filing. This motion was granted by Secretary's notice, issued October 30, 1975.

On November 13, 1975, PSCI timely filed five separate answers to the aforementioned protests, petitions to intervene and motions to reject which, *inter alia*, opposed rejection of PSCI's filing, opposed summary disposition of PSCI's tax normalization and inclusion of Gibson Unit No. 1 and minimum bank balances in rate base, and opposed a five month suspension.

We, in effect, granted the motions to reject for failure to comply with § 35.13(b)(4)(iii), in that Period I contains stale data, by holding PSCI's filing deficient by our letter order dated October 7, 1975, which stated that a filing date would not be assigned pending receipt of updated Period I. On October 30, 1975, PSCI tendered for filing a more recent Period I (the twelve months ending June 30, 1975). Accordingly, we shall assign a filing date of October 30, 1975.

Intervenors request summary disposition of PSCI's tax normalization of such items as interest on construction work in progress. Normalization of these items, intervenors allege, raises the taxes included in PSCI's cost of service at the expense of the petitioning customers. The intervenors argue that PSCI has not shown a tax deferral versus a tax savings and that PSCI's construction budget for the period 1976–1979 of approximately $1.3 billion precludes a finding of tax deferral. PSCI responds that only a tax deferral and not a tax savings is involved, that tax normalization supplies capital to PSCI, and that this issue is properly one for hearing. Because of the importance of the issues regarding PSCI's tax normalization, we shall defer action on the intervenors request for summary judgment to permit the Commission adequate time for the consideration thereof.

PSCI opposes the request of the interconnection customers that the rate increases be rejected for them in that their contracts are fixed rate within the meaning of the *Mobile-Sierra* doctrine. In our suspension order of PSCI's prior wholesale rate increase to these customers, issued March 7, 1974, in Docket Nos. E-8586 and E-8587, we found with respect to the same contracts that PSCI's contracts with the Cities of Crawfordsville, Logansport, Peru and Washington did not contemplate the filing of Section 205 rate increases while PSCI's contract with the City of Frankfort contained a *Memphis*[8] clause which would permit a Section 205 filing. We shall therefore reject PSCI's filing on the basis of the *Mobile-Sierra* doctrine as it pertains to the four municipals with the fixed rate contracts mentioned *supra*.

We note that PSCI projects that Gibson Unit No. 1 will go into service during the test period. We believe that the issues of the time weighting of Gibson Unit No. 1 in rate base and the inclusion of the bank balances in working capital are matters that should be raised in the hearing and are not subject to summary disposition.

We find PSCI's filing to be in substantial compliance with our filing requirements and accordingly cannot reject the filing as requested by Intervenors.

Other contentions raised by the intervenors go to the merits of PSCI's filing and should be raised in the evidentiary hearing.

In its transmittal letter accompanying its October 30, 1975, tender of supplemental data, PSCI requests waiver of the Commission's notice requirement pursuant to § 35.11 of the Commission's Regulations. We believe that PSCI has not shown good cause as required by § 35.11, and we will therefore not waive the notice requirements.

Our review of PSCI's filing in Docket No. ER76-149, including the supplemental data, indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept for filing and suspend the proposed changes, with the exception of those changes applicable to the fixed rate contracts mentioned, *supra*, until March 31, 1975, and establish hearing procedures to determine the justness and reasonableness of PSCI's filing.

We will grant intervention to the above named petitioners in the proceeding hereinafter established.

On September 29, 1975, PSCI filed a letter with the Commission in Docket No. E-9537, in which PSCI stated that it does not concur with the Commission Staff's recommended accounting treatment, made after a Commission Staff audit of PSCI's books, regarding PSCI's self-insurance reserve for major power outages. Pursuant to § 41.7 of the Commission's Regulations, we shall order hearing procedures to determine the propriety of PSCI's accounting of this item. We shall also consolidate this matter for hearing and decision with the hearing herein established regarding the

[6] Boone County Rural Electric Membership Corporation; Caroll County Rural Electric Membership Corporation; Clark County Rural Electric Membership Corporation; Fulton County Rural Electric Membership Corporation; Hancock County Rural Electric Membership Corporation; Hendricks County Rural Electric Membership Corporation; Kosciusko County Rural Electric Membership Corporation; Miami-Cass County Rural Electric Membership Corporation; Parke Rural Electric Membership Corporation; Tipmont Rural Electric Membership Corporation; United Rural Electric Membership Corporation; Wabash County Rural Electric Membership Corporation; Warren County Rural Electric Membership Corporation.

[7] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Power Co.*, 350 U.S. 348 (1956).

[8] *United Gas Pipe Line Co.* v. *Memphis Light, Gas & Water Division*, 358 U.S. 103 (1958).

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justness and reasonableness of PSCI's proposed rate increase.

We note that PSCI's filing* includes $100,000 as a "Provision for Power Outage Loss" and $105,000 as a "Provision for Generating Station Repair Parts." The former may be amounts associated with PSCI's self-insurance reserve for major power outages. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and Staff in their presentation of evidence in the hearing procedures to be established to present evidence as to the justness and reasonableness of PSCI's inclusion of amounts for these items in operation and maintenance expenses and to the propriety of PSCI's accounting of these items.

The Commission finds: (1) With respect to the contracts of PSCI and the Cities of Crawfordsville, Peru, Washington and Logansport, such contracts are fixed rate within the meaning of the *Mobile-Sierra* doctrine and PSCI's rate increases as to these cities should be rejected.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a proceeding pursuant to Section 205 of the Act concerning the lawfulness of the rates and charges PSCI proposes in these dockets for customers other than those discussed above. These rates shall be suspended as hereinafter ordered.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a proceeding pursuant to § 41.7 of the Commission's Regulations concerning the proper accounting of PSCI's self-insurance reserve for major power outages. This proceeding will be consolidated for hearing and decision purposes herein ordered.

(4) Good cause exists to assign a filing date of October 30, 1975, the date of PSCI's tender of supplemental data; and good cause does not exist to grant waiver of § 35.11 of the Commission's Regulations.

(5) Good cause exists to grant the intervention of the above-named petitioners.

(6) Intervenors' motions to reject under § 35.13(b)(4)(iii) are rendered moot by the Commission's October 7, 1975, letter order and PSCI's October 30, 1975, tender of supplemental data, including a more recent Period I. Intervenors' other motions to reject should be denied.

(7) Ruling on intervenors' request for summary disposition of PSCI's tax normalization should be deferred to allow for further Commission consideration. Intervenors' other motions for summary disposition are denied.

The Commission orders: (A) PSCI's proposed rate increases to the Cities of Crawfordsville, Peru, Washington and Logansport, Indiana, are hereby rejected.

(B) Pending hearing and a final decision thereon, PSCI's proposed tariff sheets in Docket No. ER76-149 as they would affect customers not having fixed rate contracts, are hereby accepted for filing as of November 30, 1975, and suspended until March 31, 1975, when they shall go into effect subject to refund.

(C) PSCI's submittals are assigned a filing date of October 30, 1975, and PSCI's request for waiver pursuant to § 35.11 of the Commission's Regulations is denied.

(D) A hearing shall be held to determine the proper accounting of PSCI's self-insurance reserve for major power outages.

(E) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chap. I), a public hearing shall be held on June 22, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of PSCI's proposed tariff changes as accepted for filing.

(F) The proceeding in Docket Nos. ER76-149 and E-9537 are hereby consolidated for purposes of hearing and decision.

(G) On or before April 13, 1976, PSCI shall serve its prepared testimony and exhibits in the Section 41.7 proceeding. On or before May 11, 1976, the Commission Staff shall serve its prepared testimony and exhibits as to all matters raised in the consolidated proceedings. On or before May 25, 1976, the prepared testimony and exhibits of the intervenor parties shall be served in the consolidated proceedings. On or before June 8, 1976, PSCI shall file any rebuttal evidence in the consolidated proceedings.

(H) Intervenors' motions to reject are denied to the extent they were not granted by the Commission's October 7, 1975, letter order.

(I) Ruling on intervenors' request for summary disposition of PSCI's tax normalization is deferred to allow for further Commission consideration. Intervenors' motions for summary disposition are hereby denied.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(K) The aforementioned intervenors are hereby granted permission to intervene in this proceeding, subject to the Rules and Regulations of this Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(L) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32869 Filed 12-4-75;8:45 am]

*Revised Period I (twelve months ending June 30, 1975), Statement J, Schedule 2, page 1 of 3, lines 19 and 18.

[Docket No. E-9454]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Postponement of Hearing Date

NOVEMBER 26, 1975.

On November 24, 1975, The City of Gallup, New Mexico (Gallup) filed a motion to strike portions of the rebuttal testimony of the Public Service Company of New Mexico and to postpone the date of hearing in the above-designated proceeding.

Notice is hereby given that the hearing set for December 2, 1975, in the above proceeding is postponed pending action by the Presiding Administrative Law Judge on the November 24, 1975 motion of Gallup.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32859 Filed 12-4-75;3:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Change in Land Rights

NOVEMBER 28, 1975.

Public notice is hereby given that an application was filed on September 5, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Berkeley Electric Cooperative, Inc., P.O. Box 1234, Moncks Corner, South Carolina 29461), for Commission approval of a change in land rights at the Santee-Cooper Project No. 199, located on the Sante and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter Counties, South Carolina. The project affects navigable waters of the United States and public lands of the United States.

South Carolina Public Service Authority requests Commission authorization to grant an easement to Berkeley Electric Cooperative, Inc. (Cooperative) to construct, operate and maintain a 7.2 kV distribution line across project lands. The 7.2 kV line would cross project lands adjacent to and approximately 430 feet west of Lake Marion, in Berkeley County, South Carolina. Construction of the line would require a 646-foot-long and 20-foot-wide right-of-way across project lands. The proposed construction would extend an existing distribution line which would be used by the Cooperative to service its customers north of Project No. 199.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The Applicant has requested that the shortened procedure of § 1.32(b) be used. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32854 Filed 12-4-75;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Notice of Application for Approval of Use of Project Property

NOVEMBER 28, 1975.

Public notice is hereby given that an application was filed on October 6, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and U.S. Department of the Interior, Fish and Wildlife Service, 17 Executive Park, Atlanta, Georgia 30329), for Commission approval of the use of certain property of the Santee-Cooper Project No. 199, located on the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter Counties, South Carolina. The project affects navigable waters of the United States and public lands of the United States.

South Carolina Public Service Authority requests Commission authorization to permit the Fish and Wildlife Service of the U.S. Department of the Interior to construct and maintain an 8,600-foot-long embankment, sluice gate, and pump station in the waters of Lake Marion at the Bluff Unit of the Santee National Wildlife Refuge in Clarendon County, South Carolina. The embankment would have a top elevation of 80.0 feet m.s.l., a 24-inch sluice gate with a 24-inch corrugated metal pipe, and a pump station with a 24-inch pipe. The primary purposes of the proposed construction would be to provide winter food for ducks and geese and, by controlling water levels in the waterfowl management area, to restore the land to full agricultural production potential. The U.S. Department of the Army, Corps of Engineers, issued a permit for the subject construction on August 27, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The Applicant has requested that the shortened procedure of § 1.32(b) be used. If an issue of substance is raised, further notice or hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-32855 Filed 12-4-75;8:45 am]

[Docket No. CP76-143]

TENNESSEE GAS PIPELINE COMPANY

Notice of Application

NOVEMBER 26, 1975.

Take notice that on October 24, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-143 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Houston Natural Gas Corporation (Houston Natural) for resale in the Cypress-Fairbanks Independent School District service area (Cypress-Fairbanks) of Harris County, Texas, and to abandon the facilities used in connection therewith, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it initiated the service to Houston Natural in 1962 and that it was authorized by the Commission in the order of November 6, 1967 (38 FPC 904), to sell and deliver to Houston Natural up to 1,000 Mcf of natural gas per day at 15.025 psia for Cypress-Fairbanks. Applicant alleges that by a letter of July 3, 1975, Houston Natural advised Applicant that Houston Natural had tied Cypress Fairbanks into its own system and had an independent supply of natural gas for said service area. Applicant is said to have been advised by Houston Natural that Houston Natural no longer requires or needs Applicant's gas to serve Cypress-Fairbanks and that service has been discontinued. Applicant requests that the Commission therefore grant permission and approval to abandon such service.

Applicant further requests permission and approval to abandon a 2-inch side valve assembly, a positive displacement meter, and appurtenant facilities. Applicant states such facilities were used to render the forestated service and that the usable facilities will be warehoused and the unusable facilities will be scrapped.

It is stated that the proposed abandonment will release additional volumes of natural gas for sale in interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32860 Filed 12-4-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Notice of Further Extension of Procedural Dates

NOVEMBER 28, 1975.

On November 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued October 23, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 23, 1975.
Service of Intervenor Testimony, January 6, 1976.
Service of Company Rebuttal, January 20, 1976.
Hearing, February 10, 1976 (10:00 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32851 Filed 12-4-75;8:45 am]

[Docket No. E-9469]

LOCKHART POWER CO.

Notice of Compliance Filing

NOVEMBER 28, 1975.

Take notice that on November 14, 1975, Lockhart Power Company (Lockhart) filed testimony and exhibits in accordance with the Commission's order of September 16, 1975, in the above captioned proceeding. The filed materials relate to a rate schedule filing made by Lockhart on June 2, 1975, proposing increased rates to the City of Union, South Carolina.

The filing indicates that a copy of the materials was sent to the City of Union.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33026 Filed 12-4-75;11:40 am]

FEDERAL RESERVE SYSTEM

COMMUNITY BANCORP

Order Denying Acquisition of Bank

Community Bancorporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 94.6 percent of the voting shares of Community National Bank, Flushing, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including comments submitted by the Comptroller of the Currency, in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls one bank, Community National Bank, Mount Gilead, Ohio ("Mt. Gilead Bank"), with deposits of $11.0 million, representing .04 percent of total commercial bank deposits in Ohio. Acquisition of Bank ($12.4 million in deposits) would have no significant adverse effect on the concentration of banking resources in Ohio.[1]

Bank is headquartered in Flushing, Ohio, and operates its only branch office in Barnesville, Ohio, approximately 20 miles southwest of Flushing. Bank is the second largest of four banks competing in the Barnesville banking market (the relevant banking market),[2] and controls 20.3 per cent of the market's total commercial bank deposits.[3] The largest bank in the market controls 64.9 per cent of market deposits. Mt. Gilead Bank is located approximately 140 miles northwest of Bank; accordingly, consummation of the proposed transaction would not result in the elimination of significant existing competition. In view of the distances separating these banks, their relatively small size, and Ohio's restrictive branching law, it does not appear that significant competition between Bank and Mt. Gilead Bank would develop in the future. In addition, due to the low population per banking office ratio in Belmont County, where Bank is located, it is unlikely that Applicant would enter that portion of the banking market *de novo*. On the basis of the facts of record, the Board concludes that consummation of the proposal would have no significant adverse effects on existing or potential competition in any relevant area and competitive considerations are, therefore, consistent with approval of the application.

The Board's inquiry, however, does not end here. Under the Bank Holding Company Act, the Board must also take into consideration the financial and managerial resources and future prospects of both the Applicant holding company and the bank to be acquired. In the exercise of that responsibility, the Board finds that such considerations warrant denial of the application.

In regard to such considerations, it is noted that Applicant has agreed in the event of favorable Board action and consummation of the acquisition, to inject into Bank whatever amount of capital is necessary so that, within 90 days following acquisition, Bank's capital will equal or exceed $1.1 million. While the proposed capital injection into Bank may be considered a favorable factor, the Board is of the view that other facts of record warrant denial of the application. In particular, it appears that the overall financial and managerial resources of Applicant are in need of strengthening. Applicant's sole banking subsidiary at the present time, Mt. Gilead Bank, is in need of additional capital and further managerial attention is required to handle problems arising in connection with several out-of-area loans recently put on the books of Mt. Gilead Bank. In the Board's view, Applicant's financial and managerial resources should be directed toward strengthening its existing subsidiary rather than toward further expansion. In addition, the financial and managerial pressures currently being experienced by the Mt. Gilead Bank are present to some extent with respect to the operations of Bank. Since certain of the principals of Applicant are also principals of Bank and both Mt. Gilead Bank and Bank have experienced certain financial problems under the management of such individuals, the Board is unable to conclude that the managerial considerations involved in the subject proposal are such that approval of the subject application would be appropriate. On the contrary, it appears that financial and managerial considerations, as reflected in the present operations of Mt. Gilead Bank and Bank, are not satisfactory and, therefore, such considerations weigh against approval of the application to acquire Bank.

In the Board's view, a bank holding company seeking to expand its banking interests should be able to demonstrate clearly the quality of its financial and managerial resources in the operations of its existing subsidiaries. If a bank holding company cannot do so, the Board believes that it would be inappropriate to permit such an organization to expand further its banking interests until its existing subsidiaries are in acceptable condition. Applying this standard to the present application on the basis of the facts of record, the Board is unable to conclude that approval of the subject application would be consistent with the financial and managerial standards the Board is required to consider under section 3(c) of the Act, nor would the public interest be served by such action.

In regard to considerations relating to the convenience and needs of the communities to be served, Applicant proposes to provide additional services to those presently offered by Bank. While these considerations appear to be consistent with approval of the application, they are not sufficient, in the Board's view, to outweigh the adverse banking factors reflected in the record on Applicant's proposal. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32761 Filed 12-4-75;8:45 am]

COUNTY NATIONAL BANCORP

Acquisition of Bank

County National Bancorporation, Clayton, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of County Bank of Chesterfield, Chesterfield, Missouri, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1975.

Board of Governors of the Federal Reserve System, November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32762 Filed 12-4-75;8:45 am]

[1] All banking data, unless otherwise indicated, are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through September 30, 1975.

[2] The Barnesville banking market is approximated by the western two-thirds of Belmont County and Moorefield Township in southern Harrison County.

[3] All market data are as of June 30, 1973.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Jackson. Absent and not voting: Governors Bucher, Wallich, and Coldwell.

DON-CO. INVESTMENT CO.

Formation of Bank Holding Company

Don-Co. Investment Company, Troy, Kansas has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The First National Bank of Troy, Troy, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 22, 1975.

Board of Governors of the Federal Reserve System, November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32763 Filed 12-4-75;8:45 am]

ELLIS BANKING CORP.

Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of American Bank of Fort Myers, Fort Myers, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 29, 1975.

Board of Governors of the Federal Reserve System, November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32764 Filed 12-4-75;8:45 am]

FIRST COMMUNITY BANCORP.

Order Approving Acquisition of Conqueror Life Insurance Company

First Community Bancorporation, Joplin, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Conqueror Life Insurance Company ("Company"), Phoenix, Arizona, a company that will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 45235 (1975)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the nineteenth largest banking organization in Missouri, controls 5 banks with aggregate deposits of approximately $102.3 million, representing about 0.6 percent of the total deposits in commercial banks in the State.[1]

Company will be formed as an Arizona insurance corporation with $42,500 in capital. As Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies directly related to extensions of credit by Applicant's lending subsidiaries. Such insurance will be directly underwritten by an unaffiliated insurance company qualified to do business in Missouri and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a *de novo* acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this srevice. (12 CFR 225.4(a)(10) n. 7)

Applicant has stated that following consummation of the acquisition, Company will offer reduced premiums for several types of credit insurance policies it will reinsure. Company will offer decreasing term credit life insurance at a premium rate 15.0 per cent below the Missouri statutory maximum and level

[1] All banking data are as of December 31, 1974.

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term credit life insurance on single payment loans at a premium rate of 15.0 per cent below the statutory maximum. Furthermore, Applicant proposes to lower by 5.0 per cent the rate its subsidiaries charge for credit disability insurance. The Board is of the view that the reduction in the rates that Applicant proposes to establish is in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to authority delegated hereby.

By order of the Board of Governors,[1] effective November 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32765 Filed 12-4-75;8:45 am]

FIRST STATE BANKING CORP.

Order Approving Acquisition of Bank

First State Banking Corporation, Miami, Florida ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of North Miami First State Bank, North Miami, Florida ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of several banks located in the relevant market, in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighteenth largest banking organization in the State, controls five banks with aggregate deposits of approximately $282 million, representing 1.17 per cent of the total commercial bank deposits in the State.[1] Bank is to be located in the City of North Miami and will be competing in the Greater Miami banking market.[2] Applicant is the sixth largest of forty-five banking organizations in this market, holding 4.58 per cent of total deposits. Since Bank is a proposed new bank, its acquisition by Applicant would neither eliminate any existing or future competition nor immediately increase Applicant's share of commercial bank deposits in any relevant area.

In the course of its consideration of this application, the Board has received comments from Protestants which contend, in part, that North Miami is not particularly attractive for *de novo* entry because little growth in the area can be expected. Consequently, Protestants state, it is doubtful that Bank can become a viable banking institution.

The Board has reviewed the facts of record, including the past and projected growth of the economy of the area, and finds that the economy of North Miami can reasonably be expected to support Applicant's entry. While the decision to establish a new bank almost always involves some measure of risk, the Board is unable to conclude that Applicant's proposal involves more than the usual entrepreneurial risks inherent in such a proposal.

Alternatively, Protestants assert that any substantial growth by Bank would be at the expense of the area's existing banks. Applicant has realistically defined a service area for Bank which encompasses no other banks. Banks located around this service area have, for the most part, sustained favorable growth in both deposits and loans over the past few years. In view of the growth pattern of the area's economy, it is the Board's determination that Applicant's entry will have no significant adverse effects on neighboring banks.

Protestants further maintain that there is no public need for a new bank as there are seven banks within a two and one-half mile radius of Bank's proposed site and there is little commercial activity at the proposed site. As discussed above, the Board finds that Bank's proposed service area includes no other banks and that the area's economy can reasonably be expected to support Applicant's entry. Finally, the Board notes that the Comptroller of the State of Florida has made a determination similar to that of the Board's on all of the above issues. Accordingly, it is the Board's judgment, upon consideration of all the facts of record, that the arguments raised by Protestants are not sufficient to warrant denial of the subject proposal.

The financial condition and managerial resources of Applicant and its subsidiaries are considered generally satisfactory and the future prospects for each appear favorable. Bank, as a proposed new bank, has no financial or operating history; however, its future prospects as a subsidiary of Applicant appear favorable. Thus, the considerations relating to the banking factors are consistent with approval.

In the Board's judgment, considerations relating to the convenience and needs of the community to be served lend some weight toward approval, in view of Applicant's plans to offer expanded banking hours and to pay the legal maximum rate of interest on savings deposits, a service not presently offered by all other organizations in the market. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) North Miami First State Bank, North Miami, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32766 Filed 12-4-75;8:45 am]

MANUFACTURERS AND TRADERS TRUST CO.

Order Approving Application for Merger of Banks

Manufacturers and Traders Trust Company, Buffalo, New York ("Applicant"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with First Empire Bank—New York, New York, New York ("Empire Bank"), under the charter and title of Applicant. As an incident to the proposed merger, all of the existing offices of the banks that are proposed to be merged would become branch offices of the resulting bank. Both of the merging banks are wholly-owned subsidiaries of First Empire State Corporation, Buffalo, New York, a registered bank holding company under the Bank Holding Company Act of 1956, as amended [12 U.S.C. § 1841 *et seq.*].

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through September 2, 1975.

[2] The relevant market is approximated by Dade County and those communities found in the southern portion of Broward County below Fort Lauderdale.

[3] Voting for this action: Chairman Burns, and Governors Mitchell, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Governor Bucher.

As required by the Act, notice of the proposed transaction, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Applicant, with deposits of approximately $1.2 billion,[1] is the fifteenth largest commercial bank in New York State, and the second largest bank in the Buffalo banking market, where it controls approximately 32 per cent of the total deposits in commercial banks in the market. Applicant also operates branch offices in four other markets in western New York State. First Empire, which controls deposits of approximately $86 million, is located in New York City, and operates a branch office in Paris, France, and a subsidiary bank in Curacao, Netherlands Antilles. First Empire controls a negligible share of the total deposits in commercial banks in the New York City banking market, and engages in a "wholesale" business which specializes in international banking services for businesses. First Empire does not offer savings accounts to individuals, nor does it grant consumer loans or real estate mortgage loans.

Since both of the banks involved in this proposal are subsidiaries of the same bank holding company, and since they operate in separate banking markets, consummation of this proposal would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have any adverse effect on other banks within the respective banking markets. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are consistent with approval of the application. It is anticipated that the merger of these two banks would result in an increase in operating efficiency and more effective reliance on Applicant's financial resources and managerial expertise. The Board is of the view that, under the circumstances of this case, financial and managerial considerations lend weight toward approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Accordingly, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be improved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective November 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

MIAMI AGENCY, INC.

Order Approving Acquisition of Bank

Miami Agency, Inc., Shawnee Mission, Kansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 30 percent of the voting shares of The Miami County National Bank of Paola, Paola, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, a one-bank holding company, presently owns fifty percent of the shares of Bank.[1] Bank, with total deposits of approximately $29.3 million as of June 30, 1975, is the largest of six banking organizations in the relevant market[2] and is the 49th largest bank in Kansas; it controls 42 percent of the deposits in commercial banks in the relevant market and approximately 0.36 percent of the total deposits in commercial banks in the State.

Applicant proposes to acquire an additional 30 percent or more of Bank's shares through an exchange of Applicant's stock. Since Applicant's proposal involves the acquisition of additional shares of a bank that it already controls, consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The overall financial and managerial resources of Applicant and Bank are consistent with approval, and the future prospects of each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change in the services or operations of Bank as a result of this proposal, considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[5] effective November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32768 Filed 12-4-75;8:45 am]

PIONEER BANCORP, INC.

Formation of Bank Holding Co.

Pioneer Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Pioneer Bank & Trust Company, Chicago, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 29, 1975.

Board of Governors of the Federal Reserve System, November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32769 Filed 12-4-75;8:45 am]

FEDERAL TRADE COMMISSION

PRIVACY ACT OF 1974

Delegation of Authority To Modify FTC's Notices of Systems of Records

Section 552a(e)(4) of the Privacy Act requires an agency to publish in the FEDERAL REGISTER notice of the existence and character of each of the systems of records containing information about individuals maintained by an agency. Notice

[1] All banking data are as of June 30, 1975.

[2] The relevant market is approximated by the boundaries of Miami County.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Governor Bucher.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Governor Bucher.

[1] Applicant was organized on July 3, 1962 and acquired more than 25 percent of the outstanding stock of Bank on July 5, 1962. In addition to the ownership of Bank stock, Applicant is engaged in general insurance activities. Applicant, a "company covered in 1970", is exempt, with regard to its insurance activities, by virtue of § 4(a)(2) of the Act, from the non-banking prohibitions of § 4 of the Act.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Holland and Jackson. Absent and not voting: Governors Bucher, Wallich and Coldwell.

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of forty-one of the systems of records the Commission proposes to adopt was published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39041–56). Notice of proposed adoptions of two additional systems of records, and modification of one system was published on October 3, 1975 (40 FR 46076).

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission has delegated authority to the General Counsel to make modifications of the Commission's notices of systems of records as deemed necessary, except for those involving routine uses, with the understanding that the General Counsel would bring to the Commission's attention proposed changes in the routine uses of any systems of records, and additions or deletions of systems.

By direction of the Commission dated December 1, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–32872 Filed 12–4–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temp. Reg. F–364]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Board of Public Utility Commissioners, involving an increase in electric rates by the Jersey Central Power and Light Company.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners involving the September 2, 1975 application of the Jersey Central Power and Light Company for an increase in electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated November 26, 1975.

JACK ECKERD,
Administrator of General Services.

[FR Doc.75–32750 Filed 12–4–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FELLOWSHIPS PANEL

Meeting

NOVEMBER 11, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held in Washington, D.C., on January 6, 7, 10, and 31, 1976, from 9:00 a.m. to 5:30 p.m.

The purpose of the meeting is to review Fellowships in Residence for College Teachers applications submitted to the National Endowment for the Humanities for 1976–1977 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information get in touch with the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75–32788 Filed 12–4–75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–R 75–35]

SAFETY RECOMMENDATION RESPONSES

Notice of Receipt

The National Transportation Safety Board has been furnished a copy of a letter of November 17, 1975, from the Federal Railroad Administration to the National Railroad Passenger Corporation concerning NTSB recommendation R–75–17 (40 FR 22324). The letter supplements FRA's letter of May 23, 1975 (40 FR 24252) to the Board and concerns the operation of General Electric Class E–60–CP electric locomotives for Amtrak service on the Northeast Corridor operation. FRA notes that, using an independent contractor, Amtrack has performed safety tests of the E–60 locomotives at three test sites chosen by a joint task force to evaluate the locomotive's operating characteristics. The letter states, "FRA analysis of the recorded data and on-site and on-board observations of our personnel lead us to agree with your conclusion that, for safety interests, these locomotives should be operated in revenue service under limited operating conditions. Since very high lateral loads were experienced *during acceleration* in the 70 to 75 m.p.h. range, we believe the lower end of your suggested 80–85 m.p.h. speed restriction should be used. These lateral forces in the 70–80 m.p.h. range may be significantly reduced at lower rates of acceleration."

Also received last week was the response of November 17, 1975, from the U.S. Environmental Protection Agency concerning recommendations H–75–5 and 7. These recommendations to EPA were contained in report No. NTSB–HAR–75–2 regarding a series of multivehicle collisions on the New Jersey Turnpike, October 23–24, 1973 (40 FR 22323). Re H–75–5, directed to preventing abandoned dumps and landfills from becoming hazards to public health and safety, EPA indicates that its Office of Solid Waste Management Programs has developed separate technical guidance to address the safe and proper methods of closing abandoned dumps. Enclosed with the letter is a copy of EPA's publication, *Closing Open Dumps*. With regard to H–75–7, directed to the elimination of the possibility of fire and smoke from old dumps in the Hackensack Meadowlands, EPA states that its consultations with the New Jersey Department of Environmental Protection (NJDEP) "lead us to believe it is at this time, unrealistic." NJDEP, according to EPA, has kept records of dump locations only since 1970 and that to close even these dumps properly would require more resources than are available. NJDEP has adopted new regulations which require owners of properties containing old or abandoned dumps to extinguish fires that occur there.

A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 2, 1975.

[FR Doc.75–32828 Filed 12–4–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 21 and 19 to Facility Operating License Nos. DPR–29 and DPR–30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Units 1 and 2 located in Rock Island County, Illinois. These amendments are effective as of their date of issuance.

These amendments add a new definition of the term "Surveillance Interval" to the Technical Specifications for Quad Cities Units 1 and 2 that permits the licensee to extend the interval between required surveillance by up to 25% provided that the total combined interval time for any three consecutive surveillance intervals does not exceed 3.25 times the specified surveillance interval.

The application for these amendments dated November 17, 1975, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated November 17, 1975, (2) Amendment Nos. 21 and 19 to License Nos. DPR–29 and DPR–30, with Change No. 33, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, at 504–17th Street in Moline, Illinois 60265.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 25th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–32816 Filed 12–4–75;8:45 am]

[Docket No. 50–267]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR–34 issued to Public Service Company of Colorado for the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits the licensee to possess and use additional radioactive sources for the purpose of calibration and instrument checks.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated June 19, 1975, and October 23, 1975, (2) Amendment No. 8 to License No. DPR–34, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75–32817 Filed 12–4–75;8:45 am]

[Docket No. P–558–A]

SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The San Diego Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated October 29, 1975, in connection with their plans to construct and operate two generating units utilizing two pressurized water reactors. Each reactor will be designed for initial operation at approximately 2800 megawatts thermal, with a net electrical output of approximately 900 megawatts. The facility, designated as the Sundesert Nuclear Plant, Units 1 and 2, will be located in Riverside County, California, about 16 miles southwest of Blythe, California, and 50 miles north-northwest of Yuma, Arizona. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to Section 2.101 of Part 2, is expected to be filed in July, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The San Diego Gas and Electric Company has invited other Southern California utilities to participate in the ownership and capacity of these units. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255; the Federal Archives and Records Center, 24000 Avila Road, Laguna, California 92677; and the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 1990 North California Boulevard, Walnut Creek, California 94596. Docket No. P–558–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before February 3, 1976.

Dated at Bethesda, Maryland, this 1st day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief Gas Cooled Reactors Branch Division of Reactor Licensing.

[FR Doc.75–32815 Filed 12–4–75;8:45 am]

V40I235 DEC 5 75 XUM

[Docket No. 50-548-A]

OMAHA PUBLIC POWER DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT

Receipt of Additional Antitrust Information on Partial Application for Construction Permit and Operating License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an Application for Licenses and a Preliminary Safety Analysis Report, dated September 11, 1975 in connection with their plans to construct a pressurized water nuclear reactor in Washington County, Nebraska. The reactor will be known as the Fort Calhoun Station, Unit 2 and will be located on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun. This reactor is designed for an initial output of 3425 megawatts. The September 11, 1975 general information portion of the application added Nebraska Public Power District as a co-owner of the proposed Fort Calhoun Station, Unit 2. The November 15, 1974 filing contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L with Omaha Public Power District as sole owner. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P-556-A on January 23, 1975, (40 FR 4498).

The remaining portion of the application, consisting of an Environmental Report is expected to be filed by about November 15, 1975. Upon receipt of the remaining portion of the application two notices will be published by the Commission, a Notice of Availability of Environmental Report and a Notice or Hearing. A copy of the partial application, application for licenses and the Preliminary Safety Analysis Report are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102, the local public document room. Docket No. 50-548 has been assigned to the application and it should be referenced in any correspondance relating to it. When referring to the antitrust portion of the application, please use Docket No. 50-548-A.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 14, 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30315 Filed 12-4-75;8:45 am]

[Docket No. 50-548-A]

OMAHA PUBLIC POWER DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an Application for Licenses and a Preliminary Safety Analysis Report, dated September 11, 1975 in connection with thier plans to construct a pressurized water nuclear reactor in Washington County, Nebraska. The reactor will be known as the Fort Calhoun Station, Unit 2 and will be located on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun. This reactor is designed for an initial output of 3425 megawatts. The September 11, 1975 general information portion of the application added Nebraska Public Power District as a co-owner of the proposed Fort Calhoun Station, Unit 2. The November 15, 1974 filing contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L with Omaha Public Power District as sole owner. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P-556-A on January 23, 1975 (40 FR 4498).

The remaining portion of the application, consisting of an Environmental Report is expected to be filed by about November 15, 1975. Upon receipt of the remaining portion of the application two notices will be published by the Commission, a Notice of Availability of Environmental Report and a Notice of Hearing. A copy of the partial application, application for licenses and the Preliminary Safety Analysis Report are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102, the local public document room. Docket No. 50-548 has been assigned to the application and it should be referenced in any correspondence relating to it. When referring to the antitrust portion of the application, please use Docket No. 50-548-A.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 14, 1976.

For the Nuclear Regulatory Commission.

[Docket Nos. 50-346A, 50-500A, 50-501A; and 50-440A, 50-441A]

TOLEDO EDISON CO.

Notice of Hearing

In the Matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3); The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2).

An antitrust hearing in the above proceeding will commence at 9:30 a.m., Monday, December 8, 1975, at the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland. Issues in controversy to be considered at this hearing were set by the Board in Prehearing Conference Order No. 2 of July 25, 1974.

Dated at Bethesda, Maryland this 3rd day of December 1975.

ATOMIC SAFETY AND LICENSING BOARD,
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-32975 Filed 12-4-75;9:55 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 26, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Dwelling Unit Inspection Report, GSA 2704, on occasion, inspectors, Caywood, D. P., 395-3443.

Custodial Contractor Work Report, RF R3-1326, other (see SF-83), custodial contractors, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Emissions Recall Audit Program Owner Questionnaire, on occasion, owners eligible for recall campaign, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Forest Service, an Investigation of Visual Quality in Urban Forests of Massachusetts, single-time, forest owners in Massachusetts, Lowry, R. L., 395-3772.

Farmer Cooperative Service, Equity of Redemption Practices of Agricultural Cooperatives, single-time, Farmer Cooperative Managers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Evaluation of Census Bureau's Curriculum Support Materials, single-time, College instructors and Students, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Department and other Defense Industrial Base Survey, single-time, defense contractors, National Security Division, Harry B. Sheftel, 395-4734.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity, Survey of Private Fair Housing Groups, single-time, Fair Housing Organizations and groups, Community and Veterans Affairs, Division, 395-3532.

Policy Development and Research Nonunion Wage Survey, other (see SF-83), nonunion contractors in 10 SMKSAS, Community and Veterans Affairs Division, Strasser, A., 395-3532.

Housing Production and Mortgage, Title I Dealer/Contractor Application, FH-13, on occasion, dealers and contractors, Community and Veterans Affairs Division, 395-3532.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application Claim for Moving Costs and Related Expenses, (businesses, farms and nonprofit organizations), GSA2683, on occasion, business firms, Harry B. Sheftel.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Aluminum (supply and disposition of primary aluminum), 6-1012-M, monthly, producers, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Farm and Flock Survey (egg grading services), PY-25, annually, egg farms, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Economic Development Administration, Economic Development Impact Report—Part I, ED-221, on occasion, affected businesses, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage:
Title I Transfer of Note Report (property improvement), FH-6, on occasion, lending institutions, Community and Veterans Affairs Division, 395-3532.
Title I Refinancing Report (property improvement), FH-5, on occasion, lending institutions, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Manpower Administration, Services to workers laid off by DOD installations, MA 5-100, monthly, State agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-32916 Filed 12-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11674]

BUNKER RAMO CORP. ET AL.

Order Granting Temporary Exemption From Registration

NOVEMBER 26, 1975.

In the matter of applications for registration, or exemption from registration as securities information processors, by Bunker Ramo Corporation ("Bunker Ramo"), Consolidated Tape Association ("CTA"), Options Price Reporting Authority ("OPRA"), P.C. Service Corporation ("PCSC"), Quotron Systems, Inc. ("Quotron"), Securities Industry Automation Corporation ("SIAC").

On September 23, 1975 the Commission announced in Release No. 34-11673 the adoption of Rule 11Ab2-1 and related Form SIP to provide for the registration of securities information processors pursuant to Section 11A(b) of the Securities Exchange Act of 1934. Since that date, SIAC, CTA, and OPRA have each filed applications on Form SIP for registration as securities information processors and PCSC, Quotron and Bunker Ramo have each applied for exemptions from registration as securities information processors. The Commission, by Release, has published notice of, and requested comments on, each of these applications [1] and has also requested, in Release No. 34-11673 that interested parties comment upon Rule 11Ab2-1, Form SIP, proposed rules 11Ab2-2, 3 and 11Ab5-1, and on the need to require the registration of non-exclusive securities information processors. The comment periods on each of the applications (except that of OPRA) and on the matters enumerated in Release No. 34-11673 have each elapsed.

The Commission is aware, however, that interested parties have requested additional time within which to comment upon these applications and other matters. Further, the Commission finds that the opportunity to receive additional comments would be in the public interest and may aid the Commission in exercising its regulatory authority with respect to securities information processors.

Each of the applicants for registration would, if registered, be subject to the requirements of Sections 17 (a) and (b) (requirement to make and keep prescribed records, and authorization for inspection of any records kept) and Section 11A(b)(5) of the Act (notice of prohibition or limitation of access to services). To implement the statutory purposes of Section 11A(b) during the term of this exemption, the grant of this exemption is conditional upon each applicant's compliance with the provisions of Sections 17 (a) and (b) of the Act. As a further condition of this exemption, each applicant which prohibits or limits any person in respect of access to services offered, directly or indirectly, by such applicant shall, within 15 days of such prohibition or limitation, file with the Commission notice of such action and send a copy of such notice to any person aggrieved by such prohibition or limitation. The notice shall include, in narrative form, the name and address of the party to which the prohibition or limitation was applied, the date access was requested, the nature of the request, the effective date of such prohibition or limitation, the reason for such prohibition or limitation, and any applicable documents.

In order that such additional comment period may be allowed without jeopardizing the lawfulness of each applicant's operations, and before the Commission makes any determinations with respect to granting any application for registration, or exemption from registration, the Commission finds that the temporary exemption from registration of each applicant is necessary. The Commission also finds, for the reasons discussed above, that such exemption is consistent with the public interest, the protection of investors and the purposes of Section 11A, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanism of a national market system.

[1] Notices of, and requests for comments on, the applications were published as follows:

Processor	Rel. No.	Rel. date	F.R. cite	F.R. date
SIAC	34-11756	Oct. 23, 1975	40 F.R. 50579	Oct. 30, 1975
CTA	34-11779	Oct. 30, 1975	40 F.R. 51700	Nov. 6, 1975
OPRA	34-11823	Nov. 13, 1975	40 F.R. 54317	Nov. 21, 1975
Quotron	34-11772	Oct. 29, 1975	40 F.R. 51514	Nov. 5, 1975
Bunker Ramo	34-11772	do	40 F.R. 51514	Do.
PCSC	34-11772	Oct. 20, 1975	40 F.R. 51514	Do.

V40235 DEC 5 75 XUM

Accordingly it is ordered, That the public comment periods upon each of the applications for registration, or exemption from registration, and the public comment periods established by Release No. 34–11673 are hereby extended to and including December 22, 1975.

It is further ordered, Pursuant to Section 11A(b)(1) of the Act, that each applicant named herein which has filed an application for registration, or exemption from registration, is hereby granted, effective December 1, 1975 and upon the conditions stated herein, an exemption from registration as a securities information processor to and including January 22, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32777 Filed 12–4–75;8:45 am]

[Rel. No. 9059; 811–1658]

DREXEL INVESTMENT FUND, INC.

Filing of Application

NOVEMBER 28, 1975.

Notice is hereby given that the Drexel Investment Fund, Inc., 1500 Walnut Street, Philadelphia, Pennsylvania 19102; (811–1658), ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed on June 25, 1975, an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was organized as a Delaware corporation on May 17, 1968. It registered under the Act by filing a Form N–8A Notification of Registration and a Form N–8B–1 Registration Statement on May 24, 1968.

Applicant represents that on June 16, 1975, pursuant to an Agreement and Plan of Reorganization and Articles of Transfer ("Agreement"), which had been approved by its shareholders on June 12, 1975, the Fund sold substantially all of its assets to the Drexel Burnham Fund, Inc. ("Drexel Burnham") in exchange for common voting stock of Drexel Burnham and that a total of 182,031.072 Drexel Burnham shares were exchanged, representing an exchange ratio of 0.627828 shares of Drexel Burnham for each outstanding share of Applicant. Applicant states that such shares were subsequently distributed to shareholders of the Applicant according to their respective interests in liquidation of the Applicant. Applicant further represents that it now has no stockholders, engages in no business activity and that on the date of filing its only assets consisted of $15,000 in cash which is to be retained as a provision for liabilities not reasonably foreseeable at the time of the exchange.

Applicant states that any portion of such retained cash that is not used to pay liabilities of Applicant ("reserve surplus") will be paid over to Drexel Burnham. Applicant further states that a proportionate amount of reserve surplus attributable to shareholders of Drexel Burnham will be distributed in additional shares of Drexel Burnham to be valued at the net asset value of Drexel Burnham on the date of the payment of surplus reserves, which shall be made no later than June 16, 1976. Applicant states that its shareholders who do not remain shareholders of Drexel Burnham at the date of distribution of reserve surplus will receive no portion of the reserve surplus; but, the amount apportionable to such shareholders will be added to the assets of Drexel Burnham.

Applicant represents it has been liquidated and is filing a Certificate of Dissolution with the Secretary of State of Delaware.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than December 22, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32778 Filed 12–4–75;8:45 am]

[Adm. Proceeding No. 3–4836]

FIRST MORTGAGE INVESTORS

Application and Opportunity for Hearing

NOVEMBER 26, 1975.

Notice is hereby given that First Mortgage Investors ("the Trust") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of Bradford Trust Company under two indentures heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bradford from acting as trustee under either indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same issuer are outstanding, if the issuer shall have sustained the burden of proving on application to the Commisison and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Trust alleges that:

(1) Bradford Trust Company is presently acting as successor trustee under an indenture dated as of November 15, 1970 as amended by two supplemental indentures ("the November 1970 Indenture"), pursuant to which $16,000,000 principal amount of 7½% Convertible Subordinated Debentures due 1990 were originally issued. The Trust is the successor obligor on these securities. As of November 14, 1975, $1,216,000 principal amount was outstanding. Bradford is also acting as successor trustee under an indenture dated as of January 15, 1970 as amended by two supplemental indentures ("the January 1970 Indenture") pursuant to which $35,000,000 principal amount of 6¾% Convertible Subordinated Debentures due 1985 were issued. As of November 14, 1975, $2,377,000 principal amount was outstanding.

(2) The November 1970 Indenture and the January 1970 Indenture were qualified under the Act as No. 22–6045 and No. 22–5851, respectively. Each indenture contains the provisions permitted by the proviso of Section 310(b)(1) of the Act.

(3) The obligations of the Trust under the November 1970 Indenture and under the January 1970 Indenture are wholly unsecured. The Trust believes that each obligation ranks pari passu with the other.

(4) The January 1970 Indenture contains a cross-default provision, not contained in the November 1970 Indenture, which provides that it shall constitute an event of default under such indenture if an event of default shall happen and continue under any other instrument evidencing the Trust's indebtedness and such indebtedness shall have been accelerated so that it becomes due and payable.

(5) The trustee of the Trust's Senior Debentures due 1978 has noticed an event of default under the indenture for the 1978 Debentures because of the failure to make certain payments of principal and has asked the debentureholders for instructions. The subordination provisions of both the November 1970 and January 1970 Indentures would prohibit payment of principal or interest thereunder while there is any default in the payment of the Trust's senior debt. The Trust has also failed to make the October 31, 1975 interest payment under the November 1970 Indenture. If not remedied by November 30, 1975, this failure will become an event of default. Each of the indentures provides that if the trustee has or acquires a conflicting interest as defined therein, it shall eliminate such conflict or resign within 90 days after ascertaining that it has such a conflicting interest.

(6) Differences which exist between the two indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bradford Trust Company from acting as trustee under either of said indentures. Moreover, in view of the Trust's financial condition and the expected difficulty of attracting another trustee, it is the Trust's belief that it will be in the best interests of the debentureholders as well as in the interest of efficient administration of the respective trust estates if Bradford continues as trustee.

(7) The Trust is currently subject to a proceeding pursuant to Chapter X of the National Bankruptcy Act. Counsel to the Trust has advised that the permission of the Bankruptcy Court is not required to make this application to the Securities and Exchange Commission.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 22, 1975, request in writing that a hearing be held on such matter, stating the nature of his intrest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32779 Filed 12–4–75;8:45 am]

[File No. 500–1]

GENERICS CORPORATION OF AMERICA

Suspension of Trading

NOVEMBER 28, 1975.

The common stock of Generics Corporation of America being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, the 6% convertible subordinated debentures due July 1983 and all other securities of Generics Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 9:45 a.m. (e.s.t.) on November 28, 1975 through midnight (e.s.t.) on December 7, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32780 Filed 12–4–75;8:45 am]

[Rel. No. 19266; 70–5580]

LOUISIANA POWER AND LIGHT CO.

Issuance and Sale of Notes

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana, 70174; (70–5580).

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding issued on December 23, 1974 (HCAR No. 18728), Louisiana was authorized to issue and sell its short-term notes to a group of banks and to a dealer in commercial paper through June 30, 1976, with maturities not later than December 31, 1976. An exception from competitive bidding was granted. The presently effective loan commitments from the banks terminate on December 31, 1975. Louisiana has obtained new bank loan commitments for the period January 1, 1976, through December 31, 1976, and the respective maximum amounts which may be borrowed by Louisiana from the banks participating in these bank loans during the period through December 31, 1976, are as follows:

	Maximum Amount
The Chase Manhattan Bank (National Association), New York, N.Y.	$20,000,000
Whitney National Bank of New Orleans, La.	8,000,000
First National Bank of Commerce, New Orleans, La.	6,000,000
The Hibernia National Bank in New Orleans, La.	2,500,000
National American Bank of New Orleans, La.	2,000,000
Irving Trust Company, New York, N.Y.	2,000,000
The National Bank of Commerce in Jefferson Parish, New Orleans, La.	750,000
The Bank of New Orleans and Trust Company, New Orleans, La.	500,000
Central Bank, Monroe, La.	500,000
First State Bank & Trust Company, Bogalusa, La.	300,000
First National Bank of Jefferson Parish, Gretna, La.	200,000
Assumption Bank and Trust Company, Napoleonville, La.	170,000
First National Bank of West Monroe, La.	150,000
American Bank and Trust Company in Monroe, La.	100,000
Bank of Louisiana in New Orleans, La.	100,000
Bastrop National Bank, Bastrop, La.	100,000
Guaranty Bank & Trust Company, Gretna, La.	100,000
Metairie Bank and Trust Company, Metairie, La.	100,000
Terrebonne Bank & Trust Company, Houma, La.	100,000
The Ouachita National Bank in Monroe, La.	100,000
First Guaranty Bank, Hammond, La.	75,000
Bank of the South, Gretna, La.	60,000
Franklin State Bank & Trust Company, Winnsboro, La.	50,000
Winnsboro State Bank & Trust Company, Winnsboro, La.	50,000
Bank of Morehouse, Bastrop, La.	25,000
Citizens Bank & Trust Company, Thibodaux, La.	20,000
	$44,050,000

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The terms of the borrowings are unchanged from the presently effective commitments, but increases in the amounts of the commitments of three of the banks are effected. Authorization is now requested for Louisiana to make bank borrowings in accordance with the commitment amounts set forth above commencing January 1, 1976. Authorization is also requested for the borrowing period with respect to both bank loans and sales of commercial paper notes to be extended through December 31, 1976 (with maturities not later than December 31, 1976, as heretofore authorized). In all other respects the proposed transactions remain unchanged.

It is stated that Louisiana maintains accounts with the lending banks; that at September 30, 1975, the balances in such accounts aggregated $3,390,100; and that, although the balances in some of these accounts may be deemed to be compensating balances, most of these bank accounts are working accounts and fluctuations in their balances do not reflect or depend upon fluctuations in the respective amounts of such bank loans outstanding. The minimum balances customarily maintained in such accounts aggregate $2,391,000. Louisiana believes that these balances are adequate as of this time. If minimum balances of 10% or 20% were required, the effective rate of interest would be 8.33% or 9.38%, respectively, using a prime rate of 7½%.

Louisiana's construction program contemplates expenditures of approximately $127,000,000 in 1975 and $145,000,000 in 1976. The net proceeds of the borrowings proposed will be used, together with other funds available to Louisiana, for the constructon of new facilities, for additions and improvements to present facilities, and for other corporate purposes.

It is stated that no special or separate expenses are anticipated and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption for such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32781 Filed 12-4-75;8:45 am]

[Rel. No. 19263; 70-5768]

MIDDLE SOUTH UTILITIES, INC.

Sale of Common Stock

NOVEMBER 26, 1975.

In the matter of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana, 70112; (70-5768).

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Middle South proposes to issue and sell at competitive bidding up to 8,000,000 authorized but unissued shares of its common stock, $5 par value. The net proceeds to be derived from the sale of the common stock are estimated at $200,000,000 and will be applied to a reduction in the amount of bank loans made to Middle South and outstanding at that time, presently estimated to be $175,000,000 at the time of the sale. Middle South states that due to difficulties which may occur in marketing the securities at competitive bidding, the company may request, by amendment to this application-declaration, that the sale of its common stock be excepted from the competitive bidding requirements of Rule 50.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32782 Filed 12-4-75;8:45 am]

[Rel. No. 19265; 70-5767]

MIDDLE SOUTH UTILITIES, INC. AND LOUISIANA POWER AND LIGHT CO.

Sale of Common Stock

NOVEMBER 26, 1975.

In the matter of: Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana, 70112; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana, 70174; (70-5767).

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Louisiana Power & Light Company ("Louisiana"), a public-utility subsidiary company of Middle South, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Louisiana's no par value common stock), and Middle South proposes to acquire, 2,700,000 additional shares of Louisiana's common stock, for an aggregate purchase price of $15,000,000 in cash. Louisiana further proposes, concurrently with the consummation of the proposed stock sale, and in order to strengthen its capital structure for the benefit of holders of all classes of its securities, to increase the stated value of that part of its capital stock represented by the 37,600,000 shares of its common stock which will then be outstanding from $236,615,000 to $238,760,000 by transferring $2,145,000 from its Retained Earnings Account to its Common Stock Account. Louisiana proposes to use the net proceeds from the sale of the additional common stock for its construction program, estimated at $127,000,000 for 1975, for the payment of outstanding short-term promissory notes, and for other corporate purposes.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no special or separate expenses are anticipated in connection with the issuance and sale of common stock other than the filing fee of $2,000 and legal fees not exceeding $1,000.

Notice is further given that any interested person may, not later than December 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32783 Filed 12-4-75;8:45 am]

[Release No. 19245 (70-5399)]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Proposed Increase in Authorized Bank Borrowings

Correction

In FR Doc. 75-31544 appearing on page 54315 in the issue for Friday, November 21, 1975, make the following changes:

1. In the first column, the penultimate line which presently reads "Loan Agreement will be amended to add" should read "Loan Agreement and proposes to issue".

2. In the middle column, the first line, the last word "aid" should read "add".

[Rel. No. 19269; 70-4549]

PENNSYLVANIA ELECTRIC CO.

Loan Terms

NOVEMBER 28, 1975.

In the matter of: Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania, 15907; (70-4549).

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission a post-effective amendment to the application, as previously amended, filed in this proceeding pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. Interested persons are referred to the application, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, Penelec has been authorized, among other things, to acquire through March 31, 1977, promissory notes to be issued by two unaffiliated mining companies, the Helen Mining Company ("Helen") and Helvetia Coal Company, which are engaged in development of coal mines for the Homer City Generating Station ("Homer Station"). Penelec owns a 50% interest in the Homer station; the other 50% interest is owned by New York State Electric & Gas Corporation ("NYSEG"), a utility unaffiliated with Penelec. The most recent of such orders was issued on June 18, 1975 (HCAR No. 19052, 7 SEC Docket 213).

Penelec has been authorized to loan up to $7,750,000 to Helen for the purpose of developing Helen's Mines. It is stated that Penelec and NYSEG have actually loaned a total of $13,500,000 to Helen, of which Penelec's share is $6,750,000.

Penelec's loans to Helen are secured by a mortgage ("mortgage") on Helen's property, including coal held by Helen under a lease ("lease") from Helen's parent, the North American Coal Corporation ("Nacco"). Nacco represented in the lease that the leased property contained 83,000,000 net tons of recoverable coal, of which 62,0000,000 tons were to remain available to Helen and the Homer Station owners under a coal sales agreement ("CSA"). The remaining 21,000,000 net tons were to be dedicated to Homer Station if Penelec and NYSEG had given notice to Helen that a third unit was to be constructed at Homer Station. Although the third unit is under construction, it is stated that the required notice was not given to Helen and that Penelec and NYSEG plan to meet the requirements of the third unit from other sources.

Since the required notice was not given with respect to the 21,000,000 tons of coal, Penelec and NYSEG now only have a right to first refusal for that coal. If this right of first refusal is not exercised, the 21,000,000 tons is to be released from the lease and the mortgage lien.

It is stated that in September 1975, Penelec, NYSEG and Helen reached an agreement to amend the CSA by instituting a bonus program whereby Helen would be encouraged to increase its coal production while minimizing costs. In connection with the proposed amendment to the CSA, Helen requested that 21,100,000 tons be released from the lease and mortgage, subject to a right of first refusal in Penelec and NYSEG. The proposed amendment also permits the release of an additional 21,000,000 tons from the lease and the mortgage if Penelec and NYSEG do not exercise a right of first refusal to obtain the coal within a reasonable time after the opportunity to exercise the right arises.

It is projected that the requirements from Helen mine for the remaining 24 years of the CSA will be approximately 1,000,000 tons annually. It is stated that even if the aforesaid 42,100,000 tons are released from the provisions of the lease and the CSA, the remaining reserves in the Helen mine (approximately 40,900,000 tons) would far exceed the presently projected requirements from the mine under the CSA.

It is stated that in consideration for the bonus plan and the release of the aforesaid tonnages, Helen has agreed to a $15,500,000 ceiling on loans that it can require from Penelec or NYSEG, without their prior written consent for the development of the mine (with some exceptions) and to a 40% reduction of the minimum royalty provision of the lease, which royalty is charged to Penelec and NYSEG by Helen under the CSA. Penelec and NYSEG also state that even after the release of the 42,100,000 tons from the mortgage lien, the loans to Helen will be adequately secured.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than December 22, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as further amended by said post-effective amendment, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may

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grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-32784 Filed 12-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11884; File No. SR-Amex-75-9]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Approval of Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on November 13, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission a proposed rule change. The proposed rule change is to amend Amex Rule 900(b)(16) so as to define the term "expiration date", as that term concerns option contracts, as "the day and time fixed by the rules of the Options Clearing Corporation for the expiration of all option contracts having the same expiration month as such option contract."

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-75-9.

The Commission is directed under Section 19(b)(2) of the Act to approve a proposed rule change of a self-regulatory organization if it finds it to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of Section 6 and the rules and regulations thereunder. In particular, Section 6(b)(5) of the Act, which will become effective on December 1, 1975, requires that the rules of a national securities exchange be designed to "[facilitate] transactions in securities, . . . remove impediments to and perfect the mechanism of a free and open market . . ., and, in general, . . . protect investors and the public interest. . . ."

According to Amex, the purpose of the proposed rule change is to accomplish a conforming change in the definition of the term "expiration date" in respect of option contracts necessitated by the recent change in the by-laws and rules of the Options Clearing Corporation ("OCC"). The present definition of such term in Amex Rule 900 is incorrect as applied to options contracts expiring in January 1976 and thereafter, in that it refers to 11:30 a.m. of the last Monday of the expiration month as the time of expiration whereas the by-laws and rules of OCC now provide for such contracts to expire at 5:00 p.m. on the Saturday following the third Friday of the expiration month. The Commission finds that permitting this conforming change in definition is consistent with the protection of investors and the public interest.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. Because the above-mentioned change in OCC by-laws and rules is presently in effect, the Commission deems it necessary and desirable to approve immediately the conforming change proposed by Amex.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 28, 1975.

[FR Doc.75-32873 Filed 12-4-75;8:45 am]

[Release No. 34-11886; File No. SR-Amex-75-11]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Approval of Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on November 18, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission a proposed rule change. The proposed rule change is to amend Amex Rule 910 so as to exemp registered traders in options from the trading restrictions on out-of-the-money option contracts set forth therein.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-75-11.

The Commission is directed under Section 19(b)(2) of the Act to approve a proposed rule change of a self-regulatory organization if it finds it to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of Section 6 and the rules and regulations thereunder. In particular, Section 6(b)(5) of the Act, which will become effective on December 1, 1975, requires that the rules of a national securities exchange be designed to "[facilitate] transactions in securities, . . . remove impediments to and perfect the mechanism of a free and open market . . ., and, in general, . . . protect investors and the public interest. . . ." The proposed rule change would permit registered traders in options to execute opening purchase or writing transactions in restricted out-of-the-money options. According to Amex, adoption of this proposal will provide deeper and more liquid markets with respect to such options, thereby further assuring the maintenance of a continuous fair and orderly market for investors seeking to enter covered opening writing transactions as well as closing purchase and sale transactions.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. The Amex has made several revisions in its rules applicable to registered traders engaging in options transactions. These revisions impose responsibilities on registered traders similar to the responsibilities of specialists, viz the obligation to deal for their own accounts in a manner calculated to contribute to the maintenance of a fair and orderly market, and the obligation to help maintain a fair and orderly market when called upon by floor officials or floor brokers.

To facilitate the fulfillment of these responsibilities by registered traders, the Commission deems it necessary and desirable to approve immediately the proposed rule change which has the effect of permitting registered traders to engage in out-of-the-money options transactions to the same extent as specialists.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 28, 1975.

[FR Doc.75-32874 Filed 12-4-75;8:45 am]

[(SR-Amex-75-12); Release No. 34-11887; File No. SR-Amex-75-12]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Approval of Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on November 20, 1975, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, New York 10006, a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission a proposed rule change. The proposed rule change is to amend the Commentary to Amex Rule 958 so as to add new paragraph .07 reading as follows:

.07 A Floor Broker representing a customer's order in options shall, prior to executing such order, ascertain that at least one Registered Trader (who has elected to engage in Exchange option transactions) is present in the trading crowd at the post when such order is executed.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-75-12.

The Commission is directed under Section 19(b)(2) of the Act to approve a proposed rule change of a self-regulatory organization if it finds such rule change to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of Section 6 and the rules and regulations thereunder. In particular, Section 6(b)(5) of the Act, which will become effective on December 1, 1975, requires that the rules of a national securities exchange be designed to "[facilitate] transactions in securities, . . . remove impediments to and perfect the mechanism of a free and open market . . ., and, in general, . . . protect investors and the public interest. . . ."

According to Amex, the proposed rule change is designed to require at least one registered trader in options to be present in the trading crowd when customers' orders are brought to the floor for execution, thereby assuring that floor brokers executing customers' orders will be afforded an opportunity to obtain broader trader participation in options trading on a more expeditious and continuing basis. Amex has expressed the belief that the proposed rule change will protect investors and serve the public interest because increased participation by registered traders in the Amex options market has resulted in additional depth and liquidity in options traded on the Amex.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. The Amex has effectuated several revisions in its rules applicable to registered traders engaging in options transactions. These revisions impose responsibilities on registered traders similar to the responsibilities of specialists, *viz.*, the obligation to deal for their own accounts in a manner calculated to contribute to the maintenance of a fair and orderly market, and the obligation to help maintain a fair and orderly market when called upon by floor officials or floor brokers. The Commission finds that adoption of the proposed rule change is a necessary and appropriate measure to assure that registered traders fulfill such responsibilities.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of the filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 28, 1975.

[FR Doc.75-32875 Filed 12-4-75;8:45 am]

[Release No. 34-11873; File No. SR-NYSE-75-13]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 10, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the terms of substance of the proposed rule change. In order for the Exchange to comply with the Securities Acts Amendments of 1975, which, among other things, require exchanges to enforce compliance by its members and persons associated with its members with all the provisions of the Securities Exchange Act of 1934, the rules thereunder and the rules of the Exchange, the Board has approved proposed Rule 389 which enables the Exchange to regulate the activities of brokers and dealers who are associated with Exchange members to the same extent to which it regulates its members. To do otherwise would result in a substantial regulatory gap and resultant confusion so as to essentially destroy the concept of uniform regulation within a central market structure as expressed in the recent legislation. The text of Rule 389 follows:

1. *Text of Proposed New Rule 389.*

A. Each person who is acting as a broker or dealer in securities, other than a member, allied member or member organization, and who controls, is controlled by, or in under common control, with a member organization shall be required to agree in writing with the Exchange:

(i) To supply the Exchange with such information relating to its activity as a broker or dealer in securities as the Exchange may reasonably require;

(ii) To permit examination by the Exchange, or person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information so supplied and to determine compliance by such person with just and equitable principles of trade, the Exchange Constitution and Rules, and the Securities Exchange Act of 1934 and rules and regulations thereunder;

(iii) To appear before, and give testimony to, the Exchange or any committee or person designated by it upon any matter under investigation by the Exchange; and

(iv) To be subject to and comply with the Exchange Constitution and Rules, as from time to time amended and the Securities Exchange Act of 1934 and rules and regulations thereunder, to the same extent as they apply to members, allied members, member organizations and employees, thereof as the case may be, and to be subject to discipline by the Exchange as provided by, and, in accordance with the procedures set forth in the Exchange Constitution and Rules.

B. If any person required to enter into the agreement referred to above fails to do so or breaches such agreement, any member or member organization with which such person is associated may be denied the privileges of a member or member organization or may be subject to any other disciplinary sanction as may be provided in the Exchange Constitution and Rules for any violation thereof.

C. For purposes of this Rule, "person" shall have the same meaning as provided in Section 3(a)(9) of the Securities Exchange Act of 1934, as amended.

D. A person shall be presumed to control another person for the purpose of this Rule, if such person has a right to participate to the extent of more than 25% in the profits of such other person, or owns beneficially directly or indirectly, more than 25% of the voting securities or more than 25% of the total capitalization of such person. Any person who does not so participate in profits or who does not so own voting securities or total capitalization of another person shall be presumed not to control such other person. Such presumption may be rebutted by evidence, but shall continue until a determination to the contrary has been made by the Exchange.

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EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

2. *Purpose of proposed rule.*

The Securities Exchange Act, as amended, requires the Exchange to enforce compliance by its members and persons associated with its members with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange. Hence, the exchanges are given expanded new authority and responsibility for the regulation, surveillance and discipline of "persons associated with a member." This term is broadly defined to include "any person directly or indirectly controlling, controlled by, or under common control with a member." In addition, it includes partners, officers, directors, branch managers and employees of a member.

The SEC is given the authority under Section 19(g), effective December 1, 1975, to relieve the exchanges of any responsibility under the Act with respect to persons associated with a member, or "any class of such members or persons associated with a member."

As a first step in dicharging it statutory responsibility with respect to regulating "persons associated with a member", the Board has approved Rule 389 specifying the Exchange rules applicable to the activities of associated persons acting as brokers and dealers in securities.

3. *Basis under the act for the adoption of rule 389.* Rule 389 is based on the following sections of the Securities Exchange Act of 1934.

Section 3(a)(9) defining the term "person"; Section 3(a)(21) defining of the term "person associated with a member"; Section 6(b)(1) requiring the Exchange to enforce compliance by persons associated with a member; Section 6(b)(7) requiring the Exchanges to have rules relating to the disciplining of persons associated with a member; Section 6(c)(3) requiring standards which exchanges may apply to persons associated with a member; Section 19(g)(1) providing that every exchange shall comply with the provisions of the Act, the rules and regulations thereunder and its own rules and shall enforce compliance with such provisions by its members and persons associated with its members; and Section 31 which provides that the amendments to the Securities Exchange Act of 1934 made to Section 6(a) through (d) become effective 180 days subsequent to June 4, 1975.

Rule 389 establishes the basis under which the Exchange will carry out its responsibilities under the sections referred to hereinabove. Rule 389 relates to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the Act and the rules and regulations thereunder, by requiring all persons acting as brokers or dealers in securities associated with an Exchange member or member organization to comply with the rules of the Exchange as may appropriately relate to such person, and the provisions of the Act and the rules and regulations thereunder.

Rule 389 relates to the ability of any registered broker or dealer, or natural person associated with a registered broker or dealer, to become associated with a member of the Exchange by requiring persons acting as brokers or dealers in securities who control, are controlled by or who are under the common control of the member to comply with all Exchange Rules.

Rule 389 relates to the equitable allocation of reasonable dues, fees and other charges in that associated persons and their employees will become subject to the same dues, fees and other charges which now apply to members, allied members and registered representatives. To do otherwise would enable Exchange member organizations, through vehicles such as holding companies, to relieve themselves of responsibility for contributing, on an equitable basis, to the expenses incurred in connection with funding the regulatory activities of the Exchange.

Rule 389 relates to the ability of the Exchange to prevent fraud and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest by applying Exchange regulation and surveillance to the activities of all broker-dealers associated with an Exchange member or member organization. In this regard, until recently, Exchange members have traditionally been organized so as to conduct most, if not all of their activity as brokers and dealers within one entity. Recently, however, a noticeable trend has developed in which member organizations through creation of other entities, such as holding companies, are isolating particular business activities within identifiable nonmember organizations. Thus, through a revised corporate structure the ability of the Exchange to regulate and to enforce compliance with the Act, the rules thereunder and its own rules may be frustrated, absent Rule 389.

Rule 389 relates to the appropriate disciplining of persons associated with a member for violations of the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange by requiring all persons subject to the Rule to comply with such provisions to the same extent as they may apply to members, allied members, member organizations and employees, as the case may be, and to be subject to discipline by the Exchange as provided by, and in accordance with the procedures set forth in the Exchange Constitution and Rules.

Rule 389 complies with Section 6(d) of the Act by applying the same procedures in disciplinary actions involving members, member organizations, registered representatives and other employees to broker-dealers associated with a member or member organization.

4. *Comments received from members, participants or others on proposed rule.* No comments were solicited or received with respect to the proposed rule.

5. *Burden on competition.* As Rule 389 merely subjects persons acting as brokers or dealers in securities who are associated with a member or member organization to the existing Exchange Rules and Regulations to which the member or member organization is subject, the Rule does not impose any burden on competition.

On or before January 9, 1975, or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with respect to the foregoing and all written submissions will be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 5, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 26, 1975.

[FR Doc.75-32876 Filed 12-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 924]

ASSIGNMENT OF HEARINGS

DECEMBER 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 98952 Sub 31, General Transfer Company, now assigned December 2, 1975, at Indianapolis, Indiana, is cancelled and application is dismissed.

MC 140851, Rocky Mountain Trout, Inc., now being assigned January 22, 1976 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC-F 12573, Noble Transport, Inc.—Purchase (Portion—R. Clyde Ashworth and Ashworth Transfer, Inc., and MC-F 12574, Kenneth Savage, Neal Savage, & T. Luke Savage dba Savage Brothers—Control—Ashworth Transfer, Inc., now being assigned January 26, 1976 (1 week), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 119619 Sub 82, Distributors Service Co., now being assigned February 2, 1976 (1 week), at Denver, Colorado, in a hearing room to be designated later.

MC 106920 Sub 59, Riggs Food Express, Inc., now assigned December 8, 1975, at Atlanta, Ga., is postponed indefinitely.

MC 141112, Burwell Ray Gallop, d.b.a. Gallop Bus Lines, now assigned January 19, 1976, at Norfolk, Virginia, has been postponed to January 26, 1976 (1 week) at Norfolk, Virginia; in a hearing room to be later designated.

MC 128273 Sub 186, Midwestern Distribution, Inc., now assigned December 15, 1975, at Louisville, Ky., will be held in Room 183 Federal Building, 600 Federal Place.

MC 128273 Sub 167, Midwestern Distribution, Inc., now assigned December 11, 1975, at Louisville, Ky., is postponed indefinitely.

MC 140818, Gray Line of Seattle, Inc., now assigned January 12, 1976 at Olympia, Washington, has been postponed to February 23, 1976 (1 week) at Seattle, Washington; in a hearing room to be designated later.

MC-C-8248, Kahanic Trucking Co.—Revocation of Certificate, now assigned February 2, 1976, at Los Angeles, Calif., is canceled.

MC-C-8555, S. & C. Corporation, d.b.a. Piedmont Tours v. Mrs. Charles Hodgen, Individual, d.b.a. Tour of the Month, now being assigned for continued hearing on the 22nd day of January 1976 (2 days), at Columbia, S.C.; in a hearing room to be later designated.

MC 140886, Mayfield Motor Line, Inc., now being assigned January 19, 1976 (1 week), at Nashville, Tennessee, in a hearing room to be later designated.

MC 105566 Sub 108, Sam Tanksley Trucking, Inc., now being assigned January 20, 1976 (2 days) at Chicago, Illinois; in a hearing room to be designated later.

MC 16831 Sub 19, Mid Seven Transportation Company, now being assigned January 22, 1976 (2 days) at Chicago, Illinois; in a hearing room to be designated later.

MC 119767 Sub 331, Beaver Transport Co., now being assigned January 26, 1976 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC-F 12264, Mayfield Transfer & Storage Co., Inc.—Purchase (Portion)—Fred Olson Motor Service Company; MC 99888 Sub 3, Mayfield Transfer & Storage Co., Inc. and MC 110683 Sub 101, Smith's Transfer Corporation, now being assigned continued hearing January 27, 1976 (4 days) at Chicago, Illinois, in a hearing room to be designated later.

MC 117557 Sub 21, Matson, Inc., now assigned December 5, 1975, at Chicago, Ill., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32829 Filed 12-4-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 2, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 14 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43086—*Chemicals and Related Articles to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-572), for interested rail carriers. Rates on chemicals, in tank-car loads, as described in the application, from points in Louisiana and Texas, to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 41 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on January 1, 1976.

FSA No. 43087—*Insulating Material from Fruita, Colorado.* Filed by Southwestern Freight Bureau, Agent (No. B-569), for interested rail carriers. Rates on insulating material, in carloads, as described in the application, from Fruita, Colorado, to points in southwestern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 121 to Southwestern Freight Bureau, Agent, tariff SW/W—2006-J, I.C.C. No. 5056. Rates are published to become effective on January 10, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32830 Filed 12-4-75;8:45 am]

[Notice No. 133]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 5, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 26, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76081. By order of November 26, 1975, the Motor Carrier Board approved the transfer to Richard L. Kinard, Inc., York, Pennsylvania, of Certificates Nos. MC 56213 and Subs 1, 3, 4, 6, 9, 10, and 11, issued by the Commission, August 30, 1949, January 9, 1950, January 17, 1950, May 14, 1951, March 3, 1960, January 14, 1964, December 19, 1963, and March 26, 1965, respectively, to William H. Brillhart, D/B/A H & B Trucking Company, Codorus, Pennsylvania, authorizing the transportation of various specified commodities, from, to and between, specified points in Pennsylvania, New Jersey, Delaware, Maryland, New York, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. S. Harrison Kahn, Attorney at Law, Suite 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-76145. By order entered November 28, 1975, the Motor Carrier Board approved the transfer to Roger Marquardt, doing business as Marquardt Grain Co., Parkston, S. Dak., of the operating rights set forth in Certificate No. MC 95523, issued July 21, 1949, to Leonard B. Winter, Parkston, S. Dak., authorizing the transportation of livestock, from Parkston, S. Dak., and points within 15 miles thereof, to Sioux City, Iowa; and livestock, seeds, poultry feeds, farm machinery and implements, coal, building materials, and calcium carbide, from Sioux City, Iowa, to the above-specified origin points. Carl F. Haberstick, Parkston, South Dakota 57366, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32831 Filed 12-4-75;8:45 am]

[Notice No. 137]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 2, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it

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will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 46280 (Sub-No. 79TA), filed November 20, 1975. Applicant: KEY LINE FREIGHT, INC., 200 Colrain St. SW., Grand Rapids Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities of Jeno's, Inc., Sodus, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave., South, Duluth, Minn. 55802. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 76032 Sub 313TA, filed November 14, 1975. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant equipment, materials, and supplies*, from Clinton, Conn., to Huntsville, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chesebrough-Pond's, Inc., Clinton, Conn. 06413. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 93734 (Sub-No. 9TA), filed November 17, 1975. Applicant: DEWITT TRANSFER AND STORAGE COMPANY, 6060 North Figueroa St., Los Angeles, Calif. 90042. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (a) between points in Imperial County, Calif., and (b) between points in Imperial County, Calif., on the one hand, and, on the other, points in Kern, Santa Barbara, San Bernardino, Ventura, Los Angeles, Orange, Riverside, and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery services in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: DeWitt Freight Forwarding, 6060 North Figueroa St., Los Angeles, Calif. 90042. Von Der Ahe International, Inc., 600 Rudder Ave., Fenton, Mo. Towne International Forwarding, Inc., P.O. Box 17449, San Antonio, Tex. 78217. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 105523-Sub 61TA, filed November 11, 1975. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Colorado, Montana, South Dakota, Missouri, Wyoming, Illinois, Indiana, Kansas, and Oklahoma. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 107496 (Sub-No. 1012TA), filed November 19, 1975. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Superior, Wis., to points in Minnesota and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Murphy Oil Corporation, P.O. Box 2066, Superior, Wis. 54880. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108207 Sub 428TA, filed November 17, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and specialty gift items*, from points in Wisconsin, to points in Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Wisconsin Cheeseman, Inc., Sun Prairie, Wis. 53590. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 111231 (Sub-No. 196TA), filed September 12, 1975, published in FEDERAL REGISTER of September 30, 1975, and republished as corrected this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials, including products necessary in the installation thereof*, except in bulk, from Pauline, Kans., and Kansas City, Kans., to all points and places in Nebraska, Arkansas, Texas, Mississippi, Louisiana, Tennessee, and Okalhoma, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Company, Fiberglas Tower, Toledo, Ohio 43659. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 587TA), filed November 19, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 10040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, thansporting: (1) *Cut flowers, decorative greens, and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between points in Alabama, Arkansas, Georgia, Kansas, Maryland, New Jersey, Oklahoma, and Texas, restricted to the transportation of traffic having an immediately prior movement by air or motor vehicle, and (2) *Business papers, records, and audit and accounting media of all kinds*, (a) from Baton Rouge, Monroe, Lake Charles, Alexandria, Lafayette, and Shreveport, La., to New Orleans, La., restricted to the transportation of traffic having an immediately subsequent movement by air, and (b) from Blytheville and Little Rock, Ark., to Memphis, Tenn., restricted to the transportation of traffic having an immediately subsequent movement by air, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Associated Florida Gladiola Growers, Inc., Fort Myers, Fla. (2) Florida Flower Association, Inc., Fort Myers, Fla. (3) Montgomery Ward, Inc., Winter Park, Fla. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 588TA), filed November 20, 1975. Applicant: PEROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urine samples, business papers, records and audit and accounting media of all kinds*, between points in Ohio, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Medical Laboratory Associates, 1025 South 18th St., Birmingham, Ala. 35205. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113855 (Sub-No. 333TA), filed November 18, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings, and materials and supplies* used in the construction, installation and erection thereof, from points in Albany County, Wyo., to points in Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Authentic Homes Corp., P.O. Box 1288, Laramie, Wyo. 82070. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 359TA), filed November 18, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brandy, rum, wine and wine products*, in bulk, from Atlanta and Roberta, Ga., to Cincinnati, Ohio, and (2) *Wine*, in bulk, from Atlanta, and Roberta, Ga., to Jacksonville, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114569 (Sub-No. 129TA), filed November 17, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanly C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses, from the plantsite and storage facilities of MBPXL Corporation, at or near Plainview and Friona, Tex., to Chicago, Ill., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, 900 East 21st St., Box 2519, Wichita, Kans. 67201. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 115904 (Sub-No. 43TA), filed November 17, 1975. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the International Port of Entry, at Sumas, Wash., to points in Utah, Nevada, and Wyoming. Applicant intends to interline with a Canadian carrier at Sumas, Wash.; brick originates in Abbotsford, British Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northwest Supply Co., 1865 S. Main, Salt Lake City, Utah 84115. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort, Box 07, Boise, Idaho 83724.

No. MC 117883 (Sub-No. 203TA), filed November 17, 1975. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles* distributed by meat packinghouses, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Herrs Island Packing Company T/A Western Packers, located at Pittsburgh, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia, for 180 days. Supporting shipper: Morris Rosen, Secretary, Herrs Island Packers T/A Western Packers, Herrs Island, Pittsburgh, Pa. 15222. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 118159 (Sub-No. 165TA), filed November 17, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods, and cheese spreads*, from Monett, Mo., to points in Ohio, Indiana, North Carolina, South Carolina, Tennessee, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Florida, Georgia, Alabama, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of L. D. Schreiber Cheese Company, Inc., at Monett, Mo.; and (2) *Return of refused or rejected shipments*, from the destinations named above, to Monett, Mo., for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., Robert Buchberger, T.M., 1607 Main St., Green Bay, Wis. 54305. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post office bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 118959 (Sub-No. 130TA), filed November 17, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Giarardeau, Mo. 63701. Applicant's representative: William J. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red clay pottery*, from the facilities utilized by CDP Corporation, at Houston, Tex., to points in the United States (except Texas, Alaska, and Hawaii), for 180 days. Supporting shipper: CDP Corporation, 401 North Velasco, Houston, Tex. 77003. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 119657 (Sub-No. 19TA), filed November 17, 1975. Applicant: GEORGE TRANSIT LINE, INC., 760-764 N.E. 47th Place, Des Moines, Iowa 50313. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from Fort Dodge, Iowa to points in Boone, Cook, DuPage, Kane, Lake, McHenry, Will, and Winnebago Counties, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Calcium Carbonate Co., P.O. Box 808, Quincy, Ill. 62301. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 120761 (Sub-No. 5TA), filed November 17, 1975. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing bars*, from the plantsite of Texas Steel Company, at Fort Worth, Tex., to points in Arkansas, Kansas, Louisiana, and Oklahoma, for 180 days.

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Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texas Steel Company, 3900 Hemphill St., Fort Worth, Tex. 76110. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 123389 Sub 26TA, filed November 17, 1975. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, Iowa 51401. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Iowa, Minnesota, Illinois, Indiana, Wisconsin, and Missouri. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 124078 (Sub-No. 669TA), filed November 17, 1975. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, in bulk, in tank vehicles, from Ripley, Miss., to West Helena, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil Dri Corp. of America, 520 North Michigan Ave., Chicago, Ill. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124813 (Sub-No. 134TA) (Correction), filed November 3, 1975, published in the FEDERAL REGISTER issue of November 17, 1975, and republished as corrected this issue. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting Shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add Iowa as a destination point, which was omitted in the previous publication.

No. MC 125023 (Sub-No. 32TA), filed November 18, 1975. Applicant: SIGMA–4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Malt beverages*, in containers, from Utica, N.Y., to points in Kentucky, Illinois, Indiana, Michigan, Wisconsin and Ohio (except Painesville and Toledo), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: West End Brewing Co., 911 Edward St., Utica, N.Y. 13503. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 126305 (Sub-No. 74TA), filed November 21, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, or powdered, from the facilities of Potters Industries, Inc., Brownwood, Tex., to points in Alabama, Ohio, North Carolina, Virginia and Oklahoma, and (2) *Materials and supplies* used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above named destination points to the facilities of Potters Industries, Inc., Brownwood, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potters Industries, Inc., 377 Route 17, Hasbrouck Heights, N.J. 07604. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126503 (Sub-No. 9 TA), filed November 12, 1975. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by or useful in the conduct of grocery and department store businesses, between the facilities of Giant Food, Inc., at or near Landover, Md., on the one hand, and, on the other, points in Virginia, under a continuing contract with Giant Food, Inc. Restriction: No service shall be provided in the transportation of packages or articles weighing more than 100 pounds, from one consignor at one location to one consignee at one location on any one day, for 180 days. Supporting shipper: Barry F. Scher, Director of Communications, Giant Food, Inc., 6900 Sheriff Road, Landover, Md. 20785. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 127524 Sub 11TA, filed November 21, 1975. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, N.J. 07065. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Biomass, consisting of fermented starch, soybean meal, lard, oil, water and salt potassium*, in bulk, in special tank vehicles, from Terre Haute, Ind., to Belvidere, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoffmann-La Roche, Inc., Nutley, N.J. 07110. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 127539 (Sub-No. 47 TA), filed November 17, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging fresh meat*, from Spokane, Wash., to points Santa Barbara, San Luis Obispo, Kern, San Bernardino, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial Counties, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hygrade Food Products Corporation, P.O. Box 4771, Detroit, Mich. 48219. Send protests to: L. D. Bonne, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 128030 (Sub-No-9TA) (Correction), filed November 10, 1975, published in the FEDERAL REGISTER issue of November 24, 1975, and republished as corrected this issue. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Louisville, Ky., Columbus, Ohio; Peoria, Ill., and Milwaukee, Wis., to Edinburg, Ind., for 180 days. Supporting shipper: Steven Kellams, Blue River Products, Inc., 305 E. Main Cross St., P.O. Box 38, Edinburg, Ind. 46124. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. The purpose of this republication is to correct the sub number MC 128030 (Sub-No. 99TA) in lieu of MC 128030 (Sub-No. 98TA) which was previously published in error.

No. MC 129615 Sub 16TA, filed November 21, 1975. Applicant: AMERICAN INTERNATIONAL DELIVERY, P.O. Box 545, 123 N. First Street, Decatur, Ind. 46733. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*—i.e. Van Conversions in truckaway service, Between Elkhart County, Ind., on the one hand, and, on the other, points in the United States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midas-International Corp., P.O. Box 100, Elkhart, Ind. 46514. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 129808 (Sub-No. 17TA), filed November 17, 1975. Applicant: GRAND ISLAND CONTRACT CARRIERS, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Home decorating trimmings and accessories*, from Grand Island, Nebr., to Dallas, Tex.; and (2) *Materials, supplies, and equipment* used in the manufacture, sale and distribution of home decoratings, trimmings and accessories (except commodities in bulk), between Grand Island, Nebr., and Traverse City, Mich., restricted to a transportation service to be performed under a continuing contract or contracts with Burwood Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Burwood Industries, Inc., 916 North Shady Bend Road, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134933 (Sub-No. 6TA), filed November 19, 1975. Applicant: IDLEWOOD TRUCKING COMPANY LIMITED, P.O. Box 100, 350 Fruitland Road, Fruitland, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to opgerate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, for the account of International Iron and Metal Company, a Division of Intermetco Limited, of Hamilton, Ontario, between ports of entry on the International Boundary line, between the United States and Canada at the Niagara, Detroit and St. Clair Rivers, on the one hand, and, on the other, Cleveland, Ohio, and points within its commercial zone, under a continuing contract with International Iron and Metal Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Iron and Metal Company, P.O. Box 70, Hamilton, Ontario, Canada L8N 3B4. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 135391 (Sub-No. 3TA), filed November 11, 1975. Applicant: WILDERNESS EXPRESS, INC., P.O. Box 6509, Duluth, Minn. 55801. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, in cans and containers, from Kansas City, Kans., to points in Minnesota, North Dakota, Iowa, South Dakota, and Wisconsin, restricted to traffic originating at the plantsites and warehouse facilities utilized by Strongheart Products Company, at the above named origin and destined to the above named destination states, under a contract with Strongheart Products Company, for 180 days. Supporting shipper: Strongheart Products Company, 300 South 55th St., Kansas City, Kans. 66106. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136408 (Sub-No. 32 TA), filed November 14, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical drapes and gowns*, packed for sterilization, from Uniontown, Pa., to Sherman, Tex. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Johnson & Johnson, New Brunswick, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard G. Velten, General Traffic Manager, Johnson & Johnson, 501 George St., New Brunswick, N.J. 08903. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 136888 (Sub-No. 5 TA), filed November 18, 1975. Applicant: NORMAN & SON, INC., 2520 North 69th St., Houston, Tex. 77020. Applicant's representative: Timothy Mashburn, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro manganese*, in bulk, in dump trailer equipment, from Brownsville, Tex., to Mansfield, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller & Company, Inc., 1646 Old Spanish Trail, Houston, Tex. 77054. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 136992 (Sub-No. 5 TA), filed November 18, 1975. Applicant: T–W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging meat*, from Spokane, Wash., to points in California, under a continuing contract with Hygrade Food Products Company, for 180 days. Supporting shipper: Hygrade Food Products Company, N. 707 Regal St., Spokane, Wash. 99202. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No MC 138882 (Sub-No. 7TA), filed November 19, 1975. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed lead scrap, lead and lead alloys in pigs, hogs and ingots*, from Troy, Ala., to Los Angeles, Calif., and Tacoma, Wash., (2) *Materials and supplies* used and consumed in the processing of lead scrap, from points in California and Kellogg, Idaho, to Troy, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sanders Lead Co., Inc., P.O. Drawer 621, Troy, Ala. 36081. Send Protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139091 (Sub-No. 12TA), filed November 19, 1975. Applicant: LOGAN MOTOR LINES, INC., 2903 East 3rd, Amarillo, Tex. 79105. Applicant's representative: Gaylon Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum bottles and fillers, lunch and picnic boxes and kit containers, travel bags, camping equipment, stoppers, plastic articles, jugs, cooling boxes and chests, tents, display racks, and insulating material*, from the plantsite and storage facilities of King-Seeley Thermos Co., at or near Macomb, Ill., to points in Kentucky, Louisiana, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, under a continuing contract with King-Seeley Thermos Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: King-

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Seeley Thermos Co., Norwich, Conn. 06360. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139110 (Sub-No. 5TA), filed November 20, 1975. Applicant: MINNCAL, INC., 104 3rd Ave. SW., Box E, Mandan, N. Dak. 58554. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses, from the facilities of Fingerhut Corporation, at St. Cloud, Minn., to Houston, Tex., under a continuing contract with Fingerhut Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fingerhut Corporation, 11 McLeland Road, St. Cloud, Minn. 56395. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139495 (Sub-No. 110TA), filed November 17, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James E. McCarty, 1501 East 8th, Liberal, Kans. 67901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade, La., to points in Michigan, Illinois, Indiana, Ohio, Nebraska, Minnesota, Wisconsin, Missouri, and Kansas, for 180 days. Supporting shipper: Bruce Foods Corporation P.O. Drawer 1030, New Iberia, La. 70560. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141515 TA, filed November 18, 1975. Applicant: TERRELL TRUCKING, INC., P.O. Box 11, Converse, La. 71419. Applicant's representative: Thomas Joe Cassell, 1115 E. San Antonio Ave., Many, La. 71449. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, riprap, crushed rock and lignite coal*, in bulk, between points in Louisiana and Arkansas and that part of Texas lying on and east of the following line; from the junction of U.S. Interstate Highway 35 at the Oklahoma-Texas state boundary, thence over U.S. Interstate Highway 35 to Fort Worth, Tex., thence over U.S. Interstate Highway 20 east to Dallas, Tex., thence over U.S. Interstate Highway 45 to Galveston, Tex., for 180 days. Supporting shipper: Winford Company, Inc., P.O. Box 599, Minden, La. 71055. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141516TA, filed November 17, 1975. Applicant: RICHARD L. HODGES, INCORPORATED, P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal and processed meat and bone meal*, in bulk, from Gloucester and Lowell, Mass., to points in Maine, for 180 days. Supporting shippers: (1) Corbett Brothers, Inc., P.O. Box 121, Waterville, Maine 04091. (2) Fort Halifax Packing Company, P.O. Box 62, Burnham, Maine 04922. (3) Bayside Enterprises, Inc., P.O. Box 127, Thorndike, Maine 04986. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 141529TA, filed November 7, 1975. Applicant: WAINWRIGHT TRANSFER CORPORATION OF VIRGINIA, P.O. Box 1854, Quantico, Va. 22134. Applicant's representative: Karl W. Sonneman, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Spotsylvania, Stafford, and Prince William Counties, Va., on the one hand, and, on the other, Dulles International Airport, National Airport, and the Washington Navy Yard, at or near Washington, D.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Interline: Applicant indicates it intends to interline at the named airports and Navy Yard. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Aves. NW., Room 317, Washington, D.C. 20423.

No. MC 141474 (Sub-No. 1TA), filed November 17, 1975. Applicant: E. L. MORRISON, doing business as E. L. MORRISON TRUCKING COMPANY, 504 Johnson Ave., Odessa, Tex. 79763. Applicant's representative: E. L. Morrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and aggregate, and dirt* to be hauled in dump trucks, from points in Loving, Ward, Winkler, and Ector Counties, Tex., to points in Eddy, Lea, and Chaves Counties, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Western Concrete Products; 4 Way Sand & Gravel; Southeast Ready, Mix, Inc., and Constructors, Inc., all of P.O. Box 709, Kermit, Tex. 79745. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–32832 Filed 12–4–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R–438; Docket Nos. 20010, 20011; File Nos. BRCT–10, BPCT–4540]

CBS, INC. AND FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of: CBS Inc. (WCAU–TV), Philadelphia, Pennsylvania; for renewal of broadcast license; First Delaware Valley Citizens Television, Inc., Philadelphia, Pennsylvania, for construction permit for new television broadcast station.

1. The mutually exclusive applications of CBS Inc. (WCAU–TV) (CBS) for renewal of television broadcast license, and First Delaware Valley Citizens Television, Inc. (First Delaware) for authority to construct a new television broadcast station at Philadelphia, Pennsylvania, were designated for hearing by Commission Order, 46 FCC 2d 454, released April 24, 1974. Presently before the Review Board is CBS's fifth motion to enlarge issues, filed June 3, 1975, which seeks the addition of the following issues: [1]

1. To determine whether First Delaware misrepresented to the Commission the availability of a $4,000,000 bank loan from the Lincoln Bank of Philadelphia, Pennsylvania, and, if so, the effect thereof on First Delaware's basic or comparative qualifications.

2. To determine whether First Delaware misrepresented to the Commission the understandings it had with the Lincoln Bank of Philadelphia, Pennsylvania, with respect to any loan or loans contemplated to be made by that Bank to First Delaware, and, if so, the effect thereof on First Delaware's basic or comparative qualifications.

3. To determine whether First Delaware has kept the Commission fully informed of significant and material changes in its originally stated plan to obtain $4,000,000 through a loan from the Lincoln Bank of Philadelphia, Pennsylvania, and, if not, the effect thereof on First Delaware's basic or comparative qualifications.

[1] The Board also has the following related pleadings before it: (a) petition for leave to file supplement to motion and supplement, filed July 1, 1975, by CBS; (b) supplement to motion, filed July 8, 1975, by CBS; (c) opposition to motion, filed July 21, 1975, by First Delaware; (d) comments on motion, filed July 21, 1975, by the Broadcast Bureau; and (c) reply, filed July 31, 1975, by CBS. On June 4, 1975, First Delaware filed a motion to strike CBS's motion or, in the alternative, to stay filing of responsive pleadings pending the completion of the deposition of Norman D. Denny, chairman of the board of the Lincoln Bank of Philadelphia. The Denny deposition constitutes the factual basis for the issues presently requested by CBS. CBS filed an opposition to the motion, and a supplement thereto, on June 6, and June 16, 1975, respectively, and the Bureau filed comments on June 10, 1975. By Order, FCC 75R–238, released June 17, 1975, the Board granted the motion to the extent that the time for filing of supplemental and responsive pleadings was extended to dates 5 and 20 days, respectively, after the filing with the Commission of a completed copy of the Denny deposition. Accordingly, the supplemental pleadings before the Board will be accepted. Also pending before the Board is the strike portion of First Delaware's motion. The Board has considered the merits of this request and finds that no basis exists for granting the requested relief. Accordingly, the motion will be denied.

2. To determine whether First Delaware misrepresented to the Commission the understandings it had with the Lincoln Bank of Philadelphia, Pennsylvania, with respect to any loan or loans contemplated to be made by that Bank to First Delaware, and, if so, the effect thereof on First Delaware's basic or comparative qualifications.

3. To determine whether First Delaware has kept the Commission fully informed of significant and material changes in its originally stated plan to obtain $4,000,000 through a loan from the Lincoln Bank of Philadelphia, Pennsylvania, and, if not, the effect thereof on First Delaware's basic or comparative qualifications.

BACKGROUND

2. CBS's motion relates to a July 3, 1972 $4,000,000 loan commitment letter (revised April 12, 1973) from the Lincoln Bank of Philadelphia, Pennsylvania (Lincoln Bank or Bank) which First Delaware represented was available to it in its application.[2] The letter was signed by Norman D. Denny, chairman of the board of the Bank. On April 21, 1975, CBS was granted authority to depose Denny. Thereafter, on May 1, 1975, First Delaware filed a petition for leave to amend its application to, in part, delete reliance on the proposed bank loan as the primary source of financing in favor of a $4,000,000 escrow deposit made by Solomon Katz, one of its principals. The Presiding Judge accepted the amendment [3] and Denny's deposition was taken on May 8, and June 20, 1975. CBS contends that the Denny deposition and related documents show that First Delaware has made misrepresentations to the Commission.

ISSUE 1—MISREPRESENTATIONS AS TO LOAN AVAILABILITY

3. CBS alleges that First Delaware misrepresented the availability of the $4,000,000 loan commitment from Lincoln Bank in its application and in various amendments, as well as in its July 11, 1974 opposition to a prior CBS motion to enlarge,[4] in which First Delaware stated that the Bank's commitment letter "speaks for itself. . . ." CBS asserts that these representations were false since First Delaware knew, and failed to disclose, that (1) the Bank had a $650,000 statutory lending limit; (2) in light of the lending limit, the Bank had to arrange for participation of other banks in the proposed loan; and (3) no effort would be made by the Bank to arrange for participation until First Delaware's application is granted. In support of the request, CBS submits deposition excerpts in which Denny testified that he and Harold E. Kohn, the treasurer and a principal of First Delaware, had discussed the lending limit and need for other banks to participate in the loan. CBS asserts that the facts of the instant case are similar to those in *Lamar Life Broadcasting Co.*, 26 FCC 2d 932, 20 RR 2d 981 (1970), wherein the Board added a misrepresentation issue, and it argues in its supplement that the Bank letter constitutes no more than an expression of "willingness" on the Bank's part to make a loan and not a firm commitment. CBS cites *A. H. Belo Corp.* (*WFAA–TV*), 40 FCC 2d 1131, 27 RR 2d 889 (1973), in support.

4. Both First Delaware and the Broadcast Bureau oppose the requested issue. Initially, First Delaware characterizes CBS's description of Denny's testimony as "tortured and distorted" and based on the erroneous proposition that the Bank's letters did not constitute firm commitments. Thus, opponent argues, CBS fails to distinguish between a letter of commitment for future funds, which is acceptable to the Commission to establish that an applicant has a reasonable assurance of the availability of a loan, and a contractually binding loan commitment, which is not required by the Commission. First Delaware argues that the means by which a lender obtains funds for a proposed loan is not a subject for Commission consideration and, therefore, that its knowledge and failure to disclose the Bank's lending limit and the need to arrange for participation are not bases for addition of the requested issue. Moreover, First Delaware asserts that Denny's testimony shows that the Lincoln Bank had an established record for putting together multi-bank loans in excess of its lending limit and that, in any event, Denny testified that the Bank could exceed its lending limit if the loan was backed by U.S. government securities. In this regard, First Delaware refers to the Katz $4,000,000 escrow deposit of Treasury Notes as an alternative source of funding. Finally, opponent rejects CBS's reliance on *Lamar Life*, *supra*, arguing that it had reasonable assurance of the loan's availability in light of the Bank's history of arranging multi-bank loans in excess of its lending limit.

5. In its comments, the Bureau stresses that the Denny deposition discloses no substantial grounds for concluding that the loan would be unavailable since Denny testified that (1) the Bank had successfully originated several loans requiring the participation of other banks; (2) Lincoln Bank had never been refused by other banks in a bid for participation and was "totally confident" that the Bank could raise the $4,000,000 for the loan; and (3) while he had not contacted other banks, First Delaware's loan was unusual in that the borrower would not need the proceeds for two to three years instead of the usual 30 days.

6. The Review Board will deny the requested issue. First, we believe that *Lamar Life*, *supra*, is factually distinguishable from the instant case. There, the applicant's representations to the Commission conveyed the impression that it had available a $300,000 mortgage loan when, in fact, it had not obtained such a commitment. Accordingly, the Board concluded that a substantial question had been raised whether the applicant had misrepresented the availability of the loan. See 26 FCC 2d at 936, 20 RR 2d at 987. In contrast, and without reaching the merits of the availability issue previously added by the Board in the present case, First Delaware has represented the availability of a loan supported by the commitment letters from the Bank and confirmed by the testimony of Denny, the Bank's chairman. As the Bureau points out, Denny testified that the Bank would make the loan, that it has arranged for participation in past cases where its lending limit would be exceeded, and that he was confident that it could do so in this case. In light of these assurances, it does not appear that the applicant concealed or misrepresented significant information in this regard or that it had any motive for omitting such information. Finally, CBS's reliance on *A. H. Belo Corp.*, *supra*, is misplaced, since that case did not involve misrepresentation but, rather, availability of funds and, as we have previously noted, the latter subject is already in issue in this proceeding. Thus, we cannot agree with CBS that the cited cases or its arguments support addition of the requested issue.

ISSUE 2—MISREPRESENTATION OF TERMS AND CONDITIONS OF THE LOAN

7. CBS asserts that after receiving a Commission inquiry on February 15, 1973 concerning the availability of its Bank loan,[5] First Delaware arranged for changes in the wording of the July 3, 1972 commitment letter, para. 2, *supra*, in order to deceive the Commission as to the substance of its agreement with the Bank. CBS notes that subsequent to receiving the inquiry, First Delaware's then counsel wrote to Harold Kohn, on March 1, 1973, advising him of the inquiry and suggesting, *inter alia*, that "[i]f any or all of [the questioned] conditions can be deleted from the letter, that would of course be the simplest way to clear the matter up. . . ." Thereafter, CBS continues, counsel submitted a draft letter to Denny omitting the conditions involving "such terms as may subsequently be set by Lincoln Bank" and a "formal lending commitment" and adding a provision that the loan was to be guaranteed by Katz, Kohn, and Morgan. CBS contends that this draft became, in substance, the Bank's revised commitment letter, dated April 12, 1973, and filed in an amendment dated April 16,

[2] In an earlier Memorandum Opinion and Order in this proceeding, 49 FCC 2d 1214, 1226–30, 32 RR 2d 271, 286–91 (1974), the Board added an issue to determine the availability of the proposed $4,000,000 loan.

[3] Memorandum Opinion and Order, FCC 75M–1129, released June 24, 1975.

[4] See note 2, *supra*.

[5] Specifically, the inquiry letter noted that the July 3, 1972 commitment was subject to (1) "such terms as may subsequently be set by Lincoln Bank"; (2) a "formal lending commitment" being made by the Bank; and (3) the continued participation of certain stockholders, including Kohn, Katz and Edward P. Morgan, or the substitution of stockholders "which are acceptable to Lincoln Bank," all of which resulted in the Commission not being able to determine the availability of the loan. First Delaware was also asked to advise the Commission as to the collateral or security which will be required by the Bank.

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1973.[8] CBS continues that, on the basis of this revised letter, First Delaware thereafter asserted in various documents and pleadings filed with the Commission that it had a $4,000,000 line of credit from the Bank, although no substantive change in the arrangements with the Bank had occurred and certain terms remained unsettled. Specifically, CBS submits that, according to Denny's testimony, (1) First Delaware would have to meet such terms as might subsequently be set by the Bank, including changes in the term of the loan, the interest rate, and the addition of a requirement for the maintenance of compensating balances; (2) the Bank required the submission of net worth statements from First Delaware principals Kohn, Katz, and Morgan, but none were received; and (3) the loan was subject to approval of the Bank's loan committee and was open to "renewal, revision, or expiration" after a reasonable period of time—approximately two years. Finally, CBS asserts that the loan was to be secured by the physical assets of the station in accordance with a June 29, 1972 letter to Denny sent by First Delaware's former counsel on behalf of Kohn, whereas First Delaware's April 16, and 25, 1973 amendments make no mention of collateral, and its July 11, 1974 opposition to a prior CBS enlargement motion states that "there is no question of collateral. . . ."

8. First Delaware argues in opposition that Denny's testimony establishes that the changes in the Bank commitment letter did not reflect substantive changes in the terms and conditions of the loan but, rather, were mere changes in "verbiage" and, further, that the parties had a formal relationship. First Delaware also denies that the terms of the loan were unsettled. In support, opponent notes that Denny testified that (1) there was no uncertainty as to whether the Bank would make the loan; (2) the loan committee would approve the loan if First Delaware obtained a license but, until such time, it was unnecessary to approach the loan committee; and (3) he was personally familiar with the net worth of both Katz and Kohn and was "comfortable" with the creditworthiness of the borrower. Moreover, First Delaware argues that the alleged condition that the commitment was "specifically open" to "renewal, revision or expiration" does not appear in any letter submitted to the Commission or in any correspondence between opponent and the Bank but, rather, only in Denny's handwritten notes of a meeting and, further, Denny's testimony clarifies that any discussions regarding the effective period of the commitment were merely to set a time for review of the status of First Delaware's application. Finally, First Delaware argues that it did not conceal the fact that the loan was to be secured and submits a July 17, 1975 affidavit of its former counsel, who states that his June 29, 1972 letter did not constitute a proposal, let alone an agreement, as alleged by CBS, for a loan to be secured by the physical assets of the station. Moreover, opponent continues, Denny's testimony establishes that no express understanding on securing the loan had been reached prior to the filing of the revised commitment letter and, further, that it was the guarantees of Katz, Kohn, and Morgan that were of concern to the Bank and this condtion was contained in the revised letter.

9. In reply, CBS reasserts that the "real terms" of the loan were unsettled and subject to change and cites Denny's testimony that if a requirement of the maintenance of compensating balances was added and the altered term was not met by First Delaware, no loan would be made. Moreover, CBS stresses that First Delaware never informed the Commission that the Bank required it to pledge all of its assets as security for the loan. Further, CBS continues, the affidavit of First Delaware's former counsel is contradicted both by his June 29, 1972 letter to Denny on behalf of Kohn and Denny's testimony that that letter was central to the loan discussions.

10. The Board believes that serious questions have been raised by CBS regarding possible nondisclosure by First Delaware of certain terms of the loan. Specifically, we note that neither of the commitment letters mnetioned that the loan was to be secured by the physical assets of the station whereas it appears from Denny's testimony that this was clearly understood to be part of the collateral for the loan.[7] Furthermore, we note that First Delaware subsequently stated, on July 11, 1974, that "there is no question of collateral * * *," which statement, although ambiguous, appears to be inconsistent with its earlier understanding with the Bank.[9] Finally, as the Bureau points out, neither letter stated that the agreement was subject to "renewal, revision or expiration" in two years, although Denny stated that this was the Bank's intention. Thus, First Delaware's candor in disclosing its understandings with the Bank regarding the loan commitment is in question. *Cf. RKO General, Inc.*, 48 FCC 2d 397, 30 RR 2d 1691 (1974).[9] However, the remaining allegations concerning the need for loan committee approval and net worth statements from Kohn, Katz, and Morgan do not support the request because Denny testified that approval of the loan would have been forthcoming as a more or less *pro forma* matter since, as chairman of the board, he possessed authority to issue the commitment letter and that he was personally familiar with the net worth of Kohn and Katz.[10]

ISSUE 3—FAILURE TO PROMPTLY REPORT THAT FIRST DELAWARE NO LONGER RELIED ON THE BANK LOAN

11. CBS's final request is for the addition of a misrepresentation/Rule 1.65 issue against First Delaware, based upon the allegation that First Delaware concealed the fact that it was no longer relying on the proposed Bank loan as its primary source of funding. CBS notes that First Delaware, in an amendment dated March 25, 1975, and by statements of counsel at hearing on April 21, 1975, represented that it continued to rely on the Bank loan when, in fact, these statements were false. CBS refers to First Delaware's May 1, 1975 petition for leave to amend which states that First Delaware had re-evaluated its financing plan and decided, on or about April 9, 1975, to delete reliance on the Bank loan in favor of a $4 000 000 loan from Solomon Katz.[11] CBS alleges, however, that Harold Kohn stated both verbally,[12] and in a letter dated April 24, 1975, that he, Kohn, "was under the impression that the [bank] commitment . . . had been withdrawn from the case months ago." Therefore, CBS asserts that First Delaware continued to represent the availability of the Bank loan long after its treasurer had decided not to rely on it. Finally, CBS submits, by not advising the Commission earlier as to its change in plans, First Delaware failed to promptly report a substantial change of decisional significance as required by Section 1.65 of the Rules. In the absence of a satisfactory explanation, the Bureau supports addition of the issue.

12. First Delaware opposes the request, arguing that CBS's allegations are not supported by affidavits based on personal knowledge as required by Section 1.229 (c) of the Rules and, further, that CBS's

[8] CBS also alleges that First Delaware agreed to pay Lincoln Bank $40,000 for supplying the revised letter. First Delaware denies that it ever agreed to a payment for this purpose. See note 10, *infra*.

[7] As noted earlier, counsel's June 29, 1972 letter to Denny (written on behalf of First Delaware's principal, Kohn) states that First Delaware intended to pledge the physical assets of the station as security for the loan. Denny testified that at the time the July 3, 1972 commitment letter was written, the June 29, 1972 letter was central to the proposed loan and that, at least until June 1973, the Bank assumed that these assets would constitute part of the collateral.

[9] In this regard, it is noteworthy that although it appears from Denny's testimony that it was decided prior to issuance of the first letter that the Bank would require the personal guarantees of Katz, Kohn, and Morgan, this provision was not included until the second letter (revised subsequent to the Commission's inquiry to First Delaware) was submitted.

[9] The cases cited by First Delaware in opposition, including *Lawrence County Broadcasting Corp.*, 8 FCC 2d 597, 10 RR 2d 471 (1967), and *Romac Baton Rouge Corp.*, 7 FCC 2d 468, 9 RR 2d 777 (1967), are inapposite since they go to the question of the availability of the proposed loans.

[10] We also reject CBS's allegation regarding the $40,000 payment. Denny specifically testified that the contemplated fee, which has not yet been paid, was for future services and was in no way related to the submission of the revised bank letter.

[11] See para. 2, *supra*.

[12] CBS refers to a memorandum Denny made of a telephone conversation with Kohn, in which Denny wrote that Kohn advised him that Katz had deposited $4,000,000 in Treasury Notes to take the place of the Bank loan. CBS notes that the deposit was made on or about June 28, 1974.

conclusions constitute merely speculation and suspicion. Additionally, opponent attaches an affidavit from its present counsel, who states that First Delaware made no decision to discontinue reliance on the Bank loan until approximately April 25, 1975, when counsel was so notified by Kohn, and that this fact was promptly reported in an amendment filed May 1, 1975.[13] Therefore, First Delaware concludes, it made no misrepresentations when it stated its continued reliance on the Bank loan in March and April, 1975, and since no decision had yet been made, it was under no obligation to report changed circumstances prior to its amendment.

13. The Board will deny the requested misrepresentation/Rule 1.65 issue. It is clear that First Delaware did notify the Commission of its attempt to rely on the Katz loan, at least as an alternate source of financing, as early as July 11, 1974, when it filed its opposition to CBS's petition to add an availability of funds issue. Moreover, we find First Delaware's explanation, *i.e.*, that it relied on the Katz loan as an alternate source of financing and did not finally decide to abandon all reliance on the proposed Bank loan until an amendment curing a deficiency in the Katz loan was accepted by the Presiding Judge on April 9, 1975, to be reasonable and uncontradicted by specific and adequately supported allegations. Finally, in light of the foregoing, and the fact that First Delaware had no reason to conceal its primary reliance on the Katz loan, we find that Kohn's statement that he was "under the impression" that the Bank commitment had been withdrawn several months earlier is not a sufficient basis to warrant an evidentiary inquiry into this matter.

14. ACCORDINGLY, IT IS ORDERED, That the request to strike CBS Inc.'s fifth motion to enlarge issues contained in the motion to strike, or, in the alternative, to stay the filing of responsive pleadings, filed June 4, 1975, by First Delaware Valley Citizens Television, Inc. IS DENIED; and

15. IT IS FURTHER ORDERED, That the petition for leave to file supplement to CBS's opposition to the motion to strike, filed June 16, 1975, by CBS Inc., IS GRANTED, and the supplement IS ACCEPTED; and

16. IT IS FURTHER ORDERED, That the petition for leave to file supplement to CBS's fifth motion to enlarge issues, filed July 1, 1975, by CBS Inc., IS GRANTED, and the supplements filed July 1, and July 8, 1975 ARE ACCEPTED; and

17. IT IS FURTHER ORDERED, That the fifth motion to enlarge issues, filed June 3, 1975, by CBS Inc., IS GRANTED to the extent indicated herein and IS DENIED in all other respects; and

18. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following issue:

To determine whether First Delaware failed to disclose and/or was lacking in candor with regard to the understandings it had with the Lincoln Bank of Philadelphia, Pennsylvania, with respect to any loan or loans contemplated to be made by the Bank to First Delaware and, if so, the effect thereof on First Delaware's basic and/or comparative qualifications.

19. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence under the issue added herein SHALL BE on CBS Inc. and the burden of proof thereunder SHALL BE on First Delaware Valley Citizens Television, Inc.

Adopted: November 24, 1975.

Released: December 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

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[13] Counsel avers that a decision with respect to the Bank could not be made earlier because it was not until April 9, 1975 that the Presiding Judge accepted an amendment correcting a deficiency in the Katz escrow fund plan which the Board noted in its earlier opinion, *supra*, note 2. First Delaware indicated in its opposition pleading considered in that opinion that the $4,000,000 Katz escrow account would be available in the eevnt the Bank financing was not.

[Report No. 782]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing

DECEMBER 1, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20865–CD–P–76, Stark Communications Specialties (KFL957), C.P. for additional facilities to operate on 454.075 MHz (Base) at Loc. #2: 100' East of NW Corner of S.W. 3rd St. and S.W. 3rd Ave., Gainesville, Florida.

20866–CD–TC–(3)–76, Mobilfone of Northeastern Pennsylvania, Inc. Consent to Transfer of Control from Margaret Swartz Ehrhardt, Executrix of Estate of Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Transferee. Stations: KGC400, KGC 404, KGI781—Scranton, Pennsylvania.

20867–CD–P–76, Airsignal International, Inc. KIF650), C.P. for additional facilities to operate on 72.96 MHz (Control) at Loc. #1: Atop Red Mountain, Birmingham, Alabama.

20868–CD–P–76, Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch (KLB 513), C.P. for additional facilities to operate on 152.15 MHz (Base) at new Loc. #3: On Hwy. 62–180, 3 miles E of Carlsbad, New Mexico.

20869–CD–P–76, Airsignal International of Philadelphia Pennsylvania, Inc. (KGC223), C.P. for additional control facilities at new Loc. #7: Lewis Tower Bldg., 225 S. 15th Street, Philadelphia, Pennsylvania.

20870–CD–P–(2)–76, Pats Mobilefone, Inc. (New), C.P. for a new station to be operated on 152.06 and 152.21 MHz to be located 1.3 miles North of Waverly, Tennessee.

20871–CD–P–76, Metrotec, Inc. (KTS363), C.P. for additional facilities to operate on 35.22 MHz (Base) at new location #4: Hanna Bldg., 14th & Euclid, Cleveland, Ohio.

20872–CD–P–76, Radio Enterprises of Ohio, Inc. (KUS200), C.P. for additional facilities to be operated on 35.22 MHz at new Loc. #4: Hanna Bldg., 14th and Euclid, Cleveland, Ohio.

20873–CD–P–(17)–76, Philadelphia Mobile Telephone Company, Mobile Telephone Company of New Jersey, Penna. Radio Telephone Corp., Delaware Mobile Telephone Company, Vineland Mobile Telephone Company (New), C.P. for a new developmental Test station to operate on 454.075 MHz at the following locations:

1. East Domino Lane (WIBF) TV Tower, Philadelphia, Pennsylvania.
2. 103 Geiger Rd., Philadelphia, Pa.
3. 15th & Locust Sts., Philadelphia, Pa.
4. Street, Road, Lahaska, Pa.
5. Valley Hill Rd., 1000' from Rt. 401, Malvern, Pa.
6. 3rd and Market Sts., Oxford, Pa.
7. E. Cuthbert & MacArthur Blvd., Westmont, New Jersey.
8. 558 Ingram Ave., Trenton, New Jersey.
9. 2953 White Horse Pike, Egg Harbor City, New Jersey.
10. 0.55 mile West of Milmay, New Jersey.
11. Mt. Clement Avenue, Pine Hill, New Jersey.
12. Rt. 72—1.7 mile NW Intersection of Rt. 539, Barnegat, New Jersey.
13. South of Elm Rd. & West Orchard Rd., Vineland, New Jersey.

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14. 1.2 mile SW of Roadstown adjacent to Chestnut Macanippuck Run, Stone Creek Township, New Jersey.
15. 0.8 mile N. of Salem, New Jersey.
16. ½ mile N. of Curtis Mill Rd. on Limestone Rd., Near Newark, Delaware.
17. Top of Mt. Penn, Reading, Pennsylvania.

20433–CD–ML–76, Central Radio Telephone, Inc. (KMM599), Mod. Lic. to add standby facilities to operate on 454.275 MHz (Base) at Loc. #2: 1100 El Camino Real, Mountain View, California.
20874–CD–P–(2)–76, Tel-Missouri, Inc. (KDN 396 & KRS636), C.P. for developmental fac. to operate on 72.94 MHz and 72.98 MHz (Control) to be located in St. Louis, Mo.

CORRECTION

20716–CD–P–76, Fresno Mobile Radio, Inc. (KMA830), Alder Springs, Colorado, Correct entry to read: C.P. for additional facilities to operate on 152.165 MHz. (Not a developmental authority.) All other particulars are to remain the same as reported on Public Notice #778, dated November 3, 1975.

INFORMATIVE

1. By Commission action of September 23, 1974, the First Report and Order in Docket 20490 was adopted.

2. Effective December 1, 1975, a new Section 21.11 of the rules will require all licensees, permittees and applicants in the Domestic Public Land Mobile Radio Service to file FCC Form 430 ("Common Carrier Radio Licensee Qualification Report").

3. The criteria for filing, pursuant to Section 21.11 is: (1) as required by other application forms; and (2) annually no later than January 31, for the preceding year, if service was provided to the public.

4. Since the present FCC Form 401 does not require the filing of FCC Form 430, new applicants can either attach a completed FC Form 430 or answer items #29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 on the present FCC Form 401.

5. Once FC Form 430 has been filed and until such time as FCC Form 401 is revised to eliminate the duplicative information contained in these two forms, FCC Form 430 should be referenced in lieu of responding to the above listed items of the present FCC Form 401.

6. Copies of FCC Form 430 can be obtained by writing to:

Federal Communications Commission,
1919 M Street, N.W.,
Room B–10,
Washington, D.C. 20554.

Specifically request FCC Form 430 in your letter.

7. FCC Form 430 is not applicable to individual mobile subscribers or rural radio subscribers who have filed for their own license. It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

WASHINGTON/IDAHO, FREQUENCY: 454.250 AND 454.30 MHz, CALL SIGN AND FILE NUMBER

Pass Word, Inc., Mica Peak, Idaho, KMM697, 20604–CD–P–(2)–76.
Public Service Associates, Inc., Spokane, Washington, KWT894, 20239–CD–P–(3)–76.

WASHINGTON/IDAHO, FREQUENCY: 454.050 MHz, CALL SIGN AND FILE NUMBER

Rodney J. Bacon d.b.a. Coeur D'Alene Answering Service, Kellogg, Idaho, New, 20669–CD–P–76.
Public Service Associates, Inc., Spokane, Washington, KWT894, 20239–CD–P–(3)–76.

RURAL RADIO SERVICE

Correction

20205–CR–P/L–76 FRESNO MOBILE RADIO, INC. (New), Correct entry to read: C.P. and License for 158.625 MHz facilities. (Not a developmental authority). All other particulars are to remain the same as reported on Public Notice #778, dated November 3, 1975.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1237–CF–MP–76, The Mountain States Telephone and Telegraph Company (KFC86), Roberry Hill, 9 miles SSW of Minersville, Utah. Lat. 38°06'00" N, Long. 113°00'50" W. Mod. of C.P. to eliminate passive repeater for frequency 2162.0V MHz toward Beaver, Utah on azimuth 59.00°.
1238–CF–MP–76, Same, (KFD31), 40 West 1st North Street, Beaver, Utah. Lat.38°16'33" N., Long. 112°32'29" W. Mod. of C.P. to eliminate passive repeater for frequency 2112.0V MHz toward Roberry Hill, Utah on azimuth 239.23°.
1292–CF–P–76, Cameron Telephone Company (New), High Island, Texas. Lat. 29°33'49" N. Long. 94°23'35" W. C.P. for a new station on frequency 2128.0V MHz toward a new station at Winnie, Texas on azimuth 1.9°.
1293–CF–P–76, Same, (New), Winnie, Texas. Lat. 29°49'30" N., Long. 94°23'00" W. C.P. for a new station on frequency 2178.0V MHz toward a new station at High Island, Texas on azimuth 181.9°.
1297–CF–MP–76, The Mountain States Telephone and Telegraph Company (WAU334) 401 First Street West, Roundup, Montana. Lat. 46°26'43" N., Long. 108°32'37" W., Mod. of C.P. to change frequency 11645H to 11465H MHz toward Roundup passive reflector on azimuth 274°18', and from passive reflector to Goulding Creek, Montana on azimuth 183°24'.
1266–CF–ML–76, Continental Telephone Company of California (KNE68), Glennville, California. Lat. 35°43'40" N., Long. 118°43'-13" W., Mod of License to increase output power for frequency 5945.2H MHz toward Glennville passive reflector on azimuth 316°08', and from passive reflector to Bakersfield, California on azimuth 209°07'.
1267–CF–ML–76, Same, (KNE67), 1520 20th Street, Bakersfield, California. Lat. 35°22'-40" N., Long. 119°01'07" W., Mod. of License to increase output power for frequency 6197.2H MHz toward Glennville passive reflector on azimuth 28°56', and from passive reflector to Glennville, California on azimuth 136°07'.
1286–CF–P–76, East Texas Transmission Company. (KLH73), to College Mound, Texas. Lat. 32°40'04" N., Long. 96°11'33" W. C.P. to replace transmitters on existing frequencies toward Colfax, Texas, on azimuth 110°30'.
1287–CF–P–76, Same, (KLH74), 1.3 miles NW of Colfax, Texas. Lat. 32°31'29" N., Long. 95°44'50" W. C.P. to replace transmitters on existing frequencies toward Tyler, Texas, on azimuth 115°.
1288–CF–P–76, Same, (KLH75), Tyler, Texas. Lat. 32°21'13" N., Long. 95°19'11" W. C.P. to replace transmitters on existing frequencies toward Jacksonville and Goodman Mountain, both in Texas.
1289–CF–P–76, Same, (KLU31), Jacksonville, Florida. Lat. 31°58'48" N., Long. 95°16'53" W. C.P. to replace transmitters on existing frequencies toward Palestine, Texas, on azimuth 237.14°.
1290–CF–P–76, Mountain Microwave Corp. (WQN64), Eagle Point, 12.0 Miles SSE of Sterling, Colorado. Lat. 40°28'48" N., Long. 103°05'08" W. C.P. to change polarity to 3736H MHz toward Haxtun, Colorado.
1291–CF–P–76, Same. (WQR99), Haxtun, 8.8 miles NNW of Crook, Colorado. Lat. 40°58'46" N., Long. 102° 53'55" W. C.P. to change polarity to 4010H MHz, 4090H MHz, 4170H MHz, 3990V MHz and 4070V MHz toward Eagle Point, Colorado.
1294–CF–MP–76, United Video, Inc. (WAS472), Tulsa, Oklahoma. Lat. 36°05'58" N., Long. 95°54'05" W. C.P. to replace transmitters on existing frequency toward Avant, Oklahoma.
1295–CF–MP–76, Same. (WAS473), 4.0 miles South of Avant, Oklahoma. Lat. 36°26'27" N., Long. 96°03'36" W. C.P. to add 6286.2V MHz toward Pawhuska, Oklahoma; and change polarity to 6286.2H MHz toward Bartlesville, Oklahoma.

MAJOR AMENDMENT

303–CF–P–75, Microwave Transmission Corporation. (WPF96), amended to add 11265H MHz toward Bald Ridge, California on azimuth 164°56' and 11505V MHz toward Stockton, California on azimuth 41°34', via power split. All other particulars same as reported by Public Notice dated May 26, 1975.
304–CF–P–75, Same, (WPG27), amended to add frequencies 11015V MHz & 11015H MHz via power split toward Salinas, California and Monument Peak, California, respective; and add 11055V MHz, via power split toward Watsonville, Calif., and Capitola, Calif.; and add 10655H MHz & 10935H MHz toward Escrito, Calif. All other particulars to remain same as reported in Public Notice dated May 26, 1975.

[FR Doc.75–32803 Filed 12–4–75;8:45 am]

[FCC 75R–416; Docket No. 20134; File No. BPH–8766]

OLIVA BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re application of Oliva Broadcasting Company, Ocilla, Georgia, for construction permit.

1. The application of Oliva Broadcasting Company (Oliva) for a construction permit for a new FM broadcast station to operate on channel 237A at Ocilla, Georgia, was filed on January 11, 1974, and was designated for hearing by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, by Order, 39 FR 31552, published August 29, 1974. Now before the Review Board is a petition for leave to amend and for waiver, filed by Oliva on August 19, 1975,[1] which was certified to the Board by the Presiding Judge, by Memorandum Opinion and Order, FCC 75M–1492, released September 3, 1975.

2. Petitioner seeks to amend its application to specify channel 249A in lieu of channel 237A, and also seeks a waiver of Rule 73.207 to accommodate a short-spacing of 2.32 miles with Station WVOP–FM, channel 249A, Vidalia, Georgia.[2] According to Oliva, the tendered amendment is necessary to reflect the Commission's action in Docket No. 19551, assigning channel 249A to Ocilla in place

[1] Also before the Board is the Broadcast Bureau's opposition, filed August 28, 1975.
[2] Rule 73.207 requires that co-channel class A FM broadcast station transmitter sites be separated by at least 65 miles.

of channel 237A.[3] Oliva asserts that it petitioned the Commission for reconsideration of that action, and that it had alternatively requested a waiver of the channel spacing requirements (Rule 73.-207) to permit use of its proposed antenna site, the site of the existing tower of Station WSIZ(AM), a daytime only station licensed to Oliva. Petitioner states that its instant request is submitted pursuant to the Commission's ruling (in its denial of Oliva's petition for reconsideration) that "the appropriate forum for such relief is not here but in the application procedure." —— FCC 2d ——, 34 RR 2d 789, para. 10.

3. Oliva argues that at the time its application was filed, "the only proposal before the Commission in Docket 19551 involved the substitution of Channel 221 A for Channel 237A,"[4] and that this change "was acceptable to Oliva"; as a result, petitioner asserts that its application was filed "in good faith in reliance on Channel 237A or a satisfactory substitute channel remaining available." However, Oliva contends, the recently substituted channel 249A is not satisfactory unless a waiver is granted. Thus, Oliva contends that a failure to grant the requested waiver would be "manifestly unfair," and further submits that the alternative of specifying a new antenna site, instead of its existing AM tower site, is not practical since this would require construction of additional antenna and associated facilities. Moreover, Oliva alleges that a short-spacing of 2.32 miles, which is less than 3.6 percent (of the 65 mile separation required by Rule 73.207), is not significant, and that it should not adversely affect existing FM service in the immediate area. Finally, Oliva alleges that the public interest would be served by the waiver since its proposal would provide a first nighttime service to Ocilla.[5]

4. In opposition, the Broadcast Bureau asserts that the proffered amendment is defective in that its acceptance would render Oliva's application in violation of Rule 73.207.[6] In the Bureau's view, Oliva's claim that the requested 2.32 mile waiver would be *de minimis* is unsubstantiated and speculative, as is Oliva's claim that, absent a waiver, it is unlikely that channel 249A would otherwise be activated in Ocilla. According to the Bureau, in denying Oliva's petition for reconsideration the Commission expressly considered and rejected the contention that its action in assigning channel 249A to Ocilla in lieu of channel 221A or channel 237A was unfair. The Bureau argues that petitioner "may avoid the short-spacing problem" by merely specifying a new transmitter site.

5. The Review Board will grant Oliva's petition insofar as Oliva seeks leave to amend its application, and we shall accept the tendered amendment. In view of the issuance of the Commission's Second Report and Order changing the FM channel assignment for Ocilla subsequent to the designation of Oliva's application for hearing,[7] and in view of Oliva's attempt to obtain reconsideration of that Order, followed by the filing of the instant petition, we find that Oliva has exercised due diligence. In this connection, we note that although Oliva was on notice that a change in channel assignment might occur, it could not have known prior to designation for hearing whether an amendment would, in fact, eventually be necessary. In the circumstances of this single-applicant proceeding, we find that, even though the amendment would necessitate the addition of an issue, the proposed amendment would not unduly disrupt the orderly processes of the Commission's administrative function, and that, consequently, the customary showing of good cause has been demonstrated warranting its acceptance. *Cf. Circle L, Inc.*, 7 FCC 2d 494, 9 RR 2d 854 (1967).

6. Although the Board's acceptance herein of Oliva's tendered amendment removes the defect in Oliva's application with respect to the channel specified, the amended proposal apparently violates the requirements of Rule 73.207 in view of the short-spacing on channel 249A. The Board will not grant petitioner's request for waiver based merely upon allegations in the pleadings before us, but in light of the arguments advanced by Oliva, we are of the view that the applicant has made a showing sufficient to warrant the addition of an issue to determine whether a waiver should be granted.[8] Thus, Oliva has alleged that a grant of the requested waiver would not occasion any adverse effect on existing FM service, that the deviation from the spacing requirement of Rule 73.207 would be comparatively minor, and that grant would provide a first nighttime service to Ocilla. Moreover, aside from noting the equitable considerations raised by this proceeding,[9] petitioner also argues that it would be impractical to locate its proposed FM station's antenna elsewhere than at the applicant's existing AM site. Turning to Commission precedent we note that even in the absence of proof of unavailability of alternative sites, the Commission has granted a waiver where the proposed operation was not detrimental to the public interest, where it provided distinct benefits, and where there was no evidence of adverse effect on existing stations. See *Williams County Broadcasting System, Inc.*, FCC 73–366, 27 RR 2d 158 (1973). Moreover, the Commission has waived Section 73.207 of its Rules in numerous cases involving short-spacings of the magnitude involved herein where sufficient reasons were provided. See *e.g., Cover Broadcasting, Inc.*, FCC 73–208, 26 RR 2d 1227 (1973). Therefore, we shall add an issue to permit Oliva to present evidence to substantiate its allegations. See *United States* v. *Storer Broadcasting Company*, 351 U.S. 192, 13 RR 2161 (1956).

7. ACCORDINGLY, IT IS ORDERED, That the petition for leave to amend and for waiver, filed August 19, 1975, by Oliva Broadcasting Company, IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

8. IT IS FURTHER ORDERED, That the amendment led on August 19, 1975, by Oliva Broadcasting Company IS ACCEPTED; and

9. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following:

To determine whether the proposal of Oliva Broadcasting Company violates the provisions of Section 73.207 of the Commission's Rules and, if so, whether good cause exists for waiver of the provisions of said Section;

10. And, IT IS FURTHER ORDERED, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein SHALL BE on Oliva Broadcasting Company.

Adopted: November 10, 1975.

Released: November 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–32801 Filed 12–4–75;8:45 am]

[3] *FM Channel Assignments*, Second Report and Order, 48 FCC 2d 1026, 31 RR 2d 546 (1974), reconsideration denied, —— FCC 2d ——, 34 RR 2d 789 (1975). The Second Report and Order was released by the Commission on September 24, 1974, subsequent to the designation of Oliva's application for hearing.
[4] The Notice of Proposed Rulemaking in Docket 19551 (37 FR 15320) proposed substitution of channel 221A for channel 237A. The Commission, in denying Oliva's petition for reconsideration, held that this constituted sufficient notice of the contemplated change, as required by the Administrative Procedure Act (5 USC § 553), and specifically rejected Oliva's contention to the contrary. —— FCC 2d ——, 34 RR 2d 789, para. 9.
[5] Oliva states that it would be precluded from obtaining nighttime operating authority for its AM station in Ocilla pursuant to *AM Station Assignment Standards*, 54 FCC 2d 1, 34 RR 2d 603 (1975).
[6] The Bureau recognizes that Oliva's application is now defective since it specifies a channel no longer assigned to its proposed community of license, but argues that the procedure chosen by the applicant is inappropriate. The Bureau suggests that more appropriate alternatives would be either to return to the processing line or to seek addition of a short-spacing issue.
[7] See footnote 3, *supra*.
[8] To warrant a waiver issue, an applicant must come forth with a public interest showing which, if true, would justify a waiver of the Rule. *United States* v. *Stores Broadcasting Company*, 351 U.S. 192, 13 RR 2161 (1956); *American Homes Stations, Inc.*, 6 FCC 2d 729, 9 RR 2d 431 (1967); *Capital Cities Broadcasting Corp. (WKBW–TV)*. FCC 65–448, 5 RR 2d 464 (1965).
[9] The Board also takes note of the unusual procedural history of this case. *Cf. Campbell and Sheftall*, FCC 65–481, 5 RR 2d 491 (1965), wherein a waiver was granted under some analogous circumstances.

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[Docket Nos. 20635, 20636]

RED CARPET FLYING SERVICE AND MOUNTAIN AIR AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Red Carpet Flying Service, Walla Walla, Washington; Mountain Air Aviation, Inc., Walla Walla, Washington, for an aeronautical advisory station to serve the Walla Walla City-County Airport, Walla Walla, Washington.

1. Red Carpet Flying Service (hereinafter called Red Carpet) and Mountain Aviation, Inc. (hereinafter called Mountain Air) have each filed a new application for authority to operate an aeronautical advisory station at the same airport. Since Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, IT IS ORDERED, That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and Section 0.331 of the Commission's rules, the above-captioned applications ARE HEREBY DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) to determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) hours of operation;

(3) personnel available to provide advisory service;

(4) experience of applicant and employees in aviation and aviation communications;

(5) ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules.

(6) proposed radio system including control and dispatch points; and

(7) the availability of the radio facilities to other fixed-base operators.

(b) to determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. IT IS FURTHER ORDERED, That to avail themselves of an opportunity to be heard, Red Carpet and Mountain Air, pursuant to Section 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: November 21, 1975.

Released: November 25, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-32802 Filed 12-4-75;8:45 am]

federal register

FRIDAY, DECEMBER 5, 1975

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SCHOOL ASSISTANCE

Federally Affected Areas

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 115]

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Notice of Proposed Rulemaking

Pursuant to the authority contained in sections 2, 3, 4, 5, and 403(11) of Pub. L. 81-874 (20 U.S.C. 238, 239, 240, 244 (11)), and section 305(b)(2) of Pub. L. 93-380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 Part 115 of the Code of Federal Regulations by amending §§ 115.3, 115.11 and 115.30 and by revising subpart C to read as set forth below.

1. *Program purpose.* The purpose of sections 2, 3, 4, and 5 of Pub. L. 81-874 is to provide assistance for local educational agencies in areas affected by Federal activities. Section 2 provides for entitlements based on the acquisition by the United States of property situated within a local educational agency. Section 3 provides for establishment of basic entitlements for local educational agencies depending generally upon the number of federally-connected children in attendance at the schools of such agencies. Section 4 provides for entitlements based on sudden and substantial increases in attendance in local educational agencies as a direct result of activities of the United States (carried on either directly or through a contractor). Section 5 provides for payments to local educational agencies on the basis of entitlements under sections 2, 3, and 4 of the Act, with special provision made when there are insufficient appropriations available to pay agencies at full entitlement. Section 305(b)(2) of Pub. L. 93-380 sets forth four savings clauses designed to reduce the impact of changes in Pub. L. 81-874 entitlements for local educational agencies made by the Educational Amendments of 1974 and to offset substantial reductions in impact aid funds for those agencies affected by military base closings announced after April 16, 1973. The text of Pub. L. 81-874, as amended, together with the "savings clauses" or "hold harmless" provisions of Pub. L. 93-380, are set forth in Appendix A to the proposed rule for the convenience of the reader.

2. *Effect of Pub. L. 93-380.* (a) *Amendments to section 3.* The amendments to section 3 of Pub. L. 81-874 made by Pub. L. 93-380 (effective for fiscal year 1976 and thereafter) create subcategories for "A" and "B" category children which are used in computing various amounts to which local educational agencies are entitled, establish an increased entitlement (at a rate of 150 per cent) for any part of section 3 entitlement with respect to handicapped children or children with specific learning disabilities whose parents are on active duty in the uniformed services, and provide that, for purposes of computing entitlements, all children living on Indian lands are to be considered in the same subcategory as "A" children whose parents are in the uniformed services. The amendments exclude from consideration for entitlement children of civilians employed on Federal property in a State other than the State in which the local educational agency is located and authorize the Commissioner to make all determinations with respect to numbers of eligible children under section 3 of Pub. L. 81-874 on the basis of estimates whenever actual satisfactory data are not available. In amending the manner by which entitlements are calculated, amended section 3(d) of Pub. L. 81-874 provides for the calculation as set forth in the following table:

Category of federally connected child	Percentage of local contribution rate to be paid under—	
	Previous authorizing law	Public Law 93-380 amendment
A—LEA (25 pct "A"+)	100	100
"A" category children (military and Indian children)	100	100
"A" category children (civilian)	100	90
"B" category (military)	50	50
"B" category (civilian, in county)	50	45
"B" category (civilian, out of county)	50	40

As regards increased entitlements owing to handicapped children of military personnel under section 3(d)(2)(C), further provision is made that these children must be in a program provided by the local educational agency which is designed to meet the special educational and related needs of such children, and that the Commissioner shall promulgate regulations to assure that the programs are of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting those needs.

(b) *Amendment to section 5.* The amendment to section 5 of Pub. L. 81-874 adopts a new method of calculating payments if appropriations for this act are insufficient to fully satisfy the amounts to which local educational agencies are entitled. The amendment also creates an exception to prohibiting States from taking Pub. L. 81-874 payments into account in determining eligibility for, or the amount of, State aid to local educational agencies for free public education, provides that payments related to children residing on, or residing with a parent employed on low-rent public housing property, are to be used for special programs and projects designed to meet the special educational needs of educationally deprived children from low income families, and further provides that payments attributable to increased entitlements under section 3 on the basis of handicapped children of uniformed services personnel must be used for special educational programs designed to meet the special educational needs of these children. The new method of payment (controlling the distribution of funds when appropriations are insufficient to satisfy all entitlements) establishes a graduated scale of payments, which may be illustrated by the following table:

Category of children	Percentage of entitlement paid under—		Combined percentage of entitlements paid under pars. (1) and (2)
	Par. (1) of sec. 5(c)	Par. (2) of sec. 5(c)	
A+ districts (districts with more than 25 pct "A" children	25	75	100
"A" category military and Indian children	25	65	90
"A" category civilian	25	63	88
"B" category military	25	35	60
"B" category civilian (in county)	25	32	57
"B" category civilian (out of county)	25	28	53

Further provision is made in the amendment that payments under paragraph (2) may not be made unless (a) all payments have been made under paragraph (1), and (b) all payments will be made in full under paragraph (2). The exception to the prohibition against States' consideration of Pub. L. 81-874 funds in admistering State aid has been dealt with separately in the notice of proposed rulemaking published in the FEDERAL REGISTER on May 1, 1975 (40 FR 17114-19118).

(c) *Savings clauses.* (1) The first savings clause of section 305(b)(2), Pub. L. 93-380 is general in nature, except for a specific provision providing a transitional eligibility factor regarding decreases in or cessation of Federal activities. This savings clause provides that, if payments under section 3 of Pub. L. 81-874 constitute not less than 10 per cent of the current expenditures of a local educational agency for the fiscal year ending prior to June 30, 1973, the amount of the payment to that agency on the basis of its section 3 entitlement shall not be less than 90 per cent of its previous year's payment for each such year. If the Pub. L. 81-874 payments do not constitute at least 10 percent of the current expenditures of the agency, the agency is guaranteed 80 percent of its previous year's payment. This part of the first savings clause is subject, however, to special language, which requires a line item appropriation for its funding, or, in the absence of an appropriation, submission of a report to appropriate Congressional committees detailing the amounts necessary to satisfy the savings clause provisions, which shall constitute a budget estimate within the meaning of 31 U.S.C. 11(a)(5).

(2) The second savings clause in section 305(b)(2) of Pub. L. 93-380 provides a manner of phase-out of Federal assistance for local educational agencies experiencing certain decreases in attendance related to reductions in or cessa-

tions of military installations in the United States announced after April 16, 1973.

(3) The third savings clause provides that, if the number of children who reside with parents employed on Federal property in a State or in a county other than the State or county in which the school district of the agency is located constitute more than 10 percent of the total number of category "B" children in that agency, then the entitlement which that agency has for category "B" children shall not be less than 90 percent of the payment it received for those children during the preceding year. This is designed to lessen the impact of LEAs affected by the elimination of 3 entitlements based on "out-of-State" "B" children and the reduction in entitlements for "out-of-county" children.

(4) The fourth savings clause is designed to offset the reduction in payments caused by the mandated payment of entitlements for children in low-rent public housing. The Commissioner must determine the amount a school district would receive for a fiscal year on the basis of the appropriations available if no payments were made with respect to children in low-rent public housing and the amount that school district actually receives with those payments included. If the first amount is greater than the second, the school district is paid the difference. This provision also contains language concerning special appropriations like that contained in the first savings clause discussed above.

3. *Scope of proposed rules.* The proposed amendments and revisions set forth below encompass the following: minor revision of the method of computing the Federally connected ADA as set forth in the definitions section part 115 (§ 115.3(e)(f)); addition of the term "county" to the same definitions section (§ 115.3(p)); additions to subpart C relating to the special savings clauses under Pub. L. 93-380 (§ 115.27) entitlements related to handicapped children of uniformed services personnel (§ 115.28) and entitlements related to low-rent public housing children (§ 115.29); revision of sections in subpart C concerning payments under section 3 when the percentage eligibility requirement is not met (§ 115.21); entitlements under amended section 3(e) (§ 115.22); and reduction of financial assistance under section 2, 3, and 4 of the Act due to insufficient appropriations (§ 115.25). Certain sections of Part 115 are being republished herein without any major change being made other than revision of references to the Act to reflect statutory changes and renumeration of a regulatory section in one instance. These sections concern the following: final filing date for applications (§ 115.11(g)); changes in boundaries, classification, and governing authority of applicants (§ 115.20); payments under section 4(a) of the Act (§ 115.23); election under section 4(c) of the Act (§ 115.24); failure or refusal of a local educational agency to educate children living on Federal property (§ 115.26); and determination of generally comparable local educational agencies (§ 115.30(a)(10), (b)(2)(iii)). As mentioned above, the proposed regulations published herein do not treat the matter of the prohibition against States' consideration of Pub. L. 81-874 payments in the administration of State aid (section 5(d)(2) of the Act).

4. *Major amendments to regulations.*

A. *Definition of "county".* The term "county" has been defined in proposed § 115.3(p) to include municipalities and other political subdivisions of a State that are not considered part of a county by the Secretary of Commerce in compiling data on counties. This extension of the definition set forth in the Act in section 403(11) was deemed necessary in light of unusual circumstances relating to some school districts which are not situated jurisdictionally within a county but lie solely within the boundaries of a jurisdiction separate from any county. The need to establish a rule for such cases is occasioned by amendments to sections 3 (see sections 3(b)(2) and 3(d)(1)(B)(iv) and (v)) and 5 (see section 5(c)(2)(E) and (F)) of Pub. L. 81-874 which make distinctions in entitlement and payment on the basis of "B" children residing with a parent employed on Federal property either within or without the same county in which the school district of attendance is situated. Thus, a child who attended school in a municipality not considered part of a county by the Secretary of Commerce and whose parent was employed on Federal property outside the municipality would be considered as a "B out-of-county" for purposes of computing entitlement and payment under sections 3 and 5.

B. *Continuation of eligibility when 3 per centum requirement not met.* Under section 3(c)(1) of Pub. L. 81-874 a local educational agency will not be eligible to receive a payment unless the number of children determined under sections 3(a) and 3(b) equals at least: (1) four hundred, or (2) 3 per centum of the total average daily attendance figure for the agency during the year of application for assistance. Under section 3(c)(2)(A)(ii) of the Act, the agency will be permitted to continue to be eligible for an entitlement for two succeeding fiscal years if it fails to meet the 3 per centum requirement during any year after it had previously met the requirement. Proposed § 115.21 sets forth the statutory basis for the application of section 3(c)(2)(A)(ii), specifies a limitation on the entitlement computation for the second year of continued eligibility under that section, and provides for the application of the section to a situation where an applicant agency was not in existence either one or both of the two fiscal years prior to its application, or where an applicant with a timely filed application is absorbed by a successor local educational agency in a school district reorganization. Furthermore, proposed § 115.21(e) references section 305(b)(2)(A) of Pub. L. 93-380 as governing the case of any local educational agency which met the 3 percent requirement prior to July 1, 1975 but which fails to meet it prior to July 1, 1977. (This section of Pub. L. 93-380 is dealt with in further detail below in proposed § 115.27(b)).

C. *Section 3(e), Pub. L. 81-874.* Section 3(e) of Pub. L. 81-874 provides for adjustments to entitlements for reductions in number of "A" or "B" children resulting from a decrease or cessation of Federal activities within the State in which the local educational agency is located. Section 3(e) further requires that: (1) The number of "A" and "B" children for the school district be more than 90 percent of the number of these children for the school district during the previous fiscal year; and (2) the decrease or cessation of Federal activities result in a substantial decrease in the number of "A" and "B" children with respect to the school district. Proposed § 115.22 sets forth the basic provisions of section 3(e) and establishes how the Commissioner shall make determinations under these provisions. In proposed § 115.22(b)(1), a procedure is set forth calculating whether the number of "A" and "B" children is less than 90 percent of the previous year's number. In proposed § 115(b)(2), the term "substantial decrease" is deemed to be 3 percent of the current year's total ADA and at least 10 in number. This is consistent with the interpretation given the same term under the regulation previously in effect relating to the same situation. Proposed § 115.22(b)(3) would require that an applicant school district identify the particular decrease or cessation of Federal activity which occurred within the State in which the district is situated and which resulted in the "substantial decrease" in the number of "A" and "B" children. Furthermore, the school district must obtain certification of this decrease or cessation from the Federal agency involved in the activity. Thus, not only would a school district have to experience a reduction in number of more than 10 percent of "A" and "B" children but it would have to substantiate that, of the number in reduction, a number equal to at least 10 children and 3 percent of the total current ADA resulted from an identifiable decrease or cessation of a Federal activity within the same State.

D. *Reduced payments because of insufficient appropriations.* As mentioned above, section 5 of Pub. L. 81-874 sets forth a schedule of payments when appropriations are insufficient to pay all entitlements in full. Proposed § 115.25(a) references this section of the Act and describes the procedure determining payments in such a circumstance. Proposed § 115.25(b) provides that, where part of an entitlement is attributable to low-rent public housing children, that part shall not be paid under section 5(c)(2) of the Act. This special treatment is made necessary by the provision of section 5(e) of the Act, which requires a determination by the Commissioner of that part of an entitlement attributable to the number of "A" or "B" low-rent public housing children, and which further provides that that part of the entitlement for a local educational agency shall not be allocated or paid under section 5(c)(2) of

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the Act. In analyzing the application of section 5(e) to section 5(c)(2), a question arose as to how entitlements related to an "A" child whose "A" status was due in part to residing in or residing with a parent employed on low-rent public housing and in part to some other subcategory, were to be treated. Two possible interpretations were considered. The first would have treated that part of any entitlements attributable in whole or in part to low-rent public housing children as entirely attributable to such a classification. Under this interpretation, no part of any entitlement which was in any manner so attributable would be allocated or paid under section 5(c)(2). The second interpretation considered was that, since the part of an "A" low-rent public housing child could be viewed as generally representing half of the "A" status entitlement, it was that part of the entitlement which Congress sought to have excluded from payment under section 5(c)(2). The first interpretation was chosen because it is believed to most nearly reflect the wording of section 5(e) as well as to fulfill the Congressional intent that any part of an entitlement connected to low-rent public housing not be paid under section 5(c)(2).

E. Savings clauses under Pub. L. 93–380. As indicated above there are four special savings clauses affecting Pub. L. 81–874 contained in Pub. L. 93–380. These savings clauses are not part of Pub. L. 81–874 but have a direct bearing on the entitlements and payments of local educational agencies under that Act. Proposed § 115.27 references these savings clauses and sets forth further provisions deemed necessary to implement and clarify them. Proposed § 115.27(b) deals with section 305(b)(2)(A) of Pub. L. 93–380 and provides: A local educational agency must be eligible for section 3 Pub. L. 81–874 entitlement in order to be eligible for payment under this savings clause (§ 115.27(b)(1)); a local educational agency which fails to meet the 3 per centum requirement for eligibility for an entitlement, but whose eligibility is continued by the operation of the second sentence of section 305(b)(2)(A)(i) of Pub. L. 93–380, shall be eligible for a payment under this savings clause but shall be subject nevertheless to the restriction on the payment for the second year of continued eligibility contained therein (§ 115.27(b)(2)); and payments made on the basis of the second sentence of section 305(b)(2)(A)(i) are to be paid from regular appropriations (§ 115.27(b)(3)). Proposed § 115.27(c) references section 305(b)(2)(B) of Pub. L. 93–380 and sets forth a method of computing the actual decrease in number of federally-connected children for this clause (§ 115.27(c)(1)). This repeats § 115.27(b) currently in effect and adds a clarifying provision as to how to apply the resulting number under the statutory requirements. It is further provided that there must be a direct relationship between the decrease in the number of federally-connected children and an announced decrease or cessation of Federal activities on a military installation in the same State in which the applicant is situated. In this regard, it is provided that the announcement of decrease or cessation must be an official announcement or order by the Federal agency engaged in the activity thereby affected and that, for the purposes of this clause, "military installation" means a facility, camp, or base operated by or under the jurisdiction of one of the branches of the Armed Forces (§ 115.27(b)(6)).

Proposed § 115.27(d) references section 305(b)(2)(C) of Pub. L. 93–380 and sets forth a method for determining whether the number of "out of county" and "out of State" "B" children is at least 10 per centum of the total number of "B" children. In proposed § 115.27(e) relating to section 305(b)(2)(D) of Pub. L. 93–380, it is provided that the Commissioner may use estimated entitlements and payments for calculating the amount of appropriations that would be required to satisfy this savings clause.

F. Handicapped children of uniformed services personnel. Proposed § 115.28 sets forth provisions affecting the determinations for increased entitlements under section 3(d)(2)(C) of the Act and the use of funds attributable to payments thereunder. Certain terms such as "handicapped children" and "children with specific learning disabilities" are defined in proposed § 115.28(a). Eligibility requirements for counting children for these purposes are that such children must have a parent on active duty in the uniformed services and must be receiving services suited to their educational and related needs on the basis of the statutory requirements for these services (§ 115.28(c)). It is further provided in proposed § 115.28(d) that the furnishing of these services must result in the school district spending more money for handicapped children and children with specific learning disabilities than the average amount expended for non-handicapped children and spending in excess in an amount equal at least to the amount provided by the operation of this section. In considering how much is expended by a school district on these programs, all amounts, no matter what the governmental source, are to be counted. Thus, for the purposes of this proposed regulation, other Federal funds may be considered in computing average per pupil expenditures. However, this would not permit a reduction in State or local effort for handicapped children where otherwise prohibited by law. Furthermore, payments under Pub. L. 81–874 attributable to this special increase to entitlements may not be taken into consideration by a State in determining eligibility for or the amount of State aid since they are "categorical" and not general aid funds.

The proposed regulation states that, in determining whether programs for children counted under this provision would meet the statutory requirement of being of "sufficient size, scope and quality as to give reasonable promise of substantial progress toward meeting the special educational and related needs of such children," the standards of the State in which the local educational agency is situated would apply (§ 115.28(f)(1)). However, these State standards must conform to the additional State plan policies and procedures established under section 613(b) of the Education of the Handicapped Act (§ 115.28(f)). The Office of Education feels that it should not require more of programs for these children than is required under other federally-assisted programs for such children. Applicants seeking to count children under this provision would be required under proposed § 115.28(f) to submit an assurance that such children were receiving appropriate services and this assurance would have to be certified by the division in the State educational agency charged with the supervision of the programs under local auspices. Thus, in certifying programs which would provide services for children counted under this provision of Pub. L. 81–874, each State shall apply its own standards for the programs as long as the State has complied with the requirements of section 613(b) of the Education of the Handicapped Act.

G. Low-rent public housing. Proposed § 115.29 sets forth requirements to ensure that payments under Pub. L. 81–874 based on the number of children residing on, or residing with a parent employed on, low-rent public housing, as determined under section 5(e) of such Act, are used for special programs and projects designed to meet the special educational needs of educationally deprived children from low income families, as required under such section.

In proposed § 115.29(b) an order of priority for the use of such funds is established. Payments under this provision are to be used for Title I, ESEA, programs and projects that would be diminished or discontinued because of the new Title I allocation formula adopted under Pub. L. 93–380, where it is practicable to do so, or to provide Title I programs and projects in eligible Title I areas which otherwise would be unfunded. Second, if the above needs have been fully met, the funds may be used to provide Title I type programs for educationally deprived children from low-income families in attendance areas of the local educational agency that do not meet the eligibility requirements under Title I, ESEA. The use of these funds to further Title I purposes is prescribed in the legislative history of the provisions (see Sen. Rep. 93–1026, 162 (1974)).

In administering the grant of funds under section 5(e), the Office of Education plans to utilize the personnel and organizational structure already involved in the provision of Title I type services in order to avoid a duplication of administrative functions. However, the actual award of grant funds will be the responsibility of the Division of School Assistance in Federally Affected Areas. A local educational agency applicant will be required to make application for the release of the funds through the State educational agency and will be required to provide the Office of Education with a certification from the State agency that the use of section 5(e) funds

by the applicant would conform to both Pub. L. 81–874 and applicable Title I requirements. The scope of "applicable Title I requirements" has been left unspecified in the proposed regulation (§ 115.29(d)). In the final regulation it is anticipated that more specific mention of non-applicable sections of the statute and regulations may be made. (For example, proposed sections 116.4(b), 116.17–116.20, 116.36(a), 116a.3–116a.10, 116a.12–116a.14 and 116a.9(a) as contained in the Notice of Proposed Rulemaking for Title I, ESEA, published in the FEDERAL REGISTER on March 11, 1975 at 40 FR 11472 have been considered as possibly inappropriate. Interested parties should address themselves to the Notice of Proposed Rulemaking in considering the appropriateness of the aforementioned regulatory sections and any other Title I regulations as requirements pertinent to the use of these Pub. L. 81–874 funds.) Proposed § 115.29(e)(1) would provide that the applicant must obtain and submit to the Commissioner an assurance from the certifying State agency that any nonconforming use of the funds by an applicant of which the State has knowledge will be reported to the Commissioner, who shall take such action as is deemed appropriate. Since it is expected that almost all of these funds will be used in Title I eligible areas, the State, in monitoring Title I programs and projects, will be in position to observe the use of these funds in conjunction with Title I programs and projects. Similarly, in conducting periodic Title I audits, the Department of Health, Education and Welfare would examine the use of these funds in such Title I areas in addition to any specific audits focused on section 5(e) funds. Comments are particularly invited on the role of the State educational agency in the monitoring of the use of these funds and the manner in which that role could be accomplished. Two possible ways State monitoring could be accomplished that have been suggested are through the regular State Title I monitoring component or by means of special service contracts between the Office of Education and the State agencies.

A further condition regarding the use of the section 5(e) funds is that these funds must remain identifiable for accountability purposes (§ 115.29(c)). Finally, States will not be permitted to take these Pub. L. 81–874 funds into consideration in any determination of State aid for local educational agencies receiving such funds (§ 115.29(f)).

5. Citations of legal authority. As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(A)) a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of each section. On occasion, a citation appears at the end of a subdivision that appears in that section above the citation. When the citation appears only at the end of the section, it applies to the entire section.

6. Opportunity for public comment. Parties interested in commenting on the published materials should submit comments to the Office of Education, 400 Maryland Ave. SW., Room 2107a, Washington, D.C. 20202, Attention: Mr. William Stormer. All relevant material received on or before January 5, 1976 will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance No. 13.478, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: October 8, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 115 of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 115.3 is amended by revising paragraphs (e) and (f) and by adding paragraph (p) to read as follows:

§ 115.3 Definitions.

* * * * *

(e) "Average daily attendance of federally-connected pupils" in each pertinent category of federally-connected children (sections 3(a), 3(b), and 4(a)) means the number determined in accordance with section 403(10) of the Act in the manner described in this paragraph. At the option of the applicant, a second membership count may be made as set forth in paragraph (f) of this section.

(1) At some specific date not earlier than the fourth day of the legal school session of the regular school year and prior to the cutoff date for filing Form RSF–1, a membership count of all pupils claimed in the various federally-connected categories must be made either by:

(i) Conducting a parent-pupil survey to determine the parent's employment or active duty assignment in the uniformed services and the child's residence on Federal property; or by

(ii) Obtaining certifications from the various employers and the appropriate housing officials as to the employment of the parents of the children claimed or residence of the children on the specific date involved. A membership count of all pupils must be made as of this specific date, which is to constitute the official membership report of the applicant local educational agency for that date.

(2) The average daily attendance (hereinafter referred to as (ADA)) of federally-connected pupils shall then be obtained in the following manner.

(i) For the purposes of the application OE Form 4019 (Form RSF–1), the membership in the first count of each subcategory shall be multiplied by the ratio of total ADA to the date of the membership count to the total membership as reported in the official membership and ADA report of the applicant district for the reporting period; and

(ii) For the purposes of the final report OE Form 4037 (Form RSF–3) the membership of each subcategory shall be multiplied by the ratio of the total ADA for the period July 1 to the following June 30 to the total membership. This total ADA shall include ADA based upon free public education provided in summer school as determined in accordance with State law.

(20 U.S.C. 283(2)(b), 239(a), 244(10))

(f) "Average daily attendance of federally-connected pupils when determined by two counts of all pupils" means the number determined in the manner described in this paragraph.

(1) First count of membership of each category of federally-connected children must be made as described in paragraph (e) of this section. At the option of the applicant, a second count of membership may be made at a later date during the last quarter of the regular school year and uniformly for the entire local educational agency.

(2) A membership count of all pupils, made as of the same dates as the counts of federally-connected children, will constitute the official membership report of the applicant school district for those dates.

(3) The total membership for each count shall be added and the sum divided by two to compute an average total membership for both counts.

(4) The total federally-connected membership for each subcategory for both counts shall be added and the sum divided by two to compute an average federally connected membership for each subcategory.

(5) The total ADA for the period July 1 to the following June 30 shall be divided by the average total membership obtained in paragraph (3) to obtain the ratio of ADA to membership.

(6) For the purposes of the final report OE Form 4037 (Form RSF–3), the average membership of each subcategory for both membership counts shall be multiplied by the ratio of the total ADA to the average total membership. This total ADA shall include ADA based upon free public education provided in summer school as determined in accordance with State law.

(20 U.S.C. 238(a)(b), 239(a), 244(10))

* * * * *

(p) "County" means, for the purpose of computing entitlement under section 3 of the Act and payments under section 5 of the Act as well as for the purposes of this part, those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties, subject to the qualifications set forth below:

(1) Where a municipality or other political subdivision of a State is not treated as part of a county by the Secretary of Commerce in compiling and reporting data regarding counties, the term

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"county" as used in this part shall also mean those municipalities and other political subdivisions; and

(2) Where a local educational agency is situated in more than one county, the phrase "in the county in which the school district of such agency is located" shall include any county in which the local educational agency is situated in whole or in part.

(20 U.S.C. 233(a)(b) and note; 20 U.S.C. 244(11); 88 Stat. 534)

2. Section 115.11 is amended by revising paragraph (g) to read as follows:

§ 115.11 Final date for filing applications.

* * * * *

(g) A timely filed application may be amended to apply for additional or alternative financial assistance under sections 3(d)(2)(B), 3(d)(3)(B)(ii), 3(e) or section 4(d) of the Act, or section 305(b)(2) of Pub. L. 93-380, if such an amendment is:

(1) Filed no later than September 30 of the fiscal year following that for which assistance is sought; and

(2) Accompanied by a detailed statement setting forth the basis of the claim and a justification for the requested entitlement.

(20 U.S.C. 240(a)(1))

3. Part 115 is amended by revising subpart C to read as follows:

Subpart C—Payments

Sec.

115.20 Changes in boundaries, classification, and governing authority of applicants.
115.21 Payments under section 3 when percentage eligibility requirement is not met.
115.22 Entitlements under section 3(e).
115.23 Payments under section 4(a).
115.24 Election under section 4(c).
115.25 Reduction of financial assistance under sections 2, 3, and 4 due to insufficient appropriations.
115.26 Failure or refusal of a local educational agency to educate children living on Federal property.
115.27 Adjustments to entitlement related to special savings clauses under Pub. L. 93-380.
115.28 Entitlements related to handicapped children of uniformed services personnel.
115.29 Entitlements related to low-rent public housing.

AUTHORITY: 20 U.S.C. 238-240, 244(11).

Subpart C—Payments

§ 115.20 Changes in boundaries, classification, and governing authority of applicants.

(a) If the applicant is a party to any merger, consolidation, annexation, deconsolidation, or other similar action which may affect its boundaries, identity, governing authority, classification, or control, it shall notify the Commissioner as soon as practicable of the effective date of that action, its extent and character, and the legal authority under which the action was or is to be effected. This notification must include the following information:

(1) The effective date of change in boundaries or organization, for all purposes, including administrative and fiscal;

(2) Identification by name, district, number and address of all former agencies involved and the application number for each applicant involved in any change;

(3) A statement describing the specific type of change, with a citation of the section or sections of the State law under which the change was accomplished;

(4) The legal name of the resulting successor agency (even if the name and legal classification of the applicant agency are retained after a change);

(5) A statement whether assets and liabilities of the former agency or agencies have been transferred to the successor agency, or whether a settlement agreement has been made and, if so, the effective date of this action;

(6) A statement whether a new board of education has or will assume control and management of the successor agency and, if so, the effective date; and

(7) The name and address of the authorized representative for purposes of the Act, who shall be duly designated by the governing body of the successor agency. Evidence of this official designation must be submitted in the form of a copy of the resolution duly recorded in the minutes of the proceedings of the governing body.

(b) A local educational agency shall not be entitled to any payment on the basis of an application under sections 3 or 4 of the Act (except as provided in paragraph (c) of this section) if:

(1) The change in the organization of the local educational agency is effective within the fiscal year covered by the application and occurs prior to the close of the regular school term of that year; and

(2) The local educational agency thereby ceases to be a legally constituted local educational agency. However, except as provided in § 115.21(d), a local educational agency which assumes administrative control and direction of free public education in all or a portion of the area of the previously existing applicant, may (if it is not already an applicant under the section involved or if it files an application in accordance with § 115.11(d)) have its entitlement under section 3(d)(1) or 4(a)(1) of the Act for the entire fiscal year determined by either of the following, whichever is more favorable to it:

(i) On the basis of the entire area under its jurisdiction on the last day of that year; or

(ii) On the basis only of the area acquired by the local educational agency from the previously existing local educational agency, except that the latter basis may only be used:

(A) For an application under section 3 of the Act for which a favorable finding has been made (or would have been made in due course but for the change in district organization) on the basis of the estimates required under section 3(c)(1) of the Act with respect to the previously existing agency; and

(B) For an application under section 4 of the Act for which such a favorable finding has been made (or would have been made in due course but for the change in district organization) under section 4(a)(1).

(c) Any payment made to a local educational agency prior to the date on which the first sentence of paragraph (b) to this section became applicable to it must be repaid to the United States except to the extent that:

(1) It is accounted for by the adjustments made in the entitlements of any successor applicant local educational agency pursuant to either paragraph (b) of this section or paragraph (d) of § 115.21; and

(2) Any balance remaining is found by the Commissioner not to be in excess of the amount to which the pre-existing local educational agency would have become entitled on the basis of the number of federally-connected children:

(i) Who were not covered by any other application; and

(ii) To whom free public education was provided by the previously existing local educational agency or by any successor non-applicant local educational agency.

(20 U.S.C. 237(c), 244(6)(A))

§ 115.21 Payments under section 3 when percentage eligibility requirement is not met.

(a) Pursuant to the exception provided in section 3(c)(2)(A)(ii) of the Act, an applicant shall continue to be eligible for payment under the Act, even if it fails to meet the 3 per centum eligibility requirement of section 3(c)(1)(B) of the Act, for two years following any fiscal year in which it met such requirement and was entitled to a payment under section 3.

(b) The number of children determined by the Commissioner for the purpose of establishing the amount of entitlement under section 3 in the second fiscal year of the two-year period specified in paragraph (a) shall not exceed 50 per centum of the number of these children so determined for the last fiscal year during which the applicant met the eligibility requirement of section 3(c)(1)(B) of the Act.

(c) If an applicant local educational agency was not in existence in either one or both of the two fiscal years preceding that for which application is made, that agency may nevertheless receive the benefit of the provisions of paragraph (a) of this section if that agency is:

(1) Composed only of territory which was formerly included in a predecessor agency or agencies which met the percentage eligibility requirement contained in section 3(c)(1)(B) of the Act; and

(2) The predecessor agency or agencies received a net payment under section 3 of the Act for the fiscal year two years or immediately prior to that for which application is made.

(20 U.S.C. 238(c)(2)(A)(ii))

(d) If any local educational agency which had filed an application in a timely manner under section 3 of the Act and was entitled to payment by virtue of paragraph (a) or (b) of this section ceases to be a legally constituted local educational agency as a result of a district reorganization which is effective prior to the close of the regular school term within the fiscal year covered by the application (thereby becoming subject to the provisions of § 115.20(b)), a successor local educational agency which:

(1) Files an application in accordance with § 115.11(d) (unless already an applicant under section 3); and

(2) Assumes administrative control and direction of free public education in all or a portion of the area of the previously existing applicant prior to the close of that applicant's regular school term, shall be entitled to have its application processed on the basis of the:

(i) Area acquired from the previously existing local educational agency, and

(ii) Rights of that agency, without regard to the 3 percent requirement, subject to appropriate adjustment on account of payments made to the previously existing local educational agency.

(20 U.S.C. 238, 244(6)(A))

(e) Section 305(b)(2)(A) of Pub. L. 93-380 shall govern the case of any local educational agency eligible prior to July 1, 1975 for a payment under section 3 of the Act by reason of the 3 per centum requirement in clause (b) of section 3(c)(2) of the Act as in effect prior to July 1, 1975, but which fails to meet this requirement in any fiscal year ending prior to July 1, 1977.

(88 Stat. 553; Sen. Rep. No. 93-763, 205)

§ 115.22 Entitlements under section 3(e).

(a) On the basis of determinations provided by section 3(e) of the Act with respect to reductions in the number of children to whom sections 3(a) and 3(b) of the Act apply, the amount to which an applicant is entitled for the fiscal year in which the determinations are made and for any of the three succeeding fiscal years shall not be less than 90 per centum of the amount to which the applicant was entitled under section 3 of the Act for the preceding fiscal year.

(b) With reference to eligibility determinations under section 3(e):

(1) In deciding whether the number of children determined with respect to an applicant under sections 3(a) and 3(b) of this Act is less than 90 per centum of the number of children determined under those sections of the Act for the applicant during the preceding fiscal year, the Commissioner shall divide the current fiscal year's federally connected ADA attributable to those sections by the preceding fiscal year's federally connected ADA so attributable.

(2) In determining whether there has been a substantial decrease in the number of children determined under sections 3(a) and 3(b) of the Act resulting from a decrease or cessation of Federal activities with respect to any applicant during the year for which an application is filed, the Commissioner shall deem this decrease to be substantial when it equals 3 per centum of the current fiscal year's total ADA and at least 10 in ADA.

(3) In determining whether the decrease described in the preceding subparagraph is a result of a decrease of Federal activities in the State within which the applicant is located, the Commissioner shall require local educational agencies to submit a statement identifying the particular decrease in or cessation of these Federal activities; the statement shall be certified as to its accuracy by an authorized official of the Federal agency associated with the conduct of the affected activities.

(c) Any payments to an applicant attributable to the operation of section 3(e) of the Act and this section shall be considered for all other purposes as payments attributable to determinations of children with respect to the applicant under section 3(b)(2)(A) of the Act.

(20 U.S.C. 238(e))

§ 115.23 Payments under section 4(a).

(a) Payment under section 4(a) is intended to compensate a local educational agency for sudden and substantial increases in pupils whose attendance in school during the current school year is a direct result of Federal activities. This payment may be made only when the Commissioner determines that, although the applicant has made a reasonable tax effort, the education of the increased number of children places a substantial and continuing financial burden on the applicant, and the applicant cannot secure funds from other sources adequate to provide these children a level of education equivalent to that maintained in generally comparable school districts in the same State.

(b) In the first fiscal year following payment under section 4(a), a payment not to exceed 50 percent of the entitlement in this preceding year under section 4(a) will be made, subject to the availability of funds. The payment may not include any entitlement due to those increases in section 3(a) or 3(b) of the preceding year for which payment was made.

(20 U.S.C. 239(a))

(c) No payments will be made pursuant to section 4(a) of the Act unless:

(1) The increase in ADA of federally-connected pupils in the current year over the ADA of those children in the preceding year is at least equal to 5 percent of non-Federal ADA in the preceding year, and

(2) The increase in the current total ADA over the preceding year's total ADA is at least 5 percent of the preceding year's total ADA.

(20 U.S.C. 293(a)(1))

(d) No payments will be made pursuant to section 4(a) of the Act unless the parents of the pupils entering the schools of the local educational agency for the first time during the current school year enter the area of that agency to accept employment because of Federal activities on or after February 1 of the preceding year. An increase in activities of the United States for the purpose of section 4(a) of the Act may be found to have occurred in circumstances which include the following:

(1) Activities resulting from Federal contracts in the current fiscal year when the number of employees engaged in the Federal activity increased over the preceding fiscal year; and

(2) Activities where production resulting from Federal contracts changed so as to require employees with new skills for this production; therefore, new employees migrated into the area of the local educational agency.

(e) Activities of those persons not employed by the United States or by a contractor of the United States shall not be considered to be a direct result of activities of the United States for the purposes of section 4(a).

(20 U.S.C. 239(a)(1); 88-703, House Report No. 703, July 8, 1953, 12)

§ 115.24 Election under section 4(c).

Pursuant to section 4(c) of the Act, a local educational agency may elect to count for eligibility and payment under section 4(a) of the Act the entire increase in the number of children who are:

(a) In average daily attendance at its schools during the fiscal year; and

(b) Otherwise eligible to be counted under section 3 of the Act. This election may be made only if an application under section 4 is filed in a timely manner on Form RSF-1 in accordance with § 115.11. This election is not subject to change after, and shall become final upon, the date of final payment for the fiscal year involved.

(20 U.S.C. 239(c))

§ 115.25 Reduction of financial assistance under sections 2, 3, and 4 due to insufficient appropriations.

(a) Except as otherwise provided by law, if the funds appropriated for any fiscal year for making payments on the basis of entitlements established under sections 2, 3, and 4 for that year are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies are entitled to receive under these sections for that year, the Commissioner shall allocate the sums among local educational agencies on the basis of the method set forth in section 5(c) of the Act and subject to its restrictions. In accordance with section 5(c), payments shall be made to eligible local educational agencies so that:

(1) All entitlements established under section 2 or 3(d) of the Act are allocated at a rate of 25 per centum of such entitlements prior to any other allocations of entitlements for sections 2, 3, or 4 of the Act;

(2) All remaining entitlements established under section 3 are allocated at the various rates of payment set forth in paragraph (2) of section 5(c) of the Act prior to any other allocation of entitlements for sections 2 and 4 of the Act, provided that all allocations shall be paid in full or no allocation under this subparagraph may be made, subject, how-

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ever, to the restriction set forth in section 5(e)(2) of the Act relative to property described in section 403(1)(C) of the Act as further treated in paragraph (b) of this section; and

(3) All remaining unsatisfied entitlements under sections 2, 3, and 4 of the Act are allocated in proportion to the degree to which these entitlements are unsatisfied.

(b) Any part of an entitlement determined under section 3 of the Act attributable in whole or in part to children residing on, or residing with a parent employed on property described in section 403(1)(C) of the Act (related to low-rent public housing) shall be considered to be attributable in its entirety to these children. No payments attributable to that part of any entitlement of any local educational agency which is so determined shall be made under section 5(c)(2) of the Act. Thus, payments with respect to entitlements based in whole or in part on low-rent public housing children are to be excluded in their entirety under section 5(c)(2).

(20 U.S.C. 240(e); Sen. Rep. No. 93–1026, 162 (1974))

§ 115.26 Failure or refusal of a local educational agency to educate children living on Federal property.

If, for any fiscal year for which section 6(f) of the Act is effective, no tax revenues of a State or of a political subdivision of a State may be expended for the free public education of children who reside on Federal property within the State or, if no tax revenues of a State are allocated for the free public education of these children, then that property shall not be considered to be Federal property for the purpose of computing entitlements under sections 3 and 4 of the Act of local educational agencies within that State with respect to children living off that property with parents who are employed thereon. Furthermore, deductions shall be made from the entitlements of certain local educational agencies in the circumstances and manner described in the second sentence of section 6(f) of the Act.

(20 U.S.C. 241(f))

§ 115.27 Adjustments to entitlement related to special savings clauses under Pub. L. 93–380.

(a) All payments under the Act and this part shall be subject to the provisions in paragraphs (b) through (e) below in addition to those provisions set forth in § 115.25 of this part and in other law.

(b) *Section 305(b)(2)(A) of Pub. L. 93–380.* (1) The first sentence of section 305(b)(2)(A)(i), Pub. L. 93–380 shall be applicable to any local educational agency entitled to receive a payment under section 3 of the Act for the fiscal year in which section 305(b)(2)(A)(i) would be applied.

(i) In the case of any local educational agency to which section 305(b)(2)(A) of Pub. L. 93–380 is applicable, the computation of either the 90 percent or 80 percent level of payment at which the agency shall be held harmless will be based on the amount paid to the agency according to its entitlement for the preceding fiscal year under section 3 of the Act.

(ii) The special appropriation requirements of section 305(b)(2)(A)(ii), Pub. L. 93–380, shall apply to any payments determined with respect to an eligible local educational agency under the first sentence of section 305(b)(2)(A)(i).

(2) The second sentence of section 305(b)(2)(A)(i), Pub. L. 93–380 shall apply to any local educational agency eligible for a payment under section 3 of the Act by reason of the 3 percent requirement in clause (B) of section 3(c)(2) of the Act, as in effect prior to July 1, 1975, but which fails to meet the requirement in any fiscal year ending prior to July 1, 1977.

(i) In the case of any applicant to which the second sentence of section 305(b)(2)(A)(i) is applicable, any payment made to the applicant by the operation of the second sentence shall, notwithstanding the first sentence of such section, be subject during the second succeeding fiscal year of eligibility to the restrictions on payment for the second fiscal year as set forth in the second sentence of the section.

(ii) Any payment to an eligible applicant resulting from the operation of the second sentence of section 305(b)(2)(A)(1) of Pub. L. 93–380 shall not be subject to the special funding requirement set forth in section 305(b)(2)(A)(i) of the Act.

(88 Stat. 553; Sen. Rep. 93–1026, 163–164; Sen. Rep. No. 93–763, 57.)

(c) *Section 305(b)(2)(B) of Pub. L. 93–380.* (1) Section 305(b)(2)(B), Pub. L. 93–380 shall apply to any local educational agency which experiences a decrease in the number of children determined by the Commissioner under section 3 of the Act of 10 per centum or more of that number:

(i) During the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(ii) During the period beginning July 1, 1973, and ending June 30, 1975; as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 16, 1973. For purposes of this section, the term "military installation" shall mean a facility, camp, or base operated by or under the jurisdiction of one of the branches of the Armed Forces of the United States. The announcement of decrease or cessation of Federal activities must be an official announcement or order issued by the Federal agency engaged in or directing the activity thereby affected.

(2) The decrease in the number of children as provided in section 305(b)(2)(B) of Pub. L. 93–380 shall be determined in the following manner:

(i) For the fiscal year ending June 30, 1974, that part of the section 3 ADA of the applicant for the fiscal year as determined under § 115.3 (e) or (f) of this part attributable to military installations affected by a decrease in, or cessation of, Federal activities announced after April 16, 1973, shall be subtracted from that part of the section 3 ADA as so determined for the fiscal year ending June 30, 1973;

(ii) For the fiscal year ending June 30, 1975, that part of the section 3 ADA of the applicant for the fiscal year as determined under § 115.3 (e) or (f) of this part attributable to military installations affected by a decrease in or cessation of Federal activities announced after April 16, 1973, shall be subtracted from that part of the section 3 ADA as so determined for the applicant for the fiscal year ending June 30, 1974;

(iii) For the period beginning July 1, 1973, and ending June 30, 1975, that part of the section 3 ADA of the applicant for fiscal year 1975 as determined under § 115.3 (e) or (f) of this part attributable to military installations affected by a decrease in or cessation of Federal activities announced after April 16, 1973, shall be subtracted from that part of the section 3 ADA as so determined for the applicant for the fiscal year ending June 30, 1973; and

(iv) After obtaining the figure of decrease under either clause (i), (ii), or (iii) above, that figure shall be divided by the total federally-connected ADA for the fiscal year preceding the respective period of decrease. An applicant shall be eligible for payment under section 305(b)(2)(B) of Pub. L. 93–380 only if the resulting calculation equals 10 percent or more.

(3) In determining eligibility for entitlements under section 305(b)(2)(B) of Pub. L. 93–380, the number of children for whom a determination is made under section 3(e) of the Act as in effect prior to July 1, 1975 shall not be included in the federally-connected ADA figure.

(4) Payments may be made on the basis of section 305(b)(2)(B) only when there is a direct relationship between the decrease in federally-connected ADA due to a decrease in or cessation of Federal activities on a military installation and a specific announcement of a decrease or cessation of Federal activities. In making this determination, the Commissioner will require of an applicant the submission of such additional data and information as deemed necessary to substantiate this relationship.

(5) Payments of entitlements computed under section 3 of the Act to a local educational agency to which section 305(b)(2)(B), Pub. L. 93–380 is applicable shall not be less than 90 per centum of the amount to which the agency was entitled during the preceding fiscal year under section 3.

(88 Stat. 534; Sen. Rep. No. 93–763, 57–58, 206–207 (1974))

(d) *Section 305(b)(2)(C) of Pub. L. 93–380.* (1) Section 305(b)(2)(C), Pub. L. 93–380, shall be applicable to any local educational agency in which the ADA, with respect to children who, while in attendance at the schools of the agency, resided with a parent employed on Federal property in a State or in a county other than the State or county in which the agency is located but which is situated within reasonable commuting distance from the school district of the agency, is equal to at least 10 per centum of the ADA for that fiscal year for children determined with respect to the agency under section 3(b) of the Act.

(i) In determining whether Federal property in a State or county other than the State or county in which the local educational agency is located is situated within a reasonable commuting distance from the school district of the agency, the Commissioner shall adhere to any prior determination under Pub. L. 81–874 regarding a reasonable commuting distance for the agency, unless the agency presents new information which would merit reconsideration of that determination. Any Federal property located in the same State in which the local educational agency is situated shall be deemed to be within reasonable commuting distance of the school district of that agency.

(ii) In determining the relevant number of children specified in the first sentence of section 305(b)(2)(C) of Pub. L. 93–380, the Commissioner shall rely upon ADA data and information provided by the applicant for these children in the same manner as set forth for children under section 3(b) of the Act under § 115.3 (e), (f) of this part.

(2) With regard to any local educational agency to which section 305(b)(2)(C), Pub. L. 93–380 is applicable, the amount to which the agency shall be entitled under section 3(b) shall not be less than 90 per centum of the amount that the agency received with respect to the number of children determined under section 3(b) during the preceding fiscal year.

(88 Stat. 535; Sen. Rep. No. 93–763, 206–207.)

(e) *Section 305(b)(2)(D) of Pub. L. 93–380.* (1) Section 305(b)(2)(D), Pub. L. 93–380 shall apply to any local educational agency which is entitled to receive a payment under section 3 of the Act for the fiscal year in which section 305(b)(2)(D) is to be applied.

(2) In making a determination under section 305(b)(2)(D) of Pub. L. 93–380 as to the amount of payment which an applicant would be entitled under the operation of such section, the Commissioner may use estimated entitlements and payments with reference to sections 3 and 5(c) of the Act. An underestimate made by the Commissioner shall not operate to deprive an applicant of any payments under section 305(b)(2)(D) had the estimate been accurate.

(88 Stat. 535)

§ 115.28 Entitlements related to handicapped children of uniformed services personnel.

(a) For the purposes of this section, the following terms shall have the meanings set forth below: (1) "Free public education" means free public education as defined in section 403(4) of the Act and includes any preschool program authorized under State law.

(2) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(3) "Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include conditions such as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(4) "Related needs" means those needs related to a handicap or specific learning disability for which supplemental services, in addition to direct instructional services, are deemed necessary, including, but not limited to, speech pathology and audiology services, diagnostic services (exclusive of schoolwide initial screening for handicaps and specific learning disabilities), health services, food services, pupil transportation, and library services.

(5) "Preschool program" means an educational or related program encompassing the educational level from a child's birth to the time at which elementary education is provided as determined under State law, provided that this program is recognized as free public education under or pursuant to State law.

(20 U.S.C. 238(d)(2)(C); 20 U.S.C. 1401; 45 C.F.R. § 100.1)

(b) That part of any payment to an applicant which is attributable to the entitlement for handicapped children and children with specific learning disabilities provided by section 3(d)(2)(C) must be expended for programs provided by the applicant which are designed to meet the special educational needs of those children.

(c) In order that handicapped children and children with specific learning disabilities may be counted for the purpose of an increased entitlement under section 3(d)(2)(C) of the Act, these children:

(1) Must have a parent on active duty in the uniformed services, as defined by section 101 of Title 37 United States Code, and

(2) Must be receiving special educational and related services suited to their individual needs through programs (including preschool programs) provided by local educational agencies for these children which are of sufficient size, scope, and quality (taking into consideration the special educational needs of the children) as to give reasonable promise of substantial progress toward meeting those needs.

(20 U.S.C. 238(d)(2)(C); Sen. Rep. No. 93–1026, 159 (1974); 20 U.S.C. 240(f))

(d) The provision of special educational services (for children determined under section 3(d)(2)(C) of the Act) must result in the expenditure of funds by the local educational agency for handicapped children and children with specific learning disabilities above the average per pupil expenditure for nonhandicapped children in the agency to an extent equal to at least the per pupil payment attributable to a determination of increase in entitlement under section 3(d)(2)(C). An applicant which claims an increased entitlement under section 3(d)(2)(C) of the Act shall be required to submit such information as the Commissioner may deem necessary to substantiate compliance with this condition.

(20 U.S.C. 238(d)(2)(C); 20 U.S.C. 240(f); H.R. Rep. No. 93–763, 45)

(e) Each application for assistance under the Act which is based in any part upon a determination of any number of children who are counted under section 3(d)(2)(C) of the Act shall contain an assurance that the children are receiving services in programs (including preschool programs) which are of sufficient size, scope, and quality as to give reasonable promise of substantial progress toward meeting the special educational and related needs of the children.

(1) A determination whether these programs are of sufficient size, scope and quality shall be based upon the individual State's standards for certification of the programs, subject, however, to such further requirements as may be imposed by section 3(d)(2)(C) of the Act and this section.

(2) Each application containing the assurance required by this paragraph shall also contain a certification by the State in which the applicant is situated to the effect that the particular program(s) provided by the applicant conforms to State standards and meets any other requirements imposed by law.

(f) Each application for assistance under the Act which is based in any part upon a determination under section 3(d)(2)(C) of the Act shall contain an assurance that the programs designed to meet the special educational and related needs of children determined under that section conform to the policies and procedures required in fulfillment of the additional State plan requirement under section 613(b) of the Education of the Handicapped Act and any regulations adopted pursuant thereto.

(1) Each application containing the assurance required by this paragraph shall also contain a certification by the State in which the applicant is situated that the program(s) provided by the applicant conforms to the additional State plan requirements of section 613(b) of the Education of the Handicapped Act.

(2) In making a determination whether these State standards and these programs conform to the policy and procedures under the additional State plan requirements, the Commissioner shall

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consult with persons in charge of special education programs for handicapped children and children with specific learning disabilities in the educational agency of the State in which the applicant is situated.

(20 U.S.C. 238(d)(2)(C); H.R. Rep. No. 93-805, 43-46 (1974); Sen. Rep. No. 93-1026, 45 (1974); *Cong. Record*, daily ed., H7396, July 31, 1974)

(g) Any payments made to a local educational agency pursuant to sections 3 and 5 of the Act, which are based on children with respect to whom a determination has been made under section 3(d)(2)(C) of the Act, shall not be taken into consideration by a State in determining eligibility for or the amount of State aid.

(20 U.S.C. 238(d)(2)(C); 20 U.S.C. 240(d)(1))

§ 115.29 Entitlements related to low-rent public housing.

(a) For the purposes of this part, the term "low-rent public housing" shall mean that type of Federal property which is described in section 403(1)(C) of the Act.

(b) The amount of the payment to any applicant which is determined with respect to section 5(e)(1) of the Act and § 115.25(b) of this part regarding determinations under subsection (a) and (b) of section 3 of the Act concerning the number of children who resided on, or resided with a parent employed on low-rent public housing shall be used for special programs and projects designed to meet the special educational needs of educationally deprived children from low-income families in the following manner:

(1) To continue and to augment, where practicable, programs assisted under Title I of the Elementary and Secondary Education Act of 1965 which would otherwise be eliminated or diminished due to the adoption of the new formula for distribution of assistance under that title by Pub. L. 93-380, and to provide programs and projects, in accordance with the appropriate provisions of parts 116 and 116a of this chapter, for educationally deprived children in attendance areas which are eligible for Title I assistance but which have not received such assistance;

(2) If the programs specified in subparagraph (a)(1) are fully provided; to carry out programs and projects in other areas of the agency which are designed to meet the special educational needs of educationally deprived children from low-income families. These programs and projects shall serve only those children which the local educational agency has determined to be educationally deprived children from low-income families on the basis of uniform criteria approximating as closely as possible those used in its determination with respect to Title I, ESEA. In determining whether a child is from a low-income family for purposes of this paragraph, the local educational agency may consider as such children residing in low-rent public housing, children living in institutions for neglected or delinquent children for whom the local educational agency is providing free public education, children being supported in foster homes with public funds and the like.

(20 U.S.C. 240(4); Sen. Rep. No. 93-1026, 162 (1974))

(c) No funds allocated with respect to section 5(e) of the Act may be consolidated (within the meaning set forth in 20 U.S.C. 1231(c)(1)(C)) with funds from other sources including other funds under the Act not attributable to low-rent public housing children, in such a manner to render indistinguishable for accounting and audit purposes the source of those funds when used in programs and projects specified in paragraph (b) of this section.

(d) Funds allocated with respect to section 5(e) of the Act shall be subject to all applicable requirements, restrictions, and other conditions of use set forth in the provisions of Title I, ESEA and parts 116 and 116a of this chapter except that, where paragraph (b)(2) of this section is applicable, any requirements related to the determination of eligible attendance areas under Title I, ESEA shall not apply.

(e)(1) Any applicant claiming entitlements based in whole or in part on low-rent public housing children under section 5(e) of the Act shall:

(i) Submit to the Commissioner as a supplement to its application filed under subpart B of this part, or in conjunction with an application for assistance under Title I, ESEA filed with the State educational agency, where such assistance has been applied for, an application through its State educational agency setting forth a description of the proposed use of funds to which it is entitled under the Act with respect to low-rent public housing children together with an assurance that such funds shall be used only for the purposes for which they were granted and in conformity with the requirements of this section and the applicable provisions of sections 116 and 116a of this chapter; and

(ii) In addition, obtain and submit to the Commissioner in conjunction with the application described in clause (i) a statement from the State educational agency certifying the accuracy and validity of the application and assurance provided for in subparagraph (1) together with an assurance from the State educational agency that if, at any time, the State agency finds that an applicant agency is not acting in compliance with the terms of the application provided for by this paragraph, the State agency shall so notify the Commissioner.

(2) No payments shall be made to any local educational agency on the basis of entitlements attributable to low-rent public housing children under section 5(e) of the Act until the requirements of this paragraph have been fulfilled. However, applicants shall be notified as to any estimated payment that would be made based on these children as soon as an application filed in accordance with subpart B of this part has been processed.

(f) No payments attributable to section 5(e) of the Act shall be made in any fiscal year to any local educational agency located in a State which has taken, or will take, these payments into consideration in determining the eligibility of a local educational agency for State aid, or in determining the amount of that aid, for the free public education of its children in such a way as to penalize the local educational agency with respect to the availability of State funds.

(20 U.S.C. 240(d)(1)(2), (e); Sen. Rep. No. 93-1026, 162-(1974))

4. § 115.30 is amended by revising paragraphs (a)(10) and (b)(2)(iii) to read as follows:

§ 115.30 Determination of generally comparable local educational agencies.

(a) • • •

(10) Estimated current fiscal year per pupil cost for the State (in those States in which an applicant requests an entitlement under section 3(d)(2)(B) or 4 of the Act). The actual per pupil costs shall be submitted to the Commissioner at such time as they become available for each group.

(20 U.S.C. 238(d), 255(5))

(b) • • •

(2) • • •

(iii) The estimated percent of change in per pupil cost for all local educational agencies in the State, in the aggregate, for the current fiscal year from the second preceding fiscal year, for each State wherein an applicant requests an entitlement under section 3(d)(2)(B) or section 4. Since comparable district data are submitted for the second year preceding, the estimated percent of increase factor for adjusting the per pupil cost to the current year will suffice for all purposes prior to the final payment. However, the State shall submit actual data to the Commissioner for the purpose of computing final payments (except those final payments made pursuant to section 3(d)(2)(B) and 4 of the Act).

(20 U.S.C. 238(d), 244(5))

A COMPILATION OF TITLES I AND IV OF PUBLIC LAW 374, EIGHTY-FIRST CONGRESS, AS AMENDED (20 U.S.C. 236-451-1, 242-245) RELATING TO FINANCIAL ASSISTANCE IN FEDERALLY AFFECTED AREAS[1]

AN ACT

To provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

[1] Prepared by the Division of School Assistance in Federally Affected Areas, U.S. Office of Education, for use of its staff and interested applicants.

P.L. 874 (81st Cong.), approved September 30, 1950, has been amended by the 83d Congress by P.L. 170, approved July 31, 1953; P.L. 248, approved August 8, 1953; and P.L. 732, approved August 31, 1954; by the 84th Congress by P.L. 204, approved August 1, 1955; P.L. 221, approved August 4, 1955; P.L. 382, approved August 12, 1955; P.L. 896, approved August 1, 1956; and P.L. 949, approved August 4, 1956; and by P.L. 85-620, approved August 12, 1958; P.L. 85-900, approved September 2, 1958; P.L. 86-70, approved June 25, 1959; P.L. 86-449, approved May 6, 1960; P.L. 86-624, approved July 12, 1960; P.L. 97-344, approved October 3, 1961; P.L. 88-210, approved December 18, 12, 1960; P.L. 87-344, approved October 3, 1964; P.L. 89-10, approved April 11, 1965; P.L. 89-77, approved July 21, 1965; P.L. 89-313, approved November 1, 1965; P.L. 89-750, approved November 3, 1966; and P.L. 90-147, approved January 2, 1968; P.L. 90-576, approved October 16, 1968; P.L. 91-230, approved April 13, 1970; Public Law 92-318, approved June 23, 1972; P.L. 93-150, approved November 7, 1973; *P.L. 93-288, approved May 22, 1974; P.L. 93-380, approved August 21, 1974; and P.L. 93-344, approved July 12, 1974.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

DECLARATION OF POLICY

Section 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following sections of this title) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

(1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or

(2) such agencies provide education for children residing on Federal property; or

(3) such agencies provide education for children whose parents are employed on Federal property; or

(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

FEDERAL ACQUISITION OF REAL PROPERTY

Sec. 2. (2) Where the Commissioner, after consultation with any local educational agency and with the appropriate State educational agency, determines for any fiscal year ending prior to *October 1, 1978*

(1) that the United States owns Federal property in the school district of such local educational agency, and that such property (A) has been acquired by the United States since 1938, (B) was not acquired by exchange for other Federal property in the school district which the United States owned before 1939, and (C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 per centum or more of the assessed value of all real property in the school district (similarly determined as of the time or times when such Federal property was so acquired); and

(2) that such acquisition has placed a substantial and continuing financial burden on such agency; and

(3) that such agency is not being substantially compensated for the loss in revenue resulting from such acquisition by increases in revenue accruing to the agency from the carrying on of Federal activities with respect to the property so acquired, then the local educational agency shall be entitled to receive for such fiscal year such amount as, in the judgment of the Commissioner, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property. Such amount shall not exceed the amount which, in the judgment of the Commissioner, such agency would have derived in such year, and would have had available for current expenditures, from the property acquired by the United States (such amount to be determined without regard to any improvements or other changes made in or on such property since such acquisition).

2(b) For the purposes of this section any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933, as amended, shall not be regarded as Federal property.

2(c) Where the school district of any local educational agency shall have been formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at the time it files application under section 5) for any fiscal year to have (1) the eligibility of such local educational agency and (2) the amount which such agency shall be entitled to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school district as the agency shall designate in such election.

CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

CHILDREN OF PERSONS WHO RESIDE AND WORK ON FEDERAL PROPERTY

Sec. 3. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools, resided on Federal property and—

3(a)(1) did so with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency; or

3(a)(2) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code). In making a determination under clause (2) of the preceding sentence with respect to a local educational agency for any fiscal year, the Commissioner shall include the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such year, and who, while in attendance at such schools, resided on Indian lands, as described in clause (A) of section 403(1).

CHILDREN OF PERSONS WHO RESIDE OR WORK ON FEDERAL PROPERTY

3(b) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to October 1, 1978, the Commissioner shall, in addition to any determination made with respect to such agency under subsection (a) determine the number of children (other than children with respect to whom a determination is made for such fiscal year under subsection (a)) who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year and who, while in attendance at such schools, either (1) resided on Federal property, or (2) resided with a parent employed on Federal property situated (A) in whole or in part in the county in which the school district of such agency is located, or (B) if not in such county, in whole or in part in the same State as the school district of such agency, or (3) had a parent who was on active duty in the uniformed services (as defined in section 101 of title 37, United States Code). For such purpose, with respect to a local educational agency, in the case of any fiscal year ending prior to October 1, 1978, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or the preceding sentence applies) who were in average daily attendance at the schools of such agency and for whom such agency provided free public education during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the beginning of the fiscal year for which the determination is made, a refugee who meets the requirements of clauses (A) and (B) of section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, except that the Commissioner shall not include in his determination under this sentence for any fiscal year any child with respect to whose education a payment was made under section 2(b)(4) of such Act.

ELIGIBILITY FOR PAYMENTS

3(c)(1) Except as is provided in paragraph (2), no local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under subsection (a) and subsection (b), unless the number of children so determined with respect to such agency amounts to—

(A) at least four hundred such children; or

(B) a number of such children which equals at least 3 per centum of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education; whichever is the lesser.

3(c)(A)(i) Clause (B) of paragraph (1) shall not operate to make any local educational agency eligible for a payment under this section for any fiscal year unless the number of children with respect to whom determination was made under subsections (a) and (b) respecting such agency for that fiscal year is at least ten.

3(c)(2)(A)(ii) If a local educational agency is eligible for a payment for any fiscal year by the operation of clause (B) of paragraph (1), it shall continue to be so eligible for the two succeeding fiscal years even if such agency fails to meet the requirement of such clause (B) during such succeeding fiscal years, except that the number of children determined for the second such succeeding fiscal year with respect to such agency for the purpose of any clause in paragraph (1) of subsection (d) shall not exceed 50 per centum of the number of children determined with respect to such agency for the purpose of that clause for the last fiscal year during which such agency was so eligible.

3(c)(2)(A)(iii) If the Commissioner determines with respect to any local educational agency for any fiscal year that—

(I) such agency does not meet the requirement of clause (B) of paragraph (1); and

(II) the application of such requirement, because of exceptional circumstances, would defeat the purposes of this title; the Commissioner is authorized to waive such requirement with respect to such agency.

(B) No local educational agency shall be entitled to receive a payment for any fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children so determined constitutes at least 20 per centum of the total number of children who

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were in average daily attendance at the schools of such agency and for whom such agency, during such fiscal year, provided free public education.

AMOUNT OF PAYMENTS

3(d)(1) Except as is provided in paragraph (2), the amount to which a local educational agency shall be entitled under this section for any fiscal year shall be—

(A) in the case of any local educational agency with respect to which the number of children determined for such fiscal year under subsection (a) amounts to at least 25 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, an amount equal to 100 per centum of the local contribution rate multiplied by the number of children determined under such subsection plus the sum of the products obtained with respect to such agency under clauses (B)(iii), (B)(iv), and (B)(v); and

(B) in any other case, an amount equal to the sum of—

(i) the product obtained by multiplying 100 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2) of subsection (a).

(ii) the product obtained by multiplying 90 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (1) of subsection (a).

(iii) the product obtained by multiplying 50 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (3) of subsection (b).

(iv) the product obtained by multiplying 45 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clauses (1) and (2)(A) of subsection (b), and

(v) the product obtained by multiplying 40 per centum of the local contribution rate by the number of children determined with respect to such agency for such fiscal year under clause (2)(B) of subsection (b).

3(d)(2)(A) Not later than December 1 during each fiscal year beginning after September 30, 1977, the Commissioner shall, except as is provided in clause (iii) in the third sentence of this subparagraph, determine the total number of children with respect to whom determinations are made under subsection (b) for all local educational agencies making application for payments under this section which meet the eligibility requirements set forth in subsection (c). The Commissioner shall determine the percentage which such number constitutes of the total number of children who were in average daily attendance at the schools of such agencies during such fiscal year and for whom such agencies provided free public education. In calculating the products under clauses (B)(iii), (B)(iv), and (b)(v) of paragraph (1), with respect to any local educational agency for any fiscal year, the Commissioner shall reduce the number of children with respect to whom a determination is made under subsection (b) by a number equal to one-half of the number which the percentage determined under the preceding sentence constitutes of the total number of children with respect to whom such a determination is made and who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, except that—

(i) such percentage shall not exceed 4 per centum;

(ii) the number reduced shall not exceed three hundred; and

(iii) this subparagraph shall not apply to any local educational agency (1) with respect to which the number of children determined under subsection (b) for any fiscal year amounts to at least 10 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education, or (II) during any fiscal year in which such agency receives more than 25 per centum of the funds for its current expenditures from payments under this section.

In determining the total number of children who were in average daily attendance at the schools of an agency during any fiscal year under clause (iii)(I) in the preceding sentence, the number of children in such schools with respect to whom a determination is made under subsection (a) for such year shall not be considered.

(B) If the Commissioner determines that—

(i) the amount computed under paragraph (1), as is otherwise provided in this subsection with respect to any local educational agency for any fiscal year, together with the funds available to such agency from State and local sources and from other sections of this title, is less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which are generally comparable to the school district of such agency:

(ii) such agency is making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

(iii) not less than 50 per centum of the total number of children who were in average daily attendance at the schools of such agency during such fiscal year and for whom such agency provided free public education were, during such fiscal year, determined under either subsection (a) or clause (1) of subsection (b), or both; and

(iv) the eligibility of such agency under State law for State aid with respect to free public education of children residing on Federal property, and the amount of such aid, are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State; the Commissioner is authorized, to increase the amount computed under paragraph (1) with respect to such agency for such fiscal year to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts. The Commissioner shall not, under the preceding sentence, increase the amount computed under paragraph (1) with respect to any local educational agency for any fiscal year to an amount which exceeds the product of—

(I) the amount the Commissioner determines to be the cost per pupil of providing a level of education maintained in such comparable school districts during such fiscal year, multiplied by—

(II) the number of children determined with respect to such agency for such year under either subsection (a) or clause (1) of subsection (b), or both,

minus the amount of State aid which the Commissioner determines to be available with respect to such children for the fiscal year for which the computation is being made.

(C)(i) The amount of the entitlement of any local educational agency under this section for any fiscal year with respect to handicapped children and children with specific learning disabilities for whom a determination is made under subsection (a)(2) or (b)(3) and for whom such local educational agency is providing a program designed to meet the special educational and related needs of such children shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 150 per centum.

(C)(ii) For the purposes of division (i), programs designed to meet the special educational and related needs of such children shall be consistent with criteria established under division (iii).

(C)(iii) The Commissioner shall by regulation establish criteria for assuring that programs (including preschool programs) provided by local educational agencies for children with respect to whom this subparagraph applies are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs and in the implementation of such regulations the Commissioner shall consult with persons in charge of special education programs for handicapped children in the educational agency of the State in which such local educational agency is located.

(C)(iv) For the purpose of this subparagraph the term "handicapped children" has the same meaning as specified in section 602 (1) of the Education of the Handicapped Act and the term "children with specific learning disabilities" has the same meaning as specified in section 602(15) of such Act.

3(d)(3)(A) Except as is provided in subparagraph (B), in order to compute the local contribution rate for a local educational agency for any fiscal year, the Commissioner, after consulting with the State educational agency of the State in which the local educational agency is located and with the local educational agency, shall determine which school districts within such State are generally comparable to the school district of the local educational agency for which the computation is being made. The local contribution rate for such agency shall be the quotient of—

(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, which the local educational agencies of such comparable school districts derived from local sources, divided by—

(ii) the aggregate number of children in average daily attendance for whom such agency provided free public education during such second preceding fiscal year.

(B)(i) The local contribution rate for a local educational agency in any State shall not be less than—

(I) 50 per centum of the average per pupil expenditure in such State, or

(II) 50 per centum of such expenditures in all the States, whichever is greater, except that clause (II) shall not operate in such a manner as to make the local contribution rate for any local educational agency in any State exceed an amount equal to the average per pupil expenditure in such State.

(ii) If the current expenditures in those school districts which the Commissioner has determined to be generally comparable to the school district of the local educational agency for which a computation is made under subparagraph (A) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of such agency, a level of education equivalent to that maintained in such other school districts, the Commissioner is authorized to increase the local contribution rate for such agency by such an amount which he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors.

(iii) The local contribution rate for any local educational agency in—

(I) Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or

(II) any State in which a substantial proportion of the land is in unorganized territory, or

(III) any State in which there is only one local education agency.

shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will best achieve the purposes of this section and which are consistent with the policies and principles provided in this paragraph for determining local contribution rates in States where it is possible to determine generally comparable school districts.

(C) For the purposes of this paragraph—

(i) the term "State" does not include Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands; and

(ii) the "average per pupil expenditure" in a State shall be

(I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made of all local educational agencies in the State, divided by (II) the aggregate number of children in average daily attendance for whom such agencies provide free public education during such second preceding fiscal year.

ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES

3(e) Whenever the Commissioner determines that—

(1) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 per centum of the number so determined with respect to such agency during the preceding fiscal year;

(2) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

(3) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year; the amount to which such agency is entitled for such fiscal year and for any of the three succeeding fiscal years shall not be less than 90 per centum of the amount to which such agency was so entitled for the preceding fiscal year. That part of any entitlement of any local educational agency which is in excess of the amount which such entitlement would be without the operation of the preceding sentence shall be deemed to be attributable to determinations of children with respect to such agency under subsection (b)(2)(A).

DETERMINATIONS ON THE BASIS OF ESTIMATES

3(f) Determinations with respect to a number of children by the Commissioner under this section for any fiscal year shall be made, whenever actual satisfactory data are not available, on the basis of estimates. No such determination shall operate, because of an underestimate, to deprive any local educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

SECTION 3 HOLD-HARMLESS PROVISIONS (SECTION 305(b), P.L. 93-380)

Section 305(b)(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall be effective on and with respect to appropriations for fiscal years beginning on and after July 1, 1975, and the amendments made by paragraph (3) of subsection (a) shall be effective upon enactment of this Act.

Section 305(b)(2)(A)(i) Notwithstanding any other provision of law unless enacted in express limitation of this subparagraph—

(I) in the case of any local educational agency which is entitled to a payment under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) for the fiscal year ending June 30, 1973, which constituted an amount equal to not less than 10 per centum of the current expenditures of such agency for such fiscal year, the amount paid to such agency pursuant to such Act of September 30, 1950, for any fiscal year beginning after June 30, 1974, and ending prior to October 1, 1978, on the basis of the entitlement of that agency under such section 3, shall not be less than 90 per centum of the amount paid to such agency on the basis of such entitlement for the preceding fiscal year.

(II) in the case of any other local educational agency, the amount so paid during any fiscal year beginning after June 30, 1974, and ending prior to October 1, 1978, shall not be less than 80 per centum of the amount so paid for the preceding fiscal year.

In the case of any local educational agency which is eligible prior to July 1, 1975, for a payment under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) by reason of the 3 per centum requirement in clause (B) of section 3(c)(2) of such Act, as in effect prior to the effective date of the amendment made by paragraph (1) of subsection (a), but which fails to meet such requirement in any fiscal year ending prior to October 1, 1977, such agency shall continue to be eligible for a payment under section 3 as then in effect for the two succeeding fiscal years, but the payment under such section during the second of such succeeding fiscal years shall not exceed 50 per centum of the amount of the payment such agency was entitled to receive during the most recent fiscal year in which it was so eligible by reason of such clause (B).

(ii) Funds appropriated for any fiscal year for making payments to local educational agencies pursuant to the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), which are increased by reason of the provisions of division (i) shall, to the extent of any such increase, be separate from funds appropriated for such fiscal year for payments pursuant to title I of such Act which are not so increased. If, for any fiscal year, a law making appropriations for payments pursuant to such title I is enacted and such law makes no express provisions for payments increased by division (i)—

(I) all funds so appropriated shall be allocated and paid in accordance with section 5 of such Act of September 30, 1950, and without regard for the provisions of division (i); and

(II) not later than fifteen days after the enactment of such law, the Commissioner shall submit a report to the Committees on Appropriations and on Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate, which report shall contain a statement detailing the dollar amounts necessary to satisfy the requirements of division (i) and constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).

(B) In the case of any local educational agency which experiences a decrease in the number of children determined by the Commissioner of Education under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) of 10 per centum or more of such number—

(i) during the fiscal year ending June 30, 1974, or the fiscal year ending June 30, 1975; or

(ii) during the period beginning July 1, 1973, and ending June 30, 1975; as the result of a decrease in, or cessation of, Federal activities affecting military installations in the United States announced after April 18, 1973, the amount of the payment to which such agency shall be entitled under title I of such Act, as computed under section 3 of such Act, for any fiscal year ending prior to October 1, 1978, shall not be less than 90 per centum of the amount to which the agency was so entitled during the preceding fiscal year. The provisions of the subparagraph shall be effective on and after July 1, 1974, and with respect to appropriations for the fiscal year ending June 30, 1975, and succeeding fiscal years, and such provisions shall be deemed to have been enacted before the beginning of the fiscal year ending June 30, 1975. Nothing in this subparagraph shall be construed to decrease the amount of the payment to which any local educational agency is entitled for any fiscal year on the basis of entitlements created under section 3 of such Act of September 30, 1950.

(C) During the first fiscal year in which the amendments made by subsection (a) are effective and each of the succeeding fiscal years ending prior to October 1, 1978, the Commissioner shall determine with respect to each local educational agency in any State the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent employed on Federal property in a State or in a county other than the State or county, as the case may be, in which the school district of such agency is located but which is situated within a reasonable commuting distance from the school district of such agency. If the number of children determined under the preceding sentence is equal to at least 10 per centum of the total number of children determined with respect to such agency for such fiscal year under section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), the amount to which such agency shall be entitled with respect to a number of children determined under such section 3(b) for such fiscal year, shall not be less than 90 per centum of the amount which such agency received with respect to the number of children so determined during the preceding fiscal year, as computed under section 3 of such Act.

(D)(i) The Commissioner shall determine for each fiscal year beginning after June 30, 1975, and ending prior to October 1, 1978, the amount which each local educational agency would be paid for that fiscal year under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) if the amount appropriated had been allocated as provided in section 5(c) of such Act without regard for entitlements (or portions thereof) which are attributable to determinations under subsections (a) and (b) of such section of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project described in section 403(1)(C). The Commissioner shall then determine the amount which each local educational agency is to be paid for that fiscal year under such section 3 and allocated in accordance with such section 5(c). If the amount determined with respect to any local educational agency under the first sentence of this division is greater than the amount determined with respect to the second sentence of this division, the Commissioner shall pay to that agency an amount equal to the difference between the amounts so determined.

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(II) Funds appropriated for any fiscal year for making payments pursuant to the third sentence of division (I) shall be separate from funds appropriated for such fiscal year for making payments pursuant to section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress). If, for any fiscal year, a law making appropriations for payments pursuant to such section 5 is enacted, and such law makes no express provision for payments pursuant to such third sentence—

(I) all funds so appropriated shall be allocated and paid in accordance with such section 5, without regard for such third sentence; and

(II) not later than fifteen days after the enactment of such law, the Commissioner shall submit a report to the Committees on Appropriations and on Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate, which report shall contain a statement detailing the dollar amounts necessary to make the payments required under such third sentence and shall, with respect to such dollar amounts, constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).

SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE INCREASES HEREAFTER OCCURRING

Section 4(a) If the Commissioner determines for any fiscal year ending prior to October 1, 1978,

(1) that, as a direct result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 5 per centum of the difference between the number of children in average daily attendance at the schools of such agency during such year resulted from activities of the United States (including children who resided on Federal property or with a parent employed on (Federal property);

(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved, then such agency shall be entitled to receive for such fiscal year an amount equal to the product of—

(A) the number of children which the Commissioner determines to be the increase, so resulting from activities of the United States, in such year in average daily attendance; and

(B) the amount which the Commissioner determines to be the current expenditure per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from State, local, and Federal sources for such purpose (not counting as available for such purpose either payments under this Act or funds from local sources necessary to provide free public education to other children).

For the next fiscal year (except where the determination under the preceding sentence has been made with respect to the fiscal year ending September 30, 1978) such agency shall be entitled to receive 50 per centum of such product reduced by the amount of such product which is attributable to children with respect to whom such agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year, but not to exceed for such year the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds (exclusive of funds available under title II) available to it for such purpose, to provide a level of education equivalent to that maintained in the school districts in such State which in his judgment are generally comparable to the school district of such agency. The determinations whether an increase has occurred for purpose of clause (1) hereof and whether such increase meets the 5 per centum requirement contained in such clause, for any fiscal year, shall be made on the basis of estimates by the Commissioner made prior to the close of such year, except that an underestimate made by the Commissioner pursuant to the foregoing provisions of this sentence shall not operate to deprive an agency of its entitlements to any payments under this section to which it would be entitled had the estimate been accurate. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts in the State which, in the judgment of the Commissioner, are generally comparable to the school district of the local educational agency for which the computation is being made.

4(b) Omitted.

COUNTING OF CERTAIN CHILDREN

4(c) In determining under subsection (a) whether there has been an increase in attendance in any fiscal year directly resulting from activities of the United States and the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count—

(A) children with respect to whom a local educational agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year: Provided, That the Commissioner shall count for such purposes as an increase directly resulting from activities of the United States, an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property, if the local educational agency files, in accordance with regulations of the Commissioner, its election that such increase be counted for such purposes instead of for the purposes of section 3; and

(B) children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the third sentence of paragraph (1) of section 403.

ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

4(d) Whenever the Commissioner determines that—

(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) applies;

(2) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any of such activities to occur, the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur.

CONSULTATION WITH STATE AND LOCAL AUTHORITIES

4(e) All determinations of the Commissioner under this section shall be made only after consultation with the State educational agency and the local educational agency.

PAYMENTS—APPLICATIONS

Section 5(a)(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor through the State educational agency of the State in which such agency is located to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information as the Commissioner may reasonably require to enable him to carry out his functions under this title and shall give adequate assurance that the applicant will submit such reports as the Commissioner may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment.

Section 5(a)(2)(A) Applications submitted under paragraph (1) for payments on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1).

PAYMENTS BY THE COMMISSIONER

5(b) The Commissioner shall pay to each local educational agency, making applications pursuant to subsection (a), the amount to which it is entitled under sections 2, 3, or 4. Sums appropriated, for any fiscal year, to enable the Commissioner to make payments pursuant to this title shall, notwithstanding any other provision of law unless enacted in express limitations of this subsection, remain available for obligation and payments with respect to amounts due local educational agencies under this title for such fiscal year, until the end of the fiscal year succeeding the fiscal year for which such sums are appropriated.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

5(c) If the sums appropriated for any fiscal year for making payments on the basis of entitlements established under sections 2, 3, and 4 for that year are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies are entitled to receive under such sections for such year, the Commissioner shall allocate such sums among local educational agencies and make payments to such agencies as follows:

5(c)(1) He shall first allocate to each local educational agency which is entitled to a payment under section 2 and section 3 an amount equal to 25 per centum of the amount to which it is entitled as computed under section 2 or section 3(d), as the case may be, for such fiscal year.

5(c)(2) From that part of such sums which remains after the allocation required by paragraph (1) for any fiscal year, he shall allocate an additional amount—

(A) to each local educational agency described in clause (A) of section 3(d)(1) which equals 75 per centum of the amount to which such agency is entitled, as computed under section 3(d) with respect to a determination of a number of children under section 3(a), for such fiscal year;

(B) to each local educational agency with respect to which a number of children is determined under clause (2) of section 3(a) which equals 65 per centum of the amount to which such agency is entitled on the basis of determining such children as computed under section 3(d), for such fiscal year;

(C) to each local educational agency with respect to which a number of children is determined under clause (1) of section 3(a) which equals 63 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

(D) to each local educational agency with respect to which a number of children is determined under clause (3) of section 3(b) which equals 35 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

(E) to each local educational agency with respect to which a number of children determined under clause (1) and clause (2)(A) of section 3(b) which equals 32 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d) for such fiscal year;

(F) to each local educational agency with respect to which a number of children is determined under clause (2)(B) of section 3(b) which equals 28 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year; and

(G) to each local educational agency with respect to the amount to which such agency is entitled under section 2 which equals 35 per centum of the amount to which such agency is entitled on the basis of computations made under section 2 for such fiscal year.

5(c)(3) Any sums remaining after allocations are made pursuant to paragraph (2) for any fiscal year shall be allocated by the Commissioner among local educational agencies which have unsatisfied entitlements established under sections 2, 3, and 4 in proportion to the degree to which such entitlements are unsatisfied for that fiscal year, after allocations are made pursuant to paragraphs (1) and (2). No allocation may be made pursuant to paragraph (2) or (3) and no payment may be paid on the basis of any such allocation unless allocations are made pursuant to paragraph (1) and payments are made on the basis of such allocations. No allocation may be made pursuant to any clause of paragraph (2) and no payment may be made on the basis of any such allocation unless allocations are made pursuant to all of the clauses of such paragraph and payments are made on the basis of such allocations.

TREATMENT OF PAYMENTS BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID

5(d)(1) Except as provided in paragraph (2), no payments may be made under this title for any fiscal year to any local educational agency in any State (A) if that State has taken into consideration payments under this title in determining—

(i) the eligibility of any local educational agency in that State for State aid for free public education of children; or

(ii) the amount of such aid with respect to any such agency: during that fiscal year or the preceding fiscal year, or (B) if such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.

5(d)(2)(A) Notwithstanding paragraph (1) of this subsection, if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

(i) financial resources available to local educational agencies in that State; and

(ii) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local revenues covered under a State equalization program are of total local revenues.

Whenever a State educational agency or local educational agency will be adversely affected by the operation of this subsection, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this subsection.

(B) The terms "State aid" and "equalize expenditures" as used in this subsection shall be defined by the Commissioner by regulation, after consultation with State and local educational agencies affected by this subsection provided that the term "equalize expenditures" shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as handicapped children, economically disadvantaged, those who need bilingual education, and gifted and talented children.

LIMITATIONS ON PAYMENTS WITH RESPECT TO CHILDREN ON, OR RESIDING WITH A PARENT EMPLOYED ON, FEDERAL PROPERTY DESCRIBED IN SECTION 403(1)(C)

5(e)(1) The Commissioner shall determine that part of the entitlement of each local educational agency, for each fiscal year ending prior to July 1, 1978, which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is described in section 403(1)(C).

5(e)(2) No allocation or payment shall be made under paragraph (2) of subsection (c) with respect to that part of any entitlement of any local educational agency which is determined with respect to such agency for such year under paragraph (1). The limitation in this paragraph shall not operate under the last two sentences of subsection (c) to prevent allocations and payments under such paragraph (2).

5(e)(3) The amount of the payment to any local educational agency which is determined with respect to such agency under paragraph (1) shall be used for special programs and projects designed to meet the special educational needs of educationally deprived children from low income families.

USE OF FUNDS PAID WITH RESPECT TO ENTITLEMENTS INCREASED UNDER SECTION 3(d)(2)(C)

5(f) The amount of the payment to any local educational agency for any fiscal year which is attributable to a determination of children for increased payments under subparagraph (C) of section 3(d)(2) shall be used by such agency for special educational programs designed to meet the special educational needs of children with respect to whom such determination is made.

PARENTAL PARTICIPATION RE PAYMENT FOR INDIAN LANDS (SECTION 411(C)(2), PL 92-318)

"(A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act to encourage local parental participation with respect to financial assistance under Title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on Indian lands."

"(B) For purposes of this paragraph, the term 'Indian lands' means that property included within the definition of Federal property under clause (A) of section 401(1) of Public Law 874, 81st Congress."

CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Section 6(a) In the case of children who reside on Federal property—

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.

The Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section shall take such action as may be necessary to insure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State, or, in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed and the compensation, tenure, leave, hours of work, and other incidents of the employment relationship may be fixed without regard to the Civil Service Act, and rules (5 U.S.C. 631 et seq.) and the following: (1) the Classification Act of 1949, as amended (5 U.S.C. 2061 et seq.); (2) the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 et seq.); (3) the

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Federal Employees' Pay Act of 1945, as amended (5 U.S.C. 901 et seq.); (4) the Veteran's Preference Act of 1944, as amended (5 U.S.C. 851 et seq.); and (5) the Performance Rating Act of 1950, as amended (5 U.S.C. 2001 et seq.). In any case where education was being provided on January 1, 1955, or thereafter under an arrangement made under this subsection for children residing on an Army, Navy (including the Marine Corps), or Air Force installation, it shall be presumed, for the purposes of this subsection, that no local educational agency is able to provide suitable free public education for the children residing on such installation, until the Commissioner and the Secretary of the military department concerned jointly determine, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.

6(h) In any case in which the Commissioner makes such arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this title, (2) that no local educational agency is able to provide suitable free public education for such children, and (3) in any case where in the judgment of the Commissioner the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Commissioner for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this title, or both, as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

6(c) In any case in which the Commissioner makes arrangements under this section for the provision of free public education in facilities situated on Federal property in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, he may also make arrangements for providing free public education in such facilities for children residing with a parent employed by the United States, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provisions of such education is appropriate to carry out the purposes of this title, and (2) that no local educational agency is able to provide suitable free public education for such children.

6(d) The Commissioner may make an arrangement under this section only with a local educational agency or with the head of a Federal department or agency administering Federal property on which children reside who are to be provided education pursuant to such arrangement or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal Department or Agency having jurisdiction over the parents of some or all of such children. Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements may be made under this section only for the provision of education in facilities of a local educational agency or in facilities situated on Federal property.

6(e) To the maximum extent practicable, the Commissioner shall limit the total payments made pursuant to any such arrangements for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount he deterimnes to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

6(f) If no tax revenues of a State or of any political subdivision of the State may be expended for the free public education of children who reside on any Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then the property on which such children reside shall not be considered Federal property for the purposes of sections 3 and 4 of this Act. If a local educational agency refuses for any other reason to provide in any fiscal year free public education for children who reside on Federal property which is within the school district of that agency or which, in the determination of the Commissioner, would be within that school district if it were not Federal property, there shall be deducted from any amount to which the local educational agency is otherwise entitled for that year under section 3 or 4 an amount equal to (1) the amount (if any) by which the cost to the Commissioner of providing free public education for that year for each such child exceeds the local contribution rate of that agency for that year, multiplied by (2) the number of such children.

6(g) This section repealed by Section 438 (f)(1) of P.L. 91-230, approved April 13, 1970. See the Revised Section 401(a) (Sec. 422 of P.L. 91-230).

ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS

Sec. 7. (a) In any case in which—

7(1)(A) The Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which after August 30, 1965, and prior to October 1, 1978, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to Sections 102(2) and 301 of the Disaster Relief Act of 1974 is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government; or 7(1)(B) the Commissioner determines with respect to any such agency that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged prior to October 1, 1978, as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any such catastrophe caused by negligence or malicious action; and (2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and if the Commissioner determines with respect to such agency that—

(3) such agency is utilizing or will utilize all State and other financial assistance available to it for the purpose of meeting the cost of providing free public education for the children attending the schools of such agency, but as a result of such disaster it is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least $1,000 or one-half of 1 per centum of such agency's current operating expenditures during the fiscal year preceding the one in which such disaster occurred, whichever is less, and

(4) in the case of any such major disaster to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate: Provided, That nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction, the Commissioner may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five-fiscal-year period beginning with the fiscal year in which it is determined pursuant to clause (1) of this subsection that such agency suffered a disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency prior to the occurrence of such disaster, taking into account the additional costs reasonably necessary to carry out the provisions of clause (4) of this subsection. The amount, if any, provided for the second, third, and fourth fiscal years following the fiscal year in which it is so determined that such agency has suffered a disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

7(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such disaster, to make minor repairs, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the disaster.

7(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner is authorized to expend (without regard for subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) from any funds appropriated to the Office of Education and at that time available to the Commissioner, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence shall—

(1) be reported by the Commissioner to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate within thirty days of the expenditures;

(2) be reimbursed from the appropriations authorized by the first sentence of this subsection.

The report required to the Committees on Appropriations by clause (1) in the preceding sentence shall constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(f)).

7(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with the regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

7(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

TITLE II—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

(Omitted since it does not relate to financial assistance for local educational agencies in areas affected by Federal activities.)

TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

(Omitted since such Title is the "Indian Elementary and Secondary School Assistantce Act" and does not relate to financial assistance for local educational agencies in areas affected by Federal activities.)

TITLE IV—GENERAL

ADMINISTRATION

Sec. 401(a). Repealed. [This section was repealed by Section 438(f)(1) of P.L. 91-230, approved April 13, 1970, and superseded by Section 432 of P.L. 91-230, (20 U.S.C. 1232a) (84 Stat. 169) which reads as follows:

"Sec. 432. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; or the Vocational Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instructions, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance."]

401(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

401(c) The Commissioner shall include in this annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursement.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING (SECTION 802, PUBLIC LAW 92-318)

Sec. 802(a) No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school system, or for the transportation) of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system to school assignments based on geographical zones established without discrimination on account of race, religion, color, or national origin.

Sec. 802(b). No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall by rule, regulation, order, guideline, or otherwise (1) urge, persuade, induce, or require and local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No other agent or employee or the Department of Health, Education, and Welfare, (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require sny local education agency to undertake transportation of any student where the time or distance or travel is so great as to risk the health of the child or significantly impinge on his or her educational process or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

802(c) An applicable program means a program to which the General Education Provisions Act applies.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING (SECTION 252, PL 93-380)

Sec. 252. Part B of the General Education Provisions Act, amended by title V of this Act, is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

Sec. 420. No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except for funds appropriated pursuant to title I of the Act of September 30, 1950 (P.L. 874, 81st Congress), but not including any portion of such funds as are attributable to children counted under subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act."

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

Sec. 402(a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement. The last sentence of Section 402(a) repealed by Section 438(c)(1) of P.L. 91-230, approved April 13, 1970, and superseded by Section 421 of P.L. 91-230 (20 Stat. 1231) as redesignated by section 301(A) of P.L. 92-318, approved June 23, 1972 (86 Stat. 326), which reads as follows:

"Sec. 421. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

"(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon."

402(c) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of title I.

402(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as title I, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of title I, be transferred to the Commissioner for use by him in carrying out such purposes.

402(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operations of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs, or the availability of appropriations for the making of pay-

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ments directed to be made by section 91 of the Atomic Energy Community Act of 1955, as amended, or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452).

DEFINITIONS

Sec. 403. For the purposes of this Act—

(1) the term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes (A) except for purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes, which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United State Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D) such term also includes any interest in Federal property (as defined in the foregoing provision of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provision of this paragraph, such term does not include any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services. Real property which qualifies as Federal property under clause (A) of this paragraph shall not lose such qualification because it is used for a low-rent housing project.

(2) The term "child" except as used in title II, means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that for the purposes of title II such term does not include any education provided beyond grade 12.

(5) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of this Act or title II or III of the Elementary and Secondary Education Act of 1965.

(6)(A) For purposes of title I, the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(B) For purposes of title II, the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, and it also includes (except for purposes of sections 203(a)(2), 203(b), and 205(a)(1)) any State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education) or for children in institutions for neglected or delinquent children.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands, and for purposes of title II, such term includes the Trust Territory of the Pacific Islands.

(9) The terms "Commissioner of Education" and "Commissioner" means the United States Commissioner of Education.

(10) Average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 3 or 4 of this Act shall be determined in accordance with regulations of the Commissioner, and (B) notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (ii) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

(11) The term "county" means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

(12) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(13) The term "school facilities" means classrooms and related facilities (including initial equipment) for free public education and interest in land (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

(14) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provisions of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials.

(15) For the purpose of title II, the term "elementary school" means a day or residential school which provides elementary education, as determined under State law, and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education purovided beyond grade 12.

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federal register

FRIDAY, DECEMBER 5, 1975

PART III:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area

indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the orginal General Wage Determination Decision.

New General Wage Determination Decisions.

West Virginia	WV75–3107

Modifications to General Wage Determination Decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1048	Apr. 18, 1975.
Iowa:	
IA75–4171; IA75–4172; IA 75–4174.	Oct. 31, 1975.
Maryland:	
MD75–3064	June 27, 1975.
Michigan:	
MI75–2103	Aug. 22, 1975.
New Mexico:	
NM75–4136; NM75–4137	Aug. 1, 1975.
North Dakota:	
ND75–5130	Oct. 17, 1975.
Ohio:	
AR–3034	Aug. 23, 1974.
Oklahoma:	
OK75–4133	July 25, 1975.
OK75–4140	Aug. 1, 1975.
OK75–4156	Sept. 5, 1975.
Tennessee:	
TN75–1051	May 16, 1975.
TN75–1052	May 30, 1975.
TN75–1108	Nov. 14, 1975.
Texas:	
TX75–4154	Aug. 22, 1975.
TX75–4161; TX75–4162; TX 75–4166; TX75–4167.	Oct. 24, 1975.
TX75–4183	Nov. 7, 1975.
Virginia:	
VA75–3006	Jan. 3, 1975.
MD75–3100	Sept. 26, 1975.
Washington, D.C.:	
DC75–3099	Sept. 26, 1975.

Supersedeas Decisions to General Wage Determination Decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:	
CA75–5071(CA75–5141); CA 75–5072(CA75–5142).	June 13, 1975.
Kansas:	
KS75–4051(KS75–4197); KS 75–4053(KS75–4198).	Feb. 7, 1975.
KS75–4061(KS75–4191)	Mar. 14, 1975.
KS75–4149(KS75–4199); KS 75–4151(KS75–4194).	Aug. 22, 1975.
Louisiana:	
LA75–4141(LA75–4200)	Aug. 1, 1975.
New York:	
AR–3035(NY75–3111); AR–3040(NY75–3114).	Apr. 11, 1975.
Pennsylvania:	
AR–3030(PA75–3112)	Aug. 30, 1974.
AR–3099(PA75–3113)	Dec. 27, 1974.
Texas:	
TX75–4117(TX75–4201)	July 11, 1975.

Signed at Washington, D.C., this 28th day of November 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. WV75-3107

AREA COVERED BY BRICKLAYERS, STONEMASONS ETC. ZONES

ZONE 1 - Hampshire and Mineral Counties.
ZONE 2 - Grant, Hardy, Pendleton, Pocahontas, Randolph, Tucker and Webster Counties.
ZONE 3 - McDowell, Mercer, Monroe and Wyoming Counties.
ZONE 4 - Braxton, Greenbrier, Nicholas, Raleigh and Summers Counties.
ZONE 5 - Lincoln and Mingo Counties.
ZONE 6 - Logan County.

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, MILLWRIGHTS AND PILEDRIVERMEN:					
ZONE 1					.02
Carpenters	$ 9.15	.45	.25		.02
Millwrights	9.51	.45	.25		.02
Piledrivermen	9.45	.45	.25		
ZONE 2					.03
Carpenters	8.91	.40	.50		.02
Millwrights	10.29	.25	.25		.03
Piledrivermen	9.20	.40	.50		
ZONE 3					.02
Carpenters	9.19	.25	.25		.02
Millwrights	10.29	.25	.25		
Piledrivermen	9.44	.25	.25		.02
ZONE 4					.02
Carpenters	10.01	.25	.25		.02
Millwrights	10.29	.25	.25		.02
Piledrivermen	10.26	.25	.25		
ZONE 5					.04
Contracts under $100,000					.04
Carpenters	9.05	.25	.20		
Piledriverman	9.55	.25	.20		.04
Contracts $100,000 or more					.04
Carpenters	9.30	.25	.20		.04
Piledrivermen	9.80	.25	.20		.04
Millwrights	9.60	.25	.20		
ZONE 6					.02
Carpenters	8.74	.25	.25		.02
Millwrights	10.29	.25	.25		.02
Piledrivermen	8.99	.25	.25		

NEW DECISION

STATE: WEST VIRGINIA
COUNTIES: Braxton, Grant, Greenbrier, Hampshire, Hardy, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Webster & Wyoming

DECISION NO.: WV75-3107

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See Heavy and Highway Construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project and all incidental water lines and sewer utilities to within 5 feet of the building line, when such work is let as a separate contract by the owner or as a subcontract by the prime contractor.)

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					.03
ZONE 1	$ 9.92	.35	.70		.03
ZONE 2	10.21	.49	.60		
ZONE 3	10.65	.35	.35		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Grant, Mineral and Tucker Counties.
ZONE 2 - Hampshire and Hardy Counties.
ZONE 3 - Braxton, Greenbrier, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Webster and Wyoming Counties.

BOILERMAKERS	8.55	.60	.60	1.00	.02	
BOILERMAKER HELPERS	8.30	.60	.60	1.00	.02	
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TERRAZZO WORKERS, TILE LAYERS, CEMENT MASONS & PLASTERERS:						
ZONE 1	9.04		.40			
ZONE 2	9.00					
ZONE 3	6.70					
ZONE 4						
Bricklayers, Stone Masons, Marble Masons, Tile Layers and Terrazzo Workers	9.06	.50	.75			
Cement Masons	8.75		.65			
Plasterers	9.10		.01			
ZONE 5						
Bricklayers and Stone Masons	10.63		.20			
Marble Masons and Terrazzo Workers	9.12		.20			
Tile Layers	9.54		.20			
ZONE 6						
Cement Masons	8.75		.65		.01	
Plasterers	9.10					

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DECISION NO. WV75-3107

AREA COVERED BY CARPENTERS, MILLWRIGHTS ETC. ZONES

ZONE 1 - Grant, Hampshire, Hardy, Mineral and Pendleton Counties.
ZONE 2 - Mingo County.
ZONE 3 - McDowell, Mercer, Raleigh, Summers and Wyoming Counties.
ZONE 4 - Greenbrier, Lincoln, Monroe, Nicholas and Pocahontas Counties.
ZONE 5 - Braxton, Randolph, Tucker and Webster Counties.
ZONE 6 - Logan County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS AND CABLE SPLICERS:					
Mineral County:					
Wiremen	9.05	.30	1%+.25		1%
Hampshire County:					
Wiremen	9.25	.30	1%+.25		1%
Grant County:					
Wiremen	9.45	.30	1%+.25		1%
Tucker County:					
Contracts under $12,000:					
Wiremen	5.00	.30	1%+.87	1.27	.02
Contracts over $12,000:					
Wiremen	8.35	.30	1%+.87	1.27	.02
Cable Splicers	8.50	.30	1%+.87	1.27	.02
Lincoln County:					
Wiremen	10.00	.30	1%+.32	1.02	.04
Cable Splicers	11.00	.30	1%+.32	1.02	.04
Logan and Mingo Counties:					
Wiremen	10.25	.30	1%+.32	1.02	.04
Cable Splicers	11.275	.30	1%+.32	1.02	.04
Raleigh County:					
Clear Fork and Marsh Fork Townships:					
Wiremen	10.70	.30	1%+.07	.02	.04
Cable Splicers	11.75	.30	1%+.07	.02	.04
Remainder of County:					
Contracts $15,000 or less:					
Wiremen	6.50	.30	1%+.12	.52	.04
Cable Splicers	6.80	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.40	.30	1%+.12	.52	.04
Cable Splicers	9.70	.30	1%+.12	.52	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS AND CABLE SPLICERS (CONT'D):					
Summers and Wyoming Counties:					
Contracts $15,000 or less:					
Wiremen	$ 7.00	.30	1%+.12	.52	.04
Cable Splicers	7.30	.30	1%+.12	.52	.04
Contracts over $15,000					
Wiremen	9.90	.30	1%+.12	.52	.04
Cable Splicers	10.20	.30	1%+.17	.52	.04
Braxton, Nicholas and Webster Counties:					
Wiremen	10.70	.30	1%+.07	.02	.04
Cable Splicers	11.75	.30	1%+.07	.02	.04
Randolph County					
Wiremen	9.10	.30	1%	1.02	.03
Cable Splicers	10.01	.30	1%	1.02	.03
Greenbrier, McDowell, Mercer, Monroe and Pocahontas Counties:					
Wiremen	7.94	.30	1%		½ of 1%
Cable Splicers	8.34	.30	1%		½ of 1%
Hardy and Pendleton Counties:					
Contracts under $30,000:					
Wiremen	5.85	.30	1%		3/4 of 1%
Contracts $30,000 or more					
Wiremen	9.25	.30	1%		3/4 of 1%
GLAZIERS					
ZONE 1	9.50		.20		
ZONE 2					
Inside	5.15	.25	.20	a+.55	
Outside	5.70	.25	.20	a+.55	

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NOTICES

DECISION NO. WV75-3107

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Braxton, Greenbrier, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Raleigh, Summers and Wyoming Counties.

ZONE 2 - Randolph, Tucker and Webster Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS - Structural, Reinforcing and Ornamental:					
ZONE 1	$ 9.34	.50	.50		
ZONE 2	9.35	.55	.55		.05
ZONE 3	8.15	.50	.55		.03
ZONE 4					
Area 1 - 10 mi. from Union Hall	10.26	.65	.70		.01
Area 2 - 10-15 mi from Union Hall	10.41	.65	.70		.01
Area 3 - 15-20 mi from Union Hall	10.51	.65	.70		.01
Area 4 - 20-25 mi from Union Hall	10.61	.65	.70		.01

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Grant, Hampshire, Hardy, Mineral, Pendleton, Randolph and Tucker Counties.

ZONE 2 - Braxton, Lincoln, Logan, McDowell, Nicholas, Raleigh, Webster and Wyoming Counties.

ZONE 3 - Greenbrier, Mercer, Monroe, Pocahontas and Summers Counties.

ZONE 4 - Mingo County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
ZONE 1					
Group 1	$ 6.85	.30	.30		.03
Group 2	6.50	.30	.30		.03
Group 3	6.20	.30	.30		.03
ZONE 2					
Group 1	6.13	.30	.30		.03
Group 2	5.78	.30	.30		.03
Group 3	5.48	.30	.30		.03
ZONE 3					
Group 1	6.87	.30	.30		.03
Group 2	6.52	.30	.30		.03
Group 3	6.22	.30	.30		.03
ZONE 4					
Group 1	7.30	.30	.30		.03
Group 2	6.95	.30	.30		.03
Group 3	6.65	.30	.30		.03
ZONE 5					
Group 1	6.48	.30	.30		.03
Group 2	6.13	.30	.30		.03
Group 3	5.83	.30	.30		.03

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DECISION NO. WV75-3107

CLASSIFICATION DEFINITIONS
LABORERS - ZONES 1, 2&3

GROUP 1 - Blacksmith; powderman; air track operator; pipe layer (including laser beam set-up); burner.

GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; chainmen & rod men; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders; tile setters tenders; morter mixers; jackhammer operators; vibrator operators; temper operators; pavement buster operators; chipping & peening hammer operators; air sysphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators helpers; sheeters & shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tampers.

GROUP 3 - Laborers; carpenter tender; flagmen; water boy; demolition worker; fire watch; landscape laborer.

AREA COVERED BY LABORERS ZONES

ZONE 1 - Braxton, Grant, Hampshire, Hardy, Mineral, Nicholas, Pendleton, Randolph, Tucker and Webster Counties.

ZONE 2 - McDowell, Mercer, Monroe, Raleigh, Summers and Wyoming Counties.

ZONE 3 - Logan and Mingo Counties.

ZONE 4 - Lincoln County.

ZONE 5 - Greenbrier and Pocahontas Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Mineral County:					
Linemen	$ 9.05	.30	1%+.25		½ of 1%
Equipment Operators	8.63	.30	1%+.25		½ of 1%
Truck Drivers & Groundmen	5.88	.30	1%+.25		½ of 1%
Hampshire County:					
Linemen	9.25	.30	1%+.25		½ of 1%
Equipment Operators	8.83	.30	1%+.25		½ of 1%
Truck Drivers & Groundmen	6.08	.30	1%+.25		½ of 1%
Grant County:					
Linemen	9.45	.30	1%+.25		½ of 1%
Equipment Operator	9.03	.30	1%+.25		½ of 1%
Truck Driver & Groundmen	6.28	.30	1%+.25		½ of 1%
Tucker County:					
Linemen & Equipment Operators	8.35	.30	1%+.87		½ of 1%
Cable Splicers	9.185	.30	1%+.87		½ of 1%
Groundmen	6.68	.30	1%+.87		½ of 1%
Braxton, Lincoln, Logan, Mingo, Nicholas & Webster Counties:					
Linemen & Equipment Operators	9.76	.35	1%+.32	1.02	½ of 1%
Cable Splicers	10.74	.35	1%+.32	1.02	½ of 1%
Groundmen	7.81	.35	1%+.32	1.02	½ of 1%
Randolph County:					
Linemen & Equipment Operators	9.10	.30	1%	1.02	½ of 1%
Cable Splicers	10.01	.30	1%	1.02	½ of 1%
Groundmen & Truck Drivers	7.28	.30	1%	1.02	½ of 1%
Hardy & Pendleton Counties:					
Linemen, Cable Splicers & Equipment Operators	10.61	.35	1%		½ of 1%
Truck with winch, pole or steel handling	7.63	.35	1%		½ of 1%
Groundmen	7.37	.35	1%		½ of 1%
Raleigh County:					
Linemen & Equipment Operators	9.35	.35	1%+.12	.52	½ of 1%
Cable Splicers	9.65	.35	1%+.12	.52	½ of 1%
Groundmen	7.48	.35	1%+.12	.52	½ of 1%
Summers & Wyoming Counties:					
Linemen & Equipment Operators	9.85	.35	1%+.12	.52	½ of 1%
Cable Splicers	10.15	.35	1%+.12	.52	½ of 1%
Groundmen	7.88	.35	1%+.12	.52	½ of 1%

NOTICES

DECISION NO. WV75-3107

	REPAINT Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:						
ZONE 1						
Air Compressor Operator	$ 6.78	7.54				
Brush Painting Roller, Dry-Wall Pointers & Tapers, Spray, Dipping & Mitten Work, Vinyl Hangers & Paperhangers (with tools)	6.78	7.54				
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & Boatswain Chair, Window Belt & Window Jack Work	7.11	7.83				
Brush Painters on Bridges, Needle Bean, Cable Work, Power Tool Work, Brush & Flame Cleaning	7.81	8.32				
Operating Mechanical Taping Machines	8.20	8.68				
Sand Blasters	8.41	9.01				
All Stacks, Vent Pipes, Flag Poles, in excess of 30' high, all Towers, Water Towers, Elevated, Tanks Electrical Switch Yards, Transformer Banks & Television Towers	8.51	8.98				
	9.41	9.86				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
ZONE 2					
Commercial	$ 8.40				
Drywall Finishers	8.65				
Swing & Boatswain Chair	8.75				
Vinyl Wallcovering	8.90				
Structural Steel after erection	9.25				
Repaint Structural Steel	8.50				
Spray Painting	9.40				
Towers, Tanks & Stacks	9.65				
Sand Blasters	10.25				
Extra pay of height 50' to 100' (.50 per hour, over 100 ft $1.00 per hour).					
ZONE 3					
Brush, Rollers, Hanging Wallcovering & installing seamless type floors	7.20		.25		
Spray, Sandblasting & use of toxic materials	7.70		.25		
Drywall: Taping, Spacking, Sanding & Finishing Dry Wall	9.10		.25		
ZONE 4					
Commercial	6.82	.20	.25		.02
Hazardous Work	8.63	.20	.25		.02

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Braxton, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers & Wyoming Counties.

ZONE 2 - Randolph, Tucker & Webster Counties.

ZONE 3 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

ZONE 4 - Lincoln, Logan & Mingo Counties

NOTICES

DECISION NO. WV75-3107

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 9.07	.40	.50	10%	.04
ZONE 2					
Contracts to $75,000	6.28	.45	.40	.35	.09
Contracts above $75,000	8.35	.45	.40	.35	.09
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4					
Plumbers	9.78	.45	.30		.05
Steamfitters	9.82	.45	.15		.05
ZONE 5					
Area 1 - within 8 mile radius of Cabell Co. Courthouse, Huntington, West Virginia	9.42	.40	.60		.02
Area 2 - 8 to 15 miles from the courthouse	9.62	.40	.60		.02
Area 3 - 15 to 25 miles from the courthouse	9.82	.40	.60		.02
Area 4 - Over 25 miles from the courthouse	10.07	.40	.60		.02

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Grant, Hampshire, Mineral & Tucker Counties.

ZONE 2 - McDowell, Mercer, Monroe, Raleigh & Wyoming Counties.

ZONE 3 - Braxton (northeast portion including the Town of Sutton, Hardy, Pendleton, Randolph & Webster (northeast portion including the Town of Webster Springs) Counties.

ZONE 4 - Braxton (remainder of county), Greenbrier, Nicholas, Pocahontas, Summers & Webster (remainder of county) Counties.

ZONE 5 - Lincoln, Logan & Mingo Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9.85	.25	.35		.04
GROUP 2	9.35	.25	.35		.04
GROUP 3	8.95	.25	.35		.04
GROUP 4	8.55	.25	.35		.04
GROUP 5	7.85	.25	.35		.04

CLASSIFICATIONS INCLUDED IN
THE FOLLOWING GROUPS

GROUP 1 - Operating cranes, derricks, tower cranes, and similar equipment, having a reach from the top of its boom to the ground of 175' or a lifting capacity of 70 tons; all shovels, draglines, clamshells, backhoes, cableloaders, and concrete mixing plants of 4 cubic yard capacity or over; hoist with 3 or more drums and all guy.

GROUP 2 - All mechanics and those operating cranes, derricks and similar equipment hydraulic cranes in excess of 35 tons capacity; all shovels, draglines, clamshells, gradealls, tug or tow boats; concrete clamshells, gradealls, tug or tow boats - concrete mixing plants of 3 cubic yards capacity; cableloaders in excess of 2½ cubic yards capacity; backhoes in excess of 1 cubic yard capacity; hoist in excess of 5,000 pounds line pull; side boom cat, standard gauge locomotive.

GROUP 3 - Hydraulic cranes up to and including 35 tons capacity; cableloaders up to and including 2½ cubic yards capacity; backhoes up to and including 1 cubic yard capacity; two drum hoist; well point system; concrete mixing plants, elevators, cable drills, fork lift, ross carrier, air compressor (60 CFM or over), high compression equipment, concrete pump double.

GROUP 4 - Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single) "A" frame truck, rubber tired dumper, motor grader, dozer, tractor and pan, push cat, all tractors, oiler's standard gauge locomotive crane, truck cranes; over 35 tons, grease truck operator and greater, fireman, deckhand, asphalt and concrete paving equipment operators.

GROUP 5 - Roller and compactor, concrete mixer, (1 bag) Barber Greene loader, mechanic helper, crawler crane oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater and pump operator.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1	$ 7.45		.10		
ZONE 2	9.54	.34	.10		b
ZONE 3					
Commercial:					
Roofers	9.10		.10		.01
Waterproofers	9.35		.10		.01
Unprotected roofing or reroofing:					
Roofers	6.90		.10		.01
Waterproofers	7.15		.10		.01

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Lincoln, Logan & Mingo Counties.

ZONE 2 - Greenbrier, McDowell, Mercer, Monroe, Nicholas, Raleigh, Summers, Webster & Wyoming Counties.

ZONE 3 - Braxton, Grant, Hardy, Mineral, Pendleton, Pocahontas, Randolph & Tucker Counties.

SHEETMETAL WORKERS					
ZONE 1	8.15		.25		.02
ZONE 2	9.32	.45+c	.40		.05
ZONE 3	9.38	.34	.40		.04
ZONE 4	8.80	.35	.20		.03

AREA COVERED BY SHEETMETAL WORKERS ZONES

ZONE 1 - Grant, Hampshire, Hardy & Mineral Counties.

ZONE 2 - Lincoln, Logan & Mingo Counties.

ZONE 3 - Greenbrier, McDowell, Mercer, Monroe, Nicholas, Raleigh, Summers, Webster & Wyoming Counties.

ZONE 4 - Braxton, Pendleton, Pocahontas, Randolph & Tucker Counties.

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	Basic Hourly Rates	Fringe Benefits Payment H & W	Pensions	Vacation	Education and/or Appr. Tr.
STAINLESS FITTERS	$10.40	.50	.80		.08
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	8.16	d	e		
GROUP 2	8.26	d	e		
GROUP 3	8.41	d	e		
GROUP 4	8.46	d	e		
GROUP 5	8.51	d	e		
GROUP 6	8.61	d	e		
GROUP 7	8.81	d	e		
ZONE 2					
GROUP 1	7.91	f	h	.80	
GROUP 2	8.01	f	h	.80	
GROUP 3	8.16	f	h	.80	
GROUP 4	8.21	f	h	.80	
GROUP 5	8.26	f	h	.80	
GROUP 6	8.31	f	h	.80	
GROUP 7	8.56	f	h	.80	
ZONE 3					
GROUP 1	6.10	i	g		
GROUP 2	6.20	i	g		
GROUP 3	6.40	i	g		
GROUP 4	6.45	i	g		
GROUP 5	6.50	i	g		
GROUP 6	6.88	i	g		
ZONE 4					
GROUP 1	7.16	.45	.50		
GROUP 2	7.31	.45	.50		
GROUP 3	7.51	.45	.50		
GROUP 4	7.70	.45	.50		
GROUP 5	7.94	.45	.50		

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CLASSIFICATIONS DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, firemen, gas pump attendants, dump trucks (up to 5 cubic yards).

GROUP 2 - Tank truck (straight).

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), Agitator or mixer trucks (up to 5 cubic yards), farm type tractor, tank truck (semi).

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, mont-rail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, euclid, dumpster, turnarorker, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Warehouseman, yardman, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, firemen, gas pump attendants, dump trucks (up to 5 cubic yards).

GROUP 2 - Tank truck (straight).

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers (whether flat rack or pole and hauled or pushed by truck or tractors), agitator or mixer trucks (up to 5 cubic yards), tank truck (semi).

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor truck (front and back end), truck crane, mont-rail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

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TRUCK DRIVERS - ZONE 2 ((CONT'D)

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic 14ft tailgate, truck and farm type tractors, end dumpsters, turnarockers, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Warehouse, yardmen, truck helpers, pickups, stationwagons, panel trucks, team 2 - up.

GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), material checkers, material receivers, team 4 - up, greasers, firemen and mechanic helpers (truck).

GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 to 12 yards).

GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), wacker trucker, rubber-tired tractors (towing or pushing).

GROUP 5 - Dump truck, agitator or mixer trucks and other hauling equipment (20 yards and over).

GROUP 6 - "A" Frame operator, mechanics (truck).

TRUCK DRIVERS - ZONE 4

GROUP 1 - Dumpmen & Flagmen.

GROUP 2 - Pick-up Trucks, dump tracks under 5 yard capacity, straight trucks.

GROUP 3 - Panel trucks, straight truck with multiple axle, dumpsters under 5 yard capacity, transit mix, dump trucks from 5 to 9 yard capacity, flat body material trucks (straight jobs), greasers, firemen & mechanic helperr, rubber-tired (towing or pushing flatbody vehicles), & form trucks.

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TRUCK DRIVERS - ZONE 4 (CONT'D)

GROUP 4 - Dump trucks 10-15 yard capacity.

GROUP 5 - Dump trucks over 15 yard capacity, bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, A-frames, mechanics, semi-trailer or tractor trailers, low boy trucks, asphalt distributor trucks, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded).

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Braxton, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster & Wyoming Counties.

ZONE 2 - Lincoln, Logan & Mingo Counties.

ZONE 3 - Randolph & Tucker Counties

ZONE 4 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

PAID HOLIDAYS:
A-New Year's Day; E-Memorial Day; G-Independence Day; D-Labor Day; H-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F, plus Christmas Eve.

b. Employer contributes 2¢ per hour per employee from June 1 to December 31.

c. 3% employer contribution based on the basic hourly rate plus health and Welfare and Pension fringes.

d. Employer contributes $41.16 per month per employee employed 30 days or more.

e. Employer contributes $34.67 per month per employee.

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FOOTNOTES (CONT'D):

f. Employer contributes $58.50 per month per employee employed 30 days or more.

g. Employer contributes $26.00 per month per employee employed 30 days or more.

h. Employer contributes $34.67 per month per employee employed 30 days or more.

i. Employer contributes $28.50 per month per employee employed 30 days or more.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1048 - Mod. #2 (40 FR 17475 - April 18, 1975) Tuscaloose County, Alabama					
CHANGE: Electricians	$ 9.10	.30	17% .40		4 of 1%
DECISION #IA75-4171 - Mod. #1 (40 FR 50873 - October 31, 1975) Cerro Gordo County (City of Mason City), Iowa					
Change: Building Construction: Laborers: Construction laborers; tenders; power tools, barco operators; mortar mixers; concrete saw; sand point setter	$6.29	.30	.30		
Caissons, after 6 ft. depth; dynamite men; gunniting-nozzle men and backup man; laborers working on swinging stage work, wood hoist towers, scaffolds or ladders at a height of 35 ft. or over	6.54	.30	.30		
Laborers working on swinging stage work, wood hoist towers, scaffolds or ladders at a height of 75 ft. or over	6.79	.30	.30		
Plumbers-Steamfitters	9.40		.20		.02
DECISION #IA75-4172 - Mod. #1 (40 FR 50876 - October 31, 1975) Clinton County (City of Clinton & abutting municipalities), Iowa					
Change: Building Construction: Bricklayers-Stonemasons	9.25		.45		
Cement masons	8.75		.45		
Plasterers	9.25		.45		

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4174 - Mod. #2 (40 FR 50882 - October 31, 1975) Dubuque County (City of Dubuque & abutting municipalities), Iowa					
Change: Building Construction: Plasterers	$8.70				
DECISION NO. MD-75-3064-Mod. #1 (NOFR 27431-June 27, 1975) Baltimore, Herford, and Howard Counties and the city of Baltimore, Maryland.					
Change: Laborers:					
Laborers	$6.35	.30	.40		.075
Hod Carriers	6.75	.30	.40		.075
Plasterers' laborers	6.50	.30	.40		.075
Power tool operators	6.45	.30	.40		.075
Pipelayers (concrete & clay)	6.55	.30	.40		.075
Wagon drill operators	6.60	.30	.40		.075
Mason tenders	6.55	.30	.40		.075
Scaffold builders	6.75	.30	.40		.075
DECISION MI75-2103 - Mod. #1 (40 FR 36928 - August 22, 1975) Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
CHANGE: PLUMBERS: Remaining Counties	$9.67	.40	.40		.06

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NM75-4136 - Mod. #3 (40 FR 32658 - August 1, 1975) Statewide, New Mexico					
ADD: Bricklayers' Zone Definitions					
Zone VI - Grant County communities of Silver City, Bayard, Central, Hurley and New Town Site of Tyrone; Hidalgo and Sierra Counties.					
Zone VII - Grant County, except communities listed in Zone VI.					
BRICKLAYERS-Stonemasons					
Zone VI	$7.89	.48			
Zone VII	8.015	.48			
CHANGE: Bricklayers' Zone IV Definition to read "Dona Ana County"					
BRICKLAYERS-Stonemasons:					
Zone IV	7.64	.48			
Zone V	7.765	.48			
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height:					
Cement masons	7.11	.48	.30		
Dwelling houses and apartments over two stories in height:					
Cement masons	7.32	.48	.30		
GLAZIERS - Zone I	5.99	.30	.10		.02
IRONWORKERS:					
Zone II	9.23	.55	.60		.10
Zone III	10.23	.55	.60		.10
LABORERS (GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION--Dwelling Houses and Apartments over two stories in height):					
Group I	5.57	.34	.30		
Group II	5.87	.34	.30		
Group III	5.97	.34	.30		
Group IV	6.175	.34	.30		
Group V	6.325	.34	.30		

MODIFICATIONS P.

DECISION NO. NM75-4136 Page 2

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (RESIDENTIAL CONSTRUCTION--Dwelling houses and apartments not to exceed two stories in height):					
Group I	$5.12	.34	.30		
Group II	5.42	.34	.30		
Group III	5.52	.34	.30		
Group IV	5.725	.34	.30		
Group V	5.875	.34	.30		
LATHERS - Zone I	7.395	.48		.50	.02
MARBLE, TILE & TERRAZZO WORKERS	7.225	.30			
MARBLE, TILE & TERRAZZO HELPERS	5.65	.30			
PAINTERS-ZONE II					
Zone 2-A	6.25	.35	.20		.01
Zone 2-B	6.50	.35	.20		.01
Zone 2-C	6.90	.35	.20		.01
Zone 2-D	6.75	.35	.20		.01
Zone 2-E	6.75	.35	.20		.01
Zone 2-F	6.75	.35	.20		.01
Zone 2-G	7.25	.35	.20		.01
Zone 2-H	8.25	.35	.20		.01
PAINTERS-ZONE III					
Zone 3-A	6.61	.30			.02
Zone 3-B	7.03	.30			.02
Zone 3-C	6.755	.30			.02
Zone 3-D	7.03	.30			.02
Zone 3-E	7.46	.30			.02
PLASTERERS	8.00	.48	.30		.06
POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10

DECISION NO. NM75-4136 Page 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
TOWER ERECTORS:					
(HEAVY ENGINEERING CONSTRUCTION					
Group 1	$6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10
ROOFERS	6.75				.02
SOFT FLOOR LAYERS - Zone 2	6.90	.35			
TRUCK DRIVERS (General Building & Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.40	.48	.45		
Group 2	5.52	.48	.45		
Group 3	5.60	.48	.45		
Group 4	5.72	.48	.45		
Group 5	5.77	.48	.45		
Group 6	5.87	.48	.45		
Group 7	5.97	.48	.45		
Group 8	6.11	.48	.45		
Group 9	6.26	.48	.45		
TRUCK DRIVERS(Residential Construction - Dwelling houses and apartments not to exceed two stories in height)					
Group 1	5.10	.48	.45		
Group 2	5.22	.48	.45		
Group 3	5.30	.48	.45		
Group 4	5.42	.48	.45		
Group 5	5.47	.48	.45		
Group 6	5.57	.48	.45		
Group 7	5.67	.48	.45		
Group 8	5.81	.48	.45		
Group 9	5.96	.48	.45		

DECISION NO. NM75-4136 Page 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	$5.69	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

DECISION NO. NM75-4137 - Mod. #1
(40 FR 32656 - August 1, 1975)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION (BERNALILLO CO.)					
Cable splicers	$8.54	.40	1%		1/2%
Linemen	7.94	.40	1%		1/2%
Technician	7.94	.40	1%		1/2%
Equipment operators	7.55	.40	1%		1/2%
Equipment mechanics	6.91	.40	1%		1/2%
Powdermen	6.91	.40	1%		1/2%
Groundmen & Jackhammer operator:					
1st 6 months	4.14	.40	1%		1/2%
2nd 6 months	4.72	.40	1%		1/2%
Experienced	5.54	.40	1%		1/2%
LINE CONSTRUCTION - Statewide, except Bernalillo County)					
Cable splicers	9.33	.40	1%		1/2%
Linemen	8.70	.40	1%		1/2%
Technician	8.70	.40	1%		1/2%
Equipment operators	8.26	.40	1%		1/2%
Equipment mechanics	7.55	.40	1%		1/2%
Powdermen	7.55	.40	1%		1/2%
Groundmen & Jackhammer operator:					
1st 6 months	4.54	.40	1%		1/2%
2nd 6 months	5.17	.40	1%		1/2%
Experienced	6.06	.40	1%		1/2%

DECISION #ND75-5130 - Mod. #2
(40 FR 46866 - October 17, 1975)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$9.05	.35	1%		1/2%
Group 2: Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection	7.29	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	6.08	.35	1%		1/2%
Group 4: Groundman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; Including wheel tractors and crawler tractors; Groundmen	5.59	.35	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR-3024 - Mod. #2 (39 FR 30476 - August 23, 1974) Clark County, Ohio					
Change: Electricians	$ 9.40	.45	1¼+.55		.02
DECISION NO. OK75-4134 - Mod. #3 (40 FR 31558 - July 28, 1975) Garfield County, Oklahoma					
CHANGE:					
BRICKLAYERS-Stonemasons	$7.25				
MARBLE SETTERS	8.40		.20		
SHEET METAL WORKERS	9.01	.40	.40		.05
TERRAZZO WORKERS	8.40		.20		
TILE LAYERS	8.40		.20		
ADD:					
Cement masons	7.50				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK75-4140 - Mod. #3 (40 FR 32672 - August 1, 1975) Tulsa and Creek Counties, Oklahoma					
CHANGE:					
CEMENT MASONS:					
Cement masons	$8.03		.40		.10
Power tool operators	8.23		.40		.10
PIPEFITTERS	9.57	.45	.55		.08
PLUMBERS	9.67	.35	.55		.08
DECISION NO. OK75-4156 - Mod. #2 (40 FR 41308 - September 5, 1975) Muskogee, Adair, and Cherokee Counties, Oklahoma					
CHANGE:					
ELECTRICIANS:					
Zone I					
Electricians	$8.53	.40	1%		1/2%
Cable splicers	8.93	.40	1%		1/2%
Zone II					
Electricians	8.83	.40	1%		1/2%
Cable splicers	9.23	.40	1%		1/2%
Plumbers & Steamfitters	9.70	.40	.80		.15
TRUCK DRIVERS:					
Group 1	6.55				
Group 2	6.65				
Group 3	6.75				
Group 4	6.70				
Group 5	6.85				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN75-1051 - Mod. #1 (40 FR 21666 - May 16, 1975) Madison County, Tennessee					
CHANGE:					
Electricians	$8.10	.25	1%		½ of 1%
Line Construction:					
Linemen	8.10	.25	1%		½ of 1%
Cable Splicers	8.35	.25	1%		½ of 1%
DECISION #TN75-1052 - Mod. #2 (40 FR 23688 - May 30, 1975) Knox County, Tennessee					
CHANGE:					
Plasterers	$ 8.20				
Sprinkler fitters	9.35	.50	.80		.03
DECISION #TN75-1108 - Mod. #1 (40 FR 53219-November 14, 1975) Shelby County, Tennessee					
CHANGE:					
Carpenters, Piledrivermen, Soft floor Layers	$ 8.80	.30	.30		.04
Electricians:					
Electricians, Linemen	9.48	.45	1%+.40		.5%
Cable splicers	9.58	.45	1%+.40		.5%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4154 - Mod. #5 (40 FR 36996 - August 22, 1975) Galveston & Harris Cos., Texas					
Change:					
Glaziers	$9.07	.50	.425		.01
Plumbers:					
Harris County	9.61	.40	.56		.10
DECISION #TX75-4161 - Mod. #1 (40 FR 48880 - October 17, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters	7.30		.30		
DECISION #TX75-4162 - Mod. #2 (40 FR 49971 - October 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Lathers	8.30			.80	.05
DECISION #TX75-4166 - Mod. #2 (40 FR 49967 - October 24, 1975) Brazos County, Texas					
Change:					
Glaziers	9.07	.50	.425		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training Fund	Other
DECISION #VA75-3096 - Mod. #5 (40 FR 960 - January 31, 1975) Henrico County and the City of Richmond, Virginia						
Note: Under Pertinent Conditions, schedule as issued in the original decision						
Decision #VA75-3100 - Mod. #2 (40 FR 44847 - September 26, 1975) Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia						
Changes:						
Painters:						
Brush, spray, paperhangers, & tapers	$9.44	.51	.18			.06
Steel, sandblasting, swing stage, power brushing	9.94	.51	.18			.06
Plumbers	10.08	.73	.70			.23
Sheet metal workers	9.96	.64	.74			.12
Steamfitters, refrigeration and air conditioning mechanic	10.20	.65	.75			.14

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training Fund	Other
DECISION #VA75-4067 - Mod. #3 (40 FR 46956 - October 24, 1975) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Changes:						
Sprinkler fitters	$10.10	.50	.80			.08
Decision #VA75-4183 - Mod. #2 (40 FR 59778 - November 2, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Grey, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Changes:						
Glaziers	6.10					
Painters:						
Group 1	7.30		.30			
Group 2	7.42		.30			
Group 3	8.06		.30			
Group 4	7.55		.30			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training Fund	Other
Bricklayers	$9.05	.45	.45			.10
Carpenters	9.55	.50	.49			.07
Cement masons	9.65	.485	.45			.11
Ironworkers, reinforcing	10.00	.35	.60			.03
Piledriverman	9.75	.50	.49			.07
Plumbers	10.05	.73	.70			.23
Power Equipment Operators:						
Backhoes, power shovels, tunnel dragline, tunnel mucking machines, shovels, 1 c.y. & over	7.79	.35	.35			.05
Backhoes, cableways, cranes, derricks, draglines, tunnel mucking machines shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plants, concrete pumps	7.54	.35	.35			.05
Trenching machines (above 8'3")	7.34	.35	.35			.05
Backhoes (hydraulic, under ¾ c.y.)	7.42	.35	.35			.05
Trenching machines (up to 8'3"), bolloms skeleton, well drilling machines	7.24	.35	.35			.05
Air Compressors, tunnel	7.21	.35	.35			.05
Front end loaders (high lift), Bulldozers	7.19	.35	.35			.05
Concrete mixers, power shovel scoops and scrapers, motor graders, tunnel motor men, blade graders, tunnel mechanics	7.09	.35	.35			.05
Mechanics	7.07	.35	.35			.05
Bulldozer, hydraulic tampers	6.99	.35	.35			.05
Roller	6.89	.35	.35			.05
Air compressors, pump, welding machines well points	6.815	.35	.35			.05
Apprentice Engineers:						
Fireman	6.35	.35	.35			.05
Truck crane oilers	6.20	.35	.35			.05
Oilers	6.15	.35	.35			.05
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

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Decision #DC-75-3099 - Mod. # 2 P. 3

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asphalt Shoveler	$6.45	.22	.30		
Asphalt Raker	6.65	.22	.30		
Asphalt Tamper	6.55	.22	.30		
Bricklayers	9.85	.60	.60		.10
Carpenters	9.55	.50	.49		.07
Cement Masons	6.90	.22	.30		
Concrete Saw Operator	6.65	.22	.30		
Concrete Shoveler	6.55	.22	.30		
Form Setter	6.90	.22	.30		
Laborers:					
Laborers	6.40	.22	.30		
Jackhammer	6.60	.22	.30		
Hand Burner Operator	6.55	.22	.30		
Power Equipment Operators:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor, Rubber-tired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	6.65	.22	.30		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	6.85	.22	.30		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	6.90	.22	.30		
Crane Operator, Concrete Paving Operator	7.05	.22	.30		
Shovel Operator	7.15	.22	.30		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Loader Operator Tracks (over 2-½ cu. yds.)	7.80	.22	.30		
G-1000 Gradall Operator (over 1½ cu. yds.)	8.05	.22	.30		
Power Broom, Oiler	6.55	.22	.30		
Sand Setter	6.90	.22	.30		
Truck Drivers:					
Truck Drivers (standard)	6.40	.22	.30		
Tandem	6.52	.22	.30		
Tractor trailer (capable of moving heavy equipment)	6.90	.22	.30		

SUPERSEDEAS DECISION

STATE: California
DIVISION NUMBER: CA75-5141
COUNTY: San Diego
DATE: Date of Publication
Supersedes Decision No. CA-75-5071 dated June 13, 1975, in 40 FR 25337
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.40	.80	.97		.06
BOILERMAKERS	10.85	.65	1.00	.50	.07
BRICKLAYERS; Stonemasons	9.80	.77	.98		.06
BRICK, BLOCK and STONEMASONS' TENDERS	8.32	.60	1.55	.50	
CARPENTERS:					
Carpenters	9.06	.56	.95	.60	.07
Piledrivermen	9.99	.56	.95	.60	.07
Millwrights; Pneumatic nailer; Hardwood floorlayers	10.11	.56	.95	.60	.07
CEMENT MASONS:					
Cement masons	8.43	.65	1.06	1.00	.07
Color work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	8.68	.65	1.06	1.00	.07
DRYWALL INSTALLERS	11.70	.56	.95	.60	.07
ELECTRICIANS:					
Electricians	10.87	.48	1% + .73		.02
Cable Splicers	11.17	.48	1% + .73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRIGATION AND LAWN SPRINKLERS	8.70	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	10.50	.45	.90	.50	.05
LATHERS (Remainder of County)	10.81	.45	.70	.70	.02
LINE CONSTRUCTION:					
Linemen	10.87	.48	1% + .73		.02
Cable Splicers	11.17	.48	1% + .73		.02
MARBLE SETTERS	8.81	.62	.85	.60	
MARBLE and TILE SETTERS' HELPERS	7.39	.40	.65	.75	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Paint burner	$ 9.27	.69	.95	.70	.07
Swing stage, brush; Spray; Iron, steel and bridge painter (ground work)	9.52	.69	.95	.70	.07
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Riggers, climbing steel; Brush, climbing steel and bridge	9.77	.69	.95	.70	.07
Sandblaster, swing stage; Iron, Steel and bridge, spray swing stage; Spray, climbing steel and bridge	10.02	.69	.95	.70	.07
Steeplejack	10.67	.69	.95	.70	.07
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.83	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; Striper)	5.43	.40	.20	b	
PLASTERERS	10.07	.65	1.60	.85	.05
PLASTERERS' TENDERS	9.78	.60	1.55	.50	
PLUMBERS; Steamfitters	10.95	10%	16%	13%	3/4%
ROOFERS	9.34	.40	.75	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	8.33	.45	.90	.90	.06
SPRINKLER FITTERS	13.22	.50	.80		.03
TERRAZZO WORKERS	8.81	.62	.85	.60	
TILE SETTERS	8.81	.62	.85	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service, $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' service, but less than 10 years and $.50 per hour after 10 years' service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, general construction; Gas and oil pipeline, Jet man; Tool shed checker; Using dry pack	$ 6.97	.60	$ 1.47	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.02	.60	1.47	.50	.13
GUINEA CHASER	7.05	.60	1.47	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	7.07	.60	1.47	.50	.13
LABORER (packing rod steel and pans); Tank scaler and cleaner	7.095	.60	1.47	.50	.13
DRILLER'S HELPER (Caisson) including bellowers; Boring Machine	7.10	.60	1.47	.50	.13
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (headman)	7.12	.60	1.47	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.15	.60	1.47	.50	.13
CONCRETE CURER; Impervious Membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking dispering, and including rubber gasket joints; Pointing and any and all other services	7.16	.60	1.47	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER, TRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pumps; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$ 7.18	.60	$ 1.47	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.23	.60	1.47	.50	.13
DRILLERS, all others where drilling in for use of explosives	7.26	.60	1.47	.50	.13
PIPELAYERS, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	7.28	.60	1.47	.50	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.31	.60	1.47	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACING; Hand-guided lagging hammer	7.33	.60	1.47	.50	.13
STEEL HEADERBOARD MAN	7.395	.60	1.47	.50	.13
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	7.42	.60	1.47	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWDERMAN, BLASTER;	$ 7.455	.60	$ 1.47	.50	.13
HEAD ROCK SLINGER	7.49	.60	1.47	.50	.13
LABORERS (Tunnel and Shaft Work)					
BULL GANG; Concrete crew (includes rodders and spreaders); Dumpman; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakeman and switchman in tunnel work)	7.26	.60	1.47	.50	.13
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except drills)	7.35	.60	1.47	.50	.13
GROUT GUNMEN	7.40	.60	1.47	.50	.13
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (wood or steel); Steel form raisers and setters	7.51	.60	1.47	.50	.13
SHAFT AND RAISE MINER	7.76	.60	1.47	.50	.13
GUNITE WORKERS: Nozzlemen and Rodmen	7.70	.60	1.47	.50	.13
Gunmen	7.38	.60	1.47	.50	.13
Reboundmen	6.965	.60	1.47	.50	.13

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.62	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles), Bunkerman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Hoist Driver	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with dolly)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axle); Erosion Control Nozzleman; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Frell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

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TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DW 10's or DW 20's or Euclid type equipment; Lelourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOADED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TURNPAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

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POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$10.27	.95	1.75	.30	.04
WATCH ENGINEER; Welder	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
WINCHMAN (stern winch or dredge)	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Levechnad	8.69	.95	1.75	.30	.04
DREDGING (Clam Shell Dredges)					
LEVERMAN	10.27	.95	1.75	.30	.04
WATCH ENGINEER	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
BARGEMATE	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Firemen; Oiler	8.69	.95	1.75	.30	.04

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.52	.95	$1.75	.30	.04
Group 2:	8.72	.95	1.75	.30	.04
Group 3:	9.05	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04

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Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic type; Plant operator, Generator, pump or compressor; Skiploader (crawler type up to 3/4 yd. w/o attachments); Soils field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/dragi Helicopter pilot; Oiler (ground); Oiler-plumber (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Hydro-seeding machine operator; Pavement breaker; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Acra dropper; Hydrophobic concrete machine (Lutes, pipe, or seed); Instrumentman; Machine tool; Mechanic helper (all skills); Mechanic Mechanical base, curb or gutter (concrete or asphalt); Mechanic checker finisher (concrete, Clary-Johnson-Bidwell or similar); Oiler; Power driven (jobsite) (truck mounted); Road oil mixing machine; Roller; (Steel or tired type Self-propelled tar pipelining machine; Skiploader (wheel or tired type over 3/4 yd. up to and incl. 1-1/2 yds. (or like); Slinger crane (Austin-Western hydraulic lifting device for erecting pre-cast concrete pipe); Spotter; Tractor (Quad or similar type); Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Bolt spliter or vulcanizer; BUL Lima Road Factor, Hyster Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

Group 7: Crane (over 25 tons up to and incl. 100 tons per) (Long boom pay applicable); Derrick Barge; Dredge engineer; Dredge fireman; Dredge leverman; Dredge oiler; Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor Loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operations required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. HSG); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grator; Automatic slip form crane, over 100 tons (Long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Motor excavator (less than 750 cu. yds.); Slipform Pilot; Traveling tower; Mobile form traveler; Motor patrol (Auto Grader); Pipeline Mobile Telphers; Rubber-tired earth moving equipment (Euclid, Caterpillar, Euclid, Cater piller and similar type over 50 cu. yds. struck); Rubber-tired scraper (pushing one another, w/o Push Cat) - $.30 p/h additional to base rate); Rubber-tired self loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

DECISION NO. CA75-5142

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and Apprentice
PAINTERS:					
Brush	$9.27	.65	.95	.70	.07
Spray; Swing Stage, Brush	9.52	.69	.95	.70	.07
Paperhangers; Spray, Swing Stage	9.77	.69	.95	.70	.07
Steel; Sandblaster	10.07	.45	1.00	.85	.06
PLASTERERS	9.78	.60	1.55	.50	
PLASTERERS; TENDERS	10.95	10%		16%	3/4%
PLUMBERS; Steamfitters	9.34	.40	.75	1.00	
ROOFERS	8.93	.74	1.20		
SHEET METAL WORKERS	8.33	.65	.90	.60	.06
SOFT FLOOR LAYERS	13.72	.50	.80		.08
SPRINKLER FITTERS	8.81	.62	.85	.60	
TERRAZZO WORKERS	8.81	.62	.85	.60	
TILE SETTERS					
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Day Credit. Six Paid Holidays A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

SUPERSEDES DECISION NO. CA75-5142

STATE: California

DECISION NUMBER: CA75-5142

Supersedes Decision No. CA-75-5072 dated June 13 1975, in 40 FR 25363

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: San Diego

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and Apprentice
ASBESTOS WORKERS	$12.40	.80	.97		.06
BOILERMAKERS	10.05	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.80	.77	.98		.06
BRICK, BLOCK and STONEMASONS' TENDERS	8.32	.60	1.55	.50	
CARPENTERS:					
Carpenters	9.86	.56	.95	.60	.07
Piledrivermen	9.99	.56	.95	.60	.07
Millwrights; Pneumatic Nailer, Hardwood Floorlayers	10.11	.56	.95	.60	.07
CEMENT MASONS:					
Cement Masons	8.43	.65	1.06	1.00	.07
Color Work	8.555	.65	1.06	1.00	.07
Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	8.68	.65	1.06	1.00	.07
DRYWALL INSTALLERS	11.70	.56	.93	.60	.07
ELECTRICIANS:					
Electricians	10.87	.48	12%-73		.02
Cable Splicers	11.76	.48	12%-73		.02
ELEVATOR CONSTRUCTORS	11.76	.465	.29	3%%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%LR	.465	.29	3%%	.02
GLAZIERS	50%LR				
IRONWORKERS:	9.69	.55	.60		
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRIGATION and LAWN SPRINKLERS	8.70	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	10.50	.45	.90	.50	.05
LATHERS (Remainder of County)	10.81	.45	.70	.70	.02
MARBLE SETTERS	8.81	.62	.65	.60	
MARBLE and TILE SETTERS' HELPERS	7.39	.40	.65	.75	

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$ 6.97	.60	$1.47	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.02	.60	1.47	.50	.13
GUINEA CHASER	7.05	.60	1.47	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	7.07	.60	1.47	.50	.13
LABORER (packing rod steel and pane); Tank sealer and cleaner	7.095	.60	1.47	.50	.13
DRILLER'S HELPER (Caisson) incl. ballowers; Boring Machine	7.10	.60	1.47	.50	.13
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (loadman)	7.12	.60	1.47	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.15	.60	1.47	.50	.13
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and including rubber gasket joints; Pointing and any and all other services	7.16	.60	1.47	.50	.13

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$ 7.18	.60	$ 1.47	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.23	.60	1.47	.50	.13
DRILLERS, all others where drilling is for use of explosives	7.76	.60	1.47	.50	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	7.28	.60	1.47	.50	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.31	.60	1.47	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.33	.60	1.47	.50	.13
STEEL HEADERBOARD MAN	7.395	.60	1.47	.50	.13
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	7.42	.60	1.47	.50	.13
POWDERMAN, BLASTERS	7.455	.60	1.47	.50	.13
HEAD ROCK SLINGER	7.49	.60	1.47	.50	.13

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.42	.70	.70	1.00	.05
MARLHOGGER	6.67	.70	.70	1.00	.05
HORIZONTAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Lowbedman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Ross Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Nozzleman; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Prell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.71	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWER or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.67	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.68	.70	.70	1.00	.05

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H&W	Pension	Vacation	Apprentice
Group 1:	$8.52	.95	$1.75	.30	.04
Group 2:	8.78	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04

Group 1: Oiler-driver; Compressor engineer oiler; Conveyor; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chainman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic or dec machine (strip, pump, o cond); Instrumentman; Machine tool; Maintain tunnel full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Rock carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; Bill Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

Hoist (2 to 3 drum); Holman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Calweon type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor Loader (Crawler and wheel type over 1 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Hoe excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

COUNTIES: Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kearny, Kingman, Kiowa, Labette, Lane, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, Marshall, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pratt, Pottawatomie, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita and Wilson and Woodson

DECISION NO.: KS75-4198 DATE: Date of Publication

Supersedes Decision No. KS75-4053 dated February 7, 1975 in 40 FR 6058

DESCRIPTION OF WORK: Highway and Water and Sewer Line Construction

	Basic Hourly Rate	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame truck	$3.10				
Air tool man	2.94				
Asphalt paving machine	3.59				
Asphalt spreader screed operator	3.25				
Asphalt plant heater attendant	3.25				
Asphalt plant operator	3.57				
Asphalt raker	2.94				
Back hoe	4.55				
Batching plant scaleman	4.00				
Blowing mechanism on straw blower	2.94				
Boring machine	3.50				
Brick mason	7.23				
Bulldozer operator	3.50				
Carpenters	3.88				
Carpenter tender	3.09				
Cement mason	3.44				
Compressor operator	2.94				
Concrete finisher	3.89				
Concrete paver	3.65				
Concrete saw	3.16				
Conveyor operator	2.94				
Crane, or any machine power swing	4.03				
Crushers & screening plant opr.	3.33				
Distributor operator	3.37				
Electrician	5.14				
Finishing machine operator	3.02				
Form liner and setter	3.30				
Form machine (curb & gutter)	2.94				
Front end loader, over 1 C.Y.	3.37				
Front end loader 1 C.Y. & less	3.15				
Harrow, Disc, Seeder	3.22				
Hot Mastic Kettleman	2.94				
Ironworkers (ornamental & structural)	3.27				
Laborer (Construction & General)	2.94				
Loader operator	3.68				
Mechanic	3.50				
Mechanic helpers	3.10				
Mixer (skip)	3.10				
Motor grader operator (finish)	3.89				
Motor grader operator (rough)	3.52				
Motor scraper operator	3.47				
Oilers - greasers	3.44				
Painters (Structural steel & bridge)	3.25				
Piledriverman	3.69				
Pipelayer	3.57				
Post driver operator	3.30				
Push cat operator	3.50				
Reinforcing steel setter	2.94				
Roller, pneumatic (self-propelled)	3.18				
Roller, not asphalt (self-propelled)	2.94				
Roller, sheepsfoot	2.94				
Roller, steel (self-propelled)	3.32				
Roller, steel wheel (plant mix)	3.00				
Rotary broom operator	3.24				
Sand blaster	2.94				
Scaleman	2.94				
Scoop operator (single engine)	3.25				
Scoop operator (twin engine)	3.25				
Scraper	3.00				
Seamen mixer	2.94				
Spreader box operator (self-propelled)	3.56				
Tamper operator	3.43				
Tractor operator	3.00				
Traveling plant stabilizer	3.53				
Trenching machine operator	3.38				
Trucks:					
Light	3.12				
Single axle	3.12				
Tandem axle	3.00				
Lowbot, semi, transit mix	3.50				
Vibrating machine operator	2.94				
Welder	3.35				

COUNTIES: Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kearny, Kingman, Kiowa, Labette, Lane, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, Marshall, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pratt, Pottawatomie, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, and Washington and Wichita

DECISION NO.: KS75-4197 DATE: Date of Publication

Supersedes Decision No. KS75-4051 dated February 7, 1975 in 40 FR 6056

DESCRIPTION OF WORK: Highway and Water and Sewer Line Construction

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-frame truck	$3.14				
Air tool man	2.88				
Asphalt paving machine	3.93				
Asphalt spreader screed operator	3.50				
Asphalt plant heater attendant	3.23				
Asphalt plant operator	4.11				
Asphalt raker	3.00				
Auger operator	3.08				
Back filler operator	3.75				
Back hoe	3.61				
Blowing mechanism on straw blower	2.88				
Brick mason	3.65				
Bulldozer operator	3.91				
Carpenters	4.14				
Carpenters tender	3.21				
Cement handler, bulk	3.00				
Cement mason	4.42				
Compressor operator	4.61				
Concrete central plant operator	3.94				
Concrete gang saw, self-propelled	3.35				
Concrete finisher (paving)	4.00				
Concrete paver	4.12				
Concrete paving longitudinal float	3.32				
Concrete paving spreader	4.65				
Concrete saw	3.35				
Conveyor operator	3.25				
Crane, or any machine power swing	4.23				
Crusher, feeder	3.50				
Crusher & Screening plant operator	3.50				
Distributor driver	3.85				
Distributor operator	3.65				
Electricians	4.00				
Euclid loader operator	3.20				
Finishing machine operator	3.50				
Form liner and setter	3.39				
Front end loader, over 1 C.Y.	3.76				
Front end loader, 1 C.Y. & less	3.37				
Harrow, Disc, Seeder	2.84				
Hot Mastic Kettleman	3.00				
Ironwirkers (ornamental & structural)	4.38				
Laborer (Construction & general)	2.88				
Landscape worker	2.53				
Lineman	4.30				
Mechanic	4.72				
Mechanic helper	3.66				
Mixer (skip)	3.00				
Motor grader operator (Finish)	4.15				
Motor grader operator (rough)	3.89				
Oilers - greasers	3.47				
Painter (structural steel & bridge)	4.47				
Painter (roadside imp)	2.88				
Piledrivermen	4.33				
Pilot car driver	3.75				
Pipelayer	3.43				
Plumber (roadside imp)	3.39				
Post driver operator	3.75				
Powderman	3.75				
Pump operator	3.00				
Push cat operator	3.91				
Reinforcing steel setter	2.94				
Roller, (self-propelled-vibrator)	3.00				
Roller, pneumatic (self-propelled)	3.43				
Roller, steel (self-propelled)	3.00				
Roller (self-propelled-not asphalt)	3.00				
Roller, steel wheel (plant mix)	3.30				
Rotary broom operator	3.43				
Rotary drill operator	3.875				
Sand blaster	2.88				
Scaleman	2.88				
Scraper - single engine	3.86				
Scraper - twin engine	4.00				
Scoop operator (single engine)	3.665				
Scoop operator (twin engine)	4.00				
Serviceman	3.25				
Slurry machine operator	3.85				
Spreader box operator (self-propelled)	3.68				
Subgrading machine operator	4.50				
Tamper operator	2.88				
Tractor operator, 50 HP or less	3.00				
Tractor operator over 50 HP	3.00				
Tractor operator, fencing, 50 HP or less	3.29				
Trenching machine operator	3.38				
Trucks:					
Light	2.99				
Single axle	2.99				
Tandem axle	3.18				

DECISION NO. KS75-6157

	Basic Hourly Rates	Fringe Benefit Payments		
		H & W	Pension	Vacation
Trucks, contd:				
Cowboy, semi, transit mix	3.67			
Euclid 17 C.Y. & less	3.70			
Euclid over 17 C.Y.	3.70			
Vibrating machine operator	2.88			
Wagon drill operator	3.00			
Welder	4.08			

STATE: Kansas

DECISION NO.: KS75-6156

Supersedes Decision No. KS75-6151, August 22, 1975 in 40 FR 36925

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Shawnee

DATE: Date of publication

CLASSIFICATION DEFINITIONS

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); Mixerman - no skip; Lift; Nailers, Salamander tenders; Track men; Tractor sweeper; Truck dumper; Wire mesh setter; Water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators; Cement handlers (bulk); Chain saw; Concrete buggy (mechanically operated); Grade man; Hot martic kettlemen; Guniter feeder; Joint man; Juke man; Mason tender; Material batch hopper and scale man; Mixer man; Pier hole man working 10 ft. deep; Pipelayer - drainage (concrete and/or corrugated metal); Signal man (crane); Truck dumper - dry batch; Vibrator operator; Wagon and chain drill operator.

Group 3 - Asphalt raker, barco tamper; Concrete saw; Creosote material - handling and applying; Nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; Tile and duct line setter; Form setter and liner on concrete paving; Powderman; Sandblasting and gunite nozzleman; Sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines.

Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pension	Vacation	Apr. Tr.
LATHERS	$8.80		.20		
PAINTERS:					
Brush, drywall, sanding and taping, roller	8.90	.35			.02
Painting of structures over 50' (all types); spray	9.40	.35			.02
PLASTERERS	8.30	.30	.30		.07
PLUMBERS; Pipefitters	9.40	.30			
POWER EQUIPMENT OPERATORS: (Building Construction):					
Group 1	9.10	.50	.75	.50	.10
Group 2	8.70	.50	.75	.50	.10
Group 3:					
(a)	7.65	.50	.75	.50	.10
(b)	7.90	.50	.75	.50	.10
Group 4:					
(a)	7.60	.50	.75	.50	.10
(b)	7.85	.50	.75	.50	.10
Group 5	9.60	.50	.75	.50	.10
Group 6	9.35	.50	.75	.50	.10
Group 7	9.60	.50	.75	.50	.10
Group 8	10.10	.50	.75	.50	.10
Group 9	11.10	.50	.75	.50	.10

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pension	Vacation	Apr. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS: Stonemasons	9.04	.35	.25		
CARPENTERS:					
Carpenters	8.15	.35	.25		.05
Millwrights; Piledrivermen	8.525	.35	.25		.05
CEMENT MASONS:					
Cement masons	8.10	.35	.35		.10
Machine operators	8.225	.35	.35		.10
Composition color or chloride additives	8.30	.35	.35		.10
ELECTRICIANS	5.95	.40	12+.70		.05
IRONWORKERS	9.25	.65	.90	1.00	.05
LABORERS (Building Construction)					
General laborer	6.90	.35	.35		.10
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated, gorgia buggy	7.10	.35	.35		.05
Mason tenders, plaster tenders, mortar mixers for plaster masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.20	.35	.35		.05
Sand and concrete gun nozzleman and powderman	7.30	.35	.35		.05
LANDSCAPE (Site Preparation and Grading):					
Group 1	6.10	.35	.35		
Group 2	6.25	.35	.35		
Group 3	6.35	.35	.35		
Group 4	6.50	.35	.35		
Group 5	6.60	.35			

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DECISION NO. KS75-4194

POWER EQUIPMENT OPERATORS (Building (Heavy and Highway) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (7); Bomb cat, boring machine, ditching machine; Concrete ready-mix plant; Crane, truck crane, clamshell, dragline; Dozer, scraper, all types, patrol; Firemen (when operating stems or air valve); Grader; Hi-lifts, patrol; Firemen (when operating stems or air valve); Grader; Hi-loaders (over 1 yd.); Hoist, two; Locomotive; Mechanic or welder; Mixer-mobile; Power, or any other machine with power swing; Piledriver operator; Power shovel; Pump, concrete or other material

Group 2 - A-frame truck; Barber Greene loader or smaller type; Bob cat Hi-loaders (1 yd. and under); Boiler (1); Ditching machine - small; Elevator operator; Firemen; Fork lift; Greaser, equipment; Hoist, one active drum; Hydra hammer; Jeep ditcher; Mixer, other than paver; Power broom, pump, 4" or larger, small machine engineer; Welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler;
(b) Motor crane Oiler

Group 5 - Tower cranes and derricks; Frankie-type pile driving machines; (4) drum hoist

Group 6 - Crane & shovels 100 ft. of boom or over (including jib) or 2 yds. capacity or over or 30 tons or over, (3) drum hoist
Group 7 - Crane & shovels, booms 200 ft. and over
Group 8 - Cranes with lifting ring
Group 9 - Master mechanic

Hoist each additional drum over two - additional $.25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice
POWER EQUITMENT OPERATORS (Site Preparation and Grading					
Group 1	7.60	.50	.75	.50	.10
Group 2	7.35	.50	.75	.50	.10
Group 3	7.10	.50	.75	.50	.10
Group 4	6.75	.50	.75	.50	.10
Group 5	6.85	.50	.75	.50	.10
Group 6	7.85	.50	.75	.50	.10

POWER EQUIPMENT OPERATORS (Site Preparation and Grading) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Asphalt paver and spreader; Backhoe; Boring machine; Blades, all types; Clamshell; Concrete mixer paver operator; Concrete central plant operator (automatic); Crane, truck crane, pitman crane, hydro crane or any machine with power swings; Derrick or derrick trucks; Dragline operator; Dredge operator; Dozer; Ditching machine; Euclid loader; Hoist - 2 active drums; Loader, all types; Mechanic or Welder; Mixer - mobile; Multi-unit scraper; Pile driver operator; Power shovel operator; Quad track; Scoop operator, all types; Sideboom cat-cherry picker; Skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; Elevating grader operator

Group 3 - A-frame truck; Asphalt roller operator; Asphalt plant boiler fireman; Backfiller operator; Barber Greene loader; Boiler - other than asphalt; Bull float operator; Chain drill operator; Compressor operator (1); Concrete central plant operator; Concrete mixer operator skip; Concrete pump operator; Gunite operator; Distributor operator; Finish machine operator - [illegible]; Firemen (for each asphalt, tar plant, or mixer); Fork lift; Form grader operator; Greaser; Hoist 1 drum; Jeep ditching machine; Pavement breaker, self-propelled (of the hydra hammer or similar type); Pump operator, 4" or over, two Pump Operators, other than dredge; Screening and wash plant operator; Small machine operator; Spreader box operator, Self-propelled; Tractor operator over 60 h.p.; Self-propelled roller operator, other than asphalt; Siphon and jets; Subgrading machine operator; Tank car heater operator, combination booster and boiler; Towboat operator; Vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); Conveyor operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice
ROOFERS:					
Roofers flat, slate and tile, dampproofers and waterproofers	8.86	.30	.60		.04
Roofers working in pitch, tar or creosote, coal	9.71	.30	.60		
SHEET METAL WORKING	8.38	.35	1.05	.78	.04
SOFT FLOOR LAYERS	7.39	.40	.45	10%	.04
SPRINKLER FITTERS	10.40	.50	.80		.08
TILE SETTERS	8.10				

DECISION NO. KS75-4194

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice
TRUCK DRIVERS (Building Construction)					
Light, pickups, Stations wagons; Medium flat beds and dumps, 5 tons or less; Warehousemen and partsmen	7.325	.35	.35		
Truck over 5 tons and semi-trailers	7.225	.35	.35		
TRUCK DRIVERS (Site Preparation and Grading):	7.475	.35	.35		
Group 1	6.15	.35	.35		
Group 2	6.25	.35	.35		
Group 3	6.40	.35	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups; Panel trucks; Station wagons; Flat beds; Dump and batch trucks (single axle)

Group 2 - Tandem trucks; Warehousemen or partsmen; Mechanic helpers and servicemen

Group 3 - Lowboys; Semi-trailers; all transit mixer trucks (single or tandem axle); A-frame and trucks when used as such; Euclid, end and bottom dump; Tournarockers; Athgys; Dumpters and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

STATE: Illinois
DECISION NO.: KS75-4051
Supersedes Decision No. KS75-4051 dated March 14, 1975 in 40 F.R. 12056
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.72	.50	.00		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons	9.225	.35	.35	1.00	
CARPENTERS; Millwrights and Pile-driverman	9.27	.33	.30	.25	.05
CEMENT MASONS	9.225	.40	.50	.25	
ELECTRICIANS:					
Zone 1 - Delaware, Kickapoo, High Prairie and Leavenworth Townships)	10.27	.29	17%.31	.80	.06
Zone 2 - Remainder of County	10.15	.45	17%.50		.05
ELEVATOR CONSTRUCTORS	9.83	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes and 2% of basic hourly rate for 6 months - none; 6 months - 5 years-2%, over 5 years 4% of the basic hourly rate; also 6 paid holidays.	4% of basic hourly rate for over 5 years service, 6 mos. to 5 years as vacation Pay Credit. b-1st				
GLAZIERS	9.23	.40	.60	16%	.03
IRONWORKERS	9.25	.65	.90	1.00	.05
LABORERS:					
General laborer	6.60	.30	.30		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools; concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortar mixers for plasterers, masons & cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzleman, powderman	6.85	.30	.30		.05
LABORERS (Site Preparation and Grading):					
Group 1	6.15	.30	.35		
Group 2	6.25	.30	.35		
Group 3	6.40	.30	.35		
Group 4	6.55	.30	.35		
Group 5	6.65	.30	.35		

CLASSIFICATION DEFINITIONS

Group 1 - Board mat weavers and cable tiers, georgia buggy (manually operated), mixerman-no skip lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated) grade man, hot mastic kettleman, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper, concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzleman, sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadman or pusher

DECISION NO. KS75-4191

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			
LINE CONSTRUCTION:					
Zone 1 - Southeast 2/3 of Leavenworth County					
Lineman	8.62	.35	1%		½%
Cable splicers	9.05	.35	1%		½%
Groundman, over 1 year	5.39	.35	1%		½%
Groundman, 1st year	4.11	.35	1%		½%
Powderman	7.16	.35	1%		½%
Line Truck & Equipment Operators:					
1st year	5.52	.35	1%		½%
2nd year	6.59	.35	1%		½%
Over 2 years' experience	7.16	.35	1%		½%
Zone 2 - Remainder of Leavenworth County					
Lineman	10.56	.38	1%+.15		½%
Heavy Equipment Operator	9.83	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
MARBLE AND TILE SETTERS	10.26	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	8.48				
PAINTERS:					
Zone 1 - Northern 2/3 of County					
Brush, roller, tapers	7.20	.55	.35		
Spray	8.20	.55	.35		
Zone 2 - Remainder of County					
Brush, roller, tapers	7.45	.30	.35		
Spray	8.45	.30	.35		
PLASTERERS	10.25				
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	9.85	.50	.75	.75	.10
Group 2	9.60	.50	.75	.75	.10
Group 3	8.35	.50	.75	.75	.10
Group 4	8.85	.50	.75	.75	.10
Group 5	8.85	.50	.75	.75	.10
Group 6	9.10	.50	.75	.75	.10
Group 7	10.10	.50	.75	.75	.10

DECISION NO. KS75-4191

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) CONT'D:					
Group 8	10.35	.50	.75	.75	.10
Group 9	9.85	.50	.75	.75	.10
Group 10	10.85	.50	.75	.75	.10
Group 11	10.35	.50	.75	.75	.10
Group 12:					
(a)	9.60	.50	.75	.75	.10
(b)	9.35	.50	.75	.75	.10
(c)	9.35	.50	.75	.75	.10
(d)	8.60	.50	.75	.75	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Asphalt paver and spreader, asphalt plant mixer operator, asphalt plant operator, back fillers, backhoe, all types, barber-greene loader (similar type), blade-power, all types, boats power, boilers (2), boring machines (all types), cableways, cherry pickers (all types), chip spreader, clamshells, combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional), compressors (2) 105 ft. or over not more than 20' apart, compressors tandem (any sizes), compressors single, truck mounted, concrete ready-mixed plant, portable (job site); concrete mixer paver, crane-overhead, crusher, rock, derricks and derrick cars (power operated), ditching machines, dozers, dreglines, dredger - any type power, grade-all - similar types, hoist, endless chain - power operated with power travel, loaders - all types, locomotives all types, mechanic and welder, mucking machine, orange peels, piledrivers - all types; pumps - material all types, push cats, scoops all types, self propelled rotary drill, shovel, power, side boom, skimmer scoop, teathole machine, throttle man

Group 2 - A-frame trucks, boilers (1), brooms-power operated (all types), chip spreader (front man), clef plane operator, compressors (1) 105' or over, concrete saws, (self-propelled), conveyor operator, crab-power operated, curb finishing machine, firemen on rigs, flex plane, floating machine, form grader, fork lift - all types and sizes (except masonry), greaser, hoist, hoist, spdless chain-power operated, hopper-power operated, hydra hammer (all types), lad-a-vator - similar type, mixers with side loaders, jennies, sub-grader, tractors over 50 h.p., pumps (with well points); pump; rollers - all types, siphons, jets

Group 3 - Oiler

Group 4 - Fork lift-masonry

Group 5 - Oiler driver all types

Group 6 - Tractor (except when hauling trailer) 50 h.p. and less

Group 7 - Clamshells, 80 ft. of boom or over (including jib), crane or rigs, 80 ft. of boom or over (including jib), draglines, 80 ft. of boom or over (including jib), piledrivers, 80 ft. of boom or over (including jib)

Group 8 - Cranes or rigs, over 200 ft of boom

Group 9 - Hoists each additional drum over 1 drum

Group 10 - Welder mechanic

Group 11 - Crane - tower or climbing

Group 12 - Ready mixed concrete plants; (a) crane operator, (b) loader operator, (c) plant man, (d) conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Site Preparation and Grading					
Group 1	9.85	.50	.75	.75	.10
Group 2	9.60	.50	.75	.75	.10
Group 3	9.35	.50	.75	.75	.10
Group 4	8.35	.50	.75	.75	.10
Group 5	8.85	.50	.75	.75	.10
Group 6	10.10	.50	.75	.75	.10
Group 7	10.35	.50	.75	.75	.10
Group 8	9.85	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clamshell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, pile driver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types; scoops in tandem, self-propelled rotary drill (Leroy or equal - not air trac); shovel operator, side discharge spreader, sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal), throttle man, truck crane welding machine maintenance operator - 2

Group 2 - A-frame truck, angle [illegible] or boiler, asphalt plant mixer operator, asphalt plant screen operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skip loader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau tooler, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, toolboat operator, tractor operator over 50 h.p.

Group 3 - Boilers - 1, chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 H.P. or less without attachments, vibrating machine operator, pot hand, welding machine maintenance operator-1

Group 4 - Mechanic's helpers, oiler

Group 5 - Oiler.driver, all types

Group 6 - Clamshells, 3 yds. capacity or over, crane or rigs, 80 ft. of boom or over (including jib), draglines, 3 yds. capacity or over, piledrivers, 80 ft. of boom or over (including jib), shovels, 3 yds capacity or over

Group 7 - Cranes or rigs, over 200 ft. of boom (including jib)

Group 8 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (but air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:	9.30	.30	.60		.04
Roofers					
Helpers:					
1st 6 mos.	5.58	.30	.60		.04
2nd 6 mos.	6.05	.30	.60		.04
3rd 6 mos.	6.51	.30	.60		.04
4th 6 mos.	6.98	.30	.60		.04
5th 6 mos.	7.44	.30	.60		.04
6th 6 mos.	7.91	.30	.60		.04
7th 6 mos.	8.37	.30	.60		.04
SHEET METAL WORKERS	10.70%	.35	.50		.05
SPRINKLER FITTERS	10.40	.50	.80		.08
TERRAZZO WORKERS	9.93	3.65%	3.25%		

DECISION NO. [illegible]

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Building Construction:					
Group 1	8.275	.50	.75		
Group 2	8.325	.50	.75		
Group 3	8.40	.50	.75		
Group 4	8.525	.50	.75		
Group 5	8.425	.50	.75		
Group 6	8.625	.50	.75		
Group 7	8.475	.50	.75		
Group 8	8.375	.50	.75		

TRUCK DRIVERS (Building Construction) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and stock man

Group 2 - Flat beds, pick-ups, dump trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds. and over, steel trucks, semi truck drivers

Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated aerial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpter, euclid, etc.), double bottom units (20 tons cap. and over)

Group 5 - Distributor truck drivers and operators, oilers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and Grading					
Group 1	8.34	.50	.75	.75	
Group 2	8.54	.50	.75	.75	
Group 3	8.85	.50	.75	.75	
Group 4	9.00	.50	.75	.75	
Group 5	8.115	.50	.75	.75	

DECISION NO. [illegible]

TRUCK DRIVERS
CLASSIFICATION DEFINITIONS

Group 1 - One team, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch trucks-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu. yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, and boom truck driver

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Apprentice
ASBESTOS WORKERS	$9.90	.46	.125		.01
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; STONEMASONS	9.13	.45	.25		.02
CARPENTERS:					
Carpenters	8.70	.45			.05
Millwrights, piledrivermen	9.00	.45			.05
CEMENT MASONS:					
Cement masons	9.10	.35	1%	3%	1%
Troweling machine operator	9.45	.445	.29	3%+4%	.02
ELECTRICIANS	8.74	.445	.29	3%+4%	.02
ELEVATOR CONSTRUCTORS	707JR				
ELEVATOR CONSTRUCTORS' HELPERS	507JR				
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)					

FOOTNOTE: 4% of basic hourly rate for over 5 years service, a-Employer contributes 4% of basic hourly rate for over 5 years as vacation Pay Credit. 4-1st and 2nd year 2% basic hourly rate for 6 mos. to 5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

IRONWORKERS	9.18		.25	.53 .02
LATHERS (BUILDING CONSTRUCTION):				
GROUP 1 - Common laborers	6.65	.45	.25	.05
GROUP 2 - Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders, plaster tenders, mortar mixers for plasterers, mason fill cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand and concrete gun nozzleman, powderman	6.60	.45	.25	.05
LABORERS (SITE PREPARATION & GRADING):				
GROUP 1	4.55	.45	.35	
GROUP 2	4.70	.45	.35	
GROUP 3	4.80	.45	.35	
GROUP 4	4.95	.45	.35	
GROUP 5	5.05	.45	.35	

DECISION NO. 8525-4199

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Apprentice
POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):					
GROUP 1	7.60	.50	.75	.50	.10
GROUP 2	7.35	.50	.75	.50	.10
GROUP 3	7.10	.50	.75	.50	.10
GROUP 4	6.75	.50	.75	.50	.10
GROUP 5	6.85	.50	.75	.50	.10
GROUP 6	7.85	.50	.75	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer operator, crane, pitman crane hydro plant operator, (automatic), crane, truck crane, derrick or derrick trucks, crane or any machine with power swing, dragline operator, excavators, ditching machine, endloader, dragline operator, tractor drawn, loader, all types, mechanic or welder, mixermobile, loader, multi-mall-wall scraper, pileDriver operator, power shovel mixer, skid road, scoop operator, all types, side boom cat-chevers pickett, skimmer scoop operator, pushcat operator
Group 2 - Asphalt plant operator, elevating grader operator
Group 3 - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backfiller operator, barber-greene loader, boiler-other than asphalt, bull float operator, churn drill operator, compressor operator (1), concrete central plant operator, concrete mixer operator skip, concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete, firemen other than asphalt, flex plane jeep ditching machine, pavement breaker, self-propelled (of the hydro hammer or similar type), pump operator, 4" or over, two, pump operator other than dredge, screening & wash plant operator, small machine operator spreader box operator-self-propelled tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt, siphon & jetes, subgrader machine operator, tank or car heater operator, combination booster & boiler, towboat operator, vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut), conveyor operator harrow disc seeder, oiler, tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Apprentice
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):					
GROUP 1	9.10	.50	.75	.50	.10
GROUP 2	8.70	.50	.75	.50	.10
GROUP 3:					
(a)	7.65	.50	.75	.50	.10
(b)	7.90	.50	.75	.50	.10
GROUP 4:					
(a)	7.60	.50	.75	.50	.10
(b)	7.85	.50	.75	.50	.10
GROUP 5	9.60	.50	.75	.50	.10
GROUP 6	9.35	.50	.75	.50	.10
GROUP 7	9.60	.50	.75	.50	.10
GROUP 8	11.10	.50	.75	.50	.10
GROUP 9	10.10	.50	.75	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - boilers (2), boom cat, boring machine, ditching machines, concrete - ready-mix plant, crane, truck crane, clamshell, dragline, dozers, scrapers, all types, patrol, firemen (when operating steam or air valve), gradall, hiloaders (over 1 yd), hoist, two drums, locomotive, mechanic or welder, mixermobile, paver, or any other machine with power swing, pileDriver operator, power shovel, pump, concrete or other material
GROUP 2 - A-frame truck, barber-greene loader or similar type, hob cat
GROUP 3 - (a)oiler, (b)motor crane oiler
GROUP 4 - (a)oiler, (b)tractor crane oiler
GROUP 5 - Tower cranes and derricks, of boom or over (including jib) or 2 yds. capacity or over of shovels 100 ft. and over; (3) drum hoist
GROUP 6 - Cranes and shovels 200 ft. and over; (4) drum hoist
GROUP 7 - Master mechanic
GROUP 8 - Cranes with lifting ring

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DECISION NO. [illegible]

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers, Kettlemen	7.25	.28	.20		.02
Pitch	8.00	.28	.30		.02
Helpers	3.50	.28	.20		.02
SHEET METAL WORKERS	9.95	.35	.40		.01
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - Pickups, station wagons, flat beds-17,000# & under GVW lincense capacity	6.00	.45	.35		
GROUP 2 - Flat beds-18,000# GVW lincense capacity	6.675	.45	.35		
GROUP 3 - Flat beds-20,000# over GVW lincense capacity, dump, batch & water trucks, single axle	6.95	.45	.35		
GROUP 4 - Lowboys, semi-trailers dumpsters, a-frame tandems winch truck when used as such & transit mix	7.05	.45	.35		
TRUCK DRIVERS PREPARATION & GRADING):					
GROUP 1	6.05	.45	.35		
GROUP 2	6.15	.45	.35		
GROUP 3	6.30	.45	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen
Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle), a-frame and winch trucks when used as such, euclid, end and bottom dump, tournarockers, athey, dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

STATE: Louisiana
AGENCY: [illegible]
REGIONAL HQ.: [illegible]
DATE: Dec. of Labor [illegible]
Superseded Decision No. [illegible], dated August 8, 1975, in 40 [illegible]
DESCRIPTION OF WORK: Building Construction in all Parishes, Residential Construction in Bossier, Caddo & Calcasieu Parishes and Construction of Highways, Roads, Streets and Parking Areas in all Parishes except St. Tammy (except those let with a building contract).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	$9.095	.425	.50		.04
ZONE 2	8.76	.30	.51		.025
ZONE 3	7.25	.40	.90		
ZONE 4	7.78	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Vermilion & Vernon Parishes.
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	8.24	.30	.25		.06
ZONE 2	7.18	.43			
ZONE 3	8.95	.43	.25		.02
ZONE 4	9.43	.25	.20		.035
ZONE 5	7.25				
ZONE 6	7.18	.43			
ZONE 7	8.25	.40	.45		
ZONE 8	8.00		.30		
ZONE 9	8.25		.25		
ZONE 10	8.90				

DECISION NO. [illegible]

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Livingston, St. Helena, St. James, St. John the Baptist, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to the U.S. Highway 190 through the lower limits of Covington, along State Highway 59, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parish
ZONE 5 - St. Tammany (north half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Union Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin & [illegible] Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1	$7.27	.30			
ZONE 2	7.895	.30	.23		.05
ZONE 3	7.55	.20			
ZONE 4	8.00	.20	.30		.04
ZONE 5	9.22	.20	.20		.04
ZONE 6	9.055	.20	.20		.04
ZONE 7	7.05				
ZONE 8	7.65	.30	.25		.03
ZONE 9	7.05				
ZONE 10	7.25	.35	.20		.05

AREA COVERED BY CARPENTERS [illegible]

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (OVERHEAD CONSTRUCTION)					
ZONE 1	$6.70				
On concrete lined ditches	8.195				
ZONE 2	6.45				
ZONE 3	6.90				
ZONE 4	6.45				
ZONE 5	6.30				
On concrete lined ditches	7.30	.30	.50		.05
ZONE 6	6.30				
ZONE 7	5.72				

AREA COVERED BY CEMENT MASONS (OVERHEAD CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes
ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Tammany, Tangipahoa, Terrebonne, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, La Salle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$9.50	.50	15%+.35		5/10%
ZONE 2	8.75		7%		
ZONE 3	10.20	.35	17%+.20		1/10%
ZONE 4	9.55	.35	7%		
ZONE 5	9.70	.30	17%+.30		.03
ZONE 6	9.55	.30	7%		1/2%
ZONE 7	9.65	.35	7%		1%
ZONE 8	8.75	.60	7%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes
ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Tammany, Tangipahoa, Terrebonne, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, La Salle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	$7.05				
ZONE 2	6.05				
ZONE 3	8.50	.17	.30		.01
ZONE 4	7.00				
ZONE 5	6.50		.20		
ZONE 6	5.80				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (east & northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion Parishes
ZONE 2 - Avoyelles (north of Highway 22), Assumption (north of Highway 22), Concordia, East Baton Rouge & East Feliciana, Iberville, Livingston (north of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (east of Highway 51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Assumption (east & south of Highway 22), Assumption (south of Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (northern segment), St. Mary (Morgan City area), St. Tammany, Tangipahoa (west of Highway 51), Terrebonne & Washington Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excl. Morgan City area) & Vermilion Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 6 - Caldwell, Cameron, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes.

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gaziers					
ZONE 1	$9.75	.30	12%+.35		3/10%
ZONE 2	9.25		12%		
ZONE 3	10.15	.35	12%+.20		1/10%
ZONE 4	9.70	.30	12%		
ZONE 5	9.70	.30	12%+.30		.03
ZONE 6	9.65	.35	12%		1/2%
ZONE 7	9.50	.60	12%		1%
ZONE 8	9.00		12%	.30	1/2%

AREA COVERED BY GAZIERS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (Morgan City area), Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (Calumet portion southeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Grant, Rapides, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes.

ELEVATOR CONSTRUCTORS	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Elevator constructors	$8.69	.445	.20	3%+4b	.02
Elevator constructors' helpers (7th.)	70%JR	.445	.20	3%+4b	.02
Elevator constructors' helpers (6th.)	50%JR				
ZONE 2					
Elevator constructors	7.51	.445	.20	3%+4b	.02
Elevator constructors' helpers (7th.)	70%JR	.445	.20	3%+4b	.02
Elevator constructors' helpers (6th.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$9.36	.50	.35		.05
ZONE 2	8.89	.45	.35		.04
ZONE 3	8.95	.35	.35		.04
ZONE 4	8.70	.35	.60		.05
ZONE 5	6.60	.30	.35		.04
ZONE 6	8.65	.35	.35		.025

ZONE 1 - All of Ascension, Caldwell, [illegible] Parishes; Parts of [illegible] Parishes; Parts of St. John the Baptist & St. Tammany Parishes; Parts of [illegible] Parishes; Parts of Jefferson, Jefferson Davis, Lafayette, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (east of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Morgan City, Louisiana, southwest through Bayou Boeuf, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Acadia, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the [illegible] Parish boundary through the city limits of Morgan City, Louisiana, southwest through Bayou Boeuf, Louisiana to the Gulf of Mexico); Parts of Jefferson, Jefferson Davis, Lafayette, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (east of a line drawn from the Louisiana-Mississippi border, west of the city limits of Morgan City, Louisiana, southwest through Bayou Boeuf, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southwesterly to the city of Rolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 3 - All of Bienville, Bossier, Caddo, Claiborne, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parish s (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Pelson to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Parts of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southwesterly to the city of Rolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (ORNAMENTAL CONSTRUCTION)					
ZONE 1	$8.72				
ZONE 2	8.48				
ZONE 3	8.70				
ZONE 4	8.30				
ZONE 5	[illegible]				
ZONE 6	6.59				
ZONE 7	6.65				
ZONE 8	5.84				

ZONE 1 - [illegible] & Orleans Parish
ZONE 2 - Plaquemines, St. [illegible] and [illegible] Counties
ZONE 3 - [illegible] Parish
ZONE 4 - [illegible] Parish
ZONE 5 - Beauregard & Calcasieu Parishes
ZONE 6 - [illegible] Parish
ZONE 7 - Acadia, Allen, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Pointe Coupee, Rapides, St. Landry, St. Martin (that portion north of Breaux Bridge), St. Mary, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, East Carroll, East Feliciana, Evangeline, [illegible] Grant, Jackson, Jefferson, LaSalle, Lincoln, Natchitoches, Pointe Coupee, Rapides, Sabine, St. Landry, St. Martin (that portion south of Breaux Bridge), St. Mary, Tensas, Union, Vernon, W. Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	4.87	.15	.10		.05
GROUP 2	5.07	.15	.10		.05
ZONE 3					
GROUP 1	6.03	.15	.10		.05
GROUP 2	6.13	.15	.10		.05
GROUP 3	6.18	.15	.10		.05
GROUP 4	6.29	.15	.10		.05
GROUP 5	6.55	.15	.10		.05
GROUP 6	6.29	.15	.10		.05
GROUP 7	6.03	.15	.10		.05
ZONE 4					
GROUP 1	5.73	.15	.10		.05
GROUP 2	5.83	.15	.10		.05
GROUP 3	5.88	.15	.10		.05
ZONE 5					
GROUP 1	5.33	.15	.10		.05
GROUP 2	5.43	.15	.10		.05
GROUP 3	5.48	.15	.10		.05
ZONE 6					
GROUP 1	6.41	.15	.20		.05
GROUP 2	6.51	.15	.20		.05
GROUP 3	6.66	.15	.20		.05
GROUP 4	6.55	.15	.20		.05
GROUP 5	6.65	.15	.20		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
GROUP 1	$6.105	.15	.20		.05
GROUP 2	6.255	.15	.20		.05
GROUP 3	6.305	.15	.20		.05
ZONE 8					
GROUP 1	4.50	.15	.10		.05
GROUP 2	4.70	.15	.10		.05
GROUP 3	4.75	.15	.10		.05
GROUP 4	4.80	.15	.10		.05
GROUP 5	5.15	.15	.10		.05
ZONE 9					
GROUP 1	5.10	.15	.10		.05
GROUP 2	5.20	.15	.10		.05
GROUP 3	5.25	.15	.10		.05
GROUP 4	5.30	.15	.20		.05
ZONE 10					
GROUP 1	4.92	.15	.10		.05
GROUP 2	5.02	.15	.10		.05
GROUP 3	5.17	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason helpers; machine-tool operators; [illegible] men; caulkers, tenders, joint vipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 6

GROUP 1 - Building laborers

GROUP 2 - Laborers in mixing, screening, washing, crushing, conveying, stacking, loading & unloading sand, gravel, stone, slag, concrete mixtures & other materials; operators of mixers (portable or stationary); concrete vibrator operators; power buggy operators; tenders to bricklayers, cement masons, terrazzo workers, tile setters, stone masons, marble setters, painters, roofers, plasterers and pot tenders); depth men; asphalt, gas, electric, oil, water & sewer distribution & service pipeline laborers; pipelayers and caulkers; gunite machine operators; sandblasters; scaffold erectors; wagon drivers; material hoist operators; concrete pump operators; concrete finishers; concrete rubbers using power driven machines; concrete saw operators; concrete specialty men; concrete workers; curb machine operators; grout machine tenders; grout men; mason tenders; mortar mixers; motor grader operators; pavement breaker operators; pavement form setters; pavement strippers; pipe wrapping machine operators; power tool operators; rigging signalmen; rip rap men; rock slingers; scale men; shotcrete operators; tamper operators; tank scalers; tunnel muckers; vibrator operators; well point laborers

LABORERS - ZONE 7

GROUP 1 - Common laborers

GROUP 2 - Jackhammermen, reinforcing steel workers (placing, tying & setting), pipelayers, mason tenders, asphalt workers, concrete finishers, concrete workers, form setters, gunite operators, sandblasters, scaffold erectors, tank scalers, tunnel muckers, vibrator operators, welders, well point laborers

GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (cement); cement finishers; plasterers' tenders; stone mason helpers; concrete workers; riggers & signalmen

GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper), acetylene burners; joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); mortar mixer (wet or dry); motorized buggy operator; water proofers (manic); form setters (steel paving forms)

GROUP 3 - Chain saw operator

GROUP 4 - Asphalt raker, tamper, smoother and shoveler; power pipe layers; blaster helpers

GROUP 5 - Powderman

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (bricklayers, stonemasons, cement masons, carpenter, plasterers); Stripping & dismantling; concrete form work; loading, carrying & handling rtc.) & steel work; assisting to the erection of cut stone, granite or reinfried stone; building scaffold ; & misc

GROUP 2 - Blacksmith & tool operator (saw, sharpener, power driven hand tools); Pipe layers; Pipe caulkers & joiners

GROUP 3 - Powderman & blaster

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (or for routes as Bayou Lacombe and east on the Mandeville-Slidell Line (& Pearlington), Washington (except that portion north of I. 10 running due west from the western boundary of Washington Parish which follows Highway 59, the Louisiana-Mississippi State Line to Lake Pontchartrain) & Washington Parishes

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermillion Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, [illegible] Parishes (beginning at the point where the south [illegible] of St. James Parish meets the Mississippi River; then [illegible] the south of said [illegible] Parish to the [illegible] which is east of Lutcher; then [illegible] to the point of beginning) & St. Mary Parish (that portion which is east of a line drawn from Patterson, Louisiana on U.S. Highway 90 (Berwick Highway) then west on U.S. 90 to Bayou Teche and on a direct line to Franklin, Louisiana)

ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western point of the town of Independence, then due south to the northern border of the town of Amite, then due south to the southern border of the town of Amite, then due south to Lake Pontchartrain) Parishes

ZONE 6 - Natchitoches (except Grand Lake), [illegible] Parishes; Rapides (except that portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn at Lutcher and north to Blind River and Ponchatoula) & St. Tammany (south as far as Bayou Lacombe, east to the Mississippi State Line at Pearlington) Parishes

ZONE 7 - Avoyelles, Beauregard, Calcasieu, Cameron, Jefferson Davis, Natchitoches, St. Mary (on the west bank and including the town of Morgan City) & Vernon Parishes

ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes

ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes

ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

DECISION NO. LA75-4309

LABORERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
ZONE 1	$4.85	.15	.10		.05
ZONE 2	4.55	.15	.10		.05
ZONE 3	4.15	.15	.10		.05
ZONE 4	4.85	.15	.10		.05
ZONE 5	4.10	.15	.10		.05
ZONE 6	3.85	.15	.10		.05
ZONE 7	3.75	.15	.10		.05
GROUP 2					
ZONE 1	4.95	.15	.10		.05
ZONE 2	4.65	.15	.10		.05
ZONE 3	4.25	.15	.10		.05
ZONE 4	4.95	.15	.10		.05
ZONE 5	4.20	.15	.10		.05
ZONE 6	3.95	.15	.10		.05
ZONE 7	3.85	.15	.10		.05
GROUP 3					
ZONE 1	5.40	.15	.10		.05
ZONE 2	5.10	.15	.10		.05
ZONE 3	4.70	.15	.10		.05
ZONE 4	5.40	.15	.10		.05
ZONE 5	4.65	.15	.10		.05
ZONE 6	4.40	.15	.10		.05
ZONE 7	4.30	.15	.10		.05
GROUP 4					
ZONE 1	5.65	.15	.10		.05
ZONE 2	5.35	.15	.10		.05
ZONE 3	4.95	.15	.10		.05
ZONE 4	5.65	.15	.10		.05
ZONE 5	4.85	.15	.10		.05
ZONE 6	4.60	.15	.10		.05
ZONE 7	4.50	.15	.10		.05

DECISION NO. LA75-4309

GROUP 1 - Laborers, including workers assisting in sign erection, handling, drilling, and demolishing and dismantling work

GROUP 2 - Laborers, concrete spreaders, carpenters helpers, concrete finishers helpers, formsetters helpers, joiners, mason tenders, burning & cutting torch operators, painters helpers, pit men, pipelayers or tile layers, power buggy operators, tamper, track runners, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator

GROUP 3 - Formsetter, hand or master--high type pavement

GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes

ZONE 2 - East Baton Rouge Parish

ZONE 3 - Bossier & Caddo Parishes

ZONE 4 - Calcasieu Parish

ZONE 5 - Lafayette, Ouachita & Rapides Parishes

ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes

ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Iberville, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$7.80				.01
ZONE 2	8.23	.20	.20		.05
ZONE 3	8.785	.30			.01
ZONE 4	8.675				.01
ZONE 5	6.80				.01

AREA COVERED BY LABORERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)

ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes

ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes

ZONE 5 - Rapides Parish

DECISION NO. 1475-67-5

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Linemen	$9.70	.30	1%+.30		.07
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.30		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.30		.02
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+.30		.03
Groundman (1½ years service or over)	50%JR	.30	1%+.30		.03
ZONE 2					
Linemen, line equipment & line truck operators	9.00	.30	1%+.35		3/10%
Cable splicers	9.25	.30	1%+.35		3/10%
ZONE 3					
Linemen, equipment operators	10.20	.35	1%+.20		1/10%
Cable splicers	10.45	.35	1%+.20		1/10%
Groundmen	8.20	.35	1%+.20		1/10%
ZONE 4					
Linemen & equipment operators	9.55	.25	1%		
Cable splicers	9.80	.25	1%		
Groundmen	50%JR	.25	1%		
ZONE 5					
Linemen & equipment operators	8.25		1%	.30	1/2%
Cable splicers	8.50		1%	.30	1/2%
Groundmen	60%JR		1%	.30	1/2%
ZONE 6					
Linemen & equipment operators	8.45	.30	1%		1/2%
Cable splicers	8.95	.30	1%		1/2%
Groundmen, 1st 6 months	2.85	.30	1%		1/2%
Groundmen, 2nd 6 months	3.44	.30	1%		1/2%
Groundmen, after 1 year	3.73	.30	1%		1/2%

ALL WORK COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (south of the Atchafalaya River) & St. Mary (that portion south of the Atchafalaya River) Parishes

ZONE 2 - Ascension, West Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Feliciana & Iberia Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - [illegible] Rouge, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

HAZELE SETTERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.43	.25	.20		.035
ZONE 2	8.95	.43	.25		.02
ZONE 3	8.90				
ZONE 4	7.27		.25		
ZONE 5	7.25	.30			
ZONE 6	8.20				

ALL WORK COVERED BY HAZELE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58 through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes

ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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HAZELE SETTERS' HELPERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$6.25	.25	.10		.05
ZONE 2	5.02	.15			
ZONE 3	3.00				

ALL WORK COVERED BY HAZELE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line), Talisheek and on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

MILLWRIGHTS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.345	.70	.30		.05
ZONE 2	9.55				.05
ZONE 3	10.055				.05
ZONE 4	7.985	.30			
ZONE 5	7.80				
ZONE 6	8.15	.30	.25		.03
ZONE 7	7.80				
ZONE 8	8.15	.35	.20		.05
ZONE 9	9.79	.20			

ALL WORK COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (southeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Terrebonne (southern portion of Parish not covered by Zone 9) & Iberville Parishes

ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes

ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Vermilion Parishes

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ZONE 5 - [illegible]

ZONE 6 - [illegible]

Parishes

ZONE 7 - Natchitoches & Sabine Parishes

ZONE 8 - Caldwell, Catahoula, Concordia, [illegible] Lincoln, Madison, Morehouse, Ouachita, [illegible] & Winn Parishes

ZONE 9 - Parts of St. Tammany & Tangipahoa, (north of U.S. 190 from the Mississippi State line to the western boundary of Tangipahoa Parish) [illegible]

PAINTERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP 1 - Brush, wood or wall, rollers	$8.06				
GROUP 2 - Brush on steel, buffing on wood or wall	8.165				
GROUP 3 - Paperhanging, taping & floating	8.26				
GROUP 4 - Spray, wood & wall	8.405				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing; steam jennies, spray on steel	8.565				
ZONE 2					
GROUP 1 - Brush; taping; floating & texture	6.46		.10		
GROUP 2 - Industrial & steel	7.12		.10		
GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surface for painting; All work on stacks, steeples, flag poles and all towers and tanks over 50 feet; All work off swing stage, bosun chair and spiders, All work with creosote material or any similar material as service cement paint	6.70		.10		

ZONE 4	Basic hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - Brush	6.60				
GROUP 2 - Industrial & steel	6.97				
GROUP 3 - Hand tools or automatic tools to finish gypsum board; spray; sandblasting - 25¢ per hour above rate for brush					
GROUP 4 - All power tools; All stacks, steeples, flag poles, swing stages & window jacks; All towers, tanks & structural steel over 50 ft. high - 25¢ per hour above journeyman rate					
ZONE 5					
GROUP 1 - Commercial brush; Shreetrock finishers	6.25				
GROUP 2 - Industrial brush hands	6.65				
GROUP 3 - All spray painting, waterblasting, sandblasting	7.80				
GROUP 4 - All paperhangers	7.50				
GROUP 5 - All power operated tools, buifers, etc.; all roller operators - 25¢ per hour above scale					
ZONE 6					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	6.30				
GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work	6.80				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	7.30				

ZONE 7	Basic hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$7.75				
GROUP 2 - Stage, window jacks & structural steel over 30 feet	8.00				
GROUP 3 - Stage, window jacks & structural steel over 75 feet	8.25				
GROUP 4 - Sandblasting, spray	8.35				
ZONE 8					
GROUP 1 - Painters, paperhangers, spray, floaters	6.30				
GROUP 2 - Stage window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign tank painting, steeple jack work	7.30				
GROUP 3 - Structural steel, brush	6.80				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except in Kinder corporate limits), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (west of US Hwy 51), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$7.85	.20			
ZONE 2	8.00	.70	.30		.01
ZONE 3	9.52	.20	.20		.04
ZONE 4	7.895	.30	.23		.05
ZONE 5	7.55				
ZONE 6	7.90	.30	.25		.03
ZONE 7	7.55				
ZONE 8	7.75	.35	.20		.05
ZONE 9	7.895	.30			

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (east of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes

ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes

ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 7 - Natchitoches & Sabine Parishes

ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

PLASTERERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$6.20				
ZONE 2	6.50				.01
ZONE 3	8.27				
ZONE 4	7.65				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	6.00				.01
ZONE 7	8.35			.50	
ZONE 8	8.25		.25		
ZONE 9	8.00		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (except that portion including Covington north of Highway 190) & Washington Parishes

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. James (portion line on the north area, West along 190 through the town limits of Covington and Abita Springs along State Highway 435 to Tchefuncte and on a line due east to the Mississippi State line) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 9 - Natchitoches & Sabine Parishes

PLUMBERS & PIPEFITTERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$9.70	.40	.60		.05
ZONE 2	9.00	.54	.675		.06
ZONE 3	8.00	.40	.35		.10
ZONE 4	7.82	.35	.55		.02
ZONE 5	8.54		.30	.55	.09
ZONE 6	8.88	.42	.42		.08

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[illegible] OPERATORS - ZONE 1 (See AD)

GROUP 1 - Crane Operator, 60 tons & over; Crane Operator, Derrick; Crane Operator, Tower; Crane Operator, Hammerhead Tower; Crane Operator, Hammerhead Tower, Derrick; Crane Operator, Lattice Boom Crane; Crane Operator, Overhead Crane; Crane Operator, Whirley; Crane Operator, Whirley, Derrick; Crane Operator, Whirley, Derrick, Tower; Crane Operator, Whirley, Tower; Crane Operator, Whirley, Tower, Derrick; Crane Operator, Whirley, Tower, Derrick, Hammerhead; Crane Operator, Whirley, Tower, Hammerhead; Crane Operator, Whirley, Hammerhead; Crane Operator, Whirley, Derrick, Hammerhead; Crane Operator, Derrick, Hammerhead; Crane Operator, Tower, Derrick, Hammerhead; Crane Operator, Tower, Hammerhead; Crane Operator, Derrick, Tower; Crane Operator, Derrick, Tower, Hammerhead; Crane Operator, Hammerhead Tower

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CLASSIFICATION DESCRIPTIONS

GROUP 1 - 60 ton crane & over; Crane with 175' boom

GROUP 2 - Crane with 175' boom

GROUP 3 - Heavy Duty Operators-Crane all types; dock winches (2); Pipe [illegible] similar type equipment; three drums (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoists, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders [illegible] than farm-type, one cubic yard or over; shovels and backhoes, all [illegible] equivalent equipment; piledriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines

GROUP 4 - Medium Duty Operators-Two drums stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (scawler type); one drum machines (concrete); power subgraders; tow tractor (scawler type); one drum hoists under 40 vertical feet; firemen; concrete spreader; pugmill) operator; bituminous distributor on surface treatment and [illegible] all [illegible] equivalent; job greaser man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motors crew boats

GROUP 5 - Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one Air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type, rubber-tired tractor, with attached [illegible] hoes; Koiun hoist and similar equipment; fork lifts, ton type capacity, and [illegible] outboard motored crew boats

GROUP 6 - Mechanic Helper; Batch Plant Operator

GROUP 7 - Oiler

GROUP 8 - Fireman

GROUP 9 - Fireman Operating steam Valve

GROUP 10 - Oiler on Crane Using Air to Drive Pile

AREA COVERED BY TOWER, QUINTUPLE OPERATORS (CHIMNEY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Allen, Beauregard, Caldwell, Catahoula, Concordia, DeSoto, Evangeline, Franklin, Grant, Iberia, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Pointe Coupee, Richland, St. Helena, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Washington, Webster, West Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1					
Roofers	$7.93		.10		
Roofers' helpers	6.23		.10		
ZONE 2					
Roofers	7.56	.60	.45	.10	.25
ZONE 3					
Roofers	6.65	.35	.35		.04
Roofers' helpers	4.74	.35	.35		.04
ZONE 4					
Roofers, steep	6.35				
Roofers, flat	6.10				
Roofers, kettlemen	5.80				
Roofers' helpers	4.80				
ZONE 5					
Roofers	6.65		.20		.09
Kettlemen	4.72		.20		.02
Roofers' helpers	4.20		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$8.03	.25	.15		.06
ZONE 2	9.16	3%+.35	.50		.14
ZONE 3	8.25	.20	.50		.12
ZONE 4	7.25	3%+.40	.25		.05

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ZONE 1	7.895	.30	.23		.05
ZONE 2	9.22	.20	.20		.04
ZONE 3	9.055	.20	.20		.04
ZONE 4	7.55	.20			
ZONE 5	7.05				
ZONE 6	7.65	.30	.25		.03
ZONE 7	7.05				
ZONE 8	7.25	.35	.20		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern section) & Terrebonne Parishes
ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$9.35	.50	.80		.08
TERRAZZO WORKERS					
ZONE 1	8.40	.25			
ZONE 2	8.95	.43	.25		.02
ZONE 3	7.25				
ZONE 4	7.27		.25		
ZONE 5	7.25	.30			
ZONE 6	8.20				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS' HELPERS					
ZONE 1	$6.25	.25			
ZONE 2	5.02	.15	.10		.05
ZONE 3	3.30				

AREA COVERED BY TERRAZZO WORKERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS					
ZONE 1	$8.40	.25			
ZONE 2	7.00	.43	.20		.02
ZONE 3	7.75				
ZONE 4	7.27		.25		
ZONE 5	7.25	.30			
ZONE 6	8.20				

AREA COVERED BY TILE SETTERS' ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

DECISION NO. LA75-4200

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS' HELPERS					
ZONE 1	$6.25	.25			
ZONE 2	5.02	.15	.10		.05
ZONE 3	3.00				

AREA COVERED BY TILE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.55				
GROUP 6	5.45				
GROUP 7	5.55				
GROUP 8	5.37				
GROUP 9	5.76				
ZONE 2					
GROUP 1	4.95				
GROUP 2	5.18				
GROUP 3	5.69				
GROUP 4	5.55				
GROUP 5	5.98				
GROUP 6	6.06				
GROUP 7	6.33				
GROUP 8	6.50				

DECISION NO. LA75-4200

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1	$5.47				
GROUP 2	5.55				
GROUP 3	5.80				
GROUP 4	5.95				
GROUP 5	6.10				
GROUP 6	6.30				
GROUP 7	6.65				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 8 - Trucks - dump
GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all size)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch Trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and mobile wheels
GROUP 6 - Euclids, low-boys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over three (3) yards, fuel truck
GROUP 7 - Fork lift

DECISION NO. LA75-4200

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$5.23				
ZONE 2	5.23				
ZONE 3	5.01				
ZONE 4	5.36				
ZONE 5	4.45				
ZONE 6	4.35				
ZONE 7	4.25				
GROUP 2					
ZONE 1	5.34				
ZONE 2	5.34				
ZONE 3	5.09				
ZONE 4	5.47				
ZONE 5	4.56				
ZONE 6	4.46				
ZONE 7	4.36				
GROUP 3					
ZONE 1	5.39				
ZONE 2	5.39				
ZONE 3	5.28				
ZONE 4	5.52				
ZONE 5	4.61				
ZONE 6	4.51				
ZONE 7	4.41				

GROUP 4

ZONE 1	$5.65
ZONE 2	5.65
ZONE 3	5.65
ZONE 4	5.58
ZONE 5	4.67
ZONE 6	4.57
ZONE 7	4.47
GROUP 5	
ZONE 1	5.61
ZONE 2	5.61
ZONE 3	5.70
ZONE 4	5.78
ZONE 5	4.83
ZONE 6	4.73
ZONE 7	4.65

CLASSIFICATION DEFINITIONS:

GROUP 1 - One ton and under: Warehouseman, material checker, receiving clerk; spotter and dumper

GROUP 2 - One and one-half (1½) ton to and including two (2) tons (exclusive of dump trucks), truck mechanic helper

GROUP 3 - Single axle dump trucks

GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, blaster, fork lift, pole trailers 21 feet and over, mechanic

GROUP 5 - Special equipment, crane, shovel, dragline, backhoe, trenching machine, certified and five axle hauling equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) WORK:

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes

ZONE 2 - East Baton Rouge & Iberville Parishes

ZONE 3 - Rapides & Grant Parishes

ZONE 4 - Calcasieu Parish

ZONE 5 - Lafayette, Ouachita & Richland Parishes

ZONE 6 - Acadia, Ascension, Evangeline, Iberia, Jefferson Davis, Livingston, Pointe Coupee, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, Washington & West Feliciana Parishes

ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Cameron, Claiborne, Concordia, East Carroll, Franklin, Grant, Iberville, Jackson, Lafayette, Lafourche, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Plaquemines, Red River, Richland, Sabine, St. Helena, St. James, St. John the Baptist, St. Martin (south of Iberia Parish), St. Tammany, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

STATE: La. Area 1

DECISION NO. LA-75-2 dated August 15, 1975 in LA Reg. 1

Supersedes Decision No. LA-75-1 dated August 15, 1975 in LA Reg. 1

DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments to be and including 4 stories), heavy and highway construction.

COUNTY: ELSE

Basic hourly rates and fringe benefits payments for BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D) — 1 of 4 — 15-Baton Rouge-1-2-3-4-5 — 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: Health & Welfare	Vacation	Apr. Tr.
Line Construction (Cont'd)				
Groundmen truck driver and mechanic	$ 7.90	.65	12¼ 60	d 1¼
Groundmen dynamite man	8.32	.65	12¼ 65	d 1¼
Marble, Tile & Terrazzo workers' helper	8.36	.50	.60½	
Painters:				
Grand Island North of White Haven Road:	6.965	.425	.45 .60	.01
Painters, brush	7.365	.425	.45 .60	.01
Spray, Steel steeple jacks, swing scaffold	9.86	.425	.45 .60	.01
Bridge-crossing the Ringgold River	7.465	.425	.45 .60	.01
Sandblasting and waterblasting	8.655	.525	.30½	.10
Remainder of County:				
Painters, brush	9.155	.525	.30½	.10
Steel tanks, towers, stacks, flag poles, radio TV towers	8.605	.525	.30½	.10
Sandblasting, swing stage, spray, bosun chair	10.32	.525	.30½	.10
Bridges 35' high or in depth of 35' from road level	11.06	.53	.52	.04
Plasterers	11.19			
Plumbers				
Roofers:	8.92	1.00	1.10	.02
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and slate:	9.07	1.09	1.10	.02
Slate, tile precast tile roofers and asbestos	10.73	.40	.95	.08
Sheet metal workers	9.14	1.25	1.25	.06
Soft floor layers	10.84	.50	.80	.08
Sprinkler fitters	11.02	.45	1.50	
Steam fitters				
Truck Drivers, Building, Heavy & Highway:	9.345	.60	.55	elf
Contractor drivers	8.59	.50	.55	elf
Ready mix	8.00	.50	.55	eff
Dump				

Basic hourly rates and fringe benefits payments for BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D) — 1 of 4 — 15-Baton Rouge-1-2-3-4-5 — 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: Health & Welfare	Vacation	Apr. Tr.
Asbestos workers	$ 9.81	.82	.55	.04
Bollermakers	9.85	.50	.95	.02
Bricklayers:				
Grand Island North of White Haven Road:	10.64	.55	1.10	
Tenders, brick masons	10.26	.55	1.10	
Terrazzo workers & Tile setters	10.355	.55	1.10	
Marble masons				
Remainder of County:	10.64	.55	1.10	
Bricklayers and stone masons	10.355	.55	1.10	
Marble setters	10.26	.55	1.10	
Terrazzo workers & Tile setters				
Carpenters, Building:				
Grand Island north of White Haven Road				
Carpenters	9.15	.55	1.05	
Millwrights	9.26	.55	1.05	
Remainder of County, Building, Heavy and Highway:				
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	9.58	1.25	1.25	
Divers	16.87	1.25	1.75	
Cement masons:				
Building	10.08	.55	1.00	
Electricians	11.69	.695	12¼ 60	d 3%
Elevator Constructors	10.99	.695	.32	d 3%
Elevator Constructors' helpers	7.69	.695	.32	d 3%
Elevator Constructors' helpers (prob.)	5.495			
Glazier	9.03	.60	.50	d 3%
Ironworkers, structural, ornamental & reinforcing:	9.16	.51	.60	d 3%
Grand Island to White Haven Road	10.27	.91	.91	d 3%
Remainder of County	10.92		.10	d 3%
Lathers	9.25	.35		d 3%
Lead burners				
Line Construction	10.40	.65	12¼ 60	d 3%
Lineman	11.44	.65	12¼ 60	d 3%
Cable splicer	9.36	.65	12¼ 60	d 3%
Groundman digging machine operate	8.32	.65	12¼ 60	d 3%
Groundman mobile equipment				

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15 New York 1-2-3-z 3 of 4

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-The Friday After Thanksgiving.

FOOTNOTES:

a. Holidays: A through G.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through G; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, 5 days vacation; 3 years, 10 days vacation; 10 years, 15 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year. If an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employee laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

[illegible] per
Construction (Cont'd)

FOOTNOTES: (Cont'd)

g. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

h. Employer contributes $.45 per hour to a Supplement Unemployment benefit fund.

NY [illegible] 5

15-New York-1-2-3-z 5 of 4

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefit Payments H.& W.	Pension	Vacation	Education and/or Apprentice
GROUP I	$11.50	.50	1.00		.15
GROUP II	10.435	.50	1.00		.15
GROUP IIA	10.28	.50	1.00		.15
GROUP IV	10.24	.50	1.00		.15
GROUP V	10.155	.50	1.00		.15
GROUP VI	9.40	.50	1.00		.15
GROUP VII	10.24	.50	1.00		.15
GROUP VIII	9.085	.50	1.00		.15
GROUP IX	8.93	.50	1.00		.15
GROUP X	9.385	.50	1.00		.15
GROUP XI	10.00	.50	1.00		.15
GROUP XII	9.555	.50	1.00		.15
GROUP XIII	9.845	.50	1.00		.15
GROUP XIV	8.785	.50	1.00		.15
GROUP XV	10.935	.50	1.00		.15
GROUP XVI	11.435	.50	1.00		.15
GROUP XVII	11.935	.50	1.00		.15

15-New York-1-2-3-z 6 of 4

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS
GROUP I: Derrick Mechanic

GROUP IIA: all boom type equipment (100 ft or less), all pedestal carryall operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), hoad tower operator, hot roller (finisher course), hydraulic boom, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Polne crane, pile dribing machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, tent core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op.

GROUP VI: Air compressor operator, (under 160 CFM), air compressor op., (over 160 CFM), generator mechanical heater, (when 3 are in a battery), power plant (in excess of 10kW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), monorail

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., cement bin op., concrete mixer op., (under ½ c.y.), tractor machines

GROUP XI: Grout Machine Operator, Heating Boiler Operator (used for temporary heat), lubrucatub unit on truck, pneumatic mixer operator

GROUP XII: Pump Operator (4" or over); Pump Operator 2-3 in a battery)

15-New York-1-2-3-4 8 of 1

	Basic Hourly Rates	Fringe Benefit Payments H.& W.	Pension	Vacation	Education and/or Apprentice
Master Mechanic	$11.31	.50	.50+a		.15
Cranes:					
Boom over 100 ft	10.97	.50	.50+a		.15
Boom over 200 ft	11.22	.50	.50+a		.15
Boom over 300 ft	11.72	.50	.50+a		.15
All boom type equipment, all pan and carry-all operators, archer hoist asphalt spreader or paver, automatic fine grader [illegible] and similar type), back filling machine operators, back and pull hoe operator, belt placer (C.M.I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson rugel, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline scraper (self-propelled), elevating grader (all purpose hydraulically operated), forklift front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, lubrication unit on Truck maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane mine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix					

15-New York-1-2-3-4 7 of 1

HEAVY AND HIGHWAY CONSTRUCTION - FROM EQUIPMENT COMPANIES (Only the following classifications of Bulldozer & Tractor (60 H.P. Gasoline and Diesel), Jeep & Truck Mechanics, power brooms 7 takers, feeders

GROUP XIV: Apprentice Engineer or Oiler, Mechanical heaters (when 1 or 2 are used), Pump Operators (one inch), Pump Operators (2 inches), Pump Operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

15-New York-1-2-3-4 10 of 1

	Basic Hourly Rates	Fringe Benefits H.& W.	Pension	Vacation	Education and/or Apprentice
roller, tractors (when operating pneumatic tires), tractor (skid steer), trenchers, tube finisher (C.M.I. and similar type)	$10.08	.50	.50+a		.15
Air compressors, (under 160 cu. ft., generator, mechanical heaters (when 3 are in a battery) Pump Operator (4" or over), pump operator (2 or 3 in a battery, welding machine operator	9.24	.50	.50+a		.15
Mechanical heaters (when one or two are used), Apprentice Engineer or Oiler, Pump Operator (one inch), Pump Operator (2 inch), Pump Operator (3 inch)	8.64	.50	.50+a		.15
Asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, grout or [illegible] operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, motorized hydraulic pipe puller, pneumatic mixer operator, post hole digger in excess of 10 H.P. (1 machine over 300 amp. or 2 or 3 machines regardless of amp.), well point system (electric, diesel or gas driven	9.79	.50	50+a		.15

15-New York-1-2-3-4 9 of 1

	Basic Hourly Rates	Fringe Benefits H.& W.	Pension	Vacation	Education and/or Apprentice
concrete plant, road grinder, rock bit sharpener(all types), scraper, shovel, side boom, skimmer operator, slip form paver (C.M.I. and similar type), test core drill machine, tire truck and repair, tractor drawn belt type graders, trenching machine, tractor shovel operator					
truck crane, tunnel shovel					
machine, well drilling machine, winch, winch truck with A Frame	$10.22	.50	.50+a		.15
Air hoist operator, automatic fine grade machine (C.M.I. and similar type), bolting machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete screw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting) hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator, mixer for stabilized base self-propelled, monrail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel, stone crushers, stratotower, towed or self-propelled					

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	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pension	Vacation	Education and/or Apprentice
Trench, jeep trencher, motorized hydraulic feeders, mulching machines power broom and rakes, truck crane driver	$ 9.64	.50	.50+a		.15
Aggregate bin operator C.M. and similar type concrete spreads, cement bin operator, concrete mixer operator (under ½ cu yd), revinius widener, steam cleaner, tractor machines	9.19	.50	.50+a		.15
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTE: a. Employer contributes $.50 per hour to a Supplemental Unemployment Benefit Fund.					

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Apprentice
BUILDING					
BLASTER, Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	$ 8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	8.255	.80	1.40		.10
MORTAR MIXER	8.205	.80	1.40		.10
FOUNDATION LABORER (over 8 feet deep): Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	8.155	.80	1.40		.10
LABORER	8.055	.80	1.40		.10
WRECKING					
WAGON DRILL OPERATOR	8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	8.155	.80	1.40		.10
WRECKERS	8.055	.80	1.40		.10
OPEN CUT SEWER					
BLASTER: Wagon Drill Op	8.305	.80	1.40		.10
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	8.405	.80	1.40		.10
LABORER: Top Men	8.055	.80	1.40		.10
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)					
BLASTER: Bottom Men; Wagon Drill Op.	8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OP.	8.155	.80	1.40		.10
TOP MEN	8.055	.80	1.40		.10
STREET-ROAD-WORK					
PAVEMENT FORM SETTER: Wagon Drill Op.	8.305	.80	1.40		.10
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	8.155	.80	1.40		.10
LABORER	8.055	.80	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
RODMEN (Reinforce); Welder	8.655	.80	1.40		.10
LEAD MINER	8.455	.80	1.40		.10
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	8.405	.80	1.40		.10

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Apprentice
SOFT GROUND TUNNEL OR JACKING (CONT'D)					
BOTTOM SHAFT MEN	8.355	.80	1.40		.10
TUNNEL-SHAFT MUCKER: Shaft Miner	8.305	.80	1.40		.10
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	8.205	.80	1.40		.10
ROCK TUNNEL					
RODMEN (Reinforce); Welder	8.655	.80	1.40		.10
LEAD HELDING ROCK DRILLERS	8.455	.80	1.40		.10
CONCRETE FORM MOVER: Side Heading Rock Drillers	8.405	.80	1.40		.10
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	8.305	.80	1.40		.10
BOTTOM SHAFT MAN	8.255	.80	1.40		.10
CAR PUSHERS: Bull & Tract Gangs; Concrete Placing Crew	8.205	.80	1.40		.10
TOP MAN	8.055	.80	1.40		.10

STATE: N. York

COUNTY: ORLEANS

DECISION NO. NY-75-3114

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY-7960 dated April 11, 1975 in 40 FR 16580

DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories), heavy and highway construction.

33-New York-1-2-3 X 1 of 4

BUILDING, HVY. & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	10.98	.60	.21		.02
Boilermakers	10.60		10%		.01
Bricklayers					
Twps. of Remsen, Trenton, Marcy, Deerfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirland & Whitestown & Forestport:					
Bricklayers (except masons), plasterers and stone masons	9.00	.50	.90		
Cement masons, Heavy & Highway	8.30	.25	.50		
Remainder of County:					
Bricklayers, cement masons, plasterers & stonemasons	9.20	.45	.55		
Cement masons, heavy & highway	9.10	.40	.20		
Carpenters, building:					
Carpenters & soft floor layers	8.45	.40	.40	g	.03
Piledrivermen & millwrights	8.70	.40	.40	g	.03
Carpenters, heavy and highway	9.02	.40	.40	g	.025
Electricians:					
Sylvian Beach, Hillsboro, McConneville and North Bay	9.75	.42	1%+.55	.045	.05
Remainder of County	9.95	.40	1%+.35		.04
Elevator constructors	9.195	.395	.26	2½%+4b	.02
Elevator constructors' helper	6.44	.395	.26	2½%+4b	.02
Elevator constructors' helpers (prob)	4.60				
Ironworkers:					
Structural, ornamental & reinforcing	9.78	.45	.82		.05
Laborers, building:					
Twps. of Forestport, Remsen, Trention, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Harris, Sangerfield and Bridgewater:					

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BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, building Cont'd:					
Laborers	$6.50	.65	1.05		
Pipelayers, asphalt rakers, mortar mixers (hand or machine), motor buggy op. (walk behind), power high lift, mason tender and power tool operator	6.65	.65	1.05		
Blasters, form setters, motor buggy rider type	7.00	.65	1.05		
Wagon drill operator, acetylene torch, chain-saw op., & wagon drill operato	6.90	.65	1.05		
Remainder of County:					
Laborers	6.675	.35	.50		
Jackhammermen & excavation 8' or more in depth	6.575	.35	.50		
Lead burners	9.25	.35		c	.01
Linemen:					
Linemen, cable splicer	10.40	.65	1%1.60	d	1/2%
helper & material man	13.44	.65	1%1.60	d	1/2%
Cable splicers					
Groundman digger, machine operator	9.36	.65	1%1.60	d	1/2%
Groundman mobile equipment operator	8.32	.65	1%1.60	d	1/2%
Groundman truck driver & mechanic	7.90	.65	1%1.60	d	1/2%
Groundman dynamite man	8.32	.65	1%1.60	d	1/2%
Marble setters, terrazzo workers & tile setters	7.72	.50	.90		
Painters:					
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:					
Brush	6.90	.30	.35		
Roller	6.90	.30	.35		
Steel and sandblasting	7.40	.30	.35		
Spray	7.30	.30	.35		

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BUILDING, HVY & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters: (Cont'd)					
Remainder of County:					
Brush	$8.20	.175	.30		
Structural steel and roller	8.45	.175	.30		
Spray	8.80	.175	.30		
Sandblasting	9.20	.175	.30		
Plumbers and Steamfitters:					
Twps. of Florence, Steuben, Camden, Vienna, Ava, Rome, Boonsville, Annsville, Verona, Lee, Westmoreland, Western, Vernon, Augusta, and Kirkland	8.81	.70	1.00	.50	.01
Remainder of County	10.08	.75	1.05		.01
Roofers:					
Roofers	9.15	.60	.75		
Helpers: 1st 30 days	7.28	.35	.45		
Next 60 days	7.40	.35	.45		
Sheet metal workers	10.655	.60	.80		.07
Sprinkler fitters	10.75	.50	.80		.03
Truck drivers, building:					
Straight, winch, transit-mix on site, road oilers, dumpers, pick-up panel, water & fuel on site	4.55			e	
Lowboy or lowboy trailer	4.70			e	
Euclid	4.80			e	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

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BUILDING, HVY. & HWY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work.

f. Two hours off on Election Day.

g. Labor Day and Memorial Day paid

Twps. of Mt. Morris, Caneadea, Amity, Belfast, Bolivar, Boonville, Western, Steuben, Vienna, Bovina, Floyd, Westernville, Verona, Augusta and Vernon.

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LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.59	.50	.50	a	
CLASS B	7.79	.50	.50	a	
CLASS C	7.99	.50	.50	a	
CLASS D	8.19	.50	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and head boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

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Remainder of County

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourl. Rates	Fringe Ber fit Payments H&W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.59	.80	.804.40	a	
CLASS B	6.79	.80	.804.40	a	
CLASS C	6.99	.80	.804.40	a	
CLASS D	7.19	.80	.804.40	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and head boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

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POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Class 1	$10.03	.50	.90	a	.05
Class 2	9.53	.50	.90	a	.05
Class 3	8.51	.50	.90	a	.05

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BarKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more then four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintanance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Rose carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

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POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more then two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Ravinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments H&W	Pensions	Vacation	Apprv. Tr.
GROUP I	$9.20	.50	.50+a	b	.10
GROUP II	8.90	.50	.50+a	b	.10
GROUP III	8.25	.50	.50+a	b	.10
GROUP IV	7.50	.50	.50+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to the Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivelent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drum belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greasemen/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type combination), concrete paver 16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments H&W	Pensions	Vacation	Apprv. Tr.
CLASS 1	$7.59	.55	.50	a	
CLASS 2	7.44	.55	.50	a	
CLASS 3	7.49	.55	.50	a	
CLASS 4	7.64	.55	.50	a	
CLASS 5	7.79	.55	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehousemen, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axal dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tenders, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (push) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

STATE: Pennsylvania COUNTIES: Lancaster
DECISION NO.: PA-75-3112 DATE: Date of Publication
Supersedes Decision No. AR-2030, dated August 30, 1975, in 40 FR 31851.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Apprentice
Asbestos workers	$ 8.61	.42	.30		.01
Boilermakers	11.05	.65	1.00		.02
Bricklayers	8.70	.35	.45		
Carpenters	8.78	.30	.35		.03
Cement Masons	7.44	.25	.25		.01
Electricians:					
W. Calico, E. Calico, Brecknock E. Carl, & Caernarvon Twps.	9.99	.53	1%		.03
Remainder of County	9.55	.30	1%		.03
Elevator constructors	9.855	.495	.32	4%+a+b	.02
Elevator constructors' helpers	6.90	.495	.32	4%+a+b	.02
Elevator constructors' helper (prob)	4.93				
Glaziers:					
Elizabeth, Clay, Brecknock, W. Calico, Ephrata, Warwich, Earl, East Earl, W. Earl, Manheim, Caernavron Twps.	8.64	.35	.10		.01
	9.98	.79	1.11		.03
Ironworkers					
Laborers:					
General Laborers	6.05	.375	.325		
Operators of Jackhammer	6.25	.375	.325		
Wagon drill	6.35	.375	.325		
Handling of all materials	6.20	.375	.325		
Laborers assisting tile	6.10	.375	.325		
Handling & using dynamite	6.38	.375	.325		
Caisson Work (Top Man)	6.30	.375	.325		
Caisson Work (Bottom Man)	6.50	.375	.325		
Mixer Man	6.45	.375	.325		.01
Lathers	8.51	.25	.25		.01
Lead burners	9.25	.35		c	
Line Construction:					
Linemen	10.25	.25	1%		3/4 of 1%
Cable splicers.	10.25	.25	1%		3/4 of 1%
Groundman	6.15	.25	1%		3/4 of 1%
Winch truck operators	7.18	.25	1%		3/4 of 1%
Marble setters	7.75	.25	.45		
Millwrights	9.86	.30	.35		.03

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	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Elizabeth Donegal Township					
Brush	$ 7.42	.20	.15		
Steel	7.88	.20	.15		
Spray	8.18	.20	.15		
Remainder of County					
Brush	7.85	.55	.40		
Steel	8.90	.55	.40		
Spray	8.90	.55	.40		
Roller	7.85	.55	.40		
Filedrivermen	10.17	1.50	1.10	c	.12
Plasterers	9.44	.25	.25		.01
Plumbers	9.80	.30	.55		.12
Roofers:					
Comp., damp & waterproofing	9.85	.45	.25	d	
Slat, tile & Asbestos	10.30	.45	.25	d	
Roofers, precast slab	10.65	.45	.25	d	
Sheet metal workers	9.76	.95	.50		.01
Sprinkler fitters	10.75	.50	.80		.08
Soft floor layers	8.23	.30	.35		.03
Steamfitters	9.80	.30	.55		.12
Stonemasons	6.70	.35	.45		
Terrazzo workers	7.75	.25	.45		
Tile setters	7.75	.25	.45		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Six (6) paid holidays: A through F
c. Nine paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.
d. Paid Holidays: C
e. Paid Holiday: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day

STATE: Pennsylvania COUNTIES: Lancaster & York
DECISION NO.: PA-75-3113 DATE: Date of Publication
Supersedes Decision No. AR-2035, dated December 27, 1974 in 39 FR 44842.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Apprentice	Others
Asbestos workers	$ 8.61	.42	.30		.01	
Boilermakers	11.05	.65	1.00		.01	
Bricklayers & Stonemasons	8.70	.35	.45			
Carpenters & (York County)	8.09	.25	.40		.03	
Carpenters & (Adams County)	8.78	.30	.35		.03	
Cement Masons (Adams County)	8.875	.30	.40			
Cement Masons (York County)	7.44	.25	.25		.01	
Electricians	9.90	.35	1%+.15		.01	
Elevator Constructors	9.855	.495	.32	4%+a+b	.02	
Elevator Constructors helpers	6.90	.495	.32	4%+a+b	.02	
Elevator Constructors helpers (prob)	4.93					
Ironworkers	9.98	.79	1.11		.03	
Laborers:						
Laborers (unskilled), Window Cleaner & Fire watch	6.05	.375	.325			
Operators of jackhammers, paving breakers, WACO barko & air tampers, chipping hammers, vibrators & all other pneumatic & mechanical tools coming under the jurisdiction of laborers whether operated by air, electricity or any other means, & vacuma cleaner	6.25	.375	.325			
Wagon & track drill operators	6.35	.375	.325			
Handling of all materials used by masons, lathers, plasterers, cement finishers, cement mixers, gunniting, also mixing of all materials used by masons, plasterers & cement finishers whether done by hand or any other process, building of scaffold for staging for masons & plasterers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, handling & using of burning torches, laying of precast concrete slabs for flooring or roofing.	6.20	.375	.325			
Laborers assisting tile, marble setters & terrazzo workers	6.10	.375	.325			
Handling & using dynamite	6.38	.375	.325			
Mixer man (after 10 bricklayers on job)	6.45	.375	.325			
Caisson work(top man)	6.30	.375	.325			
(bottom man)	6.50	.375	.325			
Line Construction:						
Linemen, cable splicers	10.13	.30	1%		3/8%	
Winch truck operator	7.09	.30	1%		3/8%	
Groundman	6.08	.30	1%		3/8%	
Marble, tile & terrazzo workers	7.75	.25	.45			

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	Apprentice	Others
Millwrights (Adams County)	9.86	.30	.35		.03	
Millwrights (York County)	8.59	.25	.40		.03	
Painters:						
Brush	6.25	.25	.15			
Steel & Spray	6.80	.25	.15			
Filedrivermen	10.17	1.50	1.10	d	.12	
Plasterers (York County	7.15	.25	.25		.01	
Plasterers (Adams County)	9.30	.25	.25		.01	
Plumbers	9.80	.30	.55		.12	
Roofers:						
Composition	8.30	.45	.20	.25		
Slate, tile	8.90	.45	.20	.25		
Sheet metal workers	9.76	.95	.50		.01	
Soft floor layers (Adams County)	8.23	.30	.35		.03	
Soft floor layers (York County)	8.09	.25	.30		.03	
Sprinkler fitters	10.75	.50	.60		.08	
Steamfitters	9.80	.30	.55		.12	
Welders- Receive rate for craft						

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: Washington Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day & Thanksgiving Day.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP 1	$10.95	4.6%	9.5%	a	1.2%
GROUP 2	10.66	4.6%	9.5%	a	1.2%
GROUP 3	9.78	4.6%	9.5%	a	1.2%
GROUP 4	9.01	4.6%	9.5%	a	1.2%
GROUP 5	8.53	4.6%	9.5%	a	1.2%
GROUP 6	7.61	4.6%	9.5%	a	1.2%
GROUP 7	11.20	4.6%	9.5%	a	1.2%
GROUP 7-A	11.45	4.6%	9.5%	a	1.2%
GROUP 7-B	11.70	4.6%	9.5%	a	1.2%

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2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, [illegible] spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) mucking and tunnel shovels, screeds, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, cement pulverizing mixer, power brush, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

NOTICES

FURTHER DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: TX75-4201 DATE: Date of Publication
Supersedes Decision No. TX75-4117, dated July 11, 1975, in 40 FR 29507.
DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$8.95	.70	.40		.05
Orange County	9.025	.625	.50		.05
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	9.86	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	8.765		.30		.05
Residential construction of not not more than two units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes	7.45		.30		
Millwrights	8.605				
Piledriverman	7.96		.30		
CEMENT MASONS	7.49				
ELECTRICIANS	9.60	.40	11%+.285		.05
ELEVATOR CONSTRUCTORS	7.79	.665	.29	3%+vac.	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%SR	.665	.29	3%+vac.	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%SR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
IRONWORKERS	7.40	.55	.60		.05
LABORERS:					
GROUP 1 - Common laborer; asphalt ironer & raker; sandblaster, exclusive of preparation work for painters; dumper, spotter & wagon drill; powderman-blaster; well driller	5.69	.26	.30		.02
GROUP 2 - Carpenter tender	5.74	.26	.30		.02
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	5.79	.26	.30		.02
GROUP 4 - Mortar mixers, hod carriers & mason tender; plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe	5.94	.28	.30		.02

Page 2

DECISION NO. TX75-4201

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
LABORERS (CONT'D):					
GROUP 5 - Machine man & nozzleman for plastering 1½" and over	$6.065	.26	.30		.02
LATHERS	8.765	.30			.04
LINE CONSTRUCTION:					
Lineman	9.405	.28	1%		1/2%
Groundman	6.87	.28	1%		1/2%
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
GROUP 1 - Brush, wood & wall paperhanger and glazier:					
Commercial	7.60				
Residential	7.45				
GROUP 2 - Brush, steel:					
Commercial	7.65				
Residential	7.50				
GROUP 3 - Spray:					
Commercial	8.10				
Residential	7.97				
GROUP 4 - Sandblaster, power cleaning:					
Commercial	7.925				
Residential	7.74				
GROUP 5 - Brush, hot paint or creosote:					
Commercial	7.925				
Residential	7.71				
GROUP 6 - Spray, hot paint or creosote:					
Commercial	8.35				
Residential	8.26				
GROUP 7 - All time spent rigging:					
Commercial	7.925				
Residential	7.71				
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern half of Jefferson County:					
GROUP 1 - Brush and glaziers:					
Commercial	8.225				
Residential	7.975				
GROUP 2 - Canvas & paperhangers:					
Commercial	8.475				
Residential	8.225				

NOTICES

DECISION NO. TX75-4201

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
PAINTERS (CONT'D):					
Northern half of Jefferson County (Cont'd):					
GROUP 3 - Brush, steel:					
Commercial	$6.40				
GROUP 4 - Spray:					
Commercial	6.65				
Residential	6.40				
PIPEFITTERS	9.04	.35	.62		.03
PLASTERERS	8.72	.42	.30		.02
PLUMBERS	8.84				.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.915		.25		
GROUP 2	7.09		.25		
GROUP 3	6.48		.25		
GROUP 4	6.29		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drum or more; Mix mobile; Other Diesel Locomotive Crew; Motor, 14 cu. ft. or more; Paving Mixer, all sizes; Pile-driver; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Grandall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Dingerlife Operator; Well Points

GROUP 2 - Air Compressor; Blade, Grade - Motor; Flow Plow; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Motor - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
ROOFERS:					
Roofers	$7.89	.20	.25	.15	.03
Kettlemen	7.02	.20	.25	.15	.03
Helpers	5.08	.20	.25	.15	.03
SHEET METAL WORKERS	9.01	.40	.15		.10
SPRINKLER FITTERS	10.10	.50	.60		.03

DECISION NO. TX75-4201

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
TILE SETTERS	$8.20	.275	.30		.03
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons and semi, grease, tireman, fuel pump operators when used on construction	4.40				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
GROUP 3 - Over 2½ tons, fork tractors (when used to transport personnel or material), fork lifts (when used in warehouse, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85				
GROUP 4 - Euclids (not self-loading)	4.95				
GROUP 5 - Warehouseman - material checker	4.965				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc.75-32522 Filed 12-4-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF NOVEMBER 7, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging Construction.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(Res)—Residential Construction.
(SFE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 28th day of November 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

XUM

ALABAMA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/28/75
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL75-1043 (R)
40 FR 15285 - 4/4/75
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL75-1061 (B)
40 FR 24462 - 6/6/75
Mod. #1 - 40 FR 25439 - 7/11/75
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw)- See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
Mod. #1 - 40 FR 52241- 11/7/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(H,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (D)
40 FR 8701 - 2/20/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (Cont'd.

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1063 (B)
40 FR 26108 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
Mod. #3 - 40 FR 52241 - 11/7/75
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1069 (D)
40 FR 30489 - 7/18/75
Mod. #1 - 40 FR 36893 - 8/22/75
Mod. #2 - 40 FR 49931 - 10/24/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AL75-1071 (R)
40 FR 30492 - 7/18/75
Decision #AL75-1073 (B)
40 FR 33589 - 8/8/75
Mod. #1 - 40 FR 42403 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (D)
40 FR 17475 - 4/18/75
Mod. #1 - 40 FR 27403 - 6/27/75
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK75-5134 (H,R,Hw,R)
40 FR 52240 - 11/7/75

ARIZONA

STATEWIDE
Decision #AZ75-5005 (B,H,R)
40 FR 28312 - 7/7/75
Mod. #1 - 40 FR 33671 - 8/5/75
Mod. #2 - 40 FR 43617 - 9/19/75
Mod. #3 - 40 FR 50855 - 10/31/75
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3068 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5077 (R)
40 FR 28322 - 7/3/75
Mod. #1 - 40 FR 33672 - 8/8/75
Mod. #2 - 40 FR 43117 - 9/19/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5028 (R)
40 FR 28328 - 7/3/75
Mod. #1 - 40 FR 33672 - 8/8/75
Mod. #2 - 40 FR 43117 - 9/19/75
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL75-5131 (D)
40 FR 49547 - 10/24/75
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR75-4084 (H)
40 FR 19321 - 5/2/75
Mod. #1 - 40 FR 25319 - 6/13/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR75-4082 (H)
40 FR 17452 - 4/18/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
Mod. #3 - 40 FR 49941 - 10/24/75
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

[illegible] COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR75-4083 (H)
40 FR 19321 - 4/25/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(H) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,H) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR75-4134 (B)
40 FR 31455 - 7/25/75
Mod. #1 - 40 FR 43418 - 9/19/75
Mod. #2 - 40 FR 45951 - 10/3/75
Decision #AR75-4068 (H)
40 FR 14218 - 3/3/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR75-4073 (B)
40 FR 15287 - 4/4/75
Mod. #1 - 40 FR 19323 - 5/2/75
Mod. #2 - 40 FR 25319 - 6/13/75
Mod. #3 - 40 FR 45951 - 10/3/75
Mod. #4 - 40 FR 49941 - 10/24/75
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ALAMEDA COUNTY
Decision #CA75-5085 (B,H,Hw,D)
40 FR 31474 - 7/25/75
Mod. #1 - 40 FR 40005 - 8/28/75
Mod. #2 - 40 FR 44439 - 9/26/75
Mod. #3 - 40 FR 50865 - 10/31/75
Decision #CA75-5086 (R)
40 FR 31474 - 7/25/75
Mod. #1 - 40 FR 40005 - 8/28/75
Mod. #2 - 40 FR 44440 - 9/26/75
Mod. #3 - 40 FR 50866 - 10/31/75
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5087 (B,D,H,Hw)
40 FR 31487 - 7/25/75
Mod. #1 - 40 FR 41349 - 9/5/75
Mod. #2 - 40 FR 48052 - 10/3/75
Decision #CA75-5088 (R)
40 FR 31496 - 7/25/75
Mod. #1 - 40 FR 41349 - 9/5/75
Mod. #2 - 40 FR 45952 - 10/3/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5071 (B,H,Hw,D)
40 FR 25337 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75

SAN FRANCISCO COUNTY
Decision #CA75-5084 (B,H)
40 FR 25340 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30384 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R))- See Alameda County

ADAMS COUNTY
Decision #CO75-5129 (B,H)
40 FR 48048 - 10/17/75
(Hw) - See Statewide
Decision #CO75-5131 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5116 (B,H)
40 FR 43436 - 9/19/75
Mod. #1 - 40 FR 48048 - 10/17/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5101 (B,H)
40 FR 33855 - 8/8/75
Mod. #1 - 40 FR 42728 - 9/10/75
Mod. #2 - 40 FR 48048 - 10/17/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

KIOWA COUNTY
(B,H) - See Adams County
KIT CARSON COUNTY
(B,H) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5117 (B,H)
40 FR 43442 - 9/19/75
Mod. #1 - 40 FR 48043 - 10/17/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

PIMA COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

FAIRFIELD COUNTY
Decision #CT75-2113 (B,H,Hw,R)
40 FR 45904 - 10/8/75
Decision #CT75-3106 (H)
40 FR 49549 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
HARTFORD COUNTY
Decision #CT75-2114 (B,H,Hw)
40 FR 45970 - 10/3/75
Decision #CT75-3067 (R)
40 FR 10304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

STATEWIDE
Decision #DE75-3091 (H)
40 FR 49549 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36905 - 8/29/75
Mod. #1 - 40 FR 54139 - 8/15/75
Mod. #2 - 40 FR 42483 - 9/12/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1082 (H)
40 FR 42489 - 9/12/75
(Hw) - See Bay County
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75

[illegible]
(H) - See Brevard County
(B) - See Alachua County
DUVAL COUNTY
Decision #FL75-1021 (H)
40 FR 42493 - 9/12/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-[illegible]
40 FR 7801 - 2/27/75
Mod. #1 - 40 FR 12553 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25374 - 6/13/75
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 12002 - 3/14/75
Decision #FL75-1033 (H)
40 FR 10291 - 3/7/75
Mod. #1 - 40 FR 14145 - 3/27/75
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (H)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
GILCHRIST COUNTY
(B) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Alachua County
HAMILTON COUNTY
(B) - See Alachua County
HARDEE COUNTY
(Hw, R) - See DeSoto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

[illegible]
(H) - See Brevard County
(B) - See Alachua County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(B,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(B,H) - See Alachua County
LAKE COUNTY
Decision #FL75-1005 (H)
40 FR 28332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(B) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1023 (H)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

[illegible]
(B) - See [illegible]
(H) - See [illegible]
OKALOOSA COUNTY
(D) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15[illegible] - 5/3/74
Mod. #2 - 40 FR 12[illegible] - 3/14/75
OKEECHOBEE COUNTY
(D) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (H)
40 FR 3802 - 1/24/75
Mod. #1 - 40 FR 12552 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(H) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (H)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(D) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

SUMTER COUNTY
(B) - See Bay County
(Hw,R) - See Bay County
(D) - See Okaloosa County
SUWANNEE COUNTY
(D) - See Alachua County
(Hw) - See Hamilton County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY
(B) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(B) - See Alachua County
UNION COUNTY
(B) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melbar Radar Site)
Decision #EL75-1000 (H)
40 FR 14223 - 3/26/75
Mod. #1 - 40 FR 25324 - 6/13/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

Pa[illegible]
[illegible]
39 FR 1[illegible]
Mod. #1 - 40 FR [illegible] - 1/[illegible]
(B,H) - See Statewide
BAKER COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14041 - 4/23/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (H)
40 FR 3054 - 1/17/75
Mod. #1 - 40 FR 14[illegible] - 3/[illegible]/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

[illegible]
Decision #[illegible]
30 FR [illegible] - [illegible]
Mod. #1 - 39 FR [illegible] - 7/31/74
Mod. #2 - 40 FR [illegible] - 8/14/75
Mod. #3 - 40 FR [illegible] - 8/18/75
Mod. #4 - 40 FR [illegible] - 8/18/75
(B,H) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 49942 - 10/24/75
Decision #AQ-4035 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3093 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1002 (B)
40 FR 4249[illegible] - 9/12/75
Decision #AQ- 4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3861 - 1/24/75
Decision #AR-4051 (H)
39 FR 39797 - 11/1/74
(H) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,H,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide

[illegible]
[illegible]
(Hw) - See Statewide
(R) - See Baker County
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
DEKALB COUNTY
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,H) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GWINNETT COUNTY
(D) - See Gwinnett County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (H)
40 FR 8651 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

LIBERTY COUNTY
(D) - See Bryan County
(I) - See Statewide
LINCOLN COUNTY
(I) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,H) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

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[illegible]
(Hw) - See Statewide
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (H)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 3[illegible] - 2/[illegible]/75
Mod. #2 - 40 FR 19[illegible] - 5/[illegible]/75
Mod. #3 - 40 FR 2[illegible] - 7/3/75
Mod. #4 - 40 FR 4[illegible] - 10/[illegible]/75
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

[illegible]
[illegible]
(Hw) - See Statewide
THOMAS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
WARE COUNTY
Decision #GA75-1008 (H)
40 FR 3093 - 1/17/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

HAWAII

STATEWIDE
Decision #IL75-2018 (B,H,Hw,D,R)
40 FR 32865 - 8/1/75
A.J. #1 - 40 FR 46340 - 9/26/75

S[illegible]
[illegible]
[illegible]
ALABAMA
[illegible]
40 FR 25365 - 6/13/75
Mod. #1 - 40 FR 30305 - 7/18/75
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL75-20[illegible] (H)
40 FR 15265 - 4/4/75
Mod. #1 - 40 FR 32662 - 7/11/75
Decision #IL75-2083 (H,Hw)
40 FR 25190 - 6/20/75
ALEXANDER COUNTY
Decision #IL75-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #IL75-2085 (H)
40 FR 6025 - 2/7/75
BOND COUNTY
Decision #IL75-2100 (H,Hw)
40 FR 32662 - 8/1/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75
BOONE COUNTY
Decision #IL75-2044 (B)
40 FR 10693 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Decision #IL75-2056 (H)
40 FR 5861 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Mod. #2 - 40 FR 14001 - 3/24/75
Mod. #3 - 40 FR 15367 - 4/7/75
Mod. #4 - 40 FR 20433 - 5/13/75
Mod. #5 - 40 FR 24[illegible] - 6/10/75
Mod. #6 - 40 FR 32[illegible] - 7/24/75
Decision #IL75-[illegible]
40 FR 25382 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
Mod. #4 - 40 FR 43419 - 9/19/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(H,Hw) - See Alexander County
CHRISTIAN COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL75-2105 (B)
40 FR 36907 - 8/22/75
Decision #IL75-2081 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2061 (H)
40 FR 7769 - 2/21/75
Mod. #1 - 40 FR 20554 - 7/15/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL75-2083 (H,Hw)
40 FR 25194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL75-2092 (B,H,Hw,R)
40 FR 28343 - 7/3/75
Mod. #1 - 40 FR 31438 - 7/25/75
Decision #IL75-2051 (H)
40 FR 16526 - 4/11/75
Decision #IL75-2015 (H,Hw)
40 FR 6927 - 2/14/75

[illegible]
[illegible]
[illegible]
[illegible]
(H,Hw) - See Champaign County
[illegible]
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL75-2041 (B,R)
40 FR 12029 - 3/7/75
Mod. #1 - 40 FR 16776 - 4/25/75
Mod. #2 - 40 FR 19825 - 5/2/75
Mod. #3 - 40 FR 23644 - 7/11/75
Mod. #4 - 40 FR 31436 - 7/25/75
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL75-2052 (B)
40 FR 15261 - 4/4/75
Mod. #1 - 40 FR 19[illegible] - 5/2/75
Mod. #2 - 40 FR 2[illegible] - 7/11/75
Mod. #3 - 40 FR 3[illegible] - 7/18/75
Mod. #4 - 40 FR 31436 - 7/25/75
Decision #IL75-2095 (H,Hw)
40 FR 28333 - 7/3/75
Mod. #1 - 40 FR 30305 - 7/18/75
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL75-2089 (H,Hw)
40 FR 25365 - 6/13/75
Mod. #1 - 40 FR 27404 - 6/27/75
Mod. #2 - 40 FR 29446 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

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[illegible]
[illegible]
[illegible]
(H,Hw) - See Bureau County
(D) - See Alexander County
JACKSON COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MACDONOUGH COUNTY
(H,Hw) - See Fulton County
MACOUPIN COUNTY
(H,Hw) - See Champaign County
MACON COUNTY
(H) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2099 (B,R)
40 FR 32559 - 8/1/75
(H,Hw) - See Bond County

[illegible]
[illegible]
[illegible]
[illegible]
(H,Hw) - See Clay County
MARION COUNTY
(H) - See Du Page County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL75-2106 (B,R,D)
40 FR 40010 - 8/29/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2061 (H)
40 FR 12976 - 3/21/75
Mod. #1 - 40 FR 29443 - 7/11/75
Mod. #2 - 40 FR 52242 - 11/7/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

[illegible]
[illegible]
[illegible]
[illegible]
(H,Hw) - See Alexander County
SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL75-2[illegible] (B,R)
40 FR 30614 - 8/[illegible]
(H,Hw) - See [illegible]
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2063 (D)
40 FR 8756 - 2/28/75
Mod. #1 - 40 FR 18275 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

STATEWIDE
Decision #IN75-2082 (H)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75
Mod. #2 - 40 FR 44441 - 9/26/75
Mod. #3 - 40 FR 52243 - 11/7/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN75-2083 (H)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75
Mod. #2 - 40 FR 44441 - 9/26/75
Mod. #3 - 40 FR 52243 - 11/7/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IN75-2046 (H)
40 FR 6025 - 2/7/75
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

DECATUR COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN75-2039 (B,H,Hw)
40 FR 28346 - 7/3/75
Mod. #1 - 40 FR 33574 - 8/8/75
Mod. #2 - 40 FR 44442 - 9/26/75
Mod. #3 - 40 FR 52243 - 11/7/75
Decision #AQ-3095 (D)
39 FR 5052 - 2/15/74
Mod. #1 - 40 FR 4135 - 1/31/75
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(D) - See Allen County
(R) - See Boone County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

OHIO COUNTY
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

TIPPECANOE COUNTY
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA
Statewide
None
ADAIR COUNTY
None
ADAMS COUNTY
Decision #IA-6713 (H,S)
39 FR 39727 - 11/12/74
Mod. #1 - 40 FR 4136 - 1/31/75
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4170 (B,H,Hw)(City of Waterloo & Shuiting Municipalities
40 FR 50870 - 10/31/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA-6712 (H,S)
37 FR 7823 - 4/14/72
Mod. #1 - 39 FR 40106 - 11/15/74
Mod. #2 - 40 FR 52263 - 11/7/75
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4149 (B,H,Hw)
40 FR 50873 - 10/31/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

CLAY COUNTY
(H,Hw) - See Cherokee County
CLINTON COUNTY
None
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities and Burlington Ordnance Plant)
Decision #IA75-4174 (H,H,Hw)
40 FR 50819 - 10/31/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4174 (B,H,Hw)
40 FR 50802 - 10/31/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #IA75-4144 (Channel Stab.)
40 FR 6738 - 2/18/75
GREENE COUNTY
None
GRUNDY COUNTY
None

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Channel Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4175 (B,H,Hw)
40 FR 50835 - 10/31/75
(Hw) - See Benton County
JONES COUNTY
(Hw) - See Benton County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4176 (B,H,Hw)
40 FR 50838 - 10/31/75

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Fremont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Fremont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4177 (B,H,Hw)
40 FR 50891 - 10/31/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
None
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4176 (B,H,Hw)
40 FR 50804 - 10/31/75
SHELBY COUNTY
None
STONE COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4179 (B,H,Hw)
40 FR 50897 - 10/31/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BURLN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4180 (H,H,Hw)
40 FR 50900 - 10/31/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4061 (H)
40 FR 50802 - 10/31/75
(Chann. Stab.) - See Fremont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4051 (Hw,W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7745 - 2/21/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #KS75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4053 (Hw, W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7745 - 2/21/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4053 (Hw)
40 FR 12061 - 3/14/75
Mod. #1 - 40 FR 15285 - 4/7/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(H, W&S) - See Allen County
GEARY COUNTY
Decision #KS75-4060 (H)
38 FR 17731 - 3/28/75
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #KS75-4161 (B,H,Hw)
40 FR 32611 - 8/1/75
Decision #KS75-4145 (R)
40 FR 32617 - 8/1/75
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4061 (H)
40 FR 12031 - 3/14/75
Mod. #1 - 40 FR 15271 - 4/4/75
(H) - See Douglas County
(H) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

[illegible] COUNTY
(Hw, W&S) - See Stanton County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(D) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4149 (H)
40 FR 36919 - 8/22/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4150 (H)
40 FR 36922 - 8/22/75
Decision #KS75-4151 (R)
40 FR 36925 - 8/22/75
(Hw) - See Douglas County

[illegible]
SHERIDAN COUNTY
(Hw, W&S) - See [illegible]
SHERMAN COUNTY
(Hw, W&S) - See [illegible]
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(H,Hw,D&J) - See Johnson County
(D) - See Atchison County

[illegible]
JASPER COUNTY
Decision #[illegible] (H,Hw)
40 FR 43860 - 10/17/75
JEFFERSON COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See [illegible] County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4125 (B)
39 FR 22309 - 6/21/75
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49963 - 10/24/75
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75
Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (D)
40 FR 44454 - 9/26/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

[illegible]
BRECKINRIDGE COUNTY
Decision #[illegible]-4143 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(R,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

[illegible]
FAYETTE COUNTY
Decision #KY75-1101 (H)
40 FR 48857 - 10/17/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (D)
38 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

[illegible]
HARDIN COUNTY
(D) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (H)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY75-1102 (H)
40 FR 48863 - 10/17/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

[illegible]
JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (H)
40 FR 26291 - 6/20/75
(D) - See Boone County
(H,Hw) - See Allen County

[illegible]
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

XLM 57 5 DMD 7610NS 7610NS

KENTUCKY (continued)

NELSON COUNTY
(H,Hx) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hx) - See Anderson County
OHIO COUNTY
(H,Hx) - See Allen County
OLDHAM COUNTY
(H,Hx) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hx) - See Anderson County
OWSLEY COUNTY
(H,Hx) - See Adair County
PENDLETON COUNTY
(D)(U) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hx) - See Adair County
PIKE COUNTY
(D) - See Floyd County
(H,Hx) - See Adair County
POWELL COUNTY
(H,Hx) - See Adair County
PULASKI COUNTY
(H,Hx) - See Adair County
ROBERTSON COUNTY
(H,Hx) - See Anderson County
ROCKCASTLE COUNTY
(H,Hx) - See Adair County
ROWAN COUNTY
(H,Hx) - See Anderson County
RUSSELL COUNTY
(H,Hx) - See Adair County
SCOTT COUNTY
(H,Hx) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hx) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SPENCER COUNTY
(H,Hx) - See Anderson County
STANLEY COUNTY
(H,Hx) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hx) - See Allen County
TODD COUNTY
(H,Hx) - See Allen County
TRIGG COUNTY
(H,Hx) - See Allen County
TRIMBLE COUNTY
(H,Hx) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hx) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4093 (H)
39 FR 32459 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H,Hx) - See Allen County
WASHINGTON COUNTY
(H,Hx) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hx) - See Adair County
WEBSTER COUNTY
(H,Hx) - See Allen County
WHITLEY COUNTY
(H,Hx) - See Adair County
WOLFE COUNTY
(H,Hx) - See Adair County
WOODFORD COUNTY
(H,Hx) - See Anderson County
(R) - See Bath County

LOUISIANA

SAINT [illegible]
Decision #LR75-4141 (H,Hx,R)
40 FR 32695 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
Mod. #2 - 40 FR 36895 - 8/22/75
Mod #3 - 40 FR 43419 - 9/19/75
ACADIA PARISH
Decision #AR75-5043 (H)
40 FR 26108 - 6/20/75
(H,Hx) - See Statewide
ALLEN PARISH
(H) - See Acadia Parish
(D,D,Hx) - See Statewide
ASCENSION PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
ASSUMPTION PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
AVOYELLES PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
BEAUREGARD PARISH
(H) - See Acadia Parish
(D,D,Hx) - See Statewide
BIENVILLE PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
BOSSIER PARISH
(H) - See Acadia Parish
(B,D,Hx,R) - See Statewide
CADDO PARISH
(B,D,Hx,R) - See Statewide
CALCASIEU PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide

LOUISIANA

CALDWELL PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
CAMERON PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
CATAHOULA PARISH
(H) - See Acadia Parish
(D,D,Hx) - See Statewide
CLAIBORNE PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
CONCORDIA PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
DE SOTO PARISH
(H) - See Acadia Parish
(B,D,Hx)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hx) - See Statewide
EAST CARROLL PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
EAST FELICIANA PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
EVANGELINE PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
FRANKLIN PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
GRANT PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
IBERIA PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide

LOUISIANA (Cont'd.)

IBERVILLE PARISH
(H) - See Acadia Parish
(B,D,Hx) - See Statewide
JACKSON COUNTY
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ORLEANS PARISH
(B,D,Hx) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-115 (R)
39 FR 22397 - 6/21/74
(H,D,Hx) - See Statewide

LOUISIANA (Cont'd.)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
RAPIDES PARISH
(B,D,Hx) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd.)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(H,Hx,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,D,Hx) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(D,D,Hx) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(D,D,Hx) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hx) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(D,D,Hx) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #NY75-3100 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52281 - 11/7/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

ALLEGANY COUNTY
Decision #MD75-3068 (D)
40 FR 43675 - 9/23/75
Mod. #1 - 40 FR 920 - 1/3/75
Decision #AR-2086 (B,H)
39 FR 41125 - 11/27/74
ANNE ARUNDEL COUNTY
Decision #MD75-3068 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17469 - 4/18/75
Decision #MD75-3100 (H)
40 FR 50905 - 10/31/75
BALTIMORE CITY
Decision #MD75-3065 (Hw)
40 FR 30413 - 7/18/75
Decision #MD75-3068 (B,H)
40 FR 27431 - 6/27/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #MY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Ann. Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(H) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

HARFORD COUNTY
(D) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(H) - See Anne Arundel County
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD75-3100 (H)
40 FR 44477 - 9/26/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(H) - See Howard County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/16/74
Mod. #1 - 39 FR 14812 - 4/23/74
(H) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2042 (R)
39 FR 27991 - 8/2/74

BARNSTABLE COUNTY
Decision #MY75-3117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Decision #MY75-3108 (H)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BERKSHIRE COUNTY
Decision #MY75-2118 (B,H,Hw)
40 FR 49[illegible] - 10/24/75
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52269 - 11/7/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42699 - 9/12/75
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Decision #MA75-2054 (R)
40 FR 15297 - 4/4/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52248 - 11/7/75
MIDDLESEX COUNTY
Decision #MA75-2073 (B,H,Hw,R, & Marine)
40 FR 19340 - 5/2/75
Mod. #1 - 40 FR 27412 - 6/27/75
Mod. #2 - 40 FR 36095 - 8/22/75
(H) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

NORFOLK COUNTY
Decision #MA75-2[illegible] (B,H,Hw,R)
40 FR 7 [illegible] - 2/[illegible]/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36096 - 8/22/75
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2075 (B,H,Hw,R)
40 FR 20590 - 5/9/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36[illegible] - 8/22/75
SUFFOLK COUNTY
Decision #MA75-2127 (B,H,Hw,R)
& Marine)
40 FR 50910 - 10/31/75
WORCESTER COUNTY
Decision #MA75-2077 (B,H,Hw,R)
40 FR 21060 - 5/16/75
Mod. #1 - 40 FR 27415 - 6/27/75
Mod. #2 - 40 FR 36097 - 8/22/75

ALCONA COUNTY
Decision #MD75-3103 (B,H)
40 FR 36928 - 8/22/75
Decision #MI75-3079 (D)
40 FR 29480 - 7/11/75
Mod. #1 - 40 FR 32462 - 7/[illegible]/75
Mod. #2 - 40 FR [illegible] - 8/[illegible]/75
Mod. #3 - 40 FR [illegible] - 8/[illegible]/75
Mod. #4 - 40 FR 52[illegible] - 11/[illegible]/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI75-2101 (B,H)
40 FR 35932 - 8/22/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI75-[illegible] (B,H)
40 FR 30[illegible] - 7/[illegible]/75
Decision #MI-390 (H)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI75-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AR-2052 (R)
39 FR 19392 - 5/10/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #MI-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AR-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

DELTA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #MI-401 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47558 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Bay County
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

IONIA COUNTY
(Hw, W&S) - See Statewide
(H) - See Allegan County
IOSCO COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25598 - 7/12/74
Mod. #1 - 39 FR 33815 - 9/13/74
Mod. #2 - 39 FR 34952 - 9/27/74
Mod. #3 - 40 FR 3562 - 1/24/75
Decision #AR-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Osceola County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI75-2102 (B,H,R)
40 FR 33039 - 8/8/75
(D) - See Alcona County
(Hw, W&S) - See Statewide

[illegible]
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(H) - See Alger County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #M75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SANILAC COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

[illegible]
ANOKA COUNTY
[illegible]
40 FR 19545 - 5/2/75
Mod. #1 - 40 FR 53567 - 11/18/75
ASHLEY COUNTY
Decision #AR-2156 (B,H)
39 FR 39705 - 11/8/74
Mod. #1 - 40 FR 12907 - 3/14/75
Mod. #2 - 40 FR 17461 - 4/18/75
Mod. #3 - 40 FR 22734 - 5/23/75
Mod. #4 - 40 FR 34543 - 8/15/75
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9360 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (B,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3106 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #1L75-5079 (D)
40 FR 29409 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40306 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(,H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 9358 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

[illegible]
(H,Hw) - See Aitkin County
DODGE COUNTY
(H,Hw) - See Big Stone County
FALCON COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

[illegible]
LAKE COUNTY
(B,H) - See Beltrami County
MARSHALL COUNTY
(B,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTED COUNTY
Decision #M75-2058 (B,R)
40 FR 17454 - 4/10/75
Mod. #1 - 40 FR 34546 - 8/15/75
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

[illegible]
(B,Hw) - See Beltrami County
ST. LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #M75-2120 (R)
40 FR 3687 - 2/21/75
Mod. #1 - 40 FR 12857 - 3/18/75
Mod. #2 - 40 FR 18278 - 4/25/75
Mod. #3 - 40 FR 34544 - 8/15/75
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #M75-2059 (B,R)
40 FR 16472 - 4/11/75
Mod. #1 - 40 FR 18279 - 4/25/75
Mod. #2 - 40 FR 34551 - 8/15/75
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

[illegible]
Decision #M75-2121 (R)
40 FR 49956 - 10/24/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCONA COUNTY
(D,F,Hw, W&S) - See Statewide
ANITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(D,F,Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARKE COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #M75-2078 (B)
39 FR 31771 - 9/30/75
Mod. #1 - 40 FR 3055 - 1/17/75
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #M0-4120 (L)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

[illegible]
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #M75-2122 (B)
40 FR 3685 - 1/27/75
Decision #M75-2120 (B)
40 FR 6965 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #M75-2077 (R)
40 FR 36936 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #M75-2057 (D,F,Hw, W&S)
40 FR 50916 - 10/24/75
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(D,H,Hw, W&S, - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #M75-2123 (B)
40 FR 50916 - 10/31/75
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(F,H,Hw, W&S - See Hancock County
(R) - See George County

XUM

JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
POINTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1044 (B)
40 FR 16530 - 4/11/75
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #R075-4020 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

CASS COUNTY
Decision #MO75-1421 (B,H,Hw)
40 FR 35611 - 8/1/75
Mod. #1 - 40 FR 42142 - 9/12/75
Decision #MO75-1422 (R)
40 FR 32637 - 8/1/75
Mod. #1 - 40 FR 42142 - 9/12/75
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO75-4143 (B)
40 FR 32608 - 8/1/75
Decision #MO75-4142 (R)
40 FR 32605 - 8/1/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

DEC 5 75 XUM

(B) - See Boulder County
(B,H,Hw) - See Adams County
(H,Hw) - See Adams County
THURSTON COUNTY
(Chemn. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(B,Hw) - See Cass County
(Chemn. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
YORK COUNTY
(H,Hw) - See Adams County

SEARCHLIGHT (Excluding the
Decision #NV75-5096 (R)(Excluding the
Nevada Test Site)
40 FR 32563 - 8/4/75
Mod. #1 - 40 FR
Mod. #2 - 40 FR 52243 - 11/7/75
(B,H,Hw) - See Statewide
Decision #NV75-5057 (B,H,Hw) (Nevada Te
Site including the Tonopah Test Range
40 FR 20602 - 5/9/75
Mod. #1 - 40 FR 25335 - 6/13/75
Mod. #2 - 40 FR 43420 - 9/19/75
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada
Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV75-5097 (R)
40 FR 32650 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

COUNTY
None
COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2095 (B,H,Hw,R)
40 FR 30415 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
MERRIMACK COUNTY
Decision #NH75-2027 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
ROCKINGHAM COUNTY
Decision #NH75-3105 (B)
40 FR 49958 - 10/24/75
Mod. #1 - 40 FR
Mod. #2 - 40 FR 52241 - 11/7/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
SULLIVAN COUNTY
None

COUNTY
Decision
40 FR 26219 - 6/20/75
Mod. #1 - 40 FR 36892 - 8/22/75
Mod. #2 - 40 FR 44433 - 9/26/75
Mod. #3 - 40 FR 48000 - 10/10/75
Decision #NM75-3100 (B)
40 FR 49968 - 10/24/75
Mod. #1 - 40 FR 50857 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
COUNTY
Decision #NM75-3098 (B)
40 FR 44435 - 9/26/75
Mod. #1 - 40 FR 48004 - 10/17/75
Decision #NM75-3050 (B,H,Hw)
40 FR 28901 - 7/1/75
Mod. #1 - 40 FR 40007 - 8/29/75
Mod. #2 - 40 FR 44466 - 9/26/75
Mod. #3 - 40 FR 49001 - 10/10/75
Mod. #4 - 40 FR 50858 - 10/31/75
(D) - See Atlantic County

Decision #NJ75-3060 (H)
40 FR 42817 - 9/17/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (H)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

(B,H,Hw) - See Bergen County
(B) - See Atlantic County
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (H)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

Decision #NM75-4104 (B
40 FR 32658 - 8/
Decision #NM75-4106 (Builders, including
residential in Taos, Santa Fe,
San Juan & Bernalillo Cos., but not on
the Indian Reservation, and Heavy
engineering construction
40 FR 32658 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 52661 - 10/3/75
(B,H,Hw,R) -
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
MC KINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

(B,H,Hw) - See Statewide
COUNTY
(B,H,Hw) - See Statewide
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4105 (B
Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTA FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

ALBANY COUNTY
Decision #NY75-3031 (B,H,Hw)
40 FR 16549 - 4/11/75
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5682 - 2/7/75
Mod. #2 - 40 FR 7795 - 2/21/75
Mod. #3 - 40 FR 35602 - 8/7/75
Decision #NY75-3036 (B)
40 FR 7952 - 2/21/75
Decision #NY75-3106 (D)
40 FR 49978 - 10/24/75
Mod. #1 - 40 FR 50857 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BROOME COUNTY
Decision #NY75-3032 (B,H,Hw)
40 FR 16542 - 4/11/75
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #NY75-3033 (D)
40 FR 16554 - 4/11/75
CHAUTAUQUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/5/74
Mod. #1 - 40 FR 3050 - 1/24/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

DUTCHESS COUNTY
Decision #NY75-3037 (B,H,Hw)
40 FR 16559 - 4/11/75
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3035 (B,H,Hw)
40 FR 16565 - 4/11/75
(D) - See Cayuga County
ESSEX COUNTY
None
ESSEX COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3036 (B,H,Hw)
40 FR 16571 - 4/11/75
Mod. #1-40 FR 24455 - 6/6/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

MONROE COUNTY
Decision #NY75-3042 (B, H,Hw)
40 FR 26243 - 6/20/75
Mod. #1 - 40 FR 27416 - 6/27/75
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY75-3039 (B,H,Hw)
40 FR 16551 - 4/11/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3042 (B,H,Hw)
40 FR 16580 - 4/11/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3040 (B,H,Hw)
40 FR 16589 - 4/11/75
Mod. #1 - 40 FR 24456 - 6/6/75
ONONDAGA COUNTY
Decision #NY75-3041 (B,H,Hw)
40 FR 16595 - 4/11/75
Mod. #1 - 40 FR 24457 - 6/6/75
Mod. #2 - 40 FR 45955 - 10/3/75
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY75-3047 (B,H,Hw)
40 FR 16599 - 4/11/75
Mod. #1 - 40 FR 25327 - 6/13/75
Mod. #2 - 40 FR 45955 - 10/3/75
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

RENSSELAER COUNTY
Decision #NY75-3038 (B,H,Hw)
40 FR 16605 - 4/11/75
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2027 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #NY75-3044 (B,H,Hw)
40 FR 16610 - 4/11/75
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY75-3046 (B,H,Hw)
40 FR 16619 - 4/11/75
SUFFOLK COUNTY
Decision #NY75-3045 (B,H,Hw)
40 FR 16614 - 4/11/75
(H) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY75-3047 (B,H,Hw)
40 FR 16624 - 4/11/75
Mod. #1 - 40 FR 45955 - 10/3/75
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY75-3043 (B,H,Hw)
40 FR 16631 - 4/11/75
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AR75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1049 (Sewer & Water)
40 FR 41357 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 20739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

BEAUFORT COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AR-4095 (B)
39 FR 7010 - 2/22/74
Mod. #1 - 40 FR 3087 - 1/17/75
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4091 (R)
39 FR 32641 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AR-4083 (R)
39 FR 8101 - 3/1/74
(H) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1039 (H)
40 FR 13273 - 4/25/75
Decision #AR-4014 (B)
39 FR 38892 - 10/31/74
Mod. #1 - 40 FR 3087 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(H) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(H) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (H)
39 FR 23702 - 6/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

HALIFAX COUNTY
(R) - See Bertie County
(D) - See Beaufort County
HARNETT COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(H,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (H)
38 FR 5913 - 3/2/73
Mod. #1 - 38 FR 7106 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide

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STATEWIDE
Decision #OR75-5025 (H,Hw)
40 FR 42957 - 9/17/75
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 47781 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,Hw,R,D) - See Statewide
HARNEY COUNTY
(B,H,R,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(H,H,Hw,D) - See Statewide

PENNSYLVANIA
Decision #PA75-3071 (H,Hw)
40 FR 30938 - 8/22/75
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34895 - 8/15/75
ARMSTRONG COUNTY
Decision #PA75-3089 (H,Hw)
40 FR 45318 - 9/19/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19832 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/28/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31446 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3074 (R)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
BEDFORD COUNTY
Decision #PA75-3025 (H,Hw)
40 FR 14313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
(H,Hw) - See Adams County

BLAIR COUNTY
Decision #PA75-3083 (R)
40 FR 23066 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43422 - 9/19/75
Mod. #3 - 40 FR 48847 - 10/17/75
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (R)
40 FR 36976 - 8/22/75
Mod. #1 - 40 FR 48826 - 10/17/75
Decision #PA75-3097 (R)
40 FR 49031 - 8/28/75
Mod. #1 - 40 FR 52247 - 11/7/75
Decision #PA75-3090 (H,Hw)
40 FR 36982 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 (B)
40 FR 36958 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Decision #PA75-3051 (H,Hw)
40 FR 17683 - 4/18/75
Mod. #1 - 40 FR 31448 - 7/25/75
Mod. #2 - 40 FR 45951 - 10/3/75
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3121 (R)
40 FR 12967 - 3/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 16495 - 4/11/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2051 (H,Hw)
39 FR 6093 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22378 - 6/21/74
Mod. #4 - 39 FR 33818 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County

(H,Hw) - See Adams County
CLEARFIELD COUNTY
Decision #PA75-3058 (H)
40 FR 44402 - 9/26/75
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2029 (R)
40 FR 12268 - 3/25/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 24480 - 6/3/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 12268 - 3/25/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75
(H,Hw) - See Bucks County
ELK COUNTY
Decision #PA75-3058 (R)
40 FR 28356 - 7/3/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45959 - 10/3/75
(H,Hw) - See Armstrong County
ERIE COUNTY
Decision #PA75-3056 (R)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3078 (B)
40 FR 36961 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45961 - 10/3/75

Mod. #4 - 40 FR 51167 - 11/20/75
(H,Hw) - See Bedford County
FULTON COUNTY
(H,R) - See BedfordCounty
GREENE COUNTY
(H,Hw) - See Fayette County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3076 (R)
40 FR 36949 - 8/22/75
Mod. #1 - 40 FR 45961 - 10/3/75
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Centre County
JUNIATA COUNTY
(H) - See Cumberland County
(H,Hw) - See Perry County
LACKAWANNA COUNTY
Decision #PA75-3102 (R)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40201 - 11/15/74
Mod. #2 - 39 FR 44914 - 12/27/74
Mod. #3 - 40 FR 4783 - 1/31/75
Mod. #4 - 40 FR 5985 - 2/7/75
Mod. #5 - 40 FR 14215 - 3/28/75
Mod. #6 - 40 FR 22739 - 5/23/75
Mod. #7 - 40 FR 29453 - 7/11/75
Mod. #8 - 40 FR 48827 - 10/3/75
Mod. #9 - 40 FR 48847 - 10/17/75
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2015 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31448 - 7/25/75
Mod. #5 - 40 FR 45958 - 10/3/75
(H,Hw) - See Butler County

LEBANON County
Decision #PA75-3086 (R)
40 FR 45992 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3035 (B)
40 FR 12980 - 3/21/75
Mod. #1 - 40 FR 28363 - 7/3/75
Mod. #2 - 40 FR 36948 - 8/22/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2016 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31449 - 7/25/75
Mod. #5 - 40 FR 45958 - 10/3/75
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Perry County
MONROE COUNTY
(H,Hw) - See Pike County
MONTGOMERY COUNTY
Decision #PA75-3081 (R)
40 FR 36958 - 8/22/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48847 - 10/17/75
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 49990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County

NORTHUMBERLAND COUNTY
Decision #PA75-3085 (R)
40 FR 23066 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43422 - 9/19/75
Mod. #3 - 40 FR 48847 - 10/17/75
Mod. #4 - 40 FR 45960 - 10/3/75
(H,Hw) - See Armstrong County
PERRY COUNTY
(H,R) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3063 (B)
40 FR 36939 - 8/22/75
Mod. #1 - See FR Article - 9/19/75
Mod. #2 - See FR Article - 9/19/75
Decision #NY75-3199 (R)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50857 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (R)
40 FR 45995 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/14/74
Mod. #1 - 39 FR 26502 - 7/19/74
Mod. #2 - 39 FR 44911 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
Mod. #4 - 40 FR 11222 - 3/6/75
Mod. #5 - 40 FR 28468 - 6/6/75
Mod. #6 - 40 FR 29454 - 7/11/75
Mod. #7 - 40 FR 48847 - 10/3/75
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
(H,Hw) - See Armstrong County

[illegible]
PERRY COUNTY
Decision (PA75-3027 (C)
40 FR 37267 - 8/26/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #PA75-3081 (H)
40 FR 36972 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
(H,Hw) - See Butler County
WYOMING COUNTY
(H,H) - See Adams County
[illegible]
(H,Hw) - See Butler County
WYOMING COUNTY
(H,H) - See Adams County
YORK COUNTY
(H,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(L) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO
Decision #[illegible]
40 FR 38766 - 9/8/75
Decision #[illegible]
39 FR 5161 - 2/8/74
Decision #PR75-3083 (H,Hw)
40 FR 33663 - 8/8/75

RHODE ISLAND
STATEWIDE
[illegible]
40 FR 43583 - 10/20/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 55241 - 11/7/75
BRISTOL COUNTY
Decision #RI75-2116 (B,H,Hw,R, & Marine)
40 FR 48066 - 10/10/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine)-See Bristol County
(H) - See Statewide
NEWPORT COUNTY
Decision #RI75-2111 (B,H,Hw,L, & Marine)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
(H) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol Co.
WASHINGTON COUNTY
Decision #RI75-2112 (B,H,Hw,R, & Marine)
40 FR 44471 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
(D) - See Statewide

SOUTH CAROLINA
Beaufort #SC75-1001 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41380 - 9/5/75
Decision #SC75-1029 (Sewer & Water, H)
40 FR 41380 - 9/5/75
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75 1029 (L)
40 FR 16600 - 4/7/75
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1008 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75 1026 (B)
40 FR 8692 - 2/28/75
Decision #SC75-1001 (L)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75 1021 (L).
40 FR 7899 - 2/21/75
Decision #SC75-1055 (R)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

CHESTER COUNTY
Decision #SC75-1[illegible]
36 FR 25775 - 7/13/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #AR-4002 (R)
39 FR 39671 - 11/8/74
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4002 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
Decision #SC75-1041 (L)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (R)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 17955 - 4/1/75
Mod. #2 - 40 FR 43425 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

[illegible]
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(H) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
((R)-See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/7/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
[illegible]
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MCCORMICK COUNTY
(L) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,H) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4007 (R)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R)- See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

[illegible]
40 FR [illegible]
[illegible]
(Sewer & Water, H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
[illegible]
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

[illegible]
(Sewer & Water, H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

XUM

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5119 (B)
40 FR 44475 - 9/26/75
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5121 (B)
40 FR 46000 - 10/3/75
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14881 - 4/29/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE
Decision #AQ-5024 (H)
40 FR 20 [illegible] - 5/20/75
Decision #AQ-4066 (H)
40 FR 960 - 1/3/75
ANDERSON COUNTY
Decision #TN75-1053 (D)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN75-1058 (B)
40 FR 30436 - 7/18/75
Decision #TN75-1098 (D)
40 FR 44473 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3425 - 1/25/74
Mod. #1 - 40 FR 7468 - 2/5/75
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #AQ-1099 (B)
40 FR 4264 - 2/12/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/75
Mod. #1 - 40 FR 9357 - 3/8/75
(F,Hw) - See Statewide
(H) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(D,R) - See Dyer County

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1072 (R,H)
40 FR 31527 - 7/25/75
Mod. #1 - 40 FR 36900 - 8/22/75
Mod. #2 - 40 FR 42468 - 9/12/75
Mod. #3 - 40 FR 52244 - 11/7/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

JEFFERSON COUNTY
(F,H) - See Statewide
JOHNSON COUNTY
(F,Hw) - See Statewide
KNOX COUNTY
Decision #TN75-1062 (B)
40 FR 23688 - 5/30/75
Mod. #1 - 40 FR 31452 - 7/25/75
Decision #AQ-4051 (H)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(L) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (H)
40 FR 21656 - 5/16/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

MARSHALL COUNTY
(F,Hw) - See Statewide
MARY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,H) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(R) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

RUTHERFORD COUNTY
Decision #TN75-1070 (B)
39 FR 34283 - 8/2/74
Mod. #1 - 39 FR 38833 - 8/27/74
Mod. #2 - 39 FR 39423 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3038 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN75-1070 (B,H,NSS, & Utility)
40 FR 30435 - 7/18/75
Mod. #1 - 40 FR 44446 - 9/26/75
Decision #AQ-1107 (H)
38 FR 4746 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(F) - See Carter County
(F,H) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

[illegible]
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See [illegible] County
(R) - See [illegible] County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

[illegible]
[illegible]
40 FR [illegible] - 10/17/75
Mod. [illegible] - 40 FR [illegible] - 11/3/75
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
[illegible]
(H,Hw) - See Statewide
Decision #X75-4121 (H)
40 FR 49247 - 10/24/75
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4183 (H)
40 FR [illegible] - 11/7/75
Decision #X75-4161 (H)
40 FR 46880 - 10/17/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4[illegible] (H)
40 FR 5163 - 1/31/75
BEXAR COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-3 (R)
39 FR 28[illegible] - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (H)
40 FR 3160 - 1/17/75
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX75-4162 (H)
40 FR 49971 - 10/24/75

[illegible]
[illegible]
Mod. #1 - 40 FR [illegible] - 11/7/75
BOSQUE COUNTY
(H,Hw) - See Statewide
(H) - See Bastrop County
BOWIE COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(R) - See Red [illegible]
(H,Hw) - See Statewide
Decision #TX75-4165 (H)
40 FR 45365 - 10/27/75
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29970 - 8/16/74
(H) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4166 (H)
40 FR 49567 - 10/24/75
Mod. #1 - 40 FR 52246 - 11/7/75
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNET COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

[illegible]
CAMERON COUNTY
Decision #[illegible]-4187 (H)
40 FR 49963 - 10/24/75
(H,Hw) - See Statewide
Decision #TX75-4168 (H)
40 FR 49969 - 10/24/75
CASS COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-67 (R)
39 FR 10106 - 3/15/74
Decision #TX75-4169 (B-excluding Dallas-Fort Worth Regional Airport)
40 FR 49961 - 10/24/75
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

[illegible]
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4[illegible] (H)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide.
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4182 (B)
40 FR 50919 - 10/31/75
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

[illegible]
FALLS COUNTY
(R) - See [illegible] County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX75-4154 (B)
40 FR 38995 - 8/22/75
Mod. #1 - 40 FR 43124 - 9/19/75
Mod. #2 - 40 FR 52245 - 11/7/75
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

[illegible]
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (H)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
Mod. #3 - 40 FR 52245 - 11/7/75
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H,Hw) - See Statewide

DEC 5 1975 XUM V40235|04 V

[illegible]
40 FR 56[illegible] - 12/4/75
MARK COUNTY
(B,H,Hw) - See Statewide
MAY FIELD COUNTY
(B,H,Hw) - See Statewide
MC CUE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

[illegible]
(Hw) - See Statewide
WAYNE COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3101 (Hw)
39 FR 24207 - 6/29/74
Mod. #1 - 39 FR 37[illegible] - 10/23/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

[illegible]
Decision #AQ-3100 (Hw)
38 FR 33[illegible] - 5/4/73
Mod. #1 - 38 FR 33[illegible] - 5/5/73
Mod. #2 - 40 FR 1[illegible] - 1/2/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #WD75-3008 (W)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/31/75
ALBEMARLE COUNTY
Decision#VA75-3005 (B)
40 FR 4345 - 9/15/75
Mod. #1 - 40 FR 48[illegible] - 10/17/75
Decision #[illegible] (Hw)
38 FR [illegible] - 8/10/73
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #WD75-3100 (B)
40 FR 44477 - 9/26/75
Mod. #1 - 41 FR 5227 - 11/1/75
Mod. #4 - 40 FR 40009 - 8/29/75
ALLEGHANY COUNTY
Decision #[illegible] (Hw)
36 FR 16363 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2033 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(C) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AR-2030 (B)
37 FR 10247 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOURT COUNTY
(Hw) - See Bedford County

[illegible]
(Hw) - See Bland County
[illegible]
(B) - See Accomack County
BRUNSWICK COUNTY
(Hw) - See Amherst County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #WD75-3005 (B)
40 FR 43416 - 9/19/75
(B) - See Accomack County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33259 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amelia County
CHARLOTTESVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #WA75-3005 (B)
40 FR 944 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/10/75
Mod. #3 - 40 FR 22732 - 5/23/75
Mod. #4 - 40 FR 29662 - 7/11/75
Decision #AR-404 (Hw)
38 FR 7503 - 3/23/73
Mod. #1 - 40 FR 44[illegible] - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #[illegible] (B)
37 FR 10734 - 5/26/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

[illegible]
CULPEPER COUNTY
(Hw) - See Albemarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
[illegible]
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(C) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(D) - See Alexandria City
FALLS CHURCH CITY
(C) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albemarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albemarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,Hw&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(H) - See Clarke County
(Hw) - See Alleghany County

[illegible]
(Hw) - See Amelia County
GILES COUNTY
(Hw) - See Alleghany County
GLADE CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #WD-3005 (B)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #WA75-3006 (B)
40 FR 946 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/10/75
Mod. #3 - 40 FR 22733 - 5/23/75
(Hw) - See Amelia County

[illegible]
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #[illegible] (C)
37 FR 15256 - 7/28/72
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Amelia County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Amherst County

[illegible]
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONROE COUNTY
(Hw) - See Alleghany County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W) - See York County
(B) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,D) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(B) - See Bland County
(Hw) - See Alleghany County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Amelia County

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RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

[illegible] COUNTY
(H,Hw) - See [illegible]
[illegible] COUNTY
(D) - See Ashland County
(H,Hw) - See Statewide
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50468 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3152 (B,R)
39 FR 36796 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (D)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Claire County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
DODGE COUNTY
(H,Hw,W&S) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide

[illegible]
[illegible]
40 FR 40006 - 8/29/75
Decision #IL75-5079 (D) [illegible]
& Water)
40 FR [illegible] - 8/[illegible]
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50468 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3152 (B,R)
39 FR 36796 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (D)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2757]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

D'Arcy-MacManus & Masius, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; 13.20–20 Competitors' products; § 13.170 Qualities or properties of product or service; 13.170–34 Economizing or saving; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.265 Tests and investigations. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of D'Arcy-MacManus & Masius, Inc. a Corporation

Consent order requiring a New York City advertising agency, among other things to cease making deceptive fuel economy claims for automobiles.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent D'Arcy-MacManus & Masius, Inc., its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any automobile is superior with regard to fuel economy to any other automobile, unless:

(a) Such superiority has been demonstrated, as to the model(s) for which it is claimed, by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

(b) The valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this order "sample" shall mean an actual automobile tested. *It is provided, however*, That nothing in this paragraph is intended to conflict with any guidelines, rules or regulations with respect to fuel economy testing or advertising that may hereafter from time to time be promulgated by any agency of the United States Government, and, if such conflict does occur, the guidelines, rules or regulations shall govern.

2. Misrepresenting in any manner the fuel economy of any automobiles or the superiority of any automobile over competing products in terms of fuel economy.

3. Representing, directly or by implication, by reference to a test or tests, that the performance of any consumer automotive product has been tested either alone or in comparison with other consumer automotive products unless such representation(s) accurately reflect the test results and unless the tests themselves are so devised and conducted as to substantiate each such representation concerning the featured tests.

4. Misrepresenting in any manner the purpose, contents or conclusion of any test, report or study relating to the performance of any consumer automotive product.

For purposes of paragraphs 3 and 4 of this order "test" shall include demonstrations which are claimed to be proof of the representations made.

5. It shall be a defense under paragraphs 1–4 of this order that respondent neither knew nor should have known of the facts concerning the test, fuel economy or performance which make the advertising false or misleading.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

The Decision and Order was issued by the Commission October 31, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32887 Filed 12-5-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. C-2756]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pacific Gamble Robinson Co.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.180 Quantity; 13.180–30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–40 Furnishing information to media; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Pacific Gamble Robinson Co., a Corporation

Consent order requiring a Seattle, Wash., grocery store chain, among other things to cease not having advertised items readily available for sale at or below the advertised price. Further, respondent is required to use shelf signs to indicate the location of items advertised below regular shelf price; to mark customarily price-marked items with the advertised prices; to post at store entrances and check-out counters notices (1) containing a copy of the ad, (2) listing any advertised items unavailable, and (3) announcing that rainchecks will be issued for them; and to maintain a

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program of continuing surveillance to ensure that their stores comply with the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent Pacific Gamble Robinson Co., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or grocery products or other merchandise, hereafter sometimes referred to as items, offered or sold in its retail stores, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless throughout the effective period of the advertised offer at each retail store covered by the advertisement:

1. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

2. There is a sign or other conspicuous marking at the place where an item advertised below regular shelf price is displayed for sale clearly disclosing that the item is "as advertised" or "on sale" or words of similar import as appropriate, and disclosing on such sign or marking, the advertised price;

3. Each advertised item, which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price;

4. Each advertised item is sold to customers at or below the advertised price: *Provided*, That it shall not be deemed a violation of the above subparagraphs A.1., A.2., A.3., or A.4., if respondent is complying with a specific exemption, limitation or restriction with respect to store, item or price which is clearly and conspicuously disclosed in all advertisements. *Provided, further*, It shall constitute a defense to a charge of unavailability under subparagraph I.A.1. if respondent maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand, or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price.

In determining compliance with Section I of this order, the Commission will consider the circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices due to circumstances beyond respondent's control.

II. *It is further ordered*, That respondent Pacific Gamble Robinson Co., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or drugs, as those terms are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated, by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any product, any advertisement which contains any of the offers prohibited by Section I of this order;

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the offers prohibited by Section I of this order.

III. *It is further ordered*, That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following:

A. A copy of the advertisement.

B. A statement that: "All items advertised are readily available for sale at or below advertised price except the following items:

"Rain checks will be gladly issued for these items, that will enable you to purchase these items at or below the advertised price in the near future. If you have any questions, the store director will be glad to assist you."

IV. *It is further ordered*, That respondent shall cause the following statement to be clearly and conspicuously set forth in each printed advertisement which represents that items are available for sale at a stated price at any of its stores: "Each of these advertised items is required to be readily available for sale at or below the advertised price in each Tradewell store, except as specifically noted in this ad."

V. *It is further ordered*, That:

A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store directors who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

C. Respondent shall, for a period of three (3) years subsequent to the date of this order:

1. Maintain business records which show the efforts taken to ensure continuing compliance with the terms and provisions of this order;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives;

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission October 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32888 Filed 12-5-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. C-2755]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

U.S. Pioneer Electronics Corp.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13–1165–80 Requiring information of price cutting; 12.1165–90 Spying on and reporting price cutters, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of U.S. Pioneer Electronics Corp. a Corporation

Consent order requiring a Moonachie, N.J., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products and limiting customers with whom its dealers may deal; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent U.S. Pioneer Electronics Corp., a corporation, its successors and assigns, and respondent's employees, agents, representatives, including sales representatives or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this Order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however*, That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the retail price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale or retail price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this Order, *it is further provided*, That after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to distribute and establish resale prices for its products under fair trade laws then in effect.

II. *It is further ordered*, That respondent shall:

1. Forthwith upon this Order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every person or firm that within three (3) years from the effective date hereof becomes a new dealer.

2. Forthwith distribute a copy of this Order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents and sales representatives and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this Order and take appropriate disciplinary and corrective action, which may include termination, for nonwillful violation.

5. Within sixty (60) days from the date on which this Order becomes final,

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order unless respondent can establish that the dealer terminated does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. *It is further ordered*, That respondent:

1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

IV. *It is further ordered*, That in the event the Commission issues any Order which is less restrictive than the provisions of Paragraphs I, II, or III of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of U.S. Pioneer Electronics Corp. reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32889 Filed 12-5-75;8:45 am]

[Docket No. C-2749]

Hair Replacement Research Center, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.170 Qualities or properties of product or service; 13.170–24 Cosmetic or beautifying; 13.170–30 Durability or permanence; § 13.190 Results; § 13.195 Safety; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective action and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–10 Corrective advertising; 13.533–20 Disclosures; 13.533–40 Furnishing information to media; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. —Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Hair Replacement Research Center, Inc., a corporation, trading also as Hair Replacement Research Consultants, and Salvatore Saporito, individually and as an officer of said corporation.

Consent order requiring a Bloomfield, N.J., seller of hairpieces, implant hair replacement services and related products to bald persons, among other things to cease making false and misleading claims with respect to their hair implant process, and failing to disclose that their implant process involves surgical implantation of synthetic sutures which can cause pain, infection, scarring, and other disorders. Further, respondents are required to advise prospective customers to consult with a physician prior to contracting to undergo the process, and to provide customers a three-day cooling off period during which they may cancel their contract with full refund of their

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent Hair Replacement Research Center, Inc., a corporation, trading also as Hair Replacement Research Consultants, and or under any other name or names, its successors and assigns and its officers, and Salvatore Saporito, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device or through franchisees or licensees, in connection with the advertising, offering for sale, sale, or distribution of the implant replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of Section 12(a)(1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair.

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of synthetic sutures in the scalp, and by virtue of the synthetic suture remaining in the scalp, there is a risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

4. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15% of each advertisement or presentation to such disclosures. *Provided, however*, That in advertisements which consist of less than ten column inches in newspapers and periodicals, and in radio and television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby synthetic sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15% of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered, That respondents, in connection with the sale of the System, provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One (1) through Four (4) thereof, and that respondents require that, prior to executing any contract to purchase said System, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Hair Replacement Research Center, Inc. provide a copy of said disclosure sheet to the customers and retain such signed disclosure sheet for at least three years.

It is further ordered, That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing, (1) to abide by the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale or respondents' System.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, forthwith distribute a copy of this Order to each of their operating divisions or departments.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order: *Provided*, That if said respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the individual respondent Salvatore Saporito promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further understood that nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify, or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies.

Nothing in this Order shall be construed to imply that any past or future conduct of respondents is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32938 Filed 12-5-75;8:45 am]

[Docket No. C-2753]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sherwood Electronic Laboratories, Inc.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange, future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165–80 Requiring information of price cutting; 12.1165–90 Spying on and reporting price cutters, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

V 40 236 DEC 8 75 D XUM

In the Matter of Sherwood Electronic Laboratories, Inc. a corporation.

Consent order requiring a Chicago, Ill., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from, or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent Sherwood Electronic Laboratories, Inc., a corporation, its successors and assigns, and respondent's employees, agents, representatives, including sales representatives or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this Order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however*, That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondents' products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the retail price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale or retail price or any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this Order, *it is further provided*, That after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to distribute and establish resale prices for its products under fair trade laws then in effect.

II. *It is further ordered*, That respondent shall:

1. Forthwith upon this Order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every person or firm that within three (3) years from the effective date hereof becomes a new dealer.

2. Forthwith distribute a copy of this Order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents and sales representatives and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this Order and take appropriate disciplinary and corrective action, which may include termination, for non-willful violation.

5. Within sixty (60) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order unless respondent can establish that the dealer terminated does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. *It is further ordered*, That respondent:

1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

IV. *It is further ordered*, That in the event the Commission issues any Order which is less restrictive than the provisions of Paragraph I, II, or III of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of Sherwood Electronic Laboratories, Inc., reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32937 Filed 12-5-75;8:45 am]

[Docket No. C-2758]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tri-West Construction Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.42 Connection of others with goods; § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.125 Limited offers or supply; § 13.155 Prices; § 13.155–33 Demonstration reductions; 13.155–95 Terms; 13.155–95(a) Truth in Lending Act; 13.100 Usual as reduced, special, etc.; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Coercing and intimidating: § 13.350 Customers or prospective customers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Disparaging products, merchandise, services, etc.: § 13,1042 Disparaging products, merchandise, services, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others. —Goods: § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers. —Prices: § 13.1800 Demonstration reductions; §13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act; § 13.1825 Usual as reduced or to be increased. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provision; 13.1892–2 Commencing contractual obligations prior to end of cooling-off period; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Securing signatures wrongfully: § 13.2175 Securing signatures wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

In the Matter of Tri-West Construction Company, Inc., a corporation, and William B. Cafarelli, individually and as an officer of said corporation.

Consent order requiring a Boise, Idaho, home construction, repair and rehabilitation firm, among other things to cease using false pricing claims and other misrepresentations to sell its home improvement products or services; using coercive tactics to increase the contract price; and obtaining certificates of completion before actually completing the work. Further, respondent is required to complete the work agreed to in the original contract at the original price, to obtain a supplemental contract for any additional work desired by a customer, and to comply with requirements of the Truth in Lending Act that credit cost disclosures be made and that credit customers whose homes have been taken as security be allowed a three-day right of rescission period.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondents Tri-West Construction Company, Inc., a corporation, and William B. Cafarelli, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution or installation of home improvement products or services, or other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. Respondents' organization is a subsidiary or division of United States Steel Corporation or is otherwise affiliated with such company or any other manufacturer of construction materials.

2. Respondents have an exclusive arrangement of any kind with United States Steel Corporation or are the only distributor of such company's products in any area.

3. Respondents have an exclusive arrangement with or are the only area distributor of products of any manufacturer of construction materials.

4. Respondents, United States Steel Corporation, or any other supplier of construction materials advertises its products and/or services by means of work done on individuals' homes.

5. The homes of any of respondents' customers are or will be used for demonstration or advertising purposes or as model homes; or that as a result of allowing or agreeing to allow their homes to be used as models, demonstrators, or before-and-after examples, customers are or will be granted reduced prices, discounts, or other special prices.

6. Any price for respondents' products and/or services is a discount price, reduced price, or otherwise special price, unless respondents can affirmatively show by documentary evidence that such price constitutes a significant reduction from an established selling price at which such products and/or services have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, respondents' price or the savings available to customers.

7. The price or terms offered by respondents are limited as to time or limited in any other manner, unless respondents can affirmatively show by documentary evidence that the represented limitations are actually in force and are in good faith adhered to.

B. Refusing or failing to perform work at the contract price after entering into an agreement therefor with a customer. In each instance where respondents and the customer determine upon additional goods or services to be provided by or through respondents, beyond those originally agreed upon, the complete terms of such supplementary agreement shall be set forth in a separate contract which shall clearly and conspicuously disclose in bold print:

This is a contract for additional goods and/or services. You are *not required* to purchase these goods and/or services. If you do not wish these additional goods and/or services, Tri-West will perform all the requirements of the original contract for the original contract price.

C. Obtaining from any customer a signed certificate of completion or other document attesting to the completion of contracted work unless the customer has in fact received all products and services contracted for, and a copy of each applicable guarantee.

D. Representing directly or by implication that a certificate of completion is only a technical requirement, or disparaging in any manner the importance

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V 40 236 DEC 8 75 XUM

of the customer's waiting until completion of all contracted work before signing such a document.

E. Failing to disclose to the customer that respondents' furnishing of home improvement products and services gives respondents and others the right, under state law, to file a lien for materials and/or labor on the customer's home.

II. *It is further ordered*, That respondents Tri-West Construction Company, Inc., a corporation, and William B. Cafarelli, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR § 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. § 1601 et seq.), do forthwith cease and desist from:

A. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

B. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

C. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

D. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "referred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

E. Failing to disclose the date on which the finance charges begins to accrue when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

F. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe said sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

G. Failing to describe or identify the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and to provide a clear identification of the property to which the security interest relates, as required by § 226.8(b)(5) of Regulation Z.

H. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation when said obligation includes a precomputed finance charge, as required by § 226.8(b)(7) of Regulation Z.

I. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for credit life and/or disability insurance unless respondents have clearly and conspicuously disclosed to the customer in writing that such insurance is not required and have obtained a specific dated and separately signed affirmative written indication of the customer's desire for such insurance as prescribed by § 226.4(a)(5) of Regulation Z.

J. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures prescribed by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

K. Failing, in any transaction in which a security interest is or will be retained or acquired in real property which is used or expected to be used as the principal residence of the customer, to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

L. Making any physical changes in a customer's property or performing any work or services on such property before expiration of the rescission period provided for in § 226.9(a) of Regulation Z, in any transaction in which a security interest is or will be retained or acquired in real property which is used or expected to be used as the principal residence of the customer, as provided in § 226.9(c) of Regulation Z.

M. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents hereafter maintain complete business records relative to the manner and form of their compliance with the provisions of this order. Each such record shall be retained for not less than three years, and shall be furnished to representatives of the Federal Trade Commission upon request.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen and/or other persons engaged in the sale of respondents' products and/or services, and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation, or placing of advertising, and that respondents shall secure from each such salesman and/or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission October 31, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32939 Filed 12-5-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that four positions of Secretary to a Commissioner are no longer excepted under Schedule C.

Effective on December 8, 1975, § 213.3379(h) is revoked as set out below:

§ 213.3379 Commodity Futures Trading Commission.

* * * * *

(h) [Revoked.]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32899 Filed 12-5-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Staff Assistant to the Deputy Administrator, Policy Planning, is excepted under Schedule C.

Effective on December 8, 1975, § 213.3388(1)(2) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(l) *Office of the Deputy Administrator, Policy Planning.*

* * * * *

(2) One Staff Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-32900 Filed 12-5-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Area

On June 6, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 24365), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone and designate the Fort Stewart, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Fort Stewart, Ga., control zone is amended as follows:

". . . Wright TVOR 242° . . ." would be deleted and ". . . Wright TVOR 234° . . ." would be substituted therefor.

In § 71.181 (40 FR 441), the following transition area is added:

FORT STEWART, Ga.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within 1.5 miles each side of the 049° bearing from Allenhurst RBN, extending from the 8.5-mile radius area to the RBN.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 26, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32907 Filed 12-5-75;8:45 am]

[Airspace Docket 75-NW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING AREA

Alteration of Transition Area

On October 1, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 46141) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ellensburg, Washington, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective Date: This amendment shall be effective 0901 GMT on January 29, 1976.

This amendment is issued under the authority of Section 307(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on November 28, 1975.

J. H. TANNER,
Acting Director, Northwest Region.

In § 71.181 (40 FR 441) the description of the Ellensburg, Washington, Transition Area be amended to read as follows:

ELLENSBURG, WASHINGTON

That airspace extending upward from 700' above the surface within a 5-mile radius of Bowers Field (Latitude 47°02'02" N, Longitude 120°31'49" W); within the arc of a 13-mile radius circle centered on the Ellensburg VORTAC, beginning at the 016° radial and extending clockwise to the 063° radial; within the arc of a 20.5-mile radius circle centered on the Ellensburg VORTAC, beginning at the 063° radial and extending clockwise to the 221° radial; that airspace extending upward from 1200' above the surface southwest of Ellensburg bounded on the north by V-28, on the southeast by the Ellensburg VORTAC 221° radial, on the southwest by V-4.

[FR Doc.75-32904 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SO-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 16, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 48520), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Selma, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In 71.181 (40 FR 441), the Selma, Ala., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Craig AFB (latitude 32°20'30" N., longitude 86°59'15" W.); within an 18.5-mile radius of the Cahaba VORTAC, extending clockwise from the 301° radial to the 212° radial.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 25, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32905 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SO-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 14, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 11893), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Wallace, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Wallace, N.C., transition area is amended as follows:

". . . northwest of the VORTAC." would be deleted and ". . . northwest of the VOR TAC; within 3 miles each side of the 078° bearing from Pendy NDB (latitude 34°42'58" N., longitude 78°00'14" W.), extending from the 5-mile radius area to 9.5 miles east of the RBN." would be substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

V40236 DEC 8 75 XUM

Issued in East Point, Ga., on November 26, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32906 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SO-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Roanoke Rapids, N.C., transition area.

The Roanoke Rapids transition area is described in § 71.181 (40 FR 441). It is necessary to alter the description by correcting the longitudinal ordinate of the Halifax County Airport and by adding reference to the Rapids (private) nondirectional radio beacon which is being established on the airport to support a new instrument approach procedure. The new instrument approach procedure will require designation of an additional eight square miles of controlled airspace. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Roanoke Rapids, N.C., transition area is amended as follows:

". . . 77°43'00" W.) . . ." is deleted and ". . . 77°42'19" W.); within 3 miles each side of the 233° bearing from Rapids RBN (latitude 36°26'19" N., longitude 77°42'14" W.), extending from the 7-mile radius area to 8.5 miles southwest of the RBN . . ." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 25, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32910 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SW-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Alpine, Texas, and alter the Texas transition area.

On October 14, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 48142) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Alpine, Texas, and alter the Texas transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

1. In § 71.181 (40 FR 441), the following transition area is added:

ALPINE, TEXAS

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of the Alpine Municipal Airport (latitude 33°23'00" N., longitude 103° 41'00" W.) and extending 6.0 miles west and 9.5 miles east of the 023° bearing from the airport coordinates to a point 24.5 miles north of the airport coordinates.

2. In § 71.181 (40 FR 441), the Texas transition area is amended by deleting everything after "excluding that airspace" and substituting therefor "excluding that airspace south of a line beginning at the intersection of the United States/Mexican Border and 30°00'00" north latitude, thence east along 30° north latitude to and counterclockwise along the arc of a 105-mile-radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to point of beginning."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on November 25, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-32911 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SO-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 10, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 42025), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Campbellsville, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

CAMPBELLSVILLE, KY.

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Taylor County Airport (latitude 37°21'05" N., longitude 85°18'45" W); within 3 miles each side of the 229° bearing from the Arista RBN (latitude 37°21'19" N., longitude 85°18'54" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 25, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-32908 Filed 12-5-75;8:45 am]

[Airspace Docket No. 75-SO-155]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Valdosta, Ga., (Moody AFB) control zone.

The Valdosta (Moody AFB) control zone is described in § 71.171 (40 FR 354) and is designated as part-time, with effective times of 0700 to 2300 hours, local time, Monday through Thursday; from 0700 to 2130 hours, local time, Friday; from 0900 to 1600 hours, local time, Saturday and from 1000 to 1600 hours, local time, Sunday; excluding Federal legal holidays. The U.S. Air Force is changing its hours of operation at Moody AFB and it is necessary to redesignate the control zone to accommodate the changes. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Valdosta, Ga. (Moody AFB) control zone is amended as follows:

All after ". . . south of the VOR." is deleted and "This control zone is effective from 0700 to 2300 hours, local time, daily." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 26, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-32909 Filed 12-5-75;8:45 am]

[Docket No. 15192; Amdt. No. 997]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR—OR/DME SIAPs, *effective January 15, 1976.*

Fairmont, WV—Fairmont Muni. Arpt., VOR-TAC Rwy 22, Amdt. 1.
Farmington, MO—Farmington Muni. Arpt., VOR-A, Amdt. 2.
Mineola, TX—Mineola Wisener Field, VOR/DME-A, Amdt. 1.
Petersburg, VA—Petersburg Muni. Arpt., VOR Rwy 23, Amdt. 1.
Reno, NV—Reno Int'l. Arpt., VOR-D, Amdt. 1.
Sheridan, IN—Sheridan Arpt., VOR/DME-A, Amdt. 1.
St. Louis, MO—Spirit of St. Louis Arpt., VOR-A, Amdt. 4.
St. Louis, MO—Spirit of St. Louis Arpt., VOR/DME Rwy 7, Amdt. 5.
Youngstown, OH—Youngstown Muni. Arpt., VOR Rwy 18, Amdt. 12.

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 15, 1976.*

Reno, NV—Reno Int'l Arpt., LOC-C, Amdt. 1.
Reno, NV—Reno Int'l Arpt., LOC/DME BC-B, Amdt. 4.
Springfield, MO—Springfield Muni. Arpt., LOC(BC) Rwy 19, Amdt. 11.
St. Louis, MO—Spirit of St. Louis Arpt., LOC(BC) Rwy 25, Amdt. 1.
Youngstown, OH—Youngstown Muni. Arpt., LOC(BC) Rwy 14, Amdt. 1.

. . . *effective December 11, 1975.*

Elkhart, IN—Elkhart Muni. Arpt., SDF Rwy 27, Original.

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 15, 1976.*

Clinton, OK—Clinton Muni. Arpt., NDB Rwy 35, Amdt. 2.
Edenton, NC—Edenton Muni. Arpt., NDB Rwy 5, Amdt. 2.
Edenton, NC—Edenton Muni. Arpt., NDB Rwy 19, Amdt. 2.
Fairmont, WV—Fairmont Muni Arpt., NDB-A, Amdt. 2.
Lawrenceburg, TN—Lawrenceburg Muni. Arpt., NDB-A, Amdt. 2.
Petersburg, VA—Petersburg Muni. Arpt., NDB Rwy 5, Amdt. 1.
Sebring, FL—Sebring Arpt. & Industrial Park, NDB Rwy 36, Amdt. 1.
St. Louis, MO—Spirit of St. Louis Arpt., NDB Rwy 7, Amdt. 2.
Youngstown, OH—Youngstown Muni. Arpt., NDB Rwy 32, Amdt. 13.

. . . *effective December 11, 1975.*

Dayton, OH—James M. Cox—Dayton Muni. Arpt., NDB Rwy 6L, Amdt. 1.
Dayton, OH—James M. Cox—Dayton Muni. Arpt., NDB Rwy 6R, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 15, 1976.*

Reno, NV—Reno Int'l Arpt., ILS-A, Amdt. 3.
Reno, NV—Reno Int'l Arpt., ILS/DME Rwy 16, Amdt. 1.
St. Louis, MO—Spirit of St. Louis Arpt., ILS Rwy 7, Amdt. 2.
Youngstown, OH—Youngstown Muni. Arpt., ILS Rwy 32, Amdt. 18.

. . . *effective December 11, 1975.*

Dayton, OH—James M. Cox—Dayton Muni. Arpt., ILS Rwy 6L, Original.

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 15, 1976.*

Youngstown, OH—Youngstown Muni. Arpt., RADAR-1, Amdt. 4.

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 15, 1976.*

Detroit, MI—Detroit Metro.-Wayne County Arpt., RNAV Rwy 21L, Original.

. . . *effective December 11, 1975.*

Dayton, OH—James M. Cox—Dayton Muni. Arpt., RNAV Rwy 24L, Amdt. 1.
Dayton, OH—James M. Cox—Dayton Muni. Arpt., RNAV Rwy 6R, Amdt. 1.

CORRECTION

In Docket Number 14942, Amendment 983, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated August 28, 1975, on Page 39496 under Section 97.29, ANIAK, AK—ANIAK ARPT., ILS/DME RWY 10, ORIG., effective October 9, 1975, as amended, is rescinded.

In Docket Number 15173, Amendment 995, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated November 20, 1975, on Page 53997, under Section 97.27, effective January 1, 1976—change effective date of New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 13L, Amdt. 6, to January 8, 1976.

In Docket Number 15058, Amendment 991 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated October 23, 1975, on Page 49568 under Section 97.29, Dillingham, AK—Dillingham Arpt., ILS/DME Rwy 19, ORIG., and Kotzebue, AK—Ralph Wien Memorial Arpt., ILS/DME Rwy 8, ORIG., effective December 4, 1975, are rescinded.

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on November 26, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.75-32903 Filed 12-5-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 25—ADVISORY COMMITTEE MANAGEMENT

PART 25A—OTHER COMMITTEE MANAGEMENT

Department of Agriculture Committee Management Regulations; Correction

The following corrections are made to the Department of Agriculture's committee management regulations (Parts 25 and 25A, Subtitle A, Title 7 of the Code of Federal Regulations) which became effective October 14, 1975. The regulations were published in the FEDERAL REGISTER (40 FR 42171) on September 11, 1975.

1. The citation of authority for Part 25 following the table of contents is corrected to read:

. . . . . .

AUTHORITY: 5 U.S.C. 301; Sec. 8, 86 Stat. 773 (5 U.S.C. App. I.).

2. Section 25.11 is corrected as follows:

§ 25.11 Establishment and Renewal of Advisory Committees.

. . . . . .

(b) *Procedure for Establishment.*

. . . . . .

(3) *Preparation of Establishment Document.*

. . . . . .

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(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

(G) Names or titles of committee members or a statement as to who will appoint them.

The document shall be routed to the Office of Management and Finance through the Office of the General Counsel.

• • • • •

Dated: December 3, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-32954 Filed 12-5-75;8:45 am]

Standard Inspections, Marketing Practices

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—Regulations Governing Inspection and Certification

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products. Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of consideration leading to amendment of regulations. Effective October 12, 1975, the fee for hours worked by seasonal inspectors in plants with year around contracts was raised from $12.10 to $17.40 per hour. After re-evaluating the costs for providing this type of service and the impact of an increase of this amount upon the applicant, it has been concluded that the best interests of the applicant and the government will be served by reducing the fee for the hours worked by seasonal inspectors.[1]

Accordingly, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. et seq., as amended; 7 U.S.C. 1621-1627), § 52.52 is amended to read as follows:

§ 52.52 Changes for inspection services on a contract basis.

• • • • •

(c) • • •

(2) For personnel assigned on less than a year-round basis:

Each inspector—$15.40 per hour.

Each subordinate inspector on the same shift with an inspector—$11.40 per hour.

(3) *Travel expense.* No reporting charges will be made for regular full time inspection personnel assigned under a year-round in-plant contract; *Provided;* That, per diem and/or mileage will be charged when paid to each inspector assigned during those periods the regularly assigned inspector(s) are taking annual and compensatory leave.

• • • • •

(Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624))

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than 30 days from date of publication in the FEDERAL REGISTER, (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the decrease in fee rate set forth herein will accrue benefits to the consumer as well as the processor, and (3) additional time is not required by the users of the Inspection Service to comply with this amendment.

Effective date: October 12, 1975.

Dated: December 2, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-32921 Filed 12-5-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 8]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

Notice of Proposed Rulemaking

The regulations governing the determination of eligibility for free or reduced price meals in schools participating in the National School Lunch Program, School Breakfast Program, and Special Milk Program are amended to implement Public Law 94-105, enacted October 7, 1975, and for other purposes.

The principal changes stemming from Public Law 94-105 affect § 245.1, §245.3, § 245.5, and § 245.6 to: (1) make the service of reduced price meals mandatory; (2) require that children eligible for reduced price meals be those children who are members of a household whose annual income falls between the applicable family-size income level of the State's standards for free meals and 95 percent above the applicable family-size income level in the Secretary's income poverty guidelines; (3) require that reference be made to unemployed parents or guardians in the public announcement of eligibility; and (4) provide that, for cause, information in a parent's application may be verified.

Other changes affect § 245.5, § 245.10 and § 245.11 concerning the actions taken by School Food Authorities and State agencies, or FNSROs where applicable, in the event of changes in eligibility criteria and standards or other program changes after the beginning of a school year. School Food Authorities which elected to serve both free and reduced price meals at the beginning of the school year, as opposed to only free meals, may publicly announce changes in eligibility criteria for reduced price meals in the form of a public release published in the informational media or may announce such changes in the same manner as the original criteria were announced. This provision is added to facilitate implementation of the changes in eligibility criteria as a result of Public Law 94-105. State agencies, or FNSROs where applicable, are required to announce changes in family-size income standards within 30 days after the Secretary has announced a change in the income poverty guidelines or other program change which necessitates public announcement. The period within which School Food Authorities shall have their revised free and reduced price policy statements submitted to, and approved by, State agencies, or FNSROs where applicable, is changed from 30 days to 60 days after the State agency, or FNSRO where applicable, has announced a change in standards or other program change.

Failure to have a School Food Authority's policy statement aproved by the State agency, or FNSRO where applicable, at the end of the 60-day period will result in the suspension of reimbursement for all meals and milk served thereafter, until such time as the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Furthermore, no commodities donated by the Department shall be used in any program after the end of the 60-day period, until such time as the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Once the School Food Authority's free and reduced price policy statement has been approved, reimbursement may be allowed at the discretion of the State agency, or FNSRO where applicable, during the period of suspension. Previously, State agencies and FNSROs did not have the latitude to allow reimbursement for eligible meals and milk served after the date the free and reduced price policy statement was to be approved by the State agency, or FNSRO where applicable.

Other changes are nonsubstantive and are made for clarification.

Since the substantive changes in the regulations are nondiscretionary, the Department does not believe that the proposed rule making and public participation procedures are necessary. Accordingly, the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk are hereby amended as follows:

1. In the table of sections, § 245.3 is renamed "Eligibility standards and criteria," and § 245.5 is renamed "Public announcement of the eligibility criteria."

2. In § 245.1, paragraph (a) is revised to read as follows:

§ 245.1 General purpose and scope.

(a) Section 9 of the National School Lunch Act, as amended, and section 4 of the Child Nutrition Act of 1966, as amended, require that schools participating in the National School Lunch Program (7 CFR Part 210) and the School Breakfast Program (7 CFR Part 220) and other schools utilizing commodities donated by the Department shall serve free meals to any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in income poverty guidelines prescribed by the Secretary. Each State educational agency is required to prescribe family-size income standards, which may not be more than 25 percent above the Secretary's income poverty guidelines, to be used by schools in the State during each fiscal year in determining which children in the State are eligible for free meals. Section 3 of the Child Nutrition Act of 1966, as amended, requires that schools participating in the Special Milk Program (7 CFR Part 215) shall serve free milk to any child who is eligible for free meals. Each State educational agency is also required to prescribe family-size income standards for reduced price meals which will result in the service of reduced price meals to any child who is a member of a household which has an annual income above the applicable family-size income standard prescribed by the State educational agency for free meals, but not above 95 percent of the applicable family-size income level in the income poverty guidelines prescribed by the Secretary. School Food Authorities are required to publicly announce the eligibility criteria and to make determinations with respect to family size and income on the basis of a statement executed by an adult member of the family. School Food Authorities are prohibited from making any physical segregation of or other discrimination against, or any overt identification of, any child eligible for free or reduced price meals or free milk.

• • • • •

3. In § 245.2, paragraph (e) is revised as follows:

§ 245.2 Definitions.

• • • • •

(e) "Income poverty guidelines" means the family-size income levels prescribed annually by the Secretary for use by States in establishing eligibility for free and reduced price meals and for free milk.

• • • • •

4. In § 245.3, the heading and paragraphs (a), (b), and (c) are revised to read as follows:

§ 245.3 Eligibility standards and criteria.

(a) Each State agency, or FNSRO where applicable, shall at the beginning of each fiscal year announce family-size income standards to be used by School Food Authorities of schools under the jurisdiction of such State agency, or FNSRO where applicable, in making eligibility determinations for free or reduced price meals and for free milk. Such family-size income standards for free and reduced price meals and for free milk shall be in accordance with the standards set forth in § 245.1 of this part. Within those standards for free meals, the State agency, or FNSRO where applicable, may prescribe a single set of family-size income standards for use in the State, or it may prescribe a range of income standards. However, for reduced price meals, the State agency, or FNSRO where applicable, must prescribe income standards as set forth in § 245.1.

(b) Each School Food Authority shall establish eligibility criteria for free and reduced price meals and for free milk in conformity with the family-size income standards prescribed by the State agency, or FNSRO where applicable, under paragraph (a) of this section. Such criteria shall: (1) Specify the uniform family-size income criteria to be used for determining eligibility for free and reduced price meals and for free milk in all schools participating in the National School Lunch Program, School Breakfast Program, or Special Milk Program and in commodity only schools under the jurisdiction of the School Food Authority; and (2) provide that all children from a family meeting family-size income criteria and attending any school under the jurisdiction of the School Food Authority which participates under the National School Lunch Program, School Breakfast Program, Special Milk Program, or is a commodity only school shall be provided the same benefits. The School Food Authority's eligibility criteria shall be a part of the policy statement required under § 245.10 and shall be publicly announced in accordance with the provisions of § 245.5.

(c) Each School Food Authority shall serve free and reduced price meals and free milk in the respective programs to all children eligible therefor under its eligibility criteria. Family income used by a School Food Authority in determining eligibility of an applicant shall be income as defined in the Secretary's income poverty guidelines, including the adjustments for special hardship conditions. In any school which participates in more than one childe nutrition program (National School Lunch Program, School Breakfast Program or Special Milk Program) or is a commodity only school which also participates in the School Breakfast Program or the Special Milk Program, the eligibility criteria shall be applied uniformly so that eligible children receive the same benefits in each program. If a child transfers from one school to another school under the jurisdiction of the same School Food Authority, his eligibility for free or reduced price meals or for free milk, if previously established, shall be transferred to, and honored by, the receiving school, if it participates in the National School Lunch Program, School Breakfast Program, Special Milk Program, or is a commodity only school.

5. § 245.5 is revised to read as follows:

§ 245.5 Public announcement of the eligibility criteria.

(a) After the State agency, or FNSRO where applicable, notifies the School Food Authority that its criteria for determining the eligibility of children for free and reduced price meals and for free milk have been approved, the School Food Authority shall publicly announce such criteria: *Provided however,* That no such public announcement shall be required for boarding schools, or a school which includes food service fees in its tuition, where all attending children are provided the same meals or milk. Such announcements shall be made at the beginning of each school year or, if notice of approval is given thereafter, within 10 days after the notice is received. The public announcement of such criteria, as a minimum, shall include the following:

(1) A letter or notice distributed, on or about the beginning of each school year, to the parents of children in attendance at the school. The letter or notice shall contain complete information on (i) the eligibility criteria for free and reduced price meals and free milk; (ii) the four special hardship conditions for adjusting income; (iii) how a family may make application for free or reduced price meals or for free milk for its children; (iv) how a family may appeal the decision of the School Food Authority with respect to the application under the hearing procedure set forth in § 245.7; (v) a statement to the effect that, in certain cases, foster children are eligible for free or reduced price meals or for free milk regardless of the income of the family with whom they reside, and that families wishing to apply for such meals or milk for foster children should contact the School Food Authority; (vi) the statement: "In the operation of child feeding programs, no child will be discriminated against because of his race, sex, color, or national origin"; and (vii) a statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced price meals or for free milk during the period of unemployment, provided that the loss of income causes the family income during the period of unemployment to be within the eligibility criteria of the School Food Authority. The letter or notice shall be accompanied by a copy of the application form required under § 245.6.

(2) On or about the beginning of each school year, a public release, containing the same information supplied to parents, shall be provided to the informational media, the local unemployment office, and to any major employers contemplating large layoffs in the area from which the school draws its attendance.

(b) Copies of the public release shall be made available upon request to any

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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interested persons. Any subsequent changes in a school's eligibility criteria during the school year which are approved by the State agency, or FNSRO where applicable, shall be publicly announced in the same manner as the original criteria were announced: *Provided, however*, That for fiscal year 1976, School Food Authorities which elected to serve both free and reduced price meals at the beginning of the school year may make public announcement of changes in eligibility criteria in the same manner as the original criteria were announced or in the form of a public release published in the informational media.

6. In § 245.6, paragraph (a), the words "standards" is deleted wherever it appears and the word "criteria" is inserted in lieu thereof, and paragraph (b) is revised as follows:

§ 245.6 Application for free and reduced price meals and free milk.

* * * * *

(b) When the information furnished by a family in its application indicates that the family meets the eligibility criteria for either free or reduced price meals or for free milk, the children from that family shall be provided the free or reduced price meals or free milk to which the information indicates they are entitled. Subsequently, school officials may, for cause, seek verification of the data in the application. A family who wishes to appeal a decision made by the School Food Authority with respect to an application for free or reduced price meals or for free milk for its children, or a School Food Authority which wishes to challenge the continued eligibility of any child for free or reduced price meals or for free milk, shall do so under the hearing procedure established under § 245.7. However, prior to initiating the hearing procedure, the parent or School Food Authority may request a conference to provide an opportunity for the parent and school officials to discuss the situation, present information, and obtain an explanation of the data submitted in the application or the decision rendered. The request for a conference shall not in any way prejudice or diminish the right to a fair hearing. The children of a family determined eligible for free or reduced price meals or for free milk based on the information on the application shall continue to receive the free or reduced price meals or free milk while any challenge is pending.

* * * * *

§ 245.9 [Amended]

7. In § 245.9, the word "standards" is deleted wherever it appears and the word "criteria" is inserted in lieu thereof.

8. In § 245.10, paragraphs (c) and (d) are revised and a new paragraph (e) is added, as follows:

§ 245.10 Action by School Food Authorities.

* * * * *

(c) Each year, if a School Food Authority does not have its policy statement approved by the State agency, or FNSRO where applicable, by October 15, reimbursement shall be suspended for any meals or milk served until such time as the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Furthermore, no commodities donated by the Department shall be used in any school after October 15, until such time as the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Once the School Food Authority's free and reduced price policy statement has been approved, reimbursement may be allowed, at the discretion of the State agency, or FNSRO where applicable, for eligible meals and milk served during the period of suspension.

(d) If any free and reduced price policy statement submitted for approval by any School Food Authority to the State agency, or FNSRO where applicable, is determined to be not in compliance with the provisions of this part, the School Food Authority shall submit a policy statement that does meet the provisions within 30 days after notification by the State agency, or FNSRO where applicable.

(e) When revision of a School Food Authority's approved free and reduced price policy statement is necessitated because of a change in the family-size income standards of the State agency, or FNSRO where applicable, or because of other program changes, the School Food Authority shall have 60 days from the date the State agency announces the change in which to have its revised policy statement approved by the State agency, or FNSRO where applicable. In the event that a School Food Authority's proposed revised free and reduced price policy statement has not been submitted to, and approved by, the State agency, or FNSRO where applicable, within 60 days following the public announcement by the State agency, reimbursement shall be suspended for any meals or milk served after the end of the 60 day period. No commodities donated by the Department shall be used in any school after the end of the 60 day period, until such time as the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Reimbursement may be allowed at the discretion of the State agency, or FNSRO where applicable, for eligible meals and milk served during the period of suspension once the School Food Authority's free and reduced price policy statement has been approved by the State agency, or FNSRO where applicable. Pending approval of a revision of a policy statement, the existing statement shall remain in effect.

9. In § 245.11, paragraphs (a), (c), (d), and (f) are revised and (a–1) is added, as follows:

§ 245.11 Action by State agencies and FNSROs.

(a) Each State agency, or FNSRO where applicable, shall, for schools under its jurisdiction: (1) Issue such instructions as are necessary to assure that School Food Authorities are fully informed of the provisions of this part and of the requirements for the filing and approval of free and reduced price policy statements, which instructions may require School Food Authorities to establish the maximum price of a reduced price lunch at a level not to exceed 20 cents and the maximum price of a reduced price breakfast at a level not to exceed 10 cents; (2) prescribe and publicly announce by July 1 of each fiscal year, in accordance with § 245.3(a), family-size income standards which shall be applicable to all families, including welfare and other families receiving public assistance. Any standards prescribed by FNSRO with respect to nonprofit private schools shall be developed by FNSRO after consultation with the State agency.

(a–1) When a revision of the family-size income standards of the State agency, or FNSRO where applicable, is necessitated because of a change in the Secretary's income poverty guidelines or because of other program changes, the State agency shall publicly announce its revised family-size income standards no later than 30 days after the Secretary has announced such change.

* * * * *

(c) Each State agency, or FNSRO where applicable, shall instruct School Food Authorities under their jurisdiction that they may not alter or amend the eligibility criteria set forth in an approved policy statement without advance approval of the State agency, or FNSRO where applicable.

(d) Not later than 10 days after the State agency, or FNSRO where applicable, announces its family-size income standards, it shall notify School Food Authorities in writing of any amendment to their free and reduced price policy statements necessary to bring the family-sized income criteria into conformance with the State agency's or FNSRO's family-size income standards.

* * * * *

(f) Each State agency, or FNSRO where applicable, shall, in the course of its supervisory assistance, review and evaluate the performance of School Food Authorities and of schools in fulfilling the requirements of this part, and shall advise School Food Authorities of any deficiencies found and any corrective action required to be taken.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: December 1, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-32771 Filed 12-5-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Onion Committee to spend not more than $87,783 for its operations during the fiscal period ending July 31, 1976, and to collect one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq).

Notice was published in the November 17 FEDERAL REGISTER (40 FR 53261) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than November 28, 1975. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular period shall apply to all assessable onions from the beginning of such period.

The regulation follows:

§ 959.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $87,783.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1976, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: December 2, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.75-32920 Filed 12-5-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1464—TOBACCO

1975-Crop—Fire-Cured, Dark Air-Cured and Virginia Sun-Cured, Loan Rate Schedules

Correction

In the correction document, appearing on page 55309, in the issue of Friday, November 28, 1975, in the paragraph numbered "2." the word "second" should read "third".

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 327—ASSESSMENTS

Classification of Deposits

1. The Board of Directors of the Federal Deposit Insurance Corporation ("FDIC") amended §§ 329.1 and 329.7 of Part 329 of its regulations (12 CFR 329.1 and 329.7) so as to permit, in pertinent part, public units, as defined in Section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)), to maintain savings deposits at insured nonmember commercial banks. These amended regulations were published in the FEDERAL REGISTER of December 5, 1974 (39 FR 42339–40 (1974)).

The Board of Directors of the FDIC has also recently amended §§ 329.1 and 329.7 of Part 329 of its regulations so as to permit corporations, partnerships, associations, or other organizations operated for profit to maintain savings deposits of not more than $150,000 at insured nonmember commercial banks. The amended regulations were published in the FEDERAL REGISTER of October 7, 1975 (40 FR 46301–02 (1975)). In pertinent part in both amended regulations, the definition of the term "savings deposits" in § 329.1(e) for purposes of Part 329 of the regulations was revised.

Section 327.2(b)(4) of the FDIC's rules and regulations (12 CFR 327.2(b)(4)) defines the term "savings deposits" for purposes of assessments in Part 327 of the regulations. This definition is substantially similar to the definition of "savings deposits" in Section 329.1(e) prior to the two aforementioned amendments. Accordingly, the Board of Directors is hereby adopting a revision to § 327.2(b)(4) so as to conform to and incorporate the substance of the amendments to § 329.1(e) of the FDIC's regulations.

2. Section 327.2 of 12 CFR Part 327 is amended by revising subparagraph (b)(4) to read as follows:

§ 327.2 Classification of deposits.

* * * * *

(b) The time and savings deposits for the purpose of such reports and for the computation of assessments as provided in subsection (b) of section 7 of the Act (12 U.S.C. 1817) shall consist of:

* * * * *

(4) Savings deposits as defined in § 329.1(e).

(Secs. 7–9, 64 Stat. 877–82, Secs. 7, 8, 74 Stat. 546–51; 12 U.S.C. 1817–19)

3. Since § 329.1(e) of the FDIC's rules and regulations already embodies the substance of this revision and since this revision is not restrictive in nature, the requirements of 5 U.S.C. 553(b) and 553(d) and 12 CFR 302.1, 302.2 and 302.5, with respect to notice, public participation, and deferred effective date were not followed in connection with the promulgation of this revision.

4. *Effective date.* This revision is effective immediately.

By order of the Board of Directors, December 1, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-32949 Filed 12-5-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0328]

PART 121—FOOD ADDITIVES

Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) to provide for the use of a clarifier for water to be used in the manufacture of paper and paperboard, effective December 8, 1975.

Notice was given in the FEDERAL REGISTER of September 6, 1974 (39 FR 32342), that a petition (FAP 4B2996) had been filed by Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 121.2526 be amended to provide for safe use of the sulfuric acid salt of the condensation polymer from *N,N*-dimethyl-1,3-propanediamine and 1-chloro-2,3-epoxypropane as a clarifier of water for the processing of paper and paperboard

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intended to contact food. The Commissioner, having evaluated the data in the petition and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of the subject additive under the preferred description and nomenclature as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by adding alphabetically a new item to the list of substances as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(a) • • •
(5) • • •

List of substances	*Limitations*
• • • •	• • • •
Polyamine-epichlorohydrin resin produced by the reaction of *N,N*-dimethyl-1, 3-propanediamine with epichlorohydrin and further reacted with sulfuric acid, Chemical Abstracts Service Registry Number [27029-41-0], such that the finished resin has a maximum nitrogen content of 14.4 percent (dry basis) and a minimum viscosity in 30 percent by weight aqueous solution (pH 4-6) of 50 centipoises at 25° C. as determined by Brookfield LVT model viscometer, using a No. 1 spindle at 12 r.p.m. (or equivalent method).	For use only as a clarifier in the treatment of influent water to be used in the manufacture of paper and paperboard, and used at at level not to exceed 20 parts per million of the influent water.
• • • •	• • • •

Any person who will be adversely affected by the foregoing order may at any time on or before January 7, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective December 8, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: December 1, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-32917 Filed 12-5-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES AND PROCEDURES

Submission of Hearing Requests

Drug Enforcement Administration regulations presently require that all requests for hearings to be conducted before the Drug Enforcement Administration and all notices of appearance in such hearings shall be addressed and filed as follows:

§ 1316.47 *Request for hearing.* • • •

(Date)

Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: Hearing Clerk, Office of Chief Counsel.

§ 1316.48 *Notice of appearance.* • • •

(Date)

Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: Hearing Clerk, Office of Chief Counsel.

• • • • •

The individual who performs the activities of receiving the above-referred documents is now designated as the DEA Federal Register Representative, and all such documents should be addressed to and filed with such person.

Therefore, under the authority vested in the Attorney General by Sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 871(b), respectively), and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR § 0.100, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by 28 CFR § 0.132(d), the Acting Administrator hereby orders that §§ 1316.47 and 1316.48 of Title 21 of the Code of Federal Regulations be amended as follows:

§ 1316.47 Request for hearing.

(Date)

Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

• • • • •

§ 1316.48 Notice of appearance.

(Date)

Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

• • • • •

This order is effective upon the date of its issuance.

Dated: November 26, 1975.

JERRY N. JENSON,
Deputy Administrator, Drug Enforcement Administration.

[FR Doc.75-32950 Filed 12-5-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. R-75-363]

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

The purpose of this revision is to provide a convenient list of servicing companies and to make certain other technical amendments to this part.

Because the revision is for the convenience of the public and involves administrative procedures only, it is unnecessary to provide for notice and public procedure. However, good cause does exist for making these revisions effective on January 8, 1976 (30 days after publication in the FEDERAL REGISTER).

Accordingly, Subchapter B of Chapter X, Title 24 is amended as follows:

1. Section 1912.2 is revised to read as follows:

§ 1912.2 National Flood Insurance Association.

• • • • •

(e) Communications concerning membership and cooperation with the Association, and its operations, should be directed to the National Flood Insurers Association, 1755 South Jefferson Davis Highway, Suite 1102, Arlington, Virginia 22202, (703-920-2070).

2. Section 1912.5 is added to read as follows:

§ 1912.5 Servicing Companies.

The following servicing entities have been designated to act as servicing companies for the Association in the areas indicated:

SERVICING COMPANIES

ALABAMA

The Hartford Insurance Group, The Hartford Building, 100 Edgewood Avenue, Atlanta, Georgia 30301, (404) 521-2059. (Also services Georgia).

ALASKA

Industrial Indemnity Company of Alaska, P.O. Box 307, Anchorage, Alaska 99510, (907) 279-9441.

ARIZONA

Aetna Technical Services, Inc., 3225 North Central Avenue, Phoenix, Arizona 85012, (602) 264-2621.

ARKANSAS

The Travelers Indemnity Company, 700 South University, P.O. Box 51, Little Rock, Arkansas 72203, (501) 664-5085.

CALIFORNIA (NORTHERN)

Fireman's Fund American Insurance Co., P.O. Box 3136, San Francisco, California 94119, (415) 421-1676.

CALIFORNIA (SOUTHERN)

Fireman's Fund American Insurance Co., P.O. Box 2323, Los Angeles, California 90051, (213) 381-3141.

COLORADO

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colorado 80203, (303) 861-0561. (Also services New Mexico, Utah & Wyoming).

CONNECTICUT

Aetna Insurance Company, P.O. Box 1779, Hartford, Connecticut 06101, (203) 523-4861. (Also services Massachusetts/Western).

DELAWARE

General Accident F&L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pennsylvania 19106, (215) 238-5512. (Also services Pennsylvania).

DISTRICT OF COLUMBIA

Insurance Company of North America, 5225 Wisconsin Avenue, Washington, D.C. 20015, (202) 244-2000.

FLORIDA

The Travelers Indemnity Company, 1516 East Colonial Drive, Orlando, Florida 32803, (305) 896-2001.

GEORGIA

The Hartford Insurance Group, The Hartford Building, 100 Edgewood Avenue, Atlanta, Georgia 30301, (404) 521-2059. (Also services Alabama).

HAWAII

First Insurance Co. of Hawaii, Ltd., P.O. Box 2866, Honolulu, Hawaii 96803, (808) 548-5511.

IDAHO

Aid Insurance Company, Snake River Division, 1845 Federal Way, Boise, Idaho 83701, (208) 343-4931.

ILLINOIS

State Farm Fire & Casualty Company, 2309 East Oakland Avenue, Bloomington, Illinois 61709, (309) 557-7337.

INDIANA

American States Insurance Company, 500 North Meridian Street, Indianapolis, Indiana 46204, (317) 262-6696.

IOWA

Employers Mutual Casualty Company, P.O. Box 884, Des Moines, Iowa 50304, (515) 280-2511.

KANSAS

Royal-Globe Insurance Companies, 1125 Grand Avenue, Kansas City, Missouri 64141, (816) 842-6116. (Also services Nebraska & Missouri/Western).

KENTUCKY

CNA Insurance, 580 Walnut Street, Suite 1000, Cincinnati, Ohio 45202, (513) 579-9000. (Also services Ohio/Southern).

LOUISIANA

Aetna Technical Services, Inc., P.O. Box 61003, New Orleans, Louisiana 70160, (504) 821-1511.

MAINE

Commercial Union Assurance Company, c/o Campbell, Payson & Noyes, 27 Pearl Street, Box 527 Pearl Street Station, Portland, Maine 04116, (207) 774-1431.

MARYLAND

U.S. Fidelity & Guaranty Company, P.O. Box 1138, Baltimore, Maryland 21203, (301) 547-3000.

MASSACHUSETTS (EASTERN)

Commercial Union Assurance Company, 1 Beacon Street, Boston, Massachusetts 02108, (617) 725-6128. (Also services New Hampshire & Vermont).

MASSACHUSETTS (WESTERN)

Aetna Insurance Company, P.O. Box 1779, Hartford, Connecticut 06101, (203) 523-4861 Ext. 219. (Also services Connecticut).

MICHIGAN

Insurance Company of North American, Buhl Building—Room 300, Griswold and Congress Streets, Detroit, Michigan 48226, (313) 963-4114.

MINNESOTA (EASTERN)

The St. Paul Fire & Marine Ins. Co., 33 East Wentworth, St. Paul, Minnesota 55118, (612) 222-7751 Ext. 253.

MINNESOTA (WESTERN)

The St. Paul Fire & Marine Ins. Co., 7900 Xerxes Avenue, South, Minneapolis, Minnesota 55431, (612) 835-2600.

MISSISSIPPI

The Travelers Indemnity Company, 5360 Interstate 55 North, P.O. Box 2361, Jackson, Mississippi 39205 (601) 956-5600.

MISSOURI (WESTERN)

Royal-Globe Insurance Company, 1125 Grand Avenue, Kansas City, Missouri 64141, (816) 842-6116. (Also services Kansas & Nebraska).

MISSOURI (EASTERN)

MFA Insurance Company, 1817 West Broadway, Columbia, Missouri 65201, (314) 445-8441.

MONTANA

The Home Insurance Company, 8 Third Street, North, P.O. Box 1031, Great Falls, Montana 59401, (406) 761-8110.

NEBRASKA

Royal Globe Insurance Company, 1125 Grand Avenue, Kansas City, Missouri 64141 (816) 842-6116. (Also services Kansas & Missouri/Western).

NEVADA

The Hartford Insurance Group, P.O. Box 500, Reno, Nevada 89504, (702) 329-1061.

NEW HAMPSHIRE

Commercial Union Assurance Company, 1 Beacon Street, Boston, Massachusetts 02108. (617) 725-6128. (Also services Massachusetts (Eastern) & Vermont).

NEW JERSEY

Great American Insurance Company, 5 Dakota Drive, Lake Success, New York 11040, (201) 224-4200. (Also services New York).

NEW MEXICO

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colorado 80203, (303) 861-0561. (Also services Colorado, Utah & Wyoming).

NEW YORK

Great American Insurance Company, 5 Dakota Drive, Lake Success, New York 11040. (516) 775-6900. (Also services New Jersey).

NORTH CAROLINA

Kemper Insurance, 1229 Greenwood Cliff, Charlotte, North Carolina 28204. (704) 372-7150.

NORTH DAKOTA

The St. Paul Fire & Marine Ins. Co., The Hamm Building—Room 254, 408 St. Peter Street, St. Paul, Minnesota 55102. (612) 227-9581. (Also services South Dakota).

OHIO (NORTHERN)

Commercial Union Insurance Company, 1300 East 9th Street, Cleveland, Ohio 44114, (216) 522-1060.

OHIO (SOUTHERN)

CNA Insurance, 580 Walnut Street, Cincinnati, Ohio 45202, (513) 579-9000. (Also services Kentucky).

OKLAHOMA

Republic Vanguard Insurance Co., P.O. Box 3000, Dallas, Texas 75221, (214) 528-0301.

OREGON

State Farm Fire & Casualty Company, 4600 25th Avenue, N.E., Salem, Oregon 97303. (503) 393-0101.

PENNSYLVANIA

General Accident F&L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pennsylvania 19106 (215) 238-5512. (Also services Delaware).

PUERTO RICO

Commonwealth Insurance Co., P.O. Box S-4491, San Juan, Puerto Rico 00905. (809) 725-5430.

RHODE ISLAND

American Universal Insurance Company, 144 Wayland Avenue, Providence, Rhode Island 02904, (401) 351-4600.

SOUTH CAROLINA

Maryland Casualty Company, P.O. Box 11615, Charlotte, North Carolina 28209, (704) 525-8330.

SOUTH DAKOTA

The St. Paul Fire & Marine Ins. Co., The Hamm Building—Room 254, 408 St. Peter Street, St. Paul, Minnesota 55102, (612) 227-9581. (Also services North Dakota).

TENNESSEE

CNA Insurance, 110—21st Avenue, South, Nashville, Tennessee 37203, (615) 327-0061.

TEXAS

The Home Insurance Company, 2100 Travis Street, Houston, Texas 77002, (713) 225-0931.

UTAH

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colorado 80203, (303) 861-0561. (Also services New Mexico, Colorado & Wyoming).

VERMONT

Commercial Union Insurance Company, 1 Beacon Street, Boston, Massachusetts 02108, (617) 725-6128. (Also services Massachusetts (Eastern & New Hampshire)).

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VIRGINIA

Insurance Company of North America, 5225 Wisconsin Avenue, N.W., Washington, D.C. 20015, (202) 244-2000.

VIRGIN ISLANDS

Commonwealth Insurance Co., P.O. Box S-4471, San Juan, Puerto Rico 00905, (809) 725-5430.

WASHINGTON

Fireman's Fund American Insurance Co., 1000 Plaza—Building 600, 6th and Stewart, Seattle, Washington 98101, (206) 587-3200.

WEST VIRGINIA

U.S. Fidelity & Guaranty Company, 3324 McCorkle Avenue, S.E., Charleston, West Virginia 25304, (304) 344-1892.

WISCONSIN

Aetna Insurance Company, 5735 East River Road, Chicago, Illinois 60631, (312) 693-2500.

WYOMING

CNA Insurance, 1660 Lincoln Street—Suite 1600, Denver, Colorado 80203, (303) 861-0561. (Also services New Mexico, Colorado and Utah.)

3. § 1912.22 is revised to read as follows:

§ 1912.22 Judicial Review.

Upon the disallowance by the Association or its agent of any claim on grounds other than failure to file a proof of loss, or upon the refusal of the claimant to accept the amount allowed upon any such claim, after appraisal pursuant to policy provisions, the claimant within one year after the date of mailing of the notice of disallowance or partial disallowance of the claim may, pursuant to 42 U.S.C. 4053, institute an action on such claim against the Association, only in the U.S. District Court for the district in which the insured property or the major portion thereof shall have been situated without regard to the amount in controversy.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128), and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969; as amended by 39 FR 2787; January 24, 1974.)

Effective date: These amendments shall be effective as of Jan. 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-32926 Filed 12-5-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

INCREASE IN FEES FOR INTERNATIONAL SPECIAL MAIL SERVICES

Miscellaneous Amendments

On page 43232 of the FEDERAL REGISTER of September 19, 1975, there was published a notice of intention to amend several sections in Subchapter B of Title 39, CFR, to increase the fees for the following special services on international

mail: registration, insurance, restricted delivery, special delivery, special handling, and certificates of mailing. Interested persons were invited to submit written comments relative to the proposed changes at any time on or before October 18, 1975.

No written comments relative to the proposed changes were received.

Accordingly, the Postal Service has determined to adopt the amendments as published.

In view of the above, the following amendments, to be effective January 3, 1976, are made to title 39, CFR.

(39 U.S.C. 401, 403, 404(2), 407, 410(a))

ROGER P. CRAIG,
Deputy General Counsel.

PART 42—REGISTRATION

1. Section 42.3 is revised to read as follows:

§ 42.3 Fees.

(a) Canada:

Limit of indemnity:	Fee
$0.01 to $100.00	$1.90
$100.01 to $200.00	2.10

(b) All other countries:

Limit of indemnity	Fee
$15.78	1.90

See § 72.2 for indemnity provisions.

§ 42.6 [Amended]

2. In paragraph (a) (3) of § 42.6 strike out "50 cents" and insert "60 cents" in lieu thereof.

PART 43—INSURANCE

3. New § 43.3 is added to read as follows:

§ 43.3 Fees.

(a) Canada:

Limit of Indemnity:	Fee
Not over $15.00	$0.35
$15.01 to $50.00	0.80
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

(b) All other countries:

Limit of indemnity:	Fee
Not over $15.00	$0.60
$50.01 to $100.00	1.00
$100.01 to $150.00	1.20
$150.01 to $200.00	1.40
$200.01 to $300.00	1.60
Limit of Indemnity:	Fee
$300.01 to $400.00	1.80
$400.01 to $500.00	2.00
$500.01 to $600.00	2.20
$600.01 to $700.00	2.40
$700.01 to $800.00	2.60
$800.01 to $900.00	2.80
$900.01 to $1,000.00	3.00
$1,000.01 to $1,100.00	3.20
$1,100.01 to $1,200.00	3.40

PART 44—SPECIAL DELIVERY (EXPRES)

4. Section 44.3(a) is revised to read as follows:

§ 44.3 Payment.

(a) Fees:

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
Letters, letter packages, post cards, and airmail other articles	$1.20	$1.45	$1.70
Surface other articles	1.70	1.80	2.10

PART 45—SPECIAL HANDLING

5. Section 45.2 is revised to read as follows:

§ 45.2 Fees.

Weight:	Fee
Not more than 2 lbs	$0.50
More than 2 lbs. but not more than 10 lbs	.70
More than 10 lbs	1.00

Special handling fees are in addition to the regular postage rate to the country concerned.

PART 47—CERTIFICATES OF MAILING

6. Section 47.2 is revised to read as follows:

§ 47.2 Fees.

(a) Individually listed pieces:

Original certificate for ordinary postal union or parcel post—10 cents for each piece described.

Each additional copy of original certificate of mailing or copy of original mailing receipt for registered or insured mail—10 cents for each piece described.

(b) Identical pieces:

Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps:

Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces or fraction	.10
Duplicate copy	.10

[FR Doc.75-32947 Filed 12-4-75;8:45 am]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Increase in Fees for Domestic Special Services, Domestic and International Money Orders, and Other Nonpostal Services

On September 19, 1975, the Postal Service published in the FEDERAL REGISTER (40 FR 43233) a notice of proposed rulemaking on this subject, setting forth an increase in the fees for domestic special services, domestic and international money orders, and for other special or nonpostal services. Interested persons were invited to submit written views and arguments on the proposed fee increases at any time on or before October 18, 1975. More than 300 comments were received from various persons and organizations. These comments were carefully considered by the Postal Service in formulating the action herein.[1]

Many commenters objected to the size of the increase in fee for the address correction service. The Postal Service has, however, held the size of the fee increase (10 cents to 25 cents) to a minimum, considering the cost of rendering the service. Our cost estimate of 25 cents per piece is very conservative. The fee has been held to this amount because of our desires to lighten the impact on postal customers and to preserve significant incentives for mailers to update address lists. This fee increase responds to the sharp increases in Postal Service costs. The uniform ten-cent fee for address correction service was set in 1968 (in 1962 for second-class mailings). Since 1968, postal costs and, consequently, postal rates have increased substantially. On the basis of the facts and information available to us, including the comments submitted in response to our notice, we find the increased fee to be reasonable and, indeed, very conservative. We are attaching as an Appendix hereto a more complete discussion of all the planned fee increases, with historical and other background information and certain cost figures.

Some commenters suggested that the fee for correcting mailing lists and the address correction fee should be lower for nonprofit organizations. The suggestion implies subsidization by other users and is, therefore, not acceptable.

A number of commenters objected to the fee increases in general and, specifically, to the increases in registry, c.o.d., special delivery, certified services, in the fee for opening mail at dead-letter offices, and in the fee for correcting mailing lists. The Postal Service position is that these fees must be increased to cover the costs of service and to avoid cross-subsidization by other services.

One commenter—whose detailed comments cover points raised in a great many less comprehensive comments—proposed that the Postal Service delay implementation of the new proposed fee for address correction, listing the need for additional time for the Postal Service to:

1. Justify cost rationalization;
2. Conduct operational studies;
3. Conduct educational advertising campaigns;
4. Evaluate the public service nature; and
5. Assess negative impact on U.S. Postal Service.

The Postal Service evaluated each of the points raised prior to publication of the September 19, 1975, FEDERAL REGISTER

[1] Several commenters mistakenly objected to the increase for third-class bulk-mail rates. However, increase in bulk-third-class rates were not proposed in the notice. Increases in these rates are proposed in our rate filing with the Postal Rate Commission (Docket R76-1).

would take an extended period of time, during which the losses of the Postal Notice. Further study of these points Service would continue to mount. The new fee schedule is based on the costs of the service. The amount of postal employee time required to process a change-of-address notice at the current labor rate clearly justifies the proposed fee.

Operational studies have been and are being Conducted. For example, the central mail mark-up system has been developed to improve our service and reduce our costs. Without central mark-up, our fees would have had to be even higher than the proposed fee. All savings that accrue through improved operations are reflected in the fee schedule.

Furthermore, the Postal Service will continue to conduct public awareness advertising, as it has in the past. This has been done through advertising, periodic press releases, and the distribution of 200 million change-of-address forms annually and 11 million change-of-address kits this year. But neither greater public-educational efforts to stress the importance of currently correct addresses, nor the public service nature of postal business, nor the negative impact of increasing this fee and possibly thereby inhibiting mailers from utilizing the service to keep their mailing lists updated, nor the possible future effects of further operational studies, can justify protracted postponement of fees that will yield sufficient revenues to cover the costs that are involved.

One respondent suggested that a free-forwarding period of 90 days or at least 60 days be included in the 25¢ address correction service for non-local second-class mail. The cost of this proposal would be prohibitive for the Postal Service, particularly if the frequency of publication is weekly or daily.

Several respondents objected to the number of duplicate Forms 3579 they receive. The Postal Service makes every effort to avoid these duplications. The major cause for these duplications is the excessive length of time during which publications continue to be mailed with the old address. If mailers would minimize the number of bad addresses in their lists, and the time taken to correct lists, their charges for address correction service would also be minimized.

Another comment suggests providing an option so bulk mailers could address mail to a named person or resident. The Postal Service has this matter under advisement, and decision may be expected soon with regard to all tabloids, catalogs, and similar advertising material in third and fourth class.

In response to a number of comments, the Postal Service is considering whether address correction service should be made optional for second-class mailers. A flat charge for filing a change of address order, similar to the charge instituted in France, was also suggested. This alternative was studied two years ago and rejected because it would favor those who receive mail, particularly solicitations, far in excess of the average, and discriminate against those who generally receive little mail.

One commenter proposed that we make the insurance feature of registry service optional. The ramifications of this proposal were not discussed. The Postal Service has been considering whether some restructuring of this service would be in the public interest, but has not yet reached a conclusion.

Some commenters indicated that the fee increases generally should come under the jurisdiction of the Postal Rate Commission. The Postal Service does not agree that these special service fees fall under the jurisdiction of the Postal Rate Commission; in our opinion they may be established by the Postal Service.

Several commenters suggested that the increases should be delayed until a later date citing various hardships and needs for advance financial planning. The Postal Service has responded to these comments and plans to delay implementation of these fee increases. Accordingly, all announced fee changes will become effective January 3, 1976.

Having given due consideration to all comments received, the Postal Service has determined to adopt the proposed increases in fees as published, with the effective date described above. Accordingly, the Postal Service hereby adopts the following amendments to the Postal Service Manual.

(39 U.S.C. 401, 404)

LOUIS A. COX,
General Counsel.

PART 122—ADDRESSES

1. In § 122.514a the second sentence is revised to read as follows: "For lists of more than 10 names or addresses, the charge is 10 cents per name or street address, including individual apartments."

PART 134—THIRD CLASS

2. In 134.421 strike out "$15" and insert "$20" in lieu thereof.

PART 145—PERMIT IMPRINTS

3. In 145.11 strike out "$15" and insert "$20" in lieu thereof.

PART 159—UNDELIVERABLE MAIL

4. (a) In 159.211, 159.212b, 159.212d, 159.221b, 159.222 and 159.223 strike out "10¢" and insert "25¢" in lieu thereof.

(b) In 159.23 strike out "ten-cent" and insert "twenty-five cent" in lieu thereof.

(c) In 159.243 a-d, 159.255, and 159.-73b strike out "10 cents" and insert "25 cents" in lieu thereof.

(d) In 159.243 a-c and 159.251 strike out "2 ounces" and insert "4 ounces" in lieu thereof.

PART 161—REGISTERED MAIL

5. Section 161.21 is revised to read as follows:

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.21 Fees.

Value	Fees (in addition to postage) For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$1.90	$1.90
$100.01 to $200	2.10	2.10
$200.01 to $400	2.40	2.40
$400.01 to $600	2.70	2.70
$600.01 to $800	3.00	3.00
$800.01 to $1,000	3.30	3.30
$1,000.01 to $2,000	3.60	$3.30 plus handling charge of 25 cents per $1,000 or fraction over first $1,000.
$2,000.01 to $3,000	3.90	
$3,000.01 to $4,000	4.20	
$4,000.01 to $5,000	4.50	
$5,000.01 to $6,000	4.80	
$6,000.01 to $7,000	5.10	
$7,000.01 to $8,000	5.40	
$8,000.01 to $9,000	5.70	
$9,000.01 to $10,000	6.00	
$10,000 to $1,000,000	$6.00 plus handling charge of 25¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$253.30 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.	$253.05 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES	Extra fee (cents)
COD collection charge (maximum amount collectible is $300)	85
Restricted delivery	80
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	26
Showing to whom, when, and address where delivered	45
Requested after mailing:	
Showing to whom and when delivered	45

6. Section 162.21 is revised to read as follows:

PART 162—INSURED MAIL

.21 Fees (in addition to postage).

Liability:	Fee
$0.01 to $15.00	$0.35
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

Liability for insured mail is limited to $200.

PART 163—COD MAIL

7. Section 163.21 is revised to read as follows:

.21 In addition to postage.

Amount to be collected or insurance coverage desired:	COD Fees
$0.01 to $10.00	$0.85
$10.01 to $25.00	1.05
$25.01 to $50.00	1.25
$50.01 to $100.00	1.45
$100.01 to $200.00	1.65
$200.01 to $300.00	1.85
Restricted delivery	.60
Notice of nondelivery	.25
Alteration of COD charges or designation of new addressee	.50

PART 165—CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

8. Section 165.12 is revised to read as follows:

.12 Fees.

.121 *Individual pieces*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail—10¢ for each piece of mail described.

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail—10¢ for each piece of mail described.

.122 *Bulk Pieces*

Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces, or fraction	.10
Duplicate copy	.10

9. Section 165.22 is revised to read as follows:

.22 Fees (in addition to postage and other fees).

Requested at time of mailing:	
Showing to whom (signature) and date delivered	$0.25
Showing to whom (signature) and date and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

10. In 165.242c strike out "25¢" and insert "45¢" in lieu thereof.

11. In 165.32 strike out "$0.50" and insert "$0.60" in lieu thereof.

PART 166—SPECIAL DELIVERY

12. Section 166.21 is revised to read as follows:

.21 Special delivery fees.

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
First-class, airmail, and priority mail	$1.20	$1.45	$1.70
All other classes	1.70	1.80	2.10

PART 167—SPECIAL HANDLING

13. Section 167.2 is revised to read as follows:

§ 167.2 Fees.

Weight:	Fee
Not more than 2 lbs	$0.50
More than 2 lbs. but not more than 10 lbs	.70
More than 10 lbs	1.00

The special handling fee is in addition to regular third- or fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

PART 168—CERTIFIED MAIL

14. Section 168.3 is revised to read as follows:

168.3 Fees.

	Cents
.31 Fee in addition to postage	.50
.32 Restricted Delivery	.60
.33 Return Receipts:	
Requested at time of mailing:	
Showing to whom and date delivered	.25
Showing to whom, date, and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

PART 171—MONEY ORDERS

15. Section 171.122b is revised to read as follows:

.122 Money order fees.

a. • • •

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of money order:	Amount of fee: Domestic
$0.01 to $10.00	$0.45
$10.01 to $50.00	.60
$50.01 to $300.00	.80

16. In 171.211, under the heading labeled "Fee", (a) Strike out "$0.45" and insert "$0.65" in lieu thereof; (b) Strike out ".65" and insert ".90" in lieu thereof: and (c) Strike out ".75" and insert "1.15" in lieu thereof.

A Post Office Services (Domestic) transmittal letter making this change in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 CFR 111.3.

APPENDIX

REGISTRY

The most recent fee increases for this service occurred in May 1971. The present increases will average approximately 73% over current fees. This increase is necessary because current fees produce revenues that cover only 57% of attributable costs. On an FY 1976 basis attributable costs are estimated at $123 million, and revenues at $123.7 million (at planned fees).

CERTIFIED

The most recent fee increase for this service occurred in March 1966. The present fee increases will average approximately 67% over current fees. Given the fairly steep fee increase, the increased fee is a reasonably close equivalent, for the time being, of the costs of the service. On an FY 1976 basis, attributable costs are estimated at $42.9 million and revenues at $42.3 million (at planned fees).

INSURANCE

The most recent fee increase for this service occurred in March 1966. The present fee increases will average approximately 83% over current fees. On an FY 1976 basis, revenues are estimated to be $46.3 million, and attributable costs are $45.8 million (at planned fees).

COLLECT ON DELIVERY

Fees for this service were last increased in July 1969. The present fee increases average approximately 34%. At present fee levels, revenues are only 94% of the attributable costs of the service. Given the fact that increases for this service are not as great as those for others, it is appropriate that this service make a contribution to the overhead costs of the Postal Service at this time. On an FY 1976 basis, revenues are estimated at $15.7 million, and attributable costs are $12.5 million (at planned fees).

SPECIAL DELIVERY

Fees for this service were increased most recently in May 1971. The present fee increases average 100%. At current fees the revenues from this service would be $43.3 million, approximately 50% of attributable costs. At the increased fees, revenues are estimated at $86.3 million, and costs at $86.0 million, on an FY 1976 basis.

MONEY ORDERS

The most recent increase in fees for domestic money orders was in March 1966. At present fees, revenues are only 60% of the costs attributable to the service. At the increased fees, revenues are estimated at $78.6 million, on an FY 1976 basis, and attributable costs are $76.5 million.

OTHER FEES

Largely because the following services are purchased relatively infrequently, costs and fees must be determined in part on consideration of the operational elements involved in rendering the service and the time required to perform those operations. Routine cost collection data systems generally report data for higher volume services. To illustrate the relationship between the increased fee and the cost incurred in performing the service, we here briefly summarize the major operations required in performing each service, and indicate the time taken to perform those operations, at current labor rates, for which the increased fees will compensate.

Certificates of mailing: To provide this service Postal clerks verify the name and address of the mailer and addressee and that the fee has been paid for individual certificates of mailing. For certificates for bulk mailings, the name and address of the mailer, the fee, and the total number of pieces in the mailing are verified. Certificates of mailing are hand stamped. Appropriate steps are taken to provide duplicate copies, if requested, via carbon or reproduction. In most cases, the certificate of mailing forms are provided by the Postal Service. The fees for this service will compensate the Postal Service for seven-tenths of a minute of labor. The minimum fee for certificates of mailing issued for bulk mailings will recover the costs of approximately three and one-half minutes of labor. Fees were last increased in July, 1967.

Return receipts: To provide this service mailers will normally complete the mailer's entries on the forms, but in some cases the postal clerk must complete the form. On acceptance the form must be verified and payment must be noted.

Delivery employees obtain the signature of the addressee or his agent and the date of delivery on the form. The address of delivery is filled in if requested. The delivery employee examines the card for completeness and makes any corrections necessary. The return receipts are given to the clearing clerk daily when the carrier returns to the post office. The clearing clerk checks to make sure the return receipts are properly signed and dated and then postmarks them. The form is then returned to the sender. The fees will recover the cost of approximately 1.8 minutes of labor (3.2 minutes if the address where delivered also is requested). The fees were last increased in July, 1969.

Restricted delivery: To provide this service the postal clerk at the office of mailing must verify the endorsement requesting this service and payment of the fee. At the office of delivery the carrier must verify the identification of the addressee and deliver the article only to the addressee or to an agent that the addressee has authorized in writing to receive his mail. This restriction frequently requires additional attempts at delivery. The fee will recover the cost of approximately 4.3 minutes of labor. Fees were last increased in July 1957.

Correction of mailing lists: To provide this service the postal clerk, after recording the name and address of the list owner, as well as other identification information about the mailing list itself, must separate and distribute the addresses by carrier routes and box section, where the following operations are performed:

a. For name—and—address lists. Correct entries are marked. Names to whom mail cannot be delivered or forwarded are crossed off; incorrect house, rural route or box numbers are corrected; wrong initials are corrected; the name of the head of the family, if known, is indicated where more than one name is shown for an address. A new address is furnished for persons who have moved permanently and have filed a change of address order at the post office.

b. For occupant lists. Correct addresses are marked; incorrect and nonexistent addresses are crossed off; business addresses are separately identified; rural route addresses are separatedly identified; and the number of units in apartment house addresses is indicated.

The increased fees will recover the cost of seven-tenths of a minute of labor time per address. Fees were last increased in July 1957.

Dead letter return fee: First-class letters which are undeliverable and which cannot be returned to the sender are held at the last office of address for a prescribed retention period and then sent to a dead letter branch. The dead letter return fee compensates for the cost of examining the contents of the piece in search of an address to which the mail may be forwarded or returned and, for preparing an envelope with that address for subsequent delivery. The envelope is addressed and marked for collection of the dead letter return fee and dispatched. At the destination, the letter is delivered in accordance with postage due procedures. The increased fee will recover the cost of less than two minutes of labor. Fees were last increased in July 1958.

Special handling: This service involves such additional operations as are necessary for packages which must be given extra attention or care in handling, transportation, and dispatch. The increased fees for lightweight pieces will recover the cost of approximately 3.5 minutes of labor, and for the heaviest pieces, approximately seven minutes of labor. Fees were last increased in July 1957.

Address correction service: To provide this requested service, the postal clerks must fill out a form with: old address, new address and key or code numbers that identify the addressee in the files of the mailer. The form is then mailed and delivered to the requestor. Alternative procedures may involve transcribing the correct address on mail pieces under a certain weight range, when these pieces are not entitled to forwarding. The entire piece is then returned to the sender. If the unforwardable piece exceeds the weight limit, the improper address is cut out and sent along with a postal form containing the correct address. The increased fee will recover the costs of less than two minutes of labor time. Fees were last increased in January 1968 (in January 1962 for correcting addresses on second-class mail).

Permit imprint fees: This fee is a one-time charge for a permit to deposit matter in the mail without affixing stamps or meter impressions. The permit is valid for an indefinite period so long as the holder makes periodic use of the permit. Administration of the permit imprint system involves the creation of a number of records when the permit is first issued for the maintenance of proper accounting and auditing procedures.

All permit imprint records are periodically examined to insure compliance with the active status requirements. If a permit holder is found in non-compliance, he is notified of the fact and his permit held in an inactive file for 10 days. At the end of that period, if no reply was received, the records of the permit are transferred for storage in dead files and the permit holder is notified that his permit is considered abandoned and therefore canceled.

The increased fee will compensate for approximately 2.5 hours of labor expended over the indefinite life of the permit. Fees were last increased in January, 1963.

[FR Doc.75-32923 Filed 12-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 466-8; OPP-800007A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On October 20, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 48940) a notice of proposed rulemaking to amend 40 CFR 180.1001 by exempting

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certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under provisions of Section 408(e) of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received by the Agency with regard to this notice, and it has been concluded, therefore, that the amendment to the regulations be adopted as proposed.

Any person adversely affected by this regulation may, on or before January 7, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 8, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: December 2, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, § 180.1001 is amended by alphabetically inserting new items in paragraphs (d) and (e) as follows.

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	•	• • •
α-Alkyl (C_{12}–C_{18})ω-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content is 8–12 moles and the oxypropylene content is 2–7 moles.		Surfactants, related adjuvants of surfactants.
• • •	•	• • •
α-Alkyl (C_{12}–C_{18})-ω-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content averages 13–17 moles and the oxypropylene content averages 2–6 moles.		Surfactants, related adjuvants of surfactants.
• • •	•	• • •
D & C Green No. 6		Dye.
• • •	•	• • •
Manganese carbonate		Plant nutrient.
• • •	•	• • •
Partial sodium salt of *N*-lauryl-β-iminodipropionic acid	Not more than 1 percent of pesticide formulation.	Surfactants, related adjuvants of surfactants.
• • •	•	• • •
Zinc stearate, conforming to 21 CFR, section 121.101(d)(5)		Flow control agent.

(e) • • •

• • •	•	• • •
Epoxidized soybean oil		Stabilizer.
• • •	•	• • •
Magnesium silicate, hydrated magnesium silicate		Solid diluent, carrier.
• • •	•	• • •
Sodium butylnaphthalene sulfonate	Not more than 0.5 pct of pesticide formulation.	Surfactants, related adjuvants surfactants.
• • •	•	• • •
Sodium mono- and dimethyl naphthalene sulfonate, molecular weight 245–260.		Surfactants, related adjuvants surfactants.
• • •	•	• • •
Xanthan gum		Thickener.
• • •	•	• • •

[FR Doc.75-32972 Filed 12-5-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 406-5]

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published October 21, 1975, promulgating interim final regulations consisting of effluent guidelines, limitations and standards for the Fruits, Vegetables, and Specialties Subcategories of the Canned and Preserved Fruits and Vegetables Processing Industry Point Source Category (40 FR 49222).

Requests for an extension of time were submitted by persons having an interest in commenting. They point out that the document entitled "Economic Analysis of Interim Final Effluent Guidelines-Fruits and Vegetables Processing Industry" was not available for distribution on the date of the original notice, and that additional time is needed to review the document in sufficient detail to provide meaningful comments.

In view of the request, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the interim final regulations be extended for an addtional thirty days. Accordingly, all comments received on or before December 19, 1975, will be considered.

Dated: December 1, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-32969 Filed 12-5-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-175]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Travel Trailers

This regulation deletes the obligation that agencies submit their requirements for "camping, office, and house-type" trailers to GSA for procurement.

1. Section 101-26.501-1 is amended to read as follows:

§ 101-26.501-1 General.

Except as provided for the Department of Defense (DOD) in paragraph (a) of this section, executive agencies shall submit to GSA for procurement their requirements for purchase in the United States of all new passenger motor vehicles (FSC 2310), trucks/truck tractors (FSC 2320), and trailers (FSC 2330) van type (with payload of not less than 5,000 nor more than 50,000 pounds. Specifically included are sedans, station wagons, carryalls, ambulances, buses, and trucks, including trucks with specialized mounted equipment, truck chassis with special purpose bodies, and all van type trailers (with payload of not less than 5,000 nor more than 50,000 pounds.)

• • • • • •

(b) When it is determined that specialized requirements for passenger motor vehicles and trucks indicate the need for procurement from sources other than GSA, a request for waiver justifying the procurement shall be submitted in writing to the General Services Administration (FYP), Washington, DC 20406. GSA will notify agencies in writing whether or not a waiver has been granted. Justification for special purpose trucks may be based on a description of the vehicle having unique characteristics such as a special purpose body or equipment that may require close supervision by agency personnel to ensure proper installation of the equipment by the contractor; e.g., when a medical van is to be equipped with Government or contractor-supplied equipment. Requests for procurement through sources other than GSA will be handled on an individual basis considering the urgency of the need of the requirement and provided full justification is submitted therefor.

2. Section 101-26.501-3 is amended to read as follows:

§ 101-26.501-3 Submission of requirements.

Requirements shall be submitted to the General Services Administration (FYP), Washington, DC 20406, and shall contain consignment and shipping instructions, including the names and addresses of persons to receive purchase documents if they are different from the consignees.

• • • • • •

3. Section 101-26.501-8(b) is revised to read as follows:

§ 101-26.501-8 Notification of vehicle defects.

• • • • • •

(b) When motor vehicles are manufactured by a concern other than one for whom an address is shown in § 101-26.501-8(a) and the address of the manufacturer is not known, agencies shall inform GSA of the vehicle location address. (This includes those vehicles manufactured by the General Motors Corporation other than the Chevrolet Motor Division and the GMC Truck and Coach Division.) In these cases, agencies shall forward the vehicle location address to the General Services Administration (FYP), Washington, DC 20406. GSA will forward the vehicle location address to the manufacturer or advise the agency concerned.

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on December 8, 1975.

Dated: November 26, 1975.

JACK ECKERD,
Administrator of General Services.

[FR Doc.75-32892 Filed 12-5-75;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1222—PARTICIPATION OF PROJECT BENEFICIARIES

Volunteer Programs

On April 14, 1975, there was published in the FEDERAL REGISTER (45 CFR Part 1222), a notice of proposed rule to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1222 which would provide regulations requiring the establishment for each project involving full-time volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 (87 Stat. 408) (the Act) of a continuing mechanism to assure the meaningful participation of program beneficiaries as mandated by Section 106, Title I of the Act.

Current ACTION programs under Title I of the Act and affected by this rule include Volunteers In Service To America (VISTA) (Part A), University Year for ACTION (UYA) (Part B), ACTION Cooperative Volunteers (ACV) and Program for Local Service (PLS) (Part C).

As a result of comments received and duly considered, the following clarifying changes are made:

1. Section 1222.3 is amended to read: "Each potential project sponsor shall establish an advisory group for the project, to include substantial membership of potential project beneficiaries, or to the extent feasible, their democratically chosen representatives, prior to the submission on an application to ACTION for Volunteers.

"The term 'substantial' means, in this case a sufficient number of appropriate persons to assure that the concerns and points of view of the potential project beneficiaries are adequately presented to and considered in the deliberations of the group. The phrase 'project beneficiaries' means in this case, recipients of benefits accruing directly from project activities as conducted by ACTION Volunteers.

"Potential sponsoring organizations that have an established governing, policy, or advisory group whose membership is composed of at least 50% of members of the beneficiary population are not required to establish a separate project advisory group for the purposes of this Order."

The aforegoing change responds to comments suggesting that new advisory groups not be required where such organizations or functions are pre-existent, and that the meanings of "substantial" and "project beneficiaries" be clarified.

2. Section 1222.4-2 regarding advisory group responsibilities is amended to read: "To review and provide written comments concerning any project application prior to the submission of the application to ACTION. A copy of such comments shall accompany each application to ACTION."

The aforegoing change responds to numerous requests to delete the project proposal approval authority of the advisory groups. While consenting to such requests, ACTION, at the same time, will carefully weigh withholding of approval by advisory councils of project proposals submitted by sponsoring organizations to ACTION in its deliberations concerning the disposition of such project applications.

3. Section 1222.4-3 regarding responsibilities of advisory group is amended to read: "To meet with the sponsoring organization's staff at periodic intervals, but no less than twice per project year, for the purpose of reviewing and commenting on the development and implementation of the project. Such project review and commentary should be directed toward the adequacy of the project to meet the identified need of the project beneficiaries."

The aforegoing change responds to requests to decrease the number of required advisory group meetings during the course of a project's term, a need felt especially by sponsors serving widely separated rural communities and penal institutions.

4. Section 1222.4-4 regarding advisory group responsibilities is amended to read: "To submit, if it so chooses, written reports and/or copies of minutes of its meetings to the Sponsor to accompany the Sponsor's Quarterly Program Reports (A-568) submitted to the appropriate ACTION regional office."

The aforegoing change is in response to requests that the frequency of reporting of advisory group commentary be decreased and left optional to the wishes of the advisory group but not subject to the option of the sponsoring organization's staff.

In addition to comments resulting in the foregoing changes, a number of suggestions were made but are not adopted. The following comments relate to revelant sections, subjects covered, and reasons why suggestions are not incorporated in the final regulations:

1. Several recommendations were made to exempt certain Title I programs from the participation of program beneficiaries requirements. Such exclusion would violate both the spirit and letter of Section 106, Title I of the Act.

2. A recommendation would have amended § 1222.3 to read "Each sponsor of a project involving 20 or more Volunteers shall establish an advisory group . . ." on grounds that to require a sponsor to assemble an advisory group for projects involving a lesser number of Volunteers is neither practical nor realistic. The philosophy of the legislation is that beneficiaries of all Title I programs participate in the planning, development, and implementation of projects affecting them. This participation is not related to the size or scope of project activities or the number of volunteers conducting such activities. ACTION sees no correlation between the number of volunteers serving on a project and the practicality of utilizing an advisory group.

3. Recommendations were made that membership of advisory groups include a minimum of 51% of project beneficiaries and that requirements be made which would specify precise acceptable conditions and procedures for membership in the group. Due to the variety of program types, characteristics and conditions of beneficiaries, geographical distribution, established organizational procedures of sponsors, and other affecting conditions, it is inappropriate to specify precise terms and conditions required to provide for "meaningful participation of program beneficiaries," since all project sponsors could not meet the degrees of specificity imposed by such requirements.

Accordingly, with these changes and additions, the proposed regulation is adopted as set forth below:

Sec.
1222.1 Purpose.
1222.2 Applicability.
1222.3 Policy.
1222.4 Advisory group's responsibilities.
1222.5 Advisory group expenses.
1222.6 Sponsor's responsibilities.

AUTHORITY: Secs. 106 and 420 of Pub. L. 93-113, 87 Stat. 398 and 414.

§ 1222.1 Purpose.

The purpose of these regulations is to prescribe requirements for the establishment of a continuing mechanism for the meaningful participation of project beneficiaries in the planning, development, and implementation of project activities utilizing full-time volunteers authorized

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under Title I of the Domestic Volunteer Service Act of 1973, PL 93-113. This policy specifically implements Section 106, Title I, PL 93-113.

§ 1222.2 Applicability.

These regulations apply to all full-time volunteer programs and projects under Title I, PL 93-113, including grant programs. Included in these programs are VISTA (Part A), University Year for ACTION (UYA) (Part B), ACTION Cooperative Volunteers (ACV) and Program for Local Services (PLS) (Part C).

§ 1222.3 Policy.

(a) Each potential project sponsor shall establish an advisory group for the project, to include substantial membership of potential project beneficiaries or, to the extent feasible, their democratically chosen representatives, prior to the submission of an application to ACTION for volunteers.

(b) The term "substantial" means, in this case, a sufficient number of appropriate persons to assure that the concerns and points of view of the potential project beneficiaries are adequately presented and considered in the deliberations of the group. The phrase "project beneficiaries" means, in this case, recipients of benefits accruing directly from project activities as conducted by ACTION Volunteers.

(c) Potential sponsoring organizations that have an established governing, policy, or advisory group whose membership is composed of at least 50% of members of the beneficiary population are not required to establish a separate project advisory group for the purposes of these regulations.

§ 1222.4 Advisory group's responsibilities.

The advisory group shall have the following responsibilities for the intent and purposes of these requirements:

(a) To the extent practical, assist the sponsor in the initial planning of a new project proposal and in the planning of a continuation project application.

(b) To review and provide written comments concerning any project application prior to the submission of the application to ACTION. A copy of such comments shall accompany each application to ACTION.

(c) To meet with the sponsoring organization's staff at periodic intervals, but no less than twice per project year, for the purpose of reviewing and commenting on the development and implementation of the project. Such project review and commentary should be directed toward the adequacy of the project to meet the identified needs of the project beneficiaries.

(d) To submit, if it so chooses, written reports and/or copies of minutes of its meetings to the sponsor to accompany the Sponsor's Quarterly Program Report (A-568) submitted to the appropriate ACTION regional office.

§ 1222.5 Advisory group expenses.

As permitted by law, ACTION regional staff may pay for certain incidental out-of-pocket expenses incurred by the advisory group in connection with its responsibilities under § 1222.4.

§ 1222.6 Sponsor's responsibilities.

The sponsor or potential sponsor shall furnish the following evidence of the advisory group's participation in the planning, development, and implementation of the project:

(a) Each new application to ACTION for volunteers shall contain a statement describing how the advisory group has participated in the planning of the project proposal. This statement shall be signed by an authorized representative of the Advisory group (see § 1222.4-2). For continuation project applications, a written statement shall be included which specifies how the advisory group complied with its responsibilities under § 1222.4 of these regulations. This statement shall be signed by an authorized representative of the advisory group (see § 1222.4-2 and 3).

(b) In each Sponsor's Quarterly Program Report (A-568), the sponsor shall include a brief statement describing the extent to which the advisory group was involved in the continuing development and implementation of the project.

Effective on January 7, 1976.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75-32973 Filed 12-5-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—LOAD LINES

[CGD 75-199]

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Fee Schedule

On August 15, 1975, there was published in the FEDERAL REGISTER (40 FR 34407), a notice of proposed rulemaking to revise the schedule of fees to be paid to the assigning authority by the owner of a vessel for the assignment or reissue of load lines, and for the annual load line survey. Interested persons were given the opportunity to submit, not later than September 29, 1975, comments concerning the proposed regulations.

No comments were received, and the proposed amendment is adopted without change, as set forth below.

Effective date: This amendment is effective on January 8, 1976.

Dated: November 25, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

Subpart 42.35 of Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

§ 42.35-1 [Amended]

1. In § 42.35-1, by revising Table 42.35-1 to read as follows:

TABLE 42.35-1.—*Fees for assignment of load line*

Fee numeral [1] or gross tonnage	Fee classed vessels	Fee unclassed vessels
Under 200	$35	$170
200 and under 400	35	220
400 and under 700	40	265
700 and under 1,000	45	325
1,000 and under 1,500	45	400
1,500 and under 2,500	55	465
2,500 and under 3,500	70	535
3,500 and under 5,000	80	605
5,000 and under 6,500	100	675
6,500 and under 8,000	115	740
8,000 and under 10,000	125	810
10,000 and under 12,000	140	880
12,000 and under 15,000	150	950
15,000 and above	160	1,020

[1] Fee numeral is equal to

$$\frac{L \times B \times D}{140}$$

in which *L*, *B*, and *D* are the molded dimensions. The fee numeral shall be used when it is greater than the gross tonnage.

2. In paragraph (d) of § 42.35-1, by striking the figure "$100" and inserting the figure "$125", in place thereof.

§ 42.35-5 [Amended]

3. In paragraph (a) of § 42.35-5, by striking the words "fees for condition survey and reissue of load line certificate" in the first sentence, and inserting the words "fee for periodical condition survey for renewal of the Load Line Certificate in place thereof.

4. In § 42.35-5 by adding a new paragraph (c) to read as follows:

* * * * *

(c) The minimum charge for the reissuance of load line certificates, such as for a change of flag or short term extension, shall be $70. This assumes one visit equivalent to an annual load line inspection.

§ 42.35-10 [Amended]

5. In paragraph (a) of § 42.35-10, by striking the figure "$45" and inserting the figure "$65", in place thereof; and by striking the figure "$55" and inserting the figure "$70", in place thereof.

(46 U.S.C. 86; [49 U.S.C. 1655(b)(1)]; 49 CFR 1.4(b) and 1.46(b)).

[FR Doc.75-32945 Filed 12-5-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Bombay Hook National Wildlife Refuge, Del.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sightseeing. Pets are permitted if on a leash not over 10 feet in length.

The refuge area, comprising 15,135 acres, is delineated on maps available from the Refuge Manager, Bombay Hook National Wildlife Refuge, R 1, Box 147, Smyrna, Delaware 19977 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director
U.S. Fish and Wildlife Service.

DECEMBER 1, 1975.

[FR Doc.75-32893 Filed 12-5-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entrance into the refuge and use of parking areas and facilities is permitted during daylight hours for photography, hiking, nature study, bicycling, and access to fin fishing, shell fishing, and crabbing.

Boat access is permitted at Bogle's Wharf for commercial and sport fin and shell fishing and crabbing in accordance with Federal and State regulations.

The Ingleside Recreation Area is open from May 1, 1976 through September 30, 1976. Boats may be launched at the launching site from May 1, 1976 through September 30, 1976.

Pets are permitted if on a leash not exceeding 10 feet in length, only in designated parking areas. Camping is not permitted.

The following activities are not permitted at the Eastern Neck Narrows during the period May 1, 1976 through September 30, 1976: Stopping or parking vehicles, standing on or fishing and crabbing from the roadside or shoreline and launching or removing boats.

Designated nature trails, boardwalks, and recreation sites are open for use except during refuge deer hunts. All other areas are closed.

Registered motor vehicles are permitted on refuge roads and in designated parking areas only. Parking and leaving vehicles unattended along the refuge roads is not permitted.

The refuge, comprising approximately 2,286 acres, is delineated on a map available from the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 1, 1975.

[FR Doc.75-32894 Filed 12-5-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Use of the picnic area is permitted on Saturdays and Sundays from 6:00 a.m. to 9:30 p.m. May 30 through October 15 and on weekdays by reservation.

The refuge area, comprising 7,994 acres, is delineated on maps available from the Refuge Manager, Erie National Wildlife Refuge, RD 2, Box 191, Guys Mills, Pennsylvania 16327 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 1, 1975.

[FR Doc.75-32895 Filed 12-5-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Tinicum National Environmental Center, Pa.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation for individual wildlife refuge areas.

PENNSYLVANIA

TINICUM NATIONAL ENVIRONMENTAL CENTER

Entrance into the Center is permitted for the purpose of bicycling, hiking, nature study, sightseeing and photography from drawn to dusk. Motorcycles are prohibited beyond the visitor parking area. Trail bikes, snowmobiles, all terrain, air cushion or other similar motor vehicles are prohibited. Pets are permitted if on a leash not exceeding 10 feet in length. Boats are not permitted in the Center impoundments.

A map of the refuge is available from the Refuge Manager, Tinicum National Environmental Center, Suite 104, Scott Plaza 2, Philadelphia, Pennsylvania 19113 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 1, 1975.

[FR Doc.75-32896 Filed 12-5-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Sachuest Point National Wildlife Refuge, R.I.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

RHODE ISLAND

SACHUEST POINT NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes, unless prohibited by posting, for the purpose of nature study, photography, and sightseeing. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted.

Fires are permitted only on the ocean beach. No other fires are permitted at

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other locations on the refuge. Camping, tents, floating devices and nudity are not permitted on the refuge.

Over-the-sand vehicles, snowmobiles, air cushion, all terrain or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

A map of the refuge is available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 1, 1975.

[FR Doc.75-32897 Filed 12-5-75;8:45 am]

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge, Iowa and Nebr.

The following special regulation is effective on date of publication in the Federal Register.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on the lake area within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open Season: Daylight hours January 3, 1976 through February 29, 1976, providing ice conditions are safe enough to permit this activity, and 6:00 a.m. to 9:00 p.m., April 15, 1976 through September 30, 1976.

(3) Trot lines and float lines are not permitted.

(4) Archery fishing and spear fishing is permitted during the period May 1, 1976, through June 15, 1976. Only the following fishes can be taken with bow and arrow or spear: Bigmouth Buffalofish (Ictiobus cyprinellus), Smallmouth Buffalofish (Ictiobus bubalus), Carp (Cyprinus carpio), Longnose Gar (Lepisosteus osseus) and Shortnose Gar (Lepisosteus platostomus).

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 3, to February 9.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

(9) During the period September 15 to September 30, only boats without motors or motors up to 25 H.P. are permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1976.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

NOVEMBER 17, 1975.

[FR Doc.75-32898 Filed 12-5-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status for 216 Species Appearing on Convention on International Trade; Corrections

In FR Document 25479 appearing at page 44329 in the FEDERAL REGISTER of Friday, September 26, 1975, the following changes to the list should be made:

1. On page 44330 for the entry "Orange-footed pimple back." under the "Range" column, add "Duck River in Tennessee".

2. On page 44332 after the entry for "Mindoro zone-tailed pigeon." make the following additions:

(a) Under the "Common name" column add "Bahaman or Cuban parrot."

(b) Under the "Scientific name" column add "*Amazona leucocephala.*"

(c) Under the "Range" column add "West Indies (Cuba, Bahamas, Cayman Islands)."

(d) Under the "Portion of range where endangered" add "Do."

Written comments concerning the addition of the "Bahaman or Cuban parrot" received by February 6, 1975, will be considered.

Dated: December 1, 1975.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

[FR Doc.75-32948 Filed 12-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Increase in the Expenses for the 1975–76 Fiscal Period; Invitation to Submit Comments

This notice invites written comments relative to a proposal to increase from $655,581 to $660,000 the expenses reasonable and likely to be incurred by the Nectarine Administrative Committee for the 1975–76 fiscal period under Marketing Order No. 916.

Consideration is being given to the following proposal submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That the Secretary find that provisions pertaining to the expenses in paragraph (a) of § 916.214 (40 FR 31592) be amended as follows:

§ 916.214 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1975, through February 29, 1976, will amount to $660,000.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 23, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 2, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-32918 Filed 12-5-75;8:45 am]

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Minimum Quality and Size Requirements

This notice invites written comment relative to proposed minimum quality and size requirements for shipments of Hawaiian papayas under the Marketing Agreement and Order No. 928. This regulation would require that all Hawaiian papayas handled grade at least Hawaii No. 1 grade. Papayas shipped in interstate or export channels would be required to be pyriform shape and weigh at least 10 ouices. Fruit shipped in intrastate channels would be required to weigh at least 14 ounces except Hawaii Fancy grade fruit would be required to weigh at least 16 ounces. This proposal was recommended by the Papaya Administrative Committee established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee estimates that 1976 production of Hawaiian papayas will total 48.0 million pounds, 17 percent more than the estimated record large 1975 crop. Fresh sales are expected to total 42.0 million pounds and the remaining 6.0 million procesed. In-state fresh sales have ranged 10.7–13.1 million pounds in recent years and are projected at 13.5 million for 1976. It is anticipated that out-of-state sales will amount to 68 percent of the total fresh sales next year and reach a record large 28.5 million pounds, 5.0 million more than in 1975.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same, in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 22, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

As proposed § 928.306 *Papaya Regulation 6* would read as follows:

§ 928.306 **Papaya Regulation 6.**

(a) During the period January 1, 1976 through December 31, 1976, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided,* That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided,* That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy", "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 3, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-32953 Filed 12-5-75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

United States Coast Guard

[33 CFR PART 117]

[CGD 75-222]

DRAWBRIDGE OPERATION REGULATIONS

Lake Champlain, Vermont

At the request of the Vermont Department of Highways, the Coast Guard is considering amending the regulations for the drawbridge between Sandy Point and Knight Point, Lake Champlain, to provide periods when the draw need not open for the passage of vessels. The draw is presently required to open on signal. This change is being considered because there are few requests for passages during the proposed closed periods of the winter months and evening hours.

The drawbridges listed in § 117.190 (f) (3) and (4) are in Vermont as is the drawbridge in this proposal. For clarity, these bridges are being placed together in a new § 117.191.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before January 9, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.190 [Amended]

1. Section 117.190(f)(3) and § 117.190(f)(4) are deleted.

2. A new § 117.191 is added immediately after § 117.190 to read as follows:

§ 117.191 Navigable waters in the State of Vermont and their tributaries; bridges when constant attendance of draw tenders is not required.

(a) Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg. The draw shall open on signal if at least 24 hours notice is given.

(b) Lake Champlain; Missisquoi Bay, Central Vermont railroad bridge. The draw shall open on signal from June 1 through September 30 from 7 a.m. to 11 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given to Central Vermont Railway, Inc., St. Albans, Vermont 05478.

(c) Lake Champlain; Vermont Department of Highways bridge between Grand Isle and North Hero.

(1) From June 1 through September 30, the draw shall open on signal from 7 a.m. to 9 p.m.

(2) From 1 June through 30 September, the draw shall open on signal if at least four hours notice is given from 9 p.m. to 7 a.m.

(3) From 1 October through 31 May, the draw shall open on signal if at least 24 hours notice is given.

(4) During periods of advance notice requirements, the draw shall open as soon as possible for public vessels of the United States.

(d) The owners of or agencies controlling these bridges shall keep a copy of the regulations in this section pertaining to the bridge, and a notice stating how the advance notices required by this section are to be given conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1-05-1(c)(4)).

Dated: December 1, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-32944 Filed 12-5-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 13182, Notice No. 73-24A]

TERMINATION OF AUTHORIZATIONS

Deletion of Certain Technical Standard Orders

On September 13, 1973, the Federal Aviation Administration published a Notice of Proposed Rule Making (Notice 73-24; 38 FR 25450) that proposed to amend Part 37 of the Federal Aviation Regulations by deleting § 37.128 *Position light flashers (air-carrier aircraft)—TSO-C18c;* § 37.134 *Technical Standard Order C24: "Landing Flares";* § 37.166 *Portable aircraft emergency communication equipment (for air carrier aircraft)—TSO-C61a;* and § 37.194 *Position light flashers, single-circuit (for non-air-carrier aircraft)—TSO-C33.* Those sections contain minimum standards for the manufacture under a Technical Standard Order (TSO) authorization of the articles specified in the respective section titles.

As indicated in Notice 73-24, in general, the equipment covered by TSO-C18c, -C24, and -C33 is no longer in use; and in the case of TSO-C61a, the equipment will shortly be phased out of service. The FAA also stated its belief in that notice that since the demand for the equipment covered by TSO-C18c, -C24, -C33, and -C61a was negligible or nonexistent, it was unreasonable to continue to expend funds for the FAA surveillance of manufacturers holding authorizations under those TSO's. The deletion of the TSO's was proposed in Notice 73-24 for those reasons.

The FAA received 5 public comments in response to Notice 73-24. Four of the the commentators expressed approval of the proposal. However, based on a further review by the FAA, it is believed that Notice 73-24 did not provide adequate information with respect to the subject matter covered in the notice. In particular, Notice 73-24 did not specifically propose any action with respect to TSO -C18, C18a, and -C18b, and TSO—C61. These older TSO's have been amended or superseded in the past. Only the latest versions, TSO—C18c and TSO—C61a appear in the Code of Federal Regulations; however, the standards contained in these older TSO's continue to apply to certain manufacturers of articles covered by the TSO's. In addition, Notice 73-24 did not clearly indicate, as intended, that the TSO authorizations issued to manufacturers for the equipment covered by the TSO's would be terminated. The reasons presented in Notice 73-24 for the action proposed therein are equally applicable to these older TSO's with respect to the termination of the authority to mark as TSO approved new articles manufactured in accordance with the standards of these TSO's. Therefore, this supplemental notice is being issued which proposes to delete TSO -C18c, -C24, -C33, and -C61a and to terminate the authority to mark as TSO approved articles manufactured under these TSO's or their earlier versions.

In view of the changes being made to the proposal contained in Notice 73-24, The FAA is issuing this Supplemental Notice of Proposed Rule Making. The FAA requests that those persons who submitted comments on Notice 73-24, review those comments in light of the proposal contained herein. Those persons as well as all other interested persons are invited to participate in this rulemaking action by submitting such written data, views, or arguments as they may desire.

All comments with respect to this supplemental notice, received on or before February 6, 1976, and the comments received in response to Notice 73-24 will be considered by the Administrator before taking action on the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The proposals contained in this supplemental notice supersede the proposals contained in Notice 73-24. Comments relating to this notice, only, are solicited.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing it is proposed to amend Part 37 of the Federal Aviation Regulations as follows:

1. By revising the heading of § 37.3 and adding a new § 37.3(c) to read as follows:

§ 37.3 TSO marking and privileges.

* * * * *

(c) Notwithstanding paragraphs (a) and (b) of this section (after the effective date of this amendment), no person may mark as TSO aproved an article manufactured under a TSO authorization or an FAA letter of acceptance of a statement of conformity issued for—

(1) TSO–C18, –C18a, –C18b, or –C18c;
(2) TSO–C24;
(3) TSO–C33; or
(4) TSO–C61 or –C61a.

§§ 37.128, 37.134, 37.166 and 37.194 [Deleted]

2. By deleting §§ 37.128, 37.134, 37.166, and 37.194.

Issued in Washington, D.C. on November 28, 1975.

JAMES M. VINES,
Acting Director, Flight Standards Service.

[FR Doc.75-32901 Filed 12-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

[FRL 466-6]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published October 21, 1975, proposing regulations consisting of effluent guidelines, limitations and standards for Existing Sources, Standards of Performance and Pretreatment Standards for the Fruits, Vegetables, and Specialties Subcategories of the Canned and Preserved Fruits and Vegetables Processing Industry Point Source Category (40 FR 49237).

Requests for an extension of time were submitted by persons having an interest in commenting. They point out that the document entitled "Economic Analysis of Interim Final Effluent Guidelines—Fruits and Vegetables Processing Industry" was not available for distribution on the date of the original notice, and that additional time is needed to review the document in sufficient detail to provide meaningful comments.

In view of the request, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the proposed regulations be extended for an additional thirty days.

Accordingly, all comments received on or before December 19, 1975, will be considered.

Dated: December 1, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administration for Water and Hazardous Materials.

[FR Doc.75-32970 Filed 12-5-75;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

ENVELOPES, POSTAL CARDS, AEROGRAMMES; FIRST CLASS

Green Border Envelopes and Cards

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend 141.11 of the Postal Service Manual to require that envelopes and cards bearing a green border be used for first class mail matter only, and that all such envelopes and cards be charged postage equivalent to the first-class rate. A conforming amendment is also made to 131.222.

It has been a long-standing practice in the Postal Service to recognize an envelope or a card prepared with a green border as first-class mail, to accord it first-class mail handling, and to require postage on it equivalent to the first-class rate. Some mailers, however, have been using green border envelopes and cards for other classes of mail, resulting in first class handling for lower class mail and insufficient postage for the service rendered. The purpose of this proposed regulation, then, is to formalize in Postal Service regulations the above-described practice of the Postal Service with regard to green border envelopes and cards.

Interested persons who wish to do so may submit written data, views, or arguments concerning this proposed change in Postal Service regulations to the Director, Office of Mail Classification, Rates and Classification Department, United States Postal Service, Washington, D.C. 20260. All comments received on or before January 5, 1976 will be considered by the Postal Service prior to taking action on the proposed amendment.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 131—FIRST CLASS

1. In 131.22 of the Postal Service Manual add new .222c reading as follows:

131.22 Postal and Post Cards.

* * * * *

.222 Post Cards

* * * * *

c. Green Border Cards
See 141.115.

PART 141—ENVELOPES, POSTAL CARDS, AEROGRAMMES

2. In 141.11 of the Postal Service Manual add new .115 reading as follows:

141.11 Envelopes

* * * * *

.115 Green Border Envelopes and Cards

The use of envelopes and cards bearing a green border must be for first-class mail matter only. All envelopes and cards bearing a green border shall be charged postage equivalent to the first-class rate.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published on adoption of this proposal.

(39 USC 401, 404)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-32924 Filed 12-5-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FOURTEENTH NATIONAL BANK REGION

Amended Notice of Meeting [1]

A meeting of the Advisory Committee on Banking Policies and Practices for the Fourteenth National Bank Region will be held December 18 and 19, 1975 at the Las Vegas Hilton Hotel, Las Vegas, Nevada. The meeting on December 18 will be from 9:00 a.m. until 12:00 noon and the meeting on December 19 will also be from 9:00 a.m. until 12:00 noon. Both meetings will be open to the public. Interested members of the public will be admitted on a first come basis.

Topics to be discussed include an economic update by the Regional Economist, the progress on implementation of the Haskins & Sells Study, the CBCT developments, reserves for bad debts and changes in Reports of Income and Condition.

Persons or groups planning to make statements over five minutes in length must submit three copies to Mr. Palmer C. Hamilton, Office of the Comptroller of the Currency, Washington, D.C. 20219, prior to December 10, 1975.

Dated: December 2, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-32915 Filed 12-5-75;8:45 am]

[1] Amends notice published at 40 FR 54267.

DEPARTMENT OF DEFENSE

Department of the Army

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. Law 92-463, notice is hereby given that the U.S. Army Medical Research and Development Advisory Panel will meet from 0900 hours to 1600 hours on January 8, 1976 in Room 5E069, James V. Forrestal Building, 10th and Independence Avenue, Southwest, Washington, D.C. 20314.

The agenda includes discussion of current developments in the Army Medical Department Research, Development, Test and Evaluation Program.

The meeting is open to the public; however, space accommodations are limited. Persons wishing to attend should advise the Executive Secretary, in writing prior to the meeting, at the following address: U.S. Army Medical Research and Development Command, Forrestal Building, Room 8G091, Washington, D.C. 20314.

Dated: December 1, 1975.

By authority of the Secretary of the Army:

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-32936 Filed 12-5-75;8:45 am]

DEPARTMENT OF JUSTICE

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on July 25, 1975, Biomedical Research Branch, Division of Research, National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockwall Building, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug:	Schedule
Tetrahydrocannabinols	I
Marihuana	I
Lysergic Acid Diethylamide	I
Etonitozene	I
Psilocybin	I
Psilocyn	I
3,4-methylenedioxy amphetamine	I
5 - methoxy - 3,4 - methylenedioxy amphetamine	I
3,4,5-trimethoxy amphetamine	I
Bufotenine	I
Dimethyltryptamine	I
4 - methyl-2,5-dimethoxyamphetamine	I
2,5-dimethoxyamphetamine	I
4 - bromo -2,5-dimethoxyamphetamine	I
4-methoxyamphetamine	I
Amphetamine	II
Diprenorphine	II
Etorphine Hydrochloride	II

Pursuant to section 1008 of the Controlled Substance Act (21 U.S.C. 958(h)), and in accordance with § 1311.42(a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above company made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances indicated. As to each basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than January 9, 1976.

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.-42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: November 28, 1975.

JERRY N. JENSON,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-32929 Filed 12-5-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will be meeting in New Orleans, Louisiana on January 9 and 10, 1976 at the Bourbon Orleans Hotel, 717 Orleans Street, New Orleans, Louisiana. The meeting will be open to the public.

Items on the agenda are:

1. Discussion of issues and comparative analyses in juvenile correction.

2. Presentation of standards and commentary in Delinquency Prevention.
3. Presentation of comparative analyses, standards and commentary for adoption on Abuse and Neglect.
4. Presentation of standards and commentary for adoption on Juvenile Recial, Non-Judicial Officers.
5. Presentation of standards and ords, Role of Defense Counsel and Judicommentary for Management Information, Planning and Evaluation.
6. Presentation of standards and commentary for Families in Need of Service.
7. Outlines on Corrections and Police sections for review.
8. Chairman and Executive Director's report.
9. Adoption of minutes of October 31/November 1, 1975 meeting.
10. Response from audience.

Meeting Times: January 9—8:30 a.m.–8 p.m.; January 10—8:30 a.m.–2:30 p.m.

For further information, contact Richard Vanduizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-32942 Filed 12-5-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Private Security Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Private Security Task Force will be meeting in New Orleans, Louisiana on January 8, 9, and 10, 1976 at the Maison Dupuy Hotel, 1001 Toulouse Street, New Orleans, Louisiana. The meeting will be open to the public.

Discussion will focus on:

1. Report on National Advisory Committee Meeting; and
2. Review and vote on proposed Standards and Goals.

Meeting Times: January 8—1 p.m.–5 p.m.; January 9—9 a.m.–5p.m.; January 10—9 a.m.–Noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-32943 Filed 12-5-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation

[INT DES 75-58]

NEW WILD AND SCENIC RIVER STUDY

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement regarding the wild and scenic river study of the New River, North Carolina, and invites written comments within forty-five (45) days of this notice. Comments from interested members of the public should be addressed to the Regional Director, Southeast Region, Bureau of Outdoor Recreation, 148 Cain Street, Atlanta, Georgia 30303.

The environmental statement considers the probable impact of establishing 26.5 miles of the New River and its South Fork as a component of the National Wild and Scenic River System to be administered by the State of North Carolina.

Copies of the draft statement are available for inspection at the following locations:

Office of Information, Bureau of Outdoor Recreation, Room 4427, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-5726.
Mr. J. Phil Bennington, Clerk of the Circuit Court, Grayson County, Independence, Virginia 24348, Telephone: (703) 773-7231.
Mr. Robert Lee, Region D, Council of Governments, Executive Arts Building, Furman Road, Boone, North Carolina 28607, Telephone: (704) 264-5558.
Ashe County, Ashe County Board of Commissioners Office, c/o Mr. Roy Taylor, Jefferson, North Carolina 28640.
Clerk of the Court, Alleghany County, c/o Mr. Glenn Busic, Alleghany Courthouse, Sparta, North Carolina 28675, Telephone: (919) 372-8949.
Office of Regional Director, Bureau of Outdoor Recreation, 148 Cain Street, Atlanta, Georgia 30303, Telephone: (404) 526-4405.
Mr. Arthur W. Cooper, Assistant Secretary, Department of Natural and Economic Resources, Box 27687, Raleigh, North Carolina 27611, Telephone: (919) 829-4984.
Mr. Joe Robertson, Director, Regional Office, Department of Natural and Economic Resources, 2528 Vest Mill Road, Winston Salem, North Carolina 27103, Telephone: (919) 765-6300.

Single copies are available to the public and may be obtained by writing to the regional Director, Bureau of Outdoor Recreation, Southeast Region, 148 Cain Street, Atlanta, Georgia 30303. Please refer to the statement number shown above.

Dated: November 28, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-32941 Filed 12-5-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of September. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 22166).

Actual M-44 use for September 1975 is as follows.

M-44 Emergency use—September 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona	3	23	6,657	352
Montana	16	24	17,107	482
Nevada	1	1	1,000	40
New Mexico	12	28	15,017	950
Oregon	9	28	3,089	212
Texas	29	126	33,686	1,030
Utah	3	12	11,642	112
Wyoming	2	4	2,251	76
Total	75	245	90,449	3,244

One or more coyotes were taken with this device on 100 of the 245 emergency areas, but losses were not necessarily halted in each case. During this month, 226 coyotes were taken by this device. Other species taken with the device during this period include 22 red foxes, 1 gray fox, 2 feral dogs, 5 raccoons, 17 opossums, 3 skunks, and 1 domestic dog.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the "Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids," as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 17974.

GEORGE W. MILES,
Acting Director,
Fish and Wildlife Service.

DECEMBER 2, 1975.

[FR Doc.75-32940 Filed 12-5-75;8:45 am]

Geological Survey

MID ATLANTIC AREA

Proposed OCS Order

Notice is hereby given that the Geological Survey is proposing OCS Orders for the Mid Atlantic Area. For purpose of these Orders, the Mid Atlantic Area shall include those lands subject to Federal OCS oil and gas leasing in that part of the Mid Atlantic Ocean from

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southern New York to the southern part of Virginia.

By 39 FR 191, October 1, 1974, the Geological Survey announced its intention to develop operating Orders for the Atlantic OCS Area and solicited comments and suggestions concerning proposed OCS Orders by November 1, 1974. Comments have been received and considered.

In view thereof, the following operating Orders are being proposed and consistent with current procedures of the Geological Survey, comments and suggestions are solicited as to the content of these proposed Orders.

OCS Order No. 1: Marking of Wells, Platforms, and Structures.
OCS Order No. 2: Drilling Procedures.
OCS Order No. 3: Plugging and Abandonment of Wells.
OCS Order No. 4: Suspensions and Determination of Well Producibility.
OCS Order No. 5: Subsurface Safety Devices.
OCS Order No. 7: Pollution and Waste Disposal.
OCS Order No. 12: Public Inspection of Records.
OCS Orders No. 6, 8, 9, 11, and 13 are being drafted and will be published at a later date.

Interested persons may submit written comments and suggestions to the Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before February 15, 1976.

V. E. McKELVEY,
Director.

MID-ATLANTIC OCS ORDER NO. 1

Effective ----------

MARKING OF WELLS, PLATFORMS, AND STRUCTURES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Identification of Fixed Platforms or Structures.* Platforms and structures shall be identified at two diagonal corners by a sign with letters and figures not less than 30.5 centimetres (12 inches) in height with the following information: The name of lease operator, the block number in which the platform or structure is located, the area name shown on OCS Official Protraction Diagrams (or, where no name has been assigned, the Protraction Diagram number), and the platform or structure designation. The information shall be abbreviated as in the following example:

"The Blank Oil Company operates "C" platform on Block 999 of the Salisbury Area"

The identifying sign on the platform would show: "BOC–999–Sal.–C."

2. *Identification of Nonfixed Platforms or Structures.* Floating semi-submersible platforms, bottom-setting mobile and floating drilling ships shall be identified by one sign with letters and figures not less than 30.5 centimetres (12 inches) in height affixed to the derrick so as to be visible from off the vessel and containing the following information: The name of the lease operator, the block number, the area designation based on OCS Official Leasing Maps, the OCS lease number, and the well number.

3. *Identification of Wells.* The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiple completed wells each completion shall be individually identified at the well head. All identifying signs shall be maintained in a legible condition.

4. *Identification of Subsea Objects.* Any subsea object presenting a hazard to navigation resulting from lease operations shall be identified in accordance with appropriate U.S. Coast Guard regulations.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

MID-ATLANTIC OCS ORDER NO. 2

Effective ----------

DRILLING PROCEDURES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this Order which shall continue in effect until field drilling rules are issued. When sufficient geologic and engineering information is obtained through exploratory drilling, operators may make application or the Area Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Area Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. Each Application for Permit to Drill (Form 9–331C) shall include all information required under 30 CFR 250.91, and shall include a notation of any proposed departures from the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

The operator shall comply with the following requirements. All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Supervisor or his delegated representative.

1. *Well Casing and Cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. In cases where cement has filled the annular space back to the ocean floor, the cement may be washed out or displaced to a depth not exceeding 12.2 metres (40 feet) below the ocean floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

For the surface, intermediate, and production casing strings, if there are indications of improper cementing such as lost returns, cement channeling, or mechanical failure of equipment, the operator shall recement or make the necessary repairs and run a temperature or cement bond log to verify that the casing has been adequately cemented.

The design criteria for all wells shall consider all pertinent factors for well control, including formation fracture gradients and pressures and casing setting depths. All casing, except drive pipe, shall conform to the specifications contained in "API Spec 5A—Casing, Tubing, and Drill Pipe," and shall be new pipe or reconditioned used pipe that has been tested to insure that it will meet API specifications for new pipe.

A. *Drive or Structural Casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 30.5 meters (100 feet) below the ocean floor or to such greater depth required to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, the drilling fluid shall be of a type that is in compliance with the liquid disposal requirements of OCS Order No. 7, and a quantity of cement sufficient to fill the annular space back to the ocean floor shall be used.

B. *Conductor and Surface Casing.* Casing design and setting depths shall be based upon all engineering and geologic factors, including the presence or absence of hydrocarbons or other potential hazards and water depths.

(1) *Conductor Casing.* This casing shall be set at a depth in accordance with paragraph 1B(3) below. A quantity of cement sufficient to fill the annular space back to the ocean floor shall be used.

(2) *Surface Casing.* This casing shall be set at a depth in accordance with paragraph 1B(3) below and cemented in a manner necessary to protect all freshwater sands and provide well control until the next string of casing is set.

This casing shall be cemented with a quantity sufficient to fill the calculated annular space to at least 457.2 metres (1,500 feet) above the surface casing shoe and at least 61 metres (200 feet) inside the conductor casing or as approved by the District Supervisor. After drilling a maximum of 30.5 metres (100 feet) below the surface casing shoe, a pressure test shall be obtained to aid in determining a formation fracture gradient either by testing to formation leak-off or by testing to a predetermined equivalent mud weight. The results of this test and any subsequent tests of the formation shall be recorded on the driller's log and used to determine the depth and maximum mud weight to be used in drilling the intermediate hole.

(3) *Conductor and Surface Casing Setting Depths.* These strings of casing shall be set at the depth specified below, subject to approved variation to permit the casing to be set in a competent bed, or through formations determined desirable to be isolated from the well by pipe for safer drilling operations; provided, however, that the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas, or, if unknown, upon encountering such formations. These casing strings shall be run and cemented prior to drilling below the specified setting depths. For those wells which may encounter abnormal pressure or conditions and for the initial wells in an area, the District Supervisor may prescribe an additional casing string and the exact setting depths. Except as otherwise may be prescribed, conductor casing setting depths shall be between 91.4 metres (300 feet) and 304.8 metres (1,000 feet) (TVD below ocean floor), and surface casing setting depths shall be between 304.8 metres (1,000 feet) and 1,371.6 metres (4,500 feet) (TVD below ocean floor).

Engineering, geophysical, and geologic data used to substantiate the proposed setting depths of the conductor and surface casings (such as estimated fracture gradients, pore pressures, shallow hazards, etc.) shall be furnished with the Application for Permit to Drill.

C. *Intermediate Casing.* One or more strings of intermediate casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing will be based on the pressure tests of the exposed formation immediately below the surface casing shoe or on subsequent pressure tests.

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. If a liner is used as an intermediate string, the cement shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and next larger string has been achieved. The test shall be recorded on the driller's log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

D. *Production Casing.* This string of casing shall be set before completing the well for production. It shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons, but in any case, a calculated volume sufficient to fill the annular space at least 152.4 metres (500 feet) above the uppermost producible hydrocarbon zone must be used. When a liner is used as production casing, the testing of the the seal between the liner top and the next larger string shall be conducted as in the case of intermediate liners. The test shall be recorded on the driller's log.

E. *Pressure Testing of Casing.* Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing, shall be pressure-tested as shown in the table below. The test pressure shall not exceed the internal yield pressure of the casing. The surface casing shall be tested with water in the top 100 feet of the casing. If the pressure declines more than 10 percent in 30 minutes, or if there is other indication of a leak, corrective measures shall be taken until a satisfactory test is obtained.

Casing	Minimum surface pressure
Conductor	14.1 Kg/cm² (200 psi).
Surface	70.3 Kg/cm² (1000 psi).
Intermediate, Liner, and production.	105.45 Kg/cm² (1500 psi) or 0.046 Kg/cm²/m (0.2 psi/ft.), whichever is greater.

After cementing any of the above strings, drilling shall not be commenced until a time lapse of eight hours under pressure for conductor casing string or 12 hours under pressure for all other strings. Cement is considered under pressure if one or more float valves are employed and shown to be holding the cement in place or when other means of holding pressure is used. All casing pressure tests shall be recorded on the driller's log.

F. *Directional Surveys.* Wells are considered vertical if inclination does not exceed an average of three degrees from the vertical. Inclination surveys shall be obtained on all vertical wells at intervals not exceeding 152.4 metres (500 feet) during the normal course of drilling.

Wells are considered directional if inclination exceeds an average of three degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 152.4 metres (500 feet) during the normal course of drilling and at intervals not exceeding 30.5 metres (100 feet) in all angle change portions of the hole.

On both vertical and directional wells, directional surveys giving both inclination and azimuth shall be obtained at intervals not exceeding 152.4 metres (500 feet) prior to, or upon, setting surface or intermediate casing, liners, and at total depth.

Composite directional surveys shall be filed with the District Supervisor. The interval shown will be from the bottom of conductor casing, or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys, a correction from true north to Universal Transverse Mercator-Grid north shall be made after making the magnetic to true north correction.

2. *Blowout Prevention Equipment.* Blowout preventers and related well-control equipment shall be installed, used, and tested in a manner necessary to prevent blowouts. Prior to drilling below the drive pipe or structural casing and until drilling operations are completed, blowout prevention equipment shall be installed and maintained ready for use as follows:

A. *General Requirements.*

(1) *Blowout Preventer Equipment.* Blowout prevention equipment shall consist of an annular and the specific number of ram-type preventers, one of which shall contain a blind-shear ram. The pipe rams shall be of proper size to fit the pipe in use. The bore of all preventers and spools shall be of sufficient size to accommodate the largest equipment that is expected to be run into the casing below the preventers. The working pressure of any blowout preventer shall exceed the maximum anticipated surface pressure to which it may be subjected.

All preventers shall be equipped with:

(a) A hydraulic actuating system that provides sufficient accumulator capacity to close all blowout prevention equipment units with a 50 percent operating fluid reserve at 84.4 Kg/cm² (1200 psi). A high pressure nitrogen or accumulator back-up system shall be provided with sufficient capacity to close all blowout preventers and hold them closed. Locking devices shall be provided on the ram-type preventers.

(b) An operable remote blowout-preventer-control station shall be provided, in addition to the one on the drilling floor.

(c) A drilling spool with side outlets, if side outlets are not provided in the blowout preventer body, shall be installed to provide for a kill line and choke manifold. An auxiliary connection for an emergency kill or choke line shall be provided below any preventer that is in use and not located on the sea floor.

(d) A kill line with a master valve located next to the well. This valve shall not be used for normal opening or closing on flowing fluids. The kill line shall have at least one control valve in addition to the master valve.

(e) A choke manifold equipped with a hydraulic control valve, a master valve, three adjustable chokes of which one shall be a hydraulic adjustable choke, and an accurate pressure gauge. The choke manifold outlets shall be connected in such a manner that the well fluids may be directed to production facilities or emergency storage.

(f) A fill-up line.

(g) The annular type preventer shall be equipped for automatic actuation in case of failure of the control system.

(h) All valves, pipe, and fittings that can be exposed to pressure from the wellbore shall be of a pressure rating at least equal to that of the blowout-prevention equipment.

(2) *Auxiliary Equipment.* The following auxiliary equipment shall also be provided:

(a) A top kelly cock shall be installed below the swivel, and an essentially full-opening kelly cock of such design that it can be run through blowout preventers shall be installed at the bottom of the kelly.

(b) An inside blowout preventer and a full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. Valves shall be maintained on the rig floor to fit all pipe that is in the drill string. A safety valve shall be available on the rig floor assembled with the proper connection to fit the casing string that is being run in the hole.

(c) A socket-type full-opening safety valve that is capable of being dropped over any drill pipe tool joint in use shall be maintained on the rig floor ready for use.

B. *Drive Pipe or Structural Casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventor or pressure-rotating, pack-off-type head and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed.

When the blowout preventer system is on the ocean floor, the choke and kill lines or equivalent vent lines, equipped with necessary connections and fittings, shall be used for diversion. An annular preventer or pressure-rotating, pack-off-type head, equipped with suitable diversion lines as described above and installed on top of the marine riser, to permit the diversion of hydrocarbons and other fluids, may be utilized for diversion. The diverter system providing at least the equivalent of two 15.2 centimetre (6-inch) lines (or equivalent in internal cross-sectional area) and full-open or butterfly valves shall be installed in order to permit the full diversion of hydrocarbons and other fluids. The diverter system shall be equipped with automatic, remote-controlled valves which open prior to shutting in the well, with at least two lines venting in different directions to accomplish downwind diversion. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9–331C) to the District Supervisor for approval.

In drilling operations where a floating or semi-submersible type of drilling vessel is used and formation competency at the structural casing setting depth is not adequate to permit circulation of drilling fluids to the vessel while drilling conductor hole, a program which provides for safety in these operations shall be described and submitted to the District Supervisor for approval. This program shall include all known pertinent and relevant information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, schematic diagram from rotary table to proposed conductor casing seat, and contingency plan for moving off location. In all areas where shallow hazards or hydrocarbons are unknown, seismic data shall be obtained, and a small-diameter initial pilot hole from the bottom of drive or structural casing to proposed conductor casing seat shall be drilled to aid in determining the presence or absence of these hazards.

C. *Conductor Casing.* Before drilling below this string, at least one remotely controlled, annular-type blow-out preventer and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed. A diverter system as described in paragraph 2B above shall be installed.

D. *Surface Casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of: (1) three remote-controlled, hydraulically operated blowout preventers, including one equipped with pipe rams, one with blind shear rams, and one annular type; (2) a

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drilling spool with side outlets, if side outlets are not provided in the blowout preventer body; (3) a choke line and manifold; (4) a kill line separate from choke line; and (5) a fill-up line.

E. *Intermediate Casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of: (1) four remote-controlled, hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including at least two equipped with pipe rams, one with blind shear rams, and one annular type; (2) a drilling spool with side outlets, if side outlets are not provided in the blowout preventer body; (3) a choke line and manifold; (4) a kill line separate from choke line; and (5) a fill-up line.

F. *Testing.*

(1) *Pressure Test.* Ram-type blowout preventers and related control equipment shall be tested to the rated working pressure of the stack assembly, or at the working pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested to 70 percent of these pressure requirements. They shall be tested: (a) when installed, (b) before drilling out after each string of casing is set, (c) not less than once each week from each of the control stations, and (d) following repairs that require disconnecting a pressure seal in the assembly.

(2) *Actuation.* While drill pipe is in use, the ram-type blowout preventers equipped with pipe rams shall be actuated while out of the hole, once each trip. If a tapered drill string is in use, the smaller size pipe rams shall be actuated on the appropriate size pipe, once each trip. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic preventers. An operable remote blowout-preventer-control station shall be provided in addition to the one on the drilling floor. Each control station shall be checked for proper operations weekly, in conjunction with the pressure test.

(3) *Drills.* A blowout prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are properly trained to carry out emergency duties.

(4) *Records.* All blowout preventer tests and crew drills shall be recorded on the driller's log.

3. *Mud Program.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at all times.

A. *Mud Control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, or proper documentation in the driller's log prior to pulling the drill pipe that: (1) there was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole, (2) the weight of the returning mud is not less than the weight of the mud entering the hole, and (3) other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions. In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with drill pipe, the annulus shall be filled with mud before the mud level drops 30.5 metres (100 feet). A mechanical device for measuring the amount of mud required to fill the hole shall be utilized, and any time there is an indication of swabbing, or influx of formation fluids, the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned, except on or near bottom, unless well conditions prevent running the drill pipe back to bottom. The mud in the hole shall be circulated or reverse-circulated prior to pulling drill-stem test tools from the hole.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. For each casing string, the maximum pressure which may be applied to the blowout preventer before controlling excess pressure by bleeding through the choke shall be posted near the driller. Drill pipe pressure shall be monitored during the bleeding procedure for well control.

An operable degasser shall be installed in the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

B. *Mud Test Equipment.* Mud test equipment shall be maintained on the drilling rig at all times, and mud tests shall be performed daily, or more frequently as conditions warrant. The following mud-system monitoring equipment shall be installed (with derrick floor indicators) and used at the point in the drilling operation when mud returns are established and throughout subsequent drilling operations:

(1) Recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include a visual and audio warning device.

(2) Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

(3) Mud return indicator to determine that returns essentially equal the pump discharge rate.

(4) Gas-detecting equipment to monitor the drilling mud returns.

C. *Mud Quantities.* The operator shall state in the Application for Permit to Drill the minimum quantities of mud material, including weighting material, to be maintained at the drill site for emergency use. Daily inventories of mud materials, including weighting material, shall be recorded and maintained at the drill site. Drilling operations shall be suspended in the absence of approved minimum quantities of mud materials for emergency use.

4. *Well Control Surveillance and Training.*

A. *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall maintain rig floor surveillance at all times, unless the well is secured with blowout preventers or cement plugs.

B. *Training.* Company and drilling-contractor supervisory personnel including drillers shall be trained in and be knowledgeable of present-day well control methods. The operator shall maintain a record of such training on the facility. Training shall include:

(1) Abnormal pressure detection methods.

(2) Well control methods and procedures.

5. *Hydrogen Sulfide.* When drilling operations are undertaken to penetrate reservoirs known or expected to contain hydrogen sulfide (H_2S), or, if unknown, upon encountering H_2S, the following preventive measures shall be taken to control the effects of the toxicity, flammability, and corrosive characteristics of H_2S. Alternative equipment or procedures that achieve the same or greater levels of safety may be approved by the District Supervisor. When sulfur dioxide (SO_2), a product of combustion of H_2S, is present, the procedures outlined in the approved contingency plan required in paragraph 5A(3) of this Order shall be followed.

A. *Personnel Safety and Protection.* All personnel shall undergo an eardrum examination before assignment to H_2S prone areas. Personnel with perforated eardrums shall be prohibited from working in an H_2S environment.

(1) *Training Program.*

(a) All personnel, whether regularly assigned, contracted, or employed on an unscheduled basis, shall be informed as to the hazards of H_2S and SO_2. They shall also be instructed in the proper use of personnel safety equipment and informed of H_2S detectors and alarms, ventilation equipment, prevailing winds, briefing areas, warning systems, and evacuation procedures.

(b) Information relating to these safety measures shall be prominently posted on the drilling facility and on vessels in the immediate vicinity which are serving the drilling facility.

(c) To promote efficient safety procedures, an on-site H_2S safety program, which includes a weekly drill and training session, shall be established. Records of attendance shall be maintained on the drilling facility.

(d) All personnel in the working crew shall have been indoctrinated in basic first-aid procedures applicable to victims of H_2S exposure. During subsequent on-site training sessions and drills, emphasis shall be placed upon rescue and first aid for H_2S victims. Each drilling facility shall have the following equipment, and each crew member shall be thoroughly familiar with the location and use of these items:

(i) A first-aid kit.

(ii) Resuscitators, complete with face masks, oxygen bottles, and spare oxygen bottles.

(iii) A Stokes litter or equivalent.

(e) One person, who regularly performs duties on the drilling facility, shall be responsible for the overall operation of the on-site safety and training program.

(2) *Visible Warning System.* Wind direction equipment shall be installed at prominent locations to indicate to all personnel, on or in the immediate vicinity of the facility, the wind direction at all times for determining safe upwind areas in the event that H_2S is present in the atmosphere.

Operational danger signs shall be displayed from each side of the drilling ship or platform, and a number of rectangular red flags shall be hoisted in a manner visible to watercraft and aircraft. Each flag shall be of a minimum width of three feet and a minimum height of two feet. Each sign shall have a minimum width of eight feet and a minimum height of four feet, and shall be painted a high-visibility yellow color with black lettering of a minimum of 30.5 centimeters in height (12 inches) indicating: "DANGER—HYDROGEN SULFIDE—H_2S". All signs and flags shall be illuminated under conditions of poor visibility and at night when in use. These signs and flags shall be displayed to indicate the following operational conditions and requirements:

(a) *Moderate Danger.* When the threshold limit value of H_2S (10 parts per million) is reached, the signs will be displayed. If the concentration of H_2S reaches 20 parts per million, protective breathing apparatus shall be worn by all personnel, and all nonworking personnel shall proceed to the safe briefing areas.

(b) *Extreme Danger.* When H_2S is determined to have reached the injurious level (50 parts per million), the flags shall be hoisted in addition to the displayed signs.

All nonessential personnel or all personnel, as appropriate, shall be evacuated at this time. Radio communications shall be used to alert all known air- and watercraft in the immediate vicinity of the drilling facility.

(3) *Contingency Plan.* A contingency plan shall be developed prior to the commencement of drilling operations. The plan shall include the following:

(a) General information and physiological response to H_2S and SO_2 exposure.

(b) Safety procedures, equipment, training, and smoking rules.

(c) Procedures for operating conditions:

(i) Moderate danger to life.

(ii) Extreme danger to life.

(d) Responsibilities and duties of personnel for each operating condition.

(e) Designation of briefing areas as locations for assembly of personnel during Extreme Danger condition. At least two briefing areas shall be established on each drilling facility. Of these two areas, the one upwind at any given time is the safe briefing area.

(f) Evacuation plan.

(g) Agencies to be notified in case of an emergency.

(h) A list of medical personnel and facilities, including addresses and telephone numbers.

(4) *H_2S Detection and Monitoring Equipment.* Each drilling facility shall have an H_2S detection and monitoring system which activates audible and visible alarms before the concentration of H_2S exceeds its threshold limit value of 10 parts per million in air. This equipment shall be capable of sensing a minimum of five parts per million H_2S in air, with sensing points located at the bell nipple, shale shaker, mud pits, driller's stand, living quarters, and other areas where H_2S might accumulate in hazardous quantities. H_2S detector ampules shall be available for use by all working personnel. After H_2S has been initially detected by any device, frequent inspections of all areas of poor ventilation shall be made with a portable H_2S-detector instrument.

(5) *Personnel Protective Equipment.*

(a) All personnel on a drilling facility or aboard marine vessels serving the facility shall be equipped with proper personnel protective-breathing apparatus. The protective breathing apparatus used in an H_2S environment shall conform to all applicable Occupational Safety and Health Administration regulations and American National Standards Institute standards. Optional equipment, such as nose cups and spectacle kits, shall be available for use as needed.

(b) The storage location of protective breathing apparatus shall be such that they are quickly and easily available to all personnel. Storage locations shall include the following:

(i) Rig floor.

(ii) Any working areas above the rig floor.

(iii) Mud-logging facility.

(iv) Shale-shaker area.

(v) Mud pit area.

(vi) Mud storage area.

(vii) Pump rooms (mud and cement).

(viii) Crew quarters.

(ix) Each briefing area.

(x) Heliport.

(c) A system of breathing-air manifolds, hoses, and masks shall be provided on the rig floor and in the briefing areas. A cascade air-bottle system shall be provided to refill individual protective-breathing-apparatus bottles. The cascade air-bottle system may be recharged by a high-pressure compressor suitable for providing breathing-quality air, provided the compressor suction is located in an uncontaminated atmosphere. All breathing-air bottles shall be labeled as containing breathing-quality air fit for human usage.

(d) Workboats attendant to rig operations shall be equipped with protective breathing apparatus for all workboat crew members. Pressure-demand or demand-type masks, connected to a breathing-air manifold, and additional protective breathing apparatus shall be available for evacuees. Whenever possible, boats shall be stationed upwind.

(e) Helicopters attendant to rig operations shall be equipped with a protective breathing apparatus for the pilot.

(f) The following additional personnel safety equipment shall be available for use as needed:

(i) Portable H_2S detectors.

(ii) Retrieval ropes with safety harnesses to retrieve incapacitated personnel from contaminated areas.

(iii) Chalk boards and note pads located on the rig floor, in the shale-shaker area, and in the cement pump rooms for communication purposes.

(iv) Bull horns and flashing lights.

(v) Resuscitators.

(6) *Ventilation Equipment.* All ventilation devices shall be explosion-proof and situated in areas where H_2S or SO_2 may accumulate. Movable ventilation devices shall be provided in work areas and be multidirectional and capable of dispersing H_2S or SO_2 vapors away from working personnel.

(7) *Notification of Regulatory Agencies.* The following agencies shall be immediately notified under the alert conditions indicated:

(a) *Moderate Danger.*

(i) U.S. Geological Survey.

(ii) U.S. Coast Guard.

(b) *Extreme Danger.*

(i) U.S. Geological Survey.

(ii) U.S. Coast Guard.

(iii) Appropriate State agencies.

B. *Metallurgical Equipment Considerations.* Equipment used when drilling zones bearing H_2S shall be constructed of materials which, according to design principles, will be also to resist damage from the phenomena known variously as sulfide stress cracking, hydrogen embrittlement, or stress corrosion cracking. Such equipment includes drill pipe, casing, casing heads, blowout-preventer stack assemblies, kill lines, choke manifolds, and other related equipment. A knowledge of the various interactions between stress, environment, and the metallurgy employed is required for successful operation in H_2S environments. The following general practices are required for acceptable performance:

(1) *Drilling String.* Drill strings shall be designed consistent with the anticipated depth, conditions of the hole, and reservoir environment to be encountered. Care shall be taken to minimize exposure of the drill string to high stresses as much as is practical and consistent with the anticipated hole conditions to be encountered.

(2) *Casing.* Casing, couplings, flanges, and related equipment shall be designed for H_2S service. Field welding on casing (except conductor and surface strings) is prohibited unless approved by the District Supervisor.

(3) *Wellhead, Blowout Preventers, and Pressure Control Equipment.* The blowout-preventer stack assembly shall be designed in accordance with criteria evolved through technology of the latest state-of-the-art for H_2S Service. Surface equipment such as choke lines, choke manifold, kill lines, bolting, weldments, and other related well-killing equipment shall be designed and fabricated utilizing the most advanced technology concerning sulfide stress cracking. Elastomers, packing, and similar inner parts exposed to H_2S shall be resistant at the maximum anticipated temperature of exposure.

C. *Mud Program.*

(1) Either water- or oil-base muds are suitable for use in drilling formations containing H_2S if oil-base muds are used, cuttings shall be cleaned of oil prior to disposal into the ocean.

(2) A pH of 10.0 or above shall be maintained in a water-base mud system to control corrosion and prevent sulfide stress cracking.

(3) Consideration shall also be given to the use of H_2S scavengers in both water- and oil-base mud systems.

(4) Sufficient quantities of additives shall be maintained on location for addition to the mud system as needed to neutralize H_2S picked up by the system when drilling in formations containing H_2S.

(5) The application of corrosion inhibitors to the drill pipe to afford a protective coating or their addition to the mud system may be used as an additional safeguard to the normal protection of the metal by pH control and the scavengers mentioned above.

(6) Drilling mud containing H_2S gas shall be degassed at the optimum location for the particular rig configuration employed. The gases so removed shall be piped into a closed flare system and burned at a suitable remote stack.

D. *General Operations.* All personnel in the working area shall utilize H_2S protective-breathing apparatus when required, as specified in paragraph 5A(2). The normal fixed-point monitor system outlined in paragraph 5A(4) may be supplemented with portable H_2S detectors as conditions warrant.

(1) *Drill String Trips or Fishing Operations.* Every effort shall be made to pull a dry drill string while maintaining well control. If it is necessary to pull the drill string wet after penetration of H_2S-bearing zones, increased monitoring of the working area shall be provided and protective breathing apparatus shall be worn under conditions as outlined in paragraph 5A(2).

(2) *Circulating Bottoms-up from a Drilling Break, Cementing Operations, Logging Operations, or Well Circulation While Not Drilling.* After penetration of an H_2S-bearing zone, protective breathing apparatus shall be worn by those personnel in the working area in advance of circulating bottoms-up or when H_2S is indicated by the monitoring system in quantities sufficient to require protective breathing appartus under paragraph 5A(2), should this condition occur earlier.

(3) *Coring Operations in H_2S-bearing Zones.* Personnel protective-breathing apparatus shall be worn 10–20 stands in advance of retrieving the core barrel. Cores to be transported shall be sealed and marked for the presence of H_2S.

(4) *Abandonment or Temporary Abandonment Operations.* Internal well-abandonment equipment shall be designed for H_2S service.

(5) *Logging Operations after Penetration of Known or Suspected H_2S-bearing Zones.* Mud in use for logging operations shall be conditioned and treated to minimize the effects of H_2S on the logging equipment.

(6) *Stripping Operations.* Displaced mud returns shall be monitored and protective breathing apparatus worn if H_2S is detected at levels outlined for protective breathing apparatus under paragraph 5A(2).

(7) *Gas-cut Mud or Well Kick from H_2S bearing Zones.* Protective breathing apparatus shall be worn when an H_2S concentration of 20 parts per million is detected. Should a decision be made to circulate out a kick, protective breathing apparatus shall be worn prior to and subsequent to bottoms-up, and at any time during an extended kill operation that the concentration of H_2S becomes hazardous to personnel as defined in paragraph 5A(2)(a).

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(8) *Drill String Precautions.* Precautions shall be taken to minimize drill string stresses caused by conditions such as excessive dogleg severity, improper stiffness rations, improper torque, whip, abrasive wear on tool joints, and joint imbalance. American Petroleum Institute Bulletin RP 7G shall be used as a guideline for drill string precautions. Tool-joint compounds containing free sulphur shall not be used. Proper handling techniques shall be employed to minimize notching, stress concentrations, and possible drill pipe failures.

(9) *Flare System.* The flare system shall be designed to safely gather and burn H_2S gas. Flare lines shall be located as far from the drilling facility as feasible in a manner to compensate for wind changes. The flare system shall be equipped with a pilot and an automatic igniter. Backup ignition for each flare shall be provided.

E. *Kick Detection and Well Control.* In addition to the requirements of paragraph 3B of this Order, all efforts shall be made to prevent a well kick as a result of gas-cut mud, drilling breaks, lost circulation, or trips for bit change. Drilling rate changes shall be evaluated for the possibility of encountering abnormal pressures, and mud weights adjusted in an effort to compensate for any hydrostatic imbalance that might result in a well kick.

In the event of a kick, the disposal of the well influx fluids shall be accomplished by one of the following alternatives, giving consideration to personnel safety, possible environmental damage, and possible facility well equipment damage:

Alternative A. To contain the well fluid influx by shutting in the well and pumping the fluids back into the formation.

Alternative B. To control the kick by using appropriate well-control techniques to prevent formation fracturing in open hole within the pressure limits of well equipment (drill pipe, casing, wellhead, blowout preventers and related equipment). The disposal of H_2S and other gases shall be through pressured or atmospheric mud-gas separator equipment, depending on volume and pressure of H_2S gas. The equipment shall be designed to recover drilling mud and to vent to the atmosphere and burn the gases separated. The mud system shall be treated to neutralize H_2S and restore and maintain the proper mud quality.

F. *Well Testing in an H_2S Environment.*

(1) *Procedures.*

(a) Well testing shall be performed with a minimum number of personnel in the immediate vicinity of the rig floor and test equipment to safety and adequately perform the test and maintain related equipment and services.

(b) Prior to initiation of the test, special safety meetings shall be conducted for all personnel who will be on the drill facility during the test, with particular emphasis on the use of personnel protective-breathing apparatus, first aid procedures, and the H_2S Contingency Plan.

(c) During the test, the use of H_2S detection equipment shall be intensified. All produced gases shall be vented and burned through a flare system which meets the requirements of paragraph 5D(9). Gases from stored test fluids shall be vented into the flare system.

(d) "No Smoking" rules in the approved Contingency Plan of paragraph 5A(3) of this Order shall be rigorously enforced.

(2) *Equipment.*

(a) Drill-etem test tools and wellhead equipment shall be suitable for H_2S service.

(b) Tubing which meets the requirements for H_2S service shall be used for drill stem testing. Drill pipe shall not be used for drill stem tests without the prior approval of the District Supervisor. The water cushion shall be thoroughly inhibited in order to prevent H_2S corrosion. The test string shall be flushed with treated fluid for the same purpose after completion of the test.

(c) All surface test units and related equipment shall be designed for H_2S service. Only competent personnel who are trained in and knowledgeable of the hazardous effects of H_2S shall be utilized in these tests.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved.

RUSSELL G. WAYLAND,
Chief, Conservation Division

MID-ATLANTIC OCS ORDER No. 3

Effective ----------

PLUGGING AND ABANDONMENT OF WELLS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations must not be commenced prior to obtaining approval from an authorized representative of the Geological Survey. Oral approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Permanent Abandonment.*

A. *Isolation in Uncased Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30.5 metres (100 feet) below the bottom to 30.5 metres (100 feet) above the top of any oil, gas, and fresh water zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs may be required to protect other minerals, or to prevent migration of fluids in the well bore. No more than 762.0 metres (2,500 feet) of uncased hole shall be left without a cement plug of at least 30.5 metres (100 feet) in length in wells requiring a mud weight in excess of 1.44kg/l (12.0 ppg) for control.

B. *Isolation of Open Hole.* Where there is open hole (uncased and open into the casing string above) below the casing, a cement plug shall be placed in the deepest casing string by (1) or (2) below, or in the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with (3) below:

(1) A cement plug placed by displacement method so as to extend a minimum of 30.5 metres (100 feet) above and 30.5 metres (100 feet) below the casing shoe.

(2) A cement retainer with effective back pressure control set not less than 15.2 metres (50 feet), nor more than 30.5 metres (100 feet), above the casing shoe with a cement plug calculated to extend at least 30.5 metres (100 feet) below the casing shoe and 15.2 metres (50 feet) above the retainer.

(3) A permanent type bridge plug set within 45.7 metres (150 feet) above the casing shoe with 15.2 metres (50 feet) of cement on top of the bridge plug. This plug shall be tested prior to placing subsequent plugs.

C. *Plugging or Isolating Perforated Intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30.5 metres (100 feet) above and 30.5 metres (100 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of the cement plug, the following two methods are acceptable, provided the perforations are isolated from the hole below:

(1) A cement retainer with effective back pressure control set not less than 15.2 metres (50 feet) not more than 30.5 metres (100 feet) above the top of perforated interval with a cement plug calculated to extend at least 30.5 metres (100 feet) below the bottom of the perforated interval and 15.2 metres (50 feet) above the retainer.

(2) A permanent type bridge plug set within 45.7 metres (150 feet) above the top of the perforated interval with 15.2 metres (50 feet) of cement on top of the bridge plug.

D. *Plugging of Casing Stubs.* If casing is cut and recovered, a cement plug 61 metres (200 feet) in length shall be placed to extend 30.5 metres (100 feet) above and 30.5 metres (100 feet) below the stub. A retainer may be used in setting the required plug.

E. *Plugging of Annular Space.* No annular space that extends to the ocean floor shall be left open to drilled hole below. If this condition exists, the annulus shall be plugged with cement.

F. *Surface Plug Requirement.* A cement plug of at least 45.7 metres (150 feet), with the top of the plug 45.7 metres (150 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the surface.

G. *Testing of Plugs.* The setting and location of the first plug below the top 45.7-metre (150-foot) plug, will be verified by either (1) placing a minimum pipe weight of 6,800.0 kilograms (15,000 pounds) on the plug, or where this plug is placed utilizing a cement retainer or bridge plug, it is only necessary that the setting of the retainer or bridge plug be verified by placing at least 6,800.0 kilograms (15,000 pounds) on it prior to placing cement on top.

H. *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such interval.

I. *Clearance of Location.* All casing and piling shall be severed and removed to that depth below the ocean floor approved by the Area Supervisor after a review of data on the ocean bottom conditions. The operator shall verify that the location has been cleared of all obstructions.

2. *Temporary Abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for requirements P and I of section 1 above. When casing extends above the ocean floor, a mechanical bridge plug (retrievable or permanent) shall be set in the casing between 4.6 and 61.0 metres (15 and 200 feet) below the ocean floor.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

MID-ATLANTIC OCS ORDER No. 4

Effective ----------

SUSPENSIONS AND DETERMINATION OF WELL PRODUCIBILITY

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OSC lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved. All applications for suspension of production for an initial period should be submitted prior to the expiration of the term of a lease. The Area Supervisor may approve a suspension of production provided at least one well has been drilled on the lease and determined to be capable of being produced in paying quantities. The temporary or permanent abandonment of a well will not preclude approval of a suspension of production as provided in 30 CFR 250.12(d)(1). All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

A well may be determined to be capable of producing in paying quantities when the following requirements below have been met:

1. *Oil Wells.* A production test of at least two hours duration, following stabilization of flow.

2. *Gas Wells.* A deliverability test of at least two hours duration, following stabilization of flow, or a four-point back-pressure test.

3. *Well Data.* All pertinent engineering, geologic, and economic data shall be submitted to the Area Supervisor and will be considered in determining whether or not a well is capable of being produced in paying quantities.

4. *Witnessing and Results.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data accompanied by operator's affidavit, or third-party test data, may be accepted in lieu of a witnessed test provided prior approval is obtained from the District Supervisor.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

MID-ATLANTIC OCS ORDER No. 5

Effective ----------

SUBSURFACE SAFETY DEVICES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.41(b). The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). All applications for approval under the provisions of this Order shall be submitted to the District Supervisor. Reference in this Order to approvals, determinations, or requirements are to those given or made by the Area Supervisor or his delegated representative.

1. *Installation.* All tubing installations open to hydrocarbon-bearing zones shall be equipped with a surface-controlled or other remotely controlled subsurface safety device, to be installed at a depth of 30.5 metres (100 feet) or more below the ocean floor unless, after application and justification, the well is determined to be incapable of flowing oil or gas. These installations shall be made within two days after stabilized production is established. The well shall not be left unattended while open to production before a subsurface safety device is installed.

A. *Shut-in Wells.* A tubing plug shall be installed in lieu of, or in addition to, other subsurface safety devices if a well has been shut in for a period of six months. Such plugs shall be set at a depth of 30.5 metres (100 feet) or more below the ocean floor and shall be of the pump-through type. All wells perforated and completed, but not placed on production, shall be equipped with a subsurface safety device or tubing plug within two days after completion.

B. *Injection Wells.* Subsurface safety devices above shall be installed in all injection wells unless, after application and justification, it is determined that the well is incapable of flowing which condition shall be verified annually.

2. *Design, Testing, and Inspection.* Subsurface safety devices shall be designed, adjusted, installed, and maintained to insure reliable operation. During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating subsurface safety device has been installed in the well.

A. *Surface-Controlled Subsurface Safety Devices.*

(1) *Quality Assurance and Performance.* The operator shall use subsurface safety devices that comply with the minimum standards set forth in "API Spec 14 A, October 1973, Subsurface Safety Valves," for quality assurance including design, material, and functional test requirements, and for verification of independent party performance testing and manufacturer functional testing of such valves.

(2) *Installation and Testing.* The operator shall comply with the minimum recommended practices set forth in "API RP 14 B, October 1973, Design, Installation, and Operation of Subsurface Safety Valve Systems," which contain procedures for design calculations, safe installation, and operating and testing. Each surface-controlled subsurface safety device installed in a well shall be tested in place for proper operation when installed, or reinstalled, at least monthly for the next six months and quarterly thereafter. If the device does not operate properly, it shall be removed, repaired, and reinstalled or replaced and tested to insure proper operation.

B. *Tubing Plugs.* A shut-in well equipped with a tubing plug shall be inspected for leakage by opening the well to possible flow at intervals not exceeding six months. If sustained liquid flow exceeds 400 cm^3/min (.014 ft^3/min), or gas flow exceeds 424.8 l/min (15 ft^3/min), the plug shall be removed, repaired, and reinstalled or an additional tubing plug installed to prevent leakage.

3. *Temporary Removal.* Each wireline- or pumpdown-retrievable subsurface safety device may be removed, without further authorization or notice, for a routine operation which does not require approval of a Sundry Notice and Report on Wells (Form 9–331) for a period not to exceed fifteen days. The well shall be clearly identified as being without a subsurface safety device and shall not be left unattended while open to production. The provisions of this paragraph are not applicable to the testing and inspection procedures specified in section 2 (Design, Testing, and Inspection) above.

4. *Additional Protective Equipment.* All tubing installations in which a wireline- or pumpdown-retrievable subsurface safety device is to be installed shall be equipped with a landing nipple, with flow couplings or other protective equipment above and below, to provide for setting of the subsurface safety device. All wells in which a subsurface safety device or tubing plug is installed shall have the tubing-casing annulus packed off above the uppermost open casing perforations. The control system for all surface-controlled subsurface safety devices shall be an integral part of the platform shut-in system.

5. *Departures.* All departure applications will be considered for approval pursuant to 30 CFR 250.12(b) and the requirements of this Order. All applications for departures shall include a detailed statement of the well conditions, efforts made to overcome any difficulties, and proposed alternate safety measures.

6. *Emergency Action.* All tubing installations open to hydrocarbon-bearing zones and not equipped with a subsurface safety device as permitted by this Order shall be clearly identified as not being so equipped, and a subsurface safety device or tubing plug shall be available at the field location. In the event of an emergency, such device or plug shall be promptly installed, due consideration being given to personnel safety.

7. *Records.* The operator shall maintain the following records for a minimum period of one year for each subsurface safety devices and tubing plug installed, and these records shall be available to any authorized representative of the Geological Survey.

A. *Field Records.* Individual well records shall be maintained at or near the field and shall include, as a minimum, the following information:

(1) A record which will give design and other information; i.e., make, model, type, spacers, bean and spring size, pressure, etc.

(2) Verification of assembly by a qualified person in charge of installing the device and installation date.

(3) Verification of setting depth and all operational tests as required in this Order.

(4) Removal date, reason for removal, and reinstallation date.

(5) A record of all modifications of design in the field.

(6) All mechanical failures or malfunctions, including sand cutting, of such devices, with notation as to cause or probable cause.

(7) Verification that failure report was submitted.

B. *Other Records.* The following records, as a minimum, shall be maintained at the operator's office:

(1) Verified design information of subsurface safety devices for the individual well.

(2) Verification of assembly and installation according to design information.

(3) All failure reports.

(4) All laboratory analysis reports of failed or damaged parts.

(5) Quarterly failure-analysis report.

8. *Reports.* Well completion reports (Form 9–330) and any subsequent reports of workover (Form 9–331) shall include the type and the depth of the subsurface safety devices and tubing plugs installed.

To establish a failure-reporting and corrective-action program as a basis for reliability and quality control, each operator shall submit a quarterly failure-analysis report to the Area Supervisor, identifying mechanical failures by lease and well, make and model, cause or probable cause of failure, and action taken to correct the failure. The report shall be submitted within 30 days following the periods ending December 31, March 31, June 30, and September 30 of each year.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

MID-ATLANTIC OCS ORDER No. 7

Effective ----------

POLLUTION AND WASTE DISPOSAL

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Pollution Prevention.* In the conduct of all oil and gas operations, the operator shall prevent pollution of the ocean. Furthermore, the disposal of waste materials into the ocean

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shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, or other uses of the ocean.

A. *Liquid Disposal.*

(1) Drilling mud containing oil shall not be disposed of into ocean.

(2) The operator shall submit with the Application for Permit to Drill (Form 9–331C) a detailed list of drilling mud constituents and their concentrations, including the chemical composition of trade name components, and a list of the drilling mud additives which might be used to meet special drilling requirements. Drilling mud containing toxic substances shall be neutralized prior to disposal.

(3) Curbs, gutters, and drains on platforms and structures shall be installed and maintained in accordance with the provisions of OCS Order No. 8.

(4) Produced waste water disposal systems shall be designed and maintained so that the oil content of the effluent shall meet applicable requirements promulgated by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act as amended.

(a) A copy of the results of all analyses submitted to the Environmental Protection Agency shall be similarly submitted to the Area Supervisor, and a copy of the most recent analysis shall be maintained at the discharge site or field production headquarters and be available for inspection by Geological Survey personnel.

(b) Should an analysis indicate that the effluent does not meet the above requirements, corrective action shall be taken immediately. Approval to continue operations to aid in the identification and remedy of the problem shall be obtained from the Area Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the Area Supervisor within 10 days.

(5) The disposal of produced waste water other than into the ocean shall have the method and location approved by the Area Supervisor.

B. *Solid Waste Disposal.*

(1) Drill cuttings, sand, and other solids containing oil shall not be disposed of into ocean unless all of the free oil has been removed.

(2) Mud containers and other solid waste materials shall be incinerated or transported to shore for disposal in accordance with Federal, State, or local requirements.

(3) All sewage shall be treated so that effluent shall meet applicable requirements promulgated by th Environmental Protection Agency pursuant to the Federal Water Pollution Control Act as amended.

(a) A copy of the results of all analyses submitted to the Environmental Protection Agency shall be similarly submitted to the Area Supervisor, and a copy of the most recent analysis shall be maintained at the discharge site or field production headquarters and be available for inspection by Geological Survey personnel.

(b) Should an analysis indicate that the effluent does not meet the above requirements, corrective action shall be taken immediately. Approval to continue operations to aid in the identification and remedy of the problem shall be obtained from the Area Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the Area Supervisor within 10 days.

2. *Personnel, Inspections and Reports.*

A. *Personnel.* The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Nonoperator personnel shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution.

B. *Pollution Inspections.* All drilling and production facilities shall be inspected daily. All production facilities, such as separators, tanks, treaters, and other equipment shall be such as are necessary to control the maximum anticipated pressures and production of oil and gas. Maintenance or repairs as are necessary to prevent pollution of the ocean shall be undertaken immediately.

C. *Pollution Reports.* All pollution reports required shall be submitted on Form 9–1880, entitled *Pollution Report.*

(1) All spills of oil and liquid pollutants shall be recorded showing the cause, size of spill, and action taken, and the record shall be maintained and available for inspection by the District Supervisor. All spills of less than 2.4 cubic metres (15 barrels) shall be reported orally to the District Supervisor within 12 hours and shall be confirmed in writing.

(2) All spills of oil and liquid pollutants of 2.4 to 7.9 cubic metres (15 to 50 barrels) shall be reported orally to the District Supervisor immediately and shall be confirmed in writing.

(3) All oil spills of 2.4 cubic metres (15 barrels) or more shall also be reported to the Governor or his designee of each adjacent State within four hours.

(4) All spills of oil and liquid pollutants of a substantial size or quantity, which is defined as more than 7.9 cubic metres (50 barrels), and those of any size or quantity which cannot be immediately controlled, shall be reported orally without delay to the District Supervisor, the Coast Guard, and the Regional Administrator, Environmental Protection Agency. All oral reports shall be confirmed in writing.

(5) Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. *Pollution Control Equipment and Oil Spill Contingency Plan.*

A. *Equipment.* Standby pollution control equipment and materials shall be maintained by, or shall be available to, each operator at an offshore or onshore location. This shall include containment booms, skimming apparatus, cleanup materials and chemical agents, and shall be available prior to the commencement of operations. No chemicals shall be used without prior approval of the Area Supervisor. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

B. *Oil Spill Contingency Plan.* The operator shall submit an oil spill contingency plan for approval by the Area Supervisor before consideration can be given to approval of an application for permit to conduct operations. This plan shall contain the following:

(1) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment.

(2) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(3) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of of an oil discharge, as well as the names, telephone numbers, and addresses of regulartory organizations and agencies to be notified when an oil discharge is discovered.

(4) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(a) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.

(b) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(c) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

4. *Spill Control and Removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the Oil Spill Contingency Plan shall be subject to modification when directed by the Area Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent cleanup by the lessee or operator shall remain with the Area Supervisor pursuant to the provisions of this Order and the memorandum of understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 16, 1971.

5. *Annual Contingency Plan.* Annual contingency plan assessments will be conducted in conjunction with Plan of Development review. Upon request of the Area Supervisor, revised contingency plans reflecting changes in personnel, equipment, and methods shall be submitted.

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

MID-ATLANTIC OCS ORDER NO. 12

Effective ----------

PUBLIC INSPECTION OF RECORDS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR Part 2. Requests for information made under the Freedom of Information Act, 5 U.S.C. § 552, will be governed by the provisions of 43 CFR Part 2 (40 F.R. 7304, February 19, 1975.) Section 2.13 of 43 CFR says:

It is the policy of the Department of the Interior to make the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

Section 2.15(c) of 43 CFR says:

A request for a record may be denied only if it is determined that (1) the record is exempt from disclosure (under the Freedom of Information Act) and (2) that withholding of the record is required by statute or Executive Order or supported by sound grounds.

The operator shall comply with the follow-requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Availability of Records.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Area office. Certain other portions of these records have been determined to be exempt from disclosure. The reason for these exemptions is discussed in Section 4 of this Order.

A. *Form 9–152—Monthly Report of Operations.* All information contained on this form shall be available except the information required in the Remarks column.

B. *Form 9–330—Well Completion or Recompletion Report and Log.*

(1) Prior to commencement of production, all information contained on this form shall be available, except Item 1a, Type of Well; Item 4, Location of Well, at top production interval reported below: Item 22, if Multiple Completion, How many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9–330 as required in 30 CFR 250.38(b), all information contained on this form shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, the lessee or operator shall file a Form 9–330 containing all information requested on the form, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9–330.

C. *Form 9–331—Sundry Notices and Report on Wells.*

(1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available, except Item 4, Location of Well, at top production interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available, except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

D. *Form 9–331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form, and location plat attached thereto, shall be available, except Item 23, Proposed Casing and Cementing Program.

E. *Form 9–1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

F. *Form 9–1870—Semi-Annual Gas Well Test Report.* All information contained on this form shall be available.

G. *Multi-point Back Pressure Test Report.* All information contained on this form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. *Sales of Lease Production.* Information contained on monthly Geological Survey computer printout showing sales volumes, value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Forms 9–152, 9–330, 9–331, 9–331C, 9–1869, 9–1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All reports submitted on these forms shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1(A), (B), (C), and (D) above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. *Availability of Inspection Records.* All accident investigation reports, pollution incident reports, facilities inspection data, and records of enforcement actions are also available for public inspection.

4. *Information Exempt from Public Inspection.* It has been determined that certain information as discussed in paragraphs 1.A, 1.B, 1.C, 1.D, and 2 of this Order is exempt from disclosure under exemption 9 of the Freedom of Information Act (5 U.S.C. § 552(b)(9).) This information has been determined to qualify as "geological and geophysical information and data including maps concerning wells."

HARRY A. DUPONT,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75–32914 Filed 12–5–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Postponement of Public Meeting

The December 9, 1975, meeting of the Shippers Advisory Committee, announced in the November 24, 1975, issue of the FEDERAL REGISTER (40 FR 54452), is postponed until January 6, 1976, and will be held in the Village Green Recreation Building, 7300 Route 60, Vero Beach, Florida, at 10:30 a.m., local time. This notice is issued pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770). The committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). At its meeting of December 2, 1975, the committee recommended regulations it deemed appropriate to the current supply situation and requested that the meeting scheduled for December 9, 1975, be postponed until January 6, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: December 3, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–33068 Filed 12–5–75;8:45 am]

Agricultural Stabilization and Conservation Service

AGRICULTURAL CONSERVATION PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a draft environmental statement on the Agricultural Conservation Program, USDA–ASCS–ES (Adm.) 75–1. The Agricultural Conservation Program was authorized under sections 7 to 15, 16(a) and 17 of the Soil Conservation and Domestic Allotment Act and Title X of the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93–86). It provides cost-sharing assistance to farmers and ranchers in establishing measures for soil and water conservation, environmental protection and enhancement, wildlife improvement and other similar purposes. The program will place emphasis on carrying out long-term and enduring type measures under annual or long-term cost-share agreements.

The impact of this program on the environment will generally be beneficial. Major adverse environmental effects are not anticipated in implementing this program. Some minor impacts may occur, principally during the construction of certain of the practices such as noise, dust and fumes from machinery operation, soil open for potential erosion, some wildlife habitat disturbed, etc.

This draft statement was filed with the Council on Environmental Quality on November 5, 1975. Copies of the statement have been forwarded to all State Clearinghouses, various conservation and environmental organizations and Federal agencies as outlined in the CEQ guidelines. To assist in implementing this program early in 1976, we wish to receive any comments on the draft statement by January 5, 1976.

Copies of the statement are available for inspection during regular working hours at USDA, Agricultural Stabilization and Conservation Service, Room 4702 South Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, and at all State offices for the Agricultural Stabilization and Conservation Service. A limited number of single copies are available upon request at the Washington, D.C. office.

Comments concerning the draft statement should be addressed to the Director, Environmental Quality and Land Use Division, Agricultural Stabilization

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and Conservation Service, Room 4091 South Building, 14th and Independence Avenue, SW., Washington, D.C. 20250.

All comments must be received on or before January 5, 1976, in order to be sure of consideration in the preparation of the final environmental impact statement.

Signed at Washington, D.C. on December 2, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-32955 Filed 12-5-75;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, SPECIAL MILK PROGRAM, AND COMMODITY ONLY SCHOOLS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Meals and Free Milk

This notice amends the Secretary's income poverty guidelines to substitute schedules showing the guidelines levels when increased by 95 percent for the previous schedules showing the levels when increased by 75 percent. Public Law 94-105, enacted October 7, 1975 amends the requirements for reduced price lunches specified in section 9 of the National School Lunch Act (42 U.S.C. 1758). As amended, this section requires that all schools participating in the National School Lunch Program, or utilizing commodities donated by the Department, provide free lunches to children from families whose income is at or below the applicable family-size income level in the Secretary's income poverty guidelines, and requires that schools provide lunches at a reduced price to children from families whose income is above the income level prescribed by State educational agencies for free meals, and below 195 percent of the applicable family-size income level in the Secretary's income poverty guidelines.

Also, the law adds subsection (a) to section 12 of the National School Lunch Act (42 U.S.C. 1760) to provide that the value of assistance to children under the Act may not be considered as income under any Federal or State laws. Section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1780) contains a like provision which is applicable to the School breakfast and Special Milk Programs.

Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) requires that free and reduced price breakfasts be served in the School Breakfast Program under the same conditions as are established under the National School Lunch Act for free and reduced price lunches. Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) provides that children who qualify for free lunches under the Secretary's guidelines shall also be eligible for free milk.

Under the legislation, each State educational agency is required to prescribe income guidelines for both free and reduced price meals and free milk by family size, for use by schools in the State. In the case of free meals and free milk, the State guidelines may not be less than the applicable family size income level prescribed by the Secretary and may not exceed the Secretary's guidelines by more than 25 percent. The maximum eligibility criteria for reduced price meal service must be established at 95 percent in excess of the Secretary's guidelines.

Pursuant to section 9 of the National School Lunch Act, as amended, and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended, the income poverty guidelines for determining eligibility for free and reduced price meals in the National School Lunch Program, School Breakfast Program, and commodity only schools and for free milk in schools in the Special Milk Program during fiscal year 1976 are prescribed by the Secretary in the following tables. Also included, for the convenience of State educational agencies, are the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels which may be prescribed by State educational agencies in determining eligibility for free meals and free milk, and the mandatory level for determining eligibility for reduced price meals, respectively. The Secretary's guidelines remain the minimum level for free meals and free milk; all children at or below such levels shall be served a free meal and free milk. Guidelines for the island of Guam are identical to those established for the State of Hawaii, due to comparable costs of living.

Income poverty guidelines, fiscal year 1976 (48 States, District of Columbia, Territories excluding Guam)

Family size	Secretary's guidelines, fiscal year 1976	Guidelines when increased by— 25 percent	95 percent
1	$2,580	$3,230	$5,040
2	3,390	4,240	6,620
3	4,200	5,250	8,200
4	5,010	6,260	9,770
5	5,750	7,190	11,210
6	6,490	8,110	12,650
7	7,160	8,950	13,970
8	7,830	9,790	15,280
9	8,440	10,550	16,480
10	9,050	11,310	17,640
11	9,650	12,060	18,820
12	10,250	12,810	20,000
Each additional family member	600	750	1,190

Income poverty guidelines, fiscal year 1976 (Alaska)

Family size	Secretary's guidelines, fiscal year 1976	Guidelines when increased by— 25 percent	95 percent
1	$3,050	$3,810	$5,930
2	4,000	5,000	7,790
3	4,950	6,190	9,650
4	5,900	7,380	11,500
5	6,780	8,470	13,210
6	7,650	9,560	14,910
7	8,440	10,550	16,460
8	9,230	11,540	18,000
9	9,940	12,430	19,390
10	10,650	13,320	20,780
11	11,360	14,210	22,160
12	12,070	15,090	23,540
Each additional family member	710	880	1,380

Income poverty guidelines, fiscal year 1976 (Hawaii and Guam)

Family size	Secretary's guidelines, fiscal year 1976	Guidelines when increased by— 25 percent	95 percent
1	$2,890	$3,610	$5,630
2	3,790	4,740	7,390
3	4,690	5,780	9,150
4	5,590	6,990	10,900
5	6,420	8,020	12,510
6	7,240	9,050	14,110
7	7,990	9,990	15,580
8	8,740	10,920	17,040
9	9,430	11,770	18,370
10	10,100	12,620	19,690
11	10,780	13,470	21,010
12	11,460	14,320	22,330
Each additional family member	680	850	1,320

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the year-to-year change in the Consumer Price Index. This procedure is consistent with the basic procedure used by the Bureau of the Census in updating its latest statistics on poverty levels.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P-60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commission, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security payments; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensations; (8) Government civilian employee or military retirement or pension or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 amendments to the Older Americans Act of 1965, Public Law 93-29 (87 Stat. 30); nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household: (1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein;

(3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses. Furthermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1964.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals: *Provided, however,* that children whose parents or guardians become unemployed shall be eligible for free or reduced price meals or free milk during the period of unemployment, if the loss of income causes the family income to be within the eligibility criteria of the school food authority.

Effective Date. This notice shall be effective as of October 7, 1975.

Dated: December 1, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-32770 Filed 12-5-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Tuesday, January 13, 1976 at 1:00 p.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration approved the reestablishment of the Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to determine the extent of foreign capability in numerically controlled technology.

The agenda for the meeting is: (1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of additional means of collecting foreign availability information on Free World non-COCOM countries.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

Dated: December 3, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-32922 Filed 12-5-75;8:45 am]

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Center for Building Technology Advisory Committee will hold a meeting from 9 a.m. to 4 p.m. on January 13, 1976, in room 209 on the 2nd floor of the McGraw-Hill Building, 1221 Avenue of the Americas, New York, New York.

The Committee was established in January 1973 to advise the Department of Commerce on matters relating to the Nation's needs in building research and technology. The Committee consists of 19 members, balanced on the basis of their knowledge in such building areas as products, materials and equipment; construction unions; construction contractors (general and specialized); the design professions; the home building industry; owner-builders' financing, standards and codes; consumer interests; and State and local governments.

The purpose of this meeting is to obtain the Committee's advice on approaches for more effective interaction of the Center with the building community. The meeting agenda will address the Center's activities in development and implementation of energy-conservation performance standards for buildings, programs for coordination of building dimensions as part of a metric conversion effort, and other matters which the Chairman may deem appropriate to discuss.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Questions or comments on the agenda should be submitted in writing before January 9, 1976, to the Committee Control Officer. Approximately 25 seats will be available for the public.

Copies of the minutes will be available on request thirty (30) days after the meeting.

Inquiries may be addressed to the Committe Control Officer, Dr. Richard N. Wright, Director, Center for Building Technology, Building 226, Room B-250, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3377).

Dated: December 3, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-32996 Filed 12-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NIH GRANTS PEER REVIEW SYSTEM

Notice of Public Hearings

Notice is hereby given that the National Institutes of Health (NIH) Grants Peer Review Study Team plans to hold a series of three public hearings to solicit information from the scientific community and other interested groups or individuals in conjunction with its study of the NIH "grants peer review" system, previously announced in the FEDERAL REGISTER on September 4, 1975 (40 FR 40870).

Some of the general topics for which information is solicited include:

1. Adequacy of the total review system, e.g.

a. The effectiveness of the system in serving and responding to societal needs and expectations for biomedical research on disease-related problems.

b. The effectiveness of the system in assisting in maintenance of a strong, high quality national biomedical science base.

c. The extent to which the system assists in meeting the best standards of public accountability for expenditure of public funds.

2. Adequacy of the initial scientific review.

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3. Adequacy of the Council review.
4. Adequacy of the priority rating system.
5. Impact of the Privacy Act of 1974.
6. Impact of the Freedom of Information Act, as amended in 1974.
7. Impact of the Federal Advisory Committee Act.
8. Recommendations as to how the present Grants Peer Review System can be improved.

The hearings are open to interested members of the public and will be held from 9 a.m. until 5 p.m. as follows:

February 12, 1976—Chicago, Ill., 219 S. Dearborn Street, Rm. 204A.

February 19, 1976—San Francisco, Calif., 555 Battery Street, Rm. 503.

February 26, 1976—Bethesda, Md., National Institutes of Health, 9000 Rockville Pike, Bldg. 1, 3rd floor, Wilson Hall.

Attendance and the number of presentations will be limited to the time and space available. Thus, all individuals wishing to attend or present statements at these hearings should contact Dr. Mathilde Solowey, Executive Secretary, NIH Grants Peer Review Study Team, Room 4A35, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, (301) 496–1231, by 5:00 p.m. E.S.T., January 16, 1976, stating which hearing site they wish to attend, and whether or not they wish to make a presentation.

Those planning to make a presentation must file a written statement or detailed summary of their presentation with the Executive Secretary before 5:00 p.m. E.S.T. on January 30, 1976. Only speakers discussing subjects relevant to the study will be scheduled.

Initially, each speaker will be limited to a maximum of ten minutes, although more time may be available depending on the number of scheduled speakers.

Those who cannot attend the hearings, but would like to submit a written statement, are encouraged to do so.

Dated: December 1, 1975.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.75–32931 Filed 12–5–75;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Adivsory Council on Financial Aid to Students will be held on February 9 and 10, 1976, from 9:00 a.m. to 4:30 p.m., in Room 3000 (Assistant Secretary Conference Room), Federal Office Building #6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Financial Aid to Students is established under Section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

1. Deliberation on twenty-one written papers by Council members on Federal financial aid programs.

2. Matters pertaining to content of Council's Second Annual Report.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Council's Office located in Room 4669, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on December 3, 1975.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc.75–32932 Filed 12–5–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–75–458]

CINNAMON LAKE

Notice of Hearing

In the matter of Cinnamon Lake, OILSR No. 0–0987–41–4, Doc. No. 75–248–IS, Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Cinnamon Lake, Avland Development Company, John F. Shoemaker, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 22, 1975, which was sent to the developer pursuant to 15 U.S.S. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Cinnamon Lake, located in Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 18, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on January 29, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 15, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 25, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75–32925 Filed 12–5–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

DUQUESNE LIGHT CO., ET AL. (BEAVER VALLEY POWER STATION, UNIT 1)

Order Convening Evidentiary Hearing

The Atomic Safety and Licensing Board was informed in a telephonic conference call on December 1, 1975 that all parties are available and ready to proceed with additional matters at an evidentiary hearing, and that December 16, 1975 is a convenient date. The Board was informed by Duquesne Light Company, *et al.* (Applicants) that a motion would be filed for a low power testing license, not to exceed one percent[1] of full power, within this week.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that a session of evidentiary hearings shall convene at 9:00 a.m. on Tuesday, December 16, 1975

[1] This one percent limit appears consistent with the application of *expressio unius est exclusio alterius* to Section 50.57(c) of the Commission's rules. In addition, the Appeal Board has recently applied a similar interpretation in holding that the specifics stated in a rule are controlling over the general language. *In the Matter of Toledo Edison Company, et al.*, ALAB–300, Slip Op., page 15, citing *Ginsburg v. Popkin*, 285 U.S. 204, 208 (1932): "General language of a statutory provision, although broad enough to include it, will not be held to apply to a matter specifically dealt with in another part of the same enactment."

in Courtroom No. 2, 8th Floor, U.S. District Court, U.S. Post Office and Courthouse, 7th and Grand Streets, Pittsburgh, Pennsylvania.

Issued: December 2, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–32884 Filed 12–5–75;8:45 am]

[Docket No. 50–482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Rescheduling Prehearing Conference

Pursuant to the request of counsel for all parties at a telephone conference held this date, and for good cause shown, the previously scheduled prehearing conference in the above-captioned proceeding is hereby rescheduled for Friday, January 2, 1976, at 9 a.m. local time at the Nuclear Regulatory Commission Hearing Room, 5th Floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland. The prehearing conference will consider the matters and issues described in the original Order therefor, which notice and order is incorporated herein by reference.

It is so ordered.

Dated at Bethesda, Maryland, this 2nd day of December, 1975.

The Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75–32885 Filed 12–5–75;8:45 am]

[Docket No. P–564–A]

PACIFIC GAS AND ELECTRIC CO.

Receipt of Partial Application for Construction Permits and Facility License: Time for Submission of Views on Antitrust Matters

Pacific Gas and Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated August 14, 1975, in connection with their plans to construct and operate two reactors in Stanislaus County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and the Preliminary Safety Analysis Report (PSAR) pursuant to § 2.101 of Part 2, are expected to be filed in September 1976 and April 1977, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room, Stanislaus County Free Library, 1500 I Street, Modesto, California 95345. Docket No. P–564–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any persons who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 30, 1976.

Dated at Bethesda, Md., this 21st day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2–3, Division of Reactor Licensing.

[FR Doc.75–32094 Filed 11–28–75;8:45 am]

[Docket No. 50–549]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT)

Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Power Authority of the State of New York (the applicant), for a construction permit for a pressurized water reactor designated as the Greene County Nuclear Power Plant (the facility), which will be designed for operation at 3600 thermal megawatts with a net electrical output of approximately 1273 megawatts. The proposed facility is to be located in Greene County, New York.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. George A. Ferguson, Dr. Cadet H. Hand, Jr. and Frederic J. Coufal, Esquire, Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a): (a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed.

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ISSUES PURSUANT TO 10 CFR 2.761a (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a *de novo* evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by February 6, 1976. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a suporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 7, 1976. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

Pursuant to 10 CFR 2.101, the application and the Environmental Report required by 10 CFR 50.30(f), have been docketed without the full Preliminary Safety Analysis Report covering the matters in 10 CFR 50.34(a) and 50.34a, and without certain site suitability information required for an authorization to conduct certain onsite work in accordance with 10 CFR 50.10(e). Under 10 CFR 2.101, the omitted material should be filed by the applicant within six months. In view of this, any person who wishes to participate as a party in this proceeding pursuant to 10 CFR 2.714 need not set forth in any petition for leave to intervene required to be filed by January 7, 1976, any contentions related to the omitted material. A deadline for filing of other contentions relating to matters covered in the omitted material will be established by the Board subsequent to acceptance of the full PSAR for a detailed review. In all other aspects, said petition must meet the requirements of 10 CFR 2.714, namely, setting forth the interest of the petitioner in the proceeding, facts and reasons why intervention should be permitted, and a general statement as to the subject matter in the proceeding as to which intervention is sought.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by December 29, 1975.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Scott B. Lilly, Esquire, General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019 and Lex Larson, Esquire, LeBoeuf, Lamb, Leiby & McRae, 1757 N Street NW., Washington, D.C. 20036, attorneys for the applicant.

For further details, see the application for a construction permit dated September 12, 1975, and the applicant's environmental report dated September 12, 1975, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Catskill Public Library, Franklin Street, Catskill, New York for inspection by members of the public between the hours of 12:00 p.m.–8:00 p.m. on Mondays and Wednesdays; 10:00 a.m.–5:00 p.m. on Tuesdays, Thursdays, Fridays, and Saturdays. As they become available, a copy of the applicant's Preliminary Safety Analysis Report including site suitability information, the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permit and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C. this 25th day of November 1975.

UNITED STATES NUCLEAR REGULATORY COMMISSION,
SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-32701 Filed 12-5-75;8:45 am]

POWER AUTHORITY OF THE STATE OF NEW YORK

[Docket No. 50-548]

Receipt of Partial Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Power Authority of the State of New York (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed a part of an application dated July 25, 1975, in connection with their plans to construct and operate a reactor in Greene County, New York. Greene County Nuclear Power Plant (the facility), will be a pressurized water reactor designed for operation at 3600 thermal megawatts with a net electrical output of approximately 1273 megawatts. This portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

In addition, the general information portion of the application and the Environmental Report were docketed on September 15, 1975, but without the full Preliminary Safety Analysis Report in accordance with 10 CFR 2.101. The Preliminary Safety Analysis Report was tendered but initially rejected and is expected to be re-submitted for docketing in the near future. A separate notice of receipt for this remaining portion will be published at that time. A notice of hearing is also being published separately dealing with radiological health and safety and environmental matters.

Copies of the individual portions of the application, as noted above, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Catskill Public Library, Franklin Street, Catskill, New York 12414.

Docket No. 50-549-A has been assigned to this antitrust portion of the application and it should be referenced in any correspondence relating to it. Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before February 6, 1976.

Dated at Bethesda, Maryland, this 19th day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-32702 Filed 12-3-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees) for operation of the San Onofre Nuclear Generating Station Unit 1, located in San Diego County, California.

The license amendment would revise the Technical Specifications for the facility to incorporate requirements for periodic load bearing tests and visual inspections of the turbine deck and the turbine deck supporting structure. This is intended to verify the capability of the post-tensioned turbine deck and the associated steel supporting structure to withstand the worst loading combinations (normal, seismic and impact loading) assumed in the design of the new air pallet system which would support the spent fuel shipping cask during transfers across the turbine deck. Modifications to the cask handling system in addition to the proposed new air pallet system also involve proposed strengthening of the support structure at the south and north turbine deck extensions.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By January 7, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Rollin E. Woodbury, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770, and C. Hayden Ames, San Diego Gas and Electric Company, 111 Sutter Street, San Francisco, California 94104, attorneys for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether

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a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the licensee dated March 6, 1974, the licensee's report "Spent Fuel Shipping Cask Handling," dated March 21, 1975, and the proposed load bearing test and visual inspection of the turbine deck and structural supports (Proposed Change No. 42, dated November 11, 1975). All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672. Safety Evaluation Reports will be prepared by the Office of Nuclear Reactor Regulation for the license amendment and for the proposed facility modifications. The Safety Evaluation Reports and the license amendment, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 1st day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-32814 Filed 12-5-75;8:45 am]

[Docket No. P-599-A]

TENNESSEE VALLEY AUTHORITY

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated September 2, 1975, in connection with their plans to construct and operate 2 pressurized water nuclear reactors on a site located near the boundary between the East Embayment Block of the Mississippi Embayment Province and the Nashville Dome Province. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during June, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Docket No. P-599-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 19, 1976.

Dated at Bethesda, Md., this 11th day of November 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30881 Filed 11-14-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident," describes a method acceptable to the NRC staff for complying with the Commission's requirements to provide instrumentation to monitor plant variables and systems during and following an accident in a light-water-cooled nuclear power plant.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.97 will, however, be particularly useful in evaluating the need for an early revision if received by February 6, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 1st day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-32886 Filed 12-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 466-7]

ALTERNATIVE WASTE MANAGEMENT TECHNIQUES FOR BEST PRACTICABLE WASTE TREATMENT

Correction

Pursuant to section 304(d)(2) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), the Environmental Protection Agency (EPA) gave notice on October 23, 1975 (40 FR 49599) that Alternative Waste Management Techniques for Best Practicable Waste Treatment has been published in final form.

The Notice of Availability which in the FEDERAL REGISTER of October 23, 1975 contained two errors which require correction as follows:

(1) The first sentence of the fifth paragraph which reads "The Environmental Protection Agency gave notice on March 25, 1975 (39 FR 11135) that *Alternative Waste Management Techniques for Best Practicable Treatment* was available in proposed form" is hereby revised to read "The Environmental Protection Agency gave notice on March 25, 1974 (39 FR 11135) that *Alternative Waste Management Techniques for Best Practicable Treatment* was available in proposed form."

(2) The last paragraph which gives information on ordering the report did not include the Municipal Construction Division indentification number. The last paragraph is hereby revised to read: "The report is available from the General Services Administration (8 FY), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, Colorado 80225. The title and number of the report are *Alternative Waste Management Techniques for Best Practicable Waste Treatment;* MCD-13; No. EPA-430/9-75-013."

Dated: December 2, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-32971 Filed 12-5-75;8:45 am]

[FRL 467-1]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

The Effluent Standards and Water Quality Information Advisory Committee has established a Toxics Substances Task Force to assist the Environmental Protection Agency in implementation of Section 307(a) of PL 92-500 (Toxic Substances Effluent Limitations).

The first workshop/meeting of the task force will be conducted at Washington, D.C. on Thursday, January 15 and Friday January 16, 1976. The workshop/meeting will begin at 9:30 a.m., January 15 and 16, Room 1112, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, Va.

The workshop/meeting will be devoted to a discussion and critique of the following:

I. RELATIONSHIP AND COVERAGE OF CURRENT AND PENDING TOXIC SUBSTANCES LEGISLATION AND REGULATIONS

Interpretation and effective implementation of Section 307(a) of PL 92-500 requires an understanding of related legislation and regulations. Accordingly, the following must be considered:

CURRENT LEGISLATION AND REGULATIONS

PL 92-500—Water Pollution Control Act—Sec. 307.
PL 92-532—Ocean Dumping Act.
PL 93-523—Safe Drinking Water Act.
PL 92-516—Federal Environmental Pesticide Control Act.
PL 92-596—Occupational Safety and Health Act.
PL 75-717—Federal Food, Drug and Cosmetic Act.
PL 86-613—Federal Hazardous Substances Act.

PROPOSED TOXIC SUBSTANCES CONTROL BILLS

H.R. 7664, McCollister; H.R. 7458, Brodhead; H.R. 7229, Eckhardt; and S. 776, Tunney; versions of the new and proposed Toxic Substance Control Act.

II. DEFINITION OF TOXIC SUBSTANCES—AQUATIC LIFE (PL 92-500)

It is necessary to define toxic substances in terms of aquatic life relating to population maintenance, diversity, and health. Population maintenance will be judged on effects related to growth, reproduction, species diversity, and survival.

III. METHOD OF DESIGNATING TOXIC MATERIAL (PL 92-500)

Alternatives to be considered:

A. Existing data base (literature).

B. Generic similarities in toxicity between chemicals with known toxicity levels and chemicals with unknown biological effect (this would be based on available data showing similarity of biological effects from materials with similar chemical structures).

C. Toxic effluent approach (toxic effluents having unknown combinations of designated toxic materials and unidentified materials. Bioassay would be used to determine toxicity to flow).

D. Designation of toxic materials and toxic effluents on basis of demonstrated ecological effect in receiving water. One of the above alternatives for designating a toxic material or a combination of these alternatives is to be considered instead of TL50 with arbitrary application factor added.

IV. SETTING OF TOLERANCE LIMITS (PL 92-500)

The mechanism for setting of tolerance limit must be accomplished in one or several of the following ways and should be specified in terms of concentrations rather than on mass loadings depending upon circumstances and dilution. Where mass loading may be high, a combination of the two may be needed. These levels can be set on:

A. Bioassay.

B. Community ecology of the receiving water.

C. By taking cognizance of intermittent levels of discharge (monitoring).

D. Variations of acceptable limits of discharge based on stream flow and stream concentration levels.

V. DEVELOPMENT OF BIOASSY METHODS

This bioassay method must be developed or selected so that it is suitable for identification of toxic materials and monitoring toxic flows. It should be simple enough so that technician level operators can get reliable results.

VI. DISCUSSION OF ES&WQIAC TOXIC SUBSTANCES TASK FORCE PLANS

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Executive Director, ES&WQIAC, EPA, Crystal Mall Bldg. #2, Washington, D.C. 20460, Telephone: Area Code (703) 557-7390.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.75-32968 Filed 12-5-75;8:45 am]

[OPP-33000/345; FRL 465-6]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before February 6, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after February 6, 1976.

Dated: November 26, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/345)

EPA File Symbol 241-ELN. American Cyanamide Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE, WILD OAT HERBICIDE. Active Ingredients: Difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) 31.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 241-EUA. American Cynamid Co., PO Box 400, Princeton NJ 08540. 2% TEMEPHOS PRESSURIZED SPRAY. Active Ingredients: Temephos (O,O-(thiodi-4,1-phenylene)bis(O,O-dimethyl phosphorothioate) 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg No. 464-426. Dow Chemical Co., Agr. Dept., PO Box 1706, Midland MI 48640. XD-7287L ANTIMICROBIAL. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 7368-GT. Georgia-Pacific Corp., 2425 Malt Ave., Los Angeles CA 90040. SPA-CLOR. Active Ingredients: Sodium dichlor-s-triazinetrione dihydrate 100%. Method of Support: Republished—Application proceeds under 2(b) rather than 2(c) of interim policy. PM34

V40236 DEC 8 75 XUM

EPA File Symbol 4822-RUL. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON YARD MASTER VEGETABLE GARDEN INSECT KILLER. Active Ingredients: Pyrethrins, 0.37%; petroleum distillate, 1.47%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 52-EUI. West Agro-Chemical, Inc., A Subsid. of West Chemical Prod., Inc., 42-16 West St., Long Island City NY 11101. ACIDET. Active Ingredients: Phosphoroic Acid 50.0%; Dodecylbenzenesulfonic Acid 15.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.75-32611 Filed 12-5-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for September 1975

Correction

In FR Doc. 75-31411, appearing at page 54465, in the issue for Monday, November 24, 1975, in the table on pages 54466-54467, the following changes should be made.

			Shown as—	Should be—
1. Marion	Sell		120,550	120,532
2. Mid-Amer	do		40,012	40,018
3. Mobil	do		[illegible]	0
4. Somerset	do		38,611	38,612
5. Sound	do		94,650	94,651
6. Southwestern	do		3	0
7. Sunland	do		16,960	16,963
8. Sunoco	do		6	0
9. Tenneco	do		36,880	36,886
10. Texas-Asph	Issued		[illegible] 25,756	[illegible] −25,756
11. Tonkawa	Sell		28,325	28,325

FEDERAL MARITIME COMMISSION

FARRELL LINES INC. AND PACIFIC FAR EAST LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 18, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bockius, Counselors at Law, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. 10207, covers an agreement whereby Farrell Lines Incorporated (Farrell) appoints Pacific Far East Line, Inc. (PFEL) as principal agent in the major ports situated in California and as supervisory agents at ports in Oregon, Washington and British Columbia with respect to Farrell's West Coast/South Pacific freight service. PFEL shall perform all acts and functions customarily performed by a steamship agent, such as husbanding, solicitation and booking of cargo, entering and clearing of vessels, collection and remittance of freight and other moneys, and other agency responsibilities under terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: December 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32950 Filed 12-5-75;8:45 am]

TROPICANA PRODUCTS, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 29, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination on unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Miss B. E. Smith, Assistant Secretary, Canaveral Port Authority, P.O. Box 267, Cape Canaveral, Florida 32920.

Agreement No. T-3166, between the Canaveral Port Authority (Port) and Tropicana Products, Inc., (formerly Fruit Industries, Inc.) (Tropicana), provides for the 50-year lease to Tropicana of certain premises, together with the exclusive right to wharf frontage in Brevard County, Florida, to be used as a fruit prcoessing facility. As compensation, Tropicana shall pay Port a ground rental in the amount of $400.00 per acre per year. In addition, Tropicana shall pay Port for the first 25 years of said term (thereafter subject to negotiation), as wharfage for commodities delivered by pipe lines between plants of Tropicana and ship, at the rate of one (.01¢) cent per barrel of forty-two (42) gallons. Ships docking at Port's marginal wharf for the receipt or the discharge of cargo in the interest of Tropicana, shall be subject to the Port's tariff for such dockage, and ships docking at Tropicana's leased wharf for the receipt or the discharge of cargo in the interest of Tropicana, shall be free of liability for dockage charges to the Port.

Agreement No. T-3166-1, between the same parties, modifies the basic agreement by altering the area of the leased premises, setting a $17,000.00 per annum minimum compensation for wharfage and dockage thereby increasing the total annual minimum compensation to $25,000.00, and provding for the assessment of wharfage according to the Port's tariff in the event that the leased premises shall be used for commodities other than those used in the fruit processing facility.

Agreement No. T-3166-2, between the same parties, modifies the basic agreement by providing for (1) the release of presently leased property, less a pumping station area, (2) the payment of wharfage of 15 cents per ton on exports from the leased premises of containerized products for human consumption, citrus products and citrus by-products, and (3) the granting of absolute priority at all times to Tropicana for loading and unloading vessels at the east berth of the marginal wharf to be constructed at the west end of the released waterfront property.

Agreement No. T-3169, between Tropicana and Cevesco, Inc. (Cevesco), provides for an assignment of lease whereby Tropicana shall assign to Cevesco, for and in consideration of the sum of $10.00, its leasehold interest in FMC Agreement No. T-3166, as amended, together with all improvements thereon. As compensation for said improvements, Cevesco shall pay Tropicana an amount totaling $350,000.00. This agreement also provides for a mortgage of the assigned leasehold by way of reassignment whereby Cevesco, in consideration of Tropicana's payment of $10.00, shall reassign, transfer, and set over to Tropicana as security for a $250,000 indebtedness, all the land and improvements transferred by the assignment of lease.

Agreement No. T-3170, between Cevesco and Port Canaveral Warehouses, Inc. (PCWI), provides for an assignment of lease whereby Cevesco shall assign to PCWI, for and in consideration of the sum of $10.00, its leasehold interest in FMC Agreement No. T-3166, as amended, together with all improvements thereon. As compensation for said improvements, PCWI shall pay Cevesco an amount totaling $400,000.00. This agreement also provides for a mortgage of the assigned leasehold by way of reassignment whereby PCWI, in consideration of Cevesco's payment of $10.00, shall conditionally reassign, retransfer and set over to Cevesco as security for a $200,000 indebtedness, all the land and improvements transferred by the assignment of lease.

By Order of the Federal Maritime Commission.

Dated: December 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32952 Filed 12-5-75;8:45 am]

UNIVERSAL ALCO LTD. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 18, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lebron Shields, Executive Vice President, Universal Alco Limited, 750 N.E. 7th Avenue, Port Laudania, Dania, Florida 33004.

Agreement No. 10021-4, among the above listed carriers, is an application to extend their discussion agreement applying in the trade between Florida ports and ports in the Bahama Islands for a further period from December 27, 1975.

By Order of the Federal Maritime Commission.

Dated: December 3, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32951 Filed 12-5-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI76-69; RI76-70]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 26, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* [4] Rate in effect	Cents per Mcf* [4] Proposed increased rate	Rate in effect subject to refund in dockets No.
R176-69...	Atlantic Richfield Co.	457	[3]14	El Paso Natural Gas Co., (Texas) (Permian).	$30,509	10-28-75	----------	6-1-76	30.1125	31.1163	R175-91.
	do	508	[3]16	do	4,897	10-28-75	----------	6-1-76	28.0975	27.1063	R175-21.
	do	511	[3]23	do	55,560	10-28-75	----------	6-1-76	30.1125	31.1163	R175-21.
R176-70...	Warren Petroleum Co., a division of Gulf Oil Corp. (Operator).	50	[3]10	Transwestern Pipeline Co. (New Mexico) (Permian).	----------	11- 3-75	12-4-75	(5)	----------	----------	
	do		11	do	(5)	11- 3-75	----------	(5)	21.2200	58.6785	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] No current deliveries.
[2] Contains pricing provisions which may not be permissible under section 154.93 of the Commission's regulations. Consistent with prior Commission action, section 154.93 of the regulations is waived to permit filing of the agreement. Granting such waiver, however, shall not be construed as approval of such provisions and any rate filing pursuant thereto shall be subject to rejection.
[3] Correction filed Nov. 6, 1975.
[4] Accepted, for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[5] The proposed rate increase is accepted as of Dec. 4, 1975, insofar as it does not exceed the Opinion No. 662 ceiling and is suspended until May 4, 1976, insofar as it exceeds the Opinion No. 662 ceiling rate.
[6] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

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The proposed rate increases of Atlantic Richfield exceed the applicable area ceiling established in Opinion No. 662 and they are suspended for five months.

Warren Petroleum's proposed rate increase contained in Supplement No. 11 to its FPC Gas Rate Schedule No. 50 is from a rate level below the applicable area ceiling rate under Opinion No. 662 to a level in excess of such ceiling rate. That portion not exceeding the ceiling rate is accepted thirty days after filing and that portion exceeding the applicable ceiling rate is suspended for five months therefrom.

[FR Doc.75-32870 Filed 12-5-75;8:45 am]

[Docket Nos. E-7400, E-7517, E-7485 and E-7533]

BOSTON EDISON CO.

Payment of Refunds

DECEMBER 1, 1975.

Take notice that on November 3, 1975, Boston Edison Company (Edison) filed a report of refunds made on October 31, 1975, pursuant to the Commission's orders in the above-captioned proceedings. Edison states that refunds were made to six of the seven wholesale customers served under its S-1 rate, the seventh customer being Boston Gas Company. Edison states that refunds with respect to Boston Gas Company are being conducted according to a contract by which Edison purchased the electric distribution properties of Boston Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33030 Filed 12-5-75;8:45 am]

[Docket No. ER76-254]

CLEVELAND ELECTRIC ILLUMINATING CO. AND PENNSYLVANIA-NEW JERSEY-MARYLAND GROUPS

Supplements to Interconnection Agreement

DECEMBER 1, 1975.

Take notice that on November 14, 1975, the Cleveland Electric Illuminating Company (CEI) and the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing proposed Schedules 1.02, 4.02, 5.02, 6.02, 7.02, and 9.01, all dated November 12, 1975, to the Interconnection Agreement between them dated September 30, 1965, which is filed with the Commission under the following Rate Schedule designations:

	Rate Schedule FPC No.
The Cleveland Electric Illuminating Co	4
Public Service Electric and Gas Co	38
Philadelphia Electric Co	29
Pennsylvania Power & Light Co	44
Baltimore Gas and Electric Co	19
Potomac Electric Power Co	24
Pennsylvania Electric Co	49
Metropolitan Edison Co	29
Jersey Central Power & Light Co	24

CEI and the PJM Group state that the proposed Schedules clarify the wording of the Interconnection Agreement; bring it into closer conformity with other agreements; increase certain charges in order to cover present costs of service, and provide charges for new services and services involving third Parties.

In their filing CEI and the PJM Group state further that no new facilities will be installed nor will existing facilities be modified in connection with the proposed Schedules. It is requested that the proposed Schedules become effective on December 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33031 Filed 12-5-75;8:45 am]

[Docket No. ER76-257]

CONSUMERS POWER CO.

New Service Agreement

DECEMBER 1, 1975.

Take notice that Consumers Power Company ("Consumers Power") on November 17, 1975, tendered for filing a Service Agreement for wholesale for resale electric service between Consumers Power and the City of Charlevoix, Michigan ("Charlevoix"). Consumers Power states that on its effective date, September 30, 1975, the agreement supplanted a prior contract for electric service between the two parties, dated July 12, 1973, and designated Consumers Power Company Rate Schedule FPC No. 36. Consumers Power states that the Service Agreement incorporates the rates permitted by the Commission to become effective, subject to refund, on September 30, 1975. Consumers Power states that the Commission Order was in Docket No. ER76-45, issued August 29, 1975.

Consumers Power states that the Service Agreement was concluded with Charlevoix pursuant to the commitment of Consumers Power to place its wholesale for resale customers on a SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the Order of the Federal Power Commission in Docket No. ER76-45 dated August 20, 1975. Consumers Power states that the execution of the Service Agreement is prompted by Consumers Power's desire to have one standard rate schedule for wholesale service.

Consumers Power states that copies of the filing were served on Charlevoix and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33029 Filed 12-5-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Substitute Changes in Rates

DECEMBER 1, 1975.

Take notice that on November 18, 1975, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street, Portsmouth, New Hampshire 03801, tendered for filing Substitute Ninth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on December 1, 1975, in substitution for the rates initially filed in Docket No. RP75-107 on May 30, 1975 and suspended by order issued therein on June 18, 1975.

According to Granite State, Substitute Ninth Revised Sheet No. 3A is submitted to adjust the rates originally filed in Docket No. RP75-107 to reflect a current cost of gas adjustment which became effective on July 1, 1975 and to reflect a reclassification and allocation of the test period cost of service to conform to the method adopted by the Commission in *United Gas Pipe Line Co.*, Opinion No. 671. The cost of gas adjustment amounts to a reduction in rates to Northern Utilities, Inc. of approximately $311,206 annually; the revised rates, reclassified and allocated according to the Opinion No. 671 method result in the same total jurisdictional increase of approximately $218,000 annually, proposed in the revised rates as originally filed in Docket No. RP75-107, Granite State declares.

According to Granite State, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33034 Filed 12-5-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Filing of Tariff Sheets

DECEMBER 1, 1975.

Take notice that on November 14, 1975, Northern Natural Gas Company (Northern) tendered for filing revised tariff sheets[1] which Northern states eliminates the rate effects of its advance payment agreements with Exxon as ordered by the Commission's order, issued October 31, 1975. Northern requests waiver of the notice requirements to permit an effective date of October 27, 1975. Northern states that copies of the filing have been mailed to Customers and State Commissions on a list attached to its submittal.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33033 Filed 12-5-75;8:45 am]

[1] Third Revised Volume No. 1, First Substitute Seventh Revised Sheet No. 4a; Original Volume No. 2, First Substitute Seventh Revised Sheet No. 1c.

[Docket No. ER76-244]

OTTER TAIL POWER CO.

Filing of Supplement to Interconnection Agreement

DECEMBER 1, 1975.

Take notice that on November 12, 1975, Otter Tail Power Company (Otter Tail) tendered for filing Supplement No. 3, dated June 10, 1975, to the 230 KV Interconnection Agreement between Otter Tail and Minnkota Power Cooperative, Inc. Otter Tail states that this Supplement No. 3 is filed as a supplement to Rate Schedule FPC No. 151 and expands the existing 230 KV Interconnection Agreement by providing for service to new loads and improved service to existing loads of both parties. Otter Tail requests this Supplement No. 3 be permitted to become effective 30 days after the filing date of November 12, 1975.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33032 Filed 12-5-75;8:45 am]

[Docket No. RP73-89, PGA 76-1]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

DECEMBER 1, 1975.

Take notice that on November 14, 1975, Sea Robin Pipeline Company tendered for filing Seventh Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information are being filed 45 days before the effective date of January 1, 1976, pursuant to Section 1 of Sea Robin's tariff, and is in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33035 Filed 12-5-75;8:45 am]

[Docket No. ER76-246]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Interchange Agreement

DECEMBER 1, 1975.

Take notice that on November 13, 1975, Southern California Edison Company (Edison) filed with the Commission copies of an interchange agreement between Edison and the City of Seattle, Washington (Seattle) as an initial rate schedule under the Federal Power Act. Edison requests that the filing be made effective thirty days after the date of filing.

Edison states that the interchange agreement provides for the sale by either party to the other of such nonfirm electric as the selling party determines it has available for delivery. According to Edison, Seattle has made some sales to Edison, but Edison has made no sales to Seattle and anticipates that none will be made in the near future.

The sale price, including wheeling charges and losses, is to be at a rate agreed upon by both parties prior to delivery, and is the same rate provided for in the Edison-Tacoma Interchange Agreement filed with the Commission on November 13, 1975, in Docket No. ER76-247, except that no minimum rate per kilowatthour is specified.

Edison states that no new facilities are to be installed and that no existing facilities are to be modified to supply service under the agreement.

According to Edison copies of its filing have been mailed to Seattle and to the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33027 Filed 12-5-75;8:45 am]

V40236 DEC 8 75 XUM

[Docket No. ER76-247]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Interchange Agreement

DECEMBER 1, 1975.

Take notice that on November 13, 1975, Southern California Edison Company (Edison) filed with the Commission copies of an interchange agreement between Edison and the City of Tacoma, Washington (Tacoma) as an initial rate schedule under the Federal Power Act. Edison requests that the filing be made effective thirty days after the date of filing.

Edison states that the interchange agreement provides for the sale by either party to the other of such nonfirm electric energy as the selling party determines it has available for delivery. According to Edison, Tacoma has made some sales to Edison, but Edison has made no sales to Tacoma and anticipates that none will be made in the near future.

The sale price, including wheeling charges and losses, is to be at a rate agreed upon by both parties prior to delivery, but not less than 3 mills per kilowatt-hour.

Edison states that no new facilities are to be installed and that no existing facilities are to be modified to supply service under the agreement.

According to Edison, copies of its filing have been mailed to Tacoma and to the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33028 Filed 12-5-75;8:45 am]

FEDERAL RESERVE SYSTEM

ORWIG AND COMPANY, INC.

Order Approving Merger of Bank Holding Companies

Orwig and Company, Inc., Kansas City, Missouri ("Orwig"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under § 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Merchants Investors, Inc., Kansas City, Missouri ("Merchants Investors"), under the title and charter of Orwig.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Orwig, the twentieth largest banking organization in Missouri, controls Merchants-Produce Bank and The University Bank (both located in Kansas City, Missouri), which together hold aggregate deposits of approximately $89.6 million, representing .6 per cent of the total commercial bank deposits in the State.[1] Orwig's control of these two banks arises from the fact that it controls 36 per cent of the voting shares of the parent holding company of Merchants-Produce Bank and 39 per cent of the voting shares of the parent holding company of The University Bank.[2] Merchants Investors is also deemed to control The University Bank by virtue of its ownership of 39 per cent of the voting shares of that bank's parent holding company. In addition, Merchants Investors holds 17 per cent of the voting shares of the parent holding company of Merchants-Produce Bank. Upon consummation of the transaction herein, Orwig will control 78 per cent of the voting shares of the parent of The University Bank and 53 per cent of the voting shares of the parent of Merchants-Produce Bank.

Merchants-Produce Bank and The University Bank operate in the Kansas City bank market at locations approximately 10 miles apart.[3] Merchants-Produce Bank holds deposits of approximately $62 million, representing 1.3 per cent of the commercial bank deposits in the market, and ranks thereby as the fourteenth largest bank in the market. The University Bank holds deposits of approximately $27.6 million, representing .6 per cent of the total market deposits, and ranks as the thirtieth largest bank in the market.

Orwig and Merchants Investors are each owned in equal proportions by members of the same family. The purpose of the proposed transaction is to simplify the ownership of Merchants-Produce Bank and The University Bank by consolidating their control under one corporation. Since the transaction is essentially a corporate reorganization with no change in the management or operations of either bank, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it increase the concentration of banking resources in any relevant market area or have an adverse effect on any other bank. Thus, the competitive considerations are regarded by the Board as being consistent with approval of the application.

The financial condition and managerial resources of Orwig, Merchants-Produce Bank and the University Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although consummation of the proposal would effect no changes in the service offered by either bank, the considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be consistent with the public interest and that the application should be approved.

In conjunction with the proposed transaction, Orwig proposes to continue to engage in its nonbanking activities, as well as those presetly engaged in by Merchants Investors, which activities include operating an insurance agency, selling real property, leasing personal and real property, extending short term business loans and performing data processing services. Orwig relies on § 4(c)(ii) of the Act as authority for continuing to engage in these nonbanking activities.[4] Whether Orwig is in fact entitled to such exemption is still under consideration by the Board. Absent a favorable determination by the Board on that question, Orwig would be prohibited from engaging in the nonbanking activities acquired from Merchants Investors, Inc., as a result of this merger, although Orwig could continue its present nonbanking activities until at least December 31, 1980, on the basis of the ten-year authority in § 4(a)(2) of the Act. Thus, the Board's action herein is subject to the condition that the transaction may not be consummated unless the Board determines that Orwig is entitled to the exemption in § 4(c)(ii) of the Act, or until Merchants Investors, Inc., terminates or divests its nonbanking activities.

On the basis of the record, the application is approved for the reasons summarized above and subject to the condition set forth above. Further, the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[5] effective December 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32933 Filed 12-5-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions as of September 30, 1975.

[2] Material submitted in connection with this application indicates that, since December 31, 1970 (the date of the enactment of the 1970 Amendments to the Act), the parent holding companies of Merchants-Produce Bank and The University Bank have each redeemed a portion of their outstanding shares, thus resulting in Orwig and Merchants Investors increasing their proportionate interests in such holding companies and their respective subsidiary banks. Such actions were taken without the prior approval of the Board, as required by section 3 of the Act. However, it appears that neither Orwig nor Merchants Investors was aware that such transactions required the Board's approval. Accordingly, the Board has viewed the subject application as including a request by Orwig and Merchants Investors for permission to continue the increased proportionate interests in the parents of Merchants-Produce Bank and The University Bank, on the basis of the facts of record, has concluded that such request should be, and is hereby, granted.

[3] The Kansas City banking market, the relevant geographic market for purposes of analyzing the competitive effects of the proposal, is approximated by the Kansas City SMSA, excluding therefrom Ray County and the southern portion of Cass County, Missouri.

[4] Section 4(c)(ii) of the Act provides that the prohibitions of § 4 of the Act shall not apply to any bank holding company which is "... a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on June 30, 1968, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors ...."

[5] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Jackson. Absent and not voting: Governor Coldwell.

PARK CAPITAL CORP.

Order Approving Acquisition of Bank

Park Capital Corp., La Grange Park, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 1.2 percent of the voting shares of the Bank of La Grange Park, La Grange Park, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a one-bank holding company, presently owns approximately 21.9 percent of the voting shares of Bank, and common directors of Applicant and Bank own an additional 13.5 percent.[1] With deposits of $24.3 million, Bank controls approximately 0.04 percent of the total deposits in commercial banks in the State and controls approximately 0.06 percent of such deposits in the Chicago banking market.[2] Applicant proposes to acquire an additional 498 shares, or 1.2 percent of the shares of Bank. Due to the nature and size of the transaction, consummation of the proposal would eliminate neither existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory, and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change in the services or operations of Bank as a result of the proposal, Applicant states that its increased shareholdings of Bank will result in a more concentrated effort on its part to direct the operations of Bank for the benefit of the community it serves. Hence, considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 28, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-32934 Filed 12-5-75;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Wallich and Jackson. Absent and not voting: Governor Coldwell.

[2] All banking data are as of December 31, 1974.

[3] The Chicago banking market, which is the relevant banking market, is approximated by the boundaries of Cook County, Du Page County, and portions of Lake County.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temp. Reg. D-10 Supplement]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation continues the delegation of authority to the Secretary of Defense to perform all functions in connection with the lease renewal of certain space in the Northern Virginia area of the National Capital Region.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* The regulation shall expire 5 years from the effective date of the lease of the rented premises.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Defense to perform all functions in connection with the leasing of laboratory and related office and special purpose space in the Northern Virginia area of the National Capital Region, as he may deem necessary for use by the Defense Communications Agency System Engineering Facility and the Defense Communications Engineering Office of said Department.

b. This delegation includes authority to lease the required space and to assign, reassign, operate, maintain, control, and protect the demised space. This authorization shall extend to leasing space under authority contained in section 210 (h)(1) of the above-cited Act, for a firm period not to exceed 5 years.

c. The Secretary of Defense may redelegate this authority to any officer or employee of the Department of Defense.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a), and other applicable statutes and regulations.

DWIGHT A. INK,
Acting Administrator of General Services.

NOVEMBER 30, 1975.

[FR Doc.75-32890 Filed 12-5-75;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Holland and Jackson. Absent and not voting: Governors Bucher, Wallich and Coldwell.

[Federal Property Management Regs. Temp. Reg. F-382]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the United States Government in proceedings before the California Public Utilities Commission, involving an Investigation on the Commission's Own Motion into the Determination of a Lifeline Volume of Gas and a Lifeline Quantity of Electricity and into Gas and Electric Utility Rate Structures.

2. *Effective date.* This regulation is effective November 6, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administration Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission concerning the October 7, 1975, order by which the Commission entered into an Investigation on its Own Motion into the Determination of a Lifeline Volume of Gas and a Lifeline Quantity of Electricity and into Gas and Electric Utility Rate Structures (Case No. 9988). The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

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c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

NOVEMBER 21, 1975.

[FR Doc.75-32891 Filed 12-5-75;8:45 am]

INTERNATIONAL JOINT COMMISSION

UNITED STATES AND CANADA

Hearings

In the matter of the application of the St. Lawrence Seaway authority to effect partial closure of a section of the St. Lawrence River between Toussaint Island and Presqu'ile near Iroquois, Ontario.

The International Joint Commission, a joint United States and Canadian body established under the Boundary Waters Treaty of 1909, will hold public hearings on the above application at:

2:00 p.m., January 6, 1976, St. Lawrence Room; Holiday Inn, Cornwall, Ontario.

2:00 p.m., January 7, 1976, Ramada Inn, Highway 3 and I-81, Watertown, New York.

The Applicant advises that an increasing number of accidents to downbound vessels entering Iroquois Locks has occurred during the last five years. Vessels involved in those accidents were affected by the cross currents from the Canadian Channel located between Toussaint Island and Presqu'ile. The Application further states that the requested partial closure will have no measurable effect on the level of water above Toussaint Island and that this closure of the Canadian Channel will increase velocities in the remaining cross-section of the river by not more than five percent.

Anyone wishing to present views on the Application or to provide advice as to conditions that might be attached to an Order of Approval, either on his own behalf or as a representative of others, will be given an opportunity to do so. Statements may be given orally or in writing. Allocation of time may be required for oral statements; therefore witnesses should be prepared to summarize their statements. Written statements may be of any length. If written statements are submitted, it is requested that, if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present. Also, where possible, the Commission would appreciate receiving advance notice of persons or parties wishing to make a statement.

Copies of the Application are available on request from the Secretaries of the Commission and from the office of D. Witherspoon, Great Lakes-St. Lawrence Study Office, Environment Canada, Room 318, Federal Building, 45 Second Street East, Cornwall, Ontario.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario K1P 5H3, (613) 995-2984.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission, 1717 H Street NW, Suite 200, Washington, D.C. 20440, (202) 296-2142.

DECEMBER 30, 1975.

[FR Doc.75-32946 Filed 12-5-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-19]

GLASS FIBER OPTIC DEVICES AND INSTRUMENTS WITH GLASS FIBER OPTIC DEVICES

Postponement

It is hereby ordered that with regard to the above-captioned investigation the date for response to the complaint is postponed from November 14, 1975, to December 1, 1975; the date for reply to the response is postponed from December 2, 1975, to December 16, 1975; and the date for the temporary exclusion hearing is postponed from Decineber 17, 1975, to January 14, 1976.

Issued: December 2, 1975.

MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.75-32965 Filed 12-5-75;8:45 am]

[337-TA-20]

CERTAIN BISMUTH MOLYBDATE CATALYSTS

Prehearing Conference

Notice is hereby given that the United States International Trade Commission will hold a prehearing conference in connection with investigation No. 337-TA-20, Certain Bismuth Molybdate Catalysts, on Tuesday, December 16, 1975, at 10:00 a.m., EST, in the Hearing Room of the United States International Trade Commission Building, 701 E Street, Northwest, Washington, D.C. This conference is preparatory for the hearing which will be held to determine whether there is reason to believe that a violation of section 337 exists and, if so, whether or not a temporary order of exclusion or a cease and desist order should be issued.

On or before December 8, 1975, each participant should serve any of the following documents on the Administrative Law Judge and all known parties:

1. Motions pertaining to the scope of the proceeding.

2. A statement of the issues and sub-issues in this proceeding.

3. A statement of the participant's position on each of the proposed.

4. Proposed stipulations.

5. Requests for information.

6. A statement describing the evidence each participant proposes to present at the hearing, relating such evidence to each of the issues and sub-issues.

7. Proposed procedural dates.

8. A proposed agenda for the prehearing conference.

Replies to the items listed above should be served on or before December 12, 1975.

Parties with like interests will be grouped and a spokesman appointed for their common interests at the prehearing conference.

At the conference the participants should be prepared to discuss problems involved in the proceeding, procedural and substantive, and should be authorized to make commitments with respect thereto. Among the specific items to be discussed are: stipulations as to facts; authentication of documents, future procedural dates, including dates for the service of direct and rebuttal evidence; dates for trial briefs and dates for the hearing.

Issued: December 3, 1975.

MYRON R. RENICK,
Administrative Law Judge.

CERTIFICATE OF SERVICE

I, Myron R. Renick, served the attached Notice of Prehearing Conference on Richard W. Rappaport, United States International Trade Commission Investigative Attorney, personally, and on the following parties via certified mail—return receipt requested, on the 3rd day of December, 1975:

S. Leslie Misrock, Pennie & Edmonds, 330 Madison Avenue, New York, New York 10017.

Dale H. Hoschelt, Schuyler, Birch, Swindler, McKie & Beckett, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Ritchie T. Thomas, Cox, Langford & Brown, 21 Dupont Circle, N.W., Washington, D.C. 20036.

MYRON R. RENICK,
Administrative Law Judge, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

[FR Doc.75-32964 Filed 12-5-75;8:45 am]

POSTAL SERVICE

MAIL TO CANADA

Revocation of Suspension of Private Express Statutes

In the October 28, 1975, issue of the FEDERAL REGISTER, 40 FR 50157, the Postal Service announced, in view of a strike by Canadian postal workers, a suspension of 39 U.S.C. 601(a) (1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Canada out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulation.

The postal strike having ended in Canada, the suspension of the provisions of law and regulation referred to above is hereby revoked, effective December 8, 1975.

(39 U.S.C. 401, 404, 601)

LOUIS A. COX,
General Counsel.

[FR Doc.75-33140 Filed 12-5-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-6]

MILLERS' NATIONAL FEDERATION

Notice of Complaint

On December 1, 1975, the Chairman of the Section 301 Committee received from Julian B. Heron, Jr., Esquire, Attorney for Millers' National Federation, a petition alleging unfair trade practices by the European Community. The complainant alleges that U.S. exports of wheat flour to third country markets are adversely affected by export subsidies paid by the EC to its wheat millers. Relief is requested under Section 301 of the Trade Act of 1974 (Pub. L. 93-618; 88 Stat. 1978). The text of the petition is as follows:

Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations, 1800 G St. NW., Room 725, Washington, D.C. 20506.

Subject: Complaint Filed Pursuant to Section 301 of the Trade Act of 1974.

1. The name of the complainant is Millers' National Federation. It represents flour millers throughout the United States. Exports of wheat flour from the United States to certain other markets are adversely affected as a direct result of export subsidies paid by the EEC to its wheat millers.

2. The foreign practice, act and policy which is the subject of this complaint is the EEC's export subsidy on wheat flour exported outside the borders of the EEC. This practice falls directly within 19 USC § 2411(a).

3. The regulations announcing export subsidies from time to time appear in the *Official Journal*. These regulations are numerous and have been published since 1964. Of particular importance is regulation No. 120/67 which was published in the EEC's *Official Journal* on June 13, 1967.

4. The foreign countries which export wheat flour through the use of export subsidies within the EEC include the Republic of Germany, the Netherlands, Belgium, France, Luxembourg and Italy.

5. The product involved is wheat flour, TSUS 131.40 and BTN 11.01.

6. The export subsidy paid on wheat flour produced in the EEC is of a sufficient amount so as to displace U.S. wheat flour sales in third countries such as Jamaica, Saudi Arabia, Egypt and many others. The EEC wheat subsidy often is in the neighborhood of $50 per ton which is more than enough to distort international trade in wheat flour which is sold primarily on a price basis.

(i) World trade in wheat flour in 1974 amounted to 95 million hundredweights, equalling over $1 billion. The U.S. exported in 1974, 14.5 million hundredweights of wheat flour with a value of approximately $193,000,000 and the EEC exported 42.4 million hundredweights in the same year with a value estimated to be approximately $424,000,000.

(ii) Export subsidies paid by the EEC to its flour millers have caused U.S. flour millers to lose their 43%-48% share of the world market for wheat flour. The result of the EEC subsidy is that U.S. flour millers currently have an 18% share of the world market. A market share loss of 30 percentage points.

(iii) The export subsidies paid by the EEC violate Article XVI of the General Agreement on Tariffs and Trade. More importantly, the export subsidies fall directly within 19 USC § 2411(a)(3).

7. Millers' National Federation has not filed for other relief under the Trade Act of 1974 or any other act believing that the United States has sufficient authority pursuant to 24 USC § 2411 to cause the EEC to terminate its subsidy on wheat flour.

Respectfully submitted,

JULIAN B. HERON, JR.,
Pope Ballard & Loos, 888 17th St. NW., Washington, D.C. 20006, Attorney for Millers' National Federation.

HEARINGS

I. The complainant has requested that hearings be held on this matter. Such hearings will be held at 10:00 A.M. on Wednesday, January 28, 1976, and if necessary will continue on January 29 at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., Room 730.

II. Requests to present oral testimony and accompanying briefs must be received on or before January 21, 1976. Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all Section 301 proceedings (40 FR 39497—August 28, 1975).

1. *Submission of Briefs and Requests to Present Oral Testimony.* Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR Part 2006.6 and 2006.7 (40 FR 39497—August 28, 1975).

2. *Rebuttal Briefs*—In order to assure parties the opportunity to contest information provided by other interested parties, rebuttal briefs may be filed by any party within 15 days after the close of the hearings. The requirement that written briefs be submitted in 20 copies is waived with regard to rebuttal briefs.

3. *Attendance at Hearings*—The hearings will be open to the public.

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc.75-32913 Filed 12-5-75;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Proposed Additional Routine Use

Notice is hereby given that the Veterans Administration is considering adding a new statement in the description of the system of records entitled, "Veterans and Beneficiaries Guardianship Records—VA," set forth on page 38112 of the FEDERAL REGISTER of August 26, 1975 and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975. The proposed statement, which follows, involves the routine use of records in the system, including categories of users and the purposes of such uses and will avoid the need for written consent of the individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All revelant material received before January 7, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: December 1, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

NOTICE OF SYSTEMS OF RECORDS

In the system, "Veterans and Beneficiaries Guardianship Records—VA," appearing at 40 FR 38112, the following routine use is added to read as follows:

System Name: Veterans and Beneficiaries Guardianship Records—VA.

. . . . . .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

. . . . . .

A record from this system of records may be disclosed to a fiduciary appointed by the Veterans Administration in the case of a veteran or other adult beneficiary found incompetent by the Veterans Administration even though such veteran or other adult beneficiary has not been declared incompetent by a court of competent jurisdiction.

. . . . . .

[FR Doc.75-32967 Filed 12-5-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 925]

ASSIGNMENT OF HEARINGS

DECEMBER 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but

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interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 134599 Sub 122, Interstate Contract Carrier Corporation, now assigned December 10, 1975 at Boston, Massachusetts, is postponed indefinitely.

MC 119726 Sub 53, N.A.B. Trucking Co., Inc.; MC 139495 Sub 46, National Carriers, Inc. and 140768, American Trans-Freight, Inc., now being assigned January 20, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF-434 Sub 2, Transconex, Inc., now being assigned Pre-Hearing Conference January 5, 1976, at Interstate Commerce Commission, Washington, D.C.

MC 140611, Harkema Express Lines Ltd., continued to January 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140580 Sub 1, Earl Haines, Inc., now assigned December 11, 1975 at Washington, D.C., has been postponed to February 12, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135646 Sub 3, Jimmie W. Dervan dba Dervan Cartage Service, now being assigned January 28, 1976 (2 days), at Atlanta, Ga.; in a hearing room to be later designated.

MC 19227 (Sub-No. 217), Leonard Bros. Trucking Co., Inc., now assigned February 3, 1976, at Los Angeles, Calif., is canceled and application dismissed.

MC 140724, Burning Bar Sales Co., Inc., now being assigned February 2, 1976 (2 days), at Los Angeles, Calif.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32961 Filed 12-5-75;8:45 am]

[Finance Docket No. 26303]

MACKINAC TRANSPORTATION CO.

Abandonment of Line

DECEMBER 1, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Mackinac, Emmett, and Cheboygan Counties, Mich., on or before December 15, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 21st day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated November 21, 1975, it has been determined that the Mackinac Transportation Company abandonment of its carferry operation between St. Ignace and Mackinaw City, a distance of approximately 8.7 miles all in Mackinac, Emmett, and Cheboygan Counties, Michigan, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmenal Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that approval of this abandonment would result in the diversion of traffic (1) to other cross-lake carferries, (2) to either the Chicago, Ill., or Windsor, Ont. gateways, or (3) to motor carrier transportation. In view of the wide geographic area affected by this potential diversion in comparison to the relatively small volume of traffic handled by the ferry, no significant increases in fuel consumption or air pollution are anticipated. Furthermore, only minor alterations in water quality, ambient noise levels, and safety conditions are expected. There would be no impact upon historic or archaeological sites, and there are no definitive plans with which this abandonment would conflict.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 30, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32962 Filed 12-5-75;8:45 am]

[Notice No. 134]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 8, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 29, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76216. By order entered December 2, 1975, the Motor Carrier Board approved the transfer to Circle S Trucking, Inc., Pendleton, Oreg., of the operating rights set forth in Permit No. MC-136023 (Sub-No. 1), issued May 31, 1974, to William L. Smith, doing business as Circle S Trucking, Pendleton, Oreg., authorizing the transportation of wood residuals, from the facilities of Blue Mountain Forest Products Company in Grant and Umatilla Counties, Oreg., to points in Walla Walla County, Wash., limited to a transportation service to be performed under a continuing contract, or contracts, with Blue Mountain Forest Products Company. Russell M. Allen, 1200 Jackson Tower, Portland, Oreg., attorney for applicants.

No. MC-FC-76218. By order entered December 2, 1975, the Motor Carrier Board approved the transfer to Illinois Valley Cartage, Inc., Peru, Ill., of the operating rights evidenced by Certificate of Registration No. MC-58397 (Sub-No. 1), issued October 8, 1964, to Wisdom Trucking Service, Inc. (David Davis, Jr., Trustee-in-Bankruptcy), Bloomington, Ill., authorizing the transportation, in interstate or foreign commerce, of household goods, furnaces and railroad freight within a fifty (50) mile radius of 219 Fisk Ave., DeKalb, Ill., and to transport such property to or from any points outside of such authorized area of operations for a shipper or shippers within such area. Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32963 Filed 12-5-75;8:45 am]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO.

[Rule 19; Ex Parte No. 241; 11th Rev. Exemption No. 10]

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less[1] regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO.
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, Reporting Marks: NH-NYC-PAE-PC-P&E-PRR.
Soo Line Railroad Company, Reporting Marks: SOO.
Union Pacific Railroad Company, Reporting Marks: UP.
Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., November 11, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 11, 1975.

[SEAL] INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-32958 Filed 12-5-75;8:45 am]

[Revised I.C.C. Order No. 131, Amdt. 2; Rev. S.O. No. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting Traffic

Upon further consideration of Revised I.C.C. Order No. 131, (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 131 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

[1] Change.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 5, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1975.

[SEAL] INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc. 75-32956 Filed 12-5-75;8:45 am]

[Rule 19; Ex Parte No. 241; 14th Rev. Exemption No. 99]

BURLINGTON NORTHERN INC.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezie or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arganasa Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
• • •
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, Reporting Marks: PC-PRE-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective November 18, 1975.

Expires February 29, 1976.

Issued at Washington, D.C., November 18, 1975.

[SEAL] INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

• • • Delete: Missouri-Kansas-Texas Railroad Company

[FR Doc.75-32959 Filed 12-5-75;8:45 am]

[Rule 19; Ex Parte No. 241; 15th Rev. Exemption No. 99]

BURLINGTON NORTHERN INC.

Exemption Under Provisions of Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J.

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Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railorads named below:

Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, Reporting Marks: PC–PRR–NYC.
Reading Company,[1] Andrew L. Lewis, Jr. Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.
and Joseph L. Castle, Trustees, Reporting Marks: RDG.

Effective November 27, 1975.

Expires February 29, 1976.

Issued at Washington, D.C., November 20, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 75–32960 Filed 12–5–75;8:15 am]

[S.O. No. 1223; Corrected Exception No. 1]

UNIT-GRAIN-TRAIN SERVICES

Pursuant to the authority vested in me by Section (a)(4) of Service Order No. 1223, the provisions of Section (a)(2) of Service Order No. 1223, which prohibit the shipper, consignee, or other party who has arranged for shipment of grain in unit-grain-train services from specifying the next point or shipper authorized to load a specific group of cars shall be deemed to set aside tariff provisions requiring a total of five or more trips if the applicable tariffs provide only a single level of unit-grain-train rates.

Effective November 6, 1975.

Issued November 6, 1975.

[SEAL] R. D. PFAHLER,
Chairman, Railroad Service Board.

[FR Doc.75–32957 Filed 12–5–75;8:45 am]

[1] Addition.

federal register

MONDAY, DECEMBER 8, 1975

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OVER-THE-COUNTER SLEEP-AID DRUG PRODUCTS

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 338, 339, 340]

[Docket No. 75-N-0244]

OVER-THE-COUNTER DRUGS

Proposal To Establish Monographs for OTC Nighttime Sleep-Aid, Daytime Sedative, and Stimulant Products

Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on October 21, 1975 the report of the Advisory Review Panel on Over-The-Counter (OTC) Sedative, Tranquilizer and Sleep-Aid Drug Products. In accordance with § 330.10(a)(6), the Commissioner is issuing (1) a proposed regulation containing the monographs recommended by the Panel establishing conditions under which OTC nighttime sleep-aid, daytime sedative and stimulant drugs are generally recognized as safe and effective and not misbranded, (2) a statement of the conditions excluded from the monographs on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding, (3) a statement of the conditions excluded from the monographs on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above, and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The purpose of issuing the unaltered conclusions and recommendations of the Panel is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet fully evaluated the report, but has concluded that it should first be issued as a formal proposal to obtain full public comment before any decision is made on the recommendations of the Panel. The report of this Panel represents their best scientific judgment. It has been prepared independently of the Food and Drug Administration and does not necessarily reflect the Agency position on any particular matter contained therein. After a careful review of this document and all comments submitted in response to it, the Commissioner will prepare a tentative final regulation to establish monographs for OTC nighttime sleep-aid, daytime sedative and stimulant drug products. Comments on this document are due on or before March 8, 1976.

In accordance with § 330.10a()(2), all data and information concerning OTC sedative, tranquilizer, sleep-aid and stimulant drug products submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and the Food and Drug Administration. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before January 7, 1976, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to the Food and Drug Administration, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20852.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the monographs (Category I) be effective 30 days after the date of publication of the final monographs in the FEDERAL REGISTER.

2. That the conditions excluded from the monographs on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monographs in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monographs on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as generally recognized as safe and effective and not misbranded or as not being generally recognized as safe and effective or would result in misbranding (Category III) be permitted to remain in use for 3 years after the date of publication of the final monographs in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

In the following document, the Sedative, Sleep-Aid and Tranquilizer Panel set forth a concept known as "Category III with a marketing hold" (Category III (MH)) for doxylamine succinate and phenyltoloxamine dihydrogen citrate for use as OTC nighttime sleep-aids. The Panel concluded that these ingredients may be effective but require further testing. Since the ingredients have never before been marketed over-the-counter (OTC) as nighttime sleep-aids, the Panel concluded that there should be a marketing hold for that indication until adequate safety and effectiveness data are available. The Panel stated in their report that they were aware the effect of such a recommendation might cause the Food and Drug Administration to classify these ingredients in Category II and therefore, prohibit OTC marketing until an approved New Drug Application (NDA) is obtained by a drug manufacturer or until the OTC nighttime sleep-aid monograph (Part 338) is amended to include these ingredients.

The Panel in their recommendations also classified the ingredient diphenhydramine hydrochloride as an OTC nighttime sleep-aid as Category III but suggested marketing of this ingredient be permitted while final testing was carried out. This ingredient is presently a new drug marketed under an approved New Drug Application for prescription use only for several indications. Based on a review of this drug by the National Academy of Sciences—National Research Council (NAS/NRC), it was classified as "probably effective" for intractable insomnia. Diphenhydramine has never been legally marketed for any indication for over-the-counter use. The Panel raised questions regarding the safety and effectiveness of diphenhydramine as a nighttime sleep-aid which require resolution prior to classification of the ingredient in Category I.

The Commissioner has determined that an active ingredient classified as Category III which heretofore has been limited to prescription use or classified for OTC use at a dosage level higher than that available in an OTC drug product on December 4, 1975, as published in the FEDERAL REGISTER of December 4, 1975 (40 FR 56675), may not be lawfully marketed for OTC use until the tests and studies to satisfy the questions raised by the Panel have been conducted and the drug has been determined by the Food and Drug Administration to be generally recognized as safe and effective and not misbranded for over-the-counter marketing and so indicated in an appropriate monograph published in the FEDERAL REGISTER or a New Drug Application is approved. The Commissioner also concludes that the procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464) establishing the OTC drug review do not provide for a "marketing hold" for Category III conditions and that such a concept is equivalent to classifying an ingredient in Category II. The classification by a Panel of an ingredient, historically a prescription ingredient, in Category III with or without a marketing hold represents no more than an opinion that the prescription ingredient may be shown at some future time to be generally recognized as safe and effective for OTC marketing with adequate studies.

Accordingly, the Commissioner reaches the immediate determination that doxylamine succinate, phenyltoloxamine dihydrogen citrate and diphenhydramine hydrochloride as OTC nighttime sleep-aids are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)), implemented by § 310.3(g) and (h)(5) (21 CFR 310.3(g) and (h)(5)). Therefore, they cannot now be marketed over-the-counter for use as OTC nighttime sleep-aids. Prior to marketing OTC for such an indication, an approved New Drug Application is required or a determination must be made that the ingredients are generally recognized as safe and effective in a monograph.

A number of questions have been presented to the Agency regarding the OTC marketing status of ingredients or amounts of ingredients previously limited to prescription use prior to finalization

of an applicable monograph for the ingredients. The reclassification of ingredients from prescription to OTC status presents important issues that need careful and special considerations. Therefore, the Commissioner has proposed in the FEDERAL REGISTER of December 4, 1975 (40 FR 56675) to establish a policy to clarify the marketing status of all ingredients currently restricted to prescription use which an OTC Advisory Panel recommends as either Category I (safe and effective), Category II (not safe and effective) or Category III (the available data are insufficient to classify the drug) and also the use of active ingredients at dosage levels higher than that available in any OTC drug product on December 4, 1975 as published in the FEDERAL REGISTER of December 4, 1975 (40 FR 56675).

The Commissioner is aware of some concern about the safety of OTC nighttime sleep-aids in general and about diphenhydramine in particular due to possible hazards of misuse, abuse or other adverse societal impact. He is therefore, seeking public comment on these issues at this time. The Panel addressed these issues to some degree by recommending a product container size limitation to avoid abuse. However, the Commissioner believes the broader safety issue of possible misuse and societal impact of OTC nighttime sleep-aids should be publicly reviewed through comment upon this proposal.

The conclusions and recommendations contained in the report of the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid products to the Commissioner are as follows:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness and labeling of all OTC drugs by independent advisory review panels. On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10, which were made effective immediately. Pursuant to these regulations the Commissioner issued a request for data and information on all sedative, tranquilizer and sleep-aid active ingredients in drug products, in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885). The Commissioner issued in the FEDERAL REGISTER of May 25, 1973 (38 FR 13763) an additional request for data and information on all stimulant ingredients.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC products containing sedative, tranquilizer, sleep-aid and stimulant ingredients:

Karl Rickels, M.D., Chairman, Calton K. Erickson, Ph.D., Helen Dunn Gouin, R.Ph., M.S., Ernest L. Hartmann, M.D., Sumner M. Kalman, M.D., Lester C. Mark, M.D., Frances S. Norris, M.D.

The Panel was first convened on November 15, 1972 in an organizational meeting. Working meetings were held on January 29 and 30, April 19 and 20, June 25 and 26, September 17 and 18, November 5 and 6, December 17 and 18, 1973; February 4 and 5, March 1 and 2, April 1 and 2, July 9 and 10, October 28 and 29, 1974; January 27 and 28, March 3 and 4, April 28 and 29, August 14 and 15, September 29 and 30, 1975.

The Panel included the following nonvoting liaison representatives: Ms. Renee Butler, nominated by an ad hoc group of consumer organizations. Joseph L. Kanig, Ph.D., and in his absence Mr. Peter G. Neaman or Mr. Max Richburg, R.Ph., were nominated by the Proprietary Association. Harvey I. Chernov, Ph.D., an employee of the Food and Drug Administration served as Executive Secretary until September 1973 when he was succeeded by Irma Hobart, M.D., also an employee of the Food and Drug Administration. Others who served with the Panel were Michael Kennedy, Panel Administrator, Melvin Lessing, M.S., R.Ph., Drug Information Analyst and George H. Kerner, Consumer Safety Officer.

In addition to the Panel members and liaison representatives, the Panel utilized the advice of the following consultant:

Robert W. Downing, Ph.D.

In addition, the following individuals provided useful scientific information by correspondence at the request of the Panel which is included in the administrative record:

Jerome W. Bettman, M.D., Nelson Irey, M.D., Irving J. Selikoff, M.D.

The following individuals were given an opportunity to appear before the Panel to express their views, either at their own request or at the Panel's request:

Clinton C. Brown, M.D., Robert B. Choate, Leonide Goldstein, M.D., Andrew Graham, Esq., Martin Himmel, Anita Johnson, Esq., Ben Marr Lanman, M.D., Leslie M. Lueck, Ph.D., Joseph Pittelli, M.D., E. Ned Schultz, M.D., Roger A. Schultz, Esq., Robert A. Sperber, M.D., Garrett W. Swenson, Esq., Gerald W. Vogel, M.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through September 29, 1975 in arriving at its conclusions and recommendations.

The Panel first attempted to define the terms currently used in OTC products to be sure that these terms were clear to the consumer. The Panel was unable to define the term "tranquilizer" in relation to drugs for OTC daytime sedation. The Panel believes that the term "tranquilizer" is inappropriate for an OTC product because to the consumer, the term "tranquilizer" is misleading. The term promises a quantitatively different effect than that which an OTC drug is able to provide. Tranquilizer is a term properly identified with a medically prescribed psychotropic drug which is available by prescription and should in fact only be available by that source. For this reason, the Panel adopted the use of the term "daytime sedative." It was also apparent to the Panel that it would be necessary to appropriately define a product used to induce sleep at night. Such a product with the term "sedative" or "sleep-aid" did not in the Panel's estimation provide sufficient guidance to the consumer as to the use of the product. Therefore, the Panel is recommending to the Commissioner that the term "nighttime sleep-aid" be adopted for use of a product that will induce sleep.

These two terms "daytime sedative" and "nighttime sleep-aid" are descriptive of the types of products presently used as OTC medications. They indicate the time of use and the effect that the consumer will realize without causing confusion or misunderstanding. Henceforth, in this document, the Panel has adopted and uses the terms "daytime sedative" and "nighttime sleep-aid."

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to these classes of drugs are set out in three categories:

I. Conditions under which nighttime sleep-aid, daytime sedative and stimulant products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which nighttime sleep-aid, daytime sedative and stimulant products are not generally recognized as safe and effective or are misbranded.

III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel recommends the following for each category of drugs:

1. That the monographs (Category I) be effective 30 days after the date of publication of the final monographs in the FEDERAL REGISTER.

2. That the conditions excluded from the monographs on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monographs in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monographs (Category III) on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded; or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for 3 years after the date of publication of the final monographs in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

The Panel has provided a period of 3 years for testing Category III antihistamines as nighttime sleep-aids and be-

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lieves that this period of time is necessary because testing facilities are limited. For example, only a few electroencephalograph (EEG) sleep laboratories exist and few experienced investigators are available to perform such studies. Much of the current effort is being utilized in studies on newer prescription drugs. Thus, to shortcut the practical time it would take to carry out these studies in a reasonable manner would not be in the best interest of the consumer, the industry or the testing laboratories. The Panel is aware that it generally takes considerable time to design, set up, conduct, analyze and report these tests. The Panel considers that the Category III ingredients (antihistamines) being reviewed are basically safe as OTC nighttime sleep-aid products. Their safety is therefore not in serious question unless higher dosages than recommended by the Panel as OTC nighttime sleep-aids are used. Thus the question of approval of these preparations is based upon demonstration of effectiveness.

The Panel also during its review realized that two antihistamines are not marketed as OTC sleep-aids but are available for other OTC indications, e.g., antitussive (cough suppressant) or as a calmative, at dosage levels lower than that which would be necessary to produce a sedative effect. These ingredients could possibly be used as OTC nighttime sleep-aids but the Panel is concerned with allowing marketing until further data are obtained on their safety and effectiveness. Therefore, the Panel created a Category III–MH (marketing hold) designation with a request that no marketing as an OTC nighttime sleep-aid be allowed until further testing has been done. These ingredients are discussed below. (See paragraph II C 3 below—*Conditions under which the available data are insufficient to permit final classification at this time.*)

I. Submission of Data and Information

A. Request for Submission of Sedative, Tranquilizer and Sleep-Aid Drug Data

Pursuant to the notice published in the Federal Register of August 22, 1972 (37 FR 16885) requesting the submission of data and information on sedative, tranquilizer, and sleep-aid drugs, the following firms made submissions relating to the indicated products:

1. *Submissions by firms.*

Firm	Marketed Products
Block Drug Co., Inc., Jersey City, NJ 07016.	Nytol Capsules, Nytol Tablets.
Bristol-Myers Co., New York, NY 10022.	Excedrin P.M. Tablets.
Endo Laboratories, Inc., Garden City, NY 11530.	Dilone Tablets, Percogesic Tablets.
Jeffrey Martin, Inc., Union, NJ 07083.	Compoz Tablets.
Miles Laboratories, Inc., Elkhart, IN 46514.	Miles Nervine Capsules, Miles Nervine Liquid, Miles Nervine Tablets.
Whitehall Laboratories, Inc., New York, NY 10017.	Quiet World Tablets, Sleep-Eze Tablets.
J. B. Williams Co., Inc., Cranford, NJ 07016.	Sominex Capsules, Sominex Tablets.

In addition, the following firms made related submissions:

Firm	Submissions
Johnson and Johnson Co., New Brunswick, NJ 08903.	Talc.
Miles Laboratories, Inc., Elkhart, IN 47514.	Diphenhydramine hydrochloride.
Monsanto Industrial Chemicals Co., St. Louis, MO 63166.	Methapyrilene fumarate, Methapyrilene hydrochloride.
Parke, Davis & Co., Ann Arbor, MI 48106.	Diphenhydramine hydrochloride.
Pfizer Inc., New York, NY 10017.	Doxylamine succinate.
J. B. Williams Co., Inc., Cranford, NJ 07016.	Doxylamine succinate, Phenyltoloxamine dihydrogen citrate.
Whitehall Laboratories, Inc., New York, NY 10017.	Diphenhydramine hydrochloride.

The following submission was not received in adequate time for review by the Panel:

Firm	Marketed Product
Del Laboratories, Inc., Farmingdale, NY 11735.	Placin Calmative Capsules.

2. *Labeled active ingredients contained in these marketed products.*

Acetaminophen, Ammonium bromide, Aspirin, Citric acid, Diphenhydramine hydrochloride, Doxylamine succinate, Methapyrilene fumarate, Methapyrilene hydrochloride, Niacinamide, Passion flower extract, Phenyltoloxamine dihydrogen citrate, Potassium bromide, Pyrilamine maleate, Salicylamide, Scopolamine aminoxide hydrobromide, Scopolamine hydrobromide, Sodium bicarbonate, Sodium bromide, Thiamine hydrochloride.

B. *Request for Submission of Stimulant Drug Data.* Pursuant to the notice published in the Federal Register of May 25, 1973 (38 FR 13763) requesting the submission of data and information on stimulant drugs, the following firms made submissions relating to the indicated products:

1. *Submissions by firms.*

Firm	Marketed products
Blair Laboratories, Inc., Norwalk, CT 06856.	Pre-Mens Forte Tablets.
Bristol-Myers Co., New York, NY 10022.	No-Doz Tablets.
Jerrard Cosmetics, Ltd., Hollywood, CA 90028.	Love Garden Stimulant Capsules.
J. B. Williams Co., Inc., Cranford, NJ 10017.	Viviran Tablets.

There were no additional related submissions.

2. *Labeled active ingredients contained in marketed products.*

Ammonium chloride, Caffeine, Ginseng, Vitamin E.

C. Classification of Submitted Data

1. *Ingredients considered by the Panel for safety and effectiveness as nighttime sleep-aids or daytime sedatives.*

Ammonium bromide, Diphenhydramine hydrochloride, Doxylamine succinate, Methapyrilene fumarate, Methapyrilene hydrochloride, Phenyltoloxamine dihydrogen citrate, Potassium bromide, Pyrilamine maleate, Scopolamine aminoxide hydrobromide, Scopolamine hydrobromide, Sodium bromide.

2. *Ingredient considered by the Panel for safety and effectiveness as a stimulant.*

Caffeine.

3. *Ingredients referred to other OTC panels for review.*

Ingredient	Panel Referred To
Acetaminophen	Internal Analgestic Panel.
Ammonium chloride	Miscellaneous Internal Drug Products Panel.
Aspirin	Internal Analgesic Panel.
Salicylamide	Internal Analgesic Panel.

4. *Irrational ingredients.*

The following ingredients in submitted products for review were classified by the Panel as irrational for use and are discussed later in this document:

Claimed Ingredient	Irrational Use
Ammonium chloride	Stimulant
Ascorbic acid	Nighttime Sleep-Aid/Daytime Sedative
Citric acid	Nighttime Sleep-Aid/Daytime Sedative
Ginseng	Stimulant
Niacinamide	Nighttime Sleep-Aid/Daytime Sedative.
Passion flower extract	Nighttime Sleep-Aid.
Sodium bicarbonate	Nighttime Sleep-Aid/Daytime Sedative.
Thiamine hydrochloride.	Nighttime Sleep-Aid.
Vitamin E	Stimulant.

5. *Inactive ingredients.*

Flavoring agents, Coloring agents, Talc.

The Panel is concerned about the carcinogenic potential of asbestos in talc, which is discussed later in this document.

The Panel has included the following table for the convenience of the reader, in which the active ingredients have been categorized:

Categorization of Single and Combination Ingredients Considered by the Panel for Safety and Effectiveness as Nighttime Sleep-Aids, Daytime Sedatives or Stimulants

(1) Nighttime sleep-aids as single ingredients

Ingredient	Category	Justification for categorization [1]	Additional period for testing
Antihistamines:			
Diphenhydramine hydrochloride	III	S, E	3 years.
Doxylamine succinate [2]	III (MH)	S, E	Do.
Methapyrilene fumarate	III	S, E	Do.
Methapyrilene hydrochloride	III	S, E	Do.
Phenyltoloxamine dihydrogen citrate [2]	III (MH)	S, E	Do.
Pyrilamine maleate	III	S, E	Do.
Bromides:			
Ammonium bromide	II	S, E	None.
Potassium bromide	II	S, E	Do.
Sodium bromide	II	S, E	Do.
Scopolamine compounds:			
Scopolamine aminoxide hydrobromide	II	S, E	Do.
Scopolamine hydrobromide	II	S, E	Do.
Miscellaneous compounds:			
Acetaminophen [3]	II	E	Do.
Aspirin [3]	II	E	Do.
Passion flower extract	II	IR	Do.
Salicylamide [3]	II	E	Do.
Thiamine hydrochloride	II	IR	Do.

[1] S (safety), E (effectiveness), IR (irrational combination) and NA (not applicable).
[2] MH indicates ingredient is placed in Category III (marketing hold), with additional data required prior to marketing for use indicated.
[3] Referred to OTC Internal Analgesics Panel for evaluation of analgesic claims.

(2) Nighttime sleep-aids as combinations of ingredients

Combination	Category	Justification for categorization	Additional period for testing
Combinations containing 2 or more antihistamines	II	S, E	None.
Combinations containing bromides	II	S, E	Do.
Combinations containing scopolamine	II	S, E	Do.
Combinations containing analgesics.[1]	III	E	3 years.
Combinations containing thiamine hydrochloride or passion flower.	II	IR	None.

[1] Referred to OTC Internal Analgesics Panel for evaluation of analgesic claims.

The Panel was unable to determine other rational combinations which might be considered safe and effective as nighttime sleep-aids.

(3) Daytime sedatives as single ingredients

Ingredient	Category	Justification for categorization	Additional period for testing
Antihistamines:			
Diphenhydramine hydrocholride [1]	II	S, E	None.
Doxylamine succinate [1]	II	S, E	Do.
Methapyrilene fumarate	III	S, E	3 years.
Methapyrilene hydrochloride	III	S, E	Do.
Phenyltoloxamine dihydrogen citrate	III	S, E	Do.
Pyrilamine maleate	III	S, E	Do.
Bromides:			
Ammonium bromide	II	S	None.
Potassium bromide	II	S	Do.
Sodium bromide	II	S	Do.
Scopolamine compounds:			
Scopolamine aminoxide hydrobromide	II	S, E	Do.
Scopolamine hydrobromide	II	S, E	Do.
Miscellaneous compounds:			
Acetaminophen [2]	II	E	Do.
Aspirin [2]	II	E	Do.
Salicylamide [2]	II	E	Do.
Niacinamide	II	IR	Do.
Thiamine hydrochloride	II	IR	Do.

[1] Ingredients have not been submitted as daytime sedatives and would not be appropriate for such use. (See discussion of individual ingredients in this preamble.)
[2] Referred to OTC Internal Analgesics Panel for evaluation of analgesic claims.

(4) Daytime sedatives as combinations of ingredients

Combination	Category	Justification for categorization	Additional period for testing
Combinations containing 2 or more anthistamines	II	S, E	None.
Combinations containing bromides	II	S, E	Do.
Combinations containing scopolamine	II	S, E	Do.
Combinations containing analgesics	III	S, E	3 years.
Combinations containing vitamins	II	IR	None.

The Panel was unable to determine other rational combinations which might be considered safe and effective as daytime sedatives.

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(5) Stimulants as single ingredients

Ingredient	Category	Justification for categorization	Additional period for testing
Caffeine	I	S, E	NA.
Ammonium chloride [1]	II	IR	None.
Ginseng	II	IR	Do.
Vitamin E	II	IR	Do.

[1] Referred to OTC Miscellaneous Internal Panel for evaluation of diuretic claims.

(6) Stimulants as combinations of ingredients

Combination	Category	Justification for categorization	Additional period for testing
Combinations containing diuretics	II	IR	None.
Combinations containing ginseng	II	IR	Do.
Combinations containing Vitamin E	II	IR	Do.

The Panel was unable to determine other rational combinations which might be considered safe and effective as stimulants.

II. Nighttime Sleep-Aids

A. General Discussion

Sleep is generally defined as a regularly recurrent, easily reversible behavioral state characterized by relative quiescence, and a greatly increased threshold of response to stimulation from the environment. In recent years it has been shown that a series of well-defined changes in brain wave patterns and other physiological changes regularly accompany behavioral sleep. These polygraphically recorded patterns are now useful in determining exact time of sleep onset and minute-by-minute changes in sleep stages. It appears justifiable at this point to add to the above behavioral definition of sleep that normal sleep must be accompanied by the usual well-determined sequence of polygraphic patterns.

The Panel accepts that experiencing occasional sleep problems is a valid indication for OTC medication. Sleep problems amenable to help by OTC products would fall into two broad categories: (1) Occasional difficulty in falling asleep (an increase in sleep latency), and (2) occasional difficulty in remaining asleep (an increase in number of awakenings, total time awake after sleep onset, or early morning awakening). Normal sleep patterns vary considerably and a person should take OTC medication only when his pattern deviates widely from his usual pattern.

Patients with severe or chronic insomnia are not candidates for self-medication; they should consult their physicians. Severe insomnia can be defined as sleep difficulty serious enough to interfere regularly with a person's normal waking activities. Chronic insomnia is sleep difficulty occurring every night or almost every night for at least several weeks.

An OTC nighttime sleep-aid, then, is a substance which helps an individual fall asleep or is used for the relief of occasional sleeplessness. Possible uses for such products, if demonstrated by adequate testing, would be to reduce time taken to fall asleep, number of awakenings, or early morning awakening or any combination of the above circumstances if these circumstances (delayed sleep, frequent awakenings, light sleep, or reduced duration of sleep) interfere with the normal sleep pattern of the individual.

B. Safety and Effectiveness

The Panel suggests the criteria in the discussion below to establish the safety and effectiveness of these agents.

The active ingredient must be safe in the doses suggested on the labeling. The demonstration of safety should be based upon current criteria used to evaluate centrally acting drugs. This includes the Panel's suggested guidelines for testing the safety of a nighttime sleep-aid. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.) The general guidelines used in the introduction of drugs for prescription use should also be followed in assessing safety. Also, certain special types of adverse reactions are difficult to evaluate. For example, teratogenic effects (the ability to cause congenital malformations), are so difficult to determine before marketing that the Panel advises that new drugs not intended for lifesaving use should not be used in women known to be pregnant or who are nursing a baby, and this precaution should be included in the labeling. Further, drugs that are suspected of causing mutations and/or cancer should not be authorized for OTC use. Finally, untoward interactions between an OTC preparation and other commonly used drugs or foods should be indicated in the labeling if such interactions may cause severe discomfort, distress, disease, or disability.

Because these drugs are intended for nighttime use, their action should not persist into the daytime hours, or beyond the intended period of sleep, so that no interference with normal motor or sensory performance is encountered during the waking state.

The drug should be effective without causing undue disturbance in the period after sleep, such as depressed motor or sensory activity, including reduced ability to perform simple motor tasks. The drug should not interfere in an unusual manner or to an unusual degree with physiological EEG patterns characteristic of normal sleep.

There should be a low potential for allergic manifestations and for idiosyncratic responses to the drug. The margin between an effective and a toxic dose should be large, and the desired effect should be produced ordinarily with a single dose; occasionally a repeated dose may be needed. The drug should not be habit-forming or addicting. There should be no serious toxicity that would result from ill-advised or inadvertent chronic use of the drug.

Determination of effectiveness of an OTC nighttime sleep-aid can be made to some extent by subjective reports from patients or subjects, and by nurses' observations, but are made more accurately by all night sleep laboratory recordings. Preferably, several methods should be used, such as all night sleep recordings in a small number of subjects combined with subjective reports in a large number of subjects, to make certain that a potential sleep-aid does improve sleep as verified both by objective criteria and by reports of improved sleep by the subjects themselves. The Panel has included recommended guidelines for evaluating the effectiveness of a nighttime sleep-aid. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

In accordance with current practice, the packaging of such drugs should be designed to protect small children. In addition, the Panel believes that the quantity of the drug available in an OTC nighttime sleep-aid product container should be limited to prevent accidental ingestion of a lethal dose.

Labeling

Consumers often have a variety of questions regarding OTC medication. Additionally, they may need to discuss, or be warned of, possible drug interactions such as with certain other central nervous system depressants (e.g., tranquilizers, antihistamines, hypnotics, alcohol). For this reason, the Panel is of the opinion that all OTC products, and particularly those in the daytime sedatives, and nighttime sleep-aids categories should contain the following general warning: "Do not take this product if you are presently taking a prescription or OTC drug without consulting a physician or pharmacist."

The Panel is aware that the Commissioner, in the Federal Register of June 4, 1974 (39 FR 19880), has exhaustively reviewed the question of drug interactions and has ruled that specific warnings should replace general statements.

However, the Panel concludes that OTC nighttime sleep-aids are a class apart. Their specific and potentially hazardous actions as central nervous system depressants render them especially liable to additive toxicity with other depressant drugs used concurrently, whether prescription or OTC. The danger is compounded by the layman's ignorance of even the possibility that he might be exposing himself to the cumulative toxic effects of two or more depressant drugs. For example, he may already be taking remedies for a variety of indications (e.g., cough/cold, antimotion, dermatologic, etc.), and be unaware that these products contain antihistamines or other centrally acting ingredients. In this special case, therefore, the Panel believes it important that the general warning be retained for the guidance of the consumer.

The recommendation that the consumer who purchases an OTC drug should consult with a pharmacist is based on the belief that the pharmacist is the most readily available community health professional to the purchasing consumer, and that the average U.S.A. pharmacist today is probably as well acquainted with OTC preparations and the subject of possible drug interactions, etc., as the average physician. As a specialist in the drug field, he possesses knowledge of the subject, or will probably have appropriate written material (e.g., product information, handbooks, manuals, drug interaction lists) readily available.

Based upon the foregoing general discussion of the pharmacology of nighttime sleep-aids and limitations inherent therein, the following are valid (Category I) claims for nighttime sleep-aids:

"Helps fall asleep" and "For relief of occasional sleeplessness."

The following warnings should be included: "For adults only. Do not give to children under 12 years of age." "Take this product with caution if alcohol is being consumed."

The following warning on products containing antihistamines should also be included: "*Caution:* This product contains an antihistamine drug."

The labeling should also state that OTC nighttime sleep-aids are only recommended for the treatment of occasional sleep difficulty. The following warning should appear on the label: "If condition persists continuously for more than 2 weeks consult your physician. Insomnia may be a symptom of serious underlying illness."

The following Category III labeling claims are possibly valid if supported by controlled studies:

"Reduces time to fall asleep in persons with difficulty in falling asleep." "Reduces number of awakenings in persons who wake frequently during the night." "Prolongs sleep."

The following terms currently used are classified as Category II because they are seriously misleading or ambiguous: "natral sleep, normal sleep, sound sleep, nonhabit-forming, guaranteed (fast acting), or refreshing sleep."

"Natural sleep" is ambiguous since "natural" is not a well-defined term and could have referred to a natural feeling state in the morning or to normal appearing sleep by any number of physiological criteria. The term is misleading when these drugs are taken, since the drug is an exogenous non-naturally occurring agent introduced into the body. Hence, the body is obviously not entirely in its "natural" state during drug-induced sleep.

"Normal sleep" is ambiguous and is misleading for the same reasons given under natural sleep. "Sound sleep" is similarly ambiguous. The term "non-habit-forming" is misleading, undesirable and probably false because it is very hard to prove that any product with psychotropic activity can be non-habit-forming; but more importantly, there is an insinuation that other OTC sleep-aid products obviously are habit-forming.

"Guaranteed" is misleading and a false promise if used in a general way such as "guaranteed fast-acting." No drug helps 100 percent of the time. The Panel believes that the word "guarantee" should be prohibited in regard to medical claims. The Panel will not comment on the use of the term in labeling when it refers to promotional consideration such as "Guarantee: Your money will be refunded without question if you are in any way dissatisfied with this product."

"Refreshing sleep" is misleading and ambiguous since in the opinion of the Panel, "refreshing" is extremely difficult to define.

The Panel concludes that approval of an active ingredient or combination of active ingredients for a particular indication should not be interpreted as unique to the active ingredient or to the combination. Labeling, package insert, or advertising shall not refer to such approval either directly or by inference as a unique or an exclusive endorsement of such an ingredient or combination of ingredients.

The Panel is aware that the Food and Drug Administration does not regulate the advertising of OTC drug products. However, the Panel recommends that advertising in any medium for these drugs that in any way uses the labeling, package, or container not be inconsistent, even in subtle implication through mood, focus or innuendo, with the labeling claims in the proposed monographs. It follows that labeling and advertisements should, therefore, be closely monitored by the proper authority to see that advertisements do not go beyond the limitations of the monograph and/or negate the restrictions and warnings recommended by the Panel.

C. Categorization of Data

1. *Conditions under which nighttime sleep-aids are generally recognized as safe and effective and are not misbranded.*

Active Ingredients

The Panel concludes that none of the submitted active ingredients is generally recognized as safe and effective and are not misbranded as nighttime sleep-aids.

Labeling

The Panel recommends the following general labeling for nighttime sleep-aid active ingredients to be generally recognized as safe and effective and not misbranded:

a. *Indications.* (1) "Helps fall asleep." (2) "For relief of occasional sleeplessness."

b. *Warnings.* (1) "For adults only. Do not give to children under 12 years of age." All studies reviewed by the Panel deal with adults; and not enough data are available on these drugs for children. Also, there are insufficient data on how children will react, especially in light of the fact that many children have an opposite reaction to that of adults. For example, it is possible that children may be more easily stimulated rather than sedated with antihistamines used as nighttime sleep-aids (Ref. 1).

(2) "Do not take this product if pregnant or if nursing a baby." The reason for this warning is that the Panel feels there have not been enough studies regarding teratogenicity of these drugs. The use of any drug in pregnancy or during lactation should therefore be carefully assessed. Also, with respect to nursing mothers, it should be noted that many nighttime sleep-aid drugs, for example, antihistamines, possess anticholinergic properties which may inhibit lactation.

(3) "Do not take this product if you are presently taking a prescription or other OTC drug, without consulting your physician or pharmacist." The Panel believes that self-medication under such circumstances may lead to a drug interaction or overdose situation. For example, if an individual cannot sleep because of a cold or allergy he may unwittingly use an OTC antihistamine nighttime sleep-aid and at the same time use an antihistamine cold or anti-allergy preparation. This may result in excessive sedation or confusion.

(4) "If condition persists continuously for more than 2 weeks, consult your physician. Insomnia may be a symptom of serious underlying medical illness." The Panel is concerned that individuals may tend to overuse psychotropic drugs instead of seeking proper medical treatment of underlying emotional disturbances. The Panel considers that OTC nighttime sleep-aids are only for short-term occasional sleeplessness experienced by some "normal" individuals and that use of an OTC nighttime sleep-aid continuously for more than 2 weeks may be indicative of a more serious condition.

(5) "Take this product with caution if alcohol is being consumed." The Panel is aware that there may be additive effects if alcohol is taken in addition to other central nervous system depressants, such as OTC nighttime sleep-aids and prescription hypnotics, sedatives and tranquilizers. These additive effects include excessive sedation, confusion and, in extreme circumstances, may result in coma and even death.

(6) For products containing an antihistamine: "Caution: This product contains an antihistamine drug."

References

(1) Sharpless, S. K., "Hypnotics and Sedatives," in "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S., and A. Gilman, The MacMillan Co., New York, p. 132, 1970.

2. *Conditions under which nighttime sleep-aids are not generally recognized as safe and effective or are misbranded.* The use of nighttime sleep-aids under the following conditions is unsupported by scientific data, and in many instances by sound theoretical reasoning. After carefully reviewing all data submitted, the

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Panel concludes that the following ingredients, labeling, and combination drugs involved should be removed from the market:

ACTIVE INGREDIENTS

Bromides: Ammonium bromide, Potassium bromide, and Sodium bromide.
Scopolamine Compounds: Scopolamine aminoxide hydrobromide, and Scopolamine hydrobromide.
Miscellaneous Compounds: Acetaminophen, Aspirin, Passion flower extract, Salicylamide, and Thiamine hydrochloride.

a. *Bromides (ammonium, potassium, sodium)*. The Panel concludes that ammonium bromide, potassium bromide and sodium bromide are not safe in therapeutic dosage levels as OTC nighttime sleep-aids because of toxicity and possible teratogenic effects. The Panel further concludes that at the dosage levels presently marketed these ingredients are not effective as nighttime sleep-aids. Ammonium, potassium and sodium bromides are similar in their pharmacological action and will be discussed as a group.

Bromine was discovered by Balard in 1826 and introduced into medicine in the salt form for the treatment of epilepsy in 1843 by Laycock. Its application as a hypnotic by Behrend dates back to 1864 (Ref. 1). The toxicity of bromides was noted in the 19th century. Wuth in 1927 reemphasized the toxicity of bromides which had been ignored for almost 100 years (Ref. 2). The barbiturates replaced bromides in the treatment of epilepsy, and bromides came to be used mainly as hypnotics and sedatives in the early 20th century.

By the late 1920's, bromides were widely prescribed and sold OTC as sedatives and hypnotics. Modern case reports about bromide toxicity recall their widespread use and importance before barbiturates and the so-called "minor tranquilizers" such as meprobamate replaced them to a very large extent in the 1950's (Ref. 3). With the availability of more prescription drugs, the use of bromides shifted primarily to OTC use, although cases of poisoning still result from prescribed drugs. The OTC preparations have become the largest source of bromide use today in medicine. They are seldom recommended by physicians although toxic effects have resulted from prescriptions containing bromides (Ref. 4) within the past 10 years.

Bromide, the negatively charged ionic form of bromine, is the drug we are concerned with in this review. Its close chemical relation to the chloride ion should be noted. Both chlorine and bromine are chemical elements included in a group known as the halogens. Special analytical methods are needed to detect bromide ion in the presence of chloride ion in biological fluids (Refs. 5 through 11). Bromides are ordinarily given by mouth and are efficiently absorbed. At high doses, subjects complain about gastrointestinal irritation, even when the drugs are given after meals, and some physicians in the past recommended that the bromides be given daily in three divided doses (Ref. 12). Divided doses cut down the intensity of gastrointestinal irritation, but serve no other purpose. A daily dose, if it could be tolerated without gastrointestinal irritation, would maintain therapeutic levels of bromide in the body. Absorption of a single oral dose is complete in 2 to 3 hours according to a study with radioactive bromide (^{82}Br) (Ref. 13). Peak plasma levels are reached about 30 to 45 minutes after a single oral dose (Ref. 14).

Distribution of bromide is the same as distribution of chloride, except for certain relatively minor differences. Like chloride, bromide distributes through the extracellular space, which is approximately 21 percent of total body weight. For a 150 lb. (70 kg.) man, the chloride or bromide etracellular space is 14.9 liters or approximately 15 liters. This space includes interstitial fluid and blood plasma. Large amounts of bromide appear in the salivary glands and also in gastric juice, where hydrogen bromide is formed. Bromide secretion by the gastric mucosa is analogous to that of chloride (Ref. 15). Formation of hydrogen bromide contributes to the gastric discomfort experienced by chronic users of bromides. Like chloride, bromide enters the red blood cells in appreciable amounts. Monovalent inorganic anions like chloride or bromide are not bound to any considerable extent to plasma protein, so that plasma determinations of these two ions refer to free halogen.

The total halogen concentration in the extracellular space, as measured in the plasma, is predominately chloride, and is normally about 99 to 105 milliequivalents per liter (mEq/l). In cases of poisoning by bromide, the chloride concentration may appear to go up, and this may be a clue to bromide poisoning. Usually bromide simply replaces part of the chloride, and standard laboratory tests report both ions as chloride.

Bromide does not penetrate cells in the brain to a greater extent than chloride, nor has there been found any qualitatively different distribution in brain tissue. It is assumed that bromide acts directly on the central nervous system (CNS), but not much information is available about the mechanism of its action. This is due, in large part, to the fact that bromides have been less widely used in the modern era in which more sophisticated ways of monitoring central nervous system function were introduced.

At least 80 percent of the elimination of bromide proceeds via the kidney. Both chloride and bromide ions are cleared from the kidney by simple filtration, and then each is partially reabsorbed by the tubules of the kidney. The renal clearance of bromide is slightly less than that for chloride because the bromide ion is reabsorbed from the renal tubules somewhat more efficiently than chloride (Ref. 16). If chloride intake is kept constant and enough bromide is given, it is possible to reach high steady state levels of bromide. If bromide intake is maintained constant and chloride intake is reduced, there will be a more rapid increase in the body concentration of bromide. The half-time for elimination of bromide from the body is about 12 days, on the average, for persons with normal kidney function (Ref. 13), assuming that sodium chloride intake remains constant.

The maintenance dose of bromide, about 0.9 gm per day, if taken from the start of dosing, would produce no ill effects, because almost 6 weeks would elapse before effective concentrations would be attained in the body fluids. This rate of accumulation is much too slow, since no one taking the drug on his own volition would wait that long for symptomatic relief; thus, large doses have to be taken initially to produce an effect rapidly. If dosage continues at the same high initial rate, cumulative poisoning would soon occur. At a moderate dose of 1 gm 3 times a day, the minimal effective blood concentration of 50 mg/100 ml is only attained after a week. After 3 weeks of continuous administration at the same rate, the blood level rises to 110 mg/100 ml, a blood concentration likely to produce toxic effects such as rashes, mental disturbances consisting of impaired thought and memory, dizziness and irritability (Ref. 17).

The body content of bromide may increase to a toxic level if the dosage is greater than the required maintenance dose and/or the renal elimination is below the expected level. At a steady rate, where intake equals output, the blood level will be just below the toxic range. If the rate of elimination were reduced, not unusual in older persons, the new steady state blood level of bromide would be a toxic concentration.

The blood serum concentration associated with toxicity is usually reported as 150 mg bromide per 100 ml or above. But cases of toxicity have occurred with serum levels of 50 mg/100 ml, and some patients have tolerated blood levels higher than 150 mg (Ref. 18).

To use these drugs chronically without monitoring the patient's chloride balance and blood serum bromide is, in the Panel's view, not safe medical practice since small changes in chloride intake or small changes in kidney function can lead to severe poisoning.

In 1927, Wuth stated, "Taking into account the interaction of bromides and chlorides, it is evident that if these individual variations of chloride intake are not considered it is merely a matter of luck whether bromide treatment is successful or not, or whether it does or does not lead to intoxication" (Ref. 2).

Depression of the central nervous system occurs with therapeutic amounts of bromides. With low doses and individual becomes drowsy. Larges doses produce impairment of central function, causing difficult speech, difficulty in thinking, and impaired memory.

There has been considerable argument about the effects of bromides on motor performance, but very little research has been done. In a "semiblind" study by Uhr and collaborators (Ref. 19), several tests of motor coordination, including simulated automobile driving, tests of

memory, and behavioral profiles were studied comparing a placebo, meprobamate and bromide. One group was not told what they were ingesting and the other group receiving different amounts of bromide were told that they were all ingesting the same amount. This is a bizarre design. In the doses used, 5.8 gm of bromide per day, there were no major deficits in performance produced by the bromides.

Jellinek and his associates (Ref. 18) inquired about the effects of bromides on human subjects as one increased the blood levels from sedative to mildly toxic ranges. The study was designed so that bromide levels of about 100 to 200 mg/100 ml of serum would be achieved and monitored in normal and psychotic subjects. Physical and psychological examinations were carried out during the course of the study. By giving daily doses of 50 mg of sodium bromide per kg body weight to all subjects, 78 normal subjects attained a mean serum bromide level of 148 mg/100 ml (range 120 to 200). However, a mean of 134 mg (range 98 to 186) was attained in 20 psychotic subjects.

In the normal subjects only sedative effects were noted. "Sounder and increased sleep" and some loss of concentration were noted. Skin rashes were seen in 2 of the 78 subjects. Some moderate tremors of the tongue, slightly increased patellar reflexes, and subjective feelings of "unsteadiness" were noted. Psychological tests that 44 percent (6 subjects) had reduced ability to concentrate. Sixteen subjects volunteered the information that they had developed a sexual indifference. Of the 20 psychotic patients with blood levels comparable to those for normal subjects, 2 showed sluggish or fixed pupillary reactions to light. Except for these there was "generally a picture of sedation and even of some therapeutic effect."

In the same study (Ref. 18), in a second group of 28 psychotic patients, doses of 75 to 100 mg/kg body weight of sodium bromide were given daily. A mean blood serum level of bromide of 228 mg/100 ml was obtained (range 175 mg to 310 mg). Sixteen subjects were dropped from the study after the fifth week because of various toxic signs. These signs included positive Romberg test (6 subjects), bromoderma (2 or possibly 3), unsteadiness and/or dizziness in 4, sleepiness or similar symptoms in 8, and a few miscellaneous toxicities. "An exacerbation of psychotic symptoms was not prominent" in this whole group of 28 subjects.

The Panel notes that the conclusion reached by the authors is that bromide therapy does not uncover psychotic behavior, but that psychotic patients generally show the same kinds of symptoms reported for normal subjects who are intoxicated. It is suggested by the authors that at blood levels below 200 mg bromide/100 ml of serum an additional factor is at work in cases where "bromism" or "bromide psychosis" have been reported.

Various types of skin rashes are seen in cases of bromide toxicity. The diagnosis is often missed because the possibility of bromide ingestion is not considered by the physician (Refs. 20 and 21). Because these reactions occur in only 1 to 10 percent of subjects taking bromides, it is likely that they represent an allergic reaction to the drug.

A single oral dose of bromide is not effective, because it takes a few days to achieve a therapeutic concentration in the extracellular fluid. This means that the sedative activity will be persistent and not transitory, as is intended when a hypnotic (sleep inducer) is used to induce sleep. Because bromides cannot induce sleep promptly after a single dose and must be used for several days and because these ingredients then have a continued pharmacological action, the Panel believes bromides should not be indicated as OTC sleep-aids. Sleep is not induced, says Sollman (Ref. 1), but is made possible by the calming action: "• • • the bromides tend to produce a mental, calm, aloofness progressing to lassitude. These predispose to sleep which can be resisted."

The Panel notes that contraindications to bromide therapy have been listed repeatedly (Ref. 22). These include: (1) Anorexia: Vomiting and diarrhea induced by taking of bromides can easily deplete the body's chloride content, thus making chronic bromide intoxication more easily produced, (2) Alcoholism: Bromides enhance and prolong symptoms of hangover and intoxication, (3) Congestive heart failure: Usually patients with cardiac failure are on a restricted salt diet, so that intoxication with bromides will occur more readily than in normal subjects, and (4) Kidney disease: Excretion of bromides is likely to be reduced more than in the normal individual and toxicity is to be anticipated.

Depression of the entire central nervous system is the usual pharmacological effect, except that the medulla is not depressed until very high drug concentrations are achieved. Psychic functions are depressed and spinal reflexes are diminished. Muscle tone is lowered. Large doses lessen arterial tension, lower body temperature, depress sexual drive, and cause somnolence, loss of coordination and sluggish reflexes. Psychic phenomena may include hallucinations of auditory or visual type, depression, or maniacal excitation. The neurological examination usually, but not always, shows a symmetrical distribution of altered function. This is useful in distinguishing between a central lesion and intoxication.

There has been discussion in the literature about the distinction between true schizophrenia and the apparent schizophrenia exhibited by some patients with bromide intoxication. Clearing up of the symptoms and their nonrecurrence as the intoxication disappears is a useful index. Some authors, for example, Levin (Ref. 23), claim that they can distinguish the two types of patient by the content of their hallucinations.

Neurological symptoms are commonly observed in cases of poisonings. Weakness was most common in one study of 27 cases (Ref. 24). It can involve a single extremity and thus mimic a central nervous system tumor or cerebrovascular accident. Sleepiness and stupor were also common. The state of consciousness was depressed in 14 of the patients, varying from drowsiness to coma. Thirteen patients were incontinent. Twenty had abnormal reflexes. Ataxia with the appearance of intoxication was the most common cerebellar sign; coarse tremor of the hands or tongue was seen in seven patients. Slurred speech was also common. Psychic manifestations included extreme excitement (12 cases), emotional instability, confusion, disorientation, and incooperativeness. In 12 cases, the average bromide concentration was 239 mg/100 ml of blood serum. Most of these patients had bronchopneumonia and/or urinary tract infection. The two deaths were due to pneumonia, a frequent cause of death in comatose patients.

"Ocular bobbing" is an intermittent conjugate downward deviation of the eyes in the absence of any reflex lateral eye movements. It is ordinarily caused by destruction of part of the brain. The sign is also seen in cases of bromism where there is a lateral deviation of the eyes as well as the downward movement (Ref. 25).

Animal studies have pointed to the possibility that bromides may be teratogenic (cause abnormalities of the developing fetus) (Ref. 26). In studies carried out on animals with chronic bromide intake such that the concentration in the body was about as great as in human subjects on therapeutic doses, there appeared to be mental retardation as evidenced by reduced learning ability in offspring (Ref. 27). In this case, the bromide was given to pregnant rats from the 4th to 12th day of gestation at a total dosage of 192 mg of bromide per kg.

A woman who had previously had two normal children delivered two boys, 1.5 years apart, while taking bromides. Both boys showed growth retardation and reduced head size. One was described as a "true microcephalic" (Ref. 28).

It is clear that bromides cross the placenta readily. Cases of bromide intoxication have occurred in newborns. A girl born after 40 weeks of gestation weighed only 2,020 gm (4.45 lb), was irritable and difficult to feed in the posnatal period and developed slowly. At age 2.5 years, she showed retarded mental and motor development and was below the 10th percentile in height, weight, and skull circumference. The mother had taken large amounts of a bromide-containing preparation all through gestation to relieve headaches (Ref. 29).

A 7-day-old girl entered a children's hospital with lethargy and poor sucking reflex and a blood serum bromide level of 365 mg/100 ml. The mother, a nurse, took 1 quart of an OTC bromide preparation the day before delivery and had appar-

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ently taken lesser amounts during her 39-week pregnancy. On the 6th post partum day, the mother was found to have a serum bromide of 320 mg/100 ml. Both mother and infant recovered in this case, even though the blood levels were quite high (Ref. 30). A case of bromism with skin rash present was detected in a premature male infant. Ten days after delivery, skin lesions began to appear and penicillin treatment was started. The penicillin did not affect the rash, and it was suggested that the mother's milk be tested for bromide. The milk contained 120 mg bromide per 100 ml. The child was cured by substituting cow's milk (Ref. 26).

There are numerous case reports of bromide poisoning in infants (Ref. 31).

In summary, the Panel concludes that because the mode of action of the bromides involves displacement of chloride, a normal body constituent, and because this displacement takes many days to occur after ingestion of many of the "recommended" doses, the bromides cannot be considered for the use of occasional symptoms of sleeplessness. The mode of action involves a disturbance in the body's salt balance which requires the therapeutic level of the drug to be very close to the toxic level. In addition, bromides readily cross the placental barrier which might result in teratogenic effects such as mental retardation of the offspring. Since bromides offer only a narrow margin of safety resulting in a small or negligible benefit-to-risk ratio, the Panel does not believe that further testing is warranted.

Further, while it is possible to treat epilepsy with bromides (although more convenient drugs now exist for this purpose), blood levels must be constantly monitored and dosage must be individualized. Since monitoring of this type is not feasible or reasonable for an OTC drug and since this is an indication which cannot be labeled for use by a lay person without the advice and supervision of a physician, the Panel concludes that there is no indication for which bromides should be available on the OTC market. The risks involved in the uncontrolled use of bromides as nighttime sleep-aids are too great to permit general availability in the OTC market (Refs. 32 through 37). Because of the inherent safety issues, no further testing for safety and effectiveness is advised.

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b. *Scopolamine compounds.* The Panel concludes that scopolamine, scopolamine hydromide, and scopolamine aminoxide hydromide are not safe at dosage levels which might possibly be effective as OTC nighttime sleep-aids. Although there are insufficient data available for OTC nighttime sleep-aid products concerning the effectiveness of scopolamine alone in producing sleep, the Panel believes, on the basis of the reported toxicity associated with these compounds, that doses high enough to be possibly effective as OTC nighttime sleep-aids are not safe. In the dosages currently used it is considered ineffective in the Panel's view as an OTC nighttime sleep-aid.

Scopolamine (L-hyoscine) occurs naturally as an alkaloid of belladonna. It is chemically and pharmacologically similar to atropine, Scopolamine in clinical doses (0.5 to 1.0 mg, orally or parenterally) normally causes drowsiness, euphoria, amnesia, fatigue, and dreamless sleep (Ref. 1). Meyers and Abreu (Ref. 2) suggest that differences in the therapeutic potencies of atropine and scopolamine may produce dissimilar effects in the brain.

Selected doses of either drug produce sedation in animals. Large doses of scopolamine (1.0 to 1.5 mg/kg) produce persistent excitement and larger doses produce transient excitement followed by deep sedation (Ref. 2). The sedative effects of scopolamine in man appear with doses of 0.3 to 0.6 mg whereas 2.0 mg or more of atropine are required to produce sedation, amnesia, and drowsiness (Ref. 3).

The belladonna alkaloids are absorbed, rapidly from the gastrointestinal tract, more so from the intestine than the stomach (Ref. 4). They also enter the circulation when applied locally to the mucosal surfaces of the body. Only limited absorption occurs from the eye and the intact skin, but in the lung atropine can be absorbed sufficiently from inhaled smoke to produce extrapulmonary effects such as blockade of peripheral symptoms due to cholinergic stimulation (Ref. 5).

Only about 1 percent of an oral dose of scopolamine is eliminated in the urine. Much of the alkaloid is thought to be destroyed by enzymatic hydrolysis, particularly in the liver.

Tolerance to scopolamine apparently occurs, although experimental evidence for it is sparse. Studies in mice suggest that tolerance occurs when scopolamine is given chronically to antagonize pilocarpine-induced hypothermia (Ref. 6). Tolerance did develop to scopolamine's effects in a behavioral situation in which chronic doses were injected into rats (Ref. 7). However, other workers have found no tolerance to scopolamine in mice when the drug was given chronically and then withdrawn to test the effects of pilocarpine (Ref. 8).

Studies in humans strongly suggest that chronic scopolamine administration (10 mg/kg intramuscularly) produces tolerance to the central nervous system as well as some involuntary (autonomic) effects (Ref. 9). Tolerance is noticed particularly in patients with parkinsonism, who may eventually receive daily doses of scopolamine that would result in toxic levels, if given to patients receiving the drug for the first time (Ref. 10).

Habituation and true addiction probably do not occur, although the literature on this aspect of scopolamine's actions is also sparse. In patients with parkinsonism who are suddenly withdrawn from large therapeutic doses, vomiting, malaise, sweating, and salivation have been known to occur (Ref. 1).

The side effects with therapeutic doses are mainly of importance because of their subjective unpleasantness to the patient and include the following: (1) dryness of the mouth, (2) blurred vision, (3) photophobia (abnormal visual intolerance of light), and (4) cardiac effects (tachycardia, bradycardia, arrhythmias, and palpitations). These are the most common side effects, and can rarely be completely avoided with the doses required to obtain significant therapeutic benefit (Ref. 11). Tolerance to the side effects, as with the therapeutic doses, apparently occurs.

Other side effects which sometimes occur include the following: (1) acute glaucoma, (increased intraocular pressure), (2) constipation, which can progress into complete obstruction of the bowel, (3) urinary retention, when enlargement of the prostate is present, (4) anhidrosis (lack of sweating), which may produce heat intolerance and in some cases can seriously impair body temperature regulation in individuals in a hot environment (children are especially sensitive to this effect), (5) hypersensitivity reactions, particularly skin rashes, and occasional edema (swelling) of parts of the mouth and throat, (6) ataxia, manifested by stumbling or difficulty in walking, may be seen with therapeutic doses in susceptible individuals; and (7) toxic psychoses (hallucinations, agitated delirium, belligerence, violence) may occur, particularly when scopolamine is combined with bromides or methapyrilene, and taken in high doses (Refs. 12 and 13). In a report involving scopolamine given as a premedication before surgery, 20 percent of the patients given 0.2 to 0.6 mg intravenously became delirious postoperatively (Ref. 14).

It has been reported that the sedation, tranquilization, and amnesia produced by scopolamine are useful in many circumstances, including labor, delirium tremens, toxic psychoses, and maniacal states (Ref. 1). In these conditions, the drug is almost always combined with agents which produce analgesia and sedation. However, given alone in the presence of pain or severe anxiety, scopolamine may induce outbursts of uncontrolled behavior.

As indicated earlier, therapeutic doses of scopolamine normally cause drowsiness, euphoria, amnesia, fatigue, and dreamless sleep. The same doses, however, occasionally cause excitement, restlessness, hallucinations, or delirium instead (Ref. 1). These atypical reactions may be idiosyncratic (unusual, infrequent, genetically caused reactions). They resemble the central effects of toxic doses of atropine, and occur regularly after large doses of scopolamine.

Infants, young children, and old people are especially susceptible to the effects of an overdose of scopolamine. The symptoms of poisoning develop soon after ingestion of the drug. The mouth becomes dry and burns; swallowing and talking are difficult, and there is marked thirst. The vision is blurred, and photophobia (sensitivity to light) occurs. The skin is hot, dry, and flushed. A rash may appear especially over the face, neck, and upper part of the trunk. The body temperature rises and may reach 109° F or higher in infants. The pulse is weak and very rapid, but in infants and old people the increased heart rate may not occur. Palpitations are prominent, and the blood pressure is elevated. Urinary urgency and difficulty in urination are sometimes noted.

The patient is restless, excited, confused, and exhibits weakness, giddiness, and muscular incoordination. Walking and talking are disturbed. Nausea and vomiting sometimes occur. The behavioral and mental symptoms may suggest an acute organic psychosis. Memory is disturbed, orientation is faulty, hallucinations are common, and mania and delirium often occur. In some cases of scopolamine poisoning, a mistaken diagnosis of acute schizophrenia or alcoholic delirium has been made, with the individuals being committed to a psychiatric institution for observation and treatment (Ref. 13). The entire syndrome often lasts 48 hours or longer. Depression and circulatory collapse occur only in cases of severe intoxication; the blood pressure declines, respirations become inadequate, and finally respiratory failure occurs after a period of paralysis and coma.

Fatalities from scopolamine are rare, but sometimes occur in belladonna poisoning in children. In these cases, the cause of death is apparently uncontrolled fever. Of all the potent alkaloids, atropine is usually stated to be more toxic than scopolamine, but the evidence for this is inconclusive; persons have survived doses of 500 mg of scopalmine. (In the case of atropine, doses of 1,000 mg have been survived.) The best antidote for scopolamine is physostigmine (Ref. 15). 2 to 3 mg subcutaneously every 2 hours as needed.

As with any depressant drug, the actions of scopolamine can be expected to enhance the effects of or be enhanced by other depressants such as alcohol (Ref. 16), barbiturates, narcotics, or tranquilizers. The drug has also been shown to produce an acute psychotic reaction when combined with marijuana (Ref. 17).

The following study plus many other studies suggest a "depressant" effect of scopolamine in animals which could be extrapolated to a depressant, or sedative, effect in humans. The dosages used cannot accurately be compared to those used in humans, but they do demonstrate that all of scopolamine's effects in animals are in the range of 0.01 to 10.0 mg/kg when given by injection.

Longo (Ref. 18) studied the effects of atropine and scopolamine on the encephalogram of the rabbit. The two alkaloids produced a sleep pattern (slow synchronous activity) while blocking the "awakening reaction." Scopolamine was 10 to 15 times more active than atropine in this regard. The generally classified EEG synchronization is "dissociated" from the behavioral effects of the drug in that the animal is apparently alert during the time that the EEG indicates a sleep pattern. This is known to be a characteristic of antimuscarinic central action.

The bulk of the literature on scopolamine's effects in man concerns its actions as an antimotion sickness and antiparkinsonism drug. This literature really tells us nothing more than the fact that scopolamine somehow depresses those areas of the brain involved in motion sickness (e.g., the cerebellum, semicircular canals and associated structures, and/or the medually emetic centers) and parkinsonism (basal ganglia and extra pyramidal system), and that the doses used are similar to those which appear to be effective in producing drowsiness.

The number of papers which document the sleep-inducing effects of scopolamine is surprisingly small, and many of these are reviews which assume the sedative effect of scopolamine, or simply refer again and again to the few papers available.

Very early reports in the European literature document the use of scopolamine hydrobromide in producing amnesia during labor when given in doses of 1/100 gr (0.6 mg) intravenously. This preceded its use in combination with morphine to produce "twilight sleep" as a form of obstetrical analgesia with amnesia. Orkin et al. (Ref. 19) have studied

[1] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notices published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885) and May 25, 1973 (38 FR 13763). The volumes are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852.

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atropine and scopolamine as preanesthetic medications and have found that smaller quantities of thiopental and meperidine are required to produce unconsciousness when scopolamine (0.4 to 0.6 mg intravenously) is given as a preanesthetic medication. One of their conclusions was that "scopolamine in 0.4 to 0.6 mg doses (intravenously) is almost as hypnotic as 100 mg of meperidine."

Tesoriere (Ref. 20) has also confirmed the "depression of the cortex" and amnesic effects in patients being prepared for surgery. The "common dose" of 0.32 to 0.43 mg (intravenously) can severely depress the older patient and must be used with caution.

Ostfeld and Aruguete (Ref. 21), in an often-cited study, reported that 0.8 mg of scopolamine injected subcutaneously can impair performance on behavioral tests involving the ability to focus attention, to recall objects and words, and to maintain an attentive set. They also noted that whereas the administration of atropine was accompanied by a rise in pulse rate, scopolamine administration was followed by a decrease in such rate. Finally, the subcutaneously administered scopolamine appeared to induce sleep, hallucinations, and mental disorientation more frequently than 10 mg of atropine administered orally.

Eger (Ref. 4), in a very complete review, reaffirmed the central nervous system effects of scopolamine, and noted that scopolamine is some 5 to 15 times more potent in producing drowsiness than atropine.

Environmental conditions and subjective attitudes greatly influence the response to scopolamine. Although these factors have not been extensively studied, a few examples are available (Ref. 22): The pain of labor can cause the response to amnesic doses of scopolamine to change to a state of delirious excitement and restlessness, often to such a degree that restraints are necessary; (2) the loss of a night's sleep can markedly increase the psychotomimetic effects of scopolamine; and (3) in high ambient temperatures, the central effects of scopolamine are significantly accentuated. The mechanism for this last effect is unclear.

The Panel concludes from the available literature that scopolamine definitely has central depressant effects in animals, and that it produces drowsiness and sleep in humans, in appropriate dosages. However, there is a serious lack of sufficient data on the central effects of scopolamine over a wide range of doses in man.

(1) *Scopolamine hydrobromide.* There are products presently on the OTC market promoted for sleep which contain 0.25 mg of scopolamine hydrobromide per unit dose, as part of a combination of ingredients. The Panel concludes that this ingredient is not effective as a nighttime sleep-aid in doses presently marketed, and that at higher, possibly more effective doses it would not be safe.

Although scopolamine hydrobromide has central depressant effects in animals, the evidence for its hypnotic effect in humans is mainly anecdotal on the basis of the drug's early use in parkinsonism and motion sickness. One source, also anecdotal, states that an oral dose of 0.3 mg has "little soporific effect" (Ref. 23). However, the Panel has been unable to locate any clinical studies of the effects of scopolamine hydrobromide alone on sleep onset or duration of sleep.

As mentioned earlier, the Panel has found, evidence (Ref. 11) which suggests an alarming frequency of side effects when scopolamine is given in doses necessary for a central depressant effect (0.6 mg and above). Side effects which can be seen with scopolamine hydrobromide in doses of 0.6 mg and above, orally, are dryness of the mouth, blurred vision, photophobia, and cardiac irregularities. Occasionally, constipation, urinary retention, hypersensitivity reactions, acute glaucoma, excessive restlessness and toxic psychosis can be seen. Infants, young children, and old people are especially susceptible to higher doses of the drug (Refs. 3 and 4). Doses of 2.0 mg orally in man often produce psychomimetic effects (Ref. 24). On the basis of this toxicity, the Panel concludes that doses high enough to be effective as a nighttime sleep-aid would not be safe.

(2) *Scopolamine aminoxide hydrobromide.* There are products presently on the OTC market promoted for sleep which contain 0.125 to 0.5 mg of scopolamine aminoxide hydrobromide per unit dose, as part of a combination of ingredients. The Panel concludes that this ingredient is not effective as a nighttime sleep-aid in doses presently marketed, and that at higher, possibly more effective doses it would not be safe.

While the Panel is aware of some animal studies relating to the safety of scopolamine aminoxide hydrobromide, the literature on this ingredient is not voluminous and, in fact, the Panel has been unable to locate any documented evidence for the safety of this ingredient in humans. Even though the Panel is aware that scopolamine compounds have been marketed for over 50 years and that the OTC drug review procedures relating to safety (21 CFR 330.10(a)(4)(i)) provide for consideration of marketing experience, the Panel finds that such information is insufficient to support safe use of scopolamine at levels that would be effective as OTC nighttime sleep-aids.

The therapeutic value of scopolamine aminoxide hydrobromide is due to its metabolism in the body to scopolamine. The claimed reduction in toxicity compared to that of scopolamine hydrobromide may be due to the slow conversion of scopolamine aminoxide hydrobromide to the parent base, so that a sustained action is seen with few toxic effects (Ref. 10). Since there are no clinical studies in the literature on the scopolamine base substance alone, the usual way to discuss scopolamine aminoxide hydrobromide has been to compare it with scopolabine hydrobromide, for which there are experiments reported in the literature. Therefore, all of the previous discussion on scopolamine hydrobromide (pharmacology, toxicity, side effects, etc.), would be applicable here.

The Panel has been unable to locate any reports of controlled clinical studies on the effectiveness of scopolamine aminoxide hydrobromide alone as a nighttime sleep-aid in the recommended doses of 0.125 to 0.5 mg. An old (1927) French thesis by Lados, cited by Scharf (Ref. 10), reported on the effects of scopolamine aminoxide hydrobromide in 16 cases of postencephalitic parkinsonism. Lados claimed that scopolamine aminoxide hydrobromide, in earlier experiments with dogs, was 1/200 as toxic as scopolamine, and proceeded to use doses of 4.0 mg of scopolamine aminoxide hydrobromide per day with no toxic symptoms in patients with parkinsonism. Scharf himself (Ref. 10) used scopolamine aminoxide hydrobromide in doses of 2.0 mg/day to treat patients with parkinsonism, with no toxic effects. On the other hand, doses of 2.0 mg 3 times a day of scopolamine aminoxide hydrobromide do produce a significant number of side effects (nightmares, blurred vision, dry mouth, tinnitus or ringing in the ears) when given for seasickness (Ref. 25). These authors noted that 2.0 mg of scopolamine aminoxide hydrobromide "produced far more severe reactions than had 0.75 mg of scopolamine hydrobromide". They stated that in these doses the toxicity and duration of action of scopolamine aminoxide hydrobromide were at least as great as those of scopolamine hydrobromide. A more recent paper, in which antimotion sickness drugs were reviewed (Ref. 26), indicates that scopolamine aminoxide hydrobromide 2.0 mg and scopolamine hydrobromide 0.6 to 1.0 mg have similar actions, toxicities, and durations of action.

Another old paper (1945) by Co Tui and Debruille (Ref. 27) states that copolamine aminoxide hydrobromide is 1/3 as potent and 1/8 as toxic as scopolamine hydrobromide, and that in equipotent doses the effect of scopolamine aminoxide hydrobromide seems to last only 1/3 as long as that of the nonaminoxide compound. However, these conclusions were drawn on the basis of lethal dose studies in mice and abolition of the acetylcholine depressor effect on the blood pressure of the cat, and are difficult to extrapolate to man. Most importantly, the literature regarding the toxicity and effectiveness of scopolamine aminoxide hydrobromide appears to be too sparse and inconsistent to substantiate the routine use of this derivative in an OTC product. If it is assumed from Co Tui and Debruille's (Ref. 27) animal studies, for example, that scopolamine aminoxide hydrobromide is 1/8 as toxic and 1/3 as effective as scopolamine hydrobromide, then in equipotent doses scopolamine aminoxide hydrobromide becomes only 1/2 as toxic as scopolamine hydrobromide; therefore, the safety is still questionable. Furthermore, clinical studies have not confirmed this reduced toxicity of scopolamine aminoxide hydrobromide.

Although these early uncontrolled studies in animals suggested that scopolamine aminoxide hydobromide is less toxic than other scopolamine salts, most newer reports conclude that scopolamine aminoxide hydrobromide and scopolamine hydrobromide have similar actions, toxicities, and durations of action in doses of about 2:1, aminoxide hydrobromide to hydrobromide (Ref. 28). On the basis of the toxicity associated with scopolamine aminoxide hydrobromide, the Panel concludes that doses high enough to be possibly effective as nighttime sleep-aids would have toxicity similar to that of scopolamine hydrobromide, and that these doses would not be safe. Because of the inherent safety issues, the Panel concludes that further studies with scopolamine would be fruitless.

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c. *Miscellaneous compounds*—(1) *Acetaminophen, aspirin, salicylamide.* The Panel has been unable to locate any evidence that these ingredients are effective nighttime sleep-aids. The drugs have been referred to the Panel on Internal Analgesics for an opinion on their analgesic effects.

(2) *Passion flower extract, thiamine hydrochloride.* The Panel could find no valid scientific data to support the use of these ingredients as nighttime sleep-aids. After a search of the literature, the Panel was unable to identify a role for either passion flower extract or thiamine hydrochloride in the central nervous system in inducing sedation. Therefore, these ingredients were classified by the Panel as irrational (IR) for use in nighttime sleep-aid products.

Labeling

The Panel concludes that the following labeling claims are misleading and should be removed from OTC labeling: "natural sleep, normal sleep, refreshing sleep, sound sleep." These terms are misleading when these drugs are taken, since A drug is an exogenous, non-naturally occurring agent introduced into the body. Terms such as "non-habit-forming and guaranteed (fast acting)" are also misleading and probably false because it is very hard to prove that any product with psychotropic activity can be non-habit-forming or that a drug can be guaranteed to be effective in all cases.

3. *Conditions under which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available to permit final classification of the claimed active ingredients and labeling listed below. The Panel believes it reasonable to provide 3 years for the development and review of such evidence.

Active Ingredients

Antihistamines
- Diphenhydramine hydrochloride
- Doxylamine succinate[2]
- Methapyrilene fumarate
- Methapyrilene hydrochloride
- Phenyltoloxamine dihydrogen citrate[2]
- Pyrilamine maleate

a. *Antihistamines.* Histamine is a chemical substance normally concerned with inflammatory responses to irritants or injury. In sensitized individuals, it is released in one or more target organs (especially skin and mucous membranes) causing allergic reactions such as itching, swelling, hay fever, asthma, etc. (Ref. 1).

The antihistamines, as their name implies, are a class of drugs useful in antagonizing these actions of histamine. They can also exert side actions, including both drowsiness and then stimulation, depending upon the dose (Ref. 2). The sedative action, commonly seen in allergic patients, may be the major effect observed with their use in nonallergic individuals. This has led to the introduction of its application as the primary effect of some antihistamines as OTC sleep-aids for a target population whose chief complaint is sleeplessness.

The mechanism by which antihistamines accomplish the blockage or antagonism is apparently a competitive inhibition of already released histamine, rather than an interference with the release itself (Ref. 3). Thus, the skin manifestations of histamine release, i.e., itch, flare, wheal, capillary permeability and edema, are all decreased by antihistamines, although the dosage varies with the potency of the compound used. For example, equivalent inhibition of histamine-induced skin wheals is produced in man by 25 mg of promethazine and 175 mg of pyrilamine (Ref. 4).

In the respiratory tract, rhinorrhea and bronchospasm are both decreased by antihistamines. Paradoxically, however, antihistamines themselves can cause bronchoconstriction in man, and they have been shown to cause contraction of isolated strips of guinea pig tracheal smooth muscle at concentrations in the usual antihistaminic therapeutic range (Refs. 5 and 6).

[2] Ingredient placed in Category III (MH) with a marketing hold until adequate safety and effectiveness data for use as a nighttime sleep-aid have been submitted to the Food and Drug Administration.

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Apart from their specific antagonism to the actions of histamine, the antihistaminic drugs may also exert other effects, some useful, some undesirable. Stimulation of the central nervous system has been observed in some patients with focal cortical lesions, in whom small doses of antihistamines may cause electroencephalographic (EEG) activation and even frank seizures (Ref. 7). Excessive doses in any patient may cause restlessness, excitation, delirium tremors, and even convulsions (Ref. 2); depression of the central nervous system is also frequently observed with the use of antihistaminic drugs. When these drugs are used to block histamine, drowsiness is common with antihistaminic therapeutic doses, a characteristic which makes the use of these drugs possible as OTC nighttime sleep-aids.

Sedation is perhaps the most frequently reported side effect associated with the use of antihistaminic agents (Ref. 1). Its manifestations may vary from inability to concentrate, dizziness and incoordination, to deep sleep. The sedative effect can be hazardous in ambulatory patients whose daytime activities require mental alertness and motor coordination (e.g., driving an automobile); and the Panel believes that warnings of this hazard should be required on OTC labeling for products containing antihistamines. The sedative effect, of course, would become the primary indication when these drugs are marketed for use as OTC nighttime sleep-aids and; therefore, no such warning is required.

Antihistamines not only have the two primary indications discussed above, but also exhibit a number of other side effects and toxicities, many related to anticholinergic activity (Ref. 8).

Central and peripheral nervous system manifestations of toxicity from the use of antihistaminic drugs may include dizziness, tinnitus (ringing in the ears), lassitude, incoordination, fatigue, blurred vision, double vision, euphoria, nervousness, irritability, insomnia, anxiety, disorientation, vertigo, confusion, delirium, hyper reflexia, tremors, muscle spasm, convulsions (especially in children) and coma (Ref. 9). Fatal or near fatal overdoses cause fixed, dilated pupils, muscular twitchings followed by convulsions, coma, circulatory collapse and respiratory failure. Convulsions may persist for 24 hours, coma for 2 days, but death rarely occurs later than 24 hours after ingestion, unless due to infection associated with agranulocytosis (Ref. 10).

Gastrointestinal manifestations may include loss of appetite, nausea, vomiting, epigastric distress, constipation or diarrhea.

Cardiovascular symtoms may include palpitations (i.e., irregularities of heart rate and/or rhythm), hypotension, headache or tightness of the chest. In the genitourinary system, increased urinary frequency and/or difficulty in urination may be encountered. Skin rashes and photosensitivity may occur. Hematologic complications, fortunately rare, include leucopenia, thrombocytopenia, hemolytic anemia and agranulocytosis. Depending upon dose response relationships, some antihistamines may actually liberate histamine or serotonin, thus possibly contributing to adverse reactions such as bronchospasm.

Most antihistamines have some anticholinergic (atropine-like, belladonna-like) activity (Ref. 8). The action is not usually intense enough to be of therapeutic significance, but this activity may account for dryness of the mouth seen in some patients and more rarely, for other dysfunctions such as difficulty in urination and impotence (Ref. 1). Tingling, heaviness, and weakness of the hands may also be observed. Overdoses may cause mammary gland enlargement in both sexes, with secretion of milk. This effect has been attributed to depression of the hypothalamus with release of lactogenic hormone (Ref. 10).

The Panel is aware that the differences in chemical structure of the various antihistamine groups will have a significant effect on the sleep-aid indication. The groups may be classified as follows (Ref. 11):

Ethanolamines (examples: diphenhydramine, doxylamine and phenyltoloxamine). The drugs in this group are potent and effective histamine antagonists that possess significant atropine-like activity and have a pronounced tendency to induce sedation. With conventional antihistamine treatment doses, about half of the individuals who are treated with these drugs experience drowsiness. The incidence of gastrointestinal side effects, however, is low in this group.

Ethylenediamines (examples: methapyrilene and pyrilamine). These too, are highly effective histamine antagonists. These agents do not have a strong central nervous system action and may not produce a therapeutic somnolence even though a fair number of patients will exhibit drowsiness. Gastrointestinal side effects are quite common. This group contains some of the oldest and best-known antihistamines.

Alkylamines (example: chlorpheniramine). Antihistamines in this group are among the most active histamine antagonists and are generally effective in relatively low doses. These agents are not so prone to produce drowsiness and may be among the more suitable agents for daytime use; but again, a significant proportion of patients do experience this effect. Side effects involving central nervous system stimulation are more common in this than in other groups.

Piperazines (example: chlorcyclizine). The oldest member of this group, chlorcyclizine, is a valuable histamine antagonist with prolonged action and comparatively low incidence of drowsiness. The others are used primarily to counter motion sickness. The incidence of untoward effects, both central nervous system depressant and atropine-like, seems to compare favorably with that of other antihistamines. The possibility of some dulling of mental alertness should be borne in mind when the subject may be called upon to perform exacting and potentially hazardous tasks, such as driving a car.

Phenothiazines (example: promethazine). Most drugs of this class are histamine antagonists. The prototype, promethazine, was introduced in 1946 for the management of allergic conditions. The prominent sedative effects of this compound and its value in motion sickness were early recognized. Promethazine and its many congeners are now used primarily for their central depressant properties.

The problem for all the antihistamines when used as nighttime sleep-aids, from the Panel's point of view, is to ensure that the dosage recommended (e.g., possibly 50 mg in the case of diphenhydramine hydrochloride) is adequate for the sedative effect desired, yet not so large that toxic effects (see discussion below) result. The Panel is also concerned that, in currently available antihistamine OTC products promoted for sleep, dosages may have been reduced by the manufacturer to borderline or ineffective levels to avoid toxicity. The Panel feels that higher doses as recommended below by the Panel should be studied for some antihistamines to be used as nighttime sleep-aids.

Except for methapyrilene and pyrilamine, the Panel is unaware of any products containing antihistamines promoted for sleep on the OTC market. As indicated above, it is the opinion of the Panel that these two ingredients are currently used as OTC sleep-aids at very low doses; and therefore, the Panel was unable to find sufficient information on these or any other antihistamines which would allow the Panel to make a determination that they should be generally recognized as safe and effective for OTC use. Until such time as these data are available to the Food and Drug Administration, the Panel recommends that these ingredients be placed in Category III, with an additional period of 3 years for testing.

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(1) *Diphenhydramine hydrochloride.* The Panel concludes that clinical experience with diphenhydramine hydrochloride as a prescription drug for use as an antihistamine agent strongly suggests that in an appropriate dosage (50 mg to a maximum 100 mg single dose at bedtime) it may be effective as an OTC nighttime sleep-aid. The ingredient is currently not marketed for any indication in an OTC product. Physicians have used diphenhydramine hydrochloride as a sleep-aid for many years because of its sedative side effects. However, only a few studies exist for the sleep indication and therefore the Panel has determined that further testing in well-controlled studies is required to assure the safety and effectiveness of the suggested dosage of 50 to 100 mg single dose at bedtime. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation). The Panel realizes that diphenhydramine is not currently available for OTC use, but because of well-established and documented safe clinical use for many years as described in the discussion below, the Panel has classified the ingredient in Category III.

Available evidence suggests that doses of 25 mg are ineffective (Refs. 1, 2 and 3). However, EEG studies with 25 and 50 mg doses indicate sedation, especially with the larger dose (Ref. 4). Doses of 50 mg or more have been reported to be as effective as doses of 100 mg or more of secobarbital or pentobarbital (Refs. 5, 6, 7, 8 and 9). Additional (minimum of three) well-controlled studies are required to determine whether diphenhydramine in doses of 50 mg is both effective and sufficiently safe to permit its use as an OTC nighttime sleep-aid.

Diphenhydramine was the first antihistamine produced in this country (Ref. 10). It is described (Ref. 11) as a potent antihistamine with a high incidence of sedation, mild antitussive effects, antiemetic effectiveness equal to dimenhydrinate, and is the antihistamine of choice for parenteral use in treatment of anaphylactic reactions.

Based on a review of this drug by the National Academy of Sciences-National Research Council (NAS/NRC), it was classified as "probably" effective for the sedation indication as follows: "For intractable insomnia and insomnia predominant in certain medical disorders." That group recommended that final classification required further investigation (Ref. 12).

The sedative properties of diphenhydramine have been exploited by anesthesiologists as a useful adjunct to preoperative medication (Refs. 13 and 14). The sedative action of diphenhydramine has been utilized in obstetric patients during labor (Ref. 15) and in the preoperative preparation of surgical patients (Ref. 13). Sedation determined by EEG examination was reported in one laboratory study (Ref. 4), while effectiveness in producing sleep was verified in two other EEG laboratories (Refs. 5 and 21) and also in a comprehensive drug surveillance program (Refs. 6 and 9).

Curiously, although antihistaminic drugs commonly produce drowsiness in patients, this effect is not observed in animals receiving comparable doses (Ref. 16). Therefore, a suitable animal model to test the sedative effect of new antihistaminic compounds in man does not exist. However, Winter (Ref. 16) postulated that it is possible to demonstrate a sedative action of an antihistaminic drug in animals by giving the test drug in connection with administration of a drug of known sedative action. This was accomplished with diphenhydramine and other antihistaminics administered in doses in 10 mg/kg injected subcutaneously into mice, followed in ½ hour by intraperitoneal administration of hexobarbital 100 mg/kg. The mean (average) sleeping time was prolonged about 40 percent by diphenhydramine, from 39.3±1.4 minutes to 56.4±1.9 minutes. Similarly, diphenhydramine 10 mg/kg prolonged mean sleep time obtained with pentobarbital 50 mg/kg in mice from 36.0±0.86 minutes to 53.8±0.86 minutes. Comparable results were obtained using guinea pigs receiving diphenhydramine 10 mg/kg and hexobarbital 35 mg/kg. Sleep time was prolonged from 50 to 73 minutes. Other investigators (Refs. 17 and 18) have confirmed prolongation of barbiturate sleep as a valid method for demonstrating the sedative action of antihistaminic drugs in animals. It should be noted that the studies above demonstrate only prolongation of sleep and not a true potentiation of the sedative effect of the barbiturate used. For example, a subhypnotic dose of pentobarbital (25 mg/kg intraperitoneally) in mice was not converted to a sleep dose by the addition of diphenhydramine in doses of 12.5 to 100 mg/kg orally (Ref. 3).

The sedative effect of diphenhydramine, alone or in combination, has been evaluated in a variety of ways. Sachs (Ref. 19) found it the major side effect in a series of 1,210 patients receiving diphenhydramine.

Friedlander (Ref. 5) examined sleep EEG's of 48 patients receiving secobarbital 200 mg or diphenhydramine 100 mg by mouth (the first sleep was with secobarbital in 21 patients). Both drugs were equally effective in induction and maintenance of sleep. Minor differences in amount of abnormal brain activity of various types led Friedlander to the conclusion that, in the dosage given, diphenhydramine might be "a little better drug" than secobarbital for obtaining sleep EEG's.

In a study by Goldstein et al. (Ref. 4), EEG frequency analysis in 42 human volunteers receiving diphenhydramine in does of 25 or 50 mg revealed predominantly increased low amplitude activity (i.e., "low energy sedation"). Not surprisingly, the effect was more marked with the larger dose.

Noell et al. (Ref. 8) used more than 3,000 male volunteers in a carefully controlled daytime EEG study of 33 antihistamines, secobarbital and placebo. Diphenhydramine 50 mg ranked second among the antihistamines, after dimenhydrinate, in time to "end of wakefulness" and thirteenth in time to "onset of sleep"; it was significantly superior to placebo in both of these effects.

Jaattela et al. (Ref. 20) compared the effects of oral daytime administration of the tranquilizer diazepam 10 mg, diphenhydramine 50 mg and placebo (sodium lactate) on mood and psychomotor function in 270 healthy medical students 20 to 23 years of age, divided into three groups (65 men, 25 women). Both drugs decreased activity in men and women and caused some euphoria in men. Diphenhydramine had a slightly greater depressant effect than diazepam on mental functions (as determined by standard tests, e.g. Nowlis adjective check list, digit symbol test, ability to repeat numbers in series).

An abstract by Bjerver and Goldberg (Ref. 2) refers to the central depressant action of a number of antihistamine compounds, including diphenhydramine, without providing details.

The Panel reviewed three studies designed to evaluate the sedative-hypnotic effects of the ingredients methaqualone 250 mg and diphenhydramine 25 mg separately and together in combination. The combination was derived from the demonstrated potentiation of methaqualone by diphenhydramine in the laboratory (Ref. 21). The first study was conducted by Beaubien et al. (Ref. 1) on psychiatric in-patients who received unidentified capsules containing either the combination, methaqualone 250 mg or diphenhydramine 25 mg. The capsules were distributed at random to 18 patients in double-blind fashion for a total of 200 sleeps. Nurses and patients each rated induction and duration of sleep and presence or absence of morning drowsiness and sluggishness on a 4-point scale.

There was some indication that the combination is superior to either methaqualone or diphenhydramine in regard to sleep induction, while the combination and methaqualone alone are equal and both superior to diphenhydramine 25 mg in maintaining sleep.

In the second study, Bordeleau et al. (Ref. 22) compared the sleep produced during 5 consecutive nights by the combination (methaqualone 250 mg and diphenhydramine 25 mg), methaqualone 250 mg, diphenhydramine 25 mg, secobarbital 200 mg and placebo in 101 female psychiatric patients averaging 37.1 years (range 17 to 62 years). Results were evaluated with a questionnaire con-

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cerning duration and quality of falling asleep, duration and quality of sleep itself and subjective state on awakening and during the morning. The two single hypnotics (methaqualone and secobarbital) and the combination were found significantly superior to diphenhydramine and the placebo in quality and duration of both falling asleep and sleep itself; it was impossible to differentiate diphenhydramine 25 mg from the placebo in any of the five parameters of sleep studied.

In a third study, by Norris and Telfer (Ref. 14), the sedative effectiveness of diphenhydramine 25 mg appeared more favorably. This again was a comparison of the sedative effects of methaqualone 250 mg and diphenhydramine 25 mg in fixed combination, the individual ingredients and placebo in 200 otherwise healthy female patients undergoing minor gynecologic operations. The patients were divided into groups of 50, handled in double-blind fashion. Although both the mean sedation score and the number of patients showing good sedation were higher after the combination than after diphenhydramine 25 mg, the differences were not satistically significant. Changes in heart rate and blood pressure were minimal after each of the drugs, and postoperative nausea and vomiting were rare.

Cappe and Pallin (Ref. 15), aware of the sedative side effects of antihistamine drugs, explored the extent of hypnosis and analgesia with dispenhydramine and chlorprophenpyridamine in obstetric patients during labor and delivery. Each drug was administered to 30 patients in fractional doses intravenously. Moderate analgesia was achieved in 35 to 40 percent of patients receiving diphenhydramine (30 to 120 mg) or chlorprophenpyridamine. Untoward effects included nausea and vomiting and drop in blood pressure, but not respiratory depression in the newborn.

In another study, Lear et al. (Ref. 13) compared the sedative effectiveness of preoperative medication with various tranquilizers in 1,159 surgical patients. They administered chlorpromazine 12.5 to 50 mg intramuscularly to 350 patients, mepazine 200 to 400 mg orally to 434, promethazine 25 to 50 mg intramuscularly to 193 and diphenhydramine 50 to 100 mg intramuscularly to 132, using as controls a mixed series of 262 patients who received either morphine or meperidine and a belladonna derivative with or without a barbiturate. All of the tranquilizers diminished undesirable reflex activity while causing less overall depression than with the narcotics and barbiturates. The incidence of postoperative nausea and vomiting was reduced, especially with chlorpromazine. Among the 182 patients receiving diphenhydramine, sedation was rated as nil in 15 percent, slight in 34 percent, moderate in 46 percent and marked in 5 percent.

The authors noted that diphenhydramine has been used clinically at bedtime for sedation, either alone or in combination with barbiturates, for the apprehensive patient. Occasionally it has replaced the barbiturates for sedation, even in the allergic patient. The authors further noted that diphenhydramine combined with meperidine is useful preoperatively for brief procedures requiring early ambulation such as vein ligations and for other forms of minor surgery such as dilatation and curettage, removal of simple breast tumors, and incision and drainage.

Two pertinent papers have emerged from a group headed by Jick and Slone, who have established a comprehensive drug surveillance program in three Boston hospitals. The first of these (Ref. 6) concerns a double-blind comparison in adult medical patients of three hypnotic drugs: chloral betaine 750 mg (equivalent to chloral hydrate 500 mg), diphenhydramine 50 mg, pentobarbital 100 mg and a placebo. Fifty bottles of each of the drugs and 100 of placebo were numbered randomly and assigned in numerical order to patients requiring hypnotics. Of the original 250 patients entered into the trial, 195 (86 males, 109 females) received one or more of the prepared capsules. The average age and weight of patients receiving one of the hypnotic drugs were 56.3 years and 70.8 kg, respectively, and of those receiving placebo were 53.7 years and 68.5 kg, respectively. Hypnotic effectiveness was rated by the physician as "good," "fair," "poor," or "don't know." Because 59 patients received a "don't know" rating, analysis of effectiveness was confined to the remaining 136 patients. Statistically, no differences were evident (P=0.50) among the hypnotic drugs but all were superior to placebo: ratings were "good" or "fair" in 17 of 24 patients receiving chloral betaine, 23 of 28 with diphenhydramine, 20 of 24 with pentobarbital and 23 of 60 with placebo.

The second report from this drug surveillance program (Ref. 9) concerns the clinical effects of four hypnotic drugs (chloral hydrate, diphenhydramine, secobarbital and pentobarbital) in 2,045 patients, each receiving one or more of the four drugs in treatment of insomnia. All four drugs were reasonably effective; but, unfortunately, no placebo was used. In the case of diphenhydramine, it is of interest to note that doses were 100 mg in 46 patients (9 percent) and 25 mg in 24 patients (5 percent). Adverse effects were reported in nine patients (1.8 percent) receiving diphenhydramine; of these, seven received 50 mg and two received 100 mg. Vomiting occurred in one case and central nervous system depression in eight, in one of whom depression was deemed "major." All of the patients recovered promptly when the drug was discontinued, and there were no complications.

Another study, by Teutsch et al. (Ref. 23), evaluated sleep following pentobarbital 100 mg, diphenhydramine 50 mg, methapyrilene 50 mg or placebo in 159 patients in two Veterans Administration Hospitals. They found both pentobarbital and diphenhydramine, but not methapyrilene, were significantly better than the placebo when evaluated by the subjective question, "How long did you sleep?" In one of the two hospitals, methapyrilene was superior to the placebo, while in the other hospital, it was not. The authors further state that these findings confirm the results of another comparison between pentobarbital and diphenhydramine which they conducted earlier in 110 patients.

Vogel et al. conducted a double-blind EEG study of the effect of diphenhydramine 50 mg on the sleep of six healthy adult volunteers with both subjective and objective insomnia (Ref. 24). Placebo controls were not used.

Significant changes were observed by Vogel. They included a decrease in sleep latency and an increase in total sleep time, the latter being mainly accomplished by a significant increase in stage 2 sleep; the drug had no effect on delta or deep sleep. There was a small but statistically significant rapid eye movement (REM) deprivation (significant reduction in duration of REM sleep and increase in REM latency, with an almost significant REM rebound). There were no significant changes in subjective sleep variables, nor were important side effects encountered. Slightly more than base line drowsiness was reported by four of the six subjects the next morning, by two subjects on three and six mornings, respectively, following drug administration and by one subject one evening. It was concluded that diphenhydramine 50 mg significantly decreased EEG latency and increased duration of EEG sleep without significant side or toxic effects.

Diphenhydramine has been classed as a potent antihistamine with a high incidence of sedation (Ref. 11). The data in the present reports are confirmatory and suggest that a useful sedative-hypnotic effect may be obtained with diphenhydramine in doses of 50 to 100 mg. Diphenhydramine hydrochloride 25 mg, the amount contained in a combination preparation previously described (Ref. 14), is much less effective than the other constituent, methaqualone 250 mg.

With reference to safety, available data (Ref. 25) indicate a definite but low order of toxicity, unless dosage exceeds 100 mg. Instances of poisoning, accidental or suicidal, have been reported with diphenhydramine. Toxic psychoses from overdose of the drug have been observed (Ref. 26). Possibly the earliest suicide was that reported by Duerfeldt in 1947 (Ref. 27). Wyngaarden and Seevers (Ref. 28) listed a 6-month-old child who died in convulsions and a group of adults, ranging from 18 to 72 years in age, who sustained nonfatal convulsions, excitation, toxic psychosis, coma, petit mal or somnolence. These are typical examples, rather than a complete compilation.

Also of interest are observations that diphenhydramine is an enzyme inducer, i.e., it stimulates the activity of microsomal enzymes in the liver which metabolize a variety of drugs (Refs. 29, 30, 31 and 32). Examples of drugs whose metabolism in the body is so accelerated are zoxazolamine (Ref. 29), aminopyrine

(Ref. 31), carisoprodol (Ref. 30), some oral anticoagulants, barbituarates, corticosteroids, diphenylhydantoin, griseofulvin and diphenhydramine itself (Ref. 27). Since enzyme induction requires repeated use of the inducing drug, this problem would ordinarily not occur with OTC preparations intended for occasional use.

The Panel concludes that evidence already at hand strongly suggests that diphenhydramine in an appropriate dosage (50 mg single dose at bedtime) could prove effective as an OTC nighttime sleep-aid. The Panel recommends that diphenhydramine be made available as an OTC nighttime sleep-aid in a maximum 50 mg single dose at bedtime. Diphenhydramine has therefore been placed in Category III with 3 years provided for testing during which the ingredient may be clinically investigated at doses up to 100 mg to establish the minimally effective dose.

In addition, because past experience has shown that many nighttime sleep-aids have been misused and since there is no experience in the OTC market with this ingredient, the Panel believes that the quantity of the drug available in a product container should be limited to prevent accidental ingestion of a lethal dose.

The Panel believes that reported observations of anticholinergic and other side effects cannot be overlooked and need to be evaluated. Should such side effects prove not serious in a minimum of three additional well-controlled positive studies for the labeled claim of clinical effectiveness, the drug categorization may be changed from Category III to I.

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(2) *Doxylamine succinate.* The Panel concludes that, in an appropriate dosage (25 to a maximum 50 mg single dose at bedtime), doxylamine succinate may be both safe and effective as an OTC nighttime-sleepaid, but further evidence of safety and effectiveness is needed. This drug is presently marketed as an antihistamine available by prescription in doses of 12.5 to 25 mg 3 to 4 times a day for adults, or 6.25 mg 2 to 4 times daily for children under 12 years and also available OTC as an antihistamine in doses of 3.75 to 7.50 mg 3 to 4 times a day for adults or 3.75 mg 4 times a day for children under 12 years.

Then Panel has placed the ingredient in Category III (MH) with a restriction on marketing since it is not currently marketed as an OTC nighttime sleep-aid, and further testing is required to demonstrate its safety and effectiveness for this indication. The Panel understands that the Agency can place this ingredient in Category II instead of Category III (MH) which has the effect of prohibiting marketing until an approved new drug application (NDA) is obtained or until the OTC nighttime sleep-aid monograph is amended to include the ingredient.

In antihistaminic sedative potency, doxylamine succinate resembles other antihistamines in the ethanolamine class. One paper (Ref. 1) indicates that doxylamine succinate is a potent antihistamine which shows a high incidence of sedation with average therapeutic doses. Feinberg (Ref. 2) grades the sedation of 12.5 mg of doxylamine succinate the same as that of 25 mg of methapyrilene hydrochloride, while other researchers contend that the sleep-inducing effect of doxylamine is significantly greater than that of methapyrilene (Ref. 3).

The exact mechanism of central nervous system depression by doxylamine is unknown, and there is nothing in the literature on the absorption and fate of doxylamine in humans. In male rats, 7 to 21 percent of a single intravenous or oral dose of the succinate is excreted in the urine within 24 hours of administration, while in female rats the amount excreted is 17 to 30 percent (Ref. 4). Dogs receiving daily oral doses of doxylamine

[a] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notices published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885) and May 25, 1973 (38 FR 13763). The volumes are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

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succinate for prolonged periods consistently eliminate about 20 percent of the daily dose in the urine. Snyder and coworkers (Ref. 4) concluded, on the basis of tissue determinations of the drug and urinalysis of excreted products, that the bulk of the administered drug is metabolized in the body.

Brown and Werner (Ref. 1) found the intravenous LD_{50} (defined as a dose that is lethal for 50 percent of the test animals) for doxylamine succinate to be 49 and 62 mg/kg for rabbits and mice, respectively. Subcutaneously in mice and rats or orally in mice, the compound was about ⅛ as toxic as when given intravenously. It was about ½ as toxic orally in rabbits. In mice and rats, acute toxicity was similar for both sexes. They also found favorable ratio of effectiveness to toxicity for guinea pigs.

Acute toxicity studies in dogs showed that oral doses of 7.5 mg/kg of doxylamine succinate produced no evidence of toxicity (Ref. 5). Repeated administration of 15 mg/kg 3 times a day caused some loss of appetite and weight, mydriasis, apprehension, and muscular tremors in three out of four dogs. Similar effects occurred in one of two monkeys at dose levels of 16 to 20 mg/kg 3 times daily. Lower doses produced no such toxic effects.

In the same studies, the administration of doses of doxylamine succinate as high as 45 mg/kg twice daily for a period of 38 days had no significant effect in rats, as judged by gross signs of toxicity, hematologic determinations, and histopathology. Repeated administration of increasing doses from 50 to 150 mg/kg also had no gross effects. However, an increase to 200 mg/kg resulted in a decreased rate of growth in some animals, and an increase up to 400 mg/kg caused anorexia and death, in one case. Thus repeated doses resulted in toxicity only when the doses approached acutely lethal ones.

In a test for teratogenic effects of a combination of doxylamine and dicyclomine (a product used for treating nausea of pregnancy), doxylamine succinate was given orally to rabbits in doses of 10 to 100 mg/kg/day (Ref. 6). Neither doxylamine, dicyclomine nor the combination had any deleterious effects on pregnancy maintenance, litter size or fetal weight in the rabbit, except when maternal toxicity was produced. In rats, the same doses produced no alteration in breeding, conception, pregnancy maintenance, litter size or fetal weight, although a dose-related decrease in body weight gain did occur in rat pups from doxylamine and and dicyclomine-treated mothers.

Feinberg and Bernstein (Ref. 7) found that in 118 patients being treated for allergy with doses of 12.5 to 25 mg of doxylamine succinate, side effects were observed in 39 of them. Sedation or sleepiness was seen in 36 of the 39 patients. Nervousness was noted in four patients, and vertigo in four others. No serious toxic effects were noted after use of the drug for 6 months.

Keeney (Ref. 8) states that the use of doxylamine succinate as an antihistamine is infrequently followed by side effects, but MacQuiddy (Ref. 9) says that such side effects are "quite frequent" with the 50-mg dose of doxylamine succinate although with the 25-mg dose the number of reactions decreases "materially," while clinical results remain satisfactory. MacQuiddy concludes that doxylamine succinate is a safe and effective medication, having seen no reactions of any severity during his clinical study, with principally drowsiness and occasionally nausea being the main side effects.

Sheldon et al. (Ref. 10) gave allergic patients 12.5 to 200 mg of doxylamine succinate and found that 57 percent complained of drowsiness. However, the authors noted no apparent correlation between the dosage of the drug and drowsiness. Palpitations, irritability, and diarrhea were noted in three separate instances. There was no evidence of any hepatic, renal or vascular changes.

Finally, Ferguson (Ref. 11) gave schizophrenic patients up to 1,600 mg of doxylamine succinate daily by mouth for up to 6 months and found few side effects. He evenremarked about the lack of sedation or drowsiness with high doses, noting that a combination of 900 mg doxylamine and 270 mg of phenobarbital daily produced no sedation, whereas 270 mg of phenobarbital alone produced an all-day sleep, therefore suggesting even an antagonism of phenobarbital's hypnotic effect by doxylamine. There were no changes in pulse, respiration, temperature or blood pressure with the high doses used in Ferguson's study, and blood chemistry and organ function tests remained normal, yet the doses were encouragingly effective in treating schizophrenic patients. In addition, after giving doxylamine to schizophrenics, Ferguson found "there has been no habituation to doxylamine, but a mild degree of tolerance has been noted." He indicated that during a 6-month period, the dose had to be increased in some patients from 300 to 900 mg daily to maintain satisfactory results. Partially confirming these data was the work of Selzer and Waldman (Ref. 12), who gave chronic psychotic patients doses of doxylamine (unspecified salt) up to 900 mg/day for 3 months. Side effects were also virtually nonexistent in this study.

There were only a few citations found in the literature for tolerance buildup to the sedative effects of antihistamines, and all of these are unsubstantiated.

Thompson and Werner (Ref. 5), for example, state in their toxicity experiments that repeated administration of doxylamine succinate to rats in large doses for a comparatively long period did not lead to tolerance or accumulation. However, Feinberg (Ref. 2) states that there is a definite tendency for the rapid development of tolerance to the sedative effects of (all) antihistamines.

Since the depressant actions of antihistamines are additive with the effects of other central nervous system depressants, the concomitant use of alcoholic beverages or other drugs known to depress the central nervous system should be avoided (Ref. 13). Brown (Ref. 14) says that such combinations produce deepened and prolonged sleep.

It appears from some studies that 50 mg and above of doxylamine succinate produces the side effect of sedation when the drug is used as an antihistamine (Refs. 7 and 14). However, as stated above, Ferguson (Ref. 11) and Selzer and Waldman (Ref. 12) gave doses up to 900 mg daily in three divided doses, with little evidence of drowsiness, in schizophrenic patients. Such apparently contradictory results need to be explained.

No literature was found concerning poisoning or doses which cause death in humans.

Acute toxicity studies in animals which have been reported make no mention of the behavior of the animals before death, except that they died in convulsions. Chronic toxicity studies (Ref. 5) mention that dogs appear "apprehensive" after 15 mg/kg of doxylamine succinate 3 times daily, and that a monkey given 20 mg/kg 3 times daily yawned frequently, was apprehensive, and upon handling exhibited convulsive tremors.

The drowsiness effect of doxylamine in humans, as with other antihistamines, is well documented (Ref. 2). As mentioned earlier, doxylamine is a potent antihistamine with a high degree, compared with other antihistamines, of central nervous system depression as well. It may be stimulatory at higher doses, as suggested by the chronic toxicity studies in dogs and monkeys.

Only two clinical reports on the effectiveness of doxylamine as a sleep-aid have been found. The first study, by Noell et al. (Ref. 15), was performed on more than 3,000 men for the purpose of evaluating the sedative effects of over 20 antihistamines by electroencephalographic (EEG) methods and comparing these effects with those of barbiturate and nonbarbiturate hypnotics. Doxylamine succinate 25 mg was one of the three most sedating antihistamines, producing a significantly reduced latency to end of wakefulness, and comparing favorably with established hypnotic drugs such as secobarbital and pentobarbital in sedation activity. It was chosen as the antihistamine based on dosage causing the earliest onset of sleep.

The second study, by Sjoqvist and Lasagna (Ref. 3), compared the effectiveness of 25 and 50 mg of doxylamine succinate as a nighttime hypnotic with that of placebo and two doses of secobarbital. Both drugs were shown to be significantly better than placebo, and both doses of doxylamine scored better than 100 mg of secobarbital but not as well as 200 mg of secobarbital. There were few side effects, other than hangover, with both drugs. Two weaknesses of the study were (1) the high placebo effect (50 percent of the patients slept as well on placebo as on their previous hypnotic medication) and (2) the lack of a dose-related difference in effectiveness between the two doses of doxylamine used.

Both of the above-mentioned studies suggest that doxylamine may have nighttime sleep-aid potential.

In summary, the Panel notes that the potential effectiveness of doxylamine succinate as an OTC nighttime sleep-aid is shown by the fact that there were 33 percent side effects (primarily sedation or sleepiness) in one study where individual doses of up to 50 mg were used for the treatment of allergy (Ref. 7). No serious side effects were noted after use of the drug for 6 months. The Panel notes that studies in which high doses (up to 1,600 mg/day) of doxylamine succinate were given to schizophrenic patients (Ref. 11) suggest that the drug is relatively safe. However, it is possible that psychotic patients do not respond to high doses of centrally active drugs in the same manner as nonpsychotic individuals.

The Panel concludes that since the ingredient is not currently marketed as an OTC sleep-aid, it should be placed in Category III (MH) with a marketing hold during the testing period provided. The Panel concludes that the available reports on the safety of doxylamine succinate are not adequate to permit its use as an OTC nighttime sleep-aid. The Panel recommends that a minimum of five additional well-controlled studies are necessary to establish the safety and effectiveness of the ingredient as an OTC nighttime sleep-aid. At least two EEG studies and at least three clinical studies are necessary. The Panel has determined that an appropriate dosage for testing should be limited to 25 to a maximum 50 mg single dose at bedtime.

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(3) *Methapyrilene hydrochloride and methapyrilene fumarate.* The Panel concludes that methapyrilene hydrochloride and methapyrilene fumarate are probably safe and may be effective as OTC nighttime sleep-aids in appropriate dosages (25 to a maximum 100 mg single dose at bedtime). The Panel considers it feasible to handle both salts of methapyrilene (hydrochloride and fumarate) as similar drugs because their molecular weights are in the ratio of 1(base):1.1 (hydrochloride):1.5(fumarate). Most studies have been performed with the hydrochloride salt whose weight is close to that of the base. The ingredients are currently marketed as OTC sleep-aids which contain 10 to 26 mg per tablet or capsule, except one which contains 50 mg. The Panel notes that the recommended dosage of the various OTC preparations (25 to 50 mg) is substantially below the 100 mg dose at which patients receiving the drug for various allergies experienced drowsiness (Ref. 1). There is some evidence of effectiveness at a bedtime dose of 50 mg (Refs. 2 and 3) but others report drowsiness only at 100 mg (Ref. 1). The Panel has placed the ingredients in Category III since it has insufficient information on the safety and effectiveness of these active ingredients. The Panel has determined that further testing in well-controlled studies is required to assure the effectiveness of the suggested dosage of 25 to a maximum 100 mg single dose at bedtime. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

Methapyrilene was introduced clinically by Feinberg and Bernstein 1 year after diphenhydramine (Ref. 4). Its antihistaminic and antianaphylactic activity was verified in experimental animals and its antiallergenic activity documented in a varied series of 253 patients, whose average dose was 50 mg orally 1 to 4 times daily; a few patients received 100 mg doses, but these were frequently not well tolerated. In this apparently uncontrolled study, side effects were noted in approximately 25 percent of the patients. Sedation was the most common side effect, occurring in 48, or 19 percent, of the patients studied. The degree of sedation was not as great as that produced by diphenhydramine, but equaled or exceeded that of tripelennamine.

Kierland and Potter (Ref. 5) compared methapyrilene with diphenhydramine and tripelennamine in 126 dermatologic patients. Doses, given 3 or 4 times daily, were usually 100 mg of methapyrilene and 50 mg of the other two drugs. Improvement was comparable with the three drugs. Drowsiness was observed in 10 of the 126 patients receivng methapyrilene, 3 of 47 with diphenhydamine and 1 of 44 with tripelennamine, although the authors noted that the degree of drowsiness was more marked with diphenhydramine than with either of the other drugs.

The Friedlanders (Ref. 1) also verified antiallergic effectiveness of methapyrilene in 85 of 117 patients. Dosage was usually 100 mg 4 times daily for adults and 25 to 50 mg daily for children. One or more side effects, generally mild, occurred in about 25 percent of the patients, usually at the 100-mg (adult) dose level, and were frequently obviated by reduction in dosage to 50 mg. Of special interest was that drowsiness was observed in 19, or 16 percent, of the patients studied.

The classic paper on the hypnotic efdence of methapyrilene, offered in evidence for its effectiveness as a nighttime sleep-aid, is the study of Straus et al. (Ref. 2). In that study the authors compared 50 mg of methapyrilene with 100 mg of phenobarital and placebo under double-blind conditions in 54 male insomniac patients in a Veterans Administration hospital. The experimental design called for each patient to receive each medication 6 times for a total of 18 nights in 3 weeks (a few nights were missed). Drug administrations were randomized, except that no drug succeeded itself. Evaluations of effectiveness were objective (graded by nurses observing the patients hourly during the night) and subjective (as reported by the patients to a physician the next day) reports of three criteria: falling asleep (sleep latency), staying asleep and overall evaluation. A 4-point scale was used, ranging from 0 (no sleep response) to 3 (excellent sleep response). The data indicate that both methapyrilene and phenobarital were more efficient than placebo in their hypnotic effect. The nurses' observations found methapyrilene more effective than phenobarbital in inducing sleep (but the patients could not distinguish between the two compounds); in overall evaluation the patients favored phenobarbital (but the nurses could not differentiate between the two); and for staying asleep, neither patients nor nurses could distinguish between them. The authors concluded that the two drugs exerted approximately equal hypnotic effects, in each case significantly greater than that of the placebo. It should be noted that phenobarbital, with its known slow onset of

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action, is not the ideal barbiturate hypnotic; secobarbital or pentobarbital would have been better choices for comparison. Nevertheless, the study does provide data demonstrating hypnotic effectiveness of methapyrilene in 50-mg doses.

In another study, Shapiro (Ref. 6) used methapyrilene from 1 to 66 days as a sedative in 33 hyperactive children ranging in age from 4 weeks to 12 years. The drug produced sleep and relaxation of hyperactive states during the daytime in 24 of 31 children, with nausea in one only. Nowhere in the article is the dosage defined.

Noell et al. (Ref. 7), in a daytime EEG study with over 3,000 Air Force volunteers, found that, of 33 antihistamines studied, methapyrilene 50 mg ranked eighteenth in time to "end of wakefulness" and fifth in time to "onset of sleep." In both of these effects methapyrilene scored significantly better than placebo but not nearly as well as secobarbital 100 mg.

Feinblatt and Ferguson (Ref. 3) compared methapyrilene niacinate, methapyrilene hydrochloride and placebo in a double-blind study involving 53 patients with insomnia. The dose of each methapyrilene salt was 50 mg (calculated as methapyrilene base). Both were considerably more effective than placebo, inducing "satisfactory sleep" in 37 (70 percent) of the 53 cases, "partial relief" in 9 (17 percent) and failing in 7 (13 percent).

More recently, Teutsch et al. (Ref. 8) used subjective responses to evaluate sleep following pentobarbital 100 mg, diphenhydramine 50 mg, methapyrilene 50 mg or placebo in 150 patients in two Veterans Administration hospitals. The four preparations, in identical capsules, were administered by a nurse-observer on each of 4 consecutive nights of a randomized program. Next morning the patients reported to the nurse how well they had slept, the time taken to fall asleep, how long they had slept, and how the sleep compared with their usual night's sleep at home. For all response variables, both pentobarbital and diphenhydramine were found significantly better than placebo when evaluated by the subjective question, "How long did you sleep?" In one of the two hospitals, methapyrilene was superior to placebo while in the other hospital it was not.

The Panel is aware of instances of poisoning, either accidental or suicidal, with methapyrilene. For example, fatalities have included a 15-month old girl who developed hyperpyrexia, cerebral edema, upper nephron nephrosis and uremia (Ref. 9) and an adult suicide who died in convulsions (Ref. 10). Examples of nonfatal cases include a 20-month-old child (Ref. 11) and two adults (Ref. 12), all manifesting convulsions, and a pregnant female with a toxic psychosis mimicking eclampsia (Ref. 13).

The Panel has also reviewed a number of additional studies in which methapyrilene was used in combination with salicylamide and scopolamine (Ref. 14). The Panel concludes that the weight of evidence is clearly in the direction of a positive effect: methapyrilene in these combinations almost certainly is able to produce drowsiness, EEG shifts, and reduced sleep latency. Since the effects are probably present but not strong with 50 mg of methapyrilene and since this appears to be a relatively safe drug, doses of 75 mg or 100 mg seem worth exploring (Ref. 14).

On the basis of evidence presently at hand, the Panel concludes that methapyrilene hydrochloride or methapyrilene fumarate in dosages of 25 to a maximum 100 mg in a single dose at bedtime may be effective as an OTC nighttime sleep-aid. The Panel recommends that a minimum of five additional well-controlled studies are necessary to establish the safety and effectiveness of the ingredient as an OTC nighttime sleep-aid. At least two EEG studies and at least three clinical studies are necessary. Should anticholinergic or other side effects prove not serious in these additional studies and should these studies in dosages of 50 mg and possibly up to 100 mg prove methapyrilene to be effective, i.e., significantly better than placebo in improving sleep in one or more sleep parameters, this drug could be moved from Category III to Category I.

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(14) OTC Volume 050043.[3]

(4) *Phenyltoloxamine dihydrogen citrate.* The Panel concludes that in appropriate dosage (100 to a maximum 200 mg single dose at bedtime), phenyltoloxamine dihydrogen citrate may be both safe and effective as an OTC nighttime sleep-aid, but further evidence of safety and effectiveness is needed. This drug is available on an OTC basis in a dose of 30 mg as an ingredient in a combination analgesic calmative preparation.

Phenyltoloxamine (also called phenoxadrine), one of the ethanolamine group of antihistamines, is also marketed in OTC combination products (22–89 mg of the dihydrogen citrate salt) for the treatment of bronchial asthma, allergic coryza, allergic cough, headache and other pain, and gastric hyperacidity due to nervous tension.

The Panel has placed the ingredient in Category III (MH) with a restriction on marketing since it is not currently marketed as an OTC nighttime sleep-aid, and further testing is required to demonstrate its safety and effectiveness for this indication. The Panel understands that the Agency can place this ingredient in Category II instead of Category III (MH) which has the effect of prohibiting marketing until an approved new drug application (NDA) is obtained or until the OTC nighttime sleep-aid monograph is amended to include the ingredient.

Phenyltoloxamine is a potent histamine antagonist, and the early literature on this drug stresses its apparently low acute and chronic toxicity. Extensive clinical studies have provided evidence that the drug is effective in relieving vasomotor rhinitis, hay fever, pruritis, eczema, urticaria, asthma, and certain allergic drug reactions (Ref. 1). Like other antihistamines, the drug has distinct local anesthetic properties and some antispasmodic activity. In addition, LaVerne (Ref. 2) lists the following properties without documentation: autonomic suppressant, adrenergic stimulant sedative, mild hypnotic effect, and no adverse effect on mental acuity. After the 1957 report by Sainz (Ref. 3) on the effects of the drug on psychotic patients, phenyltoloxamine achieved the reputation of being a "phrenotropic" or tranquilizing drug. A number of reports then appeared on its therapeutic usefulness as a sedative (Refs. 4, 5 and 6).

[3] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notices published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885) and May 25, 1973 (38 FR 13763). The volumes are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The side effects of phenyltoloxamine are apparently mild in therapeutic doses, soporific (sleep-inducing) effects are low and occur in less than 7 percent of patients (Ref. 7).

In general, the mechanism of central nervous system depression by phenyltoloxamine is unknown, although a report by DeSalva and Oester (Ref. 8) suggests that phenyltoloxamine acts similarly to mephenesin and morphine sulfate in depressing polysynaptic reflexes in cats. Such a test has traditionally been used for studying central muscle relaxant activity, which may be indicative of sedative or tranquilizing potential.

The only study found concerning the absorption and fate of phenyltoloxamine was performed by Hoekstra et al. in 1953 (Ref. 9). Extrapolating from experiments performed in dogs, rats and mice for other purposes, they concluded that phenyltoloxamine is readily absorbed from the gastro-intestinal tract and peritoneal cavity and distributed rapidly throughout the body. Very little is known of its destruction, conjugation, or excretion, since attempts to isolate unchanged phenyltoloxamine or certain possible breakdown products from the urine of dogs were not successful. Hoekstra et al. (Ref. 9) also did acute toxicity studies in mice which compared the LD_{50}'s of phenyltoloxamine hydrochloride, phenyltoloxamine dihydrogen citrate, diphenhydramine hydrochloride and tripelennamine. Phenyltoloxamine hydrochloride was one-fifth as toxic intraperitoneally and one-twelfth as toxic orally as when given intravenously. It was one-half as toxic as tripelennamine and two-thirds as toxic as diphenhydramine hydrochloride when intraperitoneal LD_{50}'s were compared.

Acute toxicity studies of various doses of phenyltoloxamine in a few rats showed that oral doses greater than 680 mg/kg caused death preceded by hyperactivity, excitement, convulsions and respiratory depression. In dogs, intravenous doses above 20 mg/kg caused death, while lower doses produced ataxia, excitement followed by depression, and slight narcosis (Ref. 9).

Finally, limited chronic studies showed that dogs tolerate phenyltoloxamine dihydrogen citrate in daily oral doses of 20 and 40 mg/kg (calculated in terms of active moiety) with no untoward effects. There were no indications of blood dyscrasia at any time during the experiments (Ref. 9).

In general, clinical studies in man in which phenyltoloxamine has been evaluated as an antihistamine consistently show few side effects with doses of 25 to 50 mg of the dihydrogen citrate salt. Sainz (Ref. 3) performed a preclinical study in 48 patients to determine side effects and toxicity and found that mild drowiness appeared at oral doses above 200 mg 4 times a day, or with single doses of 400 mg. Ataxia or abnormal reflexes were not noted at oral doses of 400 mg 4 times a day; there were no extrapyramidal symptoms; the EEG was not affected; and a slight blood pressure increase was seen. Doses higher than 200 mg 4 times a day produced adrenergic stimulation (increased salivation, gastritis, and diarrhea). Heartburn was found in 14 percent of patients taking the drug, and occasionally nausea was seen. No changes were noted in metabolic, nutritional, endocrine, hematologic, urologic or liver function studies. Sainz concluded that the drug is not only safe but remarkably free from undesirable reactions at oral doses of 100 mg 4 times daily.

Cronk and Naumann (Ref. 10) gave 2,380 allergic patients with nonspecific upper respiratory infections 100 to 600 mg of phenyltoloxamine dihydrogen citrate daily and saw only three cases of side effects caused by the drug. These were manifested as a mild soporific state after 200, 300 and 600 mg of the salt, and in no case was the side effect severe enough to warrant discontinuation of the drug. Although this study suggests that the incidence of drowsiness with phenyltoloxamine is low, a later study by Fleischmajer et al. (Ref. 4) found a much higher incidence of central nervous system depression. Fifty patients received the drug (unidentified salt) for treating allergic cutaneous disorders in doses of 100 mg 3 times a day (after meals) and 200 mg at bedtime. In 39 patients (78 percent) there was excellent relaxation, lessening of inner tension, and improvement in the ability to sleep. Most of these patients noted a pleasant calmness within 30 to 60 minutes after taking the drug. The other side effects noted were blurred vision, vomiting, tachycardia, dry mouth, and marked hypnosis, but only 3 patients discontinued therapy because of the severity of these effects.

Finally, in a study designed to test the usefulness of phenyltoloxamine in chronic schizophrenics, Barsa and Saunders (Ref. 11) gave 60 female patients gradually increasing doses of phenyltoloxamine (unidentified salt), with the highest dose reached being 800 mg 4 times a day. The patients received the drug for 3 to 5 months. It was seen that when the dose was below, 1,600 mg per day, most of the patients were stimulated, becoming more alert, but also more restless and irritable. As the daily dose went above 1,600 mg, the excessive stimulation disappeared and the psychosis appeared to improve. However, most of the patients could not tolerate the high dose. Forty patients (67 percent) complained of nausea or loss of appetite: 10 of these also experienced vomiting. Fifty patients showed an average weight loss of almost 5 kg (11 lb). Other patients complained of generalized weakness, fainting, ataxia, parkinson-like symptoms, and generalized tremulousness. All of these side effects disappeared when the dosage was reduced. Hematological tests, liver function tests, and urinary studies showed no significant changes in any of the patients.

Few reports on tolerance to phenyltoloxamine were found in the literature. Cronk and Naumann (Ref. 10) mentioned in passing that at the end of their experiments considerable adaptation had apparently developed in that the sedation effect had become subjectively less severe after 200 to 600 mg of dihydrogen citrate salt per day for 3 days.

Although the Panel could find nothing in the literature on intеactions of phenyltoloxamine with other drugs, it is expected that, like other antihistamines, phenyltoloxamine could interact with central nervous system depressants.

The average oral antishistamine dose of the dihydrogen citrate salt for adults is 50 mg 3 to 4 times daily. This may be increased if the desired therapeutic response is not obtained or if side effects do not become pronounced (Ref. 7). In one study such doses produced a rather low incidence of drowsiness, around 7 percent (Ref. 7), but another study (Ref. 4) suggests a much higher incidence of central depression (78 percent), with higher doses (100 mg 3 times a day, unspecified salt). Single doses of 400 mg (unspecified salt) produced sedation and moderate hypnotic effect in 100 percent of healthy volunteers in one study (Ref. 12).

Doses higher than 1,600 mg per day (unspecified salt in 4 divided doses) in humans apparently can be considered the upper limit of usage of the drug, since above this amount generalized toxicity is observed in schizophrenic patients (Ref. 11). Below this dose, however, signs of central nervous system stimulation were apparent in the same patients.

No literature was found concerning poisoning or doses which cause death in humans.

Two uncontrolled and three controlled studies were found concerning the effectiveness of phenyltoloxamine as a sedative. Although insufficient information is available, it appears that a study by Sainz (Ref. 3) was uncontrolled. Phenyltoloxamine (dihydrogen citrate salt) was used to treat 227 cases of psychotic behavior, using oral doses of 100 to 500 mg 4 times a day. Sainz concluded that the drug has a powerful affective and behavioral effect, although it does not produce euphoria, exhilaration, mental cloudiness, or confusion. Addiction and withdrawal reactions were not noted after 6 months of continued high dosage in certain patients. For certain anxieties, the calming effect produced by the drug is, in Sainz' opinion, slightly more pronounced than that produced by phenobarbital and the meprobamates; and because of the absence of immediate or eventual reactions, much safer and preferable to either.

The other uncontrolled study was by Fleischmajer et al. (Ref. 4), who gave 500 mg per day (unspecified salt) by mouth to 50 patients with a variety of dermatoses in whom a tension factor was believed to be associated with the disorder. They found that in 39 of the patients there was excellent relaxation, lessening of inner tension, and an improve-

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ment in the ability to sleep. They evaluated various dosage schedules and recommended 200 mg for nighttime sedation, with the comment that the ideal individual dose should be determined for each person.

The first controlled study, by Noell et al. (Ref. 5) was performed on over 3,000 men for the purpose of evaluating the sedative effects of more than 20 antihistamines by electroencephalographic methods and comparing these effects with those of barbiturate and nonbarbiturate hypnotics. Phenyltoloxamine (dihydrogen citrate salt) 50 mg was significantly better than placebo and ranked better than 50 mg of methapyrilene hydrochloride in the experiment on determination of onset of sleep. The dihydrogen citrate salt ranked better than diphenhydramine hydrochloride 50 mg, considered by the authors one of the three most sedating antihistamines.

The second controlled study (Ref. 12) was a comparative double-blind study with reserpine and placebo on 15 volunteers who received single oral doses of 400 mg of phenyltoloxamine (unspecified salt) 5 mg of reserpine, or placebo. Physiological measurements and a battery of psychological performance and learning tests were used to determine drug effects on behavior and function of the individuals. The results showed that 400 mg of phenyltoloxamine produced sedation and a moderate hypnotic effect, reaching a peak in 4 to 5 hours. Although latency and duration of sleep itself were not measured in this study, at the peak action of the drug there was drowsiness and a slowing of psychomotor and mental performance, followed by a state of relaxation, increased learning, and improved performance.

The third controlled study (Ref. 6) evaluated the effectiveness of phenyltoloxamine (unspecified salt, 50, 100, and 200 mg orally) as a daytime sedative, comparing it with 2 doses of phenobarbital and a placebo. One hundred thirty-one ambulatory patients, all of whom required a sedative for control of an anxiety state, were used. The workers concluded that phenyltoloxamine 3 to 4 times daily for several weeks of continuous therapy is safe. Although they did not make any comparisons with phenobarbital in their discussion, it appears that 100 mg of phenyltoloxamine was equivalent to 15 mg of phenobarbital in a "combined sedation and hypnotic effect" measure that they presented.

In summary, the Panel believes that the available data on the safety and effectiveness of phenyltoloxamine dihydrogen citrate in the dose range of 100 to 200 mg are not adequate to permit its use as an OTC nighttime sleep-aid. There is some evidence that the drug may have effectiveness as an OTC nighttime sleep-aid; for example, in one study (Ref. 5) the drug ranked better than methapyrilene hydrochloride when measuring "end of wakefulness" and better than diphenhydramine hydrochloride, on determination of "onset of sleep."

Since the ingredient is not currently marketed as an OTC sleep-aid but is currently available in an OTC combination product promoted as a calmative, it should be placed in Category III (MH) with a marketing hold during the testing provided. The Panel concludes that the available reports on the safety of phenyltoloxamine are not adequate to permit its use as an OTC nighttime sleep-aid. The Panel recommends that a minimum of five additional well-controlled studies are necessary to establish the safety and effectiveness of the ingredient as an OTC nighttime sleep-aid. At least two EEG studies and at least three clinical studies are necessary. The Panel has determined that an appropriate dosage for testing should be limited to 100 to a maximum 200 mg single dose at bedtime.

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(5) *Pyrilamine maleate.* The Panel concludes that there is insufficient information on the safety and effectiveness of pyrilamine maleate as an OTC nighttime sleep-aid and has therefore placed the ingredient in Category III. Described as an effective antihistamine with low incidence of sedation (Ref. 1), it appears ancillary to methapyrilene as an ingredient in three currently marketed OTC products promoted for sleep. The usual single OTC dose for an adult is 25 to 50 mg. The Panel has determined that further testing in well-controlled studies is required to assure the safety and effectiveness of a suggested dosage of 25 to a maximum 50 mg single dose at bedtime. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation).

Pyrilamine was discovered in France (Ref. 2) 2 years after the introduction of Antergan, the first antihistamine used clinically (Ref. 3). Pyrilamine effectively inhibits experimental production of skin wheals by histamine (Ref. 4) and can prevent the increase in capillary permeability ordinarily produced by histamine (Ref. 5). In addition to its effectiveness as an antihistamine, pyrilamine also possesses local anesthetic activity (Refs. 6 and 7) and even exerts a mild analgesic action (Ref. 8).

In doses of 25 to 50 mg, anorexia, nausea and vomiting are commonly encountered but can be minimized by the simple precaution of taking this ingredient at mealtimes. However, the Panel believes this is not possible when pyrilamine is used as an OTC nighttime sleep-aid. The Panel has located only one study pertaining to the hypnotic potential of pyrilamine used alone (Ref. 9). This study provides some evidence that pyrilamine maleate 50 mg is superior to placebo in reducing the time to "end of wakefulness" by EEG criteria but not in the subjective evaluation of "time to sleep onset." Subjects were military personnel studied under daytime nap conditions.

The Panel is aware of instances of accidental poisoning with pyrilamine. For example, two fatalities of accidental poisoning have been reported in the literature (Ref. 10). In one case a 15-month-old infant died 6 hours after ingestion of 1,500 mg of the drug, and in a second case a 23-month-old infant died 6 hours after ingestion of 10 tablets (dose unspecified). Both victims exhibited coma and/or convulsions previous to death. The Panel therefore believes that when further testing is conducted, special attention should be given to the minimum dosage level required for effectiveness.

The Panel concludes that insufficient data are available on the safety and effectiveness of pyrilamine maleate as an OTC nighttime sleep-aid and has therefore placed the ingredient in Category III. Further testing is necessary in a suggested dosage of 25 to a maximum 50 mg single dose at bedtime. The Panel recommends that a minimum of five additional well-controlled studies are necessary to establish the safety and effectiveness of the ingredient as an OTC nighttime sleep-aid. At least two EEG studies and at least three clinical studies are necessary. Should studies show safety and effectiveness, this drug could be moved from Category III to Category I.

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Labeling

It is the view of the Panel that the following label claims would be acceptable for OTC nighttime sleep-aid products if sufficient data were provided to substantiate their use. Labeling such as "Reduces time to fall asleep in persons with difficulty falling asleep," "Reduces number of awakenings in persons who wake frequently during the night," and "Prolongs sleep," may be valid if proven by well-controlled studies. (See paragraph II D below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

D. DATA REQUIRED FOR OTC NIGHTTIME SLEEP-AID INGREDIENT EVALUATION

The Panel suggests the following guidelines for the evaluation of safety and effectiveness of an agent to be used as an OTC nighttime sleep-aid:

1. *Minimum requirements to determine safety and effectiveness.* The active ingredient must be safe in the doses suggested on the labeling for OTC use. Safety should be evaluated using the current requirements for preclinical testing in animals as defined in 21 CFR 312.1(a)(2)6.a. Regarding effectiveness, a number of important variables must be considered: (1) sleep latency (time required to fall asleep), (2) number of awakenings, (3) total time spent awake, (4) sleep duration, (5) sleep quality, as estimated by the sleeper, (6) sleep stages and cycles evaluated by EEG and polygraphic criteria, and (7) side effects. Typically, an OTC medication might be tested to determine whether it reduces sleep latency (or possibly increases sleep duration) without detrimental effects on the other variables.

A target population must be identified so that wherever possible in studies of effectiveness, subjects tested are similar to those who will eventually take the drug. For OTC nighttime sleep-aids, the population would consist of individuals with symptoms of mild or occasional sleep disturbance.

It is important to provide both subjective and objective assessment of sleep. Certain important aspects, such as the subject's estimate of the quality of sleep and feeling state in the morning, can only be assessed subjectively. On the other hand, objective sleep laboratory studies have obvious advantages to assess objectively and exactly continuous measures of sleep, thus providing exact measures of sleep latency, sleep duration, number of awakenings, and other variables of interest. Other clinical aspects can also be assessed both subjectively and objectively.

Any claimed ingredient(s) or labeling claim(s) classified by the Panel as Category III should be evaluated using the concepts and methodology described below in the suggested guidelines.

2. *Sleep laboratory studies.* A small number of appropriate subjects (e.g., 6 to 12 per study) should be studied intensively in a sleep laboratory. Sleep laboratory studies should involve the use of both placebo and active medication in a properly controlled design. The exact design would depend on individual drug factors, such as time required for washout, necessity in some cases for studies of continuous administration, etc. This would allow precise determination of sleep latency, sleep duration, number and length of awakenings, and time spent in the various sleep stages. Such a study can help determine effectiveness and can also be used as a safety or toxicity study since disturbances of sleep and mood can be studied during and after drug administration. Such laboratory studies would ideally include investigation of the drug when taken on multiple consecutive nights and after discontinuation, since withdrawal effects after continuous administration can be of importance. However, since the drug is an OTC preparation to be taken as a single dose for occasional insomnia, such long-term studies are not absolutely essential, though still advisable.

3. *Clinical studies in a suitable target population.* A large number of appropriate subjects should be studied for subjective effects on sleep. Subjects should be mild insomniacs falling directly within the target population expected to take the drug. Such a study should preferably use separate large groups, perhaps 40 to 80 subjects per group, since intergroup comparisons have statistical advantages. A well planned crossover study, however, might also be acceptable. If several doses of a drug are to be studied, or if a combination of several ingredients is being studied, a larger number of groups is required. For instance, if a combination containing two ingredients (A+B) is studied, a design should include four separate groups: one taking placebo, one taking A, one taking B and one taking A+B. Subjects are to be assigned by systematized randomization with packaging and coding of the drug on an individual patient basis rather than on a treatment group basis. The Panel is concerned that the integrity of the study be maintained and that subjects are not able to determine drug from placebo, since the findings are heavily dependent on subjective parameters. The Panel suggests that each dose unit (drug or placebo) be singly identified by code and administered singly (e.g., in envelopes) in a predetermined sequence.

The variables to be investigated include the subject's estimate of quality of sleep, sleep latency, number of awakenings, sleep duration, how well he feels in the morning, and a report of any side effects.

In certain cases other designs may be reasonable; for instance, a design in which the subject indicates a preference between two treatments (drug versus placebo) may be used but would not be considered a pivotal study.

4. *Clinical studies for nighttime sleep-aids.*—a. *Objectives.* The overall objectives are: (1) to determine the effects of the drug on sleep in individuals with symptoms of mild insomnia likely to use such an OTC drug in the target population, (2) to determine the subjects' estimate of quality of sleep, an estimate of how well they feel in the morning and (3) to determine any preferences the subjects may have between 2 nights (drug versus placebo).

These studies, if results are clinically significant, will provide an extension of comparative controlled studies to confirm fully in a target population the drug's basic nighttime sleep-aid activity and to provide more specific information about symptoms and subject types in which the drug is especially effective. The studies will also establish an optimal dosage for the target population for which it is intended under conditions which more closely resemble those of actual OTC use.

b. *Sample considerations.* Subjects should be mild insomniacs falling directly within the target population expected to use the drug. Subjects with severe or chronic insomnia are not candidates for self-medication since they should be under the supervision of a physician.

A greater variety of populations differing as to age, sex, diagnostic categories, social class, treatment setting, previous treatment, etc., may be studied. Within each study, groups of subjects should be selected to be as homogeneous as possible regarding the variables above. In any case, full reporting of subjects' characteristics is necessary to allow for adequate interpretation of results. Exclusions should be stated.

Females of childbearing age may be included if results of animal reproductive and teratologic studies are satisfactory. However, the Panel believes that new drugs not intended for lifesaving use should not be used in women known

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to be pregnant or who are nursing a baby.

c. *Sample size.* The studies should use separate large groups containing 40 to 80 subjects per group. In a study comparing separate groups, a minimum of two groups (drug and placebo) are necessary. A large number of groups are required if several doses of a drug are studied or if a combination of several ingredients is evaluated, since each ingredient should be compared to the combination and a placebo.

d. *Setting.* Varying environmental influences should be decreased as much as possible in each study. Different treatment environments may be used which should be similar to those likely to be found among users (consumers) of such OTC products. Since these drugs are indicated for nighttime use, their action should not persist into the daytime hours or beyond the intended period of sleep.

e. *Investigators.* The investigators should be experienced in evaluating drugs affecting the central nervous system; and in the conduct of clinical trials; they should have ready access to the target population group for whom the nighttime sleep-aid may be indicated.

f. *Design.* Of primary importance are well-controlled studies designed to confirm fully the effectiveness of the drug as a nighttime sleep-aid. Special consideration should be given to controls, duration of study, dosage, and design which do not interfere with validity (biostatistical consultation is recommended), to accommodate greater variations in settings and subjects.

g. *Duration.* The duration of studies may vary from 1 to 2 weeks. In most cases the drug will be taken as a single dose for occasional insomnia, and therefore long-term studies are not absolutely essential. However, the Panel believes that such studies are advisable.

h. *Assessment.* Activity as a nighttime sleep-aid should be determined by accepted methods. Determination of clinical effectiveness should include subjective reports from patients or subjects and EEG and inpatient studies should also include objective measures.

5. *General concepts for conducting clinical drug evaluation of OTC nighttime sleep-aids.* The Panel concurs with the current regulations for conducting clinical trials evaluating safety and efficacy as defined in 21 CFR 314.111(a)(5)(ii). The desired studies shall include a systematic assessment of possible adverse side effects as discussed above under clinical studies for nighttime sleep-aids and shall include continued surveillance for adverse side effects after marketing.

6. *Minimum data required for classification as a Category I ingredient.* In summary, the Panel believes that similar methodology should be used in the evaluation of an OTC nighttime sleep-aid as in the evaluation of a prescription hypnotic with two major exceptions:

(1) Only those who are occasionally insomnic are included.

(2) A larger patient sample than is customary in the evaluation of prescription drugs is probably necessary for a parallel design study (for example, 80 and not 40 patients per drug group may be needed), since relatively smaller clinical effects may be encountered.

E. COMBINATIONS OF ACTIVE INGREDIENTS

1. *General statements.* The Panel concurs with the regulation (21 CFR 330.10(a)(4)(iv)) which states:

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel concludes that, in general, the fewer the ingredients, the safe and more rational the therapy. The Panel believes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.

The Panel further concludes that OTC drugs should contain only such inactive ingredients as are known to be safe and are necessary for pharmaceutical formulation.

2. *Requirement of significant contribution.* The Panel has determined that each claimed active ingredient in a combination must make a significant contribution to the claimed effect or effects.

The Panel could not establish the percent of contribution that an active ingredient must make to the effectiveness of the product for that contribution to be considered "significant." The Panel concludes that where a combination product is permitted, as discussed below, it is sufficient to demonstrate in well-controlled clinical trials that each of the ingredients makes a statistically significant contribution to the claimed effect. (See paragraph II D above—Data Required for Nighttime Sleep-Aid Ingredient Evaluation.) As long as "statistical significance" is shown in meaningful sample sizes, the Panel concludes that the contribution toward nighttime sleep-aid activity will also have been shown to be clinically "significant."

3. *Single active ingredients.* The Panel believes that the most desirable product for the consumer is one that contains the least number of ingredients. A product containing a safe and effective single ingredient is preferred to one having multiple active ingredients because of the reduced risks of toxic effects, allergic and/or idiosyncratic reactions, and possibly unrecognized and undesirable drug interaction(s). Because of these increased risks, the Panel further believes that the use of two active ingredients of the same pharmacological class in the same preparation is not rational.

This view of the Panel applies to all ingredient combinations that the Panel has reviewed; even the antihistaminic drugs cause non-dose-related adverse reactions, such as drug allergy. In other words even the presence of two antihistamines may increase the risk that a subject will have an allergic response to the OTC preparation. A person may not be allergic to one of the two active ingredients whereas he might respond with an allergic reaction to the other. Paradoxically, such hypersensitivity reactions do occur to the antihistamines, drugs which are themselves often used to treat allergic responses.

Certain problems peculiar to the formulation of combination products should be stated explicitly before dealing with specific cases. First of all, there are situations where the use of a combination is appropriate and clearly rational. Such an example is the case of the "triple sulfas" described below.

The misconception about the safety of using more than a single member of a pharmacologic class of drugs seems to be based upon a very special case. When the sulfonamides were introduced to clinical medicine, it became apparent that their low solubilities (particularly in the large doses nedeed to treat certain bacterial infections of the urinary tract) could result in precipitation of crystalline drug in the kidney. This problem was solved by using combinations of sulfonamide drugs, e.g., "triple sulfas," such that each of the three sulfonamides was present in an amount too small to crystallize out in the kidney but such that the combined three sulfonamides provided an effective therapeutic concentration. The basis for this effect is the fact that the solubility of each member of the series is independently determined. No such problem of dosage scheduling that approaches saturation leading to crystallization has been noted by the Panel in its review of the antihistamine drugs submitted.

The Panel is aware of other cases where multidrug therapy is rational. Two different antibiotics may be given together for an organism known to be sensitive to the combination. Perhaps one of the best known combinations is the use of multivitamin preparations for the treatment of nutritional deficiencies. In these last two cases, the combination is used to achieve a certain convenience where the individual active ingredients are known to be effective separately. The Panel recognizes that in vitamin and in certain antibiotic therapy, a large dose of drugs usually, but not always, carries no more risk than a smaller dose. This is an unusual situation in medicine.

If an OTC nighttime sleep-aid is indicated, it may very well be that a consumer will need one or two doses to get the intended effect. An occasional subject may need half of the suggested dose. If an analgesic is also needed, the consumer, through experience, will be able to judge wether he needs one, two, or one-half of the usually recommended OTC analgesic dose. If a consumer needs an OTC nighttime sleep-aid alone or an OTC analgesic alone, it would be an irrational act to take a combination product.

The Panel questions the advantage the combination confers. If the consumer cannot fall asleep readily, he may wish to take an OTC nighttime sleep-aid for this condition. He may also have some discomfort due to an injury, infection, burn or other ailment and may wish to take an OTC analgesic. The Panel feels that the likelihood that a combination drug will contain the optimal dose is less than if the consumer is permitted to make this decision, that is, to take individually an analgesic and/or nighttime sleep-aid.

Evidence accumulated during the last 20 years indicates at least a 10-fold difference within the population in the rate of disappearance from the body for most drugs subject to metabolism. Moreover, different kinds of drugs are eliminated at different rates by each individual.

In light of present knowledge, it is not wise to give two or more different active ingredients in fixed combinations to different individuals.

In addition, it does not make sense unless there is information that the effective dose of each active ingredient is known for the individual taking such a combination.

A very simple exercise will demonstrate the decreasing benefit to be expected when two or more active ingredients are combined in a single preparation. Suppose that 60 percent of the population requires one unit of drug A for relief of pain. Now, combine A with ingredient B, a drug that promotes sleep. Assume that, by good fortune, a dose of B is found that will have a favorable effect on 60 percent of the population. The chances that the 60 percent who need one unit of A will also need one unit of B is 0.60x0.60, or 36 percent. Thus, by combining we have reduced the chance of a successful outcome for both indications from these preparations. (The number of people who need half of A and half of B or two of A and two of B are vanishingly small and may be ignored for present purposes.) One could add yet a third active ingredient (certainly not unheard of) and find that the appropriate population for this preparation would be 0.60 x 0.60 x 0.60, or 22 percent of consumers.

Thus the Panel believes, that even if the addition of another active ingredient represents addition of a potential benefit to an existing product, the changes that the consumer will benefit from a fixed combination is in fact less likely than if that individual has the option to use active ingredients separately.

The Panel notes that individuals metabolize different active ingredients at vastly different rates and may eliminate them at different rates.

These biochemical differences are the basis for different dosage requirements on the part of individual human subjects. Ordinarily, in a relatively small group of persons there may be as much as a 10-fold difference in the rate of metabolism of a drug. The effect of these differences becomes apparent in the case of drugs used chronically. For OTC drugs used only occasionally and for nonfatal illnesses, it is not necessary to ensure that the dosage provided will be effective for 90 or 100 percent of the population. A 2- to 4-fold variation in the dose needed may be expected to achieve a desired effect in a significant proportion of the population. It has been pointed out above by simple calculations, using the probability of independent events, that combinations may reduce the likelihood of achieving the most effective dosage regimen because of differences between individuals with respect to drug metabolism. The implications of this knowledge for dosage requirements, in the Panel's view, casts some doubt upon the combination of nighttime sleep-aids and analgesics. These remarks are intended to apply to the kinds of active ingredients with which the Panel has been concerned.

In spite of the considerations above, the Panel recognizes the argument that there may be convenience in putting more than one active ingredient into the same product. The Panel concludes that if a combination contains an analgesic and a nighttime sleep-aid, both of which are safe and effective when used alone, it is convenient to combine the ingredients in a combination for the treatment of concurrent symptoms. The Panel would recognize the combination as safe and effective (effective as both a nighttime sleep-aid and as an analgesic in a significant proportion of the population having both sleeplessness and pain at the same time). The Panel concludes that permission to market such a combination should be granted. However in the opinion of this Panel, it will be necessary to demonstrate that there exists a well-defined target population that requires both a nighttime sleep-aid and an analgesic. Several studies are necessary using a factorial design demonstrating that the combination is safe and effective for a significant proportion of the target population requiring relief from both symptoms of pain and sleeplessness.

The labeling of a combination product of the type described above should reflect its limited applicability to persons with both symptoms, pain and sleeplessness, who respond favorably to the unit dose of each active ingredient in the combination The labeling should indicate that only that portion of the target population having both indications at the same time may be expected to derive effective and safe responses to the fixed combination.

It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions. Therefore, only single ingredients of each pharmacologic class should be permitted in Category I combinations. Combinations containing more than one active nighttime sleep-aid ingredient of the same pharmacological class are classified as Category II products.

4. *Active ingredients not reviewed by the Panel.* Each claimed active ingredient must be an ingredient that has been reviewed by the Panel. If a product contains an active ingredient that has not been reviewed by the Panel and consequently is not found in this document, such ingredient is automatically classified as a Category II ingredient; i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing and prior approval by the Food and Drug Administration are required before a product containing such an ingredient may be marketed.

5. *Review of submitted combination products.* The Panel considered only those combination products submitted pursuant to the notice published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885) and included above in paragraph II A. The Panel recognizes that other combinaton products may be in the market place, but it has either no knowledge of such products or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Accordingly, the Panel recommends that any new combination, or any presently marketed combination not submitted to this Panel, be evaluated through the new drug procedures or be the subject of an appropriate petition to the Commissioner to review or amend the OTC nighttime sleep-aid monograph.

6. *Combinations containing irrational ingredients.* The Panel has reviewed those nighttime sleep-aid ingredients which are in combination with such nonnighttime sleep-aid ingredients as vitamins and passion flower extract. The Panel considers such combination to be irrational.

For example, generally, a healthy individual ingesting a well-balanced diet will receive adequate daily vitamin intake. The Panel defers to the OTC Vitamin, Mineral and Hematinic Panel on the safety, effectiveness and labeled claims for vitamins. However, the Panel is of the opinion that most clinicians agree that the therapeutic use of vitamins should be restricted to the treatment of unequivocal deficiency states or as dietary supplements in certain clinical situations, such as (1) inadequate intake due to poor diet, (2) malabsorption, (3) pregnancy, or (4) hypermetabolic states producing increased tissue requirements.

The proper functioning of all cells requires an adequate intake of all vitamins (water-soluble and fat-soluble). It is misleading to assume or propose that individuals consuming certain OTC sleep-aids, tranquilizers and sedatives have selected deficiencies of just those water-soluble vitamins discussed in this document. Vitamin deficiencies are generally manifold and not restricted to one or two vitamins. If treatment of vitamin deficiencies is indicated, high doses are used and ordinarily several vitamins are given, particularly in the case of water-soluble vitamins. Also, there is virtually nothing in the current medical or pharmaceutical literature to support the inclusion of selected water-soluble vitamins in the OTC nighttime sleep-aids, daytime sedatives, or stimulants. The water-soluble vitamins discussed in this

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document appear to be of no use in conditions unassociated with vitamin deficiency or impending deficiency. In addition to the irrationality, there is a danger in the possibility that administration of one or two vitamins in small amounts may delay proper diagnosis and treatment in occasional cases of true deficiency. The vague suggestion in the labeling of such products is that "nerves" may be the reason for wakefulness, anxiety or agitation and that B-vitamins are good for the nerves. This claim whether explicit or implicit in the labeling is not supported by objective and conclusive clinical data.

7. *Criteria for determining Category I combinations.* Although the Panel has not placed any products containing combinations of active ingredients in Category I, it feels that appropriate guidelines are necessary. Accordingly, to qualify as a Category I combination, i.e., one that is generally recognized as safe and effective, each of the following conditions must be met:

a. The combination should include only one Category I active nighttime sleep-aid ingredient from a given pharmacological class when such ingredient(s) is identified.

b. Each ingredient in the subject combination will have to be present within the dosage range for a Category I active nighttime sleep-aid ingredient when each such ingredient is identified.

8. *Criteria for Category II combination products.* A combination is classified by the Panel as a Category II product, i.e., one that is not generally recognized as safe and/or not generally recognized as effective, if any of the following apply:

a. The combination contains two or more antihistamines as nighttime sleep-aid ingredients.

b. The combination contains any ingredient that is listed elsewhere in this document as a Category II ingredient.

c. The combination contains any active nighttime sleep-aid ingredient that has not been reviewed by the Panel and accordingly not listed in this document.

d. The combination contains a nighttime sleep-aid ingredient combined with a nonnighttime sleep-aid ingredient which the Panel has found to be an irrational ingredient.

e. The following combinations have been classified by the Panel as Category II:

(1) *Combinations containing two or more antihistamines.* The Panel concludes that there is no rationale for combining two or more drugs of the same pharmacologic class to achieve a desired effect. There are no data to support claims of safety and effectiveness of such combinations.

(2) *Combinations containing bromides (ammonium, potassium and sodium).* The Panel concludes that combinations containing ammonium bromide, potassium bromide or sodium bromide are not safe for OTC use.

(3) *Combinations containing scopolamine compounds (scopolamine aminoxide hydrobromide and scopolamine hydrobromide).* The Panel concludes that combinations containing scopolamine aminoxide hydrobromide or scopolamine hydrobromide are not safe at dosage levels possibly effective at OTC nighttime sleep-aids.

(4) *Combinations containing passion flower.* The Panel concludes that there is no rationale for adding passion flower to a nighttime sleep-aid. The relationship between the ingredient and sedation has not been demonstrated.

(5) *Combinations containing vitamins (all vitamins, including thiamin (vitamin B_1), niacin (nicotinic acid), and niacinamide).* The Panel concludes that there is no rationale for adding vitamins to a nighttime sleep-aid. The relationship between vitamins and sedation has not been demonstrated.

9. *Criteria for Category III combination products.* A combination is classified as a Category III combination if the nighttime sleep-aid active ingredient is classified as Category III elsewhere in the document.

The following combinations have been classified by the Panel as Category III:

a. *Combinations containing methapyrilene and certain analgesics (acetaminophen, aspirin, and salicylamide).* These combinations are placed in Category III for two reasons, (1) the sleep-aid components have been categorized as Category III by the Panel; and (2) the Panel has insufficient information to identify a meaningful target population. Additional studies are required to show that there is a target population requiring ingredients for both pain and sleep. Experimental design for such studies should include double-blind investigations using a factorial design testing the combination against each ingredient and placebo. If evidence is not forthcoming within 3 years that each ingredient (e.g., the claimed nighttime sleep-aid and the analgesic) makes a meaningful contribution to the claimed effect, these products should be withdrawn from the market.

The Panel concludes that combinations containing a nighttime sleep-aid and an analgesic are not rational therapy for patients suffering from sleeplessness or pain alone.

In a combination drug containing a nighttime sleep-aid ingredient and one or more analgesic compounds such as acetaminophen, aspirin or salicylamide, these latter ingredients are considered only as analgesics. If the analgesic component is judged effective by the OTC Panel on Internal Analgesics, if the sedative component can be proved to be an effective nighttime sleep-aid, and if well-controlled studies can identify a meaningful target population for use of such a combination, then the combination may prove to be rational for concurrent use, i.e., for sleeplessness when accompanied by pain. For example, in a currently marketed sleep-aid combination product containing methapyrilene and analgesics reviewed by the Panel, the manufacturer recommends "For best results, adults take two tablets at bedtime to help relieve pain and aid sleep." Thus, according to the manufacturer's claim, this particular combination is recommended for nighttime use in patients suffering from a combination of pain and insomnia or from "insomnia expectation." The analgesic combination, when taken as recommended, namely, two tablets, seems to be a fairly appropriate mild analgesic, although the final decision regarding this effect is deferred to the OTC Internal Analgesic Panel. The sleep-inducing properties of methapyrilene 50 mg (2 tablets) have been discussed earlier. The Panel concluded that at least some evidence exists that methapyrilene may induce sleep slightly faster than placebo and therefore placed methapyrilene in Category III.

Whether the combination of an analgesic and a nighttime sleep-aid enhances the effectiveness of either type of agent cannot be answered from the data reviewed. Only a factorial design (Ref. 1) comparing the combination with a placebo would provide the answer. One may well postulate that once pain is relieved by the analgesic component, the patient will sleep even without a nighttime sleep-aid. On the other hand, the nighttime sleep-aid may indeed provide additional benefits. The studies submitted do not provide an answer to these uncertainties.

In any studies designed to evaluate such a combination, subjects selected should be individuals with pain as well as sleep problems. A more elaborate design could include a group of subjects with both pain and sleep problems, a group of subjects with only sleep problems, and a group of subjects with only pain, but the first factorial design is considered sufficient.

The data presented to the Panel do not establish whether patients use the combination primarily for pain or primarily for sleep induction. The combination seems to be proposed primarily as a pain reliever, implying that if one does not have pain, one will sleep well. The combination is not suggested for the general insomniac.

The manufacturer produced seven well-designed, well-controlled studies in support of his claim: Four of these studies were "analgesic-sedative studies" conducted in patients suffering primarily from pain, possibly associated with secondary sleep disturbances (Refs. 2 through 5); one was a study of chronic insomniacs in an outpatient population (Ref. 6); one was a study conducted in a nursing home (Ref. 7); and one was an experimental study conducted in normal subjects who were loaded with water to produce wakefulness (Ref. 8).

All seven studies were generally well done, some involving an acute type of experiment, with each patient receiving one medication; a few studies involved giving medication to geriatric patients and other outpatients over a longer period of time. The most clear-cut and best designed experiments are some of the acute experiments (Ref. 3). They indicate clearly that the combination is more effective than placebo in inducing sleep, creating a better quality of sleep, and reducing pain. But even here, some authors have used letters (i.e., A, B) and

not randomly selected numbers for patient assignment, thus allowing for possible breaking of the double-blind by associating improvement with a given letter. The problem with all of these investigations is that they were designed to show effectiveness of the combination. They were not designed to find out whether both the analgesic and antihistamine medications are needed or whether all patients with pain and pain-related insomnia, or even only expected insomnia, would have been improved just as well with only the analgesic medication.

These seven well-designed studies do not define the relative effectiveness of the hypnotic and analgesic ingredients in the combination.

In an analgesic nighttime sleep-aid combination such as that discussed above, the Panel comments as follows:

The general regulations for the OTC review require this Panel to address drug active ingredients and claims, rather than finished total products. In this case, the Panel is required to determine which ingredient in the combination product has activity as a nighttime sleep-aid and which ingredients have activity as analgesics. The Panel cannot, as was suggested in one submission, set aside this requirement and merely determine that the whole product is safe and effective.

The Panel has concluded elsewhere in this document that there are inadequate data on the effectiveness of methapyrilene at the dosage in one of the combinations submitted for review to the Panel to permit its classification as generally recognized as safe and effective (Category I). Accordingly, the combination is placed in Category III with 3 years allowed for testing. A claim for this combination is that it is a safe and effective aid to sleep that is disturbed by pain. The Panel regards such claims primarily as analgesic claims, rather than nighttime sleep-aid claims.

Pain may indeed prevent sleep, as might acid indigestion, coughing or sunburn. If the Panel were to follow the rationale that pain discomfort prevents sleep, and that something which affords relief from pain discomfort can therefore be considered a nighttime sleep-aid, it would be necessary to permit the use of a similar nighttime sleep-aid claim for any ingredient used to treat any condition that might interfere with sleep. Such ingredients might be antacids, cough remedies, or sunburn lotions. It is obvious that such drugs are not intended to induce sleep per se. If evidence is not forthcoming to support the presence of Category III antihistamines such as methapyrilene or pyrilamine as active OTC nighttime sleep-aid ingredients in combination with analgesics, nighttime sleep-aid labeling claims made on the basis of analgesics alone would be misleading.

The Panel is aware that there may well be a significant number of people suffering from both pain and sleeplessness caused by factors other than pain. An analgesic nighttime sleep-aid combination could be rational for such a group, in the Panel's opinion. Its target population, however, would include only those individuals suffering from both symptoms simultaneously. Labeling for such a combination would have to state clearly that it is for use only when both symptoms occur together, not only that one or the other is anticipated.

For combinations containing both antihistamines and analgesics, additional studies are required to show that there is a target population requiring ingredients concurrently for both pain and sleep. Experimental design for such studies should include double-blind investigations using a factorial design testing the combination against each ingredient and placebo. If evidence is not forthcoming within 3 years that each ingredient (e.g., the sleep-aid and the analgesic) makes a meaningful contribution to the desired effect, the product should be withdrawn.

10. *Inactive ingredients.* The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmaceutical formulation and are known to be safe (e.g., talc is considered unsafe).

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F. INACTIVE INGREDIENTS

The Panel is aware that "active ingredients" are defined as those which contribute to the claimed effect of a drug. All other ingredients in the drug are regarded as "inactive ingredients" even though they may have pharmacologic activity at higher concentrations or in other formulations.

With respect to the safety of "inactive ingredients" in OTC nighttime sleep-aids, daytime sedatives and stimulants, the Panel has been concerned about flavoring agents, coloring agents and particularly talc. Because of the safety considerations, the Panel has prepared the following statement on talc:

Talc

The presence of talc in foods, drugs, water and beverages has been noted (Refs. 1, 2 and 3). Inhaled talc containing asbestos is known to be hazardous, and even carcinogenic. The effect of ingested talc in man is not known, but animal experiments indicate that talc and asbestos, commonly a contaminant of talc, do cross the intestinal epithelium and become widely disseminated (Refs. 4 and 5). In addition, a high incidence of stomach cancer has been noted in Japanese men who eat talc-coated rice (Ref. 1). Langer has stated that talc is contaminated often with asbestos and that this contamination is difficult to detect except by x-ray diffraction and electron microscopy (Ref. 6). This is an important consideration because the carcinogenic potential of asbestos is well established.

One property of asbestos used to differentiate it from other fibrous minerals is the step-like ends of the fibers as seen with the electron microscope (Refs. 7 and 8). This is evident at magnifications of 20,000 to 25,000 and helps to detect asbestos fibers in the presence of other silicates such as talc or glass which do not share this feature (Refs. 9 and 10). The detection of the different forms of asbestos requires a combination of chemical treatment and x-ray diffraction analysis as well as electron microscopy. A complicating factor is the particle size of the fiber which is a function of the method of preparation for industrial use (Ref. 7).

It is strongly urged by this Panel that talc containing asbestos, a nonessential ingredient, not be permitted to be formulated in OTC products that are meant to be ingested. Substitute materials are available. The Panel notes that talc is described in the United States Pharmacopeia XIX as a pharmaceutic aid but is designated for external use only. The Panel notes also the statement by the Commissioner published in the FEDERAL REGISTER of March 14, 1975 (40 FR 11865) in which the problem of the nonessential and avoidable use of talc is discussed. The Panel concludes that due to the lack of safety, talc containing asbestos should not be permitted in OTC nighttime sleep-aids, daytime sedatives and stimulants.

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III. Daytime Sedatives

A. General Discussion

1. *Definition of terms.* As indicated in the beginning of this document, the Panel is unable to define the term "tranquilizer" in relation to drugs for OTC use. The Panel concludes that "tranquilizer" drugs are more properly identified with medically prescribed psychotropic drugs (such as chlordiazepoxide and diazepam) which are available only by prescription and are "controlled substances" under the Federal Controlled Substances Act. It is the view of the Panel that the term "tranquilizer" in relation to OTC products is misleading to the consumer for it promises a qualitatively different effect from that which an OTC drug can provide. Therefore, the Panel has adopted and uses the term "OTC daytime sedative" to describe an OTC drug claiming daytime mood modifying indications such as "for the relief of occasional simple nervous tension."

2. *Benefits and risks.* The Panel is charged with examining the broad area of benefits and risks of OTC medications. The risks of OTC daytime sedatives are discussed in detail below when specific classes of ingredients are considered. The Panel will consider first the question of benefit. The possible determination of whether a benefit is produced by a drug must precede testing for "effectiveness." The Panel recognizes that even the most convincing demonstration of effectiveness in producing a change is worthless if the change is detrimental or is of no benefit to the consumer. This consideration is always present, though in some instances the benefit obtained is relatively obvious. The Panel agrees that being relieved of a headache is a benefit, and this Panel has specifically agreed that being relieved of difficulty in falling asleep can be a benefit. However, the Panel is not convinced that there is a benefit inherent in the changes claimed to be produced by OTC daytime sedatives.

The labels suggest these substances are useful for "occasional simple nervous tension," "nervous irritability," "simple nervousness due to common everyday overwork and fatigue." The claims further suggest use of these products as "calmatives," that provide "a relaxed feeling" and that "gently soothe away the tension." The Panel questions whether these claims refer to any definable illness, syndrome or condition requiring medication. And the Panel has grave doubts as to whether the relief of such a "state" constitutes a benefit to the user.

In a situation characterized by a nonexistent or almost nonexistent benefit, even a small or moderate risk clearly produces an unacceptably low benefit-to-risk ratio.

The major class of drugs reviewed for use as OTC daytime sedatives is the antihistamine group. In its discussion of OTC nighttime sleep-aids, the Panel has concluded that some antihistamines are probably useful, at appropriate doses, in producing drowsiness and sleep. This same effect, however, constitutes a risk in daytime use. The Panel concludes the sedative effect of OTC nighttime sleep-aids can be hazardous in ambulatory patients whose daytime activities require mental alertness and coordination. This may occur due to the residual effects of antihistamines persisting into the waking state after treatment of sleep difficulties. This implies that a consumer taking the same drug during the waking hours would be at greater risk from drowsiness, reduced reflex response and the like because his body would not have had time to eliminate a large proportion of the drug. Thus, drowsiness and reduced ability to respond must be considered a risk in daytime use.

In the case of antihistamines the Panel doubts that there is any anti-anxiety effect separable from the production of drowsiness. The Panel believes that such anti-anxiety psychotropic activity, if it exists, most likely would be masked by the drowsiness effect.

3. *Suitable target population.* Based on the available scientific data submitted for currently marketed products and a review of the literature, the Panel at this time is unable to determine any demonstrable indications for which available OTC daytime sedatives are useful.

An appropriate and properly defined condition, and clearer than presently used claims for a suitable target population requiring such medication, must be established through the testing guidelines set forth later in this document before meaningful studies of effectiveness can be undertaken. (See paragraph III .D below—Data Required for OTC Daytime Sedative Ingredient Evaluation.)

The Panel is aware of the argument that there is a population which has anxiety symptoms for a short period of time, e.g., illness in the family, change in circumstances, loss of job, in which there would be some possible benefit from use of an OTC product while the person is adjusting to and overcoming this altered mood. One may well assume that such short term mild anxiety symptoms will clear up without treatment and/or are susceptible to the placebo effect. It is contended by others that the OTC product would either reduce the duration of symptoms or improve the person's symptoms during the period of stress. The Panel entirely disagrees with this view and believes that studies are needed to identify and define clearly such a target population for whom these drugs are intended to provide relief.

4. *Measurements of tension.* The Panel notes that whereas with the present state of medical knowledge normal tension or changes in mood cannot be properly defined or measured quantitatively in a target population for OTC use, other forms of tension can be measured. For example, depression, anxiety, somatic complaints attributed to emotional factors and psychoneurotic states can be measured and it is possible to note modifications or decreases in psychic tension with the use of tranquilizers.

There should be some mechanism to determine the level of tension for these anxiety-like symptoms which at this time the Panel believes to be so subtle, transient, and subjective, that they are difficult to measure. As studies are confined to more and more benign conditions, the likelihood of discriminating between drug and placebo effect becomes smaller and smaller, and questions of practical significance become more and more central. The Panel concludes that it is necessary to prove the safety and effectiveness of the ingredients classified as Category III for the indication "occasional simple nervous tension."

5. *Duration of treatment.* Another problem arises when the Panel attempts to determine the appropriate duration for use of an OTC preparation. It is the view of the Panel that if a suitable indication is identified, then an OTC daytime sedative should not be used beyond 2 weeks for a single episode. If an individual has "occasional simple nervous tension" every day for longer than 2 weeks, then he is likely to be taking an OTC daytime sedative for a condition which requires medical intervention. The Panel is concerned that such self-treatment with an OTC daytime sedative may encourage an individual to use these products at higher doses than recommended, or for longer than a 2-week period, and would increase the likelihood of undesirable side effects developing. In addition, such an individual would probably not seek appropriate medical assistance thereby risking more severe psychiatric symptoms.

6. *Summary of findings.* The Panel concludes that an OTC daytime sedative should not induce excessive drowsiness, reduce alertness, or produce physiologic dependency, tolerance with continued use, or significant toxicity in accidental overdose. In addition, an OTC daytime sedative should exhibit significant effectiveness in relieving anxiety-like symptoms of occasional single nervous tension as demonstrated in well-controlled, double-blind clinical studies in comparison with placebo and positive controls (Ref. 1).

The Panel finds no evidence of benefit from OTC daytime sedatives. The Panel questions whether an appropriate target population exists; and the Panel believes that any possible "anti-anxiety" benefit is inextricable from the "drowsiness" risk. For these reasons the Panel concludes that the benefit-to-risk ratio for this group of agents is unacceptably low.

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(1) Rickels, K. and P. T. Hesbacher, "Over-the-Counter Daytime Sedatives: A Controlled Study," *Journal of the American Medical Association*, 223:29–33, 1973.

7. *Minority statement of the Panel.* Because the Panel was unable to totally agree on all aspects of this document, the following minority statement is made:

For the group of drugs classed as OTC daytime sedatives the minority has found no clear evidence of effectiveness, and no sharply defined indications. If the antihistamines are used in doses that have sedative effects these will be due to a general, nonspecific central nervous system depression.

If effective, in larger doses, the central depression carefully outlined for the use of these drugs as OTC nighttime sleep-aids would be dangerous to the user and/or others in the view of the minority. Such effects have been observed as side effects in the use of antihistamines for treatment of hypersensitivity, motion sickness and other indications. Effects on driving a motor car or operating other machinery are difficult to evaluate. Sensitive techniques for such measurements are still in the process of development. The Panel's discussion holds out little hope of proving effectiveness and describes several kinds of clinical trials of more or less difficulty. Such trials would, if properly conducted, take considerable time, probably 4 to 6 years to prove effectiveness and to deal with the difficult evaluation of safety.

We believe this interval would constitute an extraordinary time to market a group of drugs not deemed effective by the minority at present doses and most probably unsafe at higher doses.

As evidence for the possible adverse effects of effective doses the minority cites the discussion (elsewhere in this document) of the warnings about antihistamines used as nighttime sleep-aids.

In accordance with these comments in the introductory section above for OTC daytime sedatives, the minority believes that the OTC daytime sedatives should be classified as Category II.

B. Safety and Effectiveness

The Panel finds that currently marketed products which have been classified as OTC daytime sedatives generally contain antihistamines, scopolamines or bromides either singly or in combinations. Scopolamines and bromides have been found by the Panel to be unsafe for OTC use and will be further discussed below. Antihistamines, as stated previously in the discussion pertaining to OTC nighttime sleep-aids, may, in addition to their antihistaminic action, induce drowsiness when used in the treatment of allergies. (See paragraph II C 3.a. above—Antihistamines.)

Furthermore, with respect to the profile of pharmacological activities of the antihistamines, the Panel finds that there is little or no evidence that such drugs poses anti-anxiety psychotropic properties comparable to those demonstrated in clinical studies with the prescription tranquilizers. In the Panel's view, at best, some antihistamines may produce a very small incidence of low intensity sedative activity which would be difficult to demonstrate in a significant portion of the population. Any anti-anxiety psychotropic activity, if it exists, most likely would be related to the "drowsiness" effect of the antihistamines.

Therefore, the Panel is concerned with a possible danger in "treating" simple and transient variations in normal mood and behavior with OTC products containing antihistamines or any similar sedating agent. The Panel believes that such drugs affecting mind and mood have much broader implications than other OTC classes of drugs (e.g., antacids, laxatives) in that alterations in an individual's mood indirectly affects other individuals. There is also possible danger that because of the excessive sedation, individuals with normal anxiety-like symptoms will involuntarily and unwittingly suffer reduced alertness, ability to concentrate and motor coordination. It is the view of the Panel that such use will restrict the individual's ability to cope with his environment. In the case of antihistamines, depressant effects appear at low concentrations and excitatory effects at high concentrations (Ref. 1); however, this varies from person to person. In some cases the excitatory effect is dominant even at low concentrations, and in other cases antihistamines produce depression throughout the normal dosage range so that therapeutic effects lack predictability.

In the general population, many people experience tension and most people have learned how to deal with it. Where tension becomes disabling, some individuals need medical assistance (e.g., counseling) and/or psychotropic medication. In such cases, effective psychotropic drugs do exist but are available only on prescription. In the review of the ingredients submitted and identified in paragraph I A 2 of this document, the Panel concludes that it is highly unlikely that such ingredients could be shown to be effective because normal tension or anxiety is difficult to measure in a target population by current medical standards.

A suggestion was made in one submission (Ref. 2) to replace alcohol use (or abuse) with OTC daytime sedatives when individuals, emotionally upset or unable to cope with particular life stresses, would normally turn to alcohol. The Panel is aware that there is massive alcohol abuse in the U.S. and that there are also thousands of people who misuse and abuse drugs in this country.

Since the primary function of OTC products is to relieve symptoms of self-limiting diseases not requiring medical intervention, the Panel has concluded that OTC daytime sedative self-medication is not safe and not effective in the treatment of serious emotional and behavioral problems, including chronic alcohol and/or drug abuse. A substitution of OTC daytime sedatives for alcohol will certainly not exert any constructive effects on the individual's basic psychological or environmental problems. Where individual subjects are using alcohol to resolve serious personal life stress problems, they most likely would require medical and often psychiatric intervention. Use of an OTC daytime sedative as a substitute for alcohol in relieving life stress is particularly contraindicated since it delays proper medical treatment.

The Panel also takes note of the fact that there is a very high frequency of cases of poisoning involving simultaneous use of sedative drugs and alcohol; the additive effects of these agents can lead to serious toxicity. The Panel is not aware of any data to support the contention that nonuse of daytime sedatives marketed for "occasional simple nervous tension," or the like, leads to abuse of alcohol or alcoholism. The epidemiology of alcohol abuse is an extremely complex subject that allows very few "causative" statements to be made. It is conceivable that there may be situations where drugs should be substituted for alcohol abuse but that is more properly the province of the physician with a great deal of experience in dealing with alcohol abuse and certainly is far beyond the scope of this Panel's inquiry.

The Panel concludes, based upon the current available data and the lack of well-defined indications for safe OTC use, that if there is to be pharmacological intervention in cases of anxiety-like symptomatology, the drugs of choice are tranquilizers available by prescription. The Panel notes that these drugs have been extensively studied and evaluated as psychotropic drugs. The Panel recognizes that methapyrilene, pyrilamine and phenyltoloxamine have been marketed for OTC daytime sedative activity. The Panel is unaware of meaningful data which demonstrate that these ingredients have psychotropic activity. Therefore, the Panel has placed methapyrilene, pyrilamine and phenyltoloxamine in Category III since available data are inadequate to show that they are safe and effective as daytime sedatives. However, the Panel emphasizes that the reason for Category III includes the Panel's determination of a low benefit-to-risk ratio and lack of an appropriate target population—not merely insufficient proof of effectiveness.

The Panel has reviewed the available published and unpublished material relating to the effectiveness of products marketed as OTC daytime sedatives. Only one controlled clinical trial evaluating the role of OTC daytime sedatives in mild to moderately anxious patients exists in the literature (Ref. 3). In this study, a claimed OTC daytime sedative containing methapyrilene, pyrilamine maleate and scopolamine is compared with aspirin, a tranquilizer and placebo in a 2-week clinical trial. The results may be summarized as indicating chlordiazepoxide to produce significantly more improvement than the other three agents which did not differ significantly from each other. In fact the OTC product was no different from placebo in effectiveness.

Besides the published study mentioned above, there are only two unpublished reports in the submissions (Refs. 4 and 5).

The first unpublished report (Ref. 4) does not provide enough details to evaluate it fully. This study uses only 25 subjects, and a design which identifies drug and placebo simply as A and B, permitting users to determine which drug they are ingesting, thus destroying the

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double-blind design. The study suggests mild sedative activity of the daytime drug, but it is not possible for the Panel to draw conclusions which support the effectiveness of the drug reviewed.

The statistical results in the second unpublished report (Ref. 5) at first sight are more impressive, since the significance obtained is acceptable for clinical studies. However, the fact that patients with headaches had to be omitted for such significance to occur is unfortunate. It is well known that tension often has headache as one of its major symptoms (60 percent of the patients in this study had headache), and breaking any link in the tension-headache-tension cycle by drug treatment is usually sufficient to allay both the tension and the pain. The Panel suggests that one of the major areas for testing is whether an OTC daytime sedative can relieve the tension-headache-tension cycle itself or must be in combination with an analgesic.

One other problem concerns the choice of subjects. These were patients who were seen for "other complaints which did not interfere with the evaluation of the sedative." It was not clear how the investigators were sure of that fact. Almost any complaint considered serious enough for the patient to consult his physician could be associated with some degree of stress, which might conceivably interfere with a tension-sedative treatment program.

The possibility mentioned by the authors that some patients took aspirin during the study period is unfortunate because aspirin could significantly alter the tension state by reducing a headache or other nagging body pains which contributed to the tension state. Since the authors did not indicate the number of patients who took aspirin, it is difficult to evaluate its effect on the results obtained.

Finally, in the first part of the study, in a sample group of 87 patients, drug and placebo responses were practically identical. Drug-placebo differences were only obtained in the crossover portion of the study and no differences were observed comparing the OTC sedative (N=40 patients) and placebo (N=47 patients) when given first (Ref. 6).

This report is the only one available to date which may possibly be considered as providing some support for the effectiveness of an OTC daytime sedative. However, the separation between tense individuals who have and who do not have headache, both for the purpose of producing statistical significance in the study and for identifying potential users of the OTC drug in practice, does not seem to be a realistic approach in light of the frequent occurrence of headaches in tense individuals. In addition, the OTC drug was often used only once daily, and without having data as to the time of day the drug was taken. One cannot exclude the possibility that the OTC drug was primarily used in the evening, as a mild sleep inducer and not as a daytime sedative, since it might tend to slant the results toward greater effectiveness.

In summary, the Panel is aware of only one published controlled study (Ref. 3). This study established clearly the methodology for clinical studies of OTC daytime sedatives and the ineffectiveness of the OTC sedative combination in relieving mild anxiety tension. The only claims of effectiveness of OTC daytime sedatives have been offered by two submissions to the Panel (Refs. 5 through 8). Of the data submitted, only one study (Ref. 5) presents data on the effectiveness of OTC daytime sedatives and that study has deficiencies discussed earlier in this document.

After reviewing all available data, the Panel therefore concludes that there is lack of sufficient evidence presently available to support the use of OTC daytime sedatives. Only after an indication can be identified, the sedating effects of antihistamines are resolved and a number of well-designed double-blind clinical studies demonstrate significant drug-placebo differences, could such drugs be recommended for OTC daytime sedative use. The Panel doubts however that the claimed effects are more than placebo effects.

Labeling

The Panel has found difficulty in establishing labeling for OTC daytime sedatives. Since currently marketed products contain antihistamines, the Panel recommends that such products contain the following warning: *"Caution:* This product contains an antihistamine drug and may cause drowsiness. Avoid driving a motor vehicle or operating heavy machinery." The Panel recommends that the term "antihistamines" should be prominently written and displayed in large letter print on the label of OTC daytime sedatives. Since OTC daytime sedatives contain ingredients similar to those in OTC nighttime sleep-aids, the Panel recommends many of the warnings established above for OTC nighttime sleep-aids. (See paragraph IIC1. above—*Conditions under which nighttime sleep-aids are generally recognized as safe and effective and are not misbranded.*)

The Panel recommends that Category III products be labeled as follows: *"Warning:* This product has not been demonstrated to be effective to the satisfaction of the Food and Drug Administration." In addition, the Panel is concerned about advertising claims of effectiveness for OTC daytime sedatives before clinical studies demonstrate effectiveness. The Panel concludes that such advertising is unfair to the consumer and should be banned during this period of testing.

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(6) Goldstein, Critique of paper by Rickels and Hesbacher, OTC Volume 050010.[2]

(7) Bernstein, H. and D. Sarlin, "Appropriate and Inappropriate Methodology in the Evaluation of OTC Daytime Sedatives," Draft of unpublished paper in OTC Volume 050010.[2]

(8) Simon, F. and A. Bernstein, "Double-Blind Clinical Study of Twenty-Five Patients in the Evaluation of a Tablet and its Placebo in the Treatment of Simple Nervousness," Draft of unpublished paper in OTC Volume 050006.[2]

C. CATEGORIZATION OF DATA

1. *Conditions under which daytime sedatives are generally recognized as safe and effective and are not misbranded.*

Active Ingredients

After carefully reviewing all data available, the Panel is unaware of any active ingredients which are safe and effective and not misbranded.

Labeling

The Panel concludes that the warnings applicable to OTC nighttime sleep-aids are, in general, also appropriate for OTC daytime sedatives.

The Panel recommends the following general labeling for daytime sedative active ingredients to be generally recognized as safe and effective and not misbranded:

a. *Indications.* [Reserved].

b. *Warnings.* (1) "For adults only. Do not give to children under 12 years of age."

(2) "Do not take this product if pregnant or if nursing a baby."

(3) "Do not take this product if you are presently taking a prescription or other OTC drug, without consulting your physician or pharmacist."

(4) "If condition persists continuously for more than 2 weeks, consult your physician."

(5) "Take this product with caution if alcohol is being consumed."

(6) For products containing an antihistamine: *"Caution:* This product contains an antihistamine drug and may cause drowsiness. Avoid driving a motor vehicle or operating machinery."

2. *Conditions under which daytime sedatives are not generally recognized as safe and effective or are misbranded.*

Active Ingredients

After carefully reviewing all data submitted, as well as additional evidence provided by consultants to the Panel and the results of an extensive literature search, the Panel concluded that the following OTC daytime sedative ingredients should either be removed from or not permitted on the market because of inadequate safety data relating to toxicity and excessive sedation, as well as no effectiveness data. The Panel found no scientific basis or even sound theoretical reasons for claimed effectiveness of these following ingredients to be used in OTC daytime sedatives:

Active Ingredients

Antihistamines
- Diphenhydramine hydrocholoride
- Doxylamine succinate

Bromides
- Ammonium bromide
- Potassium bromide
- Sodium bromide

Scopolamine Compounds
- Scopolamine aminoxide hydrobromide
- Scopolamine hydrobromide

Miscellaneous Compounds
- Acetaminophen
- Aspirin
- Salicylamide
- Niacinamide
- Thiamine hydrochloride

a. *Antihistamines.* The Panel has exhaustively reviewed the literature relating to the use of these antihistamines as OTC nighttime sleep-aids and daytime sedatives and concludes that while the pharmacological effects of these compounds may be of value as nighttime sleep-aids as discussed earlier in this document, there are insufficient data to determine if these antihistamines are safe or effective as daytime sedatives for OTC use.

(1) *Diphenhydramine hydrochloride.* The Panel concludes that diphenhydramine hydrochloride cannot be generally recognized as safe or effective because there are no data to support clinical effectiveness as a daytime sedative product. The Panel notes that no submission was received for this ingredient as an OTC daytime sedative and that it has never been marketed for this activity. In addition, unlike the extensive clinical use of diphenhydramine as a nighttime sleep-aid, there are no clinical reports or clinical experience with this ingredient as a daytime sedative.

In the discussion above relating to diphenhydramine hydrochloride for use as a nighttime sleep-aid, the Panel has carefully set forth the action as well as side effects of this ingredient. From this discussion the Panel is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the nighttime sleep-aid area tends to show diphenhydramine hydrochloride as an ingredient which will result in excessive drowsiness at therapeutic levels resulting either in sleep or decreased motor function, (e.g., inability to function properly when driving or operating machinery).

(2) *Doxylamine succinate.* The Panel concludes that doxylamine succinate cannot be generally recognized as either safe or effective because there are no data to support clinical effectiveness as a daytime sedative product. The Panel notes that no submission was received for this ingredient as an OTC daytime sedative and that it has never been claimed or marketed for this activity.

In the discussion above relating to doxylamine succinate for use as a nighttime sleep-aid, the Panel has carefully set forth the action as well as side effects of this ingredient. From this discussion the Panel is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the nighttime sleep-aid area tends to show doxylamine succinate as an agent which will cause drowsiness, although only two clinical reports on the effectiveness of doxylamine as a nighttime sleep-aid have been found. No reports have been found on the use of this ingredient as a daytime sedative.

b. *Bromides (ammonium, potassium, sodium).* Based on the discussion above relating to bromides for use as a nighttime sleep-aid, the Panel concludes that they are unsafe as daytime sedatives. If taken over the period of time needed to reach therapeutic levels, severe toxic symptoms frequently occur. This is because bromides and chlorides are cleared from the kidney, but bromide clearance is slightly less efficient, so that the bromide level tends to build up.

The only submitted product suggests a dosage level of not less than 600 mg and not more than 1,800 mg per day of a combination of all three bromide salts. This product, which claims "calmative" action, sets no limit on the length of use of bromides. Yet, to use the bromides chronically without monitoring the patient's chloride balance and serum bromide is, in the Panel's view, not safe medical practice since small changes in chloride intake or small changes in renal function can lead to severe poisoning.

The Panel concludes that ammonium bromide, potassium bromide and sodium bromide, which act by displacement of body chloride, if taken in dosage levels presently recommended, do not act as daytime sedatives in a single dose. If taken over the period of time needed to reach therapeutic levels, severe toxic symptoms frequently occur. In addition, bromides readily cross the placental barrier, which might result in teratogenic effects such as mental retardation of the offspring.

The discussion of bromides in the nighttime sleep-aids section shows not only that the bromides are agents which, once they finally reach therapeutic levels, can cause excessive drowsiness, but also shows them to possess sufficient toxic characteristics to render them unsuitable for use as OTC daytime sedatives.

c. *Scopolamine compounds (scopolamine hydrobromide, scopolamine aminoxide hydrobromide).* The Panel concludes that these compounds are unsafe because of their extensive toxicity and are ineffective in presently marketed dosages.

In the discussion above relating to scopolamine for use as a nighttime sleep-aid, the Panel has carefully set forth the action as well as toxic effects of this ingredient. From this discussion the Panel is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the nighttime sleep-aid area tends to show scopolamine compounds as agents which may result in extensive toxicity without any data to support their clinical effectiveness as daytime sedatives.

d. *Miscellaneous compounds (acetaminophen, aspirin, salicylamide, niacinamide, thiamine hydrochloride).* The Panel concludes that these compounds are irrational for use either singly or in combination as daytime sedatives. The Panel is unaware of any data for analgesics (acetaminophen, aspirin, salicylamide), or vitamins (niacinamide, thiamine hydroehloride) which support their use as daytime sedatives.

Labeling

As stated in the beginning of this section, the Panel has concluded that there appear to be no clear cut indications for the use of OTC daytime sedatives, and that the area of normal or relatively normal variations in mood is probably not an appropriate one for pharmacological intervention. An indication has not been clearly identified. All but one labeling claim has been placed in Category II. Therefore, claims such as "nervous irritability," "nervous tension headache," "simple nervousness due to common everyday overwork and fatigue," "a relaxed feeling," "calmative," "calming down and relaxing," "gently sooth away the tension," and "resolving that irritability that ruins your day," shall not be used. Only the labeling claims in Category III identified below may be used during the testing period provided.

3. *Conditions under which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available to permit final classification of the claimed active ingredients and labeling listed below:

Active Ingredients

Antihistamines
- Methapyrilene fumarate
- Methapyrilene hydrochloride
- Phenyltoloxamine dihydrogen citrate
- Pyrilamine maleate

a. *Antihistamines.* As noted in the discussion above, the Panel finds that there is little or no evidence that antihistamines possess desirable daytime sedative properties.

(1) *Methapyrilene hydrochloride, methapyrilene fumarate, pyrilamine maleate.* The Panel concludes that there is insufficient evidence to permit final classification of methapyrilene hydrochloride, methapyrilene fumarate and pyrilamine maleate for use in a daytime sedative product. The methapyrilenes appear in a number of marketed OTC products with daytime sedative claims. Pyrilamine appears in one OTC combination marketed product submitted to the Panel and, therefore, there are no data on the single ingredient.

In the discussion above relating to the methapyrilenes and pyrilamine for use as nighttime sleep-aids, the Panel has carefully set forth the actions as well as side effects of these ingredients. From these discussions, the Panel is unable to determine how these ingredients should be employed in OTC daytime sedatives. The Panel concludes that additional studies as outlined in the testing guidelines below are necessary to demonstrate the safety and effective-

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ness of these ingredients as daytime sedatives. The Panel concludes that the dosage to be marketed during the testing period provided be limited to 25 to a maximum 50 mg single dose up to 4 times a day for methapyrilene (fumarate and hydrochloride) and to 10 to a maximum 25 mg single dose up to 4 times a day for pyrilamine maleate in studies of safety and effectiveness as daytime sedatives.

(2) *Phenyltoloxamine dihydrogen citrate.* The Panel concludes that there is insufficient evidence to permit final classification of phenyltoloxamine dihydrogen citrate for use in a daytime sedative product. The drug is currently promoted as a "calmative" in an OTC combination drug product. Since the drug is being marketed in a combination and no data are available on the ingredient alone as an OTC drug, the Panel has placed it in Category III as a daytime sedative.

In the discussion above relating to phenylotoloxamine dihydrogen citrate for use as a nighttime sleep-aid, the Panel has carefully set forth the actions as well as side effects of this ingredient. From these discussions, the Panel is unable to determine how this ingredient should be employed in OTC daytime sedatives. The Panel concludes that additional studies as outlined in the testing guidelines below are necessary to demonstrate the safety and effectiveness of this ingredient as a daytime sedative. The Panel concludes that the dosage to be marketed during the testing period provided be limited to 50 to a maximum 100 mg single dose up to 4 times daily for phenyltoloxamine dihydrogen citrate in studies of safety and effectiveness as a daytime sedative.

Labeling

It is the view of the Panel that there are insufficient data to permit final classification of the following labeling claim for an OTC daytime sedative product. Labeling for Category III shall only include "occasional simple nervous tension." This is the only labeling claim that may be used for such products during the 3-year testing period provided for the additional studies which are necessary and are described below. (See paragraph III D below—Data Required for OTC Daytime Sedative Ingredient Evaluation). The Panel further concludes that Category III products be labeled as follows: "*Warning:* This product has not been demonstrated to be effective to the satisfaction of the Food and Drug Administration."

D. DATA REQUIRED FOR OTC DAYTIME SEDATIVE INGREDIENT EVALUATION

The Panel is unable to determine a class of drugs that are safe and effective in the relief of anxiety-like symptoms for daytime OTC use. The Panel has classified the antihistamine ingredients methapyrilene, pyrilamine and phenyltoloxamine, currently marketed in combination products for daytime sedative use, in Category III. The Panel is of the opinion that if an indication for an appropriate population can be properly defined with labeling that clearly explains the use and limits of OTC daytime sedative products, then testing of appropriate active ingredients in a maximum dosage and container size might be feasible to demonstrate the safety and effectiveness of the ingredients. The Panel doubts, however, that any such effectiveness can be differentiated from the placebo effect. Were such testing to occur the Panel believes that the following guidelines should be considered for the evaluation of safety and effectiveness of an agent to be used as an OTC daytime sedative.

Any claimed ingredient(s) or labeling claim classified by the Panel as Category III should be evaluated using the concepts and methodology described below in the suggested guidelines.

1. *Minimum requirements to determine safety and effectiveness.* The active ingredient must be safe in the doses suggested on the labeling for OTC use. Safety should be evaluated using the current requirements for preclinical testing in animals as defined in 21 CFR 3.2.1(a)(2)6.a.

If an active ingredient is used as an OTC daytime sedative in doses sufficient to be effective, any central nervous system depression then becomes a potentially hazardous effect in addition to any therapeutic action that may be achieved. In the daytime, any deficit in the rate of reaction to stimuli, in alertness and/or motor coordination or in sensory discrimination may endanger the user of the drug. In the event that the user is the operator of a mechanical device or vehicle, he may endanger himself or other persons. These considerations weigh heavily in the opinion of the Panel because it is the view of the Panel that such deficits in motor and sensory function will be incurred if large enough doses of the active ingredient are employed to be effective in a daytime sedative. Thus, the effects of an active ingredient which are acceptable and even desirable from use of an OTC nighttime sleep-aid product may be dangerous and are certainly unacceptable for an OTC daytime sedative.

Evidence should be provided that the drug does not, in doses recommended, cause such impairment of motor or sensory performance that the subject may endanger himself or others. This applies to household appliances, the operation of machinery including surface, subsurface, or airborne vehicles, lathes, production-line equipment and the like. It includes the possibility of failure to react fast enough to an oncoming auto or other vehicle while crossing a street as a pedestrian. These cases are intended to be illustrative and not all-inclusive.

A drug used for self-treatment of symptoms such as "occasional simple nervous tension" must be more effective than a placebo. The Panel recognizes that such proof is difficult to demonstrate for an OTC daytime sedative because the "disease" or symptom is generalized and at best is ill-defined. The Panel is concerned that since such an episode is likely to be transient or at least poorly defined, anecdotal evidence of effectiveness has been the only type adduced. On the other hand, the usual clinical trials may not accurately reflect the actual effect of the drug.

Conventional drug trials, properly double-blinded, should demonstrate a dose-response effect and, hence, safety and effectiveness of the drug. If this cannot be achieved, proof of effectiveness becomes more difficult. In addition, there should be provision for large scale field studies in a well-defined target population requiring such OTC drug use, properly carried out by objective investigators. Such trials can be done by dispensing unlabeled drugs and placebos, including drugs known to be effective, to carefully selected control and experimental subjects. Information may be collected by questionnaire and/or interview. The interpretation of the complaint and of the effect (What is "nervousness"? and What constitutes relief of anxiety?) make inquiries of this type difficult but not impossible.

The problem of effectiveness is difficult because its appraisal involves subjective responses. These responses can be interpreted by statistical methods, but, first, they must be defined sharply and indications for the use of the drugs must be sharply defined too. Psychological scales exist and may be used in the clinical trials. Methods for setting forth criteria of anxiety, selecting subjects, and the use of rating scales of anxiety do exist as discussed in the volume edited by Levine et al. (Ref. 1), the FDA guidelines for evaluation of psychotropic drugs (Ref. 2) and in the Panel's testing guidelines described below.

2. *Assessment of suitable target population.* A number of appropriate subjects displaying mild to moderate symptoms of anxiety and tension who would most likely use such OTC products must be identified. The Panel is unable to determine any proper indications for the use of an OTC daytime sedative. A well-defined condition(s) existing in a suitable target population requiring such medication must be established before meaningful studies of effectiveness can be undertaken.

3. *Clinical studies in a suitable target population.* If a target population is identified, subjects should be studied for subjective effects for the proposed claims. Subjects should exhibit such anxiety-like symptoms within the target population expected to take the drug. The Panel suggests several well-controlled studies utilizing two major approaches: (1) Continuous treatment studies of 2-week duration, where the drug is continuously given about 3 to 4 times daily, using between-patient design. The patient evaluates his emotional state daily as well as more intensively weekly, and the physician evaluates the patient also at weekly intervals. (2) Occasional use studies, in which the drug is used as needed, i.e., only occasionally, for temporary symptoms. The patient evaluates his or her emotional state before and after he takes his medication for a given symptom occurrence. The physician will monitor the patient at infrequent intervals. In this latter group of studies a between-patient or a within-patient (crossover) design may be utilized. Although not required, a positive control could be used for measuring the activity of the drug against that of a known psychotropic drug. Such addition would also serve as a yardstick of the appropriateness and sensitivity of the study population for detecting drug-placebo differences. If several doses of a drug are to be studied, a larger number of groups is required. For instance, if a combination containing two ingredients (A+B) is studied, the design should include four separate groups, one taking placebo, one taking A, one taking B and one taking A+B. Subjects are to be assigned by systematized randomization with packaging and coding of the drug on an individual patient basis rather than on a treatment group basis. The Panel is concerned that the integrity of the study be maintained, that subjects are not able to determine drug from placebo, since the findings are heavily dependent on subjective responses.

The variables to be investigated include the subject's estimate of relief for the claimed effect and a report of any side effects.

4. *Guidelines for studies of daytime sedatives.* a. *Objectives.* The overall objectives are: (1) to determine the effects of the drug in individuals with mild to moderate symptoms of anxiety and tension likely to use such an OTC drug, (2) to determine the subjects' estimate of improvement for the claimed symptoms, an estimate of how well they fell after drug treatment and (3) to determine any preferences the subjects may have between treatments (drug versus positive control or placebo).

b. *Sample considerations.* Subjects should exhibit mild to moderate symptoms as suggested for the labeling claims, e.g., simple nervous tension. Subjects with severe or chronic anxiety-like symptoms are not candidates for self-medication, since they should be under the supervision of a physician.

A variety of populations differing as to age, sex, diagnostic categories, social class, treatment setting, previous treatment, etc., may be studied. Within each study (or subgroup in studies of sufficient size), subjects should be selected to be as homogeneous as possible regarding the variables above. Patients with strong sociopathic trends, alcoholism, organic brain disorder, character disorder, evidence of schizophrenia or glaucoma and patients in need of analgesic, hypnotic, or anticholinergic medication should be excluded. In any case, full reporting of subjects' characteristics is necessary to allow for adequate interpretation of results. Exclusions should be stated.

c. *Sample size.* The study should use separate large groups containing 40 to 80 subjects per group. In a study comparing separate groups, a minimum of two groups (drug and placebo) are necessary. A large number of groups are required if several doses of a drug are studied or if a combination of several ingredients are evaluated, each ingredient should be compared to the combination and a placebo. This sample is about twice the size recommended for anti-anxiety prescription drug testing (Ref. 1). This large sample size is needed because the effects being investigated are expected to be small in relation to those found for psychotropic drugs.

d. *Setting.* Environmental variation in influences should be decreased as much as possible in each study. Different treatment environments may be used which should be similar to those likely to be found among users (consumers) of such OTC products.

e. *Investigators.* The investigators should be experienced in evaluating drugs affecting the central nervous system and in the conduct of clinical trials. The Panel recommends that evidence for the qualifications of investigators should be provided to the FDA prior to onset of any study. The Panel has recommended this (1) to ensure a high quality and reliability of the investigations and (2) to protect the health of human subjects who participate in such studies.

f. *Design.* Of primary importance are well-controlled studies designed to investigate the safety and effectiveness of the drug as a daytime sedative. Special consideration should be given to controls, duration of study, dosage, and design which do not interfere with validity (biostatistical consulation is recommended) to accommodate greater variations in settings, and subjects. A washout period may be applicable in the limited treatment clinical studies, but may be omitted in the occasional-use and consumer survey studies when a broader experience with the drug is being gathered.

g. *Dosage.* A flexible dosage schedule should be used with increasing amounts up to the dosage level proposed to be available for OTC drug use.

h. *Duration.* The duration of studies may vary from 1 to 2 weeks. In most cases the drug will be taken for temporary relief and occasional use, and therefore, long-term studies are not absolutely essential. However, the Panel believes that such studies are advisable.

i. *Assessment.* Activity as a daytime sedative should be determined by standard validated rating scales. Ratings should be repeated at intervals during the treatment regimen in addition to a baseline evaluation. Determination of safety and effectiveness should include subjective reports from patients or subjects and objective reports by professional observers, e.g., observations of a nurse. Assessment measurements should also include appropriate scales to distinguish between sedation and occasional nervous tension.

5. *Suggested studies for evaluation of daytime sedatives.* The Panel concludes that any one of the following studies could be performed to demonstrate the safety and effectiveness of a daytime sedative:

a. *Continuous treatment study.* A study of 2 weeks could be performed in individuals who use these products on a continuing basis. Patients should be evaluated by a physician frequently, in the following sequence: previous to beginning the study, perhaps every 3 days during the study, and at the completion of the study. Patients should also evaluate themselves with global improvement measures and more circumscribed rating scales.

b. *Occasional use study.* Such a study could be performed in patients with symptoms requiring the drug for occasional use only, perhaps once or twice a week. In these cases, a patient could maintain a personal log with a subjective evaluation of symptom relief. In such a study, global ratings and mood scales (adjective check test) may represent relevant outcome criteria. In such a study, the subject would be evaluated by a physician on a more infrequent basis.

6. *Minimum data required for classification as a Category I ingredient.* The Panel recommends that the testing guidelines above be used; they are adopted from the recent FDA guideline draft on psychotropic drugs (Ref. 2) as well as on the recently published book by Levine et al. (Ref. 1).

The Panel recommends that at least two studies using each of the two suggested designs be carried out initially. Further studies should then be carried out using the study type which was most sensitive in detecting drug-placebo differences in the original four studies. This is necessary to demonstrate that any observed differences in treatment effects were not of a spurious nature.

If the four original studies should all be unable to differentiate drug and placebo, further testing would seem inadvisable. On the other hand, if all four original studies showed clear-cut drug-placebo differences, future studies would also not be needed and the particular drug in question could be moved from Category III to Category I.

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E. COMBINATIONS OF ACTIVE INGREDIENTS

As noted earlier in this document, the Panel has not identified an indication or appropriate active ingredients for use in OTC daytime sedatives. If a properly defined indication can be identified and appropriate active ingredients found, the Panel refers to the guidelines and criteria for combinations of active ingredients for nighttime sleep-aids. (See paragraph II E above—Combinations of Active Ingredients.)

The discussion in the nighttime sleep-aids section relating to combinations of nighttime sleep-aids and nonnighttime sleep-aid ingredients would also be applicable to daytime sedative products. There was one combination containing the antithistamine phenyltoloxamine dihydrogen citrate, an analgesic and caffeine, in a submitted product which

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claimed both calmative action and enhanced pain relief. However, neither that submission nor any other data reviewed by the Panel indicated that OTC analgesics have sedative action. In fact, the particular combination submitted usefully divided its analgesic and "calmative" claims and attributed the calmative action only to phenyltoloxamine (Ref. 1). As to the claimed enhancement of the analgesic effect which results when the analgesic is combined with an antihistamine, the Panel defers to the OTC Internal Analgesic Panel for such a determination. The Panel places the combination in Category III.

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IV. Stimulants

A. General Discussion

The Panel is aware of the use of either prescription drugs (e.g., amphetamines, desoxyephedrine) or OTC drugs (e.g., caffeine) by many individuals to promote wakefulness and to decrease the sense of fatigue and boredom in performing tedious work over rather long periods of time. Such drugs are referred to as stimulants and are used to increase mental alertness. For example, caffeine is commonly used as an aid to automobile driving, especially for the relief of the phenomenon "highway hypnosis" encountered during extensive periods of continuous driving. Currently marketed OTC products are promoted with such claims as "keep alert," "restore mental alertness," and "for fast pick-up."

The Panel believes that a suitable adult target population exists which can benefit from the occasional use of safe and effective OTC stimulant drugs. In cases where mental alertness or motor performance is necessary, such drugs can modify fatigue states to allow successful completion of a required task. The Panel is of the opinion that use of such OTC products by individuals under 12 years of age should only be under the advice and supervision of a physician.

The Panel concludes that an ideal OTC stimulant preparation must be able to produce enhanced motor performance when such performance is reduced because of fatigue or drowsiness. The therapeutic effect should be of sufficient duration to be useful in accomplishing a particular task. For example, the drug should permit an automobile driver to maintain normal performance in completing a reasonably short journey to a stopping place. Hence, such products are for ocasional use only and never for more than 1 to 2 weeks except under the advice and supervision of a physician.

B. Safety and Effectiveness

The Panel concludes that the ideal OTC stimulant preparation should produce stimulation without untoward physiological effects on the central nervous system or the cardiovascular system or other acute toxic signs. Such undesirable effects would include an appreciable number of abnormalities of rate and/or rhythm of the heart or of respiration, or excitement or other undue disturbances of central nervous system function. In general, side effects that follow use of the drug should not be of such a degree or quality as to offset the beneficial effects of the drug. For example, excessive nervous system stimulation to an extent that would exceed the effect required to reduce fatigue could reduce the efficiency of motor vehicle operator. The drug should produce enhanced performance without leading to a dangerous and unanticipated letdown after the therapeutic effect is achieved. There should be no distressful effect upon peripheral nervous functions, such as an obvious tremor or incoordination caused by the stimulant. There should be no interference of a significant degree with the normal pattern of sleep, including the quality, distribution in time, and the quantity of REM sleep. REM or D-state is rapid-eye-movement sleep associated with dreaming. When the amount of such sleep is reduced, it may lead to excess restlessness or irritability in the waking state. The drug should be for occasional use of not more than 2 weeks, and there should neither be tolerance nor dependence after such use. There should be a safe margin between the toxic and therapeutic doses of the drug. There should be no interactions of a dangerous or unpleasant nature between the drug and the other commonly employed drugs, foods or beverages when these are taken concomitantly.

C. Categorization of Data

1. Conditions under which stimulant products are generally recognized as safe and effective and are not misbranded.

Active Ingredient

The Panel concludes that caffeine is safe and effective for use as a stimulant when used in the recommended oral dose of 100 to 200 mg not more often than every 3 to 4 hours.

The Panel has not encountered any reports of fatal accidents after oral ingestion of caffeine and concludes that the incidence of fatal toxicity is low. The fatal dose for man is probably far greater than recommended doses since ingestion of up to 10 gm was followed by complete recovery in 6 hours (Ref. 1). With doses of 1 gm, insomnia, anxiety, irritability, muscle twitching, headache and nausea may be experienced. Palpitations, tachycardia and cardiac irregularity may also occur (Ref. 2).

Death was reported after intravenous administration of 3.2 gm. In such cases, there may well be other factors. Too rapid injection of almost any drug can cause cardiorespiratory collapse and death. A review of acute and chronic toxicity with regard to caffeine has been prepared by Peters (Ref. 2). Severe poisoning causes cardiovascular collapse, including a fall in blood pressure. Vomiting and convulsions have followed oral doses of 10 gm of caffeine with complete recovery in 6 hours.

Chronic ingestion of caffeine in larger than recommended doses can lead to "habituation" which is a mild form of drug addiction. When this occurs, caffeine, usually taken in the form of beverages, is required to feel "normal." Withdrawal symptoms are not severe or life-threatening (Refs. 3, 4, and 5). However, the Panel recommends that products containing caffeine should not include claims such as "non-habiting-forming" in their labeling. Caffeine affects the pattern of REM sleep (rapid-eye-movement sleep, "D state" sleep) but not the total amount of REM sleep (Ref. 6).

The Panel notes that coffee (or strong tea) contains about 100 mg caffeine per cup, the same amount as the usual recommended dose of caffeine currently marketed in OTC preparations. The literature contains much information about studies on coffee drinkers vs. noncoffee drinkers.

The stimulating effect of caffeine (100 to 200 mg) on motor performance has been quite consistently reported by many investigators using a variety of experimental designs and tests of performance. The drug is most effective in the presence of fatigue, restoring alertness and the ability to perform tasks requiring muscular coordination with greater facility and less error. Reports of such effects can be explained on the basis of central nervous system (brain) stimulation and do not depend on peripheral effects, such as direct effects on the retina, improvement in "night vision," or the like (Refs. 7 through 10). In large doses, caffeine can stimulate respiration, but drugs are not ordinarily used for this effect in present-day clinical medicine (Ref. 11).

Chemically, caffeine is 1,3,7-trimethylxanthine. It is an alkaloid that occurs in plants (coffee, tea, cocoa, cola) widely distributed around the world. Because of its ubiquitous use and availability from nondrug sources, the Panel felt that its assessment of the compound should be based on an "in-depth" review of its pharmacology.

Approximately 7 million kg of caffeine in coffee are consumed each year in the United States (Ref. 12). As mentioned above, 1 cup of coffee contains about 100 to 115 mg of the drug. The major pharmacological effects are on the central nervous system and the cardiovascular system. It is also diuretic and stimulates gastric secretion.

Caffeine stimulates the cerebral cortex and medullary centers. In usual doses, it causes wakefulness and alertness. As a beverage form, caffeine in coffee (among others) has been habit-forming in a proportion of the population. This "habituation" is probably a weak form of "addiction" in that differences may be detected between persons who use coffee regularly and those who do not use it at all. Goldstein and colleagues showed that chronic coffee drinkers given decaffeinated coffee showed sleepiness and irritability whereas noncoffee drinkers given caffeine-containing coffee showed upset stomachs and jitteriness due to caffeine. Users of coffee felt increased alertness and "contentedness" when given caffeine in their "coffee" (Ref. 3). In a related study conducted by questionnaire, it was found that chronic users of coffee did not experience as much wakefulness due to coffee as did nonusers. Moreover, they experienced unpleasant symptoms when morning coffee was omitted (Ref. 4). Additional evidence for an addiction of some degree is the finding that sudden withdrawal of caffeine produced severe headache in a majority of trials among volunteer subjects. The headache produced in these young adults was relieved by aspirin, but more efficiently by caffeine (Ref. 5.) Many of the persons studied by these authors were subject to migraine headaches. It is noteworthy that caffeine, generally in large doses, is used in the treatment of migraine.

The stimulatory effect of caffeine on motor performance has been quite consistently reported. The clearly effective central stimulation caused by caffeine ingestion has been supported by carefully designed studies (Refs. 3, 4, 7, 8 and 13).

In a comprehensive review of the effects of stimulant drugs, Weiss and Laties (Ref. 9) concluded that caffeine can enhance "a wide range of behavior * * * all the way from putting the shot to monitoring a clock face." There is evidence from a variety of studies that nervousness, headache, and irritability, for example, may accompany the use of large doses, 240 mg of caffeine and above. There seems to be no evidence of serious types of addiction, and their conclusion is that the incident of habituation is quite low.

Studies that measure ability to perform simulated driving tests with adequate lighting and in conditions of reduced lighting were submitted by one of the manufacturers of a drug containing caffeine (Ref. 10). All responses that were favorable may be explained on the basis of enhanced central nervous system performance and did not seem to involve improvement in vision at the level of the orb itself, that is, cornea to retina. In so far as any may be demonstrated, effects on "night vision" are probably due to enhanced alertness (Ref. 10).

Caffeine has a stimulant action on the heart and can increase cardiac output. Sollmann (Ref. 14) states that methylxanthines (which include caffeine) are useful potentially in acute heart failure, but the effects appear to be manifold and unpredictable. Theophylline, another xanthine, is said to be more effective than caffeine in stimulating the output of the failing heart by a direct inotropic effect.

For OTC oral use as a stimulant, citrated caffeine is currently available in 60 and 120 mg oral tablets. Caffeine is also added to headache remedies containing salicylates and acetaminophen, and to ergotamine for the relief of migraine. The Panel defers to the OTC Internal Analgesic Panel the determination of the safety and effectiveness of caffeine for the relief of headache or migraine.

Caffeine and sodium benzoate are given also by physicians in dosages of 0.5 to 1.0 gm for subcutaneous or intramuscular use as a central nervous system stimulant. Small doses seem to enhance alertness and ability to perform learned tasks. Large doses can stimulate respiration. Caffeine and other xanthines are often used as acetate, benzoate, or salicylate salts. Forming the salt simply increases solubility; it does not affect action. Addition of sodium benzoate probably assists absorption in the acid pH of the stomach, although the nonionic form would probably be well absorbed from the intenstine. In any case, the drug appears to be well absorbed when given by mouth (Ref. 15).

The exact mechanism of action of caffeine is not precisely known.

The problem of mutagenicity of caffeine has been reviewed by the Panel. There is evidence that concentrations of caffeine many times higher than would ordinarily be found in human or animal tissues cause certain mutations in the bacterium *Escherichia coli*, and in the fungus *Ophiostoma multiannulatum* (Refs. 16 and 17). Caffeine has also been reported to induce chromosome aberrations in onion root tips and in human cells in vitro (Refs. 18 and 19). Very careful studies in mammals have failed to reveal evidence of mutagenicity (Refs. 20 and 21).

Caffeine causes chromosome breakage in the human lymphocyte in tissue culture (Refs. 20, 22, 23 and 24) but no evidence for this action in vivo in man or other mammals has been found (Ref. 20). The mechanism of the chromosome breakage has been studied, but not explained (Ref. 25). Lymphocytes from human volunteers ingesting 800 mg caffeine daily (equivalent to 8 cups of coffee) for 30 days showed no increase in chromosome damage when the cells were placed in culture. In the human volunteers, the peak plasma levels were 29.6 mcg/ml of caffeine, over 3-fold greater than any preexperiment level. There was no increase in chromosome breakage when these cells were cultured.

HeLa cells were exposed to concentrations of caffeine in the medium about 10 times greater than that found in vivo in plasma of human subjects drinking 8 cups of coffee per day (800 mg caffeine). There was no increase in chromatid breaks in cultures studied through 48 generations of the HeLa cells (Ref. 26).

Looking for mutagenic indications, different concentrations of caffeine in vitro were studied for an antimitotic action on cell division of human lymphocytes stimulated to divide by phytohemagglutinin, a plant product. Concentrations of caffeine in the medium that interfered with cell division were about 100 fold greater than would be encountered in human tissues after an intake of a usual dose of caffeine or right after drinking a cup of strong coffee (approximately 100 mg caffeine) (Ref. 27). In one study, the effects of three xanthines, theobromine, theophylline, and caffeine were studied for their effectiveness in blocking mitosis of human lymphocytes in 72-hour culture. High concentrations of caffeine (10^{-3} to 10^{-4} molar) were needed to demonstrate cytostatic and antimitotic effects. It was concluded that any mutations in man caused by caffeine at concentrations ordinarily achieved would have to occur at a rate too low to be detectable (Ref. 28).

The suspected role of caffeine in mutagenesis and also teratogenesis has led to a scrutiny of this substance, a scrutiny that is almost certainly more intensive and extensive that that conducted for any other commonly ingested food or drug. Teratogenicity of caffeine can be detected in rats if sufficiently high doses are given; these are of the order of 250 mg/kg and would be equivalent to 100 cups of coffee containing 125 mg of caffeine each. Metabolism of caffeine in man is rapid, and it may be that this protects man from teratogenic effects (Ref. 29). A review of the mutagenic effects, in particular dominant lethal tests, shows less evidence for organisms higher than bacteria, fungi, and higher plants (Ref. 29).

The safety of coffee has been questioned recently by a drug surveillance group (Ref. 30). The findings of the group suggested an increase of serious heart disease among heavy coffee drinkers. However, there was no positive association among tea drinkers. This would appear to exclude implication of caffeine present in both coffee and tea. The report has been criticized by others who indicate further evidence is needed to demonstrate a role of coffee in the genesis of cardiovascular disease (Ref. 31). These other investigators found no evidence for the role of coffee in any increased risk of death because of cardiovascular disease in a large, well-known (Framingham study) prospective study of factors involved in the genesis of coronary heart disease (Ref. 32). No generally accepted evidence would implicate caffeine as a danger in this regard. Furthermore, another recent publication using large numbers of subjects has not supported the contention about coffee drinking promulgated by the Drug Surveillance Group (Ref. 33). The Panel concludes that there is inconclusive evidence linking coffee and/or caffeine to cardiovascular disease. In another study of paired, control patients, there was a higher incidence of myocardial infarction with very high consumption of coffee. Caffeine was implicated only indirectly, on the basis of elevation of serum lipids evoked by caffeine administration (Ref. 34). In a study of 1,700 men between the ages of 40 and 55 years (Ref. 35), there was said to be an "increasing incidence of angina pectoris and of myocardial infarction with survival" among men consuming 5 or more cups of coffee a day. Curiously, the death rate was highest among those who took no coffee or consumed 5 or more cups of coffee per day. There is no level of significance given and the number of deaths is small.

In contrast to the irritating qualities of many coffee extracts, caffeine itself does not seem to cause irritation of the gastrointestinal tract in the usual doses. This is an advantage when the drug is used for its stimulant properties.

The observations that suggest some central stimulation that leads to, or is

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associated with, a mild form of addiction to caffeine raise questions about long-term use. The Panel questions if subjects are paying some price not yet detected. This appears to be true for most hypnotics in that we now know that there are, at the least, changes in the amount of rapid-eye movement (REM) sleep and that some kind of deficit is built up. This occurs in addition to the separate risk of addiction to the hypnotic itself. In the case of stimulants used to enhance the performance of school children deemed hyperactive, Sroufe and Stewart have suggested that there may be no persistent effect of drug therapy upon these children, but that they become dependent upon the stimulant drugs to maintain a level of performance not much different from pre-drug performance (Ref. 36).

In summary, the panel believes that caffeine as an OTC stimulant appears to be safe and effective. It is reasonably nontoxic in that fatal doses for man are estimated to be greater than 10 gm by mouth.

Caffeine has the ability to produce a low grade of "addiction" that is commonly referred to as "habituation," and has been most extensively studied in coffee drinkers. The Panel believes this is not a dangerous problem and does not believe that a warning regarding habituation is necessary. However, the Panel recommends that stimulant products containing caffeine should not include in the labeling a suggestion such as "non-habit-forming."

Caffeine has not been shown to be mutagenic to man or mammals, although there are some weak mutagenic effects that can be demonstrated in certain bacterial viruses. The claim that coffee drinkers have more heart disease than noncoffee drinkers is not proven to the satisfaction of the Panel and is not relevant because it does not extend to caffeine. The claim relating to heart disease has involved coffee and has "absolved" tea drinkers (who ingest caffeine in their tea). The possibility that extensive daily caffeine intake (tablets, coffee, cola drinks, etc.) may mimic neurotic anxiety reaction has recently been raised (Ref. 37). Labeling will therefore include a warning to this effect.

The addition of substances to caffeine preparations as marketed should be closely scrutinized. Since the addition of proprietary flavors such as menthol and peppermint or sugars or their substitutes encourages ingestion by children, they serve to enhance the possibility of poisoning. The Panel opposes inclusion of these substances. Talc should also be removed from any preparations intended for human consumption. It is nonessential, and its safety is in question. Only talc that contains no asbestos fibers should be permitted to enter the body by any route. To ensure this, the source and composition of each talc lot need to be known. There is no generally available or "official" test for the presence of asbestos fibers in talc insofar as the Panel knows. Evidence is at hand that asbestos fibers can cause chronic respiratory disease, adenocarcinoma of the lung, and mesothelioma of the pleura and peritoneum when such fibers are inhaled. There is also evidence that ingestion of asbestos by animals can cause cancer. (See paragraph II F above—Inactive Ingredients.)

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Labeling

The Panel recommends the following labeling for stimulant active ingredients to be generally recognized as safe and effective and not misbranded:

a. *Indications.* "Restores mental alertness or wakefulness when experiencing fatigue or drowsiness."

b. *Warnings and/or cautions.* Labeling should contain the following warnings:

(1) *"Caution:* Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep and occasionally, disturbances in heart rate and rhythm called palpitations."

(2) "For occasional use only. If fatigue or drowsiness persists continuously for more than 2 weeks, consult a physician."

(3) "For adults only. Do not give to children under 12 years of age."

(4) The Panel recommends that an OTC stimulant product containing caffeine should also include the following warning:

"Contains caffeine. Do not take this product with large amounts of caffeine containing beverages such as coffee, tea or cola drinks." The Panel believes such a warning is necessary since an average cup of coffee or strong tea contains an amount of caffeine about equal to that in the average dose of OTC products. Certain cola drinks also contain a significant amount of caffeine and should also be included in the warning.

2. *Conditions under which stimulant products are not generally recognized as safe and effective or are misbranded.* After carefully reviewing all data submitted, as well as additional evidence provided by the FDA and consultants to the Panel and the results of an extensive literature search, the Panel found no scientific basis or even sound theoretical reasons for claimed effectiveness of a number of ingredients used in OTC stimulants. In addition, certain labeling claims are clearly misleading. For example, statements or suggestions that stimulants and stimulant combination products (with nonstimulant ingredients) "increase sensual pleasure" are undocumented claims in the presently available literature and are, therefore, unacceptable to the Panel.

The Panel concludes that stimulant products containing the following ingredients should be removed from the market unless further scientific testing supports their use, because there are no data to support their use alone or in combination as a stimulant. The Panel has determined that these ingredients have no action as a stimulant nor do they contribute to the claimed effectiveness of a stimulant (e.g., caffeine) as an ingredient in a combination product.

Active Ingredients

Combinations of Caffeine with Nonstimulant Active Ingredients:

Ammonium chloride
Ginseng
Vitamins

a. *Ammonium chloride.* The Panel concludes that a combination product in which caffeine is combined with ammonium chloride is not rational for use as an OTC stimulant preparation. The Panel is unaware of any data which demonstrate a role for use of ammonium chloride, either alone or in combination with caffeine as a stimulant.

The Panel is aware that products containing ammonium chloride and caffeine are promoted for premenstrual tension with the claim "helps relieve premenstrual symptoms: swelling, weight gain and fatigue."

The Panel, after a review of the literature, has not found acceptable evidence that the use of ammonium chloride and caffeine is rational for the purpose of reducing fatigue. Caffeine alone may be expected to increase rather than decrease associated nervousness. The use of ammonium chloride for other claims has been deferred by the Panel to the OTC Internal Miscellaneous Panel as to the safety and effectiveness of this ingredient.

b. *Ginseng.* The Panel concludes that there is no rationale for adding ginseng to a stimulant drug.

The Panel found no data to suggest a stimulant action for ginseng or for potentiation or enhancement of the stimulant effect of caffeine. After an extensive review of the available scientific literature, the Panel found no reasonable studies or supporting documentation to suggest ginseng in combination with caffeine to affect or enhance sexual drives or awareness.

c. *Vitamins.* The Panel concludes after an extensive review of the available scientific literature, that there is no acceptable medical rationale for combining vitamins (especially Vitamin E) with caffeine. The Panel further makes reference to the discussion of vitamins in the section on nighttime sleep-aids (See II above—*Nighttime Sleep-Aids.*) The Panel found no acceptable rationale to explain the combination of caffeine and vitamins.

The Panel defers to the OTC Vitamin, Mineral and Hematinic Drug Product Panel on the safety, effectiveness and labeled claims for vitamins. The Panel notes that the proper functioning of all cells requires an adequate intake of all vitamins (water-soluble and fat-soluble). It is misleading to assume or propose that individuals consuming stimulant drugs have certain deficiencies. There is virtually nothing in the current medical or pharmacological literature to support the inclusion of selected vitamins in OTC stimulants. In addition, the small amounts of water-soluble vitamins contained in OTC stimulants are virtually homeopathic due to the fact that vitamins are rapidly excreted in the urine. This provides no rationale to support the inclusion of these ingredients in products designed to provide CNS stimulation.

The Panel strongly believes that polypharmacy and a "shotgun" approach to treatment of symptoms with fixed-dose combinations have no rational therapeutic basis.

The value of the placebo effect in the management of psychosomatic illness and minor neuroses is obvious. It is extremely doubtful however, that the inclusion of vitamins in a self-prescribed stimulant enhances any placebo effect these products may confer.

Labeling

In one submission, a combination product containing caffeine with ginseng is claimed to "increase sensual awareness and pleasure." Although not stated explicitly, it is apparent to the Panel that the intent of this labeling is to equate sensual awareness and pleasure with increased sexual capability and pleasure. The utility of ginseng has been discussed previously where is was stated that no evidence of enhanced sexual experience or potency has been found. In the case of caffeine, the Panel is unaware of any studies that clearly show an enhancement of sensual or sexual experience by the ingestion of this drug. Certainly no submissions to the Panel deal with this indication. In the absence of any positive evidence for an effect an sensual or sexual experience, the Panel objects to labeling that states or implies "increases sensual pleasure."

In the same submission, caffeine with vitamin E is claimed to "increase sensual (sexual) awareness." The Panel, after an extensive review of the available medical and scientific literature, found no reasonable supporting documentation to even suggest that vitamin E in combination with caffeine affects or enhances the sensual (sexual) experience in man. In the Panel's opinion, neither ingredient has been shown to affect sexual experience in man and therefore such claims are false and misleading.

The Panel also concludes that labeling claim(s) that suggest a product containing caffeine is "non-habit-forming" are misleading and should not be allowed. Prolonged ingestion of caffeine especially in larger than recommended doses can lead to habituation. (See paragraph IV C 1. Conditions under which stimulant products are generally recognized as safe and effective and are not misbranded.

3. *Conditions under which the available data are insufficient to permit final classification at this time.* The Panel concludes that adequate and reliable scientific evidence is not available to permit final classification of the claimed labeling listed below:

Labeling

The question of whether a stimulant such as caffeine "enhances performance" in the nonfatigued state cannot be answered definitively at this time. Although there are some suggestions, but not proof, that this may be true, additional evidence in well-controlled trials would be necessary for such an indication to be included in the labeling. If such proof is obtained, it must also be demonstrated, in the same human subject, that no side effects accompany enhanced performance. In the case of caffeine, such side effects would include, among others, tremor, palpitations, and nervousness.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (by 70 Stat. 919 and 72 Stat. 948) (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Subchapter D of Title 21 of the Code of

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Federal Regulations be amended by adding new Parts 338, 339, and 340 to read as follows:

PART 338—NIGHTTIME SLEEP-AID PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
338.1 Scope.
338.3 Definition.

Subpart B—Active Ingredients

338.10 Nighttime sleep-aid active ingredients. [Reserved]
338.40 OTC product container.

Subpart C—[Reserved]

Subpart D—Labeling

338.50 Labeling of nighttime sleep-aid products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371). (5 U.S.C. 533, 554, 702, 703, 704).

Subpart A—General Provisions

§ 338.1 Scope.

An over-the-counter nighttime sleep-aid product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 338 and each of the general conditions established in § 330.1 of this chapter.

§ 338.3 Definition.

As used in this part, "nighttime sleep-aid" is an agent which helps to reduce difficulty in falling asleep including delayed sleep, frequent awakenings, light sleep or reduced duration of sleep.

Subpart B—Active Ingredients

§ 338.10 Nighttime sleep-aid active ingredients. [Reserved]

§ 338.40 OTC product container.

The OTC product container shall contain not more than any established maximum quantity for an applicable active ingredient identified in § 338.10.

Subpart C—[Reserved]

Subpart D—Labeling

§ 338.50 Labeling of nighttime sleep-aid products.

(a) *Indications.* The labeling shall identify the product as a "nighttime sleep-aid" to "reduce difficulty in falling asleep." Labeling may also include the phrases: "Helps fall-asleep" and "For relief of occasional sleeplessness".

(b) *Directions for use.* The labeling of the product contains the recommended dosage and appropriate directions under the heading "Directions", e.g., once daily at bedtime broken down by age groups, if appropriate, followed by "or as directed by a physician".

(c) *Warnings.* The labeling of the product contains the following general warning(s) under the heading "Warnings":

(1) "For adults only. Do not give to children under 12 years of age."

(2) "Do not take this product if pregnant or if nursing a baby."

(3) "Do not take this product if you are presently taking a prescription drug or other OTC drug, without consulting your physician or pharmacist."

(4) "If condition persists continuously for more than 2 weeks, consult your physician. Insomnia may be a symptom of serious underlying medical illness."

(5) "Take this product with caution if alcohol is being consumed."

(6) For products containing an antihistamine: *"Caution:* This product contains an antihistamine drug."

PART 339—DAYTIME SEDATIVE PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
339.1 Scope.
339.3 Definition.

Subpart B—Active Ingredients

339.10 Daytime sedative active ingredients. [Reserved]
339.40 OTC product container.

Subpart C—[Reserved]

Subpart D—Labeling

339.50 Labeling of daytime sedative products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 339.1 Scope.

An over-the-counter daytime sedative product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 339 and each of the general conditions established in § 330.1 of this chapter.

§ 339.3 Definition.

As used in this part, daytime sedative is an agent which claims relief of occasional nervous tension.

Subpart B—Active Ingredients

§ 339.10 Daytime sedative active ingredients. [Reserved]

§ 339.40 OTC product container.

The OTC product container shall contain not more than any established maximum quantity for an applicable active ingredient identified in § 339.10.

Subpart C—[Reserved]

Subpart D—Labeling

§ 339.50 Labeling of daytime sedative products.

(a) *Indications.* The labeling shall identify the product as a "daytime sedative".

(b) *Directions for use.* The labeling of the product contains the recommended dosage and appropriate directions under the heading "Direction", e.g., once daily broken down by age groups if appropriate followed by "or as directed by a physician".

(c) *Warnings.* The labeling of the product contains the following general warning(s) under the heading "Warnings":

(1) "For adults only. Do not give to children under 12 years of age".

(2) "Do not take this product if pregnant or if nursing a baby".

(3) "Do not take this product if you are presently taking a prescription drug or other OTC drug, without consulting your physician or pharmacist".

(4) "If condition persists continuously for more than 2 weeks, consult your physician".

(5) "Take this product with caution if alcohol is being consumed."

(6) For products containing an antihistamine: *"Caution:* This product contains an antihistamine drug and may cause drowsiness. Avoid driving a motor vehicle or operating machinery."

PART 340—STIMULANT PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
340.1 Scope.
340.3 Definition.

Subpart B—Active Ingredients

340.10 Stimulant active ingredients.

Subpart C—[Reserved]

Subpart D—Labeling

340.50 Labeling for stimulant products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 340.1 Scope.

An over-the-counter stimulant product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 340 and each of the general conditions established in § 330.1 of this chapter.

§ 340.3 Definition.

As used in this part, "stimulant" is an agent which restores mental alertness or wakefulness during fatigue or drowsiness.

Subpart B—Active Ingredient

§ 340.10 Stimulant active ingredient.

The active ingredient of the product consists of caffeine when used within the dosage limit established: adult oral dosage 100 to 200 mg not more often than every 3 to 4 hours.

Subpart C—[Reserved]

Subpart D—Labeling

§ 340.50 Labeling of stimulant products.

(a) *Indications.* The labeling shall identify the product as a "stimulant" that "restores mental alertness or wakefulness when experiencing fatigue or drowsiness".

(b) *Directions for use.* The labeling of the product contains the recommended dosage and appropriate directions, identified in § 340.10, under the heading "Directions" followed by "except under the advice or supervision of a physician".

(c) *Warnings.* The labeling of the product contains the following warning(s) under the heading "Warnings":

(1) *"Caution:* Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep, and occasionally disturbances in heart rate and rhythm called palpitations".

(2) "For occasional use only. If fatigue or drowsiness persists continuously for more than 2 weeks, consult a physician."

(3) "For adults only. Do not give to children under 12 years of age".

(4) For products containing caffeine: *"Contains caffeine.* Do not take this product with large amounts of caffeine-containing beverages such as coffee, tea or cola drinks".

Interested persons may, on or before March 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Additional comments replying to any comments so filed may also be submitted on or before April 8, 1976. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: December 1, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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MONDAY, DECEMBER 8, 1975



PART III:

DEPARTMENT OF LABOR

Office of the Secretary

■

FARM LABOR CONTRACTORS

Registration Requirements

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DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 40]

FARM LABOR CONTRACTORS

Revised Registration Requirements

The Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2041, *et seq.*) was amended on December 7, 1974 (Pub. L. 93–518), to provide, among other things, revised requirements for registration of farm labor contractors furnishing migrant agricultural workers and for the assessment of civil money penalties for violations of the Act. It is therefore necessary that Regulations, Part 40 be revised to reflect the requirements of the amended law.

It is proposed to revise Part 40 by issuing two subparts, Subpart A consisting of substantive requirements and Subpart B consisting of the rules of practice. This proposal requests comments only on Subpart A. Subpart B which is procedural in character, will be published shortly.

This proposed Subpart A states the requirements for issuance, renewal, revocation, suspension, or refusal to renew Certificates or Registration and Farm Labor Contractor Employee Identification Cards, and the requirements for Certificates of Registration authorizing the transportation and housing of migrant workers and insurance requirements to be complied with by persons transporting workers. It also provides for issuance of a notice of an assessment of a civil money penalty for violation of the Act or regulations issued thereunder and describes the factors to be considered in assessing the amount of such penalty.

Upon final publication of this Subpart A and the publication of Subpart B, the present Part 40 will be rescinded, provided however that any pending administrative proceedings instituted under existing §§ 40.16 through 40.26 in progress at the time of issuance of the new Part 40 will be carried through to completion under the present §§ 40.16 through 40.26.

Interested persons may submit written data, views, comments or arguments to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., 20210. Such comments will be received until January 22, 1976.

All material received in response to this invitation will be available for public inspection during normal business hours in Room S–3502 at that address.

Upon evaluation of the comments, the proposed revisions to Part 40, as published herein and as may be revised as a result of such comments, will be published.

Accordingly, it is proposed that the new 29 CFR Part 40, Subpart A, will read as follows:

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Subpart A—Registration of Farm Labor Contractors and Their Full-Time Employees

GENERAL

Sec.
40.1 Purpose and scope.
40.2 Definitions.
40.3 Certificate of Registration required.
40.4 Farm Labor Contractor Employee Identification Card required.
40.5 Corporations, partnerships, associations and other organizations.
40.6 Public central registry.
40.7 Compliance with State statutes.

REGISTRATION REQUIREMENTS

40.11 Filing of applications for Certificate of Registration.
40.12 Execution of application for Certificate of Registration.
40.13 Appointment of Secretary as agent for substituted service.
40.14 Motor vehicle liability insurance.
40.15 Proof of financial responsibility in lieu of insurance.
40.16 Qualifications and eligibility of insurance carriers.
40.17 Duration of insurance or liability bond.
40.18 Limitations on cancellation of insurance or liability bond.
40.19 Authorization to transport migrant workers.
40.20 Authorization to house migrant workers.
40.21 Expiration and renewal of Certificate of Registration.
40.22 Replacement of Certificate of Registration.

EMPLOYEE IDENTIFICATION

40.31 Filing of application for Farm Labor Contractor Employee Identification Card.
40.32 Execution and Content of application for Farm Labor Contractor Employee Identification Card.
40.33 Authorized use of Farm Labor Contractor Employee Identification Card.
40.34 Replacement of Farm Labor Contractor Employee Identification Card, lost card or change of employment.
40.35 Expiration and renewal of Farm Labor Contractor Employee Identification Card.

ACTION ON APPLICATIONS

40.41 Office of filing, action.
40.42 Issuance, refusal to issue, suspension, revocation or refusal to renew: Farm Labor Contractor Certificate of Registration or Farm Labor Contractor Employee Identification Card.

OBLIGATIONS AND PROHIBITED ACTS

40.51 Obligations of a farm labor contractor.
40.52 Obligations of person holding valid Farm Labor Contractor Employee Identification Card.
40.53 Obligations of grower, processor, and other user.
40.54 Discrimination prohibited.

VIOLATIONS AND SANCTIONS

40.61 Report of violations, investigations, issuance of subpenas.
40.62 Sanctions.
40.63 Certificates of Registration and Farm Labor Contractor Employee Identification Cards—grounds for revocation or suspension or refusal to issue or to renew.
40.64 Denial of facilities and services of Wagner-Peyser Act.
40.65 Civil money and other administrative penalties.
40.66 Waiver of rights.

AUTHORITY: Sec. 14, 78 Stat. 924, and section 17, 88 Stat. 1659 (7 U.S.C. 2053); Secretary's Order No. 32–72, 37 FR 22660; and Employment Standards Order 1–74, 39 FR 33841.

Subpart A—Registration of Farm Labor Contractors and Their Full-Time Employees

GENERAL

§ 40.1 Purpose and scope.

(a) The Farm Labor Contractor Registration Act of 1963, as amended ("the Act"), requires certain persons to obtain Certificates of Registration or Farm Labor Contractor Employee Identification Cards prior to performing any activities which constitute engagement in farm labor contracting within the meaning of the Act and prescribes certain responsibilities for holders of such certificates or employee identification cards. In addition, persons to whom farm workers are furnished by farm labor contractors also have specific responsibilities. Migrant workers who engage solely in agricultural employment and do not perform any of the enumerated farm labor contractor activities within the meaning of the Act need not obtain a Certificate of Registration or a Farm Labor Contractor Employee Identification Card.

(b) The Act empowers the Secretary of Labor to enforce the Act, conduct investigations, issue subpenas, and, in the case of designated violations of the Act, to impose sanctions, including the refusal to issue or to renew or the suspension or revocation of a Certificate of Registration or Farm Labor Contractor Employee Identification Card. As provided in the Act, the Secretary is empowered, among other things, to impose an assessment and to collect a civil money penalty of not more than $1,000 for each violation, to deny a person the facilities and services available under the Wagner-Peyser Act, to seek a temporary or permanent restraining order in a Federal District Court, and to seek the imposition of criminal penalties on farm labor contractors or their employees who willfully and knowingly violate any provisions of the Act.

(c) This Subpart A sets forth the substantive regulations promulgated by the Secretary, pursuant to authority contained in the Act, relating to the issuance, renewal or replacement of a Farm Labor Contractor Certificate of Registration or a Farm Labor Contractor Employee Identification Card, the obligations and responsibilities of persons issued such certificates or identification cards, the obligations and responsibilities of persons furnished farm workers by farm labor contractors, the grounds for refusal to issue or to renew or for the revocation or suspension of such certificates or identification cards, and the sanctions authorized by the Act. It also provides for the imposition of civil money penalties for violation of the Act or regulations issued thereunder and indicates factors to be considered by the Secretary of Labor or authorized representative in assessing the amount of such penalty.

(d) Subpart B sets forth the rules of practice for administrative hearings relating to a refusal to issue or to renew, or the suspension or revocation of either document. It also outlines the procedure for filing a challenge to a proposed administrative action relative to violations and summarizes the methods provided for collection and recovery of the civil money penalty.

§ 40.2 Definitions.

For purposes of this part:

(a) The term "person" includes any individual, partnership, association, joint stock company, trust, or corporation.

(b) The term "farm labor contractor" means "any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes or transports migrant workers (excluding members of the contractor's immediate family) for agricultural employment. This term shall not include—

(1) Any nonprofit charitable organization, public or nonprofit private educational instiuttion, or similar organization;

(2) Any farmer, processor, canner, ginner, packing shed operator, or nurseryman who personnally engages in any such activity for the purpose of supplying migrant workers solely for his own operation;

(3) Any full-time or regular employee of any entity referred to in Paragraph (b)(1) or (2) of this section who engages in such activity solely for his employer on no more than an incidental basis;

(4) Any person who engages in such activity—

(i) Solely within a 25 mile intrastate radius of his permanent place of residence and

(ii) For not more than 13 weeks per year;

(5) Any person who engaged in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States, if the employment of such workers is subject to—

(i) An agreement between the United States and such foreign nation or

(ii) An arrangement with the Government of any foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for through the United States by an instrumentality of such foreign nation;

(6) Any full-time or regular employee of any person holding a Certificate of Registration under this Act; or

(7) Any common carrier or any full-time regular employee thereof engaged solely in the transportation of migrant workers.

(c) The term "fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a farm labor contractor.

(d) The term "agricultural employment" means employment in any service or activity included within the provisions of Section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f)), or Section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)) and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

(e) The term "migrant worker" means an individual whose primary employment is in agriculture, as defined in Section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f)), or who performs agricultural labor, as defined in Section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), on a seasonal or other temporary basis.

(f) The term "immediate family" of the farm labor contractor includes only—

(1) A spouse;

(2) Children, stepchildren, and foster children; and

(3) Parents, stepparents, and foster parents.

(g) The term "Secretary" means the Secretary of the United States Department of Labor or the Secretary's duly authorized representative.

(h) "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, and such authorized representative as may be designated by the Administrator to perform any of the functions of the Administrator under this part.

(i) "Solicitor of Labor" means the Solicitor, United States Department of Labor, and includes attorneys designated by the Solicitor to perform functions of the Solicitor under this part.

(j)(1) The "Administrative Law Judge" means a person appointed as provided in 5 U.S.C. 3105 and Subpart B of Part 930 of Title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

(2) The "Chief Administrative Law Judge" means the Chief Administrative Law Judge, United States Department of Labor, Washington, D.C. 20210.

(k) The term "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(l) "Convicted" means that a final judgment of guilt has been rendered by a court of competent jurisdiction from which no opportunity for appeal remains.

(m) A "full-time or regular employee" who is required to obtain a Farm Labor Contractor Employee Identification Card is a person who performs farm labor contracting activities solely on behalf of a farm labor contractor holding a valid Certificate of Registration and is not an independent contractor.

(n) A "Certificate of Registration" is the certificate issued by the Administrator which permits a person to engage in activities as a farm labor contractor.

(o) A "Farm Labor Contractor Employee Identification Card" is a card issued pursuant to this part permitting a full-time or regular employee of a person holding a valid Certificate of Registration to engage in activities as a farm labor contractor.

(p) A farm labor contractor is deemed an "owner" of a vehicle or housing facilities if said person has a legal or equitable interest therein.

(q) A farm labor contractor is in "control" of a vehicle or housing facilities if said person is in charge of or has the power or authority to oversee, manage, superintend or administer the vehicle or housing, either personally or through an authorized agent or employee acting on behalf of said farm labor contractor, irrespective of whether compensation is paid for acting in any of the aforesaid capacities.

(r) An "illegal alien" is any person who is an alien not lawfully admitted for permanent residence or who has not been authorized by the Attorney General to accept employment.

(s) A "common carrier" by motor vehicle is one which holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and which holds a valid certificate of authorization for such purposes from an appropriate local, State or Federal agency.

(t) The "Wagner-Peyser Act" is the Act of June 6, 1933 (48 Stat. 113; codified in 29 U.S.C. 49, *et seq.*), providing *inter alia* for the establishment of the U.S. Employment Service.

(u) The term "Employment Service of the various States" means a State agency vested with all powers necessary to cooperate with the U.S. Employment Service under the Wagner-Peyser Act.

§ 40.3 Certificate of Registration required.

Any person who desires to engage in any activity as a farm labor contractor, as defined in the Act and these regulations, must first obtain a Certificate of Registration authorizing each such activity.

§ 40.4 Farm Labor Contractor Employee Identification Card required.

Any person desiring to engage in recruiting, soliciting, hiring, furnishing, or transporting migrant workers solely on behalf of a farm labor contractor holding a valid Certificate of Registration, issued pursuant to the Act and these regulations, as a full-time or regular employee of such contractor must obtain a Farm Labor Contractor Employee Identification Card authorizing such activity or activities. Such identification card must be obtained prior to the employee's engagement in any of the aforementioned

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farm labor contractor activities and must show the name of the farm labor contractor for whom such activities are to be performed.

§ 40.5 Corporations, partnerships, associations and other organizations.

Any corporation, partnership, association or other organization which is a farm labor contractor within the meaning of the Act must obtain a Certificate of Registration. Any officer, director, or employee of such a corporation, or partner or employee of a partnership, or officer, member or employee of an association or any other organization, who engage in farm labor contractor activities as a full-time or regular employee of such business organization, shall obtain a Farm Labor Contractor Employee Identification Card prior to so engaging.

§ 40.6 Public central registry.

The Administrator shall maintain a public central registry of all persons issued Certificates of Registration or Farm Labor Contractor Employee Identification Cards. Requests for information concerning such registry may be directed to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.

§ 40.7 Compliance with State statutes.

This Act and the provisions contained herein are intended to supplement State action and compliance with this Act shall not excuse anyone from compliance with appropriate State law and regulation.

REGISTRATION REQUIREMENTS

§ 40.11 Filing of applications for Certificates of Registration.

(a) Applications for an initial or renewal Certificate of Registration are available at, and may be filed in, any office of the Employment Service of the various States.

(b) Registration under the Federal law is required whether or not licensing or registration of farm labor contractors is required under State law.

§ 40.12 Execution of application for Certificate of Registration.

(a) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant, and shall have attached the applicant's fingerprints on Form FD–258 as prescribed by the U.S. Department of Justice.

(b) Any corporation, partnership, association, or other entity which holds a valid Certificate of Registration shall within 10 days report any change in its officers, directors, or membership in writing by registered mail to the regional office which initially issued the Certificate of Registration.

§ 40.13 Appointment of Secretary as agent for substituted service.

No Certificate of Registration shall be issued unless and until each applicant executes a writing which shall be subscribed and sworn to and which shall contain the following declaration:

I do hereby designate and appoint the Secretary of Labor, United States Department of Labor, as my lawful agent to accept service of summons in any action against me, at any and all times during which I have departed from the jurisdiction in which such action is commenced or otherwise have become unavailable to accept service, and under such terms and conditions as are set by the court in which such action has been commenced.

§ 40.14 Motor vehicle liability insurance.

Before any person may transport, within the meaning of the Act, migrant workers and their property in any vehicle which such person owns, operates, controls, or causes to be operated, compliance with the insurance or financial responsibility requirements of the Act must be shown by submitting the following, except to the extent that other arrangements pursuant to § 40.15 of this part have been approved by the Secretary:

(a) A completed Farm Labor Contractor Motor Vehicle Liability Certificate of Insurance showing that the passenger hazard is included (as evidence of liability insurance which covers the workers while being transported). Such certificate represents that a motor vehicle liability insurance policy, including a Farm Labor Contractor Liability Endorsement, provides insurance in an amount not less than that required under the law or regulation of any State in which such applicant operates a vehicle in connection with the business, activities or operation as a farm labor contractor; but in no event shall the coverage be less than the amounts applicable to vehicles used in the transportation of passengers under the Interstate Commerce Act and regulations promulgated pursuant thereto. These amounts currently are as follows:

Insurance required for passenger equipment

	12 or less passengers	More than 12 passengers
Limit for bodily injuries to or death of 1 person	$100,000	$100,000
Limit for bodily injuries to or death of all persons injured or killed in any 1 accident (subject to a maximum of $100,000 for bodily injuries to or death of 1 person)	300,000	500,000
Limit for loss or damage in any 1 accident to property of others (excluding cargo)	50,000	50,000

The certificate also represents that the insurance was obtained from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained.

(b) If the passenger hazard has been excluded from the Farm Labor Contractor Motor Vehicle Liability Certificate of Insurance referred to in paragraph (a) of this section applicant shall submit in addition to such certificate of insurance a completed Farm Labor Contractor Standard Accident Policy Certificate of Insurance as evidence of the issuance of a Farm Labor Contractor Standard Accident Policy. Said policy or policies shall be issued by an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained. The coverage afforded by such substitute insurance policy or policies shall not be less than the minimum amounts required in paragraph (a) of this section.

§ 40.15 Proof of financial responsibility in lieu of insurance.

Financial responsibility in lieu of insurance may be evidenced by a liability bond executed by the applicant, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to assure payment of any liability up to $500,000 for damages to persons or property arising out of the applicant's ownership of, operation of, or causing to be operated any vehicle for the transportation of migrant workers in connection with the business, activities, or operations as a farm labor contractor. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, or which has been approved by the Secretary under the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406). Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Audit Staff, Bureau of Government Financial Operations, Washington, D.C. 20226.

§ 40.16 Qualifications and eligibility of insurance carriers.

(a) No certificate of insurance filed by an insurance carrier in accordance with this section will be accepted, unless said insurance carrier meets the following requirements:

(1) The insurance carrier possesses and maintains surplus funds policyholders' surplus) of not less than the minimum amount required by the U.S. Treasury Department, which minimum shall be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the State of domicile (home State) of such company, except in instances where in the judgment of the Administrator additional evidence with respect to such values is considered necessary; and

(2) The insurance carrier has a general policyholder's rating of B or better in the current issue of "Best's—Insurance Reports—Fire and Casualty," or a "recommended" rating in the current issue of "Best's—Insurance Reports—Life."

(b) If the insurance carrier is not listed in the current issue of Best's, or, if listed, is not assigned a general policyholder's rating of B or better or "recommended" whichever is applicable, such carrier may request approval for eligibility by submitting to the Administrator its latest financial statement, as filed with the insurance department of its home State, on the standard form, with all exhibits and schedules included, and copies of reports of examination on conditions and affairs, as prepared by State supervisory authorities and such other information as the Administrator may request.

§ 40.17 Duration of insurance or liability bond.

Any insurance policy or liability bond which is obtained pursuant to this Act shall provide the required coverage for the full period during which the applicant for a Certificate of Registration shall be engaged in transporting migrant workers within the meaning of the Act during a calendar year. If a policy or liability bond shall expire within 30 days of the date of filing an application for a Certificate of Registration, such Certificate will not be issued unless the applicant shall have submitted written evidence of renewal or extension of said policy or liability bond for the period of time during which migrant workers will be transported. In the event that a policy or liability bond shall expire on a date which exceeds 30 days from the date of application for a Certificate of Registration, proof of renewal or extension of a policy or of a liability bond must be submitted promptly to the regional office which issued the Certificate of Registration.

§ 40.18 Limitations on cancellation of insurance or liability bond.

Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be cancelled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except upon the expiration of the term for which it is written; or unless the parties desiring to cancel shall have first given thirty (30) days notice to the Administrator. The notice will include a statement setting forth the reason for cancellation, rescission, or suspension of such policy or bond. The notice shall be in writing and forwarded via certified or registered mail, addressed to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Said thirty (30) days notice shall commence to run from the date notice is actually received by the Administrator.

§ 40.19 Authorization to transport migrant workers.

(a) No farm labor contractor may transport migrant workers within the meaning of the Act, unless said person shall submit—

(1) Written proof of insurance or financial responsibility;

(2) A statement in the manner prescribed by the Secretary identifying each vehicle to be used by the applicant for the transportation of migrant workers and under the applicant's ownership or control; and

(3) Written proof that every such vehicle is in compliance with all applicable State safety and health standards and with the rules and regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the U.S. Department of Transportation.

(b) If the farm labor contractor is to drive a vehicle for the transportation of migrant workers, the contractor must seek authorization for such activity by—

(1) Submitting on a prescribed form a doctor's certificate with the application for the initial Certificate of Registration and when applying for a renewal certificate with authorization to drive, a new completed doctor's certificate, if the previous certificate is more than 3 years old; and

(2) Submitting evidence of an appropriate license to operate such vehicle.

§ 40.20 Authorization to house migrant workers.

(a) If an applicant for a Certificate of Registration is the owner of or will control facilities to be used for housing migrant workers during any period for which such a certificate is sought, said applicant shall submit—

(1) A statement identifying such facilities; and

(2) Written proof that the housing facilities comply with Federal safety and health standards as prescribed in either 20 CFR 620.4 or 29 CFR 1910.142 and applicable State standards of safety and health. Such written proof may be either a statement signed by the person to whom migrant workers are furnished by a farm labor contractor attesting that the housing facilities comply with Federal safety and health standards and also with applicable State safety and health standards, or a written statement containing an attestation with equal effect and signed by the applicant, or written statements issued by an authorized State and Federal Agency.

(b) Should the required written proof be unavailable at the time of filing an application, the applicant must attest in writing that migrant workers in the applicant's crew will not be housed in any facilities under the ownership or control of the applicant that do not conform to all applicable Federal and State safety and health standards. In such event, if otherwise eligible, the applicant will be issued a Certificate of Registration without a housing authorization. This certificate may be amended to include an authorization to house migrant workers at such time as the required written proof is forthcoming: *Provided*, That such proof as prescribed herein will have been submitted not less than 30 days before actual use or occupancy of the housing facilities to the regional office which had issued the initial certificate.

§ 40.21 Expiration and renewal of Certificate of Registration.

A Certificate of Registration, once issued, may not be transferred or assigned and shall be effective for the remainder of the calendar year during which it was issued unless suspended or revoked. In any case in which an application for renewal of a valid Certificate of Registration submitted in accordance with the requirements of §§ 40.11 through 40.20 of these regulations has been made on or before November 30 of the year preceding the year for which renewal is sought, the authority to operate as a farm labor contractor under an existing certificate shall not expire until the renewal application shall have been finally determined by the Administrator.

§ 40.22 Replacement of Certificate of Registration.

If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by the submission to the regional office that issued it or to any regional office of the Employment Standards Administration of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

EMPLOYEE IDENTIFICATION

§ 40.31 Filing of application for Farm Labor Contractor Employee Identification Card.

(a) Applications for an initial or renewal Farm Labor Contractor Employee Identification Card are available at, and may be filed in, any office of the Employment Service of the various States.

(b) An Employee Identification Card issued under Federal law is required whether or not registration, licensing or identification of such person is required under State law.

§ 40.32 Execution and Content of application for Farm Labor Contractor Employee Identification Card.

(a) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant, and shall have attached the applicant's fingerprints on Form FD–258 as prescribed by the U.S. Department of Justice.

(b) If a full-time or regular employee of a farm labor contractor is to drive any vehicle for the transportation of migrant workers in connection with the business activities or operations of a farm labor contractor, such employee shall seek authorization for such activity by (1) submitting on a prescribed form a doctor's certificate with the application for the initial Employee Identification Card and, when applying for a renewal of such card with authorization to drive, said employee shall submit a new completed doctor's certificate, if the previous certificate is more than 3 years old; and (2) submitting evidence of an appropriate license to operate such vehicle.

§ 40.33 Authorized use of Farm Labor Contractor Employee Identification Card.

(a) Any employee holding a valid Farm Labor Contractor Employee Identification Card described in § 40.4 of this part is authorized to engage in the activity or activities stated on such card solely on behalf of the employee's named employer who is a holder of a valid Certificate of Registration without obtaining a Certificate of Registration as a farm labor contractor in such employee's own name.

(b) The authorization provided by Section 4(b) of the Act and paragraph (a) of this section shall continue as long as the Farm Labor Contractor Employee Identification Card—

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(1) Remains valid;
(2) Is in the immediate personal possession of such holder when engaging in any activity authorized thereby; and
(3) Is exhibited to any person with whom said holder undertakes to deal in such capacity.

§ 40.34 Replacement of Farm Labor Contractor Employee Identification Card, lost card or change of employment.

(a) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate card may be obtained by submitting to the regional office that issued it or to any regional office of the Employment Standards Administration a written statement explaining its loss or destruction, indicating where the original application was filed, the name and number of the farm labor contractor by whom employed, and requesting that a duplicate be issued.

(b) A Farm Labor Contractor Employee Identification Card is valid only during the period in which the holder is a full-time or regular employee of the registered farm labor contractor named on the identification card. If, prior to the expiration of the identification card, the holder, through a change in employment, should become a full-time or regular employee of a different registered farm labor contractor, a replacement identification card which names the new employer may be obtained by submitting to the regional office that issued the original card or to any regional office of the Employment Standards Administration a written statement that includes the date of the change in employment status and the name, home address, current address and certificate registration number of the new employer.

(c) Any change of employment referred to in paragraph (b) of this section must be reported immediately.

§ 40.35 Expiration and renewal of Farm Labor Contractor Employee Identification Card.

(a) A Farm Labor Contractor Employee Identification Card, once issued, may not be transferred or assigned and shall expire on December 31 of the year of issuance, unless suspended or revoked prior thereto. The holder of such a card may request renewal of such card by executing and filing in any office of the Employment Service of the various States, the following—

(1) An application for renewal;
(2) Upon request, a completed U.S. Department of Justice Fingerprint Card, Form FD–258; and
(3) A prescribed doctor's certificate and appropriate operator's license in accordance with § 40.32(b), if such applicant is to be engaged as a driver for transporting migrant workers.

(b) In any case in which an application for renewal of an Employee Identification Card has been submitted in accordance with the requirements of paragraph (a) of this section on or before November 30 of the year preceding the year for which renewal is sought, the authority to operate as a full-time or regular employee of a holder of a Certificate of Registration shall not expire until the renewal application shall have been finally determined by the Administrator.

ACTION ON APPLICATIONS

§ 40.41 Office of filing, action.

Each application for a Certificate of Registration or a Farm Labor Contractor Employee Identification Card filed at any of the offices designated in §§ 40.11 and 40.31 respectively shall be transmitted promptly to the appropriate regional office of the Employment Standards Administration.

§ 40.42 Issuance, refusal to issue, suspension, revocation or refusal to renew: Farm Labor Contractor Certificate of Registration or Farm Labor Contractor Employee Identification Card.

(a) The Administrator or authorized representative shall:

(1) Review each application transmitted by the offices of filing and determine whether such application is complete and properly executed.

(2) When appropriate, notify the applicant in writing of any incompleteness or error in execution of an application and return the application for correction and completion.

(3) Determine after appropriate investigation whether the applicant has complied with the requirements of the Act and this part and if appropriate issue a Certificate of Registration or a Farm Labor Contractor Employee Identification Card authorizing the performance of any or all activities permitted under the Act.

(b) The Administrator may refuse to issue, may suspend, revoke or refuse to renew a Certificate of Registration or a Farm Labor Contractor Employee Identification Card when an investigation presents grounds as set forth in § 40.63 of this part for such action.

OBLIGATIONS AND PROHIBITED ACTS

§ 40.51 Obligations of a farm labor contractor.

The Act and these regulations imposes the following obligations on all farm labor contractors:

(a) The farm labor contractor shall obtain an appropriate Certificate of Registration before engaging in any activities of a farm labor contractor.

(b) The farm labor contractor shall provide the Secretary with a notice of each and every address change within 10 days after such change of address.

(c) Whenever a farm labor contractor obtains a vehicle or learns of the intended use of a vehicle for the transportation of migrant workers by said contractor and such vehicle or vehicles are under the contractor's ownership or control, said contractor shall, within 10 days after he obtains or learns of such intended use—

(1) Furnish a statement which shall identify each such vehicle;

(2) Provide written proof that each such vehicle conforms to all applicable Federal and State safety and health standards; and

(3) Furnish written proof of insurance or financial responsibility for such vehicle or vehicles to the office which originally had issued the Certificate of Registration.

(d) If the farm labor contractor is to drive a vehicle for the transportation of migrant workers, the contractor must seek advance authorization for such activity by (1) submitting on a prescribed form a doctor's certificate with the application for the initial Certificate of Registration and when applying for a renewal certificate with authorization to drive, a new completed doctor's certificate, if the previous certificate is more than 3 years old; and (2) submitting evidence of an appropriate license to operate such vehicle.

(e) If the contractor obtains housing facilities, or learns that certain facilities will be used for housing migrant workers and such facilities are under the ownership or control of the contractor, said contractor shall provide the documentation as prescribed in paragraph (a) of § 40.20 to the regional office which had issued the initial certificate. This document shall be submitted within 10 days after the contractor obtains or learns of the intended use of such real property and prior to its actual use.

(f) A registered farm labor contractor shall carry the Certificate of Registration at all times while engaging in farm labor contracting activities and shall exhibit the same to all persons with whom the contractor intends to deal as a farm labor contractor prior to so dealing.

(g) The farm labor contractor shall ascertain and disclose to the worker to the best of the contractor's knowledge and belief at the time the worker is recruited, the following information in writing and in a manner understandable by such worker on form WH–416 (information on wages and working conditions)—

(1) The area of employment;
(2) The crops and operations on which the worker may be employed;
(3) The transportation, housing, and insurance to be provided the worker;
(4) The wage rates to be paid the worker;
(5) The charges to be made by the farm labor contractor for such contractor's services;
(6) The period of employment;
(7) The existence of a strike or other concerted stoppage, slowdown, or interruption of operations by employees at a place of contracted employment; and
(8) The existence of any arrangements between the farm labor contractor and any owner, proprietor, or agent of any commercial or retail establishment in the area of employment, under which the contractor is to receive a commission or any other benefit resulting from any sales provided to such establishment from the migrant workers.

(h) Upon arrival at a given place of employment, the farm labor contractor shall post in a conspicuous place a written statement of the terms and conditions of that employment in a language in which the workers are fluent and written in a manner understandable by such workers.

(i) In the event the contractor owns, manages, supervises, or otherwise controls the housing facilities, such person shall post in a conspicuous place the terms and conditions of occupancy in a language in which the worker is fluent and in a manner understandable by such worker.

(j) In the event the farm labor contractor pays the migrant workers engaged in agricultural employment, either on behalf of such contractor or on behalf of another person, such contractor shall keep payroll records which shall show for each worker in each workweek of the payroll period, name in full, home address, total earnings, itemized statement of all withholdings or deductions from earnings, net earnings, the hours worked each day, the total hours worked each workweek, and hourly rate of pay. If the worker is employed on a time basis other than hourly, this record shall also show the time period constituting the basis for payment. In addition, if the worker is employed on a piece rate basis, the payroll records shall show the number of units of work performed and the rate per unit.

(k) The farm labor contractor shall provide to each migrant worker engaged in agricultural employment with whom the contractor deals in a capacity as a farm labor contractor a statement of all sums paid to such contractor (including sums received on behalf of such migrant worker) on account of the labor of such migrant worker. The farm labor contractor shall also provide each such worker with an itemized statement showing all sums withheld by said contractor from the amount received on account of the labor of such worker, and the purpose for which such sums were withheld.

(l) The contractor shall provide to the person to whom a migrant worker is furnished all information and records required to be kept by such contractor under paragraph (j) of this section and all information required to be provided to any migrant worker under paragraph (k) of this section.

(m) The farm labor contractor shall promptly pay or contribute when due to the individuals entitled thereto all moneys or other things of value entrusted to said farm labor contractor by any farm operator for such purposes.

(n) A farm labor contractor shall refrain from requiring any worker to purchase any goods solely from such farm labor contractor or any other person.

(o) The farm labor contractor shall refrain from violating or from taking any action in violation of Section 5(b) of the Act.

(p) A farm labor contractor shall refrain from recruiting, employing or utilizing with knowledge the services of any person who is an alien not lawfully admitted for permanent residence or who has not been authorized by the Attorney General to accept employment, and must evidence an affirmative showing of a *bona fide* inquiry of each prospective employee's status as a United States citizen or as a person lawfully authorized to work in the United States. Such affirmative showing will be deemed to be met by written documentation that reliance in good faith was based on any of the following:

(1) Acceptable evidence of United States citizenship—
(i) Birth certificate.
(ii) Certificate of citizenship.
(iii) Certificate of naturalization.
(iv) U.S. identification card (INS—Form I–179 or I–197).
(v) Passport issued by United States identifying person as citizen of United States.
(vi) Consular report of birth (State Department Form FS–240).

(2) INS—Form I–151, Alien Registration Receipt Card (green card), which is proof that the alien has been lawfully admitted to the United States for permanent residence and may accept any employment in this country without restriction. It is a green or blue-green wallet-sized laminated card, bearing a photograph of the alien and contains information concerning his alien registration number, date of admission as an immigrant, birth date and sex.

(3) INS—Form I–94 (with or without a passport)—
(i) INS—Form I–94 bearing an employment authorization consisting of the words "Employment Authorized."
(ii) INS—Form I–94 bearing the designation of H–2, as endorsed on the front or back of the form, authorizing a person to engage only in agricultural employment during the period of such person's authorized stay in the United States.

(q) A farm labor contractor is responsible for assuring that every full-time or regular employee employed by such Contractor has obtained either a Farm Labor Contractor Employee Identification Card or a Certificate of Registration, as required by the Act and these regulations, prior to such employee's engagement in any activity enumerated in Section 3(b) of the Act.

§ 40.52 Obligations of person holding a valid Farm Labor Contractor Employee Identification Card.

Any person holding a valid Farm Labor Contractor Employee Identification Card in accordance with the provisions of §§ 40.31 through 40.35 of this part is subject to and is required to comply with all of the provisions of the Act and these regulations to the same extent as if said person had been required to obtain a Certificate of Registration in such person's own name.

§ 40.53 Obligations of grower, processor, and other user.

Any person who is furnished any migrant worker by a farm labor contractor shall—

(a) Maintain all payroll records required to be kept by such person under Federal law;

(b) Obtain and maintain records containing the information required to be provided to such person by the farm labor contractor under Section 6(e) of the Act and § 40.51(1) of this part with respect to migrant workers paid by a farm labor contractor; and

(c) determine before engaging the services of a farm labor contractor to supply farm labor that the contractor possess a Certificate of Registration that is in full force and effect at the time he contracts with the farm labor contractor.

§ 40.54 Discrimination prohibited.

(a) Any person is deemed to have violated the Act if he intimidates, threatens, restrains, coerces, blacklists, discharges, or in any manner discriminates against any migrant worker who for just cause—

(1) filed a complaint with reference to this Act with the Secretary of Labor; or

(2) instituted or caused to be instituted any proceeding under or related to this Act; or

(3) has testified or is about to testify in any proceeding under or related to this Act; or

(4) has exercised on behalf of others any right or protection afforded by this Act to such persons.

(b) A complaint alleging such discriminatory conduct may be filed with the Secretary within 180 days after the happening of such unlawful acts.

VIOLATIONS AND SANCTIONS

§ 40.61 Report of violations, investigations, issuance of subpenas.

(a) Any person may report a violation of the Act or regulations of this part to the Administrator by advising any local office of the Employment Service of the various States, or any office of the Employment Standards Administration, U.S. Department of Labor, or any other representative of the Administrator. The office or person receiving such a report shall refer it to the regional office of the Employment Standards Administration for the region in which the reported violation is alleged to have occurred and the Administrator shall direct that an appropriate investigation of any alleged violation shall be made.

(b) The Administrator, upon receipt of a complaint or upon his own initiative, may investigate and gather data respecting such case, may enter and inspect such places and records (and make copies thereof), may question persons being investigated or proceeded against, may issue subpenas requiring the attendance and testimony of witnesses or the production of any documentary or other evidence from any place in the United States at any designated place of hearing as may be appropriate, to determine whether a violation of this Act or this part has been committed. In connection with the foregoing, the said officer or his agent may administer oaths and affirmations, examine witnesses and receive evidence.

(c) In case of disobedience to a subpena, the aid of a Federal District Court

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which is authorized to issue an order requiring the person or business organization to obey such subpena may be invoked.

(d) Investigations are to be conducted in a manner which protects the confidentiality of any complainant or other person who provides information on a confidential basis.

§ 40.62 Sanctions.

(a) Violations of the Act or regulations thereunder may result in the imposition of civil injunctive relief or, in the case of willful and knowing violations by a farm labor contractor or employee thereof, the imposition of criminal sanctions. In addition, civil money penalties of not more than $1,000 for each violation may be assessed administratively. Further, administrative action may be taken to suspend, revoke, refuse to issue or renew a Certificate of Registration or Employee Identification Card, and to deny the facilities and services afforded by the Wagner-Peyser Act. The taking of any one of the above actions shall not be a bar to the concurrent taking of any other action enumerated in this section.

(b) If, upon the receipt of a complaint in which a worker has alleged discriminatory action of a type specified in section 13(a) of the Act and § 40.54 of this part, the ensuing investigation results in a determination that such discriminatory conduct had been committed, an action shall be instituted in an appropriate Federal District Court to restrain such violation and to seek such other relief as may be appropriate, including rehiring or reinstatement of the worker, with backpay, or damages.

§ 40.63 Certificates of Registration and Farm Labor Contractor Employee Identification Cards—grounds for revocation or suspension or refusal to issue or to renew.

Certificates of Registration and Farm Labor Contractor Employee Identification Cards may be revoked or suspended, or issuance or renewal thereof refused, if the applicant or registrant—

(a) Fails or refuses to comply with any provisions of § 40.51 of this part;

(b) Knowingly has made any misrepresentations or false statements in an application for a Certificate of Registration or for Farm Labor Contractor Identification Card or any renewal thereof;

(c) Knowingly has given false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment;

(d) Has failed, without justification, to perform agreements entered into or arrangements with farm operators;

(e) Has failed, without justification, to comply with the terms of any working arrangements that the applicant or registrant has made with migrant workers;

(f) Has failed to show financial responsibility satisfactory to the Administrator or has failed to keep in effect a policy of insurance as required by Section 5(a) (2) of the Act;

(g) Has recruited, employed or utilized, with knowledge, the services of any person who is an alien not lawfully admitted for permanent residence, or who has not been authorized by the Attorney General to accept employment;

(h) Has been convicted of any crime under State or Federal law relating to gambling or to the sale, distribution, or possession of alcoholic liquors in connection with or incident to his activities as a farm labor contractor; or has been convicted of any crime under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, or peonage; where the date of the judgment of conviction of any crime as specified herein has been entered with a period of 5 years preceding the action of the Secretary under this paragraph;

(i) Has failed to comply with rules and regulations as required by §§ 40.19 and 40.20 of this part;

(j) Knowingly employs or continues to employ any person, to whom subsection (b) of Section 4 of the Act applies, who has taken any action, except for that listed in paragraph (f) of this section, which could be used by the Administrator under this section to refuse to issue a Certificate of Registration;

(k) Is not in fact the real party in interest in any such application for a Certificate of Registration and that the real party in interest is a person, firm, partnership, association, or corporation who previously has been denied a Certificate of Registration, has had a Certificate of Registration suspended or revoked, or who does not presently qualify for a Certificate of Registration;

(l) Has failed to furnish, or refused to allow a designated representative of the Administrator to obtain appropriate information necessary to make a determination of eligibility for a Certificate of Registration or a Farm Labor Contractor Employee Identification Card as provided by Sections 5(b) and 7 of the Act;

(m) Has used a vehicle for the transportation of migrant workers, or has used real property for the housing of migrant workers while such vehicle or real property failed to conform to all applicable Federal and State safety and health standards, to the extent any such vehicle or real property has come within the ownership or control of such farm labor contractor;

(n) Has intimidated, threatened, restrained, coerced, blacklisted, discharged, or in any manner discriminated against any migrant worker who has filed a complaint or instituted or caused to be instituted any proceeding or has exercised any right or protection afforded by this Act, whether such action is on behalf of said worker or on behalf of others; or

(o) Has failed to comply with any of the provisions of this Act or any regulations issued thereunder.

§ 40.64 Denial of facilities and services of Wagner-Peyser Act.

(a) (1) Upon determination by the Secretary that a person has knowingly engaged the services of a farm labor contractor who did not possess a valid Certificate of Registraiton as required by the Act, such person may be denied the facilities and services authorized by the Wagner-Peyser Act for a period of up to 3 years.

(2) Evidence that a farm labor contractor possesses a Certificate of Registration that is in full force and effect may consist of—

(i) The Certificate of Registration submitted by the farm labor contractor; or

(ii) A confirmation of such fact obtained from the Secretary's public central registry of all persons issued Certificates of Registration.

(3) If an investigation results in a finding of violation, the Secretary shall notify any person charged with such violation of any proposal to deny such person the facilities and services available under the Wagner-Peyser Act, and of such person's right to request a hearing, as prescribed in Subpart B of this part.

(b) If a farm labor contractor fails or refuses to exhibit a valid Certificate of Registration to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing, as required by Section 6(a) of the Act and § 40.51(f) of this part, the contractor shall be denied the facilities and services authorized by the Wagner-Peyser Act.

§ 40.65 Civil money and other administration penalties.

(a) Where violations by any persons of the Act or any regulations promulgated thereunder have been disclosed and have resulted in proposals to refuse renewal or issuance or to suspend or to revoke a Certificate of Registration or a Farm Labor Contractor Employee Identification Card or to assess a civil money penalty or to deny persons the services and facilities of the Wagner-Peyser Act, any one so charged is entitled to an opportunity for a proceeding before an administrative law judge as described in Subpart B of this part.

(b) Any assessment of a civil money penalty shall be based on the available evidence and shall take into consideration among others, one or more of the following factors:

(1) Previous history of violation or violations.

(2) The number of migrant workers affected by the violation or violations.

(3) The gravity of the violation or violations.

(4) Efforts made in good faith to comply with the Act.

(5) Explanation of person charged with the violation or violations.

(6) Assurances of future compliance, taking into account the public health, interest or safety.

(7) Financial gain on the part of the violator or financial losses to worker or workers.

§ 40.66 Waiver of rights.

Any agreement by an employee purporting to waive or modify any rights inuring to said person under this Act or rules promulgated thereunder shall be void as contrary to public policy, except a waiver or modification of rights or obligations hereunder in favor of the Secretary shall be valid for purposes of enforcement of the provisions of the Act or rules promulgated thereunder.

Signed at Washington, D.C., on this 28th day of November 1975.

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.75-32871 Filed 12-5-75;8:45 am]

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federal register

MONDAY, DECEMBER 8, 1975



PART IV:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM

Miscellaneous Amendments

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 63, 91, 105, 121, 123, 129, 135, 137, 145, and 147]

[Docket No. 15196; Notice No. 75-39]

[Notice No. 2]

OPERATIONS REVIEW PROGRAM

Clarifying and Editorial Changes

The Federal Aviation Administration is considering amending Parts 63, 91, 105, 121, 123, 129, 135, 137, 145, and 147 of the Federal Aviation Regulations to make several clarifying and editorial changes.

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the Regulatory Docket or Notice Number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before March 8, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On February 28, 1975, the Federal Aviation Administration, by Notice 75-9 (40 FR 8685), invited all interested persons to submit proposals for consideration during the 1975-76 Operations Review. In that Notice, the FAA announced that it would make available for comment a compilation of the proposals which were to be given further consideration as possible agenda items for the Operations Review Conference (December 1-5, 1975).

On June 4, 1975, the FAA, by Notice No. 75-9A (40 FR 24041), announced the availability of the Compilation of Proposals described in Notice 75-9. As stated in Notice No. 75-9, not all proposals received were included in the Compilation. A number of the proposals excluded from the Compilation pertain solely to nonsubstantive editorial matters and minor clarifying revisions. Those proposals are contained in this Notice.

Many of the proposed changes involve the deletion of compliance dates which have past and no longer have application in the regulations. In some cases, deletion of the date will require minor nonsubstantive changes to the affected section or paragraph. In other cases, an entire section or paragraph will be deleted since the compliance date controlling the substantive requirement has passed. The following sections would be affected by this proposal: §§ 63.45; 91.4; 91.17(c); 91.24(a) and (b); 91.33(c)(3) and (e); 91.43(e); 91.45(a)(2)(iv) and (a)(3)(ii); 91.51(a); 91.52(a) and (g)(4); 91.53(a); 91.90; 91.213(a) and (c); 91.217(a), (b), and (f); 121.55(b) and (c); 121.289(a) and (d); 121.305(j); 121.343(a)(2), (f), and (g); 121.349(c); 121.357(a) and (b); 121.359(a); 121.433a(a); 121.538(b); 121.576; 123.3; 123.11; 129.17(b); 135.2(d) and (e); 135.11; 135.140(a); 135.144; 135.144a; 135.156(e); 135.163(b); 135.167(a); 147.3; and 147.7(e).

In addition to the changes described above, several other minor changes are proposed which would clarify the regulations in question. There follows an enumeration of those sections affected by such changes with a brief explanation for each.

As a result of the deletion of old compliance dates in § 91.24(b), a revision to that paragraph would be necessary for clarity. As proposed, paragraph (b) would be revised by placing the reference to Groups I, II, and III Terminal Control Areas governed by § 91.90 in one subparagraph (rather than three), with the remaining subparagraph covering all controlled airspace of the 48 contiguous States and the District of Columbia above 12,500 feet MSL excluding the airspace at and below 2,500 feet AGL.

Section 91.33(e) would be amended by clarifying the fact that the requirements therein are applicable in all 50 states and the District of Columbia. This change would be necessary due to the deletion of old dates. Furthermore, the requirement that ATC be notified of a failure of the DME at or about 24,000 feet MSL would be applied only to the pilot in command, since the current reference to "each pilot" is ambiguous, can lead to confusion, and is inconsistent with the language in § 91.43(e). With respect to § 91.43(e), the reference to the 48 contiguous States and the District of Columbia and the States of Alaska and Hawaii would be changed to merely cite the 50 states and the District of Columbia.

The deletion of dates in § 91.24 would require concomitant changes in § 91.90. These changes to subparagraphs (a)(3)(iii) and (b)(2)(iii) would significantly reduce the text. In addition, other minor changes to paragraphs (b) and (c) would be necessary to reflect the changes to § 91.24.

Section 91.181(a) would be amended to clarify the applicability of Subpart D of Part 91 to include reciprocating engine powered large airplanes. This clarification would express intent of Subpart D and FAA interpretations of the coverage thereof.

It is proposed to delete from the parachute jumping information requirements of § 105.25(a) the requirement in subparagraph (5) that the "time" of the jump be provided. That requirement is redundant, since subparagraph (1) also requires that information.

Deviation authority granted under Section 121.55(b) terminated September 30, 1970. Consequently, paragraphs (b) and (c) of § 121.55 are superfluous and it is proposed to delete them. With those deletions, the remainder of § 121.55 would be revised accordingly.

In addition to the deletion of old dates in paragraph (b) of § 121.357, it is proposed to clarify paragraph (a) to make that paragraph applicable to both passenger-carrying operations and cargo-only operations. By combining the previous substantive requirements of paragraph (b) with paragraph (a), paragraph (b) can be deleted.

Under § 121.409(c), the programmed hours of training under an approved training program of a Part 121 certificate holder do not apply if the training program for an airplane type includes a course of pilot training and a flight check in an airplane simulator as provided in § 121.424(d). Read by itself, § 121.409(c) has led to a misinterpretation by some certificate holders that the flight check must be made in the simulator. Such an interpretation is not correct, and § 121.424(d) makes it clear that the flight check may be made in an airplane. Consequently, it is proposed to delete the reference to a flight check in 121.409(c)(1), thereby making § 121.424(d) the controlling regulation. For the purpose of consistency, § 121.409(c)(2) applicable to flight engineer training, would be amended in the same manner thereby making § 121.425(c) the controlling regulation as to that training.

It is proposed to revise paragraphs (a) and (b) of § 121.415 to make it clear that the section covers more than initial and transition training for crewmembers and dispatchers and extends to all training categories. In addition, this revision would clarify the requirements for basic indoctrination ground training.

Section 121.432 would be revised by deleting paragraphs (a) and (b) relating to check airman certification of a flight crewmember's proficiency, and the due date for flight checks. These provisions are redundant since paragraphs (b) and (c) of § 121.401 contain substantially the same provisions.

It is proposed to amend § 121.433(c)(1)(i) to clarify the fact that a flight crewmember taking recurrent training must, within the 12 months prior to his serving as a required crewmember, have completed either recurrent ground and flight training or a flight check. The current provisions of § 121.433(c)(1) appear to require both the completion of the training and the flight check, which was not intended.

Section 121.579 makes reference to "automatic pilots" in prescribing minimum altitudes for their use. However, the current term for such flight guidance systems is "autopilot" and it is proposed to adopt that term in place of automatic pilot.

It is proposed to amend Part 123 by deleting § 123.5. Section 123.5 was adopted to provide, with § 123.3, a transition phase for the air travel club regulations which were adopted in Part 123 in 1968. Since that transition period has passed with all air travel clubs now certificated and operating under Part 123, and because § 123.27 prescribes the operating rules applicable to air travel club operations it is proposed to delete § 123.5.

Under § 135.2(d), the holder of an air taxi/commercial operator certificate (ATCO) could, if he applied for operations specifications under Part 121 before February 15, 1970, continue to operate large aircraft without Part 121 operations specifications until his application was either denied or the operations specifications issued. However, since all such applications have been acted upon

by the FAA, § 135.2(d) is superfluous and should be deleted.

Section 135.43(b) would be amneded to make it clear that both aircraft and airmen records required under paragraph (a) of § 135.43 must be retained for 6 months.

As the result of the adoption of Subpart D to Part 91 (Amendment 91-101, effective October 23, 1972, 37 F.R. 14758), a change to § 135.67 is proposed to add a reference to § 91.217 to the list of preflight airworthiness checks a pilot in command must make. This change is necessary since some aircraft operated under Part 135 are required to be inspected under § 91.217.

Part 137 would be amended by changing certain of the terminology used in the Part to reflect provisions of the Federal Environmental Pesticide Control Act of 1972. The terms "economic poison" and "poison" wherever they appear in §§ 137.19 and 137.39 would be changed to "pesticide." In § 137.3, the term "Secretary of Agriculture" would be changed to "Administrator of the U.S. Environmental Protection Agency." In § 137.39, the term "U.S. Department of Agriculture" would be changed to "U.S. Environmental Protection Agency." Finally, in § 137.53(c)(1), the term "periodic inspection" would be changed to "annual inspection" to reflect current requirements.

Section 145.43(b)(3) requires that the employment summary of each employee of a certificated domestic repair station must include, with respect to his past employment record, the terms of employment by month, day, and year. Experience with this requirement indicates that requiring the term of past employment down to the day is burdensome in terms of the safety benefits derived, and therefore that requirement should be deleted.

Section 145.45(f) would be amended to clearly require the applicant for a repair station certificate to provide an inspection procedures manual. Under the current provision, the applicant must "prepare" such a manual but unlike current paragraphs (c), (d) and (e) of § 145.45, he is not specifically required to provide it. The proposed amendment would correct this inconsistency.

It is proposed to amend § 145.71 by changing the reference to "§§ 145.39 to 145.43" to "§§ 145.39 through 145.43" to make it clear that § 145.43 is included in those requirements which a foreign repair station need not meet.

It is proposed to delete § 147.3(b) since all mechanic schools currently in operation are considered by the FAA to be aviation maintenance technician schools under Part 147. Also, in Part 147, it is proposed to amend § 147.38a by making the word "test" plural wherever it appears, to clearly indicate that more than one test is required under Part 147.

In addition to the proposals discussed above, it is also proposed to make several section citation revisions to update cross references to certain sections in Part 61, which was revised in 1973 (Amendment 61-60, effective November 1, 1973, 38 F.R. 3156). The following changes would be made: in § 91.17(a)(1), the reference to § 61.38 would be changed to § 61.69; in § 135.27, the reference to § 61.47(d) would be changed to § 61.57(e); and in § 135.138(b), the references to various provisions of §§ 61.117 and 61.121 would be changed to §§ 61.61 and 61.127, as appropriate.

These amendments are proposed under the authority of sections 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 63, 91, 105, 121, 123, 129, 135, 137, 145, and 147 of the Federal Aviation Regulations, as follows:

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS

1. By revising § 63.45 to read as follows:

§ 63.45 Addition of class ratings to flight engineer certificates.

The holder of a flight engineer certificate who applies for an additional rating on that certificate must—

(a) Pass a practical test for a flight engineer certificate;

(b) Successfully complete an approved flight engineer training course or air carrier training program; or

(c) Submit satisfactory evidence that he has acquired at least 25 hours of flight experience performing the duties and functions of a flight engineer on an airplane specified in § 63.37(a).

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.4 [Amended]

2. By amending § 91.4 by deleting the words "After November 1, 1974, no" and inserting the word "No" in place thereof.

§ 91.17 [Amended]

3. By amending § 91.17(a)(1) by deleting "§ 61.38" and inserting "§ 61.69" in place theerof and by deleting and reserving § 91.17(c).

4. By amending § 91.24 as follows:

§ 91.24 ATC transponder and automatic pressure altitude reporting equipment.

(a) *All airspace: U.S. registered civil aircraft.* For operations not conducted under Parts 121, 123, 127, and 135 of this chapter, ATC transponder equipment used in U.S. registered civil aircraft must meet the performance and environmental requirements of any class of TSO-C74b or any class of TSO-C74c as appropriate, except that the Administrator may approve the use of TSO-C74 or TSO-C74a equipment if the applicant submits data showing that such equipment meets the minimum performance standards of the appropriate class of TSO-C74c and evnrionmental conditions of the TSO under which it was manufactured.

(b) *Controlled airspace: all aircraft.* Except for persons operating helicopters in terminal control areas at or below 1,000 feet AGL under the terms of a letter of agreement, and except for persons operating gliders above 12,500 feet MSL but below the floor of the positive control area, no person may operate an aircraft in controlled airspace unless that aircraft is equipped with an operable coded radar beacon transponder having a Mode 3/A 4096 code capability, replying to Mode 3/A interrogation with the code specified by ATC, and is equipped with automatic pressure altitude reporting equipment having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies to—

(1) Group I, Group II and Group III Terminal Control Areas covered by § 91.90 except as provided therein; and

(2) All controlled airspace, of the 48 contiguous states and the District of Columbia, above 12,500 feet MSL, excluding the airspace at and below 2,500 feet AGL.

• • • • • •

5. By revising the first sentence of § 91.33(c)(3) and by revising § 91.33(e) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

• • • • • •

(c) • • •

(3) An approved aviation red or aviation white anticollision light system on all U.S. registered civil aircraft. • • •

• • • • • •

(e) *Flight at and above 24,000 feet MSL.* If VOR navigational equipment is required under paragraph (d)(2) of this section, no person may operate a U.S. registered civil aircraft within the 50 states, and the District of Columbia, at or above 24,000 feet MSL unless that aircraft is equipped with approved distance measuring equipment (DME). When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

• • • • • •

6. By revising the first sentence of § 91.43(e) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

• • • • • •

(e) *Flight at and above 24,000 feet MSL.* If VOR navigation equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft within the 50 states and the District of Columbia at or above 24,000 feet MSL, unless the aircraft is equipped with approved distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. • • •

• • • • • •

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§ 91.45 [Amended]

7. By amending § 91.45(a)(2)(iv) by deleting the words "After February 20, 1967," and by deleting from § 91.45(a)(3)(ii) the words "After February 20, 1967, a" and inserting the word "A" in place thereof.

§ 91.51 [Amended]

8. By amending § 91.51(a) by deleting the words "after February 29, 1972."

9. By deleting and reserving § 91.52(g)(4) and revising § 91.52(a) to read as follows:

§ 91.52 Emergency locator transmitters.

(a) Except as provided in paragraphs (e), (f), and (g) of this section, no person may operate a U.S. registered civil airplane unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

• • • • • •

(g) • • •

(4) [Reserved]

§ 91.53 [Amended]

10. By amending § 91.53(a) by deleting the words "July 1 of each of the years 1970 and 1971, and April 1 of each year thereafter" and inserting the words "April 1 of each year" in place thereof.

§ 91.90 [Amended]

11. By amending § 91.90 by—

a. Revising § 91.90(a)(3)(iii) to read as follows:

(iii) The applicable equipment specified in § 91.24;

b. Revising § 91.90(b)(2)(iii) to read as follows:

(iii) The applicable equipment specified in § 91.24, except that automatic pressure altitude reporting equipment is not required for any operation within the terminal control area, and a transponder is not required for IFR flights operating to or from an airport outside of but in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area.

c. Deleting from paragraph (c) the words "After the date specified in § 91.24(b)(3), no" and inserting the word "No" in place thereof.

§ 91.173 [Amended]

12. By inserting a comma between the words "airframe" and "engine" in § 91.173(a)(2)(vi).

13. By revising § 91.181(a) to read as follows:

§ 91.181 Applicability.

(a) Sections 91.181–91.215 prescribe operating rules, in addition to those prescribed in other subparts of this part, governing the operation of large and of turbo-jet-powered multiengine civil airplanes of U.S. registry. The operating rules in this subpart do not apply to those airplanes when they are required to be operated under Parts 121, 123, 129, 135, and 137 of this chapter. Sections 91.127 and 91.129 prescribe an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this subpart or Part 129 or 137 and to small turbine-powered multiengine airplanes operated under Part 135 of this chapter.

§ 91.213 [Amended]

14. By amending § 91.213(a) by deleting the words "after January 22, 1973," and by amending § 91.213(c) by deleting the words "After January 22, 1973, no" and inserting the word "No" in place thereof.

§ 91.217 [Amended]

15. By amending § 91.217 as follows:

(a) By deleting the words ", and after January 22, 1973, except as provided in paragraph (f) of this section," in paragraph (a) and inserting the word "and" in place thereof;

(b) By deleting the words "after January 22, 1973, except as provided in paragraph (f) of this section, ", in paragraph (b); and

(c) By deleting paragraph (f).

PART 105—PARACHUTE JUMPING

16. By revising § 105.25(a)(5) to read as follows:

§ 105.25 Information required, and notice of cancellation or postponement of jump.

(a) • • •

(5) The duration of the intended jump.

• • • • •

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC; FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.55 [Amended]

17. By amending § 121.55 by deleting paragraphs (b) and (c), by deleting the designation "(a)", and by redesignating § 121.55(a)(1), (2), (3), (4), and (5) as § 121.55 (a), (b), (c), (d), and (e) respectively.

18. By revising § 121.289 by deleting paragraph (d) and amending paragraph (a) as follows:

§ 121.289 Landing gear: aural warning device.

(a) Each large airplane must have a landing gear aural warning device that functions continuously under the following conditions:

• • • • •

§ 121.305 [Amended]

19. By amending § 121.305(j) by deleting the words "After August 5, 1971, on" and inserting the word "On" in place thereof and by deleting the final paragraph of the section which begins with the words "A certificate holder. . . ."

§ 121.343 [Amended]

20. By amending § 121.343 by—

a. Deleting the words "After September 18, 1973, for" in paragraph (a)(2) and inserting the word "For" in place thereof;

b. Deleting the words "After March 18, 1974, each" in paragraph (f) and inserting the word "Each" in place thereof; and

c. Deleting the words "After September 18, 1972, each" and paragraph (g) and inserting the word "Each" in place thereof.

21. By amending § 121.349(c) to read as follows:

§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

• • • • •

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME) capable of receiving and indicating distance information from VORTAC facilities must be installed on each airplane when operated in hte 50 States and the District of Columbia.

• • • • •

§ 121.357 [Amended]

22. By amending § 121.357 by deleting the words, "in passenger-carrying operations," in paragraph (a) and by deleting paragraph (b) and marking it "Reserved".

23. By revising § 121.359(a) to read as follows:

§ 121.359 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.

• • • • •

24. By revising § 121.409(c) as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

• • • • •

(1) A course of pilot training in an airplane simulator as provided in § 121.424(d); or

(2) A course of flight engineer training in an airplane simulator or other training device as provided in § 121.425(c).

25. By amending § 121.415 by deleting the flush paragraph immediately following paragraph (a)(3), and revising paragraphs (a)(1) and (b) as follows:

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following ground training as appropriate to the particular assignment of the crewmember or dispatcher:

(1) Basic indoctrination ground training for newly hired crewmembers or dispatchers including 40 programmed hours of instruction, unless reduced under § 121.405 or as specified in § 121.401(d), in at least the following—

• • • • •

(b) Each training program must provide the flight training specified in §§ 121.424 through 121.426, as applicable.

• • • • •

§ 121.432 [Amended]

26. By deleting §§ 121.432(a) and (b) and redesignating §§ 121.432(c), (d), (e) and (f) as §§ 121.432(a), (b), (c), and (d) respectively.

§ 121.433 [Amended]

27. By amending § 121.433(c)(1)(i) by deleting the words "and a" and inserting the words ", or a" in place thereof.

§ 121.433a [Amended]

28. By amending § 121.433a(a) by deleting the words, "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 121.538 [Amended]

29. By amending § 121.538(b) by deleting the words, ", before February 6, 1972,".

§ 121.576 [Amended]

30. By amending § 121.576 by deleting the words "After May 1, 1974, means must be provided" and inserting "The certificate holder must provide means" in place thereof.

§ 121.579 [Amended]

31. By amending § 121.579 by deleting the words "automatic pilot" wherever they appear in the title and text and inserting the word "autopilot" in place thereof.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

32. By revising § 123.3 to read as follows:

§ 123.3 Certificate and operation specifications required.

No person may operate an airplane in operations to which this part applies without, or in violation of, an air travel club operating certificate and appropriate operations specifications issued under this part.

§ 123.5 [Reserved]

33. By deleting and reserving § 123.5.

§ 123.11 [Amended]

34. By amending § 123.11(a) by deleting the words "Except as provided in § 123.3(b), the" and inserting the word "The" in place thereof.

PART 129—OPERATORS OF FOREIGN AIR CARRIERS

35. By revising § 129.17(b) to read as follows:

§ 129.17 Radio Equipment.

• • • • •

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment unit (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated at or above 24,000 feet MSL within the 50 States, and the District of Columbia.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

§ 135.2 [Amended]

36. By deleting § 135.2(d) and marking it "Reserved", and deleting the words "need not comply until May 15, 1975," in § 135.2(e) and inserting the words "must comply" in place thereof.

37. By revising § 135.11 to read as follows:

§ 135.11 Duration of certificate.

An ATCO certificate is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

§ 135.43 [Amended]

38. By amending § 135.43(b) by deleting the word "or" and inserting the word "and" in place thereof.

39. By revising § 135.67 to read as follows:

§ 135.67 Airworthiness check.

The pilot in command may not begin a flight unless he determines that the following airworthiness inspections have been made—

(a) Those inspections required by § 91.169 or § 135.60 of this chapter as applicable; and

(b) Inspections under § 91.217 when required.

§ 135.127 [Amended]

40. By amending § 135.127 by deleting the reference to "61.47(d)" and inserting "§ 61.57(e)" in place thereof.

41. By revising § 135.138(b) to read as follows:

§ 135.138 Initial and recurrent pilot testing requirements.

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, he passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least the maneuvers that are set forth in § 61.127(a) (except (5)), § 61.127(b) (except (7)), § 61.127(c) (except (7)), and § 61.65(c)(1) and (5) of this chapter, and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate. However, a pilot who holds an instrument rating need not demonstrate the instrument flight maneuvers in § 61.65(c)(1) and (5).

• • • • •

§ 135.140 [Amended]

42. By amending § 135.140(a) by deleting the words "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 135.144 [Amended]

43. By amending § 135.144 and deleting the words "After May 31, 1972, no" and inserting the word "No" in place thereof.

§ 135.144a [Deleted]

44. By deleting § 135.144a.

§ 135.155 [Amended]

45. By amending § 135.155(e) by deleting the words "After March 6, 1965, an" and inserting the word "An" in place thereof.

§ 135.163 [Amended]

46. By amending § 135.163(b) by deleting the words "After October 21, 1972, no" and inserting the word "No" in place thereof.

§ 135.167 [Amended]

47. By amending § 135.167(a) by deleting the words "After April 1, 1971, no" and inserting the word "No" in place thereof.

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

§ 137.3 [Amended]

48. By amending § 137.3 by deleting—

a. The words "economic poison" wherever they appear and inserting the word "pesticide" in place thereof; and

b. The words "Secretary of Agriculture" in the second paragraph and inserting the words "Administrator of the U.S. Environmental Protection Agency" in place thereof.

§ 137.19 [Amended]

49. By deleting the words "economic poisons" or "poisons" where they appear in §§ 137.19(a), and (e)(1)(ii), (iii), and (iv) (except in the phrase "poison control center"), and inserting the word "pesticides" in place thereof.

50. By amending § 137.39 to read as follows:

§ 137.39 Pesticide Dispensing.

(a) Except as provided in paragraph (b) of this section, no person may dispense or cause to be dispensed from an air craft, any pesticide that is registered with the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135)—

• • • • •

(b) This section does not apply to any person dispensing pesticides for experimental purposes under—

(1) The supervision of a Federal or State agency authorized by law to conduct research in the field of pesticides; or

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(2) A permit from the U.S. Environmental Protection Agency issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135).

§ 137.53 [Amended]

51. By amending § 137.53(c)(1) by deleting the word "periodic" and inserting the word "annual" in place thereof.

PART 145—REPAIR STATIONS

§ 145.43 [Amended]

52. By amending § 145.43(b)(3) by deleting the word "date,".

53. By amending § 145.45 by revising the first sentence of paragraph (f) to read as follows:

§ 145.45 Inspection systems.

* * * * * * *

(f) At the time he applies for a repair station certificate, the applicant must provide an inspection procedures manual, and thereafter maintain it in current condition at all times. * * *

§ 145.71 [Amended]

54. By amending § 145.71 by deleting the word "to" in the last sentence and inserting the word "through" in place thereof.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

55. By revising § 147.3 to read as follows:

§ 147.3 Certificate required.

No person may operate as a certificated aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate issued under this part.

§ 147.7 [Amended]

56. By deleting § 147.7(c).

§ 147.38a [Amended]

57. By changing the word "test" wherever it appears in § 147.38a to the plural word "tests".

Issued in Washington, D.C., on November 28, 1975.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.75-32902 Filed 12-5-75;8:45 am]

federal register

MONDAY, DECEMBER 8, 1975



PART V:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1975–87, AOR 1975–110 and AOR 1975–111]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–110 and 1975–111 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the Federal Register. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–110: Contributions by Federal Contractors to State or Local Officials; Contractors Who Bid Competitively on Federal Aid Projects (Request Edited by the Commission).

GENTLEMEN: This is a request for an advisory opinion as to the applicability of 18 U.S.C. § 611, as amended by Pub. L. 93–443, Section 103 (October 15, 1974), to campaign contributions made by Federal contractors for purposes of the election of State or local officials and, in addition to that issue, its particular application to construction contractors who bid competitively on Federal-aid projects. • • •

• • • • • •

• • • [One question is] whether or not construction contractors with Federal-aid contracts are • • • subject to • • • § 611. These Federal-aid contracts local governmental agencies.

• • • [Another question is whether construction contracts involve] "the rendition of personal services or furnishing any material • • • to the United States."

• • • [A further] question • • • is whether or not contracts which are competitively bid are subject to the provisions of § 611. Typically, all construction contracts are competitively bid and awarded to the lowest responsible bidder. There is no negotiation, as that term is commonly used, in the award of public do not involve a contract between the construction contractor and the United States or any of its departments or agencies. They are made directly with state or construction contracts, and it is not clear whether competitive bidding would be covered by the term "negotiation". • • •

[In summary, the following questions are submitted for an advisory opinion]

(1) Does Section 611 prohibit corporate contributions by Federal contractors to candidates for State and local elections?

(2) Are construction contracts covered by Section 611?

(3) If answer to (2) is yes, is a person holding a Federal-aid construction contract with a non-federal agency considered a "Federal Contractor" under Section 611?

(4) Is a competitively bid project covered by Section 611, the same as a negotiated contract?

• • • • •

DAVID C. TREEN,
Member of Congress.

Source: Honorable David C. Treen, House of Representatives, Washington, D.C. 20515, (November 9, 1975).

AOR 1975–111: Contributions to State and Local Candidates by a Candidate for Federal Office (Request Edited by the Commission).

DEAR MR. CURTIS: • • • I have announced publicly that I will be a candidate for re-election to the Congress in 1976. • • • I am submitting • • • [several questions] to you for an [advisory opinion] so that I may have a better understanding as to how campaign funds can be legally spent.

• • • • •

In the State of Louisiana, we hold elections for State officials in off years, with the Congressional elections coming the following year. Of course, every four years there are many • • • campaigns in my Congressional District. During 1975, in the primaries and general election there will be over 1,000 candidates, including incumbents and challengers. • • • [T]he best political investment that a candidate for Congress can make is to help some of the candidates with small financial contributions, who then may reciprocate the favor during the Congressional campaign that follows later.

At the conclusion of my last successful campaign in 1974, I had a $10,000 surplus. I bought a Certificate of Deposit so as to earn interest. The Certificate will mature on January 1, 1976. If I should withdraw these funds at this time and activate [my re-election campaign] then, of course, I would lose substantial interest. Therefore, my political plan • • • is to make small political contributions to a select group of candidates for public State office. Then when I activate my Congressional Account in January 1976 I would draw checks to reimburse whatever account I borrowed the money from for the political expenditures made during 1975.

• • • • •

[My second question relates to the purchase and campaign distribution of fountain pens bearing my name.] • • • These pens have skyrocketed in cost. However, [based on past purchases for other election campaigns] I am protected at a low price • • • but I must finalize the transaction and give • • • firm orders by December 10. Unless I finalize the orders by December 10, I will have to pay 50% more for the pens. So, the same question arises, will I be in compliance with the law if I purchase the fountain pens now, retain them undistributed until 1976, but pay for them out of my personal funds, then reimburse my personal funds for the expenditure after I have activated my political account • • • in January 1976.

• • • • •

OTTO E. PASSMAN.

Source: Honorable Otto E. Passman, House of Representatives, Washington, D.C. 20515, (November 20, 1975).

Dated: December 2, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75–32935 Filed 12–5–75;8:45 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that one position of Confidential Assistant to a Board Member is reestablished under Schedule C.

Effective on December 9, 1975, § 213.3341(b) is amended as set forth below:

§ 213.3341 National Labor Relations Board.

* * * * *

(b) One Confidential Assistant to the Chairman and one Confidential Assistant to each of four Board Members.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-33246 Filed 12-8-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Percentages for 1975–76 Marketing Year

Notice was published in the November 6, 1975, issue of the FEDERAL REGISTER (40 FR 51646), regarding a proposal to establish free and surplus percentages and withholding factors for merchantable walnuts for the 1975–76 marketing year as follows: California—66⅔ percent, 33⅓ percent, and 50 percent, respectively; and Oregon-Washington—83⅓ percent, 16⅔ percent, and 20 percent, respectively. The 1975–76 marketing year began August 1, 1975. The proposal was pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), hereinafter referred to collectively as the "order". The order regulates the handling of walnuts grown in California, Oregon, and Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the order. The Board's recommendation was based on estimates for the current marketing year of supply and inshell and shelled trade demands adjusted for handler carryover. In recognition of marketing and production differences, the order specifies that the surplus percentage for Oregon-Washington be one-half that for California.

The total 1975–76 supply subject to regulation is estimated at 168.7 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover are estimated at 34.1 and 79 million pounds kernelweight, respectively, or a total adjusted demand of 113.1 million pounds kernel-weight.

The regulation would meet the adjusted total trade demand by establishing the supply of merchantable walnuts available to meet the domestic inshell and shelled demands at maximum quantities that can be expected to be used, while also providing for an ample carryover into the 1976–77 marketing year. The surplus is primarily for export.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of free and surplus percentages and withholding factors under § 984.49 of the order, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the free and surplus percentages and withholding factors established for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current 1975–76 marketing year began August 1, 1975, and the percentages and withholding factors hereinafter established will automatically apply to all such walnuts beginning with that date.

Therefore, the free and surplus percentages and withholding factors for walnuts during the 1975–76 marketing year are established as follows:

§ 984.222 Free and surplus percentages and withholding factors for walnuts during the 1975–76 marketing year.

The free and surplus percentages and withholding factors during the marketing year beginning August 1, 1975, shall be as follows:

	California	Oregon-Washington
Free percentages	66⅔	83⅓
Surplus percentages	33⅓	16⅔
Withholding factors	50	20

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular–A–107)

Dated: December 4, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33108 Filed 12-8-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 117—SPECIAL CONSIDERATION FOR VETERANS

Regulations for Implementation

A proposal was issued on June 12, 1975, (40 FR 25032) for a new regulation, Part 117, to give special consideration to veterans. All comments submitted with respect to the proposed regulation were given due consideration. After such consideration, and a full assessment of the Agency's mission, the proposed regulation is hereby adopted, without change, to read as follows:

Sec.
117.1 Introduction.
117.2 Definitions.
117.3 Special Consideration Criteria.

AUTHORITY: 87 Stat. 1023

§ 117.1 Introduction.

This part is established by the SBA to set forth the Agency's policies and criteria relating to giving special consideration to Veterans of the Armed Forces and their survivors or dependents in the administration of SBA programs of assistance.

§ 117.2 Definitions.

As used in this part—

(a) The term "veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) The term "Armed Forces" includes the Army, Navy (with the Marine Corps), and Air Force; the Coast Guard; a unit of the National Guard when called into the service of the United States; and Environmental Science Services Administration, Public Health Service, and other organizations when assigned to and serving with the armed forces.

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(c) The term "survivor" means a widow or widower who has not remarried, child, or dependent parent of a deceased veteran.

(d) The term "dependent" means the spouse, child, or dependent parent of a veteran, as defined further in Sections 152–153 of the Internal Revenue Code.

(e) The term "child" for SBA purposes shall include dependent children, whether a legitimate child, a legally-adopted child, a stepchild who is a member of the veteran's household, or an illegitimate child if so acknowledged in writing by the veteran or determined to be such by a court of competent jurisdiction.

§ 117.3 Special Consideration Criteria.

(a) Special consideration criteria, as defined below, are eligible only to the veteran himself, or to one dependent or survivor. That is, these criteria apply first to the veteran himself if not permanently disabled, and secondly to a dependent if the veteran does not choose to seek SBA assistance. In the case of a deceased or totally and permanently disabled veteran, the benefit would apply to either the unremarried or supporting spouse, or child, or dependent parent. This policy does not preclude the veteran or other dependents or survivors from later applying for SBA assistance under normal criteria outside the special consideration criteria.

(b) Special consideration criteria are as follows:

(1) Indepth management assistance counseling on first interviews. Action will be taken to insure that our management assistance people apprise veterans of SBA's programs and the potential benefits to them.

(2) Revitalize SBA personnel designated as Veterans Affairs Offices and emphasize the need for close cooperation with the local VA offices and organizations having direct interest in veterans' affairs.

(3) Revitalize SBA procurement personnel designated as Veterans Procurement Affairs Advisers to emphasize how veterans can obtain procurement contracts from the Government.

(4) Local media campaigns to get the word to the veteran about SBA ability and desire to help.

(5) Special workshops and training.

(6) Prompt processing of loan applications of any type.

(7) Particular attention to giving maximum loan maturity to veterans.

(8) Loans will not be declined solely because of the lack of collateral, providing the veteran, dependent, or survivor will provide any worthwhile collateral.

(9) On all direct loans, place a liberal interpretation on present deferment policy.

(10) In the awarding of 8(a) contracts, veterans status may be a contributing factor in establishing eligibility as "socially or economically disadvantaged."

(11) In all district offices there shall be one or more loan specialists designated as veterans loan officers.

Effective date: In view of the necessity of implementing, without further delay, the statutory mandate requiring special consideration for veterans in all SBA programs, it is considered imperative and in the public interest and, accordingly, the attendant circumstances are found to constitute good cause for the present regulation becoming immediately effective upon publication. Therefore, it shall become effective December 9, 1975.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001–59.025.)

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32995 Filed 12-8-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15197; Amdt. 39-2453]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. Model BN–2A Airplanes

There have been cracks found on the top, center, and bottom hinge brackets of the rudder on certain Britten Norman BN–2A airplanes that could result in failure of the brackets and possible loss of the rudder control surface. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection and alteration of top, bottom, and center rudder hinge structures on Britten Norman BN–2A airplanes.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN, LTD. Applies to BN–2A airplanes, all series, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the rudder top, center, and bottom hinge brackets with consequent loss of rudder control, accomplish the following:

(a) This paragraph applies to BN–2A airplanes that have not been altered in accordance with both Britten Norman Modifications NB/M/705 and NB/M/777.

(1) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, inspect the rudder top, center, and bottom hinge structures for cracks in accordance with Part A and Part B of the section entitled "Inspection" of Britten Norman Service Bulletin No. BN–2/SB. 76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(2) Repeat the inspection required by sub-paragraph (a)(1) of this AD at intervals not to exceed 100 hours' time in service from the last inspection until the action required by sub-paragraph (a)(4) of this AD is accomplished, at which time the inspection interval may be increased to 500 hours.

(3) If cracks are found in any of the bearing mounting plates as a result of the initial inspection required by sub-paragraph (a)(1) of this AD or any of the 100 hour repetitive inspections required by sub-paragraph (a)(2) of this AD, before further flight, either—

(i) Replace the cracked mounting plates with new or serviceable plates of the same part number, or FAA-approved equivalent parts, and continue to inspect in accordance with the provisions of sub-paragraph (a)(2) of this AD; or

(ii) Alter the rudder hinge areas in accordance with Part A and Part B of the section entitled "Rectification" of Britten Norman Service Bulletin No. BN–2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent, following which inspect the hinge structure at intervals not to exceed 500 hours' time in service from the last inspection.

(4) Within 500 hours' time in service after the accomplishment of the inspection required by sub-paragraph (a)(1) of this AD, alter the rudder hinge areas in accordance with Part A and Part B of the Section entitled "Rectification" of Britten Norman Service Bulletin No. BN–2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(b) This paragraph applies to BN–2A airplanes that have been altered in accordance with both Britten Norman Modifications NB/M/705 and NB/M/777.

(1) Within 500 hours' time in service after the accomplishment of both modifications NB/M/705 and NB/M/777, or within 25 hours' time in service after the effective date of this AD, whichever occurs later, inspect the rudder top, center, and bottom hinge structures for cracks in accordance with Part A and Part B of the section entitled "Inspection" of Britten Norman Service Bulletin No. BN–2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(2) Repeat the inspection required by sub-paragraph (b)(1) of this AD at intervals not to exceed 500 hours' time in service from the last inspection.

(3) If cracks are found in any of the bearing mounting plates as a result of the inspections required by sub-paragraphs (b)(1) or (b)(2) of this AD, before further flight, replace the cracked mounting plates with new or serviceable plates of the same part number or FAA-approved equivalent parts and continue to inspect the rudder hinge structures at intervals not to exceed 500 hours' time in service from the last inspection.

This amendment becomes effective December 23, 1975.

Issued in Washington, D.C. on December 1, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-32997 Filed 12-8-75;8:45 am]

[Docket No. 15196; Amdt. 39-2454]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (formerly Sud Aviation) Alouette III Helicopters

It has been determined that hydraulic drag damper eccentrics of certain main rotor heads on Aerospatiale Alouette III helicopters have been improperly adjusted causing cracks which could jeopardize safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require disassembly, inspection for cracks, replacement, as necessary, and proper reassembly of the main rotor head hydraulic drag dampers on certain Aerospatiale Alouette III helicopters.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1421, and 1423) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE, (S.N.I.A.S., formerly Sud Aviation.) Applies to Aerospatiale Alouette III Helicopter Models SA–315B, SE–3160, SA–316B, SA–316C, and SA–319B, certificated in all categories, incorporating main rotor heads P/N's 3160S. 12.10.000 .11 through .14, P/N's 3160S. 12.20.000 .4 through .7, P/N's 3160S. 12.10.000 .1 through .10 modified in accordance with Modification No. S296–AM 1106 or Alouette Service Bulletin No. 65–52, or P/N's 3160S. 12.20.000 .1 through .3 modified in accordance with Modification No. S296–AM 1108 or Alouette Service Bulletin No. 65–52.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the fixed levers of the main rotor head hydraulic drag dampers, accomplish the following:

(a) Upon the effective date of this AD, and thereafter once on each day of operation, until accomplishment of paragraph (c) of this AD, visually inspect each of the three hydraulic damper fixed levers for cracks in the area of the eccentric attachment hole.

(b) If cracks are found in any hydraulic damper fixed levers, before further flight, replace the cracked hydraulic damper fixed lever with a serviceable unit of the same Part number.

(c) Within the next 100 hours' time in service after the effective date of this AD, remove the three hydraulic drag dampers from the main rotor head, inspect, rectify as necessary, and reinstall in accordance with subparagraph 1C of Lama Service Bulletin No. 65.15, dated September 23, 1974, for Model SA–315B, or subparagraph 1C of Alouette Service Bulletin No. 65.101, dated September 23, 1974, for the other designated models, or an FAA-approved equivalent of the applicable Service Bulletin.

This amendment becomes effective December 23, 1975.

Issued in Washington, D.C. on December 1, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-32998 Filed 12-8-75;8:45 am]

[Docket No. 75-NE-37; Amdt. 39-2450]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61 Series Helicopters

Amendment 39–657 (33 FR 14402), AD 68–19–7 established a replacement time for S–61 main rotor blade spindles and required that certain serial number spindles be removed from service. Subsequent to the issuance of Amendment 39–657, the manufacturer substantiated and obtained approval for an increased replacement time for the spindles. Therefore, AD 68–19–7 is being revised to increase the replacement service time for these components.

Since this amendment extends the replacement time, thereby relieving a requirement of AD 68–19–7, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–657 (33 FR 14402), AD 68–19–7 is amended as follows:

(1) By deleting the number 2400 wherever it occurs in Paragraphs (a) and (b) and inserting in its place: 3000

This amendmcnt becomes effective December 23, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on December 1, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-32999 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the control area asociated with Jet Route No. 133 outside the continental control area and to realign a portion of V–453 S one degree to overlie V–321, west of King Salmon, Alaska.

Jet routes are described in § 75.100. The controlled airspace associated with those jet routes that lie outside the continental control area are described in § 71.161. Airspace Docket No. 75–AL–5 renumbered both of the end segments of J–133 in § 75.100. These end segments are within the continental control area and their inclusion in § 71.161 is not required. It is necessary, however, to redescribe the remaining section of J–133 in § 71.161 to reflect that change without alteration of its present position. This action accomplishes that purpose. For approximately 24 miles northwest of King Salmon, Alaska, V–453 S is aligned 15° south of the main airway but diverges from V–321 by one degree. Action is therefore taken herein to realign V–453 S to coincide with V–321 for that distance. Since this action does not involve substantive airspace redesignation, it is a minor matter or which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

§ 71.125 (40 FR 339) is amended as follows:

In V–453 "including a south alternate;" is deleted and "including a south alternate via INT King Salmon 272° and Dillingham 120° radials;" is substituted therefor.

In § 71.161 (40 FR 345) Jet Route No. 133 is amended to read as follows:

"From Blorka Island, Alaska, to Johnston Point, Alaska."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-33003 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-SW-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Abilene, Tex. (Dyess AFB), and San Antonio, Tex. (Kelly AFB), control zones without reference to the outer marker beacons which have been decommissioned.

Since these changes are editorial in nature and do not alter the control zones as described in Part 71 of the Federal Aviation Regulations, public comment is not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective December 9, 1975, as hereinafter set forth.

1. In § 71.171 (40 FR 354), the Abilene, Tex. (Dyess AFB), control zone is amended to read:

ABILENE, TEX. (DYESS AFB)

That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course; extending from the 5-mile-radius zone to 8.5 miles S of the 5-mile-radius zone; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile-radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile-radius zone to 8 miles northeast of the VORTAC.

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2. In § 71.171 (40 FR 354), the San Antonio, Tex. (Kelly AFB), control zone is amended to read:

SAN ANTONIO, TEX. (KELLY AFB)

That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile-radius zone to 2 miles north of the 5-mile-radius zone; and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile-radius zone to the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on November 28, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-33004 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 24, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 49794) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Page Airport, Page, Arizona.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 12, 1976.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on November 28, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (40 FR 441) the following transition area is added:

PAGE, ARIZONA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Page Airport (latitude 36°55'35" N., longitude 111°26'53" W.); within 2 miles each side of the Page VOR 340° radial, extending from the 6 mile radius area to 11 miles NW of the VOR; that airspace extending upward from 1200 feet above the surface within 6 miles NE and 9 miles SW of the Page VOR 340° radial extending from the VOR to 18 miles NW of the VOR; and within 6 miles E and 9 miles west of the Page VOR 175° radial extending from the VOR to 11.5 miles S of the VOR.

[FR Doc.75-33005 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On September 11, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 42210) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Nellis AFB, Nev., and Edwards AFB/NAS China Lake, Calif., to contain a joint military training exercise, BOLD EAGLE 76 scheduled from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976. The restricted areas would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. One favored the proposal, but the other objected on the basis that the proposed restricted areas would adversely affect Scenic Airlines, Inc. scheduled air service between Las Vegas, Ely and Elko.

In response to the objection, arrangements have been made for Scenic Airlines aircraft to transit the exercise areas at flight level 190 four times daily in accordance with a schedule and routing requested by the airline. The FAA has therefore concluded that the issue has been satisfactorily resolved.

Subsequent to publication of the NPRM, it was decided that the description of Temporary Restricted Area R-2514 D-1 should be altered to exclude airspace from 200 feet AGL to 800 feet AGL within a 3 nautical mile radius of the Lincoln County and Pioche Airports. Since this change is minor in nature and also reduces the burden on the public, it has been determined that it can be effected by publication in this rule without recourse to additional public notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.151 (40 FR 343) the following restricted areas are included for the duration of their time of designation from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976:

a. R-2514A—Bold Eagle 76.
b. R-2514B—Bold Eagle 76.
c. R-2514C-1—Bold Eagle 76.
d. R-2514C-2—Bold Eagle 76.
e. R-2514D-1—Bold Eagle 76.
f. R-2514D-2—Bold Eagle 76.
g. R-2514E-1—Bold Eagle 76.
h. R-2514E-2—Bold Eagle 76.

In § 73.25 (40 FR 660) the following restricted areas are added:

A. R-2514A BOLD EAGLE 76

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W.; to Lat. 36°06'00" N., Long. 116°18'00" W.; to Lat. 35°39'00" N., Long. 115°53'00" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; thence along the eastern and northern boundaries of R-2502E, R-2502N and R-2524 to Lat. 35°36'00" N., Long. 117°26'00" W.; to Lat. 35°40'30" N., Long. 117°25'00" W.; thence along the eastern and northern boundaries of R-2505 to Lat. 36° 14'00" N., Long 117°53'00" W.; to Lat. 36° 30'00" N., to Long. 117°36'00" W.; to point of beginning.

Designated altitudes. 2500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

B. R-2514B BOLD EAGLE 76

Boundaries. Beginning at Lat. 34°56'00" N., Long. 117°09'00" W.; to Lat. 35°01'30" N., Long. 116°41'00" W.; to Lat. 35°07'00" N., Long. 116°34'00" W.; thence along the southern boundary of R-2502E and R-2515 to point of beginning.

Designated altitudes. 500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

C. R-2514C-1 BOLD EAGLE 76

Boundaries. Beginning at Lat 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north and east boundaries of R-4806, R-4808 and R-4807, to Lat. 37°53'00" N., Long. 116°-26'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

D. R-2514C-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north/eastern boundaries of R-4806, R-4808 and R-4807 to Lat. 37°53'00" N., Long 116°26'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

E. R-2514D-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°06'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning, excluding the airspace from 200 feet AGL to 800 feet AGL within a 3 nautical mile radius of the Lincoln County (Lat. 37°47'15" N., Long. 114°25'15" W.) and Pioche (Lat. 38°21'56" N., Long. 114°33'04" W.) airports.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

F. R-2514D-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

G. R-2514E-1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long 115°18'00" W.; to Lat. 37°17'00" N., Long 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley Air Force Base, Virginia 23665.

H. R-2514E-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

As stated in the original Notice, the users of the temporary restricted areas designated herein understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 75-33002 Filed 12-8-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11681]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Registration of Separately Identifiable Departments or Divisions of a Person as Broker-Dealer

The Securities and Exchange Commission announced today that it has adopted Rule 15b2B-1,[1] effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 15, 17 and 23 thereof.[3]

Rule 15b2B-1 provides that separately identifiable departments or divisions or persons referred to in section 15(b)(2)(B) of the Act (hereinafter referred to as "Broker-Dealer Departments or Divisions"), as defined, may be registered as brokers or dealers under section 15 of the Act (15 U.S.C. 78o) upon complying with a specified registration procedure in the rule, thus providing an alternative to registration by persons having Broker-Dealer Departments or Divisions.

Section 15(a) of the Act[4] makes it unlawful for any broker or dealer (with certain exceptions) to use the jurisdictional means to effect any transaction in, or to induce or attempt to induce the purchase or sale of, certain securities (including municipal securities) unless such broker or dealer is registered with the Commission. Section 15(b)(2)(B) of the Act (15 U.S.C. 78o(b)(2)(B)), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), provides that a person who, on the date of enactment of the 1975 Amendments (June 4, 1975), was a broker or dealer "solely by reason of acting as a municipal securities dealer or municipal securities broker" through a "separately identifiable department or division," may register that department or division (instead of being required to register itself) with the Commission in accordance with such rules as the Commission may prescribe.[5]

The wording in section 15(b)(2)(B), to the effect that registration of Broker-Dealer Departments or Divisions is to be allowed "in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors," clearly contemplated rulemaking action by the Commission in order to make the section available to those for whom it was intended. In considering appropriate terms and conditions to be included in a rule implementing the provisions of section 15(b)(2)(B), the Commission has considered Rule G-1 of the Municipal Securities Rulemaking Board (the "MSRB") establishing, pursuant to the MSRB's authority under section 15B(b)(2)(H) of the Act (15 U.S.C. 78o-4(b)(2)(H)), a definition of a "separately identifiable department or division" of a bank which acts as a municipal securities dealer.[6] While the Commission has not yet taken final action with respect to MSRB Rule G-1, the Commission has concluded preliminarily that the definition of "separately identifiable department or division" contained therein, and the standards set forth therein for application of that definition, may be applied appropriately in the case of Broker-Dealer Departments or Divisions and will ensure that the purposes of the Act with respect to registration of brokers and dealers which are persons having Broker-Dealer Departments or Divisions are ful-

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[1] 17 CFR 240.15b2B-1.

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

[4] 15 U.S.C. 78o(a). Section 15(a) provides:

(1) It shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.

(2) The Commission, by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (1) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order.

[5] Section 15(b)(2)(B) provides:

(B) Any person who is a broker or dealer solely by reason of acting as a municipal securities dealer or municipal securities broker, who so acts through a separately identifiable department or division, and who so acted in such a manner on the date of enactment of the Securities Acts Amendments of 1975, may, in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors, register such separately identifiable department or division in accordance with this subsection. If any such department or division is so registered, the department or division and not such person himself shall be the broker or dealer for purposes of this title.

[6] Rule G-1 of the MSRB (formerly Rule 4) was put into effect summarily in accordance with Section 19(b)(3)(B) of the Act, as announced in Securities Exchange Act Release No. 11741 (October 15, 1975), 40 FR 49420 (1975).

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filled. For that reason, the Commission has formulated Rule 15b2B–1 under the Act providing for the registration of Broker-Dealer Departments or Divisions, based in large part on the MSRB's Rule G–1, which includes a requirement that persons having Broker-Dealer Departments or Divisions who utilize the rule supply certain supplemental information to the Commission upon applying for registration in addition to that required by Form BD (§ 249.501).

The Commission hereby adopts Rule 15b2B–1 pursuant to its authority under the Act, and particularly sections 2, 3, 15, 17 and 23 thereof.[1] The Commission finds, in accordance with the Administrative Procedure Act (the "APA") (5 U.S.C. 553(b)(3)(B)), that Rule 15b2B–1 will permit registration of Broker-Dealer Departments or Divisions in a manner contemplated by the Act and will relieve persons having such Broker-Dealer Departments or Divisions from regulatory burdens which were not intended under the Act. Therefore, the Commission finds that notice and public procedure are unnecessary as a prerequisite to adoption of the rule, and that the rule should be adopted, effective immediately, in accordance with the APA (5 U.S.C. 553(d)(3)) in order to provide a process for the registration of Broker-Dealer Departments of Divisions, either prior to December 1, 1975 or thereafter (upon withdrawal of applications for registration under section 15(a) of the Act filed by persons who have Broker-Dealer Departments or Divisions and who wish, instead, to utilize Rule 15b2B–1. The Commission further finds that Rule 15b2B–1 will not impose any burden on competition.

Although the Commission has declared Rule 15b2B–1 effective immediately, the Commission wishes to solicit comment thereon with a view to modifying the rule if such modifications appear necessary or appropriate in the public interest or for the protection of investors. Interested persons are invited, therefore, to submit comments on Rule 15b2B–1 in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, by January 2, 1976. All such comments should refer to File No. S7–606.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97–104, 121–127, 137–141, 155–156 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94–29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 28, 1975.

The text of Rule 15b2B–1, as hereby adopted, is as follows:

§ 240.15b2B–1 Application for registration of separately identifiable department or division of a person.

(a) An application for registration pursuant to section 15(b) of the Act of a separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act shall be filed with the Commission on Form BD (§ 249.501) in accordance with the instructions contained therein together with the supplemental information required by this section.

(b) Each applicant for registration who is subject to the requirements of paragraph (a) of this section shall file with the application for registration prescribed in such paragraph the statements required in paragraphs (a) through (d) of § 240.15b1–2. The statement of financial condition required in paragraph (a) of § 240.15b1–2 shall be deemed a part of the application for registration.

(c) If the information contained in any application for registration pursuant to paragraph (a. of this section, or in any amendment to such application, is or becomes inaccurate for any reason, applicant shall promptly file an amendment on Form BD correcting such information.

(d) An application for registration of a "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act," as defined in paragraph (e) of this section, filed in accordance with paragraph (a) of this section, shall include, as an attachment, the following supplemental information:

(1) In item 2(a) of Form BD set forth the name and place of business of both the division or department and the person, specifying which is the division or department and which the person.

(2) For the purposes of items 4 and 5(c) of Form BD applicant departments or divisions shall be considered to be other than sole proprietors, partnerships and corporations.

(3) Supply complete information on Schedule E of Form BD to the items which follow. Such information shall be provided in addition to any other information required to be included in such Schedule by the standard instructions to Form BD. If such information, or any amendment thereto, is or becomes inaccurate for any reason, applicant shall promptly file an amendment to Form BD correcting such information.

(i) Identify on Schedule E each geographic, organizational and operational unit of the person of which applicant is a part in which applicant's municipal securities dealer activities are conducted, specifying the name and location of each such unit and the nature of the municipal securities activities conducted in each such unit. Indicate on Schedule E whether any business activities other than municipal securities activities are conducted in any such unit, and describe the nature of such other activities.

(ii) A statement whether the person of which applicant is a part engaged in the business of (A) effecting transactions in any securities other than municipal securities for the account of others, or (B) buying and selling securities other than municipal securities for his own account through a broker or otherwise.

(iii) A statement whether all records relating to applicant's municipal securities activities are maintained separately and apart from all other records of the applicant or of the person of which applicant is a part.

(iv) A statement whether all records relating to applicant's municipal securities activities are separately extractable from applicant's facilities or from the facilities of the person of which applicant is a part. Describe on Schedule E the manner in which all records relating to applicant's municipal securities activities are maintained, including their location, how such records are collected and retrieved, the period of time required to collect or retrieve any such record, the category of employees having authority to collect or retrieve such records, and the name of each person who supervises the maintenance of such records.

(v) A statement whether separate financial records are maintained with respect to applicant's municipal securities activities.

If so, explain on Schedule E the nature of such separate financial records.

(vi) A statement whether the person of which applicant is a part maintains a municipal securities investment portfolio.

(vii) Whether any person controlling, controlled by or under common control with the applicant, including any employee, engages in any activities of the person of which the applicant is a part with respect to municipal securities other than "municipal securities activities": as defined in paragraph (f) of this section. If so, explain fully on Schedule E, setting forth the name of each such person and the nature of each such person's activities with respect to municipal securities other than "municipal securities activities" as defined in paragraph (f) of this section. If any of such other activities with respect to municipal securities are performed by applicant, so specify on Schedule E.

(viii) How many employees of the person of which applicant is a part are engaged in its municipal securities activities, indicating the number of supervisory and managerial personnel separately.

(ix) Whether the person of which applicant is a part acted as a municipal securities dealer or a municipal securities broker by means of a separately identifiable department or division of a person as referred to in section 15(b)(2)(B) of the Act, as such term is defined in paragraph (e) of this section, prior to June 5, 1975.

(e) The term "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act" shall mean, for purposes of this section, that unit of any person who would be a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, who so acts through a unit which conducts all of the activities of such person relating to the conduct of business as a municipal securities broker or a municipal securities dealer ("municipal securities activities"), as such activities are hereinafter defined, and who so acted in such manner prior to June 5, 1975: *Provided*, That:

(1) Such unit is under the direct supervision of an officer designated by the board of directors of such person as responsible for the day-to-day conduct of such person's municipal securities activities, including the supervision of all such person's employees engaged in the performance of such activities; and

(2) There are separately maintained in or separately extractable from such unit's own facilities, or the facilities of such person, all of the records relating to such person's municipal securities activities, and further provided that such records are so maintained or otherwise accessible as to permit independent examination thereof and enforcement of applicable provisions of the Act, the rules and regulations thereunder and the rules of the Municipal Securities Rulemaking Board.

(f) For purposes of this section, the activities of a person referred to in section 15(b)(2)(B) of the Act which constitute municipal securities activities shall include:

(1) Underwriting, trading and sales of municipal securities (as principal or agent);

(2) Processing and clearance activities with respect to municipal securities;

(3) Research, analysis and the preparation of literature for use in connection with the activities described in paragraph (f)(1) of this section; and

(4) Maintenance of records pertaining to the activities described in paragraphs (f)(1) through (3) of this section.

(g) The fact that directors and senior officers of a person referred to in section 15(b)(2)(B) of the Act may from time to time set broad policy guidelines affecting such person as a whole which are not directly related to the day-to-day conduct of such person's municipal securities activities shall not disqualify the unit hereinbefore described as a separately identifiable department or division of such person or require that such directors or officers be considered as part of such unit.

(h) The fact that the municipal securities activities of a person referred to in section 15(b)(2)(B) of the Act are conducted in more than one geographic, organizational or operational unit of such person shall not preclude a finding that such person has a separately identifiable department or division for purposes of this section: *Provided, however*, That all such units are identifiable and that the requirements of paragraphs (e)(1) and (2) of this section are met with respect to each such unit. All such geographic, organizational or operational units of such person shall be considered in the aggregate as the separately identifiable department or division of such person for purposes of this section.

[FR Doc.75–33010 Filed 12–8–75;8:45 am]

[1] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

[Release 34–11876]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Temporary Exemption for Certain Municipal Securities Brokers and Dealers

The Securities and Exchange Commission announced today that it has adopted temporary Rule 23a–1(T) [1], effective December 1, 1975, in accordance with the summary rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[3]

In view of the fact that municipal securities professionals will, absent Commission action, become subject to Commission regulation on December 1, 1975, the Commission has determined to adopt temporary Rule 23a–1(T), effective December 1, 1975, pursuant to the summary rulemaking provisions of the Administrative Procedure Act. (5 U.S.C. 551 et seq.) Rule 23a–1(T) suspends, until March 1, 1976, the operation of certain Commission rules, in whole or in part, in order to prevent the application of those rules to the activities of certain municipal securities professionals pending consideration of the amendments proposed to existing Commission rules.[4]

Rule 23a–1(T) will, with one exception, preserve the status quo with respect to municipal securities regulation until March 1, 1976. By that time, the Commission expects to analyze public comments on the proposed rules and to take final action thereon.

The only area in which the Commission has determined that the current regulatory pattern should not continue unchanged until March 1, 1976 is that of confirmations. In order to prevent possible disruption of the activities of municipal securities brokers required to register with the Commission for the first time on December 1, 1975, and in order to solicit comments from interested persons with respect to the appropriateness of continuing the requirement of disclosing "the other side" in a municipal securities brokerage transaction, the Commission believes that a temporary exemption should be provided for municipal securities brokers from the requirement in Rule 15c1–4 [5] that a broker, when acting as broker for a customer or for a customer and some other person disclose either the name of the person from whom the security was purchased or to whom it was sold or the fact that such information will be furnished upon request. However, upon the expiration of the temporary rule on March 1, 1976, municipal securities brokers will be required to comply with all of the provisions of Rule 15c1–4.

The Securities and Exchange Commission hereby adopts temporary Rule 23a–1(T), effective December 1, 1975, pursuant to its authority under the Securities Exchange Act of 1934,[6] and particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[7] The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that temporary Rule 23a–1(T) will relieve municipal securities brokers and dealers from requirements that would otherwise be applied to them in a possibly inappropriate manner, that notice and public procedure are therefore unnecessary as a prerequisite to the adoption of that rule, and that the rule should be adopted, effective on the above date, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to permit municipal securities brokers and dealers to comment on the proposed rules discussed supra in an orderly and timely manner and to afford the Commission adequate time to review such comments and the proposed regulatory pattern carefully and completely, consistent with the public interest and the protection of investors, without risking the imposition of complex rules in an unfair way to persons newly subject to the Act. The Commission further finds that temporary Rule 23a–1(T) will not impose any burden on competition.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97–104, 121–127, 137–141, 155–156; sec. 10, 48 Stat. 891; sec. 13, 89 Stat. 131–137 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94–29; (15 U.S.C. 78j; 15 U.S.C. 78o–4), as added by Pub. L. 94–29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

The text of temporary Rule 23a–1(T), as hereby adopted, is as follows:

[1] 17 CFR 240.23a–1(T).

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94–29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78j, 78o, 78o–4, 78q and 78w.

[4] In a separate document published in the Rules section of this FEDERAL REGISTER, the Commission has published for comment proposed amendments to §§ 240.10b–3, 240.10b–16, 240.15b1–3, 240.10b8–1, 240.15b8–2, 240.15b9–1, 240.15b9–2, 240.15c1–1, 240.15c1–3, 240.15c1–4, 240.15c1–5, 240.15c1–6, 240.15c1–7, 240.15c1–8, 240.15c2–4, 240.15c2–5, 240.15c2–7 and 240.15c2–11; and proposed §§ 240.15b10–12, 240.15Ba2–4, 240.15Ba2–5, 240.15Ba2–6, 240.15Bc3–1 and 240.17a–21. The proposals concern the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities, as well as reporting requirements for the Municipal Securities Rulemaking Board.

[5] 17 CFR 240.15c1–4.

[6] 15 U.S.C. 78a et seq., as amended by Pub. L. 94–29 (June 4, 1975).

[7] 15 U.S.C. 78b, 78c, 78j, 78o, 78o–4, 78q, and 78w.

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§ 240.23a–1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.

(a) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

Sec.	
240.15b10–1	240.15b10–7
240.15b10–2	240.15b10–8
240.15b10–3	240.15b10–9
240.15b10–4	240.15b10–10
240.15b10–5	240.15b10–11
240.15b10–6	

(b) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer:

Sec.
240.15b8–1
240.15b8–2

(c) For purposes of the following sections, the term "security" or "securities" shall not include any "municipal security" as defined in section 2(a)(29) of the Act:

Sec.
240.15c2–4
240.15c2–5
240.15c2–7
240.15c2–11

(d) Section 240.15c1–4 shall not apply to any person acting as a municipal securities broker insofar as it requires that a broker, when acting as a broker for a customer or for a customer and some other person, disclose either the name of the person from whom the security was purchased or to whom it was sold for such customer or the fact that such information will be furnished upon the request of such customer.

(e) This section shall expire on March 1, 1976.

[FR Doc.75–33009 Filed 12–8–75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 230—EXTERNAL PROGRAMS

Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Correction

Purpose. The purpose of this document is to correct a citation in the regulations.

In FR Doc. 75–17371 appearing at page 28053 in the FEDERAL REGISTER of July 3, 1975, the words "Title 12, U.S.C." appearing on page 28054 are corrected in the fifth line of § 230.111(e)(2) to read "Title 23, U.S.C."

Issued on: December 1, 1975.

DAVID E. WELLS,
Chief Counsel.

[FR Doc.75–33074 Filed 12–8–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Calumet-Sag Channel, Illinois

Pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.425 governing the use, administration and navigation of the Calumet-Sag Channel, Illinois is hereby amended with respect to paragraph (a) and (b)(1) and the revocation of (b)(2) through (b)(21) effective December 9, 1975.

The Blue Island Lock was removed and replaced with the Thomas J. O'Brien Lock which, with the exception of special water level controls, is subject to the regulation specified in § 207.300. Accordingly, since this amendment only reflects changed conditions on the waterway and will serve to avoid confusion on the part of the navigation interests, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Section 207.425 is hereby amended as follows:

§ 207.425 Calumet River, Illinois: Thomas J. O'Brien Lock and Controlling Works and the use, administration and navigation of the lock.

(a) *Controlling Works.* (1) The controlling works shall be so operated that the water level at the downstream end of the lock will be maintained at a level lower than that of Lake Michigan, except in times of excessive storm run-off into the Illinois Waterway, or when the lake level is below minus 2 feet, Chicago City Datum.

(2) The elevation to be maintained at the downstream end of the lock shall at no time be higher than minus 0.5 feet, Chicago City Datum, and at no time lower than minus 2.0 feet, Chicago City Datum, except as noted in paragraph (a)(1) of this section.

(b) *Lock—(1) Operation.* The Thomas J. O'Brien Lock and Dam is part of the Illinois Waterway which is a tributary of the Mississippi River. All rules and regulations defined in § 207.300, Ohio River, Mississippi River above Cairo, Illinois, and their tributaries; use, administration and navigation shall apply.

(2) through (21) [Revoked]

Dated: November 18, 1975.

VICTOR V. VEYSEY,
Assistant Secretary of the Army, Civil Works.

[FR Doc.75–32986 Filed 12–8–75;8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Revision of Administrative Fees

On August 21, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 36573), regarding the proposal of the Patent and Trademark Office to amend Title 37 of the Code of Federal Regulations by amending §§ 1.21, 1.25, 1.165, and 2.6 dealing with administrative fees. Interested persons were given until October 15, 1975, to submit written comments and suggestions. Full and careful consideration was given to the single written comment received.

Amendment of §§ 1.21 and 2.6 is intended to (1) recover increases in material and labor costs for furnishing assignment information, drafting services and classification information, (2) eliminate established fees for drafting services not currently in demand, and (3) establish a new fee. Drafting services for which established fees are eliminated (§ 1.21 (l) and (m) will be furnished, if requested, at fees based upon actual cost. The new fee is established to recover the cost of servicing deposit accounts. The amendment of §§ 1.25 and 1.165 brings these rules into conformity with the amendment of § 1.21.

In consideration of the comment received, and pursuant to the authority contained in section 6 of the Act of July 1952, as amended (85 Stat. 364, 35 U.S.C. 6), Parts 1 and 2 of Title 37, Code of Federal Regulations, are hereby amended as set forth below.

1. In § 1.21, paragraphs (e), (j), (k), (q) and (u) are revised and paragraphs (l) and (m) are deleted as follows:

§ 1.21 Patent and miscellaneous fees and charges.

* * * * *

(e) For abstracts of title to each patent or application:

For the search, 1 hour or less, and certificate	$5.00
Each additional hour or fraction thereof	2.50
For each brief from the digest of assignments, of 200 words or less	2.00
Each additional 100 words or fraction thereof	.20

* * * * *

(j) For making patent drawings, when facilities are available, the cost for making the same,

Rate per hour	12.00
Minimum charge per sheet	25.00

(k) For correcting patent drawings, the cost of making the correction,

Rate per hour	12.00
Minimum charge	3.00

(l) [Deleted]
(m) [Deleted]

* * * * *

(q) List of U.S Patents:

All patents in a subclass, per sheet (containing 100 patent numbers or less)	1.00
Patents in a subclass, limited by date or patent number, per sheet (containing 50 patent numbers or less)	1.00

* * * * *

(u) Deposit account:

Service charge for each month when the balance at the end of the month is below $40	2.00

* * * * *

2. In § 1.25, paragraph (a) is revised to read as follows:

§ 1.25 Deposit accounts.

(a) For the convenience of attorneys, agents, and the general public in ordering services offered by the Office, copies of records, etc., special deposit accounts may be established in the Patent and Trademark Office. A minimum deposit of $50.00 or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all services, copies, etc., requested must always be on deposit. A service charge will be assessed for each month that the balance at the end of the month is below $40.00.

* * * * *

3. In § 1.165, paragraph (b) is revised to read as follows:

§ 1.165 Drawings.

* * * * *

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84. Nonpermanently mounted copies will be correctly mounted at applicant's expense, § 1.21(v).

4. In § 2.6, paragraphs (a), (d) and (e) are revised and a new paragraph (f) is added to read as follows:

§ 2.6 Trademark fees.

* * * * *

(a) For each printed copy of a registration with data entered of record as of date of mailing, relating to renewal, cancellation, publication under section 12(c), of the 1946 Trademark Act and affidavits or declarations under sections 8 and 15 of such act.

Omitting title	1.70
Showing title	3.70

* * * * *

(d) For making drawings, when facilities are available, the cost of making the same,

Rate per hour	12.00
Minimum charge per sheet	10.00

(e) For correcting drawings, the cost of making the correction:

Rate per hour (including a photoprint of the uncorrected drawing)	12.00
Minimum charge	3.00

(f) For abstracts of title to each registration or application:

For the search, one hour or less, and certificate	5.00
Each additional hour or fraction thereof	2.50
For each brief from the digest of assignments, of 200 words or less	2.00
Each additional 100 words or fraction thereof	.20

Effective date. These revisions shall become effective February 2, 1976.

Dated: December 4, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

[FR Doc.75–33088 Filed 12–8–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 467–2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Compliance Schedules; Correction

On March 28, 1975 (40 FR 14069 and 14070) and July 15, 1975 (40 FR 29712 and 29713) certain amendments to 40 CFR 52.220(c) were promulgated by the Environmental Protection Agency. This is to give notice that the amendments were incorrectly promulgated as § 52.220 (c)(8) whereas they should properly have been promulgated as § 52.220(c)(3). Therefore, amendments published in the FEDERAL REGISTER on the above listed dates as § 52.220(c)(8) are hereby corrected to read § 52.220(c)(3).

Dated December 4, 1975.

ROBERT H. BAUM,
Assistant Administrator for Enforcement.

[FR Doc.75–33125 Filed 12–8–75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance; Correction

In FEDERAL REGISTER Documents 75–7148 published at page 12507 in the issue dated Wednesday, March 19, 1975 and 75–19265 at page 30963 in the issue dated Thursday, July 24, 1975, § 233.20(a)(3)(ii), last paragraph, line 18 is corrected to read "State to the basic and special needs it recognizes as".

Approved: December 3, 1975.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.75–33070 Filed 12–8–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1297]

PART 0—COMMISSION ORGANIZATION

Authority Delegations to Chief, Cable Television Bureau

In the matter of amendment of Part 0 of the Commission's rules and regulations concerning delegations of authority to the Chief, Cable Television Bureau.

1. In the course of processing applications for certificates of compliance the Commission's staff occasionally discovers cable television systems operating in violation of the Cable Television rules. In those instances where the cable operators have been responsive to our requests for further information and where the violation was inadvertent and assurances are received that no further violations will be made, the Commission has been inclined not to issue orders to show cause but instead to work towards a just resolution considering the interests of all affected parties. In those instances where such a resolution has not been possible the Commission has issued sua sponte orders to show cause directed against the subject cable television systems.

2. Because Commission policies concerning the issuance of show cause orders under these circumstances have become established, more efficient processing would result by the delegation of authority to act on such matters to the Chief, Cable Television Bureau. Accordingly, we are amending § 0.288 to delegate authority to the Chief, Cable Television Bureau to issue sua sponte orders to show cause against cable television systems.

3. Since this amendment relates to Commission organization and procedures, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason the amendment will be made effective immediately.

Authority for the rule amendment adopted herein is contained in sections 2, 3, 4 (i) and (j), 5 (b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective December 11, 1975, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081,

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1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309.)

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulation is amended as follows:

1. In Part 0—Commission Action, A new paragraph (v) is added to § 0.288, to read as follows:

§ 0.288 **Authority delegated.**

• • • • •

(v) To issue orders to show cause *sua sponte*, unless novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines are involved.

[FR Doc.75-33081 Filed 12-8-75;8:45 am]

[Docket No. 20583, RM-2431]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations, Eufaula, Okla.

Report and Order; Table of Assignment

1. The Commission has under consideration its notice of proposed rulemaking, adopted August 20, 1975, 40 FR 39530, inviting comments on a proposal to assign television Channel 3 to Eufaula, Oklahoma, for non-commercial educational use. This proceeding was instituted in response to a petition filed by the Oklahoma Educational Television Authority (OETA), licensee of Stations KETA-TV (Channel *13), Oklahoma City, and KOED-TV (Channel *11), Tulsa.

2. In order to assign Channel *3 to Eufaula, it would be necessary to modify the carrier offsets of four existing stations:

Station	Station location	Assignment and offset designation	
		Existing	Modified
KATC	Lafayette, La	3	3+
WLBT	Jackson, Miss	3+	3
KBTX-TV	Bryan, Tex	3+	3
KFDX	Wichita Falls, Tex	3	3+

Consequently, the Notice contained an Order to Show Cause requiring the licensees of the above stations to demonstrate why their individual licenses should not be modified if the Commission found it in the public interest to assign the Eufaula channel as requested. Comments received in response to the Notice were filed by Acadian Television Corporation, licensee of Station KATC(TV), Clay Broadcasting Corporation of Texas, licensee of Station KFDX(TV), and OETA.[1]

3. The OETA comments reaffirm its intention to apply for the use of the channel if assigned and to reimburse the affected licensees for the reasonable expenses involved in changing the carrier offsets.

4. The Clay Broadcasting Corporation comments and those of Acadian Television Corporation indicate the willingness of these licensees to cooperate with OETA in making the offset modifications. Each, however, requests the Commission to attach specific conditions to the proposed assignment if it is made or to the construction permit issued for its use. The desire of these parties is to enforce certain reimbursement provisions in this manner to better insure being able to receive the amounts involved.

5. The Commission is persuaded that the assignment of Channel *3 as requested is warranted and is in the public interest. The proposal meets all applicable spacing and other requirements. The assignment of the requested channel at Eufaula will offer an educational television programming service to over a quarter of a million residents, many of whom are presently unable to receive one. As for requests that specific conditions be associated with the assignment or a construction permit issued for its use, this does not appear necessary. Using guidelines furnished in previous reimbursement cases, the licensees of the four affected stations and the Eufaula permittee should reach an agreement in good faith on what constitutes a reasonable cost settlement and the means of repayment. We expect them to do so.

6. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules: *It is ordered*, That effective January 9, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations is amended with respect to the following cities to read as follows:

City:	*Channel No.*
Lafayette, La	3+, 10, 15, *24
Jackson, Miss	3, 12+, 16, *29+, 40+
Eufaula, Okla	*3
Bryan, Tex	3, *15—
Wichita Falls, Tex	3+, 6—, 18—, *24

7. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Communications Improvement, Inc., for Station WLBT(TV), Jackson, Mississippi, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WLBT(TV) on Channel 3 at Jackson, Mississippi.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3 until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Communications Improvement, Inc., for Station WLBT(TV), Jackson, Mississippi, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KATC(TV) on Channel 3+ at Lafayette, Louisiana.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3+, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

9. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Brazos Broadcasting Company, for Station KBTX-TV, Bryan, Texas, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KBTX-TV on Channel 3 at Bryan, Texas.

(c) The licensee may continue to operate on Channel 3+ under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

10. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Clay Broadcasting Corporation of Texas, for Station KFDX(TV), Wichita Falls, Texas, is modified to specify operation on Channel 3+ in lieu of Channel 3 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KFDX(TV) on Channel 3+ at Wichita Falls, Texas.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

11. *It is further ordered*, That the Secretary of the Commission is directed to send a copy of this Report and Order by certified mail, return receipt requested, to Acadian Television Corporation, Brazos Broadcasting Co., Communications Improvement, Inc., and Clay Broadcasting Corporation of Texas.

12. *It is further ordered*, That this proceeding is terminated.

Adopted: November 26, 1975.

Released: December 3, 1975.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-33082 Filed 12-8-75;8:45 am]

[Docket No. 20423]

PART 76—CABLE TELEVISION SERVICES

Postponement of Divestiture Requirement and Cross-Ownership Rules

In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to Cable Television Systems; and Postponement of divestiture requirement of § 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970, Docket No. 20423.

1. In paragraph 22 of the Second Report and Order in Docket 20423, FCC 75-1066, 55 FCC 2d 540 (1975), released September 29, 1975, the Commission directed that all pending requests for waiver of the cross-ownership rules would be dismissed as moot unless supplemented to demonstrate their continued relevance within 30 days of publication of the Second Report and Order, supra, in the FEDERAL REGISTER. By Errata, released October 22, 1975, the Commission established the deadline for such supplementation as November 28, 1975.[1]

2. On September 22, 1975, a Petition for Review of the said Second Report and Order was filed in the United States Court of Appeals for the District of Columbia Circuit. National Citizens Committee for Broadcasting v. FCC and United States of America, Case No. 75-1933. Additionally, several parties have petitioned the Commission to reconsider its action in Docket 20423.

3. Eastern Oklahoma Television Co., Inc.; North Platte Television, Inc. and KWSO-TV Television, Inc. have petitioned the Commission to extend the time in which to supplement their pending requests for waiver of the newly-revised cross-ownership rules until 60 days after completion of judicial review thereof. Eastern Oklahoma, North Platte and KWSO-TV are among some nine parties which will be required by the revised provisions of § 76.501 of the rules to divest ownership interests in order to comply with the cross-ownership provisions.[2]

4. In view of the potentially substantial impact the divestiture requirement may entail and the pendency of several petitions for reconsideration of the requirement, the Commission believes an extension of time for filing supplements to pending requests for waiver is appropriate for all those parties subject to divestiture under the new rule.[3] We do not believe, however, that the lengthy extension requested by petitioners is necessary.

Accordingly, it is ordered, That the date for filing supplements to pending petitions for waiver of § 76.501 of the rules is extended until sixty (60) days after final Commission action on pending petitions for reconsideration of the Second Report and Order in Docket 20423, FCC 75-1066, 55 FCC 2d 540 (1975), for all such parties who are subject to divestiture of ownership interests pursuant to the newly-adopted cross-ownership rules.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: November 28, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JEROLD L. JACOBS,
Acting Chief, Cable Television Bureau.

[FR Doc.75-33085 Filed 12-8-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 39; Amdt. 10-1]

PART 10—MAINTENANCE OF ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Appendix I—Exemptions

In the October 24, 1975, issue of the FEDERAL REGISTER (40 FR 49837), the Department of Transportation published a notice of proposed rulemaking which identified systems of records that the Department proposed to exempt from certain provisions of the Privacy Act, in accordance with sections 3 (j) and (k) of the Act (Pub. L. 93-579); 5 U.S.C. 522a (j) and (k). The Department's regulations are published at Part 10 of Title 49, Code of Federal Regulations. No com-

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[1] Commissioner Washburn absent.

[1] Communications Improvement, Inc., licensee of Station WLBT(TV), and Brazos Broadcasting Company, licensee of Station KBTX-TV failed to comment in response to the Order to Show Cause. The Notice indicated that such failure to respond would be deemed consent by these parties to the modifications proposed in the Notice.

[1] See 40 FR 50276, October 29, 1975.

[2] At present, the following parties will be required to divest ownership interests by August 10, 1977:
a. KATS, Inc.
b. Eastern Oklahoma Television Co., Inc.
c. Glendive Broadcasting Co.
d. Capital City TV, Inc.
e. KWSO-TV Television, Inc.
f. Meyer Broadcasting Co.
g. North Platte Television, Inc.
h. California-Oregon Broadcasting, Inc.
i. United Broadcasting Co., Inc.

[3] While the listing in footnote 1 above is presumably complete, the present order encompasses all parties, listed or not, who are in fact subject to divestiture under the new rule. It is contemplated that the petitions for waiver of those parties not subject to divestiture and which have not been supplemented following the adoption of revisions to § 76.501 in this proceeding will be dismissed as moot.

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ments on the proposal were received. One correction is made in the exemptions as proposed on October 24, 1975. As published, the first system exempted in Subsection D of Section II, Appendix I, read "Investigations Records System." This should have read "Personnel Security Record System." In addition, the exemption for the Personnel Security Record System published in Subsection B of Section II, Appendix I on October 2, 1975, (40 FR 45729) is deleted and subsequent paragraphs are renumbered accordingly.

Accordingly, with these changes, the proposed amendment is adopted as set forth below.

Effective date. This amendment is effective December 9, 1975.

Issued in Washington, D.C., on November 26, 1975.

WILLIAM T. COLEMAN,
Secretary of Transportation.

Paragraph (a) of § 10.61, *General exemptions*, is amended to read as follows:

§ 10.61 General exemptions.

(a) The Assistant Secretary for Administration, with regard to the Investigations Division, the Federal Aviation Administration, with regard to the police functions of the National Capital Airport Police, the U.S. Coast Guard, with regard to the Intelligence and Security Division, and the Federal Railroad Administration, with regard to the Alaska Railroad Special Agents, may exempt from any part of the Act and this part, except subsections (b), (c) (1) and (2), (e) (4) (A) through (f), (e) (6), (7), (9), (10) and (11), and (i) of the Act, and implementing §§ 10.33, 10.23 (a) and (b), 10.21(d) (1) through (6), 10.81, 10.83, and 10.85, any system of records, or portion thereof, which it maintains which consists wholly of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

* * * * *

In Appendix I, *Exemptions*, is amended as follows:

(1) Section I, *General Exemptions*, is amended by adding a paragraph (c) and revising the last sentence, to read as follows:

I. *General exemptions.* * * *

c. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Intelligence and Security Division, U.S. Coast Guard, at headquarters and district offices.

The purpose of these exemptions is to prevent the compromise or impairment of criminal investigations conducted by the Office of Investigations and Security, OST, the Airport Police Branches, and the Investigations and Security Division, USCG.

2. In section II, *Specific exemptions:*

a. Subsection A is amended to read as follows:

II. *Specific exemptions.* A. The following systems of records are exempt from subsection (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 USC 552a(k) (2):

1. Investigative Record System maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions, the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, FAA Headquarters, Washington, D.C.

2. FHWA Investigations Case File System, maintained by the Office of Program Review and Investigations, Federal Highway Administration.

3. FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, maintained by the Bureau of Motor Carrier Safety, Federal Highway Administration.

4. Recreational Boating and Law Enforcement Cases (DOT/CG 505), maintained by the Office of Boating Safety, U.S. Coast Guard.

5. Port Safety Reporting System—Individual Violation Histories (DOT/CG 561), maintained by the Office of Marine Environment and Systems, U.S. Coast Guard.

6. Marine Pollution Case Files (DOT/CG 583), maintained by the U.S. Coast Guard.

7. Merchant Vessel Casualty Reporting System (DOT/CG 590), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

8. U.S. Merchant Seaman's Records (DOT/CG 589), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

9. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

10. Port Security Case Systems (DOT/CG 612), maintained by the Office of Operations, U.S. Coast Guard.

11. DOT/NHTSA Investigations of Alleged Misconduct or Conflict of Interest, maintained by the Associate Administrator for Administration, National Highway Traffic Safety Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

b. Subsection B is amended by deleting paragraph 1, renumbering paragraph 2 as paragraph 1, redesignating paragraphs 3 and 4 as 2 and 3 respectively, and by adding an undesignated paragraph at the end and revising the last sentence, to read as follows:

2. Administrative Action and Legal Enforcement System (DOT/FAA), maintained by the Chief Counsel, Federal Aviation Administration.

3. Investigations Record System, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the compromise or impairment of law enforcement investigations by alerting individuals that they are the subject of investigation, and to prevent the disclosure of the identity of sources of information promised confidentiality, in accordance with 5 U.S.C. 552a(k)(2).

c. New subsections D, E, and F are added, to read as follows:

D. Those portions of the following systems of records consisting of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or access to classified information or used to determine potential for promotion in the armed services, are exempt from sections (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a to the extent that disclosure of such material would reveal the identity of a source who provided information to the Government under an express or, prior to September 27, 1975, an implied promise of confidentiality (5 USC 552a(k) (5) and (7)):

1. Personnel Security Record Systems, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Intelligence and Security Investigative Case System (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

3. Officer Selection and Appointment System (DOT/CG 625), maintained by the Office of Personnel, U.S. Coast Guard.

4. Official Officer Service Records (DOT/CG 626), maintained by the Office of Personnel, U.S. Coast Guard.

5. Enlisted Recruiting Selection Record System maintained by the Office of Personnel, U.S. Coast Guard.

6. Officer, Enlisted, and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

7. Enlisted Personel Record System, (DOT/CG 629), maintained by the Office of Personnel, U.S. Coast Guard.

8. Coast Guard Personnel Security Program (DOT/CG 633), maintained by the Office of Personnel, U.S. Coast Guard.

9. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

10. Investigative Record System, maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, Headquarters, Washington, D.C.

The purpose of these exemptions is to prevent disclosure of the identities of sources who provide information to the government concerning the suitability, eligibility or qualifications of individuals for Federal civilian employment, contracts, access to classified information, or appointment or promotion in the armed services, and who are expressly or, prior to September 27, 1975, impliedly promised confidentiality (5 U.S.C. 552a(k) (5) and (7)).

E. Those portions of the following systems of records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempt from subsections (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

1. Officer, Enlisted and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

2. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

The purpose of these exemptions is to preserve the value of these records as impartial measurement standards for appointment and promotion within the Federal service.

F. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552(b)(1) are exempt from sections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552:

1. Investigations Records System maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Personnel Security Records System, maintained by the Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

[FR Doc.75-33141 Filed 12-5-75;10:53 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on December 9, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colorado, is permitted from January 1 through May 31 and August 1 through December 31, 1976, inclusive, on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, Salt Lake City, Utah 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Dated: December 2, 1975.

V. CARROL DONNER,
Refuge Manager, Arapaho National Wildlife Refuge, Walden, Colorado.

[FR Doc.75-32984 Filed 12-8-75;8:45 am]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on December 9, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on all areas of the Pathfinder National Wildlife Refuge, Wyoming, is permitted from January 1 through December 31, 1976, inclusive. These areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, Salt Lake City, Utah 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Dated: December 2, 1975.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.

[FR Doc.75-32983 Filed 12-8-75;8:45 am]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on December 9, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions;

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1976, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM C. BAIR,
Refuge Manager, Sand Lake National Wildlife Refuge, Columbia, South Dakota 57433.

DECEMBER 1, 1975.

[FR Doc.75-33079 Filed 12-8-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Change in Corporate Tax Rates and Increase in Corporate Surtax Exemption

Correction

In FR Doc. 75-31823 appearing at page 54582 in the issue of Tuesday, November 25, 1975, make the following changes:

1. On page 54582, column two, in the second line of the authority citation in § 1.11, after "(69 Stat. 114);" insert "sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66);" and in the tenth line of the same authority citation change the word "Aate" to "Rate".

2. On page 54583, column one, in the table in § 1.21-1(n) *Example* (7) the heading should read:

1974 TENTATIVE TAX

and the fourth entry should be corrected to read:

Additional tax on $4,167	
6 percent of $4,167	250

3. On page 54583, column two, in the table in § 1.21-1(n) *Example* (7) the tenth line from the top of the page which now reads:

22 percent of $95,000	20,000

should be corrected to read:

22 percent of $95,000	20,900

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2600]

ALASKA NATIVE CLAIMS

Proposed Clarifications of Procedure for Miscellaneous Selections

The Bureau of Land Management is considering amending the miscellaneous selections subpart of the regulations covering Alaska Native selections to clarify the procedures under which miscellaneous selections will be made by Alaska Natives. These amendments have been discussed with the Alaska Native community and other inetrested groups both in Washington and Alaska prior to their publication here as proposed rulemaking. This proposed rulemaking is issued pursuant to the authority granted the Secretary of the Interior to issue and publish such regulations as may be necessary to carry out the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688), as granted in section 25 of that Act.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with Department's policy of public participation in rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C., on or before January 9, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m.—4:15 p.m.).

It is therefore proposed to revise 43 CFR Part 2600 in the manner set forth below.

1. Section 2650.4–7 is amended as follows: A new sentence is added at the end of paragraph (c)(1) and paragraph (d) is amended to read as follows:

§ 2650.4–7 Public easements.

* * * * * * *

(c)(1) * * * However, the Secretary shall not terminate a public easement reserved along the marine coastline solely because of the absence of public use.

* * * * * * *

(d) The State and the Federal-State Land Use Planning Commission shall be afforded 30 days after notice by the Secretary to make recommendations with respect to the inclusion of public easements in any conveyance.

2. Section 2650.7 is amended by adding a new paragraph (d) to read as follows:

§ 2650.7 Selection limitations.

* * * * * * *

(d) For all land selections made under the Act, the decision of the Bureau of Land Management proposing to convey shall be served on all parties of record who claim to have a property interest in land affected by such determination, the appropriate regional corporation, and any Federal agency of record. Notice of the decision shall also be published in the Federal Register once and in one or more newspapers of general circulation once a week for 4 consecutive weeks by the Department.

3. The table of sections for Subpart 2653 is amended by redesignating § 2653.9 as § 2653.11 and adding new §§ 2653.9 and 2653.10 as follows:

Subpart 2653—Miscellaneous Selections

Sec.
2653.9 Regional selections.
2653.10 Excess selections.
2653.11 Conveyance reservations.

4. Section 2653.0–3(c) is amended by deleting the word "and".

5. Section 2653.0–3 is amended by adding new paragraphs (e) and (f) as follows:

§ 2653.0–3 Authority.

* * * * * * *

(e) Title to the regional corporations for lands selected, if any remain, pursuant to section 14(h)(8) of the Act; and

(f) Title to the subsurface estate to the regional corporations of lands conveyed under paragraphs (b) and (d) of this section and to those lands conveyed under paragraph (c) of this section which are not located in a National Wildlife Refuge.

6. Section 2653.0–5 (b) is amended by adding the following sentences at the end thereof as follows:

§ 2653.0–5 Definitions.

* * * * * * *

(b) * * * However, subsistence activity will not disqualify a historical place from consideration if qualifying primary historical or cultural values can be shown to be associated with the place. A historical place may consist of the structural remains of past activity or distinctive natural features associated with historical events, persons or sustained activities; it will include, however, only the acreage which is essential for the preservation of primary historic features.

* * * * * * *

7. Section 2653.3 is revised to read as follows:

§ 2653.3 Lands available for selection.

(a) Selection may be made for existing cemetery sites or historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak, and for primary places of residence, from any unappropriated and unreserved lands which the Secretary may withdraw for these purposes: *Provided*, That National Wildlife Refugee System lands and National Forest lands may be made available as provided by section 14(h)(7) of the Act and the regulations in this subpart. Selections for these purposes may also be made from any unappropriated and unreserved lands which the Secretary may withdraw from lands formerly withdrawn and not selected under section 16 of the Act and after December 18, 1975, from lands formerly withdrawn under section 11(a)(1) or 11(a)(3) and not selected under sections 12 or 19 of the Act.

(b) After July 1, 1976, selection of the lands allocated pursuant to § 2653.1(b), shall be made from any lands previously withdrawn under sections 11 or 16 of the act which are not otherwise appropriated. If the public lands withdrawn within the region pursuant to sections 11 or 16 of the act, and not otherwise appropriated, are insufficient for the selection of the full entitlement of the regional corporations pursuant to § 2653.1(b), then three times the amount of the entitlement which cannot be satisfied from lands previously withdrawn pursuant to sections 11 or 16 of the act will be withdrawn pursuant to section 14(h) of the act.

(c) A withdrawal made pursuant to section 17(d)(1) of the Act which is not part of the Secretary's recommendation to Congress of December 18, 1973, on the four national systems shall not preclude a withdrawal pursuant to section 14(h) of the Act.

8. Section 2653.4 is revised to read as follows:

§ 2653.4 Termination of selection period.

Except as provided in § 2653.10, applications for selections under this subpart will be rejected after all allocated lands, as provided in § 2653.1, have been exhausted, or if the application is received after the following dates, whichever occurs first:

(a) As to primary place of residence—December 18, 1973.

(b) As to all recipients described in sections 14(h)(1), (2), and (3) of the act—July 1, 1976.

(c) As to all recipients under section 14(h)(8) of the act and § 2653.1(b)—December 18, 1977.

9. Section 2653.5 is revised to read:

§ 2653.5 Cemetery sites and historical places.

(a) The appropriate regional corporation may apply to the Secretary for the conveyance of existing cemetery sites or historical places pursuant to section 14(h) of the act. The Secretary may give favorable consideration to these applications: *Provided*, That the Secretary determines that the criteria in these regulations are met: *And provided further*, That the regional corporation agrees to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in § 2653.11.

(b) A historical place may be granted in a National Wildlife Refuge or National Forest unless, in the judgment of the Secretary, the events can be commemorated by the conveyance of lands outside the refuge or forest or if the qualities of the site from which it derives its particular value and significance as a historical place can be found in an alternative site outside the refuge or forest, or if the Secretary determines that the conveyance could have a substantial detrimental effect on (1) a fish or wildlife population, (2) its habitat, (3) the management of such population or habitat, or (4) access by a fish or wildlife population to a critical part of its habitat.

(c) Although the existence of a cemetery site or historical place and a proper application for its conveyance create no valid existing right, they operate to segregate the land from all other forms of appropriation under the public land laws. Conveyances of lands reserved for the National Wildlife Refuge System made pursuant to this subpart are subject to the provisions of section 22(g) of the Act and section 2650.4–6 as though they were conveyances to a village corporation.

(d) For purposes of evaluating and determining the eligibility of properties as historical places, the quality of significance in Native history or culture shall be considered to be present in places that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

(1) That are associated with events that have made a significant contribution to the history of Alaskan Indians, Eskimos or Aleuts, or

(2) That are associated with the lives of persons significant in the past of Alaskan Indians, Eskimos or Aleuts, or

(3) That possess outstanding and demonstrably enduring symbolic value in the traditions and cultural beliefs and practices of Alaskan Indians, Eskimos or Aleuts, or

(4) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or

(5) That have yielded, or are demonstrably likely to yield information important in prehistory or history.

(e) Criteria considerations: Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible as a historical place unless they fall within one of the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

(5) A reconstructed building when accurately executed in a suitable environment and preserved in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

(f) Applications by a regional corporation under section 14(h)(1) of the Act for conveyance of existing cemetery sites or historical places within its boundaries shall be filed with the proper office of the Bureau of Land Management in accordance with § 2650.2(a) of this chapter. The regional corporation shall include as an attachment to its application for a historical place a statement describing the events that took place and the qualities of the site from which it derives its particular value and significance as a historical place. In making the application, the regional corporation should identify accurately and with sufficient specificity the size and location of the site for which the application is made as an existing cemetery site or historical place to enable the Bureau of Land Management to segregate the proper lands. The land shall be described in accordance with § 2650.2(e) of this chapter.

(g) Upon receipt of an application for an existing cemetery site or historical place, the Bureau of Land Management shall segregate from all other appropriation under the public land laws the land which it determines, in its discretion, adequately encompasses the site described in the application but is not less than three times the site identified in the application if the land is available.

(h) Notice of filing of such application specifying the regional corporation, the size and location of the segregated lands encompassing the site for which application has been made, the date of filing, and the date by which any protest of the application must be filed shall be published once in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. The Bureau of Land Management shall then forward the application to the Director, Juneau Area Office, Bureau of Indian Affairs, for investigation and report and supply a copy to the National Park Service. When an application pertains to lands within a National Wildlife Refuge or National Forest, the Bureau of Land Management shall also forward informational copies of the application and the size and location of segregated lands to the agency or agencies involved.

(i) If, during its investigation, the Bureau of Indian Affairs finds that the location of the site as described in the application is in error, it shall notify the applicant of such error. The applicant shall have 30 days from receipt of such notice to file with the Bureau of Land Management an amendment to its

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application with respect to the location of the site. Upon acceptance of such amendment the Bureau of Land Management shall reprocess the application, including segregation of lands and publication of notice.

(j) The Bureau of Indian Affairs shall identify on a map and mark on the ground, including individual gravesites or other important items, the location and size of the site or place with sufficient clarity to enable the Bureau of Land Management to locate on the ground said site or place. The Bureau of Indian Affairs, after consultation with the National Park Service and, in the case of refuges and forests, the agency or agencies involved, shall certify as to the existence of the site or place and that it meets the criteria in this subpart.

(1) *Cemetery Sites.* The Bureau of Indian Affairs shall certify specifically that the site is the burial place of one or more Natives. The Bureau of Indian Affairs shall determine whether the cemetery site is in active or inactive use, and if active, it shall estimate the degree of use by Native groups and villages in the area which it shall identify.

(2) *Historical Places.* The Bureau of Indian Affairs shall describe the events that took place and qualities of the site which give it particular value and significance as a historical place.

(k) The Bureau of Indian Affairs shall submit its report and certification along with the written comments and recommendations of the National Park Service and any other Federal agency, to the Bureau of Land Management. If the site meets the requirements set forth in this section and if the land is available, the Bureau of Land Management shall issue a decision to convey. However, in cases of significant differences between the report and certification of the Bureau of Indian Affairs and the comments and recommendations of other Federal agencies, the State Director, Bureau of Land Management shall submit the record, including a land status report, to the Secretary for resolution of any conflicts. If the land is available for that purpose, the Secretary shall make his determination to convey or not to convey the site to the applicant.

(l) The decision of the Bureau of Land Management shall be served on the applicant and all interested parties of record in accordance with the provisions of 43 CFR Part 4, Subpart J. The decison of the Bureau of Land Management shall become final unless appealed to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J. Any agency adversely affected by the certification of BIA or the decision of the Bureau of Land Management may appeal the matter to the Alaska Native Claims Appeals Board. After a decision to convey an existing cemetery site or historical place has become final, the Bureau of Land Management shall adjust the segregation of the lands to conform with said conveyance.

(m) For inactive cemeteries, the boundaries of such cemetery sites shall include an area encompassing all actual gravesites including a reasonable buffer zone of not more than 66 feet. For active cemeteries, the boundaries of such sites shall include an area of actual use and reasonable future expansion of not more than 10 acres, but the BLM in its discretion may include more than 10 acres upon a determination that special circumstances warrant it. For historical places, the boundaries shall include an area encompassing the actual site with a reasonable buffer zone of not more than 330 feet.

(n) The regulations in this subpart shall take precedence over any other regulations, wherever found, with regard to the certification and conveyance of cemetery sites and historical places under this Act.

10. Section 2653.6 is revised to read:

§ 2653.6 Native groups.

(a) *Eligibility.* (1) The head or any authorized representative of a Native group incorporated pursuant to section 14(h)(2) of the Act may file on behalf of the group an application for a determination of its eligibility under said section of the Act. Such application shall be filed in duplicate with the appropriate officer, Bureau of Land Management, prior to February 18, 1976, in accordance with § 2650.2(a) of this chapter. Upon serialization of the application, the Bureau of Land Management office will forward a copy of such application to the Director, Juneau Area Office, Bureau of Indian Affairs, who shall investigate and report the findings of fact required to be made herein to the Bureau of Land Management with a certification thereof. A copy of an application by a group located within a National Wildlife Refuge or a National Forest will be furnished to the appropriate agency administering the area.

(2) Each application must identify the section, township, and range in which the Native group is located, and must be accompanied by a list of the names of the Native members of the group, a listing of permanent improvements and periods of use of the locality by members, a conformed copy of the group's article of incorporation, and the regional corporation's concurrence and recommendation under § 2653.2(b).

(3) Notice of the filing of such application specifying the date of such filing, the identity and location of the Native group, and the date by which any protest of the application must be filed shall be prepared by the Bureau of Land Management and shall be published once in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. Any protest to the application shall be filed with the Bureau of Land Management office in which the application has been filed within the time specified in the notice. The Bureau of Land Management will immediately furnish the Bureau of Indian Affairs with a copy of any protest received.

(4) The Bureau of Indian Affairs shall investigate and determine whether each member of a Native group formed pursuant to section 14(h)(2) of the Act is enrolled pursuant to section 5 of the Act. The Bureau of Indian Affairs shall determine whether the members of the Native group actually reside in and are enrolled to the locality specified in its application: *Provided*, That children who are members of the group enrolled thereto and who are temporarily residing elsewhere for purposes of education may be included in such determination. The Bureau of Indian Affairs shall specify the number and names of Natives who actually reside in and are enrolled to the locality and it shall further determine whether the members of the Native group constitute the majority of the residents of the locality where the group resides. The Bureau of Indian Affairs shall determine and identify the exterior boundaries of the Native group's locality and the location of all those permanently affixed structures of the Native group used as dwelling houses.

(5) The Native group shall have had on December 18, 1971, an identifiable physical location. The members of the group must have used the group locality as a place where they actually live in permanently affixed structures used as dwelling houses at least one full season per year and have done so each year since December 18, 1971. The group must be distinguishable from nearby communities and it shall not be considered an eligible Native group if it exists within a larger community context.

(6) The Bureau of Indian Affairs shall issue its decision, containing its findings of fact required to be made herein and its determination of the eligibility of the Native group, except it shall issue a decision of ineligibility when it is notified by the Bureau of Land Management that the land is unavailable for selection by such Native group. It shall send a copy thereof by certified mail to the Bureau of Land Management, the Native group, its regional corporation and any party of record.

(7) Appeals concerning the eligibility of a Native group may be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

(b) *Selections.* (1) Native group selections shall not exceed the amount recommended by the regional corporation or 320 acres for each Native member of a group, or 7,680 acres for each Native group, whichever is less. Any acreage selected in excess of that number shall be identified as alternate selections and shall be numerically ordered to indicate selection preference. Native groups will not receive land benefits unless the land which is occupied by their permanently affixed structures used as dwelling houses, or in the case where such land is privately owned (not State or Federally owned), the land which is contiguous to and immediately surrounds the land occupied by their permanently affixed structures used as dwelling houses is available pursuant to section 14(h) of the Act. Public lands which may be available for this purpose are set forth in § 2653.3 (a) and (c). Conveyances of lands reserved for the National Wildlife Refuge System made pursuant to this part are subject to the provisions of section 22(g) of the Act and § 2650.4–6 of this chapter as though they were conveyances to a village corporation.

(2) Upon receipt of the applications of a Native group for a determination of its eligibility under section 14(h)(2) of the Act, the Bureau of Land Management shall segregate the land encompassed within the group locality, up to three times the expected entitlement, from land available for that purpose pursuant to § 2653.6(b)(1). However, segregation of land for Native groups whose dwelling structures are located outside but adjacent to a National Wildlife Refuge or National Forest shall not include such reserved land, unless the Native group's dwelling structures are located on land excepted from the Kodiak National Wildlife Refuge pursuant to Public Land Order No. 1634 (F.R. Doc. 58–3696, filed May 16, 1958).

(3) An examiner for the Bureau of Indian Affairs shall visit the locality of the group to determine its physical location. The examiner shall recommend to the Bureau of Land Management the manner in which the segregation should be modified to encompass the residences of as many members as possible while allowing for inclusion of the land determined by the Bureau of Indian Affairs examiner to be most intensively used by members of the Native group. The recommended segregation must be contiguous and as compact as possible. The Bureau of Land Management may segregate the lands accordingly provided such lands are otherwise available in accordance with §§ 2653.6(b)(1) and 2653.6(b)(2). If the Bureau of Land Management finds the lands are unavailable for selection by a Native group, it shall notify the Bureau of Indian Affairs.

(4) Selections shall be made from lands segregated for that purpose and shall be filed prior to July 1, 1976. Selections shall be contiguous and taking into account the situation and potential uses of the lands involved, the total area selected shall be reasonably compact except where separated by lands which are unavailable for selection. The total area selected will not be considered to be reasonably compact if (i) it excludes other lands available for selection within its exterior boundaries; or (ii) an isolated tract of public land of less than 640 acres remains after selection. The lands selected shall be in whole sections where they are available unless the exhaustion of the acreage which the group may be entitled to select does not permit the selection of a whole section and shall include all available lands in less than whole sections. Lands selected shall conform as nearly as practicable to the United States land survey system.

(5) A Native group whose eligibility has not been finally determined may file its land selections as if it were determined to be eligible. The Bureau of Land Management shall release from segregation the lands not selected and shall continue segregation of the selected lands until the lands are conveyed or the group is finally determined to be ineligible. However, in the case of a group determined to be ineligible by the Alaska Native Claims Appeals Board, the segregation shall be continued for a period of 60 days from the date of such decision.

(6) Where any conflict in land selection occurs between any eligible Native groups, the Bureau of Land Management shall request the appropriate regional corporation to recommend the manner in which such conflict should be resolved.

(7) The Bureau of Land Management shall issue a decision on the selection of a Native group determined to be eligible and shall serve a copy of such decision by certified mail on the Native group, its regional corporation and any party of record.

(8) Appeals from the Bureau of Land Managemcnt decision on the selection by a Native group under this section shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

11. Section 2653.7 is amended by adding a new paragraph (c) to read as follows:

§ 2653.7 Sitka-Kenai-Juneau-Kodiak selections.

* * * * * *

(c) Appeals may be made under section 14(h)(3) of the Act only with respect to the Bureau of Land Management's decisions with respect to conveyance of land for that purpose. Appeals shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

12. Section 2653.8 is amended by adding a new § 2653.8–3 as follows:

§ 2653.8 Primary place of residence.

* * * * *

§ 2653.8–3 Appeals.

Appeals from decisions made by the Bureau of Land Management on applications filed pursuant to section 14(h)(5) of the Act shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

§ 2653.9 [Redesignated]

13. Section 2653.9 is redesignated as § 2653.11.

14. Section 2653.11(b) is revised to read as follows:

§ 2653.11 Conveyance reservations.

* * * * *

(b) In addition to the reservations provided in paragraph (a) of this section, conveyance for cemetery sites or historical places will contain a covenant running with the land providing that (1) the regional corporation shall not authorize mining or mineral activity of any type; nor shall it authorize any use which is incompatible with or is in derogation of the values of the area as a cemetery site or historical place (standards for determining uses which are incompatible with or in derogation of the values of the area are found in relevant portions of 36 CFR 800.9 (1974)); and (2) that the United States reserves the right to seek enforcement of the covenant in an action in equity. The covenant placed in this subsection may be released by the Secretary, in his discretion, upon application of the regional corporation grantee showing that extraordinary circumstances of a nature to warrant the release, have arisen subsequent to the conveyance.

* * * * * *

15. A new § 2653.9 is inserted in lieu of the redesignated § 2653.9 to read as follows:

§ 2653.9 Regional selections.

(a) Applications by a regional corporation for selection of land within its boundaries under section 14(h)(8) of the Act shall be filed with the proper office of the Bureau of Land Management in accordance with § 2650.2(a).

(b) A regional corporation may select a total area in excess of its entitlement to ensure that it will obtain its entitlement in the event of any conflicts. Any acreage in excess of its entitlement shall be identified as alternate selections and shall be numerically ordered on a section by section basis to indicate selection preference.

(c) Selections need not be contiguous but must be made along section lines in reasonably compact tracts of at least 5,760 acres, not including any unavailable land contained therein. The exterior boundaries of such tracts shall be in linear segments of not less than two miles in length, except where adjoining unavailable lands or where shorter segments are necessary to follow section lines where township lines are offset along standard parallels caused by the convergence of the meridians. However, selected tracts may contain less than 5,760 acres where there is good oause shown for such selection, taking into consideration good land management planning and principles for the potentially remaining public lands, and which would not leave unduly fragmented tracts of such public lands. Each tract selected shall not be considered to be reasonably compact if (1) it excludes other lands for selection within its exterior boundaries, or (2) an isolated tract of public land of less than 1,280 acres remains after selection of the total entitlement. Regional corporations shall not be precluded from selecting less than 5,760 acres where the entire tract available for selection constitutes less than 5,760 acres. Selection shall conform as nearly as practicable to the United States land survey system.

(d) Notice of the filing of such selections, including the date by which any protest of the selection should be filed, shall be published once in the FEDERAL

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REGISTER and one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. Any protest to the application should be filed in the Bureau of Land Management office in which such selections were filed within the time specified in the notice.

(e) Appeals from decisions made by the Bureau of Land Management with respect to such selections shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J. A decision of the Bureau of Land Management shall become final 30 days from the date of the decisions in the absence of any appeal therefrom.

A new § 2653.10 is added to read as follows:

§ 2653.10 Excess selections.

Where land selections by a regional corporation, Native group, any of the four named cities, or a Native pursuant to section 14(h)(1), (2), (3), or (5) exceed the land entitlement, the Bureau of Land Management may request such corporation to indicate its preference among lands selected.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

DECEMBER 4, 1975.

[FR Doc.75-33151 Filed 12-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 999]

IMPORTED INSHELL WALNUTS

Proposed Quality Requirements

Notice is hereby given that the Department is proposing to amend the regulation governing imports of walnuts (7 CFR 999.100; 40 FR 29262) to revise the quality requirements for imported inshell walnuts, and to make a minor editorial change. This regulation is effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Section 8e of the act requires the Secretary of Agriculture to issue, after reasonable notice, quality restrictions on imported walnuts, which are the same as, or comparable to, those imposed upon domestic walnuts under a Federal marketing order (7 CFR Part 984). The quality requirements for imported inshell walnuts under the import regulation are U.S. No. 2. These were the requirements imposed upon the domestic walnuts under the Federal marketing order until they were modified effective November 30, 1975.

U.S. No. 2, as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (29 FR 12865; 35 FR 10840), allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Examples of internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, present or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp.

The November 30, 1975, modification in the domestic requirements reduced the total tolerance for internal grade defects to a maximum of 15 percent, and the tolerance included within the total tolerance for damage by mold or insects or serious damage by other means to a maximum of 8 percent. The tolerance of 5 percent for damage by insects and the prohibition on live insects were not changed. Therefore, it is proposed to revise the present quality requirements on imported inshell walnuts so that they are the same as the modified requirements imposed upon domestic walnuts under the Federal marketing order.

It is also proposed to add the paragraph heading "Reconditioning prior to importation" at the beginning of paragraph (d). It was omitted in the August 15, 1975, amendment of the regulation (40 FR 29263).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 31, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise § 999.100(b)(1) and to insert a heading at the beginning of paragraph (d) of that section. As so revised, paragraphs (b)(1) and (d) read as follows:

§ 999.100 Regulation governing imports of walnuts.

* * * * *

(b) * * *

(1) All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 2 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (§§ 51.2945-51.2966) of this title, except that not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects; or

* * * * *

(d) *Reconditioning prior to importation.* Nothing contained in this section shall be deemed to preclude reconditioning walnuts prior to importation, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section.

* * * * *

Dated: December 4, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33107 Filed 12-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Phillipsburg, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before January 8, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Myers Airport, Phillipsburg, Ohio.

Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

PHILLIPSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Myers Airport (latitude 39°54'-40" N., longitude 84°24'00" W.); excluding that portion which overlies the Dayton, Ohio and Troy, Ohio transition areas.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on November 19, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-33000 Filed 12-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WA-22]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the south alternate of V-4 between Seattle, Wash., and Yakima, Wash.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before January 8, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independent Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the south alternate of V-4 between Seattle, Wash., and Yakima, Wash., via INT Seattle 163°T (141°M) and McChord, Wash., 099°T (077°M) radials and INT McChord 099°T (077°M) and Yakima 305°T (284°M) radials.

The 084°T (062°M) radial of the Olympia, Wash., VORTAC, which is part of the south alternate of V-4 between Seattle and Yakima, has become unusuable.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-33001 Filed 12-8-75;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-53; Notice No. 75-25]

AUTOMATIC DEVICE FOR REDUCING FRONT-WHEEL BRAKING EFFORT ON ALL COMMERCIAL VEHICLES

Proposed Rulemaking

● Purpose. The purpose of this document is to allow public comment on a proposed rule change which would permit use of automatic front brake limiting devices on vehicles equipped with brake systems which do not utilize compressed air. ●

An amendment to § 393.48 of the Federal Motor Carrier Safety Regulations (49 CFR 393.48) is being considered which would allow the operation in interstate or foreign commerce of a motor vehicle having brake systems that do not utilize compressed air to have automatic devices to reduce front-wheel braking effort under certain limitations. Several portions of this section are being rewritten to provide more clarity.

This proposal stems from a petition filed by Wagner Electric Corporation (Wagner), a manufacturer of commercial motor vehicle brake systems. Wagner refers to the most recent revision of § 393.48 (Notice 74-12, 39 FR 26906 July 24, 1974), which permitted the use of automatic devices to reduce front-wheel braking effort under certain circumstances on vehicles with brake systems utilizing compressed air in any manner.

Wagner maintains that metering valves are available for hydraulic brake systems which reduce pressure to the front brakes until certain conditions of loading are met. These valves, according to Wagner, should reduce front-wheel lockup and skid in low decleration stops on low friction surfaces. Also, Wagner contends that wear on the front brakes should be reduced because of the decreased workload during normal stopping.

In correspondence with the Bureau of Motor Carrier Safety, Wagner has asked that we consider revision of 49 CFR 393.48 to clarify the prohibition against front-wheel braking force reduction.

It is concluded that the petition contains adequate justification for rulemaking, and that all interested persons should be given the opportunity to comment on a change in § 393.48 similar to that suggested by the petitioner. Accordingly, it is proposed that § 393.48 (b) (1), (2) and (c) of the Federal Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) be revised to read as follows:

§ 393.48 Brakes to be operative.

* * * * *

(b) *Devices to reduce or remove front-wheel braking effort.* * * *

(1) *Manually-operated devices.* A manually operated device to reduce or remove the front-wheel braking effort must not be—

(i) Installed in a bus, truck, or truck tractor manufactured on or after March 1, 1975; or

(ii) Used in the reduced mode except when the vehicle is operating under adverse road conditions such as wet, snowy, or icy roads.

(2) *Automatic devices.* An automatic device to reduce the front-wheel braking effort must not—

(i) Be operable by the driver except upon application of the control that activates the braking system; and

(ii) Reduce the braking force when the pressure that transmits brake control application forces exceeds—

(*a*) The vehicle's air compressor cut-in pressure; or

(*b*) 85 percent of the maximum system pressure in the case of vehicles not utilizing compressed air.

(c) *Towed vehicle.* Paragraph (a) of this section does not apply to—

(1) A disabled vehicle being towed; or

(2) A vehicle being towed in a driveaway-towaway operation which is exempt from the general rule of § 393.42 under paragraph (b) of that section.

Interested persons are invited to submit written data, views, or arguments pertaining to this proposal.

All comments submitted should refer to the docket number and notice number appearing at the top of this document. They should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on March 12, 1976, will be considered before further action is taken. Comments will be available for examination in public docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administration at 49 CFR 1.48 and 389.4, respectively.

Issued on November 17, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-33073 Filed 12-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20637; FCC 75-1286]

[47 CFR Parts 89, 91]

INTRA-URBAN PASSENGER MOTOR CARRIERS

Clarification of Frequency Loading Criteria

In the matter of amendment of Parts 89 and 91 of the rules to clarify the fre-

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quency loading criteria for intra-urban passenger motor carriers in the 470–512 MHz band, Docket No. 20637.

1. In the Fourth Report and Order in Docket 18261, released November 20, 1973, (43 FCC 2d 949), we, inter alia, increased the loading standard for the intra-urban passenger carriers to 150 mobiles units per frequency pair in the 470–512 MHz band. Our intention was to apply this loading standard to all passenger motor carriers, but we inadvertently amended only the rules which govern the Motor Carrier Radio Service. However, transit systems operated by governmental entities may also be licensed in the Local Government Radio Service, if they are operated by governmental entities, or in the Business Radio Service if they are commercial enterprises.

2. The loading criteria in these other services are much lower (70 and 90 mobiles per frequency pair, respectively). There is obviously no difference in the operation of radio by carriers whether licensed in the Motor Carrier, Local Government or in the Business Radio Services. However, because we have not incorporated the 150 loading requirement into the rules governing the latter two services, uncertainty (because of the obvious conflict) exists.

3. Accordingly, it is necessary that we amend our rules to conform with our original intention, remove uncertainty and establish single uniform frequency loading criteria for intra-urban passenger motor carriers in the 470–512 MHz band. We are, therefore proposing amendments to §§ 89.123 and 91.114 to conform these rules to § 93.114.

4. The proposed rule amendments are issued under sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 11, 1976, and reply comments on or before March

11, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commisison may also take into account other relevant informtion before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and eleven copies of all statements, briefs, or comments filed shall be furnished the Commisison. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Parts 89 and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 89.123, Note 2 following paragraph (c) is amended to read as follows:

§ 89.123 Frequencies in the band 470.512 MHz.

* * * * * * *

(c) * * *

2. The channel loading is 50 units, except that for channels primarily used in connection with the operation of buses, street cars, and other intra-urban masstransit (passenger carrying) vehicles, the channel loading is 150 units. A unit is defined as one vehicular mobile unit or two hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

2. In § 91.114, Note 2 following paragraph (f) is amended to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

* * * * * * *

(f) * * *

2. The channel loading is 90 units, except that for channels primarily used in connection with the operation of buses, street cars, and other intra-urban mass transit (passenger carrying) vehicles, the channel loading is 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

[FR Doc.75-33088 Filed 12-8-75;8:45 am]

[1] Commissioner Washburn absent.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 17, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subjects of the hearing will be as follows:

A. *Current expenses budget.* A proposed current expense budget for fiscal year 1977 in the total amount of $1,647,800 and a capital budget for the same period in the total amount of $27,000. Appropriations to balance the current expense budget are proposed as follows: Delaware, $120,080; New Jersey, $335,830; New York, $295,830; Pennsylvania, $365,830; United States, $198,030. The balance of funds required are anticipated from a federal water quality grant, appropriation from the revenue stabilization fund, sale of publications and other miscellaneous receipts. The capital budget is for the purpose of reimbursing the Federal Government for the costs of water supply storage at the Beltzville and Blue Marsh reservoir projects. Appropriations to balance the capital budget are proposed for Pennsylvania ($25,000) and New Jersey ($2,000).

B. *Annual water resources program.* Section 13.2 of the Delaware River Basin Compact requires the Commission to annually adopt a Water Resources Program showing the facilities and programs scheduled for implementation during the coming six-year period, and the agencies under whose sponsorship they will be carried out. Based upon the Comprehensive Plan, the Water Resources Program estimates the quantity and quality of water needs throughout the basin and the programs required to satisfy these needs during the forecast period.

The 12th annual Water Resources Program is now under consideration by the Commission. Copies of the draft program may be examined at the Commission offices. A limited number of copies are available for distribution upon request.

C. Applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact, and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Artesian Water Co. (D–74–195 CP).* A well water supply project to augment public water supplies in the company's service area adjacent to the City of Wilmington, Del. Designated as Hockessin Well No. 4, the new facility is expected to yield about one million gallons per day.

2. *Superior Tube Co. (D–74–199).* A cooling water discharge at the company's manufacturing facilities in Lower Providence Township, Montgomery County, Pa. Cooling water ponds and recirculation are utilized. An overflow of approximately 240,000 gallons per day will discharge to Perkiomen Creek.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

DECEMBER 3, 1975.

[FR Doc.75-33080 Filed 12-8-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27095]

NEW MEXICO

Application

NOVEMBER 25, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 12 W.
Sec. 10, NE¼NE¼;
Sec. 15, lots 6 and 7.

This pipeline will convey natural gas across .332 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32991 Filed 12-8-75;8:45 am]

[Wyoming 53169]

WYOMING

Application

DECEMBER 1, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 5;
Sec. 6;
Sec. 7.

The pipeline will convey natural gas from a well in sec. 5 to an existing gathering system in sec. 7, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Spring, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32985 Filed 12-8-75;8:45 am]

QUALIFIED JOINT BIDDERS

Notice to Bidders

1. On November 25, 1975, the FEDERAL REGISTER (Vol. 40, No. 228, at page 54594) published as a convenience to the public a list of companies which had filed Statements of Production, in accordance with 43 CFR 3302.3–2, *Joint Bidding Requirements*, which claimed average daily worldwide production of less than 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the production period of January 1, 1975, through June 30, 1975. These statements qualified those companies to bid jointly at Outer Continental Shelf oil and gas lease sales during the bidding period of November 1, 1975, through April 30, 1975.

2. Since that date of publication, other companies have filed such statements. Because of the short time between the end of the filing period and the next sale, their names will appear in a supplemental list available for examination after December 8, 1975, in the Pacific Outer Continental Shelf Office, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, and in the Office of the Director, Bureau of Land Management (722), Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: December 4, 1975.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

[FR Doc.75-33128 Filed 12-8-75;8:45 am]

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Fish and Wildlife Service
GENE W. WOOD
Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Federals only use)
☐ IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Our research program seeks to identify forest stand characteristics which affect red-cockaded woodpecker (Dendrocopus borealis) productivity. This work is to be carried out by annually examining nest cavities, banding nestlings during the breeding season; mist netting, banding, and patagium flagging adults during the non-breeding season.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Gene W. Wood, Ph.D,
Forest Wildlife Ecologist
Baruch Forest Science Institute
P.O. Box 596, Georgetown, S. C.29440
Phone: 803-546-4402

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'9"	WEIGHT 165
DATE OF BIRTH 10-23-40	COLOR HAIR Blonde	COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED 803-546-4402	SOCIAL SECURITY NUMBER 227-52-9356	

OCCUPATION: University Professor

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Clemson University
Clemson, South Carolina 29631

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Hobcaw Barony
Georgetown County
South Carolina 29440

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number)
Bird Banding & Salvage Permit 20227

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
(See attached memorandum from South Carolina Wildlife & Marine Resources Department)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: Oct. 1, 1975

11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
(see attached)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS, AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Gene W. Wood — DATE: July 26, 1975

Gene W. Wood

JULY 16, 1975.

U.S. FISH AND WILDLIFE SERVICE,
Post Office Box 290,
Nashville, Tenn. 37202.

GENTLEMEN: Enclosed you will find an application for a permit to carry on studies of the red-cockaded woodpecked (*Dendrocopus borealis*). This work would involve nest examination, banding of nestlings and banding and patagium flagging of adult birds. The reasons for wanting to do this research and the procedures to be used can be found in the permit application attachments.

If this application is not complete or there are points which need clarification I will be happy to do whatever is necessary as soon as you inform me of the problem.

Respectfully,

GENE W. WOOD, Ph.D.,
Forest Wildlife Ecologist.

BANDING AND PATAGIUM FLAGGING OF RED-COCKADED WOODPECKERS (DENDROCOPUS BOREALIS)

CURRENT RESEARCH PROGRAM

The attachment entitled: "Prospectus for a study of the habitat requirements of the red-cockaded woodpecker (Dendrocopus borealis)" describes the scope of our current research program on this species and the extent of our present cooperative agreement with the U.S. Forest Service. We expect to expand this cooperative effort in the near future.

JUSTIFICATION

Although the red-cockaded woodpecker is listed as a rare and endangered spices, as well as it should be in some geographical areas, its population level in coastal South Carolina is quite high. The bird and its distinctively marked roost trees are common sites to woods workers in this portion of the species range. It is so abundant that a major conflict between timber and wildlife interests has already arisen and is intensifying. The multiple-use land manager is caught in the middle. On one hand he seeks not to disturb the bird or its habitat in hopes of maximizing its productivity and probability of survival. On the other, he realizes the need of the local, state and even national economy for southern pine timber. He ponders the question of, outside of actually cutting roost trees, what is habitat disturbance? For instance, everyone seems to agree that the colony stand should be left intact with no cutting but colony stands are widely varied in vegetative composition and structure. Are more birds fledged in some colonies than others? If this is true, how is fledgling number related to stand characteristics and clan size? Should the colony stand vegetation be manipulated in some instances to enhance red-cockaded productivity?

Beyond the colony stand consideration are the characteristics of the support stand. This stand is visualized as the area needed in addition to the colony stand for foraging purposes. The most recent guess at what this stand should be like is that it needs to be at least 40 acres in size and adjacent to the colony stand. Almost no information exists on what the bird might perceive as a support stand, or what its important characteristics might be, or if we should be manipulating the vegetation in support standards. It may well be that beyond the minimum need of roost trees the characteristics of the support stand that may affect productivity are more important than those of the colony stand.

The U.S. Forest Service has recently completed its second set of cutting guidelines for red-cockaded woodpecker areas. This guideline is the result of an enthusiastic and sincere attempt to arrive at a method of harvesting timber on the national forests and still protect and propagate the red-cockaded woodpeckers that live there. It is based on what hard data there is in existence and the ideas of researchers who have worked with the red-cockaded. However, it is still open to controversy due to the lack of substantial amounts of information concerning the effects of silvicultural practices on the productivity of this bird. We are in desperate need to accelerate the rate of accumulation of this data. This can only be accomplished through measurements of the population dynamics and movement patterns of the birds in concert with measurements of their habitats. Heretofore, researchers have tended to primarily deal with one or the other. In order to obtain the answers that we need today, the animal-plant relationship must be quantified. With respect to bird measurements this means identifying colonies in widely varying habitats, examining nests, banding nestlings for distribution and survival rate information and banding and color marking adults for home range and specific stand use data.

What is the value of doing this type of work in coastal South Carolina? First, the woodpacker-timber conflict is at least as intense here as anywhere else in the South. Second, due to the abundance of the species in this region, we can capture and handle birds without threatening local populations through accidental mortalities or stress. Third, the forests of the South Carolina Low Country are noted for spatial diversity which presents the opportunity to study the bird under a wide range of habitat conditions. And fourth, the particular area in which we expect to carry out this work has lands in close proximity to one another that are under management schemes ranging from sanctuaries to national forest to industrial forest.

THE STUDY AREA

The general area of study covers the species range of the red-cockaded woodpecker in South Carolina. This would involve the Coastal Plain and Lower Piedmont physiographic regions. I am requesting permission to examine nest cavities and count and band nestlings throughout this region.

All of the bird movement studies, which will entail mist netting, banding and patagium flagging, will take place on Hobcaw Barony. The Barony is a 17,500 acre plantation owned by The Belle W. Baruch Foundation and is located along U.S. Route 17 about two miles east of Georgetown, S.C. About 7500 acres of the plantation are in forest vegetation. The remaining area is composed of freshwater and saltwater marshes. The area is dedicated to education and research in forestry, wildlife science and marine biology. The property is protected by a 1974 act of the South Carolina legislature which declared it a "Wild Bird And Game Refuge." Public access is prohibited except by special tour.

Like most of coastal South Carolina, the Barony has an abundance of red-cockaded woodpeckers. Our present population estimate is between 100 and 150 birds distributed over 25 colony stands. The Barony is being managed to maintain a number of old growth loblolly and longleaf pine stands which will insure the availability of potential cavity trees for the future. We have the opportunity here to study the red-cockaded in a wide range of colony and support stand conditions and to investigate the influence of various silvicultural practices in support stands.

PROCEDURES

NEST CAVITY EXAMINATION

Nest cavity trees will be identified during the breeding season by clan behavior in the colony stand. Once the nest tree is identified it will be climbed using a Swedish ladder and the cavity examined. Examination will be carried out by dropping a flashlight bulb, which is wired to a remote battery down the cavity hole to light the inside. A dental mirror will then be used to examine the inside of the cavity and make egg or nestling counts. Once the nestlings are well feathered and just prior to fledging they will be banded using standard U.S. Fish and Wildlife Service bands. The banding and recapture of these birds over a period of years is crucial to the development of life tables, estimation of time required for development to sexual maturity and general clan dynamics.

BANDING AND PATAGIUM FLAGGING OF ADULTS

Capture and marking of adults will begin in mid-October of each year. By this time, all surviving fledglings will be in fully developed adult plumage and be strong fliers. On two occasions in the past we have accidentally caught red-cockadeds in mist nets set for other birds. While woodpeckers in general tend to severely fight the net this was not true of the behavior of these two birds. At any rate, by netting at a time of the year when the birds are all full grown and not in some stage of molt, I would not anticipate the infliction of serious wounds on the bird due to its struggles in the net.

Netting will involve the placement of hoists with pulley and rope riggings on a cavity tree several days in advance of the actual netting time. During this time the tree will be observed for a period prior to sunset each day to make sure that the bird is not deterred from using the tree for roosting. Once this has been determined, a mist net (1¼ inch mesh) will be raised on the rigging into position in front of the hole entrance about one hour before dawn on the netting day. When the bird leaves the roost he will fly into the net and be captured. The net will then be lowered on the rigging and the bird removed and banded.

Following banding, birds will receive patagium flags. A vinyl flag two inches long and one-quarter inch wide will be attached to the patagium of each wing (Figure 1). The flags will be colored and a given color code will be assigned a specific clan. Birds of one clan will then be distinguishable from those of another on sight but will not be individually recognizable except by band number in the event of recapture. Following this procedure the bird will be released. After marking birds in this manner and making observations of them for several years, we should be able to get good ideas on the size of the home range of a clan as well as how new clans and colonies are formed.

ANTICIPATED RESULTS

Within three to four years we should have excellent estimates of productivity rates, movement patterns, home range, types of preferred habitat, and the influence of various habitat characteristics on productivity. With this type of information in hand we should have a good idea of how the bird perceives his habitat and be able to make recommendations on silvicultural practices in red-cockaded woodpecker habitat accordingly.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 8, 1976.

Dated: December 2, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33007 Filed 12-8-75;8:45 am]

WILLIAM P. HAUSER
Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Federals only use)
☐ IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Ship four Hawaiian Geese (Nene) (endangered species), in interstate commerce in the course of a commercial activity, for breeding in captivity and propagational purposes.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
William P. Hauser
1509 So. 139th
Tacoma, Washington; 98444
(206) 531-1750
(206) 272-1678

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☑ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5', 8"	WEIGHT 165
DATE OF BIRTH 2/3/18	COLOR HAIR Brown	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED 272-1678	SOCIAL SECURITY NUMBER 502-05-1775	

OCCUPATION: Physician - Bird Breeder

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
No

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
1. interstate shipment from Long Island, N.Y. to Tacoma, Wa.
2. interstate shipment from Salem, Oregon to Tacoma, wa.
(See attachments)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)
Fish: IDR 664
Wildlife: 6-1-75-56

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
None

10. DESIRED EFFECTIVE DATE: December 1975

11. DURATION NEEDED: December 1975

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): William P Hauser — DATE: 0 5 22-75

William P. Hauser

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12. Attachments:
Four geese, Hawaiian (Nene) Eranta-sandvicensis.
Two males and two females, ages six months; born in captivity on Long Island, N.Y. and Oregon.
One pair from Winston Guest; Berry Hill Road; Oyster Bay, N.Y. 11771.
One pair from Ernest Weaver; Salem, Oregon.
I have raised swans for fourteen years and Honkers for ten. This past year, I raised fourteen Canadian Honkers from one pair—Black Necked Swans in incubator—nine Red Breasted Geese from one female, all in incubators. My mortality from time of hatch to adulthood is practically zero. I have never had Nene Geese.
I am willing to participate in cooperative breeding program and to maintain or contribute data to stud book.
At present, I am writing an article on determining cause of death in birds. The article will be published in the Gazette. If one of my birds dies, I have an autopsy performed by a vet who specializes in birds and the tissues examined and cultured at a pathological laboratory. These birds will be shipped air express and picked up day of shipment.
7. Contract Agreement: Winston Guest's birds were purchased at Am Game Bird Breeder's meeting in Reno, Nevada. Verbal agreement with Mr. Weaver to trade Red Breasted Geese for Nene Geese.
8. I am an experienced bird breeder and propagator, interested in propagation of wild life. Propagation will be done with proper sanitation, housing, and feeding.
I do not believe in over crowding. I have no plans to dispose of the birds. The property is surrounded by an eight foot fence with two electric wires.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 8, 1976, will be considered.

Dated: December 2, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33006 Filed 12-8-75;8:45 am]

Geological Survey

BALTAZOR, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Baltazor known geothermal resources area, effective February 1, 1974.

(28) NEVADA

BALTAZOR KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 46 N., R. 28 E.
Sec. 11, 12, 13, 14, 23, 24, 25
T. 47 N., R. 29 E.
Sec. 24, 25

The above area aggregates 5537.25 acres (2241.80 hectares), more or less.

Dated: September 10, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-33075 Filed 12-8-75;8:45 am]

DIXIE VALLEY, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following lands are hereby defined as the Dixie Valley Known Geothermal Resources Area, effective April 1, 1974.

(28) NEVADA

DIXIE VALLEY KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 22 N., R. 34 E.
Secs. 12, 13, 23, 24, 25, 35, 36
T. 22 N., R. 35 E.
Secs. 5, 6, 7
T. 23 N., R. 35 E.
Secs. 5, 6, 7, 17, 18
T. 24 N., R. 35 E.
Secs. 11 through 15, 19 through 23, 25 through 29, 34, 35, 36
T. 24 N., R. 37 E.
Secs. 2, 3, 5, 6, 7, 8, 11, 13
T. 25 N., R. 37 E.
Secs. 13, 24, 32
T. 25 N., R. 38 E.
Secs. 5, 6, 7, 15, 16, 21, 22, 27, 28
T. 26 N., R. 38 E.
Secs. 20, 21, 27, 28, 29, 32, 33

The above area aggregates 38,988.87 acres (15,784.97 hectares), more or less.

Dated: October 22, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-33076 Filed 12-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

UPLAND COTTON

Determination of "Shortfall" for 1975–76 Marketing Year

Pursuant to section 407 of the Agricultural Act of 1949, as amended (79 Stat. 1197, as amended; 7 U.S.C. 1421 et seq.). The Secretary of Agriculture has determined that the "shortfall" for upland cotton in the 1975–76 marketing year is 1,406,000 bales. Section 407 provides, in part, that the Commodity Credit Corporation shall sell or make available for unrestricted use at current market prices in each marketing year a quantity of upland cotton equal to the amount by which the production of upland cotton is less than the estimated requirements for domestic use and for export for such marketing year.

The 1975–76 "shortfall" is the amount by which the domestic use and export requirements for upland cotton in the 1975–76 marketing year will exceed the 1975 production of such cotton. The requirements for domestic use and export during the 1975–76 marketing year are currently estimated to be about 10,400,000 bales (480 pounds net weight). The Crop Production Report issued by the Statistical Reporting Service on October 10, 1975, indicates that 1975 production of upland cotton will total about 8,994,000 bales (480 pounds net weight). On the basis of these estimates, the 1975–76 shortfall for upland cotton is 1,406,000 bales.

CCC-owned stocks of upland cotton as of November 7, 1975 totaled only 107 bales, and only very minor quantities will be acquired from the 1974 crop. Thus, an amount of upland cotton equal to the shortfall cannot be sold or made available by CCC during the 1975–76 marketing year. However, CCC's remaining stocks of upland cotton will be made available for sale against the 1975–76 shortfall.

Signed at Washington, D.C., on December 2, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-33110 Filed 12-8-75;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 5192]

GILES LOWERY STOCKYARDS, INC.

Order Extending Period of Suspension of Modifications of Rates and Charges

On October 31, 1975, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended, (7 U.S.C. 181 et seq.):

In re: Giles Lowery Stockyards, Inc., d/b/a Lufkin Livestock Exchange, Lufkin, Texas.

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective November 3, 1975, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., December 2, 1975.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.75-33069 Filed 12-8-75;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP., HENDERSON, KENTUCKY

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $168,000,000 to Big Rivers Electric Corporation, of Henderson, Kentucky. These loan funds will be used to finance a project consisting of a 200,000 kW generating unit and related facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. B. Scott Reed, Acting Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted on or before January 8, 1976, to Mr. Reed. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Big Rivers and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration. Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3d day of December 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-33109 Filed 12-8-75;8:45 am]

Soil Conservation Service

BAYOU GROSSE TETE WATERSHED PROJECT, LOUISIANA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Bayou Grosse Tete Watershed Project, Pointe Coupee Parish, Louisiana, USDA–SCS–EIS–WS–(ADM)–76–2–(D)–LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvements include conservation land treatment, supplemented by channel work and water control structures. The channel work will involve clearing and debris removal on 10 miles of existing channels, 3 miles of new channel construction, and 102 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 52 percent agricultural cropland and grassland. Of the 115 miles of work proposed on existing streams or channel, 107 miles will involve those with only ephemeral flow, and 4 miles with intermittent flow. The balance of 4 miles involves either existing ponded or flowing water or completely new channels where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before January 29, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32981 Filed 12-8-75;8:45 am]

LONG BRANCH WATERSHED PROJECT, NEBRASKA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Long Branch Watershed Project, Richardson, Nemaha, Pawnee, and Johnson Counties, Nebraska, USDA–SCS–EIS–WS–(ADM)–75–2–(D)–NE.

The environmental impact statement concerns a plan for watershed protection, flood prevention, including grade stabilization, and recreation. The planned works of improvement include conservation land treatment, twelve floodwater retention structures, twelve grade stabilization structures, and one recreational development. The recreational development will provide 25,200 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 134 South 12th Street, Lincoln, Nebraska 68508.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. J. Parker, State Conservationist, Soil Conservation Service, 134 South 12th Street, Lincoln, Nebraska 68508.

Comments must be received on or before February 1, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32982 Filed 12-8-75;8:45 am]

PRAIRIE CREEK (VIGO) WATERSHED PROJECT, INDIANA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the remaining works on Prairie Creek Watershed Project, Vigo County, Indiana, USDA–SCS–EIS–WS–(ADM)–75–4(F)–IN.

The EIS concerns a plan for watershed protection, flood prevention, and drain-

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age. The planned remaining works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve trash and debris block removal on 1.5 miles of existing channel, 0.5 mile of new channel construction, and 3.5 miles of enlargement by excavation to provide improved water management in a watershed that is 89 percent agricultural cropland and grassland. Of the 5.5 miles of work proposed on existing channel, 2.5 miles will involve perennial flow, 2.5 miles intermittent flow, and 0.5 mile of new channel where none existed before.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Atkinson Square-West, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32980 Filed 12-8-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Administrative Order 218-6]

INFLATIONARY IMPACT OF LEGISLATIVE AND REGULATORY PROPOSALS

Criteria, Procedures and Responsibilities

Correction

In FR Doc. 75-32634, appearing at page 56705 in the issue for Thursday, December 4, 1975, the headings should be changed by adding the information in brackets as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CAREER EDUCATION PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1976

Notice is hereby given that pursuant to the authority contained in section 402 and section 406(f)(1) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(1)) applications are being accepted from State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, associations, institutions, and individuals for grants and assistance contracts to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Notice is also hereby given that pursuant to the authority contained in section 402 and section 406(f)(2) of Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(2)) applications are being accepted from State educational agencies for grants and assistance contracts to support projects for developing State plans for the implementation of career education programs in the local educational agencies of the States.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 23, 1976.

A. *Applications sent my mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.554. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 18, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Application routing.* All applicants must furnish an information copy of their proposal to the State educational agency of the State within which the applicant is located. This information copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding such advice and comment to the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Program information and forms.* (1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

(2) It is anticipated that grants and assistance contracts will be awarded in each of the categories specified in 45 CFR 160d.5, with the total awards in each category being approximately as follows: (a) Incremental improvements in K-12 career education programs—$2,985,000, (b) demonstrations in such settings as the senior high school, the community college, adult and community education agencies, and institutions of higher education—$600,000, (c) demonstrations for such special segments of the population as handicapped, gifted and talented, minority and low income youth, and to reduce sex stereotyping in career choices—$800,000, (d) demonstrations of the training and retraining of persons for conducting career education programs—$650,000, and (e) communication of career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public—$630,000.

(3) It is anticipated that grants and assistance contracts will be awarded for the State plan projects specified in 45 CFR 160d.13, with the total awards for this category being approximately $2,000,000.

(4) In addition to the grants and assistance contracts awarded pursuant to this notice, it is anticipated that approximately $2,470,000 worth of procurement contracts in career education will be awarded during Fiscal Year 1976. Requests for proposals for these procurement contracts will be published in the Commerce Business Daily at a later date.

E. *Applicable regulations.* The regulations applicable to the Career Education Program are:

(1) The Office of Education's General Provisions Regulations, which were published in the FEDERAL REGISTER on November 6, 1973, as amended (45 CFR Parts 100, 100a and appendices).

(2) The regulations for the Special Projects Act, of which notice of proposed rulemmaking was published in the FEDERAL REGISTER on June 26, 1975 (45 CFR Part 160, especially Part III in the Appendix thereof).

(3) The regulations for the Career Education Program, of which notice of proposed rulemaking was published in the FEDERAL REGISTER on December 1, 1975 (45 CFR Part 160d).

(20 U.S.C. 1851-1853 and 1865)

(Catalog of Federal Domestic Assistance Number 13.554; Career Education Program)

Dated: December 4, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33114 Filed 12-8-75;8:45 am]

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Extension of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 623 of the Education of the Handicapped Act (20 U.S.C. 1423), the U.S. Commissioner of Education has extended the November 3, 1975 closing date for receipt of applications for new early education outreach projects. This date was previously published in the FEDERAL REGISTER on August 13, 1975 at 40 FR 34021. The new closing date is January 16, 1976.

There was a misunderstanding on the part of applicants that the first year on an outreach project (the first year after the completion of a three-year early childhood education project) was considered to be a new project. Those applicants intended to file applications under the date set for continuation applications. However, the first year of an outreach project is a new award. Therefore, a new closing date of January 16, 1976 has been established for receipt of applications for new early education outreach projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.444B outreach. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 12, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will reply on the time-date stamp of such mail rooms or other documentary eviednce of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4:00 p.m. Washington, D.C. time on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Early Education for Handicapped Children Program, Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Application regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the program regulations (45 CFR Part 121d) published in the FEDERAL REGISTER on February 20, 1975 at 40 FR 7416.

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance, No. 13.444B, Early Education for Handicapped Children Outreach)

Dated: December 4, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33113 Filed 12-8-75;8:45 am]

Food and Drug Administration

[Docket No. 75N-0230; DESI 1786]

CERTAIN COMBINATION DRUGS CONTAINING ORGANIC NITRATES

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Amendment

In a notice of opportunity for hearing (DESI 1786; Docket No. FDC-D-643 (now Docket No. 75N-0230); NDA 4-353 etc.) published in the FEDERAL REGISTER of August 29, 1973 (38 FR 23349), the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications described below. The basis of the proposed order was that the drugs lacked substantial evidence of effectiveness for their labeled indications. The products are used in the treatment of angina pectoris attacks. Although the products are combination drugs, the notice did not specifically refer to the policy for fixed-combination prescription drugs for humans, 21 CFR 300.50. The notice of August 29, 1973, is now being amended in that regard.

NDA No.	Drug	NDA Holder
8-798	Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017.
11-420	Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital.	Do.
12-740	Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital.	Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, Mo. 64137.
12-538	Pentaerythritol tetranitrate and phenobarbital (sustained release capsules).	USV Pharmaceuticals Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707. (Former holder of the NDA was Nysco Laboratories, Inc., 34-24 Vernon Blvd., Long Island City, N.Y. 11106.)
12-226	Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital.	Warner Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
8-852	Those parts of NDA 8-852 pertaining to Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital; and Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline.	Cole Pharmacal Co., Inc., 3721 Laclede Ave., St. Louis, Mo. 63106.
10-972	Pentraline Tablets containing pentaerythritol tetranitrate, sodium butabarbital, and reserpine.	McNeil Laboratories Inc., Camp Hill Rd., Fort Washington, Pa. 19034.
4-353	Nitrantol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Rd., Cincinnati, Ohio 45215.
2-779	Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Pennwalt Prescription Products Division, Pennwalt Corp., 755 Jefferson Rd., Rochester, N.Y. 14623.
12-093	That part of NDA 12-093 pertaining to Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital.	Ives Laboratories, Inc., 685 3d Ave., New York, N.Y. 10017.

The initial DESI notice concerning these combination products was published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001). That notice included not only these drugs but also certain single-entity organic nitrate products, both the standard and controlled release dosage forms, which were all classified as possibly effective for their labeled indications. Since no data were submitted concerning the combination products, the aforesaid notice of opportunity for hearing of August 29, 1973 issued. The standard dosage forms for the single-entity products referenced in the initial notice of February 25, 1972, were subsequently placed on the list of drug products which may remain on the market pending completion of additional studies to determine effectiveness (37 FR 26623, December 14, 1972; 38 FR 18477, July 11, 1973). The controlled release dosage forms of the single-entity products included in the initial notice will be the subject of a future FEDERAL REGISTER announcement and are not affected by nor included within this amended notice, which applies only to the combination drugs named in the opportunity for hearing published August 29, 1973, and listed above.

Since all of the above drug products are combinations and since the notice of opportunity for hearing of August 29, 1973 did not specifically refer to the policy for fixed-combination prescription

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drugs for humans (21 CFR 300.50), the Director of the Bureau of Drugs concludes that the notice should be amended as set forth below to make it clear that any request for hearing must provide evidence of effectiveness derived from adequate and well-controlled studies meeting the requirements of both 21 CFR 314.111, which sets forth the essential elements of adequate and well-controlled studies, and 21 CFR 300.50, which sets forth the criteria for fixed-combination prescription drugs. New submissions should be made in the formats and with the analyses required by 21 CFR 314.200 with respect to such drugs.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a) (5) and 21 CFR 300.50, demonstrating the effectiveness of these fixed combination drug products.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6 It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or disrtibutes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 8, 1976, a written notice of appearance and request for hearing; and (2) on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32978 Filed 12-8-75;8:45 am]

[Docket No. 75N-0236; DESI 9418]

CERTAIN DRUGS CONTAINING PENTAERYTHRITOL TETRANITRATE IN COMBINATION WITH MEPROBAMATE OR HYDROXYZINE HYDROCHLORIDE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Amendment

In a notice of opportunity for hearing (DESI 9418; Docket No. FDC-D-602 (now Docket No. 75N-0236); NDA 9-418 etc.) published in the FEDERAL REGISTER of March 6, 1973 (38 FR 6090), the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of certain products that are combination organic nitrates. The basis of the proposed order was that the drugs lacked substantial evidence of effectiveness for their labeled indications. The products are used in the treatment of angina pectoris attacks. Requests for a hearing were filed for the drug products described below. The holders of the new drug applications for the other drug products in the notice did not avail themselves of the opportunity for a hearing, and approval of their new drug applications was withdrawn in a notice published in the FEDERAL REGISTER of September 25, 1973 (38 FR 2675). Although the products are combination drugs, the notice of March 6, 1973, did not specifically refer to the policy for fixed-combination prescription drugs for humans, 21 CFR 300.50. The notice of March 6, 1973, is now being amended in that regard with respect to the new drug applications named below.

NDA 10-998; Cartrax 10 and Cartrax 20 Tablets, containing pentaerythritol tetranitrate and hydroxyzine hydrochloride, J. B. Roerig Division, Pfizer Pharmaceuticals, 235 E. 42d St., New York, NY 10017.

NDA 11-423; Equanitrate 10 and Equanitrate 20 Tablets, containing pentaerythritol tetranitrate and meprobamate, Wyeth Laboratories, Inc., Division of American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101.

NDA 11-502; Miltrate Tablets, containing pentaerythritol tetranitrate and meprobamate, Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.

Since all of the above drug products are combinations, and since the notice of opportunity for hearing of March 6, 1973, did not specifically refer to the policy for fixed-combination prescription drugs for humans (21 CFR 300.50), the Director of the Bureau of Drugs concludes that the notice should be amended as set forth below to make it clear that any request for hearing must provide evidence of effectiveness derived from adequate and well-controlled studies meeting the requirements of both 21 CFR 314.111, which sets forth the essential elements of adequate and well-controlled studies, and 21 CFR 300.50, which sets forth the criteria for fixed-combination prescription drugs. New submissions should be made in the formats and with the analyses required by 21 CFR 314.200 with respect to such drugs.

Inasmuch as no interested person other than the applicants named in this notice filed a written appearance concerning these or identical, related, or similar products in response to the March 6, 1973 notice, and since their failure to file an appearance constitutes an election by such persons not to avail themselves of an opportunity for a hearing, 21 CFR 314.200, the opportunity provided by this notice is applicable only to the holders of the above new drug applications specifically named above.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50, demonstrating the effectiveness of these fixed-combination drug products.

Therefore, notice is given to the holders of the new drug applications listed above that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that each of the drug products will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it, e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants are hereby given an opportunity to submit additional data to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above.

If any applicant elects to avail himself of the opportunity to submit additional data, he shall file on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. The procedures and requirements governing this notice of opportunity for hearing, submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

Any additional submissions may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. At the end of the 60-day period, the submissions will be evaluated. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the applications, or if the data are not submitted in the required format or with the required analyses, the Commissioner will enter summary judgment against the applicant(s), making findings and conclusions and denying a hearing.

All submissions pursuant to this notice should be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32977 Filed 12-8-75;8:45 am]

[Docket No. 75N-0203; DESI 8076]

TETRACAINE HYDROCHLORIDE AND BENZOCAINE TOPICAL SOLUTION

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 8076) was published in the FEDERAL REGISTER of October 15, 1970 (35 FR 16194), in which the Food and Drug Administration announced its conclusion that the drug product described below is less-than-effective (probably effective for production of anesthesia of accessible mucous membranes, primarily in the practice of dentistry). Further data were submitted but were determined not to provide substantial evidence of effectiveness. This notice announces that conclusion and proposes to withdraw approval of the product. Persons wishing to request a hearing must do so on or before January 8, 1976.

NDA 8-076; Neotopanol Solution containing tetracaine hydrochloride and benzocaine; Cook-Waite Laboratories, Inc., Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.

Neotopanol is a combination drug product containing 2 percent tetracaine hydrochloride, a long-acting topical anesthetic and 15 percent benzocaine, a rapidly acting topical anesthetic. The intent and claim of the combination is production of anesthesia of the oral mucosa with the rapid onset of benzocaine and the prolonged duration of tetracaine hydrochloride. Both components are effective topical anesthetic agents. In order to meet the requirements of the Food and Drug Administration policy on combination drugs (21 CFR 300.50), it must be shown that each of the ingredients contributes to the claimed effect of the combination. In the present case, it must be shown that the combination provides more rapid action than the slower acting component with at least comparable duration of action and more prolonged anesthesia than the short-duration component with at least comparable speed of onset; in other words, that the combination is superior to either component with regard to either speed of onset or duration of action. It must also be shown that the dosage of each component is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy.

Subsequent to the notice of October 15, 1970, Cook-Waite Laboratories submitted two studies to demonstrate the effectiveness of the product. These studies, by Dr. David Mitchell and Dr. Frank Shovlin, were conducted using essentially identical protocols, each study employ-

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ing 16 subjects in a double-blind, four-treatment, four-period crossover design. The drugs used were Neotopanol solution; placebo, consisting of the vehicle carbitol; tetracaine hydrochloride 2 percent in carbitol; and benzocaine 15 percent in carbitol. The studies measured the onset and duration of anesthesia after each preparation was applied to the tongue. Despite their similar design, the two studies give very different results; these are summarized in the table that follows.

Median time of onset and duration of Anesthetic effect in minutes

	Mitchell study		Shovlin study	
	Onset	Duration	Onset	Duration
Tetracaine	2.0	9.38	2.58	5.25
Benzocaine	2.5	6.0	.63	5.95
Neotopanol	2.0	9.0	.38	16.6

It is clear that in the Mitchell study tetracaine has as rapid an onset and as prolonged a duration of action as Neotopanol; thus there is no contribution made by the addition of the benzocaine, and the requirements of 21 CFR 300.50 are not fulfilled.

With respect to the Shovlin study, Neotopanol appears to have the rapid rate of onset of benzocaine (significantly faster than tetracaine) and a more prolonged action than benzocaine. The results of the study, however, indicate a serious methodological problem the nature of which cannot be ascertained from available data. The duration of action of tetracaine was found to be no longer than benzocaine, contradicting the Mitchell study and in contrast with the assumptions underlying the Neotopanol combination, in which tetracaine is included because of its prolonged action. On the other hand, the duration of action of Neotopanol is far greater than the duration of tetracaine (even though the tetracaine is supposedly entirely responsible for such prolonged action) and far greater than the duration for Neotopanol found in the Mitchell study. Although it remains a possibility that benzocaine and tetracaine are somehow synergistic in their effect on duration of anesthesia, this is less likely than that some of the duration figures are in error. The patients receiving placebo reported evidence of effectiveness to a larger degree than one would anticipate in a study of this type. When a larger than expected placebo effect is seen in a study, one may suspect a methodology problem.

The FDA has no explanation for the differences between the two studies or the internal inconsistencies of the Shovlin study. While the Shovlin study provides some evidence that Neotopanol has a more rapid onset of anesthesia than tetracaine and provides a more prolonged duration of action than benzocaine, the results of a single study cannot in any case be considered substantial evidence, particularly since these results are contradicted in every respect by a second study using a virtually identical protocol.

By letter of August 12, 1974, Cook-Waite Laboratories was informed that the FDA considered that the data submitted do not provide substantial evidence of effectiveness. The company was requested to submit additional information about either their combination drug or the single components which would aid in clarifying the claims with regard to the time of onset of action and duration of action and a protocol for additional clinical studies. No such information has been submitted.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of adequate and well-controlled clinical investigations, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50 that provide substantial evidence of the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufacturers or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 8, 1976, a written notice of appearance and request for hearing, and (2) on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32979 Filed 12-8-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of June, July, August, September, October and November 1975:

"Wayne Apgar Farmhouse," Greene County, Ohio, affected by the development of an industrial park by the City of Xenia, assisted by the Department of Commerce, Economic Development Administration (6/10/75);

"Lukens-Plummer House and Moses McKay House," Warren County, Ohio, affected by construction of the Caesar Creek Lake Project by the Department of the Army, Corps of Engineers (6/10/75);

"Beauvoir," Biloxi, Mississippi, affected by construction of a convention center assisted by the Department of Commerce, Economic Development Administration (6/10/75);

"Site Number One and other archeological sites," Sacramento County, California, affected by a bank protection project on the Sacramento River undertaken by the Department of the Army, Corps of Engineers (6/10/75);

"Fort Mason," San Francisco, California, affected by conversion of the San Francisco Fire Department High Pressure Pumping Station Number 2, located within Fort Mason, from steam to diesel power, an undertaking requiring a permit from the Department of the Interior, National Park Service (6/20/75);

"Bodega Bay Archeological District," Sonoma County, California, affected by the construction of sewage transmission and treatment facilities by the Bodega Bay Public Utilities District, assisted by the Environmental Protection Agency (6/20/75);

"Mauna Kea Adz Quarry Complex," Hawaii, Hawaii, affected by archeological research to be conducted by the Bernice P. Bishop Museum and funded by the National Science Foundation (6/20/75);

"St. Peter's Church", St. Francis, Wisconsin, affected by the Knights of Columbus "Pride in America" Heritage Project which proposed moving the church to an outdoor ethnic museum. The Knights of Columbus project is funded by the American Revolution Bicentennial Administration (6/20/75);

"Fort Adams State Park", Newport, Rhode Island, affected by selective demolition to be funded as part of a restoration project by the Department of the Interior, National Park Service, Office of Arch. and Hist. Pres. (7/2/75);

"Old DeKalb County Courthouse", Decatur, Georgia, affected by construction of the Metropolitan Atlanta Rapid Transit System, assisted by the Department of Transportation, Urban Mass Transportation Administration (7/4/75);

"Zebree Homestead Site", Mississippi County, Arkansas, affected by construction of Ditch 81 Extension (Item 2), an undertaking of the Department of the Army, Corps of Engineers (7/4/75);

"Chesapeake and Ohio Canal", Hancock, Maryland, affected by construction of a subtransmission line across the canal, a project by the Potomac Edison Company requiring a permit from the Department of the Interior, National Park Service (7/7/75);

"William Allen White Cabins", Estes Park vicinity, Larimer County, Colorado, affected by the removal and reconstruction of the front porch of the William Allen White studio by the Department of the Interior, National Park Service (7/7/75);

"Lapakahi Complex archeological district", Lapakahi State Historical Park, County of Hawaii, Hawaii, affected by a State of Hawaii project involving vegetative clearing, ruin stabilization, facilities planning and interpretive planning, funded by the Department of Commerce, Economic Development Administration (7/9/75);

"City of Refuge National Historical Park", Honaunau, Kona, Hawaii, affected by adoption of a Master Plan by the Department of the Interior, National Park Service (7/9/75);

"Charleston Historic District", Charleston, South Carolina, affected by the construction of the James Island Expressway and Bridge, funded in part by the Department of Transportation, Federal Highway Administration (7/9/75);

"Colonial National Historic Park", Yorktown, Virginia, affected by use of 8.66 acres of parkland for improvement and realignment of Route 238 by the Virginia Department of Highways, requiring a special use permit from the Department of the Interior, National Park Service (7/11/75);

"Coffey Archeological Site" (14 PO 1), Pottawatomie County, Kansas, affected by limited recovery of archeological data to protect the values of the site from being destroyed by erosion and inundation, to be undertaken by the Department of the Army, Corps of Engineers and the Department of the Interior, National Park Service, Office of Interagency Archeological Services (7/11/75);

"Oak Park Frank Lloyd Wright Prairie School of Architecture Historic District", Oak Park, Illinois, affected by the acquisition and restoration of the Frank Lloyd Wright Home and Studio by the Village of Oak Park, using funds from the Department of Housing and Urban Development (7/11/75);

"J. Wesley Brooks House", Greenwood County, South Carolina, affected by a railroad-highway demonstration project funded by the Department of Transportation, Federal Highway Administration (7/11/75);

"Federal Land Office Building", Steubenville, Ohio, affected by West Virginia Department of Highways proposal to construct Project 305-22-0.00 (Ohio River Bridge and Relocated U.S. 22) and requiring a permit from the Department of Transportation, U.S. Coast Guard (7/11/75);

"Mooresville Historic District and Belle Mina", Limestone County, Alabama and the "Twickingham Historic District" and the "Southern Railway System" Depot in Huntsville, Madison County, Alabama, affected by a highway project funded in part by the Department of Transportation, Federal Highway Administration (7/14/75);

"Haskell Institute National Historic Landmark", Lawrence, Kansas, affected by implementation of a master plan for the development of the Haskell Indian Junior College, a project of the Department of the Interior, Bureau of Indian Affairs (7/14/75);

"Madeline Island Site" (site 7302), Madeline Island, Ashland County, Wisconsin, affected by construction of a sewage collection and treatment system by the Madeline Sanitary District with assistance from the Department of Agriculture, Farmers Home Administration (7/21/75);

"Hudson-Meng Bison Kill Site", vicinity of Crawford, Sioux County, Nebraska, affected by archeological excavation requiring a permit from the Department of Agriculture, Forest Service (7/21/75);

"Earnest Witte Site" (41AU36), Austin County, Texas, affected by construction of the Allens Creek Nuclear Generating Station by the Houston Lighting and Power Company, a project requiring a license from the Nuclear Regulatory Commission (8/1/75);

"Lehigh Valley Railroad Station", Ithaca, New York, affected by construction of improvements to Routes 13 and 96, a project funded by the Department of Transportation, Federal Highway Administration (8/6/75);

"Morristown National Historic Park," Morristown, New Jersey, affected by proposed construction of the Tempe-Wick Re-routing Visitor Center/Parking Facility, a project of the Department of Interior, National Park Service (8/8/75);

"Bellows Field Archeological Area," Oahu, Hawaii, affected by installation of picnic facilities at Bellows Air Force Station, an undertaking of the Department of Defense, United States Air Force (8/12/75);

"Independence National Historical Park (Christ Church unit)," Philadelphia, Pennsylvania, affected by a proposed project of restoration and structural repair to be assisted by the Department of the Interior, National Park Service (8/17/75);

"Luth Mound, the Hicks' House and other properties," Vermillion County, Indiana, affected by the proposed upgrading of a portion of S.R. 63, funded in part by the Department of Transportation, Federal Highway Administration (8/17/75);

"Portsmouth Public Library," Portsmouth, New Hampshire, affected by a restoration and adaptation project funded in part by the Department of the Interior, National Park Service, Office of Archeology and Historic Preservation (8/17/75);

"Kaw Indian Agency," Kay County, Oklahoma, affected by construction of the Kaw Dam and Reservoir, Arkansas River, Oklahoma, a project of the Department of the Army, Corps of Engineers (8/17/75);

"Dingee Houses, Cox Houses, the Sims House, and the Old Town Hall," Wilmington, Delaware, affected by proposed changes to the Civic Center Urban Renewal Project in Wilmington, Delaware, an undertaking funded by the Department of Housing and Urban Development (8/21/75);

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"Great Seal State Park Archeological District," Ross County, Ohio, affected by the procurement of borrow material for the Chillicothe Local Protection Project, an undertaking of the Department of the Army, Corps of Engineers (8/21/75);
"Front Street-Parade Hill-Lower Warren Street Historic District," Hudson, New York, affected by Urban Renewal Project No. NY R-244, an undertaking assisted by the Department of Housing and Urban Development (8/21/75);
"Inglenook Winery," Rutherford, California, affected by use of the Inglenook barrel aging cellar, requiring a license from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (8/25/75);
"Pabst Site," DeWitt County, Illinois, affected by construction of the Clinton Power Station, Clinton, Illinois, a project requiring a license from the Nuclear Regulatory Commission (8/25/75);
"Kipahula Historic District," Haleakala National Park, Maui County, Hawaii, affected by implementation of a visitor safety program for the Seven Pools Area, an undertaking of the Department of the Interior, National Park Service (8/25/75);
"Enderle Site, Jenkins Site, Anderson Site," Erie County, Ohio, affected by construction of highway ER1-2-18.38, a project assisted by the Department of Transportation, Federal Highway Administration (9/2/75);
"Lind Coulee Archeological Site," Warden vicinity, Grant County, Washington, to be excavated in order to preserve the information contained therein from adverse effects caused by the ongoing operation of the Columbia Basin Project, an undertaking of the Department of the Interior, Bureau of Reclamation (9/2/75);
"Archeological Site," vicinity of Columbus Lock and Dam, Lowndes County, Mississippi, affected by construction of the Columbus Lock and Dam, an undertaking of the Department of the Army, Corps of Engineers (9/5/75);
"Inman Park Historic District," Atlanta, Georgia, affected by construction of the Atlanta Metropolitan Rapid Transit System, assisted by the Department of Transportation, Urban Mass Transportation Administration (9/15/75);
"Water Street Historic District and Heisey House," Lock Haven, Pennsylvania, affected by construction of a flood control protection project by the Department of the Army, Corps of Engineers (9/19/75);
"Core Site" (site no. 05-09-54-30), Modoc County, California, affected by a proposed land exchange undertaken by the Department of Agriculture, Forest Service (9/19/75);
"John & Landon Carter House," Elizabethton, Tennessee, affected by a restoration project funded by the Department of the Interior, National Park Service, Office of Archeology and Historic Preservation (9/25/75);
"Marshall Powder Mill Site," Marshall, Harrison County, Texas, affected by construction of Highway Loop 390, a project assisted by the Department of Transportation, Federal Highway Administration (9/26/75);
"Pennsylvania Avenue National Historic Site," Washington, D.C., affected by construction of Project FF-16 of the Metro F Route, assisted by the Department of Transportation, Urban Mass Transportation Admin. (9/26/75);
"Illinois and Michigan Canal," Grundy County, Illinois, affected by the construction of three transmission lines by the Commonwealth Edison Company, a project requiring a permit from the Department of the Army, Corps of Engineers (9/28/75);
"Nott Late Archaic Archeological Site and Albany Glasshouse District", Albany County, New York, affected by construction of sewage transmission and treatment facilities, by the Town of Guilderland, a project assisted by the Environmental Protection Agency (9/28/75);
"Hampton National Historic Site" (The Orangery), Baltimore County, Maryland, affected by restoration of The Orangery, an undertaking by the Department of the Interior, National Park Service (9/29/75);
"Historic properties", Syracuse, New York, affected by implementation of the Community Development Block Grant Program in that city, a project assisted by the Department of Housing and Urban Development (9/29/75);
"Mesa Verde National Park", Colorado, affected by a proposal to Congress to designate 8,100 acres within the park as a Wilderness Area, an undertaking of the Department of the Interior, National Park Service (9/29/75);
"Illinois and Michigan Canal", Will County, Illinois, affected by construction of the Duplicate Locks Project, Department of the Army, Corps of Engineers, (10/5/75);
"Veterans Administration Center", Bay Pines, Florida, affected by construction of a new clinical support structure by the Veterans Administration (10/5/75);
"Fred M. Vinson Birthplace", Louisa, Kentucky, affected by construction of a bridge and approaches between Louisa, Kentucky, and Fort Gay, West Virginia, a project assisted by the Department of Transportation, Federal Highway Administration (10/14/75);
"Sand Point Site", Baraga County, Michigan, affected by proposed improvement and expansion of a campground and recreational area by the Keeweeneaw Bay Indian Community, assisted by the Department of Commerce, Economic Development Administration (10/14/75);
"Society Hill Historic District and Mikveh Israel Cemetery", Philadelphia, Pennsylvania, affected by the Washington Square West Urban Renewal Project, assisted by the Department of Housing and Urban Development (10/14/75);
"Hildebrand Ranch", Chatfield Dam, Jefferson County, Colorado, affected by maintenance, stabilization and preservation measures instituted by the Department of the Army, Corps of Engineers (10/22/75);
"Timberline Lodge", Mt. Hood National Forest, Oregon, affected by construction of a day lodge and granting of a permit for construction of an overnight lodge and ancillary facilities, an undertaking of the Department of Argiculture, Forest Service (10/28/75);
"Ninth Street Elementary School", Charleroi, Pennsylvania, affected by construction of a high rise apartment building for the elderly to be built by the Borough of Charleroi as part of its Community Development Block Grant Program, assisted by the Department of Housing and Urban Development (10/28/75);
"Lower China Crossing Site and 10 other archeological sites", vicinity of the Hidden Dam-Hensley Lake Project, Fresno River, California, affected by construction of the above project, an undertaking of the Department of the Army, Corps of Engineers (10/28/75);
"Old Village Historic District", Grand Canyon, Arizona, affected by Grand Canyon Village Development Concept Plan, an undertaking of the Department of the Interior, National Park Service (11/10/75);
"Ute Mountain Ute Mancos Canyon Historic District", and many other historic and archeological properties, vicinity of Dolores River in Southwestern Colorado, affected by a study of the Delores River for inclusion in the National Wild and Scenic Rivers System of the United States, an undertaking of the Department of the Interior, Bureau of Outdoor Recreation, and the Department if Agriculture, Forest Service (11/10/75);
"Shawnee Lookout Archeological District", Hamilton County, Ohio and "Cochran and Shaw Farms" Butler County, Ohio, affected by issuance of a permit for a transmission line crossing Great Miami River, an undertaking of the Department of the Army, Corps of Engineers. (11/10/75);
"Tucker-Carriage House", Raleigh, North Carolina, affected by construction of a highrise elderly housing complex assisted by the Department of Housing and Urban Development (11/10/75);
"Gillis House", Harrison County, Mississippi, affected by constructions of Interstate Route 110, a project funded by the Department of Transportation, Federal Highway Administration (11/10/75);
"Old El Paso County Jail and Alamo Plaza Hotel", Colorado Springs, Colorado, affected by the Alamo Plaza Urban Renewal Project, as undertaking of the Department of Housing and Urban Development (11/24/75);
"Laguna Plata Archeological District", Lea County, New Mexico, affected by installation of a 16" diameter pipeline by the Mississippi Chemical Corporation, an undertaking requiring a permit from the Department of the Interior, Bureau of Land Management (11/25/75);
"Shiloh National Military Park (Shiloh Indian Mounds)," Hardin County, Tennessee, affected by archeological investigations conducted by the Department of the Interior, National Park Service (11/25/75);
"Brinegar Cabin and Shed," Allegheny County, North Carolina, affected by a maintenance and preservation project of the Department of the Interior, National Park Service (11/25/75).

These Memoranda were executed in accordance with § 800.5 of the Advisory Council's Procedures, in fulfillment of Federal Agency responsibilities to afford the Advisory Council on Historic Preservation an opportunity to comment on Federal, federally assisted, and federally licensed undertakings which have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. These agency responsibilities derive from section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470(f)), and sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. 470, 36 FR 8921). The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

Dated: December 4, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75-33142 Filed 12-8-75;8:45 am]

CIVIL AERONAUTICS BOARD

Order 75-12-15]

AIR TRAFFIC CONFERENCE OF AMERICA

[Docket No. 28572; Agreement C.A.B. 12688;

Order Regarding Confidentiality in AFC Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of December 1975.

By Order 75-6-49, dated June 10, 1975, the Board approved the Bylaws of the Air Traffic Conference of America. During the course of that proceeding, issues were raised concerning (1) the legality and usefulness of ATC Resolution 5.95 (Agreement C.A.B. 12688, the so-called Confidentiality Resolution),[1] and whether the Board should require ATC to publish either the voting positions of individual members at Conference and committee meetings or a "tally" of such votes (i.e. number of votes for or against a particular item).

Specifically, it was argued to the Board that ATC Resolution 5.95 and ATC's related practice of prohibiting disclosure of voting positions of individual members promote secrecy in ATC proceedings; that such secrecy causes confusion and misunderstanding between members and nonmembers; and that ATC's secretive practices are unjustified and contrary to the public interest. ATC's interpretation of the resolution was also challenged. For example, certain parties alleged that the resolution as presently written and approved by the Board does not prohibit ATC members from disclosing their own voting positions to third parties, notwithstanding ATC's practice of interpreting the rule so as to bar such disclosures. On the other hand, ATC stated that the resolution and related confidential treatment of voting positions permits the conference members to function without undue pressures from third parties and protects the rights of individual ATC members; that the disclosure of individual-member positions and votes are unnecessary to the legitimate interests of third parties; that without complete confidentiality, the ATC members would be subject to economic reprisals from nonmembers; and that ATC has correctly interpreted the resolution.

The issues were not resolved by the Board's opinion since they were outside the scope of that investigation.[2] However, in reaching that decision, we determined that these questions warranted the Board's consideration and would be handled in ancillary proceedings at a later date.[4] In addition, the Board noted that a record has been developed on the merits of these matters in the Bylaws Investigation "so that no further hearings appear to be presently necessary in connection with our reconsideration thereof." We are still of that opinion and intend to consider relevant and material evidence contained in the record of Docket 23542 which is offered in support of comments to be filed herein.

Consistent with that opinion, we are issuing the instant order requesting comments on ATC Resolution 5.95 and the related issue of ATC's confidential treatment of individual voting positions. The basic issues to be resolved are:

1. Whether ATC Resolution 5.95 (Agreement C.A.B. 12688) is adverse to the public interest, and, if so, whether it should be disapproved, or approved subject to conditions.[5] Included in this issue is a subsidiary question relating to whether ATC Resolution 5.95 as presently written and approved by the Board prohibits an ATC member representative from disclosing to third parties the position he has taken or intends to take or the vote that member has cast or intends to cast at a conference and committee meetings.[6]

2. Whether the Board should require ATC to make public, either in the minutes of its meetings or otherwise (a) the voting positions of individual members at conference and committee meetings, or (b) a "tally" of such voting positions.

All interested persons will be given 30 days from the date of adoption of this order to submit comments to the matters discussed herein. Rebuttal comments will be due 15 days thereafter. However, only those persons who submit initial comments herein will be permitted to reply. We expect such persons to direct their comments to the specific issues set forth herein and to support such comments with detailed reasoning. Vague, general, or unsupported comments will be given little weight. Although we intend to consider the record developed in Docket 23542 interested persons are requested to bring to the Board's attention any matters which have a bearing on the issues herein, whether or not such matters were discussed in the ATC Bylaws Investigation. The Board emphasizes that any reference to Docket 23542 must specifically identify transcript pages or other evidence therein used in support of positions advanced in this proceeding.

Accordingly, it is ordered, That: 1. Comments regarding ATC Resolution 5.95 and Other Practices Relating to the Confidentiality of ATC Meetings shall be filed in Docket 28572;

2. Such comments shall address: (a) Whether ATC Resolution 5.95 is adverse to the public interest, and, if so, whether it should be disapproved, or approved subject to conditions:

(1) Whether the resolution bars an ATC member from disclosing to third parties the position which he has taken or intends to take or the vote that the member has cast or intends to cast; and

(2) If the rule does bar self-disclosure, should the Board condition the rule so as to allow an ATC member to disclose its position to third parties;

(b) Whether the Board should require ATC to make public, either in the minutes of its meetings or otherwise (a) the voting positions of individual members at conference and committee meetings, or (b) a "tally" of such voting positions;

3. All interested persons will be given 30 days from the date of adoption of this order to submit comments regarding the matters set forth in 2 above. Rebuttal comments will be due 15 days thereafter. However, only those persons who submit initial comments herein will be permitted to reply; and

4. This order shall be served upon all parties in Docket 23542.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-33112 Filed 12-8-75;8:45 am]

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[1] The Confidentiality Resolution as previously approved by Order E-21942, reads:
"1. Members of the Air Traffic Conference shall observe the greatest possible discretion in disclosing information about discussions which take place in any Conference, Committee or Subcommittee meeting. In no circumstances shall Members divulge to parties outside the Air Traffic Conference the attitudes or positions taken at such meetings by any member's representative which might prove either embarrassing or detrimental to Members of the Conference.
2. This resolution shall not be construed to prohibit a Member from Divluging such information if this is permitted by a Conference resolution, or if a Member is to testify in court of law or other legal or governmental proceedings or hearings."

[2] When we instituted our investigation of the ATC Bylaws (Order 71-6-127, June 24, 1971), we stated: "We do not intend in this proceeding to reexamine our approval of any prior resolution adopted by ATC and approved by the Board, since the status of such resolutions under section 412 has already been examined and determined. To the extent the outcome of the Investigation affects any extant resolution, we shall consider such matters subsequent to the conclusion of the Investigation."

[3] Although these matters were not in issue in that proceeding, Judge Whitehouse found by way of dicta (1) that the confidentiality rule should be reevaluated by the Board with an eye toward disapproval and (2) that ATC should be required to expand and improve the quality of its minutes including the publication of individual-member positions of votes. However, as noted in the Board's opinion (*supra*) our examination of these matters will not be with the predisposition toward disapproval.

[4] The Board's opinion also left for future resolution the issues of ATC exclusionary practices, procedural fairness accorded travel agents and the role of concurring airlines in ATC's SATO program. These matters will be resolved separately.

[5] Section 412(b) of the Federal Aviation Act states in significant part that:
"The Board shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this Act, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this Act * * *."

[6] Compare for example, ATC Resolution 5.95 to IATA Resolution 035 ("Unethical Disclosure of Information").

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[Docket No. 28443]

SERVICE TO HAZLETON CASE

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on December 12, 1975, (40 FR 52433), is postponed to January 12, 1976, at 10:00 a.m. (local time), Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., December 3, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.75-33111 Filed 12-8-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Change in Meeting Place

Notice is hereby given of changes in the location of the meetings for the Subcommittees of the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments.

The Cash Market Subcommittee will meet on December 11, 1975, at 10:00 a.m. at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the Senate Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of November 26, 1975 (40 F.R. 54855).

The Commodity Options Subcommittee will meet on December 15, 1975, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the California Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of November 28, 1975 (40 F.R. 55376).

The Futures, Forward and Leverage Contracts Subcommittee will meet on December 16, 1975, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the California Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of December 1, 1975 (40 F.R. 55666).

Dated: December 5, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-33250 Filed 12-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20633, 20634; FCC 75-1274]

LINCOLN TELEVISION, INC. (KTSF-TV) AND LEON A. CROSBY (KEMO-TV)

Subscription Television Authority

In re applications of Lincoln Television, Inc. (KTSF-TV), San Francisco, California, Docket No. 20633, File No. BSTV-7; and Leon A. Crosby (KEMO-TV), San Francisco, California, Docket No. 20634, File No. BSTV-11; for subscription television authority.

1. The Commission has before it for consideration the applications of Lincoln Television, Inc. (BSTV-7) and Leon A. Crosby (BSTV-11) for subscription television (STV) authorizations in San Francisco, California.[1] Lincoln Television, Inc. (Lincoln), is the permittee of KTSF-TV, an unbuilt television broadcast station on channel 26, while Leon A. Crosby (Crosby) is the licensee of KEMO-TV, channel 20. Section 73.642 (a) of the Commission's rules provides, inter alia, that "[o]nly one such authorization will be granted in any community." Therefore, because only one of the above applications for San Francisco may be granted, it follows that the applications are mutually exclusive under the Ashbacker[2] doctrine and must be designated for comparative hearing in a consolidated proceeding to determine which proposal, if granted, would better serve the public interest, convenience and necessity.

2. Both applicants are legally, technically and otherwise qualified to undertake the proposed subscription television operations. See Fifth Report and Order on Subscription Television, Docket No. 11279, 19 FCC 2d 559, 17 RR 2d 1509 (1969). Thus, the only purpose of the hearing will be the comparative consideration of the respective proposals. Inasmuch as this is the first time mutually exclusive STV applications have been designated for hearing, we believe some general guidelines should be set forth to govern the comparison.[3] We do not assume that the matters discussed below will be relevant to every comparative STV proceeding, or even to this proceeding. However, these matters, generally, are sufficiently relevant to a proper comparison that evidence should be permitted without the necessity of petitioning to enlarge issues under § 1.229 of the rules. Rather, a party may adduce evidence concerning any of the areas discussed below under the comparative issue by making an offer of proof to the Administrative Law Judge which demonstrates that the evidence to be adduced will be meaningful and likely to result in the award of a preference.

3. *Programming.* In this area, proposals required of STV applicants are markedly less specific than those required in connection with other broadcast applications. Compare Fifth Report and Order, supra at paragraphs 25–26, with Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). However, applicants for STV authority are directed to make a survey to ascertain the "sports and entertainment needs and interests of the community." Fifth Report and Order, supra at paragraph 26, and describe in their application the "percentage of STV broadcast time per year" to be devoted to specific types of STV programming, "e.g., feature films, sports, opera, ballet, theater, instructional," etc. Id. Accordingly, any proposal which clearly more closely approximates the programming preferences revealed by the applicant's survey should be preferred. Cf. Policy Statement on Comparative Broadcast Hearings, supra at 397.

4. *Cost.* Another factor which may be material to a decision on the comparative merits of the respective applications is the cost of the service to subscribers. Clearly critical to the successful development of subscription television is the creation of a substantial demand for the service within a relatively short period of time. As indicated above, an important factor may be the ability of the STV operator to provide programming which reflects the STV needs and interests of the community. Also important to the creation of demand, however, is cost to the consumer, including deposits and installation charges, monthly rental payments, and per-program charges. If, all other things being equal, see Alabama Microwave, Inc., 39 FCC 2d 660, 667 (Rev. Bd. 1972), the charges proposed by one applicant are sufficiently lower to induce significant additional consumer demand, a preference should be awarded to that applicant.

5. *Ability to construct.* A further comparative consideration is the ability of the applicant to promptly initiate the new service. Our rules presently provide for an eight-month period to complete installation of the STV equipment and commence operation, once an authorization is issued. 47 CFR 73.642(c). Routinely, however, this limitation has been waived to provide for eighteen months for construction. Unfortunately, experience has so far indicated that more time is required. Despite the issuance of four-over-the-air subscription television authorizations, the earliest on July 26, 1972, to Blonder-Tongue Broadcasting Corporation[4] for WBTB-TV, Newark, New Jersey, to the Commission's knowledge, no company is yet actively engaged in manufacturing the necessary encoding and decoding equipment. Whether this circumstance is a reflection of economic conditions or the less-than-best efforts of the holders of the authorizations is not clear. However, it is clear that the public interest is not served by an inactive authorization where another applicant would be prepared to proceed with construction and commence operation with an adequate service at a significantly earlier date. The weight of the preference for earlier institution of service might vary directly with the time between anticipated completion dates. For the time being, no authorization should be awarded where the applicant is unable to demonstrate, not to a certainty, but to at least a probability, the ability to commence operation within eighteen months. Also, in line with the discussion in paragraph 4, above, a preference should be considered where an applicant is able to demonstrate the ability to extend serivce to a significantly greater number of subscribers during the period prior to commencement of operation and the first year of operation.[5]

6. *STV systems.* The Fourth Report and Order on Subscription Television, 15 FCC 2d 466 (1968) specifically contemplates as a matter for comparative consideration the respective technical merits of the proposed STV systems. Id., at 535. However, this matter must be treated differently from the matters discussed above. The system approval application of Blonder-Tongue Laboratories was submitted under a cloak of confidentiality conferred by former § 73.644 (a)(10),[6] and Systems Development Corporation (SDC)[7] requested and was granted confidential treatment of the contents of its application pursuant to § 0.459. Similar statements may be made concerning other system approval applications. The Commission has recently ruled that the contents of these and other STV system approval applications must be made available for public inspection pursuant to the Freedom of Information Act, 5 U.S.C. 552, with the exception of those portions of the applications which concern the encoding and decoding of the STV signal. Blonder-Tongue Laboratories, 34 RR 2d 828 (1975). Enforcement of this decision is now the subject of two civil actions, Case Nos. 75-1269 and 75-1312, in the United States District Court for the District of Columbia. While this limited release of information would facilitate the technical comparison of the systems, it obviously will not, by itself, permit a thorough comparison of all pertinent characteristics of the systems. We believe that this is an important area of the overall comparison. Therefore, we will hereby provide that parties in an STV comparative proceeding may seek to adduce evidence to explore the relative technical merits of each system, in the manner outlined in paragraph 2, above. However, a party seeking to adduce such evidence will be required to obtain from the developer of its system a waiver of every confidential aspect of its system approval application file, for the purpose of developing the hearing record. This does not mean that every part of the file will thus be made available for public inspection. As to those matters which the Commission has determined should not be made public, see Blonder-Tongue Laboratories, supra, the presiding officer is hereby directed to make appropriate orders to prevent the disclosure of such information in other proceedings.[8] A responding party may, of course, elect to not participate in a technical comparisor and thereby preserve the confidential nature of the file. However, by so doing it, naturally, foregoes the possibility of receiving a preference under the issue, and may thereby be placed at a comparative disadvantage. We are aware that approved systems may differ in a multitude of respects. Not every difference should be the subject of comparative consideration. We have, after all, provided for the approval of more than one system for subscription television (Fourth Report and Order, supra, at 535). To keep the comparison manageable and relevant, those characteristics which are of concern should be only those which clearly affect the quality of transmission or reception, continuity of service, convenience to subscribers, and the security of the scrambling/unscrambling system against unauthorized access to the scrambled signal.

7. As we stated in the Policy Statement on Comparative Broadcast Hearings, supra, the above guidelines are "not intended to preclude the full examination of any relevant and substantial factor." 1 FCC 2d, at 399. But additional matters will be considered only on a demonstration to the Administrative Law Judge of (1) their relevance to Commission licensing policies, and (2) the probability that meaningful evidence will be produced, and (3) that the evidence is likely to result in the awarding of a preference.

8. In view of the above: *It is hereby ordered,* That the above-captioned applications of Lincoln Television, Inc., and Leon A. Crosby, for subscription television authorization, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine, on a comparative basis, which of the above-captioned applications, if granted, would better serve the public interest, convenience and necessity, and

(2) To determine, in the light of evidence adduced on the above issue, which application should be granted.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Com-

[1] The Commission has also received a pleading from the Community Coalition for Media Change (CCMC), "requesting an extention (sic) of time to file opposition" to the Crosby application. CCMC alleged that it had been unable to meet with Kingsley Murphy, the proposed STV franchisee. Nothing further in this matter has been received from CCMC. Inasmuch as STV applications are not subject to § 1.580(i) of the rules, there is no deadline for filing oppositions, hence no need for an extension, and hence no need for the Commission to deal with CCMC's request.

[2] Ashbacker Radio Corp. v. FCC, 326 U.S. 327, 66 S. Ct. 148, 90 L. Ed. 108 (1946).

[3] While guidelines have been established for comparative broadcast proceedings by the Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), not all the factors enumerated therein are relevant to the evaluation of STV proposals. For example, integration of ownership and management will not be significant, in view of the fact that each applicant is already a licensee or permittee of the Commission and also that the Commission has approved a variety of means of structuring the programming, encoding, promoting and collection functions of an STV operator. Fourth Report and Order on Subscription Television, Docket No. 11279, 15 FCC 2d 466, 541–42 (1968). Similarly, efficient use of the frequency is not a significant matter. On the other hand, diversification of control of the mass media may well be significant, and the area of comparison may be extended to a separate franchisee or STV operator, if that is the organizational structure proposed by the applicant. For example, in comparative cases, the Commission has traditionally considered ownership of theaters as a comparative factor, although the importance attached to theater ownership has varied. Compare, e.g., WJR, The Goodwill Station, 9 RR 227 (1954), with Columbia Amusement Co., 12 RR 509 (1956) and La Fiesta Broadcasting Company, 6 FCC 2d 65, 9 RR 295 (Rev. Bd. 1966). As we expect that a significant percentage of STV programming will consist of first-run movies, we can conceive of situations where theater ownership by an individual with an interest in an STV application could have anti-competitive potential inconsistent with the public interest. There are, moreover, other situations which, it appears, the Commission has not previously considered, such as ownership of an interest in a local professional sports team, which, because of the anticipated sports component of STV programming, should be examined for purposes of comparison. See Community Telecasters of Cleveland, Inc., 43 FCC 2d 540 (1973). The fact that it is the licensee who is ultimately responsible for the selection of STV programming does not preclude consideration of the holdings of a separate STV operator or franchisee, if it bears upon the Commission's policy of avoiding situations where the absence of diverse ownership presents an inherent possibility of reduced competition. Cf. Alabama Microwave, Inc., et al., 23 FCC 2d 792 (1970). See, generally In the Matter of Amendment of §§ 73.35, 73.240 and 73.636 of the rules, 2 RR 2d 1588, 1591 (1964).

[4] Blonder-Tongue Broadcasting Corporation and Blonder-Tongue Laboratories, Inc. (developer and franchisor of the BTVision STV system, proposed by Crosby's application) are commonly-owned corporations.

[5] While not intending to define or limit what we would consider "significant," we would say, for example, that an applicant who proposed to extend service to 20,000 homes in the first year of operation (and demonstrated the capacity to fulfill such an undertaking) should be preferred over an applicant proposing to service 10,000 homes. Comparison over longer periods of time is less likely to be helpful, because the accuracy of the predictions is likely to be reduced by a compounding of uncertainties in estimating first year extensions of service and a greater vulnerability to external factors beyond the control or foresight of the applicant.

[6] Former § 73.644(a)(10) provided: "Files containing information about subscription television systems submitted by applicants for approval of these technical systems pursuant to the rules in this part will not be open to the public." This section of the rules was deleted effective March 25, 1974.

[7] SDC is the developer of the encoding/decoding system proposed for use by Lincoln's application.

[8] For example, see American Telephone and Telegraph Co. (Docket No. 20288) FCC 75M-446, released March 11, 1975. See also, George T. Hernreich, 52 FCC 2d 261, 265 (1975).

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mission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 17, 1975.

Released: December 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[*]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33083 Filed 12-8-75;8:45 am]

[Docket No. 19743]

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Subscription Agreements; Correction

In the matter of inquiry into subscription agreements between radio broadcast stations and musical format service companies, Docket No. 19743.

1. The Report and Policy Statement, Mimeo No. 37875, adopted in the above docket November 4, 1975, referred to the Commission's former rule § 1.613(c) which required the filing of time-brokerage contracts. That rule was changed by paragraph 5(g) of our re-regulation *Order*, 37 FR 23723, adopted November 1, 1972. Now F.C.C. § 1.613(d) states that time brokrage contracts do not have to be filed with the Commission and need only be kept in the station's files.

2. Therefore, the above Report and Policy Statement[1] is corrected by (a) changing the second sentence of paragraph 12 as follows:

"Because of the lessening of licensee control involved in time brokerage cases, a requirement for the filing of time brokerage agreements was adopted in 1945, along with other filing requirements, formerly § 1.613(c) of the Commission's rules."

(b) Adding to the end of paragraph 12:

"The requirement for filing time brokerage agreements was removed by our reregulation Order, 37 FR 23727, adopted November 1, 1972, to reduce administrative and licensee burdens. Section 1.613 (d) of the Commission's rules now requires that time brokerage contracts be kept only in the station's public files."

(c) And changing the first sentence of paragraph 15 as follows:

"Concerning the filing of written agreements, we require network contracts to be filed with the Commission and time brokerage contracts to be kept in the station's files."

Released: November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33084 Filed 12-8-75;8:45 am]

[*] Commissioner Reid absent.

[1] See 40 FR 55383, November 28, 1975.

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meeting Cancellation

To comply with certain requirements of the Federal Advisory Committee Act (Pub. L. 92-463), it is necessary to prepare meeting notices at least 20 days in advance of the proposed meeting. Subsequently, unexpected circumstances may make it necessary to cancel proposed meetings. Accordingly, the following Radio Technical Commission for Marine Services meeting previously announced in the FEDERAL REGISTER is cancelled.

Special Committee No. 66, Receiver Standards for the Maritime Mobile Service. Wednesday, December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-33087 Filed 12-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, California 94104.

Agreement No. 10110-3 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through March 31, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73-28 and 73-29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively, of the United States.

By order of the Federal Maritime Commission.

Dated: December 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33115 Filed 12-8-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1509]

FORWARDING SYSTEMS, INC.

Revocation

On November 26, 1975, Forwarding Systems, Inc., Pier 26, San Francisco, California 94105 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1509 for revocation effective December 25, 1975.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of Orders, Commission Order No. 201.1 (revised) Section 5.01 (b) (dated 6/30/75);

It is ordered, That Independent Ocean Freight Forwarder License No. 1509 issued to Forwarding Systems, Inc. be and is hereby revoked effective December 25, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Forwarding Systems, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-33117 Filed 12-8-75;8:45 am]

[Docket No. 75-57]

MATSON NAVIGATION CO.

Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade; Order of Investigation and Suspension

Matson Navigation Company (Matson) has filed with this Commission revisions of several of its tariffs.[1] These revisions will result in rate increases on 356 of the 386 commodity items for which Matson publishes rates in the U.S. Pacific Coast/Hawaii trade. These increases vary from commodity to commodity. On a certain few tariff items the rates are unchanged, while the percentage increases on other items range as high as 15 percent. The overall effect of the proposed increases will be to increase Matson's gross revenues by 5.4 percent. The bulk of the revisions are to become effective on December 8, 1975. The remainder are scheduled to become effective on January 2, 1976.

Two formal protests and eleven informal letters of protest were timely received from shippers, the State of Hawaii, Hawaiian cattle and poultry interests, and members of the Hawaiian Congressional delegation. All protests request either suspension, investigation, or denial of all or specific parts of Matson's proposed increases. The subject matter of the protests includes the following considerations:

1. The proposed increases will expand what is alleged to be an already unreasonable rate differential between Matson cargoes moving from northern and southern ports on the Pacific Coast of the United States;

2. The proposed 15 percent increase on westbound animal feed will severely hamper the ability of Hawaiian producers of beef, poultry, and other livestock and related products to compete in the Hawaiian market and is unreasonably discriminatory in violation of section 16, First of the Shipping Act, 1916;

3. The proposed increases on numerous specific tariff items are structured so as to be unreasonably discriminatory and/or create undue preferences in violation of section 16, First of the Shipping Act, 1916, and

4. Matson's practice of moving certain cargoes overland from the Los Angeles area to Oakland for loading on Roll-on/Roll-off vessels is being conducted without a tariff on file for this service and is being provided in a manner whch unlawfully discriminates between shippers.

The proposed revisions have been structured by Matson in a fashion which imposes the highest percentage increases on commodities which yield relatively low revenues. The largest percentage rate increase (15 percent) has been applied to animal feed, a commodity for which the current rate yields the lowest revenue of all Matson rates. Matson has stated that the purpose of the variable percentage increases is to restore what it considers to be a more proper relationship between high and low rated commodities. The Commission expects such a relationship to be established and maintained through the application of rational rate-making considerations and considers this investigation a forum in which Matson should justify the variable percentage increases on commodities and the relationships which result from the application of these rates.

The Commission notes that among the 30 tariff items which escaped the imposition of increased rates are the following Eastbound commodities: [2]

1. Bulk sugar and bulk molasses;
2. Pineapple;
3. Foodstuffs;
4. Lead;
5. Prefabricated houses, and
6. Hydrofoils.

Bulk sugar and molasses move for the account of both Matson's parent company, Alexander & Baldwin, and for that of the California & Hawaiian Sugar Company, a refining and marketing cooperative in which Alexander & Baldwin holds a substantial interest. These commodities are carried at rates established by freighting agreements which are currently being filed with the Commission as tariffs. The effect of these rates on Matson's financial results is one of the subjects being pursued in Docket No. 73-22, Matson Navigation Co.—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii, et al. In the case of pineapple rates, Matson has alleged as justification its decision to keep the rates constant as a means of enabling Hawaiian pineapple growers to compete with foreign pineapple producers in United States mainland markets. As was the case in consolidated Dockets Nos. 73-22, et al., it will be necessary to examine the relationship of revenues received from the carriage of eastbound cargoes to Matson's revenue requirements for the entire U.S. Pacific Coast/Hawaii trade.

Matson contends that the subject increases will yield a 10.58 percent rate of return for the projected year. Data submitted by Matson to the Commision do not permit determination of the exact effect of the proposed increases on Matson's financial results for the projected year. Such a determination shall be made in the course of this investigation.

Upon consideration of the above matters, the Commission is of the opinion that Matson's proposed tariff revisions listed in Appendix A should be made the subject of public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act. 1916 and/or Section 4 of the Intercoastal Shipping Act. 1933. The Commission is of the further opinion that the proposed revisions should be suspended under the authority granted the Commission by Section 3 of the Intercoastal Shipping Act, 1933, and good cause appearing:

Therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and Sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff matter is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That pursuant to section 16, First and 18 of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933, a determination be made as to whether Matson's proposed increases on animal feed are likely to result in an undue or unreasonable prejudice or disadvantage against the local Hawaiian egg, poultry and cattle industry or an undue or unreasonable preference or advantage to shippers of eggs, poultry and cattle originating within the continental United States.

It is further ordered, That pursuant to Section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Appendix B is hereby suspended and the use thereof deferred to and including April 7, 1976, unless otherwise ordered by the Commission;

It is further ordered, That pursuant to Section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Appendix C is hereby suspended and the use thereof deferred to and including May 1, 1976, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by Matson consecutively numbered supplements to the aforesaid tariffs, which supplements shall bear no effective date, shall reproduce this order in its entirety and shall state that the aforesaid matter is suspended and may not be used until April 8, 1976 (Appendix B) or May 2, 1976 (Appendix C), and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, and that the rates, fares, charges, classifications, rules, regulations, or practices theretofore in effect and which were to be changed by the suspended publication, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That, as part of this investigation a determination shall be made as to whether Matson's proposed increases in rates are unreasonable under section 18(a) of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding;

It is further ordered, That the following persons be named as complainants in accordance with the Commission's Rules of Practice and Procedure;

State of Hawaii, Kimberly-Clark Corporation, Hunt-Wesson Foods, Inc.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing(s) be held at a date and place to be determined by the Presiding Administrative Law Judge;

[1] See Appendix A attached hereto.

[2] Rates on prefabricated houses and hydrofoils are also unchanged for westbound movements of those items.

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mined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than March 3, 1976.

It is further ordered, That, (1) a copy of this order be served upon each respondent and complainant herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of hearing(s);

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

Tariff No.	*Revision*
FMC–F No. 153	Supplement No. 1 and Supplement No. 2.
FMC–F No. 139	Supplement No. 10.
FMC–F No. 145	Supplement No. 11.[1]
Do	14th revised p. 4.
Do	5th revised p. 8.
Do	4th revised p. 9.
Do	3d revised p. 10.
Do	4th revised p. 11.
FMC–F No. 143	10th revised p. 9.
FMC–F No. 149	5th revised p. 10.
Do	4th revised p. 11.
Do	8th revised p. 19A.
Do	6th revised p. 19B.
Do	8th revised p. 21.[1]
Do	14th revised p. 22.
Do	10th revised p. 23.
Do	11th revised p. 24.[1]
Do	6th revised p. 25.
Do	11th revised p. 23.[1]

[1] Contains increases effective Jan. 2, 1976.

APPENDIX B—TARIFF MATTER SCHEDULED TO BE EFFECTIVE DECEMBER 8, 1975, AND NOW SUSPENDED TO AND INCLUDING APRIL 7, 1976

Tariff No.	*Revision*
FMC–F No. 153	Supplement No. 1 and Supplement No. 2.
FMC–F No. 139	Supplement No. 10.
FMC–F No. 145	Supplement No. 11; items Nos. 5, 6, 7, 9, 20, 25, and 30.
Do	14th revised p. 4; notes 2 and 4.
Do	5th revised p. 8; rule 6.
Do	4th revised p. 9; rule 9.
Do	3d revised p. 10; rule 10; rule 14 (a), (b), (c) and (d).
Do	4th revised p. 11; rule 15.
FMC–F No. 143	10th revised p. 9.
FMC–F No. 149	5th revised p. 10; rule 2, note 4.
Do	4th revised p. 11; rule 3, sections 1, 2, and 3.
Do	8th revised p. 19A; rule 22, section 3.

Tariff No.	*Revision*
FMC–F No. 149	6th revised p. 19B; rule 22, section 3 concluded.
Do	8th revised p. 21; item No. 10.
Do	14th revised p. 22.
Do	10th revised p. 23.
Do	11th revised p. 24; item No. 41.
Do	6th revised p. 25.

APPENDIX C—TARIFF MATTER SCHEDULED TO BE EFFECTIVE JANUARY 2, 1976, AND NOW SUSPENDED TO AND INCLUDING MAY 1, 1976

FMC–F No. 145	Supplement No. 11; items Nos. 8, 10, and 35.
FMC–F No. 149	8th revised p. 21; item No. 5, notes 1 and 2.
Do	11th revised p. 24; item No. 40, notes 2 and 3.
Do	11th revised p. 23.

[FR Doc.75–33116 Filed 12–8–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI76–50]

AMAREX, INC. [OPERATOR], ET AL.

Application, Petition for Special Relief, and Petition for Declaratory Order

DECEMBER 1, 1975.

Take notice that on October 29, 1975, Amarex, Inc. (Operator), *et al.* (Amarex), 200 North Harvey, Suite 200, Oklahoma City, Oklahoma 73102, filed in Docket No. RI76–50 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act for the sale of natural gas to Colorado Interstate Gas Company (CIG) from the Mills Ranch Field, Wheeler County, Texas. In addition, Amarex has also filed a petition for special relief from the nationwide rate, as adjusted for small producers by Opinion No. 742, for the subject sale pursuant to Section 2.56a(g)(2) of the Commission's Statements of General Policy and Interpretations. Amarex states that the rate set forth in its gas purchase agreement with CIG, 80 cents per Mcf, is so low as to adversely affect the public interest, and accordingly, Amarex requests the Commission to determine a higher rate that is not so low as to adversely affect the public interest. Amarex has submitted data to show that such a rate should be in the range of $2.00 per Mcf.

Amarex has also filed a petition for a declaratory order pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. Amarex states that Mississippi River Transmission Corporation (MRT) may claim some right to purchase gas produced by Amarex from the subject acreage, and requests that the Commission order MRT to show the nature and extent of its claim, if any, or to state that it will not claim a right to purchase gas produced by Amarex. Amarex further requests that the Commission issue an order declaring MRT's entitlement, if any, to purchase the subject gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33037 Filed 12–8–75;8:45 am]

[Docket No. E–9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Postponement of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Kaiser Aluminum and Chemical Corporation and Ormet Corporation, filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued November 18, 1975, in the above designated proceeding. The motion states that there are no objections to the proposed postponement.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, January 27, 1976.
Service of Staff Testimony, February 10, 1976.
Service of Company Rebuttal, February 27, 1976.
Hearing, March 16, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33062 Filed 12–8–75;8:45 am]

[Docket No. RP76–11]

BACA GAS GATHERING SYSTEM, INC.

Further Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Baca Gas Gathering System, Inc. filed a motion to extend the procedural dates fixed by order issued October 10, 1975, as most recently modified by notice issued November 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, January 19, 1976.
Service of Staff and Intervenor Testimony, February 16, 1976.
Service of Company Rebuttal, March 1, 1976.
Hearing, March 22, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33050 Filed 12–8–75;8:45 am]

[Docket No. RM76–8]

POLICY CONCERNING ENFORCEMENT OF DELIVERABILITY AND RENDITION OF NATURAL GAS SERVICES UNDER CERTIFICATED ARRANGEMENTS

Order Granting Reconsideration for Purposes of Further Consideration

NOVEMBER 28, 1975.

On October 14, 1975, the Commission issued its Order No. 539 which adopted Section 2.83 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the enforcement of deliverability obligations and the rendition of natural gas service under rate schedules certificated by this Commission.

Applications for rehearing and/or reconsideration of Order No. 539 have been filed by Phillips Petroleum Company (Phillips) on November 10, 1975, Shell Oil Company, et al. (Shell) on November 12, 1975, Sohio Petroleum Company (Sohio), Continental Oil Company (Continental), Natural Gas Pipeline Company of America and Napeco, Inc. (Natural), Tenneco Oil Company, et al. (Tenneco), Interstate Natural Gas Association of America (INGAA), Mobil Oil Corporation (Mobil), and Texaco Inc. (Texaco) on November 13, 1975, and by Entex, Inc. (Entex) on November 14, 1975. The Tenneco, et al. group also filed on November 13, 1975 a petition to stay the effectiveness of Order No. 539 "until such time as the issues raised in that Order have been fully considered and resolved." A similar request for a stay has been filed by Mobil together with its petition for rehearing and reconsideration.

Two of the Tenneco *et al.* group, Tenneco Oil Company in Docket Nos. CI75–719, CI75–746 and CI75–747, and Tenneco Exploration, Ltd., in Docket Nos. CI75–718 and CI75–748, have requested a stay of Order No. 539 because of their reluctance to commence deliveries in those dockets under validly issued and accepted temporary certificates because of the assertion that Order No. 539 imposes an unlawful "warranty" delivery obligation. This question has been raised by some other parties seeking reconsideration and it will be disposed of, after due deliberation, in the Commission's final order on reconsideration in Docket No. RM76–8, along with the remaining issues posed by petitioners.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such a petition, if not acted upon "within thirty days after it is filed, * * * may be deemed to have been denied."

Despite petitioners' charcaterization of their applications as petitions for rehearing, we note that Order No. 539 was a statement of policy and, therefore, that applications for rehearing do not lie. Nevertheless, we intend to consider the matters raised by petitioners, and to provide us with adequate time to fully consider the issues presented, we will grant reconsideration of Order No. 539 solely for the purpose of further consideration. This action does not constitute a grant or denial of any or all of the petitions on their merits in whole or in part.[1] All motions for stay filed in this proceeding will be dealt with at such time as the Commission issues its final order on reconsideration.

The Commission orders: (A) The petitions for reconsideration of Order No. 539 filed by Phillips, Shell, Sohio, Continental, Natural, Tenneco, INGAA, Mobil, Texaco, and Entex are granted for the sole purpose of further reconsideration of Order No. 539.

(B) Motions for stay of the effectiveness of Order No. 539 filed by Tenneco *et al.* and Mobil will be acted upon in the Commission's final order on reconsideration.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33044 Filed 12–8–75;8:45 am]

[Docket Nos. RP73–86, RP73–85, RP75–105 and RP75–106; (Consolidated Taxes)]

COLUMBIA GAS TRANSMISSION CORP. ET AL.

Order Approving Settlement Agreement and Establishing Procedural Dates for Deferred Issue

DECEMBER 1, 1975.

On September 23, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (Columbia) submitted to Presiding Administrative Law Judge Michel Levant a proposed Stipulation and Agreement (Agreement) and requested that said Agreement be certified to the Commission, along with the record in this proceeding, for its consideration. On September 25, 1975, Judge Levant certified the Agreement and the record to the Commission. On October 9, 1975, the certification of the proposed Agreement was noticed with comments thereon due on or before October 24, 1975.

These proceedings were commenced by the filing on February 28, 1973, of certain tariff sheets by Columbia which, inter alia, provided for an increase in charges to Columbia's jurisdictional customer of approximately $58 million. The sheets were accepted for filing to become effective on September 14, 1973, subject to refund.

The original settlement of these proceedings was accepted with conditions by the Commission's Opinion No. 734, issued June 12, 1975. Thereafter, on July 10, 1975, Columbia advised the Commission of its withdrawal from the settlement. By order issued August 1, 1975, the Commission accepted Columbia's withdrawal and remanded this case for hearing directing all parties to consider all issues raised in these proceedings including, inter alia, whether Federal Income Taxes, which were computed in the old settlement at the statutory rate, should be computed using a consolidated effective tax rate.

On August 12, 1975, the parties, including the Commission Staff, began a series of informal conferences which resulted in the proposed agreement. The proposed revised settlement reflects the actual cost of service[1] for Columbia for the twelve month period ended October 31, 1974, and the actual sales volumes for that period. The locked-in period from September 14, 1973, through October 31, 1974, is the period during which Columbia Transmission's rates in Docket No. RP73–86 were in effect. In accordance with Opinion No. 734, the revised settlement cost of service reflects an overall rate of return of 8.91% with an 11.84% return on common equity. Similarly, depreciation expense has been calculated on the basis of the depreciation accrual rates approved by Opinion No. 734. In all other respects, the Commission's findings in Opinion No: 734 were followed in developing the proposed revised settlement cost of service.

The revised agreement would result in refunds to the wholesale customers of Columbia of $24,332,922 for the period from September 14, 1973 through October 31, 1974, including interest at 7% per annum as applied to the period from September 14, 1973 to the date such refund amount is credited against customer billings.

The proposed agreement further provides that "the issue of consolidated tax savings shall be a matter for separate consideration in the current rate proceedings of Columbia Gas and Columbia Gulf in Docket Nos. RP75–105 and RP75–106." The parties also agree that the issue of conjunctive billing is reserved for hearing in Docket No. RP74–82, in accordance with Article III–B of the settlement of that proceeding now pending before the Commission.

On October 24, 1975, Columbia and the Commission Staff filed their respective comments in support of the proposed revised settlement. With respect to the parties' agreement to defer consideration of the issue of consolidated tax savings for resolution in Docket Nos. RP75–105 and RP75–106, Columbia supports the deferral in that it will "permit a final disposition of the instant protracted rate proceedings, the resolution of which is long overdue", thereby reducing the level of Columbia's contingent earnings. In addition, Columbia believes that a locked-in case "does not provide a forum as suitable for the consideration of the consolidated tax savings question" as the rate proceedings in Docket Nos. RP75–105 and RP75–106 do, in that those proceedings involve rates of future applicability. Finally, Columbia notes that the interest expense for the Federal income tax calculation used in the settlement cost of service was higher than that carried on Columbia's books during the subject period, resulting in a reduced tax allowance for Columbia.

[1] *Area Rate Proceeding, et al. (Southern Louisiana Area*, 40 FPC 1091 (1968)).

[1] Set forth in Appendix A.

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Staff's comments similarly support deferral of the consideration of the issue of consolidated tax savings arising from Staff's belief "that the public interest at this time would be better served by an expeditious resolution of these long pending proceedings which would speed the payment of refunds to Columbia's customers." Moreover, Staff observes that raising the consolidated tax savings issue in these proceedings might delay Commission action on a pending settlement of Columbia's next succeeding rate case in Docket Nos. RP74–81 and RP74–82, which was certified to the Commission on August 21, 1975. Staff, as well as Columbia, requests that the Commission approve the proposed revised settlement agreement without modification.

Our review of the proposed settlement, the comments of Staff and Columbia, and the related record indicates that it is a reasonable and appropriate resolution of the issues in this proceeding in the public interest and that, accordingly, it should be adopted, as hereinafter ordered. In addition, we shall establish separate procedural dates in the proceeding in Docket Nos. RP75–105 and RP75–106 for the service of evidence and for hearing on the reserved issue of consolidated tax savings.

The Commission finds: The settlement of these proceedings on the basis of the stipulation and agreement certified on September 25, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved.

The Commission orders: (A) The proposed revised settlement of these proceedings as certified to the Commission on September 25, 1975, is incorporated by reference and made a part hereof and is approved and adopted.

(B) Within 30 days after the date this order is issued, Columbia will make refunds to its jurisdictional customers in accordance with the settlement agreement.

(C) Pursuant to authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing for the purpose of cross-examination of the evidence on the issue of consolidated tax savings in Docket Nos. RP75–105 and RP75–106 shall be held on April 13, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C, 20426.

(D) On or before January 6, 1976, Columbia shall serve its prepared testimony and exhibits in Docket Nos. RP75–105 and RP75–106 on the consolidated tax issue. Staff shall serve its prepared testimony and exhibits in Docket Nos. RP75–105 and RP75–106 on the consolidated tax issue or before March 2, 1976. Any intervenor evidence on the consolidated tax issue in Docket Nos. RP75–105 and RP75–106 shall be filed on or before March 16, 1976. Any rebuttal by Columbia on the same issue in those dockets shall be served on or before March 30, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

SCHEDULE 1.—*Columbia Gas Transmission Corp.*

[FPC Docket No. RP73–86, Settlement cost of service in thousands of dollars]

Line No.			Total
1	1	Gas operating expenses:	
2		Gas purchased	$434,623
3		Columbia Gulf Transmission Co	116,178
4		All other	82,933
5		Total	633,734
6		Depreciation, depletion, and amortization expenses	44,407
8		Taxes—other than income taxes	17,521
9		Taxes—Federal income	36,829
10		Taxes—State income	2,437
11		Return at 8.91 pct	79,285
12		Credits to cost of service	(10,642)
13		Total cost of service	797,571

APPENDIX A

SCHEDULE 2.— *Columbia Gulf Transmission Co.*

[FPC Docket No. RP73–85, Settlement cost of service in thousands of dollars]

Line No.		Total
1	Gas operating expenses	21,385
2	Depreciation	29,816
3	Taxes—other than income taxes	6,387
4	Taxes—Federal income	20,156
5	Taxes—State income	1,147
6	Return at 8.91 pct	39,642
7	Credits to cost of service	(2,355)
8	Total cost of service	116,178

APPENDIX A

SCHEDULE 3.—*The Columbia Gas System, Inc.*

[FPC Dockets Nos. RP73–86 and RP73–85, Cost of capital, Capital structure at Oct. 31, 1974]

Line No.		Amount (in thousands)	Percentage of— Capitalization	Cost of capital	Weighted cost
		(1)	(2)	(3)	(4)
1	Long-term debt	$1,300,900	57.85	6.78	3.92
2	Common stock equity	897,771	39.93	11.84	4.73
3	Preferred stock	50,000	2.22	11.57	.26
4	Total	2,248,671	100.00		8.91

[FR Doc.75–33053 Filed 12–8–75;8:45 am]

[Docket No. E–9294]

THE DETROIT EDISON CO.

Postponement of Hearing

DECEMBER 1, 1975.

On November 17, 1975, The Detroit Edison Company filed a motion to postpone the hearing date fixed by order issued March 27, 1974, as most recently modified by notice issued August 25, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from December 15, 1975 to December 16, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33040 Filed 12–8–75;8:45 am]

[Docket No. RP75–114]

EAST TENNESSEE NATURAL GAS CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 5, 1976.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 9, 1976.
Hearing, February 16, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33052 Filed 12–8–75;8:45 am]

[Docket Nos. CP75–20, CI75–116]

FLORIDA GAS TRANSMISSION CO. ET AL.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Florida Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued November 19, 1975, in the above-designated proceeding. On November 26, 1975, Petroleum Management, Inc. and Skelly Oil Company filed a response supporting the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, January 5, 1976.
Hearing, February 10, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33049 Filed 12–8–75;8:45 am]

[Docket No. ES76–19]

IDAHO POWER CO.

Order Authorizing the Issuance of Short-Term Unsecured Promissory Notes

NOVEMBER 28, 1975.

Idaho Power Company (Applicant), on October 14, 1975, filed an application, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue short-term unsecured promissory notes to commercial banks and to commercial paper dealers in an aggregate amount not to exceed $122,500,000 outstanding at any one time, with a final maturity date of not later than December 31, 1977.

Applicant is incorporated under the laws of the State of Maine, with its principal business office at Boise, Idaho and is qualified to do business in the States of Idaho, Oregon, Nevada and Wyoming. Applicant is engaged in the generation, transmission, distribution and sale of electrical energy in the above-mentioned States.

The net proceeds will be used to finance the Applicants' construction expenditures which, for the period from August 1, 1975 to December 31, 1976, are estimated at approximately $116,077,000.

Of the $122,500,000 borrowing, $75 million will be made pursuant to the line of credit with three major banks, at the prime rate plus a commitment fee of ½ of 1%. $13,100,000 will be borrowed from a group of banks in Idaho and Oregon. The Idaho banks will loan money at the prime rate and the Oregon banks will loan money at 110% of the prime rate plus a commitment fee of approximately ½ of 1%. Notes issued to commercial banks shall mature not more than twelve months from the date of issue. The balance will be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Written notice of the application has been given to the Idaho Public Utilities Commission, the Nevada Public Service Commission, the Oregon Public Utilities Commission, the Wyoming Public Service Commission and to the Governor of each of those States. Notice has also been given by publication in the Federal Register on November 3, 1975 (40 FR 51093), stating that any person desiring to be heard or to make any protest with reference to the application, shall file petitions or protests on or before November 14, 1975, with the Federal Power Commission, Washington, D.C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act, subject to the jurisdiction of the Commission as heretofore described and set forth in the Commission's order issued November 7, 1957, *Idaho Power Company, Docket No. E–6781, (18 FPC 603).*

(2) The proposed issuance of short-term promissory notes, all as described above, will constitute an issuance of securities within the purview of Section 204 of the Act.

(3) The proposed issuance of promissory notes, all as described above, will be in excess of 5% of the par value of the other securities of the Applicant and, therefore, will not be exempt by virtue of Section 204(e) from the requirements of Section 204(a) of the Act.

(4) Applicant is not organized and operating in a State under the laws of which the issue here involved is regulated by a state Commission within the meaning of Section 204(f) of the Act, and the proposed issuance is, therefore, not exempt by virtue of that Section from the requirements of Section 204 of the Act.

(5) The proposed issuance of promissory notes will be exempt from the competitive bidding requirements of Section 34.1a of the Commission's Regulations under the Federal Power Act, by reason of paragraph 34.1a(a)(2) thereof.

(6) The proposed issuance of securities or hereinafter authorized, will be for a lawful object within the corporate purposes of Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performances of service by Applicant or a public utility, and which will not impair its ability to perform that service and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed issuance of promissory notes in the aggregate principal amount of $122,500,000 outstanding at any one time, upon the terms and conditions and for the purposes set forth in the application, all as described above, is hereby authorized subject to the provisions of this order.

(B) This authorization is expressly conditioned that notes issued to commercial banks will have maturities of not more than one year from the date of issuance and notices issued in the form of commercial paper will have maturities of not more than nine months from the date of issue. In any event, all notes are to bear final maturities of on or before December 31, 1977.

(C) This authorization is expressly conditioned that all notes issued in the form of commercial paper not exceed 25% of the applicants gross operating revenues during the preceding twelve months of operation.

(D) This authorization is expressly conditioned that the aggregate principal amount of all notes not exceed $122,500,000 outstanding at any one time.

(E) The foregoing authorization is without prejudice to the authority of their Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any matter whatsoever now pending or which may come before this Commission.

(F) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33043 Filed 12–8–75;8:45 am]

[Docket No. ES76–27]

LOUISVILLE GAS AND ELECTRIC CO.

Application

DECEMBER 1, 1975.

Take notice that on November 7, 1975, Louisville Gas and Electric Company (Applicant) of Louisville, Kentucky, filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, to trust companies, and to commercial paper dealers in amounts not exceeding in the aggregate $70,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the two year period ending December 31, 1977, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes to be issued as master notes to commercial banks and trust companies will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue. The interest rate on master notes will be dependent upon the money market conditions prevailing during the life of the Note.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric and gas service, (2) the dollar amount of Applicant's inventory of fuel and gas stored underground, and (3) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1976–1977 construction program. Applicant estimates that construction expenditures for the years ending December 31, 1976 and 1977 will total about $95,000,000 and $113,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33088 Filed 12–8–75;8:45 am]

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[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 3, 1976.
Service of Company Rebuttal, February 17, 1976.
Hearing, March 2, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33051 Filed 12-8-75;8:45 am]

[Docket Nos. CP75-131, CP76-129, CP76-94]

MOUNTAIN FUEL SUPPLY CO. AND PHILLIPS PETROLEUM CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Mountain Fuel Supply Company filed a motion to extend the procedural dates fixed by order issued November 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony in Docket No. CP76-129, December 22, 1975.
Hearing, January 14, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33061 Filed 12-8-75;8:45 am]

[Docket No. ER76-266]

NEW ENGLAND POWER CO.

Unit Sales Contracts

DECEMBER 1, 1975.

Take notice that New England Power Service Company, on behalf of New England Power Company (NEPCO) on November 19, 1975, tendered for filing proposed Unit Contracts.

According to NEPCO, the Contracts provide for the sale by NEPCO, from its Internal Combustion Units, to Central Maine Power Company (Central Maine) and Montaup Electric Company (Montaup) of equal shares of 126,050 KW of capacity and related energy from March 1, 1975 to April 30, 1975.

NEPCO states that the sales revenues are fully compensatory for energy and transmission costs, but they have accepted less than full cost for this capacity, which is surplus to its needs.

NEPCO further states that these sales are of substantial benefit to all parties, and requests waiver of the Commission's Regulations to allow these agreements to become effective in accordance with their terms.

Copies of the filing were served upon Central Maine and Montaup.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33036 Filed 12-8-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER SERVICE CO.

Order Accepting for Filing and Making Effective Subject to Refund, Proposed Agreement and Tariff, Instituting Investigation, and Denying Waiver of Notice Requirements; Correction

NOVEMBER 18, 1975

In Commission Order issued November 7, 1975 in the above captioned case, note the following changes:

On page 3 of said order, Paragraph (3) of the Commission's findings, amend "Pacific's proposed effective date" and "agreement by Pacific" to read "NEPCO's proposed effective date" and "agreement by NEPCO", respectively. In Paragraph (4) of the same page change "Pacific's Agreement" to read "NEPCO's Agreement."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33041 Filed 12-8-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Tariff Sheet Correction

DECEMBER 1, 1975.

Take notice that on November 19, 1975, Northern Natural Gas Company (Northern) tendered for filing a corrected tariff sheet for its November 14, 1975, submittal, reflecting that First Substitute Seventh Revised Sheet No. 1c is to be contained in Original Volume No. 2 of Northern's FPC Gas Tariff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33039 Filed 12-8-75;8:45 am]

[Docket Nos. CP75-294, CP75-296]

NORTHWEST PIPELINE CORP. AND MOUNTAIN FUEL SUPPLY CO.

Order Denying Motion To Omit the Intermediate Decision and Prescribing Expedited Procedure

DECEMBER 2, 1975.

Northwest Pipeline Corporation and Mountain Fuel Supply Company on November 12, 1975, filed a motion with the Commission for the issuance of an order omitting the intermediate decision procedure, or, in the alternative, establishing expedited procedures for the submission of briefs to the Commission in the above proceedings. On November 19, 1975, the Staff filed an answer contending that this proceeding is reasonably complex, that it involves considerable dispute regarding evidentiary facts, and that the intermediate procedure should not be omitted.

In these proceedings Northwest seeks a certificate of public convenience and necessity for authority to sell to, transport for and exchange natural gas with Mountain Fuel. The authorization would permit Mountain Fuel to make a new supply of natural gas contracted for by Northwest in the Barrel Springs area, Carbon County, Wyoming, available to Northwest's transmission system. On October 6, 1975, the Commission denied a motion by Northwest for expedited procedural dates and waiver of the intermediate decision procedure because the hearing had not been completed and the procedural posture did not permit expedition of the hearing date.

In their present motion Northwest and Mountain Fuel contend that if a final decision in these proceedings is not issued prior to April 10, 1976, Northwest may lose the Barrel Springs gas supply because the gas purchase contracts expire on that date, and it is questionable whether the producers will extend them. Further, the movants say, approval of the Colorado Interstate Gas Company and Western Transmission Company alternative proposal would cause additional delays which would delay development of the entire Barrel Springs area.

In our opinion this proceeding involves a number of factual issues on which we should have the opinion of an Administrative Law Judge, who is familiar with the record. We take particular note that the pleadings indicate that there is an alternative project. We are also of the opinion that there exists sufficient time for the Judge to issue an initial decision,

for receipt of briefs on exceptions and opposing exceptions, and for opportunity for consideration by the Commission before April 10, 1976, when the producer contracts allegedly expire. We shall, however, shorten the time for filing briefs before the Commission as requested by the movants.

The Commission finds: Good cause has not been shown for waiving the intermediate decision procedure, but has been shown for an expedited briefing schedule before the Commission.

The Commission orders: (A) The request by Northwest and Mountain Fuel to omit the intermediate decision is denied.

(B) After issuance of the initial decision briefs on exception shall be filed within 20 days and briefs opposing exceptions within 10 days thereafter.

(C) The Administrative Law Judge shall issue his initial decision expeditiously so that sufficient time will be left for consideration of the initial decision, briefs on exceptions and briefs opposing exceptions and issuance of a Commission decision before April 10, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33065 Filed 12-8-75;8:45 am]

[Docket No. ES76-26]

OKLAHOMA GAS AND ELECTRIC CO.

Application

DECEMBER 1, 1975.

Take notice that on November 7, 1975, Oklahoma Gas and Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $100,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1977, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric service and (2) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant, which general funds will be used, among other things, to finance in part the Applicant's 1976 and 1977 construction program. Applicant estimates that construction expenditures for the year ending December 31, 1976 will total about $175,000,000 and for the year ending December 31, 1977 will total about $172,000,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33055 12-8-75;8:45 am]

[Docket No. ER76-243]

OTTER TAIL POWER CO.

Filing Amendment to Service Agreement

DECEMBER 1, 1975.

Take notice that on November 12, 1975, Otter Tail Power Company (Otter Tail) tendered for filing Amendment No. 12, dated June 10, 1975, to the Electric Service Agreement between Otter Tail and Minnkota Power Cooperative, Inc. Otter Tail states that this Amendment No. 12 is filed as a supplement to Rate Schedule FPC No. 126 and expands the existing Electric Service Agreement by providing for additional facilities and points of interconnection which will provide service to new loads and improve service to existing loads of both parties. Otter Tail requests this Amendment No. 12 be permitted to become effective 30 days after the filing date of November 12, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33025 Filed 12-8-75;8:45 am]

[Docket Nos. G-17350, G-17351, CP69-346, CP69-347 and CP75-340]

PACIFIC GAS TRANSMISSION CO. AND NORTHWEST PIPELINE CORP.

Petitions To Amend

NOVEMBER 28, 1975.

Take notice that on November 17, 1975, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed a petition to amend the orders of the Commission issued in Docket Nos. G-17350 and G-17351 on August 5, 1960 (24 FPC 134), in Docket Nos. CP69-346 and CP69-347 on March 13, 1970 (43 FPC 418), and in all four of the above dockets on October 31, 1974, pursuant to Section 7(c) of the Natural Gas Act by continuing the authorization granted in the October 31, 1974, amending order, which permitted PGT to transport on a best efforts basis additional volumes of natural gas imported from Canada to alleviate the shortage on the system of Northwest Pipeline Corporation (Northwest). Take further notice that on November 17, 1975, Northwest, P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-340 a related petition to amend the order issued July 28, 1975, in that docket pursuant to Section 3 of the Natural Gas Act to permit the continued importation of additional volumes of natural gas through October 31, 1976, at Kingsgate, British Columbia. These proposals are more fully set forth in the petitions which are on file with the Commission and open to public inspection.

By order issued September 21, 1973 (50 FPC 825), Northwest, as successor to the interest of El Paso Natural Gas Company, was authorized, inter alia, to import from Canada up to 151,731 Mcf (all volumes at 14.73 psia) of gas on peak days and 51 million Mcf of gas annually at Kingsgate. The volumes of gas so imported are purchased from Westcoast Transmission Company Limited (Westcoast) at two delivery points, Sumas, Washington, and Kingsgate. Orders issued December 28, 1973, and October 31, 1974, amended the order issued September 21, 1973, in Docket No. CP73-332 so as to authorize Northwest to import at Kingsgate additional gas purchased from Westcoast in volumes up to 125,000 Mcf on peak days and up to 30,000 Mcf on an average day basis, through the period October 31, 1975. The additional volumes of gas are made available to Westcoast for resale to Northwest by Alberta and Southern Gas Company Limited (A&S) on a best-efforts basis. The order of October 31, 1974, also authorized PGT to transport on a best-efforts basis the increased volumes of gas, in excess of previously authorized peak-day volumes of 151,731 Mcf, from Kingsgate to the interconnection of PGT's and Northwest's systems at Spokane, Washington, and Stanfield, Oregon, for delivery to Northwest.

Northwest proposes to continue importing additional volumes purchased

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from Westcoast and made available by A&S on a best-efforts basis, as previously authorized, for a term commencing with the grant of the requested authorization through October 31, 1976. Northwest proposes to pay Westcoast $1.60 for each Mcf of gas imported, which is the rate prescribed by Order in Council of the Dominion of Canada for all gas, except Pan Alberta gas, exported on or after November 1, 1975, pursuant to Westcoast's Export License GL–41. Northwest states that the volumes of gas which may result from the requested authorization will, on a day-to-day basis, directly assist in offsetting the shortfall in deliveries by Westcoast at Sumas that is anticipated by Northwest.

PGT requests authorization to continue the transportation arrangement for Northwest from November 1, 1975, to October 31, 1976, under terms substantially identical with the previously authorized best-efforts transportation arrangement with Northwest. PGT states that it is obligated to accept volumes, in excess of 151,731 Mcf per day, for transportation and delivery only when in its discretion it has sufficient pipeline capacity. Such capacity will be available, PGT asserts, when there are mechanical difficulties in PGT's pipeline system south of the Stanfield tap such that delivery capability in that portion of the pipeline system must be reduced. PGT explains that an outage of one or more compressor units south of Stanfield due to mechanical problems will cause the delivery capability to be restricted, but that the pipeline upstream of the defective unit will still have the capability of delivering maximum daily volumes.

An off-line delivery upstream of the restricted section of the pipeline made possible by equipment outages has been termed by PGT a "best efforts" delivery. PGT states that from operating records of its system it has calculated the amount of time various outages can be expected to occur and has estimated best efforts deliveries from November 1, 1975, through October 31, 1976:

Delivery volume (MMcf/day):	Number of days at this volume
0	193
1 to 30	41
31 to 60	51
61 to 90	27
91 to 120	53

PGT's petition states that deliveries under the transportation arrangement proposed in the instant petition will not decrease, beyond those decreased volumes caused by equipment outages, the quantities of natural gas delivered by PGT at other delivery points to Northwest or the quantities of natural gas delivered by PGT to Pacific Gas and Electric Company, PGT's customer. Northwest and PGT state that they have agreed that Northwest will pay PGT for the additional volumes transported in accordance with the cost of service and cost allocation procedures contained in Rate Schedule T–1 of PGT's FPC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before December 18, 1975, file in the respective proceeding with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33047 Filed 12–8–75;8:45 am]

[Docket No. RP74–41 PGA76–1, DCA76–1]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 1, 1975.

Take notice that Texas Eastern Transmission Corporation on November 17, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Fifteenth Revised Sheet No. 14.
Revised Fifteenth Revised Sheet No. 14A.
Revised Fifteenth Revised Sheet No. 14B.
Revised Fifteenth Revised Sheet No. 14C.
Revised Fifteenth Revised Sheet No. 14D.
Fifteenth Revised Sheet No. 14.
Fifteenth Revised Sheet No. 14A.
Fifteenth Revised Sheet No. 14B.
Fifteenth Revised Sheet No. 14C.
Fifteenth Revised Sheet No. 14D.

These sheets are being issued pursuant to Texas Eastern's Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in Section 12.4 and Section 23, respectively, of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1. The rate change proposed by Texas Eastern reflects changes in the Demand Charge Adjustment Commodity Surcharge, rates charged by Texas Eastern's producer and pipeline suppliers and an adjustment to Texas Eastern's rates to clear the balance of the Gas Cost Adjustment Account.

Texas Eastern requests that the Commission accept the Revised Fifteenth Revised series of tariff sheets to be effective January 1, 1976. However, should the Commission suspend the effectiveness of these sheets one day, Texas Eastern requests that the Commission accept the Fifteenth Revised series of tariff sheets to be effective January 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33060 Filed 12–8–75;8:45 am]

[Docket No. RP73–3, RP74–48 and RP75–3; PGA No. 76–1(a)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Revised Tariff Sheets in Purported Compliance With Commission Order

DECEMBER 1, 1975.

Take notice that on November 14, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing revised tariff sheets to First Revised Volume No. 1 of its FPC Gas Tariff to be effective November 1, 1975,[1] and November 2, 1975.[2] Transco states that this filing is made pursuant to the Commission's October 31, 1975, order in the above captioned dockets.

The instant filing does not include a form of notice for the FEDERAL REGISTER, as required by Section 154.28 of the Commission's Regulations Under the Natural Gas Act.

Transco states that the instant filing contains (1) revised tariff sheets to be effective November 2, 1975, reflecting elimination of all costs related to advance payment tracking filings made pursuant to the settlement agreement which was pending in Docket Nos. RP74–48 and RP75–3; and (2) revised tariff sheets to be effective November 1, 1975, which, in addition to eliminating the advance payments costs, also eliminate purchased gas costs in excess of the guidelines set forth in the aforementioned October 31, 1975, order herein. The filing also contains a list of names and addresses of each producer from whom Transco's purchases exceed said guidelines.

Transco states that this filing was served upon all jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

[1] The tariff sheets proposed to be effective as of November 1, 1975, are designated Revised Fifteenth Revised Sheet No. 5 and Revised Eleventh Sheet No. 6.

[2] The tariff sheets proposed to be effective as of November 2, 1975, are designated Second Revised Fifteenth Revised Sheet No. 5 and Second Revised Eleventh Revised Sheet No. 6.

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33059 Filed 12–8–75;8:45 am]

[Docket No. CP76–149]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application; Correction

NOVEMBER 28, 1975.

The notice of application issued in this docket on November 17, 1975, was issued in error and should be disregarded. A prior notice was issued November 10, 1975, and published in the FEDERAL REGISTER on November 14, 1975 (49 FR 53083).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33048 Filed 12–8–75;8:45 am]

[Docket No. RP74–52 (PGA 76–1)]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

NOVEMBER 28, 1975.

On November 20, 1975, Yates Petroleum Corporation filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued November 3, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Transwestern and Small Producer Testimony, January 5, 1976.
Service of Staff and Intervenor Testimony, February 5, 1976.
Service of Company Rebuttal, February 13, 1976.
Hearing, February 23, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75–33046 Filed 12–8–75;8:45 am]

[Docket Nos. CP76–78, CP76–112]

TRUNKLINE GAS CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity

DECEMBER 2, 1975.

On September 8, 1975, Trunkline Gas Company (Trunkline) filed in Docket No. CP76–78 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco) and Consolidated Gas Supply Corporation (Consolidated) from offshore to onshore Louisiana, all as more fully set forth in the application.

Specifically, Trunkline requests, in Docket No. CP76–78, pursuant to transportation agreements with Transco and Consolidated executed May 19, 1975, and August 11, 1975, respectively, authorization to transport up to 14,900 Mcf of gas per day (11,200 Mcf for Transco; 3,700 Mcf for Consolidated) from an existing interconnection between its pipeline and a gathering pipeline of Transco and Consolidated on a platform of Placid Oil Company in South Timbalier Block 179, offshore Louisiana, to a point of delivery to Transco for Transco's account and for the account of Consolidated downstream of Mobil Oil Corporation's Cow Island Processing Plant, Vermilion Parish, Louisiana. The agreements are for a term of ten years from the date all required authorizations are received and accepted, and Transco and Consolidated have the option to reduce the transportation volumes at three-year intervals.

Trunkline's transportation charge for the service to be performed for Transco and Consolidated consists of a monthly demand charge of $3.31 per Mcf for the 11,200 Mcf demand level of Transco and the 3,700 Mcf contract demand level of Consolidated. The rate is subject to increase or decrease by an amount equal to 10.88 cents per Mcf that Trunkline transports in excess of the contract demand requirement or fails or is unable to take on any given day.

On October 2, 1975, Transco filed in Docket No. CP76–112 an application, as supplemented October 16, 1975, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the creation of an additional delivery point between itself and Consolidated, all as more fully set forth in the application.

Specifically, Transco, pursuant to an amendment dated September 5, 1975, seeks authorization to operate the aforementioned Cow Island Plant tailgate connection as a point of receipt under a September 12, 1972,[1] transportation agreement with Consolidated in order to receive Consolidated's volumes transported to such point by Trunkline. The existing agreement provides for Transco to transport on a firm basis 71,548 Mcf of gas per day for Consolidated from various locations in Louisiana to an interconnection in Clinton County, Pennsylvania. Consolidated is obligated to pay a demand charge regardless of whether this quantity is available to be transported. The addition of the proposed point of receipt at Cow Island will assist Consolidated by making additional volumes available to utilize the firm capacity committed to it. The 3,700 Mcf per day to be transported by Transco for Consolidated will fall within the 71,548 Mcf daily transportation demand previously authorized.

Transco's transportation charge to Consolidated consists of a three-part rate, a monthly demand charge of $2.12 per Mcf based on a firm daily contract demand of 71,548 Mcf, a commodity charge of 33.9 cents per Mcf for all firm volumes up to the daily contract demand, and an interruptible commodity charge of 22.0 cents per Mcf for all volumes transported in excess of the daily contract demand. Since Consolidated presently has reserved surplus firm capacity for which it pays the demand charge, that portion of the total rate will be unaffected by the subject volumes.

The volumes involved herein will be used to augment existing market requirements, which, especially in regard to Transco, are presently being heavily curtailed.

On November 20, 1975, temporary certificates were issued in the instant dockets, conditioned upon Trunkline's and Transco's compliance with the applicable Commission regulations under the Natural Gas Act.

After due notice of the application in Docket No. CP76–78 by publication in the FEDERAL REGISTER on September 30, 1975 (40 FR 44890), and in Docket No. CP76–112 by publication in the FEDERAL REGISTER on October 28, 1975, (40 FR 50153), no petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on November 25, 1975, the Commission on its own motion received and made part of the record in these proceedings all evidence including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Applicants, Trunkline Gas Company and Transcontinental Gas Pipe Line Corporation, both corporations organized and existing under the laws of the State of Delaware, having their principal places of business in Houston, Texas, are each a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its orders of November 4, 1950, in Docket No. G–882 (9 FPC 721) and November 18, 1948, in Docket No. G–1143, respectively.

(2) Applicants are able and willing properly to do the acts and perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(3) The proposed transportation (Docket No. CP76–78) and operation of an additional delivery point (Docket No. CP76–112), as more fully described in the applications in these proceedings, are to be made in interstate commerce, subject to the jurisdiction of the Commission, and the transportation and opera-

[1] The transportation service was authorized by order issued August 23, 1972 (48 FPC 380), and is rendered pursuant to Rate Schedule X–56 to Transco's FPC Gas Tariff, Original Volume No. 2.

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tion thereof by Trunkline and Transco, respectively, are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(4) The proposed transportation and operation of said delivery point are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued in Docket No. CP76–78 authorizing Trunkline to transport natural gas in interstate commerce in order to implement the gas transportation agreements executed by Trunkline with Transco and Consolidated on May 19, 1975, and August 11, 1975, respectively, from offshore to onshore Louisiana, as hereinabove described and as more fully set forth in the application in Docket No. CP76–78.

(B) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued to Transco in Docket No. CP76–112, authorizing the operation of an additional delivery point between itself and Consolidated, as hereinabove described and as more fully set forth in the application in Docket No. CP76–112.

(C) The certificates issued in paragraphs (A) and (B) and the rights granted thereunder are conditioned upon Trunkline's and Transco's compliance with all applicable Commission Regulations under the Natural Gas Act, and particularly the terms and conditions set forth in Part 154 and Section 157.20 (c) (3), and (e) of such Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33064 Filed 12–8–75;8:45 am]

[Docket No. RP75–109]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

NOVEMBER 28, 1975.

Take notice that on November 14, 1975, United Gas Pipe Line Company (United) filed with the Federal Power Commission (Commission) as a part of its FPC Gas Tariff, First Revised Volume No. 1, Twenty-Seventh Revised Sheet No. 4.

Twenty-Seventh Revised Sheet No. 4 is being filed to replace Twenty-Sixth Revised Sheet No. 4 filed with the Commission on May 30, 1975 in Docket No. RP75–109, and Substitute Twenty-Fifth Revised Sheet No. 4 filed with the Commission on July 14, 1975 in Docket No. RP72–133, PGA–3, which became effective on July 2, 1975.

Twenty-Seventh Revised Sheet No. 4 reflects the currently effective purchased gas cost of 46.08¢ and a negative surcharge of .20¢ reflected in United's May 16, 1975 PGA filing, as amended July 14, 1975, effective July 2, 1975.

United States that a copy of the revised tariff sheet is being mailed to its jurisdictional customers, interested state commissions and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33066 Filed 12–8–75;8:45 am]

[Docket No. RP72–133 PGA76–1]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

NOVEMBER 28, 1975.

Take notice that on November 14, 1975, United Gas Pipe Line Company (United) tendered for filing Twenty-Eighth Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. United states that the tariff sheet and supporting information are being filed 45 days before the effective date of January 1, 1976, pursuant to Section 19 of United's tariff, and is in compliance with the provisions of Order Nos. 452, 452–A and 452–B.

United states that copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33045 Filed 12–8–75;8:45 am]

[Docket No. E–9461]

UPPER PENINSULA GENERATING CO.

Order Authorizing the Issuance of Short-Term Unsecured Promissory Notes; Correction

NOVEMBER 18, 1975.

Page 1, paragraph 1, lines 11, 12: Change "to be issued on or before July 1, 1976" to "to be issued for periods of time not longer than twelve months from the date of issuance, extension or renewal,"

Page 3, ordering paragraph (A), lines 7, 8: Change "to be issued on or before July 1, 1976" to "to be issued for periods of time not longer than twelve months from the date of issuance, extension or renewal,"

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33042 Filed 12–8–75;8:45 am]

[Docket No. ER76–245]

UTAH POWER & LIGHT CO.

Filing

DECEMBER 1, 1975.

Take notice that on November 13, 1975, Utah Power and Light Company (Utah Power) tendered for filing three proposed fuel adjustment clauses in accordance with Order No. 517 issued by the Commission on November 13, 1974, in Docket No. R–479. The Fuel Clauses are designated "RS–1 Fuel Clause", "RS–2 Fuel Clause", and "RS–3 Fuel Clause."

Utah Power states that following approval of the clauses, it anticipates incorporating them into its tariffs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33054 Filed 12–8–75;8:45 am]

[Docket No. ER76–272]

UTAH POWER & LIGHT CO.

Filing of Interconnection Agreement

DECEMBER 1, 1975.

Take notice that on November 21, 1975, Utah Power & Light Company (UP&L) tendered for filing an Interconnection Agreement between UP&L and Tucson Gas & Electric Company dated November 4, 1975. UP&L's filing included two Service Schedules, deseribed by UP&L as follows:

SERVICE SCHEDULE A–1—EMERGENCY ASSISTANCE

Provides that "• • • either party will, upon request of the other party, supply as emergency assistance such power and energy as the requesting party may need to protect or restore services to its Customers, subject to the availability of such power and energy • • •" The basis for settlement shall reflect a charge equal to one-half of the sum of (a) cost to the supplying party and (b) cost avoided by the receiving party in reducing its generation level (provided that such cost avoided shall be the highest cost energy that normally would have been available to it from its own units).

SERVICE SCHEDULE B–1—SURPLUS ENERGY SALE

The purpose of this Service Schedule is "• • • to provide for sale of surplus energy between the Parties and to establish terms and conditions for such sale." Each party is to be the sole judge as to the conditions under which it is economical and practicable for it to deliver surplus energy. Settlement shall reflect a change equal to one-half of the sum of (a) cost to the supplying party and (b) cost avoided by the receiving party in reducing its generation level. An alternative method of settlement is provided under which either party may elect to establish an account to be maintained by the Parties in which 120% of the fuel costs incurred by the supplying party will be recorded. The receiving party shall have the option of returning the energy or paying in cash the amount recorded in the account.

UP&L requests the Commission to waive its 30-day notice period and permit the Interchange Agreement to become effective on November 4, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33058 Filed 12–8–75;8:45 am]

[Docket No. ER76–279]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

DECEMBER 1, 1975.

Take notice that on November 24, 1975, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated November 10, 1975, between the Village of Waunakee and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated April 8, 1969.

WPL requests a proposed effective date of December 15, 1975.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Waunakee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Paragraph 1.8 and Paragraph 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33056 Filed 12–8–75;8:45 am]

[Docket No. ER76–278]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

DECEMBER 1, 1975.

Take notice that on November 24, 1975, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated November 11, 1975, between the Village of Mazomanie and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated August 15, 1975.

WPL requests a proposed effective date of December 15, 1975.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Mazomanie.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Paragraph 1.8 and Paragraph 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33057 Filed 12–8–75;8:45 am]

[Docket No. CP75–361]

NORTHERN NATURAL GAS CO.

Order Setting Prehearing Conference and Formal Hearing Dates, Establishing Procedures and Granting Interventions

DECEMBER 2, 1975.

On June 10, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CP75–361 an application, as supplemented August 11 and October 1, 1975, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to sell natural gas on a contract demand basis to its Peoples Natural Gas Division (Peoples) for resale and distribution in certain communities in the State of Kansas in lieu of providing Peoples with a full requirements service for such resale and distribution.

Northern has rendered service to the communities of Copeland, Elkhart, Fowler, Garden City, Hugoton, Meade, Moscow, Plains, Rolla, Santana, and Sublette, Kansas, and to various rural customers (Argus Communities) through its Peoples Division on a full-requirements basis since it acquired the distribution properties of Argus Natural Gas Company, Inc. Northern has submitted to the Commission in Docket No. RP74–102 a settlement proposal, which the Commission by order issued June 17, 1975, modified and accepted. This settlement, among other things, provides for the establishment of contract demand volumes for the Argus communities and makes such sales subject to the terms of Paragraph 9 of the General Terms and Conditions of Volume 1 of Northern's FPC Gas Tariff. In order that Northern may render service to its Peoples Division for distribution and resale in the Argus area to comply with the provisions of the settlement proposal in Docket No. RP74–102, Northern herein requests authority to effectuate contract demand service to Peoples for the Argus communities and environs.

The proposed contract demands for the Argus communities are as follows:

Community:	Contract Demand (Mcf/day)
Copeland	324
Elkhart	1,678
Fowler	514
Garden City	13,754
Wheatland Electric Corp	1,000
Hugoton	2,370
Meade	1,781
Moscow	271
Plains	710
Rolla	378
Santana	808
Sublette	1,048
Rural Tap Sales:	
Gathering Lines	1,500
Argus Mainline	450
Other Mainline	2,500
Jetmore	605
Rural tap customers	200
Total	29,895

We note that Northern has an application pending in Docket No. CP75–333 for authorization to attach certain right-of-way customers in the vicinity of the Argus system. To the extent that any such future customers have been included in the entitlements in the subject application, such entitlements should not become effective until appropriate authorization is granted in Docket No. CP75–333.

After due notice by publication in the FEDERAL REGISTER on July 7, 1975 (40 FR 285520), a timely petition to intervene was filed by Terra Chemicals International, Inc., on July 22, 1975. Late petitions to intervene were filed by Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), on July 31, 1975, by Iowa Power

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and Light Company on July 24, 1975, as amended on August 27, 1975; by Iowa Electric Light and Power Company on August 18, 1975; and by Southwest Kansas Cooperative (Southwest) on October 28, 1975. Southwest requests that this matter be set for hearing date since it fears that granting of this application may reduce deliveries of gas to it.

The Commission finds: (1) The participation of the late petitioners to intervene in this docket would not delay these proceedings nor unduly inconvenience any other party.

(2) The intervention of the above-named petitioners in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing preceded by a prehearing conference in accordance with the procedures set forth below.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) A prehearing conference to establish those areas of disagreement, if such exist, among parties and to reconcile opposing views, if possible, shall be held on December 18, 1975, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 9, 1976, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N. E. Washington, D.C. 20426, concerning the issue of the effect of the granting of this application on future gas deliveries to existing customers of Northern.

(D) On or before January 2, 1976, Northern and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33063 Filed 12-8-75;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Conference

DECEMBER 3, 1975.

Take notice that on Friday, December 12, 1975, Commission Staff is convening an informal conference for the purpose of discussing the issues in the above-referenced docket with a view toward settling this proceeding. The conference will be held in Room 8402 of the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C. 20426, at 11:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to § 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33189 Filed 12-8-75;8:45 am]

[Docket No. ER76-285]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Proposed Tariff Change

DECEMBER 3, 1975.

Take notice that Public Service Company of New Hampshire (PSCNH) on November 21, 1975, tendered for filing amendments to its contracts for resale service which purport to bring its fuel clause into compliance with Commission Order No. 517. PSCNH states that the affected customers and the FPC rate schedule designations of their contracts are as follows:

Concord Electric Co	FPC No. 24.
Town of Ashland, N.H.	FPC No. 28.
The New Hampton (New Hampshire) village precinct.	FPC No. 29.
Exeter & Hampton Electric Co.	FPC No. 35.
New Hampshire Electric Cooperative, Inc.	FPC Nos. 50 and 71.
Town of Wolfeboro, N.H.	FPC No. 72.

PSCNH requests that the fuel clause and attendant increase be allowed to become effective on December 1, 1975.

PSCNH asserts that the changes would bring its fuel clause into full compliance with Commission Regulations. The base cost of fuel is revised to reflect fuel costs for the 12 months ending September 30, 1975 and the basic energy charge is revised to roll in the increases in base fuel costs. The new fuel clause eliminates the two month lag in recovery of fuel costs. PSCNH also proposes a temporary surcharge to recover unbilled fuel costs resulting from the switch from two month lagging to current month billing of fuel costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33188 Filed 12-8-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Review of Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather pirvileges") with respect to the nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date). However, section 4(a)(2) of the Act requires the Board of Governors of the Federal Reserve System to determine whether such grandfather privileges should be terminated with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

In exercising its authority under section 4(a)(2), the Board by order after opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

An examination of the grandfather privileges of the companies listed below is in process in order to determine whether continuation of such grandfather privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date than grandfathered activities must be terminated.

Bank holding company	*Activities engaged in on, and continuously since, June 30, 1968* [1]
Valley Financial Services, Inc., Elkhart, Ind. (subsidiary bank is Valley Bank and Trust Company, Mishawaka, Ind.).	Sales finance and installment lending. Underwriting (as reinsurer) credit life insurance on loans by credit-granting subsidiaries. Distribution of plumbing supplies.
General Educational Fund, Inc., Burlington, Vt. (subsidiary is The Merchants Bank, Burlington, Vt.).	Trust activities
Colorado Funding Company, Denver, Colo. (subsidiary bank is The Colorado State Bank of Denver, Denver, Colo.).	Processing and distribution of wholesale produce. Sale of credit life and credit accident and health insurance in connection with loans by subsidiary banks.

[1] The listed companies may also be engaged in additional activities permissible under other provisions of the Bank Holding Company Act. In addition, authority to engage in some of the activities listed may be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under Section 4(a)(2) of the Act.

To aid the Board in making its determinations with respect to the aforementioned bank holding companies, interested persons are hereby afforded an opportunity to submit relevant data, views and arguments relating to the continuation of grandfather privileges, if any, of the above-mentioned companies. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, December 2, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-33078 Filed 12-8-75;8:45 am]

VALPARAISO ENTERPRISES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Valparaiso Enterprises, Inc., West Point, Nebraska ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through the acquisition of 99.4 per cent of the voting shares of Oak Creek Valley Bank, Valparaiso, Nebraska ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for approval to acquire Valparaiso Insurance Agency, Valparaiso, Nebraska ("Agency"), and to thereby act as a general insurance agent or broker in Valparaiso, a community with a population of less than 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board of Governors has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 44197). Time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purposes of becoming a bank holding company through the acquisition of Bank and of operating a general insurance agency. Upon acquisition of Bank (deposits of $5.8 million), Applicant would control the 225th largest bank in Nebraska, holding 0.1 per cent of total deposits in commercial banks in the State.[1] Bank is the fourth largest of eleven banks competing in Saunders County (which approximates the relevant banking market), and controls 10.7 per cent of commercial bank deposits in the market. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

[1] All banking data are as of December 31, 1974.

The purpose of the transaction is to facilitate the transfer of the ownership interests from individuals to a corporation owned by one of the same individuals. A principal of Applicant also has an ownership interest in Packers Management Company, a one-bank holding company in Omaha, Nebraska. The subsidiary bank of this holding company is located in a separate banking market. Consummation of the proposal would eliminate neither existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are regarded as being consistent with approval.

Consummation of the transaction would effect no changes in the banking services offered by Bank, and considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

In connection with the application to become a bank holding company, Applicant also proposes to acquire the general insurance business of Agency, which has been operated as a partnership owned by Bank's retiring stockholder and E.G.F., Inc., a registered holding company wholly owned by Applicant's principal shareholder. Agency will continue to provide a convenient source of insurance services to residents of the Valparaiso area, a result that is in the public interest. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors set forth in section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank, nor the acquisition of Agency should be made later than three months after the effective date of this order, unless such period

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is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4 of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective December 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-33077 Filed 12-8-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LANE HOLLOW COAL CO. AND M & M COAL COMPANY, INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4201-000, Lane Hollow Coal Company, Mine No. 21, Mine ID No. 44 02258 0, Maxie, Virginia, ICP Permit No. 4201-002-R-2 (Mescher HD12 Rubber Tired Tractor, Ser. No. 240), ICP Permit No. 4201-003-R-2 (Mescher HD12 Rubber Tired Tractor, Ser. No. 288).

(2) ICP Docket No. 4358-000, M & M Coal Company, Inc., Mine No. 15B Portal, Mine ID No. 44 01691 0, Pound, Virginia, ICP Permit No. 4358-001-R-2 (Epling Spinner Loading Machine, I. D. No. 6), ICP Permit No. 4358-002-R-2 (Royal 4 Cutting Machine, Ser. No. 201), ICP Permit No. 4358-003-R-2 (Kersey 464 Rubber Tired Mine Tractor, Ser. No. 6106).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D. C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

DECEMBER 3, 1975.

[FR Doc.75-33072 Filed 12-8-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-101]

APPLICATIONS STEERING COMMITTEE, ADVISORY SUBCOMMITTEE FOR EVALUATION OF ADVANCED APPLICATIONS FLIGHT EXPERIMENT PROGRAM PROPOSALS

Postponement of Meeting

On November 25, 1975, a notice of meeting of the above named advisory subcommittee scheduled to be held on December 10-11, 1975, was published in the FEDERAL REGISTER November 25, 1975, (40 FR 54628). This meeting has been postponed to January 7-8, 1976.

Dated: December 8, 1975.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.75-33279 Filed 12-8-75;9:29 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329A and 50-330A]

CONSUMERS POWER COMPANY (MIDLAND PLANT, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Michael C. Farrar, Member, Richard S. Salzman, Member.

Dated: December 2, 1975.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.75-32989 Filed 12-8-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 4, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 4, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 2nd day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-32987 Filed 12-8-75;8:45 am]

[Construction Permit Nos. CPPR-77 & CPPR-78]

VIRGINIA ELECTRIC AND POWER COMPANY (NORTH ANNA POWER STATION, UNITS 1 & 2) (SHOW-CAUSE, DISCLOSURE PROCEEDING)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Member, Richard S. Salzman, Member.

Dated: December 2, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-32988 Filed 12-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3799]

AMERICAN MUTUAL FUND, INC. ET AL.

Filing of Application for an Order Exempting Applicants

Notice is hereby given that American Mutual Fund, Inc. ("AMF"), an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), American Funds Distributors, Inc. ("AFD"), 611 West Sixth Street, Los Angeles, California 90017, the principal underwriter of AMF, National Municipal Trust, First Insured Discount Series and Subsequent Series ("NMT"), a unit investment trust registered under the Act, and Thomson & McKinnon Auchincloss Kohlmeyer Inc. ("T&MAK"), c/o Thomson & McKinnon Auchincloss, Kohlmeyer Inc., Two Broadway, New York, New York 10004, the sponsor and principal underwriter of NMT (collectively "Applicants"), have filed an application on April 18, 1975, and amendments thereto on June 30, July 22, September 5, and November 17, 1975, pursuant to section 6(c) of the Act, exempting Applicants and certain proposed transactions from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of AMF are continuously offered for sale with a minimum purchase requirement of $250. The public offering price of AMF shares includes a sales load of 8½ percent of the public offering price for sales of less than $15,000, with lower sales charges for larger transactions. Of the 8½ percent sales load, 7 percent represents the dealer discount, and 1½ percent represents the underwriting commission. AMF's investment objectives are to seek current income, capital growth, and stability. On May 31, 1975, AMF had total net assets of approximately $310 million.

NMT was formed for the purpose of obtaining tax-exempt income through investment in interest-bearing state, municipal and public authority bonds which are selling at deep market discounts. The public offering price of NMT units includes a sales load of 4½ percent for purchases of less than 100 units, and a sales charge of 4 percent for purchases of 100 units or more.

T&MAK proposes to offer units of NMT in combination with shares of AMF ("combined units"). Each combined unit consists of (i) one unit of an undivided interest in NMT which represents $1,000 principal amount of underlying tax-exempt municipal bonds, and (ii) a number of shares of AMF which can be purchased at the net asset value thereof after deducting the offering price of one NMT unit at the date of purchase plus an underwriting discount from $1,000. The underwriting discount, which will be charged in lieu of separate sales charges on each of the underlying securities of a combined unit, will be fixed by negotiation among AMF, AFD, and T&MAK at or before the effective date of NMT's registration statement, and will in no event exceed 4.8 percent, or $48 per $1,000 of investment. If the NMT units and AMF shares contained in a combined unit were sold separately, it is estimated that the aggregate sales charges would range between 5.2 percent and 5.6 percent, depending on the amount of the market discount on the bonds.

The underwriting discount on the combined units will be reduced in the following circumstances: (i) If 100 or more combined units are purchased by an investor, the underwriting discount applicable to NMT units will be 4.0 percent, rather than 4.5 percent, and this reduction will be in the form of cash; (ii) if $25,000 or more is invested in AMF shares through a large purchase of combined units, then the underwriting discount attributable to AMF will be based on rates currently stated in AMF's prospectus; and (iii) purchasers of combined units who are otherwise entitled to purchase AMF shares at a sales load of less than 6 percent by reason of the Concurrent Purchase Privilege, the Right of Accumulation, or the Statement of Intention as described in AMF's current prospectus, will pay such a reduced sales load on AMF shares. In cases of (ii) and (iii), above, the application of these reductions will result in the purchaser receiving additional AMF shares. Purchasers of combined units who are already entitled to receive such reduced sales charges on AMF shares will not receive any further reduction in the underwriting discount because such shares are purchased in combination with NMT units. Applicants anticipate that the minimum required purchase by any investor will be three combined units. Both NMT units and AMF shares will be separately transferable and redeemable immediately after the purchase of a combined unit.

T&MAK will purchase from AFD the appropriate number of AMF shares pursuant to an underwriting agreement among itself, AMF and AFD. The underwriter's purchase price will equal the net asset value of the AMF shares plus .2 percent thereof, which additional amount will be retained by AFD.

Section 22(d) of the Act, in pertinent part, provides that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus.

Applicants request an order of exemption from the provisions of section 22(d) of the Act for the following:

1. To permit the sale of AMF shares as part of the combination offering at a sales load lower than that stated in AMF's current prospectus;

2. To permit the sale of combined units at a lower underwriting discount when (a) a purchaser acquires 100 or more NMT units than when he acquires less than 100 NMT units, and (b) a purchaser acquires $25,000 or more of AMF shares than when he acquires less than that amount; and

3. To permit the investment of monthly income from NMT units purchased as part of the combination offering in additional AMF shares without a sales charge.

In support of its request to permit the sale of AMF shares as part of the combination offering at a sales charge lower than that stated in AMF's current prospectus, Applicants state that the combination offering will permit the distribution of an increased number of AMF shares without any cost to AMF other than that normally associated with the issuance of new shares, and will insure that AFD is adequately compensated for the responsibility that AFD bears under its principal underwriting agreement with AMF. Applicants state that T&MAK will assume substantially all of the underwriting responsibility and bear the bulk of the expense in connection with the intensive marketing effort needed to make the underwriting successful. Such efforts by T&MAK, Applicants state, will relieve AFD of a substantial amount of the responsibilities and work normally incurred by AFD in the sale of a substantial number of AMF shares. Applicants further state that the combination offering will result in lower retailing costs since T&MAK will not have to duplicate fully the necessary solicitation and financial counseling required in selling both securities separately. In this connection, Applicants assert that the components of the combined units complement each other in a way that makes each more readily understandable by the customer, thus facilitating the presentation by the registered representative. Applicants also state that they will not make the proposed combination offering if the bond discount is substantially less than $200, thus assuring that there will be some cost savings for investors when they acquire AMF shares pursuant to the combination offering. In addition, Applicants cite portions of the discussion and recommendations set forth at pp. 97-101 of the Report of the Commission's Division of Investment Management Regulation entitled "Mutual Fund Distribution and section 22(d) of the Investment Company Act of 1940," dated August, 1974.

In support of its request to permit the sale of combined units at a lower underwriting discount when a large number of combined units are purchased, Applicants state that the reduced retail costs in selling the combined units in large quantities justify the lower underwriting discount. These reductions, Applicants state, will result in cash savings to investors in the event 100 or more NMT units are purchased, and additional AMF shares in the event $25,000 or more of AMF shares are purchased, as part of the combination offering.

In support of its request to permit the investment of income from NMT units purchased pursuant to the combination offering in additional AMF shares without any sales charge, Applicants state that this would permit a purchaser of a combined unit to keep his investment intact for a longer period of time, since it would be impractical to permit reinvestment in NMT units; this is due to the

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fact that it requires a large purchase to obtain one NMT unit. Applicants assert that such an arrangement will not result in any increase in fees paid to NMT's trustee, United States Trust Company of New York, or in any additional cost to AMF other than that normally associated with the issuance of additional shares.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or class of persons, securities and transactions, from any provisions fo the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33024 Filed 12-8-75;8:45 am]

[SR–Amex–75–4]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On October 28, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (b) as amended by Pub. L. No. 94–29, section 16 (June 4, 1975) (the "Act"), and rule 19b–4 thereunder, copies of a proposed rule change. The proposed rule change would designate any registered trader electing to engage in Exchange options transactions as a specialist on the Exchange for all purposes under the Act and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as a registered trader.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 11813 (November 7, 1975)) and by publication in the FEDERAL REGISTER (40 FR 52894 (November 13, 1975)).

The stated immediate purpose of the proposed rule change (new commentary to Amex Rule 958) is to permit registered traders to obtain the same treatment under Regulation T and U of the Federal Reserve Board presently afforded to specialists in financing their options positions. Amex registered traders' market-making responsibility in options, when they are present in the crowd or when they are requested by a specialist, floor official or a floor broker to provide quotations, is comparable with that of Amex registered specialists. According to the Exchange, as a result of such designation it is anticipated that Amex options market will become deeper and more liquid to the direct benefit of all investors.

The Commission is directed under section 19(b)(2) of the Act to approve a proposed rule change if it finds it to be consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges including the requirements of section 6 and the rules and regulations thereunder.

For the foregoing reasons, and because the change clarifies the legal status of these floor members, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33017 Filed 12–8–75;8:45 am]

[Release No. 34–11869; File No. SR–Amex–75–13]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to increase the fee charged to a company for transferring from unlisted to listed trading status from $1,000 to $4,500.

The proposed change will necessitate a revision to the "American Stock Exchange Company Guide" as set forth below.

The rule presently reads as follows:

SECTION 113 *Transfer from Unlisted to Listed Trading.* The Exchange will consider applications for the listing of securities at present admitted to unlisted trading privileges (see sections 1211–1212) on the Exchange when the applicant meets approximately one-half of the prescribed standards for original listing. In lieu of the customary listing fee, a fee of $1,000 is payable to effect such transfer.

The rule as proposed to be revised reads as follows:

SECTION 113 *Transfer from unlisted to listed trading.* The Exchange will consider applications for the listing of securities at present admitted to unlisted trading privileges (see sections 1211–1212) on the Exchange when the applicant meets approximately one-half of the prescribed standards for original listing. In lieu of the customary original listing fee, a fee of $4,500 is payable to effect such transfer.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose for increasing the transfer fee to $4,500 in the case of a company which applies for the transfer of its securities from unlisted to fully listed status is to bring the total fee more closely in line with the expenses incurred in processing the listing application, while at the same time continuing to maintain an incentive for the transfer by keeping the charge substantially below the customary original listing fee.

Over the last two years, the Board of Governors has approved two revisions in the Amex's schedule of fees for original and supplemental listing of shares. In addition to adopting a revised fee schedule based upon the number of shares to be originally listed, the Board in 1973 established for the first time, a one-time charge of $2,500 for the original listing of common stock and in September, 1974 increased this charge to $3,500. In approving these changes, the Board did not increase the fee to be charged to companies transferring from unlisted to listed trading status.

The current charge of $1,000 for transferring from unlisted to listed trading status was instituted by the Amex in 1965 in lieu of the customary original listing fee. Its purpose was to provide companies whose shares were traded on the Amex on an unlisted basis with an incentive to transfer to a fully listed status by setting a fee which closely approximated the costs incurred by the Amex in processing such applications. As is the case in most other areas, these costs have increased significantly over the past ten years. In this connection, it is important to note that many of the processing expenditures (e.g., salaries of listing representatives, reproduction of documents, telephone, review of listing applications by the Amex's consulting accountants and independent legal counsel, etc.) are identical to those expenses which arise in reviewing an original listing application where the average listing fee is approximately $20,000.

The Amex believes that it should continue to provide an incentive for companies granted unlisted trading privileges to transfer to fully listed status. Adoption of the proposed increase in the transfer fee would not, in the opinion of the Amex, detract from the incentive which is intended to be provided to companies whose securities are traded on an unlisted basis to transfer to fully listed status. Further, the increase of fees applicable to such transfer will enable the Amex to offset the rising costs incident to the handling of such applications.

The proposed rule change is based upon the provisions of section 6(b)(4) of the Securities Exchange Act of 1934, as amended, which require a national securities exchange to allocate dues, fees and other charges on an equitable basis. Although the proposed transfer fee will still be substantially below the original listing fee customarily charged, the Amex believes that encouraging transfers from unlisted to listed status justifies this disparity in the fee schedule. In this connection, it should be noted that listing of companies presently admitted to unlisted trading privileges on the Amex is in the public interest, since it will enable the Amex to require more comprehensive disclosure of corporate and financial information to public investors.

No comments were solicited or received from members, participants or others on the proposed rule change.

The Amex has determined that the proposed increase in the transfer fee will not impose a burden on competition.

On or before January 13, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 8, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75–33008 Filed 12–8–75;8:45 am]

[SR–BSE–75–1]

BOSTON STOCK EXCHANGE, INC.

Order Approving the Proposal To Establish a Maximum Fine of One Thousand Dollars ($1,000) for Acts Inconsistent With Good Order and Decorum on Exchange Floor

On September 15, 1975 the Boston Stock Exchange, Inc. ("BSE") 53 State Street, Boston, Massachusetts 02109, filed a proposed rule change with the Commission, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 15 U.S.C. 78s(b)(1) (the "Act") as amended by Pub. L. No. 94–29, Sec. 16 (June 4, 1975). The proposed rule, as originally filed, eliminated the existing maximum of fifty dollars ($50.00) for fines without establishing another maximum amount.

Notice of the proposed rule change together with the terms of substance of the proposal was given by publication of a Commission Release (Securities Exchange Act Release No. 11717, October 8, 1975) and by publication in the FEDERAL REGISTER (40 FR 48737, October 17, 1975). Public comments were invited until the thirtieth day after publication in the FEDERAL REGISTER.

On November 10, 1975 the Boston Stock Exchange amended the earlier published proposal by adding a provision for a maximum fine of one thousand dollars ($1,000.00). Since the amendment mitigated the severity of the earlier proposal and was not a change in substance, it was not published in the FEDERAL REGISTER for public comment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that effective November 21, 1975 the BSE rule change referenced above be, and therefore is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 21, 1975.

[FR Doc.75–33018 Filed 12–8–75;8:45 am]

[SR–BSE–75–2]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

The Boston Stock Exchange ("BSE"), 53 State Street, Boston, Massachusetts 02109, submitted on September 17, 1975 a proposed rule change under Rule 19b–4 to conform the anti-manipulative rules of the BSE with those of other participants in the consolidated transaction reporting system.

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45880)[1] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the BSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33014 Filed 12–8–75;8:45 am]

[SR–CSE–75–2]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

The Cincinnati Stock Exchange ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202, submitted on September 22, 1975 a proposed rule change under Rule 19b–4 to conform the anti-manipulative rules of the CSE with those of other participants in the consolidated transaction reporting system.[1]

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45881)[2] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the CSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6

[1] See also Securities Exchange Act Release No. 11683 (September 25, 1975).

[2] An amendment to the CSE's filing, stating that the proposed rule changes were approved by the CSE's Board of Trustees on September 30, 1975, was submitted on October 3, 1975.

[3] See also Securities Exchange Act Release No. 11682 (September 25, 1975).

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of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33015 Filed 12-8-75;8:45 am]

[70-5667]

CONSOLIDATED NATURAL GAS CO. ET AL.

Post-Effective Amendment Regarding Acquisition of Common Stock of Subsidiary Company and Open Account Advances to Subsidiary Companies

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and certain of its subsidiary companies, CNG Producing Company ("CNG Producing"), Consolidated Gas Supply Corporation, Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, and West Ohio Gas Company ("West Ohio"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated June 5, 1975 (HCAR No. 19028), the Commission authorized a number of transactions in connection with the Consolidated system's financing program for 1975. Certain changes therein are proposed as follows.

In said order of June 5, 1975, Consolidated was authorized to make open account advances to West Ohio for working capital of up to $600,000. It is now proposed that Consolidated make additional open account advances of up to $500,000 to West Ohio for the same purpose, bringing the total amount to $1,100,000. Such advances may be made, repaid, and remade as requested by West Ohio from time to time, to and including May 31, 1976, upon letter agreement stating that such open account advances will be repaid on or before a date not more than one year from the date of the first advance to West Ohio, with interest at substantially the same effective rate as the related commercial paper or bank borrowings by Consolidated.

The Commission also authorized LNG Company to sell 182,000 shares of its common stock, $100 par value, at par, aggregating $18,200,000, and Consolidated to acquire such shares during 1975. It is stated that it now appears that LNG Company will not require all of such financing during 1975 but will require part of it during the early months of 1976. Therefore, it is requested that this authorization be extended from December 31, 1975, to and including May 31, 1976. It is further proposed that, in order to finance additional capital expenditures of LNG Company, Consolidated make open account advances to LNG Company for construction in amounts aggregating not more than $15,000,000 as called for from time to time by LNG Company through May 31, 1976, such open account advances to beat interest at the prime commercial rate of interest at The Chase Manhattan Bank, N.A., in effect from time to time.

Consolidated also proposes to make open account advances of up to $10,000,000 to CNG Producing to finance exploration and development of Gulf offshore leases and leases in the Province of Alberta, Canada. Such advances shall be made as called for from time to time by CNG Producing through May 31, 1976, and bear interest at the prime commercial rate of interest at The Chase Manhattan Bank, N.A., in effect from time to time.

In all other respects the transactions heretofore authorized remain unchanged. The expenses to be incurred in connection with the proposals are estimated not to exceed $750. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33020 Filed 12-8-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

DECEMBER 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 3, 1975 through December 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33023 Filed 12-8-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

DECEMBER 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 3, 1975 through December 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33022 Filed 12-8-75;8:45 am]

[70-5415]

MIDDLE SOUTH UTILITIES, INC. ET AL.

Post-Effective Amendment Regarding Issuance and Sale of Notes by Fuel Supply Subsidiary to Operating Subsidiaries

In the matter of Middle South Utilities, Inc., System Fuels, Inc., 225 Baronne

Street, New Orleans, Louisiana 70112, Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., P.O. Box 60340, New Orleans, Louisiana 70160; (70-5415).

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility, fuel-supply subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an elctiric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, and the above-named companies have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 17, 1973 (HCAR No. 18221), the Commission, among other things, authorized SFI to issue and sell its notes to the Operating Companies pursuant to a loan agreement dated January 1, 1974, with the Operating Companies, whereby SFI would borrow from time to time through December 31, 1975, and only to the extent that outside sources of financing were not available, an aggregate amount not to exceed $90,000,000 outstanding at any one time. This amount was exclusive of $30,000,000 previously authorized to be borrowed by SFI from the Operating Companies (HCAR No. 17400 (December 17, 1971)). SFI has borrowed $18,000,000 of the $90,000,000 available under the 1974 loan agreement.

SFI now intends to amend the 1974 loan agreement and requests Commission authorization to borrow and reborrow from the Operating Companies (in addition to the $30,000,000 authorized in 1971) from time to time through December 31, 1976, an aggregate amount not to exceed $130,000,000 outstanding at any one time. Other than the date of expiration and the amount of borrowing thereunder, the terms of the 1974 loan agreement would remain unchanged. Each of the Operating Companies will provide, for each loan under the agreement, an amount in such proportion as its kwh sales for the preceding calendar year bear to the total kwh sales of the Operating Companies for that year, computed in both case by including sales to rural electric cooperatives and municipalities but excluding sales to other public utilities.

The proceeds derived from borrowings from the Operating Companies under the 1974 loan agreement, as to be amended, and proceeds from external financing will be used to fund SFI's 1976 Program which will require estimated additional expenditures by SFI of $27,000,000, of which $12,000,000 is for fuel procurement, $9,000,000 is for fuel storage and handling, and $6,000,000 is for fuel transportation.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interestesd person may, not later than December 22, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33021 Filed 12-8-75;8:45 am]

[70-5531]

NATIONAL FUEL GAS CO. AND NATIONAL FUEL GAS DISTRIBUTION CORP.

Proposed Issue and Sale of Commercial Paper and/or Notes to a Bank by Holding Company and Loan of Proceeds to Subsidiary

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution Corporation"), 10 Lafayette Square, Buffalo, New York 14203, its gas utility subsidiary, have filed a post-effective amendment to their previously amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(a), 9(a), 10(a) and 12(b) of the Act and Rules 43, 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete description of the proposed transaction.

National proposes, from time to time through December 31, 1976, to issue and sell commercial paper and/or notes to a bank in the aggregate principal amount at any one time outstanding of not more than $17,000,000. Such commercial paper will be sold by National directly to A. G. Becker & Co., Incorporated ("Becker"), a dealer in commercial paper, in denominations of not less than $100,000 with varying maturities not to exceed 270 days and which will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, Becker will reoffer and sell the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the prevailing discount rate to the company. Becker, in reoffering the commercial paper, will limit the reoffer and sale to not more than 200 buyers of commercial paper identified and designed in a list (nonpublic) prepared in advance. It is anticipated that the commercial paper will be held by the buyers to maturity; however, Becker may, if desired, repurchase the commercial paper and reoffer it to others on said list of buyers.

It is stated that when the effective interest cost for commercial paper exceeds the cost of equivalent borrowings from The Chase Manhattan Bank, N.A. ("Chase") on the date of issue, National will resort to bank loans. The proposed unsecured, short-term notes to Chase will each be dated as of the date of issue, will mature not later than nine months from the date thereof, will be prepayable at any time, in whole or in part without penalty or premium, and will bear interest at the prime rate of Chase in effect from time to time. National has informally agreed with Chase to maintain average balances of 20 percent of the average loans outstanding. National asserts, however, that the average balances maintained for normal operating needs are substantially in excess of this amount. If an average balance of 20 percent were assumed to be a "compensating balance", the effective cost of money, based on a 7¼ percent prime rate, would be 9.1 percent per annum. There will be no commitment fee nor any closing or related costs in connection with the company's bank borrowings. National states tentatively that it proposes to repay its commercial paper and/or short-term notes to Chase through moneys received from Distribution Corporation as a result of the operation of gas adjustment clauses, the issuance and sale of internal short-term unsecured notes or long-term debt and/or equity securities and operations.

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National intends to use the proceeds from the sale of its commercial paper and/or short-term notes to acquire for cash $17,000,000 principal amount of short-term unsecured notes proposed to be issued by Distribution Corporation. Each such note will be dated the same date and bear the same interest rate as the related commercial paper and/or short-term note of National. Each such note will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Distribution Corporation will have the option, after payment of all notes of prior maturity held by National, to prepay any note at any time or from time to time, in whole or in part without premium. Distribution Corporation proposes to use $10,000,000 of the proceeds from the above loans to finance the purchase of synthetic natural gas and the balance to finance a portion of its 1976 construction program.

National requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof and also requests authority to file certificates under Rule 24 with respect to the proposed short-term borrowings and/or commercial paper transactions on a quarterly basis.

It is stated that no special and separable fees, commissions or expenses will be incurred in connection with the proposed transaction. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 26, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33019 Filed 12-8-75;8:45 am]

[SR-NYSE-75-2]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Amendment to Rules of Depository Trust Company

In September, 1975, the New York Stock Exchange, Inc. (the "NYSE"), 55 Water Street, New York, New York 10041, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed change in the by-laws of the NYSE's wholly-owned subsidiary, The Depository Trust Company ("DTC"). The by-law, as amended, would increase the number of directors on DTC's board from fourteen to fifteen.

Notice of the filing was published in the SEC Docket (Release No. 11676/September 24, 1975); the complete submission and a request for public comments were published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44906). The period for public comment expired on October 21, 1975, and no comments were received.

The Division of Market Regulation finds that the proposed change in the rules of DTC described above is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and the same hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

Filed Doc.75-33016 Filed 12-8-75;8:45 am]

[SR-PSE-75-4]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Rule Change for Establishment of a Satellite Facility in Seattle, Washington

On October 7, 1975, the Pacific Stock Exchange, Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, submitted a proposed rule change under Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act"). The rule change was designed to enable the Pacific Securities Depository Trust Company ("PSDTC"), a wholly-owned subsidiary of PSE, to establish a satellite facility in Seattle, Washington. In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (40 FR 48740, October 17, 1975), and the public was invited to submit comments until November 7, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 14, 1975. (Securities Exchange Act Release No. 11724). No letters of comment were received.

As described in Securities Exchange Act Release No. 34-11724, the PSE submission consists of a plan to establish a satellite facility for local brokers and banks for processing at the San Francisco and Los Angeles offices of PSDTC and the Pacific Clearing Corporation ("PCC"). In connection with the submission, PSE requested that the Commission continue its finding of October 22, 1974, pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act, that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors.

The Commission has reviewed the PSE submission and finds that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors. The Commission finds also that the rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33011 Filed 12-8-75;8:45 am]

[SR-PSE-75-3]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Rule Change for Implementation of Interfaces Between Pacific Securities Depository Trust Company and Depository Trust Company and Midwest Securities Trust Company

The Pacific Stock Exchange, Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, submitted on October 3, 1975, a proposed rule change under Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act") with respect to the implementation of interfaces between Pacific Securities Depository Trust Company ("PSDTC") and Depository Trust Company ("DTC") and Midwest Securities Trust Company ("MSTC"). In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (40 FR 48740, October 17, 1975) and the public was invited to submit comments until November 7, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 9, 1975. (Securities Exchange Act Release No. 11715) No letters of comment were received.

As described in Securities Exchange Act Release No. 11715, the PSE submission consists of interface agreements for the interfaces between PSDTC and DTC and MSTC. The PSE requested with respect to the interface agreements, that the Commission continue its finding, as set forth in its letter of October 22, 1974,

pursuant to Paragraph (g) of Rules 8c-1 and 15c2-1 under the Securities Exchange Act of 1934, that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors.

The Commission has reviewed the PSE submission and finds that the agreements, provisions and safeguards established by PSDTC are adequate for the notification of investors. The Commission finds also that the rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33012 Filed 12-8-75;8:45 am]

[SR-PBWSE-75-1]

PBW STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change Relative to Fidelity Bonding Requirements for Members

On September 22, 1975, the PBW Stock Exchange, Inc. ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed changes to Rule 705 of the Rules of its Board of Governors, under Rule 19b-4 pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s), as amended, Pub. L. No. 74-29 (June 4, 1975) (the "Act"). The rule changes were designed to impose higher fidelity bonding requirements in certain respects on member firms and organizations. In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (40 FR 45881, October 3, 1975), and the public was invited to submit comments until November 3, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 7, 1975 (Securities Exchange Act Release No. 11681).

As described in the item published in the FEDERAL REGISTER, the purpose of the proposed rule change is to impose higher fidelity bonding requirements on members in order to provide increased safeguards with respect to the financial responsibility and related practices of its members consistent with the standards set forth in new Rule 15b10-11 under the Act (the "SECO Bonding Rule" or "Rule 15b10-11") which establishes fidelity bonding requirements for registered brokers and dealers which are not members of a registered national securities association (SECO) brokers and dealers). Members in good standing of the PBW, among other exchanges, by the terms of paragraph (a) of the SECO Bonding Rule, are exempt from the latter rule inasmuch as they are already subject to fidelity bonding requirements of the PBW which are comparable to those promulgated by the Commission.

The Commission believes that the subject revisions to the PBW Bonding Rule are necessary and appropriate in the public interest and for the protection of investors. Accordingly, it finds that the proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the rule changes referenced above be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33013 Filed 12-8-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Revision 15; Amdt. 6]

PROCUREMENT ASSISTANCE PROGRAM

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15 (40 FR 11657, as corrected 14134), as amended (40 FR 20691; 26317; 40217 as corrected 41862; 49159; and 52676) is hereby further amended to delegate to certain field officials authorities to effectively carry out the Section 8(a) contracting program in field offices. This amendment also withholds authority from district directors in Region X in size determinations for government procurement and sales.

Delegation of Authority No. 30, Revision 15, now reads as follows:

* * * * *

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

* * * * *

Section B—Section 8(a) Contracting Authority (SBAct). 1. To enter into contracts such as, but not limited to, supplies, services, construction, and concessions on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration, and agreeing to the terms and conditions of such contracts up to the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington D/O, Unlimited.
e. District Directors, All Region VI D/O's, New York D/O, Newark D/O, and Chicago D/O, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Director for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Assistant District Director for PA, New York D/O and Newark D/O, $350,000.
i. Contract Specialist, Anchorage D/O, $250,000.
j. Branch Manager, El Paso, Texas, $350,000.

2. To arrange for the performance of such contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to small business concerns or others. Further, to arrange for such management services as deemed necessary to enable the Small Business Administration to perform such contracts based upon the availability of funds, contracts not to exceed the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington D/O, Unlimited.
e. District Directors, All Region VI D/O's, New York D/O, Newark D/O and Chicago D/O, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Director for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Assistant District Director for PA, New York D/O and Newark D/O, $350,000.
i. Contract Specialist, Anchorage D/O, $250,000.
j. Branch Manager, El Paso, Texas, B/O, $350,000.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer, such contract not to exceed the following amount:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Chief, Business Development, Region III R/O, Unlimited.
d. Contract Specialist, Region X, $250,000.
e. District Director, Washington D/O, Unlimited.
f. District Directors, all Region VI D/O's, New York D/O, Newark D/O and Chicago D/O, $350,000.
g. District Directors, Region X D/O's and Anchorage D/O, $500,000.
h. Assistant District Director for PA, Region IX, $500,000.
i. Assistant District Director for PA, New York D/O and Newark D/O, $350,000.
j. Contract Specialist, Anchorage D/O, $250,000.
k. Branch Manager, El Paso, Texas, B/O, $350,000.

* * * * *

PART IX—ELIGIBILITY AND SIZE DETERMINATIONS

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Section B—Size Determinations

* * * * *

2. *Size Determinations for Government Procurement and Sales.* In accordance with Small Business Administration Small Business Size Standard Regulations, to make size determinations for government procurement and sales activities.

a. Regional Director
b. Assistant Regional Director for PA
c. District Directors, EXCEPT Region X

Effective date: December 1, 1975.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[FR Doc.75-32992 Filed 12-8-75;8:45 am]

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[Declaration of Disaster Loan Area No. 1183 Amdt. No. 1]

FLORIDA

Declaration of Disaster Area

The above numbered Declaration (40 FR 47229) for the State of Florida is amended by extending the time for filing applications to December 31, 1975, for physical damage and September 30, 1976, for economic injury.

Dated: November 28, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32993 Filed 12-8-75;8:45 am]

[Declaration of Disaster Loan Area #1194]

MONTANA

Declaration of Disaster Area

The City of Havre in Hill County, Montana, constitutes a disaster area because of damage resulting from a fire on October 8, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 25, 1976 and for economic injury until the close of business on August 25, 1976 at:

Small Business Administration, District Office, 613 Helena Avenue, Helena, Montana 59601.

or other locally announced locations.

Dated November 25, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32994 Filed 12-8-75;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in the Veterans Administration Hospital, 1201 NW 16th Street, Miami, Florida, on February 9 and 10, 1976. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., February 9, to discuss the general status of the program. The limited accommodations necessitate that those who plan to attend contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC (202-389-3702) prior to January 15.

The meeting will be closed from 8:30 a.m. to 5 p.m. on February 9 and all day on February 10 for consideration of specific proposals in accordance with provisions set forth in Section 10(d) of Public Law 92-463 and Sections 552(b)(2) and 552(b)(6) of Title 5, U.S. Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated: December 3, 1975

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-32990 Filed 12-8-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-353]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allegheny Ludlum Steel Corporation, Dunkirk, New York, a division of Allegheny Ludlum Industries, Pittsburgh, Pennsylvania (TA-W-353).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel bars, specialty steel wire, cold drawn shapes, hexagons, flats and rounds produced by Allegheny Ludlum Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33089 Filed 12-8-75;8:45 am]

[TA-W-62]

CONTROL DATA CORP., CASPER, WYOMING

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, on August 25, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the Casper, Wyoming plant of the Control Data Corporation, Computer Memory Manufacturing Division, St. Louis Park, Minnesota (TA-W-62).

The Notice of Certification was published in the FEDERAL REGISTER (40 FR 40219) on September 2, 1975. At the request of the petitioners a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The evidence developed in the further investigation indicated that certain workers employed in the production and repair of memory stacks who became totally or partially separated because such production and repair activity was transferred to Korea and subsequently imported into the United States became totally or partially separated prior to March 2, 1975. Since the intent of the certification is to cover all such adversely affected workers, the certification issued by the Department on August 25, 1975 is hereby revised to include such additional workers not previously covered.

The revised certification is hereby made as follows:

All hourly, piecework, and salaried workers employed at the Casper, Wyoming plant of the Computer Memory Manufacturing Division, Control Data Corporation who became totally or partially separated from employment on or after January 3, 1975 and before July 30, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32966 Filed 12-8-75;8:45 am]

[TA-W-342]

DARTMOUTH CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Dartmouth Clothing Company, New Bedford, Massachusetts, a division of Cliftex Corporation, New Bedford, Massachusetts (TA-W-342).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats, suits, and leisure suits produced by Dartmouth Clothing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing. *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Decembr 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33090 Filed 12-8-75;8:45 am]

[TA-W-170]

DEVON APPAREL, INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-170: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on September 19, 1975 which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing ladies' coordinated sportswear at Devon Apparel, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44639-44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Devon Apparel, Incorporated, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers increased 13 percent from 1973 to 1974 and decreased 11 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined five percent from 1973 to 1974 and nine percent in the first nine months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. In-house production, that is the number of ladies coordinated sportswear outfits produced at Devon's Philadelphia facilities, increased five percent from 1973 to 1974 and five percent in January-August 1975 compared to the same period in 1974.

Increased imports contributed importantly. Specific production and import information on ladies coordinated sportswear made from knitted synthetic material was not available. Industry analysts stated that to the best of their knowledge there were no imports of ladies, high fashion sportswear coordinates. Company officials and customers indicated that sales of Devon's coordinated sportswear outfits were not hurt by import competition.

The evidence developed in the Department's investigation indicated that total company production was done partly at Devon's Philadelphia facilities and partly by outside contractors. Due to the dampening effect of the general economic recession on company sales, Devon began in mid-1974 to reduce the volume of its outside contract work in order to maintain in-house production. During the first quarter of 1975 in-house production reached its highest level since the first quarter of 1973. Employment at Devon's Philadelphia facilities was directly related to in-house production. Even though in-house production was rising, employment in 1975 remained low mainly because of labor saving measures instituted at the Philadelphia facilities during the business recession of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies coordinated sportswear produced at Devon Apparel, Incorporated, Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33091 Filed 12-8-75;8:45 am]

[TA-W-154, TA-W-201]

LEDA SHOE COMPANY AND DELVIN SHOE CO., DOLGEVILLE, NEW YORK AND NEW YORK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-154 and TA-W-201; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 18, 1975 and September 29, 1975 in response to worker petitions filed on those respective dates by workers of Leda Shoe Company, Dolgeville, New York, and by the United Shoe Workers of America on behalf of workers at Delvin Shoe Company, New York, New York, both divisions of Genesco, Incorporated, Nashville, Tennessee. Both companies were engaged in the production of high fashion women's shoes.

The notices of investigation were published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44368) and on October 15, 1975 (40 FR 48415). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Delvin Shoe Company, Genesco, Inc., its customers, the U.S. Department of Commerce, the

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U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Leda Shoe Company declined 25 percent in the first quarter of 1975 compared to 1974. Average weekly hours declined 22 percent in the first quarter of 1975 compared to 1974. The plant closed in March 1975.

The average number of production workers at the Delvin Shoe Company declined 34 percent in the first three quarters of 1975 compared to 1974. The plant closed in October 1975.

Sales or production, or both, have decreased absolutely. Production at the Leda Shoe Company's, Dolgeville, New York plant declined 51 percent in the first quarter of 1975 compared to the first quarter of 1974. Sales declined 17 percent in the first two months of 1975 compared to the first two months of 1974.

Production at the Delvin Shoe Company's, New York, New York plant declined 37 percent in the first eight months of 1975 compared to the first eight months of 1974. Sales declined 38 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at Leda Shoe Company and Delvin Shoe Company increased from 73 million pairs in 1970 to 87 million pairs in 1973. Imports increased from 41.8 million pairs in the first six months of 1974 to 44.8 million pairs in the first six months of 1975. The ratios of imports to domestic consumption and production increased from 40 percent and 67 percent, respectively in the first six months of 1974 to 47 percent and 90 percent in the first six months of 1975.

The Delvin and Leda Shoe Companies began to experience sales declines starting in the fourth quarter of 1974 as imports of women's non-rubber footwear with leather uppers expanded their share of U.S. production and consumption. This made the continued operation of two plants producing both Evins and Delman shoes no longer economical. Although sales declines were greater at the Delvin Shoe Company than at Leda Shoes, Genesco officials decided that a consolidation would involve the closure of Leda Shoes and the maintenance of the Delvin Shoe plant because of the latter's greater productive capacity and more skilled labor. In March 1975 the Leda Shoe Company was closed and its production transferred to the Delvin Shoe Company in an attempt to maintain economical production levels. Separations associated with the closure began in January 1975. At the same time an agreement was worked out with union officials in New York City to keep production costs to a minimum in order to offer a retail price more competitive with imports. However, sales in the first three quarters of 1975 remained consistently below levels in comparable quarters of 1974 and in October, 1975 Genesco officials decided to close the Delvin Shoe Company also. Separations associated with the closure were carried out by stage in the production process and began in July, 1975.

Customers indicated that imported shoes have represented an increasing share of their purchases in recent years. Imported shoes of quality equal to if not better than those produced by Delvin and Leda could be sold for considerably less money.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with high fashion women's shoes produced at the Leda Shoe Company and Delvin Shoe Company contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of high fashion women's shoes at the Dolgeville, New York plant of the Leda Shoe Company who became totally or partially separated from employment on or after January 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly, piecework, and salaried workers engaged in employment related to the production of high fashion women's shoes at the New York, New York plant of the Delvin Shoe Company who became totally or partially separated from employment on or after July 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33092 Filed 12-8-75;8:45 am]

[TA-W-349]

LISH ENTERPRISE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Massachusetts Joint Board of Millinery Workers Union on behalf of the workers and former workers of Lish Enterprise, Incorporated, West Upton, Massachusetts (TA-W-349).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with millinery (fake fur hats) produced by Lish Enterprise, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3d St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33093 Filed 12-8-75;8:45 am]

[TA-W-164]

M&M KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-164; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing ladies' swimsuits at M&M Knitting Mills, Inc., Philadelphia, Pennsylvania. It was determined during the course of the investigation that the firm also produced knit dresses until December 1974.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M&M Knitting Mills Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Employment of production workers at M&M Knitting Mills declined 20 percent between 1973 and 1974 and declined 29 percent in the first nine months of 1975 compared to the first nine months of 1974. Average weekly hours for production workers declined 13 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely. Sales of knit dresses by M&M Knitting Mills declined 49 percent in 1974 from 1973. Dress production was terminated by the firm in December 1974. Sales of swimwear increased 21 percent in 1974 from 1973 and then declined 72 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased imports contributed importantly. Imports of knit dresses like or directly competitive with those produced by M&M Knitting Mills declined both absolutely and relative to domestic production and consumption in each year since 1971. Imports declined from 15.8 million units comprising 15.6 percent of domestic consumption in 1971 to 8.5 million units comprising 7.3 percent of domestic consumption in 1974. Imports continued to decline absolutely in the first nine months of 1975 compared to the same period in 1974. Imports of knit swimsuits, which were not separately identifiable prior to 1974, increased from 4.4 million units in the first nine months of 1974 to 4.6 million units in the first nine months of 1975.

The evidence developed in the Department's investigation of M&M Knitting Mills reveals that significant separations of workers at the firm in 1974 and January 1975 were due to the decline and ultimate termination of production of knit dresses. Production of swimwear and related employment were increasing in late 1974 during which time production of knit dresses and related employment were declining. Following the cessation of dress operations and a subsequent adjustment to production of new swimwear lines, employment at M&M increased three percent in the third quarter of 1975 over the previous quarter's levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit dresses and swimwear produced by M&M Knitting Mills, Inc., Philadelphia, Pennsylvania did not contribute importantly to the total or partial separation of the workers at such firm.

Signed at Washington, D.C., this 25th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33094 Filed 12-8-75;8:45 am]

[TA-W-173, 339]

OMC-LINCOLN

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-173 and TA-W-339; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 23, 1975 in response to a worker petition received on September 22, 1975 which was filed by workers formerly producing golf cars at the Lincoln, Nebraska plant and the West Palm Beach, Florida and Addison, Illinois distribution centers of OMC—Lincoln, a division of Outboard Marine Corporation, Waukeegan, Illinois. Notice of the investigation was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45485).

A second investigation was initiated on November 18, 1975 in response to a worker petition received on November 18, 1975 which was filed by the Allied Industrial Workers on behalf of workers formerly producing golf cars at the Lincoln, Nebraska and Charlotte, North Carolina distribution centers of OMC—Lincoln.

The information upon which the determination was made was obtained principally from officials of OMC—Lincoln, its customers, the U.S. Department of Commerce, U.S. Department of Treasury, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. All data were recorded in fiscal year periods beginning in October of the previous year.

The average number of production workers at the Lincoln plant declined 28.1 percent from fiscal 1974 to fiscal 1975. Beginning with the third quarter of fiscal 1974 (April to June), production employment declined in six consecutive quarters when compared to the previous quarter.

Average employment of salaried workers at the Lincoln plant declined 10.6 percent in the second half of fiscal 1975 compared to the second half of fiscal 1974.

Average employment of distribution center employees declined 12.5 percent in the second half of fiscal 1975 compared to the second half of fiscal 1974. Employment was terminated at the Addison, West Palm Beach and Charlotte centers in August, September, and October 1975, respectively. Employment at the Lincoln

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center will be terminated in November 1975.

Average weekly hours declined 2.6 percent from fiscal 1974 to fiscal 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods beginning in October of the previous year.

Sales of golf cars declined 24.8 percent from fiscal 1974 to fiscal 1975. In the second half of fiscal 1975, sales declined 13.5 percent compared to the second half of fiscal 1974. Production of golf cars declined 37.7 percent from fiscal 1974 to fiscal 1975. In the second half of fiscal 1975, production declined 35.0 percent compared to the second half of fiscal 1974. All production of golf cars will be terminated in November 1975.

Increased imports contributed importantly. Imports of golf cars like or directly competitive with those produced at OMC—Lincoln increased from 2.8 thousand units in 1972 to 6.9 thousand units in 1974.

The ratios of imports to domestic consumption and sales increased from 5.5 percent and 5.7 percent, respectively in 1972 to 12.0 percent and 13.2 percent in 1974. The I/C and I/S ratios increased from 9.5 percent and 10.2 percent respectively in the first six months of 1974 to 17.2 percent and 20.0 percent in the first six months of 1975.

In recent years, Cushman golf cars represented approximately 66 percent of OMC—Lincoln's total production. Declining sales and production of golf cars have been a pronounced trend from 1973 to the present. Sales and production of OMC—Lincoln's other products (3 and 4 wheel industrial/commercial vehicles and turf maintenance vehicles) declined in fiscal 1975 from fiscal 1974 as a result of general economic conditions, after peaking in fiscal 1974. Customers of Cushman golf cars reduced purchases as a result of import competition. Declining demand for Cushman golf cars led to production cutbacks, and in turn, separations of employees at the plant and distribution centers. All production of golf cars will be terminated in November 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with golf cars produced at OMC—Lincoln contributed importantly to the total or partial separation of the workers of the plant and distribution centers. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of golf cars at the Lincoln plant of OMC—Lincoln who became totally or partially separated from employment on or after October 27, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly and salaried workers engaged in employment related to the production of golf cars at the Addison, West Palm Beach, Charlotte, and Lincoln distribution centers of OMC—Lincoln who became totally or partially separated from employment on or after August 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of November 1975.

HERBERT N. BLACKMAN,
Assiciate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33095 Filed 12-8-75;8:45 am]

[TA-W-344]

QUALITY COAT COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Quality Coat Company, Incorporated, New York, New York (TA-W-344).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' coats and raincoats produced by Quality Coat Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33096 Filed 12-8-75;8:45 am]

[TA-W-140]

WAGNER ELECTRIC CORP., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-140: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 12, 1975 in response to a worker petition received on September 12, 1975 which was filed by the International Union of Electrical Workers, Local 1104 on behalf of workers formerly producing electrical motors, transformers and automotive brake products at the St. Louis plants of the Wagner Electric Corporation, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43289) on September 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wagner Electric Corporation, its customers, the National Electrical Manufacturers Association, the U.S Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the groun eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers in the hermetic motors division fell 41 percent from 1973 to 1974 and 74 percent in the first nine months of 1975 from the first nine months of 1974. Production employment in the distribution transformer division dropped 7 percent from 1973 to 1974 and 62 percent in the first nine months of 1975 from the first nine months of 1974. Employment in the power transformers division dropped one percent from 1973 to 1974 and then increased 3 percent in the first nine months of 1975 over the first nine months of 1974.

Average number of production workers in the automotive products division fell one percent from 1973 to 1974 and 11 percent in the first nine months of 1975 from the first nine months of 1974. Average number of production workers in the miscellaneous division declined 4 percent from 1973 to 1974 and five percent in the first nine months of 1975 from the first nine months of 1974.

Hours worked data was available only for the period October 1974 to October 1975. None of the divisions experienced any significant declines in average weekly hours worked during that one year period.

Sales or production, or both have decreased absolutely. Sales of hermetic motors declined eleven percent from 1973 to 1974 and 59 percent in the first two quarters of 1975 from the first two quarters of 1974. Production of hermetic motors declined seven percent from 1973 to 1974 and 53 percent in the first two quarters of 1975 from the first two quarters of 1974.

Sales of distribution transformers fell 4 percent from 1973 to 1974 and 61 percent in the first three quarters of 1975 from the first three quarters of 1974. Production of distribution transformers dropped 3 percent from 1973 to 1974 and 64 percent in the first nine months of 1975 from the first nine months of 1974.

Sales of power transformers increased 10 percent from 1973 to 1974 and 26 percent in the first nine months of 1975 from the first nine months of 1974. Production followed unit sales exactly.

Sales of automotive brake products, when adjusted by an index of price change, fell three percent from 1973 to 1974 and eleven percent in the first nine months of 1975 from the first nine months of 1974. Value of production of automotive brake products rose 24 percent from 1973 to 1974 and 13 percent in the first nine months of 1975 from the first nine months of 1974.

Increased imports contributed importantly. Imports of distribution transformers like or directly competitive with those produced at the Lackland Road St. Louis plant constituted less than two percent of domestic production and consumption in each year from 1970 to 1974 and in the first seven months of 1975.

Evidence developed by the Department of Labor during the course of the investigation reveals that the decline in sales and production of distribution transformers experienced by Wagner Electric Corporation can be attributed to declining demand caused by a drop in residential housing starts. Utility companies who purchase both distribution and power transformers, and were faced with rising costs due to the energy crisis, decided to liquidate inventories rather than maintain levels of purchases from Wagner.

Imports of hermetic motors like or directly competitive with those produced at the Plymouth Avenue St. Louis plant of the Wagner Electric Corporation constituted less than three percent of domestic consumption and production in each year from 1970 to 1974 and in the first seven months of 1975. Customers accounting for nearly 100 percent of the sales by Wagner of hermetic motors did not switch to imports. Sales of hermetic motors have declined because of the recession during which sales of household refrigeration appliances, the prime market for hermetic motors, were depressed. Wagner sold the product line to Tecumseh Products, Tecumseh, Michigan in June 1975.

Imports of automotive brake products like or directly competitive with those produced at the Plymouth Avenue St. Louis plant and the Berkeley plant increased in value from 46 million dollars in 1970 to 118 million dollars in 1974. The ratios of imports to domestic consumption (I/C) and production (I/P) rose from 10.0 percent and 8.6 percent in 1970 to 15.3 percent and 13.2 percent in 1974. In the first seven months of 1975, the I/C and I/P ratios rose to 17.0 percent and 14.0 percent respectively from 14.6 percent and 13.3 percent respectively in the first seven months of 1974.

However, customers of Wagner accounting for 60 percent of Wagner's sales of automotive brake products in 1974 and 1975 do not purchase imports. Declining sales of automotive brake products at Wagner can be attributed to a severely depressed motor vehicle industry. Automobile production dropped 25 percent from 1973 to 1974. Additionally, U.S. bus and truck production dropped sharply in 1975 from 1974 levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hermetic motors, transformers and automotive brake products produced at the St. Louis plants of the Wagner Electric Corporation, St. Louis, Missouri did not contribute importantly to the total or partial separations of the workers at such plants.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33097 Filed 12-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 46 (Sub-No. 8)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing; That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Van Buren County, Iowa, on or before December 18, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 25th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 46 (Sub-No. 8)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN MT. ZION AND KEOSAUQUA, IN VAN BUREN COUNTY, IOWA.

The Interstate Commerce Commission hereby gives notice that by order dated November 25, 1975, it has been determined that the proposed abandonment of the Chicago, Rock Island and Pacific Railroad Company line extending 4.5 miles between Mt. Zion and Keosauqua in Van Buren County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the diversion of traffic from this low density line to motor transportation should not cause any substantial alterations in air and water quality, and transportation safety in the area. In addition, rail service will continue to be available over the applicant's line at Mt. Zion, some five miles north of Keosauqua.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 2, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an en-

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vironmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33098 Filed 12-8-75;8:45 am]

[Notice No. 926]

ASSIGNMENT OF HEARINGS

DECEMBER 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 133916 Sub 3, O'nan Transportation Company, now being assigned February 2, 1976, (1 week), at Frankfort, Ky.; in a hearing room to be later designated.

MC 130324, American Travel, Inc., now being assigned January 29, 1976 (2 days) at Montpelier, Vermont; in a hearing room to be designated later.

MC 130325; Paul M. Keith, dba Mountain Paradise Tours, now being assigned February 3, 1976, (3 days), at Butte, Mont.; in a hearing room to be later designated.

MC-F-12521, Ryder Truck Lines, Inc.—Purchase—Transamerican Freight Lines, Inc., now assigned January 6, 1976, at Washington, D.C., is postponed indefinitely.

MC 129600 Sub 21, Polar Transport, Inc., now being assigned February 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30844 Sub 533, Kroblin Refrigerated Express, Inc.; MC 116763 Sub 300, Carl Subler Trucking, Inc. and 123405 Sub 40, Food Transport, Inc., now being assigned February 4, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135185 Sub 25, Columbine Carriers, Inc., now being assigned February 11, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126091 Sub 3, K. J. Fraley and E. W. Schilling, d/b/a Fraley and Schilling, now being assigned February 12, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1380 Sub 19, Colonial Motor Freight Line, Inc., now being assigned February 2, 1976, (2 weeks) at Columbia, S.C., in a hearing room to be later designated.

MC 113528 Sub 24, Mercury Freight Lines, Inc., now being assigned February 2, 1976, at Baton Rouge, La. (2 weeks); in a hearing room to be later designated.

MC 128543 Sub 10, Cresco Lines, Inc., now assigned December 8, 1975, at Chicago, Ill., is postponed to February 10, 1976, (2 days), at Chicago, Ill. in a hearing room to be later designated.

MC 10761 (Sub-Nos. 240, 246, 247, 249, 253, 254, 256, 257, 259 and 260), Transamerican Freight Lines, Inc., now being assigned January 27, 1976 (4 days) at Chicago, Illinois; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33099 Filed 12-8-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 4, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 24, 1975.

FSA No. 43088—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 3), for itself and interested rail carriers. Rates on general commodities, from ports and terminals in the United Kingdom and Continental Europe, to railroad terminals at U.S. Pacific Coast ports.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., United Kingdom-Continental Europe Pacific Coast joint container freight tariff I.C.C. No. 3, F.M.C. No. 170. Rates are published to become effective on January 2, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33100 Filed 12-8-75;8:45 am]

federal register

TUESDAY, DECEMBER 9, 1975

PART II:

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

■

Supplier Percentage Notice for December 1975

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FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for December 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in December 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil that suppliers are obligated to make available for December, 1975 in the event FEA's allocation authority is extended to include the entire month. FEA will publish a notice providing guidance for allocation through December 15 if the Emergency Petroleum Allocation Act is not extended beyond December 15, 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers.

The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of December to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of EPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations if the Mandatory Petroleum Allocation Program is extended beyond its December 15, 1975, expiration date.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., December 4, 1975.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX
RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR DECEMBER 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
UNITED ILLUMINATING CO	825,000			825,000
WYATT INC (EXXON)		6.00	49,500	
TEXACO		94.00	775,500	
NORTHEAST UTILITIES	1,684,000			1,684,000
HN-HARTWELL&SUNS-INC		1.00	16,840	
WYATT-INC-(EXXON)		10.00	168,400	
AMERADA-HESS		68.00	1,145,120	
TAD-JONES-CO-(GULF)		21.00	353,640	
MAINE				
BANGOR HYDRO ELEC. CO.	22,262			22,262
SPRAGUE		100.00	22,262	
CENTRAL MAINE POWER CO.	250,000			250,000
TEXACO		100.00	250,000	
MAINE PUBLIC SERVICE CO.	4,666			4,666
DEAD RIV.O.(SPRAGUE)		100.00	4,666	
MASSACHUSETTS				
BOSTON EDISON CO.	1,274,000			1,274,000
SPRAGUE		12.00	152,880	
WHITE FUEL (TEXACO)		46.00	586,040	
EXXON		42.00	535,080	
FITCHBURG GAS & EL.	8,000			8,000
NORTHEAST PETROLEUM		100.00	8,000	
E.UTIL.ASSOC.(MONTAUP&BL	234,000			234,000
TEXACO		100.00	234,000	
BRAINTREE ELEC. LT. DEPT	15,893			15,893
CK SMITH(GULD,EAGLE)		100.00	15,893	
HOLYOKE GAS AND ELECTRIC	18,199			18,199
WYATT INC (EXXON)		100.00	18,199	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.00	104,844	
NEW ENG. G & E	1,018,000			1,018,000
NEW ENGLAND PETRO		84.80	863,264	
WHITE FUEL(TEXACO)		15.20	154,736	
NEW ENG. ELEC	1,761,000			1,761,000
ASIATIC PETRO CORP		60.00	1,056,600	
PRULEASE		.10	1,761	
PETRO-MKT-CORP		39.90	702,639	
NEW HAMPSHIRE				
PUB SER OF N.H.	403,000			403,000
SPRAGUE		26.30	105,989	
CONOCO		73.70	297,011	
NEW YORK				
CENTRAL HUDSON GAS & ELE	811,740			811,740
AMERADA HESS CORP		100.00	811,740	
CONSOL EDISON OF NY	4,206,000			4,206,000
NEW ENGLAND PETRO		45.50	1,913,730	
AMERADA HESS CORP		22.30	937,938	
EXXON		20.80	874,848	
TEXACO		11.40	479,484	
LONG ISLAND LIGHT CO.	1,750,000			1,750,000
NEW ENGLAND PETRO		100.00	1,750,000	
ORANGE & ROCKLAND UTILI	990,095			990,095
HOWARD-FUEL-CORP		11.20	110,890	
NEW ENGLAND PETRO		51.50	509,898	
AMERADA-HESS-CORP		29.90	296,038	
ASIATIC-PETRO-CORP		7.40	73,267	
ROCHESTER GAS & ELECTRI	134,169			134,169
ALLIED O		29.70	39,848	
MONOCO OIL COMPANY		70.30	94,320	
FREEPORT, VILLAGE OF	0			0

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO.	856,988			856,988
NEW ENGLAND PETRO		100.00	856,988	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	4,710			4,710
CK SMITH		100.00	4,710	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	628,000			628,000
GULF		8.00	50,240	
STEUART PETROLEUM CO		22.00	138,160	
CONOCO		65.00	408,200	
TEXACO		5.00	31,400	
DOVER, CITY OF	64,500			64,500
TEXACO		100.00	64,500	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	791,000			791,000
STEUART PETROLEUM CO		21.00	166,110	
ASIATIC PETRO CORP		79.00	624,890	
MARYLAND				
BALTIMORE GAS & ELECTRIC	774,357			774,357
AMERADA HESS CORP		52.70	408,086	
EXXON		47.30	366,270	
NEW JERSEY				
PUBLIC SERVICE ELECTRIC	1,516,000			1,516,000
AMERADA HESS CORP		78.00	1,182,480	
EXXON		22.00	333,520	
VINELAND, CITY OF ELEC.	26,450			26,450
BRITISH PETROLEUM		100.00	26,450	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	366,945			366,945
AMERADA HESS CORP		60.00	220,167	
CONOCO		40.00	146,778	
GPU INTEGRATED SYSTEM	349,742			349,742
SHIPLEY-HUMBLE		1.00	3,497	
AMERADA HESS CORP		94.00	328,757	
SWANN OIL INC		5.00	17,487	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	429,500			429,500
AMERADA-HESS-CORP		100.00	429,500	
PHILADELPHIA ELECTRIC CO	1,102,600			1,102,600
NEW ENGLAND PETRO		2.10	23,154	
AMERADA HESS CORP		21.50	237,059	
ARCO		28.50	314,241	
GULF		9.00	99,234	
CONOCO		14.90	164,287	
TEXACO		24.00	264,624	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				
FLORIDA P & L	1,607,133			1,607,133
EXXON		15.00	241,069	
BELCHER OIL(EXXON)		85.00	1,366,063	
FLORIDA POWER CORPORATIO	1,800,000			1,800,000
AMERADA HESS CORP		40.00	720,000	
EXXON		60.00	1,080,000	
GULF POWER CO.	22,376			22,376
BAKER SERVICE(EXXON)		100.00	22,376	
TAMPA ELECTRIC CO.	309,474			309,474
WESTERN (NEW ENG PE		100.00	309,474	
FORT PIERCE, CITY OF	49,000			49,000
BELCHER-OIL-(EXXON)		100.00	49,000	
GAINESVILLE, CITY OF	86,409			86,409
EASTERN SEABOARD		100.00	86,409	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH.	616,667			616,667
VEN FUEL INC		82.60	509,366	
NEW ENGLAND PETRO		8.70	53,650	
AMERADA HESS CORP		8.70	53,650	
KEY WEST UTILITIES	44,669			44,669
STD.OIL-KY		100.00	44,669	
LAKE WORTH UTIL AUTHORIT	16,835			16,835
BELCHER OIL(EXXON)		100.00	16,835	
LAKELAND LIGHT & WTR DEP	129,900			129,900
BELCHER(STD.OIL-KY)		100.00	129,900	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	388,000			388,000
BELCHER		100.00	388,000	
SEBRING UTILITIES COMM.	7,575			7,575
UNION OIL OF CA		100.00	7,575	
TALLAHASSEE, CITY OF	120,515			120,515
UNION OIL OF CA		100.00	120,515	
VERO BEACH MUNICIPAL POW	37,942			37,942
BELCHER OIL(EXXON)		100.00	37,942	
FLORIDA KEYS ELEC COOP	0			0
GEORGIA				
GEORGIA POWER COMPANY	91,860			91,860
NEW ENGLAND PETRO		100.00	91,860	
SAVANNAH ELECTRIC & POWE	259,500			259,500
COLONIAL OIL(EXXON)		100.00	259,500	
MISSISSIPPI				
MISSISSIPPI POWER CO.	52,600			52,600
BAKER SERVICE(EXXON)		55.00	28,930	
ERGON(INTL TRADING)		45.00	23,670	
SOUTH MISSISSIPPI ELEC	47,226			47,226
SOUTHLND OIL		83.00	39,197	
AMERADA HESS CORP		17.00	8,028	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA PUB SERV AUTH	0			0
S.CAROLINA ELEC & GAS CO	401,500			401,500
EXXON		100.00	401,500	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,262,300			1,262,300
ASIATIC PETRO CORP		16.60	209,541	
NEW-ENGLAND-PETRO		15.60	196,918	
EXXON		47.30	597,067	
AMOCO		20.50	258,771	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
JONESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	148,828			148,828
LOGICON INC (SHELL)		80.00	119,062	
E L BRIDE(TEXACO)		20.00	29,765	
COLORADO				
CT&U, S.COLO PWR DIV.	1,200			1,200
CONOCO		100.00	1,200	
KANSAS				
CENTRAL KANSAS PWR	7,893			7,893
GR.PLS(CRA-FARMLAND)		100.00	7,893	
CT&U, WESTERN PWR DIV	102,300			102,300
CARTER-WTR		4.00	4,092	
AMOCO		73.00	74,679	
NO-AMER-PETRO		23.00	23,529	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
KANSAS GAS & ELEC	268,400			268,400
ASPH&PETRO INDUST		84.70	227,334	
FRONTIER PRODUCTION		15.30	41,065	
KANSAS POWER & LIGHT	260,300			260,300
GR.PLS		38.40	99,955	
NTL COOP REFINERY		15.50	40,346	
PHILLIPS PETROLEUM		46.10	119,998	
CHANUTE,CITY OF	2,844			2,844
MID AMER.REFINING		100.00	2,844	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	2,011			2,011
CRA-FARMLAND		100.00	2,011	
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	8,400			8,400
NTL COOP REFINERY		100.00	8,400	
OTTAWA WTR & LT	742			742
CARTER WTR(AMOCO)		100.00	742	
LOUISIANA				
CENTRAL LOUISIANA ELECTR	40,000			40,000
FALCO		66.70	26,680	
ATLAS(PENNZOIL)		33.30	13,320	
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO	30,000			30,000
FALCO		100.00	30,000	
MIDDLE SOUTH SERVICES	1,928,000			1,928,000
E L BRIDE(OKC REF.)		1.70	32,776	
TAUBER OIL CO		20.50	395,240	
ERGON INC (EXXON)		3.80	73,264	
REESE OIL(SUN OIL)		.30	5,784	
SHELL		21.30	410,664	
EXXON		12.90	248,712	
MURPHY OIL CORP		30.00	578,400	
TEXACO		9.50	183,160	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
MISSISSIPPI				
CLARKSDALE WTR & LT	6,638			6,638
SOUTHLND OIL		100.00	6,638	
YAZOO CITY PUB SERV	4,285			4,285
SOUTHLND OIL(HOWELL)		100.00	4,285	
MISSOURI				
ST JOSEPH LT & PWR	14,000			14,000
E L BRIDE		100.00	14,000	
EMPIRE DIST ELEC	7,900			7,900
E L BRIDE		100.00	7,900	
OKLAHOMA				
OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0
TEXAS				
GULF STATES UTILITIES	150,000			150,000
LAJET		4.00	6,000	
EXXON		20.10	30,150	
SOUTH HAMPTON CO		22.30	33,450	
TENNECO		16.10	24,150	
COASTAL STATES MKTG		37.50	56,250	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
DALLAS POWER &LT.	22,000			22,000
WINSTON REF CO		18.20	4,004	
BEE OIL&REFINING		15.60	3,432	
KERR MCGEE OIL CO		18.90	4,158	
J&W REFINING		47.20	10,384	
HOUSTON LIGHT & PWR	0			0

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
TEXAS ELEC SERV	118,513			118,513
SHELL		24.10	28,561	
WINSTON REFINING		61.30	72,648	
J&W REFINING		4.10	4,859	
TESORO		10.50	12,443	
TEXAS PWR & LT	25,161			25,161
LA GLORIA OIL&GAS CO		31.10	7,825	
KERR MCGEE		19.90	5,007	
J&W REFINING		49.00	12,328	
WEST TEXAS UTIL	139,300			139,300
PRIDE REFINING INC		100.00	139,300	
AUSTIN CITY ELEC DEPT	17,857			17,857
TESORO		100.00	17,857	
BRYAN, CITY OF	17,770			17,770
PETROLEUM T&T(3 RIVE		100.00	17,770	
GARLAND,CITY OF	22,700			22,700
DELTA REFINING CO		25.30	5,743	
PRIDE REFINERY INC		74.70	16,956	
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	20,273			20,273
TESORO		100.00	20,273	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	3,570			3,570
TESORO		100.00	3,570	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				
COMMONWEALTH EDISON CO.	343,000			343,000
ALLIED O.		98.00	336,140	
CLARK OIL&REF.CORP		2.00	6,860	
ILLINOIS POWER CO	38,000			38,000
ALLIED O.		100.00	38,000	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSOURI				
UNION ELECTRIC	95,000			95,000
APEX OIL CO		100.00	95,000	
WISCONSIN				
SUPERIOR WTR & LT	10,953			10,953
MURPHY OIL CORP		100.00	10,953	
WISCONSIN ELEC PWR	39,015			39,015
INDUST FUEL&ASPHALT		100.00	39,015	
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)				
IOWA				
ATLANTIC MUNICIPAL UTILI	6,375			6,375
MCMILLAN OIL CO		100.00	6,375	
LAMONI MUNIC	0			0
INTERSTATE POWER	12,055			12,055
NORTHWESTERN REF		100.00	12,055	
MINNESOTA				
MINNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.00	30,700	
AUSTIN UTILITIES	12,709			12,709
GUSTAFSON OIL CO		33.00	4,193	
NORTHWESTERN REF		48.30	6,138	
W H BARBER		18.70	2,376	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
OWATONNA MUN UTIL	21,872			21,872
GUSTAFSON OIL CO		40.00	8,748	
NORTHWESTERN REF		60.00	13,123	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
WORTHINGTON, CITY OF	4,318			4,318
ALLIED O.		100.00	4,318	
NORTHERN STATES PWR	28,020			28,020
E L BRIDE(TEXACO,WC)		100.00	28,020	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	57,051			57,051
FARMLAND INDUSTRIES		100.00	57,051	
FAIRBURY LT & WTR	5,240			5,240
CARTER WTR(TEXACO)		100.00	5,240	
GRAND ISLAND ELEC	29,604			29,604
E L BRIDE		100.00	29,604	
HASTINGS UTILITIES DEPT	4,488			4,488
CARTER WTR		100.00	4,488	
LINCOLN ELECTRIC SYSTEM	17,442			17,442
E.L. BRIDE CO		100.00	17,442	
NEBRASKA PUBLIC POWER DI	30,160			30,160
PANHANDLE COOP ASSOC		100.00	30,160	
OMAHA PUB PWR DIST	16,006			16,006
MILDER OIL CO		100.00	16,006	
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	0			0
GRAND HAVEN BD PUB	2,334			2,334
OSCEOLA REF		100.00	2,334	
HILLSDALE BD OF PUB WORK	2,800			2,800
LEWIS(GLADIEUX REF)		100.00	2,800	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
CONSUMERS POWER	780,814			780,814
MURPHY MI.DIV.AMOCO		6.00	46,848	
ENTERPRISE OIL CO		6.00	46,848	
INDUST FUEL&ASPHALT		2.00	15,616	
RUPP OIL COMPANY		2.00	15,616	
CONSUMERS PWR-CRUDE		54.00	421,639	
BORON OIL(STANDARD)		3.00	23,424	
GLADIEUX REF		1.00	7,808	
LAKESIDE REFINING CO		14.00	109,313	
TOTAL LEONARD INC		4.00	31,232	
OSCEOLA REFINING CO		8.00	62,465	
DETROIT EDISON CO.	544,342			544,342
ENTERPRISE OIL CO		4.80	26,128	
CANADIAN FUEL MKTRS		9.90	53,889	
PETRO PRODUCTS		5.40	29,394	
SUN OIL LTD		70.00	381,039	
MARATHON OIL		9.90	53,889	
OHIO				
CLEVELAND ELEC ILLUMIN	29,215			29,215
ALLIED O.(ASHLAND)		100.00	29,215	
TOLEDO EDISON	1,002			1,002
SUN OIL		100.00	1,002	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	21,660			21,660
ALLIED O.(NEPCO)		100.00	21,660	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
TUCSON GAS & ELEC	183,601			183,601
GOLDEN GATE PETRO		22.00	40,392	
HOLLAND OIL(TUSCO)		5.00	9,180	
SO-UNION-OIL		51.00	93,636	
NAVAJO-REFINING		22.00	40,392	
SALT RIVER PROJECT	85,000			85,000
GUSTAFSON OIL CO		.90	765	
DOUGLAS OIL CO		2.80	2,380	
LITTLE AMERICA		19.70	16,745	
TESORO		12.40	10,540	
MACMILLAN		17.00	14,450	
POWERINE OIL CO		18.10	15,385	
SAN JOAQUIN REF		29.10	24,735	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
ARIZONA PUBLIC SERVICE C	110,000			110,000
PACIFIC SOUTHWEST		16.50	18,150	
BASIN FUELS		4.00	4,400	
UNION OIL OF CAL		63.00	69,300	
SAN JUAQUIN REF		16.50	18,150	
CALIFORNIA				
PACIFIC GAS & ELECTRIC C	3,719,000			3,719,000
ARCO		71.30	2,651,647	
PHILLIPS PETROLEUM		24.00	892,560	
UNION OIL OF CA		4.70	174,793	
SAN DIEGO GAS & ELECTRIC	1,109,000			1,109,000
HIRI		60.00	665,400	
TESORO		40.00	443,600	
BURBANK CITY PUBLIC SER.	98,000			98,000
ARCO		100.00	98,000	
GLENDALE PUBLIC SERVICES	110,000			110,000
POWERINE OIL CO		100.00	110,000	
IMPERIAL IRRIGATION DIST	90,900			90,900
CRESCENT REF&O(GULF)		100.00	90,900	
LOS ANGELES DEPT OF WATE	1,881,000			1,881,000
PETROBAY		7.60	142,956	
ARCO		59.80	1,124,838	
EDGINGTON OIL CO		20.90	393,129	
NEWHALL REFINING CO		5.00	94,050	
POWERINE OIL CO		3.20	60,192	
SAN JOAQUIN REF		3.50	65,835	
SOUTHERN CALIF EDISON	4,825,000			4,825,000
EXXON		20.40	984,300	
ARCO		7.80	376,350	
CONOCO		2.20	106,150	
TEXACO		9.70	468,025	
STD.OIL-CAL		50.10	2,417,325	
MACMILLAN R.F.OIL		3.00	144,750	
PACIFIC RESOURCES		6.80	328,100	
PASADENA POWER CO.	100,840			100,840
GOLD.EAGLE		100.00	100,840	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
COLORADO				
PUB SERV COLORADO	134,881			134,881
CONOCO		36.40	49,096	
REF.CORP		43.50	58,673	
PLATEAU INC		20.10	27,111	
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	138,000			138,000
GUSTAFSON OIL CO		54.00	74,520	
HUSKY OIL COMPANY		46.00	63,480	
SIERRA PACIFIC POWER	110,148			110,148
GOLDEN GATE PETRO		100.00	110,148	
NEW MEXICO				
PUB SERV NEW MEXICO	86,510			86,510
SHELL		26.40	22,838	
STD.OIL-TEXAS		4.30	3,719	
PLATEAU INC		39.80	34,430	
THRIFTWAY		5.40	4,671	
NAVAJO REFINING		24.10	20,848	
PLAINS ELEC GEN & TRANSM	51,407			51,407
CARIBOU 4 CORNERS		2.20	1,130	
PLATEAU INC		97.80	50,276	
OREGON				
PACIFIC POWER & LIGHT CO	204			204
STD.OIL(IND)		100.00	204	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
TEXAS				
COMMUNITY PUB SERV	30,143			30,143
STD.OIL-TEXAS		100.00	30,143	
EL PASO ELECTRIC	93,592			93,592
SOUTHERN UNION		74.50	69,726	
TESORO		25.50	23,865	
UTAH				
UTAH POWER &LIGHT CO.	4,322			4,322
BLACKLINE ASPH.SALES		100.00	4,322	
WASHINGTON				
PUGET SOUND POWER &LIGHT	0			0
SEATTLE DEPT OF LI	8,928			8,928
SHELL		100.00	8,928	
TACOMA DEPT OF PUBLIC UT	0			0

10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPAN	708,079			708,079
STD.OIL-CA		100.00	708,079	
HILO ELEC LT	36,696			36,696
STD.OIL-CA		100.00	36,696	
KAUAI ELECTRIC	14,726			14,726
STD.OIL--CA		100.00	14,726	
MAUI ELECTRIC	28,220			28,220
STD.OIL-CA		100.00	28,220	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
11. NOT OTHERWISE CLASSIFIED (NUC)				
UNKNOWN				
GUAM PWR AUTH	169,404	100.00	169,404	169,404
GORCO				
UNKNOWN				
PUERTO RICO WATER RESOUR	0			0
UNKNOWN				
ST CROIX, V.I. WTR PWR	0			0
UNKNOWN				
ST THOMAS, V.I. WTR PWR	0			0

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NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM–102; Amdt. No. 174–19]

PART 174—CARRIERS BY RAIL FREIGHT

Placarding of Tank Cars Containing Combustible Liquids

On January 24, 1974, the Hazardous Materials Regulations Board (the Board) published Amendment 174–19 (39 FR 2768) setting forth in Part 174 of the Department's Hazardous Materials Regulations certain new requirements pertaining to the placarding of tank cars and portable tanks (when transported by rail freight) containing combustible liquids. In response to petitions for reconsideration, Amendment No. 173–78A was published (40 FR 22263) on May 22, 1975, containing revisions to regulations published on January 24, 1974. In addition, this latter amendment and a subsequent publication on June 12, 1975 (40 FR 25024), extended the effective date of the new regulations, including those pertaining to the placarding of tank cars and portable tanks containing combustible liquids, to January 1, 1976. In each case, although immediate voluntary compliance was authorized with respect to other matters covered by the new regulations it was not authorized relative to the placarding of tank cars containing combustible liquids.

One portion of these new regulations which has generated concern is the requirement to placard tank cars containing combustible liquids with "Dangerous" placards. There are a number of operating requirements in Part 174 pertaining to tank cars placarded "Dangerous" that are not intended to apply to tank cars containing combustible liquids. Until a distinctive "Dangerous" placard for combustible liquids is prescribed, implementation of this requirement could cause confusion. In consideration of the fact that an unnecessary burden could be imposed if the placarding requirements pertaining to combustible liquids transported by railroad become effective on January 1, 1976, and that action to establish distinctive "Dangerous" placards for tank cars containing combustible liquids will be taken by the Bureau in amendments to be published under Dockets HM–103 and HM–112, the Bureau believes that the compliance date of Amendment No. 174–19 should be deferred.

In consideration of the foregoing, the effective date for compliance with §§ 174.541 and 174.584 under Amendment No. 174–19 as they pertain to the documentation and placarding of cars containing combustible liquids is changed from January 1, 1976, to January 1, 1977. Use of "Dangerous" placards on cars containing materials classed combustible is not authorized until January 1, 1977, or such earlier date as the Bureau may designate in connection with regulations to be issued under Dockets HM–103 and HM–112.

(18 U.S.C. 831–835, 49 CFR 1.53(e)–(h).)

Issued in Washington, D.C., on December 4, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75–33126 Filed 12–9–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1221–A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

DECEMBER 5, 1975.

At a session of the Intertsate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3rd day of December, 1975.

Upon further consideration of Service Order No. 1221 (40 F.R. 50537), and good cause appearing therefor:

It is ordered, That: Section 1033.1221 *Railroad Operating Regulations for Freight Car Movement* be, and it is hereby, vacated and set aside.

§ 1033.1221 [Reserved]

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2).)

It is further ordered, That this order shall become effective at 11:59 p.m., December 5, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–33261 Filed 12–9–75;8:45 am]

[Revised Service Order No. 1223–A]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

DECEMBER 5, 1975.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 4th day of December, 1975.

Upon further consideration of Revised Service Order No. 1223 (40 F.R. 54796), and good cause appearing therefor:

It is ordered, That: § 1033.1223 *Distribution of Covered Hopper Cars* be, and it is hereby vacated and set aside.

§ 1033.1223 [Reserved]

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., December 5, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–33262 Filed 12–9–75;8:45 am]

[Service Order No. 1224–A]

PART 1033—CAR SERVICE

Distribution of Grain Cars

DECEMBER 5, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3rd day of December, 1975.

Upon further consideration of Service Order No. 1224 (40 F.R. 52611), and good cause appearing therefor:

It is ordered, That: § 1033.1224 *Distribution of Grain Cars* be, and it is hereby, vacated and set aside.

§ 1033.1224 [Reserved]

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

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It is further ordered, That this order shall become effective at 11:59 p.m., December 5, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33263 Filed 12-9-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

The FEDERAL REGISTER of December 1, 1975 (40 FR 55655) sets forth as an Appendix to Part 271, the "Maximum Monthly Allowable Standards and Basis of Coupon Issuance" for the Food Stamp Program for the 48 States and District of Columbia, to be effective January 1, 1976. Such Appendix is hereby designated as "Appendix A."

Part 271 is further amended by adding the following Appendices B–F containing the "Maximum Monthly Allowable Standards and Basis of Coupon Issuance" for the Food Stamp Program for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam to be effective January 1, 1976.

Dated: December 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc 75-33101 Filed 12-9-75;8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 is amended by adding an appendix as follows:

APPENDIX B

[FSP No. 1976–2.1, Amdt. 72]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Alaska.

Notice FSP No. 1975–2.2, which was issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976–2.1.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act, requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year, i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Alaska in August 1975.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Alaska, shall be as follows:

Household Size:	*Maximum Allowable Monthly Income standards—Alaska*
1	[1] $254
2	413
3	587
4	747
5	887
6	1,067
7	1,173
8	1,347
Each additional member	+167

[1] USDA poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Alaska are as follows:

Monthly coupon allotments and purchase requirements—Alaska

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $68	$124	$176	$224	$266	$326	$352	$404
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	44	46	47	48	49	50	51
$170 to $179.99	39	44	46	47	48	49	50	51
$180 to $189.99	45	50	52	53	54	55	56	57
$190 to $199.99		50	52	53	54	55	56	57
$200 to $209.99		56	58	59	60	61	62	63
$210 to $219.99		56	58	59	60	61	62	63
$220 to $229.99		62	64	65	66	67	68	69
$230 to $239.99		62	64	65	66	67	68	69
$240 to $249.99		68	70	71	72	73	74	75
$250 to $259.99		68	70	71	72	73	74	75
$260 to $269.99		74	76	77	78	79	80	81
$270 to $279.99		74	76	77	78	79	80	81
$280 to $289.99		80	82	83	84	85	86	87
$290 to $299.99		80	82	83	84	85	86	87
$300 to $309.99		86	88	89	90	91	92	93
$310 to $319.99		86	88	89	90	91	92	93
$320 to $329.99		92	94	95	96	97	98	99
$330 to $339.99		92	94	95	96	97	98	99
$340 to $349.99		92	100	101	102	103	104	105
$350 to $359.99		92	103	104	105	106	107	108
$360 to $369.99		98	108	109	110	111	112	113
$370 to $379.99		98	112	113	114	115	116	117
$380 to $389.99		98	112	113	114	115	116	117
$390 to $399.99		121	122	123	124	125	126	127
$400 to $409.99		121	122	123	124	125	126	127
$410 to $419.99			130	131	132	133	134	135
$420 to $429.99			130	131	132	133	134	135
$430 to $439.99			139	140	141	142	143	144
$440 to $449.99			139	140	141	142	143	144
$450 to $459.99			148	149	150	151	152	153
$460 to $469.99			148	149	150	151	152	153
$470 to $479.99			154	158	159	160	161	162
$480 to $489.99			154	158	159	160	161	162
$490 to $499.99			154	167	168	169	170	171
$500 to $509.99				167	168	169	170	171
$510 to $519.99				176	177	178	179	180
$520 to $529.99				176	177	178	179	180
$530 to $539.99				185	186	187	188	189
$540 to $549.99				185	186	187	188	189
$550 to $559.99				194	195	196	197	198
$560 to $569.99				194	195	196	197	198
$570 to $579.99				203	204	205	206	207
$580 to $589.99				203	204	205	206	207
$590 to $599.99				212	213	214	215	216
$600 to $609.99				212	213	214	215	216
$610 to $619.99				221	222	223	224	225
$620 to $629.99				221	222	223	224	225
$630 to $639.99				230	231	232	233	234
$640 to $649.99				230	231	232	233	234
$650 to $659.99				239	240	241	242	243
$660 to $669.99				239	240	241	242	243
$670 to $679.99				248	249	250	251	252
$680 to $689.99				248	249	250	251	252
$690 to $699.99				257	258	259	260	261
$700 to $709.99				257	258	259	260	261
$710 to $719.99				266	267	268	269	270
$720 to $729.99				266	267	268	269	270
$730 to $739.99				275	276	277	278	279
$740 to $749.99				275	276	277	278	279
$750 to $759.99				284	285	286	287	288
$760 to $769.99				284	285	286	287	288
$770 to $779.99				293	294	295	296	297
$780 to $789.99				293	294	295	296	297
$790 to $799.99				302	303	304	305	306
$800 to $809.99				302	303	304	305	306
$810 to $819.99				311	312	313	314	315
$820 to $829.99				311	312	313	314	315
$830 to $839.99				320	321	322	323	324
$840 to $849.99				320	321	322	323	324
$850 to $859.99				329	330	331	332	333
$860 to $869.99				329	330	331	332	333
$870 to $879.99				338	339	340	341	342
$880 to $889.99				338	339	340	341	342
$890 to $899.99				347	348	349	350	351
$900 to $909.99				347	348	349	350	351
$910 to $919.99				356	357	358	359	360
$920 to $929.99				356	357	358	359	360
$930 to $939.99				356	357	358	359	360
$940 to $949.99				356	357	358	359	360
$950 to $959.99				356	357	358	359	360
$960 to $969.99				356	357	358	359	360
$970 to $979.99				356	357	358	359	360
$980 to $989.99				356	357	358	359	360
$990 to $1,019.99				356	357	358	359	360
$1,020 to $1,049.99				356	357	358	359	360
$1,050 to $1,079.99				356	357	358	359	360
$1,080 to $1,109.99				356	357	358	359	360
$1,110 to $1,139.99				356	357	358	359	360
$1,140 to $1,169.99				356	357	358	359	360
$1,170 to $1,199.99				356	357	358	359	360
$1,200 to $1,229.99				356	357	358	359	360
$1,230 to $1,259.99				356	357	358	359	360
$1,260 to $1,289.99				356	357	358	359	360
$1,290 to $1,319.99				356	357	358	359	360
$1,320 to $1,349.99				356	357	358	359	360

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment*—For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula: For each $30 worth or monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $28 for each person over eight to the maximum purchase requirement shown for an eight person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotments up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(Catalog of Federal Domestic Assistance Programs No. 10,551, National Archives Reference Services)

Dated: December 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-33102 Filed 12-9-75;8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 is amended by adding an appendix as follows:

APPENDIX C

[FSP No. 1976–3.1, Amdt. 73]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Hawaii.

Notice FSP No. 1975–3.2 which was issued pursuant to a part of Subchapter C—Food Stamp Program under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976–3.1.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Hawaii in August 1975.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Hawaii, shall be as follows:

Household Size:	*Maximum Allowable Monthly Income Standards—Hawaii*
1	[1] $240
2	400
3	573
4	727
5	860
6	1,033
7	1,147
8	1,307
Each additional member	+166

[1] USDA poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

Monthly coupon allotments and purchase requirements—Hawaii

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $66	$120	$172	$218	$258	$310	$344	$392
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	44	46	47	48	49	50	51
$170 to $179.99	39	44	46	47	48	49	50	51
$180 to $189.99	45	50	52	53	54	55	56	57
$190 to $199.99		50	52	53	54	55	56	57
$200 to $209.99		56	58	59	60	61	62	63
$210 to $219.99		56	58	59	60	61	62	63
$220 to $229.99		62	64	65	66	67	68	69
$230 to $239.99		62	64	65	66	67	68	69
$240 to $249.99		68	70	71	72	73	74	75
$250 to $259.99		68	70	71	72	73	74	75
$260 to $269.99		74	76	77	78	79	80	81
$270 to $279.99		74	76	77	78	79	80	81
$280 to $289.99		80	82	83	84	85	86	87
$290 to $299.99		80	82	83	84	85	86	87
$300 to $309.99		86	88	89	90	91	92	93
$310 to $319.99		86	88	89	90	91	92	93
$320 to $329.99		92	94	95	96	97	98	99
$330 to $339.99		92	94	95	96	97	98	99
$340 to $349.99		92	103	104	105	106	107	108
$350 to $359.99		92	103	104	105	106	107	108
$360 to $369.99		92	112	113	114	115	116	117
$370 to $379.99		92	112	113	114	115	116	117
$380 to $389.99		92	112	113	114	115	116	117
$390 to $399.99		92	112	113	114	115	116	117
$400 to $409.99		92	112	113	114	115	116	117
$410 to $419.99		121	122	123	124	125	126	127
$420 to $429.99		121	122	123	124	125	126	127
$430 to $439.99		130	131	132	133	134	135	136
$440 to $449.99		130	131	132	133	134	135	136
$450 to $459.99		139	140	141	142	143	144	145
$460 to $469.99		139	140	141	142	143	144	145
$470 to $479.99		148	149	150	151	152	153	154
$480 to $489.99		148	149	150	151	152	153	154
$490 to $499.99		150	158	159	160	161	162	163
$500 to $509.99		150	167	168	169	170	171	172
$510 to $519.99			176	177	178	179	180	181
$520 to $529.99			176	177	178	179	180	181
$530 to $539.99			185	186	187	188	189	190
$540 to $549.99			185	186	187	188	189	190
$550 to $559.99			190	195	196	197	198	199
$560 to $569.99			190	204	205	206	207	208
$570 to $579.99			190	213	214	215	216	217
$580 to $589.99			190	213	214	215	216	217
$590 to $599.99				222	223	224	225	226
$600 to $609.99				222	223	224	225	226
$610 to $619.99				226	232	233	234	235
$620 to $629.99				226	241	242	243	244
$630 to $639.99				226	250	251	252	253
$640 to $649.99					250	260	261	262
$650 to $659.99					259	269	270	271
$660 to $669.99					268	278	279	280
$670 to $679.99					268	278	279	280
$680 to $689.99					274	287	288	289
$690 to $699.99					274	296	297	298
$700 to $709.99					274	296	297	298
$710 to $719.99					274	304	305	306
$720 to $729.99						304	305	306
$730 to $739.99						304	314	315
$740 to $749.99						304	323	324
$750 to $759.99							332	333
$760 to $769.99							332	333
$770 to $779.99							341	342
$780 to $789.99							341	342
$790 to $799.99							350	351
$800 to $809.99							350	351
$810 to $819.99							359	360
$820 to $829.99							359	360
$830 to $839.99							359	360
$840 to $849.99							359	360
$850 to $859.99							359	360
$860 to $869.99							359	360
$870 to $879.99							359	360
$880 to $889.99							359	360
$890 to $899.99							359	360
$900 to $909.99							359	360
$910 to $919.99							359	360
$920 to $929.99							359	360
$930 to $939.99							359	360
$940 to $949.99							359	360
$950 to $959.99							359	360
$960 to $969.99							359	360
$970 to $979.99							359	360
$980 to $989.99							359	360
$990 to $1,019.99							359	360
$1,020 to $1,049.99							359	360
$1,050 to $1,079.99							359	360
$1,080 to $1,109.99							359	360
$1,110 to $1,139.99							359	360
$1,140 to $1,169.99							359	360
$1,170 to $1,199.99								360
$1,200 to $1,229.99								360
$1,230 to $1,259.99								360
$1,260 to $1,289.99								360
$1,290 to $1,319.99								360

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For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment*—For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,169.99 or less per month.

2. For households with monthly income of $1,170 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,169.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,169.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotments up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: DECEMBER 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-33103 Filed 12-9-75;8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 is amended by adding an appendix as follows:

APPENDIX D

[FSP No. 1976-4.1, Amdt. 74]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Puerto Rico.

Notice FSP No. 1975-4.2, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976-4.1.

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Puerto Rico in August 1975.

Households in which all members are included in the federally-aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household Size:	*Maximum Allowable Monthly Income Standards—Puerto Rico*
1	[1] $215
2	307
3	433
4	553
5	660
6	787
7	873
8	993
Each additional member	+127

[1] USDA poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $50	$92	$130	$166	$198	$236	$262	$298
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	22	23	24	25	26
$100 to $109.99	18	23	24	25	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	31	32	33
$120 to $129.99	24	29	30	31	32	34	35	36	36
$130 to $139.99	27	32	33	34	36	37	38	39	40
$140 to $149.99	30	35	36	37	39	40	41	42	43
$150 to $159.99	33	38	40	41	42	43	44	45	46
$160 to $169.99	36	44	46	47	48	49	50	51	52
$170 to $189.99	36	50	52	53	54	55	56	57	58
$190 to $209.99	40	56	58	59	60	61	62	63	64
$210 to $229.99		62	64	65	66	67	68	69	70
$230 to $249.99		68	70	71	72	73	74	75	76
$250 to $269.99		72	76	77	78	79	80	81	82
$270 to $289.99		72	82	83	84	85	86	87	88
$290 to $309.99			84	89	90	91	92	93	94
$310 to $329.99			94	95	96	97	98	99	100
$330 to $349.99			102	104	105	106	107	108	109
$350 to $369.99			111	113	114	115	116	117	118
$370 to $389.99			112	122	123	124	125	126	127
$390 to $409.99				131	132	133	134	135	136
$410 to $429.99				140	141	142	143	144	145
$430 to $449.99				149	150	151	152	153	154
$450 to $469.99				158	159	160	161	162	163
$470 to $489.99				168	169	170	171	172	173
$490 to $509.99				170	178	179	180	181	182
$510 to $529.99				170	187	188	189	190	191
$530 to $549.99				170	196	197	198	199	200
$550 to $569.99					204	205	206	207	208
$570 to $589.99					204	214	215	216	217
$590 to $609.99					204	223	224	225	226
$610 to $629.99					204	232	233	234	235
$630 to $649.99					226	241	242	243	244
$650 to $669.99					226	250	251	252	253
$670 to $689.99					226	258	260	261	262
$690 to $709.99						258	269	270	271
$710 to $729.99						258	278	279	280
$730 to $749.99						258	282	288	289
$750 to $769.99						258	282	297	298
$770 to $789.99						258	282	306	307
$790 to $809.99						258	282	315	316
$810 to $829.99						258	282	324	325
$830 to $849.99						258	282	324	334
$850 to $869.99						258	282	324	334
$870 to $889.99						258	282	324	334
$890 to $909.99						258	282	324	334
$910 to $929.99						258	282	324	334
$930 to $949.99						258	282	324	334
$950 to $969.99						258	282	324	334
$970 to $989.99						258	282	324	334
$990 to $1,009.99						258	282	324	334
$1,010 to $1,029.99						258	282	324	334
$1,030 to $1,049.99						258	282	324	334
$1,050 to $1,069.99						258	282	324	334
$1,070 to $1,089.99						258	282	324	334
$1,090 to $1,109.99						258	282	324	334
$1,110 to $1,129.99						258	282	324	334
$1,130 to $1,149.99						258	282	324	334
$1,150 to $1,169.99						258	282	324	334
$1,170 to $1,189.99						258	282	324	334
$1,190 to $1,209.99						258	282	324	334
$1,210 to $1,229.99						258	282	324	334

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment*—For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $869.99 or less per month.

2. For households with monthly incomes of $870 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $869.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $869.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: December 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-33104 Filed 12-9-75;8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 is amended by adding an appendix as follows:

APPENDIX E

[FSP No. 1976-5.1, Amdt. 75]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Virgin Islands.

Notice FSP No. 1975-5.2 which was issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976-5.1.

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic 4-person household to require a change in the allotments for household sizes 1 through 5. Changes in economies of scale resulted in increases for the larger size households.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States adjusted for the cost of food in the Virgin Islands in August 1975.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in the Virgin Islands, shall be as follows:

Household Size:	*Maximum Allowable Monthly Income Standards—Virgin Islands*
1	[1] $215
2	373
3	533
4	680
5	807
6	967
7	1,073
8	1,227
Each additional member	+153

[1] USDA poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the Virgin Islands are as follows:

Monthly coupon allotments and purchase requirements—Virgin Islands

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is— $68 $62	$124 $112	$176 $160	$224 $204	$266 $242	$320 $290	$352 $322	$404 $368
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	31	32
$120 to $129.99	24	29	30	31	32	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	44	46	47	48	49	50	51
$170 to $189.99	36	50	52	53	54	55	56	57
$190 to $209.99	40	56	58	59	60	61	62	63
$210 to $229.99		62	64	65	66	67	68	69
$230 to $249.99		68	70	71	72	73	74	75
$250 to $269.99		74	76	77	78	79	80	81
$270 to $289.99		80	82	83	84	85	86	87
$290 to $309.99		86	88	89	90	91	92	93
$310 to $329.99		94	94	95	96	97	98	99
$330 to $349.99		96	100	104	105	106	107	108
$350 to $369.99			112	113	114	115	116	117
$370 to $389.99			121	122	123	124	125	126
$390 to $409.99			130	131	132	133	134	135
$410 to $429.99			138	140	141	142	143	144
$430 to $449.99			146	149	150	151	152	153
$450 to $469.99				158	159	160	161	162
$470 to $489.99				167	168	169	170	171
$490 to $509.99				170	177	178	179	180
$510 to $529.99				170	186	187	188	189
$530 to $549.99				170	195	196	197	198
$550 to $569.99					204	205	206	207
$570 to $589.99					210	214	215	216
$590 to $609.99					210	223	224	225
$610 to $629.99					210	232	233	234
$630 to $649.99						241	242	243
$650 to $669.99						250	251	252
$670 to $689.99						254	260	261
$690 to $709.99						254	269	270
$710 to $729.99							278	279
$730 to $749.99							282	288
$750 to $769.99							282	297
$770 to $789.99							282	306
$790 to $809.99							282	315
$810 to $829.99								324
$830 to $849.99								324
$850 to $869.99								324
$870 to $889.99								324
$890 to $909.99								324
$910 to $929.99								324
$930 to $949.99								324
$950 to $969.99								324
$970 to $989.99								324
$990 to $1,009.99								324
$1,010 to $1,029.99								324
$1,030 to $1,049.99								324
$1,050 to $1,069.99								324
$1,070 to $1,089.99								324
$1,090 to $1,109.99								324
$1,110 to $1,129.99								324
$1,130 to $1,149.99								324
$1,150 to $1,169.99								324
$1,170 to $1,189.99								324
$1,190 to $1,209.99								324
$1,210 to $1,229.99								324

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For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment*—For each person in excess of eight, add $46 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,109.99 or less per month.

2. For households with monthly income of $1,110 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,109.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,109.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $42 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotments up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: December 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-33105 Filed 12-9-75;8:45 am]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 is amended by adding an appendix as follows:

APPENDIX F

[FSP No. 1976-6.1, Amdt. 76]

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Guam.

Notice FSP No. 1975-6.2 which was issued pursuant to a part of Subchapter C—Food Stamp Program under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1976, by this Notice FSP No. 1976-6.1.

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year, i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. Based on prices provided for Guam, the Agricultural Research Service estimated that the allotment table adopted for the continental United States, adjusted for the cost of food in Guam would be higher than in the fifty States. Thus, the income standards (except for the one-person household which is the same as Hawaii) and the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on January 1, 1976.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Guam, shall be as follows:

Household Size:	*Maximum Allowable Monthly Income Standards—Guam*
1	[1] $240
2	413
3	587
4	747
5	887
6	1,067
7	1,173
8	1,513
Each additional member	+167

[1] USDA poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to Section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Guam are as follows:

Monthly coupon allotments and purchase requirements—Guam

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—	$68	$124	$176	$224	$266	$330	$352	$404
	And the monthly purchase requirement is—							
$0 to $19.99		0	0	0	0	0	0	0	0
$20 to $29.99		1	1	0	0	0	0	0	0
$30 to $39.99		4	4	4	4	5	5	5	5
$40 to $49.99		6	7	7	7	8	8	8	8
$50 to $59.99		8	10	10	10	11	11	12	12
$60 to $69.99		10	12	13	13	14	14	15	16
$70 to $79.99		12	15	16	16	17	17	18	19
$80 to $89.99		14	18	19	19	20	21	21	22
$90 to $99.99		16	21	21	22	23	24	25	26
$100 to $109.99		18	23	24	25	26	27	28	29
$110 to $119.99		21	26	27	28	29	31	32	33
$120 to $129.99		24	29	30	31	33	34	35	36
$130 to $139.99		27	32	33	34	36	37	38	39
$140 to $149.99		30	35	36	37	39	40	41	42
$150 to $159.99		33	38	40	41	43	43	44	45
$160 to $169.99		36	41	43	44	46	46	47	48
$170 to $189.99		39	44	46	47	48	49	50	51
$190 to $209.99		45	50	52	53	54	55	56	57
$210 to $229.99		51	56	58	59	60	61	62	63
$230 to $249.99		54	63	64	65	66	67	68	69
$250 to $269.99			68	70	71	72	73	74	75
$270 to $289.99			74	76	77	78	79	80	81
$290 to $309.99			80	82	83	84	85	86	87
$310 to $329.99			86	88	89	90	91	92	93
$330 to $359.99			92	94	96	96	97	98	99
$360 to $389.99			98	103	104	105	106	107	108
$390 to $419.99			98	112	113	114	115	116	117
$420 to $449.99				121	122	123	124	125	126
$450 to $479.99				130	131	132	133	134	135
$480 to $509.99				139	140	141	142	143	144
$510 to $539.99				148	149	150	151	152	153
$540 to $569.99				154	158	159	160	161	162
$570 to $599.99				154	167	168	169	170	171
$600 to $629.99					176	177	178	179	180
$630 to $659.99					185	186	187	188	189
$660 to $689.99					194	195	196	197	198
$690 to $719.99					198	204	205	206	207
$720 to $749.99					198	213	214	215	216
$750 to $779.99						222	223	224	225
$780 to $809.99						231	232	233	234
$810 to $839.99						234	241	242	243
$840 to $869.99						234	250	251	252
$870 to $899.99						234	259	260	261
$900 to $929.99							268	269	270
$930 to $959.99							277	278	279
$960 to $989.99							284	287	288
$990 to $1,019.99							284	296	297
$1,020 to $1,049.99							284	306	306
$1,050 to $1,079.99							284	312	315
$1,080 to $1,109.99								312	324
$1,110 to $1,139.99								312	333
$1,140 to $1,169.99								312	342
$1,170 to $1,199.99								312	351
$1,200 to $1,229.99									360
$1,230 to $1,259.99									360
$1,260 to $1,289.99									360
$1,290 to $1,319.99									360
$1,320 to $1,349.99									360

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment*—For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*—1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,229.99 add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotments up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. The provisions of this notice shall become effective on January 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Dated: DECEMBER 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-33106 Filed 12-9-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Markup on Retail Sales of Aviation Fuels by Fixed Base Operators To Reflect Non-Product Cost Increases

A. INTRODUCTION

On September 30, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 45447, October 2, 1975) in which the FEA proposed to review the adequacy of the standard maximum markup allowed in retail sales of aviation fuels by fixed base operators (FBOs) to reflect increased non-product costs. Twenty-three written comments were received in response to the notice of proposed rulemaking and oral presentations were made by five persons at the public hearings held on October 15, 1975. All of these comments and presentations were considered by the FEA, as well as other information available to FEA, in arriving at the amendment adopted today. This amendment affects the price of only about five percent of aviation fuels consumed. The remaining 95 percent—including retail sales by non-FBO marketers in bulk quantities to scheduled and supplemental airlines and to the military—are unaffected by today's amendment.

Under 10 CFR 212.93(a), a retailer of middle distillates, including aviation fuels, is permitted to charge a price which is its weighted average lawful price on May 15, 1973, for the product concerned to the particular class of purchaser, plus an amount which reflects a dollar-for-dollar pass-through of the increased cost of the product since May 15, 1973. In addition, under 10 CFR 212.93 (b)(2), adopted effective April 1, 1974, any retailer of middle distillates (including aviation fuels), was permitted, prior to today's amendment, to add a maximum of one cent per gallon to the price otherwise permitted to be charged in retail sales of those products, to reflect increases in non-product costs (wages, rent, utilities, interest, insurance, etc.). Under the amendment adopted today, the maximum amount permitted to be charged in retail sales of aviation fuels by FBOs to reflect increases in non-product costs under § 212.93(b)(2) has been increased from one cent to four cents per gallon, effective December 1, 1975. With respect to all other sales of middle distillates at the retail level, including sales of aviation fuels by sellers other than FBOs, the maximum markup to reflect non-product cost increases remains unchanged at one cent/gallon.

Parallel provisions of the price regulations applicable to retail sales of middle distillates by refiners through company owned and operated marketing outlets also permitted, prior to today's amendment, subject to the profit margin limitation applicable to refiners, maximum price increases of one cent per gallon at the retail level to reflect increased non-product costs (10 CFR 212.87(c)(4)(iv)). In order to provide the same non-product markup ceiling with respect to sales of aviation fuels by any FBOs which are owned or controlled by refiners, the amendment adopted today increases from one cent to four cents the maximum markup permitted to be charged by refiners in sales of aviation fuels through FBO outlets to reflect increases in non-product costs under § 212.87(c)(4)(iv), effective December 1, 1975. The amendment leaves unchanged the one-cent maximum markup permitted for refiners under § 212.87(c)(4)(iv) with respect to all retail sales of middle distillates other than sales of aviation fuels by FBOs.

B. INCREASE IN STANDARD MAXIMUM MARKUP

In its notice of proposed rulemaking, the FEA indicated that the proposal to review the standard maximum markup in sales of aviation fuels by FBOs was prompted by two main considerations: (1) general industry representations that an increase from one cent per gallon to three or four cents may well be justified, in view of increases in non-product costs over the more than two year period since the May 15, 1973, base date, and (2) awareness that special factors were present which prevented FBOs from reducing non-product costs and cost increases by curtailing services or hours of operation, as other retailers of petroleum products are often able to do.

FEA explained in its notice of proposed rulemaking that FBOs generally operate under contract with municipal or other public aviation authority and typically provide vital airport services such as baggage and cargo handling and aircraft maintenance in addition to selling aviation fuel for use in small private and business aircraft. Under these circumstances, the FBO's facilities are usually required to remain open and services kept available on a 24-hour or other fixed-hour basis. It is normally not possible, as in the case of gasoline service stations, to cut operating costs by curtailment of services or hours of service. Consequently, FBOs have little or no practical means of avoiding non-product cost escalation in the face of the fixed one cent per gallon increment (in effect since April, 1974) which has been the maximum amount permitted to be charged to cover all increases in non-product costs.

In the rulemaking notice, the FEA also explained why it was not proposing at the same time to review the standard markup applicable to sales of aviation fuels by retailers other than FBOs and by wholesalers (i.e., by distributors or jobbers). An estimated 95 percent of all aviation fuel sold at the retail level is sold by refiners or resellers in bulk quantities to commercial airlines (scheduled and supplemental air carriers) and to the Department of Defense. No increase in the maximum margin to reflect non-product cost increases in connection with these sales was proposed by FEA because (1) non-product costs appear to be proportionately much smaller in that industry on a per-gallon base compared with those of FBOs, and (2) the necessity of providing ancillary services and the problem of inability to curtail them are not present. For the same or similar reasons, a review of the standard maximum markup at the wholesale level to cover non-product cost increases relating to sales of aviation fuels was not proposed in connection with the present rulemaking proceedings.

The most comprehensive survey of increases in operating costs of FBOs was commissioned by the National Air Transport Associations, Inc. (NATA), an organization which represents FBOs as well as air taxi/commuter air service organizations and air cargo/mailing operators. The survey was conducted by mail under the supervision of an independent accounting firm and completed in August, 1975. Seven hundred FBOs were asked to participate in the survey, a group of nation-wide geographic composition which included small, medium and large FBOs, multi-airport and single-airport FBOs, and NATA-member and non-member FBOs.

Rsponse from 132 FBOs were received. Where individual FBOs owned or controlled FBO businesses at more than one airport, each separate airport operation was treated as a separate FBO for purposes of the survey. Of the total number of responses, seven were rejected for

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failure to respond satisfactorily to instructions and three were rejected because costs appeared abnormally high. Data received was checked in some instances by telephone and by on-site review of supporting cost documentation.

Fourteen operating cost categories were tabulated, comparing on a per-gallon basis the costs in each category in May, 1973, with those costs in May, 1975. All "joint cost" items were allocated so as to exclude costs which did not relate to the sale of aviation fuels. These cost data were also broken down according to three FBO size categories, with 50 small FBOs (under 500,000 gallons annual sales) reporting total net operating cost increases of 4.11 cents per gallon over the two-year period, 47 medium FBOs (500,000 to 1,500,000 gallons annual sales) reporting total net operating cost increases of 5.25 cents per gallon, and 25 large FBOs (over 1,500,000 gallons annual sales) reporting total net operating cost increases of 4.2 cents per gallon. The weighted average increase in non-product costs of all 122 FBOs reporting was 4.56 cents per gallon for the two-year period ending May, 1975.

Data supplied independently by individual FBOs in response to FEA's request for written comment tend to bear out the results of the NATA survey. For example, an FBO based in Seattle, Washington, provided allocated cost data indicating that its operating costs rose by 4.35 cents/gallon over the two-year period ending March 31, 1975. An East Coast FBO provided allocated cost data which combined operating results of its facilities at Teterboro (N.J.), North Philadelphia, Philadelphia and Wilmington, Del., and the non-product cost increases between May, 1973, and May, 1975, totaled 4.3 cents per gallon. Less well-documented submissions by other FBOs indicated that operating costs have increased from three to six cents per gallon since May, 1973.

Indirect support for the appropriateness of a revised operating cost markup within the range indicated is supplied by the experience of retailers of petroleum products other than aviation fuels. The FEA recently approved a three cent maximum markup for small propane retailers to reflect operating cost increases, which is the same amount currently authorized for gasoline service stations. In view of the special ancillary service required to be performed by FBOs by law or by contract terms, and in view of the consideration, noted above, that FBOs are usually not able to reduce operating costs by curtailing such services or reducing hours of operation, it seems likely that non-product costs have increased at a rate somewhat higher than that experienced by propane and gasoline retailers. In addition, FBO operating costs are believed to be somewhat higher in comparison to other petroleum retailers due to the cost of purchasing and operating the mobile equipment needed to fuel aircraft and to provide aircraft maintenance services. Finally, rental rates have not been frozen for FBOs as they have been for gasoline service stations at the May, 1973, level. The FBO survey indicated an increase of 0.38 cents/gallon in rents plus an increase of 0.31 cents/gallon in flowage fees (a charge imposed on FBOs by the local aviation authority) between May, 1973, and May, 1975.

While it might appear from the results of the FBO survey that an increase in the standard maximum markup from one cent per gallon to 4.5 cents or 4.6 cents per gallon might be justified, there are several considerations which lead FEA to conclude that a conservative approach in approving a new maximum markup is appropriate and that a markup of not more than 4.0 cents per gallon should be authorized at this time.

On October 7, 1975, the FEA issued a regulation amendment which increased the maximum markup on certain sales of propane at the retail level from one cent/gallon to three cents/gallon (40 FR 47755, October 10, 1975). This was the first time the FEA had increased the amount of any markup since the development of standard maximum reseller/retailer markups for various products was completed in March and April, 1974. Accordingly, the FEA took occasion upon the issuance of that amendment to explain the nature and purpose of standard markups in general, making reference to the following important considerations: (1) the statute from which FEA derives its pricing authority requires the agency to balance a number of conflicting objectives and, notably, does not require FEA to allow full pass-through of all non-product cost increases, as it does so require for product cost increases; (2) the use of standardized maximum markups (instead of simply allowing each firm to pass through its own actual operating cost increases, whatever they might be) was dictated largely by practical administrative considerations relating to the fact that there are thousands of small marketers who cannot realistically be expected to calculate net operating cost increases accurately on a per-gallon basis; (3) in view of the foregoing considerations, and in order to assure equitable prices to consumers by minimizing the inflationary impact of price increases to the greatest extent possible, FEA concludes that the level of the maximum markup should be conservatively determined so that the majority of firms affected will have operating cost increases which at least equal that level; (4) the standard maximum markup is therefore used as a guide as well as a ceiling for the majority of firms which have probably incurred operating cost increases at or in excess of the rate prescribed by the standard markup but are unable to calculate actual per-gallon operating cost increases with accuracy; and (5) larger firms, particularly refiners with marketing outlets, which are experienced in calculating net operating cost increases on a cents-per-gallon basis, may only pass through their actual non-product cost increases per gallon up to and including the rate permitted by the standard maximum markup but not in excess thereof. All these general considerations apply to and were taken into account in the determination of the amount of the markup in the present rulemaking proceedings.

FEA notes that, while the FBO survey concluded that operating cost increases of all firms included in the survey reached 4.56 cents/gallon, the increases for small FBOs and for large FBOs, considered independently, were just above four cents/gallon, or 4.11 cents and 4.20 cents/gallon, respectively. Accordingly, consistent with the general considerations noted above, an increase in the standard markup in this case from a maximum of one cent/gallon to four cents/gallon appears justified and appropriate.

The FEA wishes to note in this connection that in its notice of proposed rulemaking the FEA requested comment on the possibility or feasibility of permitting a different standard markup ceiling as between large and small FBOs or on the basis of some other method of subclassification. There was little response to this request and FEA does not have sufficient data at present to justify any approach other than application of a single maximum markup to all FBOs.

FEA believes that a conservative approach to revision of the standard maximum markup is also merited in this case because the number of firms which were able to provide detailed data was relatively small. Of an estimated 3,500 FBOs in the United States, only about five percent participated in the survey or submitted cost data to FEA. While FEA has no reason to doubt that the operatng cost increases of other FBOs have been generally similar to those reported by in the 122-FBO survey, it is possible that firms with larger than average operating cost increases have more incentive to bring those cost increases to the attention of FEA than firms with smaller than average operating cost increases.

FEA received no comment directly opposing an increase in the maximum markup to reflect non-product cost increases of FBOs. Comment received from associations representing customers of FBOs (owners of private and business aircraft who purchase fuel from FBOs, and commercial airlines which depend to some degree on services provided by FBOs) generally indicated concern that (1) FBO business failures due to inability to recoup operating cost increases might have a disruptive effect on air transport and aviation, and (2) any increase in the amount of operating costs permitted to be passed through by FEA should be granted only if justified after careful review.

For all of the foregoing reasons, the FEA has concluded that an increase in the standard markup on retail sales of aviation fuels by FBOs from a maximum of one cent/gallon to a maximum of four cents/gallon is justified and appropriate.

C. Other Issues

1. *Retroactive Application of Increase.* Requests were made during the public hearings to make any increase in the standard maximum markup approved by FEA retroactive to September 1, 1975. This request was premised on the grounds that since operating cost increases under the FBO survey were measured to May, 1975, and that since no basis exists for assuming that operating costs have decreased since that time, it would be justified to make the markup increase effective beginning any month following May, 1975. It was acknowledged by FBO representatives that many FBOs had raised prices on September 1, 1975, immediately after the termination of the Emergency Petroleum Allocation Act of 1973, to levels above the lawful price levels prevailing on August 31, 1975. After Congress extended the Emergency Petroleum Allocation Act of 1973 in late September, 1975, retroactive to September 1, 1975, FBOs which had raised prices realized that revenues derived from price increases above lawful levels would have to be refunded or remitted in the form of sales at prices below ceiling price levels (as explained in Ruling 1975–17, 40 FR 48341, October 15, 1975).

However, to make the effective date of the present amendment retroactive to September 1, 1975, would, under these circumstances, amount to a ratification of any unlawful pricing behavior which occurred during September, 1975, and thereby undermine the position taken by FEA in Ruling 1975–17 as well as provide a benefit to FBOs which has not been made available to other sectors of the petroleum industry. Moreover, eeven if ll Septembr eprice increeases above ceeill price levels were entirely supported by operating cost increases, those price increases were no less premature and contrary to orderly process for approval of regulation amendments permitting recoupment of increased costs. Furthermore, FEA's Office of Exceptions and Appeals is available to review any cases of hardship or inequity resulting from the one cent/gallon maximum markup previously authorized to reflect operating cost increases.

In addition, it has been the general practice of the FEA to make rules effective only prospectively, after all necessary data justifying a price change has been collected and fully evaluated. It has also been the usual practice of FEA in establishing or modifying standard maximum margins to reflect operating cost increases to make the regulation or amendment effective at the beginning of a month rather than in mid-month, to avoid disrupting the monthly billing practices which prevail in many sectors of the petroleum industry. For example, the recent amendment increasing the standard maximum markup applicable to certain retail sales of propane was issued on October 7, effective October 1, 1975. In accordance with this practice, this amendment is made effective December 1, 1975.

2. *Definition of Fixed Base Operators.* In its notice of proposed rulemaking, the FEA requested comment on the following proposed definition of "fixed base operator":

> " 'Fixed base operator' means a firm which maintains an office and other facilities at an airport under contract with a public aviation authority or airport owner for the purpose of engaging in the retail sale of aviation fuels and in one or more of the following general aviation activities: aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; baggage and cargo handling and other passenger/freight services; operation of flight schools and/or aircraft maintenance schools; maintenance and/or sales of avionics equipment and systems; and rental and/or sales of aircraft."

Pursuant to comment received, FEA has deleted from this definition the words "an office or other" so as not to exclude a firm which, otherwise meeting the definition of FBO, may not maintain a business office at the airport at which its fueling and ancillary service facilities are located. In adidtion, FEA has deleted the words "under contract with a public aviation authority or airport owner" in view of comment stating that FBO activities are sometimes conducted by the public aviation authority itself (or other branch of the state, municipal or local government concerned) or by the owners of certain small airports, in which event the FBO might not be under contract. The words omitted are merely descriptive in any event and are not essential to the definition.

The essential distinction which must be made under this definition is between two types of sellers, both of which are retailers under FEA regulations: (1) FBOs, which sell aviation fuel essentially to non-commercial (private and/or business) aircraft owners and in some cases to small commercial carriers known as commuter and/or air taxi operators, and which provide ancillary services of the kind described in the definition; and (2) sellers of aviation fuels in bulk quantities to scheduled airlines and supplemental (charter) air carriers and the Defense Department. The sellers in the latter category, which account for an estimated 95 percent of all retail sales of aviation fuels, are not believed to have incurred operating cost increases in excess of the presently-authorized one cent per gallon because of their large volume of sales and the fact that they do not perform the ancillary services which characterize the operations of the FBO. The definition of FBO is intended to serve as the regulatory device which excludes non-FBO retailers of aviation fuels from coverage of the increased markup authorized today.

In order to make the foregoing distinction clearer under the definition of "fixed base operator," as abbreviated by the changes indicated above, the FEA has added, after the words, "for the purpose of engaging in the retail sales of aviation fuels," the words, "primarily to purchasers other than (a) scheduled or supplemental air carriers certificated by the Civil Aeronautics Board pursuant to 49 U.S.C. 1371, or (b) the Department of Defense".

In this connection, the FEA reviewed the question whether FBOs occasionally make large-volume sales to supplemental air carriers, in view of comment submitted by the Air Transport Association that "at a few small airports the FBO is the only seller of aviation fuel whether the customer be the owner of a private two-engine propeller plane or a commercial airliner."

Sales of aviation fuels to scheduled and supplemental air carriers are in nearly all cases made under contract with refiners or large-volume distributors, with no FBO involvement. When an FBO does become involved in fueling such carriers, it is usually only to provide "into plane" services—i.e., primarily the pumping of fuel owned by a refiner or branded distributor and not by the FBO. The FBO's compensation in such cases is a pumping fee or a service fee which covers pumping and any other "into plane" services which may be provided.

In rare instances it appears that an FBO may be called upon to sell its own fuel for use in a large commercial airliner or a military aircraft, as when a flight is diverted to another airport due to adverse weather conditions. However, even in these atypical cases it appears to be well-established practice that the purchaser pays only the standard contract rate for such sales, making payment to the refiner or branded distributor which holds the supply contract, while the latter, in turn, replenishes the FBO's stocks and compensates the FBO by payment of the fee for pumping and any ancillary services which may also have been provided. FBO representatives stated they knew of no circumstances under which a scheduled or supplemental air carrier would purchase aviation fuel "at retail"—i.e., at the higher prices charged by FBOs to their regular purchasers.

For the foregoing reasons, the FEA concludes that marketing conditions and practices effectively preclude the application of the increased markup authorized today in sales to which the increased markup is not intended to apply. The FEA has not, therefore, attempted by regulation specifically to exclude use of the increased markup in sales to scheduled or supplemental air carriers or to military users. To define "fixed base operators" in § 212.31 as only those firms which sell aviation fuels *exclusively* to purchasers other than scheduled and supplemental air carriers and the military would be to unfairly bar any use of the increased markup whatsoever by retailers which otherwise meet the definition of "fixed base operator" but which may occasionally make a sale to such purchasers at contract prices under the circumstances described above. Incorporation of a limitation in this respect in the standard markup rule in §§ 212.93 (b) and 212.87(c)(4) would only burden these provisions with undue complexity and unnecessary detail.

In its proposed definition of FBO, the FEA provided, in effect, that any firm which maintained facilities at an airport for the purpose of (1) selling aviation fuel to small purchasers and (2) engaging in one or more listed categories of

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general aviation activities, would qualify as an FBO. The reason for requiring both sales of aviation fuels and performance of general aviation activities to qualify as an FBO is, of course, that the justification for the higher maximum markup authorized to FBOs today rests, in part, on the fact that FBOs do perform essential ancillary services and that FBOs are generally unable to cut operating costs by curtailing them. Included among the categories of general aviation activities were (1) "rental and/or sales of aircraft," (2) "sales of avionics equipment," and (3) "operation of flight schools and/or aircraft maintenance schools."

There three categories, although consisting of recognized FBO activities, are or appear to be largely self-sustaining, revenue-producing categories which are not significantly supported (if at all) by revenues from sales of aviation fuels. A firm which sells aviation fuel at the retail level and which is otherwise engaged in general aviation activities only in one of these three categories would not appear to be incurring operating cost increases of four cents/gallon or more. Therefore, since qualification to use the four cents/gallon maximum markup rests on performance of "one or more" categories of aviation services, and since a firm which performs no aviation services other than fuel sales and the services in one of the three categories in question might nevertheless qualify to use the four cent/gallon maximum markup, the definition of FBO adopted today omits these three categories. The FEA believes that the great majority of FBOs, whether or not they are engaged in any of the activities under these three headings, are engaged in one or more of the remaining service categories which are more closely associated with fuel sales—i.e., aircraft handling/maintenance services, passenger/freight services, and maintenance of avionics equipment and systems.

3. *Ancillary Services.* The FEA requested comment in the notice of proposed rulemaking on whether there has been any change in the level of ancillary services being provided today compared with May, 1973, and whether fees charged for ancillary services could be increased to help defray increased non-product costs.

Comments received indicate that there has been little change in the level of ancillary services provided since most of these are essential services such as aircraft maintenance, cabin grooming, cargo/baggage handling, and certain services relating to the safe operation of aircraft. In areas such as safety and environmental control, service requirements appear to be increasing. While there may have been some degree of reduction in quality of services (other than in the area of safety) in response to reduced margins resulting from the inadequacy of the one cent/gallon markup to reflect operating cost increases, FEA believes that there is little room for avoidance of operating cost increases in this industry through curtailment of services.

Comments received on fees for ancillary services indicate that these fees have been increased as much as possible, to the extent permitted by FBO leases and within the limits of competition in those cases where increases are permissible, to help defray the substantial operating cost increases which have been incurred since May, 1973. Moreover, many services have traditionally been performed without charge or have been required to be performed without charge, it being understood that the price charged for fuel also covers the performance of certain aircraft and passenger services. It would serve no useful purpose to ask FBOs to begin charging fees for some of these services in order to achieve a corresponding reduction in the amont by which aviation fuel prices will be increased to reflecting increased operating costs.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93–159, as amended by Pub. L. 93–511, Pub. L. 94–99 and Pub. L. 94–133; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212, Chapter II of Title 10 Code of Federal Regulations, is amended as set forth below, effective December 1, 1975.

Issued in Washington, D.C., December 5, 1975.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.31 is revised to add, in appropriate alphabetical order, a definition of "fixed base operator" to read as follows:

§ 212.31 Definitions.

* * * * *

"Fixed base operator" means a firm which maintains facilities at an airport for the purpose of (1) engaging in the retail sale of aviation fuels primarily to purchasers other than (a) scheduled or supplemental air carriers certificated by the Civil Aeronautics Board pursuant to 49 U.S.C. 1371 or (b) the Department of Defense; and (2) performing one or more of the following general aviation activities: (a) aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; (b) baggage and cargo handling and other passenger/freight services; and (c) maintenance of avionics equipment and systems.

* * * * *

2. Section 212. 87 is amended to revise paragraph (c) (4) (iv) to read as follows:

§ 212.87 Increased non-product costs.

* * * * *

(c) * * *
(4) * * *

(iv) Allow an increase in the prices of middle distillates above the prices otherwise permitted to be charged for middle distillates pursuant to the provisions of this part (including the foregoing paragraph (b) (4) (i) of this section) by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales, except that, with respect to retail sales of aviation fuels by fixed base operators after November 30, 1975, allow an increase in the amount otherwise permitted to be charged for that item pursuant to the provisions of this part by an amount not to exceed four cents per gallon; and

* * * * *

3. Section 212.93 is amended to revise paragraph (b) (2) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(2) With respect to middle distillates:

(i) In all retail sales, (A) beginning with April, 1974, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for the item concerned pursuant to the provisions of this section, including paragraph (b) (1) (i) of this section, to reflect non-product increases which the seller incurred after May 15, 1973; and

(B) In sales of aviation fuels by fixed base operators, beginning with December, 1975, a seller may charge three cents per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b) (2) (i) (A) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973;

(ii) In all sales other than retail sales, (A) a seller that had a total sales volume of covered products in calendar year 1973 of less than 100 million gallons may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b) (1) (i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973; and

(B) A seller that had a total sales volume of covered products in calendar year 1973 of 100 million gallons or more may charge one-quarter cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b) (1) (i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973.

* * * * *

[FR Doc.75-33221 Filed 12-5-75;1:28 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75–1088]

PART 522—ORGANIZATION OF THE BANKS

Creation of the Office of Neighborhood Reinvestment

SUMMARY

DECEMBER 4, 1975.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

A. *Existing Regulation.* None.

B. *New Regulation.* Authorizes the Banks to create the Office of Neighborhood Reinvestment, and specifies:

1. That the Director and Deputy Director shall be chosen, and their compensation shall be fixed, by the Board;

2. That the duties and functions of the Office shall include the support of the Urban Reinvestment Task Force, assisting the Banks, the Board and financial institutions in urban preservation programs, and conducting evaluations of, and disseminating information regarding, urban preservation programs;

3. That the Office may, subject to certain controls, accept and administer funds from governmental or private sources for the support or furtherance of its programs;

4. That the budget and activities of the Office must be approved by the Board, and that the Office of Finance shall perform certain fiscal operations for the Office; and

5. That funds of the Banks, made available through the "Imprest Fund" of the Office of Finance, may be utilized for certain expenses of the Office.

C. *Reason for the Amendment.* To provide better and more efficient assistance to savings and loan associations in neighborhood reinvestment efforts.

By Resolutions dated January 30, 1974 (unnumbered) and May 1, 1974 (No. 74–367), the Board authorized and approved, among other things, the participation of the Board, the Federal Home Loan Banks and their Office of Finance, in conjunction with the Department of Housing and Urban Development in an effort to foster the development of "Neighborhood Housing Service" and other neighborhood reinvestment and preservation programs through the Urban Reinvestment Task Force. Since that time the programs of the Task Force have met with great success and the Board and HUD have been joined in these efforts by the heads of three other Federal financial regulatory agencies.

Initially, the Task Force effort was viewed as one that would be of perhaps a year or two years in duration. The success and growth of the program has made clear the necessity of placing this program on a more formal organizational basis. This is to be accomplished by having the new Office of Neighborhood Reinvestment, which is to be an Office of the Banks, subsume the entire operation of the Task Force and its staff. The Task Force will, however, remain to provide overall policy guidance in these operations. By virtue of its status as an independent Office within the FHLBank System, the programmatic and budgetary administration of the program will be clarified and streamlined. The result should be better and more efficient services to the Banks, savings and loan associations, and other financial institutions in the development of neighborhood reinvestment efforts. The Office will be required to submit its budget for approval to the Board, as is currently true for the Office of Finance, prior to December 1 of the preceding year, however, for the first year of operation the Office must submit its budget within 30 days of the effective date of this Resolution. Accordingly, the Federal Home Loan Bank Board hereby amends Part 522 by adding thereto § 522.85–§ 522.87, to read as set forth below, effective December 10, 1975:

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, and since the amendments relate to the Board's organization or procedures, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553 (b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reasons, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

OFFICE OF NEIGHBORHOOD REINVESTMENT

§ 522.85 General.

(a) The Federal Home Loan Banks are hereby authorized to establish an Office of Neighborhood Reinvestment which shall be located in Washington, D.C., and which shall perform the duties and functions set forth in § 522.86.

(b) The Office of Neighborhood Reinvestment shall be headed by a Director, who shall have responsibility for the performance of the functions of such Office. The Director shall be appointed, and his compensation shall be fixed, by the Federal Home Loan Bank Board. There may also be one or more Deputy Directors who shall be appointed and whose compensation shall be fixed in the same manner.

(c) Any function of the Office of Neighborhood Reinvestment now or hereafter exercisable by the Director may also be exercised by a Deputy Director, in accordance with such limitations, if any, as may be prescribed in writing by the Director.

§ 522.86 Functions and duties of Office of Neighborhood Reinvestment.

(a) The Office of Neighborhood Reinvestment shall (1) Provide all necessary staff support services to the Urban Reinvestment Task Force composed of the Chairman of the Federal Home Loan Bank Board, the Secretary of the Department of Housing and Urban Development, and the operating heads, or their representatives, of various other Federal agencies; (2) assist the Board, the Banks, the members of the Federal Home Loan Bank System and other financial institutions in the development of programs and strategies to increase and stabilize urban residential lending; (3) provide assistance in the organization, development, and continued operations of "Neighborhood Housing Service" programs; (4) provide assistance to other public or private urban preservation or improvement programs; (5) conduct evaluations of selected urban preservation or improvement programs; and (6) collect and disseminate information regarding urban preservation or improvement programs.

(b) The Office of Neighborhood Reinvestment may accept and administer such funds from any Federal, State or local government or governmental agency, or any private body, as may be offered in support of the programs of the Office; provided, however, that all such receipts, whether by contract, grant or otherwise, in excess of $50,000 per year from any one source, or for an activity not authorized in the current budget for the Office, shall first be approved by the Board.

(c) The Office of Neighborhood Reinvestment shall perform other duties or functions which are related to those specified in paragraphs (a) and (b), of this section, as may be requested of such Office by a Federal Home Loan Bank or Banks or the Board.

§ 522.87 Budget and expenses.

(a) The Office of Neighborhood Reinvestment shall annually submit a budget for the following calendar year to the Board so as to reach it on or before the first day of December which shall contain proposed allotments for the expenses of maintaining and operating such Office. The budget shall differentiate between receipts and expenditures provided for in § 522.86(b) and those provided for hereunder. After such budget has been approved by the Board, the Director may authorize disbursements thereunder from the funds provided for in § 522.81(b). Following approval by the Board, the Director shall transmit a copy of the budget to each of the Bank Presidents. The Director may, without further authority, make a transfer from an excess allotment, in the budget referred to, to an insufficient allotment. However, transfer to allotments for compensation or rent of office quarters, as well as any proposed changes which would increase the total of the approved budget, shall be submitted for approval in the same manner as the original budget was submitted.

(b) The Office of Finance of the Federal Home Loan Banks is hereby authorized to act as fiscal agent for, and to provide, on a reimbursable basis, all budgetary, accounting and fiscal management services required by the Office of Neighborhood Reinvestment. All receipts and disbursements made by the Office of Finance for such Office shall first be authorized by the Director of such Office of Neighborhood Reinvestment.

(Sec, 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by P.L. 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-33225 Filed 12-9-75;8:45 am]

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–EA–63; Amdt. 39–2452]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 66–27–6 applicable to Grumman G–164 type aircraft.

Since the promulgation of the airworthiness directive, it has been determined that a similar inspection is required on the left elevator torque tube, since there have been reports of similar cracks.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 66–27–6 as follows:

Amend AD 66–27–6 as follows:

1. Reletter paragraph (e) as paragraph (f).

2. Substitute letter (f) where it appears in paragraphs (a), (b), (c) and (d) for letter (e).

3. Add new paragraph (e) to read as follows:

(e) Within the next 25 hours in service after the effective date of the amendment, unless already accomplished within the last 75 hours in service, visually inspect the left-hand elevator torque tube for cracks where the inboard rib is welded to the torque tube. This inspection must be repeated at intervals of 100 hours until the aircraft is altered in accordance with paragraph (f).

4. Delete part numbers from AD.

This amendment is effective December 16, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on December 2, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75–33174 Filed 12–9–75;8:45 am]

[Airspace Docket No. 75–SO–156]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Burlington, N.C., transition area.

The Burlington transition area is described in § 71.181 (40 FR 441). A new NDB RWY 6 instrument approach procedure, utilizing the Burlington (private) RBN has been developed for the airport. An additional five square miles of controlled airspace is required to provide adequate protection for the approach procedure. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Burlington, N.C., transition area is amended as follows:

"• • • of the VORTAC." is deleted and "• • • of the VORTAC; within 3 miles each side of the 218° bearing from Burlington RBN (latitude 36°02'59" N., longitude 79°28'49" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within the Liberty, N.C., transition area." is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 28, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc. 75–33175 Filed 12–9–75; 8:45 a.m.]

[Docket No. 12762; Special Federal Aviation Regulation No. 30]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Ground Proximity Warning System

The purpose of the Special Federal Aviation Regulation is to permit airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less to be operated under Parts 121, 123 and 135 of the Federal Aviation Regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation alerting system.

Section 121.360(a) of the Federal Aviation Regulations requires that no person may operate under Part 121 a large turbine-powered airplane unless it is equipped with a ground proximity warning system after December 1, 1975, and a ground proximity warning-glide slope deviation system after June 1, 1976. The requirements of § 121.360 apply to Part 123 and 135 certificate holders by virtue of §§ 123.27(g) and 135.2, respectively.

By Amendment No. 121–125 (40 FR 50707; October 31, 1975), § 121.360 was amended to permit an extension of the compliance date to June 1, 1976, for those certificate holders who show they cannot meet the December 1, 1975, compliance date because of equipment availability problems and delays in their certification programs. Subsequent to the issuance of Amendment 121–125 the FAA determined that additional time was also needed to identify and remedy operational problems in this newly-installed equipment. Accordingly, by Amendment 121–126 issued November 24, 1975, §§ 121.303 and 121.360 were amended to provide a reasonable time period but not later than September 1, 1976, to establish system reliability prior to requiring it to be in an operable condition.

As noted above, § 135.2(a) requires air taxi operators to comply with the certification and operations requirements of Part 121 applicable to supplemental air carriers for operations conducted with large aircraft. At the same time, § 121.9 permits Part 121 certificate holders to comply with the requirements of Part 135 applicable to air taxi operators for operations conducted in small aircraft. A large aircraft is defined in § 1.1 as an aircraft of more than 12,500 pounds maximum certificated takeoff weight and a small aircraft is one of 12,500 pounds or less maximum certificated takeoff weight. The use of this "12,500 pound" aircraft standard for purposes of operations under Parts 121 and 135 has been questioned. Based on a preliminary review of the matter, the FAA believes that requiring an aircraft to be operated under the rules of Part 121 or 135 based on whether its maximum certificated takeoff weight is more or less than 12,500 pounds may no longer be appropriate or necessary in the interest of safety. Accordingly, the FAA has under consideration the development of new standards for operations conducted with large aircraft having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less.

It should be noted that the National Air Transportation Association (NATA) submitted a proposal (No. 717) to the First Biennial Operations Review proposing an amendment to § 135.2 to permit operators of aircraft seating up to 30 passengers with up to a 7,500 pound payload capacity to operate under Part 135 but with the addition of certain requirements to Part 135 as set forth in the NATA proposal. A Notice of Availability of the Compilation of Proposals and Invitation to Submit Comments was published in the Federal Register June 4, 1975 (40 FR 24041), and the matter will be discussed at the First Biennial Operations Review Conference, December 1 through 5, 1975, at the Sheraton National Hotel, Arlington, Virginia (40 FR 53299; November 17, 1975).

In view of the foregoing FAA believes that it is not in the public interest to require the installation of ground proximity warning systems in the airplanes specified herein pending the determination of whether or not new standards should be developed for operations conducted with those airplanes. Accordingly, this SFAR is adopted to permit, during this period, airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less to be operated under Parts 121, 123 and 135 of the Federal Aviation Regulations without complying with the requirements for a ground proximity warning system.

In view of the December 1, 1975, compliance date of § 121.360 and since this Special Federal Aviation Regulation extends the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and unnecessary, and that good cause exists for making this SFAR effective on less than 30 days notice. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this SFAR Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Council, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before February 9, 1976, will be considered by the Administrator and this SFAR may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This Special Federal Aviation Regulation is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted, effective December 4, 1975:

SPECIAL FEDERAL AVIATION REGULATION No. 30

Contrary provisions of Parts 121, 123 and 135 of the Federal Aviation Regulations notwithstanding, airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less may be operated under Parts 121, 123, and 135 of the Federal Aviation Regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation system.

For purposes of this Special Federal Aviation Regulation, the following definitions apply:

1. (a) Except as provided in paragraph (b) of this section, the term "maximum payload capacity" means the maximum certificated takeoff weight of an airplane, less the empty weight, less all pustifiable airplane equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). The allowance for the weight of the crew, oil, and fuel is as follows:

(1) Crew—200 pounds per crew member required under the Federal Aviation Regulations.

(2) Oil—350 pounds.

(3) Fuel—the minimum weight of fuel required by the Federal Aviation Regulations for a flight between domestic points 174 nautical miles apart under VFR weather conditions and not involving extended overwater operations.

(b) In the case of an airplane for which a maximum zero fuel weight is prescribed in FAA technical specifications, maximum payload capacity means the maximum zero fuel weight, less the empty weight, less all justifiable airplane equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

2. The term "empty weight" means the weight of the airframe, engines, propellers, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

3. The term "maximum zero fuel weight" means the maximum permissible weight of an airplane with no disposable fuel or oil. The zero fuel weight figure may be found in either the airplane type certificate data sheet or the approved airplane flight manual or both.

This Special Federal Aviation Regulation terminates December 31, 1976, unless sooner superseded or rescinded.

Issued in Washington, D.C., on December 4, 1975.

JOHN L. MCLUCAS,
Administrator.

[FR Doc. 75–33176 Filed 12–9–75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2760]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Allied Stores Corporation t/a The Bon Marche, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170–24 Cosmetic or beautifying; 13.170–70 Preventive or protective; 13.170–78 Renewing, restoring; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 disclosures; 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Allied Stores Corporation, a corporation, dba The Bon Marche; and C. C. Anderson Stores Company, a corporation.

Consent order requiring a New York City department store chain and its wholly-owned subsidiary in Boise, Idaho, among other things to cease making unsubstantiated effectiveness claims for cosmetic skin care preparations. Respondents are required to have in their possession a written certification from a reliable source that there is a reasonable scientific basis for claims made and a summary of the nature of the reasonable basis.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent Allied Stores Corporation, a corporation, doing business as The Bon Marche or under any name or style successor to The Bon Marche, and C. C. Anderson Stores Company, a corporation (hereinafter "respondents"), their successors and assigns, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device engaged in the advertising, offering for sale, sale or distribution of any cosmetic skin care product, or skin care product which is both a drug and cosmetic product (hereinafter "products"), as "drug" and "cosmetic" are defined in Sections 15(c) and 15(e) of the Federal Trade Commission Act, marketed by respondent C. C. Anderson Stores Company or The Bon Marche Division of Allied Stores, or any successor divisions thereof, in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products or for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in or having an effect upon commerce in said products, do forthwith cease and desist from:

Disseminating any affirmative representation in any advertising or other written promotional material, including leaflets or other written promotional material prepared by respondents or others (but excluding labels or labeling as defined in 21 U.S.C. §§ 321(k) and (m)) (hereinafter "advertisement") which represent, directly or indirectly, that:

A. Such products will remove or prevent age wrinkles or age lines on the face, hands or other parts of the body;

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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B. Such products will remove or prevent discolorations, broken capillaries or other disorder of the skin;

C. Unlimited amount of use of such products is safe and beneficial;

D. Such products are drugs (unless such products are registered or labeled as drugs);

E. Such products will retard the aging process in humans;

F. Age is a disease; or

G. Women's faces age 50 percent faster than men's, or at any other differential rate; without having in their possession before the time an advertisement containing such representation is first disseminated to the public by respondents, a written certification from the manufacturer, proprietor or licensee of the brand name, or qualified testing laboratory, that there is a reasonable scientific basis, or reasonable scientific bases, for the making of such representation; *Provided*, That such certification shall include a summary of the nature of the reasonable scientific basis (or bases) for such representation; *Provided further*, That respondents neither know nor have reason to know that such scientific basis does not in fact substantiate such representation.

Provided further, That respondents shall maintain the certification described herein for a period of three years from the date an advertisement containing a representation described herein is first disseminated to the public and shall upon reasonable notice make such certification available to authorized representatives of the Federal Trade Commission at respondents' premises in Seattle, Washington.

II. *It is further ordered*, That respondents shall distribute a copy of this order to each of their affected operating divisions, subdivisions, and subsidiaries and to each of the affected officers, agents, representatives or employees of said respondents who are engaged in the preparation or placement of advertisements or distribution of advertisements prepared by others.

III. *It is further ordered*, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, or any other changes in said respondents which may materially affect compliance obligations arising out of the order.

IV. *It is further ordered*, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Nov. 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33139 Filed 12-9-75;8:45 am]

[Docket C-2761]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Carson Products Company, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Carson Products Company, a corporation; and Parker A. Reische, Jr., individually and as an officer of said corporation.

Consent order requiring a Savannah, Ga., manufacturer of facial depilatory and beard removal products, among other things to cease failing to make material disclosures as to the safety and correct use of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I. *It is ordered*, That respondents Carson Products Company, a corporation, its successors and assigns, and its officers, and Parker A. Reische, Jr., individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Magic Shaving Powder, Magic Cream Shave, or any depilatory product, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to clearly and conspicuously disclose the following statement in boldface capital letters exactly as it appears below, with nothing in contradiction thereof:

CAUTION: THIS PRODUCT MAY CAUSE SKIN IRRITATIONS. DO NOT USE IF SKIN IS TENDER OR SEVERELY IRRITATED. FOLLOW DIRECTIONS CAREFULLY.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to meet the requirement of Part IA of this order.

II. *It is further ordered*, That respondents Carson Products Company, a corporation, its successors and assigns, and its officers, and Parker A. Reische, Jr., individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of Magic Shaving Powder, Magic Cream Shave, or any depilatory product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from failing to clearly and conspicuously disclose on the outer package box, if such is used, and on the product label:

A. The following statement in boldface capital letters exactly as it appears below with nothing in contradiction thereof:

CAUTION: THIS PRODUCT MAY CAUSE SKIN IRRITATIONS. DO NOT USE IF SKIN IS TENDER OR SEVERELY IRRITATED. FOLLOW DIRECTIONS CAREFULLY.

The above statement shall appear as the first item on the information panel of the product label and package box, if such is used.

B. A statement that use of the product should be discontinued if irritation, burning or allergic reactions occur.

C. Complete directions for use of the product, including but not limited to the following:

1. The product should not be used in conjunction with an alcoholic shaving lotion;

2. The product should not be used if perspiring heavily;

3. One should not wash before using the product;

4. To avoid excessive irritation, the amount of time the product is left on the skin is crucial; and

5. If hairs remain after the first application, do not immediately reuse the product. The product should not be used in any event within 36 hours or longer after shaving with a razor or a depilatory.

III. *It is further ordered*, That respondents forthwith deliver a copy of this order to their present and future officers, directors and operating divisions and that respondents secure from each such person and division a signed statement acknowledging receipt of this order.

IV. *It is further ordered*, That respondents maintain complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after such record is made.

V. *It is further ordered*, That the individual respondent promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VI. *It is further ordered*, That respondent Carson Products Company notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

VII. *It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Nov. 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33137 Filed 12-9-75;8:45 am]

[Docket C-2759]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Diesel Truck Drivers Training School, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.15–195 Nature; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(c) Complaints; 13.533–55 Refunds, rebates and/or credits; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1490 Nature. — Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1670 Nature; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1892 Sales contract, right-to-cancel provisions; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Diesel Truck Drivers Training School, Inc., a corporation, and Robert L. Klabacka, individually and as an officer of said corporation.

Consent order requiring a Sun Prairie, Wis., seller and distributor of courses of instruction in truck driving, among other things to cease misrepresenting business affiliations, earnings, nature of business and opportunities in their services. Respondents are further required to make certain affirmative disclosures to prospective students and to give students a three-day cooling-off period during which they may cancel their contract with full refund of all monies paid.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Diesel Truck Drivers Training School, Inc., a corporation, its successors and assigns, and officers and Robert L. Klabacka, individually and as an officer of said corporation, and respondents' officers, agents, franchisees, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in truck driving or in any other subject, trade or vocation, or any other product or service, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. 1. Representing, directly or by implication, orally or in writing, that:

A. They are, or represent, or are affiliated with, trucking companies or any industry for which enrollees of any courses offered by respondents are being trained; or misrepresenting, in any manner, the nature of their business.

B. Persons receiving training will, or may, earn any specified amounts, or misrepresenting in any manner the prospective earnings of such persons.

C. They have been requested by trucking companies or any other business or organization to train persons for specific jobs, or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

D. Graduates of any courses will be qualified thereby for employment at jobs for which said graduates were purportedly trained, when additional training or experience is required.

E. There is a substantial demand, or a demand of any size or proportion, for persons completing any of the courses offered by the respondents in the field of truck driving or any other field, or otherwise representing, orally or in writing, that opportunities for employment, or opportunities of any type or number, are available to such persons, except as hereinafter provided in Paragraph 4 of this Order. *Provided, however*, That respondents shall cease and desist making such representations unless the respondents in each and every instance:

(1) Until the passage of a base period to be determined pursuant to Paragraph 4(b) of Part I of this Order, after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) Have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made, and;

(B) Have disclosed in immediate and conspicuous conjunction with any such representation, that: "All representations for potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

(2) After the passage of a base period to be determined pursuant to Paragraph 4(b) of Part I of this Order, and until two years after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where they did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(A) Make any such representations in the form and manner provided in Paragraph 4(b) of Part I of this Order, and

(B) Disclose in immediate and conspicuous conjunction with any such representation, that: "This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation."

2. Placing ads in "Help-Wanted" columns or representing by any means that employment is being offered when such offer is not a bona fide offer of employment.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course offered by respondents, the full cost of such course including the fee for any home study lessons and for any residential training.

4. Failing to deliver to each person who shall contract for the purchase of any course of training or instruction, at the

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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time such person so contracts, a notice, in a form approved by the Commission, which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) A paragraph reciting the following affirmative disclosures which shall be based upon information compiled not more than one year prior to the delivery of such notice:

(1) The placement data for graduates determined in the following manner:

Respondents shall, following the graduation of each student graduating during each six-month period, commencing with the six-month period ending on the last day of the month in which this Order is finally accepted by the Commission, undertake to determine the following information with respect to each such graduate: (a) his employment status; (b) the name of his employer and position, if any; and (c) his salary. The disclosure shall indicate the total number of graduates of the course; the number of those who have indicated to Respondents a desire for employment; the number of those desiring employment known by Respondents to be employed; the number of those desiring employment known to be unemployed; and the number of those desiring employment whose employment status is not known.

Separate placement data shall be calculated for each course of instruction offered in each school location or facility during such six-month period;

(2) A list or types of employers as indicated in responses to questionnaires sent pursuant to Subparagraph (1) above or otherwise within the actual knowledge of respondents which have hired the graduates referred to in Subparagraph (1) above in the positions for which such graduates were trained, and the percentage of employed graduates working for each type of employer;

(3) The salary range of the graduates referred to in Subparagraph (1) above. The "salary range" shall be the highest and lowest salary for full time employment indicated in responses to questionnaires sent pursuant to Subparagraph (1) above or otherwise within the actual knowledge of respondents with respect to such graduates.

Provided however, That this Subparagraph (b) shall be inapplicable until the first day of the seventh month following the month in which this order is finally accepted by the Commission.

(c) An explanation of the cancellation procedure provided in this Order, namely that any contract or other agreement may be cancelled for any reason until midnight of the third business day after receipt by the customer, via the U.S. Mails, of this notice.

(d) A detachable form which the person may use as notice of cancellation, which indicates the proper address for accomplishing any such cancellation.

This notice shall be sent by respondents no sooner than the next day after the person shall have contracted for the sale of any course of instruction; respondents, during such period provided for in subparagraph (c) above, shall not initiate contact with such person other than that required by this Paragraph.

Provided, however, That subparagraph (b) above shall be inapplicable to any newly established school that respondents may establish in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above. The following statement shall be included in such notice during such period:

All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

After such time as the new school or course has been in operation for the base period to be established pursuant to subparagraph (b) above, and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or the introduction of any new course by respondents, the following statement shall be included in such notice:

This school (course) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

5. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to midnight of the third business day after the date of receipt by the customer of the form of notice provided for in Paragraph 4 above. Upon cancellation of any said sales contract or other agreement as provided in Paragraph 4(c) above, respondents are obligated to refund within thirty business days to any person exercising the cancellation right, all monies paid or remitted up until the notice of cancellation.

6. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the trucking industry or of any member of any other industry.

7. Failing to refund within thirty days to purchasers who have cancelled their contracts such monies as may be due and owing according to the terms of such contracts.

II. 1. *It is further ordered*, That: (a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

2. *It is further ordered*, That respondents herein present to each interested applicant or prospective student immediately prior to the commencement of any interview or sales presentation conducted at any location other than respondents' offices during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited, a 5" x 7" card containing only the following language:

YOU WILL BE TALKING TO A SALESPERSON

3. *It is further ordered*, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

4. *It is further ordered*, That the respondent Diesel Truck Drivers Training School, Inc., shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this Order.

5. *It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

6. *It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission, Nov. 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33138 Filed 12-9-75;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Safety Regulations

Correction

In FR Doc. 75-30480 appearing at page 52815 of the issue for Thursday, November 13, 1975, in § 1512.5, paragraph (c) (1) in the right column of page 52822 is corrected to read as follows:

§ 1512.5 Requirements for braking system.

• • • • •

(c) *Footbrakes.* • • •

(1) *Stopping distance.* Bicycles equipped with footbrakes (except sidewalk bicycles) shall be tested in accordance with the performance test, § 1512.18 (e) (3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.57 m (15 ft) from an actual test speed of at least 16 km/h (10 mph). If the bicycle has a footbrake only and the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute), the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

• • • • •

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. Nos. 33-56471, 34-11864, 35-19261, 39-419, IA-489, IC-9051, FI-39]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Requests Made Under the Freedom of Information Act

The Commission today announced several changes to Subpart D of Part 200 of the Commission's rules, 17 CFR 200.80, dealing with the handling of requests for records under the Freedom of Information Act. These changes, which are effective immediately upon publication in the FEDERAL REGISTER are being made for the following reasons:

1. Paragraphs (d) (5) and (d) (6) (ii) of Section 200.80 are amended to reflect a recent internal reorganization by the Commission and a reassignment of responsibilities for implementing the provisions of both the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a, to the newly-created Office of Reports and Information Services.

2. Paragraph (c) (1) of Section 200.80 is amended to reflect the new telephone number of the Los Angeles Regional Office public reference facility.

3. Paragraphs (d) (2) and (d) (6) (i) of Section 200.80 are amended to provide that Freedom of Information Act requests and appeals should be clearly and prominently identified as such by means of a legend, such as "Freedom of Information Act Request" or "Freedom of Information Act Appeal" on both the envelope containing the request and on the top of the first page of the request or appeal itself. The Commission hopes that observance of this rule will facilitate the prompt identification by its staff of Freedom of Information Act requests and appeals and will enable the staff to avoid inadvertent delay which may occur when Freedom of Information Act requests are not clearly identified as such.

These rules are issued under the authority of provisions of the Administrative Procedure Act, 5 U.S.C. §§ 552, 553; Section 19 of the Securities Act of 1933, 15 U.S.C. § 77s; Section 23 of the Securities Exchange Act of 1934, 15 U.S.C. § 78w; Section 20 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79t; Section 319 of the Trust Indenture Act of 1939, 15 U.S.C. § 77sss; Section 38 of the Investment Company Act of 1940, 15 U.S.C. § 80a-37; and Section 211 of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-11. These amendments will have no effect on competition and relate only to matters of agency procedure and practice. The Commission therefore deems that further public notice and the rulemaking procedures provided in Section 4 of the Administrative Procedure Act, as amended, 5 U.S.C. Section 553, are unnecessary.

17 CFR 200.80 is, therefore, amended in the manner set forth.

§ 200.80 [Amended]

1. Paragraph (c) (1) of § 200.80 is amended by deleting "(213-688-5879)" and inserting "(213-473-4511)" after the words "Los Angeles, California 90024."

Paragraph (d) (2) is amended by adding the following two sentences: "Each request for information under the Freedom of Information Act should be clearly and prominently identified by means of a legend on the first page, such as 'Freedom of Information Act Request.' In addition, if sent by mail or otherwise submitted in an envelope or other cover, the front of such envelope or cover should be clearly and prominently marked by a legend such as 'Freedom of Information Act Request.'"

Paragraphs (d) (5) and (d) (6) (ii) of § 200.80 are amended by deleting the words "Public Information Officer" wherever they appear and inserting in their place the words "Freedom of Information Act Officer."

Paragraph (d) (6) (i) of § 200.80 as amended by inserting a comma after the words "shall be in writing" and by then inserting the words "shall be clearly and prominently identified on the envelope or other cover and at the top of the first page by a legend such as 'Freedom of Information Act Appeal,' • • • "

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 25, 1975.

[FR Doc.75-33170 Filed 12-9-75;8:45 am]

[Rel. No. 34-11872]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Exemption From Fingerprinting Requirements

The Securities and Exchange Commission today announced the adoption of temporary Rule 17f-2(T) [17 CFR 240.17f-2(T)], effective immediately, providing an exemption from the fingerprinting requirements of section 17(f) (2) of the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)], for all persons subject to that section, until April 1, 1976.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b) (3) (B)), that Rule 17f-2(T) [17 CFR 240.17f-2(T)] provides the Attorney General and those persons affected by the adoption of section 17(f) (2) with an essential transitional period during which appropriate programs may be developed, that notice and public procedure are therefore unnecessary as a prerequisite to the adoption of such rule, and that the rule should be adopted, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d) (3)), in order to prevent technical violations of law and to afford the Commission an opportunity to solicit public comment on the adoption of Pro-

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posed Rule 17f-2 [17 CFR 240.17f-21.[1] The Commission further finds that the adoption of Rule 17f-2(T) imposes no burden on competition not necessary or appropriate in furtherance of the purposes of this Act, and is not inconsistent with the public interest or the protection of investors.

Commission Action: Pursuant to sections 17(a), 17(f)(2), and 23(a) of the Act, the Securities and Exchange Commission adopts temporary Rule 17f-2(T) in Chapter II of Title 17 of the Code of Federal Regulations.

Section 240.17f-2(T) is added as follows:

§ 240.17f-2(T) Exemption from fingerprinting requirements.

Any person who is a partner, director, officer or employee of a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, and who is required to be fingerprinted pursuant to section 17(f)(2) of the Securities Exchange Act of 1934 is exempted from the provisions of said section until April 1, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75-33236 Filed 12-9-75;8:45 am]

Title 18—Conservation of Power, Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM 75-5; Order No. 542]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Reporting Costs of Environmental Protection Facilities and Activities

DECEMBER 2, 1975.

On August 29, 1974, the Commission issued a Notice of Proposed Rulemaking in this Docket (39 FR 32153, September 5, 1974). This rulemaking proposed to add two new schedules to the FPC Annual Report Form No. 1 for the reporting of capital costs and annual expenses of operating environmental protection facilities and the attendant programs.

Comments were invited from interested parties on or before October 15, 1974. Comments were received from twenty-six respondents. The List of Respondents is designated as Attachment A hereto.

The majority of the respondents supported the proposed rulemaking, however, several of these respondents suggested modifications to the proposal. The suggested modifications proposed were essentially isolated and did not represent a consensus of the respondents.

The most numerous comments received expressed concern over the ability of the utilities to compile the data proposed for all existing environmental protection facilities, regardless of the date of installation and the reporting burden such a requirement would place on them. A number of the respondents were also concerned over the validity of the data reported without the establishment of more rigid standards and guidelines. They suggested that the Commission adopt standards for plant designs, costs and other factors.

As a result of the comments cited above and other comments received, we have amended our original proposals in this docket to incorporate certain of the suggestions received in order to facilitate compliance therewith. These amendments are mentioned below.

We have amended the original proposal to require the reporting of capital cost data on those facilities installed since January 1, 1969. Certain certified pollution control facilities placed in service after this date were eligible for accelerated tax amortization under the Internal Revenue Code and it would be necessary for utilities to maintain records for purposes of showing eligibility of facilities for such rapid tax write off. The Commission also caused certain pollution control data to be compiled since this date for purposes of compliance with FPC Report Form No. 67, Steam-Electric Air and Water Quality Control Data (Order No. 492, 38 F.R. 27606, October 15, 1973). We believe that, in view of the degree of detail available to the respondents since this date, this revision will provide the Commission and the public with reliable data on the majority of the total and all of the latest environmental protection facilities. A secondary benefit of this revision will be the purging of questionable data on historic expenditures on pre-1969 facilities.

Although a number of the respondents suggested that the Commission prescribe more rigid standards for certain designs and plant concepts, we do not believe that it is in the best interest of all the parties involved since each company must meet the various environmental standards required by local communities. We believe that the utilities are capable of determining the appropriate costs to be reported in the proposed schedules, under the broad guidelines proposed, inasmuch as they are intimately familiar with the various local regulations that influence plant design. It might, however, be possible, at some future date, through analysis of the explanations of methods and methodology employed in reporting the data, to develop revised guidelines for certain of the items therein.

Certain comments were received concerning the valuation of replacement power made necessary by the addition of environmental protection equipment or compliance with Federal or local legislation or guidelines. We have amended our original proposal to require that such power be valued at its purchase price when actually purchased and such price is known, otherwise at the system average cost of purchased power. In the case of generated replacement power, this power shall be priced at its cost of production if known, otherwise at the system average cost of production.

It was proposed that cost data on certain nuclear radiation control facilities be collected on schedule page 501. However, the item list was made up of items that are required by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 and are either necessary in the operation of nuclear facilities or are required for safety purposes. Consequently, we have deleted the proposed item list entitled "Nuclear Radiation Control Facilities" from schedule page 501. Those facilities utilized in connection with nuclear power production that are environmental in nature are provided for elsewhere on schedule page 501 under other captions.

We have adopted, in page 501, the suggestions of certain of the respondents that the requirements therein be amended to require the reporting of expenditures for environmental facilities included in construction work in progress. This additional data enhances the disclosure of the full impact of environmental costs and makes the total data reported more meaningful.

As proposed, the various items in the classifications of expenses to be reported on page 502 are all operating in nature except for item 7. Interest Expense, which is normally a below-the line item. After consideration, we have decided to delete this requirement so that environmental expenses will include the same type costs as are incurred in operating other facilities.

Certain other comments that were of a minor or editorial nature have been incorporated into the schedules in order to clarify the schedules and the instructions thereto.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking with respect to the matters presently before this Commission through submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to section 141 of Title 18, Chapter I of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) That it is necessary and expedient for the Commission and the public to have access to information which will lend insight into the kind and magnitude of costs being incurred for environmental protection facilities and programs and the related expenses.

(4) Since the revisions prescribed herein which were not included in the notice in this proceeding are consistent with the prime purpose of the Proposed Rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the FPC Form No. 1 effective for the reporting year 1975.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 301, 302, 303, 304 and 309 thereof (49 Stat. 854–856, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h), *orders:*

(A) Paragraph (d) of § 141.1, Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding two schedules entitled "Environmental Protection Facilities" and "Environmental Protection Expenses," respectively, immediately following "Research and Development Activities." As so amended, the subparagraph reads:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) This annual report contains the following schedules:

* * * * *

Environmental Protection Facilities.
Environmental Protection Expenses.

* * * * *

(B) Effective the reporting year 1975, the FPC Annual Report Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), is amended by the addition of two new schedules paginated as 501 and 502 and entitled "Environmental Protection Facilities" and "Environmental Protection Expenses," respectively, and by repaginating the schedule entitled "Attestation" from 449 to 503, all as set forth in Attachments B, C and D hereto.[1]

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

RESPONDENTS TO DOCKET NO. RM75-5

Electric utilities
Alabama Power Company
American Electric Power Company
Appalachian Power Company
Indiana & Michigan Electric Company
Kentucky Power Company
Kingsport Power Company
Michigan Power Company
Ohio Power Company
Wheeling Electric Company
Boston Edison Company
Central Hudson Gas & Electric Company
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Commonwealth Edison Company
Consolidated Edison Company of New York, Inc.
Consumers Power Company
Detroit Edison
Florida Power & Light Company
Georgia Power Company
GPU Service Corporation
Jersey Central Power & Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Iowa-Illinois Gas & Electric Company
Mississippi Power Company
New England Power Service Company
Granite State Electric Company
Massachusetts Electric Company
The Narragansett Electric Company
New England Power Company
Niagara Mohawk Power Corporation
Otter Tail Power Company
Potomac Electric Power Company
Public Service Electric & Gas Company
Public Service Indiana
Southern California Edison Company
Wisconsin Public Service Corporation
Government agency
United States Environmental Protection Agency
Public power project
Salt River Project
Accounting firm
Price Waterhouse & Company

[1] Filed as part of the original document.

[FR Doc.75-33143 Filed 12-9-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75P-0290]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Multiunit and Multicomponent Food Packages; Exemptions From Required Label Statements

Effective December 10, 1975, the Commissioner of Food and Drugs is exempting, under certain specific circumstances, unit containers in a multiunit or multicomponent retail food package, including the wrappers on subdivisions of oleomargarine or margarine contained within packages sold at retail, from the requirements for label declaration of ingredients.

In a notice published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20885), the Commissioner, in response to a petition by the National Association of Margarine Manufacturers, proposed to amend § 1.1c (21 CFR 1.1c) to exempt unit containers in a multiunit or multicomponent retail food package from the requirements for label declaration of ingredients, provided that the outside of the retail package is properly labeled and the unit containers do not constitute separate units for retail sale. The Commissioner also proposed to amend § 3.17(i) (21 CFR 3.17(i)) to conform with § 1.1c so that the wrappers on subdivisions of oleomargarine or margarine contained within packages sold at retail would be exempt from the requirements for label declaration of ingredients, provided the packages sold at retail are properly labeled and the subdivisions do not constitute separate units for retail sale.

Sixteen comments on the proposal were received: Four from consumers, one from a consumer organization, one from a university department of food science, one from a Federal agency, two from State departments of agriculture, four from trade organizations, and three from manufacturers.

The comments from the university department of food science, the two State departments of agriculture, and one of the consumers expressed approval of the regulation as proposed. The remaining comments and the Commissioner's responses are as follows:

1. Two comments stated that the requirement in proposed § 1.1c(a)(14) that unit containers be "securely enclosed" within the retail package is too vague: An alternative phrase, "* * * the unit containers do not constitute separate units for retail sale * * *", was suggested by these comments.

The Commissioner concludes that the language in proposed § 1.1c(a)(14) is sufficiently clear and precise in its meaning and that the suggested substitute language might be confusing. The manufacturer has a duty to package unit containers, labeled in accordance with this exemption, in a manner which will discourage the retail sale of unit containers. To this end, it is essential that unit containers be securely enclosed within the retail package, and accordingly the language of § 1.1c(a)(14), as proposed, has been retained.

2. Three consumer comments opposed the proposal, stating that retail food stores allow customers to remove unit containers from multiunit or multicomponent retail containers. One of these comments was supported by the statement "I have often seen margarine and butter cartons opened and only a quarter or half pound purchased." The consumer organization similarly opposed application of the proposed exemption to "butter and margarine products," stating that these are "often bought by the quarter-pound" (although the consumer organization supported the exemption for "subdivisions of products which are not separate units for retail sale"). However, one trade association submitted data, based on a survey of 1,000 retail food stores, to support its contention that margarine is seldom purchased in individual "sticks" taken from the customary 1-pound packages. A food manufacturer proposed that individual components or units bear an appropriate statement immediately below the product name, such as "not to be sold separately" or "not to be sold as a separate unit," when the ingredient listing does not appear.

The Commissioner advises that manufacturers wishing to utilize this exemption have an obligation to package unit containers in a manner that will discourage separate sale of the units therein and will result in a clear understanding that the unit containers do not constitute separate units for retail sale. Accordingly, the final regulation provides that to qualify for the exemption, component units must be enclosed securely in the retail package (as discussed in paragraph 1 above); in addition, the regulation has been revised to require that such unit containers be labeled with the statement "This Unit Not Labeled For Retail Sale" and that multiunit or multicomponent retail packages containing the unit containers be labeled with the statement "Inner Units Not Labeled For Retail Sale."

[1] See FR Doc. 75-33237 in the Proposed Rules section of this issue under Securities and Exchange Commission.

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The Commissioner advises that this regulation exempts unit containers only when packaged and sold as part of a multiunit or multicomponent retail package. Unit containers removed from the multiunit or multicomponent package are not exempt. Consequently, unit containers which are sold separately or are separately held for retail sale will be deemed to be misbranded within the meaning of section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343). Thus, a manufacturer whose unit containers fail to comply properly with this exemption violates section 301(a) of the act (21 U.S.C. 331(a)) which prohibits "The introduction or delivery for introduction into interstate commerce of any food • • • that is • • • misbranded." Moreover, a retailer who allows the sale of individual unit containers, properly labeled under this exemption, separate from their multiunit or multicomponent food package will be considered in violation of section 301(k) of the act which prohibits "The • • • removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, • • • if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being • • • misbranded."

3. One comment suggested that § 1.1 c(a)(14) be revised "so as to permit the elimination of all labeling information."

The Commissioner advises that it is permissible for a unit container within a multiunit or multicomponent food package to bear no written, printed, or graphic matter, since such a unit container is not a "label" or "labeling" as defined in section 201(k) and (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(k) and (m)). Hence, there is no need for any "exemption" to authorize use of an interior unit container devoid of all written, printed, or graphic matter. (Wrappers on interior sticks of margarine are an exception. Such wrappers cannot be devoid of all written, printed, or graphic matter because section 407(b)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 347(b)(4)) requires that such wrappers bear the word "oleomargarine" or "margarine." Consequently such wrappers are "labels" within the meaning of section 201(k) of the act and must bear all mandatory labeling under the act, subject to the exemption concerning ingredient declaration provided by the regulation promulgated below or any other applicable regulations.)

4. One comment concerning margarine stated that it "presume[d] the language of proposed 3.17(i), and/or that of proposed 1.1c(a)(14), apply to inner units that are other than wrappers (e.g., tubs for soft margarine)."

The Commissioner advises that the exemption of § 3.17(i) specifically applies only to margarine "wrappers." The Commissioner interprets the term "wrapper" to mean the usual paper or foil wrapper in use at the time section 407(b)(4) was enacted, and not a tub or other similar container. Inner units other than "wrappers" are entitled to the exemption of § 1.1c(a)(14).

Accordingly, an individual inner-unit tub of margarine, not sold individually, may be devoid of any written, printed, or graphic matter since it is not a "wrapper." However, written, printed, or graphic matter on such a tub would be a label within the meaning of section 201(k) of the act, and thus the presence of any written, printed or graphic matter would require the tub to bear all mandatory labeling under the act, subject to the exemption from ingredient labeling promulgated below or any other applicable regulations.

5. One comment suggested that section 407(b)(4) of the act, which requires that the name "oleomargarine" or "margarine" appeal on each unit wrapper in not less than 20-point type, be deleted.

The Commissioner advises that he does not have the authority to alter the provisions of the act. Such legislative authority is vested exclusively in the Congress.

6. One comment suggested that inner-until labeling should be further simplified by permitting the use of a manufacturer's code number in lieu of stating in English the name and place of business.

The Commissioner does not agree with this suggestion. Information in code form on the unit container is likely to be either meaningless or misunderstood by the consumer. The Commissioner concludes that the most informative and appropriate manner of presenting this information is a complete declaration as presently required.

7. One manufacturer stated that "As a safeguard against removal of any of the components from within the retail or outer pack carton, we suggest that the carton (unit seen at point of purchase) be so designed that it would not have a resealable feature in its construction, which would further deter the sale of individual components."

The Commissioner is of the opinion that the provisions of the regulations, which require that the unit containers be "securely enclosed within and not intended to be separated from the retail package" and which furthermore require labeling on the unit containers and on the multiunit or multicomponent retail packages advising that the unit containers are not labeled for retail sale, are sufficient to prevent consumer deception in this matter. The Commissioner does not feel that he would be justified in mandating at this time a single type of construction design for multiunit or multicomponent packages.

8. One comment suggested that the unit containers in a multiunit or multicomponent retail food package be exempt from compliance with the net quantity of contents statement, on the basis that exemption of the net quantity of contents statement would enable the firm to reduce its necessary film labeling inventory and the consumer would benefit in not having to absorb the cost for the extra labeling involved.

The Commissioner advises that this exemption was not a part of the published proposal and, therefore, could not be made part of the final regulation without the opportunity for public comment. Furthermore, the Commissioner concludes that sufficient data have not been submitted to justify publishing such a proposed exemption.

9. One comment suggested that the outer multicomponent carton or package "list the inner components in the mandatory ingredient panel in a separate manner, and specify each component by name, net weight and specific ingredients for each respective component."

The Commissioner concludes that, although labeling in the proposed manner may be of some benefit to the consumer in making value comparisons, insufficient evidence was presented to require it as a mandatory labeling format.

10. One comment stated that proposed § 3.17(d) is "unnecessary and may be cause for confusion" since there is the implication "that unless specific provisions are provided in the regulations for specific products, the addition of nutrients may not make nutrition labeling mandatory." It was suggested that § 3.17 (d) be deleted.

The Commissioner agrees with this comment. The nutrition labeling regulation, 21 CFR 1.17(a), specifically provides that "inclusion of any added vitamin, mineral, or protein in a product" subjects the label to the requirements of that section. Accordingly, § 3.17(d) has been deleted from the final regulation.

11. The petitioner urged that there be "uniformity in margarine inner-unit labeling between the Food and Drug Administration rules and those of the Department of Agriculture" and contended that "the present dual regulatory system does not always produce such uniformity, despite the good intentions of each agency."

The Commissioner advises that the U.S. Department of Agriculture filed a comment in response to the notice of proposed rule making in this matter and that he has accepted the USDA's one suggestion for change in the regulations. Both the U.S. Department of Agriculture and the Food and Drug Administration appear to be in accord on this matter.

The Commissioner has carefully considered the environmental effects of this regulation and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 403 (g)(2), (i)(2), (k), 407, 701(a), 52 Stat. 1047–1048, 1055, 64 Stat. 20 (21 U.S.C. 343 (g)(2), (i)(2), (k), 347, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 1 by adding new paragraph (a)(14) to § 1.1c to read as follows:

§ 1.1c Exemptions from required label statements.

• • • • •

(a) • • •

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403(g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of ingredients when (i) the multiunit or multicomponent retail food package labeling meets all the requirements of this part; (ii) the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale; and (iii) each unit container is labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height, and each multiunit or multicomponent package principal display panel is labeled with the statement "Inner Units Not Labeled For Retail Sale" in type size not smaller than the minimum type size required for the declaration of net quantity of contents by § 1.8b.

• • • • •

2. In Part 3 by deleting and reserving paragraph (d) and by revising paragraph (i) of § 3.17 to read as follows:

§ 3.17 Labeling of oleomargarine or margarine.

• • • • •

(d) [Reserved]

• • • • •

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201(k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug, and Cosmetic Act, just as in the case of 1-pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from the requirements for label declaration of ingredients of section 403 (g)(2), (i)(2), and (k) of the act when the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale, the wrappers on the subdivisions are labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height, and each multiunit package principal display panel is labeled with the statement "Inner Units Not Labeled for Retail Sale" in type size not smaller than the minimum size required for the declaration of net quantity of contents by § 1.8b of this chapter.

Effective date. This regulation shall become effective December 10, 1975.

(Secs. 403 (g)(2), (i)(2), (k), 407, 701(a), 52 Stat. 1047–1048, 1055, 64 Stat. 20 (21 U.S.C. 343 (g)(2), (i)(2), (k), 347, 371(a)).)

Dated: December 2, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-33156 Filed 12-9-75;8:45 am]

[Docket No. 75P-0272]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption From Declaration of Net Quantity of Contents

The Commissioner of Food and Drugs is adding new paragraph (t) to § 1.8b (21 CFR 1.8b) to provide for an exemption from the requirement of an accurate label declaration of the net quantity of contents of packaged food. The paragraph provides that food products whose actual weight, because of unintentional product variation, is less than the declaration of the net quantity of contents appearing on the label may be sold by the manufacturer or processor of the food directly to institutions operated by Federal, State, or local governments (schools, prisons, hospitals, etc.). The regulation becomes effective December 10, 1975.

In the FEDERAL REGISTER of September 18, 1974 (39 FR 33538), the Commissioner issued a proposal to amend § 1.8b by adding a new paragraph (t) to provide such an exemption. Mislabeling may occur, for example, because of equipment malfunctioning or because the packaging process has not been refined enough to eliminate all possibility of quantity variation.

Where it is not feasible to recycle or relabel such food, the exemption granted by this regulation would obviate the need to destroy such food to prevent its unlawful entry into interstate commerce.

Twenty-four comments were received in response to the proposal. Comments came from individual citizens, State and local officials, educational institutions, and industry. Five comments endorsed the proposal as it appeared in the FEDERAL REGISTER; seventeen comments endorsed the proposal but requested various modifications; two comments opposed the proposal.

The comments received and the Commissioner's response are summarized as follows:

1. One comment opposing the proposal stated that institutions are entitled to full information about the products they purchase.

The Commissioner agrees that all persons, including Federal, State and local institutions as specified in the regulation, are entitled to full information about the net quantity of contents of the packaged foods they purchase. He concludes that compliance with the requirements of § 1.8b(t) will ensure that public institutions that wish to purchase products that are inadvertently short-weight will be fully informed of the net quantity of contents; § 1.8b(t) requires a statement signed by the purchaser that he is aware that the product is mislabeled. It also requires that the outside of the product shipping container bear a conspicuous statement of the nature and extent of the mislabeling.

2. Two comments suggested that short-weight merchandise should be donated to charitable institutions so that corporations would not be tempted to weigh the profit against the penalty. It was stated that a lighter penalty would further tip the balance in favor of underweighting.

The Commissioner is of the opinion that donation to charitable institutions of short-weight food products suitable for consumption is a commendable practice, but he notes that any such donation is strictly on the initiative of the manufacturer or processor who owns the product. The Commissioner concludes that, although the exemption provided by § 1.8b(t) may increase profits somewhat by reducing waste, there is no reason to believe that the provisions of § 1.8b(t) will lead to an increased incidence of short-weight food products.

3. Several comments endorsing the proposal cited the food shortage and the rising cost of food as their primary concern.

The Commissioner is aware of the problems of food shortages and rising food costs and believes that § 1.8b(t) will help to alleviate these problems by reducing the amount of food waste that occurs because of the destruction of short-weight food products that are mislabeled due to equipment malfunction or other causes of unavoidable product variation.

4. Several comments suggested that one or more additional types of buyers—such as "thrift stores," "outlet stores," all user institutions, nonprofit institutions, procurement agencies controlled by government institutions, brokers, distributors, and wholesalers—should be included among the persons allowed to purchase the inadvertently mislabeled products.

The Commissioner concludes that the regulation will not be modified to permit the sale of inadvertently mislabeled foods to institutions other than those operated by Federal, State, or local governments. To expand the exemption beyond these institutions would unduly increase the risk that such products might be diverted for sale directly to retail consumers. A government-controlled procurement agency may of course help to arrange purchases by a government institution, as required by this regulation.

5. Two comments suggested that the proposal be amended to require that each package be stamped, overprinted, or otherwise marked to state conspicuously and clearly the true minimum contents of the individual package.

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The Commissioner does not believe that this is necessary since the institutional purchaser is required to sign a statement at the time of sale stating that he is aware that the product is mislabeled regarding the quantity of contents and that any subsequent distribution of the product by him, except for his own institutional use, is unlawful. The retail consumer is protected: If any portion of the merchandise is diverted into retail channels, the food will be deemed to be misbranded and subject to appropriate regulatory action by the Food and Drug Administration.

6. Several comments requested that the exemption be extended to include minor discrepancies that occur unintentionally for reasons other than equipment malfunction.

The Commissioner advises that the regulation is not limited to situations where the mislabeling of net quantity of contents occurs because of equipment malfunction. The regulation also encompasses inaccurate net quantity of contents declarations resulting from "otherwise unintentional product variation." Accordingly, modification of the regulation in this respect is unnecessary.

7. One comment suggested that the exemption should be extended to include all industries bound by Federal labeling requirements for disclosure of weight, volume, or numerical count.

The Commissioner's proposal addressed itself to food labeling requirements, and it would improperly exceed the scope of the proposal for the final regulation to apply to articles other than foods. (And of course, the Commissioner's authority is limited in this proceeding to articles subject to the Federal Food, Drug, and Cosmetic Act.) However, the exemption has been expanded to encompass food label statements concerning volume as well as weight.

8. One comment suggested that the exemption be extended to standardized foods that have inadvertently been packaged below requirements for drained weight or for fill of container.

The Commissioner agrees, and the regulation is amended to incorporate appropriate provisions for this purpose.

9. One comment requested that the proposed disclaimer be reworded to read "actual net contents may be as low as ____% below labeled quantity."

The Commissioner has revised the disclaimer language so that it will be easier for the purchaser to understand.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–1056, as amended by 68 Stat. 55, 70 Stat. 919, 72 Stat. 948, 74 Stat. 398 (21 U.S.C. 371)) and the Fair Packaging and Labeling Act (sec. 5(b), 80 Stat. 1296 (15 U.S.C. 1454(b))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended in § 1.8b by adding new paragraph (t), to read as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

(t) Where the declaration of net quantity of contents is in terms of net weight and/or drained weight or volume and does not accurately reflect the actual quantity of the contents or the product falls below the applicable standard of fill of container because of equipment malfunction or otherwise unintentional product variation, and the label conforms in all other respects to the requirements of this chapter (except the requirement that food falling below the applicable standard of fill of container shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter), the mislabeled food product, including any food product that fails to bear the general statement of substandard fill specified in § 10.7(b) of this chapter, may be sold by the manufacturer or processor directly to institutions operated by Federal, State or local governments (schools, prisons, hospitals, etc.): *Provided*, That:

(1) The purchaser shall sign a statement at the time of sale stating that he is aware that the product is mislabeled to include acknowledgement of the nature and extent of the mislabeling, e.g., "Actual net weight may be as low as ____% below labeled quantity") and that any subsequent distribution by him of said product except for his own institutional use is unlawful. This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subequent to the date of shipment of the product and shall be available to the Food and Drug Administration upon request.

(2) The product shall be labeled on the outside of its shipping container with the statement(s):

(i) When the variation concerns net weight and/or drained weight or volume —"Product Mislabeled. Actual net weight (drained weight or volume where appropriate) may be as low as ____% below labeled quantity. This Product Not for Retail Distribution", the blank to be filled in with the maximum percentage variance between the labeled and actual weight or volume of contents of the individual packages in the shipping container, and

(ii) When the variation is in regard to a fill of container standard—"Product Mislabeled. Actual fill may be as low as __% below standard of fill. This Product Not for Retail Distribution."

(3) The statements required by paragraphs (t)(2)(i) and (t)(2)(ii) of this section, which may be consolidated where appropriate, shall appear prominently and conspicuously as compared to other printed matter on the shipping container and in boldface print or type on a clear, contrasting background in order to render them likely to be read and understood by the purchaser under ordinary conditions of purchase.

Effective date. This regulation shall become effective December 10, 1975.

(Sec. 701, 52 Stat. 1055–1056 as amended by 68 Stat. 55, 70 Stat. 919, 72 Stat. 948, 74 Stat. 398 (21 U.S.C. 371); sec. 5(b), 80 Stat. 1296 (15 U.S.C. 1454(b)).)

Dated: December 2, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-33157 Filed 12-9-75;8:45 am]

[Docket No. 75P-0291]

PART 37—FISH

Canned Pacific Salmon; Confirmation of Effective Date of Order Amending Standards of Identity and Fill of Container

In the FEDERAL REGISTER of May 23, 1975 (40 FR 22540), the Commissioner of Food and Drugs amended the standards of identity (21 CFR 37.10) and fill of container (21 CFR 37.12) for canned Pacific salmon to adopt, insofar as practicable, the provisions of the Recommended International Standard for Canned Pacific Salmon.

The amendment provided that any person who would be adversely affected could at any time on or before June 23, 1975, file written objections to, and also request a hearing on, the amended regulation.

Pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 701(e)(2), 70 Stat. 919 (21 U.S.C. 371(e)(2))) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the regulations published May 23, 1975, and that the effective date for full compliance with the regulations was Jul. 22, 1975.

Dated: December 3, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-33158 Filed 12-9-75;8:45 am]

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Cephapirin Sodium for Intramammary Infusion

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-222V) filed by Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201, proposing safe and effective use of cephapirin sodium for intramammary infusion for treating mastitis in lactating cows. The application is approved, effective December 10, 1975.

Based upon an evaluation of the data before him, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues and milk of cattle treated with cephapirin sodium infusion under the approved conditions of use are safe for human use.

The Commissioner is amending Parts 529 and 556 (21 CFR Parts 529, 556) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120) Parts 529 and 556 are amended as follows:

1. In Part 529, by adding new § 529.365 to read as follows:

§ 529.365 Cephapirin sodium for intramammary infusion.

(a) *Specifications.* Each 10-milliliter dose contains 200 milligrams of cephapirin sodium activity in a peanut-oil gel.

(b) *Sponsor.* See No. 000015 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.115 of this chapter.

(d) *Conditions of use.* (1) The drug is used for the treatment of lactating cows having bovine mastitis caused by susceptible strains of *Streptococcus agalactiae* and *Staphylococcus aureus*.

(2) Administer one dose into each infected quarter immediately after the quarter has been completely milked out. Do not milk out for 12 hours. Repeat once only in 12 hours. If improvement is not noted within 48 hours after treatment, consult your veterinarian.

(3) Milk that has been taken from animals during treatment and for 96 hours (8 milkings) after the last treatment must not be used for food. Treated animals must not be slaughtered for food until 4 days after the last treatment.

2. In Part 556, by adding a new § 556.115 to read as follows:

§ 556.115 Cephapirin.

A tolerance of 0.02 parts per million (ppm) is established for residues of cephapirin in the milk and 0.1 ppm in the uncooked edible tissues of dairy cattle.

Effective date. This regulation shall be effective December 10, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 2, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-33154 Filed 12-9-75;8:45 am]

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Chlortetracycline Boluses

The Commissioner of Food and Drugs has evaluated a supplemented new animal drug application (65-047V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing safe and effective use of chlortetracycline boluses for treatment of bacterial enteritis and pneumonia in calves. The supplemental application is approved, effective December 10, 1975.

The Commissioner is amending Part 546 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 560 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 546 is amended in Subpart A by adding new § 546.110h, to read as follows:

§ 546.110h Chlortetracycline boluses.

(a) *Requirements for certification.* The requirements for certification for chlortetracycline boluses are described under § 546.110d. Each bolus contains 250 milligrams of chlortetracycline hydrochloride. Its moisture content is not more than 6.0 percent.

(b) *Tests and methods of assay.* The tests and methods of assay are described in § 446.110a of this chapter. The moisture content is determined using the method described under § 436.201 of this chapter.

(c) *Conditions of marketing.* It is used in calves.

(1) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(2) *Related tolerances.* See § 556.150 of this chapter.

(3) *Indications for use.* It is used for treatment of bacterial enteritis (scours) caused by *E. coli* and bacterial pneumonia associated with *Pasteurella spp., Klebsiella spp.*, and *Hemophilus spp.*

(4) *Limitations.* Administer 1 bolus (250 milligrams) for each 50 pounds of body weight every 12 hours daily for 3 to 5 days; if no improvement is noted after 3 days of treatment, consult a veterinarian; administer by placing well back on the tongue by hand or with a balling gun, or crushed and dissolved in milk or water for drenching or bucket feeding; do not use for more than 5 days; do not slaughter animals for food within 24 hours of latest treatment.

Effective date. This regulation shall be effective on December 10, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 4, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-33155 Filed 12-9-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of the New Mexico Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) whereby States may submit for approval, under the requirements of that section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards. New Mexico first submitted a plan under this section to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) on July 25, 1973 (38 FR 36780). Initial review of the plan revealed numerous serious deficiencies which remained unresolved after discussions and meetings between State and Federal representatives. Therefore, the Assistant Secretary initiated proceedings to reject the plan under section 18(d) of the Act and notice to that effect was published in the FEDERAL REGISTER, enumerating the Assistant Secretary's findings with regard to the provisions of the New Mexico State plan dealing with sanctions and their application, employee rights and obligations, and regulation of hasards along with explanations of why these provisions were considered to be not at least as effective as comparable Federal provisions (39 FR 42726). Before hearing on the proposed rejection, the New Mexico legislature enacted new enabling legislation in its 1975 session substantially similar to the comparable Federal provisions.

The State formally submitted its revised plan, containing the new legislation, to the Assistant Secretary on June 4, 1975; and the Secretary of Labor and the State of New Mexico, by stipulation, dismissed the pending rejection proceeding. On August 21, 1975, a notice was published in the FEDERAL REGISTER (40 FR 36575) concerning the resubmission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him.

The plan designates the New Mexico Environmental Improvement Agency as the agency with the responsibility for the administration of the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in

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§ 1902.2(c)(1) of Title 29, Code of Federal Regulations, and includes legislation enacted in 1972 and amending legislation which was enacted on April 10, 1975. In addition, the State has adopted Federal occupational safety and health standards as of June 1975, the OSHA Field Operations Manual, and contains regulations adopted August 8, 1975, which are substantially identical to 29 CFR Parts 1903, 1904 and 1905. A further description of the plan and the schedule for its development are summarized in a new Subpart DD of 29 CFR Part 1952 appearing below.

2. *Issues.* The National Office review of the revised New Mexico plan revealed problems which were communicated to the State. The State responded to each of the National Office comments, as well as public comments submitted by the American Federation of Labor and Congress of Industrial Organizations, in a letter dated November 4, 1975, from Aaron Bond, Director of the Environmental Improvement Agency, to Barry J. White, Associate Assistant Secretary for Regional Programs. This letter clarified and expanded the plan and all outstanding problem areas of the plan were resolved. The major issues are discussed below:

(a) Section 59–14–16(D) of the amended legislation provides for employer or employee contests within 15 days after citation. However, a notice of contest results in an informal hearing, after which another notice of contest must be filed (again within 15 days) to request a formal hearing. This procedure was considered to be confusing and likely to lead to lengthy delays. In response to this criticism, the State submitted language for proposed amending legislation which will remove the requirement for a mandatory informal hearing completely, and substitute language identical to section 10 of the Federal Act. The State, in the November 1, 1975 letter gave assurances that until such amendment is enacted, an interim procedure whereby any delays would be minimized will be invoked. This will include prompt institution of informal hearings, usually within five days, and other procedures.

b. *Training.* The State Plan and proposed budget appeared to provide a minimal training program for employers and employees. In addition, more information was deemed necessary concerning the State's plans for the training of its compliance officers.

The State in its letter of assurances has offered adequate information and clarification about the program's goals for the employer-employee education program by pointing out the program's authorization under the State Plan, demonstrating its funding under the Technical Services section of the proposed grant, and noting the allocation of three full-time personnel to the Technical Services Program. Resources have also been programmed for the necessary visual and audio aid equipment, other supplies necessary for the presentation of the courses, and various associated expenses such as travel, rent, and utilities.

The State has offered adequate assurance that appropriate funding will be sought on a continuing basis "to make not only basic but also advanced and refresher training available to the State's program staff." Certain technical training will be obtained from various courses offered by the Occupational Safety and Health Administration's Training Institute and by the National Institute for Occupational Safety and Health. Adequate funding for the travel of the State's compliance officers to the various training sites is provided in the proposed grant.

c. *Recordkeeping and reporting.* The Bureau of Labor Statistics (BLS) in its comments objected to the lack of assurances that the State would seek prior approval for any additional employer recordkeeping and reporting required by the State, that the State would amend its recordkeeping and reporting requirements to reflect any change in 29 CFR Part 1904, and that the State would require public employers to meet the same recordkeeping and reporting requirements as the private sector.

The State of New Mexico, in its letter of November 4, 1975, provided all assurances as requested above.

3. *Decision.* After careful consideration of the New Mexico Plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

The decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii), the present level of Federal enforcement will not be diminished until the State has been determined to be operational under the meaning of 29 CFR 1954.3. Thereafter, Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Mexico.

The New Mexico plan is developmental. The following are the highlights of the schedule of developmental steps provided by the plan:

(a) Development of a complete and operating management information and control system by January 1, 1976.

(b) Submission of the State's occupational safety and health poster for approval by January 31, 1976.

(c) Promulgation of rules of procedures for administrative review by the New Mexico Occupational Health and Safety Review Commission by January 31, 1976.

(d) Enforcement program to achieve operational status by December 1, 1976.

(e) Amendments to basic legislation to become effective by July 1, 1977.

(f) Public employee program to become operational by July 1, 1977.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding a new Subpart DD as follows:

Subpart DD—New Mexico

Sec.
1952.360 Description of the plan.
1952.361 Where the plan may be inspected.
1952.362 Level of Federal enforcement.
1952.363 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart DD—New Mexico

§ 1952.360 Description of the plan.

(a)(1) The plan identifies the New Mexico Environmental Improvement Agency, with its subordinate organization, the Occupational and Radiation Protection Division, as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1909.2(c)(1) of this chapter. The State has adopted the Federal Field Operations Manual and all the Federal standards except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring). In addition, the Occupational and Radiation Protection Division will be enforcing State standards under the Radiation Protection Act (Chp. 284, Laws of 1971, 12–9–1 through 12–9–11, New Mexico Statutes Annotated). However, since this Act provides protection to the general public, in the event of conflict between Radiation Protection Act standards and occupational safety and health standards, employees will receive the protection provided under the more stringent regulation.

(2) The plan provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions; procedures for the development and promulgation of standards, including standards for the protection of employees against new and unforeseen hazards; and procedures for the prompt restraint of imminent danger situations.

(b)(1) The plan includes legislation enacted by the New Mexico Legislature during its 1975 legislative session amending Chp. 63, Laws of 1972, 59–14–1 through 59–14–23 of the New Mexico Statutes Annotated to bring them into conformity with the requirements of Part 1902 of this chapter. Under the legislation, the Environmental Improvement Agency will have full authority to enforce and administer laws respecting the safety and health of employees in all workplaces of the State.

(2) The legislation is intended, among other things, to assure inspections in response to employee complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notify employees of their protections and obligations; protect employees against discharge or discrimination in terms and conditions of employment; provide adequate safeguards to protect trade secrets; impose sanctions against employers for violations of standards and orders; insure employer right of review to an Occupational Health and Safety Review Commission and then the courts, and employee participation in the review proceedings. The plan also proposes a program of voluntary compliance by employers and employees, including a provision for on-site consultation. The State's consultation program will not detract from its enforcement program and the State's consultation program will meet the conditions set forth in the Washington Decision (38 FR 2421, January 26, 1973).

(c) The New Mexico Plan includes the following documents as of the date of approval:

(1) The plan description documents, in one volume.

(2) A copy of the enabling legislation as amended by the State legislature in its 1975 session.

(3) A letter from Aaron Bond, Director of the New Mexico Environmental Improvement Agency, to Barry J. White, Associate Assistant Secretary for Regional Programs, dated November 4, 1975, submitting information, clarification, and revisions on several issues raised during the review process, including proposals to be submitted to the New Mexico Legislature prior to the close of its 1977 legislative session.

§ 1952.361 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, New Department of Labor Building, Room N3608, 200 Constitution Ave., N.W., Washington, D.C. 20210; The Technical Data Center, Occupational Safety and Health Administration, New Department of Labor Building, Room N3620, 200 Constitution Ave., N.W., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202; and the Director, Environmental Improvement Agency, State of New Mexico, P.O. Box 2348, PERA Building, Room 506, Santa Fe, New Mexico 87503.

§ 1954.362 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in New Mexico will not be diminished until the State has been determined to be operational under the meaning of 29 CFR 1954.3. Thereafter, the level of Federal enforcement will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Mexico.

§ 1952.363 Developmental schedule.

The New Mexico State Plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Development of a complete and operating management information and control system by January 1, 1976.

(b) Submission of the State's occupational safety and health poster for approval by January 31, 1976.

(c) Promulgation of Rules of Procedures for administrative review by the New Mexico Occupational Health and Safety Review Commission by January 31, 1976.

(d) Enforcement program to achieve operational status by December 1, 1976.

(e) Amendments to basic legislation to become effective by July 1, 1977.

(f) Public employee program to become operational by July 1, 1977.

Signed at Washington, D.C., this 4th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75–33245 Filed 12–9–75;8:45 am]

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—DECLARATION AND PAYMENT OF PREMIUMS

Clarifications

On September 17, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 42876) a revision of Part 2602, Chapter XXVI, of Title 29, Code of Federal Regulations, which imposed the premiums to be paid for basic benefits guaranteed under § 4022(a) of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act"), for plan years beginning on or after September 2, 1975, and which prescribed a new premium payment declaration form (Form PBGC–1 (Rev. Aug. 1975)). Subsequently, a number of comments and questions were received by the PBGC which indicated the need to adopt certain technical amendments to this regulation. It, therefore, has been revised, as set forth below, to clarify the obligations imposed thereunder.

This regulation has been modified in a number of respects. Section 2602.2 has been revised to clarify the definition of "participant" for premium payment purposes. This definition incorporates within the regulation itself the definition of participant previously contained in the preamble to the regulation adopted on September 17, 1975, as well as previously stated interpretations of the term.

Section 2602.3 has been modified so as to specify in one place the filing requirements previously imposed separately by the Act, the premium regulation adopted by the PBGC on September 17, 1974 (39 FR 33357) and the form of this regulation as adopted by the PBGC on September 17, 1975. Section 2602.3 also has been revised to specifically reserve to the PBGC the right to reject incomplete filings.

Section 2602.7 has been amended to take into account the recent decrease by the Internal Revenue Service (hereinafter "the IRS") of the interest rate generally imposed under the Internal Revenue Code (hereinafter "the Code"). Section 4007(b) of the Act provides that the interest imposed for a failure to pay premiums when due is that imposed by the IRS under section 6601(a) of the Code. Effective February 1, 1976, therefore, the interest imposed by § 2602.7 of this regulation will be at the rate of 7 percent per annum. Section 2602.7 also has been amended to provide that PBGC bills for interest will be deemed paid in full if paid no later than 30 days after the billing date.

Section 2602.9 of this regulation has been changed to permit the PBGC, on its own motion, to waive the imposition of late payment charges. Among other things, this change will permit the PBGC to treat late payment charges billed by the PBGC as paid in full if paid no later than 30 days after the billing date.

Finally, new §§ 2602.10 and 2602.11 have been added to clarify the date on which a premium filing will be considered to be due and the date on which a premium filing will be considered to be filed. The three day time period for determining the mailing date of mail not postmarked by the United States Postal Service will be applied by the PBGC only with respect to filings which are due and payments which are made after the date this regulation is published.

Because under the terms of this part, the premium declaration form and premium payments have been required to be submitted since October 2, 1975, the PBGC finds that there is a need to provide immediate, additional guidance to the public with respect to the requirements for filing the premium declaration form and the payment of premiums. Accordingly, the PBGC has determined that good cause exists for making this regulation effective less than 30 days after publication.

In consideration of the foregoing, Part 2602, Chapter XXVI of Title 29, Code of Federal Regulations, is revised (deletions are bracketed and additions are indicated by arrows) as set forth below, effective December 10, 1975.

Sec.
2602.1 Purpose and scope.
2602.2 Definitions.
2602.3 Filing requirement.
2602.4 Coverage for guaranteed basic benefits.
2602.5 Premium rate.
2602.6 Forms.
2602.7 Late payment interest charges.
2602.8 Late payment penalty charges.
2602.9 Waivers.
►2602.10 Date of filing.◄
►2602.11 Computation of time.◄
2602.1[0]►2◄ Mailing address.

[AUTHORITY: Sec. 4002, 4006, 4007; 88 Stat. 1004, 1010, 1013; (29 U.S.C. 1302, 1306, 1307)]

§ 2602.1 Purpose and scope.

(a) The purpose of this part is to impose the premiums applicable to plan years ►in progress on and◄ beginning on or after September 2, 197[5]►4◄.

(b) This part applies to all covered plans, as provided by section 4021 of the

§ 2602.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Participant" means [the individual defined as such under the terms of the

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plan.]: ►(a) an individual currently accruing benefits or earnings or retaining credited service under the terms of the plan; (b) a former employee with vested rights to immediate or deferred benefits; (c) a retiree who is receiving or is eligible to receive benefits from the plan; (d) a retiree or former employee for whom a fully paid-up immediate or deferred annuity has been purchased if such individual retains a legal claim against the plan for benefits or if the plan retains a participating interest in the annuity policy; (e) a deceased participant whose survivors are receiving or are eligible to receive benefits from the plan; and, (f) any other individual who is defined as a participant under the terms of the plan.◄

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2602.3 Filing requirement.

►(a) No later than October 2, 1974, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any estimated premium payments due for any plan year beginning before and in progress on September 2, 1974.◄

►(b) No later than 30 days after the beginning of any plan year beginning on or after September 2, 1974, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any estimated premium payments due for such plan year.◄

[(a) ►(c)◄ [Within] ►No later than 2 years and◄ 30 days after the beginning of any plan year ►in progress on or◄ beginning on or after September 2, 197[5]►4◄, the plan administrator of each covered plan shall file in accordance with the instructions contained therein [: (1)] the premium declaration for prescribed by this part [,] ►and◄ [as well as any estimated premium payments due for any plan year beginning on or after September 2, 1975; and, (2)] any premium payments necessary, or request for refunds due, as a result of reconciling the estimated premium payments paid, with the actual premium payment due, for [any] ►such◄ plan year [beginning before and in progress on September 2, 1974].

[(b)]►(d)◄ A premium declaration revision, revising a previous estimate of premium payments, may be filed on the form prescribed by this part at any time prior to the filing of the reconciliation of the estimated premium with the actual premium due.

[(c)]►(e)◄ [Notwithstanding the provisions of paragraph (a) of this section,] The date prescribed for payment of premiums for plans not previously covered by section 4021 of the Act is 30 days after the later of the date the plan documents are signed or the date of the plan's effectiveness.

►(f) Any premium declaration filing not filed in accordance with this part, not filed in accordance with the instructions contained in the form, not accompanied by the required premium payment or otherwise incomplete may, in the discretion of the PBGC, be returned in whole or in part to the plan administrator and treated as not having been filed.◄

§ 2602.4 Coverage for guaranteed basic benefits.

(a) The failure by a plan administrator to pay the premiums due under this part will not result in that plan's loss of coverage for basic benefits guaranteed under section 4022(a) of the Act.

(b) The payment of the premiums imposed by this part will not result in coverage for basic benefits guaranteed under section 4022(a) of the Act for plans not covered under section 4021 of the Act.

§ 2602.5 Premium rate.

For plan years ►in progress on or◄ beginning on or after September 2, 197[5]►4◄, the premium rate for basic benefits guaranteed under § 4022(a) of the Act shall be as follows:

(a) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan at any time during the plan year;

(b) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan at any time during the plan year.

§ 2602.6 Forms

(a) The form prescribed by this part for the declaration ►,◄ [and] payment ►and reconciliation◄ of premiums is Form PBGC–1 (Rev. Aug. 1975).

(b) The form prescribed by this part for the revision of a previous estimate of premium payments is Form PBGC–1R.

§ 2602.7 Late payment interest charges.

►(a)◄ If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, an interest charge shall be imposed on the unpaid amount at the rate of 6 percent per annum through June 30, 1975 ►,◄ [and] 9 percent per annum ►through January 31, 1976 and 7 percent per annum◄ thereafter, for the period from the date payment is due to the date the payment is made.

►(b) PBGC bills for interest assessed by § 2602.7 will be deemed paid in full if paid no later than 30 days after the date of such bills.◄

§ 2602.8 Late payment penalty charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, a late payment charge shall be assessed on the unpaid amount at the rate provided in the following table:

►LATE PAYMENT PENALTY CHARGES◄

►PREMIUM DUE DATE PRIOR TO OCT. 2, 1975◄

Days late from due date:	*Late payment charge (percent)*
1 to 60	0
61 to 90	25
91 to 120	50
121 to 180	75
More than 180	100

►PREMIUM DUE DATE ON OR AFTER OCT. 2, 1975◄

Days late from due date:	*Late payment charge (percent)*
1 to 30	5
31 to 60	10
61 to 90	20
91 to 120	40
121 to 150	60
151 to 180	80
More than 180	100

(b) For the purpose of [this section,] ►§ 2602.8,◄ if the premium paid is less than 80 percent of the actual premium due, the underpayment will be presumptively treated as a nonpayment subject to the appropriate late payment charges. When a late payment charge based upon this presumption is assessed, a plan administrator may request the PBGC to [reconsider] ►review◄ the applicability of this presumption by submitting a statement to the PBGC setting forth the reasons for such request.

§ 2602.9 Waivers

The late payment charges imposed by § 2602.8 will not be assessed ►in whole or in part◄:

(a) With respect to any premium payment made within 60 days after the last date prescribed for payment in § 2602.3 if, before such date, the PBGC grants a waiver upon a showing of substantial hardship arising from the timely payment of the premium and a showing that the premiums will be paid within such 60 day period[:] ►;◄ [or]

(b) Upon any other timely request and demonstration of good cause[.] ►; or◄

►(c) If the PBGC, on its own motion, waives the application of § 2602.8.◄

►§ 2602.10 Date of filing.◄

►(a) Any form required to be filed under the provisions of this part and any payment required to be made under the provisions of this part shall be deemed to have been filed or made on the date on which it is mailed.

►(b) A form or payment shall be presumed to have been mailed on the date on which it is postmarked by the United States Postal Service or three days prior to the date on which it is received by the PBGC if not postmarked by the United States Postal Service.◄

►§ 2602.11 Computation of time.◄

►In computing any period of time prescribed by this part, the first day shall not be included and the last day shall be included.◄

§ 2602.1[1]►2◄ Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Signed at Washington, D.C. this 5th day of December, 1975.

JOHN T. DUNLOP,
Chairman,
Board of Directors,
Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

HENRY ROSE,
Secretary,
Pension Benefit Guaranty Corporation.

[FR Doc.75–33278 Filed 12–9–75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation

DOMESTIC VOLUNTEER SERVICE PROGRAMS

At 40 FR 48143 and 48144 of the FEDERAL REGISTER of October 14, 1975, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to annual income. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One written comment on the proposed change was received. This comment was directed to § 3.261(a)(34), Title 38, Code of Federal Regulations. It was a notification of another program funded by ACTION, income from which is to be excluded in the computation of income for VA purposes. The primary purpose of the proposed regulatory change was to clarify and publicize the status of the programs transferred to the Small Business Administration, and therefore, it was not deemed appropriate to delay promulgation pending an additional change to reflect the Senior Companion Program as an ACTION program since this can be accomplished in a later change.

For this reason the proposed amendment is hereby adopted without change and is set forth below.

***Effective date.* The amendments to VA Regulation 1261 are effective July 15, 1975, the effective date of Executive Order 11871.**

Approved: December 4, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

In § 3.261, paragraph (a)(33) is revised and (a)(34) is added so that the revised and added material reads as follows:

§ 3.261 Character of income; exclusions and estates.

• • • • • •

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows (widowers), and children)	Pension; Public Law 86–211 (veterans, widows (widowers), and children)	See
(a) Income:					
• • •					
(33) The following programs administered by the ACTION Agency:					
Foster grandparent program and older Americans community service programs payments (Pub. L. 93–29; 87 Stat. 55).	Excluded...	Excluded...	Excluded...	Excluded...	§ 3.262(q)(1)
Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Programs, Retired Senior Volunteer Program (RSVP). (Pub. L. 93–113; 87 Stat. 394).	do	do	do	do	§ 3.262(q)(2)
(34) The Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) administered by the Small Business Administration. (Pub. L. 93–113; 87 Stat. 394).	do	do	do	do	§ 3.262(q)(2)
• • •					

[FR Doc.75–33223 Filed 12–9–75;8:45 am]

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation

RATINGS AND EVALUATIONS

At 40 FR 50111 of the FEDERAL REGISTER of October 28, 1975, there was published a notice of proposed regulatory development to amend § 3.321(b)(3) to provide that the effective dates of extra-schedular evaluations in claims for increased benefits will be in accordance with § 3.400(o). This amendment reflects that extra-schedular evaluations are subject to the same effective date provisions as apply to schedular evaluations.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

***Effective date.* This VA Regulation is effective August 1, 1975, the effective date of Pub. L. 94–71 (89 Stat. 395).**

Approved: December 4, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

In § 3.321, paragraph (b)(3) is revised to read as follows:

§ 3.321 General rating considerations.

• • • • • •

(b) • • •

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b)(1) and (2) as to original and reopened claims and in accordance with § 3.400(o) in claims for increased benefits.

• • • • • •

[FR Doc.75–33224 Filed 12–9–75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Pond Island National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

POND ISLAND NATIONAL WILDLIFE REFUGE

Pond Island National Wildlife Refuge is closed to the general public during the nesting season from March 1 through July 31, 1976; however, it is open for environmental education, nature study, and photography from August 1 through February 28 during daylight hours. Camping is prohibited. Pets are permitted if on a leash not over 10 feet in length.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Newburyport, Massachusetts 01905 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations govern-

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ing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 3, 1975.

[FR Doc.75-33132 Filed 12-9-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Parker River National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into those portions of the refuge not posted as closed is permitted for certain uses specified herein. Visitor hours are designated at the entrance gate at the north refuge boundary on Sunset Blvd. This gate is the only legal point of access on the island portion of the refuge. Visitor hours are generally dawn to dusk but, at times of high public use, the entrance gate may be closed and access denied by refuge officials to protect the wildlife habitat from overuse. Sightseeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are permitted.

Vehicle parking is permitted only in designated lots. Parking may be restricted to certain purposes and conditions designated by special signs.

Boating is permitted on navigable tidal waters which lie within the refuge.

Public boat launching and landing is not permitted on the refuge except during the waterfowl hunting season (see Part 32.12—Hunting).

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk.

A limit of 3 quarts of plums and cranberries per person per year may be picked from September 7 through October 31. Cranberry rakes or scoops are not permitted.

Access to clam flats for clamming is permitted across refuge marshes. Permits are required and may be obtained at the refuge.

Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge.

Alcoholic beverages, camping, tents, camping trailers, floating devices (including surfboards), and nudity in any form, are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, public areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Pets under full control on a leash not exceeding 10 feet in length are permitted on the refuge on week days only (excluding holidays) from January 1 through May 23 and from September 3 through December 31. Pets are not permitted on the refuge at any other time.

Organized group activities may be confined to the northern one-quarter mile of beach east of Lot. 1. Advance reservations and permits are required and there must be at least one adult supervisor for every 10 children.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act is prohibited on the refuge, unless such drugs or substances were obtained in accordance with the law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause interference with another person's enjoyment of the refuge is prohibited.

The possession of any device (clubs, knives, metal knuckles, etc.) prohibited by State law and/or deemed a dangerous weapon by refuge officials is prohibited.

Bicycles and registered motor vehicles are permitted only on the main refuge road and in numbered parking areas except when being used under the terms of a special permit for over-the-sand surf fishing vehicles (see Part 33—Sport Fishing).

Snowmobiles, air-cushion, all-terrain, hang-gliders or other similar vehicles deemed improper by refuge agents are not permitted on the refuge.

A map of the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 3, 1975.

[FR Doc.75-33133 Filed 12-9-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Trustom Pond National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

RHODE ISLAND

TRUSTOM POND NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes unless prohibited by posting for the purpose of nature study, photography, and sightseeing. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted.

Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices and nudity are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, public areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Over-the-sand vehicles, snowmobiles, air cushion, all terrain, or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

A map of the refuge is available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 3, 1975.

[FR Doc.75-33134 Filed 12-9-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Block Island National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

RHODE ISLAND

BLOCK ISLAND NATIONAL WILDLIFE REFUGE

Entry by foot or motor vehicle on designated roads and trails is permitted during daylight hours for the purpose of nature study, photography, hiking, shell collecting, shell fishing, and surf fishing.

The refuge area, comprising 28 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, P.O. Box 307, Charlestown, Rhode Island 02813, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 3, 1975.

[FR Doc.75-33135 Filed 12-9-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Ninigret National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

RHODE ISLAND

NINIGRET NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes unless prohibited by posting for the purpose of nature study, photography, and sightseeing. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted.

Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices, and nudity are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, public areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place

Over-the-sand vehicles, snowmobiles, air cushion, all terrain or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

A map of the refuge is available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 3, 1975.

[FR Doc.75-33136 Filed 12-9-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 280—YELLOWFIN TUNA

Revision of Incidental Catch Rate

Notice of revision of the incidental catch rate of yellowfin tuna for bait and jig boats is hereby given pursuant to § 280.7(b)(5), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, local time, at port of departure on December 10, 1975, the incidental catch rate of yellowfin tuna for bait and jig boats will be increased to 50 percent (50%) of established carrying capacity. Since the catch and the present catch rate is falling short of the 2800 short tons allotted by § 280.7(b)(3), Title 50, Code of Federal Regulations, the incidental catch rate is increased to 50 percent (50%), to fully use this allotment.

Issued at Washington, D.C., and dated December 5, 1975.

JACK W. GEHRINGER,
Deputy Director.

[FR Doc.75-33219 Filed 12-9-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Section 213.3272 is amended to show the position of Chief, Division of Clerks of Court is redesignated as Clerks Liaison Officer in the Division of Clerks of Court and to remove grade level limitations on Clerks Liaison Officer positions.

Effective December 10, 1975 §§ 213.3272 (b) and (c) are amended as set out below:

§ 213.3272 Administrative Office of the U.S. Courts.

• • • • • •

(b) [Revoked]

(c) Three positions of Clerks Liaison Officer in the Division of Clerks of Court.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-33248 Filed 12-9-75;8:45 am]

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Section 213.3272 is amended to show that one additional position of Federal Probation System Administrator in the Division of Probation when filled by Federal Probation Officers on active service in the U.S. Courts is excepted under Schedule B.

Effective on December 10, 1975, §213.3272(a) is amended as set out below:

§ 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 12 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts.

(5 U.S.C. secs. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-33249 Filed 12-9-75;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that all positions at grades GS–15 and below on the staff of the National Study Commission on Records and Documents are excepted under Schedule A.

Effective upon December 10, 1975, § 213.3199(t)(1) is added as set out below:

§ 213.3199 Temporary Boards and Commissions.

• • • • • •

(t) *National Study Commission on Records and Documents.*

(1) All positions at grades GS–15 and below.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-33247 Filed 12-9-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Deputy Assistant Secretary for Policy Development in the Office of the Assistant Secretary for Policy Development and Research, is excepted under Schedule C.

Effective on December 10, 1975, § 213.3384(1)(6) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

• • • • • •

(l) *Office of the Assistant Secretary for Policy Development and Research.*

(6) One Deputy Assistant Secretary for Policy Development. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-33389 Filed 12-9-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

Public Hearing on Proposed Regulations Relating to limitations on Percentage Depletion in the Case of Oil and Gas Wells

Proposed regulations under sections 613 and 613A of the Internal Revenue Code of 1954, relating to limitations on percentage depletion in the case of oil and gas wells, appear in the FEDERAL REGISTER for October 17, 1975 (40 FR 48691). An extension of time to December 17, 1975, for submitting comments thereon appears in the FEDERAL REGISTER for November 17, 1975 (40 FR 53261).

A public hearing on the provisions of such proposed regulations will be held on January 22, 1976, beginning at 10 a.m. e.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making (or in the extension of time), and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by January 12, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by January 16, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on January 21, 1976, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75–33266 Filed 12–9–75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR–291; Docket No. 28517]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Updating the Accounting Provisions; Notice of Proposed Rulemaking

Correction

In FR Doc. 75–31822 appearing at page 54813 in the issue for Wednesday, November 26, 1975, the following corrections should be made:

(1) On page 54819 in Sec. 5–7 (a), in the 17th line, the word "aition" should read "addition", and the 19th line reading "deduction from or addition to the face" should be deleted.

(2) On page 54820, in subaccount 1601, the 4th line reading "together with the full of instruments, ap–" should read "together with the full complement of instruments, ap–".

[14 CFR Part 378]

[SPDR–36A; Docket No. 26712; Dated: December 5, 1975]

INCLUSIVE TOUR CHARTERS; ADVERTISING AND MARKETING RESTRICTIONS

Termination of Rulemaking Proceeding

By Notice of Proposed Rulemaking, SPDR–36,[1] the Board invited comment on a proposal to amend Part 378 of its Special Regulations (14 CFR Part 378) to provide various controls over the manner in which ITC's are advertised to the general public. These controls were designed to reduce the possibility that direct carriers' participation in such advertisements might: (1) falsely suggest to the public that ITC's are operated by the direct carrier itself, rather than by the ITC operator; and (2) enable a direct carrier to give rebates to ITC operators—and unlawful preferences to some of them—by conferring real economic benefits in the guise of shared advertising costs.

The first proposed amendment (Section 378.12(b)) would prohibit the tour operator from advertising in a manner which sets forth the direct air carrier's name and role more prominently than that of the tour operator, or otherwise creates the impression that the tour is being offered by the direct air carrier rather than the tour operator. The second proposed amendment (Section 378.12(c)) would prohibit direct air carriers from furnishing money, labor, services, or other thing of value to a tour operator for the purpose of advertising or promoting inclusive tours, or from otherwise participating in the advertising or promotion of identifiable tour programs.

Pursuant to the Notice of Proposed Rulemaking, the Board received comments from AITS, the American Automobile Association, the American Society of Travel Agents, Inc. (ASTA), Anne Storch International-Asti Tours, Inc., (ASTI), a joint comment of certain trunkline carriers,[2] Golden Holiday Tours, Inc., the National Air Carrier Association (NACA), and Vacation Ventures, Inc.[3]

Generally speaking, the trunkline carriers objected to the proposed rules, the tour operators' comments favored their adoption, and the supplemental air carriers represented by NACA favored adoption of the proposed restrictions relating to ITC advertising so long as comparable restrictions would be imposed on the advertising of GIT's ("group inclusive tour" packages utilizing scheduled fares.)[4]

Subsequent to receipt of the comments in this proceding, the Board instituted a rulemaking proceeding to consider a new type of charter designed primarily for persons interested in purchasing an all-inclusive vacation package at a single destination.[5] That proposal culminated in our adoption of a new Part 378a of our Special Regulations, setting forth a

[1] May 14, 1974, 39 F.R. 17564, Docket 26712.

[2] Pan American World Airways, Inc., Trans World Airways, Inc., and Western Air Lines, Inc.

[3] Identical comments were filed on behalf of Golden Holiday Tours, Inc. and Vacation Ventures, Inc.

[4] Several petitions for rulemaking have been separately filed by several tour operators seeking adoption of rules on GIT advertising similar to those considered here for ITC's. In view of our termination of the instant proceedings, we are, by Order 75–12–30, issued contemporaneously herewith, denying those other petitions.

[5] EDR–281/SPDR–38/ODR–9, 39 F.R. 29672, November 8, 1974.

One-stop-inclusive Tour Charter (OTC) rule.[6] Like the ITC, the OTC is a form of charter intended to be sold to a tour operator for the ultimate resale of individual seats—albeit as part of a "package"—to members of the general public. The close similarity in underlying concept and basic design of these two "tour package" rules clearly require that both modes—despite their few technical differences—should be subject to the same regulatory approach with respect to the manner of their advertisement. Accordingly, we postponed our consideration of the instant rulemaking, which relates only to ITC's, until such time as the issues here involved could be examined in the context of their applicability to OTC's, since it "seem obvious that the advertising for these types of 'package' charters should be governed by the same requirements. . . ."[7]

Reflecting further on the issues involved in the instant proceeding, in light of the comments received and of the intervening introduction of OTC's into our charter regime, we have determined that there is not adequate justification at this time for adopting the types of regulations which have here been proposed.[8] In the absence of a demonstrated need, it appears to be neither necessary nor desirable to proscribe specific advertising practices with respect to charters designed for sale to members of the general public. Indeed, such regulatory proscriptions may do more harm than good. They would clearly inhibit the widest public dissemination of what would otherwise be regarded as lawful advertising of these charters. Yet, they may prove to be of only negligible efficacy in preventing violation of the statutory provisions whose objectives the proposed rules were intended to implement.

We have therefore determined to terminate this proceeding.

We wish to emphasize, however, that in abandoning at this time our attempt to formulate, by regulation, specific advertising practices whose proscription might facilitate enforcement of the general statutory prohibition against rebating, preferences and unfair competition, we are not in any way signaling an attitude of tolerance toward violations of those statutory prohibitions.

Similarly there is no doubt that section 411 of the Act forbids dissemination of advertising and promotional materials which create the impression that a charter tour is being offered by a direct carrier rather than the tour operator. Accordingly, it is our view that promotional and advertising materials which fail to display the tour operator's name prominently would violate this prohibition. Such materials included in a prospectus may properly be the subject of rejection by the staff on a case-by-case basis.

By way of further example, it should also be noted that, although we are not now adopting the proposed rule to specifically and categorically prohibit direct carriers from furnishing "money, labor, services or other thing of value" to a tour operator in connection with the advertising or promotion of identifiable charter tour programs, we do not thereby imply any doubt that the general prohibitions of section 403 and 404 of the Act forbid such payments and practices where they are used as vehicles for rebating to—or giving preferential treatment to—favored chartering tour operators.

In short, our termination of the instant rulemaking proceeding is intended to convey only our present view that: (1) any *truthful* advertisement of an ITC (or OTC) may be freely published, subject only to the statutory prohibition, in section 411 of the Act, against "unfair or deceptive practices or unfair methods of competition" in the sale of air transporation—whether by the direct carrier, the tour operator, or their agent; and (2) in placing—or sharing in the cost of—an advertisement or promotion naming one or more ITC (or OTC) operator,[9] the direct carrier must take heed of the statutory prohibitions, in sections 403 and 404 of the Act, against rebates or undue preferences and discrimination.

Finally, it should be emphasized that our termination of the instant proceedings is predicated on the absence of what we would consider persuasive reasons to adopt regulations restricting otherwise lawful advertising practices. Should our developing experience with these types of charters demonstrate that case-by-case enforcement of the underlying statutory prohibitions is not adequate, then we shall of course be free to exercise our responsibility to consider the adoption of such regulations as are needed to facilitate enforcement of these statutory proscriptions.

Accordingly, the Board hereby terminates the rulemaking proceeding in Docket 26712.

[6] SPR–85, 40 F.R. 34089, August 14, 1975.

[7] SPR–85, note 48.

[8] We also note that NACA, which qualifiedly supported the proposed ITC advertising restrictions, has recently indicated that it might now reconsider its position, in light of its belief that OTC advertising should be liberalized. See NACA's letter to Chairman Robson, dated September 5, 1975, a copy of which has been filed in the correspondence section of the proceeding.

[9] Since we are here expressing our views on the advertising of OTC's as well as ITC's, we take this occasion to clarify the significance of the provision in § 378a.43, insofar as it prohibits the payment of "commissions, fees, or other compensation" by a direct carrier to the OTC operator. That prohibition is merely declaratory of the statutory prohibition against rebates, *i.e.*, payments by the direct carrier to the chartering tour operator are forbidden only to the extent that they constitute "compensation," as distinguished from "reimbursement." There is thus no inconsistency between § 378a.43 and what we say here: so long as there is no more than a *bona fide* sharing of advertising costs, then no rebate is involved.

(Section 204(a), of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–33234 Filed 12–9–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 34–11872; File S7–605]

FINGERPRINTING OF SECURITIES INDUSTRY PERSONNEL

Exemptions

The Securities and Exhange Commission today announced that it has under consideration the adoption of Rule 17f–2[1] under section 17(f)(2) of the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)], to provide certain exemptions from the requirement that every member of a national securiies exchange, broker, dealer, registered transfer agent, and registered clearing agency require each of its partners, directors, officers, and employees to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General for identification and appropriate processing.

BACKGROUND

Losses due to missing, stolen, counterfeit and lost securities have become a substantial problem in recent years. Congressional inquiries and Commission analysis in the Study of Unsafe and Unsound Practiees of Brokers and Dealers indicated that one of the factors contributing to the increase in securities thefts was the inability to identify security-risk employees.

Section 17(f)(2) of the Securities Acts Amendments of 1975 provides that every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency, shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing.

The statute further provides that the Commission, by rule, may exempt from the provisions of this section upon specified terms, conditions, and periods, any class of partners, directors, officers, or employees of any such member, broker, dealer, transfer agent, or clearing agency, if the Commissioin finds that such action is not inconsistent with the public interest or the protection of investors.

[1] Rule 17f–1 is reserved.

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PROPOSED RULE 17f-2

Proposed Rule 17f-2 provides that every partner, director, officer, and employee of a member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency shall be fingerprinted and shall submit, or have submitted, said fingerprints to the Attorney General of the United States for identification and appropriate processing, with certain stated exceptions. Subparagraph (a)(1) exempts persons who are not in any manner engaged in the sale of securities. Subparagraph (a)(2) exempts persons who do not have access to the handling or processing of securities or monies or original books and records relating thereto. Subparagraph (a)(3) exempts persons who have no direct supervisory responsibility over persons engaged in the activities enumerated above. Subparagraph (a)(4) exempts outside directors who do not participate in any of the enumerated activities. It bears emphasis that the exemptions provided for in Rule 17f-2 are permissive and not mandatory. An organization may, of course, require fingerprinting of any persons granted exemptions herein, as a matter of policy.

It should be noted that the words "do not have access to" in subparagraph (2) and "do not have direct supervisory responsibility over" in subparagraph (3) are given their ordinary meanings and are not used in a technical sense. For example, an officer of a large organization which acts as its own transfer agent might, by virtue of his position, have overall responsibility for, and potential access to, his company's transfer functions. Unless said officer regularly or routinely participates in some aspect of the processing of securities and, directly or indirectly, has actual, physical access to the securities themselves, he would ordinarily not fall within the purview of subparagraphs (a)(2) and (a)(3). A lack of adequate physical security may cause any exempted person in any entity to lose such status if he has access to monies, securities or records as set forth in paragraph (a).

In order to avoid unnecessary duplication and to reduce administrative burdens, paragraph (b) exempts persons who, pursuant to any other law, rule, or regulation, are fingerprinted and have their fingerprints processed by the Attorney General. Therefore, persons whose fingerprints are submitted to the Attorney General through state or Federal agencies, or otherwise, are not expected to be refingerprinted, in order to be in compliance with the rule. Included herein would be employees of banks whose fingerprints are submitted to the Attorney General for appropriate processing. Similarly, the rule provides an exemption in paragraph (c) for those persons who submit their fingerprints to a self-regulatory organization which forwards the prints to the Attorney General pursuant to a plan filed with and approved by the Commission.

Every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency is required under paragraph (d) to make and keep records pertaining to fingerprinting of its partners, directors, officers and employees. Paragraph (e) of the rule provides for the submission of a statement to be entitled "Notice Pursuant to Rule 17f-2," containing information with respect to those classes of persons which, because of the nature of the duties performed, the organization feels would not be required to be flingerprinted under paragraph (a) of the rule. Classes of persons identified in the statement as falling within one of the exemptive categories listed in paragraph (a) shall be considered exempt unless the Commission indicates otherwise. It is the duty of the organization under paragraph (e) to inform the Commission, by means of an amendment to its submission, of any significant change in its internal structure which would alter the status of exempted personnel. A copy of the statement is required to be kept and made available for inspection by the Commission or other examining authority at the principal office of the organization.

Paragraph (g) provides exemptive power to the Commission when the Commission finds that the granting of an exemption is not inconsistent with the public interest or the protection of investors.

The Commission has determined that the rule and accompanying amendments impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and are not inconsistent with the public interest or the protection of investors.

1. Commission Action: Pursuant to sections 17(a), 17(f)(2), and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt section 240.17f-2 and to amend sections 240.17a-3(a) and 240.17a-4(e) in Chapter II of Title 17 of The Code of Federal Regulations as follows:

Section 240.17f-2 is added to 17 CFR as follows:

§ 240.17f-2 Fingerprinting of securities industry personnel.

(a) Every person who is a partner, director, officer or employee of a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency is required to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General of the United States for identification and appropriate processing *except:*

(1) Persons who are not engaged in the sale of securities;

(2) Persons who do not have access to the handling or processing of securities or monies or original books and records relating thereto;

(3) Persons who do not have direct supervisory responsibility over persons engaged in the above activities; and

(4) Persons who serve solely as directors and are not otherwise engaged in any of the above activities.

(b) Those persons not exempted under paragraph (a) of this section, who are fingerprinted pursuant to any other law, rule, or regulation of any state, the Federal government, or respective agencies thereof, and submit, or cause to be submitted, such fingerprints to the Attorney General of the United States for identification and appropriate processing, may satisfy the requirements of this section by compliance with such other law, rule, or regulation.

(c) Those persons not exempted under paragraphs (a) or (b) of this section may satisfy the requirements of this section by submitting their fingerprints to a registered national securities exchange or a registered national securities association which forwards said fingerprints to the Attorney General for identification and appropriate processing pursuant to a plan filed with the Commission by a registered national securities exchange or a registered national securities association. Such plan shall not become effective unless the Commission, having due regard for the public interest and the protection of investors, ueclares the plan to be effective. Furthermore, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

(d) Every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency shall maintain, with regard to every person required to be fingerprinted under paragraph (a) of this section, the processed fingerprint card, or other record when the card it not returned after processing, with notations indicating who rolled the fingerprints, when the card was received by the Attorney General, and any information received from the Attorney General, as a result of this process, for a period of three years after termination of employment or association of such person. Such records shall be kept in an easily accessible place and shall be made available to the Commission or other examining authority upon request.

(e) Every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency shall submit to the Commission's principal office in Washington, D.C. and to the regional office of the Commission for the region in which the organization has its principal place of business, not later than April 1, 1976, a statement, to be entitled "Notice Pursuant to Rule 17f-2," of those classes of persons who fall within the exemptions listed in paragraph (a) of this section, and hence are sought to be exempted from the fingerprinting requirements of section 17(f)(2) of the Act. Such statement shall indicate the nature of the duties performed by such classes of persons and shall describe the measures which the organization has employed to ensure that only persons complying with the requirements of this section have access to the handling or processing of securities or monies or original books and records relating thereto. Classes of persons so identified shall be exempt from the requirements of section 17(f)(2) of the Act unless the Commission notifies the organization to the contrary. A copy of such statement shall be available for inspection by the Commission or other examining authority at the principal office of the member, broker, dealer, registered transfer agent, or registered clearing agency. The statement shall be amended whenever there is a substantial change in the organizational structure of the entity affecting the status of classes of persons who may be exempt under paragraph (a).

(f) Every person who is a partner, director, officer, or employee of a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, and who is required to be fingerprinted pursuant to paragraph (a) of this section, and who was employed by or associated with such organization prior to April 1, 1976, shall be exempt from the provisions of paragraph (a) until January 1, 1977.

(g) The Commission, upon specified terms, conditions, and periods, may grant exemptions to any class of partners, directors, officers, or employees of any member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, if the Commission finds that such action is not inconsistent with the public interest or the protection of investors.

2. Rules 17a-3(a) and 17a-4(e) [17 CFR 240.17a-3(a) and 240.17a-4(e)] would also be amended to address the recordkeeping and retention requirements set forth in Proposed Rule 17f-2(d) and (e).

Paragraph (a)(13) is added as follows:

§ 240.17a-3 Records to be made by certain exchange members, brokers and dealers.

(a) • • •

(13) Records required to be maintained pursuant to § 240.17f-2, paragraph (d).

• • • • •

Paragraph (e) is revised as follows:

§ 240.17a-4 Records to be preserved by certain exchange members, brokers, and dealers.

(e) Every such member, broker and dealer shall maintain and preserve in an easily accessible place:

(1) all records required under paragraph (a)(12) of § 240.17a-3 until at least three years after the "associated person" has terminated his employment and any other connection with the member, broker, or dealer.

(2) all records required under paragraph (a)(13) of § 240.17a-3 until at least three years after the termination of employment or association of those persons required by § 240.17f-2 to be fingerprinted; and all records required pursuant to § 240.17f-2(e) for three years.

EFFECTIVE DATES

Persons who would be required to be fingerprinted pursuant to Proposed Rule 17f-2 and who are employed by or associated with an organization prior to April 1, 1976 would be exempt from said requirements until January 1, 1977. All other persons would be fingerprinted commencing on April 1, 1976. The proposed amendments to Rules 17a-3 and 17a-4 would become effective on April 1, 1976.

SOLICITATION OF PUBLIC COMMENT

All interested persons are invited to submit written statements of views and comments on the adoption of Proposed Rule 17f-2 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 1, 1976. They should refer to File No. S7-605. All comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75-33237 Filed 12-9-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1108]

[Ex Parte No. MC-82 (Sub-No. 1)]

PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS

Intercity Bus Industry

NOVEMBER 11, 1975.

The Interstate Commerce Commission, in the exercise of its power to prescribe just and reasonable fares for the transportation of passengers by common carriers by motor vehicle, gives due consideration to, among other factors, the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and, to the need for revenues sufficient to enable such carriers under economical and efficient management, to provide such service.

In Ex Parte No. MC-82, *New Procedures in Motor Carrier Rev. Proc.*, 339 I.C.C. 324, 341, the Commission, in noting the purpose of the proposed procedures therein, stated:

They (the proposed procedures) are not intended to limit the type of evidence which motor carrier respondents might wish to introduce, but are designed to reduce the time required for ultimate disposition, achieve greater uniformity in data submitted, avoid the service of detailed orders in individual proceedings, and provide adequate notice to the carriers and to the public of the evidence required.

It now appears that the same objectives and purposes for which the Ex Parte No. MC-82 proceeding was instituted, relative to motor common carriers of general freight, may also be applicable to motor common carriers of passengers in the so called intercity bus industry. Accordingly, there are set forth hereto proposed procedures governing the type of evidence to be submitted in proposed general rate increases filed by the National Bus Traffic Association, Inc., for and on behalf of its members.

On or before January 26, 1976, any interested party may file with the Secretary of the Commission comments regarding the proposed procedures. A signed original and 15 copies should be submitted. After comments have been considered the Commission will determine whether to require compliance with these procedures, or with some variation thereof.

All written submissions will be available for public inspection during regular business hours in the Offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to amend Chapter X of 49 CFR by adding Part 1108 to read as follows:

PART 1108—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS—INTERCITY BUS INDUSTRY

Sec.

1108.1 Application.
1108.2 Study carriers.
1108.3 Revenue data for study carriers.
1108.4 Revenue need.
1108.5 Official notice.
1108.6 Service.
1108.7 Availability of underlying data.
Schedule A
Schedule B
Schedule C
Schedule D
Schedule E
Schedule F
Schedule G
Appendix A

§ 1108.1 Application.

(a) Upon the filing by the National Bus Traffic Association, Inc., (NBTA) on behalf of its carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain proposed general increases in fares or charges where such proposal would result in an increase of $1 million or more in the annual operating revenues on the traffic affected by the proposal, the motor common carriers of passengers on whose behalf such schedules are filed shall, concurrently with the filing of those tariff schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase. Carriers thus required to submit their evidence when they file their schedules are hereby notified that sepcial permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Data to be submitted in accordance with §§ 1108.2–1108.4 of

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this part represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the current situation.

(b) When filing tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. Nothing stated in this part shall relieve the carriers of their burden of proof imposed under the Interstate Commerce Act.

§ 1108.2 Study carriers.

(a) For the purposes of this proceeding the "study carriers" shall consist of those Class I motor common carriers of passengers which are members of NBTA and which, during the latest calendar year available preceding the filing date of the proposed increase in fares and/or charges, derived $500,000 or more in annual operating revenues from the issue traffic, or 1 percent or more of the total annual operating revenues received by all carriers from the issue traffic. Issue traffic is defined as that traffic (services) directly affected by the proposed increases in fares and/or charges.

(b) To corroborate the selection of the above study carriers, and to provide a data base for a continuing evaluation of the validity and usefulness of those carriers as a study group, respondents shall submit, as a part of their verified statement (justification), a list of all carriers participating in the issue traffic (services) and the amount of annual operating revenues received by each carrier from the total traffic at issued during the above specified calendar year. The dollar amounts of those revenues, for each carrier, shall be arrayed in descending order, and there shall be shown, among other things, the percentage distribution of those revenues in relationship to the total issue traffic revenues for all carriers. This list of carriers and the applicable carrier's revenues shall be referred to as Schedule A, Participating Carriers' Revenue Data, a sample of which is provided herein.

§ 1108.3 Revenue data for study carriers.

The study carriers, as identified above, shall submit the revenue data called for in Schedule B herein, the purpose of which is to determine the amount of increased revenues which might be expected under the proposed increase in fares and/or charges on the issue traffic, and to evaluate the revenue aspects of the non-issue traffic, including that traffic subject to Interstate Commerce Commission rate regulation but not here at issue, and that traffic which is intrastate in character and under the jurisdiction of state public utility commissions.

§ 1108.4 Revenue need.

The "study carriers" shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service. This evidence, shall include data required by Schedules C through G.

§ 1108.5 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1108.6 Service.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement for the use of the Commission shall be filed with the secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the regional offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection. A copy of each statement shall be mailed by first-class mail to each party of record in the last formal proceeding concerning a general increase in bus passenger fares in the affected area or territory. Otherwise, the service requirements of Rule 22 of the Commission's General Rules of Practice shall be obesrved.

§ 1108.7 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon requests therefor. The underlying data shall be made available also at the hearing, but only if, and to the extent, specifically requested in writing and required by any party for the purpose of cross-examination.

SCHEDULE A

Participating Carriers' Revenue Data
Calendar Yeer:
(Dollars in thousands)

Line No.	Carrier Annual Report No. (a)	Carrier (b)	Class (c)	Study Code (d)	Total System Operating Revenues (e)	Total Issue Traffic Revenues (f)	Percent of Carrier's Issue Traffic Revenues to: Total System Revenues, Col. (f) ÷ Col. (e) (2 Dec.) (g)	Percent of Carrier's Issue Traffic Revenues to: Total Issue Traffic Revenues (% Dist. of Col. (f) (2 Dec.) (h)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
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15								
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25								

EXPLANATORY—SCHEDULE A

Purpose—The purpose of Schedule A is to corroborate the selection of the "study carriers", as defined in § 1108.2 of the prescribed procedures, and to provide a data base for the continuing evaluation of the validity and usefulness of the "study carrier" group.

Calendar Year—For the purpose of this schedule use the latest calendar year available preceding the filing date of the proposed increased fares and/or charges.

Column (a)—The annual report number is that number assigned to the carrier by the Bureau of Accounts, Interstate Commerce Commission, for identification purposes.

Column (b)—List carrier members of National Bus Traffic Association and other interested carriers participating in the tariffs of NBTA which will be affected by the proposal.

Column (c)—Use designation in Code of Federal Regulations, § 1240.4. For example, Class I carrier insert "I".

Column (d)—Use the following code for this column. For study carriers (as defined in § 1108.2) insert "S". For non-study carriers insert "NS".

Column (e)—Use amount shown in carrier's Annual Report, Schedule 2998, Line 9.

Column (f)—Issue traffic is defined as that traffic (services) directly affected by the proposed increase in fares and/or charges.

Columns (g) and (h)—These columns are self explanatory and obtained by calculations using columns (e) and (f).

Study Carriers' Revenue Data
Base Year Actual: 4-Quarter Period Ending ____
(Dollars in thousands)

Line No.	Study Carrier (a)	Total Operating Revenues (b)	Issue Traffic (Services) Revenues: Intercity Passenger (c)	Express (d)	Charter (e)	Special (f)	Other (Specify) (g)	Total Issue Traffic Revenues (h)	Total Non-Issue Traffic Revenues (i)	Misc. Station and Other Operating Revenues (j)
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
	Total, All Study Carriers									

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Study Carriers' Revenue Data
Pro Forma Year Based on Current Revenues
(Dollars in thousands)

Line No.	Study Carrier (a)	Total Operating Revenues (b)	Issue Traffic (Services) Revenues						Total Non-Issue Traffic Revenues (i)	Misc. Station and Other Operating Revenues (j)
			Intercity Passenger (c)	Express (d)	Charter (e)	Special (f)	Other (Specify) (g)	Total Issue Traffic Revenues (h)		
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25	Total, All Study Carriers									

Study Carriers' Revenue Data
Pro Forma Year Based on Proposed Revenues
(Dollars in thousands)

Line No.	Study Carrier (a)	Total Operating Revenues (b)	Issue Traffic (Services) Revenues						Total Non-Issue Traffic Revenues (i)	Misc. Station and Other Operating Revenues (j)
			Intercity Passenger (c)	Express (d)	Charter (e)	Special (f)	Other (Specify) (g)	Total Issue Traffic Revenues (h)		
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25	Total, All Study Carriers									

EXPLANATORY—SCHEDULE B

Purpose—The purpose of this schedule is to obtain—for each study carrier and by totals for all study carriers.—(1) total operating revenues, (2) revenues attributable to the various types of traffic at issue, (3) revenue attributable to the total non-issue traffic, and (4) miscellaneous station and other operating revenues. These data shall be provided for the specified study periods, namely: base year actual, pro forma year based on current revenues, and pro forma year based on proposed revenues.

The pro forma year based on proposed revenues for the traffic at issue will be compared to the issue traffic revenues for the pro forma year based on current revenues and for the base year actual to determine the amount of the proposed revenue increase being sought over these two periods. In addition, the revenue data for the total issue traffic (column (h)), will also be used in Schedule C, Part II as a basis for allocating increased costs, i.e., the increased operating expenses and the increased "sum of money" costs.

Base Year Actual—Data to be reported in this and other schedules herein for the base year actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement	*4-quarter calendar year period ending—*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable then that more current quarter may be used in the base year actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable, then the base year actual ending December 31 may be used in lieu of the base year actual ending September 30.

Pro Forma Year Data—Revenue data for the pro forma year shall be reported in two ways, namely: based on current revenues and based on proposed revenues. Separate schedules are required for each pro forma year. These data do not represent a forecast but reflect the results of 12 months of operation at particular rate levels. Thus, data for the *pro forma year based on current revenues* should be based on a restatement of the revenue data for the *base year actual* to reflect fares and/or charges which are currently in effect. Similarly, data for the *pro forma year based on proposed revenues* should reflect a restatement of the base year actual data but at levels reflecting the proposed fares and/or charges.

Column (a)—Insert in this column the company name of each "study carrier" as defined in § 1108.2 of the prescribed procedures.

Column (b)—Use source comparable to that in the carrier's Annual Report, Schedule 2998, Line 9. The dollar amount in this column, for each study carrier, should equal the total of columns (h), (i) and (j).

Columns (c) through (h)—As defined in § 1108.2, "issue traffic" means that traffic (service) affected by the proposed increase in fares and/or charges, and is limited to the fares and/or charges published by NBTA in schedules and tariffs filed with the Interstate Commerce Commission. For the purpose of the proposed increases filed under the prescribed procedures of this proceeding, the services indicated in columns (c) through (g) shall be defined as follows:

Intercity Passenger (Column (c))—This passenger transportation service consists of a regular route, daily scheduled, intercity bus service performed under published time schedules, and irrespective of the number of passengers.

Express (Column (d))—This service consists of the transportation of baggage, express matter, newspapers, etc., in the same vehicle with passengers on a space-available basis conducted as an *incident* to the regular route daily scheduled passenger transportation service.

Charter (Column (e))—This passenger transportation service consists of chartering a bus by a bona-fide group, at a published rate for the exclusive use of the bus by the chartered party. This service includes service performed under tariffs which provide that, upon the purchase of a specified minimum number of individual tickets, the persons purchasing that number of tickets will be afforded exclusive occupancy of a particular bus.

Special (Column (f))—This passenger transportation service involves passengers to whom individual tickets have been sold for transportation to a specific destination or special event, or for a particular tour, or the like.

Other (specify) (Column (g))—In this column specify and explain the nature of the traffic (service) involved, which would be separate and distinct from that identified for columns (c) through (f).

Total Issue Traffic Revenues (Column (h))—The total issue traffic revenues in this column should equal the sum of columns (c) through (g).

Column (i)—The revenues to be reported in this column shall consist of those revenues other than "total issue traffic revenues" (Column (h)), and "miscellaneous station and other operating revenues" (column (j)). Thus, "nonissue traffic revenues" mean those revenues accruing from providing the types of services indicated in columns (c) through (g) but which may be "intrastate" in nature, "exempt" as provided under Section 22 of the Interstate Commerce Act, or which are otherwise not at issue in a proposed fare and/or charge increase. Such non-issue traffic may also include a commuter or mass transportation service, which is the transportation of passengers generally performed within a city or town and the suburban areas contiguous thereto. However, in some instances this service may also be intercity in character where the cities involved are within relatively short distances of each other and the primary purpose is the mass transportation of commuter passengers to and from these cities.

Column (j)—For the purpose of this schedule the revenues to be reported in this column shall consist of those in Account 3600, Miscellaneous Station Revenue, and in Account 3900, Other Operating Revenue. (See 49 CFR 1206).

Presentation of Statement on Revenue Sample Studies—Historically, in order to separate interstate from intra-state revenues, it has been necessary for annual report purposes for each carrier to conduct sample studies of its traffic operations. Hereafter, in order to expedite the evaluation of such samples, and of the evidence derived therefrom, each respondent shall submit, in connection with its sample or samples, a statement in conformance with the staff report entitled "Guidelines for the Presentation of the Results of Sample Studies," February 1, 1971, the pertinent portion of which is attached as Appendix A to these proposed procedures.

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( ) Greyhound Lines, Inc.
( ) All study carriers combined (excluding Greyhound Lines, Inc.)
( ) All study carriers combined (including Greyhound Lines, Inc.)

SCHEDULE C (Part I)
Income Statement Data
(Dollars in Thousands)

Line No.	Item (a)	Source (b)	4-Quarter Period Preceding Base Year Actual (c)	Base Year Actual _/_/_ To _/_/_ (d)	Pro Forma Year: Based on Current Revenues (e)	Pro Forma Year: Based on Proposed Revenues (f)	Forecast Year (_/_/_ To _/_/_): Based on Current Revenues (g)	Forecast Year (_/_/_ To _/_/_): Based on Proposed Revenues (h)
1	Passenger Revenue	A.R. Sch. 2998, L. 1						
2	Special Bus Revenue	A.R. Sch. 2998, L. 2						
3	Baggage Revenue	A.R. Sch. 2998, L. 3						
4	Mail Revenue	A.R. Sch. 2998, L. 4						
5	Express Revenue	A.R. Sch. 2998, L. 5						
6	Newspaper Revenue	A.R. Sch. 2998, L. 6						
7	Miscellaneous Station Revenue	A.R. Sch. 2998, L. 7						
8	Other Operating Revenue	A.R. Sch. 2998, L. 8						
9	Total Revenues	A.R. Sch. 2998, L. 9						
10	Total Expenses	A.R. Sch. 2998, L.15						
11	Net Operating Revenue	A.R. Sch. 2998, L.16						
12	Rent for Lease of Carrier Property - debit	A.R. Sch. 2998, L.17						
13	Income from Lease of Carrier Property - credit	A.R. Sch. 2998, L.18						
14	Net Carrier Operating Income	A.R. Sch. 2998, L.19						
15	Total Other Income	A.R. Sch. 2998, L.29						
16	Total Income Deductions	A.R. Sch. 2998, L.37						
17	Ordinary Income Before Income Taxes	A.R. Sch. 2998, L.38						
18	Income Taxes on Ordinary Income	A.R. Sch. 2998, L.39						
19	Provision for Deferred Taxes	A.R. Sch. 2998, L.40						
20	Ordinary Income	A.R. Sch. 2998, L.41						
21	Total Extraordinary and Prior Period Items - credit/(debit)	A.R. Sch. 2998, L.46						
22	Net Income (Loss)	A.R. Sch. 2998, L.47						
23	Interest and Amortization of Debt Discount & Expense and Premium on Debt	A.R. Sch. 2998, net of L. 31, 34 & 35						
24	Percent, Carrier Operating Property to Total Tangible Property	A.R. Sch. 100, col. b, (L.1÷L.21) ÷ L.26						
25	Interest Charges Assigned to Transportation Service	L.23 × L.24						
26	Taxable Income Assigned to Transportation Service	L.14 − L.25						
27	Income Taxes Assigned to Transportation Service	(L.26 ÷ L.17) × L.18						
28	Income or Loss Assigned to Transportation Service	L.26 − L.27						
29	Sum of Money Above Operating Expenses Assigned to Transportation Service	L.12, 25, 27, 28, -L.13						
30	Operating Expenses Plus Sum of Money	L.29+L.10						

Allocation of Increased System Operating Expenses and Sum of Money to Traffic at Issue

II. A.- Revenue Distribution

Line No.	Item (a)	Source (b)	4-Quarter Period Preceding Base Year Actual (c)	Base Year Actual (d)	Pro Forma Year: Based on Current Revenues (e)	Pro Forma Year: Based on Proposed Revenues (f)	Forecast Year: Based on Current Revenues (g)	Forecast Year: Based on Proposed Revenues (h)
1.	Revenues applicable to traffic at issue	From revenue study		$	$	$	$	$
2.	System operating revenues, less Misc. station revenues (3600) and other operating revenues (3900)	Sch. C, Part I, L. 9 − L. 7 and 8		$	$	$	$	$
3.	Percent of total issue traffic revenue to L. 2 revenues	L.1 ÷ L.2 (Percent to 2 dec.)	xxx	%	%	%	%	%

II. B.- Allocation to Traffic at Issue

	Item (a)	Source (b)	4-Quarter Period Preceding Base Year Actual (c)	Base Year Actual Over Preceeding 4-Quarter Period (d)	Pro Forma Yr. Over Base Yr. Actual: Based on Current Revenues (e)	Pro Forma Yr. Over Base Yr. Actual: Based on Proposed Revenues (f)	Forecast Year Over Base Year Actual: Based on Current Revenues (g)	Forecast Year Over Base Year Actual: Based on Proposed Revenues (h)
4.	Increased system operating expenses	Part I, Line 10	xxx	$	$	$	$	$
5.	Increased system "sum of money"	Part I, Line 29	xxx					
6.	Total increased system operating expenses & "sum of money"	L.4 + L.5	xxx					
7.	Allocation of Line 6 to traffic at issue	L.3 × L.6	xxx					
8.	Increased revenues on traffic at issue	Line 1 above	xxx	$	$	$	$	$
9.	Ratio of increased revenues to increased costs on traffic at issue	L. 8 ÷ L. 7 (2 dec.)	xxx					

EXPLANATORY—SCHEDULE C (PART I)

Purpose—The purpose of Schedule C, Part I, is to develop income statement data, including system operating expenses, and the system sum of money above operating expenses assigned to transportation service, for the study carriers and for the study periods specified. These costs are used in Schedule C, Part II, to measure the cost increases over specified time periods, which are then allocated to the traffic at issue and compared to the increased revenues.

Study Carrier Groupings—A separate Schedule C, Part I, shall be prepared for each of the following:

1. Greyhound Lines, Inc.
2. All study carriers combined (excluding Greyhound Lines, Inc.).
3. All study carriers combined (including Greyhound Lines, Inc.).

Column (b)—The annual report sources in this column refer to the 1974 Annual Report Form MP-1. For years prior or subsequent to 1974, use comparable annual report sources.

Column (c)—Data reported in column (c) shall be based on that four-quarter period immediately preceding the base year actual. If, for example, the base year actual begins on July 1, 1975, the data reported in column (c) shall be based on the 12 months ended June 30, 1975.

Column (d)—Data to be reported in this column for the *base year actual* shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement	*4-quarter calendar year period ending—*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in the eventt a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the *base year actual*. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable then the *base year actual* ending December 31, may be used in lieu of the *base year actual* ending September 30.

Columns (e) *and* (f)—Columns (e) and (f) shall contain the pro forma year data. These data do not represent a forecast, but the results of 12 months of operations at cost and fare/charge levels existing at a specific time.

The data reported in column (e) shall be the base year actual (column (d)) restated to reflect conditions (wage, price, and productivity, etc.) prevailing on or near the effective date of the proposed increase. Revenues in column (e) shall be based on fares and charges which are currently in effect.

The data reported in column (f) shall also be the base year actual (column (d)) restated to reflect conditions (wage, price and productivity, etc.) prevailing on or near the effective date of the proposed increase. Unlike column (e), however, revenues in column (f) shall be based on the proposed fares and charges.

Columns (g) *and* (h)—Columns (g) and (h) shall contain the forecast year data. The data reported in column (g) shall be a forecast for that four-quarter period immediately following the base year actual. The forecast year will always begin on either Jan. 1, April 1, July 1 or Oct. 1. If, for example, the base year actual ends on June 30, 1975, the forecast year will begin on July 1, 1975. Revenues in column (g) shall be based on fares and charges currently in effect.

The data reported in column (h) shall, like column (g), be a forecast for the four-quarter period immediately following the base year actual. Unlike column (g), however, the revenues in column (h) shall be calculated on the basis of the proposed fares and charges.

Pro Forma and Forecast Year Data—Data for these time periods shall be appropriately explained and supported. Each of the dollar figures called for in these columns shall be accompanied by an explanation of the bases

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or methods of restatement and explicit identification of all assumed or forecasted changes in income statement data, including changes in revenues, expenses, wage rates, price levels and productivity, as compared with the base year actual results. This evidence should be adequate to enable the Commission to find that the proposed fare/charge increase:

(a) Is cost justified and does not reflect future inflationary expectations;

(b) Takes into account expected and reasonable productivity gains;

(c) Is not excessive in that it does not exceed those operating expenses and "sum of money" costs needed to provide adequate and safe service or to provide for necessary expansion to meet future requirements for transportation services; and

(d) Is not excessive in that it does not exceed that rate of return needed by the carriers to attract debt and equity capital at reasonable costs.

EXPLANATORY—SCHEDULE C (PART II)

Purpose—The purpose of Schedule C, Part II, is threefold: *First*, to develop the percentage relationship between total issue traffic revenues and total system operating revenues (less miscellaneous station, and other operating revenues) (Line 3); *Second*, to allocate the increased system operating expenses and "sum of money" items to the traffic at issue (Line 7); and, *Third*, to make a comparison of the increased expenses and sum of money items on the issue traffic with the increased revenues on this traffic (Line 8). Four time periods are used to measure the increase in expenses, sum of money items, and revenues, namely: (a) 4-quarter period preceding base year actual, (b) base year actual, (c) pro forma year, and (d) forecast year. These time periods are identified in Schedule C, Part I.

The critical procedure in Part II is the allocation of increased system operating expenses and sum of money items to the traffic at issue based on *revenue* relationships, i.e., based on the percentage relationship of the total issue traffic revenues to the total system revenues with minor deletions. This procedure is necessary *at this time* because of the absence of regulatory or managerial accounting systems designed for "costing" purposes, or, in the alternative, a "cost formula" which, together with appropriate data from engineering and traffic studies, could be used to "cost out" the particular bus transportation services that may be at issue in a given general increase proceeding. The fallacy in using revenues as an allocation factor is the assumption that there is a direct relationship between revenues and costs, or, in other words, that revenues bear the same relationship to costs regardless of the type of transportation services provided. However, differential charging is an economic fact, and cost of service is not the sole factor to be considered in rate making.

Notwithstanding the deficiency in using revenues as an allocation factor, it is necessary to obtain some expression of how the increased system-wide operating expenses, and sum of money items may be impacting on the traffic at issue. An evaluation of this impact is essential to determine whether, in fact, the issue traffic is bearing "too much" or "too little" of the increased costs and the overall burden vis-a-vis the "non-issue" traffic which may include traffic which is interstate or intrastate in character—with the latter traffic being regulated by state utility commissions.

Study Carrier Groupings—The study carrier groups for Part II shall be the same as those designated for Part I.

Time Periods—The time periods shown in Part IIA, *Revenue Distribution*, are the same as those indicated for Part I. In Part IIB, *Allocation to Traffic at Issue*, although the time periods are the same as in Part IIA they serve a different purpose, i.e., they serve to measure the increases in operating expenses, sum of money, and revenues, as explained in the following:

Line 1, Revenues Applicable to Traffic at Issue—Data applicable to columns (c) through (h) on this line should be obtained from records or special studies of the individual carriers and appropriately combined into the study carrier groups required for Schedule C. Since there are no industry-wide studies or uniform procedures for obtaining revenue data applicable to the issue traffic, the study carriers should be careful to maintain proper records of the underlying data in the event the Commission should request their submission. (See proposed rules Section 1105.7).

Lines 2 and 3—These lines are self-explanatory.

Lines 4, 5 & 6—These lines represent the increased system operating expenses (Line 4), increased system sum of money (Line 5), and the total of these items (Line 6). For example, for Part II, Line 4, Column (d), base year actual over preceding 4-quarter period, the increased system operating expenses are obtained by subtracting the total expenses shown in Schedule C, Part I, Line 10, *Column* (c), from the comparable total expenses shown in Schedule c, Part I, Line 10, *Column* (d). The increased sum of money items to be shown on Line 5 are obtained in a similar matter but using Schedule C, Part I, Line 29. Part II, Line 6 then represents a total of Lines 4 and 5.

For Lines 4, 5 and 6, Columns (e) and (f), it should be noted that the amounts reported in Columns (e) and (f) should be the same. In other words, there should be no change in the increased expenses, sum of money, and total because the subheadings of Columns (e) and (f), (i.e., based on current revenues, and based on proposed revenues, respectively) apply only to the revenues to be shown on Line 8. The same situation also applies with respect to Columns (g) and (h).

Line 7—This line represents an allocation of the total increased system operating expenses and sum of money (Line 6) to the traffic at issue, and is obtained by multiplying the amounts on Line 6 by the respective column percentages shown on Line 3.

Line 8—The increases in revenues on the traffic at issue are obtained from Part II, Line 1, by using the time periods specified. For example, the increased revenues on the issue traffic for the base year actual over the preceding 4-quarter period (Line 8, Column (d)) is obtained by subtracting the revenues shown on Line 1, Column (c) from the revenues shown on Line 1, Column (d).

Line 9—This line represents the ratio of increased revenues to increased costs and is obtained by dividing Line 8 by Line 7.

SCHEDULE D (Part I)

Selected Financial Data
(Dollars in Thousands)

Individual study carriers plus:
( ) All study carriers combined (excluding Greyhound Lines, Inc.)
( ) All study carriers combined (including Greyhound Lines, Inc.)

Line No.	Item (a)	Source (b)	Calendar Yr. 19__ (c)	Calendar Yr. 19__ (d)	Base Year-Actual ___/___/___ To ___/___/___ (e)
1	Total Operating Revenues	A.R. Sch. 2998, L.9			
2	Total Operating Expenses	A.R. Sch. 2998, L.15			
3	Depreciation Expense and Amortization of Carrier Operating Property	A.R. Sch. 2998, L.11+L.12			
4	Lease of Carrier Property (net)	A.R. Sch. 2998, L.17+L.18			
5	Net Carrier Operating Income	A.R. Sch. 2998, L.19			
6	Interest on Long-Term Obligations	A.R. Sch. 2998, L.31			
7	Amortization of Debt Discount & Amortization of Premium on Debt (net)	A.R. Sch. 2998, L.34+L.35			
8	Ordinary Income	A.R. Sch. 2998, L.41			
9	Net Income	A.R. Sch. 2998, L.47			
10	Cash Dividend Appropriations	A.R. Sch. 2930			
11	Current Assets	A.R. Sch. 100, L.17, col. b			
12	Current Liabilities	A.R. Sch. 101, L.14, col. b			
13	Current Assets[1]	A.R. Sch. 100, L.17			
14	Current Liabilities[1]	A.R. Sch. 101, L.14			
15	Long-Term Debt Due Within One Year	A.R. Sch. 101, L.15, col. b			
16	Long-Term Debt Due After One Year	A.R. Sch. 101, L.24, col. b			
17	Long-Term Debt Due Within One Year[1]	A.R. Sch. 101, L.15			

Line No.	Item (a)	Source (b)	Calendar Yr. 19__ (c)	Calendar Yr. 19__ (d)	Base Year-Actual ___/___/___ To ___/___/___ (e)
18	Long-Term Debt Due After One Year[1]	A.R. Sch. 101, L.24			
19	Stockholders' Equity	A.R. Sch. 101, L.41+L.44+L.47, col. b			
20	Stockholders' Equity[1]	A.R. Sch. 101, L.41+L.44+L.47			
21	Intangibles[1]	A.R. Sch. 100, L.31			
22	Net Carrier Operating Property (owned plus leased to others)[2]	A.R. Sch. 100, L.19+L.21			
23	Total Net Tangible Property[1]	A.R. Sch. 100, L.26			
24	Investment in Owned & Leased Property plus Working Capital[1]	See footnote [2]			
25	Operating Ratio	L.2 ÷ L.1			
26	Current Ratio	L.11 ÷ L.12			
27	Dividend Pay-out Ratio	L.10 ÷ L.9			
28	Throw-off to Debt Ratio	(L.9+L.3) ÷ (L.15+L.16)			
29	Capital Structure Ratio	(L.15+L.16) ÷ (L.15+L.16+L.19)			
30	Working Capital	L.13 - L.14			
31	Rate of Return on Owned & Leased Operating Property plus Working Capital	L.5 ÷ L.24			
32	Rate of Return on Stockholders' Equity, less Intangibles	L.9 ÷ (L.20 - L.21)			
33	Rate of Return on Total Capitalization	(L.6+7+9) ÷ (L.17+18+20)			

SCHEDULE D (Part II)

Accounts Giving Effect to Interperiod Tax Allocation (Deferred Taxes)

(Dollars in Thousands)

Line No.	Item (a)	Source (b)	Calendar Yr. 19__ (c)	Calendar Yr. 19__ (d)	Base Year-Actual ___/___/___ To ___/___/___ (e)
	Balance Sheets Accounts:				
1	Deferred Income Tax Charges	A.R. Sch. 100, L.16			
2	Accumulated Deferred Income Tax Charges	A.R. Sch. 100, L.44			
3	Deferred Income Tax Credits	A.R. Sch. 101, L.13			
4	Accumulated Deferred Income Tax Credits	A.R. Sch. 101, L.27			
	Income Statement Accounts:				
5	Provision for Deferred Taxes	A.R. Sch. 2998, L.40			
6	Provision for Deferred Taxes - Extraordinary and Prior Period Items	A.R. Sch. 2998, L.45			

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EXPLANATORY—SCHEDULE D (PART I)

Purpose—The purpose of Schedule D (Part I) is to ascertain the financial posture of the individual study carriers and study carrier groupings by an analysis of certain key financial data, with a view to determining revenue needs.

Study Carrier Groupings—A separate Schedule D (Part I) shall be prepared for each of the following:

(1) Individual study carriers.
(2) All study carriers combined (excluding Greyhound Lines, Inc.)
(3) All study carriers combined (including Greyhound Lines, Inc.)

Column (b)—The annual report sources in this column refer to the 1974 Annual Report Form MP-1. For years prior or subsequent to 1974, use comparable sources.

Column (c)—If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (c) shall be based on the 3rd calendar year preceding the filing year. For example, if the rate increase was filed on May 15, 1975, column (c) shall report data for calendar year 1972.

If the fare/charge increase is filed during the last six months of the calendar year, the data reported in column (c) shall be based on the 2nd calendar year preceding the filing year. If, for example, the rate increase is filed on Nov. 15, 1975, column (c) should report data for calendar year 1973.

Column (d)—If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (d) should be based on the 2nd calendar year preceding the filing year. For example, if the rate increase is filed on May 15, 1975, column (d) should report data for calendar year 1973.

If the rate increase is filed during the last six months of the calendar year, the data reported in column (d) shall be based on the 1st calendar year preceding the filing year. If, for example, the fare/charge increase is filed on Nov. 15, 1975, column (d) should report data for calendar year 1974.

Column (e)—Data to be reported in this column for the *base year actual* shall be based on the 4-quarter calendar year periods identified below:

Filing month of certified statement	*4-quarter calendar year period ending—*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month. year.
August	Do.
September	Do.
October	June 30, filing-month. year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the *base year actual*. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable, the base year actual ending December 31, may be used in lieu of the base year actual ending September 30.

EXPLANATORY—SCHEDULE D (PART II)

Purpose—Schedule D (Part II) is designed to further facilitate an assessment of the carriers' financial posture by segregating the impact of the Commission's deferred tax accounting rule change on their financial statements.

If the financial data reported in either column (c), (d) or (e) of Schedule D (Part I) apply to periods subsequent to Jan. 1, 1974 (the effective date of the deferred tax rule change), it will be necessary to complete the corresponding column of Schedule D (Part II). For example, if the data reported in column (d) of Schedule D (Part I) is based on calendar year 1974, it will be necessary for the carriers to complete column (d) of Schedule D (Part II).

Study Carrier Groupings—The study carrier groups for Part II shall be the same as those designated for Part I.

Column (b)—The annual report sources in this column refer to the 1974 Annual Report Form MP-1. For years prior or subsequent to 1974, use comparable sources.

[1] Show average of beginning and end-of-year figures.

[2] Multiply the percent of net operating property to total net tangible property (Line 22÷Line 23) by the amount on Line 30. Add the resulting amount to Line 22.

( ) Greyhound Lines, Inc.
( ) All study carriers combined (excluding Greyhound Lines, Inc.)
( ) All study carriers combined (including Greyhound Lines, Inc.)

SCHEDULE E

Statement of Changes in Financial Position
(Dollars in Thousands)

Line No.	Item (a)	Calendar Yr. 19__ (b)	Calendar Yr. 19__ (c)	Calendar Yr. 19__ (d)
	Source of funds:			
1	Net income			
2	Add non-cash charges for depreciation and amortization			
	Add non-cash charges for additions (deduct for decreases) to estimated liabilities:			
3	Self insurance			
4	Personal injuries, property damage, workmen's compensation			
5	Cargo loss and damage claims			
6	Overcharge claims			
7	Other important items (specify)			
8	Total non-cash charges (Lines 2 thru 7)			
9	Funds provided by operations (Lines 1 and 8)			
10	Proceeds from sale of capital stock of own issue			
11	Proceeds from sale of funded debt and other obligations of own issue (except equipment obligations)			
12	Proceeds from sale of equipment obligations of own issue			
13	Book cost of depreciable transportation property retired during year			
14	Less accumulated depreciation			
15	Net book value of depreciable transportation property retired during year			
16	Net book value of miscellaneous physical property disposed of during year			
17	Net book value of investment securities disposed of during year			
18	Advances, notes and other debts repaid by affiliated companies			
19	Advances, notes and other debts repaid by other companies			
20	Net decrease in sinking and other special funds			
21	Net decrease in working capital (total current assets less total current liabilities)			
22	Other sources (specify)			
23				
24				
25				
26	Total sources of funds (should be same as line 44)			

Line No	Item (a)	Calendar Yr. 19__ (b)	Calendar Yr. 19__ (c)	Calendar Yr. 19__ (d)
	Application of funds:			
27	Investment in transportation property			
28	Investment in miscellaneous physical property			
29	Investments and advances, affiliated ICC regulated carriers			
30	Investments and advances, other affiliated companies			
31	Total investments and advances, affiliated companies			
32	Investments in nonaffiliated companies			
33	Advances, notes and other debts repaid to other companies			
34	Capital stock of own issue reacquired			
35	Funded debt and other obligations paid or reacquired (except equipment obligations)			
36	Equipment obligations paid or reacquired			
37	Net increase in sinking and other special funds			
38	Payment of dividends (other than stock dividends)			
39	Net increase in working capital			
40	Other applications (specify)			
41				
42				
43				
44	Total application of funds (should be same as line 26)			

EXPLANATORY—SCHEDULE E

Purpose: Schedule E is designed to provide the Commission with an indication of the carriers' sources and uses of funds over the recent past.

Study Carrier Groupings—A separate Schedule E shall be prepared for each of the following:

(1) Greyhound Lines, Inc.
(2) All study carriers combined (excluding Greyhound Lines, Inc.).
(3) All study carriers combined (including Greyhound Lines, Inc.).

"Funds"—The term "funds" for the purpose of this schedule shall include all assets or financial resources even though a transaction may not directly affect cash or working capital. For example, the purchase of property in exchange for bonds or shares of stock would be an application of funds for investment in property provided by the issue of securities.

Sources and uses of funds should be individually disclosed. For example, outlays for fixed assets should not be reported net of retirements.

Column (b)—Data reported in Column (b) should be based on the 3rd calendar year preceding the effective year of the proposed rate increase.

Column (c)—Data reported in Column (c) should be based on the 2nd calendar year preceding the effective year of the proposed rate increase.

Column (d)—Data reported in Column (d) should be based on the 1st calendar year preceding the effective year of the proposed rate increase.

The time frame requirements outlined above apply only if the proposed rate increase is effective during the last six months of the calendar year. If the proposed rate increase is effective during the first six months of the calendar year, the data in columns (b), (c), and (d) should be based on the fourth, third, and second calendar years, respectively, preceding the effective year of the proposed rate increase.

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( ) Greyhound Lines, Inc.
( ) All study carriers combined (excluding Greyhound Lines, Inc.)
( ) All study carriers combined (including Greyhound Lines, Inc.)

SCHEDULE F

Affiliate Revenue Data for Services Rendered

Line No.	Item (a)	Calendar Year 19__ (b)	Calendar Year 19__ (c)	Base Year Actual _/_/_ To _/_/_ (d)
	Affiliate Revenues for Services Rendered to Respondents			
1	Engineering			
2	Management			
3	Legal			
4	Accounting			
5	Financial			
6	Furnishing of Materials and Supplies			
7	Leasing of Land, Structures and Vehicles			
8	Purchase of Equipment			
9	Construction			
10	All Other Services			
11	Total Affiliate Revenues for Services Rendered to Respondent (lines 1 through 10)			
12	Total Affiliate Revenues for Services Rendered to Other Than Respondents			
13	Total Affiliate Revenues (Lines 11 and 12)			
14	Total Affiliate Income From Operations Before Income Taxes			

EXPLANATORY—SCHEDULE F

Purpose—Schedule F is designed to facilitate an assessment of the effect on the carriers' profits of transactions with affiliates.

Instructions:

Schedule F should be prepared on a composite basis for all applicable study carriers (including Greyhound Lines, Inc. and Continental Trailways, Inc.).

Affiliate transactions aggregating less than $30,000 need not be reported in this Schedule.

Study Carrier Groupings—A separate Schedule F shall be prepared for each of the following:

1. Greyhound Lines, Inc.
2. All study carriers combined (excluding Greyhound Lines, Inc.).
3. All study carriers combined (including Greyhound Lines, Inc.).

Column (b)—If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (b) shall be based on the 3rd calendar year preceding the filing year. If the fare/charge increase is filed during the last six months of the calendar year the data reported in column (b) shall be based on the 2nd calendar year preceding the filing year.

Column (c)—If the fare/charge increase is filed during the first six months of the calendar year the data reported in column (c) shall be based on the 2nd calendar year preceding the filing year. If the fare/charge increase is filed during the last six months of the calendar year the data reported in column (c) shall be based on the 1st calendar year preceding the filing year.

Column (d)—Data to be reported in this column for the *base year actual* shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement	*4-quarter calendar year period ending—*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the *base year actual*. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable then the *base year actual* ending December 31, may be used in lieu of the *base year actual* ending September 30.

( ) Greyhound Lines, Inc.
( ) All study carriers combined (excluding Greyhound Lines, Inc.)
( ) All study carriers combined (including Greyhound Lines, Inc.)

SCHEDULE G

Labor and Operating Statistics
(in thousands)

Line No.	Item (a)	Source (b)	2d. 4-quarter Period Preceding Base year Actual (c)	4-quarter Period Preceding Base year Actual (d)	Base Year Actual _/_/ to _/_/ (e)	Pro Forma Year _/_/ to _/_/ Based on Current Fares (f)	Pro Forma Year _/_/ to _/_/ Based on Proposed Fares (g)	Forecast Year _/_/ to _/_/ Based on Current Fares (h)	Forecast Year _/_/ to _/_/ Based on Proposed Fares (i)
	Labor:								
1	Equipment maintenance and garage employees	A.R. Sch. 9002, col. c, L. 2+3+4+"Other"							
2	Transportation, drivers	A.R. Sch. 9002, col. c, L. 7							
3	Transportation, supervisory and others	A.R. Sch. 9002, col. c, L. 6+"Other"							
4	Station employees	A.R. Sch. 9002, col. c, L. 9+10+"Other"							
5	Traffic, solicitation, and advertising	A.R. Sch. 9002, col. c, L. 12+13+"Other"							
6	Insurance and safety employees	A.R. Sch. 9002, col. c, L. 15+"Other"							
7	Administrative and general: officers, owners, and partners	A.R. Sch. 9002, col. c, L.17							
8	supervisory	A.R. Sch. 9002, col. c, L.18							
9	clerical	A.R. Sch. 9002, col. c, L.19							
10	others	A.R. Sch. 9002, col. c, L.20							
11	Total	L.1 through 10							
	Bus-miles:								
12	intercity service (regular routes)	A.R. Sch. 9007, col. e, L.1							
13	local service	A.R. Sch. 9007, col. e, L.2							
14	charter, sightseeing, and other special service	A.R. Sch. 9007, col. e, L.3							
15	vehicle-miles operated exclusively in baggage, mail, express and/or newspaper service	A.R. Sch. 9007, col. e, L.4							
16	Total	L.12 through 15							
	Other Statistics:								
17	Number of intercity revenue passengers carried (regular route)	A.R. Sch. 9007, L.6							
18	Number of local revenue passengers (excluding transfers)	A.R. Sch. 9007, L.7							
19	Number of charter, sightseeing, and other special revenue passengers	A.R. Sch. 9007, L.8							

Labor and Operating Statistics
(in thousands)

Line No.	Item (a)	Source (b)	2d. 4-quarter Period Preceding Base year Actual (c)	4-quarter Period Preceding Base year Actual (d)	Base Year Actual _/_/ to _/_/ (e)	Pro Forma Year _/_/ to _/_/ Based on Current Fares (f)	Pro Forma Year _/_/ to _/_/ Based on Proposed Fares (g)	Forecast Year _/_/ to _/_/ Based on Current Fares (h)	Forecast Year _/_/ to _/_/ Based on Proposed Fares (i)
20	Number of regular route intercity revenue passenger-miles	A.R. Sch. 9007, L. 12							
21	Passenger revenue from regular route intercity	A.R. Sch. 9007, L. 13							
22	Passenger revenue from local service	A.R. Sch. 9007, L. 14							
23	Passenger revenue from charter, sightseeing, and other special service	A.R. Sch. 9007, L. 15							
24	Total passenger revenue--Actual	A.R. Sch. 9007, L. 16							
25	Average fare per passenger--Intercity service	A.R. Sch. 9007, L. 17							
26	Average fare per passenger--Local service	A.R. Sch. 9007, L. 18							
27	Average fare per passenger--Charter, sightseeing, and other special service	A.R. Sch. 9007, L. 19							
28	Average revenue per intercity bus-mile	A.R. Sch. 9007, L. 20							
29	Average revenue per intercity passenger-mile	A.R. Sch. 9007, L. 21							
30	Passenger-mile per bus-mile (average load)	A.R. Sch. 9007, L. 22							
31	Passenger-mile per passenger carried--intercity service (average journey)	A.R. Sch. 9007, L. 23							

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EXPLANATORY—SCHEDULE G

Purpose—The objectives of this schedule are to determine changes in labor expenses, and to evaluate past changes in productivity and estimate future changes.

Study Carrier Groupings—A separate Schedule G shall be prepared for each of the following:

1. Greyhound Lines, Inc.
2. All study carriers combined (excluding Greyhound Lines, Inc.)
3. All study carriers combined (including Greyhound Lines, Inc.)

Column (b)—The annual report sources in this column refer to the 1974 Annual Report Form MP-1. For years prior or subsequent to 1974 use comparable annual report sources.

Columns (c) *and* (d)—Data reported in columns (c) and (d) shall be based on the 2 four-quarter periods immediately preceding the base year actual. If, for example, the base year actual begins on July 1, 1975, the data reported in column (c) shall be based on the 12 months July 1, 1972 through June 30, 1973; and the data in column (d) shall be based on the 12 months July 1, 1973 through June 30, 1974.

Column (e)—Data to be reported in this column for the base year actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement	*4-quarter calendar year period ending—*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, Filing-Month Year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in the event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the *base year actual*. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year are obtainable then the *base year actual* ending December 31, may be used in lieu of the *base year actual* ending September 30.

Columns (f) *and* (g)—Columns (f) and (g) shall contain the pro forma year data. These data do not represent a forecast, but the results of 12 months of operations at cost and fare/charge levels existing at a specific time.

The data reported in column (f) shall be the base year actual (column (e)) restated to reflect conditions (wage, price, and productivity, etc.) prevailing on or near the effective date of the proposed increase. Revenues in column (f) shall be based on fares and charges which are currently in effect.

The data reported in column (g) shall also be the base year actual (column (e)) restated to reflect conditions (wage, price and productivity, etc.) prevailing on or near the effective date of the proposed increase. Unlike column (f), however, revenues in column (g) shall be based on the proposed fares and charges.

Columns (h) *and* (i)—Columns (h) and (i) shall contain the forecast year data. The data reported in column (h) shall be a forecast for that four-quarter period immediately following the base year actual. The forecast year will always begin on either January 1, April 1, July 1 or October 1. If, for example, the base year actual ends on June 30, 1975, the forecast year will begin on July 1, 1975. Revenues in column (h) shall be based on fares and charges currently in effect.

The data reported in column (i) shall, like column (h), be a forecast for the four-quarter period immediately following the base year actual. Unlike column (h), however, the revenues in column (i) shall be calculated on the basis of the proposed fares and charges.

Pro Forma and Forecast Year Data—Data for these time periods shall be appropriately explained and supported. Each of the dollar figures called for in these columns shall be accompanied by an explanation of the bases or methods for restatement and explict identification of all assumed or forecasted changes in revenues, expenses, wage rates, price levels and productivity as compared with the base year actual results. This evidence should be adequate to enable the Commission to find that the proposed fare/charge increase: a) is cost justified and does not reflect future inflationary expectations; and, b) takes into account expected and reasonable productivity gains:

APPENDIX A—GUIDELINES FOR THE PRESENTATION OF THE RESULTS OF SAMPLE STUDIES

INTRODUCTION

These *Guidelines*, while adaptable to any application of probability sampling, are intended primarily to furnish a general method of presenting the basic information about a sample study or survey when used in connection with evidence submitted in proceedings before the Interstate Commerce Commission. They call for a full explanation of a sample including its purpose, design, proceduras and management, estimates based thereon and interpretations and tests of the data.

An increasingly large volume of data collected through use of probability sampling techniques are being presented in rate, merger and other proceedings. Our experience in providing technical assistance to the Commission and its hearing examiners indicates that use of these *Guidelines*, when sample evidence is introduced, could save considerable time and money for all concerned. The specific and complete information about the sample plan in initial submissions should reduce significantly the time needed for cross-examination, for appraisal of the sample's technical soundness, and for evaluation of the evidence to which the sample data are related.

Preparation and submission of a statement as contemplated by the *Guidelines* should not impose an undue burden upon the witness since the information to be supplied would be known and readily available to those designing and managing the sample study.

Appended hereto is a list of reference books relating to the basic concepts, mathematical theory, methods, procedures and practical applications of statistics, probability sampling and quality control. No attempt has been made to list all available references. Omission of any specific reference does not imply disapproval.

SPECIFIC GUIDELINES

A. Purpose of the Sample Study

Every sample study or sample survey has a purpose or objective that can be stated simply and clearly in a layman's language. For example, the purpose may be to estimate how much traffic may be diverted from a railroad as a result of a proposed merger.

a. State what is intended to be proved by the sample study.

b. State specifically all major questions the sample data are expected to answer.

c. State the degree of precision desired from the sample study. In order to achieve the purpose of a sample study, a questionnaire or data sheet must be designed to collect necessary sample data.

d. Enclose a copy of the questionnaire or data sheet used to collect the sample data.

e. Describe how the data collected by the questionnaire contributes to the major purposes of the sample study.

f. Explain the need for including questions on the questionnaire that are not directly required by the major purposes of the sample study.

g. Keep the questionnaire brief. Irrelevant questions should be eliminated.

h. Avoid ambiguity. Questions should be phrased in such a way that the answers will be interpreted specifically.

B. Designing the Sampling Plan

After listing the objectives of a sample study and preparing a questionnaire to collect necessary sample data, the most important procedure to assure statistical validity in the sampling results is the "sampling plan". The sampling plan includes: (1) definitions of the population, frames, strata, sampling elements or units, and major characteristics to be derived from the sample elements; (2) a description of the source, age, gaps, and other factors concerning the data from which the sample is to be drawn; (3) the method of sample selection such as completely random from the entire population, stratified sampling by major groups and subgroups, or by diversified frames, and whether systematic or replicated sampling plans are to be used; (4) determining the sample size by frame, strata, group, or entire population in order to provide statistical validity for the sampling results with adequate confidence; (5) detailed instructions to the enumerators (*i.e.*, people who fill out the questionnaire); and (6) a pretest of the questionnaire to discover and correct weak faults in the basic questionnaire and instructions to the enumerators, before the major effort of collecting sample data begins.

Each of these steps is discussed in the following paragraphs.

1. *Population*. The population is the complete set of all data elements of one kind which are to be studied whether accessible or not. For example, the population may consist of railroad cars as of a certain date, or carload or truckload traffic, pickup and delivery trips, claims, revenues or expenses of a given kind within a period of time.

a. Define each population in terms of specific units, extent of boundaries, time, and any other factors that describe the elements comprising the population about which estimations are to be made on a sampling basis.

b. Distinguish between the total population and the study population when the latter does not include all of the former.

c. State the size (number of elements) of each population if it can be estimated.

d. Explain how the nature or size of the population influenced the design of the sampling plan.

2. *Frames*. The frame provides a way of getting at the population. It describes the items or materials in the form of maps, lists, directories, accounts, card files, computer tapes, etc., comprising the population, or an adequate portion of it, from which suitable sample units may be selected. Frames that are readily available usually require corrections. Sometimes the frame will have to be constructed from the beginning. For example, a frame might be a list of all class I railroads, all class II motor carriers, or all freight bills for one year for a particular motor carrier.

a. Define the frame in terms of the geographical and economic scope of the survey, the categories of material covered, and the number of elements in each frame.

b. State the date and source of the frame.

c. Describe the method used to correct available frames or to construct a new frame (see reference 15).

d. If the frame does not coincide with the study population, describe the cause and magnitude of the differences between them (see reference 13).

e. Explain how the size and scope of the frame influenced the design of the sampling plan.

3. *Stratification*. Whenever a population is divided into groups such that the elements in each group are more alike than are the elements in the population as a whole, and a random sample is drawn from each group, the sample is called a stratified sample, the groups are called strata, and the process of dividing the population into groups is called stratification. Stratified sampling provides a method for obtaining greater precision in the sample estimates (see reference 14). Key factors to consider in stratification are size, composition, location, type, source and classes of data.

a. If the frame was stratified before samples are drawn, state the number of strata and describe the distinguishing feature of each stratum.

b. State the frame size, the strata sizes, and the sample sizes for each stratum in terms of the number of sample units or elements.

c. If replication as well as stratification was used, explain the procedure used (see paragraph 7).

d. If the sample was stratified after sampling, describe the procedures and estimation methods that were used.

e. Briefly state why stratification was used, in terms of expected increases in statistical validity and reduced costs for conducting the sample study.

4. *Sampling Elements, Units and Clusters*. The elements of a population are the items for which information is sought. Elements of the study population are contained in the sampling units which are itemized in the frame. In element sampling, each sampling unit contains only one element; but in a cluster sampling, the sampling units contain two or more elements. For example, a sample *element* may be one employee at a freight station, and a cluster sample *unit* would be all employees at one station when stations are sampled in the survey.

a. Define the elements contained in the population, and state the number of elements in each sampling unit.

b. When using cluster sampling, describe the clusters and their sample elements. Indicate if all the sample elements are used in the clusters.

c. If multistage sampling is used, define the sampling units and the stages so that each element belongs uniquely to one sampling unit at each stage. For example, the sampling units of the first stage (primary sampling units) could be all class I railroads; the second-stage sampling units could be railroad freight stations of the selected railroads; and the third-stage sampling units could be the employees at the selected freight stations (see references 14 or 15).

5. *Source of Data*. It is very important to know the source, age and gaps in data for the population and the sample. This has a direct bearing on nonsampling errors and the total amount of uncertainty in the survey sampling results.

a. Describe the physical form and date of the data for the population from which the sample was drawn, the handling of documents over time periods or geographical areas, how the collection or filing of source data affected the sample selection, and other factors to validate the data sources.

b. Describe the actual physical source of data such as accounting numbers, geographic or chronological numbers, other kinds of control records, or reels of magnetic tapes by computer file number.

c. State whether the source data were readily available from current records, or whether a new data collection sheet was required.

d. State whether the source data were derived from judgments that might be subject to variation from one person to another. Give reasons why judgments were made rather than obtaining data by direct measurements. List the qualifications of persons making judgments. Describe the manner in which the judgments were made. State the criteria upon which judgments were made.

6. *Major Groups and Subgroups*. Sometimes important characteristics are estimated for major groups and subgroups. These groups and subgroups are usually quite different from the strata used. The size and nature of these groups and subgroups have considerable influence on stratification and sample size. For example, all railroads in the United States may be stratified into class I and class II in order to draw a sample for the purpose of determining the extent of boxcar shortages. After the shortage rates have been estimated from the sample study, they may be applied to a major group (U.S. total) and subgroups such as rate territories or States.

a. Describe the major groups and subgroups for which estimates of major characteristics are required.

b. Explain the relationships among major groups, subgroups, stratifications, and sample sizes.

c. Explain how the sample size or other aspects of the sampling plan were affected by considerations of evaluating the sampling results for major groups and subgroups.

7. *Replication*. A replicated sample design consists of two or more subsamples drawn and processed completely independent of each other from the same population. The main advantage of replication is ease in computing the estimated standard errors. Replication also makes it easier to evaluate the amount of bias in the estimating procedure (see reference 13).

a. If a replicated sample was used, state the number of replicates, zone width, number of zones, and sample size in each replicate. If thick zones are used, indicate how they were formed and state the number for each replicate.

b. Describe the method for making independent selections of sample units.

c. Explain how replicates were used to compute the estimated standard error, determine bias in a ratio estimate, discover large non-sampling errors, measure variability due to judgments or interviewers, or other applications.

8. *Determination of Sample Size*. The sample size should be sufficiently large for the sample results to be precise enough to make appreciable contributions to decisions about the population characteristics. Sample sizes are affected by the amount of desired precision (low variation) in the sampling results, and the economic factors of limited funds and time for conducting the sample study (see reference 15).

a. Explain how the sample size was determined. State formulas used for determining sample size, and explain all factors or values used in this determination.

b. Describe any relationships between the sample size and replication, stratification, major characteristics, major groups and subgroups, standard errors, or other factors.

9. *Instructions for Respondents or Enumerators*. After the data sheet or questionnaire has been designed to collect sample data on all major objectives of the survey, written instructions must be prepared to provide uniform guidance on how to fill out the questionnaire by the respondents or enumerators.

a. Submit a copy of the written instructions for the respondents or enumerators.

b. If any questions on the questionnaire were not covered in the instructions, explain why these questions did not require written instructions for the respondents or enumerators.

10. *Pretest of Questionnaire*. In all large scale sample surveys and in many sample studies of a smaller scale, a pretest of the questionnaire is desirable and usually necessary prior to ultimate implementation in order to insure the practicality and attainment of the survey objectives, as well as to improve the clarity and completeness of the questionnaire and instructions. This means the first draft of the questionnaire is given to a small number of respondents or enumerators who attempt to complete it in accordance with the first draft of the instructions. By this pretest procedure, weaknesses are usually found in both the questionnaire and the instructions. Corrections are then made to both documents before the major effort is begun for the sample survey.

a. If a pretest of the questionnaire was made, describe the pretest procedures and resulting improvements to the questionnaire and instructions for enumerators.

b. If no pretest was conducted, explain why not.

C. Data Collection

After designing the sampling plan which includes the questionnaire, instructions for enumerators, determining sample sizes for each frame, etc., the next phase is the actual collection of data by the enumerators who contact or interview the respondents. Although the sampling plan was properly designed, the final analysis of results might not be statistically valid if the collection of the sample data were not managed properly.

1. *Selecting Sample Units*. The manner in which the sample units are selected from the frame or population will have a definite effect on the validity of the study results. For example, probability sampling requires that the actual selection of units into the sample be made by a mechanical procedure that has predetermined the desired probabilities.

a. Describe how the sampling units in the frame were selected at random.

b. State the source of random numbers, and explain how the random numbers were used.

c. Indicate whether selection was from a two or more stage frame, and how selection was made at each stage.

d. Describe methods of random selection for each frame, and how sample selection sheets, computer tapes, or other similar devices were used.

e. If systematic or serial sampling was used, indicate the preliminary steps taken to avoid bias due to any periodicity in the data. Show evidence that the selected data are not significantly different from that which would be obtained by a simple random sample.

f. Attach copies illustrating sample selection sheets, computer printouts, and other significant materials relating to sample selection.

2. *Sample Management*. Management of the sample involves such things as pretesting the questionnaire or data sheet and the sampling plan; instituting various controls, checks and audits to minimize or eliminate nonsampling errors; using statistical quality

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control procedures to measure and reduce error rates; preparing and using a sampling procedure manual; planning, programming and controlling the computer operations if a computer is used; resolving all questions and problems concerning the sampling plan; and giving special training or instructions as needed. Sample management means executing the sampling plan as designed.

a. State the amount of training given to all personnel, including supervisors, to implement the project according to the procedures required by the sampling plan.

b. Explain how technical sampling guidance was made available and was actually used to resolve sampling questions and problems during the collection of data.

c. Show evidence that properly trained personnel actually directed, managed and monitored the implementation of the sampling plan.

d. Explain the pretest or pilot run that was made to test sampling procedures and obtain estimates of variances if needed for the sampling plan design.

e. Describe the various controls that were used to minimize or eliminate nonsampling errors such as sample audits, statistical quality control charts, data reliability checks, and machine consistency checks.

3. *Data Tabulation.* One of the major sources of nonsampling errors occurs in the routine process of tabulating the sample data. Every precaution must be used to reduce or eliminate the errors in data tabulation. Specific and detailed written instructions must be given to those people who receive the completed questionnaire to review it for completeness and accuracy, to those people who code the sample data for card punching or other data processing, and to the data programmers for specific tabular printouts of the sample survey results. Copies of the written instructions to people who provide data tabulations should be submitted.

a. Describe how the sample data were edited, coded, reviewed and tabulated.

b. Explain the techniques of statistical quality control that were used to measure validity of the data tabulations.

c. State the kinds of errors that were discovered and the error rate for each step in processing the sample data.

D. Analysis of Sampling Results

A limited amount of preliminary analyses of the sampling results may be made while the data are being collected. However, a formal statistical analysis cannot be completed until after all the sampling data have been summarized in the form of tables or graphs.

1. *Major Characteristics Estimated from Sample.* The measurements of operational data, costs, revenues, etc., that are estimated from the sample study are called the major characteristics of the population. The number and complexity of these characteristics influence the statistical validity of the sample data and the methods of estimation. Examples are revenue ton-miles, average number of days for delivery delays, total amount or percent of rail traffic diverted, and revenue gains or losses due to merger.

a. Describe the major characteristics which were estimated from the sample.

b. Define each term or factor simply, precisely, and clearly in layman's language.

c. Explain how each characteristic is related to the objectives of the sample study.

2. *Types of Derived Estimates.* There are many types of estimates that can be derived from the sample data. They may include ratios, proportions or percentages, aggregates or totals, differences, means or averages, standard deviations, correlation coefficients, regression coefficients, and many others.

a. Explain the various types of estimates derived from the sample and state the estimating equations used for each, by replicate, by stratum, for the entire sample, or other groupings of data.

b. Relate the estimating equations to the sampling method used.

c. If ratio or regression estimates were used, state expressions for the estimates and how the sampling errors were derived.

3. *Standard Errors.* In the language of statisticians, the validity of sampling results is measured by the ability of the sample to describe the frame or population from which the sample was drawn (within the laws of probability). Based on the sample survey data, the statistician can claim the mean of the population (arithmetic average) is some number X, plus or minus a band of confidence based on the laws of probability. For example, the mean of the population (based on sample data) is computed to be $40, plus or minus $3 with a 67 percent confidence (one standard error each way). This is to say the true mean of the population is estimated to be between $37 and $43 with a 67 percent confidence. The band of confidence gets wider in dollars with higher levels of confidence. For the same survey sampling results, the statistician can state a 95 percent probability that the population mean is somewhere between $34 and $46; or a 99 percent probability that the population mean is between $31 and $49. The mean and standard error of the mean are only estimates, since they were derived from the sample results. The accuracy of these estimates can be increased by taking a larger sample size. Computation of the standard errors based on survey sample results is explained in most of the references in Appendix I.

a. State the standard errors of all population estimates (*e.g.*, mean, variance, etc.) derived from the sample survey data. Show how these standard errors were calculated for each sample size and for each sampling stratum.

b. State the size of sampling errors at one standard error. If confidence limits were computed for two or three standard errors to obtain 95 percent or 99 percent confidence limits (or another amount of confidence), indicate this and explain in detail.

4. *Nonsampling Errors.* Major sources of nonsampling errors in a sample include: incomplete frame or population from which the sample was drawn; errors of response, measurement or recording of data at the basic source where the data were collected or interviews performed; nonresponse or delinquent returns by some respondents; errors in data coding, card punching, etc., for electronic computer processing; errors in analyzing the computer printouts; errors of statistical analysis in the interpretation of the sample survey results.

a. List the major sources of nonsampling errors.

b. State what steps or procedures were taken to avoid, minimize, control or eliminate each type of nonsampling error.

5. *Statistical Analysis of Sample Data.* Various mathematical and statistical techniques can be used to analyze and interpret the sample data. These techniques may include the computation of standard errors, tests of significance, regression analysis, and analyses of variance or covariance. For example, statistical tests can be used to determine whether there is a significant difference between two sets of data.

a. Explain how the sample data were expanded to describe the population from which the sample was drawn.

b. Describe the techniques used when interpolations or extrapolations were made.

c. Describe the extent and nature of the statistical analyses. State to what extent conclusions, decisions or actions were based upon these analyses.

6. *Final Appraisal.* A brief statement should be made to summarize and appraise the results of the sample study.

a. Describe how the sample data achieved the objectives of the sample study.

b. Compare the derived estimates with their standard errors.

c. Compare the size of the sampling error with the nonsampling error, if known.

d. State how the total amount of uncertainty or error affected the derived estimates and inferences drawn therefrom.

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[FR Doc.75–32833 Filed 12–9–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ENVIRONMENTAL PROTECTION AGENCY

OPP—240001 (FRL 467–3)

NEW MEXICO, CALIFORNIA, AND WASHINGTON

Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrators' disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in Section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final Section 24(c) regulations is provided for in proposed Section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of New Mexico, California, and Washington. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States are capable of exercising adequate controls to assure that special local needs registrations issued by them pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the Administrator has approved Requests for Interim Certification from the States of New Mexico, California, and Washington. Approval was subject to the terms and conditions set forth in the FEDERAL REGISTER announcement of the Interim Certification program, and other terms and conditions described below.

NEW MEXICO

The New Mexico Request for Interim Certification sought authority to register amendments to EPA registrations of pesticide products which do not involve "changed use patterns", as that term is defined in Section 162.152(c) of the proposed Section 24(c) regulations. Since the authority requested by New Mexico did not involve either "new products", as that term is defined in proposed Section 162.152(g), or amendments involving changed use patterns, a procedure for product hazard review was not required.

The Agency has determined that the New Mexico Request satisfied the requirements for Interim Certification. Therefore, on October 10, 1975, the Administrator notified the New Mexico Department of Agriculture that its Request for Interim Certification had been approved.

CALIFORNIA

The California Request for Interim Certification sought authority to register new products, amendments to EPA registrations which involve changed use patterns, and amendments to EPA registrations which do not involve changed use patterns. In addition, the Request asked for Interim Certification to issue California "Use Variance Authorizations" as special local needs registrations under Section 24(c), FIFRA. A "Use Variance Authorization" is an order issued by the California Department of Food and Agriculture, which permits the temporary use of a pesticide in a manner which conflicts with the California registered label for the pesticide.

The Agency found that the requirements for Interim Certification were satisfied by that part of the Request which asked for Interim Certification to issue California pesticide registrations as special local needs registrations. Procedures for produst hazard review and efficacy determination are part of the State registration program.

However, the Agency deferred action on that part of the Request which sought Interim Certification to issue California Use Variance Authorizations as special local needs registrations. This is to permit the development of additional information concerning such Authorizations. This information will permit the Agency to determine (1) whether the procedures utilized to issue these Authorizations satisfy the requirements of the Interim Program and the FIFRA, and (2) whether Use Variance Authorizations are sufficiently similar to FIFRA registrations to allow them to be accepted as FIFRA registrations under Setcion 24(c). To the extent there are significant differences, EPA and the State of California will consider whether appropriate conditions can be imposed to resolve compatibility problems which have been identified.

On October 10, 1975, the Administrator notifide the California Department of Food and Agriculture that its Request had been granted to the extent indicated in the discussion above.

WASHINGTON

The State of Washington Request for Interim Certification sought authority to register new products, amendments to EPA pesticide product registrations which involve changed use patterns, and amendments to EPA pesticide product registrations which do not involve changed use patterns.

The Agency reviewed the Request and determined that the requirements of the Interim Certification procedure had been satisfied. Procedures for product hazard review and efficacy determination are part of the State registration program. On October 22, 1975, the Administrator notified the State of Washington Department of Agriculture that its Request had been granted.

Copies of the Requests for Interim Certification from New Mexico, California, and Washington, along with letters reflecting the Agency's decision to approve these Requests, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.
Pesticide Branch, Hazardous Materials Control Division, EPA, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201. (*New Mexico Request only*).
Pesticide Branch, Hazardous Materials Control Division, EPA, 100 California Street, Room 340, San Francisco, California 94111. (*California Request only*).
Pesticide Branch, Hazardous Materials Control Division, EPA, 1200 6th Avenue, Seattle, Washington 98101. (*Washington Request only*).

Dated December 3, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–33124 Filed 12–9–75;8:45 am]

FEDERAL MARITIME COMMISSION

[License No. 1601]

MARIA ESTELA ANDRADE

Order of Revocation

On December 1, 1975, the Federal Maritime Commission received notification that Maria Estela Andrade, 1861 Sherer Lane, Glendale, California 91208 wishes to voluntarily surrender her Independent Ocean Freight Forwarder License No. 1601 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 201.1 (Revised) Section 5.01(b) (dated 6/30/75);

It is ordered, That Independent Ocean Freight Forwarder License No. 1601 issued to Maria Estela Andrade be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1601 be and is hereby revoked effective December 1, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Maria Estela Andrade.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75–33251 Filed 12–9–75;8:45]

FEDERAL POWER COMMISSION

[Docket No. RP76–40]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed PGA Rate Adjustment

DECEMBER 1, 1975.

Take notice that on November 14, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Thirteenth Revised Sheet No. 3–A. Alabama-Tennessee requests that this revised tariff sheet become effective as of January 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effectvie on January 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

Alabama-Tennessee states that the revised tariff sheet provides for the following rates:

Rate schedule:		*Substitute 13th revised sheet No.*
G–1:		3–A
	Demand ----------dollars--	3.38
	Commodity ----------cents--	63.06
SG–I:	Commodity---------do----	87.75
I–1:	Commodity---------do----	65.06

Alabama-Tennessee also tendered for filing First Revised Sheet No. 36–H to reduce the minimum notice period in Section 22(d) of the General Terms and Conditions of its tariff from 45 days to 30 days.

Alabama-Tennessee states that copies of the filing have been mailed to all of its juridictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on on before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of his filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33184 Filed 12–9–75;8:45 am]

[Docket No. RP74–99]

CASCADE NATURAL GAS CORP.

Order Approving Settlement

DECEMBER 2, 1975.

On June 17, 1974, Cascade Natural Gas Corporation, Colorado-Utah Division (Cascade) tendered for filing Fourth Revised Sheet No. 2 and First Revised Sheet Nos. 8 and 15 to its FPC Gas Rate Schedule Original Volume No. 1. Cascade also filed an Alternate Fourth Revised Sheet No. 2 and an Alternate First Revised Sheet No. 8. The filing proposed a $2.25 million increase in annual revenues, based on the twelve months ending April 30, 1974, from Cascade's sole customer under its Rate Schedule No. 1, Mountain Fuel Supply Company (Mountain Fuel).

The filing also proposed a modification of Cascade's present purchased gas adjustment clause to reflect a revision in the base period cost of gas and to provide for the combination of the Company's "old gas" and "incremental gas" rates into a single rate. Cascade proposed an effective date of August 2, 1974.

Notice of the filing was issued on June 26, 1974, with protests, and interventions due on or before July 8, 1974. On July 8, 1974, Mountain Fuel filed a timely petition to intervene, and on July 9, 1974, Rocky Mountain Natural Gas Company filed an untimely petition.

On August 1, 1974, we issued on order which accepted for filing the Fourth Revised Sheet No. 2 and First Revised Sheet Nos. 8 and 15. Accordingly, Cascade's Alternate Fourth Revised Sheet No. 2 and Alternate First Revised Sheet No. 8 were deemed withdrawn. We suspended the effectiveness of the filing for one day. Thus, Cascade's filed rates became effective on August 3, 1974, subject to refund. We set the matter for hearing, and accepted both petitions to intervene.

After settlement discussions and several extensions of procedural dates, a hearing was held on January 16, 1975. In order to allow for further settlement negotiations and exchange of data, the hearing was recessed to March 5, 1975. Following several subsequent postponements and recesses, on June 20, 1975, Cascade filed a proposed "Stipulation and Agreement of Settlement" and a corresponding motion for an order certifying the agreement, together with the record, to us for approval. On June 24, 1975, the Presiding Administrative Law Judge certified the agreement to us. The Staff filed a "Statement of Support for the Filed Settlement" on July 30, 1975.

The proposed settlement agreement provides as follows:

Article I, "Settlement Rates and Bases"—Within ten (10) days following issuance of the Commission's order approving the settlement agreement, Cascade will file revised tariff sheets which will recover for Cascade the settlement cost of service.[1] That cost of service reflects adoption of Cascade's claimed capitalization,[2] and a 13.8 percent rate of return on equity. The settlement cost of service includes $715,247 of depreciation and income taxes adjusted to accommodate other changes in the elements of cost of service as originally filed. Within ten (10) days of Commission approval of the settlement, Cascade will also file a modification of its minimum bill provision which is in accord with Article IV of the settlement.

Article II, "Refunds"—Within fifteen (15) days following effectiveness of the settlement agreement, Cascade will refund to Mountain Fuel the product of 2.40 cents per Mcf and the volume purchased by Mountain Fuel during the Refund Period. That Period shall be the period commencing on August 3, 1974, when Cascade's originally proposed increased rate became effective subject to refund, and ending on the date on which the settlement rates become effective, as determined by Article III. Refunds shall include simple interest at seven (7) percentum per annum.

Article III, "Effective Date and Term"—The settlement agreement shall become effective on the first day following the date on which the Commission's order approving the settlement becomes final and nonappealable. Tariff sheets reflecting the settlement rates

[1] The settlement cost of service is shown in Appendix A, attached hereto.
[2] The settlement capitalization is shown in Appendix B, attached hereto.

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and reflecting the minimum bill provisions shall be filed by Cascade so as to become effective on the first day of the billing month following the date on which the Commission's order approving the settlement agreement becomes final and non-appealable.

The settlement rates shall remain in effect until lawfully changed pursuant to the Natural Gas Act. Docket No. RP74–99 shall terminate when refunds owned by Cascade have been paid and the Commission's order becomes final and non-appealable.

Article IV, "Resolution of Minimum Bill Issue"—In its original filing in Docket No. RP74–99, Cascade included a minimum monthly bill provision for service to Mountain Fuel. The provision required a minimum monthly payment equal to 40 percent of the average daily volume delivered to Mountain Fuel during the preceding twelve months times the currently effective unit rate times the number of days in the month for which deliveries are being billed. Mountain Fuel opposed the provision, fearing that the provision would lead to payments having to be made for gas which Cascade would be unable to deliver during any given month. Mountain Fuel has now agreed to the monthly bill provision on the condition that Cascade modify it by including express language stating that Mountain Fuel will not be required by the provision to pay for gas which Cascade is unable to deliver during any given month. All parties to the instant proceeding agree that the monthly bill provision, as thus modified, should be included in Cascade's Rate Schedule No. 1.

Article V, "Waiver of Rights"—The parties to the proceeding waive any and all rights to seek judicial review of the Commission's order in Docket No. RP74–99 which accepts the settlement agreement as to all its provisions.

Article VI, "Reservations"—The provisions of this agreement constitutes a dollar settlement of this proceeding and none of the parties shall be deemed to have consented to any rate of return, ratemaking principle, or any method of determining cost of service. The provisions of the agreement shall be deemed to apply to Cascade, and nothing shall apply to any successor except as the Commission may so order.

Cascade's concurrence in the settlement agreement particularly as regards rate of return and return on equity, is made in contemplation of purchase of the Colorado-Utah Division by Mountain Fuel during 1975. Accordingly, Cascade reserves the right to move for reopening of the rate of return issue and its decision on the merits in the event that the Colorado-Utah Division is not acquired by Mountain Fuel, with necessary approvals, on or before December 31, 1975.

This settlement agreement resolves all issues. It provides for a $137,992 decrease from the $2,263,286 in annual revenues which would have been allowed by the terms of Cascade's original filing. Thus, the presently effective rate of 63.81 cents per Mcf will be reduced by 2.4 cents effective August 3, 1974, and revenues in excess of the settlement rate will be refunded.

The rate reduction is attributable to the reduction in rate of return from 9.48 percent to 8.93 percent, a reduction in the depreciation rate from 6.96 percent to 6.6 percent, and related adjustments to income taxes.

Our review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by our acceptance and approval of the settlement.

We conclude that the rate of return upon which the parties have agreed, as shown by Appendix B, is just and reasonable. If the proposed purchase of the Colorado-Utah Division by Mountain Fuel is not consummated with necessary regulatory approvals by December 31, 1975, Cascade may file pursuant to Section 4 of the Natural Gas Act and the Regulations, for such an increase in its rate of return as it may deem appropriate.

The Commission finds: (1) The proposed settlement of this proceeding as filed with the Commission by Cascade Natural Gas Corporation on June 20, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. It accordingly should be approved as hereinafter ordered.

(2) If the proposed purchase of the Colorado-Utah Division by Mountain Fuel is not consummated with necessary regulatory approvals by December 31, 1975, Cascade may file, pursuant to Section 4 of the Natural Gas Act and the Regulations, for such an increase in its rate of return as it may deem appropriate.

The Commission orders: (A) The proposed settlement filed by Cascade Natural Gas Corporation on June 20, 1975, as a settlement of the issues involved in this proceeding is hereby approved and adopted.

(B) Cascade Natural Gas Corporation shall file within ten (10) days of the issuance of this order a rate schedule supplement which conforms with the settlement agreement approved herein.

(C) The proposed settlement agreement herein approved shall become effective on the first day following the date on which this order becomes final and non-appealable.

(D) Within fifteen (15) days following the effectiveness of the settlement agreement herein approved Cascade Natural Gas Corporation will refund to Mountain Fuel Supply Company the product of the Unit Refund of 2.40 cents per Mcf as shown in Appendix A to the settlement agreement and the volume purchased by Mountain Fuel Supply Company during the Refund Period. The Refund Period shall be the time commencing on August 3, 1974 and ending on the date on which the settlement agreement herein approved becomes effective. Refunds shall include simple interest at seven (7) percentum per annum.

(E) The Seventh Revised Sheet No. 2, reflecting the rates contained in the proposed settlement approved herein, and the Second Revised Sheet No. 8, reflecting the revised minimum bill language in the proposed settlement approved herein, shall be filed by Cascade Natural Gas Corporation so as to become effective on the first day of the billing month following the date on which this order becomes final and non-appealable.

(F) Docket No. RP74–99 shall terminate when refunds owed by Cascade Natural Gas Corporation by terms of this order have been paid and this order has become final and non-appealable.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Cascade Natural Gas Corporation or any person or party.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Cascade Natural Gas Corp., Colorado-Utah Division*

[Total cost of service by functions, 12 mos ended Apr. 30, 1974, as adjusted]

Line No.	Description	Total cost of service	Production	Transmission
		(1)	(2)	(3)
	Operation and maintenance expenses (excluding purchased gas costs):			
1	Natural gas production and gathering	$146,062	$146,062	
2	Products extraction	2,868	2,868	
3	Other gas supply expenses	(4,992)	(4,992)	
4	Total production expenses	143,938	143,938	
5	Transmission expenses	62,965		$62,965
6	Administrative and general expenses	268,362	208,490	59,872
7	Total operation and maintenance expenses	475,265	352,428	122,837
8	Depreciation	715,247	243,022	472,225
9	Taxes other than income taxes	128,654	45,761	82,893
	Income taxes:			
10	Federal	560,929	152,694	408,235
11	State	27,754	7,555	20,199
12	Total income taxes	588,683	160,249	428,434
13	Return on rate base at 8.93 pct	826,953	283,530	543,394
14	Credits to cost of service	(58,845)	(58,845)	
15	Total cost of service, excluding purchased gas costs	2,677,957	1,926,174	1,051,789
16	Purchased gas costs [1]	1,241,160	1,241,160	
17	Total cost of service	3,919,117	2,267,334	1,051,789

[1] 6,147,400 Mcf at 20.19 cents (rate effective June 1, 1975).

APPENDIX B.—*Cascade Natural Gas Corp., Colorado-Utah division*

[Cost of capital and rate of return]

Line No.	Class of capital	Amount outstanding	Percent of total capital	Effective cost rate (in percent)	Weighted average cost of capital (in percent)
		(1)	(2)	(3)	(4)
	Long-term debt:				
1	First mortgage	$52,308,000		7.018	
2	Term bank notes	6,000,000		10.385	
3	Total	58,308,000	62.50	7.358	4.61
4	Preferred stock	11,670,180	12.53	7.125	.89
5	Common stock equity	23,177,944	24.88	13.80	3.43
6	Total	93,156,124	100.00		8.93

Source: Based on company data.

[FR Doc.75–33217 Filed 12–9–75;8:45 am]

[Docket No. RI75–112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Order Granting Interlocutory Appeal by Staff and Appeal of Associated Gas Distributors

DECEMBER 2, 1975.

The Commission Staff on October 7, 1975, submitted an appeal from the rulings of Presiding Administrative Law Judge Max L. Kane on the Staff's Economic Data Request in the above investigation of the status of nonproducing dedicated reserves. Specifically, the Staff objects (1) to the Judge's exclusion from its Economic Data Request of reference to January 1, 1978, as the target for accelerating development by drilling a new well, and rejection of the Staff's additional request for data on the availability of well-drilling equipment and (2) to the Judge's modification of the Staff's data request to provide that the data be required only from reservoirs that contain 8 Bcf or more gas rather than the Staff's cut-off figure of 4 Bcf.

The Staff also submits and requests that the Commission find that the Judge's rulings constitute extraordinary circumstances justifying its appeal. Answers were filed on October 15, 1975, by Mobil Oil Corporation on October 20, 1975, by Shell Oil Company, Amoco Production Company, Texaco Inc., and Placid Oil Company, on October 22, 1975 by The California Company, Tenneco Oil Company, and Union Oil Company of California, on October 23, 1975 by Kerr-McGee Corporation, and on October 24, 1975, by Continental Oil Company.

Associated Gas Distributors (AGD) on October 15, 1975, also appealed to the Commission requesting an order directing certain producer-respondents to file supplementary testimony. Briefly, as discussed below, AGD wants direct testimony from a witness qualified to discuss the economics of accelerated production for certain reservoirs which his company holds in nonproducing status including a determination of the price per Mcf. It also wants direct testimony from a witness authorized to speak for the policy-making management of the producer-respondent, which discusses factors that the company would consider in evaluating an acceleration recommendation. Answers to the AGD appeal were filed by Mobil on October 24, 1975, by Staff and Union Oil on October 30, 1975, by Kerr-McGee on October 31, 1975, and by Tenneco Oil Company on November 3, 1975.

These proceedings arose by the issuance of the Commission's order of February 20, 1975, instituting an investigation of all offshore dedicated nonproducing reserves in the Gulf of Mexico. The Judge was specifically instructed, among other things, to determine "(a) reasons why gas from nonproducing reservoirs is not being produced, (b) when, under current practices production from these reservoirs is anticipated, (c) the economic and engineering feasibility of accelerating the date for placing such nonproducing reserves on producing status, and (d) whether there is compliance with certificate obligations as to the rate of delivery of gas from the dedicated acreage of which these nonproducing reservoirs are a part."

Extensive hearings have been held. Rulings by the Judge on August 28, 1975 and a conference on September 10, 1975, are involved in the Staff appeal. When the Judge refused to clarify the questions raised by its objections, the Staff filed its appeal.

THE STAFF APPEAL

EXTRAORDINARY CIRCUMSTANCES

Under § 1.28(a) of the Commission's Rules, rulings of presiding officers may not be appealed from during the course of hearings or conferences except in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest. As developed below the issues involved here relate to the scope of and manner of responding to a data request of the Staff made as a part of this invetstigation of nonproducing gas reservoirs. This is an important matter and the issues should be settled promptly, so that the Commission can act decisively on a full record. While a number of the producer-respondents object, we think that the appeal was justified under our rules.

STAFF'S REQUEST FOR DATA IN RELATION TO THE SPECIFIC DATE JANUARY 1, 1978, AND ITS REQUEST FOR DATA ON THE AVAILABILITY OF WELL-DRILLING EQUIPMENT

At the hearing session on August 28, 1975, the Judge ruled that the assumption in the Staff's Economic Data Request that all equipment would be available as required would be stricken from the Staff's Economic Data Request (Tr. 4856). The Judge did not think such an assumption was justified on the basis of the record and refused to accept it. The Staff does not appear to have appealed from this ruling although it is discussed and supported by the respondents.

The Judge also ruled (Tr. 5482), in favor of Mobil's proposal to delete from the Data Request the reference to January 1, 1978, which the Staff had inserted as a limit on estimates for accelerating development by drilling a new well (Tr. 5475).[1] He did not accept (See Tr. 5482) Staff's further proposal with respect to Item 1 of its Data Request that the producers indicate the earliest date prior to January 1, 1978, that they anticipated that new investments could be made in order to initiate production from a nonproducing reservoir on or before January 1, 1978, or, if the respondent contends that the equipment required to allow production to commence on or before Janu ary 1, 1978, is not available, the respondent should provide information on the availability of equipment and efforts to secure it (Tr. 5456–57).

In its appeal the Staff argued that the purpose of its Economic Data Request was to elicit information needed to evaluate the economic feasibility of accelerating production of currently nonproducing reservoirs. The Staff repeated the above request that the respondents supply data on investments for production prior to January 1, 1978, and data on the availability of equipment. The Staff emphasized the importance of placing parameters on the economic analysis and criticized the producer respondents' "Mobil Proposal" as not being specific as to dates of production and as to when equipment would be available. Staff asserts that its proposed January 1, 1978 target date provides a reasonable reference point to use as a starting basis for

[1] The first sentence of the Economic Data Request read as follows: For each of the nonproducing reservoirs listed in attached Appendix B, please provide the following information regarding your company's *planned* development schedule *and* your best estimates for *accelerating* development by drilling a new well [from which production will commence on or before January 1, 1978]. Mobile proposed to strike the latter part of the sentence as indicated. The effect would the Sentence as indicated. The effect would be, Mobile says, that when the Respondents come down to Item I, where they are requested to give estimated date, month and year, under Column 2 ("Company Planned Development") they would insert whatever that might be, and under Column 3 they would insert the estimated date, months, and year under their then current assessment of the timing for investment to accelerate development by drilling a new well." (Tr. 5475–76).

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the analysis of economic feasibility, and that the testing of economic feasibility on a near term basis should not be precluded by allowing producers to interject unsupported equipment availability assumptions.

Mobil argues that assumption in Staff's request as to availability of equipment is a self-defeating and hypothetical assumption and that it would have rendered the entire response meaningless. With the removal of this assumption and deletion of the reference to January 1, 1978, Mobil says that Respondents are required to prepare their responses on defensible, supportable bases, and not economic whimsy. Mobil adds that the Judge has approved a compromise on an issue that permits the submission of data that has a realistic, factual predicate and he has not barred further Staff inquiry.

The other producers likewise support the Judge's rulings and contend that the Staff's appeal should be denied. Amoco points out that the Staff never did appeal the deletion of its assumption as to the availability of equipment and objects to the staff proposal as to reporting the availability of equipment, and to a single arbitrary date. It further considers Staff's request as to documentation supporting availability of equipment as constituting an unreasonable burden that would unduly delay the proceeding. Shell supports the procedures presented by the Judge by which the initial response will not be constrained by the January 1, 1978 date, and Staff will have opportunity to request further information on any later date used. Texaco and Placid adopt Shell's discussion.

In like manner Tenneco argues that the Judge's modification of the data request permits meaningful data. It insures that the responses will bear some connection to reality. On the other hand, if the Staff's request is allowed, the Commission will have nothing but theoretical calculations. The California Company makes similar arguments. Union does not think it is possible to supply proof of equipment availability two years in advance. In general it finds the Staff's requests unduly burdensome. Kerr-McGee said that answering the data request based on best estimates as to when development of a particular reservoir can be accelerated will reflect a realistic date after taking into account availability of equipment.

In our opinion the Judge's view here would handicap the collection of meaningful data on the possibilities of obtaining near-term accelerated production from currently non-producing reserves and would prevent a comparable evaluation of the economic data submitted by the various producers for the reservoirs specified in the Staff's Economic Data Request. All of the producer-respondents should therefore comply with the Staff's "Economic Data Request" in its form with amended Item 1 as presented in the Staff's interlocutory appeal of October 7, 1975. Thus, Staff's reference point of January 1, 1978, production is upheld, and Item 1, which requests the estimated date, month, year and amount of investment required in thousands of dollars, should read as follows:

Indicate the earliest date, month and year prior to January 1, 1978, you anticipate that new investments could be made in order to initiate production from a non-producing reservoir on or before January 1, 1978. Total new investment is defined as the sum of those estimated expenditures required for the initial production, gathering, and total depletion of natural gas and gas condensate from a non-producing reservoir, (if a single completion), or non-producing reservoirs (if a dual completion). If allocated sunk costs are considered to be part of total investment, then itemize those costs.

In addition; if the respondent contends that the equipment required to allow production to commence on or before January 1, 1978, is not available, he should provide:

(a) A listing of the specific equipment (rigs and platforms, et cetera), supplies, and materials that would not be available and which would prevent production on or before January 1, 1978. He should also describe that equipment.

(b) The earliest date the producer contends the required equipment (rigs, platforms, et cetera), materials, and supplies could be obtained.

(c) Responses to the Staff's economic data request related to the producer's projected equipment availability date.

(d) A detailed account of the efforts the respondent has made to ascertain availability of the specific required equipment, supplies and materials. This includes documentation of companies contacted, the dates on which they were contacted, and responses received as to availability.

We are interested in determining what reservoirs could contribute to production in the comparatively near future. If no definite date limits the data presented, it will be difficult to determine what economic conditions are required to bring about production in the near future as well as showing the needed gas price as discussed below. For instance, for one reservoir, data may be submitted with respect to investment required and other details of a new well projected to go into production before January 1, 1978; for another reservoir the data might relate to January 1979, 1980 or a later year. We shall therefore grant the Staff's appeal and order the respondents to file their data in relation to the January 1, 1978, data with the option of filing supplemental data referring to a later date, as delineated in the modified Item 1 of the Staff Data Request.

SIZE OF RESERVOIR FOR REPORTING PURPOSES

The Judge rules in favor of the producer respondents that the gas reservoirs subject to the Economic Data Request should be those containing 8 Bcf or more rather than 4 Bcf or more as requested by the Staff (Tr. 5497). As the Staff says, there are 1,600 to 1,800 nonproducing reservoirs containing approximately 6.5 trillion cubic feet of natural gas covered by the investigation. Based on a 4 Bcf volumetric limitation Staff's Economic Data Request would gather information on only 167 of these reservoirs owned by twenty producer respondents. If the 8 Bcf volumetric limitation is upheld the number of reservoirs would be reduced to 58 and five of the producer respondents would be excused. The Judge's rationale was that there is a relationship between the amount of work required and the results to be achieved and that the work would be cut in half by adopting the 8 Bcf limitation.

The Staff disagrees that the computation and submission of the economic data for reservoirs with volumes of 4 Bcf and over would be unduly burdensome. Staff notes that it has been given a mandate to investigate and identify all possible natural gas supplies which are not being fully utilized.

Mobil argues that an 8 Bcf cut off would provide representative data and would avoid delay. Amoco points out that by including the smaller reservoirs the time when equipment will be available is necessarily extended. Shell contends that there is no record support for Staff's argument that a 4 Bcf reservoir produced to depletion over five years may yield a 15 percent rate of return on an assumed investment of $1,000,000 for drilling a new well and concludes that there is no public detriment in choosing an 8 Bcf cut-off. Texaco and Placid adopt Shell's argument. Similar arguments are made by Union, Tenneco, California Company, and Kerr-McGee.

In our opinion the Staff's contention for a 4 Bcf cut-off on nonproducing reservoirs should prevail. By our order of February 20, 1975, we instituted a proceeding to investigate the problem of nonproducing gas reservoirs including the reasons why the gas is not being produced and the means of accelerating the date for gas production from these reservoirs. It would be redundant here to dwell at length on the importance of this problem in this time of necessary gas curtailments. It is essential to take every possible step to ameliorate it. Our order recognized nonproducing reserves as a factor in this problem.

It is clear from the record that there is no mathematical way to determine the cut-off point, yet a choice must be made. The Staff would examine only 167 reservoirs out of 1,600 to 1,800 containing an estimated 23 percent of the gas. The producers would lower this to only 58 reservoirs containing about 14 percent of the gas. The Staff is asking for the material in order to obtain data it needs to provide evidence on the questions raised in the Commission order. We think it should have available almost a quarter of the possible data rather than only 14 percent.

AGD APPEAL

AGD contends that it needs additional testimony if the Commission's objectives are to be met. As noted above, it wants direct testimony from a witness qualified to discuss the economics of accelerated production including a specification of the earliest date on which the producer-respondents believe that accelerated production of a particular reservoir would be feasible and a determination of the price per Mcf at which accelerated production would be economically feasible.

It also wants a policymaking witness authorized to speak on other factors, if any, which the company would consider in evaluating an acceleration recommendation based on the price determination.

Arguing that the burden is on the producer-respondents AGD says that the record is sorely deficient. Most seriously, it contends that none of the producer-respondents has described for each of its nonproducing reservoirs the price or other conditions under which accelerated production would be feasible. Furthermore it contends: (1) two of the producer-respondents cross-examined by AGD have failed to present a witness qualified to discuss the economics of accelerating production, (2) where a qualified producer witness did appear, there has been no testimony as to the price or other conditions which would justify accelerated production, (3) the witness could not give key facts, (4) the witnesses have been unable to speak for management, and (5) rulings from the bench prevented discussion of costs and other input to a particular acceleration analysis as cumulative.

Further, AGD believes that Staff's Economic Data Request discussed earlier cannot lead to a record upon which the Commission can reliably determine either the economic feasibility of accelerating production or the measures the Commission might take because the producers will contend that they do not perform acceleration analyses as the Staff has preformed them. It adds that it is the producer-respondents themselves who know the input, assumptions, methodology, criteria and reasoning which they would employ in evaluating possible acceleration of a particular reservoir.

The Staff supports AGD. It contends that the information AGD seeks, particularly the price at which producers actually would accelerate production, is complementary and supplementary to the information sought by Staff in its Economic Data Request. Staff would compute the actual rate of return generated by an acceleration project and thereby determine economic feasibility by assessing a project on a stand alone basis and also by comparing the relative profitability of deferred versus accelerated projects. However, it believes that incentive price is important in determining economic feasibility from the standpoint of the producer-respondent. It also pointed out the importance of management witnesses responsible for making the decision. However, Staff believes that AGD's request should not be restricted to AGD members alone but should extend to all producer-respondents. Also AGD's 5 Bcf cut-off should be reduced to the 4 Bcf volumetric reserve limitation advocated by the Staff.

Mobil argues that AGD's appeal does not lie because of absence of extraordinary circumstances and because the questions AGD seeks to raise have not been presented to the Judge with adequate notice to respondents. On the other hand, we observe that the Judge in open hearing before counsel ruled against requiring the producer witness to make a price determination and refused to receive a motion or certify it to the Commission (Tr. 4226–28). Furthermore, we think that AGD's request went to the essentials of the investigation and that extraordinary circumstances therefore made its appeal permissible.

Mobil further argues that there is extensive evidence in the record on economic issues, and that AGD seeks to have all additional presentations and studies keyed to and based upon a pricing theory devised by AGD, which has not been clearly presented before the Judge. It complains that AGD would transform the present docket into a consolidated special relief proceeding. Mobil concludes that AGD seeks an unlawful order because the matter was not presented to the Judge in an orderly manner and required respondents to prepare extensive economic studies based upon amorphous unclear pricing theories. It points out that AGD admitted that it had presented a management representative. It asks that AGD's appeal be denied or remanded to the Judge.

Tenneco Oil makes similar arguments about the permissibility of an appeal. It adds that much of the data sought is proprietary and of a highly confidential nature, and the data request is unreasonably burdensome. It says the request would require Tenneco Oil to calculate hypothetical acceleration prices, a task which Tenneco Oil has no reason to undertake. Kerr-McGee uses a similar approach. It thinks that AGD should make its own presentations. As to price it notes its witness stated that whenever you assess feasibility, economically, of accelerating production of shut-in gas, the price plugged into the assessment is the currently allowed price under Commission regulations. Union Oil says a price that would trigger acceleration of production faster than a plan Union prepared does not exist. Union also thinks that the record is quite sufficient for the Commission's purposes and the AGD requests are very burdensome.

We have reviewed the record as noted by AGD and conclude that it does not in all respects comport with the requirements of the Commission's orders. Thus the order of February 20, 1975, calls for evidence on the economic and engineering feasibility of accelerating the date for placing non-producing reserves on a production status, and the order of March 28, 1975, clarifying, states that the operator of each reservoir shall be required to submit testimony and evidence on this matter. Yet it is clear that of the producer-respondents many have not presented or qualified witnesses able or willing to testify on economic matters. In some instances counsel for the company involved stated that such matters were beyond the scope of the company's witness.

In this connection we think that Staff as well as AGD were reasonable in inquiring as to the price which would encourage production from a given reservoir. In general, information on price was not available or not definite, or the producer merely assumed the price allowed by the Commission's regulations. We believe that more than this is required and that the price, or an estimate of the price, is a very important item in determining the economic feasibility of accelerated production. This does not mean that we are adopting any pricing theory of AGD, as certain producers contend, but for our own considerations we want to know what price the producers believe would be required to induce them to commence producing gas from these shut-in reservoirs. Thus, it is our opinion that the arguments of the producers objecting to use of AGD's pricing theories are not relevant. Regardless of what AGD believes as to the appropriate method of computing a price or the role of price in this investigation, we think that this is an item that the producer-respondents should be required to supply.

In our opinion AGD's appeal with certain modifications should be granted and will supplement and complement the data requested by the Staff. However, as suggested by the Staff, the request should not be restricted to AGD members alone, but all producer-respondents should be subject. Further, AGD's 5 Bcf cut-off should be reduced to the 4 Bcf volumetric reserve limitation which we are granting the Staff. This means that each producer-respondent, who has not already done so, shall supply testimony on the economics of accelerated production including date of acceleration, a determination of the price at which accelerated production would be economically feasible, together with evidence providing the assumptions and methodology utilized in determining the acceleration price.

Each producer-respondent, who has not already done so, shall also supply direct testimony from a witness who is authorized to speak for its policymaking management who can discuss the various factors, including price, which the company would consider in determining whether to accelerate production. In making this requirement we do not intend, as the Staff warns, to extend the inquiry into areas of general corporate decisions on the allocation of capital, company budgetary priorities and alternative investment opportunities. We would have the corporate witness assume these factors are favorable, and would testify as to what factors he would employ, including price, in deciding that production from a given reserve be accelerated. It is our fear that otherwise this inquiry could extend indefinitely a situation that would be contrary to the public interest at a time when determination of means of accelerating production is essential.

The Commission further finds: (1) With respect to the Staff's Interlocutory Appeal filed October 7, 1975, and the Appeal of AGD filed October 15, 1975, extraordinary circumstances exist where prompt decision by the Commission is necessary to prevent detriment to the public interest.

(2) The Interlocutory Appeal filed by the Staff should be granted with respect to its requirements as set forth herein, namely: a January 1, 1978, reference date for accelerated production data to be filed by producer-respondents; the option to file supplemental data that

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refers to production by dates after January 1, 1978, as required by modified Item 1 of Staff's Data Request; and a 4 Bcf cut-off volume for the size of gas reservoirs to be examined.

(3) The Appeal of AGD is granted to the extent set forth herein.

The Commission orders: (A) The motion of the Staff filed October 7, 1975, is hereby granted in all its respects. This means that the Staff Data Request shall be understood to include the following requirements:

(i) A January 1, 1978, reference date for accelerated production data to be filed by producer-respondents is specified, with amplification of this point appearing in the modified Item 1 of Staff's Data Request presented at pp. 5 and 6 of this order.

(ii) In form delineated by modified Item 1 of the Staff Data Request, producer-respondents may file additional and supplemental data that refers to production on dates after January 1, 1978.

(iii) A cut-off size of 4 Bcf is specified for the size of gas reservoirs on which producer-respondents are to submit data.

(B) Each producer-respondent who is an operator listed in Appendix B of the Commission's order of February 20, 1975, shall if it has not done so, provide:

(1) Direct testimony from a witness qualified to discuss the economics of accelerated production for the reservoirs which his company currently holds in non-producing status which contain 4 Bcf or more of natural gas which is not planned to come on production before January 1, 1978. Such testimony shall include a specification of the earliest date on which the producer-respondent believes that accelerated production of a particular reservoir would be feasible considering all factors, a determination of the price per Mcf at which accelerated production would be economically feasible, together with evidence providing the assumptions and methodology utilized in determining the acceleration price.

(2) Direct testimony from a witness who is authorized to speak for the policymaking management of the producer-respondent who can discuss the various factors, including price, which the company will consider in determining whether to accelerate production subject to the limitations set forth in the text above.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33214 Filed 12-9-75;8:45 am]

[Docket No. ER76-267]

CONNECTICUT LIGHT AND POWER CO., HARTFORD ELECTRIC LIGHT CO.

Notice of Termination

DECEMBER 4, 1975.

Take notice that on November 19, 1975, The Connecticut Light and Power Company (CL&P) and The Hartford Electric Light Company (HELCO) tendered for filing a notice of termination of Rate Schedule FPC Nos. CL&P 114 and HELCO 93. CL&P and HELCO state that this rate schedule was effective May 1, 1975. CL&P and HELCO state that this rate schedule was terminated in accordance with its terms effective October 31, 1975. CL&P and HELCO state that notice of the proposed termination has been served upon Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33181 Filed 12-9-75;8:45 am]

[Docket No. ER76-274]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Notice of Termination

DECEMBER 3, 1975.

Take notice that on November 21, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing a notice of termination of an agreement in Docket No. 8105 that was effective March 1, 1973, and was amended by agreement dated February 28, 1974, according to CL&P, HELCO, and WMECO. CL&P, HELCO, and WMECO state that this agreement was terminated in accordance with its terms effective April 30, 1974. CL&P, HELCO, and WMECO state that notice of the proposed termination has been served upon New Bedford Gas and Edison Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a patry must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33193 Filed 12-9-75;8:45 am]

[Docket No. ER76-280]

CONSUMERS POWER CO.

Notice of Tariff Change

DECEMBER 3, 1975.

Take notice that Consumers Power Company (Consumers) on November 24, 1975 tendered for filing Supplemental Agreement No. 3 and Supplemental Agreement No. 4 to the Interconnection Agreement dated September 1, 1973, between Consumers Power Company and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., City of Grand Haven, Michigan, and City of Traverse City, Michigan, collectively denoted the "MMCPP members." Consumers states that the Interconnection Agreement is designated Consumers Power Company Rate Schedule FPC No. 34.

Consumers states that Supplemental Agreement No. 3, effective December 1, 1974, changes the status of the Redwood Interconnection Point (established by Supplemental Agreement No. 1 dated November 27, 1973) from temporary to permanent. Consumers states that Supplemental Agreement No. 3 also provides that Wolverine Electric Cooperative, Inc., shall no longer be required to pay to Consumers Power Company the annual carrying charges established by Supplemental Agreement No. 1, on the capital cost of certain 138 kV instrument transformers, billing meters and metering equipment located at Redwood Substation. Consumers states that these charges were approximately $3,100 annually.

Consumers states that Supplemental Agreement No. 4 modifies the rates to be charged by Consumers Power Company for transmission services rendered in transmitting 20 megawatts of capacity, provided by The Detroit Edison Company, to the MMCPP members. Consumers states that the effective date of Supplemental Agreement No. 4 is November 3, 1975. Consumers states that the effect of the rate changes would be to reduce revenues collected from the MMCPP members by $211,000, based on operations for the 12 months ending October 1975. Consumers states that this represents a 48% revenue reduction. Consumers states that this reduction is the net of a substantial increase ($68,000, or 52%) in the transmission service capacity charge, and a substantial decrease ($279,000, or 89%) in the transmission service energy charge.

Consumers states that copies of the filing were mailed to the MMCPP members and to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33195 Filed 12-9-75;8:45 am]

[Docket No. RP71-15 and RP75-28 (PGA76-1)]

EAST TENNESSEE NATURAL GAS CO.

Notice of Proposed Rate Filing Pursuant to Tariff Rate Adjustment Provisions

DECEMBER 2, 1975.

Take notice that on November 14, 1975, East Tennessee Natural Gas Compnay (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1976, consisting of the following revised tariff sheets:

Second Substitute Thirteenth Revised Sheet No. 4 and Substitute Thirteenth Revised Sheet No. 4.

East Tennessee states that the sole purpose of these revised tariff sheets is (1) to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed November 14, 1975, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and (2) to adjust East Tennessee's rates pursuant to § 24.8 of the General Terms and Conditions so as to reflect curtailment credits. East Tennessee further states that Second Substitute Thirteenth Revised Sheet No. 4 reflects Tennessee's filing of November 14, 1975, and that Substitute Thirteenth Revised Sheet No. 4 reflects Tennessee's alternate filing of November 14, 1975.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33211 Filed 12-9-75;8:45 am]

[Docket Nos. RP72-151 and RP72-154]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing and Proposed Refunds

DECEMBER 1, 1975.

Take notice that on November 14, 1975, El Paso Natural Gas Company (El Paso) filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, First Substitute Eleventh Revised Sheet No. 10 and Second Substitute Eleventh Revised Sheet No. 10 to its former FPC Gas Tariff, First Revised Volume No. 3.[1] Such substitute tariff sheets were submitted to correct the average purchased gas cost relating to El Paso's Purchased Gas Cost Adjustment Provision previously applicable to its Northwest Division System operations.[2]

El Paso states that as a result of an erroneous computation in the "current gas cost adjustment portion" of the overall adjustment to jurisdictional sales rates required to reflect changes in the cost of purchased gas, it was necessary to correct the average purchased gas cost reflected on the tendered tariff sheets, which average cost is reflected as an item of information on such sheets.

El Paso further states that the correction proposed is necessary in that, through error, an overaccrual in Account 191, applicable to El Paso's former Northwest Division, occurred, for the period April 1, 1973, through November 24, 1973, in the amount of $640,020. Accordingly, El Paso proposes to refund the said amount of $640,020 to its former Northwest Division System customers within 15 days of Commission approval of the instant tender.

El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission in order to effectuate the instant filing and that the Commission accept the tendered substitute tariff sheets, to be effective as of the dates indicated on such sheets, in lieu of their respective counterparts currently on file with the Commission in Docket Nos. RP72-151 and RP72-154.

El Paso states that copies of the filing were served upon all of the affected former Northwest Division System customers of El Paso, interested state regulatory commissions and Northwest Pipeline Corporation.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 8, 1975, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33205 Filed 12-9-75;8:45 am]

[1] First Revised Volume No. 3 contains the tariff provisions previously applicable to general natural gas service rendered by El Paso's Northwest Division System. Effective as of January 31, 1974, El Paso's Northwest Division System properties were divested to Northwest Pipeline Corporation pursuant to the Commission's order issued September 21, 1973, at Docket Nos. CP74-14, *et al.*

[2] By order issued February 6, 1975, at Docket Nos. RP72-155, RP73-104 and RP74-57, the Commission accepted and approved El Paso's filing of revised tariff sheets of January 6, 1975, which, similarly, were submitted to correct the average purchased gas cost relative to El Paso's Purchased Gas Cost Adjustment Provision applicable to its Southern Division System operations.

[Project No. 176]

ESCONDIDO MUTUAL WATER CO.

Notice of Application To Amend License

DECEMBER 3, 1975.

Public Notice is hereby given that the Escondido Mutual Water Company filed on February 8, 1967, an application with the Federal Power Commission to amend its license for Project No. 176 (Correspondence to: R. S. Harper; Secretary, Escondido Mutual Water Company; 620 North Ash Street, Escondido, California 92025). The project is located near the City of Escondido in Northern San Diego County, California.

Escondido Mutual would amend the license by removing from the license all steel towers, conductions, crossarms, and fixtures on its 12 kV transmission line which runs between its Rincon and Bear Valley powerplants. Mutual states that this proposed amendment is necessary and desirable because this transmission system is no longer required for the project. All energy generated at each power plant is now delivered directly to the San Diego Gas and Electric Company's transmission system rather than being transmitted over the 12 kV line running between the plants.

Any person desiring to be heard or to make protest with reference to the application filed by the Escondido Mutual Water Company, should on or before January 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's

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Rules. Escondido Mutual Water Company's application is on file with this Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33186 Filed 12-9-75;8:45 am]

[Project No. 176 etc]

ESCONDIDO MUTUAL WATER CO. ET AL.

Notice of Application

DECEMBER 3, 1975.

In the matter of Escondido Mutual Water Co., City of Escondido, California (Project No. 176); Secretary of the Interior acting in his capacity as trustee for the Rincon, La Jolla, and San Pasqual Bands of Mission Indians v. Escondido Mutual Water Co. and City Of Escondido, California (Docket No. E-7562); Vista Irrigation District (Docket No. E-7655); San Diego Gas & Electric Co. (Project No. 559).

Public Notice is hereby given that the City of Escondido, California on November 25, 1975, filed with the Federal Power Commission an application to become a Joint Applicant with the Escondido Mutual Water Company for a new license sought by Escondido Mutual for Project No. 176 (Correspondence to: Lorraine H. Boyce; Mayor; City of Escondido; Escondido, California). The project is located near the City of Escondido in Northern San Diego County, California.

The original 50-year license has expired and the Licensee, Escondido Mutual Water Company, is operating the project under a statutory annual license until a decision is reached in the proceeding. Escondido Mutual is seeking a new 50-year license. The United States Department of the Interior seeks take over of the project by the Federal Government, while the La Jolla, San Pasqual, Rincon, Pauma, and Pala Bands of Mission Indians have applied for a non-power license from the Commission to operate the project in lieu of take over of the issuance of a new license to Escondido Mutual. The City's application would result in Escondido Mutual and the City of Escondido becoming joint licensees for Project No. 176 should the final decision in the proceedings be favorable to these parties.

The Project No. 176 proceedings have been the subject of extensive hearings. The City of Escondido has been a party in these hearings since their outset. Renewed hearings are scheduled to begin on December 15, 1975, in Escondido and Pala, recessing for the holidays and continuing in Washington, D.C. on January 19, 1976.

Any person desiring to be heard or to make protests with reference to the City of Escondido's application, should on or before February 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.R.F. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The City of Escondido's application is on file with this Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33187 Filed 12-9-75;8:45 am]

[Docket No. RP72-136 (PGA76-1)]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges Under Purchased Gas Adjustment Provision

DECEMBER 2, 1975.

Take notice that on November 14, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing First Substitute Eighth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates to its Rate Schedules G and I for effectiveness on January 1, 1976. The changes in rates result from the application of the purchased gas cost adjustment provision in Section 15, General Terms and Conditions of the Tariff, which was approved by the Commission in Docket No. RP72-136. First Substitute Eighth Revised Sheet No. 3-A is proposed to supersede Substitute Eighth Revised Sheet No. 3-A which became effective on July 10, 1975.

A comparison between the currently effective rates and those to be made effective on January 1, 1976 under this filing is as follows:

	Cents per therm	
	Currently effective	Effective Jan. 1, 1976
Rate schedule G	7.632	8.185
Rate schedule I	6.091	6.644

The annual effect of the proposed changes is an increase of $4,062,000 based on sales for the twelve months ended September 30, 1975.

Florida Gas states that a copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33206 Filed 12-9-75;8:45 am]

[Docket No. E-9521]

GEORGIA POWER CO.

Notice of Filing of Revised Rates and Charges Pursuant to Commission Order

DECEMBER 2, 1975.

Take notice that Georgia Power Company (Georgia Power) on November 12, 1975, tendered for filing First Revised Sheet No. 6 to its FPC Electric Tariff, Original Volume No. 2, pursuant to Commission Order on September 11, 1975, in Docket No. E-9521. Georgia Power avers that the rates and charges contained in the tendered tariff sheet reflect the exclusion of construction work in progress from rate base as ordered by the Commission. Georgia Power states that the revised rates and charges would be made effective as of November 12, 1975.

Georgia Power states that it served copies of the filing on its jurisdictional customers and on all parties appearing on the official service list compiled in the captioned docket. Georgia Power claims that the revised tariff sheet is filed under protest and without prejudice to any rights it may have, upon judicial review of the September 11, 1975 Order, to continue collecting revenues pursuant to Original Sheet No. 6.

Any person desiring to be heard or to protest said filing should file a petition to intervene (if not previously filed herein) or to protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 30426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-33210 Filed 12-9-75;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Notice of Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued September 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 3, 1976.
Service of Company Rebuttal, February 17, 1976.
Hearing, March 2, 1976 (10:00 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33144 Filed 12-9-75;8:45 am]

[Docket No. ER76-275]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

DECEMBER 3, 1975.

Take notice that on November 21, 1975, The Hartford Electric Light Company (HELCO) tendered for filing a Purchase Agreement dated October 1, 1975, which provides for the sale of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 to Green Mountain Power Corporation (Green Mountain) during the period October 1, 1975, through the earlier of (1) April 30, 1976, or (2) the day that the fossil Unit #2 of Canal Electric Company is declared in commercial operation by its owners. HELCO states that due to unforeseen delay in the commercial operation date of said Canal unit, Green Mountain needed additional capacity to meet its capability responsibility obligation pursuant to Section 9.1 of the New England Power Pool Agreement.

HELCO requests waiver of the thirty-day notice period to permit an effective date of October 1, 1975, stating that HELCO was not notified of Green Mountain's desire to purchase capacity until a date which prevented HELCO from filing the Purchase Agreement earlier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secreary.

[FR Doc.75-33194 Filed 12-9-75;8:45 am]

[Docket No. E-9485]

KANSAS GAS AND ELECTRIC CO.

Notice of Further Extension of Procedural Dates

DECEMBER 4, 1975.

On November 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 6, 1975, as most recently modified by notice issued October 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 22, 1976.
Service of Company Rebuttal, February 17, 1976.
Service of Company Rebuttal, February 17, 1976.
Hearing, February 24, 1976 (10:00 a.m. E.S.T.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33183 Filed 12-9-75;8:45 am]

[Docket No. ER76-281]

MONTANA POWER CO.

Notice of Agreement for Short-Term Sale of Non-Farm Energy

DECEMBER 2, 1975.

Take notice that on November 24, 1975, the Montana Power Company (Montana) tendered for filing with the Commission an agreement between Montana and Southern California Edison Company (Edison) for the short-term sale of non-firm energy.

Montana states that under the terms of this agreement it will make available to Edison upon request such non-firm energy that Montana may in its sole judgment deem to be available from time to time. Montana states further that deliveries will be made into the Bonneville Power Administration's system for transfer to Edison or for credit to Edison's account with BPA, will be as scheduled by the schedulers and power dispatchers of the parties, and will be contingent upon the availability of non-firm energy and transmission capacity.

According to Montana the rate set forth in the agreement is the same as the rate in Service Schedule A-3 between Montana and Utah Power & Light Company dated February 14, 1975, (Supplement No. 16 to Rate Schedule FPC No. 3).

Montana has requested that the agreement be accepted for filing effective as of October 17, 1975, the date of the agreement and that prior notice be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the approriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33213 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Curtailment Strategies-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Lynn Alan Brooks, Connecticut Department of Planning & Energy Policy, Hartford, Connecticut.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33180 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-CONSERVATION WITHIN THE GAS INDUSTRY

Order Designating Members

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David A. Peavy, Atlantic Richfield Company, Dallas, Texas.

Mr. Peavy replaces Mr. Phillip Forbes of Atlantic Richfield Company, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33198 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-NET ENERGY. COST OF COMPETITIVE ENERGY SYSTEMS

Order Designating Members

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Task Force-Net Energy Systems as selected by

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the Chairman of the Commission with the approval of the Commission, is as follows:

John Utley, Haskins & Sells, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33197 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Donald B. Craven, Miller & Chevalier, Washington, D.C.
W. R. Craig, Union Oil of California, Los Angeles, California.
J. Lawrence Muir, Securities and Exchange Commission, Washington, D.C.
S. L. Robertson, Jr., Panhandle Eastern Pipe Line Company, Houston, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33203 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating a FPC Representative

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Committee of the National Gas Survey.

1. FPC Representative. A new FPC Representative to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Edward A. Albares, Assistant to Deputy Chief —BNG.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33199 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES

Order Designating Change in FPC Representative

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources of the National Gas Survey.

1. FPC Representative. A new FPC Representative to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Thomas J. Brownfield, Jr., Energy Systems Analyst—OES.

Mr. Brownfield replaces Robert L. Kane as a FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33179 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. Membership. A new member of the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission is as follows:

Ann Roosevelt, Friends of the Earth Cambridge, Massachusetts.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33202 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Change in FPC Representative

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. FPC Representative. A new FPC Representative to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Walter Lusby, Natural Gas Engineer—OES.

Mr. Lusby replaces Richard E. Rowberg as a FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33200 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Change in FPC Representative

DECEMBER 3, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. FPC Representative. A new FPC Representative to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Eileen Glassman, Economist—OES.

Ms. Glassman replaces David Arpi as a FPC Representative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33201 Filed 12-9-75;8:45 am]

[Docket Nos. CP74-160, CP74-207; CP75-83-3]

PACIFIC INDONESIA LNG CO. AND WESTERN LNG TERMINAL CO.

Order Setting Hearing Date

DECEMBER 3, 1975.

On September 30, 1975, Pacific Indonesia Company (Pac Indonesia) and Western LNG Terminal Company (Western Terminal) filed a motion requesting that the Commission set a date for the commencement of hearings in these consolidated proceedings.

Applications in Docket Nos. CP74-160 and CP74-207 were originally filed on November 30, 1973, and February 15, 1974, respectively. Applicants propose to import 546 Mcf/d of gas to be purchased from Pertamina, the state owned oil and gas company of the Republic of Indonesia. By order of April 8, 1974, we scheduled a conference for the purpose of enabling Staff to obtain further information necessary for Staff review of the applications. Shortly thereafer Pac Indonesia notified the Commission by letter of May 22, 1974, that the Minister of Mines, on behalf of the Government of the Republic of Indonesia did not approve of the gas supply contract. Pending the negotiation and submission of a new contract Pac Indonesia requested that the Commission proceed in the processing of the material previously filed. On March 31, 1975, Pac Indonesia filed amendments to Docket Nos. CP74-160 and CP74-207. On the same date, Western Terminal filed a supplement (Docket No. CP75-83-3)[1] to its application in Docket No. CP75-83 for a certificate of public convenience and necessity authorizing the construction and operation of facilities at three locations in Southern California. The Western Terminal supplement proposed to construct a facility at Oxnard, California to receive the LNG from Pac Indonesia. This facility would be in place of a facility originally proposed by Pac Indonesia in Docket No. CP74-207.

[1] Docket No. CP75-83-3 is a supplement to Docket No. CP75-83, and therefore, any intervenor in Docket No. CP75-83 is automatically an intervenor in Docket No. CP75-83-3 consolidated in this proceeding.

On September 23, 1975, pursuant to an order of the Commission, a conference was convened to allow Staff to obtain the data necessary for evaluation of the project. Information regarding the nature of the transportation arrangement has still not been supplied to Staff. Proper evaluation of this project requires that this data be submitted before any hearings are held. In this motion applicant stated that the necessary data would be submitted by October 31, 1975. Staff's reply states that on the date a letter was filed with the Commission indicating that the material would be filed within two weeks. The information has not yet been filed.

The motion points out that under the gas purchase contract Pertamina has an option to terminate on January 6, 1976, if necessary U.S. government authorizations have not been received. The motion states that Pertaminas' counsel confirmed that their action on that date will be dependent upon the progress made to that point.

Staff's response indicated that it had no objection to holding hearings on this matter once the necessary material was submitted and evaluated. Accordingly, we will set a date for hearings to commence, however the convening of this hearing is expressly made subject to the submission of information regarding the transportation arrangement, including the charter arrangements, contracts, the number, cost and design of LNG tankers to be employed.

The hearings which are herein scheduled to commence are required to examine whether the proposed importation is in the public interest. The construction and operation of the proposed facilities, as well as the sale and use of the gas must be examined to determine whether such importation is in the public interest. Among the issues which we deem relevant for consideration at this hearing are reliability of service of the foreign supply, the dependence of the distributor on foreign LNG to meet residential and commercial markets, environmental impact of any proposed facilities, the proper method of pricing of the LNG supply, shipping costs, overall economic feasibility of the project, end-use allocation of the proposed LNG supply, availability of alternative fuels for the markets to be served by the project, engineering feasibility of the project, overall project safety, and any such other issues as may be pertinent and appropriate. We note that the Applicant has filed evidence and exhibits to be supported by sponsoring witnesses to some extent on the above issues except for the shipping issues. In that regard, the information which we herein order to be supplied, the Applicants shall likewise provide witnesses from the shipping concerns and their own staffs to sponsor testimony and exhibits. This is not, however, to limit any forthcoming data requests by our Staff or any party, or to cut off examination of any issues important in determining the public interest.

In regard to the environmental issues, we note that Commission Order No. 415-C requires that the Staff Environmental Impact Statement, together with any comments received thereon, be presented at any hearing in a proposal. In keeping with this requirement, while still assuring that the Staff is afforded adequate time to prepare a thorough and meaningful environmental statement, we shall direct that, should hearing of all issues other than environmental be completed prior to the finalization of Staff's statement or the receipt of all environmental comments, the record shall remain open for purposes of receiving such environmental testimony in evidence and further trial of the issues involved therein. No decision by the Presiding Administrative Law Judge assigned to the case shall be issued prior to the completion of such testimony and subsequent closing of the record. Because our Staff has not yet issued the statement on the facilities, we note that the procedures established in our December 23, 1974, order in Docket No. CP75-83 are now rendered moot, the Staff shall include the appropriate siting evaluation in the statement to be submitted, and no separate hearing on siting shall be held.

The Commission finds: (1) Good cause exists to set for formal hearing the applications filed in the above-captioned dockets.

(2) Proper evaluation of this project requires that further information be filed with the Commission before the commencement of hearings.

The Commission orders: (A) Pac Indonesia and Western Terminal shall file with the Commission all information relating to the nature of the transportation arrangement, including but not limited to the charter arrangements, contracts, the number, cost, and design of the LNG tankers to be employed. This data shall be filed with the Commission on or before December 10, 1975.

(B) Pursuant to the authority contained in the Natural Gas Act and in accord with the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing December 16, 1975, at 10:00 A.M. (EST) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters involved and the issues presented by these applications; *Provided, however,* That this hearing shall only commence if the requirements of Paragraph (A) have been compiled with.

(C) The record in these dockets shall remain open until the submission of the Commission Staff's final environmental impact statement and any comments received on the draft statement. No initial decision shall be issued prior to the submission of such environmental testimony.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33190 Filed 12-9-75;8:45 am]

[Docket Nos. CP71-237 and CI74-714]

PANHANDLE EASTERN PIPELINE CO. AND PAN EASTERN EXPLORATION CO.

Order Reopening Proceedings and Scheduling Formal Hearing on Limited Issues

DECEMBER 2, 1975.

By Opinion No. 626 and 626-A, issued September 20, 1972, and November 17, 1972, respectively, in the above-docketed proceedings, we granted a certificate of public convenience and necessity which authorized Panhandle Eastern Pipeline Company (Panhandle) to abandon all of its gas production properties and related production facilities and to transfer the same by sale to Pan Eastern Exploration Company (Pan Eastern), a newly formed and wholly owned subsidiary of Panhandle. Concurrently, we authorized the sale of gas by Pan Eastern back to Panhandle at the applicable area rate from fields located in Kansas, Oklahoma and Texas, rather than on the basis of Panhandle's individual cost of service. The authorization issued by Opinion No. 626, as affirmed by Opinion No. 626-A,[1] for the increase in rates was expressly conditioned to require that Pan Eastern expend the differential on an extensive exploration and development effort, which at a minimum would necessitate an expenditure of 3.0 cents per Mcf of all recoverable gas reserves and 50.0 cents per barrel of all recoverable oil reserves found resulting from the exploration and development programs funded by the rate increment. We also provided that Pan Eastern must dedicate 400,000,000 Mcf of new gas reserves to Panhandle within 7 years or reimburse Panhandle at the rate of 11.0 cents per Mcf for each Mcf short of 400,000,000.

On January 30, 1975, the United States Court of Appeals for the District of Columbia Circuit affirmed Opinion Nos. 626 and 626-A in *Cities of Fulton, Missouri, et al.* v. F.P.C., No. 73-1293, however, in so doing the court retained jurisdiction to allow the Commission to seek a remand in view of the effect that the establishment of the new national ceiling rate in Opinion No. 699 might have upon the order.

On May 19, 1975, we issued an order directing the Solicitor for the Commission to seek remand of the record in this proceeding for a re-examination of certain issues contained in the case. A motion for remand of the record to adduce additional evidence filed by the

[1] Opinion No. 626, 46 F.P.C. 518 (1972), rehearing denied, Opinion No. 626-A, 46 F.P.C. 1102 (1972).

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Solicitor was granted by the Court of Appeals on June 19, 1975.

The remand sought and obtained by the Commission does not involve a reopening of these proceedings to consider the propriety of the transactions underlying these certificates, rather, the purpose is to re-examine, through adducement of additional evidence, the condition imposed on Pan Eastern's certificates in light of the following issues:

(1) Whether $43,609,250 constitutes the "full difference" between Panhandle's cost of service and the applicable area rates or whether such figure should be increased to reflect certain rate increases in the applicable area rates;

(2) Whether Panhandle should be required to maintain a certain level of expenditures for exploration and development in addition to the monies expended by Pan Eastern, and, if so, what the level should be;

(3) Whether, in addition to the refunds required should Pan Eastern fail to find and dedicate 400,000,000 Mcf in new gas reserves to Panhandle's system, Panhandle should be required to repay some portion of the full difference between the cost of service and the applicable area rates; and

(4) Whether some adjustment should be made to the amounts which Pan Eastern must credit to the fund to reflect the rates established by Opinion No. 699–H and other pending national rate proceeding, *i.e.*, Docket Nos. R–478 and RM75–14.

In view of the foregoing, we shall thus direct that the proceeding herein be reopened for the limited purpose of developing a further evidentiary record on the issues set forth above, and that a hearing be commenced for that purpose. The reopening of this proceeding should not be construed as implying the necessity for modification of the conditions imposed upon the certificates issued by Opinion No. 626. Rather, such modification will be made, if at all, after the submission of additional and substantial evidence by *all* parties which indicates the impact of the proposed modification upon the effectivenes of the Pan Eastern program as certificated.[2]

The Commission finds: That good cause exists for, and the public interest in administering the Natural Gas Act demands, that the record in the above-captioned proceeding be reopened for the purpose of developing an evidentiary record pertaining to the conditions imposed on Pan Eastern's certificates.

The Commission orders: (A) The record in the above-captioned proceeding is reopened to permit re-examination of the conditions imposed on Pan Eastern's certificates in light of the issues set forth above, which were remanded to the Commission by the United States Court of Appeals for the District of Columbia Circuit.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act [18 CFR, Chapter 1] a formal hearing concerning the matters involved and the issues presented in this proceeding as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on February 24, 1976, at 10:00 a.m. (EST). An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for the purpose [See Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(C) Panhandle Eastern Pipeline Company and Pan Eastern Exploration Company shall file with the Secretary of the Commission, and serve on all parties including the Commission Staff, all testimony and exhibits addressing the specific issues set forth in this order, as well as any other testimony and exhibits which comprise their cases in chief, on or before January 8, 1976. The Commission Staff and all other parties shall file with the Secretary of the Commission and serve on all parties all testimony and exhibits addressing the specific issues set forth above in this order, any other testimony and exhibits which comprise their cases in chief and any answering testimony to that served on January 8, 1976, on or before February 11, 1976. After cross-examination of these direct cases, the Administrative Law Judge designated to preside in this proceeding may permit and set dates for the filing of answering cases to the direct cases previously filed.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33216 Filed 12–9–75;8:45 am]

[Docket Nos. RP71–119 and RP76–32–1]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition for a Declaratory Order or in the Alternative for Extraordinary Relief

DECEMBER 3, 1975.

Take notice that on October 30, 1975, the City of Roodhouse, Illinois filed a petition requesting that the Commission issue a declaratory order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure that it be fully absolved from payment of a penalty assessed against it by Panhandle Eastern Pipe Line Company (Panhandle) in the amount of $51,130.00 for natural gas taken over and above its curtailment entitlement subject to its paying back the volumes taken in excess of its entitlement. The City of Roodhouse requests in the alternative that it be granted relief from such penalty.

The City of Roodhouse, Illinois, owns the municipal gas distribution system in that community and is provided with its full requirements of natural gas by Panhandle. It was advised by letters from Panhandle of its maximum daily volume for the months of April and May as well as the monthly cumulative volumes that it was entitled to take during those months.

In its petition the City of Roodhouse alleges that in the bills presented for each of the foregoing months, Panhandle specified the volumes taken over its maximum monthly cumulative entitlement. It also asserts that Panhandle indicated on its bill that such excess takes would have to be reduced from the subsequent months entitlement. It further states that Panhandle did not indicate that any overrun penalties were in fact assessed against it.

The City alleges that it attempted to communicate with Panhandle on this matter in June 1974 to determine whether or not the April overrun could be made up during a subsequent month and received no written response to its request.

Additionally, the Superintendent of Utilities for the City of Roodhouse was newly appointed and was of the belief that excess usages during curtailment could be deducted from future allocations. The City of Roodhouse urges that over-run volumes taken by it during April and May 1974 were the result of its not having telemetering equipment and the mistaken belief that any over-runs incurred could be worked off in future months in order to avert penalties.

It stresses that the penalty assessed by Panhandle is of such magnitude relative to the limited operating income of the City that it could force it to shut down its municipal gas distribution system to the hardship of all its residents. It further notes that the cost of a full blown evidentiary hearing to resolve this problem would be most oppressive to this small community.

The City of Roodhouse asserts that it has taken the necessary measures to avert taking gas in excess of its entitlement and requests that to the extent that it has not already paid back the overrun volume of 5,113 Mcf through the underruns that it has had since May 1974, that it be permitted to pay back the remaining excess volumes within a reasonable period of time and that the assessed penalty payment of $51,130.00 be thereby waived.

It would appear that interested persons may not desire to require that a full blown evidentiary hearing be conducted relative to the City of Roodhouse's petition but may desire to submit comments or protests to its proposed solution to its problem. In any event provision will be made for the receipt of comments, protests and requests for intervention relative to the aforementioned petition filed by the City of Roodhouse, Illinois.

Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure 18 CFR 1.8, 1.10 on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33196 Filed 12–9–75;8:45 am]

[Docket No. E–9388]

PHILADELPHIA ELECTRIC CO.

Notice of Further Extension of Procedural Dates

DECEMBER 3, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 9, 1975, as most recently modified by notice issued October 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 12, 1975.
Service of Intervenor Testimony, December 26, 1975.
Service of Company Rebuttal, January 9, 1976.
Hearing, January 20, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33185 Filed 12–9–75;8:45 am]

[Docket No. ER76–284]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Filing

DECEMBER 2, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company (SWEPCO or the Company) tendered for filing two (2) copies of a Letter Agreement dated November 10, 1975, amending § 4.1 of Service Schedule RE dated March 23, 1971, also identified as Supplement No. 7 to SWEPCO Rate Schedule FPC No. 59 and Supplement No. 5 to Central Louisiana Electric Company (CLECO) Rate Schedule FPC No. 4.

SWEPCO also filed a Certificate of Concurrence, dated November 13, 1975, signed by CLECO in support of the Letter Agreement dated November 10, 1975.

SWEPCO states that the revision in § 4.1 of Service Schedule RE is in the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. The Company further states that the maximum add-on rate is 10% of the purchase price, not to exceed two mills per KWH.

Additionally, SWEPCO states that transactions of energy purchased by seller for sale under Schedule RE have been infrequent, but as fuel availability becomes more acute, it is expected that use of this schedule will be more numerous provided the revised add-on feature is reasonable and compensatory to the parties.

The Company requests that the Letter Agreement amending Schedule RE become effective January 1, 1976.

Any person desiring to be heard or to protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33208 Filed 12–9–75;8:45 am]

[Docket Nos. RP73–114, RP74–24 and RP74–73; (PGA 76–1), (DCA 76–1), (R&D 76–1)]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Rate Change Under Tariff Rate Adjustment Provisions

DECEMBER 2, 1975.

Take notice that on November 14, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1976, consisting of the following revised tariff sheets:

Second Substitute Ninth Revised Sheet Nos. 12A and 12B and Substitute Ninth Revised Sheet Nos. 12A and 12B.

Tennessee states that the purpose of Second Substitute Ninth Revised Sheet Nos. 12A and 12B is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV and XXV of the General Terms and Conditions of its FPC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment demand charge credits and an R&D rate adjustment.

Tennessee also states that Second Substitute Ninth Revised Sheet Nos. 12A and 12B reflect rates which are based in part on small producer purchases at rates above the levels established by Opinion No. 742. In recognition of the Commission's past practice of suspending such rates, Tennessee states that it is also filing Substitute Ninth Revised Sheet Nos. 12A and 12B which reflect rates exclusive of increases due to small producer purchases above the levels set by Opinion No. 742. Substitute Ninth Revised Sheet Nos. 12A and 12B are to be effective on January 1, 1976, in the event the Commission suspends Second Substitute Ninth Revised Sheet Nos. 12A and 12B.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33207 Filed 12–9–75;8:45 am]

[Docket No. RP75–73]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Further Extension of Procedural Dates

DECEMBER 3, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued July 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 5, 1976.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 19, 1976.
Hearing, March 8, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33192 Filed 12–9–75;8:45 am]

[Docket No. RP75–19]

TEXAS GAS TRANSMISSION CORP.

Notice of Report of Refunds

DECEMBER 2, 1975.

Take notice that on November 12, 1975, Texas Gas Transmission Corporation tendered for filing a report of refunds made to its jurisdictional customers for the period of April 1, 1975 through September 30, 1975, pursuant to the Stipulation and Agreement approved by the Commission on October 6, 1975, in the above docket number.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in

[3] The use of the term "all parties" means that we expect all parties proposing changes in the Pan Eastern program as certificated shall have the burden of submitting evidence and testimony which clearly demonstrates the impact of their proposed changes on the effectiveness of the program. If any party proposing changes in Pan Eastern's program should fail to submit evidence in support of those changes, that fact will be given considerable weight when the Commisison reviews this proceeding.

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accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33212 Filed 12-8-75;8:45 am]

[Docket No. CP76-3]

TRANSCO GAS SUPPLY CORP.

Order Granting Rehearing for Purposes of Further Consideration

DECEMBER 3, 1975.

On November 7, 1975, Transco Gas Supply Corporation (Gasco or Applicant) filed an application for rehearing of our order issued in this docket on October 14, 1975.

The October 14, 1975, order denied Gasco's application for a certificate of public convenience and necessity to sell natural gas to Transcontinental Gas Pipe Line Company (Transco). The application was described in the Commission's October 14, 1975, order as follows:

> Gasco states that it was formed for the primary purpose of contracting for supplies of natural gas from various suppliers pursuant to advance payment agreements and otherwise and then selling to Transco all gas purchased by Gasco under gas purchase contracts entered into by Gasco pursuant to advance payments agreements which Transco proposes to assign to Gasco or otherwise.
>
> Under a cost of service tariff to be filed with the Commission, Gasco proposes to charge Transco a cost of service rate including: (a) the actual cost of gas purchased by Gasco; (b) return and income taxes on Gasco's rate base (including, among other things, outstanding advance payments) determined by multiplying such rate base by 13.99% (the same percentage as the return and income tax component currently provided in Transco's pending rate settlement in Docket Nos. RP74-48 and RP75-3) or such later percentage as may be reflected in any Transco rate filing; and (c) all other costs of Gasco on a cost of service basis. Transco would include the gas cost component of Gasco's charge in its PGA clause, and would file to amend its advance payment tracking provision in Docket Nos. RP74-48 and RP75-3 to permit tracking of advance payments assigned to or made by Gasco in the same manner as if made by Transco. All other components of Gasco's charge would be included in future Transco rate proceedings.
>
> Gasco proposes to commence sales to Transco on October 1, 1975. Initially, Gasco would acquire gas for such sales from Shell Oil Company from Block 130, Ship Shoal Area, Offshore Louisiana.
>
> The application explains that under the proposed arrangement Gasco would have greater ability to obtain funds for financing advance payment agreements than Transco because Gasco would not be subject to the restrictions in Transco's debt instruments. The application represents that at May 31, 1975, Transco had advance payments outstanding of some $103,300,000 and commitments to make additional advances amounting to several hundred million dollars but that the restrictions in Transco's long term debt instruments are expected to prevent it from borrowing the additional funds to make further advances in 1976 and beyond. The application states that implementation of the proposal would assure the continued availability to Transco's customers of vitally needed gas supplies.

The Commission denied Gasco's application based upon the finding that it would give Transco the right to permanently track advance payments contrary to well established Commission policy.

Gasco's application for rehearing alleges that the October 14, 1975, order was in error in that, *inter alia*, the Commission denied Gasco's application for a certificate of public convenience and necessity without a hearing contrary to Section 7 of the Natural Gas Act; that the denial was based upon an erroneous construction of Gasco's application; that the Commission "must" approve innovative proposals to assist in raising capital required to meet outstanding advance payment commitments. More specifically, Gasco argues that the certificate application itself did not establish tracking authority for advance payments, but rather would use the tracking authority which was included in Transco's proposed settlement agreement which was then pending in Docket No. RP74-48 and RP75-3.[1]

Our review of Gasco's application for rehearing indicates that certain of the issues raised therein are closely related to, and may be substantially affected by, the Commission's ultimate determination in the current investigation of the advance payments program in Docket Nos. R-411 and RM74-4. Accordingly, we shall grant rehearing of our October 14, 1975, order in this proceeding for purposes of further consideration and we shall defer final action on Gasco's application until after issuance of an order determining the appropriate disposition of our investigation of the advance payment program in Docket Nos. R-411 and RM74-4.

The Commission finds: Good cause exists to grant rehearing of our October 14, 1975, order in Docket No. CP76-3 for purposes of further consideration as hereinafter ordered and conditioned.

The Commission orders: (A) Rehearing of our October 14, 1975, order in Docket No. CP76-3 is hereby granted for purposes of further consideration and we shall defer final action on Gasco's November 7, 1975, application for rehearing pending issuance of an order determining the appropriate disposition of our investigation of the advance payment program in Docket Nos. R-411 and RM74-4.

[1] By order issued November 13, 1975, in Docket Nos. RP74-48 and RP75-3, the Commission approved Transco's proposed settlement subject to the condition, *inter alia*, that its tracking authority for advance payments end as of October 1, 1975, the date the suspended rates in Docket No. RP75-75 became effective, subject to refund.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33191 Filed 12-9-75;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPE LINE CO.

Notice of Further Extension of Procedural Dates

DECEMBER 2, 1975.

One November 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued September 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, November 28, 1975.
Service of Intervenor Testimony, December 19, 1975.
Service of Company Rebuttal, December 31, 1975.
Hearing, February 3, 1976 (10:00 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33215 Filed 12-9-75;8:45 am]

[Docket No. RP74-89 (AP 76-1)]

TRUNKLINE GAS CO.

Notice of Extension of Procedural Dates

DECEMBER 4, 1975.

On November 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 3, 1976.
Service of Company Rebuttal, March 4, 1976.
Hearing, March 19, 1976 (10:00 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33182 Filed 12-8-75;8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Curing of Deficiency

DECEMBER 2, 1975.

Take notice that on November 21, 1975, Wisconsin Public Service Corporation (Public Service or The Company) tendered for filing Period I data to cure a deficiency.

On September 22, 1975, Wisconsin submitted for filing proposed rate schedules providing for increased rates applicable to the Company's eight wholesale customers. The Commission, by letter order of October 20, 1975, declared the submittal of September 22, 1975 to be deficient because the Period I test data were out of date. Public Service was instructed to submit actual data for the period ending no earlier than four months prior to the date of filing of the proposed increase.

Pursuant to that October 20, 1975, order, Public Service now tenders for filing data for a new Period I, August 1, 1974 through July 31, 1975.

Public Service requests that the new rates which were submitted for filing on September 22, 1975, be permitted to become effective as originally proposed on November 25, 1975, or at the earliest possible date thereafter.

Public Service states that a copy of the transmittal letter filed November 21, 1975, the new Period I data, revised testimonies, and comparative billing data have been mailed to each purchaser under a rate schedule proposed to be changed, the legal counsel of said purchasers, and to each State Commission within whose jurisdiction such purchasers distribute and sell energy at retail.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33209 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY

Meeting

In the matter of a meeting of Supply-Technical Advisory Task Force-Prospective Exploration & Development & Additions to Reserves.

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 13, 1976, 1:00 p.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order and Introductory Remarks—Mr. William J. McCabe.

2. Introduction of Technical Advisory Task Force Chairman—

Prof. Edward Erickson, Department of Economics, North Carolina State University, Raleigh, North Carolina.

Introduction of Technical Advisory Task Force Vice Chairman—

Dr. Richard F. Meyer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia.

3. Discussion of Task Force Work Scope and Goals—Prof. Edward Erickson.

4. Assignment of Work to Task Force Members—Prof. Edward Erickson.

5. Establishment of Priorities and Completion for Work of the Task Force.—Prof. Edward Erickson.

6. Selection of Next Meeting Date.

7. Other Business.

8. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33145 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY

Agenda

In the matter of a meeting of Supply-Technical Advisory Task Force—Domestic Natural Gas Potential Resource Base.

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 8, 1976, 9:30 a.m.

Presiding: Dr. Edwin D. Goebel, Technical Director, National Gas Survey and Federal Power Commission Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—

Dr. Edwin D. Goebel.

2. Introduction of Technical Advisory Task Force Chairman—

Dr. DeVerle P. Harris, Department of Mining & Geology, University of Arizona, Tucson, Arizona.

Introduction of Technical Advisory Task Force Vice Chairman—

Mr. Ralph W. Garrett, Exploration Analysis Manager, Exxon Company U.S.A., Houston, Texas.

3. Discussion of Task Force Work Scope and Goals—Dr. DeVerle P. Harris.

4. Assignment of Work to Task Force Members.

5. Establishment of Priorities and Completion Dates for Work of the Task Force.

6. Scheduling of Next Meeting Date.

7. Other Business.

8. Adjournment—Dr. Edwin D. Goebel.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33146 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY

Meeting

In the matter of a meeting of Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas.

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 6, 1976, 9:30 am.

Presiding: Mr. Michael C. Bachman, EPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order and Introductory Remarks—Mr. Michael C. Bachman.

2. Introduction of the Technical Advisory Task Force Chairman—

Mr. Frank F. Jestrab, Bjella & Jestrab, Williston, North Dakota.

Introduction of Technical Advisory Task Force Vice Chairman—

Mr. Martin N. Erick, Senior Counsel, Exxon Company, U.S.A., Houston, Texas.

3. Discussion of Task Force Work Scope and Goals—Mr. Frank F. Jestrab.

4. Assignment of Work to Task Force Members—Mr. Frank F. Jestrab.

5. Establishment of Priorities and Completion Dates for Work of the Task Force—Mr. Frank F. Jestrab.

6. Selection of Next Meeting Date.

7. Discussion of Other Matters.

8. Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33147 Filed 12-9-75;8:45 am]

NATIONAL GAS SURVEY

Meeting

In the matter of a meeting of Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources.

Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 13, 1976, 9:30 a.m.

Presiding: Dr. Edwin D. Goebel, Technical Director, National Gas Survey and Federal Power Commission, Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Dr. Edwin D. Goebel.

2. Introduction of Technical Advisory Task Force Chairman—

Dr. John W. Harbaugh, Department of Applied Earth Sciences, Stanford University, Stanford, California.

Introduction of Technical Advisory Committee Vice Chairman—

Mr. Lloyd E. Elkins, Amoco Production Company, Tulsa, Oklahoma.

3. Discussion of Task Force Work Scope and Goals—Dr. John W. Harbaugh.

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4. Assignment of Work to Task Force Members.
5. Establishment of Priorities and Completion Dates for Work of the Task Force.
6. Scheduling of Next Meeting Date.
7. Other Business.
8. Adjournment—Dr. Edwin D. Goebel.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33148 Filed 12–9–75;8:45 am]

NATIONAL GAS SURVEY

Meeting

In the matter of a Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels.

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 14, 1976, 9:30 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order and Introductory Remarks—Mr. William J. McCabe.
2. Introduction of Technical Advisory Task Force Chairman—

Dr. Alan G. Fletcher, Dean, School of Engineering & Mines, University of North Dakota, Grand Forks, North Dakota.

Introduction of Technical Advisory Task Force Vice Chairman—

Mr. Charles W. Margolf, W. R. Grace & Company, 7935 East Prentice Avenue—Bldg. 40, Englewood, Colorado.

3. Discussion Task Force Work Scope and Goals—Dr. Alan G. Fletcher.
4. Assignment of Work to Task Force Members—Dr. Alan G. Fletcher.
5. Establishment of Priorities and Completion Dates for Work of the Task Force—Dr. Alan G. Fletcher.
6. Selection of Next Meeting Date.
7. Other Business.
8. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before or file statements with Committee—which statements, if in written form, may be filed before or after the meeting, or in oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33149 Filed 12–9–75;8:45 am]

NATIONAL GAS SURVEY

Meeting

In the matter of Supply-Technical Advisory Committee Study Subgroup on Gas Reserves and Resources Classifications.

Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 9, 1976, 9:30 a.m.

Presiding: Dr. Edwin D. Goebel, Technical Director, National Gas Survey and Federal Power Commission, Coordinating Representative and Secretary.

1. Call to Order—Dr. Edwin D. Goebel.
2. Discussion of Reserves—Resources Nomenclature and Classifications—Dr. Richard F. Meyer—Subgroup Leader.
3. Other Business.
4. Adjournment — Dr. Edwin D. Goebel.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the subgroup—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the subgroup.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33150 Filed 12–9–75;8:45 am]

[Docket No. E–9379]

NIAGARA MOHAWK POWER CORP.

Extension of Procedural Dates; Correction

DECEMBER 2, 1975.

Please correct the procedural dates in the above-indicated notice (40 FR 56732, December 4, 1975) as follows:

Service of Intervenor Testimony, December 29, 1975.
Service of Staff Testimony, January 19, 1976.
Service of Company Rebuttal, February 9, 1976.
Hearing, March 1, 1976 (10 a.m., E.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33204 Filed 12–9–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 13 and 14 January 1976 in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia.

The sessions will commence at 9:00 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the tenth meeting of the Task Force. The planned agenda will cover three general areas:

1. Procurement.
2. Logistics.
3. Applications, Requirements and Equipment.

The detailed discussions and investigations into these general areas will be conducted by working groups made up of designated Task Force members or their designated representatives and selected Task Force Observers. Each working group will formulate proposals related to its general area of responsibility corresponding to one of the three specified above. The working group proposals as approved by the Task Force will form the basis for the ultimate Task Force recommendations.

Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 5, 1975.

[FR Doc.75–33244 Filed 12–9–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE THE MID-ATLANTIC STATES

Availability of Draft Environmental Impact Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 154 tracts of submerged lands on the Outer Continental Shelf offshore New Jersey and Delaware (OCS Sale No. 40).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Six World Trade Center, Suite 600D, New York, New York 10048 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main branches of the following public libraries: New York Public Library, 5th Avenue and 42nd Street, New York City; Nassau Library System, Garden City, Long Island, New York; Suffolk Cooperative Library System, Belport, Long Island, New York; Free Library of Philadelphia, Logan Square, Philadelphia, Pennsylvania; Wilmington Institute Free Library and New Castle Free Library, Wilmington, Delaware; Rehoboth Beach Public Library, Rehoboth Beach, Delaware; Enoch Pratt Free Library, Baltimore, Maryland; Eastern Shore Area Library, Salisbury, Maryland; Trenton Free Public Library, Trenton, New Jersey; Atlantic City Free Public Library, Atlantic City, New Jersey; and Norfolk Public Library System, Norfolk, Virginia.

In accordance with 43 CFR 3301.4, a public hearing will be held in Atlantic City, New Jersey, in January 1976 for the purpose of receiving comments and suggestions relating to the proposed lease sale. The exact location and dates of this hearing will be announced at a later date.

Review comments on the draft environmental statement will be accepted by the Department until February 12, 1976. These comments should be addressed to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above listed address.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: December 4, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–33171 Filed 12–9–75;8:45 am]

Fish and Wildlife Service

LOS ANGELES ZOO, ET AL.

Endangered Species Permits; Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973; 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 11, 1975 (40 FR 24927–28)

Applicant: Los Angeles Zoo, 5333 Zoo Drive, Los Angeles, California 90027, Warren D. Thomas, D.V.M., Director.

Official Action: Issued permit August 4, 1975: "May acquire and transport one male RUFFED LEMUR (*Lemur variegatus*), from the St. Louis Zoological Park to the Los Angeles Zoo, for propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 11, 1975 (40 FR 24928–29)

Applicant: Fort Worth Zoological Park, 2727 Zoological Park Drive, Fort Worth, Texas 76110, Elvie Turner, Jr., Director.

Official Action: Issued permit August 4, 1975, authorizing export of up to 34 ALLIGATORS (*Alligator mississippiensis*), hatched in captivity, as gifts to eight foreign zoos.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" June 11, 1975 (40 FR 24923–24)

Applicant: Mr. William A. Barabino, 19 Sunset Avenue, North Reading, Massachusetts 01846.

Official Action: Issued permit August 4, 1975, to acquire, and transport, one pair of SWINHOE'S PHEASANTS (*Laphura swinhoii*), for propagation, from the L & L Pheasantry, Hegins, Pennsylvania, where they were hatched and raised in captivity.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 27, 1975 (40 FR 27278–79)

Applicant: National Zoological Park, Smithsonian Institution, Washington, D.C. 20009, Dr. Theodore H. Reed, Director.

Offical Action: Issued permit August 11, 1975: "Authorized to transport 1/0 Golden Lion Marmoset (*Leontideus rosalia*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 13, 1975 (40 FR 25239–40)

Applicant: Alaska Area Director, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501.

Official Action: Issued permit August 12, 1975: "Permittee may conduct scientific research including inventory of aeries and determination of the nesting success of PEREGRINE FALCONS (*Falco peregrinus anatum* and *tundrius*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 11, 1975 (40 FR 24925–26)

Applicant: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Official Action: Issued permit August 12, 1975: "May conduct aerial surveys of nests of the SOUTHERN BALD EAGLE (*Haliaeetus leucocephalus leucocephalus*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 18, 1975 (40 FR 25732–33–34)

Applicant: Mr. Bob Dittrick, 8905 Weant Drive, Great Falls, Virginia 22066.

Official Action: Issued permit August 12, 1975: "Authorized to capture, band and release PEREGRINE FALCONS (*Falco peregrinus tundrius*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 16, 1975 (40 FR 25737–38)

Applicant: Santa's Land, Route 1, Box 134–A, Cherokee, North Carolina 28719, Mr. Danny Lyons, Owner and Manager.

Official Action: Issued permit August 14, 1975: "Permittee may transport from Canyonland Park, Fort Payne, Alabama, to Santa's Land, Cherokee, North Carolina, the following animals:

One BENGAL TIGER (*Panthera tigris*)
Two LEOPARDS (*Panthera pardus*)
Four SPIDER MONKEYS (*Ateles geoffroyi frontatus*)
One WOOLLY SPIDER MONKEY (*Brachyteles arachnoides*)

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 3, 1975 (40 FR 28109–10)

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112, Clyde A. Hill, Curator of Mammals.

Official Action: Issued permit August 15, 1975: "Authorized to import one (1) male SIBERIAN TIGER (*Leo tigris altaica*), from Russia through Holland."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 13, 1975 (40 FR 25236–37–38)

Applicant: Utah Cooperative Wildlife Research Unit, Utah State University UMC 52, Logan, Utah 84322, J. Juan Spillett, Acting Unit Leader.

Official Action: Issued permit August 19, 1975: "Authorized to trap, sex, weigh, tag, dye mark and release immediately not to exceed 400 PRAIRIE DOGS. Five prairie dogs (*Cynomys parvidens*) to be held for feeding studies."

NOTICE OF APPLICATION, PUBLISHED IN "FEDERAL REGISTER" JUNE 9, 1975 (40 FR 24544–45)

Applicant: Cape Romain National Wildlife Refuge, Route 1, Box 191, Awendaw, South Carolina 29429, Mr. George R. Garris.

Official Action: Issued permit August 19, 1975: "Authorized to study, band and attach auxiliary markings as authorized under Federal Bird Marking and Salvage Permit, collect not to exceed 50 eggs, and salvage BROWN PELICANS (*Pelecanus occidentalis*) and/or their parts. Eggs, parts and specimens may be transported to the Patuxent Research Center. All banded specimens must be released where taken."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 3, 1975 (40 FR 23900–01)

Applicant: San Antonio Zoological Gardens and Aquarium, 3903 North St. Mary's Street, San Antonio, Texas 78212, Louis R. DiSabato, Director.

Official Action: Issued permit August 19, 1975: "Authorized to export one female JAGUAR to Venezuela."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 18, 1975 (40 FR 25734–35–36)

Applicant: Oklahoma City Zoo, Rt. #1, Box 478, Oklahoma City, Oklahoma 73111, Lawrence Curtis, Director.

Official Action: Issued permit August 19, 1975: "Authorized to export two (2) female SIBERIAN TIGERS to Tel-Aviv, Israel."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 27, 1975 (40 FR 27275–76)

Applicant: Joseph A. Harmer, 144 Limekiln Pike, Chalfont, Pennsylvania 18914.

Official Action: Issued permit August 22, 1975: "Authorized to capture, band and release immediately at the capture site PEREGRINE FALCONS (*Falco peregrinus tundrius* and *anatum*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 27, 1975 (40 FR 27276–77–78)

Applicant: Jacksonville Zoological Society and Park, 8605 Zoo Road, Jacksonville, Florida 32218, Mr. John True, Curator of Birds.

Official Action: Issued permit August 22, 1975: "Authorized to receive, care for and

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rehabilitate sick and injured endangered species of birds, and if possible to be returned to the wild."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 2, 1975 (40 FR 23774–75)

Applicant: David C. Smith, International Bird Rescue Research Center, 2701 Eighth Street, Berkeley, California 94710, J. M. Harris, D.V.M., Chairman.

Official Action: Issued permit August 22, 1975: "Permittee may salvage and care for injured and incapacitated birds and band and release to the wild."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 18, 1975 (40 FR 25738–39)

Applicant: Southwest Texas State University, Aquatic Station—Biology, San Marcos, Texas 78666, Glenn Longley, Ph.D., Assistant Professor.

Official Action: Issued permit August 22, 1975: "Authorized to trap TEXAS BLIND SALAMANDERS (*Typhlomolge rathbuni*) at locations listed in Item 10: Artesian wells at the SWTSU and 'Aquarena' at or near San Marcos, Texas."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 11, 1975 (40 FR 24929–30)

Applicant: Mississippi State University, Department of Zoology, Mississippi State, Mississippi 39762, Dr. Jerome A. Jackson, Associate Professor of Zoology.

Official Action: Issued permit August 28, 1975: "Authorized to capture, band and apply auxiliary markings to RED-COCKADED WOODPECKERS as authorized under Federal Bird Marking and Salvage Permit."

NOTICE OF APPLICATION, PUBLISHED IN "FEDERAL REGISTER" JUNE 11, 1975 (40 FR 24924–25)

Applicant: Georgia Department of Natural Resources, Game and Fish Division, 270 Washington Street SW., Atlanta, Georgia 30334, Mr. Jack Crockford, Director.

Official Action: Issued permit August 28, 1975: "May capture, tag with radio telemetry equipment and relocate eight (8) ALLIGATORS (*Alligator mississipiensis*), from Blackbeard Island National Wildlife Refuge, for scientific research."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: December 3, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33272 Filed 12-9-75;8:45 am]

NEW MEXICO DEPARTMENT OF GAME AND FISH

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: New Mexico Department of Game & Fish, State Capitol, Santa Fe, New Mexico 87503, Ladd S. Gordon, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To carry out activities involved in the management and the protection of endangered species in New Mexico, including survey, banding and collecting (only as necessary and later specified), transplanting, propagation, laboratory research, and related work. Permit to be issued to Department to be used by its employees and designees.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
New Mexico Department of Game & Fish
State Capitol
Santa Fe, New Mexico 87503
Telephone: 505-827-2923

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: N/A

	HEIGHT	WEIGHT
☐ MR. ☐ MRS. ☐ MISS ☐ MS.		
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N/A

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Department is the state wildlife conservation agency, and as such it has the responsibility for management and protection of endangered species.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Ladd S. Gordon

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of New Mexico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(*If yes, list license or permit number*)
Bird Marking and Salvage, No. 6747

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Wildlife Conservation Act, 1973 (N.M.S. 53-2-50 to 53-2-59)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$N/A

10. DESIRED EFFECTIVE DATE
Sept. 1, 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
(see enclosures)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) — DATE
Ladd S. Gordon, Director — August 15, 1975

OCTOBER 20, 1975.

MR. LYNN A. GREENWALT,
U.S. Fish and Wildlife Service,
Washington, D.C. 20240

DEAR LYNN:

Enclosed is our application for the permit to carry out activities involved in management and protection of endangered species in New Mexico. The permit covers all of the federally listed endangered species that we believe to occur regularly in New Mexico, or in the case of the whooping crane, which we expect to soon occur here. The species in our application are the blackfooted ferret, Mexican duck, southern bald eagle, American peregrine falcon, whooping crane, Pecos gambusia, Gila topminnow, Colorado River squawfish, and Gila trout. Species on the federal list that do not occur regularly in New Mexico or are unsubstantiated here, are not listed in our application; these are the brown pelican, eskimo curlew and jaguar.

I realize that the procedure for issuing this permit involves a thirty-day review in the Federal Register and that initial issuance of the permit may be delayed until next year. Inasmuch as some of our activities are already under way, I am requesting that we have interim authority to continue the work that we have begun under previous understanding that such work is legitimate, justified, and compelling if we are to benefit our endangered species in the best and most prompt manner.

A further point that I wish to make is that we wish the eventual permit to be issued to the Department to be used by our employees and our authorized designees, inasmuch as we will have from time to time people operating with us on endangered species that are not our direct employees, but are under our supervision.

Very truly yours,

LADD S. GORDON,
Director.

(By William S. Huey, Acting Director).

13. Species information relevant to processing this application to fulfill requirements of 50 CFR 17, § 17.23(a), follows:

(1) Common and scientific names of species to be covered, thus brief resumes of ongoing or anticipated research;

a. Black-footed ferret—*Mustela nigripes.* Survey of prairie dog colonies and areas where ferrets have been recorded will be initiated in September 1975.

b. Mexican duck—*Anas diazi.* Survey of range in New Mexico, breeding, numbers, ecology, interactions with mallards, and similar work undertaken in September 1974, will be continued and intensified in the near future. Banding and marking of some birds is contemplated.

c. Southern bald eagle—*Haliaeetus leucocephalus leucocephalus.* Survey of range in New Mexico, possible breeding, numbers, and ecology begun in September 1974, will continue. In addition, eagle carcasses will be sexed and measured to determine subspecies, and some banding and marking of trapped birds may be done.

d. American peregrine falcon—*Falco peregrinus anatum.* Survey of range in New Mexico, breeding, numbers, and ecology begun in September 1974, will continue. In addition, possible propagation and enhacement of reproduction of wild pairs is contemplated, in conjunction with Rocky Mountain peregrine recovery team. Young and adult peregrines may be banded and/or color-marked to study range and other aspects of the biology.

e. Whooping crane—*Grus americana.* Monitoring of young whoopers that may be produced by foster-parent sandhill cranes and that are expected to migrate to New Mexico will begin in October 1975, and continue through departure of these birds in spring 1978. Data to be gathered will involve range, numbers, ecology, behavior, and related information.

f. Pecos gambusia—*Gambusia nobilis.* Surveys of range, numbers, habitats, competitive relationships, and breeding began in June 1975, will continue. Also contemplated are capture for marking, specimens for taxonomic and food habits studies, aquarium research, transplantation, and propagation.

g. Gila topminnow—*Poeciliopsis occidentalis occidentalis.* Efforts will continue to locate populations for study in New Mexico, where last record in the 1950's; some specimen collection is also contemplated. Also contemplated is possibility of importation of live specimens from Arizona, for purposes of aquarium research, propagation, and possibly transplantation.

h. Colorado River squawfish—*Ptychocheilus lucius.* Survey will continue to locate populations in the state, where the only records to date are from the San Juan drainage in the northwest. Located populations would be subjected to studies of numbers, breeding, ecology and other facets of their biology, plus some specimen collection.

i. Gila trout—*Salmo gilae.* Surveys of range, numbers, breeding, habitats, taxonomy and relationships with other fish species, begun in May 1974, (and earlier) will continue, with some fish being collected as specimens and others marked and released. In addition, transplant and propagation work is contemplated, the former in connection with a detailed study of populational characteristics as part of work conducted by the Gila trout recovery team.

Other endangered species which are extirpated, unsubstantiated, or otherwise not considered residents of New Mexico could be met with by Department personnel and are listed here in case duties would involve some contact with these.

j. Brown pelican—*Pelecanus occidentalis.*

k. Eskimo curlew—*Numenius borealis.*

l. Jaguar—*Felis onca* sspp.

APPENDIX No. 1

By-species list of persons with special knowledge of endangered species in New Mexico and adjacent areas.

a. Black-footed ferret, Dr. James Findley, Department of Biology, University of New Mexico, Albuquerque, New Mexico 87106.

b. Mexican duck, Mr. William S. Huey, N.M. Dept. of Game and Fish, State Capitol, Santa Fe, New Mexico 87503. Dr. Charles Davis, Dept. of Wildlife, New Mexico State University, Las Cruces, New Mexico 88001. Mr. Richard Rigby, Bosque del Apache, N.W.R., San Antonio, New Mexico.

c. Southern bald eagle, Mr. James L. Sands, N.M. Dept. of Game and Fish, Albuquerque, New Mexico 87108.

d. American peregrine falcon, Mr. Frank Bond, 540 Camino Rancheros, Santa Fe, New Mexico 87501. Mr. Tom Smylie, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

e. Whooping crane, Mr. Huey, Mr. Sands, Mr. Rigby.

f. Pecos gambusia, Dr. James Subiette, Dept. of Biology, Eastern New Mexico University, Portales, New Mexico 88130. Dr. Robert R. Miller, Museum of Zoology, University of Michigan, Ann Arbor, Michigan. Dr. Clark Hubbs, Dept. of Zoology, Univ. of Texas, Austin, Texas 78712. Dr. William J. Koster, Dept. of Biology, Univ. of New Mexico, Albuquerque, New Mexico 87106.

g. Gila topminnow, Dr. Miller, Dr. Hubbs, Dr. W. L. Minckley, Dept. of Zoology, Arizona St. University, Tempe, Arizona. Dr. Koster.

h. Colorado River squawfish, Dr. Koster, Dr. Minckley.

i. Gila trout, Dr. Miller, Dr. Koster, Dr. Robert J. Behnke, Div. of Research, Colorado State University, Ft. Collins, Colorado 80521. Mr. Paul Turner, Dept. of Wildlife, New Mexico State University, Las Cruces, New Mexico 88001. Dr. Douglas Jester, Dept. of Wildlife, New Mexico State University, Las Cruces, New Mexico 88001.

APPENDIX No. 2

Permit Requirements and Research Plans.

Black-footed ferret. Permit requirements:

a. No collections or captures are contemplated, but occasional dead animals have been found in the past that were salvaged as specimens; this circumstance could be repeated in the future, and a salvage permit is needed for indeterminate numbers.

b. In addition, removal of nuisance, injured, or threatened individuals could be required, so that a permit to capture, maintain, and transplant such animals is needed for indeterminate numbers.

Research plans—A summary of specimen and reliable sight records shows this species to have occurred in New Mexico in all parts of the state except the extreme southwest. Counties of occurrence are as follows (* indicates specimen record): Sandoval, *McKinley, Colfax, *Valencia, *Santa Fe, *Guadalupe, Curry, DeBaca, *Catron, *Chaves, and *Lea. The most recent records are in the late 1960's and in 1970, and there is reason to believe that the species persists in New Mexico. The animals have been found from 3500 to over 9000 feet in grasslands or similar open habitats. Most have been in or near colonies of blacktailed (*Cynomys ludovicianus*) or white-tailed (*C. gunnisoni*) prairie dogs. Survey efforts will be increased in prairie dog and other areas of ferret reports, and a public-questionnaire approach may also be implemented. The handling of live or dead specimens is a possibility, and it should be anticipated in the event that it materializes.

Mexican duck. Permit requirements:

a. No collections are contemplated, but hunter-killed or wounded birds or other chances for speciment procurement may arise, including of deserted nests or eggs. Hence, a salvage permit is needed for indeterminate numbers.

b. In addition, birds may be caught in duck or goose-trapping operations that would be subject to marking and banding, and in the future a program specifically with Mexican ducks may be initiated. Numbers not to exceed 200 per year in 1975–1977.

Research plans—Mexican ducks occur regularly in New Mexico in the lower Rio Grande Valley and in the southwest, north at least sporadically on the Mogollan Plateau. Survey work has already begun on these populations to determine range, numbers, movements, habitats, and other such data. In addition, interactions with mallards plus hybridity are also being monitored, particularly with the view of determining how extensive the interface is between the two forms and to attempt to identify those populations that are the best goals for management. Trapping of Mexican ducks was done for several years by the Department in Dona Ana County, and much experience in this procedure resides among its personnel.

Southern bald eagle. Permit requirements:

a. Occasional injured, incapacitated, or dead specimens have been procured, and this trend is likely to continue. A permit to possess, maintain, and analyze these specimens is needed, with the aim of rehabilitating injured birds and of determining the causes of death or disability and the subspecies identity of all birds (numbers indeterminate).

b. Rehabilitated birds will need to be marked and banded before release, and for this a permit is required. In addition, in the future the Department may embark on a capture program, in which measuring, aging, marking, and banding would be objectives. Captures not to exceed 100 birds per year in 1975–1977.

Research plans—From time to time injured or dead bald eagles are found, turned over to, or otherwise come into the hands of personnel of the Department. In order to gather data on subspecies and the biology of the species in New Mexico, these specimens need to be examined by members of the Department's **Endangered Species Program**, particularly with reference to determining sex and age and making measurements on the specimens. In the event that a salvageable injured bird is obtained, such studies can still be done at some appropriate time. Dead birds will be subsequently turned over to the U.S. Fish and Wildlife Service or other designated agent. In regard to injured birds that can be salvaged, the Department would turn such birds over to the U.S.F.W.S. or, preferably, to qualified caretakers until recovery is achieved. Recovered birds can be released into the wild by such caretakers or the U.S.F.W.S. In addition, concentrations of eagles occur on larger reservoirs and streams in the state, and a program of live-trapping, marking, and banding at such sites should yield valuable data.

American peregrine falcon. Permit requirements:

a. To allow importation from Colorado, New York, or other U.S. states the eggs, young, and adults of *anatum* peregrines for propagation purposes or for release into the wild. Numbers not to exceed 10 eggs and 20 birds per year in 1976 and 1977.

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b. To allow the maintenance of captive breeding stock for propagation and release purposes.

c. To allow capture, marking, and banding of young and adult peregrines in New Mexico; typically these would be *anatum*, but *tundrius* may also occur. Numbers not to exceed 50 per year through 1975–1977.

d. To salvage injured or dead peregrines for scientific purposes, including (1) treatment of live birds and release if possible, and (2) autopsy and preservation of dead birds (numbers indeterminate).

Research plans—The Rocky Mountain—Southwest Peregrine Recovery Team and the Department contemplate programs to enhance reproductive success in wild peregrines through such methods as adding additional eggs or young to eyries for the parents to raise. Such eggs or young can be from captive or wild sources, with double-clutching the probable device in the latter case. Such manipulations are to be extremely closely controlled and monitored, and at no time would the entire wild population be subject to manipulation. In addition, carefully selected captive stock will be maintained for breeding purposes, both in New Mexico and elsewhere in the Rocky Mountain Southwest or other U.S. region. Eggs and progeny of this stock, to be rejuvenated by birds taken from the wild from time to time, will be used in restoration efforts involving wild populations. All of these birds would be subject to marking and banding, and a program may be initiated to capture, mark, and band other peregrines in the state. Finally, occasionally incapacitated birds are found in the wild, and these need the immediate attention of the Department when found.

Pecos gambusia. Permit requirements:

a. To allow for taking of specimens for taxonomic, food habit, growth, age, and other studies in the Pecos Valley. Numbers not to exceed 500 per year in 1975–1977.

b. To allow for taking of live specimens for aquarium and propagation studies, in numbers not to exceed 1000 per year in 1975–1977.

c. To allow for taking of live specimens to be marked and replaced for gathering of data on the biology of wild populations. Numbers not to exceed 2000 per year in 1975–1977.

d. To allow for capture of live specimens for release in other suitable areas in the native range of the species in New Mexico. Stock for release could also come from propagation sources outlined in (b) above. Capture not to exceed 2000 per year and release not to exceed 50,000 per year in 1975–1977.

Research plans: Investigations are currently underway in the Pecos River drainage to determine the distribution and numbers of all fish species, including the endangered Pecos gambusia. Specimen verification of the range of this species is needed particularly as *Gambusia affinis* is widespread there and is a potential source of confusion without such collections. In addition, life history data are needed on the species, including the marking of fish in the wild and the maintenance of others in captivity. This phase has also begun and progress is being made. Finally, propagation studies are anticipated with this species, which has the potential of being used for mosquito control. Hence, a release program could be undertaken, restoring the species to much of its native range in the state.

Gila topminnow. Permit requirements:

a. Voucher specimens to determine areas of occurrence may be needed, not to exceed 100 for preservation each year and 1000 for maintenance in captivity per year in 1975–1977.

b. In view of the likelihood that this species is extirpated in New Mexico, we anticipate a need to import specimens from Arizona, where there are several thriving populations. These specimens would be maintained for aquarium and propagation studies and for release into the native range of the species in New Mexico. Numbers not to exceed 10,000 per year imported each year in 1975–1977, with other figures indeterminate due to reproduction that will probably occur.

Research plans: This species was last collected in New Mexico at Frisco Hot Springs, San Francisco River, Catron Co., in 1955. Subsequent surveys have failed to disclose the species in either that river or the overall Gila system; however, the possibility exists that one or more populations still exist in the state, and voucher specimens would be necessary to verify this. In addition, wild stock should be taken into captivity to gather life history data and to attempt propagation of the species, which should aid in its restoration perhaps including into selected areas for mosquito control. Importation of Arizona specimens is a definite possibility if the species no longer persists in New Mexico.

Colorado River Squawfish. Permit requirements:

a. To capture, salvage, or maintain voucher specimens substantiating the continued occurrence of the species in the state. Numbers not to exceed 10 specimens captured per year in 1975–1977; numbers of salvaged or maintained specimens indeterminate.

Research plans: This species was last verified as occuring in New Mexico in 1965, in the San Juan drainage. It has never been reported in the Gila drainage in New Mexico, although it occurred farther west in Arizona. Surveys of both the streams are a continuing operation, and voucher specimens would be necessary for verification of the occurrence of the species, which when young closely resembles chubs of the genus *Gila*. In the past, fisherman and game-fishery surveys have yielded most New Mexico specimens, and these incidental sources are probably the most likely to yield records in the future in the state.

Gila trout. Permit requirements:

a. Voucher specimens are a continuing requirement to determine range, taxonomy, growth rate, age, and other factors in the Gila-like trout of southwestern New Mexico. Numbers not to exceed 20 per stream per year, with the aggregate not to exceed 500 fish per year in 1975–1976.

b. Captures for propagation, marking for release, and transplantation are an integral part of the recovery plan, and the most likely sources for large-scale captures are Main Diamond and Spruce creeks. Numbers not to exceed 2000 fish per year in 1975–1977.

c. Biological studies in Little Creek, to begin when present exotic brown trout are eliminated, a stream barrier erected, and Gila trout are introduced, will require extensive handling of Gila trout, including measuring, marking, and other studies (numbers indeterminate).

d. To probe the suitability of Gila trout as a fishery species, a simulated angling study of a segment of the Main Diamond Creek population is contemplated. Captured fish would be marked and largely released in the same area or elsewhere, with some being kept for preservation or captive work. Numbers not to exceed 500 fish per year in 1976–1977.

Research plans: At present Gila trout are known from Main and South Diamond, McKenna, Iron, McKnight, Sheep Corral, and Spruce creeks in New Mexico, all streams in the Gila National Forest or Wilderness. A complete survey of all trout waters has been undertaken by this Department and New Mexico State University, in conjunction with the U.S. Forest Service and other agencies and individuals. It is felt that such survey is basic to management efforts for this species, with emphasis on identifying what kinds of trout, if any, are present now in the study area. Future work is planned to include controlled transplanting and detailed followup study of Gila trout in Little Creek, probably in 1976.

Propagation work is also a future goal and will probably be carried out at the Glenwood Hatchery, a Department facility devoted to trout-rearing. In addition, it is felt that the suitability of Gila trout for supporting a sport fishing needs to be probed, and this could be done by a study simulating angling on a segment of the large population in Main Diamond Creek. Fish would be largely marked and released, but some would be retained. A major aim would be to probe methods of arriving at population structures that avoid stunting and offer sustained yields, while at the same time maintaining a viable population of this endangered species.

All of these activities will be under the direct supervision and control of the Department's Endangered Species Program, which is represented along with the above named agencies on a functioning interim recovery team for the Gila trout.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or befort January 9, 1976 will be considered.

Dated: December 4, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33271 Filed 12-9-75;8:45 am]

Geological Survey

[Revision of OCS Order No. 8]

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

Gulf of Mexico Area

A proposed revision to OCS Order No. 8, "Platforms, Structures, and Associated Equipment," was published in the FEDERAL REGISTER on June 3, 1974, with a solicitation for comments. In addition, a further revision of the Order was published on January 21, 1975, and a public meeting held on February 25, 1975, to discuss the technical aspects of the proposed revisions. All comments received from these solicitations have been considered and included in the proposed Order as appropriate.

Inasmuch as the latest proposed revision of Order No. 8 has been modified to some extent from the earlier versions, it is believed that an additional comment period should be offered. In particular, the Geological Survey is interested in receiving comments on the use of the Recommended Practice developed by a committee of the American Petroleum Practice for Analysis, Design, Installation, and Testing of Basic Surface Safety Systems on Offshore Production Platforms." This document has been reviewed by a subpanel of the Marine Board of the Assembly of Engineering of the National Research Council which recommended its use. The Geological Survey has found the document to be applicable to the design of production facilities on off-shore platforms with certain modifications. The necessary modifications are included in OCS Order No. 8.

Interested persons may submit written comments and suggestions to the Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, by January 5, 1976.

W. A. RADLINSKI,
Acting Director.

OCS ORDER NO. 8

Effective (Date) ----------

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

This order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under Paragraphs (a) and (b) of § 250.18 or authorized under any lease issued or maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures, including all facilities installed on a platform or structure, whether or not operated or owned by the operator. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). *All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor.* References in this Order to approvals, determinations, or requirements are to those given or made by the Area Oil and Gas Supervisor or his delegated representative.

Following approval of applications, installations and operations shall be performed as approved. If deemed advisable, changes to approved applications may be proposed; however, approval of such proposals shall be required prior to implementation.

The following requirements are applicable to all platforms and structures approved and installed subsequent to the effective date of the Order. When structural or equipment modifications to existing platforms and structures are proposed, only requirements relevant to the modifications shall be applicable.

1. *Platform Design.* A. *General Design.* A platform or structure shall be designed for safe installation and operation for its intended use and service life at a specific site. Steel structures shall be designed in accordance with those provisions of API RP 2A, "Planning, Designing and Constructing Fixed Offshore Platforms," January 1975. The design of structures other than steel shall be evaluated on an individual basis. Consideration shall be given to conditions which may contribute to structural damage such as:

(1) Wind, wave, and current forces and other environmental loading forces.

(2) Functional loading conditions including the weight of the structure and all permanently fixed equipment, and the effects of static and dynamic functional load conditions during installation and the design operational service period.

(3) Water depth, bottom topography, surface and subsurface soil conditions, slope stability, scour conditions, and other pertinent geologic conditions based on information from on-site investigations.

2. *Application.* Prior to installation of a fixed platform or structure, *the operator shall submit for approval,* in duplicate, an application showing essential features of the platform or structure and supporting design information as follows:

A. *General Information.* (1) Identification data, which shall include the platform or structure designation, lease number, area name, block number, and operator.

(2) Location data, including plat showing the distance from the nearest two block lines.

(3) Primary use and other intended functions, including planned drilling, production, and storage operations.

(4) Personnel facilities, personnel access to living quarters, boat landings, and heliports.

(5) A description of each planned phase of operation, including simultaneous operations for the service life of the platform or structure.

(6) Drawings and plats to clearly illustrate essential parts, including number and location of well slots, water depth, nominal size and thickness of jacket and deck column legs, nominal size, thickness, and design penetration of piling.

(7) A description of the method of corrosion protection.

B. *Environmental Information.* (1) List of pertinent environmental data which have a bearing on the installation, operation, or design of the platform or structure, including wave height, current, wind velocity, water depth, storm and astronomical tide data, and factors considered in subparagraph 1.A.(3).

(2) Listing of total design functional loads and wind, wave, and current forces for the following approaches: longitudinal, transverser, and diagonal.

C. *Foundation.* (1) A listing on on-site investigations and tests, including the results.

(2) A description of foundation loads for environmental and functional forces listed in subparagraphs 2.B(1) and (2).

(3) In areas susceptible to soil movement, an analysis of slope and soil stability in relation to the foundation design loads.

D. *Installation.* Procedures for installation of the platform or structure shall be submitted. The recommendations contained in API RP 2A, "Planning, Designing, and Constructing Fixed Offshore Platforms," January 1975, are acceptable.

E. *Exception to Supporting Design Information Submittal.* The following information shall be developed and utilized in platform design; however, *submittal with the construction application is not required.* This information shall be made available to the appropriate District Supervisor upon his request.

(1) A description of the critical design loading and design criteria, taking into consideration maximum environmental and operational loading conditions expected over the service life of the platform or structure. This shall include those conditions considered under subparagraphs 1.A (1), (2), and (3) above.

(2) For steel structures, a description of the materials, specifications, strength analyses, and allowable stresses over the service life.

The recommendations of API publications API RP 2A, "Planning, Designing, and Constructing Fixed Offshore Platforms," January 1975, are acceptable practice concerning subparagraphs (1) and (2) above.

(3) For concrete structures, a description of the materials, specification, and strength and serviceability requirements and analyses of the reinforcing systems.

3. *Certification.*

A. Detailed structural plans certified by a registered professional engineer shall be on file and maintained by the operator or his designee.

B. The following certifications, signed and dated by a company representative, shall accompany the application:

(1) "(Operator) certifies that this platform has been certified by a registered professional engineer and the structure will be constructed, operated, and maintained as described in the application and any approved modification thereto. Certified Plans are on file at ----------."

(2) Certification that the mechanical and electrical systems of the facility will be designed and installed under the supervision of a registered professional engineer. Maintenance of these systems will be by qualified personnel.

4. *Design, Installation, and Operational Features of Production Facilities.* A. All production facilities, including separators, treaters, compressors, headers, and pipelines, shall be designed, installed, and maintained in a manner which will facilitate efficient, safe, and pollution-free operation.

B. As soon as practicable, but not later than three months after the effective date of this Order, new platform production facilities shall be protected with a basic and ancillary surface safety system designed, analyzed, installed, tested, and maintained in operating condition in accordance with the provisions of API RP 14C "Analysis, Design, Installation, and Testing of Basic Surface Safety Systems on Offshore Production Platforms," June 1974, as amended November 1975, and the additional requirements of this Order. For this application, the words "should" contained in API RP 14C shall be read "shall" except for those contained in explanatory statements, paragraphs 3.4(c), page 11 and 4.3(4)(a)–(f), pages 19–20. In the event that processing components are to be utilized other than those for which Safety Analysis Tables (SAT's) and Safety Analysis Checklists (SAC's) are included in API RP 14C, the analysis technique and documentation specified therein shall be utilized to determine the effects and requirements of such components upon the safety system.

Operators may utilize the options contained in API RP 14C during Safety Systems Design; however, options selected and deployed on the schematic flow diagram and Safety Analysis Function Evaluation (SAFE) Chart are subject to approval by the appropriate District Supervisor.

C. Prior to installation, *the operator shall submit for approval,* in duplicate, information relative to design and installation features, as indicated in subparagraphs (1) through (6) below. This information shall also be maintained at the operator's onshore field engineering office.

(1) A flow schematic showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

(2) A schematic flow diagram (Reference API RP 14C, Example Figure E1, page 79) and the related Safety Analysis Function Evaluation (SAFE) Chart (Reference API RP 14C, paragraph 4.3(C), page 20.) These shall be developed with consideration of the pro-

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visions of API RP 14C and the additional requirements of this Order.

(3) A schematic piping diagram showing the size and design working pressure with reference to welding specification(s) or code(s) used.

(4) A diagram of the fire-fighting system.

(5) Electrical system information including the following:

(a) Plan view of each platform deck outlining any nonhazardous area; i.e., areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical, are to be installed. The area outline should include the following information:

(i) Any surrounding production or other hydrocarbon source and a description of deck, overhead, and firewall.

(ii) Location of generators, control rooms, panel boards, major cabling—conduit routes and identification of wiring method.

(b) Elementary electrical schematic of any platform safety-shutdown system with functional legend.

(6) An application for the installation and maintenance of all gas detection systems. The application shall include the following:

(a) Type, location, and number of detection heads.

(b) Type and kind of alarm, including emergency equipment to be activated.

(c) Method used for detection of combustible gases.

(d) Method and frequency of calibration.

(e) Name and qualifications of organization or personnel to be perform system inspection and calibration.

(f) A functional block diagram of the gas detection system, including the electric power supply.

(g) Other pertinent information.

D. *Additional Safety and Pollution Control Requirements.* The following requirements modify, or are in addition to, those contained in API RP 14C. For platforms *installed after the effective date of this Order* compliance is required as soon as practicable, but not later than three months after the effective date. Operators of platforms and structures *installed prior to the effective date of this Order* shall comply with these requirements at the earliest practicable date, but not later than one year from the effective date, unless otherwise specified herein.

(1) *Design and Installation.* (a) *Pressure Vessels.*

(i) In addition to the protection specified in API RP 14C, Section A.4.2.b(1)(a), (b) (part), and (c), page 34, hydrocarbon-handling pressure vessels other than separators and pressure or surge tanks shall be equipped with high- and low-liquid level shut-in controls.

(ii) Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. All relief valves and vents shall be piped in such a way as to minimize the possibility of fluid striking personnel or ignition sources.

(iii) Steam generators shall be equipped with low-water-level controls in accordance with applicable provisions of Sections I and IV of the ASME Boiler and Pressure Vessel Code, July 1, 1974.

(iv) All relief valves shall be set to start relieving at the design working pressure of the vessel and shall be sized to prevent the pressure from rising more than 10 percent above the design working pressure of the vessel or as otherwise provided by Section VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. The high-pressure shut-in sensor shall activate sufficiently below the design working pressure to positively insure operation before the relief valve starts relieving. The low-pressure shut-in sensor shall activate no lower than 15 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range.

(v) Pressure sensors may be of the automatic or nonautomatic reset type, but where the automatic reset types are used, a nonautomatic reset relay shall be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

(vi) All pressure or fired vessels used in the production of oil or gas, installed after the effective date of this Order, shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, Sections I, IV, and VIII, as appropriate, in effect at the time the vessel is installed. Uncoded vessels now in use shall have been hydrostatically tested to a pressure 1.5 times their normal working pressure. The test date, test pressure, and working pressure shall, within six months after the effective date of this Order, be marked on the vessel in a prominent place. A record of the test shall be maintained by the operator.

(b) *Flowlines.* (i) All flowlines from wells shall be equipped with high- and low-pressure shut-in sensors located downstream of the well choke. If there is more than 10 feet of line between the wellhead wing valve and the primary choke, an additional low-pressure shut-in sensor shall be installed in this section. The high-pressure shut-in sensor shall be set no higher than 10 percent above the highest operating pressure of the line, but in all cases, it shall be set sufficiently below the maximum shut-in pressure of the well or the gas-lift supply pressure to assure actuation of the surface safety valve. The low-pressure shut-in sensor shall be set no lower than 10 percent or 5 psi, whichever is greater, below the lowest operating pressure of the line in which it is installed.

(ii) In the event a well flows directly to the pipeline before separation, the flowline and valves from the well located upstream of and including the header inlet valve(s), shall be able to withstand the maximum shut-in pressure of the well, unless 1: protected by a relief valve connected to either the platform flare scrubber or some other approved location other than into the departing pipeline, or 2: the flowline is equipped with an additional automatic shutdown valve controlled by an independent high-pressure sensor. The platform flare scrubber shall be designed to handle, without liquid hydrocarbon carryover to flare, the maximum anticipated flow of liquid hydrocarbons which may be relieved to the vessel.

(c) *Remote Shut-in Systems.* (i) Remote shut-in controls shall be quick-opening valves, except those on the boat landing(s), which may be a plastic loop.

(d) *Engine Exhausts.* (i) All engine exhausts with temperatures greater than 440°F. (205°C.) shall be insulated and piped away from fuel sources. Exhaust piping from diesel engines shall be equipped with spark arrestors.

(e) *Glycol Dehydration Units.* (i) A hydrocarbon separator shall be installed in the glycol return line on all glycol dehydration units.

(f) *Compressors.* (i) Each compressor installation existing as of the effective date of this Order shall be protected by high-liquid-level shut-in controls and a pressure relief valve installed on each interstage scrubber. High-temperature shutdown controls shall be installed on the compressor cylinders unless interstage scrubbers are protected by high- and low-pressure shut-in controls.

All compressor installations initiated as of the effective date of this Order shall be protected by high- and low-pressure and high-liquid-level shut-in controls and a pressure relief valve installed on each interstage scrubber.

All compressor interstage scrubbers shall be protected by low-liquid-level shut-in controls unless dump is through a choke restriction to another pressure vessel.

(ii) In addition to the provisions of API RP 14C, paragraphs A8.3a and A8.3d, high- and low-pressure shut-in sensors and low-liquid-level shut-in controls protecting compressors suction and discharge piping and associated suction and interstage scrubbers shall be designed to actuate automatic isolation valves located in each compressor suction and fuel gas line so that the compressor unit and associated vessels can be isolated from all input sources.

For compressors installed after the effective date of this Order, those compressor units installed in a building shall have the isolation valves located outside the building. Each suction and interstage high-liquid-level shut-in control shall, as a minimum, be designed to shut down the compressor prime mover.

As an alternative, low-liquid-level shut-in control(s) installed in suction and interstage scrubber(s) may be designed to actuate automatic shutoff valve(s) installed in the scrubber dump line(s).

(iii) Compressor installations of 1,000 horsepower or less are excluded from those requirements of API RP 14C, A8.3d, page 54, which provide for installation of a blowdown valve on the discharge line.

(iv) Compressor installations existing prior to the effective date of this Order, and which are installed in a building, are excluded from the requirement of API RP 14C, A8.3b, which prescribes that the check valve be located outside of the building.

(v) The automatic isolation valves installed in compressor suction and fuel gas piping shall also be actuated by shutdown of the prime mover.

(g) *Curbs, Gutters, and Drains.* (i) Curbs, gutters, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Sump piles or open-ended sumps shall be used to collect only produced water and liquids from drip pans and deck drains.

(h) *Fire-fighting Systems.* (i) A fire-fighting water system of rigid pipe with fire hose stations shall be installed and may include a fixed water spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production-handling equipment is located. A fire-fighting system using chemicals may be used in lieu of a water system if determined to provide equivalent fire protection control.

An alternate fuel or power source shall be installed to provide continued pump operation for the system during platform shutdown, unless as alternate fire-fighting system is provided.

Portable fire extinguishers shall be located in the living quarters and other strategic areas.

A diagram of the fire-fighting system showing the location of all equipment shall be posted in a prominent place on the platform or structure.

(i) *Gas Detection System.* (i) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place on the platform or structure.

(ii) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. The gas detector power supply shall be from a continually energized power source.

(iii) The use of fuel gas odorant is an acceptable alternate to an automatic gas detection and alarm system in enclosed, continuously manned areas of the facility.

(j) *Electrical Equipment.* The following requirements shall be applicable to all electrical equipment and systems installed:

(i) All engines shall be equipped with a low-tension ignition system of a low-fire-hazard type and shall be designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible mixture.

(ii) All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500 B in effect at the time of installation.

(iii) Wiring methods which conform to the National Electrical Code or to IEEE 45, "Recommended Practice for Electric Installations on Shipboard," in effect at the time of installation, are acceptable.

(iv) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power supply.

(k) *Erosion.* A program of erosion control shall be in effect for wells having a history of sand production. The erosion control program may include sand probes, X-ray, ultrasonic, or other satisfactory monitoring methods. An annual report, by lease, on the results of the program shall be submitted by the first of September to the appropriate District Supervisor.

(2) *Operations.* (a) Any device on wells, vessels, or flowlines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or blocked out of service unless necessary during start-up or maintenance operations and then only with personnel on duty aboard the platform.

(b) When wells are disconnected from producing facilities and blind flanged or equipped with a tubing plug, compliance is not required with provisions of API RP 14C and of this Order concerning (a) installation of automatic fail-close surface safety valves on wellhead assemblies, (b) installation of high- and low-pressure shut-in sensors downstream of the well choke in flowlines from wells, and (c) installation of check valves in header individual flowlines. All open-ended lines connected to producing facilities shall be plugged or blind-flanged.

(c) *Simultaneous Operations.* Prior to conducting activities, simultaneously with production operations, which could increase the possibility of occurrence of undesirable events such as harm to personnel or to the environment, or damage to equipment, *an operator's Contingency Plan shall be filed for approval* by the appropriate District Supervisor. The plan shall be filed within 90 days after the effective date of this Order. Activities requiring the plan are drilling, workover, wireline, and major construction operations. The plan shall include:

(i) A narrative description of operations.

(ii) Schematic plans showing areas of activities.

(iii) Identification of critical areas of simultaneous activities.

(iv) Procedures for mitigation of potential undesirable events including:

(a) The guidelines the operator will follow to assure coordination and control of simultaneous activities.

(b) Indication as to the person having overall responsibility, as person in charge at the site, for safety of platform operations.

(c) An outline of any additional safety measures that are required for simultaneous operations.

(d) Specification of any added or special equipment or procedural conditions imposed when simultaneous activity is in progress.

(d) *Welding Practices and Procedures.* The following requirements shall apply to all platforms and structures, including mobile drilling and workover structures. These requirements shall apply to fixed structures after the drilling out of the drive or structural casing for the first well drilled on the structure, entry into a well to be tied back to the structure, or first flow of combustible fluids to the structure. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive or structural casing until the blowout-preventer stack and riser are pulled in the final abandonment, suspension, or completion. These requirements shall apply to workover rigs when such rigs are performing remedial work on any wells open to hydrocarbon-bearing zones.

For the purpose of this Order, the term "welding and burning" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each operator shall file for approval by the appropriate District Supervisor a Welding and Burning Safe Practices and Procedures Plan. The plan shall be filed within 90 days after the effective date of this Order and shall include company qualification standards or requirements for personnel and the methods by which the operator will assure that only personnel meeting such standards or requirements are utilized. A copy of this plan shall be available in the field. Any person designated as a welding supervisor shall be thoroughly familiar with this plan.

Prior to welding or burning operations, the operator shall establish approved safe welding areas. Such areas shall be constructed of noncombustible or fire-resistant materials free of combustible or flammable contents and be suitably segregated from adjacent areas. National Fire Protection Association Bulletin No. 51B, "Cutting and Welding Processes," 1971, shall be used as a guide to designate these areas. All welding which cannot be done in the approved safe welding area shal be performed in compliance with the procedures outlined below:

(i) Such welding and burning as are necessary on a structure shall adhere to the following practices:

(a) Prior to the commencement of any welding or burning operations on a structure, the operator's designated welding supervisor at the installation shall personally inspect the qualifications of the welder or welders to assure that they are properly qualified in accordance with the approved company qualification standards or requirements for welders. The designated welding supervisor and welders shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the welding supervisor shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to beginning any welding or burning. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak-free and equipped with proper fittings, gauges, and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual welding or burning operations are in progress.

(d) Prior to any welding or burning, the Fire Watch shall have in his possession fire-fighting equipment in a condition ready to use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance unless the contents of the vessels have been rendered inert and determined to be safe for welding or burning by the designated welder supervisor.

(f) In the event drilling, workover, or wireline operations are in progress on the platform, welding operations in other than approved safe welding areas may be conducted only if the well(s) on which work is being done contain noncombustible fluids, and entry of formation hydrocarbons into the wellbore is precluded by a positive overbalance toward the formation. Also, all other provisions of this section shall be applicable.

(g) All other producible wells shall be shut-in at the surface safety valves while welding or burning in the well-head or production area.

(3) *Testing.* The safety system devices required by this Order shall be tested by the operator at the interval specified below or more frequently if operating conditions warrant. Records shall be maintained at the field office for a period of one year, showing the present status and component history of each device, including dates and details of inspection, testing, repairing, adjustment, and reinstallation. Such records shall be available to any authorized representative of the Geological Survey. Records shall be analyzed, equipment or system problems areas identified, and action taken to preclude recurrence of problems.

Testing and reporting shall be accomplished in accordance with API RP 14C, Appendix D, and the following:

(a) All pressure relief valves shall be tested for operation annually. Pressure relief valves shall be either bench-tested or equipped to permit testing with an external pressure source.

(b) All pressure sensors shall be tested at least once each calendar month, but at no time shall more than six weeks elapse between tests.

(c) All automatic wellhead safety devices and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month, but at no time shall more than six weeks elapse between tests. If any wellhead safety valve indicates leakage, it shall be reparied or replaced.

(d) All liquid-level shut-in controls shall be tested at least once within each calendar month, but at no time shall more than six weeks elapse between tests. These tests shall be conducted by raising or lowering the liquid level across the level-control detector.

(e) All automatic inlet shutoff vales actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calendar month, but at no time shall more than six weeks elapse between tests.

(f) All automatic shutoff valves located in liquid discharge lines and actuated by vessel low-level sensors shall be tested for operation once within each calendar month, but at no time shall more than six weeks elapse between tests.

(g) The high-temperature shutdown controls installed in all compressors which are protected against abnormal pressures solely by such temperature safety devices shall be tested annually and repaired or replaced as necessary.

(h) All pumps for fire-fighting water systems shall be inspected and test-operated

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weekly. A record of the tests shall be maintained at the field office for a period of one year.

(i) The Automatic Gas Detection System shall be tested for operation and recalibrated every six months.

(4) *Training.* Not later than two years after the effective date of this Order, the operator shall ensure that all personnel engaged in installing, inspecting, testing, and routinely maintaining these safety devices will have been qualified under a program as recommended by API RP T-2, September 1974, amended November 1975, or an equivalent program, *approved by the Geological Survey.* Documented evidence of qualification of individuals performing these functions shall be maintained at the work site and shall be available to any authorized representative of the Geological Survey.

Not later than one year after the effective date of this Order, *the operator shall submit for approval,* a description of the training to be conducted and the methods the operator will utilize to ensure that only persons qualified as above perform these functions. The description shall include:

(a) The operator organizational element responsible for training and to interface with the Geological Survey in training program matters.

(b) Categories of personnel to be qualified.

(c) Training organizations and courses to be utilized.

(d) Method for ensuring qualification of third-party personnel, if utilized.

(e) Method for determining when additional training or requalification is required and for obtaining same.

(f) Method of monitoring operations to ensure that only qualified personnel perform functions.

(g) Method of maintaining documented evidence of qualification at work site.

5. *Crane Operations.* Cranes shall be operated and maintained in a manner necessary to ensure the safety of facility operations in accordance with the provisions of API RP 2D, "Operation and Maintenance of Offshore Cranes," October 1972.

Records of inspection, testing, and maintenance shall be kept in the field office for a period of one year.

API Specification 2C, "Specification for Offshore Cranes," February 1972, shall be used as a guideline for the selection of cranes to be used offshore.

6. *Employee Orientation and Motivation Programs for Personnel Working Offshore.* The operator shall make a planned, continuing effort to eliminate accidents due to human error. This effort shall include the training of personnel in operational aspects of their functions and a program to instill in each individual working offshore a conscious desire to achieve safe and pollution-free operations. Minimum training of personnel going offshore for the first time shall include an orientation per API RP T-1, "Orientation Program for Personnel Going Offshore the First Time," January 1974, or equivalent. API Bulletin T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," September 1974, shall be used as a guide in developing employee safety and pollution-prevention motivation programs.

7. *Requirements for Drilling Rigs.* The requirements of subparagraphs 4.D.(1)(g), 4.D.(1)(j), 4.D.(2)(d), and paragraphs 5. and 6. above shall apply to all drilling rigs used to conduct drilling or workover operations on Federal leases in the Gulf of Mexico.

D. W. SOLANAS,
Oil and Gas Supervisor, Field Operations, Gulf of Mexico Area.

APPROVED:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-33173 Filed 12-9-75;8:45 am]

[Revision of OCS Order No. 71]

POLLUTION AND WASTE DISPOSAL

Gulf of Mexico Area

By Notice in the FEDERAL REGISTER dated December 3, 1974, (39 FR 41877) comments were solicited on a proposed revision of OCS Order No. 7, Pollution and Waste Disposal, for the Gulf of Mexico Area. As a result of these comments and additional input from field office personnel of the Geological Survey, a modified revision of this Order is now proposed and included herein.

The proposed revision reflects developments in pollution control and is cross referenced with a revision of OCS Order No. 8, Platforms, Structures, and Associated Equipment. Waste disposal standards which were formerly included in OCS Order No. 8 are now appropriately included in OCS Order 7. Interested persons may submit written comments and suggestions to the Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 5, 1976. Comments will be considered and included in the final version of the Order as appropriate.

W. A. RADLINSKI,
Acting Director.

[OCS Order No. 7]

Effective

POLLUTION AND WASTE DISPOSAL

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Pollution Prevention.* In the conduct of all oil and gas operations, the operator shall prevent pollution of the Gulf. Furthermore, the disposal of waste materials into the Gulf shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, or other uses of the Gulf.

A. *Liquid Disposal.* (1) Drilling mud containing oil shall not be disposed of into the Gulf.

(2) The operator shall submit with the Application for Permit to Drill (Form 9-331C) a detailed list of drilling mud constituents and their concentrations, including the chemical composition of trade name components, and a list of the drilling mud additives which might be used to meet special drilling requirements. Drilling mud containing toxic substances shall be neutralized prior to disposal.

(3) Curbs, gutters, and drains on platforms and structures shall be installed and maintained in accordance with the provisions of OCS Order No. 8.

(4) Produced waste water disposal systems shall be designed and maintained so that the oil content of the effluent shall meet applicable requirements promulgated by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act as amended.

(a) A copy of the results of all analyses submitted to the Environmental Protection Agency shall be similarly submitted to the Area Supervisor, and a copy of the most recent analysis shall be maintained at the discharge site or field production headquarters and be available for inspection by Geological Survey personnel.

(b) Should an analysis indicate that the effluent does not meet the above requirements, corrective action shall be taken immediately. Approval to continue operations to aid in the identification and remedy of the problem shall be obtained from the Area Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the Area Supervisor within 10 days.

(5) The disposal of produced waste water other than into the Gulf shall have the method and location approved by the Area Supervisor.

B. *Solid Waste Disposal.* (1) Drill cuttings, sand, and other solids containing oil shall not be disposed of into the Gulf unless all of the free oil has been removed.

(2) Mud containers and other solid waste materials shall be incinerated or transported to shore for disposal in accordance with Federal, State, or local requirements.

(3) All sewage shall be treated so that effluent shall meet applicable requirements promulgated by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act as amended.

(a) A copy of the results of all analyses submitted to the Environmental Protection Agency shall be similarly submitted to the Area Supervisor, and a copy of the most recent analysis shall be maintained at the discharge site or field production headquarters and be available for inspection by Geological Survey personnel.

(b) Should an analysis indicate that the effluent does not meet the above requirements, corrective action shall be taken immediately. Approval to continue operations to aid in the identification and remedy of the problem shall be obtained from the Area Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the Area Supervisor within 10 days.

2. *Personnel, Inspections, and Reports.* A. *Personnel.* The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Nonoperator personnel shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution.

B. *Pollution Inspections.* (1) Manned facilities shall be inspected daily.

(2) Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected at frequent intervals. The district supervisor may prescribe the frequency of inspections for these facilities.

(3) All production facilities, such as separators, tanks, treaters, and other equipment shall be such as are necessary to control the maximum anticipated pressures and production of oil and gas. Maintenance or repairs as are necessary to prevent pollution of the Gulf shall be undertaken immediately.

C. *Pollution Reports.* All pollution reports required shall be submitted on Form 9-1880, entitled, *Pollution Report.* (1) All spills of oil and liquid pollutants shall be recorded showing the cause, size of spill, and action taken, and the record shall be maintained and available for inspection by the District Supervisor. All spills of less than 2.4 cubic metres (15 barrels) shall be reported orally to the District Supervisor within 12 hours and shall be confirmed in writing.

(2) All spills of oil and liquid pollutants of 2.4 to 7.9 cubic metres (15 to 50 barrels) shall be reported orally to the District Supervisor immediately and shall be confirmed in writing.

(3) All spills of oil and liquid pollutants of a substantial size or quantity, which is defined as more than 7.9 cubic metres (50 barrels), and those of any size or quantity which cannot be immediately controlled, shall be reported orally without delay to the District Supervisor, the Coast Guard, and the Regional Administrator, Environmental Protection Agency. All oral reports shall be confirmed in writing.

(4) Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. *Pollution Control Equipment and Oil Spill Contingency Plan. A. Equipment.* Standby pollution control equipment and materials shall be maintained by, or shall be available to, each operator at an offshore or onshore location. This shall include containment booms, skimming apparatus, clean-up materials and chemical agents, and shall be available prior to the commencement of operations. No chemicals shall be used without prior approval of the Area Supervisor. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

B. *Oil Spill Contingency Plan.* The operator shall submit an oil spill contingency plan for approval by the Area Supervisor before consideration can be given to approval of an application for permit to conduct operations. This plan shall contain the following:

(1) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment.

(2) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(3) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil discharge, as well as the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil discharge is discovered.

(4) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(a) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.

(b) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(c) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

4. *Spill Control and Removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the Oil Spill Contingency Plan shall be subject to modification when directed by the Area Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent clean-up by the lessee or operator shall remain with the Area Supervisor pursuant to the provisions of this Order and the memorandum of understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 16, 1971.

5. *Annual Contingency Plan.* Annual contingency plan assessments will be conducted in conjunction with Plan of Development review. Upon request of the Area Supervisor, revised contingency plans reflecting changes in personnel, equipment, and methods shall be submitted.

D. W. SOLANAS,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-33172 Filed 12-9-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM 1976 ACTIVITIES

Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, and Animal and Plant Health Inspection Service, Department of Agriculture, have prepared a Draft Environmental Statement for 1976 Activities which is an addendum to the 1974 Final Environmental Statement on the Cooperative Gypsy Moth Suppression and Regulatory Program, USDA-FS-APHIS (Adm.) 76-04.

The Draft Environmental Statement concerns a cooperative suppression program with the States of Pennsylvania, New York, New Jersey and Rhode Island to treat approximately 116,200 acres of high-value forest land. Two insecticides will be used. Some areas will be treated with carbaryl and some with trichlorfon to protect forest resources from damage by the gypsy moth. The cooperative regulatory program is to prevent artificial, long-distance spread and to eradicate remote infestations in the United States.

This Draft Environmental Statement was filed with CEQ on December 4, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

USDA, Animal and Plant Health Inspection Service, Administration Bldg., Room 302-E, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

USDA Forest Service, 6816 Market Street, Upper Darby, Pa. 19082.

A limited number of single copies are available upon request to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Ave., SW., Washington, D.C. 20250.

Copies of the Draft Environmental Statement 1976 Gypsy Moth Suppression and Regulatory Program have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. John R. McGuire, Forest Service, So. Agriculture Bldg., 12th St. and Independence Ave., SW., Washington, D.C. 20250. Telephone 703/235-1560. Comments must be received by February 4, 1976, in order to be considered in preparation of the final Environmental Statement.

Dated: November 24, 1975.

R. MAX PETERSON,
Deputy Chief, Forest Service.

[FR Doc.75-33267 Filed 12-9-75;8:45 am]

Office of the Secretary

SUPERIOR NATIONAL FOREST

Transfer of Certain Lands; Correction

In FR Document 75-26173 appearing at page 45211 in the FEDERAL REGISTER of October 1, 1975, the following corrections should be made in the land descriptions for St. Louis County:

1. On page 45212, column 1, on line 14 following subheading T. 69 N., R. 18 W., add "33," immediately after "Sec."

2. On the same page, column 3, line 8 following subheading T. 71 N., R. 21 W., add "inclusive," immediately after "lots 11 to 14,".

Dated: December 5, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-33268 Filed 12-9-75;8:45 am]

Soil Conservation Service

POLLARD CREEK WATERSHED PROJECT, TEXAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final

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environmental impact statement (EIS) for the Pollard Creek Watershed Project, Palo Pinto County, Texas, USDA–SCS–EIS–WS–(ADM)–75–2 (F) TX.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 2 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

DECEMBER 3, 1975.

[FR Doc.75–33178 Filed 12–9–75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Notice of Determination

In accordance with Title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published October 24, 1975, (40 FR 49811) I have determined that certain 1975 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951. It provides, on a comparable classification basis, data covering 1975 year-end inventories, annual sales, and purchases. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail firms in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores on the basis of their sales size, selection in existing census list (mail) sample panels, and location in census designated sample areas. Certain of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county. Other firms which provide this type of information in the Bureau's monthly survey will be asked only to report figures for the entire United States.

Report forms will be furnished to the firms covered by the survey and will be due 20 days after receipt. Copies of the forms are available on written request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 5, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75–33243 Filed 12–9–75;8:45 am]

Domestic and International Business Administration

CORNELL UNIVERSITY, ET AL.

Notice of Applications For Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 30, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR 701, 1975), prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number 76–00205–33–46040. Applicant: Cornell University, Sect. Biochemistry, Mol., and Cell Biology, Wing Hall, Ithaca, N.Y. 14853. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of the following:

i. Molecular structure of RNA-protein nucleocapsid of RNA tumor viruses particularly Rous Sarcoma Virus and Avian Myeloblastosis Virus.

ii. Atomic structure of pseudomonad cytochrome oxidase.

iii. Further investigations into molecular assembly, subunit assembly of rabbit muscle phosphofructokinase and acetylcholinesterase from housefly brain.

iv. Attachment of bovine heart muscle mitochondrial F, ATPase to the membrane of isolated submitochrondrial particles.

v. Structure of helical fibers and handedness of helix: Sickle Cell Hemoglobin fibers.

vi. Membrane studies of symmetry and assymmetry of bilayer membranes using artificial phospholipids in the presence and absence of proteins (enzymes).

In addition, the article will be used to provide individual instruction to graduates and faculty members wishing to learn how to use the instrument or how to prepare tissue samples used in their various research projects. Application received by Commissioner of Customs: November 11, 1975.

Docket Number: 76–00206–01–07500. Applicant: Southern Illinois University at Carbondale, Carbondale, Illinois 62901. Article: "Picker" Dynamic Flow Microcalorimeter, and acessories. Manufacturer: Sodev Inc., Canada. Intended use of article: The article is intended to be used to study biologically important reactions including interactions of small molecules with proteins, nucleic acids, membrane components and other biological macromolecules. (Ligand or small molecule binding to macromolecules will include both aqueous solutions as well as dissolved aqueous gaseous mixtures.) However, a primary use for the article will be for the study of denaturation of bimacromolecules by solutes and solvents. The primary aim of this work is to elucidate in as much detail as possible the free energy, enthalpy, and entropy profile for α-chymotrypsin catalysis of 3-(2-Furyl) Acryloylimidazole to imidazole and furylacrylic acid. Enthalpy and free energy values of some individual contributions will be sought which are exceedingly difficult to measure by noncalorimetric means and in most cases have never been evaluated. The article is intended to be used for educational purposes in the following courses: Chemistry 598, Graduate Research and Chemistry 600, Dissertation. Application received by Commissioner of Customs: November 11, 1975.

Docket Number: 76–00207–33–46040. Applicant: Amherst College, Amherst, MA 01002. Article: Electron Microscope, Model EM 9S2, and accessories. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article is intended to be used for research in embryology in which the development of the heart, the lateral line, and olfactory organs of frog and salamander embryos will be studied in order to gain an understanding of the cellular and subcellular mechanisms and structures involved in the formation of these organs. Another line of research will be in the field of neurobiology, specifically studies of the pattern of connections between and among nerve cells in the brain, particularly between the nerves from the eye and the brain cells with which they make contact. The article will also be used for educational purposes by enhancing student interest in biology, expanding the areas of biology in which undergraduate students can do research (thus enhancing students involvement with research and their sophistication about research), and by preparing students for further professional training. A summer program of training in techniques of electron microscopy is planned. Application received by Commissioner of Customs: November 12, 1975.

Docket Number: 76–00208–33–90000. Applicant: The Milton S. Hershey Medical Center of The Pennsylvania State University, 500 University Drive, Hershey, Pennsylvania 17033. Article: EMI Scanner with Magnetic Tape System. Manufacturer: Emitronics Ltd., United Kingdom. Intended Use of Article: The article is intended to be used for educational purposes which include the training of resident physicians in Diagnostic Radiology which is a required rotation for residents in Neuro-Radiology to familiarize them with the modality of computerized axial tomography. Other educational purposes include the instruction of medical students rotating through Radiology to familiarize them with the applications of the new diagnostic modality. The article will also be used for investigations of fluid balance in the brain following trauma, or accompanying surgery for brain tumors. Application Received by Commissioner of Customs: November 13, 1975.

Docket Number: 76–00209–33–90000. Applicant: Scripps Clinic & Research Foundation, 476 Prospect Street, La Jolla, California 92037. Article: EMI Scanner with Magnetic Tape System. Manufacturer: Emitronics Ltd., United Kingdom. Intended use of Article: The article is intended to be used in the diagnosis and the response of trigenimal neurologia, demyelinating disease, specifically amyotrophic lateral sclerosis (ALS), multiple sclerosis (MS), and associated sclerosis in various new approaches of treatment currenting being researched. It is hoped this will aid in more effective medical mangement of patients suffering from these associated diseases. The article will also be used to expose residents and students to the computerized axial tomography system and the interpretation of the results. Application Received by Commissioner of Customs: November 13, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33227 Filed 12–9–75;8:45 am]

NEW YORK STATE DEPARTMENT OF HEALTH

Notice of Applications, Duty Free Entry of Scientific Articles: Correction

In FR Doc. 75–21480 appearing at page 34437 in the FEDERAL REGISTER of August 15, 1975 Docket Number 75–00047–33–90000 appearing on page 34438 is corrected to read 76–00047–33–90000.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33229 Filed 12–9–75;8:45 am]

ST. ALPHONSUS, ET AL.

Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems: Correction

In FR Doc. 75–31378 appearing at page 54020 of the FEDERAL REGISTER of November 20, 1975, Docket Number 75–00047–33–90000 appearing on page 54021 is corrected to read 76–00047–33–90000.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33228 Filed 12–9–75;8:45 am]

U.S.C. SCHOOL OF MEDICINE AND UNIVERSITY HOSPITALS OF CLEVELAND

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 30, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each aplication is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00210–33–46040. Applicant: U.S.C. School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Electron Microscope, Model JEM–100B 7 and accessories. Manufacturer: JEOL Inc., Japan. Intended Use of Article: The article is intended to be used to morphologically and histologically examine neuroendocrine cells maintained *in vivo* and/or *in vitro*. Neurosecretory cells of the brain of *Manduca sexta* which has been reared under different photoperiodic conditions will also be examined to establish whether the neurohormones are synthesized on a circadian rhythm. In addition, the article is intended to be used in teaching medical and graduate students in the courses: Microanatomy and Techniques in Electron Microscopy. Application received by Commissioner of Customs: November 13, 1975.

Docket Number: 76–00211–33–46070. Applicant: U.S.C. School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Scanning Electron Microscope, Model JSM 35U. Manufacturer: JEOL Inc., Japan. Intended Use of Article: The article is intended to be used to investigate normal and pathological conditions on the cell surface in studies which include:

(1) Diagnostic studies of viral transformed cells.

(2) Diagnostic studies of the renal, muscle and hepatic biopsies.

(3) Diagnostic studies of excised neurosecretory cells to determine changes in the surface during secretion of neurohormones.

(4) Studies to determine the effects of pharmaceutical substances before and after treatment to cell surface.

The article will also be used for education purposes in medical and graduate programs which include teaching of Cell Biology and graduate elective in techniques in electron microscopy. Application received by commissioner of customs: November 13, 1975.

Docket Number: 76–00212–33–46040. Applicant: University Hospitals of Cleveland, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used for research involving specimens obtained during operations and autopsies as well as for studies of material which may not be human but are connected with clinical situations which will include:

(1) Study of endometrioid and papillary serous cystadenocarcinoma of the ovary,

(2) Study of mixed carcinoma of the endometrium,

(3) Electron microscope evaluation of early invasive breast carcinoma,

(4) Study of erythrocyte changes induced by malaria infection. The article will also be used for educational purposes in the following courses open to physicians, resident physicians, postdoctoral fellows, graduate students, undergraduate medical students, and undergraduate science majors who are interested in electronic microscopy: Introduction to Electron Microscopy, Ultrastructural Aspects of Pathology, and Renal Pathology.

Application Received by Commissioner of Customs: November 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Imports Programs Division.

[FR Doc.75–33226 Filed 12–9–75;8:45 am]

Maritime Administration

[Docket No. S–479]

SUN TRANSPORT, INC.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1975, unless further extended, or until completion of voyages in progress on that date.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal

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or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is granted.

Applicant states that it has been operating seventeen vessels in the domestic intercoastal and coastwise trades of the United States and in its application for operating-differential subsidy has requested that the AMERICA SUN, PENNSYLVANIA SUN, and TEXAS SUN be permitted to enter the U.S./U.S.S.R. grain trade. Sun Transport, Inc. has also requested written permission to maintain its domestic intercoastal and coastwise operations. The following vessels are chartered to and operated by applicant:

Albany Sun	Newark Sun
America Sun	Pennsylvania Sun
Chesapeake Sun	Providence Sun
Corpus Christi Sun	Revere Sun
Delaware Sun	Seminole Sun
Eastern Sun	Texas Sun
Hartford Sun	Western Sun
New England Sun	Toledo Sun
New Jersey Sun	

Such written permission is now required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on December 17, 1975, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: December 5, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-33265 Filed 12-9-75;8:45 am]

[Docket No. S-478]

AMERICA SUN ET AL.

Notice of Application

Notice is hereby given that Sun Transport, Inc., 1200 Philadelphia Pike, Claymont, Delaware 19703, has filed an application dated November 14, 1975, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1975, unless further extended, to operate the S/Ts AMERICA SUN, 80,735 deadweight tons; PENNSYLVANIA SUN, 53,463 deadweight tons; and TEXAS SUN, 53,453 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant the requested approval, the vessels named above will engaged in the described trade, on a full-time basis; during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service is now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before December 17, 1975, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

So ordered by the Maritime Subsidy Board/Maritime Administration.

Dated: December 5, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-33264 Filed 12-9-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NADA No. 12-287V]

BURNS-BIOTEC LABORATORIES

Kymar Ointment; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application (NADA) for Kymar Ointment, effective December 10, 1975.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(ee))) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Burns-Biotec Laboratories, Div. of Chromalloy Pharmaceutical, Inc., 7711 Oakport St., Oakland, CA 94621, holder of approved NADA No. 12-287V for Kymar Ointment, which contains proteolytic enzymes, neomycin palmitate, and hydrocortamate hydrochloride, has requested by letter dated May 30, 1975, that approval of the NADA be withdrawn and has waived the opportunity for a hearing. The NADA, which was originally approved September 6, 1960, provides for use of the drug for aiding wound healing and superficial dermatosis in horses, cattle, dogs and cats. The firm has requested that the NADA be withdrawn in accordance with § 514.115(d) (21 CFR 514.115(d)) because the drug is no longer being marketed. Therefore, notice is given that approval of NADA 12-287V and all supplements and amendments thereto for Kymar Ointment is hereby withdrawn, effective December 10, 1975.

Dated: December 3, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-33152 Filed 12-9-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 that a meeting of the Council will be held on January 8 and 9, 1976 in the Continental Room at the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C. The meetings will begin at 9:00 a.m. on both days, and adjourn at 12:00 noon on January 9.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council will be open to the public. The purpose of the meeting is to discuss and formulate updated operating procedures and guidelines governing the activities of the Council. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

DECEMBER 3, 1975.

[FR Doc.75-33131 Filed 12-9-75;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Application Announcement for Traineeships for Advanced Training of Allied Health Professions Personnel (Long-Term) and Allied Health Professions Grants for Training Institutes (Short-Term)

Notice is hereby given that the Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, is now accepting applications for grants in fiscal year 1976 under authority of the Continuing Resolution (P.L. 94-41) for Traineeships for Advanced Training of Allied Health Profession Personal (Long-Term) and Grants for Training Institutes (Short-Term) authorized under section 793 of the Public Health Service Act. Section 793 provides for grants to public and nonprofit private agencies, organizations, and institutions to cover the cost of traineeships of allied health professions personnel to teach health services technicians or to teach in any of the allied health professions, to serve in any of these professions in administrative or supervisory capacities, or to serve in allied health professions specialties requiring advanced training.

Application materials are being mailed to current grantees. Other eligible applicants may request application materials by contacting immediately the Education Development Branch, Division of Associated Health Profesions, Bureau of Health Manpower, Health Resources Administration, Building 31, Rm. 3B-19, 9000 Rockville Pike, Bethesda, Maryland 20014, (301-496-5697).

To be considered for fiscal year 1976 funding: (1) Applications for grants for Traineeships for Advanced Training of Allied Health Professions Personnel (Long-Term) must be received in the Education Development Branch at the above address no later than January 12, 1976 and (2) Applications for Allied Health Professions Grants for Training Institutes (Short-Term) must be received in the Education Development Branch no later than March 2, 1976.

Dated: December 3, 1975.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.75-33129 Filed 12-9-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00, January 6 in the offices of Shea & Gardner, 734 15th Street NW., Washington, D.C. 20005.

The Committee will meet to consider Professor Paul Verkuil's study no procedures for informal adjudicatory hearings.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact June Katz (phone 202-254-7065). Minutes of the meeting will be aavilable on request.

RICHARD K. BERG,
Executive Secretary.

DECEMBER 4, 1975.

[FR Doc.75-33130 Filed 12-9-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 28462, etc.; Order No. 75-12-28]

CONTINENTAL AIR LINES, INC.

Order of Suspension Regarding Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of December, 1975.

By tariff revisions [1] posted October 23 and marked to become effective December 7, 1975, Continental Air Lines, Inc., (Continental) Docket No. 28462, proposes, with limited exceptions, to increase bulk and container general and specific commodity rates and charges, and all priority reserved air freight rates and charges, typically by 7 percent. Bulk general commodity minimum charges per shipment are to be increased by $1.00 to $12.00 per shipment. In addition, certain daylight container charges will be increased by 10 percent in markets where such rates have purportedly been successful in generating traffic to the point where demand exceeds available supply, and rates on papaya from Hawaii to Los Angeles are being increased as much as 52 percent.

A joint complaint requesting rejection, or in the alternative, suspension, pending investigation, has been filed by the State of Hawaii and the County of Hawaii against the increases between Honolulu/Hilo and the Mainland. The complaint alleges, *inter alia*, that Hawaii is vitally dependent upon air freight service to and from the Mainland; that many producers in Hawaii look to the Mainland as the only export market of any size offering a hope of sales sufficient to support a sizable industry; that growers of papaya, pineapple, and cut flowers in particular rely upon air freight as the only means of transportation capable of getting their highly perishable fresh agricultural products to market; that certain of Continental's increases in Hawaiian markets are 48 percent greater than the proposed Mainland increase; and that, as to the increase in papaya rates, the Hawaiian papaya shippers have no surface transportation alternative for their highly perishable commodity. Furthermore, the complainant alleges that Continental has failed to supply specific data such as traffic, revenues, costs, or return on investment for the Hawaiian market.

In support of its proposal and in answer to the complaint, Continental asserts, *inter alia*, that the proposed rate increases are justified on a cost basis, in that they will do no more than enable the carrier to keep a reasonable pace with continuing increases in noncapacity costs; that noncapacity costs have been increasing on the average of 7 percent per year for bulk shipments and 12 percent per year for containers; that the proposed increase is less than the increase permitted by the Board last July for certain other carriers; that the last freight rate increase for Continental was in March 1974; and that it is anticipated that the proposal will produce $3.2 million in additional revenue in 1976, or about 8.1 percent of forecasted freight revenues.

Furthermore, in its answer to the complaint, Continental states that it has been a leader in maintaining reduced Mainland-Hawaii rates; that it has maintained the 6.5-pound cube rule for the floral industry, and, where capacity exists, in recent months it has established weekend rates 45 percent lower than prevailing rates; that papaya traffic will continue to move under the proposed

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

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rates: that the ratio of transport cost to wholesale value for papaya is still in line with that for comparable commodities; and that the proposed rates on papaya are far below the level of all-cargo costs plus a 12 percent profit since the proposed level will only cover noncapacity costs with a contribution to capacity costs.

The proposed rates and charges come within the scope of either the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, or the *Priority Reserved Air Freight Rates Investigation* (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed these rates in the light of recent industry-average costs (including return on investment) of carrying air freight. Based on these and other criteria, we believe that a number of the proposed rates and charges, typically in the Hawaiian markets, should be suspended. The following is a summary of the rates and charges to be suspended:

GCR's—A limited number of bulk rates, particularly in the Hawaiian markets, are excessive in relation to costs.

SCR's—A limited number of specifics in various markets would exceed the general commodity rates in the same market.

Priority—A number of priority-reserved freight rates exceed 130 percent of the otherwise applicable regular service general or specific commodity rates or charges. Although the Board permitted Continental (as well as Western Air Lines, Inc.) to establish such priority general commodity rates including minimum charges reflecting the 100-pound weight-break priority rate, the Board subsequently found that a 30 percent premium over the applicable rates (whether GCR or SCR) was the highest that should be permitted, pending final decision in PRAFRI.[2]

Premium-rated priority—Proposed increases in exception-rated commodities where the carrier imposes a priority premium on top of an already premium-rated commodity.

In regard to premium-rated priority traffic, the Board most recently has suspended proposals by carriers to impose a priority premium on top of the rates for exception-rated commodities. For example, by Orders 75–11–8, 75–3–116, and 75–1–80, the Board suspended such proposals by United Air Lines, Inc. and Wien Air Alaska, Inc., criticizing the application of premium ratings on top of a priority rate that is at least 30 percent above the applicable general commodity rate. The Board also stated, "Thus, the rating for live animals would, in effect, be determined by applying the exception rating of 10 percent to the priority premium of 30 percent, arriving at a rate of almost 140 percent of the current general commodity rate. But to a certain extent, the current exception ratings reflect the cost of a priority handling." Consequently, Continental's increases in premium-rated priority traffic will also be suspended.

Upon consideration of all relevant factors, the Board finds that these increases, to the extent that they apply to rates and charges set forth in detail in Appendix A, should be suspended.[3] The remaining portions of the proposal, including the increased bulk general commodity minimum charges per shipment, the remaining increased bulk and container general and specific commodity rates and charges, and the remaining increased priority reserved rates and charges, appear sufficiently related to costs or other criteria that the Board will permit them to become effective.

With respect to the increases proposed for papayas, the new rates would remain significantly below general commodity rates and are in fact below fully allocated industry-average costs. Over the years, the Board has followed a policy of according the carriers considerable flexibility in adjusting discount rates,[4] and we have never viewed the shipper as having any vested interest in the maintenance of such rates. The Board has, however, given serious consideration to the allegations by the complainants herein that a rate increase would result in shipper hardship and sharp declines in traffic volume. However, the complaint does not make a persuasive showing in this respect. We note, for example, that the ratio of transportation costs to wholesale selling prices does not appear out of line with the relationship in prior periods or out of line with that for other fruits. Also, the Board, by Order 75–2–44, dated February 11, 1975, dismissed a complaint and permitted United to increase papaya rates to levels higher than herein proposed by Continental. Thus, United's bulk rate for 15,000-pound shipments was $11.75 per 100 pounds as compared with $9.95 in Continental's proposal. Finally, we note that the State of Hawaii has represented to the Board in the *Domestic Air Freight Rate Investigation*, that a rate of $10.22 per 100 pounds is acceptable. As indicated above, Continental's proposal at 15,000 pounds is less, $9.95 per 100 pounds. In these circumstances, we conclude that the proposed increases are justified and that the complaint should be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It Is Ordered That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including March 5, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the joint complaint of the State of Hawaii and the County of Hawaii in Docket 28462 is hereby dismissed; and

3. Copies of this order shall be filed with the tariffs and served upon Continental Air Lines, Inc., the State of Hawaii, and the County of Hawaii.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. The increased general commodity (GEN) rates *from* the point(s) in Column A *to* the point(s) in Column B, subject to the minimum weight(s) shown in Column C on the pages listed in Paragraph 7.

Column A	Column B	Column C
ABQ, AMA, AUS, COS	HNL	100, 250
CHI, DFW, ELP	HNL	100, 250, 500
DEN	HNL	100
HNL	ABQ, AMA, CHI, HOU, LBB, MIA, SFO, TUS.	100, 250
HNL	AUS, DFW, ELP, MKC, LAW, MAF, MSY, OKC, SAT, TUL, ICT, SPS	100, 250, 500
HNL	COS, DEN, LAX, PHX, PDX, SEA	100
HOU, MKC, LAW, MAF, MSY, OKC, SAT, TUL, ICT, SPS	HNL	100, 250, 500
LAX, PHX, SEA	HNL	100
LBB, MIA, PDX, SFO, TUS	HNL	100, 250

[2] Due to the technicalities of tariff publication, in the cases of increases in priority minimum charges resulting in premiums in excess of 30 percent over regular minimum charges, the Board will also suspend the proposed 100-pound weight-break rate. The Board believes that Continental should publish an under-100-pound rate applicable to its priority freight service to help eliminate what it believes to be inequities in the current minimum-charge structure.

Further, the Board believes that the existing premium over general commodity rates for priority service is too great when applied to traffic that would otherwise move on discounted specific commodity rates, inasmuch as such premium will be significantly greater than 30 percent. In short, where Continental maintains a specific commodity rate on a particular commodity, when moving in priority service the commodity takes 130 percent of the general commodity rate rather than the specific commodity rate.

[3] The Board has considered the request for rejection by the complainants but does not consider such action to be warranted.

[4] In its decision in *United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products, and Seafood*, the Board stated, "Because of their inherently preferential nature, the Board does not normally require carriers to publish SCR's, but leaves the offering and justification of SCR's to the carriers' initiative. Once a carrier institutes a particular SCR it is still afforded a fairly broad area of discretion in revising such rates between the parameters of fully allocated and incremental costs, subject to the Board's review" (Order 72–11–78, November 20, 1972).

2. The increased rates stated to apply *from* the point in Column A *to* the point in Column B on the "SCR" number shown in Column C subject to the minimum weight(s) shown in Column D on the pages in Paragraph 7.

Column A	Column B	Column C	Column D
HNL	LAX	0072	100
LAX	HNL	0072	100, 500
MIA	AUS	0065, 0070	3, 000
MIA	LAX	0705, 0804	1, 000
PDX	HNL	0072	11, 500
SFO	COS	9210	100, 1, 000
SEA	HNL	0413, 0719, 1711, 2191, 4211, 5911, 6300, 6302, 7311, 8202, 8400, 8500, 8601, 9004, 9701	1, 000, 2, 000, 3, 000
SEA	HNL	0803	50, 1, 000, 2, 000, 3, 000
SEA	HNL	0700, 0800	1, 000
SEA	HNL	2713	25, 1, 000, 2, 000, 3, 000
SEA	HNL	4903	1
SEA	HNL	4900	500, 1, 000, 2, 000, 3, 000
SEA	HNL	0072	22, 500, 1, 000, 2, 000, 3, 000
SEA	SFO	0700, 0800	5, 000

3. The increased priority reserved general commodity (PRF) rates, subject to a minimum weight of 100 pounds, and the increased minimum charge in connection therewith *from* the point in Column A *to* the point(s) in Column B on the pages listed in Paragraph 7.

Column A	Column B
ABQ	AUS, CHI, HOU, MKC, LAX, MIA, MSY, PDX, SAT, SFO, SEA, TUL.
AMA	CHI, HOU, LAX, MIA, MSY, PDX, SFO, SEA.
AUS	ABQ, CHI, COS, DEN, LAX, MIA, PHX, PDX, SFO, SEA, TUS, TUL.
CHI	ABQ, AMA, AUS, COS, HOU, LAW, LBB, MIA, MAF, MSY, OKC, PHX, SAT, TUS, SPS.
COS	AUS, PDX, SAT, SFO, SEA.
DFW	COS, DEN, MIA, PHX, PDX, SEA, TUS.
DEN	AUS.
ELP	MKC, TUL, ICT.
HOU	ABP, CHI, COS, ELP, MKC, SFO.
MKC	ABQ, ELP, HOU, MIA, MAF, MSY, PHX, PDX, SAT, SEA, TUS.
LAW	CHI, LAX, MIA, PHX, PDX, SFO, SEA, TUS.
LAX	ABQ, AMA, AUS, LAW, LBB, MIA, MAF, MSY, ICT, SPS.
LBB	CHI, LAX, MIA, MSY, PDX, SFO, SEA.
MIA	ABQ, AMA, CHI, DFW, ELP, HOU, MKC, LAW, MAF, MSY, TUS, TUL, SPS.
MAF	CHI, MKC, LAX, MIA, MSY, PDX, SFO, SEA.
MSY	ABQ, AMA, CHI, COS, DEN, ELP, MKC, LBB, MIA, MAF.
OKC	CHI, LAX, MIA, PHX, PDX, SFO, SEA, TUS.
PHX	AUS, DFW, HOU, MKC, LAW, MIA, MSY, OKC, PDX, SAT, SFO, SEA, TUL, ICT, SPS.
PDX	ABQ, AMA, AUS, COS, ELP, LAW, MIA, PHX, TUS, SPS.
SAT	ABQ, COS, MIA, PDX, TUS.
SFO	AMA, AUS, ELP, LAW, LBB, MAF, PHX, SAT, TUS, ICT, SPS.
SEA	ABQ, AUS, COS, ELP, PHX, TUS, SPS.
TUS	AUS, CHI, DFW, HOU, MKC, LAW, MIA, MSY, OKC, PDX, SAT, SFO, SEA, TUL, ICT, SPS.
TUL	ABQ, AUS, ELP, LAX, MIA, PHX, SFO, TUS.
ICT	ELP, LAX, MIA, MSY, PHX, PDX, SFO, TUS.
SPS	CHI, LAX, MIA, PHX, PDX, SFO, SEA, TUS.

4. All increased priority reserved general commodity (PRF) rates and the increased minimum charge in connection therewith *from* the point in Column A *to* the point(s) in Column B on the pages listed in Paragraph 7.

Column A	Column B
ABQ	HNL, SFO
AUS	HNL
CHI	DEN, ELP, HNL, MKC, LAX, PDX, SFO, SEA
COS	CHI, DFW, ELP, HNL, HOU, LAX
DFW	HNL, LAX, SFO
DEN	CHI, DFW, HNL, HOU, MKC, LAX, MIA, MSY, PHX, PDX, SAT, SFO, SEA
ELP	CHI, COS, DFW, DEN, HNL, HOU, LAX, MIA, MSY, PDX, SFO, SEA
HNL	ABQ AMA, AUS, CHI, COS, DFW, DEN, ELP, HOU, MKC, LAW, LAX, LBB, MIA, MAF, MSY, OKC, PHX, PDX, SAT, SFO, SEA TUS, TUL, ICT, SPS
HOU	DEN, HNL, LAX, MIA, PHX, PDX, SEA, TUS
MKC	CHI, DEN, HNL, LAX, SFO
LAW	HNL
LAX	CHI, COS, DFW, DEN, ELP HNL, HOU, MKC, MIA, OKC, PHX, PDX, SAT, SEA, TUL
LBB	HNL
MIA	AMA, AUS, COS, DEN, HNL, HOU, LAX, LBB, OKC, PHX, PDX, SAT SFO, SEA, ICT
MAF	HNL
MSY	HNL, LAX, PHX, PDX, SFO, SEA, TUS
OKC	HNL
PHX	CHI, DEN, HNL
PDX	CHI, DFW, DEN, HNL, HOU MKC, LAX, LBB, MAF, MSY, OKC, SAT, TUL, ICT
SAT	CHI, DEN, ELP, HNL, HOU, MKC, LAX, MSY, PHX, SFO, SEA
SFO	ABQ, CHI, COS DFW, DEN, HNL, HOU, MKC, MIA, MSY, OKC, PDX, SEA, TUL
SEA	AMA, CHI, DFW, DEN, HNL, HOU, MKC LAX, LBB, MIA, MAF, MSY, OKC, SAT, SFO, TUL, ICT
TUS	HNL
TUL	DEN, HNL, HOU, PDX, SEA
ICT	HNL, SEA
SPS	HNL

5. The increased priority reserved general commodity (PRF) rates, subject to minimum weights of 100 to 250 pounds, and the increased minimum charge in connection therewith *from* AMA *to* HNL.

6. All increased priority reserved general commodity (PRF) rates minimum charges and provisions on the pages listed in Paragraph 7 insofar as they would be used in the determination of rates and minimum charges in conjunction with exception ratings of priority general commodity rates named in Item No. 30 on behalf of "CO."

7. Pages which contain rates, charges and provisions suspended in Paragraphs 1, 2, 3, 4, 5 and 6 above:

18th Revised Page 351
18th Revised Page 352
22nd Revised Page 353
22nd Revised Page 354
24th Revised Page 355
24th Revised Page 356
23rd Revised Page 357
23rd Revised Page 358
22nd Revised Page 359
22nd Revised Page 360
25th Revised Page 361
25th Revised Page 362
19th Revised Page 363
19th Revised Page 364
19th Revised Page 365
18th Revised Page 366
22nd Revised Page 367
22nd Revised Page 368
19th Revised Page 369
19th Revised Page 370
21st Revised Page 371
21st Revised Page 372
17th Revised Page 373
17th Revised Page 374
14th Revised Page 375
14th Revised Page 376
16th Revised Page 377
16th Revised Page 378
17th Revised Page 379
17th Revised Page 380
13th Revised Page 381
13th Revised Page 382
19th Revised Page 383
19th Revised Page 384
16th Revised Page 385
16th Revised Page 386
18th Revised Page 387
16th Revised Page 388
13th Revised Page 389
13th Revised Page 390
3rd Revised Page 390–A
3rd Revised Page 390–B

TARIFF C.A.B. NO. 227, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. All increased general commodity (GEN) rates and charges on container Type D *from* the point(s) in Column A *to* the point(s) in Column B on the pages listed in Paragraph 2.

Column A	Column B
CHI, COS, DFW, ELP	HNL
HNL	DFW, DEN, ELP, HOU, MKC, MSY, OKC, PHX, SAT, TUL, ICT
HOU, MSY, OKC, PHX, SAT, TUL, ICT	HNL

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2. Pages which contain rates and charges suspended in Paragraph 1 above:

11th Revised Page 109
11th Revised Page 110
6th and 7th Revised Pages 110–A
6th and 7th Revised Pages 110–B
16th Revised Page 111
12th Revised Page 113
12th Revised Page 114
12th Revised Page 115
9th Revised Page 117

All rates and charges which are reissues of rates and charges suspended on the pages above:

8th Revised Page 110–A
8th Revised Page 110–B

EXPLANATION OF ABBREVIATIONS USED IN APPENDIX A

ABQ—Albuquerque
AMA—Amarillo
AUS—Austin
CHI—Chicago
COS—Colorado Springs
DFW—Dallas/Ft. Worth
DEN—Denver
ELP—El Paso
HNL—Honolulu/Hilo
HOU—Houston
MKC—Kansas City
LAW—Lawton
LAX—Los Angeles
SPS—Wichita Falls
LBB—Lubbock
MIA—Miami/Ft. Lauderdale
MAF—Midland
MSY—New Orleans
OKC—Oklahoma City
PHX—Phoenix
PDX—Portland, Oregon
SAT—San Antonio
SFO—San Francisco
SEA—Seattle
TUS—Tucson
TUL—Tulsa
ICT—Wichita

[FR Doc.75–33231 Filed 12–9–75;8:45 am]

[Docket Nos. 22859, 26838; Order No. 75–12–29]

UNITED AIR LINES, INC.

Order of Suspension Regarding Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of December, 1975.

By tariff revisions[1] marked to become effective December 7, and 11, 1975, United Air Lines, Inc. (United) proposes, *inter alia*, to increase by 7 percent numerous regular service bulk and container general and specific commodity rates and charges, and priority general and specific commodity air freight rates in markets in which United competes with Continental Air Lines, Inc. (Continental). The proposed increases essentially match those filed by Continental for the same effective date. Bulk general commodity and priority air freight minimum charges per shipment are not increased.

In support of its proposal, United asserts, *inter alia*, that the proposed increases raise rates in markets in which it competes with Continental by lesser amounts than those which were fully justified in previous United filings; that the proposed rates are well below the level of the Bureau of Economic's fully allocated costs submitted in DAFRI; that United has been forced to exempt these markets from previous increases since Continental has not raised its rates since March 1974; that United's operating loss from all-cargo operations was $11.6 million for the year ended June 30, 1975; that it estimates that the proposed increases will raise its annual total freight revenues by $975,000, and freighter-only revenues by $340,000; and, should this increase be denied, the continued deficit will encourage the airline industry to continue to shift its resources away from unprofitable all-cargo operations, resulting in a loss of service much needed by the shipping public.

The proposed rates and charges come within the scope of either the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, or the *Priority Reserved Air Freight Rates Investigation* (PRA FRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposed increases or to permit them to become effective pending investigation.

The Board has reviewed these rates in the light of recent industry-average costs (including return on investment) of carrying air freight.[2] Based on these criteria, we believe that a number of the proposed general commodity regular and priority rates, all in the Hawaiian markets, should be suspended.

Upon consideration of all relevant factors, the Board finds that the increased rates set forth in detail in the Appendix, should be suspended. The remaining portions of the proposal, including the remaining general and specific commodity standard and priority bulk and container rates and charges, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including March 5, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order will be filed with the tariffs and served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. The increased general commodity (GEN) and priority general commodity (GCX) rates *from* the point in Column A *to* the point in Column B subject to the minimum weight(s) in pounds shown in Column C on the pages listed in paragraph 2:

Column A	Column B	Column C
Chicago	Honolulu/Hilo	100, 250
Denver	do	100
Honolulu/Hilo	Chicago	100, 250
Do	Denver, Los Angeles, Portland, Oreg., San Diego, San Francisco/Oakland/San Jose.	100
Do	Kansas City	100, 250
Los Angeles, Portland, Oreg., San Diego, San Francisco/Oakland/San Jose.	Honolulu/Hilo	100
Milwaukee	do	100, 250

2. Pages which contain rates suspended in Paragraph 1 above:

17th Revised Page 1153
15th Revised Page 1164
16th Revised Page 1197
16th Revised Page 1198
13rd Revised Page 1199
13rd Revised Page 1200
16th Revised Page 1201
15th Revised Page 1203
15th Revised Page 1204
17th Revised Page 1227
10th Revised Page 1243
12nd Revised Page 1283
13rd Revised Page 1326
15th Revised Page 1336

3. All rates on the following pages which are reissues of rates suspended on the pages above:

24th Revised Page 1199
24th Revised Page 1200
26th Revised Page 1203
26th Revised Page 1204

[FR Doc.75–33232 Filed 12–9–75;8:45 am]

[Docket No. 25474; Order No. 75–12–27]

WESTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Discount Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of December, 1975.

By tariff revisions[1] marked to become effective December 7, 1975, Western Air Lines, Inc. (Western) proposes to extend all of its mainland-Hawaii promotional fares for one year to December 31, 1976.

Northwest Airlines, Inc. (Northwest) has complained against the extension insofar as it includes the off-peak application of the group inclusive tour basing (GIT) fares for groups of 154 or more passengers on Sundays between Minneapolis/St. Paul and Honolulu.[3] Northwest alleges, *inter alia*, that data provided by Western when the above-described provision was first proposed, data the Board relied upon in dismissing a Northwest complaint,[3] was irrelevant and misleading. Among other things, Northwest claims that virtually all GIT passengers from Minneapolis/St. Paul use the assembly fare and are consolidated with passengers from other cities over a predesignated assembly point, and that, therefore, Western's supporting data was seriously deficient in that it did not include the passenger traffic distribution from the assembly cities in its GIT program. Northwest also alleges that the provision at issue discriminates against other GIT passengers who, despite originating at points intermediate to Minneapolis/St. Paul and departing the assembly point to Hawaii as members of the same group, must pay a higher fare because they would pay shoulder-level rather than off-peak fares. Northwest further alleges that the higher intermediate-point fares, coupled with free stopover provisions at those points, could lead to tariff abuse.

Western answered on December 4, 1975, alleging that the exception Northwest complains of expires on April 30, 1976, and that Northwest's complaint is therefore misplaced. No attempt is made to rebut any of the allegations made by Northwest. We construe the complaint as being directed at the extension of the off-peak *fare* beyond December 31, 1975 because of a separate tariff exception which provides that the fare will apply on Sundays in the Minneapolis/St. Paul-Honolulu market.

Upon consideration of all relevant matters the Board concludes that, in view of the tariff exception which provides that Sunday is an off-peak day, the proposal to extend the off-peak Minneapolis/St. Paul-Honolulu group inclusive tour basing fares for 154 or more passengers may be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, unduly preferential, or otherwise unlawful, and should be suspended. These provisions are already under investigation in the *Hawaii Fares Investigation*. (Docket 25474).

The information provided by Northwest in its complaint, as well as further consideration of the matter, leads us to alter our finding in Order 75–11–52. Substantially all of Western's traffic from interior points is apparently funneled through the west coast gateway. Since application of the fares (peak, off-peak (or shoulder) depends not on the date the passenger departs his point of origin, but rather on the date he departs on the last leg of the trip, Western's showing of traffic distribution out of Minneapolis/St. Paul is inconclusive.[4] Fare differentials by day of the week were established in an effort to smooth out traffic demand on west coast-Hawaii flights. Interior flight segments to these gateway points may or may not have similar peaking problems—this has not been established one way or the other. However, in its proposed extension of mainland-Hawaii GIT fares Western proposes to retain Sunday as a shoulder day in all but this one market (including west coast-Hawaii) which tends to argue against the one exception at Minneapolis/St. Paul.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearings and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including March 5, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint in Docket 28556 is dismissed; and

3. Copies of this order will be filed in the aforesaid tariff and served upon Northwest Airlines, Inc. and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 247, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

On 9th and 10th Revised Pages 55 the explanation of reference mark "e" insofar as it applies to the YOV5, YOV11, YXV5 and YXV11 class fares between Honolulu/Hilo on the one hand and Minneapolis/St. Paul on the other.

[FR Doc.75–33233 Filed 12–9–75;8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

[2] For present purposes the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in the *Domestic Air Freight Rate Investigation*, Docket 22859. Further, these calendar year 1974 costs have been updated to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[1] Revisions to Airline Tariff Publishers Company, Agent, Tariff C.A.B. No. 247.

[3] The complaint, which was filed seven days late, was accompanied by a motion for leave to file an untimely document. We have concluded to grant the motion.

[3] Order 75–11–52.

[4] The fact that Western's traffic flows through a west coast gateway is of particular significance if, as alleged by Northwest, virtually all GIT passengers between Minneapolis/St. Paul and Hawaii use the assembly fare and are consolidated on the west coast with passengers from other cities. We see no reason for offering off-peak fares to passengers departing one point while passengers from intermediate points, consolidated into the same group must pay higher shoulder-level fares.

COMMISSION ON CIVIL RIGHTS

INDIANA ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 3:00 p.m. on January 10, 1976, Holiday Inn, 800 E 81st Street, Merriville, Indiana.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Lake County project and plan for hearing on February 13–14, 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–33273 Filed 12–9–75;8:45 am]

LOUISIANA ADVISORY COMMITTEE

Rescheduled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee (SAC) originally scheduled for December 14, 1975, has been changed to December 12, 1975, at the same place and time.

Dated at Washington, D.C., December 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–33274 Filed 12–9–75;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 4:00 p. m. on January 8, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss planning on conference for religious leaders.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–33275 Filed 12–9–75;8:45 am]

V40238 DEC 10 75 XUM

PENNSYLVANIA, DELAWARE ADVISORY COMMITTEES

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a hearing of the Pennsylvania, Delaware Advisory Committees (SAC) to this Commission will convene at 9 p.m. and will end at 6:00 p.m., each day on January 22–23, 1976, Court House, High Street, West Chester, Pennsylvania 19380.

Persons wishing to attend this meeting should contact the Committees Chairpersons, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this hearing is to gather information concerning the denial of equal protection for mushroom workers under Pennsylvania, Delaware and Federal laws.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–33276 Filed 12–9–75;8:45 am]

SOUTH CAROLINA ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) to this Commission will convene at 11:00 a.m. and end at 4:00 p.m. on January 15, 1976, in the Board Room, S.C. Human Affairs Commission, 1111 Belleviews, Columbia, South Carolina 29211.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss the survey on desegregation, setting up teams and deadlines for projects; plans for releasing data on LEAA report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc. 75–33277 Filed 12–9–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–TA–5]

CHAIN DOOR LOCKS

Notice of Appointment of Presiding Officer

Notice is hereby given that on November 30, 1975, the United States International Trade Commission appointed Myron R. Renick, Administrative Law Judge, as Presiding Officer in United States International Trade Commission Investigation No. 337–TA–5, Chain Door Locks.

By Order of the Commission.

Issued: December 4, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75–33121 Filed 12–9–75;8:45 am]

[337–TA–4]

EXPANDED, UNSINTERED POLYTETRAFLUOROETHYLENE IN TAPE FORM

Notice of Appointment of Presiding Officer

Notice is hereby given that on November 30, 1975, the United States International Trade Commission appointed Myron R. Renick, Administrative Law Judge, as Presiding Officer in United States International Trade Commission Investigation No. 337–TA–4, Expanded Unsintered Polytetrafluoroethylene in Tape Form.

By order of the Commission.

Issued: December 3, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75–33118 Filed 12–9–75;8:45 am]

[Docket No. 337–TA–4]

EXPANDED, UNSINTERED POLYTETRAFLUOROETHYLENE IN TAPE FORM

Notice of Prehearing Conference

Notice is hereby given that the United States International Trade Commission will hold a prehearing conference in connection with investigation No. 337–TA–4, Expanded, Unsintered Polytetrafluoroethylene in Tape Form, on Friday, December 12, 1975, at 10 a.m., E.S.T., in Room 336 of the United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436.

The proposed agenda for the prehearing conference is:

1. Stipulation to proposed Commission rules (40 FR 40173, September 2, 1975) for this investigation, and to evidence of record.
2. The scope of a proposed additional hearing.
3. A proposed protective order (to be furnished prior to the prehearing conference) and distribution of material submitted in confidence to the parties.
4. Collection of additional economic data.
5. Discussion as to proposed witnesses.
6. Discussion of dates relevant to the hearing.
7. Any other matters mentioned in documents served in accordance with the immediately following paragraph.

To include additional items on the prehearing conference agenda, each participant should serve written proposals on the presiding officer and all parties before December 5, 1975.

Parties with like interests will be grouped and a spokesman appointed for their common interests at the prehearing conference.

At the conference the participants should be prepared to discuss problems involved in the proceeding, procedural and substantive, and should be authorized to make commitments with respect thereto. Among the specific items to be discussed within the framework of the agenda listed above are: Stipulations as to facts, authentication of documents, future procedural dates, including dates for the service of direct and rebuttal evidence, dates for briefs and dates for the hearing.

Failure to attend the prehearing conference may result in waiver of your right to receive data or to object to rules, dates, or procedure ordered at such conference, or object to stpulations entered into by the parties.

Issued: December 3, 1975.

MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.75–33119 Filed 12–9–75;8:45 am]

[337–TA–18]

MONOLITHIC CATALYTIC CONVERTERS

Stay of Hearing and Suspension of Investigation

Notice is hereby given that the United States International Trade Commission pursuant to the order of the United States Court of Customs and Patent Appeals dated December 3, 1975, has stayed the public hearing scheduled to begin December 8, 1975, under section 337(e) of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation No. 337–TA–18, monolithic catalytic converters.

Also, under the authority of section 337(b)(1) of the statute, the investigation is suspended because of proceedings in the United States Court of Customs and Patent Appeals until further notice. Notice of institution of the investigation was published in the FEDERAL REGISTER on July 23, 1975 (40 F.R. 30879).

By order of the Commission.

Issued: December 4, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75–33120 Filed 12–9–75;8:45 am]

[337–TA–18]

MONOLITHIC CATALYTIC CONVERTERS

Order

The United States International Trade Commission in a notice published in the FEDERAL REGISTER on October 31, 1975 (40 F.R. 50752) in the Monolithic Catalytic Converters Investigation No. 337–TA–18 ordered full Commission review of the order of Presiding Commissioner Abondi dated October 17, 1975, which granted the application of Volkswagen Mid-America, Inc., to withdraw as a party, and discontinued Midvo, Inc., World-Wide Volkswagen Corp., Volkswagen Atlantic, Inc., Import Motors Limited, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc., as parties without prejudice to their intervening at a later stage of this proceeding.

Volkswagen Mid-America, Inc., Midvo, Inc., World-Wide Volkswagen Corp., Volkswagen Atlantic, Inc., Import Motors Limited, Inc., Riviera Motors, Inc. and Porsche Audi Northwest, Inc., which are independent distributors of imported automobiles incorporating monolithic catalytic converters, purchase the units from the importer Volkswagen of America, Inc.

Upon consideration of written and oral submissions and the legal arguments of counsel at the public hearing on November, 6, 1975, the Commission concurred with the reasons set forth in Presiding Commissioner Ablondi's opinion dated October 21, 1975,[1] and, for the additional reasons that (1) the aforementioned distributors have made no showing that they can assist the Commission at this stage of the proceeding under section 337(a) and (2) the inclusion of the aforesaid distributors would only burden and delay this complicated proceeding, the Commission on November 18, 1975—

Ordered that the application of Volkswagen Mid-America, Inc., to withdraw as a party to this proceeding is granted; and

Further ordered that Midvo, Inc., World-Wide Volkswagen Corp., Volkswagen Atlantic, Inc., Import Motors Limited, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc., are discontinued as parties to this proceeding without prejudice to the right of the aforesaid independent distributors to intervene at a later stage of this proceeding.

By order of the Commission:

Issued: December 3, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75–33122 Filed 12–9–75;8:45 am]

[337–TA–18]

MONOLITHIC CATALYTIC CONVERTERS

Order

The United States International Trade Commission in a notice published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50752), in the Monolithic Catalytic Converters Investigation No. 337–TA–18 ordered full Commission review of the order of Presiding Commissioner Abondi dated October 20, 1975, which made Johnson, Matthey & Co., Ltd., of London, England, and Degussa of Frankfurt, Germany, both of which are manufacturers of monolithic catalytic elements, parties to this proceeding.

Johnson, Matthey & Co., Ltd., has moved for leave to intervene and participate in this proceeding and has consented to submit to the jurisdiction of the Commission. Degussa has declined to submit to the jurisdiction of the Commission.

Upon consideration of written and oral submissions and the legal arguments of counsel at the public hearing on November 6, 1975, the Commission on November 18, 1975:

Ordered that Johnson, Matthey & Co., Ltd., is made a party to this proceeding; and

Further ordered that Degussa is not made a party to this proceeding.

By order of the Commission:

Issued: December 3, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75–33123 Filed 12–9–75;8:45 am]

[AA1921–149]

CERTAIN NONPOWERED HAND TOOLS FROM JAPAN

Determination of No Injury or Likelihood Thereof

DECEMBER 2, 1975.

On September 2, 1975, the United States International Trade Commission received advice from the Department of the Treasury that certain nonpowered hand tools from Japan, that is, chisels, punches, hammers and sledges (with or without handles), vices, c-clamps, and battery service tools, other than hammers from Imoto Hamono Co., Ltd., and Kyoto Tool Co., Ltd., sledges from Hirota Tekko K.K., and battery service tools from Tashiro Seisakusho and Japan Export Brush Co., Ltd., are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on September 10, 1975, the Commission instituted investigation No. AA1921–149 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such nonpowered hand tools into the United States. Subsequently, on October 15, 1975, the Department of the Treasury amended its determination so that the only battery service tools covered thereby are battery terminal lifters. The Commission, therefore, on October 23, 1975, amended the scope of its investigation to make it correspond with the advice received.

Notices of the institution of the investigation and of a public hearing, of the hearing rescheduling, and of amendment of the notice of investigation were published in the FEDERAL REGISTER (40 FR 42607, 43956, and 50320). The hearing was held on October 22 and 23, 1975.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

The United States International Trade Commission has unanimously determined that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery terminal lifters from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS OF CHAIRMAN WILL E. LEONARD, VICE CHAIRMAN DANIEL MINCHEW, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, JOSEPH O. PARKER, AND ITALIO H. ABLONDI

The Antidumping Act, 1921, as amended, requires that the U.S. International Trade Commission find two conditions satisfied before an affirmative determination shall be made. The first condition is that an industry in the United States is being or is likely to be injured, or is prevented from being established. Second, the requisite injury must be "by reason of" the importation into the United States of the merchandise which the Department of the Treasury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

On the basis of the subject investigation (investigation No. AA1921–149), we have determined that an industry in the United States is not being injured or is not likely to be injured, or is not prevented from being established, by reason of the importation of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery terminal lifters from Japan being sold or likely to be sold at LTFV.[1]

U.S. industry—The U.S. industry most likely to be adversely affected by imports sold at LTFV consists of the facilities in the United States devoted to the production of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery terminal lifters. These articles are produced at plants located throughout the United States, and are sold primarily to industrial-commercial distributors, hardware wholesalers and cooperatives, automotive-service-market wholesalers, and several mass-merchandise retail chains.

The imported articles—The tools imported from Japan are generally limited to the hardware wholesale and mass-merchandise retail markets. The evidence developed during the investigation indicates that imports, overall, are of somewhat lower quality and sell at commensurately lower prices, making such imports generally more suitable for sale in retail outlets primarily serving the occasional user. By contrast, the tools produced by domestic manufacturers are sold primarily for use in industry, by professional tradespeople, and by skilled craftsmen.

Import penetration and lost sales—Import market penetration remained at about 6 percent during 1972–74, a period which includes Treasury's investigation, April 1–September 30, 1974. Although

[1] Filed as part of the original document.

[1] Prevention of the establishment of an industry is not an issue in the instant investigation, and will not be discussed further.

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imports from Japan increased more rapidly in the first 8 months of 1975 than in the preceding 3 years, the increase can be largely attributed to imports of vises which were the result of orders placed in Japan because of the inability of the domestic producers to meet increased demand on time.

It was established during the investigation that some domestic distributors of the tools under consideration have either turned to Japanese imports or increased such imports because of the difficulties experienced by domestic producers in making shipments during recent raw materials shortages. Other alleged losses of sales by domestic producers to imports were not substantiated; the firms involved have, in fact, been importing or purchasing imported Japanese tools for more than a decade and have not significantly increased such purchases during the period of the investigation. Several distributors indicated that their reason for accepting imported tools was to widen the selection to their dealers in terms of range of quality and price. The Commission could not corroborate allegations that the domestic industry had lost sales of the subject articles because of LTFV sales of certain Japanese imports.

Shipments, exports, orders—Despite the LTFV import sales, domestic shipments of the tools under consideration rose in line with increased domestic demand during 1971–74, and exports of such tools by domestic producers increased during the same period. Further, the increased demand for domestic tools resulted in higher unfilled orders during 1972–74, reflecting the domestic producers' difficulty in meeting the increased demand.

The decline in U.S. shipments in the first 8 months of 1975 slightly exceeded the decline in apparent domestic consumption, reflecting the greater sensitivity of the generally higher quality, higher priced domestic tools to the reduced industrial activity in the United States. The decline in exports in the first 8 months of 1975 appears to reflect the economic recession in industrial countries abroad.

Prices—There is no evidence of price depression during the period of LTFV sales, nor is there evidence of suppression of intended price increases because of LTFV sales. The data obtained in the investigation show that prices for domestic and imported tools have increased consistently in recent years.

Profitability and employment—The financial data of the domestic industry, as reported to the Commission, indicate increased net sales of chisels, punches, hammers, sledges, vises, and c-clamps during 1972–74. The ratio of net operating profit to net sales of these tools remained at about 9 percent in 1972 and 1973. The rise in production costs during 1974 occurred faster than the domestic producers could raise their prices, creating a temporary deline in profits during that period. However, this situation reversed during 1975, when the profits were higher than in previous years. Employment and man-hours in the domestic industry increased throughout the period 1971–74. Although employment declined slightly in the first 8 months of 1975, total man-hours worked continued to increase.

No likelihood of injury—The evidence obtained for the period of the investigation also indicates that there is no likelihood of injury to the domestic industry within the meaning of the Antidumping Act, 1921, as amended. In 1974, U.S. shipments increased at a greater rate than imports from Japan. With the exception of vises, imports of the tools under consideration declined in the first 8 months of 1975. It is reasonable to expect that U.S. shipments will increase with improvement in overall economic activity. The latest data on the profitability of the domestic industry show no evidence of future injury.

Conclusion—The Commission concludes that an industry is not being injured or is not likely to be injured by reason of the imports of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery terminal lifters from Japan that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

By order of the Commission.

Issued: DECEMBER 5, 1975.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.75-33230 Filed 12-9-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. P-636-A]

FLORIDA POWER & LIGHT CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated July 14, 1975, in connection with its plans to construct and operate two nuclear power reactors. At this time, final decisions have not been reached with respect to site selection, and it is possible that more than one site will be utilized. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application, consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555. As soon as a site is selected, a Local Public Document Room will be established where related documents will be made available for public inspection. Docket No. P-636-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before January 26, 1976.

Dated at Bethesda, Maryland this 20th day of November 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Project Branch 1-3, Division of Reactor Licensing.

[FR Doc.75-31859 Filed 11-25-75;8:45 am]

[Docket No. P-499-A]

LOS ANGELES DEPARTMENT OF WATER AND POWER, ET AL.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated November 24, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 9, 1976, either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, N.W., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Acting Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.

APPENDIX "A"

[NRC Docket No. P-499-A]

SAN JOAQUIN NUCLEAR PROJECT

LOS ANGELES DEPARTMENT OF WATER AND POWER, ET AL.

NOVEMBER 24, 1975.

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in connection with the above-captioned application.

San Joaquin Nuclear Project (SJNP) is a proposed four-unit nuclear power plant to be located in the southern San Joaquin Valley of California. Each unit will have the capacity to provide 1300 megawatts of electric power. The project will be jointly owned by a number of public and private California utilities. The Los Angeles Department of Water and Power (LADWP) will construct and operate the plant and will have a 35.5 percent share of the plant's output. The following is a list of the other utilities who are participants in the project and their respective shares of the project:

(1) Southern California Edison Company (22 percent);
(2) Pacific Gas and Electric Company (23 percent);
(3) State of California Department of Water Resources (10 percent);
(4) City of Anaheim (2 percent);
(5) City of Glendale (2 percent);
(6) City of Riverside (2 percent);
(7) Northern California Power Agency (2 percent);
(8) City of Pasadena (1.5 percent).

THE APPLICANTS

LOS ANGELES DEPARTMENT OF WATER AND POWER

LADWP is the largest municipally-owned electric system in the Nation with over one million retail customers and with a system peak in excess of 3,500 megawatts. LADWP has installed generating capacity in excess of 4,000 megawatts and operates an extensive transmission and subtransmission network. LADWP does not sell wholesale bulk power to any electric system.

SOUTHERN CALIFORNIA EDISON (EDISON)

Edison is a privately-owned electric utility which serves over 2.5 million customers in a 50,000 square-mile service area in southern California. Its most recent peak load was in excess of 10,000 megawatts which it meets with installed generating capacity in excess of 13,000 megawatts. Edison operates a 10,000 mile transmission and subtransmission network through which it is interconnected with Pacific Gas and Electric Company to the north, Arizona Public Service Company to the east, San Diego Electric and Gas Company to the south, and with LADWP which it surrounds.

PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

PG&E is a privately-owned electric utility which serves 47 counties in northern and central California. Its most recent system peak load was in excess of 11,000 megawatts which it meets with a system capability in excess of 13,000 megawatts. PG&E operates a 17,000 mile transmission network through which it is interconnected to Pacific Power & Light, the U.S. Bureau of Reclamation's Central Valley Project, Sierra Pacific Power Company, Sacramento Municipal Utility District and Edison. Through the Pacific Northwest-Southwest Intertie, it is interconnected to all the major utilities in the Pacific Northwest. PG&E sells power at wholesale to 11 municipally-owned electric distribution systems and one cooperatively-owned distribution system. PG&E also provides wheeling services for the Central Valley Project and several other public agencies.

THE STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES (DWR)

The Department of Water Resources operates the California State Water Project (CSWP) which provides reservoir storage, water transportation, pumping and power facilities by which water which is surplus in northern California is delivered to water deficient areas in other parts of California. The CSWP requires large amounts of electric energy to meet project pumping requirements. While the hydroelectric resources of the project will eventually produce 5.4 billion kwh annually, this will meet only 40 percent of CSWP's total electric needs. DWR is participating in SJNP as part of its plan to provide for that part of its electrical requirements which are not met by its own hydroelectric facilities.

CITY OF ANAHEIM

The City of Anaheim, with a population of almost 200,000, operates its own electric distribution system which has a peak load of over 300 megawatts. Anaheim currently purchases all of its power requirements from Southern California Edison. It has no generating capacity of its own. In addition to SJNP, the City is currently studying a number of other generation projects, including participating in the San Onofre Nuclear Units.

CITY OF RIVERSIDE

The City of Riverside, with a population of over 200,000, operates its own electric distribution system, however it owns no generating capacity. It meets its 200 megawatts peak load entirely through wholesale power purchases from Southern California Edison. In addition to its particiaption in SJNP, Riverside is studying participation in several other generating projects including the San Onofre Nuclear Units and the Intermountain Power Project, a large coal-fired plant to be located in southern Utah.

CITY OF GLENDALE

The City of Glendale, with a population of 130,000, operates its own electric generation and distribution system. Glendale meets its 175 megawatts system peak load through a mix of self-generation, power from federal hydroelectric projects and, in the future, power from participation in a number of joint venture power generation projects.

NORTHERN CALIFORNIA POWER AGENCY (NCPA)

NCPA is an organization of 12 public entities which operate electric distribution systems in northern California. The members of NCPA are the Cities of Healdsburg, Ukiah, Lodi, Lompoc, Alameda, Redding, Roseville, Biggs, Palo Alto, Santa Clara, Gridley, and the Plumas Sierra Rural Electrical Cooperative. None of these systems currently generate any electric power, nor do they own transmission outside of their service areas. These systems together have a peak load in excess of 500 megawatts which is currently met through purchases of wholesale power from PG&E or the USBR's Central Valley Project, or through purchase of part of their requirements from CVP and part from PG&E.

In addition to its participation in SJNP, NCPA is considering the construction of or participation in a variety of other generation facilities.

CITY OF PASADENA

The City of Pasadena, with a population of 110,000, operates its own electric generation and distribution system. Pasadena meets its 180 megawatt peak load through a mix of self-generation, power from federal hydroelectric projects and, in the future, power from participation in a number of joint venture power generation projects.

RESULTS OF ANTITRUST REVIEW

In our review of the activities of LADWP, State of California, Anaheim, Glendale, Riverside, NCPA and Pasadena, no evidence of anticompetitive conduct has come to our attention. No allegations have been made that a situation inconsistent with the antitrust laws exists in these utilities' service areas. Consequently, we believe no hearing need be held in connection with these systems' participation in SJNP.

In regard to Edison, the Department initially advised, in a July 12, 1971, letter to your predecessor Commission, that a hearing be held in connection with Edison's application to construct the San Onofre Nuclear Generating Units 2 and 3. Thereafter, following extended discussions, the Department and Edison reached agreement on a set of procompetitive license conditions. Consequently, on June 27, 1974, the Department advised the Commission that a hearing would no longer be necessary if these conditions were attached to the San Onofre license. In light of the license conditions agreed to by Edison, we recommend that no hearing be held in connection with its application to be an SJNP participant.

In regard to PG&E, the Department recommended to your predecessor Commission, in an August 2, 1972 letter, that a hearing be held in connection with PG&E's application to construct the then-proposed Mendocino Nuclear Units. Subsequent to the rendering of that advice, PG&E withdrew its application to construct the Mendocino facility because of environmental and safety problems. Thereafter, the Department commenced a comprehensive investigation under the antitrust laws to determine whether PG&E was monopolizing the relevant markets for electric power, natural gas, and geothermal steam, and whether it was a party to certain contractual restraints of trade. From this investigation, it appears that since our 1972 antitrust advice was rendered PG&E may have modified certain of the restrictive practices which were the basis for our earlier recommendation that a hearing be held. Whether these actions by PG&E have been such that a situation inconsistent with the antitrust laws no longer exists and/or whether an antitrust proceeding in United States District Court should be instituted are matters which are currently being considered and which will shortly be resolved.

In this context and in the course of our review of the SJNP application, PG&E indicated a desire to facilitate the licensing of SJNP and a willingness to provide certain antitrust safeguards as to its participation in SJNP. Thus, PG&E has offered to enter into a set of license conditions which make available SJNP access to competing electric systems in PG&E's service area. These policy commitments are contained in the attached letter from PG&E's President, S. L. Sibley, to the Department. In light of these commitments, as well as several other important factors, the Department believes it is appropriate to recommend that no antitrust hearing be held in connection with PG&E's participation in SJNP.

To begin with, on February 21, 1976, the Department will be required to render antitrust advice on PG&E's application to construct the Stanislaus Nuclear Project. By that time, the Department will have completed its analysis of PG&E's current activities and, therefore, will be in a better position to advise the Commission as to whether a situation inconsistent with the antitrust laws exists in central and northern California. It is to be noted that any additional relief which the Department might seek beyond that already agreed upon as to SJNP, in order to meet the requirements of Section 105c, would be of such a nature as to involve more than merely access to SJNP. Such additional relief could just as readily be imposed in connection with the pending Stanislaus application as in connection with the instant SJNP application.

Secondly, in contrast to the situation in SJNP, where PG&E is not project manager and is only one of nine participants in a unit located outside its service area, in the case of the Stanislaus application, PG&E is the

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project manager of a unit located inside its service area and is currently the only participant in the facility. Thus, deferring consideration of the remaining antitrust questions as to PG&E for a short period until our advice on Stanislaus is formulated will permit the SJNP project, all of whose other participants present no antitrust problems, to proceed. Since PG&E is agreeable to the imposition of conditions on the SJNP license which insure others access and supporting services with respect to that facility, and since other possible antitrust problems raised by PG&E's activities will be dealt with in our advice on the Stanislaus application, we consider this to be an appropriate accommodation under Section 105c of antitrust policy and California's power needs.

We stress, however, that it is because of the particular circumstances involved here that we are able to reach the foregoing conclusion.

ENCLOSURE

NOVEMBER 24, 1975.

Pacific Gas and Electric Company (PG and E) is informed that the United States Department of Justice will soon render antitrust advice to the Nuclear Regulatory Commision (NRC) on the San Joaquin Nuclear Project (SJNP) pursuant to Section 105(c) of the Atomic Energy Act. The SJNP will be a nuclear electric generating project, to be constructed and operated under the management of the Los Angeles Department of Water and Power, in which PG and E will have a twenty-three percent ownership share.

PG and E desires to facilitate the licensing of SJNP. To that end, this will confirm that PG and E is agreeable to the grant of ownership access to SJNP to all electric distribution systems in PG and E's service area which have requested such an interest (Participating Systems). In addition, PG and E in agreeable to having the following conditions placed on the SJNP license if the Department recommends to NRC that there be no antitrust hearing on the SJNP application and if it will not seek to have any other conditions imposed on the SJNP license:

1. PG and E will wheel, on reasonable terms and conditions, to Participating Systems their shares of SJNP power. In the event that SJNP power of the Participating Systems is surplus to their needs, PG and E will wheel, on reasonable terms and conditions, such power over any portion of PG and E's transmission system where capacity exceeds PG and E's requirements and is not committed to other systems.

2. PG and E will provide reserve support, on reasonable terms and conditions, to firm Participating Systems' shares of SJNP power.

3. PG and E will purchase, on reasonable terms and conditions, SJNP energy which is surplus to the needs of Participating Systems if they desire to sell such energy to PG and E.

[FR Doc.75-33311 Filed 12-9-75;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS

Notice of Availability of NRC Draft Environmental Statement for the Siting and Operating of Floating Nuclear Power Plants

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in Appendix M of 10 CFR Part 50 and 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement directed to the generic considerations of siting and operating Floating Nuclear Power Plants in the coastal waters of the Atlantic Ocean and the Gulf of Mexico and in certain riverine and estuarine locations has been prepared by the Commission's Office of Nuclear Reactor Regulation. This statement is Part II of the environmental review related to the issuance of a manufacturing license to Offshore Power Systems (an unincorporated joint venture of Westinghouse Electric Corporation and Westinghouse International Power Systems Company, Incorporated). The statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204; the Stockton State College Library, Pomona, New Jersey 08240; and the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, Louisiana 70140. The Draft Statement is also being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Florida 32304 and at the Jacksonville Area Planning Board, 330 East Bay Street, Jacksonville, Florida 32202. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Offshore Power System's Environmental Report, as supplemented, and the Commission's Final Environmental Statement (Part I) of October 1975 which pertained exclusively to the NEPA considerations associated with the manufacture of the eight floating nuclear plants in Jacksonville, Florida, are also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 10, 1973 (38 FR 34008) and the notice of availability of the Commission's Final Environmental Statement (Part I) was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46364).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 26, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida; the Stockton State College Library, Pomona, New Jersey; and the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, Louisiana.

Upon consideration of comments submitted with respect to this Draft Environmental Statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 24th day of November 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-33312 Filed 12-9-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Relocation of Meeting

The meeting of the ACRS Working Group on Anticipated Transients Without Scram (ATWS), scheduled for December 11 and 12, 1975, and originally to be held at the Sheraton Inn, Denver Airport, Denver, CO (notice of which was published in Federal Register Vol. 40, page 54629, November 25, 1975) has been relocated as follows:

The meeting will be held in room 1046, 1717 H St., N.W., Wash., DC 20555 on the same dates, Dec. 11-12, 1975. All other matters pertaining to the meeting remain unchanged.

The relocation was necessitated by the current airline strike and is expected to permit the greatest number of participants to attend. In view of the fact that members of the public have not submitted written statements and have not requested an opportunity to make oral statements at the meeting, there is no indication that it will inconvenience members of the public.

Further information regarding this meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5 p.m. EST.

Dated: December 9, 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-33451 Filed 12-9-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 5, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Maritime Administration, Law Enforcement Communications Document Questionnaire, NBS-1053, single-time, State and local law enforcement agencies, Economics and General Government Division, Reynsford, R., 395-3451.

DEPARTMENT OF DEFENSE

Social and Rehabilitation Service, Evaluation of Military-Civilian Occupational Source, book, single-time, Vocational Counselors and Job Recruiters, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, Key Program and Policy Factors Impacting Medical Assistance Forecasts, SRS-NCSS-203, semi-annually, staffs in 10 regional offices, Human Resources Division, Reese B. F., 395-3532.

Social Security Administration, Interview Guide and Questionnaire, SSA-4201, single-time, Recent Applicants for Social Security Payments, Human Resources Division, Reese B. F., 395-3532.

Social and Rehabilitation Service, EPSDT-Developmental Assessment Survey, single-time, State and Local Welfare and Health Agencies, Reese B. F., 395-3211.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, cost of handling mortgages insured under section 235, annually, Mortgagees Servicing Sec. 235 Mortgages, Community and Veterans' Affairs Division, C. Louis Kincannon, 395-3532.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application Claim for Replacement Housing, (payment for homeowners), GSA 2686, on occasion, households, Harry B. Sheftel.

Application Claim for Replacement Housing (payment for tenants and certain others), GSA 2685, on occasion, households, Harry B. Sheftel.

Application Claim for Moving Costs and Related Expenses (families and individuals), GSA-3684, on occasion, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Public Health Service, analysis of group practice efficiency, physician questionnaire and screening questionnaire, single-time, Group Medical Practices in United States, Dick Eisinger, 395-6140.

EXTENSIONS

FEDERAL HOME LOAN BANK BOARD

Security Information and Protection Devices, Report P-1, FHLBB-93, on occasion, Savings & Loan Associations Insured by FSLIC, Harry B. Sheftel.

ACTION

Peace Corps Background Information Form for Volunteers, PC 5, on occasion, Peace Corps Volunteers, Marsha Traynham, 395-4529.

FEDERAL HOME LOAN BANK BOARD

Crimes Against Insured Institutions, Report P-2, FHLBB-94, on occasion, Savings and Loan Associations Insured by FSLIC, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-33406 Filed 12-9-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable: the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Commercial Fruit Tree Survey, (Ohio), single-time, Fruit Growers, Lowry, R. L., 395-3772.

Forest Service, Attitudes and Preferences of Pennsylvania Fishermen, single-time, individuals who bought Pa. fishing licenses, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Sheltered Workshops, S-363, single-time, Clients in Sheltered Workshops, Sunderhauf, M. B., 395-6140.

Department of Commerce: Bureau of Census, Inventory and Sales Expectations Survey, MQ-1, quarterly, manufacturing establishments, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control: Circularization of Mailing List for List for Morbidity Weekly Report, CDC 0.347, single-time, recipients of MMWR, Lowry, R. L., 395-3772.

Office of the Secretary: A Study of Change—Agent Programs, Year II, OS-54-75, single-time, school superintendents, principals, teachers, Human Resources Division, Raynsford, R., 395-3532.

Public Health Service: Interview Schedule for Human Subjects of Bio-Medical Research, NCPHS 1110, single-time, subjects of biomedical or behavioral research at 60 INST., George Hall, Dick Eisinger, 395-6140.

DEPARTMENT OF LABOR

Manpower Administration: Win Reporting System (HEW Portion), SRS-NCSS-117 Parts A & B other (see CF-83), SAU & IM Offices, Lowry, R. L., 395-3772.

REVISIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Reference Questionnaire: Aid 410-3, on occasion, supervisors, professors, friends of applicants, Harry B. Sheftel.

VETERANS ADMINISTRATION

Request for Information re Applicant for Dietetic Internship: VA FL10-262, on occasion, college/university faculty, Caywood, D. P., 395-3443.

Application for Total Disability Income Provision (Nonmedical): 29-1606A, on occasion, veterans, Caywood, D. P., 395-3443.

TENNESSEE VALLEY AUTHORITY

Salary Survey General Information and Supplementary Pay Benefits (White Collar Employees): TVA 5323, annually, occ. within the vicinity which have emply. doing comp. work, Strasser, A., 395-5867.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Regulations—Special Supplemental Food Program for Women, Infants and Children (WIC): on occasion, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Aluminum Producers and Importers Receipts, Shipments and Stocks, DIB-978, monthly, aluminum producers and importers, Peterson, M. O., 395-5631.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage: Survey of Unsold Inventory of New Houses, FHA-2566, on occasion, home builders in 276 SMSA's, Sunderhauf, M. B., 395-6140.

Housing Production and Mortgage: Report on Current Home Mortgage Status, FHA-2068-S, monthly, holding and servicing mortgages, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Background Statement and Confidential Statement of Employment and Financial Interests—Consultants, Advisers, Experts: AEC-448, on occasion, prospective and cur-

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rent ERDA consultants, advisers, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Weekly Commercial Egg Movement Report, PY–88, weekly, firms, Marsha Traynham, 395–4529.

Statistical Reporting Service: Poultry and Hatching Egg Price Inquiries, monthly, Hatcheries, poultrymen, Marsha Traynham, 395–4529.

Animal and Plant Health Inspection Service: Qualifications of Supervisory Personnel, VS 14–7, on occasion, veterinary biological producers, Marsha Traynham, 395–4529.

DEPARTMENT OF DEFENSE

Department of the Air Force: Status Letter on Service Engineering Contracts (For Performance Control), on occasion, defense contractor, Marsha Traynham, 395–4529.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Application for NIMH Continuation Staffing Grant, ER NIMH Staffing Grant, MH–115, annually, organization engaged in treatment services, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–33407 Filed 12–9–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 3, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Inventory of Special Services, single-time, managers of farmer cooperatives, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Human Development, Individual Client Form—Operational Program Objectives, other (see SF–83), clients of funded runaway projects; project staff, Lowry, R. L., 395–3772.

Social and Rehabilitation Service, Medicaid Provider Fraud and Abuse Control Survey, single-time, State medicaid provider fraud and abuse surveillance units, Sunderhauf, M. B., 395–6140.

Office of the Secretary, Project Developmental Continuity Monitoring and Implementation Forms, semiannually, staff and school personnel in 14 sites, Human Resources Division, Raynsford, R., 395–3532.

Social Security Administration, Modification of Cost Reporting Forms for Providers Using the Combination Method of Cost Apportionment With Simplified Cost Finding, SSA–2781B, annually, all hospitals and hospital-skilled nursing facilities, Caywood, D. P., 395–3443.

DEPARTMENT OF JUSTICE

Departmental and Other Evaluation of Accomplishments and Impact of LEAA, in Area of Statistics Services and Publications, 1430, on occasion, requestors of LEAA statistics publications, economics and general government division, Raynsford, R., 395–3451.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor and Material Requirements for Private Office Building Construction, BLS 2652.07, other (see SF–83), construction contractors and subcontractors in 48 states, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Grazing Preference Statement and Application, 4115–25, annually, livestock operators, Caywood, D. P., 395–3443.

DEPARTMENT OF THE TREASURY

Departmental and Other:
United States Coinage Requirements, Survey of Commercial Banks, single-time, commercial banks, Caywood, D. P., 395–3443.
United States Coinage Requirements, Coinage Preference Survey, single-time, private individuals in Raleigh-Durham, N.C. and Washington, D.C., Caywood, D. P., 395–3443.
United States Coinage Requirements, Survey of Automated Merchandising Service Firms, single-time, automated merchandising service firms, Caywood, D. P., 395–3443.
United States Coinage Requirements, Survey of Retail Business Firms, single-time, retail merchandising firms and transit companies, Caywood, D. P., 395–3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, 1976 Estimate of Cost to Complete the Appalachian Development Highway System, tables A–E, on occasion, State highway agencies in 13 Appalachian States, Lowry, R. L., 395–3772.

REVISIONS

VETERANS ADMINISTRATION

Reference Form for Appraisal of Applicant, FL 10–341A, on occasion, physicians, dentists, and nurses, Caywood, D. P., 395–3443.

FEDERAL RESERVE SYSTEM

Survey of Time and Savings Deposits and Supplement, FR 296, FR 296A, quarterly, sample of commercial banks, Hulett, D. T., 395–4730.

VETERANS ADMINISTRATION

Request for Change of Program or Place of Training (Widow or Wife) (Under Provisions of Chapter 35, Title 38, U.S.C.) 22–5495W, on occasion, widow, widower, wife or husband of veteran, Caywood, D. P., 395–3443.

Financial Status Report, 4–5655, on occasion, debtors, Caywood, D. P., 395–3443.

Request for Change of Program or Place of Training (Son or Daughter), 22–5495, on occasion, son or daughter of veteran, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census, National Prisoner Statistics—Summary of Sentenced Population Movement, NPS 1, Annually, State correctional agencies or institutions, George Hall, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, 1975–76 Nursing Home Survey (Pretest Version), NCHS 0114, single-time, nursing homes, Dick Eisinger, 395–6140.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration, Inspection Form, OSHA–1, on occasion, business firms, Ellett, C. A., 395–5867.

Departmental and Other Interdepartmental Workers' Compensation Task Force—Claim Survey, IWCTF–01, single-time, households, Strasser, A., 395–5867.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Construction Project Report, C–700R, monthly business firms, Marsha Traynham, 395–4529.

Bureau of Census, Local Building Permit Systems, C–411L, on occasion, Government Agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, National Health Related Items Coding Form, FD–2419, on occasion, health items manufacturer and distributors, Marsha Traynham, 395–4529.

Social and Rehabilitation Service, statistical report on public assistance applications, cases approved, and cases discontinued, Parts I, II, III, SRSNCS2079, quarterly, State Public Assistance Agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration, preliminary accident investigation, OSHA–36, on occasion, business firms, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Part 47—Aircraft Registration (Regulations), on occasion, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–33408 Filed 12–9–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–4475]

BOSTON STOCK EXCHANGE

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 3, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is

listed and registered on one or more other national securities exchanges:

American Science and Engineering, Inc.

Upon receipt of a request, on or before December 19, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33158 Filed 12–9–75;8:45 am]

[(811–2437) Rel. No. 9062]

CHANNING SECURITIES, INC.

Notice of Filing of Application

DECEMBER 3, 1975.

Notice is hereby given that on October 6, 1975, Channing Securities, Inc., 2777 Allen Parkway, Houston, Texas 77019. ("Applicant"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated under the laws of the state of Maryland on October 25, 1946 and registered under the Act on December 3, 1946. On August 25, 1975, Applicant's shareholders approved a Plan and Articles of Merger merging Applicant into American General Shares, Inc. The merger became effective on September 2, 1975, and the separate existence and corporate organization of Applicant thereupon ceased.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33159 Filed 12–9–75;8:45 am]

[(811–614) Rel. No. 9064]

CHANNING INCOME FUND, INC.

Notice of Filing of Application

DECEMBER 3, 1975.

Notice is hereby given that on October 6, 1975, Channing Income Fund, Inc., 2777 Allen Parkway, Houston, Texas 77019. ("Income"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations continued therein, which are summarized below.

Applicant was incorporated under the laws of Maryland on September 17, 1952 and registered under the Act on September 26, 1952. On August 25, 1975, Applicant's shareholders approved a Plan and Articles of Merger merging Applicant into American General Shares, Inc. The merger became effective on September 2, 1975 and the separate existence and corporate organization of Applicant thereupon ceased.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33160 Filed 12–9–75;8:45 am]

[(811–1791) Rel. No. 9063]

DF FUND, INC.

Notice of Filing of Application

DECEMBER 3, 1975.

Notice is hereby given that on October 10, 1975, DF Fund, Inc., 30 Wall Street, New York, New York 10005, ("Applicant"), registered as an open-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act") filed application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which is summarized below.

Applicant was incorporated under the laws of Delaware on December 23, 1968, and registered under the Act on December 27, 1968. On or about August 13, 1975, notice was given to Applicant's shareholders of a Special Meeting in Lieu of an Annual Meeting to consider and vote upon a proposal to transfer substantially all of the assets of Applicant to Tudor Hedge Fund ("Tudor"), an open-end, non-diversified management investment company, in exchange for shares of Tudor, at their respective net asset val-

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ues, to distribute the shares of Tudor to Applicant's shareholders in liquidation and dissolution of Applicant, and to terminate Applicant as a registered investment company under the Act. The proposal was duly approved by Applicant's shareholders on September 24, 1975.

All of the assets of Applicant other than $40,451.30 in cash (the "retained sum"), representing a reserve to cover its accrued liabilities plus $10,000, have been transferred to Tudor and any part of the retained sum not utilized to pay liabilities and expenses of Applicant will be paid over to Tudor. The Transfer Agent of Tudor has credited an appropriate number of shares of Tudor on the books of Tudor to each shareholder of Applicant. Applicant states that it has filed a Certificate of Dissolution with the Secretary of State of Delaware and that it no longer has any shares issued or outstanding and will not issue additional shares in the future.

Section 8(f) of the Act provides, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request as provided by Rule O-5 of the Rules and Regulations promulgated under the Act. An order disposing of the application herein will be issued as of course following December 29, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33161 Filed 12-9-75;8:45 am]

[(70-5765) Rel. No. 19279]

EASTERN UTILITIES ASSOCIATES, ET AL.

Holding Company and Subsidiary Companies To Issue and Sell Notes to Banks and Proposed Open Account Advances by Holding Company to One Subsidiary Company

DECEMBER 2, 1975.

In the matter of EASTERN UTILITIES ASSOCIATES, P.O. Box 2333, Boston, Massachusetts 02107. BLACKSTONE VALLEY ELECTRIC COMPANY, P.O. Box 1111, Lincoln, Rhode Island 02865. BROCKTON EDISON COMPANY, 36 Main Street, Brockton, Massachusetts 02403. FALL RIVER ELECTRIC LIGHT COMPANY, 85 North Main Street, Fall River, Massachusetts 02722. MONTAUP ELECTRIC COMPANY, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup") have filed an amendment to their declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 12(b), 12(c) and 12(f) of the Act and Rule 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

During the period ending December 28, 1976, EUA, Blackstone, Brockton, Fall River, and Montaup propose to issue and sell short-term, unsecured promissory notes to banks, and in the case of Fall River to also receive open account advances from EUA, in the maximum aggregate amounts to be outstanding at any one time as shown below:

[In thousands]

Company	From banks	From EUA	Aggregate from banks and EUA
EUA	$23,400	----------	$23,400
Blackstone	3,200	----------	3,200
Brockton	9,700	----------	9,700
Fall River	5,500	$1,700	7,300
Montaup	27,800	----------	27,800

The notes to banks will be dated as of the date of issuance, will mature no later than December 28, 1976, and will be prepayable in whole or in part without penalty. It is represented that some of the lending banks will require compensating balances and that others will not. With respect to notes for which a 20% compensating balance is required, the notes will bear interest at not in excess of the prime or base rate in effect on the date of issuance plus ¼ of 1% multiplied by 101.2%; if the compensating balance is 15%, the notes will bear interest at up to the prime or base rate plus ¼ of 1% multiplied by 107.5%; if the compensating balance is 10%, the notes bear interest at up to the prime or base rate plus ¼ of 1% multiplied by 113.8%. With respect to such notes for which no compensating balance is required, the notes will bear interest at varying rates up to a maximum effective rate derived from the prime or base rate plus ¼ of 1% multiplied by 101.2% together with an assumed compensating balance of 20%. Assuming a prime or base rate of 7¼%, the maximum effective rate of interest would be 9.3%.

With respect to open account advances by EUA to Fall River, the advances will be made at not in excess of the prime or base rate at The First National Bank of Boston in effect on the date of the advance. A compensating balance of not in excess of 20% of such advance will be maintained at the bank by Fall River. Assuming a prime or base rate of 7¼%, the maximum effective rate of interest on the advances to Fall River would be approximately 9.06%.

It is stated that the proceeds from the proposed notes and advances will be used to meet cash requirements for construction, to provide funds for investment in subsidiaries and for compensating balances with lending banks through December 28, 1976, and to pay outstanding short-term loans. On December 30, 1975, Blackstone, Brockton, Fall River and Montaup expect to have outstanding short-term loans of $2,200,000, $6,300,000, $7,200,000 and $20,000,000, respectively. EUA expects to have outstanding short-term notes of $20,000,000 on December 30, 1975.

It is proposed that Fall River may prepay an advance from EUA with the proceeds of notes issued to banks. If the interest rate on a note issued to a bank for the purpose of obtaining funds to repay an advance from EUA shall exceed the rate on the advance being repaid, EUA shall reimburse or credit Fall River for the added interest required for the term of the note so issued.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than December 26, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33162 Filed 12-9-75;8:45 am]

[70-5729; Rel No. 19280]

MIDDLE SOUTH UTILITIES INC. ET AL.

Sale-Leaseback of Oil Storage Facilities; Guaranty by Holding Company of Lease Obligations; and Ground Lease by Electric Utility Subsidiary

DECEMBER 3, 1975.

In the Matter of MIDDLE SOUTH UTILITIES, INC., 225 Baronne Street, New Orleans, Louisiana 70112. SYSTEM FUELS, INC., P.O. Box 61532, New Orleans, Louisiana 70161. MISSISSIPPI POWER & LIGHT COMPANY, P.O. Box 1640, Jackson, Mississippi 39205.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, System Fuels, Inc. ("SFI"), its fuel procurement subsidiary, and Mississippi Power & Light Company ("MP&L"), an electric utility subsidiary, have filed a post-effective amendment to a previously amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) and 12(f) of the Act as applicable thereto. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete description of the proposed transactions.

SFI is currently completing construction on storage tanks and related facilities ("Equipment") located at MP&L's Baxter Wilson Steam Electric Station near Vicksburg, Mississippi. SFI is financing the construction of the Equipment by borrowings from banks, with the obligations of SFI guaranteed by Middle South. (See HCAR No. 19188, September 24, 1975). Borrowings to date under that loan arrangement are in the aggregate amount of $19.5 million.

SFI now proposes to retire the bank borrowings and permanently finance the Equipment by means of a sale and lease-back arrangement to be entered into with General Electric Credit Corporation ("Owner"). SFI will sell its interest in the Equipment to a trustee ("Owner Trustee"), designated as such by the Owner in a trust agreement between the Owner and the Owner Trustee, for an amount equal to SFI's book cost on the closing date. Assuming a closing date on or about December 31, 1975, SFI's book cost (including interest during construction) would equal approximately $20.2 million. The Owner Trustee will provide for the completion of construction of the Equipment through SFI, as its agent, at a presently estimated cost of $2.9 million.

Simultaneously with the sale of the Equipment, SFI will enter into a lease ("Lease") with the Owner Trustee, which will provide for an interim term to end not later than December 31, 1976, and a basic term of 25 years thereafter, with two optional renewal periods of five years each. Under the Lease, SFI will operate and maintain the Equipment and bear the cost for other related expenses. The Lease will be non-cancellable and the rent thereunder shall not abate, except upon specified occurrences, in which case there will be a partial termination and proportionate abatement. The rent during the interim period will equal 9% of the sum of the lessor's cost ("Lessor's Cost"), which includes all direct and indirect costs of the Equipment capitalizable by the SFI, plus amounts to be borrowed from institutional lenders ("Lenders") and not expended on the cost of constructing the Equipment. In addition, SFI will pay as supplemental rent during the interim term a fee at the rate of ½ of 1% on the average unfunded balance of the Owner's maximum equity commitment of $8,250,000. The rent during the basic term will be payable semi-annually at a rate of 4.138% of the Lessor's Cost, but that rate may be adjusted at the end of the interim term of the Lease to account for economic and tax circumstances then existing.

SFI will also enter into a sublease ("Sublease") with the Owner Trustee to acquire the land upon which portions of the Equipment are located together. The land constitutes a part of a larger tract of land now owned by MP&L and leased to SFI. Accordingly, as a preliminary step to the Sublease between SFI and the Owner Trustee, MP&L will transfer its interest in the land rights to the Owner Trustee under the terms of a ground lease, and SFI will subordinate and release its existing leasehold interest in the land rights for a term equal to the term of the ground lease. Semi-annual rent under the Sublease payable by SFI to the Owner Trustee will not exceed $1,500.

In connection with the foregoing transactions, Middle South proposes to execute and deliver an agreement ("Guaranty Agreement") whereby it will guarantee to the Owner and Owner Trustee all of SFI's obligations under the Lease and certain related documents.

The Owner Trustee will finance the acquisition of the Equipment under construction and, through SFI, arrange for its completion with funds (representing 30% of Lessor's Cost) to be advanced to the Owner Trustee by the Owner and with funds (representing the remaining 70%) to be obtained from the sale of non-recourse secured notes ("Notes") by the Owner Trustee to the Lenders. It is estimated that the principal amount of the Notes will be $17.5 million. Any amount of the proceeds of the Notes in excess of the amount applied to the capitalized cost of the Equipment on the closing date will be held in escrow. The Notes will be secured by the Equipment, subject only to permitted liens and exceptions, by an assignment of the Owner Trustee's interest in the Lease, and by the Guaranty Agreement executed by Middle South. Rent payable under the Lease will be applied to pay principal and interest on the Notes.

It is stated that the fees and commissions incurred by the applicants-declarants in connection with the proposed transactions will not exceed $10,000 in estimated legal fees. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33163 Filed 12-9-75;8:45 am]

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[File No. 500–1]

AMPAC NATIONAL CORP.

Suspension of Trading

NOVEMBER 26, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Ampac National Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:40 p.m. (EST) on November 26, 1975 through midnight (EST) on December 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33242 Filed 12–9–75;8:45 am]

[Rel. No. 9066; (811–2099)]

ANNUITY FUND

Application for an Order Declaring That Applicant has Ceased to be an Investment Company

DECEMBER 4, 1975.

Notice is hereby given that The Annuity Fund, c/o William A. Kurtz, Continental Assurance Company, CNA Plaza, Chicago, Illinois 60685 ("Applicant"), a separate account of Continental Assurance Company, an Illinois insurance company, registered as a diversified open-end management company under the Investment Company Act of 1940 ("Act"), filed an application on November 3, 1975 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it registered under the Act on August 7, 1970, by filing both a Notification of Registration on Form N–8A, and a Registration Statement on Form N–8B–1. On the same date a registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933 ("1933 Act"); that registration statement has not been made effective.

Applicant represents that it has no assets or investment units, and that no offering or sale of its investment units has been or is intended to be made. Applicant's registration statement under the 1933 Act has been withdrawn pursuant to Rule 477 under the 1933 Act.

Section 3(c)(1) of the Act excludes from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 29, 1975, unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements hereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33241 Filed 12–9–75;8:45 am]

[Rel. No. 9068; (812–3874)]

CHECCHI-PACIFIC CORP. AND CHECCHI AND CO.

Filing of Application

DECEMBER 4, 1975.

Notice is hereby given that Checchi and Company, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036 ("Checchi"), a Delaware corporation engaged directly and through wholly-owned and majority-owned subsidiaries in the consulting and management business, and a wholly-owned subsidiary, Checchi-Pacific Corporation ("Checchi-Pacific"), a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 (the "Act") (collectively referred to as "Applicants"), filed an application on October 31, 1975 and amendments thereto on November 18, 1975 and November 24, 1975, pursuant to Section 17(b) of the Act, for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed purchase by Trans-Philippine Investment Corporation ("TPIC"), an affiliated person of Checchi-Pacific, of 4,488 shares of its common stock presently held by Checchi-Pacific, and for and order of the Commission, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting Checchi to join with Checchi-Pacific in the sale to TPIC of certain assets of Checchi and the stock of TPIC held by Checchi-Pacific. All interested persons are refered to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Checchi-Pacific owns 4,488 shares of common stock of TPIC, a Philippine corporation engaged in investment in and management of sugar milling and heavy construction subsidiaries. These securities represent approximately 14.2% of TPIC's total outstanding voting securities. Checchi-Pacific's interest in TPIC, as reported in the footnotes to its financial statements of December 31, 1974, was valued, on the basis of Checchi-Pacific's equity interest in the underlying book value of TPIC's assets, at $2,126,000. On such a valuation basis, Checchi-Pacific's interest in TPIC represents approximately 84% of the value of its total assets.

Mr. Roberto Villanueva, a director of Checchi, owns or controls approximately 47% of the common stock of TPIC. Mr. Villanueva is also a controlling person of Sugar Brokers, Inc. ("Sugar Brokers"), a New York corporation which owns approximately 54.1% of the outstanding common stock of Checchi. Mr. Villanueva, consequently, is a controlling person of TPIC, Checchi and Checchi-Pacific.

Because of mounting financial pressures, the Board of Directors of Checchi has determined that it is in the best interests of Checchi and Checchi's wholly-owned subsidiary, Checchi-Pacific, to effect a substantial liquidation of assets which would result in the retention by Checchi of its consulting division and other miscellaneous assets and the liquidation of its other subsidiaries, including Checchi-Pacific. The proceeds from the proposed liquidation of assets would be primarily used to pay obligations of Checchi.

Checchi, therefore, has entered into an agreement with TPIC, subject to the entry of the order requested herein, pursuant to which (1) Checchi would sell to TPIC (a) its interest of 5,075,881.5 shares of common stock of Filmag (Philippines), Inc. ("Filmag") and any stock dividends that may be declared thereon up to the time of closing for 2.67 Philippine pesos per share or an aggregate of approximately $1.59 million, and (b) its interest of 100,000 subscribed and partially paid shares of common stock of AGP Investment Corporation ("AGPI") for 14.55 Philippine pesos per share and the assumption by TPIC of the unpaid subscription liability of 4.45 pesos per share, a total of 19 Philippine pesos per share, or an aggregate of approximately $210 thousand, and (2) Checchi would cause Checchi-Pacific to sell to TPIC its interest of 4,488 shares of common stock of TPIC for 3,500 Philippine pesos per share or an aggregate of approximately $1.85 million.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Under Section 17(d) of the Act and Rule 17d–1, it is unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission. In passing upon such an application, the Commission considers whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owing 5% or more of the outstanding voting securities of such other person, any person 5% or more of whose outstanding voting securities are owned by such other person, or any person directly or indirectly controlling, controlled by, or under common control with, such other person. Checchi-Pacific and TPIC, by virtue of Checchi-Pacific's ownership of 14.2% of TPIC's outstanding voting securities, are affiliated persons of each other. Because Checchi-Pacific is a wholly-owned subsidiary of Checchi, Checchi-Pacific and Checchi are affiliated persons of each other. Moreover, Mr. Villanueva controls TPIC, Checchi and Checchi-Pacific and each may therefore be deemed an affiliated person of the other. Consequently, TPIC, as an affiliated person of Checchi-Pacific, is prohibited by Section 17(a) of the Act from repurchasing its stock from Checchi-Pacific. In addition, the proposed sale by Checchi of its interests in Filmag and AGPI to TPIC, together with Checchi-Pacific's proposed sale of its TPIC stock to TPIC, may be deemed to constitute a joint enterprise or arrangement subject to the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder.

Applicants assert that the terms of TPIC's proposed repurchase of its stock from Checchi-Pacific are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of Checchi-Pacific and with the general purposes of the Act. Applicants represent that Checchi-Pacific purchased its TPIC shares from TPIC in a private transaction for $1,625 in 1963. TPIC is owned or controlled by only six shareholders and 47% of the outstanding shares are owned by Mr. Villanueva or members of his family. Applicants represent that since there is no trading market in TPIC shares, it is extremely difficult to find buyers, other than TPIC itself or other entities controlled by Mr. Villanueva, for minority interests in TPIC. Applicants assert that TPIC is the only buyer Applicants have found for Checchi-Pacific's TPIC shares.

Applicants have been informed by TPIC that there were only two transactions in TPIC shares in 1975. Both transactions involved sales to TPIC or Mr. Villaneuva and were negotiated at arm's length by the sellers. The sales price in both transactions was 3,500 Philippine pesos per share. Applicants further assert that they have obtained an independent appraisal by Philippine Investments Systems Organization of the fair value of TPIC shares which shows that the proposed purchase price is within the range of prices found to be fair and reasonable.

TPIC and Applicants have agreed that TPIC will pay the total purchase price in Philippine pesos by cashier's check. Applicants have been informed that conversion of such proceeds into dollars through the Central Bank of the Philippines (the "Central Bank") at the official exchange rate would involve substantial delays for official approval and would require the proceeds to be remitted in nine equal annual installments. Because of Checchis' immediate need for such proceeds, Applicants propose to convert the Philippine pesos into dollars at the lower unofficial or "floating rate" pursuant to Circular 343 of the Central Bank. At the October 9, 1975 unofficial exchange rate, the purchase price in United States dollars for the TPIC shares would be approximately $1,848,000.

Applicants further assert that the participation of Checchi-Pacific in the proposed sale to TPIC by Applicants of securities of Filmag, AGPI and TPIC is consistent with the provisions, policies and purposes of the Act and that Checchi-Pacific's participation, as a wholly-owned subsidiary of Checchi, is no less advantageous than that of Checchi.

Notice is further given that any interested person may, not later than December 26, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 26, 1975, unless the Commission thereafter ordres a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33238 Filed 12–9–75;8:45 am]

[Rel. No. 19281; (70–5317)]

CONSOLIDATED NATURAL GAS CO., ET AL.

Notice of Proposals To Transfer Lease Interests to Gas Production Subsidiary and To Issue and Sell Common Stock to Parent Holding Company; Exception From Competitive Bidding

DECEMBER 4, 1975.

In the matter of Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, New York 10020; and Consolidated Gas Supply Corp. and CNG Producing Co., 445 West Main Street, Clarksburg, West Virginia 26301.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and CNG Producing Company ("CNG Producing") and Consolidated Gas Supply Corporation ("Supply Corp"), nonutility subsidiaries of Consolidated, have filed a post-effective amendment to a previously amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12 of the Act and Rules 43, 45 and 50(a)(3) promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 31, 1975 (HCAR No. 18792), the Commission, among other matters, approved the transfer of undeveloped and developed gas production properties in Louisiana, Mississippi, Alabama, Arkansas, Ken-

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tucky, Tennessee and the Gulf of Mexico from Supply Corp to Consolidated and simultaneously therewith from Consolidated to CNG Producing. That authorization, however, did not apply to certain production properties in Louisiana and the Gulf of Mexico, the transfer of which had not been approved by the Federal Power Commission. The present filing concerns the transfer of these properties, which are now developed.

The proposed transfers will be consummated by the acquisition of the properties by Consolidated from Supply Corp followed simultaneously by their transfer to CNG Producing. The transfer of the properties, together with miscellaneous equipment and inventories, will be made on the basis of net book cost to Supply Corp at November 30, 1975. At September 30, 1975, such cost was as follows:

Developed properties	$9,963,000
Miscellaneous equipment and inventories	664,000
Sub-total	10,627,000
Deferred taxes	(675,000)
	9,952,000

In exchange for the properties to be transferred to Consolidated, a portion (to be fixed pursuant to a formula) of the long-term undebtedness of Supply Corp to Consolidated will be cancelled. The balance of the net book cost over the amount of the cancelled indebtedness will be treated as the payment of a dividend in kind to Consolidated. In turn, CNG Producing, in consideration for the properties transferred to it by Consolidated, will issue and deliver shares of its common stock, par value $100 per share. Based on the net book cost of the properties at September 30, 1975, 99,520 shares, aggregating $9,952,000 par value, would have been issued.

It is stated that, as of September 30, 1975, Supply Corp had estimated proven gas reserves of 29,195,520 Mcf underlying the production properties. After the transfer to CNG Producing, all of these gas reserves will be dedicated to Supply Corp. Of the total proven reserves, 21,452,300 Mcf have already been dedicated to Supply Corp under presently existing contracts; and it is anticipated that the balance, 7,743,220 Mcf, will be so dedicated by early 1977.

It is stated that the fees and expenses incurred in connection with the proposed transactions will not exceed $1,700. The Federal Power Commission has jurisdiction over the proposed transfer of the production properties and will have issued its order approving the transfer prior to the consummation thereof. It is stated, however, that no other State or Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the previously amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment to the previously amended application-declaration may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33239 Filed 12-9-75;8:45 am]

[Rel. No. 9067 (811-2100)]

CONTINENTAL ASSURANCE ANNUITY PLAN ACCOUNT

Notice of Application

DECEMBER 4, 1975.

Notice is hereby given that Continental Assurance Annuity Plan Account, c/o William A. Kurtz, Continental Assurance Company, CNA Plaza, Chicago, Illinois 60685; ("Applicant"), a separate account of Continental Assurance Company, an Illinois insurance company, registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), filed an application on November 3, 1975 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered under the Act on August 7, 1970, by filing both a Notification of Registration on Form N-8A, and a Registration Statement on Form N-8B-2. On the same date a registration statement on Form S-6 was filed with the Commission under the Securities Act of 1933 ("1933 Act"); that registration statement has not been made effective.

Applicant represents that it has no assets or variable annuity contract holders, and that no offering or sale of its variable annuity contracts has been or is intended to be made. Applicant's registration statement under the 1933 Act has been withdrawn pursuant to Rule 477 under the 1933 Act.

Section 3(c)(1) of the Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than December 29, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 29, 1975, unless the Commission orders a hearing upon request or upon the Commission own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements hereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33240 Filed 12-9-75;8:45 am]

[Rel. No. 9069; (812-3873)]

HIGHLAND CAPITAL CORP. AND INFICON, INC.

Filing of Application for an Order Permitting Affiliated Persons of an Affiliated Person of an Investment Company To Join With the Investment Company in a Sale, to a Non-Affiliated Person of a Company in Which Each Applicant has an Interest

DECEMBER 4, 1975.

In the matter of Highland Capital Corp., 20 Exchange Place, New York, New York 10005, ATTN: Mr. Edwin Robbins, President; Inficon, Inc., 5 Adler Drive, Syracuse, New York 13057, ATTN: Gerard T. Roome, President, Wilbert Beebe, Michale Cahill, Donald DiRenzo, John E. Dobbertin, Nathan Ginsburg, Robert J. Harris, Melvin Hetzel, Gary Lanpher, Chih-Shun Lu, William Parfitt, William Pettit, Robert Pipher, David Robertson, Gerald T. Roome, Robert Sheldon, John Skapiak, Joseph Spector, John Stratakos, Edwin L. Wilson, Jerome M. Wilson; c/o James McVety, Esq., Hancock, Estabrook, Ryan, Shove & Hust, One Mony Plaza, 100 Madison Street, Syracuse, New York 13202; (812-3873).

Notice is hereby given that Highland Capital Corporation ("Fund"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), Inficon, Inc., a New York corporation ("Inficon"), and certain shareholders of Inficon or holders of options to purchase Inficon shares, i.e., Wilbert Beebe, Michale Cahill, Donald DiRenzo, John E. Dobbertin, Nathan Ginsburg, Robert J. Harris, Melvin Hetzel, Gary Lanpher, Chih-Shun Lu, William Parfitt, William Pettit, Robert Pipher, David Robertson, Gerard T. Roome, Robert Sheldon, John Skapiak, Joseph Spector, John Stratakos, Edwin L. Wilson, and Jerome M. Wilson (collectively, "Applicants") have filed an application ("Application") on October 29, 1975, and an amendment thereto on November 4, 1975, for an order pursuant to Rule 17d-1 under the Act, permitting (i) a proposed agreement between Applicants and Leybold-Heraeus GmbH & Co., KG, a German limited partnership (the "Purchaser"), providing for the sale to Purchaser of either all of the outstanding shares of common stock or all or substantially all of the assets of Inficon and (ii) the consummation of the transactions contemplated by the proposed agreement. All interested persons are referred to the Application and amendment thereto on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund, organized in 1969 as a Delaware corporation under the name "Price Capital Corporation" and registered under the Act as a close-end, non-diversified management investment company, adopted its present name on June 1, 1973.

Inficon was incorporated under the laws of the State of New York on December 23, 1969. The founders of Inficon, including Roome, and Lu, and certain persons who assisted in arranging the January 1970 financing for Inficon, including Harris and Dobbertin, purchased substantially all of their holdings of Inficon common stock at a price of $.01 per share.

Pursuant to an investment agreement dated January 23, 1970, (the "Investment Agreement"), the Fund purchased from Inficon, in a private placement transaction, 18,750 shares of common stock of Inficon at an aggregate purchase price of $150,000 (or $8.00 per share). In the same month, Ginsburg, Spector, E. Wilson and J. Wilson (collectively the "Wilsons") entered into agreements with Inficon which were substantially identical to the Investment Agreement. Pursuant to these investment agreements they also purchased, in private placement transactions, shares of Inficon common stock at a purchase price of $8.00 per share.

To induce the Fund and the Wilsons to enter into and consummate investment agreements with it, Inficon agreed to grant them, at the time Inficon files a registration statement under the Securities Act of 1933 as contemplated by the investment agreements, warrants to purchase a certain number of additional shares of Inficon common stock. The contemplated registration statement has never been filed.

At present, there are 87,093 shares of common stock of Inficon outstanding. In addition, there are stock options outstanding to purchase an aggregate of 9,060 shares of Inficon's common stock, all of which are held by employees or former employees of Inficon. There are an aggregate of 31 holders of Inficon's common stock.

John E. Dobbertin, Nathan Ginsburg, Robert J. Harris, Chih-Shun Lu, Gerard T. Roome, Edwin L. Wilson, and Jerome M. Wilson are all directors and stockholders of Inficon. In addition to being shareholders and serving as directors, Roome is the President and Chief Executive Officer of Inficon, Lu is a Vice President of Inficon, and Dobbertin is the Secretary of Inficon. John Stratakos is an employee and stockholder of Inficon. Joseph Spector owns 5% of the stock of Inficon. Wilbert Beebe, Michale Cahill, Donald Di Renzo, Melvin Hetzel, Gary Lanpher, William Parfitt, William Pettit, Robert Pipher, David Robertson, Robert Sheldon and John Skapiak are all employees of Inficon who hold stock options to purchase shares of Inficon common stock. However, none of these individuals owns any shares of Inficon common stock. Two officers of the Fund, neither of whom is a stockholder of Inficon, serve as directors of Inficon.

The number of shares of Inficon common stock and employee stock options presently held by the Applicants (other than Inficon) are as follows:

	Number of shares	Percentage of outstanding shares of common stock	Number of shares covered by stock options and exercise price
		Percent	
The Fund	18,750	21.5	None.
Chi-shun Lu	11,783	13.5	None.
Gerard T. Roome	11,783	13.5	None.
Joseph Spector	4,375	5.0	None.
John E. Dobbertin	1,270	1.5	None.
Nathan Ginsburg	1,500	1.7	None.
Robert J. Harris	2,000	2.3	None.
John Stratakos	402	.5	1,000 shs. at $8 per sh. and 400 shs. at $10 per sh.
Edwin L. Wilson	3,525	4.0	None.
Jerome M. Wilson	3,125	3.6	None.
Wilbert Beebe	None	None	900 shs. at $10 per sh.
Michale Cahill	None	None	300 shs. at $16 per sh. and 650 shs. at $15 per sh.
Donald Di Renzo	None	None	800 shs. at $16 per sh.
Melvin Hetzel	None	None	400 shs. at $10 per sh.
Gary Lanpher	None	None	400 shs. at $8 per sh. and 200 shs. at $10 per sh.
William Parfitt	None	None	700 shs. at $8 per sh.
William Pettit	None	None	800 shs. at $12 per sh.
Robert Pipher	None	None	400 shs. at $8 per sh. and 200 shs. at $10 per sh.
David Robertson	None	None	800 shs. at $16 per sh.
Robert Sheldon	None	None	400 shs. at $16 per sh.
John Skapiak	None	None	800 shs. at $10 per sh.

None of the Applicants is affiliated or associated with the Purchaser.

Certain of the Applicants, including Inficon, have had discussions with the Purchaser about an acquisition by the Purchaser of either all of the outstanding shares of common stock or all or substantially all of the assets (subject to all of the liabilities) of Inficon. As a result of such discussions, it has been agreed, in principle, that the purchaser will purchase from the stockholders of Inficon or Inficon either all of the 87,093 issued and outstanding shares of common stock of Inficon or all or substantially all of the assets (subject to all of the liabilities) of Inficon. If the proposed transaction involves the sale of all of the outstanding common stock of Inficon, the aggregate purchase price would be $2,612,790 (which is equivalent to $30 per share for each outstanding share of Inficon common stock). If the proposed transaction involves the sale of all or substantially all of Inficon's assets (subject to all of Inficon's liabilities), the aggregate purchase price would be $2,612,790 plus an amount equal to the amount of any tax liability that would be incurred by Inficon as a result of the tax provisions relating to "recapture" of depreciation. The purchase is to be consummated at a closing (the "Closing") to be held before December 31, 1975.

With the exception, described below, regarding the portion of the purchase price attributable to the Fund's interest in Inficon, the purchase price is to be paid by the Purchaser in cash or by check in installments as follows: 25% at the Closing, 25% on January 16, 1976, 25% on June 1, 1976 and 25% on January 16, 1977. Of the purchase price attributable to the Fund's 21.5% interest in Inficon, 25% is to be paid in cash or by check at the Closing and 75% on June 1, 1976. The 75% portion of the purchase price not paid in cash or by check at the Closing to the Fund and the other Inficon shareholders

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is to be evidenced by non-interest bearing notes of the Purchaser. Such notes will be secured either by the shares of stock or assets being purchased or by a letter of credit issued by a bank.

It has also been agreed that payments will be made to the holders of outstanding stock options to purchase shares of Inficon common stock so that such stock options will be surrendered and canceled. The amount to be paid with respect to each share of Inficon common stock covered by a stock option will be the difference between $30 and the exercise price at which such share could be purchased upon exercise of such option. There are outstanding stock options to purchase 9,060 shares and the aggregate amount which is to be paid with respect to such options is $167,490. Furthermore, Inficon has agreed to pay approximately $4,500 to the Fund and an aggregate of approximately $7,170 to the Wilsons in consideration of their surrendering and canceling their rights to receive future warrants to purchase shares of Inficon common stock. These sums bear the same ratio to each other as the number of warrants promised to the Fund bears to the number of warrants promised the Wilsons.

If the transaction is a sale of all the outstanding shares of common stock of Inficon, the purchase price installments will be paid directly to the Applicants (other than Inficon) and all other stockholders of Inficon (or possibly to an agent or agents representing some or all of the Applicants other than Inficon). If the transaction is a sale of all or substantially all of the assets (subject to all of the liabilities) of Inficon, the purchase price installments will be paid to Inficon and then distributed by Inficon as liquidating distributions to the applicants (other than Inficon) and the other stock holders of Inficon.

The Applicants represent that the difference in the payment schedule with respect to the portion of the purchase price attributable to the Fund's interest in Inficon is primarily due to the fact that the Applicants (other than Inficon) are individuals who are concerned for certain tax reasons, with receiving their purchase price payments over a longer period of time than the Fund desired. The Fund is not concerned about the tax benefit which might be derived from having installment payments of the purchase price paid over a longer period of time since the Fund has substantial tax loss carry-forwards which will be available to offset any capital gains realized by the Fund as a result of the proposed transaction. The Fund expects to realize a capital gain of approximately $412,000 (before expenses) as a result of the proposed transaction.

Section 17(d) of the Act provides, in relevant part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal to effect any transaction in which such registered investment company is a participant, in contravention of such rules and regulations as the Commission may prescribe.

Rule 17d–1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company, and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which any such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order of the Commission. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise, or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5% or more of the outstanding voting securities of such other person, any person 5% or more of whose outstanding voting securities are owned by such other person, or any officer, director or employee of such other person.

Because the Fund owns more than 5% of the outstanding voting securities of Inficon, both the Fund and Inficon are affiliated persons of one another. Each of the Applicants other than the Fund and Inficon is an affiliated person of Inficon by reason of being either an officer, director, employee and/or holder of 5% or more of the outstanding voting securities of Inficon.

The Applicants assert that the proposed agreement is fair and reasonable and does not involve overreaching on the part of any person concerned with or involved in the transactions contemplated thereby. The Applicants further submit that the proposed agreement and the consummation of the transactions contemplated thereby are consistent with the general purposes of the Act, the public interest and the protection of investors. In addition, Highland submits that the proposed agreement and transactions contemplated thereby are not inconsistent with its investment policies, are consistent with the policies and purposes of the Act, and are desirable and in the best interests of Highland and its stockholders.

Based on the foregoing, the Applicants have requested that the Commission grant an Order pursuant to Section 17(d) of the Act and the rules and regulations thereunder permitting the proposed agreement and the consummation of the transactions contemplated thereby.

Notice is further given that any interested person may, not later than December 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 26, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33235 Filed 12–9–75;8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11885; File No. SR–Amex–75–10]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94–29, section 16 (June 4, 1975), notice is hereby given that on November 17, 1975, the American Stock Exchange, Inc. ("Amex"), a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission a proposed rule change. The proposed rule change is to amend the Commentary to Amex Rule 940 so as to lower, under certain circumstances, the margin maintenance requirements established under such Rule for registered traders in options. The amendment would permit the account of a registered trader containing only Exchange option transactions effected by him in his capacity as a registered trader to be carried on a margin basis satisfactory to the registered trader and the member organization carrying the account. The amendment further provides that any difference between the minimum margin required under Rule 940 and the margin deposited in the account will be considered by the Exchange as a debit item in the computation of the net capital of the carrying member organization under Amex Rule 470.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–Amex–75–10.

The Commission is directed under Section 19(b)(2) of the Act to approve a proposed rule change of a self-regulatory organization if it finds, and it hereby does find, such proposed rule change to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of Section 6 and the rules and regulations thereunder. In particular, Section 6(b)(5) of the Act, which will become effective on December 1, 1975, requires that the rules of a national securities exchange be designed to "[facilitate] transactions in securities, . . . remove impediments to and perfect the mechanism of a free and open market . . ., and, in general, . . . protect investors and the public interest . . . ." According to the Exchange, lowering margin requirements applicable to the option accounts of registered traders would facilitate increased participation of such registered traders in the options market, thus provide additional depth and liquidity to such market, and thereby protect investors and serve the public interest.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. The Amex has made several revisions in its rules applicable to registered traders engaging in options transactions. These revisions impose responsibilities on registered traders similar to the responsibilities of specialists, *viz.*, the obligation to deal for their own accounts in a manner calculated to contribute to the maintenance of a fair and orderly market, and the obligation to help maintain a fair and orderly market when called upon by floor officials or floor brokers.

To facilitate the fulfillment of these responsibilities by registered traders, the Commission deems it necessary and desirable to approve immediately the proposed rule change which has the effect of affording to registered traders in options the same treatment presently afforded to specialists with respect to margin requirements.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 28, 1975.

[FR Doc.75–33168 Filed 12–9–75;8:45 am]

[Release No. 34–11894; File No. SR–PSE–75–9]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed under the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends portions of Section 3(a) of Rule XX of the Pacific Stock Exchange Incorporated (the "Exchange") and adds additional subsections thereto. The rule change permits members and member firms, member corporations and the Pacific Securities Depository Trust Company to effect assignments of securities and executions of powers of substitution by means of mechanically reproduced facsimile signatures. The present rule permits the use of such facsimile signatures by the Pacific Clearing Corporation ("PCC") only. The rule change also increases the charges that may be levied by the Exchange in defraying the expenses it incurs in connection with the operation of the rule.

STATEMENT OF BASIS AND PURPOSE

Under the existing rule, members, member firms, and member corporations of the Exchange are permitted to assign securities by executing and filing with the Exchange a power of attorney for persons authorized to make such assignments. The proposed rule change permits member and member firms, member corporations and the Pacific Securities and Depository Trust Company ("PSD") to assign securities and execute powers of substitution by means of mechanically reproduced facsimile signatures. The existing rule permits the use of such facsimile signatures by PCC only.

The proposed rule change also increases the charges that may be levied by the Exchange in preparing signature cards and notifying transfer agents. The rule change also increases the charge for maintaining files relating to the assignments and adds a charge of Seventy-Five Dollars ($75.00) in connection with processing resolutions and filing them with transfer agents for the use of mechanically reproduced facsimile signatures.

The proposed rule change, by permitting member and member firms, member corporations and PSD to assign securities and execute powers of substitution by means of mechanically reproduced facsimile signatures, will facilitate such assignments and executions. Without such provisions, assignments of securities or executions of powers of substitution might be delayed because of the absence or other unavailability of persons authorized to make such assignments or executions. The rule change thereby facilitates the prompt and accurate clearance and settlement of securities transactions and removes impediments to the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. Also, the rule change, by amending the charges that may be levied under the Section to cover those expenses incurred by the Exchange in connection with the operation of the Section, constitutes an equitable allocation of reasonable dues, fees and other charges among its participants.

The foregoing are the principal bases under the Act for the proposed rule change.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC participants.

The proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1000 L Street, Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 3, 1975.

[FR Doc.75–33165 Filed 12–9–75;8:45 am]

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[Release No. 34-11895; File No. SR-PSE-75-10]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

Sec. 1(k). Fines not to exceed $250.00 may be imposed by the Clearing House for errors, delays, or failure to make money settlements prior to the deadline set by the Clearing House or other conduct on the part of a member or member firm which interferes with the orderly operation of the Clearing House. Failure to make money settlements prior to the deadline set forth by the Clearing House will result in the member or member firm concerned being responsible to reimburse the Clearing House for any expenses involved in addition to the fines imposed.

Fines or other charges imposed under this provision are subject to appeal to the Governing Board.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change increases the amount that can be imposed by way of fines by Pacific Clearing Corporation ("PCC") on participants and further delineates the circumstances under which a fine or other charge may be imposed. The fines or charges are intended to discourage action of the sort described in the proposed rule change and to place the monetary burden for such action upon the participant in question rather than upon other participants or upon PCC. The expenses referred to in the proposed rule change refer to any costs incurred by PCC in obtaining funds necessary to cover money settlements that have not been timely made by participants.

The proposed rule change, by imposing fines and other charges upon participants for conduct which interferes with the orderly operation of PCC, (a) relates to PCC's capacity to enforce compliance by its participants with its rules, and (b) provides for its participants to be appropriately disciplined for violation of its rules. These are the principal bases under the Act for the proposed change.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC participants.

The proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 3, 1975.

[FR Doc.75-33166 Filed 12-9-75;8:45 am]

[Release No. 34-11896; File No. SR-PSE-75-8]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

Sec. 4(a). The signature to an assignment of a certificate which is not in the name of a member or member organization, or in the name of the Clearing House or a nominee thereof, or in the name of the Securities Depository or a nominee thereof, shall be guaranteed by a member or member organization of the Exchange, or by a member or member organization of the New York Stock Exchange, or by a member or member organization of the Midwest Stock Exchange, or by a commercial bank or trust company acceptable to the transfer agent. Each signature to a power of substitution executed by other than a member or member organization of the Exchange, or the Clearing House or a nominee thereof, or the Securities Depository or a nominee thereof, shall be guaranteed in like manner.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change adds the Pacific Securities Depository Trust Company or its nominee to the list of those Exchange entities whose signature to an assignment of a certificate or a power of substitution need not be guaranteed in accordance with the terms of the section. The proposed rule change also adds members and member organizations of the Midwest Stock Exchange to the list of entities whose signature is acceptable as a guarantee.

The proposed rule change, by adding the Pacific Securities Depository Trust Company or its nominee to the list of those Exchange entities whose signature to an assignment of a certificate or a power of substitution need not be guaranteed in accordance with the terms of the section, and by adding members or member organizations of the Midwest Stock Exchange to the list of entities whose signature is acceptable as a guarantee, (a) provides additional assurance as to the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, (b) further aids in the prompt and accurate clearance and settlement of securities transactions, and (c) provides additional protection to investors and the public interest.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC participants.

The proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 3, 1975.

[FR Doc.75-33167 Filed 12-9-75;8:45 am]

[Rel. No. 19274; (70-5766)]

YANKEE ATOMIC ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

DECEMBER 1, 1975.

Notice is hereby given that Yankee Atomic Electric Company, 20 Turnpike Road, Westborough, Massachusetts, 01581, ("Yankee Atomic"), an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1976, short-term promissory notes, in order to finance its nuclear fuel requirement, and for other corporate purposes. The notes are expected to be sold to The First National Bank of Boston, Massachusetts, or to A. G. Becker & Company, Incorporated ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $20,600,000 to be outstanding at any one time.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than one year from the date of issuance and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate at such bank in effect at the time borrowings are made. If balances were maintained to solely fulfill prevailing compensating balance requirements of 20%, the effective interest cost to Yankee Atomic would be about 9.38% per annum based on the current prime rate of 7.5%.

Yankee Atomic also proposes to issue and sell its commercial paper during the period through December 31, 1976, directly to Becker, a dealer in commercial paper. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a nonpublic list prepared by Becker in advance. No additions will be made to such list of customers. The commercial paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000 and not more than $1,000,000, and will not by its terms be prepayable prior to maturity. The commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount rate to Yankee Atomic. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, Becker, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said list of customers. The effective interest cost to Yankee Atomic on such paper will not exceed the effective interest cost at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper with a maturity of not more than 90 days may be issued with an effective cost in excess of the effective interest cost from The First National Bank of Boston.

Yankee Atomic requests exception from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper pursuant to paragraph (a)(5) thereof on the grounds that the commercial paper to be issued will have maturities of not more than nine months, the current rates for commercial paper for prime borrowers such as Yankee Atomic are readily ascertained by reference to daily financial publications and it is not practical to publish invitations for bids for commercial paper.

The fees and expenses to be incurred by Yankee Atomic in connection with the proposed transactions will be approximately $3,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc. 75-33164 Filed 12-9-75; 8:45 am]

[Release No. 34-11889; File No. SR-NASD-75-6]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on December 1, 1975 the abovementioned self regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

1.(a) *Text of Proposed Rule Change.* The following is the full text of the proposed substitution for Schedule C of Article I, Section 2 of the By-Laws of the National Association of Securities Dealers, Inc.

The entire text of Schedule C appearing at Paragraph 1102A pages 1047-52 of the Association's Manual will be deleted. In its place will be substituted the following new language:

SCHEDULE C

This Schedule C has been prepared pursuant to the provisions of Section 2(d) of Article I of these By-Laws and contains qualification standards for membership in the Corporation and the requirements for registration with the Corporation of persons associated with a member, including requirements for qualification examinations to be given. Where applicable, compliance with the provisions of both Parts I and II of this Schedule must be satisfied before registration with, admission to or continuance in membership in the Corporation will be approved.

Part I—Qualification for Membership

Section 1—Principals; Requirements for Applicants for Membership and Existing Members.

(a) Effective (6 months after the active effective date of the Schedule), every member of the Corporation having ten (10) or less persons associated with it shall have at least one such person, and

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every member of the Corporation having more than ten (10) persons associated with it shall have at least two such persons, who are qualified and registered as principals pursuant to the provisions of Part II, Section 2 hereof. As of the effective date hereof, an applicant for membership in the Corporation shall not be admitted thereto until this requirement is fulfilled.

(b) In the event the registration of a person associated with a member as a principal for purposes of meeting the minimum requirements specified in subsection (a) above is terminated, the member shall no later than six (6) months following the date of termination, cause to be registered with the Corporation at least one (1) person as a Principal in order to remain in compliance with the provisions of subsection (a), provided however, that at all times the member must have one (1) person registered with the Corporation as a Principal.

(c) In the case of an applicant for membership, except an applicant which is subject to the provisions of SEC Rule 15c3–1(a) (2) or (3), each principal required by subsection (a) hereof shall have at least two (2) years' prior experience in either a registered capacity or nonregistered supervisory capacity with a broker-dealer within the preceding five (5) year period from the date of application for membership. With respect to applicants for membership planning to engage in specialized segments of the securities industry such as insurance, real estate or oil and gas direct participation programs, the two (2) year experience requirement for principals registered pursuant to subsection (a) hereof will be satisfied if experience in the industry related to the specialized segment of the securities industry can be demonstrated.

(d) In exceptional cases, where good cause is shown and where such would not be contrary to the public interest, the President of the Corporation or his delegate, upon written request by a member or an applicant for membership, may waive the requirements of subsections (a) or (b) above. The President of the Corporation, or his delegate, upon written request by an applicant for membership, may waive the experience requirements of subsection (c) in exceptional cases where the business background and experience of an individual justify a determination that such an action would not be contrary to the public interest.

Section 2—Financial and Operations Principal; Requirements for Applicants for Membership and Existing Members.

(a) Every applicant for membership who has not been granted an exemption, pursuant to the provisions of subsection (d) hereof, shall register with the Corporation one or more persons associated with it, at least one of whom shall be the firm's chief financial officer, as a Financial and Operations Principal pursuant to the provisions of Part II, Section 2(b) hereof before it may be admitted to membership in the Corporation.

(b) After an applicant has been admitted to membership, it must continue to have at least one registered Financial and Operations Principal, including the firm's chief financial officer, performing the duties of such who has satisfied the requirements of Part II, Section 2(b) hereof.

(c) Every member of the Corporation who has not been granted an exemption pursuant to the provisions of subsection (d) hereof, shall, by (90 days after the effective date of the Schedule), designate as a Financial and Operations Principal those persons associated with it, at least one of whom shall be the firm's chief financial officer, who perform the functions of such as specified in Part II, Section 2(b)(2) hereof. They shall be registered pursuant to the provisions of Part II, Section 2(b) hereof.

(d) A member, or an applicant for membership in the Corporation, may upon written request, be exempted by the President of the Corporation, or his delegate, from the requirement to have a Financial and Operations Principal if:

(1) It has been expressly exempted by the Securities and Exchange Commission from SEC Rule 15c3–1 pursuant to the provisions of paragraph (b)(2) thereof; or,

(2) It is subject to the provisions of SEC Rule 15c3–1(a) (2) or (3).

Section 3—Underwriter Principal; Requirements for New Members and Existing Members. (a) Effective (on a date to be set by the President of the Corporation) every member of the Corporation who participates in underwriting syndications, including the origination or syndication of underwritings, shall register with the Corporation at least one (1) person as an Underwriter Principal pursuant to the provisions of Part II, Section 2(c) of this Schedule.[1]

(b) The provisions of subsection (a) above, do not apply to members who participate as selling group members or as distributors or underwriters of securities of companies registered pursuant to the Investment Company Act of 1940, variable contracts or insurance premium funding programs registered pursuant to the Securities Act of 1933.

Section 4—Pre-Membership Requirements.

(a) Each applicant for membership in the Corporation shall at the time application for membership is made furnish to the District Office of the Corporation in which the applicant has or intends to have its principal place of business:

(1) A copy of the report filed with the Securities And Exchange Commission pursuant to Rule 15b1–2(c) under the Securities Exchange Act of 1934 and any amendment thereto;

(2) A copy of the applicant's written supervisory procedures;

(3) A list of all officers, directors, general partners, employees and any other person who will be associated with the applicant; and,

(4) Such other information and documents as may be deemed necessary by the Corporation in view of the nature of the business activities in which the applicant intends to engage.

(b) Before a broker or dealer shall be admitted to membership in the Corporation the principals of the applicant required by Section 1, 2, and 3 hereof shall personally appear at the District Office of the District in which the applicant has or intends to have its principal place of business for a pre-membership interview in accordance with procedures established by the Corporation. At such interview, the applicant shall demonstrate in accordance with procedures established by the Corporation, and the criteria listed in Section 5(b) hereof, that it is appropriate in the public interest and not inconsistent with the protection of investors for it to be admitted to membership in the Corporation and to conduct the type of business intended. All documentation submitted in connection with the applicant's application and pre-membership interview shall be made part of the applicant's file for subsequent use on appeal if such occurs.

(c) Within thirty (30) days after such pre-membership interview, the applicant shall be notified by the Corporation whether, consistent with the standards of qualification for membership contained in this Schedule C, including those contained in Section 5(b) hereof, its application has been granted, denied, or granted subject to restrictions on its business activities. Such determination shall be in writing and shall set forth the specific grounds upon which the determination is based.

(d) In all cases where restrictions are placed on the business activities of an applicant, the applicant shall, prior to approval of membership by the Corporation, execute an agreement with it accepting and agreeing to abide by the restrictions specified, which with the reasons therefor shall be clearly delineated therein, and agreeing further not to modify or change its business activities in any way inconsistent with such agreement without first notifying and receiving the approval of the Corporation.

(e) Any applicant whose application for membership has been denied, or upon whose business activities restrictions have been imposed, may appeal such to the District Committee for the District in which it has or will have its principal place of business within fifteen (15) days after the Corporation's action. During the pendency of such an appeal (or a review pursuant to subsection (f) hereof) an applicant upon whose business activities restrictions have been imposed may engage in business in a manner consistent with those restrictions without prejudicing its rights on appeal provided it has executed the agreement required by paragraph (d) hereof.

[1] The effective date of this section shall be established by the President of the Corporation on a date not earlier than six (6) months following the publication of an appropriate study outline which shall be prepared as an aid to candidates in their preparation for the Qualification Examination for Underwriter Principal.

(f) The District Committee for the District in which the applicant has or will have its principal place of business shall have the right within twenty (20) days after notification to the applicant of the action taken by the Corporation to call the matter before it for review. In such cases, the Committee shall have the authority to stay any prior determination by the Corporation if it deems such necessary or appropriate.

Section 5—District Committees and Board of Governors; Authority and Criteria for Determining Qualifications for Membership; Hearing Procedures.

(a) In connection with those applicants before it pursuant to Section 4(e) or (f) hereof, each District Committee shall have the authority to determine whether an applicant for membership in the Corporation whose principal place of business is or will be within the District over which that District Committee has jurisdiction, is qualified for membership in the Corporation, whether it is qualified for membership pursuant to restrictions on its business activities, either those previously imposed by the Corporation or others, and whether in any event it is in the public interest to admit the applicant to membership in the Corporation.

(b) A District Committee in reaching its determination as to the qualifications of an applicant for membership in the Corporation, or whether it is qualified with restrictions placed upon its business activities, shall review and consider each of, but not necessarily only, the following aspects of the applicant's business plans to determine as to each, in view of the type of business to be engaged in, their adequacy; their consistency with law and the rules of the Corporation; their consistency with good business practices and business operations based upon the Committee's experience in the investment banking or securities business; their consistency with the applicant's fiduciary obligation to its future customers; and, their consistency with the public interest and the protection of investors:

(1) The nature, source and permanence of the capital of the applicant and the sources of and arrangements for additional capital in case a business need arises;

(2) The applicant's proposed record keeping system;

(3) The applicant's proposed internal procedures, including compliance procedures, from the standpoint of insuring to the extent possible adherence to all applicable laws, rules and regulations; and

(4) The capability of the applicant to properly conduct the type of business intended in view of the:

a. Number, experience and qualifications of the persons associated with or to be associated with the applicant;

b. Facilities which the applicant contemplates having;

c. Arrangements, if any, with banks and clearing corporations, or others, to assist the applicant in the conduct of its securities business; and,

d. Personnel methods and procedures intended for the supervision of persons associated with the applicant and the conduct of the various business activities planned by it.

(c) In connection with an application before a District Committee pursuant to the provisions of Section 4 (e) or (f) hereof, an applicant for membership in the Corporation shall have the right to appear personally before the District Committee to demonstrate its qualifications for membership and to be represented by counsel. A record shall be kept of the proceedings and a transcript shall be taken.

(d) The District Committee, after appearance of the applicant and consideration of its qualifications for membership shall, notwithstanding action previously taken by the Corporation, accept or deny admission of the applicant for membership in the Corporation, or accept the applicant for admission to membership with restrictions on its business activities as deemed appropriate by the Committee, or defer its determination until after submission to it of additional information or documentation demed by it to be necessary to its determination.

(e) The applicant, or a member, shall be notified by mail of the determination of the District Committee. The District Committee's determination shall be in writing and shall set forth, in the case of a denial of membership or an acceptance of membership with restrictions, the specific grounds upon which its determination is made.

(f) All actions of a District Committee in respect to applicants for membership in the Corporation shall be subject to review by the Board of Governors upon application by the applicant for membership filed within fifteen (15) days after the date of notice required by subsection (e) hereof. Upon application to the Board of Governors for review in a case where the District Committee has denied an applicant membership in the Corporation, the applicant shall not be admitted to membership during the pendency of proceedings before the Board of Governors. When admission has been granted subject to restrictions upon an applicant's business activities, the applicant shall be admitted to membership pursuant thereto and will be permitted to engage in business in a manner not inconsistent therewith during the pendency of the appeal without prejudice to any of his rights of appeal if it agrees first to and does execute an agreement with the Corporation in accordance with the provisions of subsection (1) hereof.

(g) In an application for review pursuant to subsection (f) hereof, the applicant may request a hearing before a subcommittee of the Board of Governors. In the absence of such request for hearing, the Board of Governors may require a hearing on its own motion if it deems such action necessary or appropriate. At such hearing the applicant may submit such other relevant evidence, in addition to that already part of the record, which it desires and it shall be entitled to be represented by counsel. A record shall be kept of the proceedings and a transcript shall be taken.

(h) The recommendation of the subcommittee of the Board shall then be submitted to the National Business Conduct Committee at its next meeting which, after review of the matter, will decide upon a recommendation to be made to the Board of Governors. The recommendation of the National Business Conduct Committee will then be submitted to the Board of Governors for action at its next meeting. The hearing subcommittee of the Board (or the National Business Conduct Committee or the Board itself, as the case may be) shall have the right to supplement the record if such is deemed necessary provided the applicant is given the opportunity to comment on such supplementary material prior to a final determination by the Board.

(i) In any proceeding to review any action taken by a District Committee, the Board of Governors, upon consideration of the record before it, may modify such action as it deems necessary or appropriate considering the criteria stated in subsection (b) hereof which criteria shall also govern determinations of the Board of Governors.

(j) An applicant shall be notified of any determination of the Board of Governors on an application for review of any action taken by a District Committee. Such determination shall be in writing and shall set forth the specific grounds upon which its determination is based.

(k) In any case where the applicant feels aggrieved by any action taken by the Board of Governors, it may make application for review to the Securities and Exchange Commission in accordance with Section 19 of the Securities Exchange Act of 1934, as amended.

(l) In any case where restrictions have been placed upon the business activities of an applicant by the Board of Governors or a District Committee, the applicant shall, prior to approval of membership, be required to execute an agreement with the Corporation acquiescing in and agreeing to the restrictions so imposed and agreeing further not to change its business activities in a manner inconsistent therewith without first notifying the Corporation and receiving its approval before admission to and continuance in membership will be declared effective.

Section 6—Removal of Restrictions Imposed.

(a) Any restrictions on the business activities of an applicant may subsequently be removed by the District Committee for the District in which the member currently has its principal place of business, upon an appropriate showing by the member that the factors which gave rise to the imposition of the restrictions have been sufficiently corrected so as to no longer require the continuance of the restrictions for the reasons stated. In doing so, a District Committee shall consider the record which gave rise to the imposition of the restrictions and the criteria governing its determinations contained in Section 5(b) hereof as well as any supplement thereto submitted in

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connection with the request for removal of the restrictions.

(b) A member who has requested the removal of restrictions pursuant to Section 6(a) hereof shall be entitled to all of the procedural rights specified in Section 5 (c) through (k) hereof.

Part II—Registration Requirements

Section 1—Registration of Principals.

(a) *Registration Requirements*—All persons associated with a member who are to function as principals shall be registered as such with the Corporation in the category of registration appropriate to the function to be performed as specified in Section 2 hereof. Before their registration can become effective, they shall pass a Qualification Examination for Principals appropriate to the category of registration as specified by the Board of Governors.

(b) *Definition of Principal*—The term "principal" shall mean a person associated with a member who is actively engaged in the management, direction or supervision of the day-to-day activities of the member's investment banking or securities business. Such shall include, but not necessarily be limited to:

(1) Sole proprietors;

(2) Corporate officers and directors who manage, direct or supervise the day-to-day investment banking or securities business of the member;

(3) Partners; and,

(4) Managers of Offices of Supervisory Jurisdiction.

(c) *Requirements for Examination on Lapse of Registration*—Any person whose most recent registration as a principal has been terminated for a period of three (3) or more years immediately preceding the date of receipt by the Corporation of a new application shall be required to pass a Qualification Examination for Principals appropriate to the category of registration as specified in Section 2 hereof.

(d) *Waiver of Requirement to Take Qualification Examination*—In exceptional cases and where good cause is shown the President of the Corporation, or his delegate, upon request by the member, may waive the requirement to take a Qualification Examination. All such requests shall be in writing and signed by a registered principal of the requesting firm. Advanced age, physical infirmity, or experience in fields ancillary to the investment banking or securities business will not individually of themselves constitute sufficient grounds to waive the requirement to take a Qualification Examination. A request for a waiver based only upon the expiration of the three (3) year period since the most recent registration with the Corporation will not be honored. Except where otherwise specified herein, Qualification Examinations required hereby shall be taken and passed by the applicant and the member shall receive notification of such from the Corporation prior to the performance by the applicant of the functions for which he is seeking registration.

(e) *Elevation to Principal Status*—Any person associated with a member as a registered representative whose duties are changed so as to require registration in any principal classification shall, within ten (10) business days thereof, submit a principal elevation form designated by the Board of Governors with the applicable examination fee.[2] The applicant, assuming all prerequisites to the proposed category of registration have been met, shall be allowed a period of ninety (90) calendar days following the change in his duties during which to pass the appropriate Qualification Examination for Principals. If the applicant fails the examination, the elevation form and application will be retained for an additional period of ninety (90) calendar days from the date of the last failure. If the applicant fails to take the examination within the initial ninety (90) calendar day period, a new principal elevation form and examination fee shall be required. In no event may such person function as a principal beyond the initial ninety (90) calendar day period following the change in his duties without having successfully passed the appropriate Qualification Examination. In no event may a person previously unregistered in any capacity applying for principal status function as a principal until fully qualified.

Section 2—Categories of Principal Registration.

(a) *General Securities Principal.*— (1) Each person associated with a member who is included within the scope of Part II, Section 1 hereof, shall be required to register with the Corporation as a General Securities Principal and shall pass an appropriate Qualification Examination before such registration may become effective unless his activities are so limited as to qualify him for one or more of the limited categories of principal registration specified hereafter. A person whose activities in the investment banking or securities business are so limited may, at his discretion, elect to become registered as a General Securities Principal. Each person required to register and qualify as a General Securities Principal subsequent to (on the effective date of Schedule C) must, prior to or concurrent with such registration, become registered pursuant to the provisions of Section 4(a) hereof, as a General Securities Representative.

(2) *Grandfather Clause*—A person who was registered with the Corporation as a principal on or before the effective date of Schedule C, shall not be required to pass a Qualification Examination for General Securities Principal and, except as provided in Part II, section 1(c) hereof, shall be qualified to be registered with the Corporation as a General Securities Principal.

(3) A person registered solely as a General Securities Principal shall not be qualified to function as either a Financial and Operations Principal or as an Underwriter Principal unless he is also qualified and registered as such pursuant to the provisions of subsections (b) and/or (c) hereof.

(b) *Financial and Operations Principal.*—(1) Each person associated with a member not exempted by Part I, Section 2(d) from the requirement to have a Financial and and Operations Principal who is to perform the duties of a Financial and Operations Principal shall be required to register as such with the Corporation and shall pass an appropriate Qualification Examination before such registration may become effective.

(2) *Definition of Financial and Operations Principal*—The term "financial and operations principal" shall mean a person associated with a member whose duties include, but are not necessarily limited to:

a. Final approval and responsibility for the accuracy of financial reports submitted to any duly established securities industry regulatory body;

b. Final perparation of such reports;

c. Supervision of individuals who assist in the preparation of such reports;

d. Supervision of and responsibility for individuals who are involved in the actual maintenance of the firm's books and records from which such reports are derived;

e. Supervision and/or performance of the member's responsibilities under all financial responsibility rules promulgated pursuant to the provisions of the Securities Exchange Act of 1934; or

f. Overall supervision of and responsibility for the individuals who are involved in the administration and maintenance of the firm's back office operations.

(3) *Examination Requirements for Financial and Operations Principals of Existing Members*—Except as provided in paragraph (4) hereof, any person required by the provisions of Part I, Section 2(c) hereof, to be designated as a Financial and Operations Principal shall pass within ninety (90) calendar days of the date of designation as such an appropriate Qualification Examination before such registration shall become effective.

(4) *Exemption From Requirement to Take Financial and Operations Principal Examination*—A person designated pursuant to the provisions of Part I, Section 2(c) hereof, shall not be required to take the Financial and Operations Principal Qualification Examination if:

a. Such person had been performing the functions of a Financial and Operations Principal as defined in subsection (2) hereof on or before September 1 1972; and,

b. Such person is named on an appropriate form designated by the Board of Governors which shall be filed with the Corporation no later than the close of business (90 days from the effective date of Schedule C).[3]

(5) A person registered solely as a Financial and Operations principal shall not be qualified to function in a principal capacity with responsibility over any area of business activity not prescribed in this subsection (d).

(c) *Underwriter Principal.*—(1) Each person associated with a member who is included within the scope of Part II, Section 1 hereof shall qualify and register with the Corporation as Underwriter Principal if his responsibilities include the overall supervision of the origination or syndication activities of the member's underwriting business. In order to qualify for registration as an Underwriter Principal, a person shall have at least two (2) years experience in the origination or syndication of securities underwritings within the five (5) year period immediately preceding the filing of an application for registration as an Underwriter Principal.

(2) The provisions of paragraph (1) above do not apply to a person associated with a member who restricts his activities to matters involving the member's participation in a selling group, generally, or in the distribution or underwriting of shares of companies registered pursuant to the Investment Company Act of 1940, variable contracts or insurance premium funding programs registered pursuant to the Securities Act of 1933.

(3) A person registered solely as Underwriter Principal shall not be qualified to function in a principal capacity with responsibility over any area of business activity not prescribed by this subsection (c).

(4) *Grandfather Clause*—A person associated with a member may be registered as an Underwriter Principal with the Corporation without meeting the requirement to pass a Qualification Examination if:

a. Such person has at least two (2) years experience in the origination or syndication of securities underwritings within the five (5) year period immediately preceding the filing of an application for registration as an Underwriter Principal; and,

b. Such application is received by the Corporation on (a date to be set by the President of the Corporation).

(d) *Limited Principal—Investment Company and Variable Contracts Products.*—(1) Each person associated with a member who is included within the scope of Part II, Section 1 hereof, may register with the Corporation as a Limited Principal—Investment Company and Variable Contracts Products if:

a. his activities in the investment banking and securities business are limited solely to transactions involving securities of companies registered pursuant to the Investment Company Act of 1940 and variable contracts products and insurance premium funding programs registered pursuant to the Securities Act of 1933; and,

b. he passes an appropriate Qualification Examination for Limited Principal—Investment Company and Variable Contracts Products.

(2) A person registered solely as a Limited Principal—Investment Company and Variable Contracts Products shall not be qualified to function in a principal capacity with responsibility over any area of business activity not prescribed in this subsection (d).

(e) *Limited Principal—Direct Participation Programs.*—(1) Each person associated with a member who is included within the scope of Part II, Section 1 hereof, may register with the Corporation as a Limited Principal—Direct Participation Programs if:

a. His activities in the investment banking and securities business is limited solely to Direct Participation Programs as defined in paragraph (3) hereof; and,

b. He passes an appropriate Qualification Examination for Limited Principal—Direct Participation Programs.

(2) A person registered solely as a Limited Direct—Pprincipal Participation Programs shall not be qualified to function in a principal capacity with responsibility over any area of business activity not prescribed in this subsection (e).

(3) *Definition of Direct Participation Programs*—For purposes of this Schedule C, "direct participation programs" shall mean programs which provide for flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution including, but not limited to, oil and gas programs, real estate programs, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, regardless of the industry represented by the program, or any combination thereof. Excluded from this definition are real estate investment trusts, tax qualified pension and profit sharing plans pursuant to Sections 401 and 403(a) of the Internal Revenue Code and individual retirement plans under Section 408 of that Code, tax sheltered annuities pursuant to the provisions of Section 403(b) of the Internal Revenue Code and any company including separate accounts registered pursuant to the Investment Company Act of 1940.

Section 3—Registration of Representatives.

(a) Registration Requirements—Each person associated with a member who is to function as a registered representative shall be registered as such with the Corporation in the category of registration appropriate to the function to be performed as specified in Section 4 hereof. Before his registration can become effective, he shall pass a Qualification Examination for Registered Representatives appropriate to the category of registration as specified by the Board of Governors.

(b) *Definition of Representative*—The term "representative" shall mean a person associated with a member not otherwise required to be registered as a principal, including assistant officers other than principals, who are engaged in the investment banking or securities business for the member. Such shall include but not necessarily be limited to those persons:

(1) Whose duties include the solicitation, sale or trading of securities; or,

(2) With supervisory responsibility over the activities of registered representatives but who are not otherwise required to be registered as principals.

(c) *Requirement for Examination on Lapse of Registration*—Any person whose most recent registration as a registered representative has been terminated for a period of three (3) or more years immediately preceding the date of receipt by the Corporation of a new application shall be required to pass a Qualification Examination for Representatives appropriate to the category of registration as specified in Section 4 hereof unless such person has been continuously registered with the Corporation as a principal.

(d) *Waiver of Requirement to Take Qualification Examination*—In exceptional cases and where good cause is shown, the President of the Corporation, or his delegate, upon request by the member, may waive the requirement to take a Qualification Examination. All such requests shall be in writing, and signed by a registered principal of the requesting firm. Advanced age, physical infirmity or experience in fields ancillary to the investment banking or securities business will not in and of themselves constitute sufficient grounds to waive the requirement to take a Qualification Examination. A request for a waiver based solely upon the expiration of the three (3) year period since the most recent registration with the Corporation will not honored. Except where otherwise specified herein, Qualification Examinations required hereby shall be taken and passed by the applicant and the member shall receive notification from the Corporation prior to the performance by the applicant of the functions for which he is seeking registration.

(e) *Grandfather Clause*—Any person who was registered with the Corporation as a representative on or before September 1, 1974, shall not be required to pass a Qualification Examination for any category of registration specified in Part II, Section 4 and shall automatically be registered as a General Securities Representative subject to the provisions of subsection (c) hereof.[4]

Section 4—Categories of Registration of Representatives.

(a) *General Securities Representative*—Each person associated with a member whose activities in the investment banking or securities business include the solicitation or sale of securities generally or the supervision of General Securities Representatives shall be required to register with the Corporation as a General Securities Representative

[2] The form currently designated for this purpose is PE-3.

[3] The form currently designated for this purpose is Form MD-1.

[4] Since September 1974, the NASD has administered a new comprehensive (Series Seven) Qualification Examination for persons intending to register as General Securities Representatives. To facilitate the transition to this new examination program persons whose applications were submitted prior to September 10, 1974, were administered the older (Series One) Qualification Examination and if taken and passed on or before March 31, 1975, such persons were also registered as General Securities Representatives. Persons making application in one or more of the limited categories of representative registration have and will continue to qualify by passing the Series One Qualification Examination for Registered Representatives until such time as the appropriate specialized examinations are implemented.

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unless otherwise required to be registered as a principal. A person whose activities in the investment banking or securities business encompass functions which would only require his registration in one or more of categories (b) through (e) hereof, may at his discretion, be registered as a General Securities Representative.

(b) *Securities Trader Representative*—Each person associated with a member whose activities in the investment banking or securities business are limited solely to exercising discretionary authority in trading securities and/or effecting market making securities transactions in the over-the-counter securities markets for the member shall, unless qualified and registered as a General Securities Representative, be required to register with the Corporation as a Securities Trader Representative if not otherwise required to register as a principal. A person registered solely as a Securities Trader Representative may effect occasional unsolicited buy and sell general securities transactions for the accounts of public customers.

(c) *Investment Company and Variable Contracts Products Representative*—Each person associated with a member whose activities in the investment banking or securities business is limited solely to the solicitation and/or sale of:

(1) Redeemable securities of companies registered pursuant to the Investment Company Act of 1940;

(2) Securities of closed-end companies registered pursuant to Investment Company Act of 1940 during the period of original distribution only; and,

(3) Variable contracts and insurance premium funding programs registered pursuant to the Securities Act of 1933,

shall be required to register with the Corporation as an Investment Company and Variable Contracts Representative, unless qualified and registered as a General Securities Representative. A person registered solely as an Investment Company and Variable Contracts Products Representative may effect occasional unsolicited transactions in general securities for the accounts of public customers.

(d) *Direct Participation Programs Representative*—Each person associated with a member whose activities in the investment banking or securities business are limited solely to the solicitation and/or sale of direct participation programs shall, unless qualified and registered as a General Securities Representative, be required to register with the Corporation as a Direct Participation Programs Representative.

(e) *Real Estate Securities Representative*—Each person associated with a member whose activities in the investment banking and securities business are limited solely to the solicitation and/or sale of any certificate of interest or participation, partnership interest, investment contract or other interest or instrument constituting a security as defined in Section 2(1) of the Securities Act of 1933, or by state law, which represents principally the acquisition, investment or holding or real property or an interest therein (except corporate securities, real estate investment trusts or any other securities of a legal entity which would have a public trading market) shall, unless qualified and registered as either a General Securities Representative or as a Direct Participation Programs Representative, be required to register with the Corporation as a Real Estate Securities Representative.

Section 5—Special Situations.

(a) *Current Registration with SECO.*—(1) Each person associated with a member who was qualified on or before September 1, 1974, to engage directly or indirectly in securities activities with a nonmember broker-dealer as a result of having taken and passed an examination pursuant to the provisions of Section 15(b)(7) of the Securities Exchange Act of 1934, as amended, and Rule 15b8–1 thereunder, more commonly known and hereafter referred to as the SECO examination, or was not required to take the SECO examination because of the exemption provided in Rule 15b8–1 for persons who were broker-dealers or became associated persons prior to July 1, 1963, and has been continuously registered as such since that date shall not be required, in order to become registered as a representative of a member of the Corporation, to take and pass a Qualification Examination for General Securities Representatives unless he has been terminated with the nonmember broker-dealer for three (3) or more years. Each such person shall, however, be required to take and pass an examination based on the Corporation's rules and regulations before he may function as a General Securities Representative with a member. A person who registers with the Corporation in a category other than General Securities Representative shall be required to take and pass an examination based on the Corporation's rules and regulations before he may function as a representative of a member.

(2) Each person associated with a member who has not taken the SECO examination but who has become and was qualified on or before September 1, 1974, pursuant to the provisions of Section 15(b)(7) of the Securities Exchange Act of 1934, as amended, and Rule 15b8–1 thereunder, as a result of acceptance by the Securities and Exchange Commission of a securities examination administered by and for a state securities administration and successfully completed by the applicant, shall be required, unless that state's examination is also accepted by the Corporation, to take the appropriate Qualification Examination for General Securities Representatives unless he has been fully registered pursuant to the referred to Section 15(b)(7) and Rule 15b8–1 for at least one (1) year immediately preceding the receipt of his application for registration as a General Securities Representative by the Corporation. Each such person who is not required to take any Qualification Examination for Registered Representatives because of the one (1) year experience factor shall, however, be required to successfully complete an examination based upon the Corporation's rules and regulations before he may function as a registered representative with a member. A person who registers with the Corporation in a category other than General Securities Representative and who has been fully registered pursuant to the referred to Section 15(b)(7) and Rule 15b8–1 for at least one (1) year immediately preceding the receipt of an application for registration in such category shall be required to take and pass an examination based on the Corporation's rules and regulations before he may function as a representative of a member.

(b) *Foreign Associates.*—(1) *Exemption from Registration and Qualification Examination*—Each person associated with a member who is to function as a foreign associate shall not be required to register with the Corporation and shall be exempt from the requirement to pass a Qualification Examination.

(2) Definition of Foreign Associate—The term "foreign associate" shall mean a person associated with a member:

a. Who is not a citizen, national or resident of the United States or any of its territories or possessions; and,

b. Who will conduct all his securities activities in areas outside the jurisdiction of the United States and will not engage in any securities activities with or for any citizen, national or resident of the United States.

(3) *Requirement of Application for Foreign Associate*—Prior to the time the exemption provided for in subsection (b)(1) hereof may become effective, the following conditions must be met:

a. The member desiring to employ any such person must file with the Corporation a form designated by the Board of Governors certifying that such person meets the criteria contained in subsection (b)(2) hereof;[5]

b. Such person is not subject to any of the prohibitions to registration with the Corporation contained in Article I, Section 2(a) through 2(d) of the By-Laws of the Corporation; and,

c. Service of process for any proceeding instituted by the Corporation in respect to such person may be sent to an address in the United States at an office of the member. The member will be responsible for responding to the Corporation if the individual cannot be served.

(4) *Termination of Employment or Association*—In the event of termination of the employment or association of a foreign associate, the member shall notify the Corporation immediately by filing a notice of termination on a form designated by the Board of Governors.[6]

Section 6—Persons Exempt From Registration.

(a) The following persons associated with a member are not required to be registered with the Corporation:

(1) Persons associated with a member whose functions are solely and exclusively clerical or ministerial;

[5] The form currently designated for this purpose is known as the Application for Classification as a Foreign Associate.

(2) Persons associated with a member who are not actively engaged in the investment banking or securities business;

(3) Persons associated with a member whose functions are related solely and exclusively to the member's need for nominal corporate officers or for capital participation; and,

(4) Persons associated with a member whose functions are related solely and exclusively to:

a. Transactions on a registered national securities exchange and who are registered with such exchange;

b. Transactions in exempted securities as defined in Section 3(a)(12) of the Securities Exchange Act of 1934 (except municipal securities as defined in Section 3(a)(29) of the Act); or,

c. Transactions in commodities.

(b) In every instance where an exemption is applicable, under subsection (a)(3) or (4) of this Section 6, the member must file an exemption request with the Corporation on a form designated by the Board of Governors within ten (10) days of either the date the person becomes associated with the member or the date on which the exemptive provisions become applicable to him.[7]

(c) *Termination of Employment*—In the event of termination of employment of a person granted an exemption from registration by the Corporation, the member must immediately file a notice of termination on a form designated by the Board of Governors.[8]

Section 7—Qualification Examinations and Procedures.

(a) *Study Outlines*—Qualification Examinations for the various categories of principals and representatives specified in this Schedule C shall consist of a series of questions based upon topics contained in study outlines provided by the Corporation, a list of which is available from the Qualifications and Examinations Department.

(b) *Time and Place*—Examinations shall be given at such times and places and under such conditions as shall be prescribed by the Board of Governors.

(c) *Grading Scale*—Examination results shall be reported to member firms on a pass/fail basis only. Failing grades will be accompanied by an analysis of the candidate's performance on the examination. Passing scores assigned to each examination series shall be determined by the Board of Governors, or its designate.

(d) *Procedure Upon Failing Examination*—Applicants who fail an examination may, subject to the payment of the required examination fee and receipt of a new admission certificate, retake such examination up to two (2) times without waiting any specified period of time between attempts. If an examination is failed three (3) times the applicant must wait ninety (90) days before again taking the examination and between each subsequent attempt. A new admission certificate will not be issued in connection with any examination until the proper fee for the examination has been received by the Corporation.

(e) *Assistance During Examination*—An applicant cannot receive assistance while taking the examination. Each applicant shall certify to the Board of Governors that no assistance was given to or received by him during the examination.

(f) *Confidentiality of Examinations*—The Corporation considers all of its Qualification Examinations to be highly confidential. The removal from an examination center, reproduction, disclosure, receipt from or passing to any person, or use for study purposes of any portion of any Qualification Examination, whether of present or past series, or any other use which would compromise the effectiveness of a Qualification Examination and the use in any manner and at any time of the questions or answers of any Qualification Examinations are prohibited and are deemed to be violations of Article III, Section 1, of the Rules of Fair Practice.

(g) *SECO Grace Period*—The President of the Corporation, or his delegate, in the case of a broker-dealer applicant for membership in the Corporation who was previously qualified, and at the time of his application for membership is currently qualified, pursuant to the provisions of Section 15(b)(7) of the Securities Exchange Act of 1934, as amended, and Rule 15b8–1 thereunder, shall have the discretion to grant a grace period of reasonable and stated duration after the effective date of membership of the applicant during which period of time the persons associated with the member who were previously and at the time of their applications are, qualified pursuant to the aforementioned Section 15(b)(7) and Rule 15b8–1 may actively engage in the investment banking or securities business while qualifying as registered representatives and principals; provided, however, the provisions of this subsection shall in no way be construed so as to contravene the minimum qualifications for membership in respect to principals required pursuant to the provisions of Part I of this Schedule C. In no event may the said grace period exceed one (1) years from the effective date of membership of the applicant. If the referred to persons associated with the member do not qualify pursuant to Schedule C by the date of the expiration of the grace period, they shall no longer be permitted to engage in the investment banking or securities business until they qualify thereunder. In no case shall a person not currently qualified under Section 15(b)(7) and Rule 15b8–1 be permitted to act as a representative or principal of the member during the grace period unless he has qualified pursuant to the provisions of Schedule C.

3. *Purpose of Proposed Rule Change.* Part I of the Proposed Amendments to Schedule C deals with the qualification of a firm for membership in the Association. Section 1 thereof specifies the number of qualified registered principals each member is required to have, based on the number of associated persons of the member, and it specifies the experience required for principals of new members. Members with more than ten (10) persons associated with it are required to have at least two (2) registered principals. In the event that the registration of a principal is terminated, the member has six (6) months to register at least one (1) other person as a principal in order to comply with the provisions of the rule.

Section 2 details the requirements for having a Financial and Operations Principal. Under this provision every firm wishing to become a member of the Association, with certain exceptions, shall have at least the individual who is the firm's chief financial officer qualify and register as a Financial and Operations Principal pursuant to the provisions of this rule. Every existing member of the Association shall be required to designate at least the firm's chief financial officer as a Financial and Operations Principal. A firm may choose to register some or all of its principals as Financial and Operations Principals.

Section 3 delineates the requirement that members engaged as participants in underwriting syndications, including the origination or syndication of underwritings, register at least one (1) Underwriter Principal. Excluded from this rule, however, are underwriters or selling group members or distributors of securities registered under the Investment Company Act of 1940 or variable contracts or insurance premium funding programs registered under the Securities Act of 1933.

Section 4(a) establishes certain requirements that must be met by the applicant firm as a prerequisite to membership in the Association. Included in these are the filing of the form required by SEC Rule 15b1–2(c) with the Association, as well as a copy of the applicant's written supervisory procedures, and a list of employees, officers, directors and partners, and such other information as requested by the Association. Subsection (b) of Section 4 establishes the requirement that before a broker or dealer may be admitted to membership, the proposed principals of the firm must personally appear for a pre-membership interview by the Association. At such interview the applicant must demonstrate, through its principals and in accordance with procedures established by the Association and discussed below, that it is in the public interest and not inconsistent with the protection of investors for it to be admitted to membership in the Association

[6] The form currently designated for this purpose is Form T–325.

[7] The form currently designated for this purpose is Form EX–1.

[8] The form currently designated for this purpose is Form T–325.

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and to conduct the type of business intended. The remaining subsections of Section 4 establish that the applicant shall be notified within thirty (30) days after the pre-membership interview of whether its application has been granted, denied, or granted subject to restrictions on its business activities. The section also establishes a procedure for appeal of an adverse decision with regard to an application for membership to the District Business Conduct Committee and the Board of Governors.

Section 5 establishes those criteria which the District Business Conduct Committee and the Board shall apply in determining an applicant's qualification for membership in the Association. A District Committee is required, pursuant to the provisions of this rule, to review and consider each aspect of the applicant's business plans to determine as to each, in view of the type of business to be engaged in, their adequacy, their consistency with law and the rules of the Association, and their consistency with good business practices and business operations based on the Committee's or Board's experience in the investment banking or securities business. Review of the business plans of the applicant must be conducted to determine their consistency with the applicant's fiduciary obligations to its future customers, and their consistency with the public interest and protection of investors. Specifically enumerated as subjects to be reviewed by the District Business Conduct Committee and the Board are: (1) the nature, source and permanence of the capital of the applicant and the sources of and arrangement for additional capital; (2) the applicant's proposed record-keeping system; (3) the applicant's proposed internal procedures; (4) the capability of the applicant to properly conduct the kind of business intended in view of the number, experience and qualifications of the persons associated with the applicant, the facilities which the applicant contemplates having, arrangements with banks and clearing corporations, or others to assist the applicant in the conduct of its securities business and the personnel methods and procedures intended for supervision of the persons associated with the applicant and the conduct of the various business activities planned by it.

The District Committee's determination as to the admission of the applicant must be in writing and in the case of a denial or acceptance of membership with restrictions, must contain the specific grounds upon which the determination was made. The remainder of Section 5 establishes an appeal procedure by which an applicant aggrieved by the decision of the District Business Conduct Committee may appeal to the Board of Governors, upon consideration of the record before it may modify such action as is deemed necessary or appropriate. An applicant will be notified of the determination of the Board of Governors by a written decision, and may appeal to the Securities and Exchange Commission pursuant to Section 19 of the Securities and Exchange Act of 1934.

Section 6 of Part I provides that any applicant admitted to membership under restrictions as to the type of business activities in which it may engage, may apply for and subsequently have such restrictions removed. In addition, the procedures for doing so and the criteria to be applied are also provided for in this section.

Part II of the proposed amendments to Schedule C embodies the requirement that all persons associated with a member, who are to function as principals or registered representatives, shall be registered as such with the Association in the category of registration appropriate to the functions to be performed by the individual. A principal is defined as a person associated with a member who is actually engaged in the management, direction or supervision of the day-to-day activities of the member's investment banking or securities business. This includes but is not necessarily limited to sole proprietors, corporate officers and directors who manage, direct or supervise the day-to-day investment banking or securities business of the member, partners, and managers of supervisory jurisdiction. Before a registration can become effective, an individual must pass a qualification examination appropriate to that category of registration. Any person whose most recent registration as a principal has been terminated for a period of three (3) or more years immediately preceding the date of the new application will be required to pass a qualification examination for principal in the appropriate category. In exceptional cases, and where good cause is shown, the president of the association or his delegate, upon written request by the member, may waive the requirement to take a qualification examination. Any person associated with a member as a registered representative whose duties have changed so as to require registration in any principal capacity must inform the Association of his elevation and, assuming all prerequisities of the proposed category of registration are met, must pass the qualification examination within ninety (90) calendar days following his change in duties. If the applicant fails the examination the elevation form and application will be retained for an additional ninety (90) days. If the applicant fails to take the examination within the initial ninety (90) day period a new principal and elevation form and examination fee shall be required. In no event may such person function as a principal beyond the initial ninety (90) day period from the change in his duties without having successfully passed the appropriate qualification examination.

Part II, Section 2 delineates the five (5) categories of principal registration and describes in each case when the member firm is required to register individuals in the category. In each case the qualifying standards to be met by the applicant individual in order to be registered within that category are outlined.

Section 3 deals with the general conditions for registration by persons associated with a member as registered representatives, and Section 4 details the five (5) categories of registered representatives. In each case the qualifying standards to be met by the applicant individual in order to be registered within that category are outlined.

Sections 5 and 6 of Part II apply to the registration of individuals in special situations such as a person currently registered with SECO, foreign associates, and persons exempt from registration.

Section 7 contains the procedures for the administration of qualification examinations by the Association.

Appropriate categories of registered principals and registered representatives in Part II of the amendments contain a grandfather clause by which an individual who meets the requirements of the clause shall not be required to pass a qualification examination for that category.

Part II of the proposed amendments of Schedule C, therefore, establishes basic standards of competency, as prerequisites to registration, that must be demonstrated through the successful completion of an appropriate qualification examination, and/or in certain cases, experience. In effect, standards for registration as a person associated with a member, would be made more specific and provision would be made for various categories of registration of principals and registered representatives. The proposed amendments to Schedule C are intended to strengthen the qualification standards for membership in the Association and for registration of individuals, and to restrict the activities of a member in a manner consistent with his demonstrated ability.

4. *Basis Under the Act for Proposed Rule Change.* The statutory basis for the Association to adopt these amendments to Schedule C is extensive.

Section 15A(b) of the Securities Exchange Act of 1934, as amended, provides that an association of brokers and dealers shall not be registered as a national securities association unless the commission determines that such association is so organized and has the capacity to be able to carry out purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act.

15A(b)(3) mandates that the rules of the association must provide that any registered broker or dealer may become a member of such association and that any person may become associated with a member. Subsection (b)(6) provides that the rules of the association must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and in general to protect investors in the public interest. The rule may not permit unfair discrimination between brokers or dealers and must regulate by virtue of authority conferred by the Act. Subsection (b)(8) provides that the rules of the association must provide a fair procedure for admitting or denying membership to any person seeking membership in the association or barring any person from becoming associated with a member as well as the prohibition or limitation by the Association of any person with respect to access of services offered by the association or a member thereof.

Section 15A(g)(2) provides that a registered securities association may, in the public interest or for the protection of investors, deny membership to any registered broker or dealer or bar from becoming associated with a member, any person who is subject to a statutory disqualification. Section 15A(g)(3)(A) provides that a registered securities association may deny membership or conditionally admit a registered broker dealer if (i) such broker or dealer does not meet standards of financial responsibility or operational capability, or such broker or dealer or any natural person associated with such broker or dealer does not meet standards of training, experience and competence as are prescribed by the rules of the association or (ii) such broker or dealer or person associated with such broker or dealer has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade. Also, a registered securities association may examine and verify the qualifications of an applicant for membership and/or a natural person wishing to become associated with such an applicant in accordance with procedures established by the rules of the association. Subsection (g)(3)(B) provides further that a registered securities association may bar a natural person from becoming associated with a member or condition the association of a natural person with a member if such natural person (i) does not meet such standards of training, experience, and competence as prescribed by the rules of the association or (ii) has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade.

Section 15A(h)(2) of the Act provides that in any proceeding by a registered securities association to determine whether a person shall be denied membership or be barred from becoming associated with a member or prohibited or limited with respect to access to services offered by the association or member thereof, the association is required to give notice to such person and give him an opportunity to be heard on the specific grounds for denial, bar, prohibition, or limitation and a written record must be kept. A written decision by the association to deny membership, bar a person from becoming associated with a member, or prohibit or limit a person with respect to access to services offered by the association or member must be supported by a statement setting forth the specific grounds on which the denial, bar, or prohibition or limitation is based.

5. Comments Received from Members, Participants or Others on Proposed Rule Change. Forty-one comment letters were received from the membership on the proposed amendments to Schedule C concerning the registration requirements of principals and representatives. The names and addresses of the respondents, the dates of their letters, summaries of the contents, and the letters will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

6. *Burden on Competition.* The amendments proposed to Schedule C are the direct result of the statutory authorization contained in Section 15A(g) of the Act. This section provides a registered securities association with authority to deny membership or to condition the membership of a firm or an individual because either the financial and operational capability of the firm or the training, experience, and competence of the individual is inadequate or limited. This determination must be the result of an analysis by a self-regulatory organization that it is not in the public interest nor in furtherance of the protection of investors to admit the firm or the individual to membership. Changes to the Act in 1964 and in 1975 specifically authorize these criteria by which a registered securities association may deny or condition membership and the amendments to Schedule C are proposed to strengthen the standards of training, experience and competence that must be met by an individual to be admitted to practice in the industry. The statute specifically authorizes the Assoication to examine and verify the qualifications of an applicant and specifically provides that the Association may demand information from an individual or from a firm to verify the accuracy of statements as to qualification and experience in the industry. Further, the statute mandated and the amendments provide due process protections for the rights of an individual applying for association with a member or a firm applying for membership in the Association. In the event of a limited admission or a denial of admission an opportunity to be heard, a written decision stating the reasons for such a limitation or denial, and a procedure for appeal with the Association to the Securities and Exchange Commission must be and have been provided.

Schedule C then, is the Association's assumption of the responsibility imposed upon it by statute, i.e., to develop criteria in its rules to aid in protecting the investing public by insuring that only qualified individuals and broker/dealers are free to engage in active securities business. For the purpose of complying with the requirement of the Act it is felt that there is no burden placed upon competition as the result of establishing criteria that are to be applied equally to all individuals and firms seeking entrance to the industry. Indeed, competition within the industry is increased and the protection of the public investor is increased by establishing minimum qualification criteria for firms and individuals. Inasmuch as any regulatory proposal is a burden on competition because it restricts activity and establishes entrance standards where previously there were none, the decision to allow the Association to burden competition that far was considered and approved by Congress. Consequently, it is felt any burden on competition imposed by the amendments to Schedule C is necessary and in furtherance of the purposes of the Act.

On or before January 14, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room; 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 1, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33169 Filed 12-9-75;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 927]

ASSIGNMENT OF HEARINGS

DECEMBER 5, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 106603 Sub 140, Direct Transit Lines, Inc., now being assigned February 2, 1976 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC 123407 Sub 245, Sawyer Transport, Inc., now being assigned February 3, 1976 (2 days) at Chicago, Illinois; in a hearing room to be designated later.

MC-C-8307, Pacific Intermountain Express Co.—Investigation and Revocation of Certificates, now being assigned February 5, 1976 (2 days) at Chicago, Illinois; in a hearing room to be designated later.

MC 139527 Sub 2, M.E.M. Enterprises, Inc., now assigned January 21, 1976, at Seattle, Wash., is canceled and reassigned for January 19, 1976 (3 days), at Seattle, Wash.; in a hearing room to be later designated.

MC 141001, B & M Trucking, Inc., now assigned January 19, 1976, at Seattle, Wash., is canceled and application dismissed.

MC 116273 Sub 193, D & L Transport, Inc., now assigned December 12, 1975 at Chicago, Illinois, is canceled and the application is dismissed.

MC 51146 Sub 429, Schneider Transport, Inc., now being assigned February 3, 1976 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 29886–317, Dallas & Mavis Forwarding Co., now being assigned February 4, 1976 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 140344, Unzicker Trucking Inc., now being assigned February 5, 1976 (2 days), at Chicago, Ill., in a hearing room to be designated later.

MC 78296 Sub 1, Mid-America Coach Lines, Inc., now being assigned February 9, 1976 (1 week), at Chicago, Ill., Chicago Hyatt House, 151 E. Wacker Drive.

MC 133703 Sub 6, Wisconsin Cheese Service, Inc., now assigned January 13, 1976, at St. Paul, Minn., is canceled and application dismissed.

MC 133689 Sub 63, Overland Express, Inc., now being assigned January 13, 1976, at St. Paul, Minn. (1 day), in a hearing room to be later designated.

AB 7 Sub 12, Chicago, Milwaukee, St. Paul, and Pacific Railroad Company Abandonment Between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette and Winneshiek Counties, Iowa, now being assigned February 3, 1976 (2 days), at West Union, Iowa; in a hearing room to be later designated.

MC 123407 Sub 239, Sawyer Transport, Inc., now assigned February 6, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 30844 Sub 542, Kroblin Refrigerated Xpress, Inc., now being assigned February 9, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 127042 Sub 160, Hagen, Inc., now being assigned February 12, 1976 (2 days), at Chicago, Ill.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33256 Filed 12-9-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 5, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55896, filed August 27, 1975. Applicant: CALIFORNIA FREIGHTWAYS INC. AND DALZ LINES INC., 746 North Sixth Street, San Jose, Calif. 95108. Applicant's representative: Philip J. Bovero, 500 Phelan Avenue, San Jose, Calif. 95112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) Between all points and places in the San Francisco Territory as described in Note A. (2) Between all points and places in the Los Angeles Basin Territory as described in Note B (see restriction below). (3) Between all points and places in the San Diego Territory as described in Note C (see restriction below); and (4) Between all points and places on and within 25 miles laterally of the following named highways (see restriction below). (a) Interstate Highway 80 between Oakland and Sacramento, inclusive. (b) State Highway 4 between its intersection with Interstate Highway 80 near Pinole, and Stockton, inclusive. (c) U.S. Highway 101 between San Jose and San Diego, inclusive. (d) State Highway 1 between its intersection with U.S. Highway 101 at Montalvo and Interstate Highway 5 at San Juan Capistranoi. (e) State Highway 118 between its intersection with U.S. Highway 101 near Ventura and Chatsworth, inclusive. f. State Highway 99 between Sacramento and Wheeler Ridge and Interstate Highway 5 between Wheeler Ridge and San Fernando, inclusive, except that carrier, pursuant to this authority shall not serve any point more than five miles easterly of this route between Bakersfield and San Fernando. g. State Highway 33 between Banta and its junction with State Highway 99 near Wheeler Ridge, inclusive. h. U.S. Highway 395 (Interstate Highway 15) between Temecula and San Diego, inclusive; and i. State Highways 33 and 19 between Ventura and Greenfield, inclusive, including the off-route points of Santa Paula and Fillmore.

In performing the service herein proposed, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Restriction: No service is authorized on shipments originating at and destined to points and places located south of an imaginary line drawn between San Luis Obispo and Bakersfield, except on split delivery shipments when final component destination is north of said imaginary line.

Except that pursuant to the authority herein proposed carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. (2) Automobiles, trucks and buses, Viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams, sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs; and (8) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B; LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE C; SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33258 Filed 12-9-75;8:45 am]

[Notice No. 97]

Motor Carrier Applications and Certain Other Proceedings

DECEMBER 5, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 9, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special

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rules, and shall include the certification required therein.

No. MC 107583 (Sub-No. 58) (Republication), filed June 24, 1975, and published in the FEDERAL REGISTER issue of July 24, 1975, and republished this issue. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway Street, P.O. Box 348, Monticello, N.Y. 12701. An Order of the Commission, Review Board Number 2, dated November 18, 1975, and served November 28, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate and foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in nonschedule door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats and (2) of *general commodities* (except classess A and B explosives; household goods as defined by the Commission, articles of unusual value, commodities in bulk, and commodities requiring the use of special equipment) when moving in the same vehicle with passengers restricted against the transportation of passengers or articles weighing more than 100 pounds in aggregate from one consignor at one location during a single day, between Philadelphia, Pa., and points in the Philadelphia, Pa., Commercial Zone as defined by the Commission on the one hand, and, on the other, the Military Ocean Terminal at Bayonne, N.J., and points in the Bayonne, N.J., Commercial Zone as defined by the Commission, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the broadening of the authority herein to include the transportation of general commodities (with the usual exceptions). Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest and in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 133531 (Sub-No. 1) (Republication), filed April 18, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished this issue. Applicant: WALTHILL TRANSPORTATION CO., A Corporation, Walthill, Nebr. 68067. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 2, dated September 18, 1975, and served September 25, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *sprayer tanks*, from Sioux Falls, S. Dak.; Itasca, Ill.; Albertville, Ala., and Washington Court House, Ohio, to points in Arkansas, Arizona, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, and Wisconsin; and (2) of pumps, from Memphis, Tenn., to points in Arkansas, Arizona, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Montana, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, and Wisconsin, under a continuing contract or contracts with Campbell Manufacturing Company, Inc., of Walthill, Nebr., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able to properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Washington Court House, Ohio as a destination point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 138018 (Sub-No. 16) (Republication), filed August 2, 1974, and published in the FEDERAL REGISTER issue of September 12, 1974, and republished this issue. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Omaha, Nebr. 68106. An Order of the Commission, Review Board Number 2, dated November 21, 1975, and served November 26, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant sites and storage facilities of Sigman Meat Company, Inc., located at or near Arvada, Denver, and Brush, Colo., to El Paso, and Lubbock, Tex., and points in New Mexico, restricted to the transportation of shipments originating at Arvada, Brush and Denver, Colo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate expanded service to points in New Mexico, and El Paso, Tex. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 112539 (Sub-No. 2) (Notice of Filing of Petition for Modification of Certificate), filed September 19, 1975. Petitioner: Perchak Trucking, Inc., 124 South Church Street, Hazleton, Pa. 18201. Petitioner's representative: Kenneth R. Davis, 121 S. Main Street, Taylor Pa. 18517. Petitioner holds a certificate of public convenience and necessity, issued June 27, 1962, authorizing operation as a motor *common carrier*, over irregular routes, of *Scrap metals*, from points in Bradford, Chester, Luzerne, Lackawanna, Schuylkill, Clinton, Centre, Lycoming, Dauphin, Northumberland, Philadelphia, Blair, Lehigh, Northampton, and Columbia Counties, Pa., New York, Steuben, Chemung, Onondaga, and Broome Counties, N.Y., Camden and Mercer Counties, N.J., Baltimore and Frederick Counties, Md., and Baltimore, Md., to points in Allegheny, Cambria, Chester, Philadelphia, Northumberland, Lancaster, Lebanon, Lehigh, Tioga, Dauphin, Montgomery, Berks, Franklin, Montour, Clinton, Lycoming, York, Columbia, Schuylkill, Carbon, Bucks, Blair, Susquehanna, Mifflin, Union, and Northampton Counties, Pa., Cheming, Onondaga, Monroe, Genesee, Niagara, Erie, and Cattaraugus Counties, N.Y., Hudson and Essex Counties, N.J., Cuyahoga and Erie Counties, Ohio, and New Castle

County, Del., restricted against the transportation of scrap metals from points in Lehigh County, Pa., to points in Essex County, N.J. By the instant petition, petitioner seeks to modify the territorial description in the above-described authority by substituting New York, N.Y., as an authorized origin point in lieu of points in New York County, N.Y. Petitioner contends that at the time the original application was filed in this matter, it was intended and believed by applicant and the supporting shipper that New York County, N.Y., encompassed all of New York City. Any interested person or persons desiring to participate in this proceeding may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 121495 (Sub-No. 6) (Notice of Filing of Petition for Declaratory Order), filed August 28, 1974. Petitioner: ENGLEWOOD TRANSIT COMPANY, a Corporation, Commerce City, Colo. Petitioner's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Petitioner holds a motor *common carrier* Certificate of Registration in No. MC 121495 (Sub-No. 6) issued November 25, 1975, authorizing transportation of (1) *general freight* between Pueblo and Boone, and intermediate points; Pueblo and Coal Creek, and intermediate points; and Pueblo and Beulah, and intermediate points as follows: (a) Commencing at Pueblo, thence on the state highway leading through Vineland and Avondale to Boone; (b) Commencing at Pueblo thence on the public highway to Rock Creek and Beulah; (2) Conduct of a *transfer, moving and general cartage business* from and to Pueblo and to and from all other points in the State of Colorado, subject to the following conditions: (a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least twenty percent in excess of those charged by the scheduled carriers; (b) The applicant shall not operate on schedule between any points; (c) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Pueblo, for the purpose of developing business.

By the instant petition, petitioner seeks a Commission ruling that the conditions described in (2)(a) and (b) above should not be imposed upon the petitioner when moving in interstate transportation as they are generally contrary to Commission policy, and prohibit shippers from utilizing petitioner's services as an interline or interchange carrier. Petitioner more specifically alleges that condition (2)(a) is subject to the exclusive jurisdiction of the ICC pursuant to Section 216 of the Interstate Commerce Act, *See Rio Grande Motor Way, Inc., Extension*, 111 M.C.C. 715, 716 (1970), and that the State rate restriction does apply to movements of interstate traffic. Petitioner further alleges that condition (2)(b) is subject to ICC jurisdiction with respect to the movement of interstate traffic; and when applied does not protect the operating rights of any other carrier, and only serves to hinder petitioner's operations by interlining and interchanging traffic. Petitioner asserts that condition (2)(b) serves no useful purpose, is unduly restrictive with respect to rendering a complete service as concerns interstate traffic, is impractical and difficult to enforce, serves only to render the operation difficult, and is therefore contrary to the Commission's policies as provided in *Fox-Smythe Transportation Co., Extension*, 106 M.C.C. 1, 58-60 (1967). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240.)

MOTOR CARRIERS OF PROPERTY

Applications for certificates or permits which are to be processed concurrently with application under section 5 governed by special rule 240 to the extent applicable.

No. MC 44523 (Sub-No. 2), filed November 7, 1975. Applicant: RED ARROW TRUCKING CO., a Corporation, 325 Main Street, Belleville, N.J. 07109. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Bergen, Ocean, Monmouth, Middlesex, Morris, Somerset, Union and Sussex Counties, N.J., on the one hand, and, on the other, points in Nassau County, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

NOTE.—This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is a matter directly related to a transfer application in MC-FC-75556. If a hearing is deemed necessary, applicant does not state a location.

No. MC 120298 (Sub-No. 2), filed November 14, 1975. Applicant: LARRY L. FENNER TRANSPORT, INC., 702 North East St., P.O. Box 420, Kewanee, Ill. 61443. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, machinery parts, agricultural implements, farm machinery and farm tractors*, between points in Illinois and (2) *iron and steel articles and building materials* (except cement), (a) between points in Carroll, Ogle, Whiteside, Lee, Bureau, Marshall, Stark, Knox, Mercer, Rock Island, Warren, and Henderson Counties, Ill. and Laura and Princeville, Ill. and (b) between points in Carroll, Ogle, Whiteside, Lee, Bureau, Marshall, Stark, Knox, Mercer, Rock Island, Warren, and Henderson Counties, Ill. and Laura and Princeville, Ill., on the one hand, and, on the other, points in Illinois.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant is seeking to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12678 published in the FEDERAL REGISTER issue of November 26, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC-F-12680. Authority sought for continuance in control by TRANSPORTATION CONSULTANTS, INC., 6538 Collamer Rd., E. Syracuse, NY 13057, of BARR TRANSPORTATION CORP., also of E. Syracuse, NY 13057, and for acquisition by FREDERIC J. DURKIN, AND JOHN C. DURKIN, JR., all of the above address. Applicants' attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought for continuance in control are those for which authority is sought in Docket No. MC-141355, to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1)(a) scrap metal, in bulk, in dump vehicles, from points in Massachusetts, Connecticut, and New Hampshire; those in Frederick and Washington Counties, Md.; those in Pennsylvania on and north of Interstate Highway 80; and those in the New York, N.Y., and Philadelphia, Pa. Commercial zones, respectively, as defined by the Commission to Auburn, N.Y.; (b) returned and refused commodities of the same description, in the reverse direction; (2)(a) materials and supplies used in the manufacture of steel billets, reinforcing bar and other merchant bar mill products (except commodities in bulk, in tank vehicles), from the Commercial zones of New York, N.Y. and Philadelphia, Pa., as defined by the Commission, and points in Massachusetts, Pennsylvania, Ohio, West Virginia, to Auburn, N.Y.; (b) returned and refused commodities of the same description, in the reverse direction; and (3)(a) steel billets, reinforcing bar and other merchant bar mill products, from

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Auburn, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia and the District of Columbia; (b) returned and refused commodities of the same description, in the reverse direction, parts (1), (2), and (3) are under a continuing contract or contracts with Auburn Steel Company, Inc., of Auburn, N.Y.

No. MC–F–12688. Authority sought for purchase by MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, NE., 68107, of a portion of the operating rights of BERNARD KEITH COX, doing business as B.K. COX TRUCKING, Tennant, IA., 51574, and for acquisition by Raymond G. Sallach, Leland D. Sallach and Ronald R. Sallach, all of the Omaha, NE. 68107 address, of control of such rights through the purchase. Applicants' attorney: Robert V. Dwyer, Jr., 300 Continental Building, Omaha, NE., 68102. Operating rights sought to be transferred: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Omaha, Nebraska to Harlan, Iowa. ---- operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12689. Authority sought for continuance in control by KANE-MILLER CORP., 555 White Plains Road, P.O. Box 7, Tarrytown, NY 10591, of B & B Packing Transport, Ltd., 4801 W. Cullom Ave., Chicago, IL 60641, and for acquisition by DANIEL KANE, also of Tarrytown, NY 10591. Applicants' attorney: J. Michael May, Suite 400, 1447 Peachtree St., NE., Atlanta, GA 30309. Operating rights sought for continuance in control are those for which authority is sought in Docket No. MC 141054 (Sub-No. 2), to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meat and packinghouse products from Chicago, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract with B & B Packing Company, located at Chicago, Ill.

No. MC–F–12690. Authority sought for merger by ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, TN., 37601, of the operating rights and property of ET&WNC TRANSPORTATION COMPANY of ARKANSAS, also of the Johnson City TN., 37601. Applicants' attorney: Russell R. Sage, Suite 400 Overlook Office Building, 6121 Lincolnia Road, Alexandria, VA., 22312. Operating rights sought to be merged: General commodities, with exceptions as a common carrier over regular routes between Pine Buff, Ark., and the Arkansas-Louisiana State Line, between Lake Village, Ark., and Greenville, Miss., between junction U.S. Highway 65 and 165 over U.S. Highway 165 to junction U.S. Highway 82 and thence over U.S. Highway 82 to West Crossett, and return over the same route, between Pine Bluff, Ark., and Warren, Ark., between Little Rock, Ark., and Pine Bluff, Ark., serving all intermediate points, and the off-route point of Baldwin, Ark., between Pine Bluff, Ark. and West Monroe, La., serving Bastrop, La. and Monroe, La. as intermediate points and also serving Greenville, Miss., and points in that part of Arkansas bounded by a line beginning at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River thence along the west bank of the Mississippi River to the Arkansas-Louisiana State Line, thence along the Arkansas-Louisiana State line to the east bank of the Quachita River (approximately five miles east of Huttig, Ark.), thence along the east bank of the Quachita River to Morobay, Ark., and thence along Arkansas Highway 15 to point of beginning as intermediate or off-route points, from Memphis, Tennessee, over U.S. Highway 70 (Interstate Highway 40) to junction Arkansas Highway 11, thence over Arkansas Highway 11 to junction U.S. Highway 79, thence over U.S. Highway 79 to Pine Bluff, Arkansas, thence over U.S. Highway 65 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to the Arkansas-Louisiana State line, thence over Louisiana Highway 139 to junction U.S. Highway 165 at Bastrop, Louisiana.

Thence over U.S. Highway 165 to Monroe, Louisiana, thence over U.S. Highway 80 to West Monroe, Louisiana, and return over the same route, between Pine Bluff, Ark., and Fort Worth, Texas, serving the intermediate point of Dallas, Tex., between Pine Bluff, Ark., and Hazen, Ark., with restrictions; *general commodities*, with exceptions between Pine Bluff, Ark., and Memphis, Tenn., between Pine Bluff, Ark., and the Pine Bluff Municipal Airport, Ark., between Pine Bluff, Ark., and the site of Lock and Dam No. 3 on the Arkansas River (near Swan Lake, Ark.), between Pine Bluff, Ark., and the site of Lock and Dam No. 4 on the Arkansas River (near Swan Lake, Ark.), between Tudora, Ark., and Mer Rouge, La., serving all intermediate points and all off-route points located within 10 miles of such highways and Pioneer and Epps, La., between junction U.S. Highway 65 and Louisiana Highway 2 and Lake Providence, La., serving all intermediate points and all off-route points located with 10 miles of such highway, serving Sterlington, La., as an off-route point in connection with carriers' authorized regular-route operations between Pine Bluff, Ark., and West Monroe, La., *seed, newsprint, paper, paper bags*, and *paper cups*, from Memphis, Tenn., to Altheimer, Ark., *rice and rice products*, from Stuttgart, Ark., to Memphis, Tenn.; *general commodities*, with exceptions as a *common carrier* over irregular routes between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas not including Pine Bluff, bounded by a line commencing at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River.

Thence along the west bank of Mississippi River to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the east bank of the Ouachita River (approximately five miles east of Huttig, Ark.), thence along the east bank of the Ouchita River to Morobay, Ark., and thence along Arkansas Highway 15 to the point of beginning, between Pine Bluff, Ark., and the site of the United States Arsenal Plant at Baldwin, Ark., (located approximately seven miles north of Pine Bluff), on the one hand, and, on the other, points in the Arkansas destination territory specified immediately above, between Greenville, Miss., on the one hand, and, on the other, Little Rock, Pine Bluff, and the site of the U.S. Arsenal Plant, at Baldwin, Ark., and points in that part of Arkansas bounded by a line beginning at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River, thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line to the east bank of the Ouachita River (about five miles east of Huttig, Ark.,), thence along the east bank of the Ouachita River to Morobay, Ark.

Thence along Arkansas Highway 15 to point of beginning, with restrictions; *meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, as defined* by the Commission in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, from Pine Bluff, Ark., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Clumbia, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Lonoke, Monroe, Ouachita, Prairie, Pulaski, and Union Counties, Ark., and rejected shipments of the commodities specified immediately above, to Pine Bluff, Ark., *soap, soap products*, and lard substitutes from Pine, Ark., to points in that part of Mornore County, Ark., west of the White River, and points in Jefferson, Grant, Arkansas, Lincoln, Drew, Ashley, Cicot, Desha, Lonoke, and Prairie Counties, Ark., with restrictions; *paper paper products*, from the plant site and warehouse facilities of Olinkraft, Inc., at Monroe and West Monroe, La., to Huntsville and Nacogdoches, Tex., Hot Springs, Ark., and Clarksdale, Gunnison, and Yazoo City, Miss. ET & WNC TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Alabama, Arkansas, Delaware, Georgia, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated May 10, 1973, MC–F–11679, Transferee acquired control of Transferor.

No. MC–F–12693. Authority sought for merger by JENKINS TRUCK LINE, INC., P.O. Box 697, Route 3, Jeffersonville, IN., 47130, of the operating rights and property of RATLIFF & RATLIFF, INC., Route 5, Lexington, N.C., 27292, and for acquisition by ROBERT JENKINS and GERTRUDE JENKINS both of 1623 Greentree Blvd., Apt. 808, Clarksville, IN., 47130, of control of such rights and property through the transaction. Applicants' attorney: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, IN., 46202. Operating rights sought to be merged: Cotton yarn, as a *common carrier*, over irregular routes, from Wadesboro, N.C., and points within 25 miles of Eadesboro, to Baltimore, Md., certain specified points in Pennsylvania, Jersey City, N.J., and points in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665; *stone*, from certain specified points in South Carolina, and North Carolina, to points in North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, from points in Fairfield and Richland Counties, S.C., to points in Wisconsin, Iowa, Illinois, Missouri, Oklahoma, Kansas, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, and Florida, from points in Fairfield County, S.C., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota; from certain specified points in South Carolina, and Rowan County, N.C., (except Granite Quarry, N.C.), to points in North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, from points in Richland County, S.C., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota, from points in Kershaw County, S.C., and Rowan County, N.C., to points in Wisconsin, Iowa, Illinois, Kansas, Missouri, Oklahoma, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, Florida, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota, with restrictions.

Empty oil drums, from points in North Carolina and South Carolina east of U.S. Highway 29, to Sewaren, N.J., from points in North Carolina and South Carolina east of U.S. Highway 29 to Newark, N.J.; *cotton*, from Wadesboro, N.C., and points in North Carolina within 50 miles of Wadesboro, to Danville, Va., from points in Anson County, N.C., to points in Chesterfield County, S.C., from certain specified points in South Carolina, to points in North Carolina; *canned goods*, and *dried fruits and vegetables*, from Wilmington, N.C., and Charleston, S.C., to Wadesboro, N.C., and points in North Carolina and South Carolina within 15 miles of Eadesboro, N.C.; *Fertilizer* and *fertilizer materials*, from Charleston, S.C., to Morven, N.C., and points in North Carolina and South Carolina within 25 miles of Morven, N.C.; *malt beverages* and *wine*, from Northhampton, Pa., Baltimore, Md., and New York, N.Y., to Little Rock, S.C., from Washington, D.C., Baltimore, Md., Newark, N.J., and New York, N.Y., to Wadesboro, N.C.; *petroleum products*, in packages or containers, from Sewaren, N.J., to points in North Carolina and South Carolina east of U.S. Highway 29; *roofing* and *screen wire*, from York, Pa., to points in North Carolina and South Carolina; *concrete pipe*, from points within two miles of Lilesville, N.C., and those within one mile of Charlotte, N.C., to points in Virginia and South Carolina, from points within one mile of Columbia, S.C., to points in North Carolina and Virginia; *sand* and *gravel*, from points in Anson County, N.C., to points in South Carolina; such *merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, from certain specified points in Virginia, Wilmington, N.C., and Charleston, S.C., to Wadesboro, N.C., from Wadesboro, N.C., to certain specified points in South Carolina; *fertilizer*, from Charleston, S.C., and Wilmington, N.C., to Wadesboro, N.C.; *wheat*, from Bennettsville, S.C., to Wadesboro, N.C.

Iron and steel building material, from Roanoke, Va., to Rockingham, N.C.; *lumber*, from Spartanburg, S.C., to Rockingham, N.C., from points in Anson County, N.C., to points in South Carolina, from Mont Clare, S.C., to points in Anson County, N.C.; *oyster shells* and *ingredients used in the manufacture of fertilizer*, from Norfolk, Va., to Wadesboro, N.C.; *cotton* bagging and sheets, from Norfolk, Va., and Charleston, S.C., to Wadesboro, N.C.; *flour* and *feed*, from Weyers Cave, Va., and Columbia, S.C., to Wadesboro, N.C.; *vinegar*, from Winchester, Va., to Wadesboro, N.C.; *textiles* and *textile* products, from Wadesboro, N.C., and points within two miles of Wadesboro, to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, from Wadesboro, N.C., and points within three miles thereof, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and South Carolina; reinforcing steel, between Lilesville and Charlotte, N.C., on the one hand, and, on the other, Columbia, S.C.; *cotton* (in bales), between points in North Carolina and South Carolina within 50 miles of Wadesboro, N.C.; *drugs, toilet articles* and *medicines*, from New York, N.Y., Newark, N.J., and Baltimore, Md., to certain specific points in North Carolina, South Carolina, and Augusta, Ga., traversing Delaware and the District of Columbia for operating convenience only; *canned* goods, from Swedesboro, N.J., to Midland, N.C.; *paper, paper products, toys*, and *fireworks*, from certain specified points in Pennsylvania, New York, N.Y., New Haven, Conn., to certain specified points in North Carolina, and South Carolina; *fireworks*, from Boston, Mass., Wallingford, Conn., Elkton and Baltimore, Md., and New York, N.Y., to certain specified points in South Carolina, and points in North Carolina.

Cotton yarn and silk, rayon, and cotton hose, from Midland, N.C., to Philadelphia, Pa., and New York, N.Y.; *seed*, from Rock Hill, S.C., and Charlotte, N.C., to Richmond and Danville, Va., Baltimore, Md., and Philadelphia, Pa.; *caskets* and funeral supplies, from New York, N.Y., and Philadelphia, Pa., to Midland, N.C.; *lumber*, plywood, and wood boxes, from Wadesboro, N.C., and points within three miles thereof, to points in South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Tennessee, Kentucky, and West Virginia; *steel shot*, from Manchester, N.H., to points in Fairfield County, S.C.; *lumber, millwork*, and *wood blocks*, from points in South Carolina (except lumber from Mont Clare, S.C.) to Wadesboro, N.C., with restriction; *lumber* (except plywood, veneer, built-up wood, and flooring), from certain specified points in North Carolina, and points in Chesterfield and Darlington Counties, S.C., to points in South Carolina, Tennessee, Kentucky, Delaware, Virginia, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Florida, and Ohio; *lumber*, except plywood and veneer, from certain specified points in North Carolina, and South Carolina, to points in Illinois, Lafayette, Ind., and Riverdale, Iowa; *brick* and *tile*, from Salisbury, N.C., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Indiana, Mississippi, Michigan, Illinois, Kentucky, Tennessee, Alabama, Ohio, Virginia, West Virginia, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; *ceramic wall* and *floor tile* from Canton, Ohio, to Salisbury, N.C.; *manufactured iron and steel products and articles*, on flat bed or on open-top vehicles, from the plant site of Armco Steel Corporation at or near Ashland, Ky., to points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Florida.

Hardboard sheets and boards, from Catawba, S.C., to points within five miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., Commercial Zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., Commercial Zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; *iron* and *steel* and *iron* and *steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except commodities which because of size or weight require special equipment, from the plant site of the Kentucky Electric Steel Company at or near Coalton, Boyd County, Ky., to points in Virginia, Tennessee, North Carolina, South Carolina, and Georgia; and *plywood*, from the plant site of U.S.

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Plywood-Champian Papers, Inc., at or near Catawba, S.C., to points in Connecticut, Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission), Maryland (except points in the Baltimore, Md., Commercial Zone as defined by the Commission), and points in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; *structural glazed tile*, from Charlotte, N.C., to points in North Carolina and South Carolina; *clay products*, from East Canton, Ohio, to points in Florida; *stone*, from points in Surry County, N.C., to points in the United States, except those in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, with restrictions. JENKINS TRUCK LINE, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated December 30, 1971, in MC–F–10387, Transferee acquired control of Transferor.

No. MC–F–12694. Authority sought for purchase by LOS ANGELES YUMA FREIGHT LINES, INC., 800 Pacific Avenue, Yuma, AZ., 85364, of the operating rights of HAYWOOD L. WASHUM, dba LOS ANGELES YUMA FREIGHT LINES, INC., also of the Yuma, AZ., 85364 address, of control of such rights through the purchase. The transfer of the rights from HAYWOOD L. WASHUM, dba LOS ANGELES YUMA FREIGHT LINES, INC.----- LOS ANGELES YUMA FREIGHT LINES, INC. will be made without any monetary consideration. Applicants' attorney: Harold G. Hernly, 118 North St. Asaph Street. Alexandria, VA., 22314. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Los Angeles, Calif., and Yuma, Ariz., serving all intermediate points, and the off-route points of Calexico, Calif., points in the Los Angeles and Los Angeles Harbor, Calif., Commercial Zones, as defined by the Commission, and those in that part of California bounded by a line beginning at the eastern boundary of the Los Angeles, Calif., Commercial Zone, and extending easterly along U.S. Highway 66 to San Bernardino, Calif., thence along California Highway 18 to Corona, Calif., thence along U.S. Highway 91 to junction California Highway 18 (formerly portion U.S. Highway 91), thence along California Highway 18 through Olive, Calif., to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 55, thence along California Highway 55 to junction Alternate U.S. Highway 101, thence along Alternate U.S. Highway 101 to the eastern boundary of the Los Angeles Harbor, Calif., Commercial Zone, and thence along the eastern boundaries of the Los Angeles and Los Angeles Harbor, Calif., Commercial Zones to the point of beginning, including points on the indicated portions of the highways specified; *general commodities* with exceptions as a common carrier over irregular routes between Yuma, Ariz., on the one hand, and, on the other, points in Arizona within 30 miles of Yuma. LOS ANGELES YUMA FREIGHT LINES, INC., a corporation holds no authority from this Commission. However, he is affiliated with SVENSSON FREIGHT LINES, P.O. Box 4849, 800 Pacific Ave., Yuma, Arizona 85364, who under No. MC–96784 and subs thereunder is authorized to operate as a *common carrier* in California and Arizona. Application has been filed for temporary authority under section 210a(b).

No MC–F–12696. Authority sought for purchase by JACOBSEN TRANSFER, INC., Main St., and Porter Ave., Fairmont, NE 68354, of the operating rights of KELCO FOODS TRANSPORTATION, INC., P.O. Box 327, York, NE 68467, and for acquisition by BILLY JACOBSEN, AND JEAN J. JACOBSEN, both of Fairmont, NE 68354, of control of such rights through the purchase. Applicants' attorney: Earl H. Scudder, Jr., 605 South 14th St., P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: Meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), as a contract carrier over irregular routes, from points in Kentucky, Indiana, Iowa, Illinois, and Tennessee, to points in California, with restriction. Vendee is authorized to operate as a common carrier in California, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12698. Authority sought for purchase by HART MOTOR EXPRESS, INC., 2417 North Cleveland Ave., St. Paul, MN 55113, of a portion of the operating rights of CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 505 E. Main St., Laurel, MT 59044, and for acquisition by GEORGE HART, also of St. Paul, MN 55113, of control of such rights through the purchase. Applicants' attorneys: John R. Davidson, Suite 805, Midland Bank Bldg., Billings, MT 59101, and Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402 Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Sidney and Billings, Mont., serving all intermediate points and the off-route points of Horton, Mont., from Sidney over Montana Highway 16 to junction U.S. Highway 10, thence over U.S. Highway 10 to Billings and return over the same route; between Glendive and Brockway, Mont., serving all intermediate points; from Glendive over Montana Highway 200S to junction Montana Highway 200, thence over Montana Highway 200 to Brockway and return over the same route. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12700. Authority sought for control by ROBERT B. SCHILLI, a noncarrier, 29 Clayton Hills Lane, St. Louis, MO 63131, a KEIGHTLEY BROS., INC., 1601 South 39th St., St. Louis, MO 63110. Applicants' attorneys: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, .DC 20036, and Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Operating rights sought to be controlled: *Slag* and *haydite*, as a *common carrier* over irregular routes, from points in Madison County, Ill., to St. Louis, Mo., and points in St. Louis County, MO.; *dry bulk commodities*, in dump trucks, restricted against the transportation of haydite originating at points in St. Clair County, Ill., between points in St. Louis and St. Charles Counties, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill.; salt, inedible, in dump vehicles, from St. Louis, Mo., to points in Illinois within 150 miles of St. Louis, Mo.; salt, in dump trucks, from St. Louis, Mo., to points in that part of Indiana on and south of U.S. Highway 136, and on and west of Indiana Highway 37; coal, from points in Williamson, Macoupin, Jefferson, Perry, Montgomery, Franklin, Jackson, and Randolph Counties, Ill., to St. Louis, Mo., and points in St. Louis County, Mo., from points in Madison and St. Clair Counties, Ill., to St. Louis, Mo., and points in St. Louis County, Mo., between points in Madison and St. Clair Counties, Ill., on the one hand, and, on the other, St. Louis, Mo.: *dry bulk commodities*, (except petroleum products and cement), between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, with restriction; *salt*, from St. Louis, Mo., to points in Illinois within 100 miles of St. Louis; *coke*, in bulk, from St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Oklahoma, and Tennessee.

Molasses, in bulk, in tank vehicles, from the plant site of Cargill, Ind., located at St. Louis, Mo., to points in that part of Illinois on and south of Illinois Highway 9, that part of Indiana on and south of U.S. Highway 136 and on and west of Indiana Highway 37, and that part of Kentucky on and west of U.S. Highway 41; *dry bulk commodities* (except cement and fertilizer), from points in that part of Illinois on and south of U.S. Highway 36, to points in that part of Missouri located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60, with restriction; *zircon sand*, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial zone, as defined by the Commission, to points in Arkansas, Iowa, Kansas, Kentucky, Missouri, and Tennessee, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission (except those located in Illinois), to points in Illinois and Indiana; *liquid acids and chemicals*, except cryogenic liquids, in bulk, and *dry commodities*, in bulk, from the Tri City Regional Port District, Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee (except points in Tennesse on and east of U.S. Highway 27), with restriction; *dry fertilizer*, in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Missouri and that part of Illinois on and south of U.S. Highway 136; and from Dupo, Columbia, Ullin, and Valmeyer, Ill., to points in Missouri; and return with *dry fertilizer*, in bulk.

Blasting sand and *decorative gravel*, in bulk, in dump vehicles, from Fenton, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Nebraska, Kansas, Oklahoma, and Wisconsin; *slag*, in bulk, in dump vehicles, from Granite City, Ill., to Omaha, Nebr., Kansas City, Kans., and certain specified points in Iowa, Kentucky, Tennessee, and Arkansas; *dried meat scraps, dried tankage, dried blood*, and *bone meal*, in bulk, in dump vehicles, from National City, Ill., to Kansas City, Kans., and certain specified points in Arkansas, Kentucky, and Tennessee; *salt*, except in dump vehicles, from St. Louis, Mo., to points in Illinois; *burnt shale*, in bulk from Brooklyn, Ind., to St. Louis, Mo., and points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo.; *pig iron*, in dump vehicles, from Chicago, Ill., to St. Louis, Mo. ROBERT B. SCHILLI, holds no authority from this Commission. However, he is affiliated with TRUCK TRANSPORT INCORPORATED, under Docket No. MC–115331 and Subs thereto, which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12701. Authority sought for purchase by DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st-Street, Racine, Wisconsin, 53406, of the operating rights and property of CENTRAL STATES EXPRESS, INC., 820 S.E. Dalbey Drive, Ankeny, Iowa, 50021, and for acquisition by VALERIA JENKINS BAUMGARDT, also known as VALERIA JENKINS, 713 Tisdell Avenue, Warren, Illinois, 61087, of control of such rights through the purchase. Applicants' attorneys: Paul C. Gartzke, 121 West Doty Street, Madison, Wisconsin, 53703 and William L. Fairbank, 1980 Financial Center, Des Moines, Iowa, 50309. Operating rights sought to be transferred: *Agricultural implements and parts*, as a *common carrier* over irregular routes from Des Moines, Iowa, and points within 6 miles thereof, to points in Indiana, Illinois, Ohio, and Michigan; from the plant sites and warehouse facilities of the Brady Manufacturing Company and the Ford Motor Company located at Des Moines, Iowa, and points within 6 miles thereof, to points in Kentucky, Pennsylvania, and West Virginia, with restrictions; (1) *tractors* (except truck tractors), (2) *agricultural implements*, (3) *industrial and construction machinery and equipment*, (4) trailers designed for the transportation of the commodities described in (1), (2), and (3) above (except trailers designed to be drawn by passenger automobiles), (5) *attachments* for the commodities described in (1), (2), (3), and (4) above, (6) *internal combustion engines*, and (7) *parts* of the commodities described in (1) through (6) above when moving in mixed loads with such commodities, from the facilities of Deere & Company in Polk and Wapello Counties, Iowa, to points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, with restrictions. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

NOTICE

SOUTHERN RAILWAY COMPANY, P.O. Box 1808, Washington, D.C. 20013, represented by Mr. R. Allen Wimbish of the same address, hereby gives notice, that on the 14th day of November, 1975, it filed with the Interstate Commerce Commission, at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for authority to continue operations over a line of railroad between Columbus, Mississippi, including joint facility tracks at Columbus, and the Alabama-Mississippi State line, pursuant to an agreement dated March 7, 1975, with Columbus and Greenville Railway Company, which application was assigned Finance Docket No. 28044.

The proposed transaction involves (1) the continued use exclusively by Southern of the Columbus and Greenville Railway Company line in Lowndes County, Mississippi, from the Alabama-Mississippi State line southwestwardly to the "Yard Limit" board in Columbus, Mississippi, a distance of approximately 9.758 miles, and (2) the continued joint use by Southern with the Columbus and Greenville Railway Company of approximately 1.7 miles of tracks in Columbus, Mississippi, consisting of the Columbus and Greenville Railway main and three yard tracks situated generally between said Yard Limit board and Seventh Avenue. Southern presently operates over the described line and tracks pursuant to an agreement dated April 12, 1926, which is being formally extended, with the Columbus and Greenville Railway also substituted as the new owner thereof, by agreement dated March 7, 1975.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l. Environmental Policy Act*, 1969, 340 I.C.C..431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

SOUTHERN RAILWAY COMPANY

KYLE RAILWAYS, INC. and NEW BELLEFONTE CENTRAL RAILROAD COMPANY, Delaware corporations, Room 205, World Trade Center, San Francisco, California 94111, represented by Messrs, John R. Sims, Jr., and John L. Boyd, Jr., Joyner, Goff, Sims & Cloud, P.C., 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004, hereby gives notice that, on the 20th day of November, 1975, they filed with the Interstate Commerce Commission at Washington, D.C., a joint application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the purchase by Kyle Railways, Inc., the parent, and New Bellefonte Central Railroad Company, of certain properties of Bellefonte Central Railroad Company, a Pennsylvania corporation, which application was assigned Finance Docket No. 28054.

Properties sought to be purchased include approximately 4.8 miles of operating rail track and branch line extending between Bellefonte and a point near Chemical in Centre County, Pennsylvania, rail operating facilities and some 13.3 miles of trackage between Chemical and State College, Pennsylvania, authorized to be abandoned by the Interstate Commerce Commission in Docket No. AB–96 (Sub-No. 1), also located in Centre County.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l. Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If

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any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information clearly indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

KYLE RAILWAYS, INC. AND NEW BELLEFONTE RAILROAD COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33254 Filed 12-9-75;8:45 am]

[Notice No. 135]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 30, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76120. By order of December 4, 1975 the Motor Carrier Board approved the transfer to Vernon Bain, Waco, Texas, of Permits No. MC–117941 and No. MC–117941 (Sub-No. 2), issued September 18, 1959 and October 19, 1964, respectively, to W. A. Jones, Waco, Texas. Permit No. MC–117941 authorizes the transportation of bananas, from New Orleans, La., to Waco, Tex., and Permit No. MC–117941 (Sub-No.) authorizes the transportation of bananas, from Galveston and Houston, Tex., to Waco, Tex. William D. Lynch, P.O. Box 912, 1003 W. 6th Street, Austin, Tex. 78703 Attorney for applicants.

No. MC–FC–76213. By order entered December 4, 1975 the Motor Carrier Board approved the transfer to Mobile Transport Systems, Inc., Wausau, Wisconsin, of the operating rights set forth in Certificates Nos. MC–127777 (Sub-No. 1), MC–127777 (Sub-No. 12), MC–127777 (Sub-No. 13), MC–127777 (Sub-No. 14), and MC–127777 (Sub-No. 18), issued by the Commission October 25, 1972, September 14, 1972, January 3, 1972, June 28, 1972, and April 5, 1973, respectively, to Mobile Home Express, Inc., Wausau, Wis. authorizing the transportation of mobile homes and trailers designed to be drawn by passenger automobiles; from specified points in Wisconsin and Iowa, to points in the United States (including Alaska, but excluding Hawaii). Nancy J. Johnson, 4506 Regent St., Madison, Wis. 53705, attorney for applicants.

No. MC–FC–76225. By order of December 4, 1975 the Motor Carrier Board approved the transfer to Safeway Van Corp., Bronx, N.Y., of Certificate No. MC–91461 issued by the Commission February 2?, 1941, to Aubrey N. LaFrance, doing business as LaFrance Express Co., Bronx, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Vermont, Virginia, and New York. Alvin Altman, Esquire, Brodsky, Linett and Altman, 1776 Broadway, New York, NY 10019.

No. MC–FC–76227. By order of December 4, 1975 the Motor Carrier Board approved the transfer to Detherage Freight Line, Inc., Somerset, Ky., of Certificate of Registration No. MC–120163 Sub-No. 1 issued by the Commission December 20, 1965 to D. J. Detherage, doing business as Detherage Freight Line, Somerset, Ky., evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in the Certificate of Convenience and Necessity No. 857 dated January 1, 1962, issued by the Depatment of Motor Transportation of the Commonwealth of Kentucky. Louis J. Amato, Esquire, Nader & Amato, P.O. Box E, Bowling Green, Ky. 42101.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33257 Filed 12-9-75;8:45 am]

[Notice No. 136]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 4, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45736 (Sub-No. 49TA), filed November 25, 1975, Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, siding and siding materials*, from Charleston, S.C., to points in Alabama, and points in Florida west of the Apalachicola River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird and Son, Inc., Washington St., E. Walpole, Mass. 02032. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 88594 (Sub-No. 28TA), filed November 24, 1975. Applicant: CARLETON G. WHITAKER, INC., P.O. Box 93, Route 17, Deposit, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, in vehicles equipped with mechanical refrigeration, from Wayne Township (Passaic County), N.J., to Jamestown, N.Y.; (moving in conjunction with presently authorized stop-off loads to Buffalo and Rochester, N.Y.), for 180 days. Supporting shipper: Drake Bakeries, Division of Borden, Inc., 75 Demarest Drive, Wayne, N.J. 07470. Send protest to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Maiden Lane and Broadway, Albany, N.Y. 12207.

No. MC 99610 (Sub-No. 21TA), filed November 18, 1975. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second St., Pratt City, Birmingham, Ala. 35214. Applicant's representative: Richard S. Richard, 57 Adams Ave., P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate a *common carrier*, by motor vehicle, over

regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Gadsden, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta, Ga., as off-route points; from Gadsden, Ala., over U.S. Highway 278 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama and serving all points within 15 miles of Atlanta, Ga., as off-route points; (2) between intersection U.S. Highway 78 and U.S. Highway 431, in Alabama, and Atlanta, Ga.; from the intersection of U.S. Highway 78 and U.S. Highway 431, in Alabama, over U.S. Highway 78 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama; (3) between intersection of Interstate Highway 20 and U.S. Highway 431, in Alabama, and Atlanta, Ga.; from the intersection of Interstate Highway 20, and U.S. Highway 431, in Alabama, over Interstate Highway 20 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama; (4) between intersection of U.S. Highway 29, and Interstate Highway 85, in Alabama, and Atlanta, Ga.; from the intersection of U.S. Highway 29 and Interstate Highway 85, in Alabama, over Interstate Highway 85 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama; from the intersection of U.S. Highway 29 and Interstate Highway 85 in Alabama, over U.S. Highway 29 to Atlanta, Ga., and return over the same route, serving all intermediate points in Alabama.

In conjunction with paragraphs 1 through 4, applicant proposes to serve all points in Alabama not on applicant's existing regular route north of the southern boundaries of Russell, Bullock, Pike, Crenshaw, Butler, Wilcox, Clarke, and Choctaw Counties; also, Dothan, Andalusia and Mobile County, Ala., and points in that part of Baldwin County, Ala., described as beginning at Stockton, Ala., thence south along Alabama Highway 59 to junction Baldwin County Highway 64; thence in a westerly direction along Baldwin County Highway 64 to junction Baldwin County Highway 27; thence southerly along Baldwin County Highway 27 to junction U.S. Highway 98, thence west and north along U.S. Highway 98 to junction Baldwin-Mobile County line to the closest point in Chastang, Ala., thence over the imaginary line from Chastang to Stockton, Ala., on the one hand, and, on the other, all points in Alabama north of the southern boundaries of Russell, Bullock, Pike, Crenshaw, Butler, Wilcox, Clark and Choctaw Counties, Ala., as off-route points. Applicant proposes to serve all points within 15 miles of Atlanta, Ga., as off-route points in conjunction with paragraphs 1 through 4. Ross Neely Express, Inc., now holds regular route authority in Alabama and Mississippi. The authority sought in the instant application will be tacked with existing authority of Ross Neely Express, Inc. Neely intends to interline traffic at all points at which Neely maintains concurrences for interchanging traffic, including, but not limited to, Birmingham, Mobile, Montgomery, Decatur, Gadsden, Anniston, Florence, and Dothan, Ala., and Atlanta, Ga., for 180 days. Supporting shippers: There are approximately 316 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 108633 (Sub-No. 12TA), filed November 17, 1975. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, Ga. 30117. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, Classes A and B explosives, and household goods as defined by the Commission), over regular routes: (1) between Birmingham, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta as off-route points; from Atlanta over U.S. Highway 41 to its junction with U.S. Highway 411, thence via U.S. Highway 411 to Rome, Ga., thence via Georgia State Highway 20 and Alabama State Highway 9 to Centre, Ala., thence via Alabama State Highway 68 and U.S. Highway 411 to Gadsden, Ala., thence via Interstate Highway 59 to Birmingham, Ala., and return over the same route, serving all intermediate points; (2) between Rome, Ga., and Centre, Ala.; from Rome, Ga., over U.S. Highway 27 to its junction with U.S. Highway 411, thence via U.S. Highway 411 to Centre, Ala., and return over the same route, serving all intermediate points; (3) between Gadsden, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta, Ga., as off-route points; from Atlanta over U.S. Highway 78 to its junction with U.S. Highway 278, thence via U.S. Highway 278 to Gadsden, Ala., and return over the same route, serving all intermediate points; (4) between Mobile, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta, Ga., as off-route points; from Atlanta via Interstate Highway 85 to its junction with U.S. Highway 29, thence via U.S. Highway 29 to its junction with Interstate Highway 85, thence via Interstate 85 to Montgomery, Ala., thence via Interstate Highway 65 to Mobile, Ala., and return over the same route, serving all intermediate points;

(5) Between Montgomery, Ala., and Dothan, Ala.; from Montgomery over U.S. Highway 231 to Dothan, Ala., and return over the same route, serving all intermediate points; (6) between Montgomery over U.S. Highway 31 to its junction with Alabama State Highway 55, thence via Alabama State Highway 55 to Andalusia, Ala., and return over the same route, serving all intermediate points; (7) between Montgomery, Ala., and Andalusia, Ala.; from Montgomery over Alabama State Highway 55 to Andalusia, Ala., and return over the same route, serving all intermediate points; (8) between Birmingham, Ala., and Montgomery, Ala.; from Birmingham over U.S. Highway 31 to Montgomery, Ala., and return over the same route, serving all intermediate points; (9) between Birmingham, Ala., and Montgomery, Ala.; from Birmingham over Interstate Highway 65 to Montgomery, Ala., and return over the same route, serving all intermediate points; (10) between Montgomery, Ala., and the Alabama-Mississippi State line; from Montgomery over U.S. Highway 80 to the Alabama-Mississippi State line, and return over the same route, serving all intermediate points; (11) between Selma, Ala., and Mobile, Ala.; from Selma over Alabama State Highway 22 to its junction with Alabama State Highway 5, thence via Alabama State Highway 5 to its junction with U.S. Highway 43, thence via U.S. Highway 43 to Mobile, Ala., and return over the same route, serving all intermediate points; (12) between Demopolis, Ala., and junction Alabama State Highway 5 and U.S. Highway 43; from Demopolis over U.S. Highway 43 to its junction with Alabama State Highway 5 at or near Thomasville, Ala., and return over the same route, serving all intermediate points; (13) between Birmingham, Ala., and the Alabama-Mississippi State line; from Birmingham over U.S. Highway 11 to the Alabama-Mississippi State line, at or near York, Ala., and return over the same route, serving all intermediate points.

(14) Between Birmingham, Ala., and the Alabama-Mississippi State line; from Birmingham over U.S. Highway 11 to its junction with Interstate Highways 20–59, thence via Interstate Highways 20–59 to its junction with U.S. Highway 82 at or near Tuscaloosa, Ala., thence via U.S. Highway 82 to the Alabama-Mississippi State line, and return over the same route, serving all intermediate points; (15) between Montgomery, Ala., and Florence, Ala.; from Montgomery via U.S. Highway 82 to its junction with U.S. Highway 32 at or near Tuscaloosa, Ala., thence via U.S. Highway 43 to its junction with U.S. Highway 278, thence via U.S. Highway 278 to its junction with Alabama State Highway 5, thence via Alabama State Highway 5 to its junction with U.S. Highway 43, thence via U.S. Highway 43 to Florence, Ala., and return over the same route, serving all intermediate points; (16) between Birmingham, Ala., and the Alabama-Mississippi State line; from Birmingham over U.S. Highway 78 to the Alabama-Mississippi State line and return over the same route, serving all intermediate points; (17) between Guin, Ala., and the Alabama-Mississippi State line; from Guin over U.S. Highway 278 to the Alabama-

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Mississippi State line, and return over the same route, serving all intermediate points; (18) between Birmingham, Ala., and Decatur, Ala.; from Birmingham over Interstate Highway 65 to its junction with U.S. Highway 31, thence via U.S. Highway 31 to Decatur, Ala., and return over the same route, serving all intermediate points; (19) between Birmingham, Ala., and the Alabama-Tennessee State line; from Birmingham via Interstate Highway 65 to the Alabama-Tennessee State line, and return over the same route, serving all intermediate points; (20) between Huntsville, Ala., and Florence, Ala.; from Huntsville over U.S. Highway 72 and Alternate U.S. Highway 72 to Florence, Ala., and return over the same route, serving all intermediate points; (21) between Birmingham, Ala., and Huntsville, Ala.; from Birmingham over Alabama State Highway 79 to its junction with U.S. Highway 231 at or near Arab, Ala., thence via U.S. Highway 231 to Huntsville, Ala., and return over the same route, serving all intermediate points.

(22) Between Birmingham, Ala., and the Alabama-Tennessee State line; from Birmingham over Interstate Highway 59 to its junction with Alabama State Highway 75, thence via Alabama State Highway 75 to its junction with U.S. Highway 431 at or near Albertsville, Ala., thence via U.S. Highway 431 to its junction with U.S. Highway 72 at or near Guntersville, Ala., thence via U.S. Highway 72 to the Alabama-Tennessee State line, and return over the same route, serving all intermediate points; (23) between Guntersville, Ala., and Huntsville, Ala.; from Guntersville over U.S. Highway 431 to Huntsville, Ala., and return over the same route, serving all intermediate points; (24) between Birmingham, Ala., and Phoenix City, Ala.; from Birmingham over U.S. Highway 280 at or near Opelika, Ala., thence via U.S. Highways 280–431 to Phoenix City, Ala., and return over the same route, serving all intermediate points; (25) between Opelika, Ala., and Anniston, Ala.; from Opelika over U.S. Highway 431 to its junction with U.S. Highway 78, thence via U.S. Highway 78 to Anniston, Ala., and return over the same route, serving all intermediate points; (26) between Dothan, Ala., and Mobile, Ala.; from Dothan over U.S. Highway 84 to its junction with Alabama State Highway 87 at or near Elba, Ala., thence via Alabama State Highway 87 to Opp, Ala., thence via U.S. Highway 29 to its junction with Alabama State Highway 41 at or near Brewton, Ala., thence via Alabama State Highway 41 to its junction with U.S. Highway 31 at or near Brewton, Ala., thence via U.S. Highway 31 to its junction with Alabama State Highway 21 at or near Atmore, Ala., thence via Alabama State Highway 21 to its junction with Interstate Highway 65, thence via Interstate Highway 65 to Mobile, Ala., and return over the same route, serving all intermediate points; (27) Authority is also sought to serve all points other than those described in the above routes in the state of Alabama as off-route points in connection with the above described regular routes; (28) Authority is also sought to tack or join the authority sought where possible so as to provide service throughout the territory described in paragraphs (1) through (27) above.

(29) Authority is also sought to tack or combine the above authority with authority presently held by applicant in Docket No. MC 108633 and subs thereto and to interline with all carriers at Mobile, Dothan, Montgomery, Tuscaloosa, Gadsden, Birmingham, Anniston, Florence, and Huntsville, Ala., and Atlanta and Rome, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 54 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 1138TA), filed November 26, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, in tank vehicles, from Belvidere, N.J., to Tonawanda, N.Y., for 180 days. Supporting shipper: Prior Chemical Corporation, 420 Lexington Ave., Room 1718, New York, N.Y. 10017. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111401 (Sub-No. 456TA), filed November 28, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, from the plantsite and/or storage facilities of Farmland Industries, Inc., at or near Dodge City, Kans., to points in Wyoming, for 180 days. Supporting shipper: Farmland Industries, Inc., Charles D. Rosas, Supervisor of Transportation Service, P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 117765 (Sub-No. 197TA), filed November 24, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in containers (except dairy products, meats ar d meat by-products), from the plantsites of Lakeside Packing Company, Plainview, Minn., and Manitowoc, Wis., to points in Colorado, (restricted to traffic originating at the above described facilities), for 180 days. Supporting shipper: Lakeside Packing Company, E. James Kraska, Director of Traffic, P.O. Box 186, Manitowoc, Wis. 54220. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 166TA), filed November 24, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsites and storage facilities of MBPXL Corporation, at or near Plainview and Friona, Tex., to Chicago, Ill., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, Cecil Woehler, Director of Traffic, 2901 N. Mead, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119560 (Sub-No. 10TA), filed November 26, 1975. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, S.C. 29448. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in pneumatic bulk trailers, from the plantsite of Foster-Dixiana Sand, Inc., near Cayce, Lexington County, S.C., to points in Georgia, North Carolina, Tennessee, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Foster-Dixiana Sand, Inc., P.O. Box 5447, Columbia, S.C. 29250. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 124078 (Sub-No. 667TA) (Correction), filed November 13, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils and fats*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio to Fayetteville and Greensboro, N.C., for 180 days. Supporting shipper: Carolina By-Products Company Inc., P.O. Box Drawer 20687, Greensboro, N.C. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to correct the sub number MC 124078 (Sub-No. 667TA) in lieu of MC 124078 (Sub-No. 662TA), which was previously published in error.

No. MC 124964 (Sub-No. 24TA), filed November 25, 1975. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32727. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potato chips*, from Bridgeport, Conn., to Hialeah, Fla., under a continuing contract or contracts with The Grand Union Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Grand Union Company, 535 East Crescent Ave., Ramsey, N.J. 07446. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 128862 (Sub-No. 23TA), filed November 26, 1975. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Chris Cecil (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded tin, tin scrap and cut metal*, in bulk, in dump vehicles, from West Chandler, Ariz., to points in Grand County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlas Minerals Division of Atlas Corporation, P.O. Box 1207, Moab, Utah 84532. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commision, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 135425 (Sub-No. 11 TA), filed November 24, 1975. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer whose products are sold in drug, variety and food stores, and *materials, supplies, and equipment* (except commodities in bulk), used in the conduct of such business, between St. Paul, Minn., and Andover, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with The Gillette Company, for 180 days. Supporting shipper: The Gillette Company, 30 Burtt Road, Andover, Mass. 01810. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138069 (Sub-No. 3 TA), filed November 24, 1975. Applicant: LUCIUS, INC., 9250 North Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Marion F. Jones, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 20203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and non-alcoholic beverage mixes*, from Lawrenceburg, Ind.; Frankfort, Owensboro and Lawrenceburg, Ky.; Houston, Tex.; and their commercial zones, to Denver, Colo., and its commercial zone, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Liquor and Wine Co., 10700 East 40th Ave., Denver, Colo. 80239. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 139861 (Sub-No. 1TA), filed November 26, 1975. Applicant: NORMAN R. JACKSON, R.D. No. 1, Box 258A, Oxford, Pa. 19367. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Fleetwood, Pa., to Dallas, Tex.; LaHabra, Los Angeles, Hayward, San Francisco and Milpitas, Calif., and Kansas City, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penn Dutch Cookie Corp., P.O. Box 107, Fleetwood, Pa. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 140468 (Sub-No. 4TA) (Correction) filed November 11, 1975, published in the FEDERAL REGISTER issue of November 24, 1975, and republished as corrected this issue. Applicant: DONALD R. BAJEMA AND GERALD O. BAJEMA, doing business as RIVERVIEW DAIRY FARMS, 2777 Hillside Drive, N.W., Grand Rapids, Mich. 49504. Applicant's representative: David E. Jerome, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (except in bulk) in vehicles equipped with mechanical refrigeration and the *return of empty containers, damaged or refused products*, from the plantsite of Sealtest Foods, Division of Kraftco Corp., at Lansing, Mich., to South Bend, Ind., for 180 days. Supporting shipper: Sealtest Foods Division Kraftco Corp., 2224 W. Willow, Lansing, Mich. 48917. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933. The purpose of this republication is to correct the commodity description.

PASSENGER APPLICATIONS

No. MC 61061 (Sub-No. 41TA), filed November 25, 1975. Applicant: PETER PAN BUS LINES INC., 1776 Main St., Springfield, Mass. 01130. Applicant's representative: James F. Martin, Jr., 3003 Windsor Ridge Road, Westboro, Mass. 01581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations originating at, Amherst, Northampton, Hadley, Easthampton, Holyoke, Williamsett, Chicopee, Springfield, Ludlow, Longmeadow, East Longmeadow, Wilbraham, Palmer, Brimfield, Sturbridge, Southbridge, and Dudley, Mass., to the site of Plainfield Grayhound Park, Plainfield, Conn., and return, restricted to racing Season, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field Office named below. Send protests to: J. D. Perry, Jr., District Supervisor, 338 Federal Bldg. & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

No. MC 115116 (Sub-No. 29TA), (Correction, filed November 6, 1975, published in the FEDERAL REGISTER issue of November 19, 1975, and republished as corrected this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset St., New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from junction New Jersey Highway 18 and access roads to New Jersey Turnpike in East Brunswick, N.J., over New Jersey Highway 18 to its junction with Old Bridge Turnpike, thence over Old Bridge Turnpike to Commuter Bus Service Park and Ride Facility at the junction New Jersey Highway 18 and Tices Lane (also continuing over Old Bridge Turnpike to its junction with Tices Lane, thence over Tices Lane to said Park and Ride Facility), and return from said Park and Ride Facility over New Jersey Highway 18 to its junction with access roads to the New Jersey Turnpike in East Brunswick, N.J. (also returning from said Park and Ride Facility over Tices Lane to its junction with New Jersey Highway 18 or over Old Bridge Turnpike to Tices Lane and over Tices Lane to New Jersey Highway 18, thence over New Jersey Highway 18 to its junction with access roads to New Jersey Turnpike, in East Brunswick, N.J.), serving the junction of New Jersey Highway 18 and access roads to New Jersey Turnpike and the Commuter Bus Service Park and Ride Facility only. Note: Applicant proposes to provide serv-

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ice to and from New York, N.Y., by joining the proposed route with its existing authorized route at the junction of New New Jersey Highway 18 and access roads to the New Jersey Turnpike in East Brunswick, N.J., for 180 days. Supporting shippers: There are approximately 163 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to correct the note, which was previously published in error.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33259 Filed 12-9-75;8:45 am]

[Notice No. 139]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 5, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2780 (Sub-No. 6TA), filed November 21, 1975. Applicant: HORN'S MOTOR EXPRESS, INC., 2020 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 N. Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the facility of Hadco Products, Inc., located at Hanover, Pa., as an off-route point in connection with carrier's presently authorized regular route operations, between Harrisburg, Pa., and Baltimore, Md., from Harrisburg over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., and thence over U.S. 140 to Baltimore, and return over the same route. Applicant intends it interline at Chambersburg, Harrisburg, Newberrytown and York, Pa., Baltimore, Md., and any intermediate route point commonly served, for 180 days. Supporting shipper: Dadoo Products, Inc., P.O. Box 128, Littlestown, Pa. 17340. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 111401 (Sub-No. 457TA), filed November 24, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nalco Chemical Company, Inc., James E. Carr, Corp. T. M., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub. No. 458TA), filed November 26, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Enid, Okla., to Spartanburg, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Pillsbury Company, Gerald E. Morlock, T.M., 515 East Spruce, Enid, Okla. 73701. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 331TA), filed November 24, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and parts, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial films and television motion pictures), and (2) *Audit media and other business records*, between Kokomo, Ind., on the one hand, and, on the other, Indianapolis, Ind., restricted to those shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: Rainbo Photo Service, Inc., David H. Kolb, Sales Manager, P.O. Box 11007, Memphis, Tenn. 38111. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114789 (Sub-No. 51TA), filed November 21, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia to points in Minnesota and Wisconsin, restricted to traffic originating at points in the named origin states and destined to the facilities of S. S. Kresge Company, at points in the named destination states, under a continuing contract with S. S. Kresge Company, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 West Big Veaver, Troy, Mich. 48084. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115762 (Sub-No. 9TA), filed November 21, 1975. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 632, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 631 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Wood River, Ill., and its commercial zone, for 180 days. Supporting shipper: R. E. Croft, Jr., Monarch Oil Company, P.O. Box 64, Hopkinsville, Ky. 42240. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 P.O. Bldg., 601 Broadway, Louisville, Ky. 40202.

No. MC 117589 (Sub-No. 32TA), filed November 24, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Ave., South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and cheese*, from Seattle, Wash., to Colorado Springs, Colo., for 180 days. Applicant has also filed an underlying FTA seeking up to 90 days of operating authority. Supporting shipper: Green River Cheese & Dairy Products, Inc., 19029 East Valley Highway, Kent, Wash. 98130. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 118959 (Sub-No. 132TA), filed November 21, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3428 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk), from the facilities of Bird & Son, Inc., at or near Bardstown, Ky., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Shawhan Lane, Bardstown, Ky. 40004. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 126555 (Sub-No. 38TA), filed November 19, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates*, in bulk, from points in Butte, Fall River, Lawrence, Meade and Pennington Counties, S. Dak., to points in Wyoming, restricted against transportation of contractors materials and supplies for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Son-R, Inc., Ready Mix Div., 411 Warlow Drive, Gillette, Wyo. 82716. McGee Ready Mix, Box 639, Gillette, Wyo. 82716. Birdsall Sand & Gravel Co., P.O. Box 767, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 128356 (Sub-No. 10TA), filed November 25, 1975. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Byron R. LaVan, Suite 400, 117 S. 17th St., Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and/or used trailers, semi-trailers and trailer chassis and parts thereof* (other than house trailers and trailers and those to be drawn by passenger automobile) in truckaway service in initial and secondary movements and *parts thereof*, in initial and secondary movements, from the plantsite of Gindy Manufacturing Corporation at Ridgeway, Va., to points in the United States (except Alaska and Hawaii), to the plant of Gindy Manufacturing Corporation, at Ridgeway, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gindy Manufacturing Corporation, Route #100, Downingtown, Pa. 19335. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3236, Philadelphia, Pa. 19106.

No. MC 128527 (Sub-No. 57TA), filed November 26, 1975. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83611. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat by products and articles*, distributed by meat packinghouses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods, Inc., at or near Wallula, Wash., to points in California, Oregon, Idaho, Nevada, Utah and Montana, for 180 days. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 550 W. Fort, Box 07, Boise, Idaho. 83724.

No. MC 135797 (Sub-No. 44TA), filed November 26, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diet and nutritional foods*, (except frozen or in bulk); (2) *Drugs, vitamins and toilet preparations;* (3) *Food grinder, water purifiers, can openers, container lids, cook books, seed sprouting kits, safety matches, candles, seeds*, and (4) *Compost, fertilizers and soil conditioners*, from the plantsite of Arrowhead Mills, Inc., Hereford, Tex., to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Vermont, Washington, Wisconson, Vancouver, B. C., Canada (via Blaine, Wash.), and Scarborough, Ontario, Canada (via Detroit, Mich.), for 180 days. Supporting shipper: Arrowhead Mills, Inc., P.O. Box 866, Hereford, Tex. 79045. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140019 (Sub-No. 1TA), filed November 24, 1975. Applicant: W. A. EMRICK TRUCKING, INC., R.D. #1, Box 131, Linden, Pa. 17744. Applicant's representative: Charles R. Chamberlain, 6615 Adrian St., New Carrollton, Md. 20784. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from English Center (Pine Township), Pa., to Syracuse, Buffalo, Bainbridge, Johnson City, Albany and Ithaca, N.Y., from Cogan Station, Blossburg, and Mildred, Pa., to Dresden, Johnson City, and Bainbridge, N.Y., for 180 days. Supporting shippers: Fisher Mining Company, c/o Chas. Spoolor CPA, 901 Market St., Williamsport, Pa. 17701. P & M Coal Company, 248 Main St., Blossburg, Pa. 16912. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Cranton, Pa. 18503.

No. MC 14136 TA, filed November 26, 1975. Applicant: BILL BLANN, doing business as, BLANN TRACTOR CO., Route 2, Box 38, Hampton, Ark. 71744. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, clay, dirt, sand, gravel*, in bulk, in dump-bed trailers, from points in Calhoun, Ouachita and Bradley Counties, Ark., to points in Lincoln, Richland, Ouchita, Union, Jackson Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Asphalt Materials, Inc., F St., Selman Field Ind. Park, Monroe, La. 71201. Louisiana Indugstries, Division of Texas Industries, Inc., P.O. Box 400, Arlington, Tex. 76010. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141537 TA, filed November 26, 1975. Applicant: TERRY GORMAN, doing busines as, TERRY GORMAN TRUCKING CO., Route 2, Box 179–A, Hampton, Ark. 71744. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, clay dirt, sand, gravel*, in bulk, in dump-bed trailers, from points in Calhoun, Ouachita, Bradley Counties, Ark., to points in Lincoln, Richland, Ouachita, Union, Jackson Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Asphalt Materials, Inc., F St., Selman Field Ind. Park, Monroe, La. 71201. Louisiana Industries, Division of Texas Industries, Inc., P.O. Box 400,

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Arlington, Tex. 76010 Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33260 Filed 12-9-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 5, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 22, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2253 (Sub-No. E3), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte, N.C., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Union, and Warren Counties N.J., and points in that part of Burlington County, N.J., on the north of a line beginning at Riverside, N.J., and thence along New Jersey Highway 537 to junction unnumbered highway at Masonville, N.J., thence along unnumbered highway to junction New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Burlington-Ocean County line. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 2253 (Sub-No. E4), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Ohio, points in Allegheny and Westmoreland Counties, Pa., and points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of points in New York within 30 miles of Newark, N.J. (excluding those points in Monmouth, Mercer, and Hunterdon Counties, N.J.).

No. MC 2253 (Sub-No. E5), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in Ohio, points in Allegheny and Westmoreland Counties, Pa., and those in points in Brooke, Hancock, Marshall and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of points in New Jersey within 15 miles of North Bergen, N.J.

No. MC 2253 (Sub-No. E6), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Delaware County, Pa., on and east of U.S. Highway 202, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Sandusky, Ohio, and extending along U.S. Highway 6 to to junction Ohio Highway 12, thence along Ohio Highway 12 to Findley, Ohio, thence along Interstate Highway 75 to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., which are also within 30 miles of Newark, N.J.

No. MC 2253 (Sub-No. E7), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in Ohio (except those in Columbiana, Jefferson, Carroll, Harrison, Belmont, Monroe, Washington, and Noble Counties, and that segment of Guernsey and Tuscarawas Counties on and east of Interstate Highway 77). The purpose of this filing is to eliminate the gateway of points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic,, Somerset, and Union Counties, N.J., which are also within 30 miles of Newark, N.J.

No. MC 2253 (Sub-No. E8), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in that part of Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to Zanesville, Ohio, thence along Ohio Highway 60 to Trinway, Ohio, thence along Ohio Highway 16 to Coshocton, Ohio, thence along Ohio Highway 76 to Wooster, Ohio, thence along Ohio Highway 3 to Medina, Ohio, thence along Ohio Highway 18 to Mallet Corner, Ohio, and thence along Ohio Highway 252 to Lake Erie. The purpose of this filing is to eliminate the gateway of points in Allegheny and Westmoreland Counties, Pa.

No. MC 2253 (Sub-No. E9), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in Ohio County, W. Va. The purpose of this filing is to eliminate the gateway of points in Marshall County, W. Va.

No. MC 2253 (Sub-No. E10), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the terminal site of Harder's Express, Inc., at Claverack, N.Y., on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa., points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., and points in Ohio (except those in Ashtabula, Lake, and Geuaga Counties, Ohio). Restriction: The operations authorized herein are restricted to the transportation of shipments having a prior or subsequent movement in the motor carrier service of Harder's Express, Inc. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 118908 (Sub-No. (364), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Rogers, Ark., to points in California. The purpose of this filing is to eliminate the gateways of Nixa, Mo., and Oklahoma City, Okla.

No. MC 113908 (Sub-No. E365), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in that part of the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act the "exempt" zone), to points in California. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and Rogers, Ark.

No. MC 113908 (Sub-No. E366), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Rogers, Ark., to points in California. The purpose of this filing is to eliminate the gateways of Nixa, Mo., and Oklahoma City, Okla.

No. MC 113908 (Sub-No. E367), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Rogers, Ark., to points in California. The purpose of this filing is to eliminate the gateways of Paris, Tex., and Oklahoma City, Okla.

No. MC 113908 (Sub-No. E371), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of Memphis, Tenn., and Nixa, Mo.

No. MC 113908 (Sub-No. E372), filed December 5, 1975. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Belding, Mich., to points in Texas. The purpose of this filing is to eliminate the gateway of Nixa, Mo., and Rogers, Ark.

No. MC 113908 (Sub-No. E386), filed December 5, 1974. Applicant: Erickson Transport Corp., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Oklahoma, points in Arkansas south of a line beginning at the Oklahoma-Arkansas State line and exending along U.S. Highway 70 to junction U.S. Highway 59 (U.S. Highway 71), thence along U.S. Highway 59 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to junction Arkansas Highway 29, thence along Arkansas Highway 29 to the Arkansas-Louisiana State Boundary line; and points in Colorado, south of a line beginning at the Colorado-Kansas State line and extending along Colorado Highway 96 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 90 at or near Montrose, thence along Colorado Highway 90 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 113908 (Sub-No. E391), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles: (a) from Dallas and Houston, Tex., to points in California north of a line beginning at the California-Nevada State line and extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean; and (b) from Paris, Tex., to points in California (except points south and east of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC 114019 (Sub-No. E118), (Correction), filed May 3, 1974. Published in the FEDERAL REGISTER June 18, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* (except commodities in bulk), (1) (a) from points in New York, Pennsylvania, and West Virginia, those in New Jersey, Connecticut, Delaware and Maryland, which are within 30 miles of New York, N.Y., and Philadelphia, Pa., those in Ohio on and east of Interstate Highway 75, Baltimore and Sparrows Point, Md., to Bismarck, N. Dakota; (b) from points in New York, Pennsylvania, West Virginia, and Ohio, those in New Jersey, Connecticut, Delaware, and Maryland, which are within 30 miles of New York, N.Y., and Philadelphia, Pa., Baltimore and Sparrows Point, Md., to Salt Lake City, Utah; (c) from points in New York, Pennsylvania, West Virginia, and Ohio, those in New Jersey, Connecticut, Delaware, and Maryland, which are within 30 miles of New York, N.Y., and Philadelphia, Pa., those in Indiana on and east of U.S. Highway 31, Baltimore and Sparrows Point, Md., to points in Oregon and Washington. Restriction: The authorities in sections 1 (a), (b), and (c) above are restricted to the transportation of shipments moving from, to, or between warehouses and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. (2) (a) from Detroit, Mich., to Bismarck, N. Dakota, and Salt Lake City, Utah; (b) from Detroit and Grand Rapids, Mich., and Louisville, Ky., to points in Oregon and Washington. Restriction: The authorities described in 2 (a) and (b) above are restricted to the transportation of traffic moving from, to, or between warehouses, and other facilities of retail food

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business houses. The purpose of this filing to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E270), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment materials and supplies* used in the conduct of such business, except liquid commodities in bulk, in tank vehicles, from the plant site of Momence Pork Packers Co., at Momence, Ill., to points in Maine, Vermont, New Hampshire, West Virginia, Maryland (except Baltimore), Delaware, points in that part of Pennsylvania on and north of U.S. Highway 22 from the Ohio-Pennsylvania State line to Nanty Glo, Pa., and on and east of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, and points in that part of Ohio south of U.S. Highway 40. Restriction: The authority authorized above is restricted to the transportation only of shipments originating at the Momence Pork Packers Company plant at Momence, Ill. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E286), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Elmira and Mt. Morris, N.Y., and from points in that part of New York on, north and west of a line beginning at Lake Erie, thence along U.S. Highway 20 to Lafayette, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Lake Ontario, to points in Bath, Breathitt, Boyd, Garter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Kentucky. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E326), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in that part of Virginia on and east of U.S. Highway 52. Restriction: The operations authorized herein are restricted against interlining at Darien, Wis. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E378), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in North Dakota and South Dakota and those in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Darien, Wis.

No. MC 114019 (Sub-No. E426), Filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and seafoods*, fresh and frozen, from points in the Lower Peninsula of Michigan, to points in Iowa, Missouri, Kansas, and Nebraska. Restriction: Restricted to shipments moving from, to or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E427), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail food and household supply and furnishing business houses, and equipment, materials, and supplies used in the conduct of such business, from points in Ohio, to points in that part of New Castle County, Del., on and north of Delaware Highway 41, points in Burlington, Camden, Gloucester, and Salem Counties, N.J., and points in that part of Cumberland County, N.J., on and north of a line beginning at the Cumberland-Salem County line, thence along New Jersey Highway 49 to junction New Jersey Highway 47, to the Cumberland-Cape May County line. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 114019 (Sub-No. E428), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Seabrook, N.J., to points in Oregon and Washington, and to Bismarck, N. Dak., and Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E429), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products and meat by-products, and edible articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 18 to its junction with U.S. Highway 35, thence along U.S. Highway 35 to junction with U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line, and from points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 24 to its junction with Illinois Highway 9, thence along Illinois Highway 9 to the Iowa-Illinois State line, to points in that part of Missouri on, south and west of a line beginning at the Iowa-Missouri State line, thence along Missouri Highway 15 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to junction with U.S. Highway 65, thence along U.S. Highway 65 to junction with U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Oklahoma State line, and points in Iowa, Kansas, and Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite of Wilson & Co., Inc., at Mammouth, Ill.

No. MC 124078 (Sub-No. E80), filed July 30, 1975. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1801, Milwaukee, Wis. 53201. Applicant's representative. James R. Carroll (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in West Virginia.

(2) *Clay* and *clay surry*, in bulk, from points in Jefferson County, Ga., to points in Indiana, Illinois, Missouri, and Arkansas.

(3) *Chemicals*, in bulk (except petroleum products and fertilizers), from the facilities of the Philadelphia Quartz Company at or near La Salle, Ill., to points in Florida, South Carolina, and points in North Carolina in, south, and west of Stokes, Guilford, Alamance, Orange, Durham, Wake, Nash, Edgecombe, Pitt, Craven, and Carteret Counties.

(4) *Animal fats, animal oils*, and *vegetable oils*, and *edible blends and edible products* of animal fats, animal oils, and vegetable oils (except liquid chemicals), in bulk, from Chicago, Ill. (except points in the Chicago, Ill., commercial zone, as defined by the Commission), to points in Florida and South Carolina.

(5) *Vegetable and animal oils and fats*, and *blends* thereof, in bulk, in tank vehicles, from Chicago, Ill., to points in Florida, South Carolina, and Georgia, and points in Alabama in, east, and south of Madison, Marshall, Cullman, Walker, Tuscaloosa, and Green Counties.

(6) *Vegetable and animal oils and fats*, and *blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to points in Georgia and Florida, and points in Alabama in and south of De Kalb, Etowah, Saint Clair, Jefferson, Tuscaloosa, and Pickens Counties.

(7) *Vegetable and animal oil and fats*, and *blends* thereof, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Georgia and Florida, and points in Alabama (except points in Lauderdale, Colbert, Franklin, Limestone, and Lawrence Counties).

(8) *Vegetable and animal oils and fats*, and *blends* thereof, in bulk, in tank vehicles, from Columbus, Ohio, to points in Georgia, Florida, and points in Alabama in and south of Madison, Morgan, Cullman, Walker, Tuscaloosa, Greene, and Sumter Counties.

(9) *Clay* and *clay surry*, in bulk, from points in Twiggs County, Ga., to points in Kentucky, Indiana, Illinois, Missouri, and Arkansas.

(10) *Clay* and *clay surry*, in bulk, from points in Wilkinson County, Ga., to points in Arkansas, Missouri, Illinois, Indiana, and points in Kentucky in and west of Boyd, Elliott, Morgan, Wolfe, Breathitt, Perry, Leslie, and Harlan Counties.

(11) *Petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in West Virginia, Virginia, and North Carolina.

(12) *Petroleum products*, in bulk, in tank vehicles, from points in Colbert County, Ala., to points in West Virginia, Virginia, North Carolina, and South Carolina.

(13) *Petroleum products*, in bulk, in tank vehicles, from points in Morgan County, Ala., to points in West Virginia, Virginia, North Carolina, and South Carolina.

(14) *Petroleum products*, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in West Virginia, Virginia, North Carolina, and South Carolina.

(15) *Nitric acid* and *additives*, in bulk, in tank vehicles, from Birmingham and McAdory, Ala., to points in West Virginia, Virginia, and North Carolina.

(16) *Coal*, in bulk, from Birmingham, Ala., to points in West Virginia, Virginia, and North Carolina.

(17) *Lime* and *limestone*, in bulk, from points in Jefferson County, Ala., to points in West Virginia and Virginia.

(18) *Liquid fertilizer*, in bulk, from Port Birmingham, Ala., to points in West Virginia, Virginia, and North Carolina.

(19) *Nitric acid*, in bulk, in tank vehicles, from the plant site of the Vistron Corporation at Lima, Ohio, to points in Georgia, Florida, and Alabama (except points in Lauderdale, Colbert, and Franklin Counties).

(20) *Fertilizer solutions*, in bulk, from Decatur, Ala., to points in Virginia, West Virginia, North Carolina, and South Carolina.

(21) *Lime and limestone*, in bulk, from points in Shelby County, Ala., to points in West Virginia and Virginia.

(22) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in New Jersey, Rhode Island, Ohio, Michigan, Wisconsin, and Minnesota.

(23) *Petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Illinois in and north of Adams, Brown, Morgan, Sangamon, Christian, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, and points in Indiana (except points in Posey, Vanderburgh, Warrick, Spencer, Pike, Gibson, and Knox Counties).

(24) *Liquid petro-chemicals* (except cryogenic liquids), in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Iowa (except points in Appanoose, Davis, and Van Buren Counties, and Keokuk, Iowa), South Dakota, and points in Nebraska in and north of Chase, Hayes, Frontier, Gosper, Harlan, Franklin, Webster, Nuckolls, Thayer, Jefferson, Gage, Johnson, and Nemaha Counties.

(25) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Colbert County, Ala., to points in Ohio in and east of Sciota, Pike, Ross, Pickaway, Franklin, Licking, Knox, Richland, Ashland, and Lorain Counties.

(26) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Morgan County, Ala., to points in Ohio (except points in Preble, Butler, Hamilton, Warren, and Clermont Counties, Ohio).

(27) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in Ohio, New Jersey, and Rhode Island.

(28) *Petroleum products*, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in Indiana in, north, and west of Vigo, Clay, Owen, Monroe, Jackson, Scott, and Clark Counties, Ind.

(29) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Colbert County, Ala., to points in New Jersey and Rhode Island.

(30) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Morgan County, Ala., to points in New Jersey and Rhode Island.

(31) *Liquid chemicals* (except petroleum products and fertilizers), in bulk, in tank vehicles, from Sheboygan, Wis., to points in Florida and South Carolina.

(32) *Phosphoric acid*, in bulk, in tank vehicles, from the plant site of the Hydrite Chemical Company at Milwaukee, Wis., to points in Florida and South Carolina.

(33) *Dimethyl-terephthalate* and *terephthalic acid*, in bulk, in tank vehicles, from the plant site of Amoco Chemicals Corporation at or near Decatur, Ala., to points in Virginia and West Virginia.

(34) *Dimethyl-terephthalate* and *terephthalic acid*, in bulk, in tank vehicles, from the plant site of Amoco Chemicals Corporation at or near Decatur, Ala., to points in New Jersey and Rhode Island.

(35) *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate*, and *orthodichlorobenzene*, liquid, in bulk, in tank vehicles, from Cartersville, Ga., to points in Illinois, Indiana, West Virginia, Virginia, Missouri, Arkansas, Ohio, Michigan, Wisconsin, Minnesota, New Jersey, and Rhode Island.

(36) *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate*, and *orthodichlorobenzene*, liquid, in bulk, in tank vehicles, from Cartersville, Ga., to points in Iowa, Nebraska, and South Dakota.

(37) *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate*, and *orthodichlorobenzene*, liquid, in bulk, in tank vehicles, from Cartersville, Ga., to points in North Dakota and Wyoming, and points in Colorado on and north of U.S. Highway 24.

(38) *Alcohol, benzene, xylene, toluene*, and *acetone*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Illinois, Indiana, West Virginia, Missouri, Arkansas (except points in Ashley, Drew, Desha, and Chicot Counties), and points in Virginia in, north, and west of Scott, Russell, Tazewell, Bland, Giles, Craig, Alleghany, Rockbridge, Nelson, Albemarle, Orange Spotslyvania, and King George Counties.

(39) *Alcohol, benzene, xylene, toluene*, and *acetone*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Ohio, Michigan, Wisconsin, Minnesota, New Jersey, and Rhode Island.

(40) *Alcohol, benzene, xylene, toluene*, and *aceto e*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Iowa, Nebraska, and South Dakota.

(41) *Alcohol, benzene, xylene, toluene*, and *acetone*, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Dakota, Wyoming, and Colorado (except points in Las Animas and Baca Counties).

(42) *Chemicals* (except hydrofluosilic acid, such naval stories as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Atlanta, Ga., to points in Ke tucky, Arkansas, (except points in Ashley, Drew, Desha, and Chicot Counties), Missouri, Illinois, and points in Virginia in, north, and west of Scott, Russell, Tazewell, Bland, Giles, Craig, Allegheny, Rockbridge, Nelson, Albemarle, Orange, Spotsylvania, and King George Counties.

(43) *Alcohol, Be zene, xylene, toluene*, and *acetone*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Kentucky.

(44) *Chemicals* (except petroleum products, fertilizers, hydrofluosilic acid, such naval stores as are chemicals, crude

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tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in Wisconsin, North Dakota, Wyoming, and Colorado (except points in Las Animas and Baca Counties).

(45) *Chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Atlanta, Ga., to points in Ohio.

(46) *Acetone* and *phenol*, in bulk, in tank vehicles, from the plant site of the United States Steel Corporation at or near Haverhill (Scioto County), Ohio, to points in Alabama and Mississippi (except points in DeSoto, Tunica, Tate, Marshall, and Benton Counties).

(47) *Chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Atlanta, Ga., to points in Tennessee on and east of U.S. Highway 27 and on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line (except points in Polk, Monroe, and Blount Counties).

(48) *Clay* and *clay surry*, in bulk, from the plant site or sites of United Sierra Division, Cyprus Mines Corporation at Macon, Ga., to points in Kentucky.

(49) *Barium chloride* and *barium carbonate*, in bulk, from Cartersville, Ga., to points in Illinois, Indiana, West Virginia, Missouri, and Arkansas.

(50) *Barium chloride and barium carbonate*, liquid, in bulk, from Cartersville, Ga., to points in Ohio, Michigan, Wisconsin, Minnesota, New Jersey, and Rhode Island.

(51) *Barium chloride* and *barium carbonate*, in bulk, from Cartersville, Ga., to points in Iowa, Nebraska, and South Dakota.

(52) *Barium chloride* and *barium carbonate*, in bulk, from Cartersville, Ga., to points in North Dakota, Wyoming, and points in Colorado on and north of U.S. Highway 24.

(53) *Dry ground limestone*, in bulk, from Cartersville, Ga., to points in West Virginia, Missouri, and Arkansas.

(54) *Liquid chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Charleston, S.C., to points in Indiana.

(55) *Liquid chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Charleston, S.C., to points in Michigan, Minnesota, and points in Allen, Van Wert, Putnam, Paulding, Defiance, Fulton, and Williams Counties, Ohio.

(56) *Liquid chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Charleston, S.C., to points in Iowa and South Dakota.

(57) *Liquid chemicals* (except petroleum products, fertilizers, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Charleston, S.C., to points in North Dakota, Wyoming, and points in Colorado on and west of U.S. Highway 285 on and north of U.S. Highway 50.

(58) *Clay* and *clay surry*, in bulk, from the plant site or sites of United Sierra Division, Cyprus Mines Corporation at Macon, Ga., to points in Indiana, Illinois, Missouri, Arkansas, and points in West Virginia in and north of Mingo, Logan, Boone, Kanawha, Clay, Braxton, Lewis, Upshur, Randolph, Tucker, Grant, and Hardy Counties.

(59) *Clay* and *clay surry*, in bulk, from points in Washington County, Ga., to points in Illinois, Indiana, Missouri, and Arkansas.

(60) *Lime* and *limestone*, in bulk, from points in St. Clair County, Ala., to points in West Virginia, Indiana, and Virginia.

(61) *Dry alum*, in bulk, from Atlanta, Ga., to points in Illinois, Indiana, West Virginia, Missouri, Kentucky, and Arkansas (except points in Ashley, Drew, Desha, and Chicot Counties).

(62) *Clay*, in bulk, in tank, hopper, or dump-type vehicles, from points in Gadsden County, Fla., to points in Kentucky, Illinois, Indiana, Missouri, West Virginia, and points in Tennessee in and east of Montgomery, Dickson, Williamson, Maury, and Guiles Counties.

(63) *Vegetable and animal oils and fats* and *blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to points in South Carolina south and west of Pickens, Greenville, Spartanburg, Union, Fairfield, Kershaw, Chesterfield, and Marlboro Counties.

(64) *Chemicals*, in bulk, from the plant site of Nalco Chemical Company near Jonesboro, Ga., to points in Illinois, Indiana, West Virginia, Missouri, Arkansas, Kentucky, and points in Virginia in, west, and north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Bedford, Amherst, Nelson, Albermarle, Louisa, Spotsylvania, and Stafford Counties.

(65) *Chemicals* (except petroleum products and fertilizers), in bulk, from the plant site of Nalco Chemical Company near Jonesboro, Ga., to points in Minnesota, South Dakota, Wisconsin, Nebraska, North Dakota, Wyoming, Colorado (except points in Las Animas and Baca Counties), Iowa (except points in Lee County), and points in the Upper Peninsula of Michigan (except points in Mackinac and Chippewa Counties).

(66) *Petroleum products*, in bulk, in tank vehicles, from points in Colbert County, Ala., to points in Florida east of Madison and Taylor Counties, and points in Kentucky in and east of Greenup, Carter, Elliott, Morgan, Wolfe, Lee, Jackson, Laurel, and Whitley Counties.

(67) *Petroleum products*, in bulk, in tank vehicles, from points in Morgan County, Ala., to points in Florida in, east and south of Columbia, Gilchrist, and Levy Counties, and points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 68 to Lexington, thence along U.S. Highway 27 to the Kentucky-Tennessee State line.

(68) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Nalco Chemical Company near Jonesboro, Ga., to points in Michigan, and points in Ohio in and north of Defiance, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Portage, and Trumbull Counties.

(69) *Petroleum products*, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in Florida in, east and south of Columbia, Gilchrist, and Levy Counties, and points in Kentucky in and east of Clinton, Russell, Casey, Marion, Nelson, Bullitt, and Jefferson Counties.

(70) *Nitric acid* and *additives*, liquid, in bulk, in tank vehicles, from Birmingham and McAdory, Ala., to points in New Jersey, Rhode Island, Michigan, Wisconsin, Ohio, and Minnesota.

(71) *Nitric acid and additives* (except cryogenic liquids), in bulk, in tank vehicles, from Birmingham and McAdory, Ala., to points in South Dakota, Iowa (except points in Appanoose, Davis, and Van Buren Counties, and Keokuk, Iowa), and points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line and extending along Interstate Highway 80 to the Lancaster County Boundary line, thence along said County Boundary line to the Gage County line, thence along the northern County lines of Gage, Johnson, and Nemaha Counties to the Nebraska-Missouri State line.

(72) *Nitric acid* and *additives* (except petroleum products and fertilizers), in bulk, in tank vehicles, from Birmingham and McAdory, Ala., to points in North Dakota.

(73) *Lime* and *limestone*, in bulk, from points in Jefferson County, Ala., to points in Illinois in and north of Adams, Brown, Morgan, Scott, Sangamon, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, points in Indiana (except points in Posey, Vanderburgh, Warrick, Spencer, Pike, Gibson, and Knox Counties), and points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties.

(74) *Petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties, and points in Sumter, Lee, Darlington, Marlboro, Dillon, Clarendon, Marion, Florence, Georgetown, Williamsburg, and Horry Counties, S.C.

(75) *Nitric acid* and *additives*, in bulk, in tank vehicles, from Birmingham and McAdory, Ala., to points in Illinois in and north of Adams, Brown, Morgan, Scott, Sangamon, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, points in Indiana (except points in Posey, Vanderburgh, Warrick, Spencer, Pike, Gibson, and Knox Counties), points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties, and points in South Carolina in and east of Marlboro, Darlington, Lee, Sumter, Clarendon, Williamsburg, and Georgetown Counties.

(76) *Dimethyl-terephthalate* and *terephthalic acid*, in bulk, from the plant site of Amoco Chemicals Corporation at or near Decatur, Ala., to points in Florida in, east, and south of Columbia, Gilchrist, and Levy Counties.

(77) *Fertilizer solutions*, in bulk, from Decatur, Ala., to points in Florida in, east, and south of Columbia, Gilchrist, and Levy Counties, and points in Kentucky on and east of a line beginning at Maysville and extending along U.S. Highway 68 to Lexington, Ky., thence along U.S. Highway 27 to the Kentucky-Tennesse State line.

(78) *Coal, in bulk*, from Birmingham, Ala., to points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties, points in Sumter, Lee, Darlington, Marlboro, Dillon, Clarendon, Marion, Florence, Georgetown, Williamsburg, and Horry Counties, S.C., points in Illinois in and north of Adams, Brown, Scott, Morgan, Sangamon, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, and points in Indiana (except points in Posey, Vanderburgh, Warrick, Spencer, Pike, Gibson, and Knox Counties), points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties, and points in South Carolina in and east of Marlboro, Darlington, Lee, Sumter, Clarendon, Williamsburg, and Georgetown Counties.

(79) *Liquid fertilizer*, in bulk, from Port Birmingham, Ala., to points in Kentucky in and east of Jefferson, Bullitt, Hardin, Hart, Barren, and Monroe Counties, points in Sumter, Lee, Darlington, Marlboro, Dillon, Clarendon, Marion, Florence, Georgetown, Williamsburg, and Horry Counties, S.C., points in Illinois in and north of Adams, Brown, Scott, Morgan, Sangamon, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, and points in Indiana (except points in Posey, Vanderburgh, Warrick, Spencer, Pike, Gibson, and Knox Counties).

(80) *Liquid fertilizers* which are chemicals, in bulk, in tank vehicles, from Port Birmingham, Ala., to points in Ohio.

(81) Vegetable and animal oils and fats and blends thereof, in bulk, in tank vehicles, from Chicago, Ill., to Charlotte and Wilmington, N.C.

(82) *Liquid petro-chemicals*, in bulk, in tank vehicles, from points in Marshall County, Ala., to points in Michigan and points in Illinois in and north of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties.

(83) *Liquid chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Charleston, S.C., to points in Kentucky in and west of Clinton, Cumberland, Adair, Taylor, Marion, Washington, Nelson, Spencer, Shelby, Oldham, and Trimble Counties, and points in Tennessee in and west of Polk, McMinn, Meigs, Rhea, Cumberland, Fentress, and Pickett Counties.

(84) *Clay* and *clay surry*, in bulk, from points in Jefferson County, Ga., to points in Kentucky in and west of Lewis, Rowan, Menifee, Wolfe, Lee, Owsley, Clay, and Bell Counties.

(85) *Clay* and *clay surry*, in bulk, from points in Twiggs County, Ga., to points in West Virginia in, north, and west of Mingo, Logan, Boone, Kanawha, Clay, Braxton, Lewis, Harrison, Marion, and Monongalia Counties.

(86) *Clay* and *clay surry*, in bulk, from points in Wilkinson County, Ga., to points in West Virginia in, north, and west of Wayne, Cabell, Putnam, Jackson, Roane, Calhoun, Gilmer, Doddridge, Harrison, and Wetzel Counties.

(87) *Clay* and *clay surry*, in bulk, from points in Washington County, Ga., to points in Kentucky in and west of Bell, Clay, Owsley, Breathitt, Wolfe, Morgan, Elliott, Carter, and Boyd Counties.

(88) *Lime* and *limestone*, in bulk, from points in Shelby County, Ala., to points in Kentucky in and east of Monroe, Barren, Hart, and Hardin Counties, points in Illinois in and north of Adams, Brown, Scott, Morgan, Sangamon, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, and points in Indiana.

(89) *Lime* and *limestone*, in bulk, from points in St. Clair County, Ala., to points in Kentucky in and east of Daviess, Ohio, Grayson, Edmonson, Barren, and Monroe Counties, and points in Illinois in and north of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties.

(90) *Dry cement*, in bulk, from the plant site of the Medusa Cement Company, Division of Medusa Corporation, at Clinchfield, Ga., to points in Tennessee in and west of Clairborne, Union, Knox, Loudon, McMinn, and Bradley Counties.

(91) *Liquid fertilizer*, in bulk, from the plant site of LiFerKo, Inc., located at or near Madison (Madison County), Ala., to points in North Carolina, Virginia, and points in Kentucky on and east of Interstate Highway 75.

(92) *Clay*, in bulk, from points in Decatur County, Ga., to Kingsport, Tenn., points in Illinois, Indiana, Kentucky, points in Missouri on and north of U.S. Highway 60 and points in Tennessee in and west of Polk, McMinn, Loudon, Knox, Jefferson, Hamblen, and Hawkins Counties, and in and east of Henry, Benton, Humphreys, Hickman, Maury, Marshall, and Lincoln Counties.

(97) *Dry, ground limestone*, in bulk, from Cartersville, Ga., to points in Virginia (except points in Henry and Pittsylvania Counties and that part of Halifax County west of U.S. Highway 501).

(98) *Barium chloride* and *barium carbonate*, in bulk, from Cartersville, Ga., to points in Virginia (except points in Henry and Pittsylvania Counties and that part of Halifax County west of U.S. Highway 501).

(99) *Sodium silicate, potassium silicate, ammonium sulfide, sodium sulfhydrate*, and *orthodichlorobenzene*, liquid, in bulk, from Cartersville, Ga., to points in Virginia (except points in Henry and Pittsylvania Counes and that part of Halifax County west of U.S. Highway 501) and Kingsport and Elizabethton, Tenn.

(100) *Liquid animal feed* and *liquid animal feed supplements*, in bulk, from Bainbridge, Ga., to points in Kentucky, Indiana, and Illinois, and points in Missouri on and north of U.S. Highway 60.

The purpose of this filing is to eliminate the gateways of: the facilities of Bulk Distribution, Inc., at or near Chattanooga, Tenn., in all of the above; the plant site of the Velsicol Chemical Corporation and The Woodward Iron Company at or near Chattanooga, Tenn., in (22), (25), (26), (27), (29), (30), (34), (35), (39), (45), (50), (55), (70), (80), and (82) above; the plant site of the Apple River Chemical Company at or near Niota, Ill., in (36), (40), (51), (56), and (71) above; the facilities of The Philadelphia Quartz Company at or near LaSalle, Ill., in (31), (32), (37), (41), (44), (52), (57), (65), and (72) above; Atlanta, Ga., in (54)–(57), (62), and (83) above; points in Maury County, Tenn., in (68) above; the plant site of the Marquette Cement Manufacturing Company at Rockmart, Ga., in (90) above; and the plant site or sites of United Sierra Division, United Mines Corporation, at Macon, Ga., in (92) above.

No. MC 128383 (Sub-No. E89), filed June 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General Commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, Baltimore-Washington International Airport in Anne Arundel County, Md.; Dulles International Airport in Fairfax and Loudoun Counties, Va.; Washington National Airport at Gravelly Point, Va.; La Guardia Airport at New York, N.Y.; and Newark Airport at Newark, N.J., restricted against the transportation of aircraft engines and parts from John F. Kennedy International Airport, La Guardia Airport, and Newark Airport, and restricted to the transportation of shipments having a prior or subsequent movement by air.

(2) *General Commodities* (except commodities in bulk, classes A and B explosives, motor vehicles, household goods as defined by the Commission, and commodities requiring special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J.; points in Burlington County, N.J., south of Rancocas Creek; points in Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; and points in Bucks County, Pa., north and west of Pennsylvania Highway 232, restricted to the transportation of shipments having a prior or subsequent

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movement by air; (3) *General Commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, points in Delaware, restricted to the transportation of shipments having a prior or subsequent movement by air; (4) *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, points in Hanover, Henrico, Chesterfield, Isle of Wight, Nansemond, York, Roanoke, Franklin, Montgomery, Craig, Bedford, Botetourt, Accomack, and Northampton Counties, Va., and Richmond, Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, Hampton, Salem, and Roanoke, Va., restricted to the transportation of shipments having a prior or subsequent movement by air.

(5) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Logan International Airport at Boston, Mass., on the one hand, and, on the other, points in Allegheny, Erie, Pike, Washington, and Wyoming Counties, Pa., restricted to transportation of shipments having a prior or subsequent movement by air; (6) *General Commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, Weir Cook Airport at Indianapolis, Ind.; Hopkins Airport at Cleveland, Ohio; and Vandalia Airport at Dayton, Ohio, restricted to transportation of shipments having a prior or subsequent movement by air; (7) *General Commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Logan International Airport at Boston, Mass., on the one hand, and, on the other, Miami International Airport at or near Miami, Fla.; Hartsfield International Airport at or near Atlanta, Ga.; and Douglas Municipal Airport at or near Charlotte, N.C., restricted to the transportation of shipments having a prior or subsequent movement by air, and restricted against the transportation of shipments moving to Miami International Airport at or near Miami, Fla., which have a subsequent movement beyond Miami, Fla., in foreign commerce.

(8) *General Commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Detroit Metropolitan Airport at Detroit, Mich., and Chicago O'Hare International Airport at Chicago, Ill., on the one hand, and, on the other, Logan International Airport at Boston, Mass. The purpose of this filing is to eliminate the gateways of: The John F. Kennedy International Airport, New York, N.Y., in (1), (2), (3), (4), (5), (6), (7), and (8) above; and the Baltimore-Washington International Airport in Anne Arundel County, Md. in (4) above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33255 Filed 12-9-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1195]

CALIFORNIA

Declaration of Disaster Area

Los Angeles County, and adjacent counties within the state of California, constitute a disaster area because of damage resulting from a fire which occurred November 23–28, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 2, 1976 and for economic injury until the close of business on September 3, 1976 at:

Small Business Administration, District Office, 350 S. Figueroa St., 6th Floor, Los Angeles, California 90071.

or other locally announced locations.

Dated: December 3, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-33177 Filed 12-9-75;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, January 15, 1976
Thursday, January 29, 1976
Thursday, March 11, 1976
Thursday, March 25, 1976

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, D.C.

Dated: December 4, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-33222 Filed 12-9-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 10, 1975



PART II:

SMALL BUSINESS ADMINISTRATION

BUSINESS LOAN POLICY

Guidelines

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SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Notice of Proposed Rulemaking

The Small Business Administration (SBA) is proposed amending its Business Loan Policy Regulations to:

1. Require Subsection (b) Lenders, commonly called Small Business Lending Companies (SBLCs), to maintain a liquidity reserve adequate to provide cash for operations and contingencies, and specify the eligible types of investments for idle funds;

2. Combine maintenance of records and preservation of records under one subsection of the Regulations;

3. Clarify the amount of fidelity bond coverage that is required for Subsection (b) Lenders; and

4. Add the accounting guidelines for Subsection (b) Lenders that were anticipated in Amendment 3, Revision 6 of Part 120 of SBA Regulations, which was adopted on February 21, 1975.

The accounting guidelines include (a) Audit Guide for Subsection (b) Lenders, (b) Guide for the Preparation of the Annual Report (SBA Form 1088) for Subsection (b) Lenders, and (c) System of Account Classification for Subsection (b) Lenders as Appendices A, B, and C, respectively, to Part 120 of SBA Regulations.

The Audit Guide is designed to assist the accountant in those areas that are distinctive to the Program, and does not attempt to identify specific procedures to be followed in the examination. Accordingly, the accountant will follow generally accepted auditing standards in performing the audit. The accountant's report is to be a short-form report as illustrated in the Guide.

The audit is to be an examination of the SBLC's financial statements. Accordingly, the statement contained in the Financial Report, Part I of SBA Form 1088, will be the basis of the accountant's opinion. The examination, however, is not expected to be extended to the schedules contained in the Management Report, Part II of SBA Form 1088.

The Guide for the Preparation of the Annual Report, SBA Form 1088, has been designed as a brief explanation of how the Annual Report, SBA Form 1088, is to be prepared and the source of the information reported. Although the format of the Annual Report is standardized, it is expected that only those statements and schedules that pertain to the company's operations should be included. The SBA Form 1088 has been designed to be a two-part report:

Part I—Financial Report.

Part II—Management Report.

The purpose of a two-part report is to distinguish between the primary financial information and the supporting analytical data. The Financial Report will contain the financial statements as audited by the SBLC's independent public accountant, the accountant's report, and notes to the financial statements. The Management Report is designed to present analytical data for Subsection (b) Lenders and is basic by design. It contains a brief statement of accounting principles and practices the lender is expected to follow, a chart of accounts, and a description of each account.

Prior to adoption of such amendments, consideration will be given to any comments that are submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, NW., Washington, D.C. 20416, on or before January 9, 1976.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 572 Stat. 385, 15 U.S.C. 634, Part 120 of Chapter I of Title 13 of the Code of Federal Regulations is proposed to be amended as set forth below.

1. Sections 120.5(b) (6) and (7) are revoked. New §§ 120.5(b) (6) and (7) are added, paragraph (b) (8) (ii) is revised and appendices A, B, and C are added as follows:

§ 120.5 Operation of Eligible Participants.

* * * * *

(a) Special requirements applicable to Subsection (b) lenders.

* * * * *

(6) *Idle Funds.*

(i) *General.* Idle funds of a Subsection (b) Lender, commonly called a Small Business Lending Company (SBLC), may be invested in obligations of, or fully guaranteed as to principal and interest by, the United States; in insured accounts or certificates (up to the amount of the insurance) in any institution the investments or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation.

Idle funds shall be invested in obligations that mature not later than one year after date of investment.

(ii) *Liquidity Reserve.* A Subsection (b) Lender (SBLC) shall maintain idle funds in such amounts as may be necessary to insure adequate liquidity and to provide cash for operations and contingencies as a minimum for contingencies shall be the aggregate of:

(A) Ten percent of the aggregate monthly amounts necessary to service the guaranteed portions sold or transferred.

(B) An amount equal to ten percent of the refundable portion of premiums on guaranteed portions sold or transferred.

(C) An amount adequate to fund fully all undisbursed portions of loan authorizations except any such undisbursed portions that are covered by firm commitments from other lenders to lend to the subsection (b) lender.

(7) *Maintenance and preservation of records.*

(i) *Maintenance of records.* A subsection (b) Lender shall maintain accurate and current financial records, including books of account, in accordance with Appendix C hereto. All financial records, minutes of meetings of stockholders, directors, executive committees, or other officials, and all documents and supporting materials relating to the said lender's transactions shall be maintained at its principal office, or at such other location as SBA may require: *Provided, however,* That securities held by a custodian pursuant to a written agreement shall be exempt from this requirement.

(ii) *Preservation of records.* Subsection (b) Lenders shall preserve, for the periods hereinafter specified and in a manner that permits the immediate location thereof, such documents which are the basis for financial statements required by section 120.7(b) (and of the accompanying independent public accountant's opinion), and shall:

(A) Preserve permanently—

(1) All general and subsidiary ledgers (or other records) reflecting asset, liability, capital stock and surplus, income, and expense accounts.

(2) All general and special journals (or other records forming the basis for entries in such ledgers); and

(3) The corporate charter, bylaws, application for determination of eligibility to participate with SBA, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(B) Preserve for at least six years following final disposition of the related loan—

(1) All applications for financing;

(2) Lending, participating, and escrow agreements;

(3) Financing instruments;

(4) All other documents and supporting materials relating to such loan, including correspondence.

Records and other documents referred to in this paragraph (7) may be preserved by microfilming: *Provided, however,* said lender shall cause a duplicate microfilm to be made on a current basis and stored separately from the original microfilm for the time required, and shall maintain at all times at its principal office, or at such other location as SBA may require, facilities for the projection and reproduction of the said microfilmed records.

* * * * *

(ii) *Fidelity insurance.* Each Subsection (b) Lender (SBLC) shall maintain a Brokers Blanket Bond, Standard Form 14, or Finance Companies Blanket Bond, Standard Form 15, or such other form of coverage as SBA may approve, executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to 6 U.S.C. 6–13. The minimum amount of a fidelity bond acceptable to SBA shall be based upon the total amount of the assets of the Subsection (b) Lender as follows:

Assets:	*Minimum Coverage*
Up to $500,000	$25,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

(1) $200,000 plus $10,000 for each $1 million or fraction thereof over $10 million, except that no SBLC shall be required to provide and maintain a fidelity bond in an amount greater than $1 million.

Appendix A, Audit Guide for Subsection (b) Lenders, provides additional details concerning the fidelity bond requirements.

AUDIT GUIDE FOR SMALL BUSINESS LENDING COMPANIES

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I. INTRODUCTION

A. *Statement of Policy.*—The independent public accountant engaged to examine the financial statements of a Small Business Lending Company (SBLC) is responsible to insure that the audit is made in accordance with generally accepted audited standards as expressed by the American Institute of Certified Public Accountants (AICPA) in its *Statement on Auditing Standards* (SAS). The auditor will also follow the provisions of this Guide as well as the Audit Guide for finance companies, *Audits of Finance Companies*, to the extent applicable which was issued by the AICPA and was effective for fiscal years beginning after December 31, 1973.

In carrying out the stated policies of SBA, independent public accountants engaged in the practice of public accounting are expected to participate in their localities in the audit program of SBLCs.

This Audit Guide for SBLCs (Audit Guide) was prepared by the Small Business Administration (SBA). Any inquiries or comments relating to the examination of financial statements of SBLCs or to auditing and reporting procedures should be directed to the Chief Accountant, Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose of the Audit Guide.*—The Audit Guide has been written primarily to assist auditors of SBLCs in their financial examinations by focusing on matters that are unique to the SBLC program. This Guide is not intended to be a substitute for the accountant's professional judgement as to the work required to meet generally accepted auditing standards.

C. *Application of the Audit Guide.*—SBLCs and their independent accountants are to follow the provisions of this Audit Guide and related accounting and reporting guidelines.

SBLCs will vary as to size of operation and lending experience. Publicly traded SBLCs will be subject to the rules and regulations of the Securities & Exchange Commission (SEC) as well as SBA Regulations. Inasmuch as the SEC promulgates accounting and reporting requirements for business entities under its jurisdiction, SBA may waive certain accounting and reporting requirements contained herein which duplicate SEC requirements.

II. SMALL BUSINESS LENDING COMPANIES

A. *Background.*—In accordance with the Small Business Act of 1953, as amended, SBA is empowered to make loans to small business concerns and such loans may be made or effected either directly or in cooperation with banks *or other lending institutions* (emphasis added). Sections 120.4–7 of the SBA Regulations are designed to provide the eligibility standards and operational guidelines for "other lending institutions" that are approved by SBA to the SBLCs. To aid the expanding capital needs of small business, SBLCs are to be corporations organized to participate in making and servicing SBA guaranteed loans to small business concerns. Such loans may be made under the provisions of any of SBA's financial assistance loan programs and as such will be subject to existing limitations on loan size and extent of SBA guarantee. SBLCs by definition are lending institutions that are not subject to supervisory control of State or Federal chartering, licensing or comparable regulatory authority.

B. *Regulations.*—Part 120 of SBA Regulations implements the Small Business Act of 1953, as amended, and applies to SBLCs. Included in Part 120 are three appendices:

Appendix	*Title*
A	Audit guide for SBLC's.
B	Guide for annual report.
C	System of account classification.

III. REPORTING REQUIREMENTS

A. *Financial Report.*—The Small Business Administration requires SBLCs to have their financial statements examined annually by independent public accountants approved by SBA. The annual audit shall be performed as of the close of the SBLCs fiscal year.

Three copies of the accountant's report which is to be based on the Financial Statements prepared in the format contained in Part I, SBA Form 1088, shall be submitted to SBA by the SBLC as soon as practicable after completion and no later than the last day of the third month following the close of the period covered by the audit. Attached to the report should be a copy of any transmittal letter, special reports, or similar communications furnished to the SBLCs by the auditor. If adjusting entries are furnished to the SBLC, they should be submitted to SBA.

The reporting requirements are more fully explained in Appendix B, Guide for the Preparation of Annual Report.

B. *Report on Effectiveness of Internal Control.*—A review of internal control is a significant procedure in the scope of any financial examination. Each SBLC is required to establish and maintain effective control over its securities, funds, and equipment. Dual control over disbursement of funds, withdrawal of securities from safekeeping, and segregation of duties of employees represent key features of such arrangements.

In determining the scope of the independent accountant's examinations, the effectiveness of internal control procedures must be tested. Therefore, it is important that the accountant set forth in a letter report his observations on the effectiveness of internal control together with any suggestions he might have for improvement. Such letter report is to accompany the audited financial report, Part I of SBA Form 1088.

C. *Reporting Irregularities.*—The independent public accountant shall promptly inform a responsible official of the SBLC and the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 concerning apparent defalcations or other financial irregularities that may come to his attention in connection with his examination. Based on available information, he will indicate the nature and extent of such defalcations or other irregularities.

D. *SBLCs Registered with the SEC.*—Concerning SBICs that are registered with the SEC, additional reports may be required by SEC. Any report submitted by an SBLC to the SEC shall also be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

E. *Special Management Reports.*—Frequently, the independent public accountant will render special reports to the SBLC's management. Examples are reports on evaluation of management controls and practices. A copy of such reports shall also be promptly submitted by the SBLC to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

IV. QUALIFICATION AND SELECTION OF AUDITOR

A. *Qualification of Accountants.*—SBA will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. SBA will not recognize any person as a public accountant who is not in good standing and who was not entitled to practice as such on or before December 31, 1971, under the laws of the place of his residence or principal office.

B. *Independence.*—Accountants approved by SBA as auditors of an SBLC are to follow the code of professional ethics adopted by the American Institute of CPA's. SBA will not recognize any certified public accountant or public accountant as independent who is not in fact independent. In determining whether an accountant may in fact not be independent with respect to a particular SBLC, appropriate consideration will be

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given to all relevant circumstances, including evidence bearing on relationships between the accountant and such SBLC or any affiliate thereof

Accordingly, an accountant or a firm of which he is a partner or shareholder shall not express an opinion on financial statements of an SBLC unless he and his firm are independent with respect to such SBLC. Independence will be considered to be impaired if, for example:

1. During the period of his professional engagement, or at the time of expressing his opinion he or his firm:

a. Had or was committed to acquire any direct or indirect financial interest in the SBLC; or

b. Had any joint closely held business investment with the SBLC or any officer, director, or principal stockholder thereof which was material in relation to his or his firm's net worth; or

c. Had any loan to or from the SBLC or any officer, director, or principal stockholder thereof.

2. During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, he or his firm:

a. Was connected with the SBLC as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee;

b. Performed bookkeeping services or did "write-up work" for the SBLC; or

c. Was a trustee of any trust or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the SBLC; or was a trustee for any pension or profit-sharing trust of the SBLC.

C. *Selection of the Auditor.* The responsibility for selecting the independent accountant is vested in the SBLC's Board of Directors. Unless otherwise advised by SBA, qualifying as an independent public accountant, as explained above, may be considered as having SBA approval to perform the annual audit (financial examination) upon selection by the Board, and the filing with SBA by such accountant of an executed IPA Certification, SBA Form 1084, certifying as to his qualification and independence. In the case of licensed public accountant(s), a summary of experience and qualifications is to be submitted.

It is strongly recommended that the Board give thorough consideration each year to the matter of selecting the public accountant to perform that year's audit. The Board under this policy selects an accountant with whom it agrees as to the scope of the engagement and basis of compensation. Notification to SBA is not necessary when the same accountant or accountants are retained for successive years. Notifications of the Board's selection will be furnished to the Chief Accountant, Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416. Such notification should include a complete explanation of why the old accountant was released and why the new accountant was retained.

The account released from the audit engagement is also to furnish the Chief Accountant a full explanation as to why he or his firm was released from the engagement.

Chief Accountant
Finance and Investment
Small Business Administration
1441 L Street, N.W.
Washington, D.C. 20416

IPA CERTIFICATION

Gentlemen:

I (we) have been selected by the Board of Directors of

_____
(Name of Small Business Lending Company)

_____ _____
(Address of SBLC's principal office) (Zip Code)

to conduct an annual examination of the SBLC's financial statements as of _____, 19__. In accordance with the provisions of Item IV of the SBA Audit Guide for SBLCs, (Check One):

☐ Independent* certified public accountant (or firm of CPAs)

☐ Independent* licensed public accountant (or firm of licensed PAs).

I certify that this accountant (or firm of public accountants) is authorized to practice in, and is in good standing under the laws of the state or other jurisdiction in which the principal office of the SBLC is located, and accordingly, qualified to perform the annual audit of the above named SBLC.

_____ _____
(Date) (Signature of individual practitioner or principal, if applicable)

_____ _____
(Date) (Signature of partner of accounting firm, if applicable)

_____
(Name under which individual practitioner or accounting firm is doing business)

_____ _____
(Business Address) (Zip code)

*Independent within the meaning of this term as used by the Small Business Administration. SBA will not recognize any public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any SBIC with which he has, or had during the period covered by the audit (financial examination), any direct financial interest or any material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, investment adviser, director, officer, or employee, or in the capacity of rendering bookkeeping services.

SBA Form 1084

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V. SCOPE OF AUDIT

The independent public accountant's audit is to be an examination of the SBLC's financial statements in accordance with generally accepted auditing standards as expressed by the AICPA. The auditor is to make an examination of the SBLC's financial statements that constitute Part I, SBA Form 1088 with the view toward expressing an opinion as to whether the financial statements present fairly financial position, results of operation, and changes in financial position in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year. The audit is not to be a "compliance audit" in the sense that the independent accountant is expressing an opinion as to whether the SBLC is operating in accordance with the Act and Part 120 of SBA Rules and Regulations.

Management is responsible for the preparation of the SBA Form 1088. All audit adjustments will be recorded in the SBLC's records before completion of the audit report so that financial statements accompanying the report will agree with the books as adjusted as of the statement date, giving consideration to reclassifications of account balances for report purposes.

VI. INDEPENDENT ACCOUNTANT'S REPORT

A. *Report Format.*—The independent accountant's report will be a "short-form report" as set forth in Section 500 of the SAS issued by the AICPA. The financial statements that consitute Part I of the Annual Reports, SBA Form 1088, will accompany the auditor's report as well as footnotes necessary to achieve full disclosure. The accountant's report shall be dated, signed, and will indicate city and state where issued.

B. *Opinion.*—The account's report will state clearly: (1) the opinion of the accountant in respect of the financial statements covered by the report and the accounting principles reflected therein; and (2) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related finanial statements given.

C. *The Accountant's Workpapers.*—As a normal practice, the SBA Examiners review the accountant's workpapers in determining the scope of the SBA compliance examination. Therefore, the agreement between the SBLC and the accountant whereby the accountant is engaged to perform the audit (financial examination) must provide that the accountant's workpapers will be made available for review upon request from SBA.

VII. OTHER MATTERS

The independent accountant should satisfy himself that accounts not specifically mentioned in this audit guide are maintained in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards for finance companies or other commercial enterprises.

A. *Liquidity Reserve.*—The liouidity reserve, although not a funded reserve, is an amount of idle funds available to satisfy contingent items that may occur.

Section 120.5(b)(6) specifies the minimum amount of idle funds that should be maintained and the type of contingencies to be covered.

The auditor should satisfy himself that the funds are unrestricted and unencumbered.

B. *Participation Agreements.*—When a lending institution other than a bank is determined to be an eligible participant, SBA will enter into a participation agreement, SBA Form 1083, with the lender. This is a contractual arrangement between the central office of SBA and the SBLC and as long as this agreement is in effect, the SBLC may present loans to SBA District Offices for guarantee.

In addition to the participation agreement, the SBLC must execute with the district office with which it will be doing business the standard guarantee agreement (SBA Form 750 or 751).

Included in these agreements are certain covenants requiring action or performance by the SBLC, e.g. within five days of the first disbursement on account of each loan, lender (SBLC) shall pay SBA a one-time guaranty fee amounting to one percent of the total amount guaranteed by SBA. Noncompliance by the SBLC with the provisions of these guarantee agreements may result in SBA refusing to honor the guaranty in the event of a subsequent default by the borrower. The auditor should perform those audit steps considered necessary to determine that material contingent liabilities do not exist as a result of noncompliance by the SBLC with the guaranty agreements.

C. *Reserve for Losses.*—As explained in Sec. 120.5(b)(5) of SBA Regulations, the SBLC is required to maintain a reserve in the amount of anticipated losses on receivables and on the SBLC's share of all outstanding loans. Also, Item II. B. of Appendix C provides additional information on reserves for losses. The auditor should recognize that SBA does not require assets to be segregated and a funded reserve be maintained. Rather, the SBLC is considered to be in compliance with Sec. 120.5(b)(5) if the SBLC establishes an accounting reserve for anticipated losses on receivables, loans and assets acquired in liquidation of loans that are based on management's evaluation of the collectibility of such items and the reserves are considered materially adequate in the judgment of the auditor.

VIII. FIDELITY BOND

A. *Need for Bond.*—The Fidelity Bond requirements are set forth herein principally for the guidance of the SBLC in meeting its obligation to conform to such requirements.

Each SBLC shall obtain and maintain a Fidelity Bond, which must be executed by a Surety holding a certificate of authority from the Secretary of the Treasury pursuant to Section 6-13 of Title 6 of the United States Code as an acceptable Surety on Federal Bonds. Each officer and employee who has control over or access to cash, securities, or other property of the SBLC shall be covered by such Fidelity Bond. The form of Bond must meet the provisions or paragraphs B through D below.

B. *Type of Bond.*—The Fidelity Bond may be issued on a "Discovery" or "Loss-Sustained" basis. Each Bond shall contain minimum coverage equivalent to Insuring agreements (A) Fidelity, (B) On Premises, and (C) In Transit provided in Finance Companies Blank Bond Standard Form 14 and 15. Equivalent insurance coverage, as previously stated, constitutes satisfactory coverage. Insuring Agreements covering (D) Forgery or Alteration, (E) Securities, and (F) Counterfeit Currency, Misplacement Coverage, and Electronic Data Processing Coverage are not required. The Bond shall also contain a rider or endorsement providing that the Surety will notify the SBA, Associate Administrator for Finance and Investment, 1441 L Street NW., Washington, D.C. 20416, of its intent to cancel the Fidelity Bond at least 30 days in advance of the effective date of cancellation. At the option of the SBLC, a loss deductible clause not to exceed $1,000 will be permissible under all of the insuring agreements.

An SBLC may be covered as a joint insured under a Fidelity Bond if the coverage meets the above requirements.

C. *Coverage.*—The minimum amount of fidelity bond for each SBLC acceptable to SBA shall be $25,000. The amount of fidelity bond acceptable to SBA shall be based upon the total amount of the assets of the SBLC as follows:

Assets:	Minimum Coverage
Up to $500,000	$25,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

[1] $200,000 plus $10,000 for each $1 million or fraction thereof over $10 million, except that no SBLC shall be required to provide and maintain a fidelity bond in any amount greater than $1 million.

D. *Cancellation and Claims by the SBLC.*—Each SBLC, at least 30 days prior to making any request to the Surety to terminate or cancel such bonds, shall notify SBA in writing of its intent to terminate or cancel the bond. Each SBLC shall notify SBA immediately in writing of any claim for loss filed under the bond with the Surety. Such notifications to SBA shall be by certified mail addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

IX. FINANCIAL STATEMENTS

The primary financial statements of SBLCs include a Balance Sheet, Statements of Income and Retained Earnings, and a Statement of Changes in Financial Position. Such statements constitute the Financial Report, Part I of SBA Form 1088, and are required to be presented in the prescribed format. Appendix B provides additional instructions for the preparation of the Annual Report, SBA Form 1088. The following is a brief description of the financial statements and standard notes.

A. *Balance Sheet.*—The Balance Sheet is presented in a conventional format. Because of their significance, loans and assets acquired in liquidation of loans are shown as separate categories of assets.

B. *Statement of Income and Retained Earnings.*—The Statement of Income and Retained Earnings is designed in a conventional format, although it includes considerable detail on revenue and expense data by functional categories. Earnings per share is computed and retained earnings is determined. Accounting principles Board Opinion No. 9, *Reporting Results of Operations*, contains the applicable principles expressed by the AICPA.

C. *Statement of Changes in Financial Position.*—The Statement of Changes in Financial Position includes all changes in financial position resulting during the fiscal year. The objectives of this statement are (1) to summarize the financing and investing activities of the SBLC, including the extent to which the SBLC has generated cash and invested idle funds, and (2) to complete the disclosure of changes in financial position during the period. Accounting Principles Board Opinion No. 19, *Reporting Changes in Financial Position*, contains the applicable principles expressed by AICPA.

D. *Notes to Financial Statements.*—Included in the Notes to the Financial Statements will be information considered necessary to achieve full disclosure in accordance with generally accepted accounting principles.

APPENDIX B—ANNUAL REPORT FOR SMALL BUSINESS LENDING COMPANIES

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I. Introduction:
- A. Statement of Policy.
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- D. Reporting Requirements.
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II. Financial Report:
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- M. Schedule of Liquidity Reserve (Schedule 10).
- N. Schedule of Capital Stock of SBLC (Schedule 11).
- O. Schedule of Options on SBLC's Capital Stock (Schedule 12).
- P. Schedule of Management and Ownership (Schedule 13).

I. INTRODUCTION

A. *Statement of Policy.*—Small Business Lending Companies (SBLCs) approved by the Small Business Administration (SBA) are required to submit to SBA annual reports and interim reports when required. Such reports will be submitted on SBA Form 1088 and will be prepared in accordance with the instructions in this guide and generally accepted accounting principle.

This guide was prepared by SBA. Inquiries or comments relating to these instructions or the Annual Report, SBA Form 1088, should be directed to the Chief Accountant, Finance and Investment, 1441 L Street NW., Washington, D.C. 20416.

B. *Purpose.*—This guide (Appendix B) provides instructions for the preparation of the Annual Report, SBA Form 1088. The report and related instructions have been prescribed to provide standard reporting requirements and to ensure that uniform and comparable data is submitted to SBA by all SBLCs in a timely manner.

C. *Organization of the Annual Report.*—The Annual Report is comprised of two parts: Financial Report (Part I) and Management Report (Part II). The Financial Report includes the SBLCs financial statements, and will be the basis for the independent accountant's opinion. Such statements will present financial position, results of operations, and changes in financial position. Also included will be appropriate notes to the financial statements necessary to achieve full disclosure. The Management Report contains supplementary data on the SBLC's operations which is unaudited.

D. *Reporting Requirements.*—1. *Annual Report (SBA Form 1088).*—Three copies of the Annual Report shall be submitted to SBA by the SBLC as soon as practicable after completion and no later than the last day of the third month following the close of the SBLC's fiscal year.

The financial report shall be prepared in the prescribed format and shall accompany the accountant's report. Attached to each copy of the Financial Report should be a copy of any transmittal letter, special reports, or similar communications furnished to the SBLC by the auditor. If adjusting entries are furnished to the SBLC with the report, they should be submitted to SBA.

The Management Report will be submitted with the Financial Report and both will accompany, and be covered by, the certification.

2. *Interim reports.*—Upon request, SBLCs will submit to SBA either the complete SBA Form 1088 or a part thereof; i.e., the financial report or the management report. Such reports are considered interim in that they cover less than a full year of operations and financial report is not audited by the SBLCs independent accountant. Accordingly, such interim reports are in addition to, not in lieu of, the annual report.

3. *Regulated SBLCs.*—Concerning SBLCs that are registered with the Securities and Exchange Commission (SEC), additional reports may be required by SEC. It should be noted that any report submitted to SEC shall also be submitted to SBA.

4. *Where to submit reports.*—All reports rendered to SBA are to be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

E. *Accounting and Reporting Policies.*—Except as expressly required in Appendix C, SBLCs are to follow generally accepted accounting principles as set forth by the accounting Standards Board (FASB) and its predecessor groups.

A primary objective to be kept in mind is that the information reported should be disclosed in a manner that will cause the data to be understandable and useful to the reader and at the same time achieve a fair presentation. Accordingly, there shall be adequate footnote disclosure so as to make the statements not misleading. A certification by the authorized corporate official of the SBLC as to completeness and reliability will be required on all statements other than those containing an independent accountant's opinion.

The schedules in Part II of this report are designed to cover a variety of situations. The preparer of the report, however, should recognize that when a particular schedule does not apply to the SBLCs' operations, the schedule should be omitted. However, when the schedules are omitted, their omission shall be indicated by attachment to the management certification at the beginning of the report.

F. *Management Certification.*—The certification of the Annual Report, SBA Form 1088, shall bear the signature of the chief financial officer of the SBLC, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The Corporate Secretary of the SBLC shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Annual Report, SBA Form 1088, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Annual Report, SBA Form 1088, submitted to SBA shall be original signatures in ink.

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SMALL BUSINESS ADMINISTRATION

WASHINGTON, D. C.

Report of Financial &
Management Data
For Approved
Small Business Lending Companies

Period ended _____, 19__

_____
(Full name of reporting SBLC)

_____
(Street address)

_____
(City and state)

CERTIFICATION*

I, the undersigned Chief Financial Officer of the _____
(Full name of reporting SBLC)
do certify that this report and all schedules and supporting documents which are submitted herewith (including both Parts I and II of SBA Form 1088) have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company which are maintained in accordance with the System of Account Classification prescribed by SBA, and to the best of my knowledge and belief, are a complete and accurate statement, after adjustment to reflect full accruals.

Date _____, 19__ _____
(Signature)

_____
(Title)

VERFICATION*

I hereby attest that the minutes of the meeting of the Board of Directors of the _____ on _____, 19___, show
(Full name of reporting SBLC)
that the Board, at such meeting, reviewed and approved Parts I and II of SBA Form 1088 of such company for the period ended _____, 19___, covered by the above certification of the Chief Financial Officer.

Date: _____, 19__ _____
(Secretary)

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* Title 18 U.S.C. Sec. 1001 and Criminal Procedure, makes it a criminal offense subject to a maximum fine of $10,000 or imprisonment for not more than 5 years, or both to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States. Title 15, Section 645(a) subjects to punishment by fine and/or imprisonment any person making a false statement or willfully overvaluing any security, for the purpose of obtaining for himself or another any loan, extension thereof, or the acceptance, release or substitution of security therefore, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money or anything of value.

SBA Form 1088 (9/75) RD: Appendix B

II. FINANCIAL REPORT

A. *General.*—The Financial Report (SBA Form 1088, Part I) is designed to present the SBLC's financial statements as audited by the independent public accountant. Accordingly, the statements are based on the transactions recorded in the accounts. This Appendix contains standard formats and suggested notes of disclosure. The preparer of this report should keep in mind that the amounts are to be rounded to the nearest dollar.

B. *Independent Accountant's Report.*—The Accountant's Report is to be a short-form report and it is expected to contain an unqualified opinion. Such opinion should be expressed on the financial statements contained in Part I of SBA Form 1088 and not on separate statements. For further information on the Accountant's Report, see Appendix A, *Audit Guide for SBLCs*.

The following sample accountant's report is included for illustrative purposes and is not intended to cover the various situations that may arise in practice.

STEIN & STEIN, CPA's,
222 Carmichael Avenue,
Washington, D.C. 20016.

To: The Stockholders and Board of Directors of Becker Finance Company.

We have examined the balance sheet of Becker Finance Company as of December 31, 19—, and the related statements of income and retained earnings and changes in financial position for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of Becker Finance Company at December 31, 19—, and the results of its operations and the changes in its financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

March 28, 19—.

STEIN & STEIN.

C. *Balance Sheet.*—The Balance Sheet is designed to measure the SBLC's financial position as of the statement date in a conventional format. After the first year of operation, the Balance Sheet is to be on a comparative basis.

The following Statement Format is to be used by all SBLCs.

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Name of SBLC: _____

Balance Sheet

As of _____, 19___

ASSETS

Current Assets			
1. Cash		$	
2. Invested Idle Funds			$
3. Notes and Accounts Receivable	$		
4. Accrued Interest Receivable		$	
5. Less: Allowance for Losses			
6. Other Current Assets			$
7. Total Current Assets			
Loans			
8. Loans, at Cost		$	
9. Less: Unearned Fees	$		
10. Allowance for Losses			
11. Total Loans			
Assets Acquired in Liquidation of Loans			
12. Assets Acquired, At Cost		$	
13. Less: Allowances for losses	$		
14. Accumulated Depreciation			
15. Total Assets Acquired			$
Other Assets			
16. Funds in Escrow		$	
17. Furniture & Equipment	$		
18. Less: Accumulated Depreciation			
19. Deferred Charges			
20. Other Assets			
21. TOTAL ASSETS			$

LIABILITIES & STOCKHOLDERS EQUITY

Current Liabilities			
22. Accounts & Notes Payable		$	
23. Accrued Interest Payable			
24. Income Taxes Payable			
25. Dividends Payable			
26. Other Current Liabilities			
27. Total Current Liabilities			$
Long-Term Debt			
28. Notes and Debentures payable		$	
29. Other Long-term Debt			
30. Total Long-Term Debt			
Other Liabilities			
31. Trust Receipts		$	
32. Deferred Credits			
33. Other Liabilities			
34. Total Other Liabilities			
35. TOTAL LIABILITIES			$
Stockholders Equity:			
36. Capital Stock	$		
37. Paid-in Surplus		$	
38. Less: Treasury Stock			
39. Paid-in Capital Stock and surplus		$	
40. Retained Earnings			
41. Stockholders Equity			
42. TOTAL LIABILITIES & STOCKHOLDERS EQUITY			$

SBA Form 1088, Part I (9/75)

D. *Statement of Income and Retained Earnings.*—The Statement of Income and Retained Earnings is designed to measure the SBLCs' results of operations as well as changes in retained earnings in accordance with APB No. 9.

Revenue is classified according to source such as interest income, fees for processing applications, consulting and other income as well as gain or loss on sale of guaranteed portions of loans. Expenses are grouped according to renumeration, initiating and servicing costs, other costs and provisions for probable losses. Also, earnings per share is to be measured.

The Statement Format is to be used by all SBLCs is as follows:

Name of SBLC: _____

Statement of Income Retained Earnings

For _____ months ended _____, 19___

REVENUE:			
1. Interest Income			$
2. Application and Processing Fees			
3. Loan Servicing Fees			
4. Consulting and Other Income			
5. Sale of Guaranteed Portion of Loans		$	
6. Less Cost of Loans Sold			
7. TOTAL REVENUE			$
EXPENSES:			
Remuneration			
8. Interest Expense	$		
9. Salary Expenses			
10. Employee Expense			
11. Consulting Services			$
Initiating & Servicing Costs			
12. Advertising and Promotion		$	
13. Appraisal and Investigation			
14. Guarantee Fee			
15. Communication			
16. Legal			
17. Travel Expense			
Other Costs			
18. Rent Expense		$	
19. Depreciation & Amortization Expense			
20. Audit & Examination Expense			
21. Insurance Expense			
22. Miscellaneous Expense			
Provision for Probable Losses			
23. Receivables		$	
24. Loans			
25. Assets Acquired			
26. TOTAL EXPENSES			
27. NET INCOME BEFORE TAXES			$
28. Provision for Current Income Taxes		$	
29. Deferred Charge (Credit) to Future Taxes			
30. NET INCOME (LOSS)			$
31. Retained Earnings at Beginning of Period			
32. Less: Dividends Declared			( )
33. Retained Earnings at End of Period			$
34. Net Income Per Share			$
35. Net Income Per Share - Assuming Full Dilution			$

SBA Form 1088, Part I (9/75)

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E. *Statement of Change in Financial Position.*—The Statement of Change in Financial Position is patterned after the requirements of Accounting Principles Board Opinions No. 19. After the first year of operations, the statement should be on a comparative basis.

The statement format to be used by all SBLCs is as follows:

Name of SBLC: _____

STATEMENT OF CHANGES IN FINANCIAL POSITION

For _____ months Ended _____, 19___

SOURCE OF FUNDS

1.	From Net Income	$_____
2.	Add: Depreciation, amortization, provision for losses, deferred income taxes, etc.	_____
3.	Total funds provided by operations	$_____
4.	Proceeds from Sale of Loans	_____
5.	Other Decreases in Loans	_____
6.	Proceeds from Sale of Assets Acquired	_____
7.	Other Decrease in Assets Acquired	_____
8.	Decrease in Current Assets (Excluding Cash and Invested Idle Funds)	_____
9.	Decrease in Other Assets	_____
10.	Increase in Current Liabilities	_____
11.	Increase in Long-term Debt	_____
12.	Increase in Other Liabilities	_____
13.	Increase in Stockholders' Equity	_____
14.	Other _____	_____
15.	Total Funds Provided	_____

APPLICATION OF FUNDS

16.	Investment in Loans	$_____
17.	Other Increases in Loans	_____
18.	Acquisition of Assets in Liquidation of Loans	_____
19.	Other Increase in Assets Acquired	_____
20.	Increase in Current Assets (Excluding Cash and Invested Idle Funds)	_____
21.	Increase in Other Assets	_____
22.	Decrease in Current Liabilities (Excluding Dividends)	_____
23.	Payment of Dividends	_____
24.	Decrease in Long-term Debt	_____
25.	Decrease in Other Liabilities	_____
26.	Other _____	_____
27.	Increase (Decrease) in Cash and Invested Idle Funds	_____
28.	Total Funds Applied	$_____

SBA Form 1088, Part I (9/75)

F. *Notes to Financial Statements.*—Notes to the Financial Statements are to be included, which are necessary to achieve full disclosure and which are necessary so as to make the statements not misleading.

The following is a list of items that usually are found in footnotes. The list is not inclusive but contains examples of accounting policies and financial circumstances that might be disclosed in accordance with generally accepted accounting principles.

1. Significant Accounting Policies:
a. Recognition of interest income.
b. Income taxes.
c. Property (if material)—Depreciation.
d. Recognition of revenue from fees.
e. Other.
2. Long-term Debt.
3. Property.
4. Contingent Liabilities and Commitments.
5. Principles of Consolidation.
6. Assets Subject to Lien.
7. Pension and Retirement Plan.
8. Restrictions on Retained Earnings.
9. Leased Assets and Lease Commitments.
10. Other Disclosures Required by Generally Accepted Accounting Principles.

III. MANAGEMENT REPORT

A. *General.*—The Management Report (Part II, SBA Form 1088) is designed to provide SBA with analytical data on the SBLC's operations.

The schedules in this report are designed to cover a variety of situations. The preparer of the report, however, should recognize that when a particular schedule does not apply, the schedule should be omitted. Accordingly, if the SBLC has no assets acquired in liquidation, schedules 6 and 7 would be omitted.

B. *Coversheet.*—The coversheet of the Management Report should show the following information centered on the page:

Name of SBLC:----------
City and State:----------
Identification No:----------

Management report
period ended ----------, 19--.

C. *Content of Report.*—The table of contents to the Management Report summarizes the information contained in the report and is as follows:

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	Schedules
Size and Classification	1
Overview of SBLC's Operations	2
Schedule of:	
Portfolio Serviced	3
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Commitments and Unfunded Loans to Smal Business Concerns	6
Delinquencies Aged	7
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Cash and Invested Idle Funds	9
Liquidity Reserve	10
Capital Stock of SBLC	11
Options on SBLCs Capital Stock	12
Schedule of Management and Ownership	13

D. *Size and Classification (Schedule 1).*—This data sheet provides information on the SBLC's size, ownership, and investment policy.

1. *Size*—should be measured in total portfolio being serviced. This measurement is indicative of the lenders activity and size

2. *Ownership*—is measured according to bank domination or association, ownership by another corporate entity, or individual ownership.

Bank domination refers to ownership of 50% or more of the SBLC's stock by a Bank or Bank Holding Company. If the Bank or Bank Holding Company controls between ten percent to fourty-nine percent (10%–49%) of the stock, the SBLC is considered to be Bank Associated.

SBLCs are presumed to be owned by a financial corp. or nonfinancial corp. if 50% or more of its stock is owned by such corporation. Otherwise, the SBLC's ownership is considered to be "individually owned."

Concerning public or non-public, i.e., private ownership, a company's stock is considered to be publicly owned if the company has sold its stock in the market place to raise capital and it is regulated by the Securities and Exchange Commission. Otherwise, the company is considered to be privately owned.

3. *Investment Policy*—should be that which the SBLC had adopted as set forth in its proposal to operate, as amended.

4. *SBIC Association*—An SBLC is considered to be associated with an SBIC when it comes within the definition of Section 120.1(d) of SBA Regulations.

SCHEDULE 1

SIZE AND CLASSIFICATION

Size.—In total loans being serviced
- ☐ Zero to $10 million.
- ☐ $10 million to $20 million.
- ☐ $20 million to $50 million.
- ☐ $50 million to $100 million.
- ☐ over $100 million.

Ownership.—
- ☐ Bank Dominated (50% or more owned by Bank or Bank Hold. Co.).
- ☐ Bank Associated (10% to 49% owned by Bank or Bank Hold. Co.).
- ☐ Financial corp. other than Bank or Bank Hold. Co. (Including SBICs):
  - ☐ Public.
  - ☐ Non-public.
- ☐ Non-Financial Corp.
  - ☐ Public.
  - ☐ Non-public.
- ☐ Individually owned:
  - ☐ Public.
  - ☐ Private.

Loan policy.—
- ☐ Diversified.
- ☐ Non-diversified.

(SIC code, 4 digit ----------)

SBIC Association.—
- ☐ Yes, if yes, state Name of Licensee. ----------
- ☐ No, License No.: ----------

(Check One)

E. *Overview of SBLC's Operations (Schedule 2).*—The overview is intended to be a summary of the SBLC's operations for the period completed viewed from the standpoint of the SBLC's management. It should highlight significant events affecting the SBLC's operations that would assist the reader in understanding the data contained in the report. It should be limited to information not otherwise made available to SBA and contain analysis of specific data contained elsewhere in the report.

The overview is intended to be a brief narrative summary of the SBLC's operations during the year recently completed. It will summarize activities involving such things as applications for loans received from small business concerns, loans made, sale of guaranteed portions, etc.

In those instances where the SBLC has assets acquired in liquidation of loans, progress toward disposing of such assets should be summarized if the SBLC is liquidating the loan. The overview should include comments on matters relating to SBA Regulations and other matters of interest considered appropriate.

It is also contemplated that the overview will include success stories where they occur, have been accomplished, and can be measured.

Regarding the coming year, significant events expected to occur that will significantly affect the SBLC's operations should be highlighted. It is intended to be a summary of the SBLC's equity and debt projected needs and commitments for the coming year. Describe the anticipated amount of funds needed for small business loans and the sources of such funds. Provide details of proposed new stock offers, credit agreements, line-of-credit arrangements, etc. to include amounts, dates, names and sources, terms, restrictions, etc. In short, this summary should provide management's appraisal of the ability of the SBLC to meet its capital demands for the next year.

F. *Schedule of Portfolio Serviced (Schedule 3).*—This schedule includes all loans the SBLC is serving at the balance sheet date whether or not the guaranteed portion has been sold or transferred. When more than one SBA District Office has the responsibility to perform according to the terms and conditions of the guarantee, the loans should be grouped and reported on a separate schedule by district office. The District Office should be identified in the upper left corner of the schedule.

The schedule of servicing portfolio shall contain the following columns:

1. *Borrower*—Loans are to be grouped alphabetically. Show name of business and address limited to city and state.

2. *SIC Code*—Show the four digit SIC code for the business.

3. *Financing Date*—As a general rule, the date the loan was disbursed shall be shown as the financing date. In those instances where multiple disbursements are made, the initial disbursing dates and the final disbursing date shall be shown.

4. *Percent of SBA Guarantee*—The percent of SBA's guarantee on the loan should be specified. In those instances where SBA's involvement is an immediate participation, the amount of the participation will be stated.

5. *Total Loan Balance*—State the amount of the loan balance at the balance sheet date including the participations sold.

6. *Participation Sold*—State the balance of participations sold or transferred. Include in this column the amount of immediate participations by SBA or other transfers.

7. *Lender's Share of Loans*—The lenders share of loans will be column 5 minus column 6. The total of this column should agree with item 8 of the balance sheet.

8. *Allowance for Loss on Loans*—The amounts shown in this column will represent management's estimate of anticipated loss on the SBLC's share of loans as of the Balance Sheet date. The total of this column should agree with item 10 of the Balance Sheet.

9. *Delinquencies*—The amount shown in this column will represent the amount of principal past due on the amount of loans shown in column 5.

10. *Action taken on Delinquencies*—By use of a legend key, specify the action being taken on loans that are delinquent. The following legend items should be used:

a. Loans being serviced.
b. Requests made to SBA for repurchase (Specify date)
c. Loan repurchased (Specify date).
d. Other action (Specify).

11. *Value of Collateral*—The estimated value of collateral for delinquent loans should be specified.

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SCHEDULE 3

Name of SBLC: _____

Schedule of Portfolio Serviced (In Dollars Only -- No Cents)

As of _____, 19__

Borrower (1)	SIC Code 4 digit (2)	Finance Date (3)	% of SBA Guaranty (4)	Loan Balance Total (5)	Loan Balance Portion Sold (6)	Loan Balance Lender Share (7)	(a) Allow. for Losses (8)	(b) Delinquencies Amount (9)	(b) Delinquencies Action Taken (10)	Value of Collateral (11)

(a) Allowance for losses is to be established on only the lender's share of the loan balance.
(b) Delinquencies should include principal amounts that are past due by more than one month.

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G. *Schedule of Assets Acquired in Liquidation of Loans (Schedule 4).*—This schedule includes the SBLC's interest in assets acquired in liquidation of loans as of the statement date and the related activity during the accounting period.

The assets should be grouped according to the following three categories:

1. *Certificates of Interest*—which result when SBA liquidates the assets in an effort to collect on the loan. SBA will issue the SBLC a Certificate of Interest for its share of the loan.

2. *Amounts Due From Debtors on Sale of Assets Acquired*—which result when the SBLC takes a note as consideration in whole or in part for the sale of an asset which it acquired in liquidation of a loan.

3. *Other Assets Acquired*—represents all other assets acquired. Each asset should be identified in Column 1 by the former debtor or small business concern. The assets held should be described in Column 2. The balance at the beginning of the reporting period, additions and deductions during the period, and balance at the close of the period should be shown in Columns 3, 4, 5, and 6 respectively. The allowance for losses established for the reporting company's portion of the assets held on a specific identification basis should be shown in Column 7. Current market value or fair value as determined by the board of directors at the close of the period shall be shown in Column 8.

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SCHEDULE 4

Name of SBLC:
Schedule of Assets Acquired in Liquidation of Loans
As of _____, 19__

Name Location by City And State of Small Business Concern (Former Debtor)	Description of Assets Held	ASSETS ACQUIRED			MEMORANDUM	
		Balance at Beginning of Period	Additions During Period	Deductions During Period	Balance at Close of Period	Allowance for Losses at Close of Period (a)	Market, or Fair Value Determined The Board Thereof
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total							

(a) On this schedule or on attached sheet give complete details of any charges to this account during the period representing the write-off assets acquired of loans and debt securities.

H. *Schedule of Loans Sold During the Period* (*Schedule 5*).—This schedule summarizes certain information on loans sold. In those cases where more than one SBA District Office has the responsibility to perform according to the terms and conditions of the loan guarantee, the loans sold should be grouped and reported on a separate schedule by District Office. The District Office should be identified in the upper left corner of the schedule. The schedule will contain the following column headings:

1. *Identification of Loan.*—Show the name of the borrower and address limited to city and state.

2. *Sale Price.*—Show the amount paid for the loan net of selling expenses, if any.

3. *Cost of Loan Sold.*—Show the SBLC's cost of the portion of the loan sold.

4. *Gain or (Loss) on Loan.*—This amount will result from selling the loan (column 3 minus 4).

5. *Service Fee.*—The service fee to be paid the SBLC by the purchaser should be shown in this column and expressed in terms of dollars as an annual fee.

6. *Tri-part Agreement Executed.*—There should be an identifying mark under "yes" or "no" in the column indicating whether the Tri-part Agreement has been executed.

7. *Purchaser.*—Identify in this column the purchaser of the loan by name and address limited to city and state.

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SCHEDULE 5

Name of SBLC: _____
Schedule of Loans Sold During the Period (In dollars only -- no cents)
As of _____, 19__

Loan Identification	Net Sales Price	Cost	Gain (Loss)	Service Fee	Tri-part Agreement[a]		Purchaser
					Yes	No	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TOTAL							

(a) Tri-part Agreement should be executed on every loan sold.

I. *Schedule of Commitments and Unfunded Loans to SBCs (Schedule 6).*—This schedule should include both unfunded loan authorizations and commitments the SBLC has issued that are subject to SBA approval. When more than one SBA District Office has the responsibility to perform according to the terms and conditions of the agreement, the loans should be grouped on separate schedules by District Offices. Accordingly, the District Office should be identified in the upper left corner of the schedule.

The schedule should contain the following columns:

1. *Borrower*—Show alphabetically the name of the small business concern and address by city and state.

2. *Date*—Show the date of the authorization.

3. *Amount of Loan*—Show the balance of unfunded loan authorizations.

4. *Date*—Show the date of loan commitments.

5. *Amount of Commitment*—Show the amount of the outstanding commitment.

SCHEDULE 6

Name of SBLC: _____
Schedule of Commitments to SBCs
As of _____, 19____

Borrower	Unfunded Loans		Commitments	
	Date	Amount	Date	Amount
(1)	(2)	(3)	(4)	(5)
Total				

Remarks:

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J. Schedule of Delinquencies Aged (Schedule 7).—This schedule includes all delinquent loans of those being serviced by the SBLC as of the balance sheet date that have not been repurchased by SBA. When more than one SBA District Office has the responsibility to perform according to the terms and conditions of the agreement, the loans should be grouped on a separate schedule by the District Office. The District Office should be identified in the upper left corner of the schedule.

The schedule should contain the following columns:

1. *Borrower*—Delinquent loans are to be grouped by borrowers alphabetically.
2. *Loan Balance*—Show the balance of the loan being serviced at the balance sheet date.
3. *Amount Past Due*—This amount will include both principal and interest past due and will be subdivided as to length of time delinquent as follows:
   a. *0–30 days*—list amounts that are past due by 30 days or less.
   b. *31–60 days*—list loans where payments are no less than 31 days nor more than 60 days past due.
   c. *61–90 days*—list loans where payments are no less than 61 days or more than 90 days past due.
   d. *91–120 days*—list loans where payments are over 90 days past due.
   e. *over 120 days*—list loans where payments are over 120 days past due.
   f. *Total amount past due*—show the total of amounts past due for both principal and interest. This amount should be the total of columns a–e.

SCHEDULE 7

Name of SBLC: _____
Schedule of Delinquencies aged
As of _____, 19__

Borrower	Loan Balance	Amount Past Due (Principal and Interest)				Total Past Due
		0-30 Days	31-60 Days	61-90 Days	90-120 Days	Over 120 Days	
	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total							

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k. *Schedule of Allowance for Losses (Schedule 8).*—This schedule analyzes the activity in allowance for losses which are established on (a) receivables, (b) Loans, and (c) asset acquired in liquidation of loans. The schedule shows the beginning balance, increases, decreases, and ending balance for each type of allowance for losses.

The allowance for loss on loans is to be established only on the SBLC's interest in loans and excluding the portion sold or transferred to a third party.

Appendix C contains specific guidance on the establishment of allowance for losses.

The schedule format to be followed is as follows.

SCHEDULE 8

Name of SBLC: _____

Analysis of Allowance for Losses

As of _____, 19___

Description	Receivables	Loans	Assets Acquired	Total
1. Balance, Beginning of period				
2. Provisions during the period				
3. Other Increases				
4. Total Increases (2 and 3)				
5. Write offs during the period				
6. Other decreases				
7. Total decreases (5 and 6)				
8. Net change (item 4 minus 7)				
9. Balance, End of period				

Remarks:

L. Schedule of Cash and Invested Idle Funds (Schedule 9).—Cash will be reported on Schedule 9(a) and Invested Idle Funds will be reported on Schedule 9(b).

Schedule 9(a)—Cash.—Cash on hand and in time deposits, funds in interest bank accounts, demand deposits, funds in non-interest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund. The amount shown on line 7 should be the same amount reported on line 1 of the Balance Sheet.

Schedule 9(b)—Invested Idle Funds.—Show in Schedule 9(b)(1) securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (8) and the current market value thereof in column (7).

Show in Schedule 9(b)(2) funds invested in insured savings accounts and funds on time deposit in commercial banks which are members of the Federal Deposit Insurance Corporation. Savings accounts shall be with institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

The amount shown in Schedule 9(b)(2) line 5 representing invested idle funds and should be the same amount as shown on line 2 of the Balance Sheet.

The amounts contained in this schedule can be obtained from the accounts as follows:

In Schedule 9(a), item 1 is based on accounts 100 through 108, item 2 is based on accounts 110 through 112, item 3 is based on account 118, and item 4 is based on account 120.

Schedule 9(b)(2), columns 1 and 3 are based on accounts 131 through 134, and columns 2 and 4 are based on accounts 135 through 137.

Name of SBLC

DATE _____, 19__

CASH AND INVESTED IDLE FUNDS — SCHEDULE 9

CASH — SCHEDULE 9(a)

NAME OF DEPOSITORY (1)	LOCATION OF DEPOSITORY (2)	AMOUNT (3)
1. General funds—demand balances with:		
(a)		
(b)		
(c)		
(d)		
2. Deposits in imprest accounts with:		
(a)		
(b)		
(c)		
3. Cash items in process of collection	XXX	
4. Petty cash	XXX	
5.		
6.		
7. Total Cash	XXX	

INVESTED IDLE FUNDS — SCHEDULE 9(b)

U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED — SCHEDULE 9(b)(1)

NAME OF ISSUER AND TITLE OF ISSUE (1)	INTEREST RATE (2)	CALL DATE (3)	MATURITY DATE (4)	PRINCIPAL AT PAR (5)	PRINCIPAL AT COST (6)	MARKET VALUE (7)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10. Totals						

INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT — SCHEDULE 9(b)(2)

NAME AND LOCATION OF DEPOSITORY: INSURED SAVINGS (1)	TIME CERTIFICATES OF DEPOSIT (2)	INSURED SAVINGS BALANCE (3)	TIME CERTIFICATES OF DEPOSIT BALANCE (4)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17. Totals			
18. Total Insured Savings and Time Certificates of Deposit (column (3) plus column (4), item 17)			XXX
19. Total U.S. Government Obligations, Insured Savings, and Time Certificates of Deposit (item 18 plus total column (6), Schedule 9(b)(1)			XXX

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M. Schedule of Liquidity Reserve (Schedule 10).—This schedule is designed to compute the minimum liquidity reserve required by Section 120.5(b)(8) of the SBA Regulations. The schedule format is as follows:

SCHEDULE 10

Name of SBLC: _____

Analysis of Liquidity Reserve

As of _____, 19__

1. Cash and Invested Idle Funds ..... $_____

Reserve Requirements

2. Monthly payments on Guaranteed portions ... $_____
3. 10% of monthly payments (line 2 above) ..... $_____
4. Undisbursed Loan Authorizations ..... $_____
5. Less: Firm Commitments receivable for funding loans ..... $_____
6. Balance ..... _____
7. Refundable Unearned Discounts ..... $_____
8. 10% of Refundable Discounts (line 7 above) ..... _____
9. Total Reserve Required (lines 3, 6, and 8) ..... _____
10. Excess (deficient) Invested Idle Funds (lines 1 less 9) ..... _____

List Undisbursed Loan Authorizations:

Borrower	Amount

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N. *Schedule of Capital Stock of SBLC (Schedule 11).*—Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, data relating to special transactions involving capital stock.

In column (1) describe the type and class of each issue, such as common—$5 par, preferred (7 percent Series of 1975), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1). The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4) shall agree with item 36 of the Balance Sheet. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price. In column (9) shall be reported the amount of subscription receivable. Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights).

The information reported in this schedule is based on accounts 400 through 419.

O. *Scheduled Options on SBLC's Capital Stock (Schedule 12).*—Furnished in this schedule full information concerning outstanding capital stock options which have been granted by the company. Such information should be recorded in Memorandum Account OCS–1.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common $5 par, preferred (7 percent Series of 1975), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at the date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at the date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors in good faith.

NAME OF SBLC

As of _____, 19__

CAPITAL STOCK OF SBLC — Schedule 11

Title and Class of Par or Stated Value	Number of Shares Authorized by Charter	Shares Issued and Not Retired or Cancelled: Number	Shares Issued and Not Retired or Cancelled: Amount at Par or Stated Value	Number of Shares: Held by or for Account of Issuer	Number of Shares: Outstanding	Amount Outstanding At Par Or Stated Value	Amount Subscribed at Subscription Price	Amount of Subscriptions Receivable	Number of Shares Reserved for Officers and Employees	Number of Shares Reserved by Options and Other Rights
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Total			Pg. 2, item 37				Pg. 2, item 41	Pg. 2, item 41(a)		

OPTIONS ON SBLC CAPITAL STOCK — Schedule 12

Identification of Person or Entity Holding Option	Number of Shares Optioned	Title and Class of Stock Called for by Option	Grant and Expiration Dates of Option	Price of Option and Fair Market Value at Date of Granting	Provisions in Case of Death, Retirement, etc
(1)	(2)	(3)	(4)	(5)	(6)

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P. *Schedule of Management and Ownership* (*Schedule 13*).—Furnish in this schedule the information specified regarding the SBLC's officers, directors, and employees authorized to approve loans. The schedule should contain the following columns:

1. *Name and Address*—List the name and address of the following:

(a) Each officer, director, or employee authorized to approve loans, (List and identify officers and directors, and employee regardless of whether or not they own any equity securities of the company.)

2. *Officer, Director and Key Employee*—Identify each officer, director, employee authorized to approve loans as a combination of any of the three.

3. *Type of Business*—Indicate the type of business in which each listed person or company is engaged.

4. *Class of Stock*—Show the class of stock owned by any person or company

5. *Nature of Ownership*—Indicate whether the securities are owned both of record and beneficially, of record only, or beneficially only.

Name of SBLC: _____

Schedule of Management & Ownership

As of _____, 19

SCHEDULE 13

Name & Address	MANAGEMENT: Officer, Director and/or Key Employee	Type of Business Engaged in	OWNERSHIP: Class of Stock	Nature of Ownership	Number of Share owned	Total Cost	Percent Owned
Total							

(a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, five (5) percent or more of the outstanding voting securities of the company.

(b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

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APPENDIX C—SYSTEM OF ACCOUNT CLASSIFICATION FOR SBLCs

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I. INTRODUCTION

A. *Statement of Policy.*—Subsection (b) Lenders, less technically called Small Business Lending Companies (SBLCs), are to maintain their books of account in accordance with the system of account classification and accounting policies herein prescribed. Accounting principles and practices set forth herein are in accordance with generally accepted accounting principles as set forth by the American Institute of Certified Public Accountants.

Nothing contained in this system of account classification can, or is intended to, authorize or approve any operation or action by an SBLC, or any other action, not authorized or approved by the Small Business Act, as amended, or the Rules and Regulations promulgated thereunder.

This system of Account Classification was prepared by SBA. Any inquiries or comments relating to the system should be directed to the Chief Accountant, Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

B. *Purpose of the System.*—This system has been prescribed to insure that standard books of account are maintained by SBLCs and that uniform accounting policies are followed. By design, the system is basic and may be expanded if necessary.

C. *Maintenance and Retention of Records.*—The SBLC's books and records shall be maintained at its principal place of business. Books and records shall include its books or account, and other records, and memoranda which support the entries in its books of account. These supporting records shall be maintained in such manner as to permit information to be readily available on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of facts regarding any transaction.

Section 120.5(b)(7) of SBA Rules and Regulations specifies the time periods for which records are to be maintained.

II. ACCOUNTING POLICIES & PRACTICES

As a general rule, accounting policies followed by SBLCs are those promulgated by the American Institute of CPA's as generally accepted accounting principles and practices. Certain of these principles and practices are prescribed in the AICPA's Audit Guide for Finance Companies.

Certain accounting policies SBLCs are to follow are summarized below. The summary is intended to highlight the more significant policies and practices rather than being an all inclusive statement.

A. *Basis of Accounting.*—Books of account shall be maintained on an accrual basis and, at the end of each month, transactions shall be posted to the general ledger. Entering in the records and posting to the general ledger of accruals applicable to each month is optional but all accruals are to be entered in the records and posted as the end of the fiscal year, and as of such other dates as mark the close of periods to be covered by interim or special financial reports required to be furnished to SBA including the examination by SBA Examiners.

B. *Reserve for Losses.*—The basis of accounting for receivables and loans is cost with a reserve for loss. Receivables in this broad sense include:

Notes and accounts receivable.
Accrued interest receivable.
Assets acquired in liquidation of loans.

"Cost" is usually the carrying value of the receivable. In the case of loans, it is the face of the note in which interest is not included.

Adequate provision for loss is essential. Fair presentation of the financial position of the SBLC, in conformity with generally accepted accounting principles, requires related allowance for losses to be sufficient to cover the estimated losses even though specific uncollectible accounts cannot be identified, provisions necessary to record allowance needed to cover losses not originally anticipated must be treated as ordinary charges to operations for the period in which the loss becomes evident.

C. *Tax Allocation Policy.*—Tax allocation policies as set forth in Accounting Principles Board Opinion No. 11, *Accounting for Income Taxes*, effective December 31, 1967, will be followed by SBLCs in accounting for income taxes.

In those instances where the SBLC files consolidated tax returns with a parent company, it is expected that the SBLC will contribute its proportionate share of taxes due on taxable net income. Also, when the SBLC experiences a tax loss, the SBLC will establish a deferred credit to future taxes and a receivable due from the parent.

A difference between accounting income and taxable income may exist which would be accounted for according to APB Opinion No. 11.

D. *Accrual of Interest Income.*—Interest income will be accrued according to terms of loans. Interest income will not be accrued if the ability of the small business concern to pay such accrued interest is doubtful. Indicators of uncollectible accrued interest are instances in which the SBC is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Other indicators are when principal and/or interest payments are in default more than six months or when the board of directors values the security below cost and considers collection to be doubtful.

E. *Financing Fees.*—Fees, as general rule, are considered earned at the time of financing since they are for services rendered in connection with the financing. To the extent fees are for services to be rendered in the future, such amount will be considered unearned until the services are performed, at which time such fees will be considered earned.

F. *Realization of Gain (Loss) on Sale of Assets.*—In accordance with the accrual basis of accounting, gain or loss on sale of securities or other assets of an SBLC will be realized at the point of sale. This practice assumes that the collectibility of the gain is reasonably assured and that the earnings process is complete, i.e., the SBLC is not obligated to perform significant activities after the sale in order to earn the gain.

Any transactions with recourse upon the SBLC or involving any understanding, agreement, option, privilege, or other rights to repurchase by and/or resell to the SBLC may not be considered as a final transaction. Any reacquisition of the assets by the SBLC, resulting from prior agreements or rights, shall be construed as a nullification of the original sale transaction. The only exception to this rule is the sale of the guaranteed portion of loans to a third party with recourse upon the SBLC for default.

Any gain that does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

It is noted that cost of securities or other assets sold is usually the carrying value on the SBLC's books.

G. *Premiums or Discounts on Loans Sold.*—Generally, premiums or discounts will be treated as gain or loss on sale of guaranteed portion of loans as explained in Section II-F of this Appendix. In those cases where part of the premium or discount is refundable, the premium or discount will be amortized over the stated life of the loan and not recorded as a gain or loss when the loan is sold.

H. *Accounting for Nonmonetary Transactions.*—Nonmonetary transactions involve both reciprocal and nonreciprocal transfers of assets or liabilities not involving cash between the SBLC and another entity or person, or between the SBLC and its stockholders. Accounting Principles Board Opinion No. 29, issued by the AICPA and effective October 1, 1973, should be followed by SBLCs to the extent applicable when accounting for nonmonetary transactions.

Nonmonetary exchanges with portfolio concerns or others whereby the SBLC transfers certain securities or assets for other securities or assets will not be considered transactions where gain (loss) is realized whether such transactions are taxable or nontaxable exchanges. The accounting basis for assets received will be the same basis as for assets transferred.

Dividends in kind are nonreciprocal transfers of nonmonetary assets to owners and should be accounted for at fair value if such fair value is objectively measurable and would be clearly realizable to the SBLC in an outright sale at or near the time of distribution. Otherwise, the transfer should be accounted for at cost without realizing a gain (loss).

III. CHART OF ACCOUNTS

A. *Account Numbering System.*—This system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than

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one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

B. *Additional Accounts.*—SBLCs may incorporate such additional accounts into their accounting system as are considered necessary.

Any account may be subdivided, provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. Subaccounts shall refer by number and title to the accounts to which they apply. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

C. *Primary Classification of Accounts.*—The primary classification of accounts is as follows:

GENERAL LEDGER

Account numbers	*Description*
100 to 299	Asset and valuation accounts.
300 to 399	Liability accounts.
400 to 499	Capital accounts.
500 to 599	Income accounts.
600 to 699	Expense accounts.

MEMORANDUM RECORDS

CL–15 to CL–16	Contingent liabilities.
CS–1 to CS–3	Capital stock authorized, unissued, and optioned.
AL–1	Actual (realized) losses.

D. *Detailed Chart of Accounts.*—The detailed chart of accounts is organized according to the primary classification of accounts and identifies the account number and title of each account. The page where a description of the account can be found is indicated at the right of the account title.

ASSET AND VALUATION ACCOUNTS

10–12—Cash on Hand and in Banks:
- 100–108—Deposits in _____ bank.
- 110–120—Deposits in imprest account in _____ bank.
- 118—Cash items in process of collection.
- 120—Petty cash fund.

13—Invested Idle Funds:
- 130—U.S. Government obligations, direct and fully guaranteed.
- 131—Insured savings accounts.
- 135–137—Time and certificates of deposit in _____ bank.

14—Receivables:
- 140—Notes receivable.
- 141—Accounts receivable.
- 142—Allowance for uncollectible notes and accounts receivable.
- 143—Accrued interest receivable.
- 144—Allowance for uncollectible interest receivable.

15—Loans to Small Business Concerns:
- 150—Loans.
- 151—Allowance for losses or loans.
- 153—Unearned fees and other charges on loans.

16—Assets Acquired in Liquidation of Loans:
- 160—Receivables Due from Debtors on Sale of Assets Acquired.
- 161—Allowance for losses.
- 162—Assets Acquired in Liquidation of Loans.
- 163—Allowance for Losses.

20—Furniture and Equipment:
- 200—Furniture and equipment.
- 201—Accumulated depreciation on furniture and equipment.

21—Corporate Premises Owned:
- 210—Corporate premises owned.
- 211—Accumulated depreciation on corporate premises owned.
- 212—Leasehold improvements.

22—Prepaid Expenses and Deferred Charges:
- 220—Prepaid expenses.
- 221—Deferred charges.

23—Other Assets:
- 235—Amounts due from directors, officers, and employees.
- 236—Organization costs.
- 237—Funds in escrow.
- 239—Other assets.

LIABILITY ACCOUNTS

31—Accounts and Notes Payable:
- 310—Accounts and notes payable.

32—Accrued Expenses and Other Current Liabilities:
- 320—Accrued interest payable.
- 321—Accrued taxes.
- 324—Estimated income taxes accrued.
- 328—Other current liabilities.

33—Dividends Payable
- 330–334—Dividends payable on (type and class) capital stock.

34—Long-Term Debt:
- 340—Notes payable.
- 341—Mortgages payable on assets acquired in Liquidation of loans.

342—Other Long-Term Debt.

35—Trust Receipts:
- 350—Employee taxes withheld.
- 354—Unapplied receipts.
- 358—Miscellaneous trust receipts.

36—Deferred Credit:
- 360—Deferred credit to future taxes.
- 363—Other deferred credits.

37—Other Liabilities:
- 370—Other liabilities.

CAPITAL ACCOUNTS

40–41—Capital Stock:
- 400–404—(Type and class) capital stock issued and understanding.
- 405–409—(Type and class) capital stock subscribed.
- 410–414—Capital stock subscriptions receivable (type and class).
- 415–419—Treasury stock (type and class).

42—Paid-in Surplus:
- 420—Paid in surplus.

45—Retained Earnings:
- 450—Retained earnings.

46—Profit and Loss Clearing:
- 460—Profit and loss summary.
- 462—Realized gain and loss summary.

INCOME ACCOUNTS

50—Interest Income:
- 500—Interest on loans.
- 501—Interest on assets acquired.
- 502—Interest on invested idle funds.
- 503—Interest income—other.

51—Application & Processing Income:
- 510—Application preparation and processing fees.
- 511—Appraisal and investigation fees.
- 512—Commitment fees.
- 513—Other loan fees.

52—Loan Servicing Income:
- 520—Loan servicing income.

53—Consulting and Related Services Fees:
- 530—Consulting and related services fees.

54—Gain on Sale of Loans and Other Assets:
- 540—Gain on loans.
- 541—Gain on U.S. Government obligations.
- 542—Gain on Assets acquired in liquidation of loans.
- 543—Gain on other assets.

55—Other Income:
- 550—Income from assets acquired in liquidation of loans.
- 551—Other income.

EXPENSE ACCOUNTS

60—Interest Expense:
- 600—Interest expense.

61–64—Operating Expenses.

61—Renumeration:
- 610—Salary expense.
- 611—Employee benefits expense.
- 612—Consultant services.

62—Initiating and Servicing Costs:
- 620—Advertising and promotional costs.
- 621—Appraisal and investigation costs.
- 622—Guarantee fees.
- 623—Communications.
- 624—Travel expense.
- 625—Legal Services.

63—Provision for Probable Losses:
- 630—Provision for loss on receivables.
- 631—Provision for loss on loans.
- 632—Provision for loss on assets acquired in liquidation of loans.

64—Other Costs:
- 640—Cost of space occupied.
- 641—Depreciation of corporate premises owned.
- 642—Depreciation of furniture and equipment.
- 643—Amortization of leasehold improvements.
- 644—Audit and examination costs.
- 645—Insurance expense.
- 646—Directors' and stockholders' meeting costs.
- 647—Taxes, excluding income taxes.
- 648—Amortization of organization expenses.
- 649—Miscellaneous operating expenses.

65—Loss on Securities and Other Assets:
- 650—Loss on U.S. Government obligations.
- 651—Loss on loans.
- 652—Loss on assets acquired in liquidation of loans.
- 653—Loss on other assets.

66—Miscellaneous Expenses:
- 660—Expense on assets acquired in liquidation of loans.
- 661—Other expenses.

67—Income Taxes:
- 670—Income taxes—net income.

CONTINGENT LIABILITIES

CL–15—Commitments outstanding.
CL–16—Other contingent liabilities.

CAPITAL STOCK AUTHORIZED, UNISSUED, AND OPTIONED

CS–1—Capital stock authorized.
CS–2—Unissued capital stock.
CS–3—Options on company's stock.

ACTUAL LOSS EXPERIENCE

AL–1—Actual (realized) losses.

IV—DESCRIPTION OF ACCOUNTS

ASSET AND VALUATION ACCOUNTS

100–108—Deposits in _____ bank.

These accounts will represent funds on demand deposit.

110–112—Deposits in imprest account in _____

These accounts will represent funds on demand deposit in imprest bank accounts to be drawn upon for the payment of operating expenses and to be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on the company's general funds bank account.

118—*Cash items in process of collection.*

This account will represent the amount of cash items placed with banks or other organizations for collection.

120—*Petty cash fund.*

This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130—*United States Government Obligations, Direct and Fully Guaranteed.*

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the United States Government and obligations guaranteed as to principal and interest by the United States Government. When United States Government Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 502—Interest on Invested Idle Funds.

Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be debited to account No. 143—Accrued Interest Receivable, with concurrent credit to account No. 502—Interest on Invested Idle Funds.

131—*Insured savings accounts.*

This account will include the balances in subaccounts Nos. 131.1, 131.2, etc.

131.1—Insured savings in _____

This account will represent funds invested in an insured savings account (UP to the amount of the insurance) in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

135–137—Time certificates of deposit in _____ bank.

These accounts will represent funds in time certificates of deposit, maturing not later than one year after issuance, in banks that are members of the Federal Deposit Insurance Corporation.

140—*Notes receivable.*

This account will represent the unpaid balance of miscellaneous notes receivable, such as notes for management consulting services. Notes representing amounts due from debtors on sale of assets acquired in liquidation of loans will be reflected in account No. 160.

Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 363—Other Deferred Credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern is in default more than six months to the SBLC, or the fair value of its debt instruments held by the company, as determined by the board of directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectable notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account.

(See account No. 142).

141—*Accounts receivable.*

This account will represent the amount due on open account for management consulting, accounting, insurance, and miscellaneous services rendered; application preparation and processing fees, and miscellaneous current receivables.

The account also will include the amount of accrued compensation receivable for loan servicing performed for others and the amount of accrued commitment fees receivable for making funds available on a deferred basis to small business concerns.

Accounts receivable representing receivables due from debtors on sale of assets acquired in liquidation of loans will be reflected in account No. 160.

Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 363—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern is in default more than six months to the SBLC, or the fair value of its debt instruments held by the company, as determined by the board of directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectable notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account.

(See account No. 142).

142—*Allowance for uncollectible notes and accounts receivable.*

The account will represent the valuation reserve provided for estimated losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on notes and accounts receivable.

When a note receivable or an account receivable is recorded with respect to any debtor small business that is in default more than six months to the SBLC, or the fair value of whose debt instruments held by the company, as determined by the board of directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable reflected in this account should be made in an amount equivalent to the recorded receivable.

(See accounts Nos. 140, 141, and 630).

143—*Accrued interest recievable.*

This account will represent the amount of interest accrued on loans to small business concerns, United States Government obligations, direct and fully guaranteed, notes receivable, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing and assets acquired in liquidation of loans, as well as interest accrued on other securities.

At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 354—Unapplied receipts, until the maturity date.

Accrual of interest receivable should be discontinued with respect to any loan to a small business concern that is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 363—Other deferred credits, pending determination of appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the SBLC; or the fair value of the loan as determined in good faith by the board of directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in amount equivalent to the accrual of interest receivable.

(See account No. 144.)

144—*Allowance for uncollectible interest receivable.*

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

When interest is accrued under circumstances in which the financed small business concern is in default over six months to the SBLC, or the fair value of the loan as determined in good faith by the board of directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable reflected in this account should be made in an amount equivalent to the accrual of interest receivable.

(See accounts Nos. 143 and 630.)

150—*Loans.*

This account will represent the unpaid principal balance of loans made to small business concerns, net of portion sold.

It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 153—Unearned fees and related items.

151—*Allowance for losses on loans.*

This account will represent the downward valuation of loans and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

153—*Unearned fees and other charges on loans.*

This account will represent the amount of unearned fees and other charges on loans. It will include sums incorporated in the face amount of the note from the small business concern, which are withheld from disbursements to small concern.

Any fees and other charges considered earned immediately upon closing of loans will be recorded in the income account at once without first being entered in this account.

Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

160—*Receivables due from debtors on sale of assets acquired in liquidation of loans.*

This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of loans.

It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of loans.

(See Account 162.)

161—*Allowance for losses on receivables from debtors on sale of assets acquired in liquidation of loans.*

This account will represent the downward valuation on amounts due from debtors on sale of assets acquired in liquidation of loans, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

162—*Assets acquired in liquidation of loans.*

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of loans. Certificates of Interest, judgements, sheriffs' certificates (including property acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the board of directors on the most suitable of the following basis: (1) Bid-in price of the property: (2) agreed considera-

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tion for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in judgements should be recorded at the face amount of the judgement. When the company acquires the underlying security to the related loans outright or subject to redemption, the investment in the property should be determined in accordance with the basis set forth in the second paragraph.

Collateral notes receivable acquired in the liquidation of loans will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of loans will be included in account No. 160—Receivables from debtors on sale of assets in liquidation of loans.

It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of loans.

(See accounts Nos. 150 and 160.)

163—*Allowance for losses on assets acquired in liquidation of loans.*

This account will represent the downward valuation of assets acquired in liquidation of loans, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

200—*Furniture and equipment.*

This account will represent the cost of furniture, fixtures, and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

201—*Accumulated depreciation on furniture and equipment.*

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

(See accounts Nos. 200 and 642).

210—*Corporate premises owned.*

This account will represent the actual cost of sequisition of the land and building used as the company's office quarters. The account also will incude the actual cost of any improvements, such as street, sidewalk, and other benefits, applicable to the land, and any improvements applicable to the building.

211—*Accumulated depreciation on corporate premises owned.*

This account will represent reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

212—*Leasehold improvements.*

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized through account No. 643 over the life of the lease or the life of the improvements whichever is the shorter.

220—*Prepaid expenses.*

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period.

Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their amortization.

221—*Deferred charges.*

Timing differences may exist between accounting income and taxable income and thereby may cause a prepayment of taxes which is considered to be a deferred charge to future income tax expense. This account will represent such deferred charges recognized.

(See account No. 360.)

235—*Amounts due from directors, officers, and employees.*

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

236—*Organization costs.*

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

(See account 648).

237—*Funds in escrow.*

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

239—*Other assets.*

This account will represent the amount of assets of the company, at cost, not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments (such as the payment of taxes on mortgaged property), but not including short-term loans issued to protect the company's interest in previously issued long-term loans.

(See accounts Nos. 543 and 653).

LIABILITY ACCOUNTS

310—*Accounts and notes payable.*

The account will represent accounts and notes payable on a short-term basis.

320—*Accrued interest payable.*

This account will represent the amount of liability for interest accrued on the company's notes and mortgages payable. The account will also include accrued interest payable on other interest-bearing obligations of the company.

321—*Accrued taxes.*

This account will represent the balance of accrued taxes on payroll, such as the company's portion of social security taxes, which have not been remitted to the appropriate collectors of such taxes.

324—*Estimated income taxes accrued.*

This account will include the balances in subaccounts Nos. 324.1, 324.2, 324.3, etc.

324.1—*Estimated Federal income taxes accrued.*

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

324.2—*Estimated State income taxes accrued.*

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

326—*Other current liabilities.*

This account will represent other current liabilities not provided for in other accounts.

Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

330–334—*Dividends payable on (type and class) capital stock.*

These accounts will represent the company's liability for dividends declared by the company's board of directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

340—*Notes payable.*

This account will represent the long-term principal balance of notes payable for funds borrowed.

341—*Mortgages payable on assets acquired in liquidation of loans.*

This account will represent the unpaid principal balance of existing mortgages payable on assets acquired by the company in liquidation of loans.

342—*Other Long-term debt.*

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Noted payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

350—*Employee taxes withheld.*

This account will represent the amount of income and social security taxes withheld from employee's salaries which have not been remitted to the appropriate collectors of such taxes.

354—*Unapplied receipts.*

This account will represent the amount of funds received by the company which have not been applied to loans, interest receivable, etc. This account will be used only in instances when the funds received cannot be applied promptly.

358—*Miscellaneous trust receipts.*

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employee's salaries for the purchase of United States Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc.

360—*Deferred credit to future taxes.*

Timing differences may exist between accounting income and taxable income and thereby cause a deferment of tax expense. This account will represent such deferred tax expense.

363—*Other deferred credits.*

This account will represent the amount of deferred credits of the company not specifically provided for in other accounts.

The account will include any gain on sale of assets until such gain is realised.

Accrual of interest receivable should be discontinued with respect to any loan to a small business concern that is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in this account, pending determination of appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the SBLC over six months, or the fair value of the loan as determined in good faith by the board of directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in this account as above indicated.

(See account No. 144).

370—*Other liabilities.*

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

CAPITAL ACCOUNTS

400–404—_____ capital stock issued and outstanding.

(Type and Class)

These accounts will represent the total par or stated value of the company's capital stock issued and outstanding. A separate account should be provided for each type and class of capital stock authorized.

405–409—_____ capital stock subscribed.

(Type and Class)

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

410–414—Capital stock subscriptions receivable—

(Type and Class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock subscribed.

415–419—Treasury stock

(Type and Class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Appropriate subsidiary records should be maintained as deemed necessary.

420—*Paid-in surplus.*

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other equity transactions with stockholders.

450—*Retained earnings.*

This account will represent the cumulative balance of periodic net income including gain (loss) on securities and other assets less dividends. Accounts 460 and 462 will be closed into this account.

460—*Profit and loss summary.*

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

462—*Realized gain and loss summary.*

This account will be used as a clearing account through which all accounts for realized gains and losses on assets on the books of the company will be closed.

INCOME ACCOUNTS

500—*Interest on loans.*

This account will represent the amount of interest earned on loans to small business concerns.

Accrual of interest receivable should be discontinued with respect to any loan to a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 363—Other deferred credits pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the SBLC, or the fair value of the loan as determined in good faith by the board of directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 363 as above indicated.

501—*Interest on Assets Acquired.*

This account will represent the amount of interest earned on assets acquired in liquidation of loans which are carried in accounts Nos. 160 and 162.

502—*Interest on invested idle funds.*

This account will represent the amount of interest earned on (1) time certificates or deposit in banks which are members of the Federal Deposit Insurance Corporation, (2) U.S. Government obligations, direct and fully guaranteed, owned by the company, and (3) funds of the company in insured savings accounts in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

(See account Nos. 130 through 137, 143, and 144).

503—*Interest income—other.*

This account will represent the amount of interest earned on miscellaneous notes receivable, funds in escrow, and interest-bearing receivables not otherwise classified.

(See accounts Nos. 140, 143, and 237).

510—*Application preparation and processing fees.*

This account will represent the amount of fees charged for services performed at the request of applicants in the preparation of loan applications. The account will also include fees charged to cover the cost of processing applications for loans.

511—*Appraisal and investigation fees.*

This account will represent the amount of fees charged for appraisal, investigation, and related services rendered to small business concerns.

512—*Commitment income.*

This account will represent the amount of income earned on commitments to small business concerns for loans.

(See accounts Nos. 141 and 142).

513—*Other loan fees.*

This account will represent the amount of loan fees permitted to be charged to borrowers that are not specifically provided for in other accounts.

520—*Loan Servicing Income.*

This account will represent the amount of fees charged to SBA or third parties for servicing loans on their behalf.

530—*Consulting and Related Services Fees.*

This account will represent the amount of fees charged for management consulting, accounting, and related services rendered to small business concerns.

(See accounts Nos. 140, 141, and 142).

540—*Gain on loans.*

This account will represent the amount of gain on the sale or other disposition of loans of small business concerns carried in account No. 150, and will include recoveries on loan losses previously charged to the loss account.

541—*Gain on U.S. Government securities.*

This account will represent the amount of gain on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130.

Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited to account No. 502—Interest on Invested Idle Funds, with concurrent debit to account No. 143—Accrued interest receivable.

542—*Gain on assets acquired in liquidation of loans.*

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of loans to small business concerns carried in accounts Nos. 160 and 162 and will include recoveries on losses on assets acquired in liquidation previously charged to the loss account.

543—*Gain on other assets.*

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts, and will include recoveries on losses on other assets previously charged to the loss account.

550—*Income from assets acquired in liquidation of loans.*

This account will represent the amount of income earned on assets acquired in liquidation of loans, including the operation of properties, carried in account No. 162.

In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation or the disposition of assets acquired in the liquidation of loans should be charged to account No. 220—Prepaid expenses.

551—*Other income.*

This account will represent the income earned not specifically provided for in other accounts.

EXPENSE ACCOUNTS

600—*Interest expense.*

This account will represent the amount of interest expense on the company's notes and mortgages and on other interest-bearing obligations.

610—*Salaries expense.*

This account will include the balances in subaccounts Nos. 610.1 and 610.2.

610.1—*Salaries of officers.*

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

610.2—*Salaries of employees.*

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or parttime employees engaged for specific assignments.

611—*Employee benefits expense.*

This account will represent the cost assumed by the company in contributing to funds providing for employee retirement

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benefits and other types of employee benefits, except group life insurance. The portion, if any, of the cost of employee benefits withheld from salaries or received from employees will be reflected in account No. 358.

612—*Consulting Services.*

This account will represent the amount of charges made by outside firms or individuals for management services provided to the company.

620—*Advertising and promotional costs.*

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

621—*Appraisal and investigation costs.*

This account will represent the amount of charges made by outside firms and individuals for appraisal, investigation, and related services rendered to the company.

622—*Guaranty fees.*

This account will represent the amount of charges made by the Small Business Administration for its guarantee of portions of loans made by the company.

623—*Communications.*

This account will represent telephone, telegraph, and postage expense.

624—*Travel expense.*

This account will represent all travel expense, including transportation charges, automobile maintenance, operating expense, and depreciation expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

625—*Legal services.*

This account will represent the cost of legal services rendered to the company.

630—*Provision for losses on receivables.*

This account will represent the amount of estimated losses applicable to the fiscal year on notes and accounts receivable, and interest receivable.

631—*Provision for losses on loans.*

This account will represent the amount of estimated losses applicable to the fiscal year on loans to small business concerns.

632—*Provision for losses on assets acquired in liquidation of loans.*

This account will represent the amount of estimated losses applicable to the fiscal year on assets acquired in liquidation of loans.

640—*Cost of space occupied.*

This account will repreesnt the cost of space occupied such as rent, alterations, light, heat, power, janitor service, maintenance and repair expense on buildings, furniture, and equipment (other than automobiles), etc.

641—*Depreciation of corporate premises owned.*

This account will represent the amount of provision applicable to the fiscal year for depreciation of the buildings and other depreciable improvements of corporate premises owned and used as the company's office quarters.

642—*Depreciation of Furniture and Equipment.*

This account will represent the amount of provision applicable to the fiscal year for depreciation of furniture and equipment (other than automobiles) owned by the company.

643—*Amortization of leasehold improvements.*

This account will represent the amortization of leasehold improvements.

644—*Auditing and examination costs.*

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

645—*Insurance expense.*

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond premiums and insurance on automobiles. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 358. Insurance premiums to be amortized will be charged to account No. 220.

646—*Directors' and stockholders' meetings costs.*

This account will represent directors' fees and travel expense for attendance at directors' and stockholders' meeting. The account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

647—*Taxes, excluding income taxes.*

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, and personal property, social security taxes (company's portion), and other taxes charged to the company, exclusive of income taxes.

648—*Amortization of organization expenses.*

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 236.

649—*Miscellaneous operating expenses.*

This account will represent the amount of operating expenses not specifically provided for in other accounts. There will be included expenses incurred in connection with dues, subscriptions, donations, and similar items; charges made to the company for custodial or safekeeping services in connection with its loans; and bank service charges, exhange on checks, protest fees, etc., and the cost of office supplies such as stationery, accounting forms, binders, pencils, etc.

650—*Loss on U.S. Government obligations.*

This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

651—*Loss on loans.*

This account will represent the amount of loss on the sale or other disposition of loans of small business concerns carried in account No. 150, which is in excess of the amount established in Account 151 for the particular loan.

652—*Loss on assets acquired in liquidation of loans.*

This account will represent the amount of loss in excess of that provided for in accounts Nos. 161 and 163 on the sale or other disposition of assets acquired in liquidation of loans to small business concerns carried in accounts Nos. 160 and 162.

653—*Loss on other assets.*

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

660—*Expense on assets acquired in liquidation of loans.*

This account will represent the amount of expense incurred on assets acquired in liquidation of loans including the operation and depreciation of properties, carried in account No. 162. The account also will include the amount of interest expense accrued on mortgages payable on assets acquired in liquidation loans.

In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local dospository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

661—*Other expenses.*

This account will represent the amount of nonoperating expenses not specifically provided for in other accounts.

670—*Income taxes—net income.*

This account will include the balances in subaccounts Nos. 670.1, 670.2, etc.

670.1—*Federal income taxes—net income.*

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

670.2—*State income taxes—net income.*

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

MEMORANDUM RECORDS

Contingent Liabilities

CL–15—*Commitments outstanding.* This record will show the amount of loan commitments made and outstanding to small business concerns. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–16—*Other contingent liabilities.* This record will show the amount of miscellaneous contingent obligations not otherwise classified.

Capital Stock Authorized, Unissued, and Optioned

CS–1—*Capital stock authorized.* This record will show the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate section should be provided for each type and class of capital stock authorized.

Upon authorization of an additional amount of capital stock, or upon completion of a reduction in the amount authorized, an adjustment will be made in the appropriate section(s) of this record to reflect the change.

(See memorandum record CS–2.)

CS–2—*Unissued Capital Stock.* This record will show the total par or stated value of unissued capital stock of the company. A separate section should be provided for each type and class of unissued capital stock.

Upon authorization of additional amounts of unissued capital stock or reduction of such authorized stock, upon retirement of capital stock, or upon the issuance of capital stock, an adjustment will be made in the appropriate Section (S) of this record to reflect the change.

(See accounts Nos. 400–404 and Memorandum Record CS–1.)

CS–3—*Option on company's stock.* This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

Actual Loss Experience

AL–1—*Actual (realized) losses.* This record will show for each fiscal year, and also accumulatively, the amount of actual (realized) losses incurred through disposition, writedown, or writeoff of loans and investments. Losses shall be stated in total for all loans and also separately for loans, assets acquired in liquidation of loans, and amounts due from debtors on sale of assets acquired in liquidation of loans. Losses realized shall be determined in relation to cost of the assets involved without regard to the existence or nonexistence of related allowances for losses.

Dated: November 20, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75–33067 Filed 12–9–75;8:45 am]

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federal register

WEDNESDAY, DECEMBER 10, 1975

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PART III:

INTERSTATE COMMERCE COMMISSION

■

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Miscellaneous Avoidable Costs

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Miscellaneous Avoidable Costs

Present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the matters under construction in this notice and order have been assigned.

This supplemental notice of Rulemaking and Order is issued pursuant to section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (the "Act"), P.L. 93-236, 87 Stat. 985, which provides that the Rail Services Planning Office of the Interstate Commerce Commission (the "Office") shall—

—within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code.

On February 25, 1974, the Director of the Rail Services Planning Office (Office) of the Interstate Commerce Commission (Commission) issued a notice of proposed rulemaking and order (39 FR 7182), pursuant to the above quoted provisions, setting forth a proposed Part 1125 to Title 49 of the Code of Federal Regulations, containing standards for defining the quoted terms. After an extended period for public comment, the Office issued standards on July 1, 1974 (39 FR 24294). On July 30, 1974, the Office issued a notice announcing that petitions seeking amendment of the standards would be accepted if filed on or before August 19, 1974 (39 FR 28196).

In requesting amendment of the standards, several parties urged that the standards be tested on actual branch lines and that the time for filing be extended. On September 10, 1974, the Office issued a notice stating that the standards would be tested and that the time for filing pleadings was being extended to October 30, 1974 (39 FR 35444).

Following an in-depth analysis of the petitions and of the knowledge gained from the testing of the standards, the Office published revised standards for determining rail service continuation subsidies on January 8, 1975 (40 FR 1624). Since the revised standards reflected significant changes from the original version, the Office invited additional comments to be filed by February 18, 1975.

Following analysis of the comments filed in response to the January 8, 1975 revisions, the Office issued Miscellaneous Amendments to the standards on March 28, 1975 (40 FR 14186).

After the Final System Plan was issued, the Federal Railroad Administration established a Subsidy Program Implementation Task Force, comprised of representatives of the viewpoints of the trustees, ConRail, the solvent carriers, the states, and the involved federal agencies, to address the issues to be resolved in negotiating operating agreements for services to be continued under subsidy offers. This Task Force recognized that liability for personal injuries, deaths, and property damage is an issue which must be resolved in order for the rail service continuation provisions of the Act to be exercised by potential subsidizers. While there was basic agreement among the Task Force members that the costs of injuries, deaths, and property damage on a subsidized line were properly avoidable costs of operating the subsidized service, there was also a realization that potential subsidizers will be hesitant to expose themselves to multi-million dollar damage settlements arising from incidents which might occur on the subsidized line. Similarly, the operating railroads will be hesitant to expose themselves to such claims if they cannot be reimbursed for such costs.

The Task Force considers insurance coverage for such liabilities to be a reasonable solution to this problem. Most of the carriers which will be operating the subsidized services have liability insurance policies in force, and the subsidized lines could be included as properties covered under these policies. The additional premiums incurred for this extended coverage would be avoidable costs of operating the subsidized services.

However, the general liability policies of major carriers usually involve a deductible of over one million dollars, an amount which could also discourage potential subsidizers. To protect themselves, subsidizers may request the operating railroad to purchase additional insurance to cover the liability for the deductible amounts of the operating carrier's general policy. Policies similar to those carried by short line railroads should be available for many of the subsidized lines. These policies have lower deductible amounts and could be written to a maximum coverage which matches the operating railroad's deductible. If such "short line" coverage were obtained by the operating railroad, the premium costs for these coverages would be avoidable costs.

The standards as issued January 8, 1975 and amended March 28, 1975, did not define such insurance premiums as avoidable costs. Undoubtedly there will be other directly attributable items which are not specifically covered by the present standards. Therefore, the Office is amending the standards to provide for the inclusion of directly attributable costs which are not otherwise covered by the standards as avoidable costs of providing service on subsidized lines. All such costs must be identified separately and be incurred directly in the provision of the subsidized service.

All persons interested in filing statements of their views on the amendment which is a part of this notice, or in proposing for consideration an alternative amendment, are invited to do so. Statements should be submitted in writing to the Office on or before January 7, 1976. An original and three copies of any statement should be supplied. The Office shall review all submissions and if comments requiring change are received, the amendment will be modified at a future date. This amendment shall take effect as set forth below on January 22, 1976.

In light of the foregoing considerations:

It is ordered, That all interested persons be invited to participate in this proceeding by submitting written representations containing statements of fact or views. To be considered, the original and three copies of each representation must be filed on or before January 7, 1976, with:

Rail Services Planning Office,
Interstate Commerce Commission,
Washington, D.C. 20423

It is further ordered, That Part 1125 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations, be amended by adding a new paragraph (l) as set forth below to § 1125.5 of the standards as adopted on January 8, 1975 and amended on March 28, 1975.

And it is further ordered, That this order shall become effective January 22, 1976.

By the Commission, Rail Services Planning Office.

[SEAL] ROBERT L. OSWALD,
Secretary.

The following new paragraph is added to § 1125.5:

§ 1125.5 Avoidable costs of providing service.

* * * * * *

(l) *Miscellaneous avoidable costs.* The amounts assigned under this item shall be those identifiable costs directly related to the branch which are not otherwise assignable in this section.

[FR Doc.75-33252 Filed 12-9-75;8:45 am]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment

This document authorizes expenses of $24,500 for the Indian River Grapefruit Committee, under Marketing Order 912, for the 1975–76 fiscal period and fixes a rate of assessment of two mills ($0.002) per box of grapefruit handled in such period to be paid to the committee by each handler as his pro rata share of such expenses.

On November 19, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 53603) inviting written comments not later than December 5, 1975, regarding proposed expenses and the related rate of assessment for the period August 1, 1975, through July 31, 1976, pursuant to the marketing agreement, as amended, and order No. 912, as amended (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.215 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during the period August 1, 1975, through July 31, 1976, will amount to $24,500.

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 912.41, is fixed at $0.002 per standard packed box of grapefruit.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1975, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 8, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33410 Filed 12-10-75;8:45 am]

[Tangerine Regulation 47, Amendment 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

Effective December 8, 1975, this amendment lowers the minimum diameter requirement applicable to fresh shipments of Florida tangerines from 2 4/16 inches (size 176) to 2 2/16 inches (size 210). The specification of such lower minimum size for Florida tangerines is necessary to satisfy the current and prospective demand for such fruit. The amended regulation recognizes the size composition and related quality factors of much of the Florida tangerines currently available for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective market demand conditions for Florida tangerines. This amendment relaxes current minimum size requirements applicable to fresh shipments of tangerines. The action is consistent with the size distribution and available supply of tangerines in the production area and recognizes that smaller fruit has generally attained higher levels of maturity. The amendment is designed to ensure an ample supply of fruit to consumers. For the season through November 30, 1975, fresh shipments of Florida tangerines totaled 1,793 carlots, and there were an estimated 2,707 carlots remaining for fresh shipment. This amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.561 (Tangerine Regulation 47; 40 FR 42318, 49785, 51619, 54420, 54767) the provisions of paragraph (a)(2) are revised to read as follows:

§ 905.561 **Tangerine Regulation 47.**

(a) • • •

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 2/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 8, 1975, to become effective December 8, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33411 Filed 12-10-75;8:45 am]

[Navel Orange Regulation 357]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 12–18, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Or-

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der No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.657 Navel Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement and order, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is firm. Prices f.o.b. averaged $4.44 a carton on a reported sales volume of 996 carlots last week, compared with an average f.o.b. price of $4.65 per carton and sales of 693 carlots a week earlier. Track and rolling supplies at 416 cars were up 104 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 12, 1975, through December 18, 1975, are hereby fixed as follows:

(i) District 1: 1,472,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 78,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 10, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33653 Filed 12-10-75;11:48 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 451.6]

PART 1865—ANALYZING CREDIT NEEDS AND GRADUATION OF BORROWERS

Revision

Section 1865.3(c) of Part 1865, Title 7, Code of Federal Regulations (36 FR 17840) is revised. The purpose of this revision is to provide a new method for use by the Finance Office in preparing lists of active borrowers in determining their potential for obtaining credit from other sources based on date of the initial loan. It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER because the change being made by this revision is merely restructuring the manner in which the Finance Office listings are made and borrower accounts are reviewed each year, thus eliminating unneeded retention of County Office records on previously reviewed borrower accounts.

As revised, § 1865.3(c) reads as follows:

§ 1865.3 Graduation of FmHA Borrowers to other sources of credit.

* * * * *

(c) *Review of borrower's status of progress.* Each October 1, the Finance Office will furnish county offices with lists of active borrowers who have been indebted for at least 2 years on Emergency loans, 4 years on Operating loans, and 6 years on Real Estate loans. These listings will be prepared on the basis of the date of the initial loan, i.e., during odd years the listings will include the names of all borrowers who received their loans during odd-numbered calendar years and are currently eligible for review. The same procedure will apply for those borrowers who received their loans during even-numbered calendar years. Their names will be on the listings provided during even-numbered calendar years. Between October 1 and March 1 of each year the County Committee with the assistance of the county supervisor, will make a biannual (every 2 years) graduation review of the status of appropriate borrowers as listed by the Finance Office. However, if the county supervisor or a county committeeman has knowledge of any other borrower(s) whose circumstances have changed sufficiently to enable him to possibly obtain suitable credit elsewhere, he will be included in the graduation review. A determination of the potential for obtaining credit from other sources will be made after considering the factors outlined in paragraph (b) of this Section. If reliable information on the borrower's income or equity and assets is not otherwise available, the county supervisor will obtain from the borrower an up-to-date financial statement and statement of income. Both will be verified. Financial information from farmer program borrowers will be obtained from guidelines developed for this purpose available in any FmHA office. Upon completion of the review Form FmHA 451-24, "Results of Borrower Graduation Review by County Committee and County Supervisor," will be prepared by the county supervisor, listing only those active borrowers who will be requested to refinance. The county supervisor will document on Form FmHA 451-24 the basis for requesting each borrower to refinance. The County Committee will execute the last page of that form in accordance with appropriate instructions.

Effective date. This revision shall become effective on December 11, 1975.

It is hereby certified that the economic and inflationary effects of the proposal have been carefully evaluated in accordance with effective Executive Order No. 11821.

Dated: November 20, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-33401 Filed 12-10-75;8:45 am]

SUBCHAPTER N—OTHER LOAN PROGRAMS

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Program Adoption and Establishment of New Subchapter

There is hereby established under Chapter XVIII, Title 7, a New Subchapter N—"Other Loan Programs," Part 1980, Guaranteed Loan Programs," Subparts A through E, in the Code of Federal Regulations. Subpart E, "Business and Industrial Loan Programs," (§§ 1980.401-1980.500) of this New Part is transferred and redesignated from Part 1842 of the Chapter XVIII.

On August 15, 1975, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 34368) proposing to revise Part 1842, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 34263; 39 FR 36852; 40 FR 21700; 40 FR 22536; 40 FR 22824; and 40 FR 27476). The revision was to consolidate all provisions pertaining to the Business and Industrial Loan Program into one regulation, Part 1842, and to clarify, expand, and expedite procedures in the Business and Industrial Loan Program. Interested persons were given the opportunity to submit, not later than September 15, 1975, comments, suggestions or objections regarding the proposed regulations. Numerous comments, suggestions and objections have been received and were given due consideration. They have resulted in editorial changes for clarification and in the substantive changes hereinafter mentioned. However, as a result of the transfer and redesignation of this Part 1842 under the New Subchapter N, a redesignation table has been provided.

The changes are as follows:

A. *Revisions and Amendments.* 1. A revision has been made to incorporate administrative provisions for the program. These have been identified as "administrative" and follow the appropriate section of the regulation.

2. A revision has been made to permit a lender to sell any amount of the nonguaranteed portion of the loan through participation.

3. A revision has been made which requires a lender to repurchase the guaranteed portions from a holder. If the lender is unable to repurchase, FmHA will purchase all guaranteed portions.

4. A requirement for a lender to use all reasonable efforts to cure a default has been added.

5. The Regulation has been amended to eliminate several restrictions imposed upon a lender seeking to replace a Contract of Guarantee with a Loan Note Guarantee.

6. The section on guaranteed industrial bond issues has been clarified.

7. The definition for rural area has been revised and clarified.

8. Regulation has been revised to eliminate restrictions on fees and charges by allowing reasonable and customary charges.

9. Regulation has been amended to allow lender to use compensating balances provided they are not used to eliminate lender's exposure on the nonguaranteed portion of loan.

10. A revision has been made to provide for lender to receive his Loan Note Guarantee concurrently with his payment of the guarantee fee.

11. The time limit for FmHA's response to lender's estimated loss payment has been shortened.

12. The amount of time allowed a lender to inform FmHA of the lender's proposed method of liquidation has been lengthened.

13. The section on environmental impact statements has been amended to provide that the lead agency is responsible for EIS if joint financing with other agencies occurs.

14. The Regulation has been revised to provide that lender's repurchase of loan for servicing will not be for arbitrage purposes and will require specific FmHA approval. FmHA may also purchase for servicing (at its option) if Lender is unable to do so.

15. The Regulation has been revised to provide for a preliminary conference by applicant; lender and FmHA for application processing.

16. The requirement for an appraisal of collateral at a "forced liquidation sales value" has been eliminated.

17. Requirements for collateral and personal and corporate guarantees has been revised and clarified.

18. The regulation has been revised to allow either the lender or borrower to pay the guarantee fee.

19. Regulations pertaining to eligibility of financing for housing development sites has been revised.

20. The regulation has been revised to require the lender to repurchase from holder if lender failed to remit to holder its pro rata share of any payment made by borrower within 30 days of its receipt.

21. Liquidation provisions have been clarified and a loss determination formula provided.

22. The requirement for approved lenders to have capital in an amount necessary to cover nonguaranteed portion of the loan has been eliminated.

23. The State Director's authority to approve cost overruns has been revised.

B. Additions to regulation. 1. The requirements of an FmHA loan identification number for each loan has been added.

2. A definition of A-95 agency has been included.

3. Objectives for the B&I program have been established and the introduction amended.

4. A section providing for Future Recoveries after a loan has been liquidated has been added.

5. A requirement that the lead lender be a local lender has been added.

6. Guidelines for appraisals of collateral in loan liquidations have been established.

7. A Memorandum of Understanding between FmHA and SBA has been added as Appendix A.

8. A provision allowing State Directors to supplement instruction to the extent necessary to carry out his duties has been included.

9. Provisions forbidding discrimination based upon sex or marital status have been added.

10. A requirement that corporations listed on major stock exchanges furnish 10K Reports to FmHA has been included.

11. Character evaluations on transfer and assumption cases will now be required.

12. When losses are paid to assure that the lender has properly liquidated all collateral an audit will now be required at the district, State, or National level.

13. Clean Air Act and Federal Water Pollution Control Act requirements have been added.

14. A section describing certain transactions which will not be guaranteed has been added.

Accordingly, a redesignation table and Subpart E of Part 1980 are set forth below.

REDESIGNATION TABLE

New section:	Old section
1980.401	1842.1
1980.402	1842.2
1980.403	1842.3
1980.404	1842.15
1980.405	
1980.411	1842.13
1980.412	1842.14
1980.413	
1980.419	1842.16
1980.420	1842.17
1980.421	1842.18
1980.422	1842.19
	1842.20
1980.423	1842.21
1980.424	1842.22
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1980.434	1842.34
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1980.441	1842.26
1980.442	1842.27
1980.443	1842.28
1980.444	1842.29
1980.451	1842.30
1980.452	1842.31
1980.453	1842.32
1980.454	1842.33
1980.461	1842.35
1980.462	1842.36
1980.469	1842.37
1980.470	1842.38
1980.471	1842.39
1980.472	1842.40
1980.473	
1980.467	1842.41
1980.481	1842.42
1980.488	1842.43
1980.492	1842.44
1980.493	1842.45
1980.494	
1980.495	1842.46

Subparts A-D [Reserved]

Subpart E—Business and Industrial Loan Program

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1980.401 Introduction.
1980.402 Definitions.
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1980.433 Flood or mudslide hazard area precautions.
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1980.435 Clean Air Act and Water Pollution Control Act requirements.
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1980.441 Applicant equity requirements.
1980.442 Feasibility studies.
1980.443 Collateral, personal and corporate guarantees and other requirements.
1980.444 Appraisal of property serving as collateral.
1980.445–1980.450 [Reserved].
1980.451 Filing and processing applications.
1980.452 FmHA evaluation of application.
1980.453 Review of requirements.
1980.454 Conditions precedent to issuance of Loan Note Guarantee.
1980.455–1980.460 [Reserved].
1980.461 Issuance of Lender's Agreement, Loan Note Guarantee and Assignment Guarantee Agreement.
1980.462 Lender's sale and assignment of guaranteed portion of the loan.
1980.463–1980.468 [Reserved].
1980.469 Loan servicing.
1980.470 Defaults by borrower.
1980.471 Liquidation.
1980.472 Protective advances.
1980.473 Additional loans or advances.
1980.474–1980.475 [Reserved].
1980.476 Transfer and assumptions.
1980.477–1980.480 [Reserved].
1980.481 Insured loans.
1980.482–1980.487 [Reserved].
1980.488 Guaranteed industrial development bond issues.
1980.489–1980.491 [Reserved].
1980.492 Method of review.
1980.493 Access to records.
1980.494 State supplements to this register.
1980.495 FmHA Forms.
1980.496–1980.500 [Reserved].

Appendix A—Memorandum of Understanding Between Small Business Administration (SBA) and the United States Department of Agriculture, Farmers Home Administration (USDA–FmHA).
Appendix B—Form FmHA 449–34.
Appendix C—Form FmHA 449–35.
Appendix D—Form FmHA 449–36.

AUTHORITY: 7 U.S.C. 1989; Order of Secretary of Agriculture, 7 CFR 2.23; Order of Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.

Subpart E—Business and Industrial Loan Program

§ 1980.401 Introduction.

(a) This subpart contains regulations for Business and Industrial (B&I) loans guaranteed or insured by the Farmers Home Administration (FmHA), and applies to lenders, holders, borrowers, and other parties involved in making, guaranteeing, insuring, holding, servicing, or liquidating such loans.

(b) The purpose of the B&I program is to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities, including pollution abatement and control. This purpose is achieved through bolstering the existing private credit structure through guarantee of quality loans which will provide lasting community benefits. It is not intended that the guarantee authority be used for marginal or substandard loans or to "bail out" lenders having such loans.

(c) The B&I loan program, like other FmHA programs, is administered bythe Administrator through a State Director, serving each State through a District Director to the County Supervisor. The County Supervisor is the focal point for the program and the local contact person for processing and servicing activities although this subpart refers in various places to the duties and responsibilities of other FmHA employees.

§ 1980.402 Definitions.

The following definitions apply:

(a) *A–95 Agency.* Office of Management and Budget Circular A–95 establishes project notification and review system to coordinate planning of Federal programs and projects with State and local agencies. Such agencies are referred to in this regulation as A–95 agencies.

(b) *Applicant (for loan).* An applicant may be a cooperative, corporation, partnership, trust, or other legal entity organized and operated on a profit or nonprofit basis; an Indian Tribe on a Federal or State reservation or other Federally recognized tribal group; a municipality, county, or other political subdivision of a State; or an individual. Such applicant must be engaged in or proposing to engage in improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural areas, including pollution abatement and control.

(c) *Assignment Guarantee Agreement Form FmHA 449–36.* The signed agreement among FmHA, the lender, and the holder, setting forth (specifically or by reference) the terms and conditions of an assignment of a guaranteed portion of a loan or any part thereof.

(d) *Borrower.* All parties liable for the loan or any part thereof.

(e) *Community facilities.* For the purpose of this subpart, community facilities are those facilities designed to aid in the development of private business and industry in rural areas. Such facilities include, but are not limited to, acquisition and site preparation of land for industrial sites (but not for improvements erected thereon), access streets and roads serving the site, parking areas, extension or improvement of community transportation system serving the site, and utility extensions all incidental to site preparation. Projects eligible for assistance under Part 1823 of this chapter (FmHA Ins. 442.1) are not eligible for assistance under this subpart.

(f) *Conditional Commitment for Guarantee Form FmHA 449–14.* FmHA's advice to the lender that the material it has submitted is approved subject to the completion of all conditions and requirements set forth in "Conditional Commitment for Guarantee."

(g) *Development cost.* These costs include, but are not limited to, those for acquisition, planning, construction, repair, or enlargement of the proposed facility; purchase of buildings, machinery, equipment, land easements, rights-of-way; payment of start-up operating costs, and interest during the period before the first principal payment becomes due, including interest on interim financing.

(h) *FmHA.* The United States of America, acting through the Farmers Home Administration, an agency of the United States Department of Agriculture. References to the National Office, Finance Office, State Office, County Office, State Director, Business and Industry Loan Chief, District Director, County Supervisor, or other FmHA office or official should be read as prefaced by "FmHA."

(i) *Guaranteed loan.* A loan made and serviced by a lender for which FmHA has entered into a Form FmHA 449–35, "Lender's Agreement" and issued a Form FmHA 449–34, "Loan Note Guarantee."

(j) *Holder.* The person or organization other than the lender who holds all or a part of the guaranteed portion of the loan with no servicing responsibilities. When the lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a holder only when he uses Form FmHA 449–36, "Assignment Guarantee Agreement."

(k) *Insured Business and Industrial loans.* A loan directly made and serviced by FmHA as lender with funds from the Rural Development Insurance Fund.

(l) *Joint financing.* Occurs when two or more lenders (or any combination of such lenders) make separate loans to supply the funds required by one applicant. Such joint financing may consist of FmHA financial assistance with the Economic Development Administration (EDA), Department of Housing and Urban Development (HUD), Small Business Administration (SBA), other Federal and State agencies, and private and quasi-public financial institutions.

(m) *Letter of conditions.* Letter issued by FmHA to a borrower setting forth the conditions under which FmHA will make a direct (insured) loan from the Rural Development Insurance Fund.

(n) *Lender.* The person or organization making and servicing the loan which is guaranteed under the provisions of this subpart. The lender is also the party requesting a loan guarantee.

(o) *Lender's Agreement (Form FmHA 449–35).* The signed agreement between FmHA and the lender setting forth (specifically or by reference) the lender's loan responsibilities when the Loan Note Guarantee is issued.

(p) *Loan Note Guarantee (Form FmHA 449–34).* The signed commitment issued by FmHA setting forth (specifically or by reference) the terms and conditions of the guarantee.

(q) *Note.* An evidence of the debt. In those instances where FmHA makes an insured loan or guarantees a bond issue, "note" shall also be construed to include "Bond" or other evidence of indebtedness where appropriate.

(r) *Principals of borrowers.* Include owners, officers, directors, entities and others directly involved in the operation and management of the business.

(s) *Public body.* A municipality, political subdivision, public authority, district, or similar organization.

(t) *Rural area.* Includes all territory of a State, the Commonwealth of Puerto Rico, or the Virgin Islands that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing area with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

(u) *State.* Any of the fifty states, Puerto Rico, or the Virgin Islands.

(v) *Transfer and assumption.* The conveyance by a debtor to an assuming party of the assets, collateral, and liabilities of the loan in return for the assuming party's binding promise to pay the debt outstanding. In relation to transfer and assumption cases, where appropriate, "liquidation" and "loan" shall be construed to mean "transfer and assumption"; "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "assuming party" or "transferee."

(w) *Working capital.* The excess of current assets over current liabilities. It identifies the relatively liquid portion of total enterprise capital which constitutes a margin or buffer for meeting obligations within the ordinary operating cycle of the business.

§ 1980.403 Citizenship of applicants.

Loans to individuals shall be made or guaranteed only to those who are citizens of the United States or reside in the United States after being legally admitted for permanent residence. At least 51 percent of the outstanding interest in any corporation or organization type applicant must be owned by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence.

§ 1980.404 Full faith and credit of the U.S.A.

The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the lender or holder has actual knowledge at the time it becomes such lender or holder or which lender or holder participates in or condones. The guarantee and right to require purchase will be directly enforceable by holder notwithstanding any fraud or misrepresentation by the lender or any unenforceability of the Loan Note Guarantee by lender. The Loan Note Guarantee will be unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

§ 1980.405 Rural Area Determinations.

FmHA will determine if any area is rural for purposes of the Guarantee or Insured loan program. The following will be used by FmHA in making area eligibility determinations when it is not clear from the geographical location of the applicant:

(a) Urbanized area immediately adjacent to a city having a population of 50,000 or more: An urbanized area immediately adjacent to a city having a population of 50,000 or more is an area constituting for general social and economic purposes a single community having a boundary contiguous with that of the city. Such community may be incorporated or unincorporated and will extend from the contiguous boundary(ies) to recognizable open country, less densely settled areas, or natural boundaries such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities or public parks shall be disregarded. Outer boundaries of an incorporated community will extend at least to its legal boundaries. Cities which may have a contiguous border with another city but are located across a river from such city and recognized as a separate community and are not otherwise considered a part of an urbanized or urbanizing area as defined in this section are not in a non rural area.

(b) Urbanizing area: An urbanizing area is one defined as a community which is not now or within the foreseeable future not likely to be clearly separate from and independent of a city of 50,000 or more population and its immediately adjacent urbanized areas. A community will be considered as "separate from" when it is separated from the city and its immediately adjacent urbanized area by open country, less densely settled areas, or natural barriers such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities or public parks shall be disregarded. A community will be considered as "independent of" when its social and economic structure (*e.g.*, government; educational, health, and recreational facilities; business, industry, tax base, and employment opportunities) is not primarily dependent on the city and its immediately adjacent urbanized area.

(c) The State Director will proceed as follows in rural area determinations: When the FmHA State Director determine an area to be urbanizing, he must then determine the population density per square mile. If the area appears to be eligible, the State Director will request the National Office to provide him with the correct density figure. All such density determinations will be made on the basis of minor civil division or census county divisions as used by the Bureau of the Census. In making the density calculations, there will be excluded large nonresidential tracts devoted to urban land uses such as railroad yards, airports, industrial sites, parks, golf courses, and cemeteries or land set aside for such purposes.

§§ 1980.406–1980.410 [Reserved]

§ 1980.411 Loan purposes.

Loans to borrowers with facilities located in both urban and rural areas will be limited to the amount necessary to finance the facility located in the eligible rural area.

(a) *Private entrepreneurs.* Loans may be for improving, developing, or financing business, industry, and employment and improving the economic and environmental climate, including pollution and abatement control, of rural areas, and may include but not be limited to:

(1) Business and industrial acquisitions, construction, conversion, enlargement, repair, modernization, or development cost.

(2) Purchasing and development of land, easements, rights-of-way buildings, facilities, leases, or materials.

(3) Purchasing of equipment, leasehold improvements, machinery or supplies.

(4) Pollution control and abatement including those in connection with farming and ranching operations.

(5) Transportation services incidental to industrial development.

(6) Start-up costs and working capital.

(7) The financing of housing development sites located in open country or cities, towns or villages with populations not in excess of those eligible for FmHA Rural Housing Loans, provided the community demonstrates a need for additional housing to prevent a loss of jobs in the area, or to house families moving to the area as a result of new employment opportunities.

(8) Loans for processing or marketing facilities, hatcheries, commercial nurseries and integrated poultry operations. This does not include loans for agricultural production; however, applicants who are in the business of processing, marketing, or packaging, as well as agricultural production, may be eligible for loan assistance for that portion of the business other than agricultural production, provided the agricultural production aspect is separate from the rest of the business; *i.e.*, the production aspects are handled through separate legal business entities or through maintenance of the accounting system in such manner as to clearly identify the use of and future accounting of the loan proceeds and operation of the business.

(9) Commercial custom feedlot operations. As used herein, commercial custom feedlot operations mean those lots primarily feeding, on a custom basis, livestock which belongs to other than the feedlot owner-operator. This would not preclude assistance to those borrowers whose principals or members are farmers and ranchers whose individually

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owned livestock may be custom fed at the lot; provided, such principals' or members' personal financial conditions are not likely to adversely affect the financial success of the custom operation. In those cases where feedlot operators buy and feed for themselves, records and accounts of such operations shall be maintained in such manner that they may be identified separately from the custom feeding operation, and loan agreements and security instruments will specify that any losses incurred in the owner-operator operation shall not be chargeable to the custom feeding operations.

(10) Interest (including interest on interim financing) during the period before the first principal payment becomes due or the facility becomes income producing, whichever occurs first.

(11) Feasibility studies.

(12) Refinancing debts in connection with sound projects when it is determined by FmHA that it is necessary to help stabilize the economic base of the rural area and increase or maintain employment.

(13) Reasonable costs, including legal fees, incurred for services rendered by accountants, appraisers, architects, engineers, consultants, and other parties for services in connection with preparation of the loan applications, making the loan, developing the project, and verification of proper project completion. FmHA will determine what is reasonable.

(14) Lenders fees and charges including those for preparation and assembly of applications provided they do not exceed those customarily charged all borrowers in similar circumstances in the ordinary course of business and for fees.

(15) Acquisition of membership and/or stocks, bonds or debentures necessary to obtain a loan from Production Credit Associations, Banks for Cooperatives, Small Business Investment Companies, and other lenders; provided such acquisition is required of all their borrowers. However, a lender which requires membership fees in such organization or the purchase of securities issued by such organization will not use such proceeds to acquire, lease or improve property which does not benefit its members.

(b) *Public bodies.* See §§ 1980.481 and 1980.488.

§ 1980.412 Ineligible loan purposes.

Loans may *not* be made or guaranteed if the funds are used:

(a) To pay off a creditor in excess of the value of the collateral.

(b) For distribution or payment to the owner, partners, shareholders or beneficiaries of the applicant or members of their families when such persons will retain any portion of their equity in the business.

(c) For any project that is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by the operation of the applicant. This limitation shall not prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the expansion will not result in an increase in the unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such expansion is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(d) For any project which is calculated to or is likely to result in an increase in the production of goods, materials or commodities, or the availablity of services or facilities in the area when there is not sufficient demand for such goods, materials, commodities, services or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

(e) For agricultural production.

(f) For the transfer of ownership of a business unless the loan will keep the business from closing, or prevent the loss of employment opportunities in the area, or provide expanded job opportunities.

§ 1980.413 Transactions which will not be guaranteed.

The following transactions will not be guaranteed by FmHA:

(a) The guarantee of lease payments.

(b) The guarantee of loans made by other Federal agencies. This does not preclude the guaranteeing of loans made by the Bank for Cooperatives, Federal Land Bank, or Production Credit Association.

§§ 1980.414–1980.418 [Reserved]

§ 1980.419 Eligible lenders.

(a) This Subpart is designed to provide a mechanism whereby all lenders may participate by using the various sources of capital and segments of the money market to meet the necessary financing requirements for the B&I loan program. FmHA ordinarily will require that a local lender be involved for each project. A local lender is a lender in or near a community where the project is or will be located and routinely provides loan services to such community.

Although the project may involve other lenders, investors, or packagers, it is expected that a local lender will be the lead lender and be responsible to service and liquidate (if necessary) the loan. The local lender may use correspondents, branches, financial or other institutions to provide expertise for its responsibilities. FmHA ordinarily will use the local lender as a point of contact for the administration of the program.

(b) An eligible lender is: (1) Any Federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank or Cooperatives, Savings and Loan Association, Building and Loan Association, or Small Business Investment Company, that is subject to credit examination and supervision by either an agency of the United States or a state is eligible to make and service guaranteed loans provided it is in good standing with its licensing authority and has met licensing, loanmaking, loan servicing, and other requirements of the state in which the collateral will be located and the loanmaking and/or loan servicing office requirements in paragraph (f) of this section, or

(2) Any other lender, including but not limited to, insurance companies, credit unions and mortgage loan companies that are approved for eligibility by FmHA. To qualify as a lender under this paragraph, the lender will submit to FmHA the material in paragraphs (i), (ii), (iii), (iv), and (v) of this section. Lenders will be considered by FmHA for eligibility under this paragraph for loanmaking on a nationwide, state, or loan-by-loan basis. They should indicate the type of eligibility requested in their submission. Lenders having sufficient experience, adequate organization for loan servicing, and sufficient capital and surplus to support the proposed loan program will be considered for eligibility on a national basis. Those licensed to do business only in specified states will be considered for eligibility only in those states. Material to be submitted is as follows:

(i) Form FmHA 449–18, "Lenders or Holders Request for Approval."

(ii) Evidence showing that it has the necessary capital and resources to indicate success in meeting its responsibilities.

(iii) Copy of any license, charter, or other evidence of authority to engage in the proposed loanmaking and loan servicing activity. If licensing by the state is not required, an attorney's opinion to this effect will be submitted.

(iv) Information on lending operations, including length of time in the lending business; experience in making loans; management capability; range and volume of lending and servicing activities; current financial statements; sources of funds for the proposed loan; status of loan portfolio; any special requirements for equity ownership, options or payment of profits of the prospective borrower's company in exchange for any financial assistance to the business, loanmaking and servicing office location and rates charged for servicing and any other fees; *e.g.*, loan origination, loan preparation, or brokerage fees. Such fees may not be greater than those charged by similarly situated lenders in the ordinary course of business.

(v) A copy of its loan agreement(s) ordinarily used.

(c) FmHA will make such investigation as it deems necessary and will notify the prospective lender whether its request for eligibility is approved or rejected. If rejected, the reasons for the rejection will be indicated to the prospective lender in writing and if the lender is able to overcome the objections, it may resubmit the request. (See § 1980.492.)

(d) Lenders who are not eligible lenders are not barred from participating in loans made by eligible lenders.

(e) Each prospective lender will inform FmHA whether it qualifies for eligibility under paragraphs (b)(1) or (b)(2) of this section and if an eligible lender, which agency or authorities, if any, supervises such lender. This information will be furnished to FmHA on Form FmHA 449–1, "Application for Loan and Guarantee," or in letter form.

(f) Each lender must maintain an office (either its main or branch office or that of an agent) near enough to the collateral's location so it can properly and efficiently discharge its loanmaking and loan servicing responsibilities.

(g) All lenders will be owned and controlled as provided in paragraph V of Form FmHA 449–35, "Lender's Agreement."

(h) For possible lender-borrower conflict of interest, see paragraph VI of Form FmHA 449–35. All lenders will, for each proposed loan, inform FmHA as to whether the lender or its principal officers or the borrower or its principals or officers hold any stock or other evidence of ownership in the other. FmHA shall determine whether such ownership is sufficient to likely result in a conflict of interest.

(i) FmHA reserves the right to declare any lender ineligible to receive a loan guarantee when it determines that the lender may not have the capability to make or satisfactorily service the loan, the history of its operations appears unsatisfactory, or the provisions of previous Loan Note Guarantees or Lender's Agreements have not been satisfactorily fulfilled.

ADMINISTRATIVE

par (a) Requires National Office approval for any variations.

par (2)(h)(i) State Director submits information to National Office with his recommendations.

§ 1980.420 Loan guarantee limits.

The maximum loss covered under the Form FmHA 449–34, "Loan Note Guarantee," will not exceed ninety percent of the principal and accrued interest on the indebtedness represented by the borrower's guaranteed loan promissory note or assumed under an assumption agreement. Lenders and applicants will propose the percentage guarantee. The lender and applicant will be informed in writing on Form FmHA 449–14 by FmHA of any percentage of guarantee less than proposed by the lender and applicant and the reasons therefor. FmHA will determine the percentage guarantee after considering all credit factors involved, including but not limited to:

(a) The applicant's management, equity capital, history of operation, marketing plan, raw material requirements, and availability of necessary supporting utilities and services.

(b) Collateral.

(c) Financial condition of applicant's principals.

(d) The lender's exposure before and after the loan.

(e) Current trends and economic conditions within the industry.

§ 1980.421 Guarantee fee.

(a) The fee will be one percent (1%) of the principal loan amount multiplied by the percent of guarantee, paid one time only at the time the Loan Note Guarantee is issued. The fee will be paid to FmHA by the lender and is nonrefundable. The fee may be passed on to the borrower.

(b) In the event FmHA agrees to issue a Loan Note Guarantee in substitution for a Form FmHA 449–17, "Contract of Guarantee," issued under previous regulations (see § 1980.461(b)(2)) the lender will pay to FmHA at the time the substitution is made a nonrefundable, one-time fee of one percent (1%) of the current principal loan balance multiplied by the percent of guarantee.

§ 1980.422 Charges and fees by lenders.

Late payment charges will not be covered by the Loan Note Guarantee. Such charges may not be added to the principal and interest due under any guaranteed note. Late payment charges may be made only if:

(a) They are routinely made by the lender in all types of loan transactions.

(b) Payment has not been received within the customary time frame allowed by the lender. The term "payment received" means that the payment in cash or by check, money order, or similar medium has been received by the lender at its main office, branch office, or other designated place of payment.

(c) The lender agrees with the applicant in writing that the rate or method of calculating the charges will not be changed to increase charges while the Loan Note Guarantee is in effect.

§ 1980.423 Interest rates.

(a) *Guaranteed loans.* Rates will be negotiated between the lender and the borrower. They may be fixed or variable as long as they are legal.

(1) A variable interest rate must be a rate that is tied to a base rate published periodically in a financial publication specifically agreed to by the lender and borrower. It must rise and fall with the selected base rate and changes can be made no more often than quarterly. There will be no floor or ceiling on variable interest rates.

(2) Any change in the interest rate between the date of issuance of the Form FmHA 449–14 and before the issuance of the Loan Note Guarantee must be approved by the State Director. Approval of such change will be shown on an amendment to Form FmHA 449–14.

(b) *Insured loans.* (1) Loans for other than those in paragraph (b)(2) of this section shall bear interest at a rate prescribed by FmHA, and shall be announced periodically. The interest rate for insured loans will be the rate in effect at the time the loan is approved or at the time the loan is closed, whichever rate is lower.

(2) Loans to public bodies, nonprofit associations, and Indian Tribes used to finance community facilities shall bear interest at the rate of five (5%) per cent per annum.

§ 1980.424 Terms of loan repayment.

(a) Principal and interest on the loan will be due and payable as provided in the promissory note. The lender shall structure repayments as established in the loan agreement between the lender and borrower. Ordinarily, such installments shall be scheduled for payment as agreed upon by the lender and applicant but on terms that reasonably assure repayment of the loan. However, the first installment to include a repayment of principal may be scheduled for payment after the project is operable and has begun to generate income, but such installment shall be due and payable within three years from the date of the promissory note and at least annually thereafter. Interest shall be due at least annually from the date of the note. Ordinarily, monthly payments will be expected, except for seasonal-type businesses. When multinotes are used, each note shall bear the same interest rate.

(b) The maximum time allowable for final maturity of an FmHA guaranteed B&I loan shall be limited to thirty (30) years for land, buildings, and permanent fixtures; the usable life of the machinery and equipment purchased with loan funds, but not to exceed fifteen (15) years; and seven (7) years for the working capital portion of the loan. The term for a loan that is being refinanced may be based on the collateral the lender will take to secure the loan.

(c) The maximum time allowable for final maturity of an FmHA insured loan for community facilities shall not exceed 40 years.

§ 1980.425 Availability of credit from other sources.

(a) Inability to obtain credit elsewhere is not a requirement for guaranteed assistance under this Subpart.

(b) To be eligible for an insured loan under this subpart, the applicant must be unable to obtain the required credit from private or cooperative sources at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near the applicant's location(s) for loans for similar purposes and periods of time. The applicant's inability to obtain such credit elsewhere will be determined in accordance with 1828 of this chapter (FmHA Instruction 442.1).

§§ 1980.426–1980.431 [Reserved]

§ 1980.432 Environmental impact assessments and statements.

The need for an environmental impact statement (EIS) will be determined by the FmHA State Director. The determination will be based upon FmHA's review of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," State and sub-State clearinghouse and other agency comments or other information available. If an EIS is necessary, applicants and lenders will be required to provide essential data for use in its preparation. FmHA State Directors will coordinate preparation and processing of any required EIS. If joint agency financing for the proposal is involved, the lead agency will be responsible for preparation of the EIS. In all cases FmHA is responsible for assuring that the requirement of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), and title 7 CFR Part 1824 of this chapter are met.

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State Director will review Form FmHA 449–10 submitted by the applicant and a Form FmHA 440–46, "Environmental Impact Assessment," prepared by the County Supervisor or State Director Designee. The State Director will indicate his decision in the Form FmHA 440–46. If the State Director determines that an EIS is required, he will notify the applicant and lender in writing.

§ 1980.433 Flood or mudslide hazard area precautions.

(a) Projects located in special flood or mudslide hazard areas, as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development may be financed under this subpart only:

(1) If the community, as a result of such designation by FIA as a special flood or mudslide prone area, has an approved flood plain area management plan.

(2) If the project location and construction plans and specifications for new buildings or improvements to existing buildings comply with an approved flood plain area management plan in paragraph (a) of this section.

(b) If flood insurance is available it will be purchased by the borrower prior to loan closing.

ADMINISTRATIVE

The State Director is responsible for determining if a project is located in a special flood or mudslide hazard area. Refer to FmHA Instruction 426.2.

§ 1980.434 Equal opportunity and nondiscrimination requirements.

(a) *Equal credit opportunity act.* In accordance with Title V of Pub. L. 93–495, the Equal Credit Opportunity Act, neither the lender nor FmHA will discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction. The lender will, within the requirements of this Act as set forth in the Federal Reserve Boards Regulation, implementing this Act, as published in 40 FR 49298. Such compliance will be accomplished prior to loan closing.

(b) *Forms and requirements.* In accordance with Executive Order 11246, the following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases involving construction as indicated. The borrower is responsible for seeing that the requirements of paragraphs (c) through (g) of this section are met.

(c) *Compliance reports.* No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(d) *Equal opportunity agreement.* Before loan closing, each borrower whose loan involves a construction contract of more than $10,000 must execute Form FmHA 400–1, "Equal Opportunity Agreement."

(e) *Contract or subcontract in excess of $10,000.* If the contract or a subcontract exceeds $10,000:

(1) The contractor or subcontractor must submit Form FmHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation.

(2) An Equal Opportunity Clause must be part of each contract and subcontract. This clause is incorporated in Form FmHA 424–6, "Construction Contract," which may serve as a guide.

(3) With notification of the contract award, the contractor must receive:

(i) Form FmHA 400–3, "Notice to Contractors and Applicants," signed by the County Supervisor with an attached Equal Employment Opportunity Poster. Posters in Spanish must be provided and displayed where a significant portion of the population is Spanish speaking.

(ii) Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," if the contractor or subcontractor is subject to the requirements of paragraph (g) of this section.

(f) *One hundred or more employees and contract or subcontract exceeds $10,000.* If the contractor or subcontractor has 100 or more employees and the contract or subcontract is for more than $10,000:

(1) In addition to meeting the requirements of paragraph (e) of this section, each such contractor or subcontractor must file Standard Form 100, "Employer Information Report EEO–1" with the Joint Reporting Committee within 30 days of the contract or subcontract award unless this report has already been submitted within the last 12 months.

(2) An annual report must be filed on or before March 31 as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely, complete and accurate reports constitutes noncompliance with the Equal Opportunity Clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW., Washington, D.C. 20006.

(g) *Fifty or more employees and contract or subcontract exceeds $50,000.* If the contract or subcontract is more than $50,000 and the contractor or subcontractor has 50 or more employees, in addition to the requirements of paragraph (e) of this section, each such contractor or subcontractor must be informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD–425 provides guidelines for the contractor or subcontractor in developing such a program.

(h) *Compliance reviews.* Compliance reviews must be made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in employment. Findings of the borrower or lender (when inspections are made), will be shown on Form FmHA 424–12, "Inspection Report." If there is any evidence of noncompliance, the borrower or lender will try to achieve voluntary compliance. If the effort fails, such borrower or lender will report all the facts to FmHA.

(i) *Employee complaints.* Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FmHA.

(1) A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(i) The name and address (including telephone number, if any) of the complainant.

(ii) The name and address of the person committing the alleged discrimination.

(iii) A description of the acts considered to be discriminatory.

(iv) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(2) Such complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FmHA for good cause shown by the complainant.

ADMINISTRATIVE

The State Director will assure that equal opportunity and nondiscrimination requirements are met. If there is indication of noncompliance with these requirements, such facts will be reported by the borrower, lender or County Supervisor in writing to the State Director for remedial action.

Should the State Director need assistance in handling any complaints of noncompliance, he will request assistance from the National Office.

§ 1980.435 Clean Air Act and Water Pollution Control Act requirements.

(a) As a condition for FmHA's making or guaranteeing a loan in excess of $100,000 and unless otherwise exempted, an applicant for a loan will:

(1) Comply with all the requirements of section 114 of the Clean Air Act (42 U.S.C., 1857 C–9) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. (Such regulations and guidelines can be found at 40 CFR 15.4 and 40 FR 17126, April 26, 1975.)

(2) As a condition for the award of contract, notify the FmHA of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities. (Prompt notification is required prior to contract award.)

(3) Certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA List of Violating Facilities pursuant to 40 CFR 15.20 as of the date of contract award; and

(4) Include or cause to be included the above criteria and requirements in every nonexempt subcontract and will take such action as the Government may direct as a means of enforcing such provisions.

(b) As a further condition for FmHA's making or guaranteeing a loan in excess of $100,000 but not otherwise exempted, the applicant for the loan will secure the services of a contractor who agrees to comply with the provisions in paragraph (a) above.

(c) For guarantee assistance under this Part, Lender will cause to be included in all solicitation and contract provisions the stipulations contained in paragraph (a) above provided the loan amount is $100,000 or more and not otherwise exempted.

(d) The term "facility" as used in this section only means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are colocated in one geographical area.

§§ 1980.436–1980.440 [Reserved]

§ 1980.441 Applicant equity requirements.

The applicant will be required to contribute sufficient tangible assets on both guaranteed and insured loans to provide reasonable assurance of a successful project. Normally, a minimum of 10 percent equity will be required on the applicant's balance sheet, at the time of loan closing for insured loans and at the time when the Loan Note Guarantee is issued for guaranteed loans. However, FmHA may require more equity depending on all other credit factors present in the particular project. Ordinarily, more than the minimum amount of equity will be required for new business ventures.

§ 1980.442 Feasibility studies.

FmHA may require an applicant to provide a feasibility study prepared by an independent recognized consultant. The cost of such study will be borne by the applicant and may be paid from funds included in the loan. On loans of one million dollars or more, feasibility studies by recognized independent consultants will ordinarily be required. FmHA may waive this requirement when the financial history of the business, the current financial conditions and guarantees or other collateral is more than adequate to indicate the feasibility of the enterprise. The feasibility study outline will be approved by FmHA. FmHA personnel may not recommend consultants but may provide the applicant with a list of consultants who have performed satisfactorily on previous projects. An acceptable feasibility study should include but not be limited to:

(a) *Economic feasibility.* Information related to the project site, availability of trained or trainable labor, utilities, rail, air and road service to the site, and the overall economic impact of the project.

(b) *Market feasibility.* Information on the sales organization and management, nature and extent of market and market area, marketing plans for sale of projected output, extent of competition and commitments from customers or brokers.

(c) *Technical feasibility.* An engineering evaluation of the site, type of construction, adequacy of the plant machinery and equipment, operating and maintenance program to produce the projected quantity, and quality of goods, facility layout, and overall business operations.

(d) *Financial feasibility.* An opinion on the reliability of the financial projections and the ability of the business to achieve the projected income and cash flow. An assessment of the cost accounting system, the availability of short term credit for seasonal business and the adequacy of raw material and supplies.

(e) *Management feasibility.* Evidence that continuity and adequacy of management has been evaluated and documented as being satisfactory.

§ 1980.443 Collateral, personal and corporate guarantees, and other requirements.

(a) *Collateral.* (1) The lender is responsible for seeing that proper and adequate collateral is obtained and maintained in existence and of record to protect the interests of the lender, the holder, and FmHA.

(2) Collateral must be of such a nature that repayment of the loan is reasonably assured when considered with the integrity and ability of project management, soundness of the project, and applicant's prospective earnings. Collateral may include, but is not limited to the following: land, buildings, machinery, equipment, furniture, fixtures, inventory accounts receivable, cash or special cash collateral accounts, marketable securities, and cash surrender value of life insurance. Collateral may also include assignments of leases or leaseholds interests, revenues, patents, and copyrights.

(3) All collateral must secure the entire loan. The lender may not take separate collateral to secure only that portion of the loan or loss not covered by the guarantee. The lender may not require compensating balances or certificates of deposit as a means of eliminating the lender's exposure on the unguaranteed portion of the loan. However, compensating balances as used in the ordinary course of business may be used.

(b) *Personal and corporate guarantees.* (1) Personal guarantees from major stockholders or owners having a major interest in a corporation and all partners of partnerships usually will be required. Guarantees of parent, subsidiaries, or affiliated companies may also be required. Guarantees will be required in sufficient amounts depending on the credit factors in each loan to reasonably assure repayment of the loan and provide adequate security.

(2) The requirement for personal guarantees or corporate guarantees may be waived by FmHA if the proposed guarantors cannot provide such guarantee due to other existing contractual obligations or legal restrictions. For those applicants providing documented evidence of successful operations for the past three years, guarantees will be obtained as determined by FmHA.

(3) If a review of all credit factors indicates the need for additional security, FmHA may require additional personal and corporate guarantees. FmHA also may require that such guarantees be secured. Any collateral as referred to in paragraph (a) (2) of this section may be used to secure the guarantees.

(4) *Guarantors of applicants will:* (i) In the case of personal guarantees, provide current financial statements (not over 60 days old at time of filing), signed by the guarantors and disclose community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 90 days old at time of filing), certified by an officer of the corporation.

(iii) Provide written evidence to FmHA of their inability to provide a guarantee because of existing contractual arrangements or legal restrictions.

(c) *Other requirements.* (1) The lender must ascertain that no claims or liens of laborers, materialmen, contractors, subcontractors, suppliers of machinery and equipment or other parties are against the collateral of the borrower, and that no suits are pending or threatened that would adversely affect the collateral of the borrower when the security instruments are filed.

(2) Hazard insurance with a standard mortgage clause naming the lender as beneficiary will be required on every loan in an amount that is at least the lesser of the depreciated replacement value of the property being insured or the amount of the loan. Hazard insurance includes fire, windstorm, lightning, hail, business interruption, explosion, riot, civil commotion, aircraft, vehicle, marine, smoke, builder's risk, public liability, property damage, flood or mudslide, or any other hazard insurance that may be required to protect the collateral.

(3) Ordinarily, life insurance, which may be decreasing term insurance, is required for the principals and key employees of the borrower and will be assigned or pledged to the lender. A schedule of life insurance available for the benefit of the loan will be included as part of the application.

(4) Workmen's compensation insurance is required in accordance with State law.

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§ 1980.444 Appraisal of property serving as collateral.

(a) Property that will serve as collateral for loans will be appraised by a qualified appraiser. The appraiser will give his opinion regarding the current market value of the collateral.

(b) The lender will be responsible for determining that appraisers (other than FmHA appraisers) have the necessary qualifications and experience to make the appraisals. If the lender has any questions in this regard, it should consult with FmHA before having an appraisal made.

(c) The lender must determine that the fees or charges of appraisers are reasonable.

(d) If the loan request is for $100,000 or less, an FmHA appraiser may make the appraisal.

(e) Appraisals will be made on forms approved by the lender, except when appraisals are made by an FmHA appraiser who may use regular FmHA forms.

§§ 1980.445–1980.450 [Reserved]

§ 1980.451 Filing and processing applications.

(a) *Applicants' and lenders' contact.* Applicants and lenders desiring FmHA assistance as provided in this subpart may file preapplications or applications with the County Supervisor servicing the area in which the project is to be located. The FmHA County Supervisor will promptly arrange an early meeting with the applicant and lender representatives to discuss assembly, preparation and processing of preapplications and applications.

(b) *Applications from cooperatives.* Applicants eligible for loans from the Bank for Cooperatives will be encouraged to obtain guaranteed loans from that source since the Bank for Cooperatives is experienced in making and servicing such loans and can provide substantial counsel to the applicant. Applications must be submitted to the Bank for Cooperatives as a test for credit elsewhere when an insured loan is being considered.

(c) *Applicants eligible for Small Business Administration (SBA) assistance.* All applicants for loan guarantees eligible for SBA assistance will be advised by FmHA at the time of receipt of the preapplication of the availability of such assistance and will be encouraged to apply to that agency. Appendix A to this subpart includes a copy of the current memorandum of understanding between SBA and FmHA.

(d) *Loan priorities.* Applications and preapplications received by FmHA will be considered in the order received. Priority shall be given to projects located in areas and cities having a population of less than twenty-five thousand.

(1) FmHA will cooperate fully with appropriate State agencies in guaranteeing and insuring loans in a manner which will assure maximum support of the State's strategies for development of its rural areas.

(2) When applications on hand otherwise have equal priority the applications from a veteran will have preference. A veteran is a person who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable and who served on active duty in such forces: (i) During the period April 6, 1917, through March 31, 1921; (ii) during the period of December 7, 1941 through December 31, 1946; (iii) during the period of June 27, 1950, through January 31, 1955; or (iv) for a period of more than 180 days, any part of which occurred after January 31, 1955; but on or before May 7, 1975. Discharges under conditions other than dishonorable include "clemency discharges."

(3) In assigning priorities to applications and in selecting projects for funding, FmHA will consider State development strategies, and clearinghouse (A–95 Agency) comments and recommendations. Funds (Insurance or guarantee authority) allocated for use as prescribed in this regulation are to be considered for use by Indian tribes within the State regardless of whether State development plans include Indian reservations within the State's boundaries. It is essential that Indians residing on such reservations have equal opportunity to participate in any benefits of these programs. Priorities will be assigned by the FmHA State Director in accordance with the following:

(i) Those projects which will save existing jobs.

(ii) Those projects which will enlarge, extend, or otherwise improve existing business and industries.

(iii) Those projects which will create the highest number of permanent employment opportunities.

(iv) Those projects which will contribute to the overall economic stability of the rural areas but generate little or no permanent employment opportunities beyond the entrepreneur himself.

(e) *Filing preapplications and applications.* Applicants or lenders may file preapplications as described in paragraph (f) of this section if they desire an expression of FmHA interest prior to assembling the complete application and request for Loan Note Guarantee or they may present the complete application, in one package, including the material required in paragraphs (f), (i), (j), and (k) of this section.

(f) *Preapplications.* Applicants may file preapplications with the County Office including:

(i) A letter prepared by the applicant and the lender which shall include:

(a) Applicant's name, address, contact person and telephone number.

(b) Amount of loan request.

(c) Name of the proposed lender, address, contact person and telephone number.

(iv) Brief description of the project, products, and services provided.

(v) Type and number of employment opportunities and unemployment rate where the project will be located.

(vi) Amount of applicant's equity and guarantees offered.

(vii) Anticipated loan maturity and interest rates.

(viii) Availability of raw materials and supplies.

(2) Form FmHA 449–22, "Certification of Non-Relocation and Market and Capacity Information Report."

(3) Form FmHA 449–4, "Statement of Personal History," for a proprietor (owner), each partner, officer, director, key employee, and stockholders holding 20 percent or more interest in the applicant except for those corporations listed on a major stock exchange and for those so listed if required by FmHA. Failure to report full, complete and accurate information on the Statement of Personal History may result in FmHA's not making or guaranteeing the loan.

(4) A record of any pending or final regulatory or legal (civil or criminal) action against the applicant, guarantors, principal stockholders, officers, and directors.

(5) A current balance sheet and latest profit and loss statement, and financial statements of existing businesses for the last 3 years.

(6) A detailed projection of gross revenue, net earnings, and cash flow statements for 3 years including assumptions upon which such forecasts are based.

(7) Sales projections indicating the percent of the national and local market the business expects to obtain.

(8) Comments of substate and state A–95 agencies except that loans for smaller or local enterprises with no significant economic or environmental impact are exempt from A–95 review regulations. However, a notice of approval for information purposes must be sent to the A–95 agency. If such comments are not immediately available, they may be forwarded to the County Office after submission of the preapplication. Applicants requesting Federal assistance are required to notify the A–95 clearinghouse in the jurisdiction where the project is to be located. Normally, the preapplication material excluding financial information is submitted for A–95 review.

(g) *Preliminary determination by FmHA.* If preapplication information indicates the project will not meet FmHA's minimum credit standards for a sound loan, is ineligible, does not have sufficient priority, or that funds or guarantee authority are not available for the project, FmHA will so inform the applicant. The applicant will be notified in writing with all reasons for the decision indicated. If it appears that the project is eligible, has sufficient priority, is economically feasible and loan guarantee authority is available, FmHA will inform the lender and applicant in writing and request that they complete the application.

(h) *Department of Labor certifications.* FmHA will submit Form FmHA 449–22 to the Department of Labor for the necessary certification that the proposal will not be in conflict with § 1980.412 (c) and (d).

(i) *Applications will consist of:*

(1) Form FmHA 449–1, "Application for Loan and Guarantee."

(2) Form FmHA 449–2, "Statement of Collateral."

(3) Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(4) Architectural or engineering plans, if applicable.

(5) Cost estimates and forecasts of contingency funds to cover inflation or project changes.

(6) Appraisal reports.

(7) For existing businesses, a pro forma balance sheet at start-up and for at least three additional projected years indicating the necessary start-up capital, operating capital and short-term credit based on financial statements for the last three years, or more (if available) and projected cash flow and earnings statements for at least three years supported by a list of assumptions showing the basis for the projections. If debt refinancing is requested, a debt schedule is to be prepared (correlated to the latest balance sheets) reflecting the debts to be refinanced including the name of the creditor, the original loan amount and loan balance, date of loan, interest rate, maturity date, monthly or annual payments, payment status, and collateral that secured such loans.

(8) For new businesses, a pro forma balance sheet at start-up and for the next three years, projected cash flow (monthly first year, quarterly for two additional years) and projected earnings statements for three years supported by a list of assumptions showing the basis for the projections.

(9) Any credit reports obtained by the lender or FmHA.

(10) Form FmHA 400–1, if construction costing more than $10,000 is involved.

(11) Copies of building permits, if applicable, and any necessary certifications and recommendations of appropriate regulatory or other agency having jurisdiction over the project including any pollution control agency.

(12) Personal and corporate financial statements of those guarantors named in § 1980.443.

(13) Proposed loan agreement. (See paragraph VIII of Form FmHA 449–35). Proposed loan agreements between the borrower and lender will be required. Ordinarily, such agreements include but are not limited to the following:

(i) Requirements for accounting and record keeping.

(ii) Periodic financial reporting.

(iii) An annual audited financial statement from the borrower prepared by an independent certified public accountant or by an independent licensed public accountant, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(iv) Prohibitions against assuming liabilities or obligations of others.

(v) Restrictions on dividend payments.

(vi) Limitation on purchase or sale of equipment and/or fixed assets.

(vii) Limitation on compensation of officers and/or owners.

(viii) Minimum working capital requirements.

(ix) Minimum debt to net worth ratio.

(x) Restrictions concerning consolidation, mergers or other circumstances.

(xi) Limitations on selling the business without concurrence of the lender and FmHA.

(xii) Repayment and amortization of the loan.

(xiii) List of collateral for the loan.

(xiv) List of persons and/or corporations guaranteeing the loan.

(14) A complete feasibility study when required. (See § 1980.442.)

(15) A written statement of any effect the project will have on any district, site, building, structure, or object that has been included in the National Register of Historic Places as maintained by the Department of Interior in accordance with the National Historic Preservation Act of 1966. If the project has no effect as provided in this section, the applicant will so state. (Historic preservation as defined under this Act includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology and culture). (See Part 1890 r of this chapter (FmHA Instruction 440.10)).

(16) Any additional information required by FmHA.

(17) For companies listed on major stock exchanges and/or subject to the Securities and Exchange Commission regulations, a copy of Form 10–K "Annual Report Pursuant to section 13 or 15 D of the Act of 1934."

(18) Documented evidence that the project is located within or without special flood or mudslide hazard areas.

(j) *Use of forms.* FmHA numbered forms will be used where shown in both preapplications and applications. Otherwise, lenders should use their forms, real estate mortgages, security instruments and other agreements, provided such forms do not contain any provisions that are in conflict or are inconsistent with provisions of this subpart.

(k) If the loan request is for health care facilities (*e.g.*, hospitals or nursing homes), a "Certificate of Need" will be obtained by the applicant from the appropriate regulatory or other agency having jurisdiction over the project. If a significant part of the project's income will be from third party payors, *e.g.*, medicare or medicaid, the project will be designed and operated in a manner necessary to meet the requirements of the third-party payors.

ADMINISTRATIVE

A. *The County Supervisor and District Director:* 1. Determines if material and information submitted is complete.

2. Prepares and submits to State Director their comments and recommendations. Such comments will include but are not limited to the following: Community attitude toward project; a summary of comments regarding the proposal by the lender county leaders, and other interested parties; whether the project is likely to result in the need for additional community facilities such as schools, water, sewer, and health care services and if so, the community's plan for providing such facilities; availability of any required additional labor force and training plans for such force, if needed; an economic forecast of the effect on the community should the project fail, if financed.

B. *The State Director:* 1. Will provide the County Supervisor with assistance as may be necessary to assure that the applicants and lenders are currently and correctly advised throughout preapplication and application processing.

2. Will prepare and submit Form FmHA 440–48, "Association or Organization Activity Report," in accordance with FmHA Instruction 440.9. However, the Standard Industrial Classification (SIC) manual will be used in coding of projects rather than the "Loan Purpose Codes" sections of the instructions.

3. Will forward immediately to the National Office on all projects:

(a) Form FmHA 449–22, (7 copies). If applicable, attach Form FmHA 449–33, "Small Loan Certification," for loans of $100,000 or less where loan proceeds are expected to result in employment of not more than five workers.

(b) For insured loans where the applicant leases facilities to another, submit Form FmHA 449–22 for such applicant. The lessor(s) will also be required to provide Form FmHA 449–22. Subsequent loan requests require resubmission of Form FmHA 449–22.

(c) Form FmHA 449–4 (4 copies).

NOTE: As soon as practical send the Forms FmHA 449–22 and 449–4 so that the Department of Labor and Character Evaluation processing may be completed without delay.

4. On all applications over one million dollars (including previously approved loans where additional subsequent loan brings the total over one million dollars), the State Director will submit a separate narrative report prepared in strict compliance with the following format:

Name and Address of Applicant:
Amount of Loan:
State:
County:

1. Background information. Include general description of business, type of applicant, products, availability of raw material and required supplies, length of time applicant has been in this business, any particular problems being encountered, and other such information.

2. Your appraisal of the gross and net effect of the FmHA loan on levels of employment in the local community. Include information on the labor force, number of unemployed, percent of the population unemployed, and what the loan may do to improve the employment picture. This information may be obtained from the local employment service office. Describe the need for training labor for proposed industry, if any, and applicant and county plans for providing such training. If a technical training school is available, identify it. Indicate the number of jobs to be created and/or saved.

3. Fund (obligation authority) situation in state.

		(Current fiscal year)
(a) Allocation		$
(b) Projects approved to date	No ____	$
(c) Active loan applications currently in process (including this application)		$
(d) Those in (c) you expect to fund this fiscal year	No ____	$
(e) Estimated need for additional allocation (if any) for this fiscal year		$

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4. The record of any legal or regulatory actions taken by or against the applicant for the loan (including the principal officers of the proposed enterprise) and known to you, and any civil or criminal suits which are pending. Report any suits listed in any credit reports, financial statements, and disclosed to you by the applicant or any other source.

5. The total debt and the debt to net worth ratio of the applicant.

6. Detailed projections of profit and cash flow together with a list of assumptions showing the basis for the projections. (Provided in an attachment to this report.)

7. The general economic outlook for the type of business or industry, both nationally and in the prospective location. Indicate what percentage increase in sales can be expected nationally and in the applicant's market area, if any, and explain the rationale for this opinion. A good source of information—U.S. Department of Commerce publication, "U.S. Outlook—With Projections".

8. The impact of proposed project on local environment, transportation, and other local facilities and services. Indicate whether the present water, sewer, electric, and energy service facilities will be able to handle the needs of the business being financed, plus the increased need placed on the city school system and other public facilities due to the influx of employees.

9. Indicate if FmHA has previously guaranteed a loan to the proposed lender, and if so, comment on how it was serviced.

10. Any other considerations you feel are important.

Prepared by:

(Signature)

(Name typed)

(Title)

Attach to the above report:

For existing businesses—Minimum three years and current audited financial statements or balance sheets, profit and loss statements, and the requirements for new businesses.

For new businesses—Projections for 3 years of gross revenues and net earnings, a cash flow statement with proper assumptions, and a pro-forma balance sheet at start-up.

5. *par (g)* State Director informs applicant of any decision. (copy sent to County Supervisor).

6. *par (i)* State Director submits a transmittal letter with recommendations on loan applications requiring National Office review. Included are:

(a) Loan File.

(b) Form FmHA 449–29, "Project Profile," including State Director's spread sheets, financial history and projections (use attachments to profile if necessary).

(c) Proposed Form FmHA 449–14.

(d) Copy of FmHA State Loan Review Board Minutes.

(e) Notification of required financial and other reports, their frequency, due dates, and fiscal year end.

7. *par (i) 9. Credit Reports.*

(a) The National Office has contracted with Dun and Bradstreet, Inc. (the contractor, D&B) for a complete credit reference and monitoring system for use by FmHA National and State Offices. The system will provide an independent source of credit information for analyzing applications and provides a continuous monitoring of all loans.

(b) The State Director will appoint a member of his staff to act as a State Coordinator for the service. Such coordinator will be provided with instructional material necessary to use this service. The contractor will assign a D&B account executive from the nearest D&B office for assistance to the FmHA State Office Coordinator, answer inquiries, assure proper service, deliver the National Reference Books, and deliver inquiry request forms to the State Office Coordinator.

(c) The Credit Reference and Monitoring System Service consists of:

(1) *Credit Reference Service*—Three sets of Dun & Bradstreet National Reference Books will be delivered to each state office. These reference books provide an easy-to-use credit information source.

(2) *Business Information Report Service*—When the State Director has determined that a preapplication or application will be considered for further processing, he will instruct the State Office Coordinator to order a credit report on an existing business.

The contractor will provide each state office with a supply of pre-numbered (separate number for each state) Dun & Bradstreet, Inc. Subscriber Inquiry forms JTC 25592 for use in ordering the credit report. The form must contain a complete and correct business name and address. Insert in the "Remarks" section a list of the names of principal(s). The inquiry form is mailed to the designated D&B office for processing. The credit report will be sent by D&B directly to the State Office Coordinator.

For urgent inquires a telephone request to the local D&B office may be used. (Telephone number will be provided by the account executive.)

If loan dockets are sent to the National Office for review, they will contain a copy of the D&B credit report. (Note: The National Office may also initiate requests for these reports and will notify the State Office.)

(3) *Key Account Report Service*—This is a special comprehensive report on businesses and principals providing an indepth investigation and detailed information. All Key Account Reports will be ordered by the National Office. If a State Director feels a Key Account Report is needed to assist in his review of an application, he may request such report from the National Office, by submitting a memo with reasons for the request. In most new business proposals this service will be a valuable tool in the evaluation of the loan and should be requested.

(4) *Change Notification Service*—This is a continuous monitoring service whereby D&B in Washington, D.C. will coordinate with the National Office for providing certain data relating to then existing Business and Industry Loans.

(i) Each State Coordinator will provide the National Office with an initial listing of all existing business names and addresses where Loan Note Guarantees or letter of conditions has been issued and thereafter, on a monthly basis, a listing of additional names or deletions.

(ii) The National Office will forward the combined listings to D&B, who thereafter will provide a continuous monitoring of these businesses. D&B will report any significant changes that may have developed which affect the business. Such changes will be reported on a D&B change notice Form 9W2–11 and sent by D&B to the National Office. The National Office will review the change notice and send a copy to the State Office Coordinator who may request a D&B updated credit report or take any appropriate follow-up action required. (This system is to be used as a supplement for FmHA's monitoring functions).

8. Applications will be organized in a loan file in accordance with FmHA Instruction 451.1, Exhibit B. An 8-position folder will be utilized. The State Director may supplement the Position Guides to include specific legal requirements within their state. If the applicant prepares a complete application package, it may accompany the loan file provided the file is organized in a binder, indexed, tabbed, and feasibility studies are kept separate.

9. On loan applications within the State Director's loan approval authority, the State Director will submit to the National Office items 6 (b) through (e) above, copy of Borrower and Lender Loan Agreement, and comments as per ADMINISTRATIVE A 2 above.

§ 1980.452 FmHA evaluation of application.

FmHA will evaluate the application. FmHA will make a determination whether the borrower is eligible, the proposed loan is for an eligible purpose, there is reasonable assurance of repayment ability, sufficient collateral, and sufficient equity. If FmHA determines it is unable to guarantee the loan, the lender will be informed in writing. Such notification will include the reasons for denial of the guarantee. If FmHA is able to guarantee the loan, it will provide the lender and the applicant with Form FmHA 449–14, listing all requirements for such guarantees. The Conditional Commitment for Guarantee may not be issued on any loan until the State Director has been notified by the National Office that the Statement of Personal History(s) has been cleared. FmHA State Directors are authorized to execute Form FmHA 449–14.

ADMINISTRATIVE

State Director evaluates the application and considers:

A. Rural Area determinations. (See § 1980.-405).

B. Community Impact of the proposal which includes: 1. Number of Businesses and Industries in the town or city.

2. Employment impact upon the community.

3. Availability of skilled and unskilled labor and permanency of employment opportunities.

4. Vocational and educational facilities to provide skilled labor, if applicable.

5. Policies of applicant regarding unemployment, lay-offs, wage scales, etc.

C. If debt refinancing is requested; consider in accordance with § 1980.411(a)(12) and: 1. A complete review will be made to determine whether it is essential to restructure the company's debts on a schedule that will allow the business to operate successfully rather than merely converting an unsound loan to a guaranteed basis.

(a) Obtain a Borrower's complete debt schedule. Schedule should agree with applicant's latest balance sheet.

(b) Determine from lender if the applicant's present loan(s) is on the lender's regulatory examiners report and if so determine the loan classification.

(c) Analyze lender's liability ledger on the borrower, individual customer credit files, installment Loan Ledger Card or Computer printouts, and other credit reports.

D. Applications will be analyzed by a FmHA State Loan Review Board prior to execution of Form FmHA 449–14.

1. Generally, the review board consists of the State Director as Chairman, Business and Industrial Loan Chief (Specialist), and either the Community Programs Chief, Rural Housing Chief, or Farmer Programs Chief, as appropriate.

2. The State Director may wish to contact non-FmHA sources for expertise, such as bankers or other lenders, industrial development specialists from state commissions, academicians, certified public accountants, tax attorneys, successful business and professional leaders, management consultants, and officials from other Federal agencies. Outside resource consultants may be reimbursed for only their travel costs (transportation and subsistence). (See FmHA Instruction 160.1).

3. The Rural Housing Loan Chief will be a member of the FmHA State loan review board if a site development loan (see § 1980.-411(a)(7)) is being considered. The Community Programs Chief will be a member if a loan for facilities of the type financed under the provisions of Part 1823 of this Chapter (FmHA Instruction 442.1) is being considered. The Farmer Program Chief will be a member of the board if a project, the success of which is dependent on the production of agricultural products, is being considered. If the proposed project covers more than one program area, all the chiefs for those programs involved will be members of the Board. If the approval of an application for a B&I loan may result in benefiting or hindering other FmHA programs the review board will determine whether the making of such loan or guarantee is likely to result in embarrassment for FmHA as a result of a possible conflict of interest whereby other parties may accuse the agency of giving loan preference to housing borrowers (in the case of site development) or producers (in the case of agricultural processing plant) or other FmHA Programs.

4. The County Supervisor and District Director will attend the review board meeting to the extent practical taking into consideration other work requirements and travel.

All review board meetings will be fully documented and signed by those FmHA employees serving on the board. A copy of such documentation will be retained in the loan file.

5. If the request for guarantee is acceptable, the State Director will obligate the project by submitting Form FmHA 440–3, "Record of Actions," in an original and three copies. The State Director signs the original and one copy. The remaining copies will be conformed. The original and one copy will be forwarded to the Finance Office and a signed copy will be concurrently forwarded to the lender.

The State Director will also direct a letter to the lender informing him that the purpose of the Form FmHA 440–3 is to establish an obligation of guarantee authority, and the lender will be notified when such authority is established, and will be provided with a list of loan guarantee conditions and requirements. The Finance Office will return one copy to the State Director indicating whether the amount of guarantee authority requested has been obligated. Such submission for obligation will not be made until the State Director is ready to issue the Form FmHA 449–14, "Conditional Commitment for Guarantee," except with prior written authorization from the National Office.

The State Director will not issue the Form FmHA 449–14, "Conditional Commitment for Guarantee," until the Finance Office has made notification that the authority has been obligated. This procedure will be used to obligate funds until the Form FmHA 440–3 is obsolete and Form FmHA 440–1, "Request for Obligation of Funds," has been issued for use. Proceed as follows upon the issuance of Form FmHA 440–1 (Revised).

The State Director will obligate funds or authority for the project by preparing Form FmHA 440–1, "Request for Obligation of Funds," in an original and four copies. The State Director will sign the original and one copy and conform two copies. The original and one conformed copy will be forwarded to the Finance Office and the other copies held pending notification from the Finance Office that guarantee or insurance authority is available. The Finance Office will reserve fund or authority for the project and notify the State Director of such reservation by forwarding the original and one copy of Form FmHA 440–57, "Acknowledgement of Obligated Funds/Checks Requested." Unless the State Director notifies the Finance Office to cancel the reservation or to complete obligation at an earlier date, the Finance Office will complete the obligation on the 15th working day following the date of Form FmHA 440–57. The State Director will time his report to the National Office as required by FmHA Instruction 2015–C in order that notification required by the instruction may be accomplished and the applicant (for an insured loan) or the lender (for a guaranteed loan) is informed of loan approval not later than the date of obligation. Notice of approval to the applicant or lender will be accomplished by providing the applicant or lender with the signed copy of Form FmHA 440–1 and a copy of Form FmHA 449–14, "Conditional Commitment for Guarantee," unless the National Office has given prior written authorization to forward Form FmHA 440–1 to the applicant or lender in advance of issuance of Form FmHA 449–14.

The State Director will record the actual date of applicant or lender notification on the remaining copy of Form FmHA 440–1 and make such copy a permanent part of the County Office loan file.

6. State Director, through the County Supervisor, notifies the lender and applicant if he will not issue the Form FmHA 449–14.

§ 1980.453 Review of requirements.

(a) Immediately after reviewing the conditiones and requirements in Form FmHA 449–14, and the options listed on the back of the form, the lender and applicant should complete and sign the "Acceptance or Rejection of Conditions," and return a copy to the FmHA State Director. If certain conditions cannot be met, the lender and borrower may propose alternate conditions to FmHA.

(b) If the lender indicates in the "Acceptance or Rejection of Conditions" that it desires to obtain a Loan Note Guarantee and subsequently decides at any time after receiving a conditional commitment that it no longer wants a Loan Note Guarantee, the lender should immediately advise the FmHA State Director.

ADMINISTRATIVE

The State Director will negotiate with the lender and applicant any changes made to the initially issued or proposed Form FmHA 449–14, "Conditional Commitment for Guarantee." A copy of Form FmHA 449–14 and any amendments thereto will be included when the loan file is submitted to the National Office for review. When the National Office recommends modifications or additions to Form FmHA 449–14, the State Director will further negotiate these recommendations with the lender and applicant. If as a result of these further negotiations the lender, applicant or State Director presents alternate conditions which would modify recommendations of the National Office, the State Director will submit them by memorandum to the National Office for consideration with a copy of the revised Form FmHA 449–14 and any amendments thereto.

§ 1980.454 Conditions precedent to issuance of the Loan Note Guarantee.

(a) Form FmHA 449–34 will not be issued until the lender certifies to FmHA that:

(1) No major changes have been made in the lender's loan conditions and requirements since the issuance of the Conditional Commitment for Guarantee except those approved in the interim by FmHA in writing.

(2) All planned property acquisition has been completed, all development has been substantially completed in accordance with plans and specifications, and all costs have not exceeded the amounts approved by the lender and FmHA.

(3) Required hazard, flood, workman's compensation and personal life insurance is in effect.

(4) Truth in lending requirements have been met.

(5) All equal employment opportunity and nondiscrimination requirements have been or will be met at the appropriate time.

(6) The loan has been properly closed, and the required security instruments have been obtained, or will be obtained on any after acquired property that cannot be covered initially under State law.

(7) The borrower has title marketable in fact to the collateral then owned by him or it, subject to the instruments securing the loan to be guaranteed and subject to any other exceptions approved in writing by FmHA.

(8) The entire amount of loan for working capital has been disbursed except in cases where the State Director has approved disbursement over an extended time.

(9) Required personal, partnership or corporate guarantees have been obtained.

(10) All other requirements to the Conditional Commitment for Guarantee have been met.

(b) The lender will see that FmHA is notified so that it can make inspections at various stages of construction, repair, or development if FmHA has advised the lender that it desires to do so.

(c) When it is determined that there will be a cost overrun or a change in funds by line item, paragraphs (1) and (2) of this section will apply.

(1) Minor changes in the project which do not affect the approved loan purposes, increase the cost, or adversely affect the objectives or soundness of the loan may be approved by the borrower and lender. If any line item as reflected in the use of proceeds on Form FmHA 449–1 is changed 10 percent or less and the total loan remains the same, the lender may approve the change.

(2) If the change or overrun cannot be handled as in paragraph (c) of this section, the lender and borrower, with the advice of FmHA, will determine how the change or overrun costs will be met. FmHA will determine and inform the lender in writing whether the loan can still be guaranteed. The State Director may approve cost overruns and line item changes:

(i) On all loans within his approval authority, or

(ii) Where the total loan does not exceed his approval authority plus 20 percent, or

(iii) Not more than 10 percent on loans up to $10,000,000.

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(d) Should cost overruns exceed the parameters set forth in paragraph (c)(2) of this section, further disbursements, if any, will be withheld until satisfactory arrangements to complete the project have been made with concurrence of the FmHA National Office.

(e) The lender has executed and delivered to FmHA Form 449-35.

(f) Department of Labor Certification has been obtained by FmHA.

(g) Character evaluation clearance has been obtained by FmHA.

(h) The lender advises FmHA of its plans to sell or assign any part of the loan as provided in Form FmHA 449-35.

(i) When loan closing plans are established, the lender will notify the FmHA County Supervisor so that an FmHA representative may attend the loan closing.

ADMINISTRATIVE

A. *The State Director reviews:* 1. The loan agreement between the borrower and lender which provides for the frequency of submission of financial statements to the County Supervisor. Monthly financial statements should be required on new business enterprises or those needing close monitoring. However, the annual audit report will always be required.

2. Plans for inspection made on construction projects. These should be coordinated with the lender and borrower. (See Appendix B of FmHA Instruction 442.1). Form FmHA 424-12 may be used by the County Supervisor who will make the majority of the inspections. However, the District Directors, Engineers or B&I Chief may also make inspections as designated by the State Directors. Copies are to be furnished the County Supervisor.

3. Cost overruns, if any, and how they will be met.

4. Basic credit requirements of all loans.

B. *par (f)* State Director will designate representative(s) to attend. However, in all cases the District Director will conduct a pre-closing audit to assure that all requirements of the application, Conditional Commitment for Guarantee, and Loan Agreement have been met and will provide such verification in the loan file.

§§ 1980.455–1980.460 [Reserved]

§ 1980.461 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

(a) *Lender's Agreement.* If FmHA finds that all requirements have been met, the lender and FmHA will execute Form FmHA 449-35, "Lender's Agreement." The original will be delivered to FmHA and a signed duplicate original retained by the lender. There will be a Form FmHA 449-35 executed for all loans guaranteed by FmHA. The Lender's Agreement will be executed at the time the Loan Note Guarantee is signed and FmHA receives the guarantee fee.

(b) *Loan Note Guarantee.* (1) Upon receipt of the Form FmHA 449-35 and after all requirements have been met, FmHA will execute Form FmHA 449-34. All original(s) will be provided to the Lender and attached to the note. A conformed copy with copies of notes attached will be retained by FmHA.

(2) In the event a lender has made a B&I loan guaranteed by FmHA under previous regulations and has obtained a Form FmHA 449-17, "Contract of Guarantee," the lender may request the State Director to substitute a Loan Note Guarantee governed in all respects by these regulations for the previously issued Contract of Guarantee. The State Director will review the lender's written request for substitution of guarantees and may authorize the issuance of the new Loan Note Guarantee in exchange for the Contract of Guarantee. The lender will:

(i) Prepare and submit to FmHA a written request for such substituted guarantee.

(ii) Certify to FmHA that there is no adverse change in the borrower's financial situation, the collateral and terms of the loan remain the same as under the original guarantee, and the loan is in good standing.

(iii) Pay the required guarantee fee in accordance with § 1980.421.

(iv) Certify to FmHA the outstanding principal amount of the loan.

(v) Execute a Form FmHA 449-35.

(3) If the lender has selected the multi-note system as provided in paragraph III A 2 of the lender's agreement, a Loan Note Guarantee will be prepared and attached to each note the borrower issues. All the notes must be listed on Form FmHA 449-34.

(4) If the lender requests a series of new notes to replace previously issued guaranteed notes as provided in paragraph III A 2 (b) of the Lender's Agreement, the State Director may reissue the new Loan Note Guarantees in exchange for the original loan note Guarantees.

(c) *Assignment Guarantee Agreement.* In the event the lender assigns the guaranteed portion of the loan to a holder(s) in accordance with provisions of § 1980.462, the lender, holder, and FmHA will execute Form FmHA 449-36, "Assignment Guarantee Agreement." The original of the agreement(s) will be provided to the holder with conformed copy(s) to the lender and FmHA. If the lender desires to assign a part(s) of the guaranteed loan to a holder(s), an Assignment Guarantee Agreement will be executed for each assigned portion. Attached to the Assignment Agreement will be a copy of the borrower's note(s) and a copy of the Loan Note Guarantee.

(d) *Refusal to execute contract.* If FmHA determines that it cannot execute the Loan Note Guarantee because all requirements have not been met, it will promptly inform the lender on Form FmHA 449-13, "Denial Letter" of the reasons, and give the lender a reasonable period within which to satisfy FmHA objections. If the lender writes FmHA within the period allowed requesting additional time to satisfy the objections, FmHA may, in writing, grant such additional time as it considered necessary and reasonable under the circumstances. If the lender satisfies the objections within the time allowed, the guarantee will be issued.

(e) *Payment of guarantee fee.* The lender will prepare and deliver Form FmHA 449-19, "Guarantee Fee Report," and deliver the guarantee fee to the County Supervisor who concurrently delivers the Loan Note Guarantee(s).

(f) *Authorized FmHA Representatives to execute forms.* State Directors and County Supervisors are authorized to execute the Lender's Agreement, Loan Note Guarantee or Assignment Guarantee Agreement. State Director and County Supervisors are authorized to execute agreements necessary to the making of an insured loan.

ADMINISTRATIVE

A. *par (a)* The original Form FmHA 449-35 will be kept in the County Office, a copy may be retained in the State Office.

B. *par (b)(1)* Copy(s) of the Loan Note Guarantee(s) will be kept in the County Office. Additional copy(s) may be retained by the State Office. Copies of all issued Loan Note Guarantees will be kept in the loan file.

C. *par (b)(2)* The State Director will approve all substitutions of Loan Note Guarantees for Contracts of Guarantee.

D. It is imperative that the original loan covered by a Contract of Guarantee is current.

E. *The Registered Holder will transmit to the County Supervisor.* 1. Request for substitution together with the original Contract of Guarantee.

2. Copies of notes with lender's identification numbers. (All requirements of the Lender's Agreement must be complied with before any new notes are issued.)

3. Certification that the loan is current and in good standing.

4. Certification of outstanding principal amount of the loan.

5. Executed Lender's Agreement. (FmHA provides form to Lender).

6. Executed Form FmHA 449-19, "Guarantee Fee Report." (Indicate at top of form, "one time substituted guarantee fee.") (See § 1980.421 for calculation of fee due).

7. Payment for appropriate guarantee fee.

F. *County Supervisor will:* 1. Review all the requirements of paragraph E of this section.

2. If the request is appropriate and complete, forward the request to the State Director.

G. *State Director will:* 1. Verify the submitted request and if in order; send the guarantee fee and guarantee fee report to Finance Office with a notation of the date the new Loan Note Guarantee will be issued. (Note: The substitution of a Loan Note Guarantee for the Contract of Guarantee is not to be considered as a new loan for record keeping purposes.)

2. Complete the Loan Note Guarantee (appropriate number for attachment to each note), date and sign the instrument. The following statement will be entered at the top of the form: "This Loan Note Guarantee is issued in substitution of Contract of Guarantee dated _____. The State Director will transfer from the Contract of Guarantee all information pertaining to the loan to the Loan Note Guarantee.

3. Execute Lender's Agreement.

4. Cancel the original Contract of Guarantee.

5. Transmit to the County Supervisor the Loan Note Guarantee, Lender's Agreement and cancelled Contract of Guarantee.

6. State Director may retain for his file copies of the Loan Note Guarantee, Lender's Agreement and Guarantee Fee Report.

H. *County Supervisor:* Will then transmit to the Lender the original Loan Note Guarantee, and a copy of executed Lender's Agreement and retain in loan file copies of Loan Note Guarantee with attached original cancelled Contract of Guarantee copy of Guarantee Fee Report and the original Lender's Agreement.

All provisions of regulation 1980-E will apply to the loan when the Loan Note Guarantee is signed.

I. *Alternate Procedure:* If the Registered Holder does not want to deliver his original Contract of Guarantee with his request for substitution the County Supervisor will accept a copy of the Contract of Guarantee and proceed as above. However, the Loan Note Guarantee will be delivered only upon receipt of the original Contract of Guarantee. The County Supervisor will forward the original Contract of Guarantee to the State Director for cancellation. State Director will return the cancelled Contract of Guarantee to the County Supervisor for retention in the loan file.

J. *par (b)(3)* For reporting purposes where multi-notes are issued, the loan to the borrower will be counted as one loan regardless of the number of notes issued.

K. *par (b)(4)* The State Director will notify the Finance Office of the transaction.

L. *par (c)* A copy of Form FmHA 449-36 will be kept in the loan file.

M. *par (d)* State Director signs all Forms FmHA 449-13.

N. *par (e) The County Supervisor will:*

1. Review Form FmHA 449-19 for completeness.

2. Forward the guarantee fee and original Form FmHA 449-19 to Finance Office.

3. Forward a copy of Form FmHA 449-19, Form FmHA 449-34, Form FmHA 449-35 and Form FmHA 449-36, if applicable, to the State Director.

4. Originals or copies, as appropriate, will be retained in the FmHA loan file.

5. See that the State Director is notified of any discrepancies.

§ 1980.462 Lender's sale or assignment of guaranteed portion of the loan.

Any sale or assignment by the lender of the guaranteed portion of the loan may be accomplished in accordance with the conditions in paragraph III of Form FmHA 449-35. Should the lender know at the time the loan application is being prepared that it plans to sell or assign any part of the guaranteed portion of the loan as provided in Form FmHA 449-35, the lender should provide this information with the application to FmHA.

§§ 1980.463–1980.468 [Reserved]

§ 1980.469 Loan servicing.

The lender is responsible for loan servicing. See paragraph X of Form FmHA 449-35.

ADMINISTRATIVE

A. While the lender has the primary responsibility for loan servicing and protecting the collateral, the State Director is responsible for seeing that required servicing is properly accomplished. Loan servicing is a preventive rather than a curative action. Prompt follow up on delinquent payments and early recognition and solution of problems are keys to resolving many delinquent loan cases.

B. *The State Director will assure that:* 1. A time table for FmHA field visit inspections is established before the Loan Note Guarantee is issued. Field visits to new business borrowers should be made on a monthly basis for the first few months until the business is stabilized. Visits to non-seasoned (current and less than three years old) loan borrowers should be made at least quarterly; seasoned loans (current and more than three years old) at least annually; and special attention loan borrowers as frequently as the need calls for.

2. A review or adequate analysis on all financial statements and filed reports is made. A complete update of any "spread sheet" analysis of the borrower's financial condition is made and will take any appropriate action necessary. A memorandum of the analysis and a copy of the updated "spread sheet" are forwarded to the National Office, Attention: Business and Industrial Loan Division.

3. A proper followup with the District Director and County Supervisor is made if reports and financial statements are not being transmitted on time or if there are servicing actions needed.

4. Meetings are arranged between the lender, borrower and FmHA to resolve any problems of late payment, etc.

C. *For projects in amounts not in excess of his loan approval authority, the State Director is authorized to approve:* 1. Alterations in the loan agreement with borrower which will not prejudice the Governments interest.

2. Any replacement of collateral for the loan.

3. All lien coverage and lien priorities on the collateral established by the lender before issuance of the Loan Note Guarantee.

D. *Within his loan approval authority, the State Director is authorized to concur in:* 1. Any deferment and reamortization of the loan in concurrence with Holder(s).

2. Use of proceeds from disposition of collateral meeting the provisions of paragraph X of the Lender's Agreement.

E. *The State Director:* May consult with the National Office on any servicing problem and if it cannot be handled at the State level, the file will be forwarded to the National Office with proposed recommendations.

F. *County Supervisor:* 1. Assists in loan monitoring at the direction of the State Director.

2. Will make periodic field inspections (with the lender, if possible) to borrower's place of business in accordance with a pre-established schedule. He will complete the field visit report and transmit it with any recommendations through the District Director to the State Director.

3. Will submit to Finance Office semiannually a lender's statement reflecting the unpaid principal balances on the loan in order to meet U.S. Treasury reporting requirements. This procedure will remain in effect until reporting system is converted to automatic processing system.

4. Will obtain from the lender the necessary financial statements, and will check the statements and any other reports for proper certification and signatures. When the County Supervisor has been notified by the lender of borrowers failure to fulfill any conditions of the Loan Agreement, the County Supervisor will immediately contact the State Director to determine the action to be taken. He will then forward the financial reports and any recommendations through the District Director to the State Director indicating the date reports were received in the County Office.

5. Will notify in writing the District Director and State Director, upon receipt of notice from the Lender when any guaranteed or insured B&I loan is delinquent more than 30 days or when the loan otherwise appears to be developing into a problem case. See paragraph XI of Form FmHA 449-35.

6. Is responsible for establishing an office management system for guaranteed and insured loans in accordance with FmHA Instruction 405.1 to insure timely followup on all required financial statements, audit reports, and any special requirements as set forth in the Loan Agreement with the borrowers.

G. *District Director:* 1. Will assure that the County Supervisor obtains from the Lender the necessary financial statements and reports and transmit the statements with his recommendations to the State Director.

2. Will accompany the County Supervisor on initial field visits to the borrower's place of business and at least annually thereafter. Such visits should be coordinated with the Lender.

3. Will provide guidance and assistance to the County Supervisor if a loan develops into a problem case.

4. Will review all Field Visit Reports and makes recommendations or comments and transmit to the State Director.

§ 1980.470 Defaults by borrower.

Refer to paragraph XI of Form FmHA 449-35.

ADMINISTRATIVE

A. In case of default, the lender will arrange with the County Supervisor or District Director a meeting with the borrower to resolve the problem. A memorandum of the meeting, individuals who attended, a summary of the problem and proposed solutions will be forwarded to the State Director with a copy retained in the loan file. The State Director will report any problem loans to the National Office on the monthly status report. The State Director will notify the lender and borrower through the County Supervisor of any decision reached by FmHA.

B. *Purchase of Guarantee Portions by FmHA: See Lenders Agreement and Assignment Guarantee Agreement.* 1. The County Supervisor monitoring the loan will coordinate and process any requests for FmHA to purchase in all instances where the Holder(s) are located in close proximity to the local Lender. If several Holders are located outside the area, the State Director may handle the transaction and notify the County Supervisor.

2. The County Supervisor will review the material submitted, verify the amounts due the Holder(s) and transmit the request by memorandum to the State Director. Copies of evidence of ownership will be included. Any original evidence of ownership will be retained in the County Office. A proposed payment date will be established in order to calculate the interest due the holder(s).

3. The State Director will verify the amounts payable to the Holder(s) and assure that all necessary material has been obtained. The State Director will request a check to pay the holder(s) on the appropriate data entry form.

4. Any evidences of ownership retained in the County Office will be considered in any future report of loss calculations. A rescind of any purchase will be maintained in the loan file.

§ 1980.471 Liquidation.

Refer to paragraph XII. of Form FmHA 449-35.

ADMINISTRATIVE

A. State Director determines which FmHA personnel will attend meetings with the Lender.

B. *Paragraph XII B.* FmHa will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan will likely not result in maximum recovery. State Directors are authorized to approve lender liquidation plans or exercise the FmHA option to liquidate when out-

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standing guarantee is not in excess of his loan approval authority. All other proposals for liquidation will be submitted to the National Office.

C. *Paragraph XII D.* State Directors are responsible for review and acceptance of accounting reports as submitted by lenders and for submission of such reports to lenders when FmHA is conducting liquidation.

D. *Paragraph XII E 2.* County Supervisors are authorized to accept Report of Loss determinations on Form FmHA 449–20 in those cases where loss will not exceed $50,000; District Directors for loss not to exceed $100,000; and State Directors for all others. The State Director will submit to the Finance Office for payment of any losses on the Form FmHA 449–20. The Finance Office forwards loss payment checks to the State Director for delivery to lender.

E. *Paragraph XII E 3.* Final loss payments will be made within the 60 days required but only after an audit to assure all collateral for the loan has been properly accounted for. State Directors are responsible to see that such audits are accomplished in time to be reviewed and accepted or otherwise resolved within the 60 day period. County Supervisors may conduct such audits when the loss does not exceed $50,000; District Directors $100,000; and State Directors for amounts not to exceed their loan approval authority. All audits involving losses in excess of the amounts equal to the State Directors loan approval authority will be submitted to the National Office for review. If the State Director wishes National Office assistance in the conduct of any audit, he may so request.

§ 1980.472 Protective advances.

Refer to paragraph XIII, Form FmHA 449–35.

ADMINISTRATIVE

A. It is not intended that protective advances be made in lieu of additional loans. The State Director is authorized to approve all protective advances; he will consider the following when approving such advances:

1. The total amount of outstanding advances, the amount of those for which approval is requested, the outstanding loan balance, whether the account is current and, if not, the extent of the delinquencies.

2. The borrower's ability to pay the remaining loan balance and any future advances in accordance with the existing repayment schedule.

§ 1980.473 Additional loans or advances.

Refer to paragraph XIV of Form FmHA 449–35, "Lender's Agreement."

ADMINISTRATIVE

The State Director may approve additional loans or advances provided that he determines there will be no adverse changes in the borrower's financial situation and that such loan or advance is not likely to adversely affect the collateral or the guaranteed loan.

§§ 1980.474–1980.475 [Reserved]

§ 1980.476 Transfer and assumptions.

(a) All transfers and assumptions must be approved in writing by FmHA. Such transfers and assumptions must be to an eligible applicant.

(b) Transfer and assumptions will be considered without regard to § 1980.451 (d).

(c) The applicant will submit to FmHA Form FmHA 449–4 for the required character evaluation prior to the execution of the Assumption Agreement.

(d) Available transfer and assumption options to eligible applicants include the following:

(1) The total indebtedness may be transferred to another borrower on the same terms.

(2) The total indebtedness may be transferred to another borrower on different terms not to exceed those terms for which an initial loan can be made.

(3) A part of the total indebtedness may be transferred to another borrower on the same terms.

(4) A part of the total indebtedness may be transferred to another borrower on different terms.

(e) In any transfer and assumption case, the transferor, including any guarantor(s) may be released from liability by the lender with FmHA written concurrence only when the value of the collateral being transferred is at least equal to the amount of the loan or part of the loan being assumed. If the transfer is for less than the entire debt:

(1) FmHA must determine that the transferor has no reasonable debt-paying ability considering his assets and income at the time of transfer.

(2) The FmHA County Committee must certify that the transferor has cooperated in good faith, used due diligence to maintain the collateral against loss, and has otherwise fulfilled all of the regulations of this Subpart to the best of his ability.

(f) If there is any cash downpayment in connection with the transfer and assumption, it will be applied on the loan in inverse order of maturity and any proceeds from collateral sold before the transfer and assumption should be credited on the transferor's loan debt in inverse order of maturity before the transfer and assumption transaction is approved.

(g) The lender must make a credit analysis on the prospective transferee in all cases and submit it to FmHA for approval. The assumption will be made on the lender's form of assumption agreement. The assumption agreement must contain the FmHA case number of the transferor and the transferee. Changes may be made in the loan terms if agreed to in advance by FmHA, any Holder(s) and the lender; however, FmHA will not issue a new Loan Note Guarantee.

(h) In the case of a transfer and assumption, it is the lender's responsibility to see that all such transfer and assumptions will be noted on all originals of the Loan Note Guarantee(s). The lender must give FmHA a copy of the transfer and assumption agreement. Notice must be given by the lender to FmHA indicating whether the borrower or guarantor has been released from liability.

(i) The Holder(s), if any, will not be consulted on a transfer and assumption case.

ADMINISTRATIVE

A. *Within his loan approval authority, the State Director may consent:* 1. To all transfer and assumption cases.

2. To the release of the transferor and guarantor(s) from liability on the loan. The State Director may approve or disapprove the transfer and will notify the lender and the appropriate parties of his decision in writing.

3. Any changes in the loan terms provided the Holder(s) if any and lender agree.

NOTE.—This should be reviewed as if it were a new loan.

The Loan Note Guarantee will be endorsed in the space provided on the form.

B. A copy of the Assumption Agreement will be retained in the County Office file. The State Director will notify Finance Office of all approved Transfer and Assumption Cases in order that finance records may be adjusted accordingly.

§§ 1980.477–1980.480 [Reserved]

§ 1980.481 Insured loans.

Applications from private parties for whom FmHA and such applicants agree that a guaranteed lender is not available, and from public bodies shall be processed as insured loans in accordance with the applicable provisions of this Subpart and Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1), including the credit elsewhere requirement, except as provided in § 1980.488 which provides for the guarantee of taxable bond issues of public bodies. Loans to public bodies may be used only to finance:

(a) Community facilities as defined in § 1980.402(e) and

(b) Constructing and equipping industrial plants for lease to private businesses (not including loans for operating such businesses) when the requested loan is not available under Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1).

ADMINISTRATIVE

A. All insured loans require National Office concurrence prior to approval.

B. Applications from private parties for insured loans should not be encouraged.

C. Loan closings on insured loans will be in accordance with Instructions of the Regional Attorney and applicable provisions of Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1).

§§ 1980.482–1980.487 [Reserved]

§ 1980.488 Guaranteed industrial development bond issues.

Loans to public bodies may be guaranteed only in connection with the issuance of any class or series of industrial development bonds (as defined in section 103 (c)(2) of the Internal Revenue Code of 1954, as amended (IRC)), the interest on which is includable in gross income under IRC. No part of the loan guaranteed by FmHA may extend to any class or series of industrial development bonds the interest on which is excludable from gross income under section 103(a)(1) of such Code. Prior to the execution of any Loan Note Guarantee, lender shall furnish FmHA evidence regarding interest on bonds being taxable for Federal income tax purposes. Such evidence may be in the form of an unqualified opinion of a recognized bond counsel or a ruling from the Internal Revenue Service.

Loans to public bodies may be guaranteed for the purpose of acquiring, constructing and equipping industrial plants for lease to private businesses (not including loans for operating such businesses).

If FmHA and the applicant agree that a guaranteed lender is not available, the application may be considered for an insured loan under the provisions of § 1980.481.

ADMINISTRATIVE

A. Guaranteed loans to public bodies may be used only for constructing and equipping the industrial plants for lease to private business and does not provide for funds for debt refinancing, working capital, and other fees or services. The leasee will have to provide necessary working capital and have sufficient financial strength to provide for a sound project.

B. The lender will notify the State Director of the taxability of the proposed bond issues.

§§ 1980.489–1980.491 [Reserved]

§ 1980.492 Method of review.

Any adverse decision by the County Supervisor will be reviewed by the State Director. Upon any adverse decision by the State Director the aggrieved party may request the Administrator of FmHA to review the State Director's decision. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(a) The request for review must be in writing and must be accompanied by supporting information and documentation. A copy of the request and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(b) Upon receipt of the copy of this material, the State Director will furnish a full report on the matter to the Administrator.

(c) The Administrator will act on the request as expeditiously as possible under all the circumstances, and will notify the requestor and the State Director in writing of his decision and the reason therefor.

§ 1980.493 Access to records of lenders.

Upon request the Lender will permit representatives of FmHA (or other agencies of the U.S. Department of Agriculture authorized by that Department) to inspect and make copies of any of the records of the Lender pertaining to FmHA guaranteed loans. Such inspection and copying may be made during regular office hours of the lender, or any other time the Lender finds convenient.

§ 1980.494 State supplements to this regulation.

FmHA State Directors may supplement this regulation subject to National Office review to the extent necessary to properly implement the program in their States.

§ 1980.495 FmHA Forms.

Forms FmHA 449–34, "Loan Note Guarantee," FmHA 449–35, "Lender's Agreement," and FmHA 449–36, "Assignment Guarantee Agreement," are incorporated as Appendices B–D and made a part hereof.

§§ 1980.496–1980.500 [Reserved]

GENERAL ADMINISTRATIVE

Office of the General Counsel (OGC): In performing the FmHA functions with respect to B&I loans, the advice and assistance of OGC may be sought and followed on any legal matter. However, in loanmaking, it is the responsibility of the lender to ascertain that all requirements for making, securing, and servicing the loan are duly met. If FmHA has any questions concerning the Lender's resolution of these matters, it should consult with OGC.

APPENDIX A—MEMORANDUM OF UNDERSTANDING BETWEEN SMALL BUSINESS ADMINISTRATION (SBA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE FARMERS HOME ADMINISTRATION (USDA–FmHA)

PREAMBLE

This joint memorandum reaffirms the mutual desire of the Farmers Home Administration (FmHA) and the Small Business Administration (SBA) to cooperate in the use of their respective loan making authorities to complement the activities of each other and to improve the economic climate in the rural areas of the country.

GENERAL GUIDELINES

1. The FmHA administers its Business and Industrial (B&I) loans and grant program through its State and County Offices. The SBA programs are handled by its District Offices.

2. FmHA State Directors and SBA District Directors, or their designees, and appropriate officials at the National Office level will establish a liaison and periodically coordinate their activities to (a) assure that intended recipients of their programs are served, (b) define areas of cooperation for each of the two agencies, (c) enable both agencies to serve the public more expeditiously, and (d) provide maximum public benefit from the utilization of their respective resources.

3. The National Offices of the SBA and the FmHA believe that each agency will achieve better utilization of available resources and the public will be benefited by the following:

(a) When it appears that the needs of inquirers or prospective borrowers contacting either agency can be served as well or better by the other agency they will be advised of the other agency's programs so the inquirer can evaluate which will more effectively or expeditiously meet the business needs of the borrower. FmHA State Directors and SBA District Directors are responsible for establishing lines of communication between their offices to exchange lists of referrals between their program personnel.

(b) Whenever an inquirer meets SBA eligibility criteria and size standards and the loan needs are within SBA's dollar limits, he will be encouraged to apply to SBA for assistance.

(c) Inquirers seeking SBA assistance who do not meet the size and eligibility criteria will be referred to FmHA.

(d) Neither Agency will refuse to accept an eligible application when the lender or applicant insists that he wants to file with a specific agency regardless of agency advice.

4. SBA District Directors will provide FmHA State Directors with notices of all SBA sponsored or cosponsored prebusiness workshops, training courses, etc., as well as providing FmHA with reasonable supplies of lists of free publications and for the sale publications.

COMPANION LOANS

5. In certain circumstances, the two agencies may participate in a total project but will normally have separate borrowers, loan agreements, notes, mortgages, and other legal documents. Due to the differences in the guaranty of the two agencies, sharing of a lien position in collateral will not be encouraged; however, cross pledging of collateral may be appropriate.

6. An illustration of total project in which both FmHA and SBA may be requested to provide financial assistance might call for FmHA to financially assist, either directly or indirectly, in the acquisition and construction of the land and buildings (an industrial park could be part of the total project), and SBA is requested to finance the commercial tenant's machinery and equipment and to provide working capital.

7. Separate applications are necessary for each agency and will be processed independently. However, the loan specialist for each agency is required to establish a liaison with his counterpart in the other agency when an applicant applies to both agencies for assistance in different aspects of the total project.

8. Copies of the same feasibility, technical, or market studies, business plans, appraisals, and other supporting documents will be supplied with the application to each agency where combined funding is contemplated.

9. The approval by either agency of its loan will be conditioned on the like approval by the other agency of its loan. A copy of each agency's terms and conditions for approval (SBA's loan authorization and FmHA's conditional commitment for guarantee) will be supplied to the other agency.

10. Within the limits of their regulations, each agency must approve changes in their own approval documents, such as change of tenants, scope of operation, methods of financing, etc., after discussion with the other agency and notify the other agency of their action on each material change request received.

11. Loan closing and disbursing functions will be performed by each agency in accordance with their respective regulations.

12. Loan servicing procedure prescribed by each agency will apply to each agency's loans. However, if either agency receives any indication of an adverse change, including notice of past due payments, it will immediately provide the other agency with the adverse information and, when possible, the corrective action being proposed. Within the confines of each agency's regulations, no corrective action will be taken by either agency without discussing proposed corrective action with the other agency and determining the possible adverse impact on the other's loan, guaranty, or grant.

13. All liquidation situations will be handled on a case by case basis. FmHA State Directors and SBA District Directors are responsible for determining that their personnel are guided by the principle of minimizing the total loss to the government and that all liquidation action or options adopted are guided by this principle.

14. Each agency will normally take a prior lien on those assets purchased with its loan proceeds. The loan specialists for each agency will mutually determine their respective lien position on other assets available as collateral.

OTHER GUIDELINES

15. The services of FmHA and SBA to lenders and applicants are, by mutual agreement, those that each agency would provide any eligible applicant in the normal course of business and there will be no reimbursement by either agency to the other for such services.

16. The National Office of FmHA, B&I Division, and the Central Office of SBA, Office of Financing, or Office of Portfolio Management, as appropriate, will cooperate with each other in counseling their field offices

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and in resolving problems in specific cases.

17. This agreement may be amended at any time by written agreement of both parties.

18. This agreement shall take effect upon the date of the execution thereof.

THOMAS S. KLEPPE,
Administrator, Small Business Administration.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

APPENDIX B—FORM FmHA 449-34

LOAN NOTE GUARANTEE

State: _____
County: _____

Identifying number	Face amount	Percent of loan principal	Amount guaranteed
#	$	%	$
Total	$	100%	$

Date of note: _____
Borrower: _____
_____
Type of Loan FmHA Ident. No.
Lender: _____
_____
Lender's IRS ID Tax No.
Lender's address: _____
Principal Amount of Loan: $_____
The guaranteed portion of the loan is $_____ which is _____ (— %) percent of loan principal. The principal amount of loan is evidenced by _____ note(s) (includes bonds as appropriate) described below. The guaranteed portion of each note is indicated below. This instrument is attached to note _____ in the face amount of $_____ and is number _____ of _____.

In consideration of the making of the subject loan by the above named Lender, the United States of America, acting through the Farmers Home Administration of the United States Department of Agriculture (herein called "FmHA"), pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), does hereby agree that in accordance with and subject to the conditions and requirements herein, it will pay to:

A. Any Holder 100 percent of any loss sustained by such Holder on the guaranteed portion and on interest due on such portion.

B. The Lender the lesser of 1. or 2. below:

1. Any loss sustained by such Lender on the guaranteed portion including:

a. Principal and interest indebtedness as evidenced by said note(s) or by assumption agreement(s), and

b. Principal and interest indebtedness on secured protective advances for protection and preservation of collateral made with FmHA's authorization, including but not limited to, advances for taxes, annual assessments, any ground rents, and hazard or flood insurance premiums affecting the collateral, or

2. The guaranteed principal advanced to or assumed by the Borrower under said note(s) or assumption agreement(s) and any interest due thereon. If FmHA conducts the liquidation of the loan, loss occasioned to a Lender by accruing interest after the date FmHA accepts responsibility for liquidation will not be covered by this Loan Note Guarantee. If Lender conducts the liquidation of the loan, accruing interest shall be covered by this Loan Note Guarantee to date of final settlement when the Lender conducts the liquidation expeditiously in accordance with the liquidation plan approved by FmHA.

DEFINITION OF HOLDER

The Holder is the person or organization other than the Lender who holds all or part of the guaranteed portion of the loan with no servicing responsibilities. When the Lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a Holder only when he uses Form FmHA 449-36 "Assignment Guarantee Agreement."

DEFINITION OF LENDER

The lender is the person or organization making and servicing the loan which is guaranteed under the provisions of 7 C.F.R. Part 1980, Subpart E. The Lender is also the party requesting a loan guarantee.

CONDITIONS OF GUARANTEE

1. LOAN SERVICING

Lender will be responsible for servicing the entire loan, and Lender will remain mortgagee and/or secured party of record notwithstanding the fact that another party may hold a portion of the loan. When multiple notes are used to evidence a loan, Lender will structure repayments as provided in the loan agreement.

2. PRIORITIES

The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The unguaranteed portion of the loan will not be paid first nor given any preference or priority over the guaranteed portion.

3. FULL FAITH AND CREDIT

The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender or any Holder has actual knowledge at the time it became such Lender or Holder or which Lender or any Holder participates in or condones. In addition, the Loan Note Guarantee will be unenforcible by Lender to the extent any loss is occasioned by the violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

4. RIGHTS AND LIABILITIES

The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentation by Lender or any unenforceability of this Loan Note Guarantee by as to Lender. Nothing contained herein will constitute any waiver by FmHA of any rights it possesses against the Lender. Lender will be liable for and will promptly pay to FmHA any payment made by FmHA to Holder which if such Lender had held the guaranteed portion of the loan, FmHA would not be required to make.

5. PAYMENTS

Lender will receive all payments of principal or interest on account of the entire loan and will promptly remit to Holder(s) its pro rata share thereof determined according to its respective interest in the loan, less only Lender's servicing fee.

6. PROTECTIVE ADVANCES

Protective advances made by Lender pursuant to the regulations will be guaranteed against a percentage of loss to the same extent as provided in this Loan Note Guarantee notwithstanding the guaranteed portion of the loan is held by another.

7. REPURCHASE BY LENDER

The Lender agrees to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase.

8. FmHA PURCHASE

If Lender does not repurchase as provided by paragraph 7 hereof, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest to date of repurchase, less Lender's servicing fee, within thirty (30) days after written demand from Holder. Such demand will recite Lender's reasons for failure to repurchase within the period set forth in paragraph 7, and include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holders(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest to date of demand and interest subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

9. LENDER'S OBLIGATIONS

Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount then owed to any Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee nor does it waive any of FmHA's rights against Lender, and that FmHA will have the right to set-off against Lender all rights inuring to FmHA as the Holder of this instrument against FmHA's obligation to Lender under the Loan Note Guarantee.

10. REPURCHASE BY LENDER FOR SERVICING

If, in the opinion of the Lender, repurchase of the guaranteed portion of the loan is necessary to adequately service the loan, the Holder will sell the portion of the loan to the Lender for an amount equal to the unpaid principal and interest on such portion less Lender's servicing fee.

a. The Lender will not repurchase from the Holder(s) for arbitrage purposes or other purposes to further its own financial gain.

b. Any repurchase will only be made after the lender obtains FmHA written approval.

c. If the Lender is unable to repurchase the portion from the holder(s), FmHA at its option may purchase such guaranteed portions for servicing purposes.

11. CUSTODY OF UNGUARANTEED PORTION

The Lender may retain, or sell the unguaranteed portion of the loan only through participation. Participation, as used in this regulation, means the sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

12. WHEN GUARANTEE TERMINATES

This Loan Note Guarantee will terminate automatically (a) upon full payment of the guaranteed loan, or (b) upon full payment of any loss obligation hereunder.

13. SETTLEMENT

The amount due under this instrument will be determined and paid as provided in the FmHA Business and Industrial regulations Part 1980 Subpart E in effect on the date of this instrument.

14. NOTICES

All notices and actions will be initiated through the FmHA County Supervisor for _____ (County) _____ (State) with mailing address at the date of this instrument: _____
_____

UNITED STATES OF AMERICA FARMERS HOME ADMINISTRATION

By: _____
Title _____
_____
(Date)
Assumption Agreement by _____ dated _____ 19—
Assumption Agreement by _____ dated _____ 19—

APPENDIX C—FORM FmHA 449-35

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

LENDER'S AGREEMENT

FmHA Loan Ident. No.
_____

_____ (Lender) of _____ has made a loan(s) to _____ (Borrower) _____ in the principal amount of $_____ as evidenced by _____ note(s) include Bond as appropriate) described as follows: _____
_____

The United States of America, acting through Farmers Home Administration (FmHA) has entered into a "Loan Note Guarantee" (Form FmHA 449-34) or has issued a "Conditional Commitment for Guarantee" (Form FmHA 449-14) to enter into a Loan Note Guarantee with the Lender applicable to such loan to participate in a percentage of any loss on the loan not to exceed — % of the amount of the principal advance and any interest thereon. The terms of the Loan Note Guarantee are controlling. In order to facilitate the marketability of the guaranteed portion of the loan and as a condition for obtaining a guarantee of the loan(s), the Lender enters into this agreement.

The parties agree: I. The maximum loss covered under the Loan Note Guarantee will not exceed — percent of the principal and accrued interest on the above indebtedness.

II. *Full Faith and Credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Lender has actual knowledge at the time it became such Lender or which Lender participates in or condones.

The Loan Note Guarantee will be unenforceable by the Lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

III. *Lender's Sale or Assignment of Guaranteed Loan.* A. The Lender may retain all of the guaranteed loan. If the Lender desires to market all or part of the guaranteed portion of the loan the Lender may proceed under the following options:

1. *Assignment.* Assign all or part of the guaranteed portion of the loan to one or more Holders by using Form FmHA 449-36, "Assignment Guarantee Agreement." Holder(s), upon written notice to Lender and FmHA, may reassign the unpaid guaranteed portion of the loan sold thereunder. Upon such notification the assignee shall succeed to all rights and obligations of the Holder(s) thereunder. If this option is selected, the Lender may not at a later date cause to be issued any additioned notes.

2. *Multi-Note System.* When this option is selected by the Lender, upon disposition the Holder will receive one of the Borrower's executed notes and Form FmHA 449-34, "Loan Note Guarantee" attached to the Borrower's note. However, all rights under the security instruments (including personal and/or corporate guarantees) will remain with the Lender and in all cases inure to its and the Government's benefit notwithstanding any contrary provisions of state law.

a. *At Loan Closing:* Provide for no more than 10 notes, unless the Borrower and FmHA agree otherwise, for the guaranteed portion and one note for the unguaranteed portion. When this option is selected, FmHA will provide the Lender with a Form FmHA 449-34, for each of the notes.

b. *After Loan Closing:* (1) Upon written approval by FmHA, the Lender may cause to be issued a series of new notes, not to exceed the total provided in 2 a above, as replacement for previously issued guaranteed note(s) provided:

(a) The borrower agrees and executes the new notes.

(b) The interest rate does not exceed the interest rate in effect when the loan was closed.

(c) The maturity of the loan is not changed.

(d) FmHA will not bear any expenses that may be incurred in reference to such re-issue of notes.

(e) There is adequate collateral securing the note(s).

(f) No intervening liens have arisen or have been perfected and the secured lien priority remains the same.

(2) FmHA will issue the appropriate Loan Note Guarantees to be attached to each of the notes then extant in exchange for the original Loan Note Guarantee which will be cancelled by FmHA.

3. *Participations.* a. The Lender may obtain participation in its loan under its normal operating procedures. Participation means a sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

b. The Lender may retain or sell any amount of the unguaranteed portion of the loan as provided in this section only through participation. However, the lender will retain the responsibility for loan servicing and liquidation.

c. When a guaranteed portion of a loan is sold by the Lender to a Holder(s), the Holder(s) shall thereupon succeed to all rights of Lender under the Loan Note Guarantee to the extent of the portion of the loan purchased. Lender will remain bound to all the obligations under the Loan Note Guarantee, and this agreement, and the FmHA program regulations found in Title 7 CFR Part 1980 Subpart E, and to future FmHA program regulations not inconsistent with the express provisions hereof.

The Holder(s) upon written notice to the Lender may resell the unpaid guaranteed portion of the loan sold under provisions III A.

IV. The Lender agrees loan funds will be used for the purposes authorized in Title 7 CFR Part 1980 Subpart E and in accordance with the terms of Form FmHA 449-14.

V. The Lender certifies that it is a citizen of the United States of America, or, if an organization, that the ownership of at least 51 percent of any outstanding interests of the Lender is owned by citizens of the United States. Further, such Lender certifies that any guarantees received shall be only on loans made by it, operating for itself and not on behalf of foreign citizens or organizations.

VI. The Lender certifies that none of its officers or directors, stockholders or other owners has a substantial financial interest in the borrower. The Lender certifies that none of the borrower's officers or directors, stockholders or other owners has a substantial financial interest in the Lender.

VII. The Lender certifies that it has no knowledge of any material adverse change, financial or otherwise, in the Borrower, his business, or any parent, subsidiaries, or affiliates since it requested a Loan Note Guarantee.

VIII. Lender certifies that a loan agreement concurred in by FmHA has been or will be signed with the Borrower.

IX. Lender certifies it has paid the required guarantee fee.

X. *Servicing.* A. The Lender will service the entire loan and will remain mortgagee and/or secured party of record, notwithstanding the fact that another may hold a portion of the loan. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. Lender may charge Holder a servicing fee. The unguaranteed portion of a loan will not be paid first nor

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given any preference or priority over the guaranteed portion of the loan.

B. Disposition of the guaranteed portion of a loan may be made prior to full disbursement, completion of construction and acquisitions only with the prior written approval of FmHA. Subsequent to full disbursement, completion of construction, and acquisition, the guaranteed portion of the loan may be disposed of as provided herein.

It is the lender's responsibility to see that all construction is properly planned before any work proceeds; that any required permits, licenses or authorizations are obtained from the appropriate regulatory agencies; that the borrower has obtained contracts through acceptable procurement procedures; that periodic inspections during construction are made and that FmHA's concurrence on the overall development schedule is obtained.

C. Lender's servicing responsibilities include, but are not limited to:

1. Obtaining compliance with the covenants and provisions in the note, loan agreement, security instruments, and any supplemental agreements. None of the aforesaid instruments will be altered without FmHA's prior written concurrence.

2. Receiving all payments on principal and interest on the loan as they fall due and promptly remitting and accounting to any Holder(s) for their pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee. The loan may be reamortized only with agreement of the Lender and Holder(s) of the guaranteed portion of the loan and only with FmHA concurrence.

3. Inspecting the collateral as often as necessary to properly service the loan.

4. Assuring that adequate insurance is maintained.

5. Assuring that: taxes, assessment or ground rents against or affecting collateral are paid; the loan and collateral are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigation; insurance loss payments, condemnation awards, or similar proceeds are applied on debts in accordance with lien priorities on which the guarantee was based, or to rebuilding or otherwise acquiring needed replacement collateral with the written approval of FmHA; proceeds from the sale or other disposition of collateral are applied in accordance with the lien priorities on which the guarantee is based, except that proceeds from the disposition of collateral, such as machinery, equipment, furniture or fixtures, may be used to acquire property of similar nature in value up to $50,000 without written concurrence of FmHA; the Borrower complies with all laws and ordinances applicable to the loan, the collateral and operation of the business or industry.

6. Assuring that if personal or corporate guarantees are part of the collateral, current financial statements from such loan guarantors will be obtained and copies provided to FmHA at such time and frequency as required by the loan agreement or Conditional Commitment for Guarantee. In the case of guarantees secured by collateral, assuring the security is properly maintained.

7. Obtaining the lien coverage and lien priorities specified by the Lender and agreed to by FmHA, properly recording or filing lien or notice instruments to obtain or maintain such lien priorities during the existence of the guarantee by FmHA.

8. Assuring that the borrower obtains title marketable in fact to the collateral.

9. Assuring that the Borrower (any party liable) is not released from liability for all or any part of the loan, except in accordance with FmHA regulations.

10. Providing FmHA a statement certified by an officer of the Lender of the unpaid principal balance of the guaranteed loan semiannually as of June 30 and December 31.

11. Obtaining from the borrower periodic financial statements under the following schedule: _____

Lender is responsible for analyzing the financial statements, taking any servicing actions needed, and providing copies of statements and record of actions to the County Supervisor.

XI. *Defaults by Borrower.* A. The Lender will notify FmHA when a Borrower is thirty (30) days past due on a payment and is unlikely to bring its account current within sixty (60) days, or if the Borrower has not met its responsibilities of providing the required financial statements to the Lender or is otherwise in default. A meeting will be arranged by the Lender with the Borrower and FmHA to resolve the problem. Actions taken by the Lender with concurrence of FmHA may include but are not limited to the following or any combination thereof:

1. Deferment of principal payments (subject to rights of any Holder(s)).

2. An additional temporary loan by the Lender to bring the account current.

3. Reamortization of or rescheduling the payments on the loan (subject to rights of any Holder(s)).

4. Transfer and assumption of the loan in accordance with Title 7 CFR Part 1980 Subpart E.

5. Reorganization.

6. Liquidation.

B. The Lender will negotiate in good faith in an attempt to resolve any problem and to permit the Borrower to cure a default, where reasonable.

C. The Lender agrees to repurchase the unpaid guaranteed portion of the loan from the holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days in payment of principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the holder(s) upon repurchase.

D. If Lender does not repurchase as provided by paragraph C, FmHA will purchase from Holder(s) the unpaid principal balance of the guaranteed portion herein together with accrued interest to date of repurchase, within 30 days after written demand to FmHA from the Holder(s). Such demand will recite Lender's reasons for failure to repurchase within the period set forth in paragraph C, and include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest to date of demand and interest subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, the FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand, the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

E. Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by the Borrower on the loan and the amount due the Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee, nor does such purchase waive any of FmHA's rights against Lender, and FmHA will have the right to set-off against Lender all rights inuring to FmHA from the Holder against FmHA's obligation to Lender under the Loan Note Guarantee.

F If the Lender was charging the Holder(s) a service fee, the Lender agrees that the service fee will terminate upon the date of the Holder(s) demand for purchase to FmHA.

G. Lender will also repurchase the guaranteed portion of the loan consistent with paragraph 9 of the Loan Note Guarantee. Lender will automatically repurchase the guaranteed portion of the loan in the event of commencement by or against Borrower of any bankruptcy proceeding, reorganization, dissolution, or institution of a creditor's rights proceeding.

XII. *Liquidation:* If the Lender concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the Borrower cannot or will not cure or eliminate within a reasonable period of time, a meeting will be arranged by the Lender with FmHA. When FmHA concurs with the Lender's conclusion or at any time concludes independently that liquidation is necessary, it will notify the Lender and the matter will be handled as follows:

The Lender will liquidate the loan unless FmHA, at its option, decides to carry out liquidation.

When the decision to liquidate is made, the Lender has the responsibility to immediately proceed to purchase from Holder(s) the guaranteed portion of the loan. The Holder(s) will be paid according to the provisions in the Loan Note Guarantee or the Assignment Guarantee Agreement.

If the Lender is unable to purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing of the reasons for the Lender's inability to repurchase. FmHA will then purchase the guaranteed portion of the loan from the Holder(s). If FmHA holds any of the guaranteed portion, FmHA will be paid first its share of the proceeds from liquidation of the collateral.

A. *Lender's proposed method of liquidation.* Within 30 days after the decision to liquidate is made, the Lender will advise FmHA of its proposed method of liquidation and will provide FmHA with:

1. Such proof as FmHA requires to establish the Lender's ownership of the guaranteed loan promissory note(s) and related security instruments.

2. Information lists concerning the Borrower's assets including real and personal property, fixtures, claims, contracts, inventory (including perishables), accounts receivable, personal and corporate guarantees, and other existing and contingent assets, advice as to whether or not each item is serving as collateral for the guaranteed loan.

3. A proposed method of making the maximum collection possible on the indebtedness.

4. If the outstanding principal loan balance including accrued interest is less than $200,000, the Lender will obtain an estimate of the market and potential liquidated value of the collateral. On loan balances in excess of $200,000(the Lender will obtain an independent appraisal report on all collateral securing the loan, which will reflect the current market value and potential liquidation value. The appraisal report is for the purpose of permitting the lender and FmHA to determine the appropriate liquidation actions. Any independent appraiser's fee will be shared equally by FmHA and the Lender.

B. *FmHA's response to Lender's liquidation proposal.* FmHA will inform the Lender whether it concurs in the Lender's proposed method of liquidation within 30 days after receipt of such notification from the Lender. If FmHA needs additional time to respond to the liquidation plan, it will advise the Lender of a definite time for such response. Should FmHA and the Lender not agree on the Lender's liquidation proposal, FmHA will proceed with the liquidation as follows:

1. The Lender will transfer to FmHA all its rights and interests necessary to allow FmHA to liquidate the loan. In this event, the Lender will not be paid for any loss until after the collateral is liquidated and the final loss is determined by FmHA.

2. FmHA will attempt to obtain the maximum amount of proceeds from liquidation.

3. Options available to FmHA include any one or combination of the usual commercial methods of liquidation.

C. *Acceleration.* The Lender or FmHA, if it liquidates, will proceed as expeditiously as possible when acceleration of the indebtedness is necessary including giving any notices and taking any other legal actions required by the security instruments. A copy of the acceleration notice or other acceleration document will be sent to FmHA or the Lender, as the case may be.

D. *Liquidation; Accounting and Reports.* When the Lender conducts the liquidation, it will account for funds during the period of liquidation and will provide FmHA with periodic reports on the progress of liquidation, disposition of collateral, resulting costs, and additional procedures necessary for successful completion of liquidation. When FmHA liquidates, the Lender will be provided with similar reports on request.

E. *Determination of Loss and Payment.* In all liquidation cases, a final settlement will be made with the Lender after the collateral is liquidated. FmHA will have the right to recover losses paid under the guarantee from any party liable.

1. Estimated and final loss determinations will be made as follows:

(a) Form FmHA 449–20 "Report of Loss," will be used for calculations of all estimated and final loss determinations until such time as the form is revised or replaced. Items IX and X of Form FmHA 449–20 will not be used for the determination of loss. If no authorized protective advances were made, lines 1C and 1D of Form FmHA 449–20 should not be completed.

(b) The *basic* formula for loss determination is:

(i) Addition of:

(A) Principal balance and accrued interest due on the guaranteed loan note; plus

(B) Protective advances if any and accrued interest, if any, plus

(C) Prior liens owed, if any (used only in paying estimated loss).

(ii) The sum of item (i) is the "Secured Indebtedness" and is inserted on line III of Form FmHA 449–20.

(iii) The amount received from the sale of collateral including personal and/or corporate guarantees is inserted on line IV C.

(iv) Item (iii) is then subtracted from item (ii) and entered in line V of Form FmHA 449–20 as "Basic Loss".

(v) The percentage of the loan guaranteed (as provided in the Loan Note Guarantee) is entered on line VI of the Form FmHA 449–20 and multiplied by "Basic Loss" (line V). The result is also entered on line VI as of the "Amount of Basic Loss Guaranteed."

(vi) Adjustments (which includes amounts of other assets of the borrower not pledged as security for the loan from which collection can readily be made) will be multiplied by the percentage of guarantee and the product deducted from line VI. The result is entered on line VIII on the Form FmHA 449–20 as the "Adjusted Basic Loss."

(vii) The following calculations will be made as an attachment to the form FmHA 449–20:

(A) If authorized protective advances were made the amount authorized as adjusted in item (vi) is deducted from the "Adjusted Basic Loss" and is paid to the Lender. (The amount of line VIII attributable to authorized protective advances will be paid to the Lender.) The remaining balance of the "Adjusted Basic Loss" is multiplied by the percentage of the guaranteed portion held by the Lender. This latter amount will be paid to the Lender.

(B) If no other authorized protective advances were made, the "Adjusted Basic Loss" is multiplied by the percentage of the guaranteed portion held by the Lender and paid to the Lender.

2. When the Lender is conducting the liquidation, and owns any of the guaranteed portion of the loan, he may request a tentative loss estimate by submitting to FmHA an estimate of the loss that will occur in connection with liquidation of the loan. Such estimate will be prepared on Form FmHA 449–20, using the basic formula as provided in E 1 above except that the appraisal value will be used in lieu of the amount received from the sale of collateral and will be clearly labeled at the top of the form: "Report of Loss Estimate."

After the Report of Loss, Estimate has been approved by FmHA, and within 30 days, thereafter, FmHA will send the original Report of Loss Estimate to FmHA Finance Office for issuance of a Treasury check in payment of the estimated amount due the Lender.

After liquidation has been completed, a final loss report will be submitted on Form FmHA 449–20 by the Lender to FmHA and clearly labeled, "Final Report of Loss."

3. After the Lender has completed liquidation FmHA, upon receipt of the final accounting and report of loss, may audit and will determine the actual loss. If FmHA has any questions regarding the amounts set forth in the Final Report of Loss, it will investigate the matter. The Lender will make its records available to and otherwise assist FmHA in making the investigation. If FmHA finds any discrepancies, it will contact the Lender and arrange for the necessary corrections to be made as soon as possible. When FmHA finds the Final Report of Loss to be proper in all respects, it will be tentatively approved in the space provided on the form for that purpose.

4. When the Lender has conducted liquidation and after the Final Report of Loss has been tentatively approved:

a. If the loss is greater than the estimated loss payment, FmHA will send the original of the Final Report of Loss to the Finance Office for issuance of a Treasury check in payment of the additional amount owed by FmHA to the Lender.

b. If the loss is less than the estimated loss, the Lender will reimburse FmHA for the overpayment plus interest at the note rate from date of payment.

5. If FmHA has conducted liquidation, it will provide an accounting and report of loss to the Lender and will pay the Lender in accordance with the Loan Note Guarantee.

6. In those instances where the Lender has made authorized protective advances, it may claim recovery for the guaranteed portion of any loss of monies advanced as protective advances and interest resulting from such protective advances as provided above, and such payment will be made by FmHA when the final Report of Loss is approved. On the "Report of Loss," Form FmHA 449–20 "future advances" means "protective advances."

F. *Maximum amount of interest loss payment.* Notwithstanding any other provisions of this agreement, the amount payable by FmHA to the Lender cannot exceed the limits set forth in the Loan Note Guarantee. If FmHA conducts the liquidation, loss occasioned by accruing interest will be covered by the guarantee only to the date FmHA accepts this responsibility. Loss occasioned by accruing interest will be covered to the extent of the guarantee to the date of final settlement when the liquidation is conducted by the Lender provided it proceeds expeditiously with the liquidation plan approved by FmHA. The balance of accrued interest payable to the Lender, if any, will be calculated on the final Report of Loss form.

G. *Application of FmHA loss payment.* The total amount of the loss payment remitted by FmHA will be applied by the Lender on the guaranteed loan debt. At time of final loss settlement the Lender will notify the Borrower that the loss payment has been so applied.

H. *Income from collateral.* Any net rental or other income that has been received by the Lender from the collateral will be applied on the guaranteed loan debt.

I. *Liquidation costs.* Certain liquidation costs will be allowed during the liquidation process. Such costs will be deducted from gross proceeds from the disposition of collateral. The amount allowed will be the amount agreed upon by FmHA and the Lender as being reasonable under the circumstances and should be determined prior to liquidation.

J. *Foreclosure.* The parties owning the guaranteed portion and unguaranteed portions of the loan will join to institute foreclosure action or, in lieu of foreclosure, to take a deed of conveyance to such parties. When the conveyance is received and liquidated net proceeds will be applied to the guaranteed loan debt.

K. *Payment.* Such loss will be paid by FmHA within 60 days after the Lender has submitted the final Report of Loss form.

XIII. *Protective advances.* Protective advances must constitute an indebtness of the borrower to the Lender and be secured by the security instrument(s), FmHA written authorization is required on all protective advances. Protective advances include, but are not limited to, advances made for taxes, annual assessments, ground rent, haz-

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ard or flood insurance premiums effecting the collateral, and other expenses necessary to preserve or protect the security.

XIV. *Additional Loans or Advances.* The Lender will not make additional expenditures or new loans without first obtaining the written approval of FmHA even though such expenditures or loans will not be guaranteed.

XV. *Future Recovery.* After a loan has been liquidated and a final loss has been paid by FmHA, any future funds which may be recovered by the lender, will be pro-rated between FmHA and the Lender. FmHA will be paid such amount recovered in proportion to the percentage it guaranteed for the loan and the lender will retain such amounts in proportion to the percentage of the unguaranteed portion of the loan.

XVI. *Transfer and Assumption Cases.* Refer to Title 7 CFR Part 1980 Subpart E.

XVII. *Other Requirements.* This agreement is subject to all the requirements of Title 7 CFR Part 1980 Subpart E, and any future amendments of these regulations not inconsistent with this agreement. Interested parties may agree to abide by future FmHA regulations inconsistent with this agreement.

XVIII. *Execution of Agreements.* If this agreement is executed prior to the execution of the Loan Note Guarantee, this agreement does not impose any obligation upon FmHA with respect to execution of such contract. FmHA in no way warrants that such a contract has been or will be executed.

XIX. *Notices.* All notices and actions will be initiated through the FmHA County Supervisor for ------ (County) ------ (State) with mailing address at the date of this instrument: ----------

Dated this ---------- day of ------- 19—.

LENDER

Attest: ---------- [SEAL]
By ----------
Title ----------

UNITED STATES OF AMERICA DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

By ----------
Title ----------

APPENDIX D—FORM FmHA 449–36

FmHA Loan Identification Number: ------

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION ASSIGNMENT GUARANTEE AGREEMENT

---------- of ----------

(Lender) has made a loan to ---------- in the principal amount of $------ as evidenced by a note(s) dated ------. The United States of America, acting through Farmers Home Administration (FmHA) entered into a Loan Note Guarantee (Form FmHA 449–34) with the Lender applicable to such loan to guarantee the loan not to exceed —% of the amount of the principal advanced and any interest due thereon as provided therein.

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(Holder) desires to purchase from Lender —% of the guaranteed portion of such loan. Copies of Borrower's note(s) and the Loan Note Guarantee are attached hereto as a part hereof.

Now, therefore, the parties agree:

1. The principal amount of the loan now outstanding is $------. Lender hereby assigns to Holder —% of the guaranteed portion of the loan representing $------ of such loan now outstanding in accordance with all of the terms and conditions hereinafter set forth.

The Lender and FmHA certify to the Holder that the Lender has paid and FmHA has received the Guarantee Fee in exchange for the issuance of the Loan Note Guarantee.

2. *Loan Servicing.* The Lender will be responsible for servicing the entire loan and will remain mortgagee and/or secured party of record. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan.

The Lender will receive all payments on account of principal of, or interest on, the entire loan and shall promptly remit to the Holder its pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee.

3. *Servicing Fee.* Holder agrees that Lender will retain a servicing fee of ------ percent per annum of the unpaid balance of the guaranteed portion of the loan assigned hereunder.

4. *Purchase by Holder.* The guaranteed portion purchased by the Holder will always be a portion of the loan which is guaranteed. The Holder will hereby succeed to all rights of the Lender under the Loan Note Guarantee to the extent of the assigned portion of the loan. The Lender, however, will remain bound by all the obligations under the Loan Note Guarantee and the program regulations found in 7 CFR Part 1980 Subpart E now in effect and future FmHA program regulations not inconsistent with the provisions hereof.

5. *Full Faith and Credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Holder has actual knowledge at the time of this assignment, or which it participates in or condones.

6. *Rights and Liabilities.* The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentations by Lender or any unenforceability of the Loan Note Guarantee by Lender. Nothing contained herein shall constitute any waiver by FmHA of any rights it possesses against the Lender, and the Lender agrees that Lender will be liable and will promptly reimburse FmHA for any payment made by FmHA to Holder which if such Lender had held the guaranteed portion of the loan FmHA would not be required to make.

7. *Repurchase by the Lender (Defaults).* The Lender agrees to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest, less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase.

8. *Purchase by FmHA.* If Lender does not repurchase as provided by paragraph 7, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest to date of repurchase, less Lender's servicing fee, within 30 days after written demand from the Holder. Such demand will recite Lender's reasons for failure to repurchase within the period set forth in paragraph 7, and include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly indorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest to date of demand and interest subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any descrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate informtaion, FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

9. *Lender's Obligations.* Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount then owed to any Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee nor does it waive any of FmHA's rights against Lender, and that FmHA shall have the right to set-off against Lender all rights inuring to FmHA as the Holder of this instrument against FmHA's obligation to Lender under the Loan Note Guarantee.

10. *Repurchase by Lender for Servicing.* If, in the opinion of the Lender, repurchase of the assigned portion of the loan is necessary to adequately service the loan, the Holder will sell the assigned portion of the loan to the Lender for an amount equal to the unpaid principal and interest on such portion less Lender's servicing fee.

a. The Lender will not repurchase from the Holder(s) for arbitrage purpose or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains FmHA written approval.

c. If the Lender is unable to repurchase the portion from the Holder(s) FmHA at its option may purchase such guaranteed portions for servicing purposes.

11. *Foreclosure.* The parties owning the guaranteed portions and unguaranteed portion of the loan will join to institute foreclosure action or, in lieu of foreclosure, take a deed of conveyance to such parties.

12. *Reassignment.* Holder upon written notice to Lender and FmHA may reassign the unpaid guaranteed portion of the loan sold hereunder. Upon such notification, the assignee will succeed to all rights and obligations of the Holder hereunder.

13. *Notices:* All notices and actions will be initiated through the FmHA County Supervisor for ---------- (county) ---------- (state) with mailing address at the date of this instrument: ----------

Dated this ------ day of ------, 19—.

Lender: ----------
Address: ----------
Attest:
----------[SEAL]
By ----------
Title ----------
Holder: ----------
Address: ----------
Attest:
----------[SEAL]
By ----------
Title ----------

UNITED STATES OF AMERICA FARMERS HOME ADMINISTRATION

By ----------
Title ----------
Address: ----------

Effective date. This regulation shall become effective December 11, 1975.

NOTE.—It is hereby certified that the economic and inflationary effects of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: December 5, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-33269 Filed 12-10-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Interest Penalty on Withdrawal and Minimum Deposit Requirements for Individual Retirement Accounts

On June 26, 1975, the Board invited public comment on several issues relating to Individual Retirement Accounts ("IRAs") and possible amendments to Regulation Q (Interest on Deposits) in view of the enactment of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406), which provides, in part, for the establishment of IRAs by individuals not covered by employer pension plans (40 FR 28644). After review and consideration of all comments received, the Board has amended Regulation Q to facilitate the offering of IRAs by member banks.

The first amendment adopted will permit a member bank to pay all or a portion of an IRA time deposit in accordance with the payout terms of the IRA agreement prior to maturity without imposing the Regulation Q interest penalty when the individual for whose benefit the account is maintained attains age 59½ or upon the individual's disability. Existing provisions of Regulation Q permit member banks to pay time deposits before maturity without imposing an interest penalty upon the death of any person whose name appears on the time deposit passbook or certificate. The second amendment to Regulation Q adopted by the Board will permit member banks to waive the $1,000 minimum denomination requirement for time deposits with 4- and 6-year maturities at ceiling rates of 7¼ and 7½ per cent when such deposits are made pursuant to IRA agreements. The purposes of these amendments are to facilitate the establishment of IRAs pursuant to Congress intent to encourage individuals not participating in other pension plans to save for their retirement and to provide a convenient means for payout of such funds in the future.

The Board has determined that imposition of the Regulation Q penalty for withdrawals prior to the maturity of the time deposit in instances where withdrawals of IRA funds are legislatively authorized by the IRA statute (upon the individual's attaining the age of 59½ or upon disability or death) is generally inappropriate in view of Congress's intent to encourage individuals to save for their future needs. The Board also believes that elimination of the penalty for withdrawals under these circumstances will facilitate the orderly administration of IRA deposits by member banks. As a result of this amendment, member banks will be permitted to distribute the IRA deposit balance in a single sum payment without penalty when such distribution is made in accordance with the terms of the IRA agreement between the bank and the depositor. In addition, member banks may establish IRAs from which a depositor may receive periodic, annuity-like payments with no reduction in the rate of interest paid where funds are paid prior to maturity. The following example indicates the possible operation of this amendment:

An individual maintains his IRA funds in a time deposit that matures every six years. The IRA agreement between the bank and the individual may contain the provision that upon the individual's achieving age 59½ or upon his/her disability (defined in accordance with 26 U.S.C. 72(m)(7)), or upon his/her death, the bank agrees to pay the depositor or his/her heirs the deposit balance in the IRA or, on a periodic basis, a sum equivalent to a specified portion of the deposit balance for a period of years in accordance with the provisions of the Internal Revenue Code relating to distributions of IRA funds. During the payout period, the bank may continue to pay the contractually agreed-upon rate of interest on the funds remaining on deposit despite the fact that in order to satisfy the requirements of the payout schedule the funds may be required to be withdrawn prior to the stated maturity of the time deposit instrument.

The Board has determined that it is appropriate to waive the $1,000 minimum required to obtain 4- and 6-year time deposits at ceiling rates of 7¼ and 7½ per cent for funds deposited pursuant to IRA agreements in view of the long-term nature of IRAs and in view of Congress's intent to encourage individuals to save for their retirement. Since virtually all IRAs will ultimately contain in excess of $1,000 per account, the Board believes that waiver of the $1,000 minimum requirement will facilitate the operation of IRAs by eliminating the need for individuals to maintain IRA deposits at lower interest rates until the $1,000 minimum is obtained. Waiver of the minimum requirement will also permit member banks to pay higher rates on IRA funds at the inception of the IRA, thereby encouraging the establishment of IRAs in general.

The Board has also determined that member banks may amend IRA agreements established prior to the effective date of these amendments in order to incorporate the benefits of these provisions. Accordingly, the Board orders that member banks may increase the rate of interest paid on existing IRA time deposits and/or change the maturity of existing IRA time deposits without imposition of the Regulation Q penalty for early withdrawal.

The provisions adopted apply solely to funds deposited pursuant to IRA plans and not to HR–10 (Keogh) plans. The Board believes that the differences in the statutory provisions relating to the administration and operation of HR–10 (Keogh) plans require further study in order to determine whether the amendments adopted should be made applicable to deposits held by member banks pursuant to such plans.

In its notice of June 26, 1975, the Board requested public comment on whether member banks should be permitted to pay interest on IRA deposits at rates that are equal to those that may be paid by savings and loan associations and mutual savings banks. In view of Congress' intent to encourage individuals to save for their retirement and in view of the fact that IRA deposits will generally remain on deposit at financial institutions for long periods of time, the Board is continuing to examine the question of whether elimination of the differential in interest rate ceilings is appropriate for IRA deposits.

The amendments adopted by the Board are intended to encourage individuals to establish IRAs. In order to obtain the tax deferral benefits of IRA deposits for the year 1975, depositors must have established IRA agreements by December 31, 1975. In response to notice published in the FEDERAL REGISTER, the Board has received and carefully reviewed more than 350 comments concerning issues raised by member banks offering IRA plans under the Board's existing regulations. On the basis of these comments, the Board believes that it has obtained a broad and representative sampling of views and recommendations pertaining to the offering of IRAs by financial institutions. In view of the substantial public benefits resulting from adoption of the Board's amendments as soon as possible, the Board finds that notice and public procedure are impracticable and contrary to the public interest. Since the amendments are more permissive than existing regulations and relieve existing regulatory restrictions, and because of the need to adopt the amendments before year-end, the Board has determined that good cause exists to make the amendments effective immediately.

Pursuant to § 19 of the Federal Reserve Act (12 U.S.C. 371b), effective December 4, 1975, §§ 217.4 and 217.7 of Regulation Q (12 CFR 217) are amended as follows:

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1. A new sentence is added to paragraph (d) of § 217.4, as follows:

§ 217.4 Payment of time deposits before maturity.

• • • • • •

(d) *Penalty for early withdrawals.* • • •

Where a time deposit representing funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. (I.R.C. 1954) § 408 is paid before maturity when the individual for whose benefit the account is maintained attains age 59½ or is disabled (as defined in 26 U.S.C. (I.R.C. 1954) 72(m)(7)) or thereafter, a member bank may pay all or a portion of such time deposit without a reduction or forfeiture of interest as prescribed by this paragraph.

• • • • • •

2. Footnote 2 to § 217.7(d) is redesignated as footnote 3 and a new footnote is added to § 217.7(b) (2) and (3) as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

• • • • • •

(b) *Time deposits of less than $100,000*

• • • • • •

(2) Member banks may pay interest on any time deposit of $1,000 or more, with a maturity of four years or more, at a rate not to exceed 7¼ per cent.[2]

(3) Investment Certificates—Member banks may pay interest on any time deposit of $1,000 or more, with a maturity of six years or more, at a rate not to exceed 7½ per cent.[2]

By order of the Board of Governors, effective December 4, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-33357 Filed 12-10-75;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

To Permit Payment of a Time Deposit or Portion Thereof Without Penalty Prior to Maturity in Certain Cases Involving the Death of the Depositor(s) or Owner(s)

1. On April 10, 1975, the Federal Deposit Insurance Corporation published at 40 FR 16219–16220 a notice of proposed rule making which would, under those circumstances where a depositor died and was at the time of his or her death the sole legal and beneficial owner of time deposit funds, permit withdrawal of such time deposit funds without penalty. On May 23, 1975 the proposed regulation was adopted by the Corporation's Board of Directors in final form with no change, with an effective date of May 26, 1975, and published in the Federal Register of May 29, 1975 (40 FR 23274).

In the period since adoption of the regulation, the Corporation has been strongly urged to further amend the regulation to permit withdrawal prior to maturity in the event of the death of the depositor as to jointly held as well as individually held funds in view of the fact that, particularly in situations involving spouses, it is quite common for accounts to be established in joint name to simplify disposition of funds upon the death of one of the spouses. In the opinion of the Corporation, the equities favoring such arguments outweigh the rationale for requiring a penalty for premature withdrawal in joint account situations.

Having consulted with the Board of Governors of the Federal Reserve System and with the Federal Home Loan Bank Board, the Board of Directors of the Corporation is amending § 329.4(d) effective December 15, 1975, to eliminate the penalty requirement for premature withdrawal of jointly owned time deposits upon the death of one or more of the joint owners.

This amendment also clarifies, in light of inquiries received by the Corporation, the definition of legal and beneficial ownership contained in the original amendment. The Corporation in that amendment required as a condition to the availability of the exception that the depositor, at the time of his or her death, be both legal and beneficial owner of the funds in question. This requirement for unity of legal and beneficial ownership was placed in the regulation in order to avoid the situation where, for example, a successor trustee under an inter vivos trust appointed upon the death of the original trustee sought to invoke the exception on behalf of the beneficiaries as to deposit funds comprising the assets of the trust, whether the exception was sought at the direction of the beneficiaries or was sought by the trustee independently in order to discharge his fiduciary duty to obtain the highest possible rate of return on trust investments.

Since adoption of the original amendment on May 26, 1975, the Corporation's staff has interpreted the requirement of legal and beneficial ownership to be met where withdrawal is sought upon the death of the owner of deposit funds, whether or not that owner is himself the depositor. For example, the requirement is met where an agent who is, in fact, the depositor seeks to withdraw upon the death of a principal since the funds are, in fact, owned by the principal. Similarly the requirement is met where the settlor of a revocable trust dies without exercising his power of revocation since he need only have exercised the power of revocation during his lifetime to have achieved absolute ownership of the deposit funds.

2. In § 329.4 of Part 329 of Chapter III, Title 12 of the Code of Federal Regulations, paragraph (d) is amended by striking the last sentence thereof and substituting the following:

§ 329.4 Payment of time deposits before maturity.

• • • • • •

(d) *Penalty on payment of time deposits before maturity.* • • •

The prohibitions contained in this paragraph (d) shall not apply on the death of any owner of time deposit funds. For the purposes of this paragraph, an "owner" of time deposit funds is any individual who at the time of his or her death has full legal and beneficial title to all or a portion of such funds or, at the time of his or her death, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee.

• • • • • •

(Sec. 9, 64 Stat. 881, 12 U.S.C. 1819; Sec. 18, 64 Stat. 891, 12 U.S.C. 1828)

3. Since this amendment relaxes restrictions imposed by prior regulation, the requirements of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation with respect to notice, public participation and deferred effective date were not followed in connection with the promulgation of this amendment.

4. *Effective Date.* This amendment is effective December 15, 1975.

By order of the Board of Directors, December 5, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER, *Executive Secretary.*

[FR Doc.75-33431 Filed 12-10-75;8:45 am]

[No. 75-1098]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

INDIVIDUAL RETIREMENT ACCOUNTS

Removal of Minimum Amount Restrictions on Certificates

DECEMBER 4, 1975.

The Federal Home Loan Bank Board considers it desirable to amend Part 526 of the Regulations for the Federal Home Loan Bank System, Part 545 of the Rules and Regulations for the Federal Savings and Loan System, and Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 526, 545, and 563), in order to remove the minimum amount restriction on certificates held as Individual Retirement Accounts and extend the waiver-of-penalty authority to such Accounts in the event of withdrawal due to the death, disability, or retirement of the beneficiary.

Accordingly, the Board hereby amends Part 526 by adding a new subdivision (4) to § 526.5(b) thereof, Part 545 by adding a new subdivision (iii) to § 545.1–4(f)(4) thereof and a new subdivision (iii) to § 545.3–1(c)(6) thereof, and Part 563 by adding a new subdivision (iii) to § 563.3–1(d)(4) and a new subdivision (iii) to § 563.3–2(d)(3) thereof, to read as set forth below, effective December 12, 1975.

Since these amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(b), and a 30-day delay of effective date is similarly unnecessary under the provisions of 12 CFR 508.14 and 5 U.S.C. § 553(d).

PART 526—LIMITATIONS ON RATE OF RETURN

1. Part 526 is amended by adding a new subdivision (4) thereof, to read as follows:

§ 526.5 Maximum rates of return payable on certificate accounts of less than $100,000.

• • • • • •

(b) *Exceptions as to minimum amount.*

• • • • • •

(4) With respect to certificate accounts which qualify as Individual Retirement Accounts under section 408(a) of the Internal Revenue Code of 1954, a member institution may pay a return as permitted by paragraph (a) of this section without regard to the minimum amount requirements contained in such paragraph.

• • • • • •

PART 545—OPERATIONS

2. Part 545 is amended by adding a new subdivision (iii) to § 545.1–4(f)(4) thereof, to read as follows:

§ 545.1–4 Other savings deposits.

• • • • • •

(f) *Withdrawal prior to expiration of term.*

• • • • • •

(4) A Federal association need not penalize a withdrawal of all or any portion of a fixed-term savings deposit prior to the expiration of its term if (i) such deposit is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, (ii) such deposit is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof, or

(iii) such deposit qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the Account beneficiary's death or disability, or retirement upon attaining not less than 59½ years of age.

3. Part 545 is amended by adding a new subdivision (iii) to § 545.3–1(c)(6) thereof, to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

• • • • • •

(c) *Form of certificate.*

• • • • • •

(6) A Federal association need not penalize a withdrawal of all or any portion of a certificate account issued pursuant to paragraph (b)(3) of this section prior to the completion of its time eligibility period if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof, or

(iii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the Account beneficiary's death or disability, or retirement upon attaining not less than 59½ years of age.

PART 563—OPERATIONS

4. Part 563 is amended by adding a new subdivision (iii) to § 563.3–1(d)(4) and a new subdivision (iii) to § 563.3–2(d)(3) thereof, to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

• • • • • •

(d) *Withdrawal prior to expiration of term.*

• • • • • •

(4) An insured institution need not penalize a withdrawal of all or any portion of a fixed-rate, fixed-term account prior to the expiration of its term if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof, or

(iii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the Account beneficiary's death or disability, or retirement upon attaining not less than 59½ years of age.

§ 563.3–2 Certificates evidencing other accounts.

• • • • • •

(d) *Provisions relating to early withdrawal.*

• • • • • •

(3) An insured institution need not penalize a withdrawal of all or any portion of a certificate account prior to the completion of its time eligibility period if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof, or

(iii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the Account beneficiary's death or disability, or retirement upon attaining not less than 59½ years of age.

(Sec. 4, 80 Stat. 823, 12 U.S.C. 1425b; Sec. 5, 48 Stat. 132, as amended, 12 U.S.C. 1464; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 Comp., p. 1071, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-33412 Filed 12-10-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-74; Amdt. 39-2456]

PART 39—AIRWORTHINESS DIRECTIVE

Air Cruisers Life Rafts

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Air Cruisers Company life raft jet pumps.

There have been reports which demonstrate that separations have occurred in the hose connection fitting. Since this is a deficiency which can exist or occur in similar type life rafts, an airworthiness directive is being issued which will require an inspection and replacement where necessary and appropriate markings of the inspected connections.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to

[2] The $1,000 minimum denomination requirement does not apply to time deposits representing funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. (I.R.C. 1954) 408.

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me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing an Airworthiness Directive as follows:

AIR CRUISERS COMPANY. Applies to Life Raft Systems, P/N Series D23835, 17D23336, 21D23548, 21D23541, 12D11751, 18D23350, and Life Raft Asembly P/N 22D23528 with dates of manufacture from January, 1971, through August 193, 1975, inclusive.

Compliance is required, unless already accomplished, to eliminate the possibility of separation at the hose connection fitting-body juncture braze of inlet port assembly, P/N 15C18082.

No later than 90 days after the effective date of this AD, accomplish the inspection, replacement, where required, and marking of the above-mentioned part numbers in accordance with Air Cruisers Company Service Bulletin 114-74-1, Rev. No. 1, dated August 12, 1975, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective December 17, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 3, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-33293 Filed 12-10-75;8:45 am]

[Docket No. 75-EA-73; Amdt. 39-2455]

PART 39—AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC-6 type airplanes.

This amendment had been issued as an emergency airworthiness directive and transmitted by airmail, effective upon receipt, to all known owners of the subject airplanes.

There had been reports of electrical fires resulting from a welding of the contacts of the electrical reverse current relays. Since this deficiency can exist or develop in airplanes of similar type design, this amendment, as did the emergency dispatch, requires an inspection and replacement where necessary of the relay.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

Applies to all DeHavilland Model DHC-6 Series Twin Otter aircraft certificated in all categories.

Compliance required as indicated to preclude the hazards of an electrical fire due to contact welding of the reverse current relay(s), Hartman part No. A700AP or A700AAP.

1. For aircraft containing reverse current relays which have between 1,000 to 2,400 hours time in service since new or overhauled, or aircraft having reverse current relays which have less than 1,000 hours' time in service which have been used for cross generator engine starts, accomplish the following:

(A) Within the next 25 hours' time in service, after the effective date of this AD, unless already accomplished:

(I) remove the reverse current relays from the aircraft.

(II) examine relay for indications of overheat.

(III) inspect relay contact points under ten-power glass for signs of pitting, corrosion or other surface damage. If any of the above conditions 1(A)(II) or 1(A)(III) are present, replace relay with a serviceable unit before further flight.

2. This applies to aircraft containing reverse current relays with more than 2,400 hours' time in service since new or overhauled.

(A) Unless already accomplished, inspect relays in accordance with paragraph 1(A) of this AD.

(B) Unless accomplished, within the previous 2,400 hours' time in service after the effective date of this AD, conduct bench tests of reverse current relays within the next 100 hours' time in service after the effective date of this AD in accordance with DeHavilland of Canada Ltd. PSM 1-6-2, part 7 or PSM 1-63-2, chapter 24-30-00.

3. Within the next 10 flight hours, install the following placard in full view of the pilot:

"Cross generator engine starting is prohibited, except in an emergency".

4. Following a flight for which an emergency cross generator engine start was made, within the next 25 hours' time in service, accomplish the inspection required by paragraph 1(a) of this AD.

5. If any inspection required by this AD is not accomplished within specified time above, airplane may be flown in accordance with FAR 21.197 to a base where inspections can be made.

This amendment is effective December 17, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on December 3, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-33292 Filed 12-10-75;8:45 am]

[Airspace Docket No. 75-SW-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Enid, Okla., control zone without reference to the Vance AFB outer marker beacon which has been decommissioned.

Since this change is editorial in nature and does not alter the control zone as described in Part 71 of the Federal Aviation Regulations, public comment is not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the Federal Register, as hereinafter set forth.

In § 71.171 (40 F.R. 354), the Enid, Okla., control zone is amended to read:

ENID, OKLA.

That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles west and 5 miles east of the Vance AFB ILS localizer south course extending from the 5-mile radius zone to 2.5 miles south of the 5-mile radius zone; and within 2 miles each side of the Vance AFB VORTAC 188° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; and within 2 miles each side of the Vance AFB VORTAC 345° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC; and within 2 miles west and 3 miles east of the Vance AFB 17R/35L runway centerline, extending from the 5-mile radius zone to 6.5 miles north of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.) and within 2 miles each side of the Woodring VOR 355° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on December 1, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-33291 Filed 12-10-75;8:45 am]

[Docket No. 15199; Amdt. No. 998]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective January 29, 1976.*

Dillingham, AK—Dillingham Arpt., VOR Rwy 1, Amdt. 5
Dillingham, AK—Dillingham Arpt., VOR/DME Rwy 19, Amdt. 3
Downingtown, PA—Bob Shannon Memorial Field, VOR-A, Original
Lone Rock, WI—Tri-County Arpt., VOR-A, Original
Talkeetna, AK—Talkeetna Arpt., VOR-A, Amdt. 7

. . . *effective January 22, 1976*

Natchez, MS—Hardy-Anders Field, Natchez-Adams County Arpt., VOR Rwy 17, Amdt. 6
Pascagoula, MS—Jackson County Arpt., VOR Rwy 18, Amdt. 6
Peachtree City, GA—Falcon Field, VOR/DME-A, Amdt. 1
Peachtree City, GA—Falcon Field, VOR/DME-B, Orig., cancelled
Venice, FL—Venice Muni. Arpt., VOR/DME-A, Amdt. 1

. . . *effective December 18, 1975*

Akron, OH—Akron-Canton Regional Arpt., VOR Rwy 23, Amdt. 1

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 22, 1976.*

Memphis, TN—Memphis International Arpt., LOC(BC) Rwy 27, Amdt. 16

. . . *effective January 1, 1976*

Austin, TX—Robert Mueller Muni. Arpt., LOC/DME(BC) Rwy 12R, Amdt. 2, cancelled

. . . *effective December 18, 1975*

Hillsboro, OR—Portland-Hillsboro, LOC-B, Original
Indianapolis, IN—Indianapolis Muni./Weir-Cook Arpt., LOC(BC) Rwy 22R, Amdt. 13, cancelled

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 29, 1976.*

Binghamton, NY—Broome County Arpt., NDB Rwy 34, Amdt. 13, Ft. Collins-Loveland, CO—Ft. Collins-Loveland Arpt., NDB Rwy 33, Amdt. 4
Talkeetna, AK—Talkeetna Arpt., NDB-B, Amdt 13

. . . *effective January 22, 1976*

Augusta, GA—Bush Field, NDB Rwy 35, Amdt. 22
Clarksdale, MS—Fletcher Field, NDB Rwy 18, Amdt. 2
Memphis, TN—Memphis International Arpt., NDB Rwy 9, Amdt. 20
Pascagoula, MS—Jackson County Arpt., NDB Rwy 23, Amdt. 1
Sanford, FL—Sanford Arpt., NDB Rwy 9, Amdt. 4
Smyrna, TN—Smyrna Arpt., NDB Rwy 32, Amdt. 2

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 29, 1976.*

Binghamton, NY—Broome County Arpt., ILS Rwy 34, Amdt. 17

. . . *effective January 22, 1976*

Augusta, GA—Bush Field, ILS Rwy 35, Amdt. 21
Memphis, TN—Memphis International Arpt., ILS Rwy 9, Amdt. 18

. . . *effective January 1, 1976*

Austin, TX—Robert Mueller Muni. Arpt., ILS Rwy 12 R, Original

. . . *effective December 18, 1975*

Akron, OH—Akron-Canton Regional Arpt., ILS Rwy 23, Original
Indianapolis, IN—Indianapolis Muni./Weir-Cook Arpt., ILS Rwy 22R, Original

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 29, 1976.*

Portland, OR—Portland Int'l Arpt., RADAR 1, Amdt. 20

. . . *effective January 22, 1976*

Greer, SC—Greenville-Spartanburg Arpt., RADAR 1, Amdt. 1
Saginaw, MI—Tri-City Arpt., RADAR 1, Amdt. 1

. . . *effective December 18, 1975*

Akron, OH—Akron-Canton Regional Arpt., RADAR 1, Amdt. 11

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 29, 1976*

Lone Rock, WI—Tri-County Arpt., RNAV Rwy 27, Original

. . . *effective January 22, 1976*

Greer, SC—Greenville-Spartanburg Arpt., RNAV Rwy 21, Amdt. 1
Punta Gorda, FL—Charlotte County Arpt., RNAV Rwy 27, Amdt. 1
Sanford, FL—Sanford Arpt., RNAV Rwy 9, Amdt. 4

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on December 4, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provision in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

[FR Doc.75-33290 Filed 12-10-75;8:45 am]

[Docket No. 13668; Amdt. No. 103-26]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Radioactive Material

The purpose of this amendment to the Federal Aviation Regulations is to revoke the provisions of Part 103 relating to the monitoring (scanning) of packages containing radioactive materials that are to be transported aboard aircraft. Those provisions (§§ 103.3(d)(3) and 103.23(c), (d), and (e)) were published on February 4, 1975 (Docket No. 13668, 40 FR 5140), and have an effective date of January 1, 1976.

Elsewhere in this issue of the FEDERAL REGISTER, the Materials Transportation Bureau is publishing a notice of proposed rule making that would amend Part 103 by adding requirements relating to monitoring of packages containing radioactive materials that will replace the provisions being revoked by this document.

Since the amendment herein grants relief and imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 103 of title 14, Code of Federal Regulations, is amended by revoking paragraph (d)(3) of § 103.3 and paragraphs (c), (d), and (e) of § 103.23.

(49 U.S.C. 1472(h)(1); 49 U.S.C. 1804; 49 CFR 1.53 (e), (h))

Effective date: This amendment takes effect December 11, 1975.

Issued in Washington, D.C., on December 5, 1975.

JAMES T. CURTIS, Jr.,
Director, Materials
Transportation Bureau.

[FR Doc.75-33322 Filed 12-10-75;8:45 am]

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Discriminating in Credit Transactions

The Federal Trade Commission announces the following addition to and amendment of Part 13, Subchapter A of Chapter I of Title 16 of the Code of Federal Regulations.

The following new subpart and codification is added following Subpart—Discriminating Between Customers:

Subpart—Discriminating in Credit Transactions on Basis of Marital Status and/or Sex

§ 13.687 Discriminating in credit transactions on basis of marital status and/or sex.

13.687–5 Formal regulatory and/or statutory requirements

13.687–5(a) Equal Credit Opportunity Act

Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure, Is Amended by Adding the Following Subsection Immediately After Section 13.1852 Formal Regulatory and/or Statutory Requirements

13.1852–20 Equal Credit Opportunity Act

(Sec. 6(g), 5, 38 Stat. 722, 719; 15 U.S.C. 46, 45; sec. (a)(1), 80 Stat. 383, 5 U.S.C. 552)

By direction of the Commission dated December 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33360 Filed 12-10-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (97-567V) filed by Golden Sun Feeds, Inc., 111 South 5th St., Estherville, IA 51334, proposing safe and effective use of a 10-gram-per-pound tylosin premix for the manufacture of swine feed. The supplemental application is approved, effective December 11, 1975.

The Commissioner is amending § 558.625 (21 CFR 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submited to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.625 is amended by revising paragraph (b)(17) to read as follows:

§ 558.625 Tylosin.

* * * * * *

(b) * * *

(17) To 021780: 0.8 and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * * *

Effective date. This amendment shall be effective December 11, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 4, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-33294 Filed 12-10-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-808]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Port Isabel, Cameron County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Port Isabel, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall, Port Isabel.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Leo S. Sanders, P.O. Box 146, Port Isabel, Texas 78578. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the Federal Register, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary
Laguna Madre	4th St.	11	(1)
	2d St.	11	(1)
	Manautou Ave.	11	1,600
	Tarnave St.	11	550
	Railroad Ave.	11	(2)
	State Highway 100	11	(2)
	Monroe St.	11	(2)
Public Channel	Island Ave.	11	3,650
	Basin St.	11	650
	State Highway 100	11	1,250
Port Isabel Channel	Port Rd.	11	(3) 4,900
	Jefferson St.	11	900
	Madison St.	11	1,300
Port Isabel Marina	Jefferson St.	11	5,400
	Madison St.	11	6,050

[1] Corporate limits.
[2] To Port Isabel Channel.
[3] From old Railroad grade to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-33379 Filed 12-10-75;8:45 am]

[Docket No. FI-809]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 08, which indicates that the lots in Piermont Woods Section I, New Castle County, Delaware, as recorded on Microfilm No. 2986, in the office of the Recorder of Deeds of New Castle County, Delaware, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 13, 14, and 15, Block A, are within Zone B, and Lots 1 through 12 and 16 through 18, Block A; 19 through 33, Block C; and 34 through 56, Block B, are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 6, 1970, Map No. H 105085 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 25, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-33380 Filed 12-10-75;8:45 am]

[Docket No. FI-812]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 08, which indicates that Lots 16 and 19, Glasgow Pines, New Castle County, Delaware, as recorded on Microfilm No. 2384, Sheet No. 8, in the office of the Recorder of Deeds of New Castle County, Delaware, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above mentioned property are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 6, 1970, Map No. H 105085 08 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 25, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.75-33381 Filed 12-10-75;8:45 am]

[Docket No. FI-289]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Lindenhurst, Illinois

On April 11, 1974, in 39 FR 13147, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Lindenhurst, Illinois, as an eligible community and included Map No. H 170379 01 which indicates that Lot 37, Block 200, Seven Hills Unit No. 27, being 321 High Point Drive, Lindenhurst, Illinois, as recorded in Book 44 of Plats, Page 48 in the office of the Recorder of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 170379 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 25, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-33382 Filed 12-10-75;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Dennis, Massachusetts

On August 7, 1974, in 39 FR 28425, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Dennis, Massachusetts, as an eligible community and included Map No. H 250005 08, which indicates that Lot 2, in Plan 28243A, West Dennis, Massachusetts, as recorded in Land Registration Book 171, Page 83, in the Barnstable County Registry of Deeds, Massachusetts, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective July 26, 1974, Map No. H 250005 08 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-33383 Filed 12-10-75;8:45 am]

[Docket No. FI-811]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 02 which indicates that Lots 2 and 3, Block 69, Norfolk Highlands Subdivision No. 1, Chesapeake, Virginia, as recorded in Map Book 10, Page 63 in the office of the Clerk of the Circuit Court, Chesapeake, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structures on the above property are not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 02 is hereby corrected to re-

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flect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-33384 Filed 12-10-75;8:45 am]

[Docket No. FI-310]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Hampton, Virginia

On March 24, 1970, in 35 FR 5009, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Hampton, Virginia, as an eligible community and included Map No. H 515527A 18 which indicates that Lot 6, Block B, Wythe Crescent Subdivision, being 120 Wythe Crescent Drive, Hampton, Virginia, as recorded in Book 325, Page 266 in the office of the Clerk of the Circuit Court of Hampton, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective March 24, 1970, Map No. H 515527A 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-33385 Filed 12-10-75;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Neenah, Wisconsin

On August 6, 1974, in 39 FR 28275, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Neenah, Wisconsin, as an eligible community and included Map No. H 550509 01, which indicates that Lot Nos. 3 and 4 of Block 13, on the Assessor's Plat of Blocks 8 and 13, Jones Plat of the Island, City of Neenah, Wisconsin, as recorded in Volume 12, Page 35, in the Winnebago County Registry Office, Wisconsin, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 550509 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 25, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-33386 Filed 12-10-75;8:45 am]

[Docket No. FI-229]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Oak Creek, Wisconsin

On March 27, 1974, in 39 FR 11267, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Oak Creek, Wisconsin, as an eligible community and included Map No. H 550279 05, which indicates that Parcel 1 of the Southwest ¼ of Section 21, Township 5 North, Range 22 East, City of Oak Creek, Wisconsin, as recorded on Reel 802, Image 793, in the office of the Register of Deeds of Milwaukee County, Wisconsin, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, Map No. H 550279 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-33387 Filed 12-10-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

INCREASE IN FEES FOR INTERNATIONAL SPECIAL MAIL SERVICES

Miscellaneous Amendments

Correction

In FR Doc. 75-32947 appearing on page 57212, in the issue of Monday, December 8, 1975, make the following change:

In the second column, page 57212, § 43.3(a), the entry "$15.01 to $50.00 ------$0.80" should have appeared as the second entry of (b).

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Increase in Fees for Domestic Special Services, Domestic and International Money Orders, and Other Nonpostal Services

Correction

In FR Doc. 75-32923, appearing at page 57212, in the issue for Monday, December 8, 1975, on page 57214 make the following changes:

1. At the top of the page, in the table, the entry in the second column of the line beginning "$1,000,000.01 to $15,000,000" now beginning "$253.30", should begin "$253.50".

2. In the table ADDITIONAL SERVICES, in the column *Extra fee (cents)*, the second entry now reading "80" should read "60", and the third entry now reading "26" should read "25".

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

Legal Review of Procurement Actions

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended.

Most procuring activities in the Department of the Interior now require, in varying degrees, legal review of their major procurement actions. However, some procuring activities require little or no review. Therefore, it has been determined that minimum requirements for legal review of procurement transactions within the Department of the Interior should be established.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendment herein prescribes internal requirements concerning legal review of procurement actions and is entirely administrative in nature. Therefore, the rulemaking process is waived in this particular instance and the amendment will become effective immediately. Implementing procedures established by each bureau and office will be issued within 90 days after the effective date of this amendment.

Dated: December 4, 1975.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

1. The Table of Contents of Subpart 14–1.3 of Part 14–1 of 41 CFR is amended by adding the following entry:

Sec.
14–1.352 Legal review of procurement actions.

AUTHORITY: Sec. 205(c), 63 Stat. 389; 40 U.S.C. 486(c).

2. Subpart 14–1.3 of Part 14–1 of 41 CFR is amended by adding a new § 14–1.352 to read as follows:

Subpart 14–1.3—General Policies

§ 14–1.352 Legal review of procurement actions.

(a) *Policy.* It is the general policy of the Department of the Interior that selected procurement actions be reviewed for legal sufficiency by the Office of the Solicitor prior to the time of execution.

(b) *Implementation.* Each bureau and office with contracting authority shall, in cooperation and consultation with the Office of the Solicitor, establish a review program to implement the basic policy prescribed in paragraph (a) of this § 14–1.352. This program is subject to the approval of the head of the bureau or office and the Associate Solicitor for General Law. The programs shall provide, as a minimum, the procedures for the flow of documents during the review process, dollar threshold for actions to be reviewed, type of documents to be reviewed, point or points during the development of the procurement action when review will be made, and time frames within which the review is to be completed. The programs shall be published in the normal regulation or directive system of the procuring activity with assurance that all contracting officers are notified, and the requirements shall be rigidly enforced. Public notice in the FEDERAL REGISTER will be issued to identify the documents requiring legal review.

(c) *Consultation.* This policy does not alter in any way the right and responsibility of procurement officials to consult with legal counsel on any procurement action regardless of the dollar amount or other circumstances when, in their opinion, legal advice is required.

(d) *Contracting officer's responsibility.* Contracting officers are responsible for all procurement actions. If a contract or other document is determined by the Office of the Solicitor to be legally insufficient, and the issue cannot be resolved between the contracting officer and the legal reviewer, the contracting officer shall not execute or otherwise finalize such procurement action until the legal sufficiency is resolved by the head of the appropriate bureau or office and the Associate Solicitor for General Law.

[FR Doc.75-33285 Filed 12-10-75;8:45 am]

PART 14–1—GENERAL POLICIES

Protection of the Privacy of Individuals

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–1 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein implement amendments to 41 CFR Chapter 1 under the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a) and provide a cross-reference to Departmental implementing regulations under that Act. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: December 4, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The Table of Contents of Subpart 14–1.3 is amended by adding new §§ 14–1.327 and 14–1.327–5 as follows:

* * * * *

§ 14–1.327 Protection of the privacy of individuals.
§ 14–1.327–5 Procedures.

* * * * *

2. Subpart 14–1.3 is amended by adding new §§ 14–1.327 and 14–1.327–5 as follows:

Subpart 14–1.3—General Policies

* * * * *

§ 14–1.327 Protection of the privacy of individuals.

§ 14–1.327–5 Procedures.

(a) The regulations of the Department implementing the Privacy Act of 1974 are set forth in 43 CFR Subtitle A, Part 2, Subpart D (see 40 FR 44504–44510, September 26, 1975, as amended). Copies of the regulations shall be made available to offerors and contractors upon receipt of a written request addressed to the Departmental Privacy Act Officer, Office of the Assistant Secretary-Management, Department of the Interior, 18th and E Streets, N.W., Washington, D.C. 20240.

(b) In accordance with § 2.53(b) of the regulations cited in paragraph (a) of this section, the head of each procuring activity responsible for a contract which provides for the operation by or on behalf of the Department of a system of records to accomplish a Department function shall designate a regular employee of the procuring activity to be the manager for a system of records operated by a contractor.

(c) The Privacy Act clause set forth in § 1–1.327–5(c) of this title shall be supplemented by adding thereto a paragraph (d) as follows:

PRIVACY ACT

(a) * * *

(d) The regulations of the Department of the Interior implementing the Privacy Act of 1974 are set forth in 43 CFR Subtitle A, Part 2, Subpart D. A copy of the regulations may be obtained by submitting a written request therefor to the Departmental Privacy Act Officer, Office of the Assistant Secretary-Management, Department of the Interior, 18th and E Streets, N.W., Washington, D.C. 20240.

[End of clause]

[FR Doc.75-33303 Filed 12-10-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Freedom of Information Fee Schedule

Appendix A to Part 2 of Subtitle A, Title 43, contains a schedule of fees to be charged to members of the public for services performed in locating and making available records or copies of records in connection with requests made under the Freedom of Information Act. Appendix A was adopted on February 20, 1975 (40 FR 7450) and, by its own terms, is scheduled to expire on November 30, 1975.

The Department of the Interior has under consideration adjustment of some of the fees contained in Appendix A and intends shortly to propose a revision of the Appendix. In order there to be an adequate period for public consideration of and comment upon the revision, it is necessary to extend the period of effectiveness of the current Appendix for sixty (60) days. Accordingly, pursuant to authority granted by 5 U.S.C. 301 and 552, 31 U.S.C. 483a and 43 U.S.C. 1460, paragraph (15) of Appendix A is amended to extend the effective date of the Appendix to January 30, 1976.

Because this is an interim extension pending revision of the Appendix through notice and comment procedures, good cause for waiver of those procedures pursuant to 5 U.S.C. 553(b) exists. For the same reason, good cause for waiver of the 30-day waiting period for effectiveness exists.

Effective date: This amendment is effective November 30, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DECEMBER 4, 1975.

Appendix A [Amended]

Appendix A, paragraph (15) is amended by deleting "November 30, 1975" and substituting "January 30, 1976."

[FR Doc.75-33377 Filed 12-10-75;8:45 am]

V40239 DEC 11 75 XUM

Title 45—Public Welfare

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 302—STATE PLAN REQUIREMENTS

Cost Allocation Plans

Part 302 of Chapter III, Title 45 of the Code of Federal Regulations is amended to eliminate the requirement that a State have an approved cost allocation plan on file in the Regional Office as a condition of State plan approval.

The purpose of this regulation is to enable States to have their State plans approved prior to the approval of their cost allocation plans.

The basis of this regulation is the Department's belief that this regulation will ensure the proper and efficient administration of the Child Support Program.

Final regulations implementing Part B of Pub. L. 93–647, the Child Support Enforcement Program, were published on June 26, 1975 (40 FR 27154). These regulations require a State to have an approved cost allocation plan on file in order to have their State plan for Child Support Enforcement approved. (See 45 CFR 302.16.) If a State failed to meet this requirement, not only would the State be ineligible for Federal financial participation in the allocable costs of the program but it would also be prevented from claiming Federal matching for directly identifiable costs.

Federal matching for allocable costs will continue to be conditioned upon approval of a cost allocation plan. However, the revised regulation permits State plan approval without an approved cost allocation plan in order to allow Federal reimbursement for direct costs.

Good cause exists to dispense with proposed rule making procedures; the regulation must be changed immediately to facilitate the State plan approval process. Only after the State plan is approved can States be reimbursed for the expenditures they have made for the Child Support Enforcement Program.

However, any written comments, suggestions, or objections addressed to the Acting Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, and received on or before January 12, 1976, will be considered with a view to possible revision of this regulation.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C. beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

Section 302.16 is amended by revising paragraph (a), eliminating paragraph (b)(1) and redesignating paragraphs (b)(2) and (3) as (b)(1) and (2) respectively. As amended, § 302.16 reads as follows:

§ 302.16 Cost allocation.

(a) The State plan shall provide that:

(1) The IV–D agency will claim Federal financial participation in those costs of administration which require an allocation method only if the agency has an approved cost allocation plan on file with the Regional Office which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services, (excluding purchased services), and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Office regulations and instructions.

(2) The cost allocation plan includes description of the functions and activities by organizational units or other cost centers prescribed in the State plan; estimated costs for an annual period by organizational units or other cost centers (unless specifically waived by the Regional Office); and the basis used for allocating the various pools of costs to programs and activities (with justification for each).

(3) The cost allocation plan contains such other information as is necessary to document the validity of the cost allocation methods and procedures and must include methods and procedures for:

(i) Allocating all such administrative costs of the State Department in which the IV–D agency is located between Federal and non-Federal programs;

(ii) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(iii) Segregating costs in paragraph (a)(3)(ii) of this section by classifications as are found necessary by the Secretary.

(4) The estimated costs are included solely to permit evaluation of the methods of allocation, and therefore approval of the cost allocation plan shall not constitute approval of these estimated costs for use in calculating claims for Federal financial participation.

(5) A State shall revise its cost allocation plan when the allocation method shown in the existing plan is outdated due to organizational changes within the IV–D agency, changes in Federal law or regulations, or other similar changes.

(b) *Federal financial participation.* (1) If a IV–D agency fails to revise its cost allocation plan as required by paragraph (a)(5) of this section within the quarter that such changes are effective, the Regional Office will defer payment of any overstated portions of expenditures which he determines to result from the IV–D agency using an outdated cost allocation method until the IV–D agency has submitted a revised cost allocation plan which is approved by him and the IV–D agency has revised its claim accordingly.

(2) If a IV–D agency does not have any cost allocation plan on file with the Regional Office, payment will not be made for those costs of administration which require an allocation method. Such payments will be deferred until such time as a cost allocation plan has been submitted and is approved by the Regional Office.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: The regulations in this section are effective on August 1, 1975.

Dated: October 17, 1975.

JOHN A. SVAHN,
Acting Director, Office of Child Support Enforcement.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75–33304 Filed 12–10–75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGD 75–182]

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Appeal Procedures

As a result of the review of appeals from the decisions and orders of Administrative Law Judges in suspension or revocation proceedings, the Coast Guard has determined that the procedural regulations governing these appeals require clarification.

As currently written, § 5.30–1(e) assumes that all appellants will request a transcript of the record. Section 5.30–3(a) currently recognizes that not all appellants request transcripts, by providing alternate time periods within which to submit grounds to support an appeal, based on whether or not a transcript was requested.

Section 5.30–1(c) is revised by adding a sentence to point out that an appellant need only request a transcript if it is needed in the preparation of his appeal. An appeal may be prepared and processed without a transcript; the decision is left to the appellant.

Section 5.30–1(e) is rearranged for clarity only; it imposes no new or additional requirements on an appellant.

Since these amendments relate solely to agency procedure and practice, the notice of proposed rulemaking requirements in 5 U.S.C. 553(b) do not apply.

In accordance with the foregoing, 46 CFR Part 5 is amended as follows:

1. Section 5.30–1 is amended by adding the following sentence to the end of paragraph (c):

§ 5.30–1 Time for filing, contents, etc.

• • • • • •

(c) • • • It is not necessary for the appellant to request a copy of the transcript of the proceedings unless the appellant needs the transcript to prepare his appeal.

• • • • • •

2. Section 5.30–1 is amended by revising paragraph (e) to read as follows:

§ 5.30–1 Time for filing, contents, etc.

• • • • • •

(e) The appellant must submit, in each appeal, a brief or memorandum containing legal and other authorities relied upon. If the appellant has received a transcript, each exception submitted must be identified by specific citation to pages in the transcript.

• • • • • •

(14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Effective date. These amendments become effective on January 12, 1976.

Dated: December 5, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.75–33327 Filed 12–10–75;8:45 am]

[CGD 74–178]

PART 12—CERTIFICATION OF SEAMEN

Application for Documents

The purpose of this amendment is to delete the provision for the placing of fingerprints on the application form for a merchant mariner's document at the discretion of the applicant. There is no space on the present form for the placing of fingerprints, since the form has been revised. Fingerprints are submitted on a separate form compatible with the files maintained by the Federal Bureau of Investigation.

This amendment is issued without notice of proposed rulemaking. Since fingerprints are presently being submitted on a separate form, and the present provision may cause confusion, notice and public procedure are unnecessary, and the amendment may become effective in less than thirty days.

Accordingly, Part 12 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 12.02–9 [Amended]

In § 12.02–9(a) by deleting the second sentence which reads: "The placing of fingerprints on the application shall be optional with the seaman."

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4462, as amended (46 U.S.C. 416); R.S. 4551, as amended (46 U.S.C. 672); 49 U.S.C. 1655(b); 49 CFR 1.46(b)).

Effective date. This amendment shall be effective December 11, 1975.

Dated: December 4, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.75–33328 Filed 12–10–75;8:45 am]

CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–228]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Authority of the Director of Great Lakes Pilotage To Dispatch Pilots

The purpose of this amendment is to amend § 401.720(b) of the Great Lakes Pilotage Regulations by changing the criteria the Director, Great Lakes Pilotage Staff, may use to order U.S. registered pilots to provide pilotage service.

The Coast Guard promulgated §§ 401.700(b) and 401.720(b) as part of the regulations on Great Lakes Pilotage, published September 8, 1975, (40 FR 41526). Upper Great Lakes Pilots Inc., brought an action in U.S. District Court, District of Minnesota, Fifth Division, seeking a declaratory judgment and injunctive relief on the grounds that these sections are vague and give the Director, Great Lakes Pilotage Staff, overly broad discretionary authority to dispatch pilots. Upper Great Lakes Pilots, Inc., and the Coast Guard agreed and stipulated that § 401.720(b), this amendment, would be promptly revised and promulgated as a regulation. It was further agreed that § 401.700(b), which directs the U.S. registered pilots to comply with the dispatching orders in § 401.720(b), remain unchanged.

Existing § 401.720(b) authorizes the Director to dispatch pilots when pilotage service is not provided by the pilot's association or when the association's Certificate of Authorization is under suspension or revocation. As revised, the Directory may still dispatch pilots when the association's Certificate of Authorization is under suspension or revocation or when the association is physically or economically unable to provide pilotage service.

Upper Great Lakes Pilots, Inc., requested in written comments and at a public hearing that § 401.720(b) be changed by limiting the broad discretionary powers of the Director to dispatch pilotage service. This amendment is within the scope of these comments and the rulemaking proceeding for the rules promulgated on September 8, 1975. Therefore, notice and public procedure on this amendment are unnecessary. This amendment creates no additional burden on any person and may be made effective in less than 30 days.

In consideration of the foregoing § 401.720(b) of Title 46 Code of Federal Regulations is amended as to read follows:

§ 401.720 Authority of the Director over operations.

• • • • • •

(b) When pilotage service is not provided by the association authorized under 46 U.S.C. 216(b)(e) because of a physical or economic inability to do so, or when the Certificate of Authorization is under suspension or revocation under § 401.335, the Director may order any U.S. registered pilot to provide pilotage service.

• • • • • •

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b; 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4)); 49 CFR 1.46(a))

Effective date. This amendment becomes effective on December 11, 1975.

Dated: December 5, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.75–33329 Filed 12–10–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20444; RM No. 2430; FCC 75–1316]

VESSEL TRAFFIC SERVICES

Designation of Frequencies

In the matter of amendment of Parts 2, 81 and 83 of the rules to designate in the Ports of New York and New Orleans the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz (very high frequency channels 11, 12 and 14) in the Maritime Mobile Service for exclusive use in the Vessel Traffic Services.

Amendment of Sections 2.106 and 2.303 of the rules to designate 156.55, 156.6 and 156.7 MHz for use in Vessel Traffic Services.

1. On April 23, 1975, we released a Notice of Proposed Rule Making (40 FR 18465, April 28, 1975) to amend our rules to designate frequencies, and provide for their use, in Vessel Traffic Services (VTS),[1] as requested by the Commandant of the U.S. Coast Guard, so that Title I of the "Ports and Waterways Safety Act of 1972" (Public Law 92–340, 86 Stat. 424, 46 U.S.C. 1551) could be implemented in the New York and New Orleans port areas. The notice provided for the filing of comments within a specified time, which has expired. Because of the decisions affecting Part 2 of the rules, which are reached herein, the caption has been modified accordingly.

2. In general, the proposed changes would designate the above captioned three channels for exclusive use in specified geographical areas, under Coast Guard control, only for VTS communications and permit the use of the channels outside the specified areas, as permitted elsewhere in the rules, provided there is

[1] The Coast Guard now identifies these operations as Vessel Traffic Services rather than Vessel Traffic Systems as stated in our Notice of Proposed Rule Making herein.

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no interference to VTS communications within the designated VTS areas.

3. Comments were filed by the American Institute of Merchant Shipping (AIMS), the American Petroleum Institute (API), and the American Waterways Operators, Inc. (AWO). All the commenters favored the proposed rule changes in concept or generally, but stated they felt that VTS operations would impose an additional listening watch on vessel operators to which they are strongly opposed. The commenters said that vessels were already maintaining watches on as many as three maritime service channels and that if a VTS watch is to be required one of the presently required watches, such as on VHF channel 156.8 MHz, should be eliminated. They said that the maintenance of an additional watch would be unreasonable and counterproductive to maritime safety. In addition, AWO objected to the use for VTS purposes of the three specified frequencies which are now extensively used for navigational and port operations communications. AWO also asserted that channels 12 and 14 should not be dedicated for VTS uses before a proposed VHF communications system for the lower Mississippi River is established.[a] Finally, with respect to a statement in our notice that coast stations operating on VTS channels will be required to change to non-VTS channels, AWO asserted that we do not have the legal authority to require this.

4. We find that the public interest requires us to amend our rules as proposed and as set forth in the Appendix attached hereto. As explained in our notice of proposed rule making, the Coast Guard is implementing vessel traffic services systems as provided for in new legislation and we consider it incumbent upon us to provide maritime frequencies for use in the systems. Two of the channels selected by us, in coordination with the Coast Guard are port operations frequencies. These two channels are already used for communications which are closely related to VTS communications. The other frequency is now authorized for the exchange of commercial communications and may continue to be so used outside the VTS controlled areas. For stations using that commercial channel, there are 11 other channels available for this class of communications as shown in Section 83.359 of our rules. We recognize that the subject channels may be extensively used, particularly in certain crowded navigational areas, and that there may be a need for additional maritime mobile frequencies. These are not frequency use conditions, however, that are peculiar only to this service. A shortage of frequencies does not constitute sufficient reason for not designating frequencies for VTS purposes as we believe we are expected by law and the public interest to do in this instance.

5. We turn now to the question of additional listening watches on VTS channels, or of eliminating watches presently required by our rules. We are not requiring any additional watches by these rule changes herein. The purpose of the changes is, essentially, to make designated frequencies available, under conditions specified, for VTS use under Coast Guard control. The comments, therefore, concerning additional watches are not germane to this proceeding. Arguments in opposition to listening watches on VTS channels could more appropriately be made when and if the Coast Guard proposes such a requirement. With respect to the relaxation of listening watches now required by law or our rules, we do not contemplate such actions even if the Coast Guard later requires a VTS watch. Those watches are well established and are essential for efficient radio calling procedures. Without the watches there would be no effective way to contact a ship station to generate an exchange of communications on public correspondence, port operations, commercial, or other working frequencies.

6. Regarding our statement in paragraph 6 of the Notice of Proposed Rule Making that coast stations operating on VTS frequencies in or near the VTS protected areas would be required to change to non-VTS frequencies, we are not going to require that action. Developments since the release of our notice in this proceeding indicate that the operation of such coast stations should not constitute any significant problem for VTS systems. As licenses of coast stations in VTS areas expire, we will not renew the licenses for continued operations on the VTS frequencies and most have voluntarily applied for a change in frequencies in their own interests so that their working frequency will not be preempted by, or congested with, VTS traffic. Any problems to VTS systems caused by these coast stations should eventually disappear. The comment, therefore, of AWO with respect to our authority to require coast station licensees to terminate operation on the VTS channels is moot.

7. Subsequent to the release of our notice in this proceeding, the Coast Guard requested that we further amend our rules to permit the use of the vessel name only for a station identification in VTS systems. The Coast Guard said it provides a quicker and more positive way to identify vessels under those circumstances. Additionally, we understand that some foreign governments require this method of station identification in vessel traffic system operated by them, or at other times. We believe this method of station identification is reasonable and in the public interest and will still enable us to satisfactorily discharge our regulatory responsibilities under the controlled conditions existing in vessel traffic systems. Accordingly, we are amending §§ 2.303 and 83.364 of the rules to permit station identification by the name of the vessel in lieu of the assigned call sign, or by such other method as directed by a U.S. agency such as the Coast Guard or the Army Corps of Engineers or foreign authorities when vessels are operating under their control or jurisdiction. We are also making some minor editorial changes so that these sections will more closely conform with related provisions of the international Radio Regulations. As presently worded, the section appears to permit incorrectly, identification of radiotelephony ship stations and survival craft by telegraphic means, whereas it is our intention that only the survival craft stations may be so identified as provided for in the international regulations.

8. Accordingly, *it is ordered*, pursuant to authority contained in Sections 4(1) and 303 (b), (c), (d), (h) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth below, effective January 15, 1976.

9. *It is further ordered*, That any application for modification of a station license to change from a VTS channel, may be filed without payment of the prescribed filing fee.

10. *It is further ordered*, That this proceeding in Docket No. 20444 (RM 2430) is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 2, 1975.

Released: December 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

1. In § 2.106, U.S. Footnote US 77 paragraph (c) is amended and a new paragraph (d) is added as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US FOOTNOTES

* * * * *

US 77 * * *

* * * * *

(c) Intership use of 156.3 MHz on a simplex basis; and

(d) Vessel traffic services under the control of the U.S. Coast Guard on a simplex basis by coast and ship stations on the frequencies 156.55, 156.6 and 156.7 MHz.

2. In § 2.203 the form of identification, other than assigned call sign for a ship telephone class of station is amended, and a new identification for a survival craft station is added, as follows:

§ 2.303 Other forms of identification of stations.

* * * * *

Class of station	Identification other than assigned call sign
* * *	* * *
Aircraft survival craft.	* * *
Ship telephone----	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. When vessel is operated in vessel traffic system or on waterway under control of a U.S. agency or a foreign government: Name of ship or such other method as directed by agency or foreign government.
Ship survival craft station.	Same as ship telephone except that no identification is required if station is transmitting distress messages by automatic means. Identification may also be transmitted by telegraphy using A2 emission.

* * * * *

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.356(a), a condition of use designator 1 is added for Channel 12 (156.600 MHz) and Channel 14 (156.700 MHz) under Port Operations, and for Channel 11 (156.550 MHz) under commercial; and in paragraph (b) of this section, a new subparagraph (1) is added to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

* * * * *

(b) * * *

(1) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic Services (VTS) communications, and for use outside VTS radio protected areas described in § 81.357 for communications permitted elsewhere in these rules only on a noninterference basis to VTS communications, as provided for in § 81.357.

* * * * *

2. A new § 81.357 is added as follows:

§ 81.357 Frequencies available for use in Vessel Traffic Services Systems.

(a) In Coast Guard designated Vessel Traffic Services (VTS) control areas located within the radio protected areas specified and described in paragraph (b) of this section, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS communications under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 15, 1976: The rectangle between north latitudes 40° and 42° and west longitudes 71° and 74°30'.

(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27°30' and 31°30', and west longitudes 87°30' and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section, are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this Part provided there is no interference to VTS communications within the control areas.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351(a), 83.361 is added in the See section column and a condition of use designator 58 is added in the Condition of use column opposite the frequencies 156.550 MHz, 156.600 MHz and 156.700 MHz; and a new subparagraph 58 is added to paragraph (b) to read as follows:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(58) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic Services (VTS) communications, and for use outside VTS radio protected areas described in § 83.361 for communications permitted elsewhere in these rules, only on a noninterference basis to VTS communications, as provided for in § 83.361.

* * * * *

2. A new § 83.361 is added as follows:

§ 83.361 Frequencies available for use in Vessel Traffic Services.

(a) In Coast Guard designated Vessel Traffic Services (VTS) control areas located within the radio protected areas specified and described in paragraph (b) of this section, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS communications under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 15, 1976: The rectangle between north latitudes 40° and 42, and west longitudes 71° and 74°30'.

(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27°30' and 31°30', and west longitudes 87°30' and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section, are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this part, provided there is no interference to VTS communications within the VTS control areas.

3. In § 83.364, paragraph (a) is amended to read as follows: a new paragraph (b) is added as follows: and the existing paragraphs (b), (c) and (d) are redesignated as paragraphs (c), (d) and (e) respectively.

§ 83.364 Identification of station.

(a) Station identification shall be made in the following manner:

(1) Ship stations using radiotelephony shall identify all transmissions by announcing in the English language the station assigned call sign. As an exception to the above, transmissions on the bridge-to-bridge channel 13 (156.65 MHz) may be identified by the name of the ship in lieu of the call sign; and stations on board ships operated in a vessel traffic service system or on a waterway under the control of a U.S. government agency, or a foreign authority, when communicating with such an agency or authority may be identified by the name of the ship in lieu of the call sign, or in such other manner as may be directed by the agency or foreign authority.

(2) Survival craft stations will be identified in the same manner as ship stations as provided for above, except that no identification is required when distress signals are being transmitted automatically. In addition, survival craft stations may be identified by telegraphy using A2 emissions.

(b) Ship and survival craft station identification shall be transmitted at the following times:

(1) At the beginning and upon completion of each exchange of communications with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when a ship station is exchanging public correspondence communication in which case the identification may be deferred until the completion of the exchange of communications.

* * * * *

[FR Doc.75-33341 Filed 12-10-75;8:45 am]

[Docket No. 20519; FCC 75-1284]

PART 87—AVIATION SERVICES

Aeronautical Emergency Communications Requirements

In the matter of Amendment of Part 87, Subpart Q of the Commission's rules to satisfy the need, insofar as possible, of all stated aeronautical emergency communications requirements during national, state, and local emergency situations as well as civil defense activities. Subpart Q also makes provision for the Aeronautical Emergency Communications System (AECS) Plan.

1. The Commission on June 10, 1975, adopted a Notice of Proposed Rule Making in the above-entitled matter (FCC 75-683) which made provisions for interested persons to file comments and reply comments. The Notice of Rule Making was published in the FEDERAL REGISTER on June 24, 1975 (Volume 40,

[a] Waterways Communications System, Inc. has on file with the Commission applications for eight new class III (VHF) public coast stations on the Mississippi River south of Cairo, Illinois, with a request for rule making or rule waiver to permit the operation of the stations as a radiocommunication system for vessels. The applications and proposals are opposed through petitions to deny by or on behalf of the existing public coast stations in that region. The matter is currently under study.

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Number 122, FR DOC. 75–16305). The deadline for filing comments was July 28, 1975 and reply comments were required by August 8, 1975.

2. The Notice of Proposed Rule Making was issued in response to a recommendation by the Aeronautical Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) that the Commission adopt an Aeronautical Emergency Communications System (AECS) Plan. The AECS Plan as drafted on April 11, 1974 by the NIAC subcommittee, required amendment to Part 87, subpart Q of the Commission's rules to allow for certain unique communications to be carried out during emergency situations on a local day-to-day basis. The emergency situations included such occurrences as civil disorders, hurricanes, floods, earthquakes, acts of air piracy, and other similar emergencies.

3. In the Notice of Rule Making the Commission, having worked closely with government agencies and aeronautical industry representatives, proposed to adopt the NIAC recommendation by amending Part 87, Subpart Q of the rules and provide an AECS Plan to satisfy all aeronautical emergency communications requirements during national, state, and local emergency situations as well as civil defense activities.

4. The only comments received in response to the proposed rule making were jointly filed by Aeronautical Radio, Inc. (ARINC) and the Air Transport Association of America (ATA). Both ARINC and ATA supported the Commission's proposals to amend Subpart Q of Part 87 of the rules and to establish the AECS Plan. However, ARINC and ATA recommended editorial changes to the AECS Plan which would clarify the procedures under which participating entities would apply for priority certification for restoration of common carrier provided communication circuits necessary for continued operation during emergency situations. The only reply comments received were from the Aircraft Owners and Pilots Association (AOPA). The AOPA supported the proposed rules and AECS Plan with the addition of the editorial changes recommended by ARINC and ATA. The Commission believes that the recommended editorial changes are warranted for the purpose of clarification. Thus, the following changes have been incorporated into the AECS Plan (set forth below): (1) Under paragraph C, subparagraph e. *PRIORITIES*, the parenthetical sentence "(see paragraph G)" is added to direct users to paragraph G which explains the procedure for obtaining certification for priority restoration of common carrier provided circuits. (2) Under paragraph G. subparagraph c. the phrase "in accordance with Appendix A, Subpart D, Part 64 of the Commission's rules" is added to direct the user to appropriate Commission rules which institute the priority system for the restoration of common carrier provided intercity private line services.

5. In addition to the specific comments invited by the Notice of Proposed Rule Making, Commission staff has incorporated other minor editorial changes to the AECS Plan which have been concurred in by the Office of Telecommunications Policy and are strictly for the purpose of clarification. These changes include: (1) Under paragraph C, subparagraph e. *PRIORITIES*, the phrase "common carrier provided" is added to clarify the type of communication facilities to receive priority restoration. (2) Paragraph D. *ORGANIZATION* has been revised to be more concise and to allow for a broader approach to the development of detailed AECS Operational plans. (3) Under paragraph G., subparagraph c., the phrase "and must be identified in an approved Detailed Operational AECS Plan" is added to let the user know that a priority restoration will not be certified by the Commission unless the circuits to be restored are an intricate part of an existing Detailed AECS Plan.

6. The Commission believes that the rule amendment and the provision for the AECS Plan will provide the aeronautical industry with a good foundation for the development of emergency plans and procedures that will satisfy insofar as possible, all emergency communication requirements that effect the aeronautical industry.

7. In view of the foregoing, *it is ordered*, Pursuant to the authority contained in sections 1, 4(i), 4(o), and 303 (r) of the Communications Act of 1934, as amended, that effective January 15, 1976, Part 87 of the Commission's Rules and Regulations is amended as set forth below and the Aeronautical Emergency Communications System (AECS) Plan as set forth below is adopted by the Commission.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 1, 2, 3, 4, 303, 307, 403, 48 Stat., as amended; 47 U.S.C. 151, 152, 153, 154; 303, 307, 403)

Adopted: November 25, 1975.

Released: December 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 87.257(e) is amended to read as follows:

§ 87.257 Scope of service.

* * * * *

(e) For communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter, see Subpart Q, § 87.607(d).

* * * * *

B. Part 87, Subpart Q is revised to read as follows:

Subpart Q—Emergency Communications

§ 87.601 Scope and objective.

(a) This subpart provides for an Aeronautical Emergency Communications System (AECS) Plan for all Aviation Service licensees of the Federal Communications Commission pursuant to Sections 1, 4(o), 301 and 303 of the Communications Act of 1934, as amended, and Executive Order 11490, as amended. Provision is made in the AECS Plan for the development and designation of facilities, mutually compatible operational arrangements, procedures and interconnecting facilities to satisfy vital emergency communications requirements in response to emergency situations declared by local, state, and federal authorities and management of the aviation industry.

(b) Sections 87.606 and 87.607 provide for continued radio service and operation of facilities to the extent necessary for the safety or control of friendly aircraft during emergency situations. It also provides for actions to be taken under the plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA) and the Detailed Operational Plan for the Security Control of non-Federal Air Navigation Aids to effect control of selected non-Federal VOR, VORTAC and TACAN Stations by Regional Commanders, North American Defense Command during periods of Defense Emergency and/or Air Defense Emergency.

(c) Section 87.607(c) is to provide for the operation of stations in the Aviation Services within the United States during any local emergency situation constituting a threat to safety of life and property when such a threat is not considered a national emergency.

§ 87.602 Definition of terms.

(a) Accurate Air Navigation Aids. Radio navigation stations in the following categories: Very High Frequency Omnidirectional Range (VOR), Very High Frequency Omnidirectional Range and Tactical Air Navigation (VORTAC) and Tactical Air Navigation (TACAN).

(b) Aeronautical Emergency Communications System (AECS) Plan. The AECS Plan provides for the operation of aeronautical communications stations, on a voluntary, organized basis, to provide the President and the Federal Government, as well as heads of state and local governments, or their designated representatives, and the aeronautical industry with an expeditious means of communications during an emergency situation.

(c) Air Defense Emergency. An emergency condition which exists when attack upon the continental United States, Alaska, Canada, or U.S. installations in Greenland by hostile aircraft or missiles is considered probable, is imminent, or is taking place.

(d) Defense Emergency. An emergency condition which exists when:

(1) A major attack is made upon U.S. forces overseas, or allied forces in any area, and is confirmed either by the commander of a unified or specified command or higher authority.

(2) An overt attack of any type is made upon the United States and is confirmed either by the commander of a command established by the Secretary of Defense or higher authority.

(e) Detailed Operational AECS Plans. These are plans developed to satisfy specific requirements of the aeronautical industry under regional, state, or local levels. They shall be considered supplements to the AECS Plan and shall be in conformity with the provisions thereof.

(f) Detailed Operational Plan for the Security Control of non-Federal Air Navigation Aids (Reference: SCATANA). A plan to establish the responsibilities, procedures, and general instructions for the security control of selected non-Federal VOR, VORTAC, and TACAN stations under the provisions of the SCATANA Plan, during a Defense Emergency and/or Air Defense Emergency or imminence thereof.

(g) Five-minute Control Time. The maximum time allowed to start and/or discontinue transmission from an air navigation aid.

(h) Emergency Situation. An emergency situation is a condition posing a threat to the safety of life and/or property on a national, state, or Operational (local) Level.

(i) AECS Authorization (AECSA). An authorization issued by the FCC to the licenses of aeronautical stations, subject to the provisions of this part, for operation in accordance with the Aeronautical Emergency Communications System (AECS) Plan, including the annexes and supplements to that plan and the Detailed Operational Plan for the Security Control of non-Federal Air Navigational Aids.

(j) Non-Federal Air Navigation Aids. VOR, VORTAC and TACAN stations licensed by the Federal Communications Commission.

(k) NORAD Region. A geographical subdivision of the area for which NORAD is responsible.

(l) North American Air Defense Command (NORAD). An integrated United States-Canadian Command. NORAD includes, as component commands, the United States Air Force Aerospace Defense Command, and the Canadian Forces Air Defence Command.

(m) SCATANA. The short title for the joint Department of Defense/Department of Transportation/Federal Communications Commission plan for the Security Control of Air Traffic and Air Navigation Aids.

(n) Tactical Air Traffic. Military flights actually engaged in operational missions against the enemy, flights engaged in immediate deployment for a combat mission, and preplanned combat and logistical support flights contained in Emergency War Plans.

(o) United States. The several States, the District of Columbia, the Commonwealth of Puerto Rico and the several territories and possessions of the United States (including areas of air, land, or water administered by the United States under international agreement), including the territorial waters and the overlying airspace thereof.

(p) CRAF. The short title for the Civil Reserve Air Fleet plan directed toward identification, organization, and development of a source of civil airlift capability readily available to augment the Department of Defense (DOD) in an airlift emergency.

(q) WASP. The short title for the War Air Service Program plan to make assignment of air carrier routes, service points and aircraft controlled by the Civil Aeronautics Board (CAB).

(r) SARDA. State and Regional Disaster Airlift. A plan for the use of non-air carrier aircraft during a national emergency.

(s) Local Emergency Situation. An emergency situation resulting from civil disorders, hurricane, flood, earthquake, an act of air piracy, or other similar emergencies including those unique to the aviation service, involving the safety of life and property and which do not constitute an immediate threat to National Defense or security.

§ 87.603 Aeronautical Emergency Communications System Authorization (AECSA).

An AECSA shall be issued by the FCC to the licensees of aeronautical stations to permit operation on a voluntary, organized basis during an emergency situation. Operation shall be consistent with the provisions of this subpart, the AECS Plan and the Detailed Operational Plan for the Security Control of non-Federal Air Navigation Aids.

§ 87.604 Criteria for eligibility for an Aeronautical Emergency Communications System Authorization.

(a) A radio station licensee in the aeronautical industry upon letter application to the FCC may be granted an AECSA which shall remain in effect concurrently with the terms of his regular authorization, so long as the licensee meets the following criteria:

(1) Is a participant in the AECS Plan and/or any Detailed Operational AECS Plan.

(2) Must be willing to cooperate with other aeronautical industry licensees in providing radio services, facilities, and personnel during emergency situations.

(3) The aeronautical station is necessary to the continued operation and security of the licensee's business or property, or in the interest of public safety and welfare, and for the security or rehabilitation of this country.

(b) Any station which is denied authorization to participate in an AECS Plan for any reason may appeal to the Federal Communications Commission for review.

§ 87.605 Activation and termination of an emergency situation.

(a) In local emergency situations communications elements of the AECS Plan may be activated by competent authority in accordance with Section 87.607(c).

(b) Circumstances may require independent activation or termination of CRAF, WASP, SARDA, and plans for airport operations and aircraft manufacturing, overhaul and maintenance. In the event that one or more of the above plans are implemented, the restrictions of SCATANA, when imposed, shall apply.

§ 87.606 Security control of air traffic and air navigation aids (SCATANA).

A plan for the Security Control of Air Traffic and Air Navigation Aids has been promulgated in furtherance of the National Security Act of 1947, as amended, the Federal Aviation Act of 1958, the Communications Act of 1934, as amended, and Executive Order 11490, as amended. The plan defines the responsibilities of the FCC for the security control of accurate non-Federal air navigation aids. SCATANA applies to radio navigation stations authorized by the Commission in the following manner:

(a) Upon receipt of notification from a Federal Aviation Administration Air Route Traffic Control Center (ARTCC) that an air defense emergency exists, or is imminent, each licensee of a radio navigation (VOR, VORTAC, or TACAN) station shall comply with the direction of the ARTCC with regard to beginning or terminating transmissions by the station.

(b) A NORAD Region Commander may impose any or all restrictions contained in the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids prior to the declaration of Defense Emergency or Air Defense Emergency when his region is under attack.

(c) Termination of the Defense Emergency or Air Defense Emergency declaration shall be issued by the NORAD Region Commander via the Federal Aviation Administration (FAA). This notice provides for the removal or reduction of restrictions on the operation of selected non-Federal air navigation aids in accordance with the provisions of the Detailed Operational Plan for the Security Control of non-Federal Air Navigation Aids. This action shall be taken when an attack phase is considered over. For those accurate non-Federal Air Navigation aids requiring more than 5 minutes control time, approval for resumption of operation must be obtained from the appropriate NORAD Region Commander before they can be returned to operation.

(d) Licensees of aeronautical radio navigation stations of the types specified in paragraph (a) of this section, may be requested by an ARTCC to participate in SCATANA tests. If such licensees elect to participate, testing procedures shall be in accordance with instructions issued by the Commission. However, the services of such radio navigation stations shall not be interrupted as a part of any SCATANA test.

§ 87.607 Emergency operation.

(a) Upon notification by competent authority, the AECS Plan shall be immediately activated and maintained in an operational status for the duration of the emergency situation, subject to the following conditions:

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(1) *Domestic.* Air/ground communications within the United States shall be limited to those involving safety of flight and operational control; air/ground and aeronautical fixed communications on HF band frequencies shall be minimized consistent with safety of flight and operational control and then only when appropriate security measures are employed. Security measures shall include at least the following: (i) transmit safety of flight and operational control traffic only, (ii) identify by means other than clear text when directed by appropriate authority.

(2) *International.* Air/ground communications shall be limited to those involving safety of flight and operational control. Such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U.S. gateway airports may use HF band frequencies when VHF radio is inoperative, not available, or will not provide the range required. International aeronautical fixed communications may be conducted on HF band frequencies only when appropriate security measures are employed. Security measures will include at least identification by means other than clear text when directed by appropriate authority.

(3) *Weather Transmission.* Normally unscheduled weather reports and forecasts (not exceeding 2 hours ahead) may be transmitted, in clear text, only on VHF or higher frequencies. Scheduled weather information may be transmitted, in clear text, only on frequency bands other than the HF band. However, an isolated emergency situation may occur in the course of a particular AECS Plan operation in which the HF band may be employed for the transmission of clear text weather information.

(b) Upon receipt of the Defense Emergency or Air Defense Emergency declaration, or as directed by the appropriate NORAD Region Commander when his Region is under attack, the licensees of selected non-Federal air navigation aids shall comply with the provisions of the Detailed Operational Plan for the Security Control of non-Federal Air Navigation Aids (SCATANA). Detailed instructions shall be provided by the FCC to those concerned.

(c) The licensee of any aeronautical station, during a period of a local emergency situation involving the safety of life and property, may, at his discretion, utilize such station for emergency communications service for communicating in a manner other than that specified in the instrument of authorization (See § 87.123). Such emergency operations may include operation at other locations on the airport served by the authorized station, or with equipment, other than that specified in the instrument of authorization (as provided for in § 87.35(d)) and by personnel other than those authorized by the Federal Communications Commission to operate such a station provided that: (1) such operations are under the control and supervision of the licensee of the aeronautical station concerned, (2) the emergency use of the station will be discontinued as soon as practicable upon termination of the emergency, (3) in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, (4) an appropriate entry concerning the details of the emergency be properly recorded in the station log in accordance with § 87.99(a), and (5) these communications shall be coordinated with the FAA at a controlled airport.

(d) The frequency 122.8 MHz may be used, in addition to its normal purposes, for communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter, and on a secondary basis for communications with private aircraft engaged in organized civil defense activities in preparation for anticipated enemy attack. When used for these purposes, aeronautical advisory stations may be moved from place to place or operated at unspecified locations, except at landing areas served by other aeronautical advisory stations or airdrome control stations.

NOTE: "civil defense" is defined, for this purpose, in accordance with section 3(d) of the Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as follows:

The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but not limited to: (a) measures to be taken in preparation for anticipated attack including the establishment of appropriate organizations, operational plans and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas or control centers, and when appropriate, the nonmilitary evacuation of civil population; (b) measures to be taken during attack including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic and the control and use of lighting and civil communications; and (c) measures to be taken following attack including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific hazards for special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures and immediately essential emergency repair or restoration of damaged vital facilities.

(e) When notified by the proper authority the following plans shall be activated:

(1) Security Control of Air Traffic and Air Navigation Aids (SCATANA).

(2) Civil Reserve Air Fleet Plan (CRAF).

(3) War Air Service Program (WASP).

(4) State and Regional Disaster Airlift Planning (SARDA).

(5) Operational Plans, when developed, for Airport Operations, and for Aircraft Manufacturing, Overhaul and Maintenance.

APPENDIX

AERONAUTICAL EMERGENCY COMMUNICATIONS SYSTEM (AECS) PLAN

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A. PREFACE

1. This Aeronautical Emergency Communications System (AECS) Plan has been prepared pursuant to applicable provisions of Sections 1, 4(o), 301 and 303 of the Communications Act of 1934, as amended, and Executive Order 11490, dated October 28, 1969. This AECS Plan shall be reviewed annually as required by the Aeronautical Communications Services Subcommittee of the National Industry Advisory Committee (NIAC). Recommendations for revision of this AECS Plan shall be submitted to the FCC for consideration.

2. The AECS Plan, and supplements thereto, contains the designation of facilities, mutually compatible operational arrangements, procedures, instructions, and interconnecting facilities designed to satisfy, insofar as possible, all stated emergency communications requirements. It conforms with the Rules and Regulations of the Federal Communications Commission (FCC). The AECS Plan provides for emergency communications to meet the requirements of the Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA), Civil Reserve Air Fleet (CRAF)[1], War Air Service Programs (WASP)[2] and, where applicable, State and Regional Disaster Airlift Planning (SARDA).[3] In addition, the following aeronautical industry emergency communications requirements will be satisfied:

a. Intra-Industry Emergency Communications Requirements.

b. Inter-Industry Emergency Communications Requirements.

c. Industry-Government Emergency Communications Requirements.

Existing non-federal communications networks and facilities of the Aeronautical Industry, supplemented as required, shall be used to meet the communications requirements set forth, or inherent, in the above Plans. Government communications shall not be provided except as set forth in these Plans or as provided by the Federal Aviation Administration (FAA) and for DOD for air traffic control.

3. *Detailed Regional Operational AECS Plans.* Detailed Regional Operational AECS Plans, developed to satisfy the requirements of the aeronautical industry on a regional basis, are considered annexes to the AECS Plan and shall be in conformity with the provisions thereof and the FCC Rules and Regulations.

4. *Detailed State Operational AECS Plans.* Detailed State Operational AECS Plans, developed to satisfy the requirements of the aeronautical industry on a statewide basis, are considered annexes to the AECS Plan and shall be in conformity with the provisions thereof and the FCC Rules and Regulations.

5. *Detailed Local Area Operational AECS Plans.* Each state has been subdivided into geographical local areas in coordination with state authorities. Detailed Local Area Operational AECS Plans, developed to satisfy the requirements of the aeronautical industry on a local area basis, are considered annexes to the AECS Plan and shall be in conformity with the provisions thereof and the FCC Rules and Regulations.

6. *Emergency Operating Centers (EOC).* Management, operating and technical personnel from applicable Industry Advisory Committees shall be designated and accredited by the proper authorities. These personnel shall be given emergency duty assignments at the appropriate EOC and shall provide, consistent with national level guidance, continuing assistance, in the management, operational and technical areas of aeronautical communications. Details to accomplish the above shall be set forth in Detailed Regional, State and Local Area Operational AECS Plans.

B. PURPOSE

1. This AECS Plan is to provide essential non-federal communications and navigational aids in an emergency for that portion of the aeronautical industry whose primary responsibility is transportation of people and freight and that portion vital to such operations and to other operations essential to public safety and welfare in time of local, state, regional and national emergency situations. These portions combined, include commercial air carriers, general aviation, airport operations, and aircraft manufacturing overhaul and maintenance. The words "Communications Facilities", as used herein, means "non-federal communications and air navigation facilities."

2. This AECS Plan, and supplements thereto, provides for using facilities and personnel of the aeronautical industry, on a voluntary, organized basis, to provide a functional emergency communications capability to be operated by the aeronautical industry, under appropriate government regulations, in a controlled manner, consistent with national security requirements, and the Rules and Regulations of the Federal Communications Commission.

3. The AECS Plan consists of the facilities and personnel of non-government aeronautical stations and other authorized facilities licensed or regulated by the FCC. Licensees participating in the AECS Plan shall be issued an AECS Authorization (AECSA) by the FCC which shall remain valid concurrently with the term of station license, so long as the licensee continues to comply with the Criteria for Eligibility (Annex III). An AECS Authorization shall permit a licensee, when required under the provisions of the AECS Plan or a Detailed Operational AECS Plan, to operate at locations or in a manner other than specified in the station license unless specifically prohibited by the Commission's rules. Licensees shall resume normal operations under the terms of the station license as soon as practicable upon termination of the emergency situation.

4. The approved Detailed Operational AECS Plans are adaptable for use on a voluntary, organized basis during local emergency situations posing a threat to the safety of life and property, including those conditions constituting a state of public peril or disaster. Such use during local emergency situations is in accordance with Section 1 of the Communications Act of 1934, as amended, which states that one of the purposes of that Act is to promote the safety of life and property through the use of wire and radio communication. Specific operational arrangements for airport operation, and aircraft manufacturing, overhaul and maintenance segments of the aeronautical industry shall be set forth in Detailed Operational AECS Plans. For the purpose of this AECS Plan, the detailed operational requirements for other segments of the aviation industry are met as follows:

a. U.S. International and Domestic Air Carriers: WASP and CRAF Plans.

b. General Aviation: SARDA Plan.

5. This AECS Plan, and supplements hereto, is addressed primarily to that portion of industry's emergency communications requirements to be accomplished on a voluntary, organized basis through the use of specific aeronautical communications facilities, and interconnecting systems, as set forth in Paragraph 3 and 4 above. The plan also outlines the procedure for obtaining other supplementary or supporting emergency communications services. It is recognized that participants may find it necessary to use Manufacturers and Business Radio Services Facilities as presently authorized, and certain additional facilities planned under each services emergency communications plans.

C. GENERAL CONSIDERATIONS

1. During periods of national emergency, operational coordination of certain segments of the aeronautical industry is vital to the survival and recovery of the Nation.

2. Rapid transportation of people and material, while highly desirable during normal times, is mandatory during periods of national emergency. In addition, use of civil aircraft is vital for rescue and other essential operations in local, state, regional and national emergency situations. Communications facilities and electronic navigational aids are basic to the operation of the aeronautical industry. Therefore, it is incumbent on the aeronautical industry to prepare plans and procedures providing the highest order of reliability for normal as well as emergency operations. The ability of these communications facilities to survive and continue to operate after a catastrophe of the most severe nature should be considered as a primary requisite.

3. The aeronautical industry must have a capability to respond to an emergency situation on a national, regional, state or local basis on short notice, including those international operations of the United States aeronautical industry in support of the national effort. Regular operational tests and use of the communications facilities in natural disaster or other emergencies involving safety of life and property shall give adequate assurance that this capability exists and can be maintained. To this end, the following general features must be provided:

a. *Activation and Termination.* (1) During local emergency situations, communications elements of the AECS Plan may be activated or terminated by competent authority in accordance with Section 87.607(c) of the FCC Rules.

(2) Circumstances may require independent activation or termination of the detailed operations plan contained in paragraph B-4 of this AECS Plan. In such circumstances the restrictions of SCATANA, when imposed, shall apply, (Annex IV).

b. *Availability.* Once notified of an emergency situation under a. above the aeronautical industry shall immediately place in operational condition all emergency communications plans, procedures and facilities appropriate to the existing situation, including back-up, relocation, and other emergency communications arrangements, and shall remain in this status until terminated by appropriate authority.

c. *Reliability.* The emergency communications facilities of the aeronautical industry should be so constituted as to be able to provide industry-wide emergency service despite extensive damage. The emergency communications facilities of the aeronautical industry should be designed to be as survivable as is economically practicable.

d. *Requirements.* The aeronautical industry, in cooperation with the FCC, shall effect the specific actions required to accomplish at least the following:

(1) Modify individual communication facilities to provide required additional circuits, either owned or leased.

(2) Make communications interconnections.

(3) Operate communications facilities on additional frequencies as necessary.

(4) Provide adequate reliability for its own facilities under emergency situations.

(5) Provide means for communicating with appropriate agencies of the Federal Government.

(6) Provide required back-up facilities.

(7) Plan for and utilize certain high frequency channels during national emergency situations for special long distance transmission requirements, both domestic and foreign in accordance with Section 87.607 of the FCC Rules and Regulations.

e. *Priorities.* Priorities for use and restoration of common carrier provided communications facilities (see paragraph G) as well as priority for materials, manpower and financial aid should be assigned commensurate with the specific function of each licensee involved. The importance of this priority for use and restoration of communications facilities, manpower, financial aid and priority of material claimancy for procurement and restoration cannot be overemphasized—it is the very basis upon which this emergency plan must operate.

D. ORGANIZATION

1. *National Industry Advisory Committee:* A broad range of emergency contingencies and requirements dictates the necessity for the orderly development, approval, and implementation of operational emergency communications plans, systems, and procedures capable of expeditious emergency activation, and utilizing on a voluntary, organized basis, non-government personnel and Federal Communications Commission licensed and regulated facilities. To achieve these ends, the Federal Communications Commission has determined under the provisions of Public

[1] The CRAF Plan is directed toward identification, organization, and development of a source of civil airlift capability readily available to augment the Department of Defense (DOD) in an airlift emergency.

[2] The WASP Plan provides for assignment of air carrier routes, service points, and aircraft controlled by the Civil Aeronautics Board (CAB).

[3] The SARDA Plan is to assure that adequate organization and means are available in time of emergency to effectively utilize non-air-carrier aircraft in support of survival operations and in the national economy.

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Law 92-463 and Executive Order 11769 that the formation of a National Industry Advisory Committee is in the public interest. The National Industry Advisory Committee (NIAC) has been organized to advise and assist the Federal Communications Commission, and other appropriate authorities by studying and submitting recommendations for the development of emergency communications plans, systems, and procedures as provided in the Communications Act of 1934, as amended. The NIAC is also prepared to provide advice to industrial entities, if requested, in the development of their detailed operational emergency communications plans.

2. *State Emergency Communications Committee:* A State Emergency Communications Committee (SECC) has been organized in each of the fifty (50) States, Guam, Puerto Rico, Virgin Islands and the District of Columbia. One of the several functions of the SECC is to assist industry, if requested, in the preparation of coordinated detailed operational emergency communications plans which are in consonance with the FCC Rules and Regulations and in conformity with plans developed at the National level. If these plans involve interstate requirements, the SECC of the affected States may be requested to coordinate the plans with each other.

3. *Operational (local) Area Emergency Communications Committee:* Operational (local) Area Emergency Communications Committees (OAECC) have been organized in each of the Operational (local) Areas within each State as mutually determined by State authorities and the State Emergency Communications Committee. The OAECC functions as subcommittees of the SECC. One of the functions of the OAECC is to assist industry, if requested, in the preparation of coordinated detailed operational emergency communications plans for the Operational Area.

E. Emergency Communications Requirements

1. Communications requirements of the aeronautical industry in an emergency may include but are not limited to:

a. Air/ground/air (including operational control) and point-to-point communications.

b. Between central maintenance depots and air terminal maintenance facilities.

c. Emergency notification of impending disasters and/or evacuation.

d. Fire fighting and other emergency safety procedures.

e. Between administrative offices, flight test, manufacturing and overhaul facilities.

f. Between flight test engineers or dispatchers and aircraft to provide for necessary testing.

g. Between ticket offices and air terminal offices.

h. Coordination between air carriers and movement and control of aircraft, passengers and freight.

i. Exchange of personnel, maintenance and equipment to facilitate air carrier operations.

j. Coordination and scheduling of resources and facilities necessary to sustain research, test and production operations.

k. Security of personnel, facilities and equipment and for alerting employees. These functions require communications between local management and local authorities.

l. Reporting damage assessment of the communications facilities of the aeronautical industry to the FCC for further transmittal to the Department of Defense and Office of Telecommunications Policy.

m. Requests for emergency authorizations to the FCC.

n. Requests to FCC for radio frequency assignments.

o. Requests to the FCC for financial credits or other financial assistance for communications facilities.

p. Requests to the FCC for conservation, salvage and rehabilitation of communications supplies and equipment.

q. Requests to the FCC for claimancy for communications materials, manpower, equipment, supplies and services.

r. Requests to the FCC for priority certification for the use of, or restoration of, leased private line common carrier services.

s. Requests to Federal Aviation Administration for flight authorizations and flight status information.

t. Requests to and coordination with appropriate government agencies and/or industries for financial credits or assistance; conservation, salvage and rehabilitation of supplies and equipment; claimancy for materials, manpower, equipment, supplies and services; and for reporting damage assessment where such requests and coordination do not pertain solely to communication services.

u. Issuance of regulations and orders controlling the scheduling, routing and distribution of air freight. (Civil Aeronautics Board).

v. Issuance of priority regulations for transportation of air travelers (Civil Aeronautics Board) via WASP.

F. Conditions for Emergency Communications

1. During an emergency situation, aeronautical facilities are subject to the following conditions:

a. *Domestic.* Air/ground communications within the United States shall be limited to those involving safety of flight and operational control; air/ground and aeronautical fixed communications on HF band frequencies shall be minimized consistent with safety of flight and operational control and then only when appropriate security measures are employed. Security measures shall include at least the following: (1) transmit safety of flight and operations control traffic only, (2) identify by means other than clear text when directed by appropriate authority.

b. *International.* Air/ground communications shall be limited to those involving safety of flight and operational control. Such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U.S. gateway airports may use HF band frequencies when VHF and UHF radio are inoperative, not available, or will not provide the range required. International aeronautical fixed communications may be conducted on HF band frequencies only when appropriate security measures are employed. Security measures shall include at least identification by means other than clear text when directed by appropriate authority.

c. *Weather Transmission.* Unscheduled weather reports and forecasts (not exceeding 2 hours ahead) may be transmitted, in clear text, only on VHF or higher frequencies. Scheduled weather information may be transmitted, in clear text, only on frequency bands other than the HF band. However, an isolated emergency situation may occur in the course of a particular AECS Plan Operation in which the HF band may be employed for the transmission of clear text weather information.

d. *Defense Emergency or Air Defense Emergency.* Upon receipt of either a Defense Emergency or Air Defense Emergency declaration, or as directed by the appropriate NORAD Region Commander when his Region is under attack, the licensees of selected non-Federal air navigation aids shall comply with the provisions of the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids. Detailed instructions shall be provided by the FCC to those concerned.

2. When notified by the proper authority the following plans will be activated:

a. Security Control of Air Traffic and Air Navigation Aids (SCATANA).

b. Civil Reserve Air Fleet Plan (CRAF).

c. War Air Service Program (WASP).

d. State and Regional Disaster Airlift Planning (SARDA).

e. Operational Plans when developed, for airport operations, and for aircraft manufacturing, overhaul and maintenance.

G. Procedure for Validation of Requests for Communications Service

1. Requests for communications services via common carrier facilities shall be handled as follows:

a. Those circuits utilized for the dissemination of emergency information for the aeronautical industry and those circuits earmarked for prearranged voluntary participation with the Federal Government during emergencies shall be identified to the FCC for priority restoration authorization.

b. A high order of priority for use and restoration of all approved interconnecting leased common carrier private line facilities involved herein shall be assigned by the FCC.

c. Requests for communications services, to be valid, shall be certified by the FCC in accordance with Appendix A, Subpart D, Part 64 of the Commission's rules and must be identified in an approved Detailed Operational AECS Plan.

d. Priorities for the various grades of leased service shall be assigned by the FCC and forwarded to the appropriate communications common carrier.

e. Each request for leased service shall be accompanied by a full description of the nature of the information to be transmitted, the preferred method of transmission (voice, teletypewriter, facsimile, digital data, etc.), geographical location, points of service, average number of transmissions per day, and average length of transmission.

f. *Urgent* requests for communications services may be handled completely at *the field level.*

H. Liaison

1. Close liaison shall be maintained at all times between all participants and operational elements in the AECS Plan. All operational elements of the AECS Plan at the state, and local area levels are particularly encouraged to maintain close liaison with the FCC. All official instructions issued with respect to non-government elements concerned with the AECS Plan shall be issued by the FCC.

2. The Federal Communications Commission shall assist in the development of applicable Detailed Operational Aeronautical Emergency Communications Systems (AECS) Plans and procedures.

I. Participation

1. An aeronautical industry licensee desiring to participate in the AECS Plan on a voluntary basis shall be granted an AECS Authorization by the FCC when it meets the Criteria for Eligibility contained in the AECS Plan, subject to the provisions of Part 87, Subpart Q, of the FCC Rules and Regulations.

2. Other non-government entities may be authorized to participate in the AECS Plan through the voluntary use of their privately owned or leased FCC licensed or regulated facilities, consistent with the provisions of the FCC Rules and Regulations and the provisions of this AECS Plan.

J. Annexes

1. Detailed information with regard to national level facilities, systems, and procedures and emergency operational arrangements at the national level are included as Annexes to this AECS Plan. Part 87, Subpart Q, of the FCC Rules and Regulations providing for the AECS Plan is also contained in Annex I.

2. Detailed information for the development of operational emergency communications systems, plans, and procedures at the regional, state, and local area levels shall be contained in Detailed Regional, State, and Local Area Operational AECS Plans which shall be included as Annexes to this AECS Plan.

3. Revised and additional Annexes to this AECS Plan shall be issued as required, after formal approval by the FCC.

K. Approval and Concurrences

Pursuant to Executive Order 11490 and Sections 1, 4(i) and 303(r) of the Communications Act of 1934, as amended:

Approved by the Federal Communications Commission:

Concurred in by the Department of Defense:

Concurred in by the Department of Transportation:

Concurred in by the Office of Preparedness, General Services Administration:

Concurred in by the Office of Telecommunications Policy:

ANNEX I

Reserved for FCC Rules and Regulations Part 87, Subpart Q.

ANNEX II

Emergency Communications for the Aeronautical Industry During Periods of National Emergency

Statement of Requirements

This Statement of Requirements for the aeronautical industry has been prepared under the direction of the Federal Communications Commission (FCC) in cooperation with the National Industry Advisory Committee (NIAC) pursuant to Executive Order 11490, as amended, signed by the President of the United States on October 28, 1969.

A. *Introduction.* For the purpose of this annex, aeronautical industry activities are defined as the activities directly involved in the air movement of passengers and freight, general aviation, aircraft manufacturing, overhaul and maintenance, passenger and freight loading and unloading, ticketing, weather gathering activities, navigation activities, dispatching, aircraft fueling, food handling and air terminal operation and maintenance including other operations essential to the public safety and welfare.

B. *Basic Facts and Assumptions.* 1. During periods of national emergency, operational coordination and coordination of all segments of the aeronautical industry (hereinafter referred to as industry) and government is vital to the survival and recovery of the Nation.

2. Communications systems, plans, and procedures providing the highest order of reliability are required by industry to provide for normal as well as emergency operation. The ability of these systems to survive catastrophes of the most severe nature should be considered as a primary requisite.

3. The aeronautical industry has demonstrated its willingness to cooperate with the Government in further developing and improving its emergency plans. Industry shall provide personnel to cooperate in the formulation of plans for emergency communications systems.

4. Existing communications systems and facilities, including those of major aircraft manufacturers, used by industry for normal operations, shall be used as the basis for essential communications required by the industry during periods of national emergency.

5. Modification of, or addition to, some privately-owned or leased communications facilities may be necessary in order to provide essential interconnections with industry-Government communications at certain designated points.

6. A substantial amount of communications facilities are involved in normal day-to-day operations of industry. These facilities, modified as in "5" above, together with bypass and back-up arrangements through intra- and inter-system communications protected by appropriate leased circuit priorities should further insure a high probability of survival of such communications systems.

7. To further insure development of acceptable emergency communications policies, plans, systems, facilities and procedures, such emergency plans shall encompass a broad range of emergency contingencies posing a threat to the safety of life and property, including those international operations of the United States aeronautical industry in support of the national effort.

8. All emergency communications plans, systems, facilities, and procedures developed for industry shall be for the purpose of fulfilling the requirements of industry. These shall include certain emergency communications channels and arrangements for administrative liaison between industry and appropriate federal officials and various other state and local government authorities associated with the emergency operation of industry. Emergency communications between any departments or offices of any federal, regional, state or local government entity shall not be considered a valid requirement of industry.

C. *Planning Considerations.* The aeronautical industry under the auspices of NIAC shall, on a continuing basis, advise and submit recommendations and assist the FCC in the orderly development of operational emergency communications policies, plans, systems and procedures capable of expeditious emergency activation using, on a voluntary, organized basis, non-government personnel and FCC licensed and regulated facilities. The following planning considerations are appropriate:

1. *Activation and Termination* a. In local emergency situations communications elements of the AECS Plan may be activated or terminated by competent authority in accordance with Section 87.507(c) of the FCC Rules.

b. Circumstances may require independent activation of certain detailed operation plans indicated below.

(1) U.S. International and Domestic Air Carriers. (a) Civil Reserve Air Fleet Plan (CRAF).

(b) War Air Service Plan (WASP).

(2) General Aviation: State and Regional Disaster Airlift Planning (SARDA).

(3) Airport operations and aircraft manufacturing, overhaul and maintenance: Detailed operational plans when developed.

In the event that all or some of the above plans are implemented, the restrictions of SCATANA, when imposed, shall apply.

2. *Availability.* Once notified of an emergency situation the aeronautical industry shall immediately place in operational condition all emergency communications plans, procedures and facilities appropriate to the existing situation.

3. *Survivability.* The emergency communications system of the industry should be so constituted as to be able to provide communications for the necessary aircraft flights to transport the required personnel and material needed for the duration of the emergency, as well as for necessary support of all flight activities essential to the public safety and welfare. The emergency communications system of the industry should be designed to be as survivable as is economically practicable and should be protected by leased circuit priorities, where applicable.

4. *Determination of Design.* The management and technical personnel of industry, in cooperation with the FCC are best qualified to determine the location, type, capacity and other technical parameters of the required emergency communications system. Industry should develop operational procedures to implement and monitor the effectiveness of its emergency communications system.

5. *Safety and Special Radio Services.* Authorization, operation, and use of Safety and Special Radio Services facilities and personnel in the national interest in an emergency.

6. *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

7. *Electromagnetic radiation.* Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in an emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

8. *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

9. *Priorities and allocations.* Systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which FCC has been assigned responsibility.

10. *Requirements.* Assembly, development as appropriate, and evaluation of requirements for assigned resources, taking into account estimated needs of military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

11. *Evaluation.* Assessment of assigned resources to estimate availability from all sources during an emergency situation, analysis of resource availabilities in relation to estimated requirements, and development of appropriate recommendations and programs, including those, necessary for the maintenance of an adequate mobilization base. Provision for data and assistance before and after attack for national resource analysis purpose.

12. *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services needed to carry out assigned responsibilities and other essential functions to the FCC, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

13. *Warfare effects monitoring and reporting.* A capability, both at national and field levels, to estimate the effects of attack on assigned resources and to collaborate with and provide data to the FCC, as appropriate, in verifying and updating estimates of resource status through exchange of data and mutual assistance, and providing for the detection, identification, monitoring and reporting of such warfare effects at selected facilities.

14. *Salvage and rehabilitation.* Plans for salvage, decontamination, and rehabilitation of facilities involving resources under FCC jurisdiction.

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15. *Research.* Research in areas directly concerned with carrying out emergency preparedness responsibilities, designating representatives for necessary ad hoc or task force groups, and providing advice and assistance to other agencies through FCC for research in emergency communications.

16. *Stockpiles.* Assistance in formulating and carrying out plans for stockpiles of strategic and critical communications materials, and survival items.

17. *Direct Economic Controls.* Cooperation with federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

18. *Financial aid.* Plans and procedures in cooperation with federal financial agencies for financial and credit assistance to those segments of the private sector for which FCC is responsible in the event such assistance is needed under emergency situations.

ANNEX III

CRITERIA FOR ELIGIBILITY FOR AN AERONAUTICAL EMERGENCY COMMUNICATIONS SYSTEM AUTHORIZATION

A radio station licensee in the aeronautical industry upon letter application to the FCC may be granted an AECS Authorization which will remain in effect concurrently with the terms of his regular authorization, so long as the licensee substantially meets the following criteria:

1. The aeronautical industry licensee is a participant in the Aeronautical Emergency Communications System Plan and/or any Detailed Operational Aeronautical Emergency Communications System Plan.

2. The aeronautical industry licensee must be willing to cooperate with other aeronautical industry licensees in providing radio services, facilities, and personnel during emergency situations.

3. The aeronautical station is necessary to the continued operation and security of the licensee's business or property, or in the interest of public safety and welfare, and for the security or rehabilitation of this country.

Any station which is denied an Aeronautical Emergency Communications System Authorization for any reason may appeal to the Federal Communications Commission for review.

ANNEX IV

Reserved for the plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA).

ANNEX V

Reserved for the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids. Reference: SCATANA.

ADDITIONAL ANNEX ATTACHMENTS

Reserved for Detailed Operational AECS Plans.

[FR Doc.75-33342 Filed 12-10-75;8:45 am]

[Docket 19478; FCC 75-1288]

PART 91—INDUSTRIAL RADIO SERVICES

Policy Governing the Assignment of Frequencies

In the matter of amendment of Part 91 of the Commission's Rules and Regulations to expand the permissible uses of 450–470 MHz off-set frequencies in the Business Radio Service.

1. On May 25, 1973, the Commission issued a First Report and Order (41 FCC 2nd 8) addressing the hospital bio-medical telemetry aspect of this proceeding. The question of other possible uses of the off-set frequencies was left open pending further consideration, which has now been completed. Accordingly, our findings and conclusions are set forth herein.

2. Comments were filed by United Airlines, Inc. (UA), the National Association of Business and Educational Radio, Inc. (NABER), Reach Electronics, Inc., Gary J. Anderson, M.D., the Hewlett Packard Company (HP), the Central Committee on Communications Facilities of the American Petroleum Institute (API), the Land Mobile Communications Section of the Communications and Industrial Electronics Division of the Electronic Industries Association (EIA), the Utilities Telecommunications Council (UTC), Spacelabs, Inc., and the International Telegraph and Telephone Corporation (ITT). Reply comments were filed by Aeronautical Radio, Inc. (ARINC) and the Hewlett Packard Company.

BACKGROUND

3. The 450–470 MHz Business Radio Service off-set frequencies were made available for assignment on March 18, 1968, pursuant to the Second Report and Order in Docket 13847 (11 FCC 2nd 648). The use of these frequencies was limited to those stations located in areas termed "industrial complexes". In the First Report and Order of this proceeding, the off-set frequencies in the bands 460.650–460.875 MHz and 465.650–465.875 MHz were allocated and restricted to use by hospitals, medical and convalescent centers for one-way, non-voice bio-medical telemetry operations. The question of other appropriate uses of the off-set frequencies was left for disposition at a later date.

4. Originally, the purpose of the rule permitting the use of frequencies 12.5 kHz off-set from the regularly assigned 450 MHz frequencies in the Business Radio Service was to accommodate industrial communications requirements which previously had been satisfied through the use of Class B Citizens radio stations. At that time, as a result of the proceedings in Docket 13847, the Class B Citizens Radio Service was being discontinued. A licensee profile of the Class B Citizens Radio Service was conducted and it was found to be composed primarily of various manufacturing and petroleum refining concerns. In view of this and in view of the fact that the off-set frequency provisions were not in accordance with the 25 kHz channel spacing associated with the technical standards then being established, we thought it advisable to restrict the number of potential off-set frequency users to a relatively small number located in somewhat isolated areas in order to obtain practical experience with 12.5 kHz off-set operation. In selecting the term "industrial complex" (where they were made available), we wished to restrict off-set operation to well-defined areas of operation, thereby facilitating evaluation of any resultant interference. Experience has indicated that the interference potential to normally assigned frequency operations by off-set frequency users is not significant, and while a greater likelihood of interference to the off-set frequency users exists, it nevertheless appears that off-set frequency use in properly designed systems has satisfied the communications requirements of many restricted area radio users. Accordingly, while we believe that expanding the permissible uses of the off-set frequencies is appropriate; we also believe it is necessary to keep all such operation on a secondary, non-interference basis to regularly assigned frequency operations.

ELIMINATION OF THE "INDUSTRIAL COMPLEX" RESTRICTION

5. Reach Electronics, United Airlines, EIA, ITT, ARINC and Hewlett-Packard provided comment to the effect that the present "industrial complex" limitation is "unnecessarily restrictive". UTC requested that the definition of the term "industrial complex" be expanded to include all types of utility plant areas. API favored expanded use by "industrial users" but suggested that such use be authorized only in isolated areas, except for point-to-point telemetry operations in urbanized areas. NABER argued that the term, "industrial complex" should encompass "• • • any readily defined area where off-sets can be feasibly and effectively utilized". Others suggested that the off-set frequencies should be made available to all applicants eligible for operation in the Business Radio Service for any type of worthwhile communications activity, provided that the transmitter power and antenna height were restricted to appropriate levels.

6. These comments are in accord with the Commission's own observations in recent years. We agree that eligibility for the use of the off-set frequencies should be extended to include use in areas such as airports, stadiums, racetracks, office buildings, construction sites, shipyards, farms and similar applications. Furthermore, in consideration of the fact that interference arising from the operation of off-set stations has not been a problem because offset operation has and will continue to be on a purely secondary, non-interference basis to primary frequency operations, we have amended the Rules to eliminate the "industrial complex" restriction, thereby expanding the availability of the off-set frequencies in the Business Radio Service.

7. We have also considered whether frequency coordination should be required for applications involving use of the off-set frequencies. Because off-set frequency authorizations are issued on a secondary, non-interference basis to adjacent channel stations and must tolerate such interference from those stations as may be necessary, we see little, if any, advantage to frequency coordination. Even if the frequency coordination process was retained with a view toward assuring non-interference to existing regularly assigned frequency operations, there would be no guarantee possible to the off-set user that his operation would not interfere with the communications of a subsequently licensed, regularly assigned frequency user. Accordingly, we have eliminated the frequency coordination requirement.

EXPANDED USES OF THE OFF-SET FREQUENCIES

8. In reply to our inquiry as to what additional operating requirements could be satisfied through the proper use of the off-set frequencies, UTC, EIA, API and Reach Electronics commented on the yet unsatisfied need for additional channels to accomodate telemetry and control functions in industrial complexes and a variety of other applications. UTC suggested that such operation could be on a secondary, non-interference basis to mobile operations. United Airlines, while not specifically addressing such fixed operations, nevertheless suggests that the uses of the off-set frequencies should be virtually unlimited, thereby permitting the accomplishment of any reasonable Business Radio Service purpose. EIA expressed the belief that the 3 watt (input) power limitation should be considered as an adequate control for reasonable application, including non-voice usage, of the off-set channels.

9. We believe these suggestions have merit. In recognition of the need for additional frequencies for fixed operation, we have recently issued a Further Notice of Proposed Rule Making in Docket 20149, wherein it is proposed to allocate six band edge and "splinter" frequencies to certain radio services for non-voice applications requiring up to 50 watts output power at fixed stations, or one watt output power from mobile units. Nevertheless, we recognize that in some areas even these additional frequencies may fall short of the demand. In such cases, fixed operation on the off-set frequenecies under the existing antenna height and power limitations may satisfy the system requirements of many non-voice applications, thereby alleviating the demand for the limited number of higher powered frequencies.

10. In reviewing the proposals for fixed and other non-voice uses of the off-set frequencies, we have given considerable thought to the recommendation that all such use be on a secondary basis to voice use. However, in view of the low power permitted, and since both voice and non-voice systems on the off-set frequencies are on a secondary basis, we have concluded that further secondary designation of such systems is not appropriate.

11. Also considered in the matter of fixed station operation on the off-set frequencies was the interference potential to adjacent frequency "primary" assignments. In order to minimize the likelihood of any such interference, we are requiring that all fixed stations, in accordance with standard engineering practice, utilize directional antennas with front to back ratios not less than 15 dB, and are restricting fixed operations to those off-set frequencies adjacent to the mobile only frequencies in the 450–470 MHz band. While this action halves the number of off-set frequencies available for fixed operation, we feel that the 132 off-set frequencies so provided are more than sufficient for such applications.

ANTENNA HEIGHT AND OUTPUT POWER RESTRICTIONS

12. In the Notice of Inquiry in this matter, we also requested information as to what limitations, other than output power, should be placed on the use of the off-set frequencies. All of the comments received supported our indicated intention of retaining the existing input power limit of 3 watts. We feel, however, that it would be appropriate to update the rules to be more in keeping with present communications technology and transmitter measurement procedure. Accordingly, we have amended the transmitter power limitation to read "2 watts output power".

13. The comments generally supported the "20 feet above ground" antenna height restriction applicable to off-set systems. However, two exceptions were requested. The Electronic Industries Association has requested an exception in the case where a restricted radiation system, such as radiating transmission line, is utilized, since little or no external radiation would result. We have examined the radiation specifications of such transmission line and are inclined to agree, providing it is terminated in a non-radiating load and routed well into the interior of the building. Accordingly, we have made a provision for such use in the rules. We believe that this exception will provide for the communications needs of building security guards and other similar restricted area operations which would otherwise be subject to extensive interference from higher powered co-channel systems operating on the normal Business Radio Service frequencies.

14. The American Petroleum Institute has requested that an exception be made in the case of transmitters located distances of 50 miles or more from major urbanized areas. In these cases API suggests that the antenna height restriction be amended to permit mounting up to 20 feet above the antenna supporting structure, excluding structures designed for the primary purpose of supporting communications antennas. This, says API, would ". . . provide greater flexibility for the installation of transmitter antennas on existing structures such as offshore drilling and production platforms where the existing '20 feet above ground' limitation is simply not practical". In further support of their request, API makes the observation that there are generally few structures with substantial heights located outside of urbanized areas. Thus, the proposed relaxation of the antenna rule would not be likely to cause any serious interference problems in rural areas.

15. While we are inclined to agree with these arguments to a point, we feel that their overall thrust goes against our philosophy regarding the use of the off-set frequencies. Any increase in antenna height will result in an enlargement of the area of operation to a size we believe would be more appropriately achieved using the regularly assigned frequencies. In addition, off-set operation at increased antenna heights would, because of variations in terrain, result in greater unpredictability as to the extent of signal propagation. Even though the operation may occur in what is presently a rural area, future growth and development may result in the presence of numerous other eligibles having a legitimate need for the use of these frequencies. Accordingly, we believe that it would be inadvisable to make such a general provision for the use of increased antenna height at the present time.

16. Nevertheless, we believe that in the case of operations on offshore drilling and production platforms mentioned by API, and indeed any sea based operation, waiver of the antenna height restriction would be appropriate. Such operations are carried out in a demographically static environment and are largely fixed in nature. Additionally, it is clearly impossible for such stations to be installed in accordance with the 20 feet "above ground" limitation. (It has, however, been our policy in the case of sea based stations to interpret this requirement as meaning 20 feet above mean sea level). We have concluded that twenty feet is simply insufficient to guarantee that antennas associated with such installations will not be damaged by prolonged exposure to sea spray or actual inundation during turbulent weather. Therefore, in consideration of these factors, we will permit mobile stations serving as sea-based fixed and base stations to use antenna heights not to exceed 20 feet above the man-made supporting structures, excluding antenna structures.

CONSIDERATIONS REGARDING THE 460.650–460.875 AND 465.650–465.875 MHz BANDS

17. In the First Report and Order of this proceeding, we restricted off-set operation in the 460.650–460.875 and 465.650–465.875 MHz bands to biomedical telemetry within hospitals. Because the off-set frequencies in these bands are adjacent to low power frequencies reserved for land mobile operations in air terminals, the fears regarding adjacent channel interference to these operations have proven, as we expected, to be groundless. With respect to the co-channel interference question, however, we are inclined to agree with the opinion of NABER, which is representative of many others, that:

> On more than rare instances, these "industrial compleres" are located within critically close proximity to many hospitals. The higher powered Industrial user (3 watts vs. 100 milliwatts) could well penetrate into the hospital, thereby interfering with the latter's transmission.

This argument assumes even greater significance when considered in the light of

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the widely expanded uses of the off-set frequencies to be permitted as a result of this proceeding. In consideration of the great number (132 pairs) of off-set frequencies being made available for general purpose use, it appears that the inclusion of those pairs presently allocated for in-hospital bio-medical telemetry applications is unnecessary. Accordingly, the frequency bands 460.650–460.875 and 465.650–465.875 will continue to be reserved exclusively for bio-medical telemetry use.

18. In concurrence with the foregoing, the Commission has determined that the public interest, convenience and necessity will be served by the amendment of its Rules to expand the availability and permissible uses of the off-set frequencies in the 450–470 MHz Business Band.

19. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act, as amended, *it is ordered*, That effective January 11, 1976, Part 91 of the Commission's Rules and Regulations is amended as shown below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1002; 47 U.S.C. 154, 303)

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

A. Part 91 of the Commission's Rules is amended as follows: 1. Section 91.8(a) (1) is amended to include a new subparagraph (x) which reads as follows:

§ 91.8 Policy governing the assignment of frequencies.

* * * * *

(a) * * *
(1) * * *

(x) Any application in the Business Radio Service for frequencies available pursuant to § 91.554(c).

2. Section 91.554(c) is amended, and two subparagraphs are added to read as follows:

§ 91.554 Frequencies available.

* * * * *

(c) Except for frequencies separated by 12.5 kHz from regularly assigned frequencies in the bands 460.650–460.875 and 465.650–465.875 MHz, mobile stations of two watts or less output power, when serving the function of a base, mobile relay or mobile station, may be assigned any frequency separated by 12.5 kHz from a regularly assigned frequency in the 450–470 MHz band listed in paragraph (a) of this section, and when used as a fixed station may be assigned any frequency separated by 12.5 kHz from a regularly assigned frequency in the band 465.875–469.975 MHz. All operation is on a secondary, non-interference basis to regularly assigned adjacent frequency operations and is entitled to no protection from such stations. Authorization for multiple frequency operation will be granted notwithstanding the provisions of § 91.8(c). Mobile stations, when used as fixed stations, shall be exempt from the limitations of § 91.103(b). Antennas of mobile stations used as fixed stations communicating with one or more associated stations located within 45 degrees of azimuth shall be directional and have a front to back ratio of at least 15 dB. Except as provided below, the height of the antenna used at any mobile station serving as a base, fixed or mobile relay station may not exceed 20 feet above ground.

(1) No limit shall be placed on the length or height above ground of any commercially manufactured radiating transmission line: *Provided that*, The transmission line is terminated in a non-radiating load and is routed at least 20 feet interior to the edge of any structure or portion thereof above ground level.

(2) Sea-based stations may utilize antennas mounted not more than 20 feet above the man made supporting structure, excluding antenna structures.

* * * * *

[FR Doc.75-33343 Filed 12-10-75;8:45 am]

[Docket No. 19312; FCC 75-1285]

PART 91—INDUSTRIAL RADIO SERVICES

Industrial Communications Emergency Plan

1. This proceeding concerns the adoption of the Industrial Communications Emergency Plan (ICEP) for meeting those essential communications requirements of certain industrial entities during National, State and Operational (local) emergency situations. The ICEP was initiated by adoption of a Notice of Proposed Rule Making September 8, 1971 which was recommended by the National Industry Advisory Committee (NIAC).

2. In this proceeding, the Commission adopts the revised rules set forth in Appendix I providing for the Industrial Communications Emergency Plan (ICEP), as well as the ICEP itself as provided below.

3. The purpose of this ICEP is to provide the policy, authority and guidelines for the emergency communications operations of the industrial entities eligible for a license under Part 91 of the Commission's rules, and to serve as a planning guide for the development and implementation of detailed Industrial Communications Emergency Operational Plans which will conform to, and become supplements of, this Industrial Communications Emergency Plan.

4. In addition to publication in the FEDERAL REGISTER, copies of the Notice of Proposed Rule Making were sent to twenty-six Government agencies, including the Office of Emergency Preparedness (now the Federal Preparedness Agency) and the Office of Telecommunications Policy, inviting them to file comments in the proceeding.

5. Seven comments were received in response to the proposal. Five were from the following trade organizations whose members include industrial entities licensed by the Commission in the Industrial Radio Services: The Special Industrial Radio Service Association; The Utilities Telecommunications Council (UTC); National Ski Patrol System, Inc.; and the National Association of Manufacturers (NAM). Southern Pacific Pipe Line/Black Mesa Pipe Lines, Inc., also filed comments regarding this proceeding. Two responses were from Federal Government Departments; one was from the Secretary of Defense, the other from the Department of the Interior.

6. Reply comments were filed by the Utilities Telecommunications Council, the Central Committee on Communications Facilities of the American Petroleum Institute, and the Special Industrial Radio Service Association, Inc.

7. Supporters of the proposal commented that, except for minor changes, the proposed revision to the Rules and Regulations and the ICEP would provide benefit to the public as well as to the State and local governments, by arranging for communications services to mutually assist industrial entities in meeting various degrees of emergency. Some suggested minor changes in the rules and in the ICEP; the NAM recommended expansion and recodification of the rules for clarification and ease of understanding.

8. The Department of Interior offered no objection to the ICEP as proposed, but requested the opportunity to review and comment on any future revisions or additional Annexes to the ICEP where they may be involved in view of the Department's responsibilities in the area of emergency preparedness as delineated in Executive Order 11490.

9. The Secretary of Defense, through the Office of the Judge Advocate General, Department of the Army, was in opposition to the proposed Industrial Communications Emergency Plan (ICEP) for 2 major reasons: first, because of an expressed deep concern that competing unintegrated industrial communications systems would impede more essential Federal Government communications needs in time of National emergency and, secondly, that Section 91.161 of the rules already provided for operation of stations during a National emergency or emergency condition constituting a threat to National security or to the safety of life and property.

10. After review of pertinent comments and reply comments in the matter, a new draft of the ICEP was prepared. Several recommendations of the responding industrial entities were incorporated into the ICEP.

11. Further, one other significant change was incorporated into the ICEP outside the purview of the Government and industrial comments. At the time of the Notice of Proposed Rule Making, the Emergency Broadcast System (EBS) was an element in the nation's National Defense Warning System. Accordingly, one of the methods of activating the ICEP was based on activation of the EBS. In April, 1972, based upon a recommendation of the Office of Telecommunications Policy, the Commission deleted the Home Warning function from the EBS. The present ICEP has been amended in accordance with OTP's recommendation. Specifically, EBS activation procedures were deleted and new methods of activation were incorporated into the ICEP.

12. On December 5, 1974, another meeting of the NIAC was held to discuss and recommend approval of the required revisions to the ICEP. Each of the changes was approved by the NIAC.

13. By letter of February 18, 1975, comments were solicited from interested Government agencies including the Department of Defense (DOD) via the office of Telecommunications Policy (OTP). After receiving comments from the OTP, all of the pertinent recommendations, without exception, have been incorporated into the ICEP. Thus, the objections of DOD have been resolved and the ICEP has been approved by interested members of both industry and government.

14. In view of the foregoing, *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective January 15, 1976, Part 91 of the Commission's Rules and Regulations is Amended as set forth below and the Industrial Communications Emergency Plan (ICEP) as set forth below is adopted by the Commission.

15. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 505)

Adopted: November 25, 1975.

Released: December 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 91 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 91.161 [Deleted]

A. Section 91.161 is deleted.

B. New Subpart Q is deleted to Part 91 as follows:

Subpart Q—Emergency Communications

§ 91.801 Scope and objectives.

(a) This subpart contains the rules and regulations providing for emergency operations for all Industrial Radio Service Licensees of the Federal Communications Commission, and an Industrial Communications Emergency Plan (ICEP) prepared pursuant to and by the authority of Sections 1, 4(i), 301, 303, 307, 308, 309, 312, 316, 318, 319, and 606 of the Communications Act of 1934, as amended, and Executive Order 11490, as amended.

(b) The Objective of this subpart is to provide for the development of detailed communications plans containing the designation of facilities, mutually compatible operational arrangements, procedures, and interconnecting facilities, for the continued operation of industrial radio stations on a voluntary, organized basis during times of war, grave national crisis, or other National, State or Operational (Local) emergency situations.

DEFINITIONS

§ 91.802 Industrial Communications Emergency Plan (ICEP).

The Industrial Communications Emergency Plan (ICEP) is a plan containing procedures for the development of detailed communications plans of Industrial Radio Service licensees based on essential communications requirements of industry, including communications with interested Government Agencies during emergencies on a National, State, or Operational (Local) Area level.

§ 91.803 Emergency situation.

An emergency situation is a situation posing a threat to the safety of life and/or property on a National, State, or Operational (Local) level.

EMERGENCY OPERATIONAL

§ 91.804 Activation and termination.

In an emergency situation communications elements of the ICEP may be activated and terminated by competent authorities as defined in the Detailed Operational ICEPs.

§ 91.805 National, state and local emergency operation.

Detailed data, information and instructions for emergency operation of mutually compatible facilities, systems and arrangements will be set forth in the Detailed Operational ICEPs which are considered a supplement to the ICEP.

§ 91.806 Participation of class A citizens radio service licensees.

Industrial entities may utilize their Citizens Radio Service Class A facilities, licensed to them under § 95.41(a) of the Commission's rules, in the operation of their own Detailed Operational Industrial Communications Emergency Plans as developed in accordance with the procedures established in this subpart.

AUTHORIZATION

§ 91.807 Emergency Communications Authorization (ECA).

(a) A radio station licensee in any industry covered by the Industrial Communications Emergency Plan (ICEP) may be granted an Emergency Communications Authorization (ECA) by the Federal Communications Commission. Each ECA shall remain in effect concurrently with the terms of the approved Detailed Operational Industrial Communications Emergency Plans provided:

(1) The licensee functioning within the terms of the ECA has demonstrated his willingness to cooperate with others by agreeing to provide service or interconnection as part of a communication emergency plan.

(2) The licensee is included in an FCC approved intra-company plan to utilize its radio facilities as emergency backup for other communications services used by the licensee.

(b) An ECA will be issued to each industrial entity for each communications system plan approved by the Commission.

(c) Any industrial radio service participating in the ICEP may withdraw from participation by giving thirty (30) days' written notice and by submitting his Emergency Communications Authorization (ECA) to the Federal Communications Commission for cancellation.

§ 91.808 Tests of approved interconnecting systems and facilities.

After detailed emergency communication systems plans are completed, or segments of the system are completed, system operational tests may be necessary. When deemed necessary, these tests shall be conducted as specified in the approved operational plans. Results of these tests shall be furnished to the FCC Engineer in Charge (EIC), the Chief, Emergency Communications Division of the FCC, and to others concerned. These tests would be used as training exercises for personnel at all levels.

APPENDIX

INDUSTRIAL COMMUNICATIONS EMERGENCY PLAN (ICEP)

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Annex I FCC Rules and Regulations, Part 91, Subpart Q—Emergency Operation.
Additional Annex Attachments Detailed Operational Industrial Communications Emergency Plans.

INDUSTRIAL COMMUNICATIONS EMERGENCY PLAN

A. PREFACE

1. This Industrial Communications Emergency Plan (ICEP) has been prepared pursuant to applicable provisions of the Communications Act of 1934, as amended, and as provided for in current Executive Orders, and the Federal Communications Commission's Rules and Regulations. The Plan is based on the requirements of the industrial entities. The National Industrial Advisory Committee (NIAC), Industrial Communications Subcommittee, has been appointed by the FCC to advise and assist in the initial preparation and periodic review of the Plan.

2. This Plan is prepared to provide the policy, authority, and guidelines, for the emergency communications operations of the industrial entities and to serve as a planning guide for the development and implementation of Detailed Operational Industrial Communications Emergency Plans which will conform to and become supplements of, this Plan. Necessary addenda and other supporting information and data relative to this Plan may be found in annexes which are a part of this Plan and attached hereto.

3. The industrial services covered by this Plan are: Power, Petroleum, Forest Products,

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Motion Picture, Relay Press, Special Industrial, Business, Industrial Radiolocation, Manufacturing, and Telephone Maintenance as specified in Part 91 of the Federal Communications Commission's Rules and Regulations. Working groups comprised of one or more companies, or of a single industry, or of a group of related industries may prepare plans on their own initiative, or as designated by NIAC, subject to ICEP conditions.

4. Detailed Operational Industrial Communications Emergency Plans which shall contain the designation of facilities, detailed mutually compatible operational arrangements, procedures, instructions and interconnecting facilities to satisfy all of the requirements relative to each industrial entity or group are considered supplements to the Industrial Communications Emergency Plan and are in conformity with the provisions thereof, and the Rules and Regulations of the Federal Communications Commission. When developed, these described plans will be submitted to the FCC for approval.

B. Purpose

1. This Industrial Communications Emergency Plan has been devised to provide for the designation of facilities, mutually compatible operational arrangements, procedures, and interconnecting facilities for continued operation of industrial radio stations during time of war, grave national crisis or other National, State or Operational (Local) Area emergency situation posing a threat to the safety of life and/or property.

2. This Plan provides for utilizing facilities and personnel of the industrial entities on a voluntary, organized basis to provide a functional emergency communications system to be operated by a designated industry group under appropriate government regulations and in a controlled manner consistent with industry operational requirements.

3. All industrial communications systems not committed to the formation and operation of emergency communication systems under this Plan shall continue operations consistent with the requirements of the individual companies, in accord with provisions of the Communications Act of 1934, as amended, and pertinent Federal Communications Commission Rules and Regulations.

4. The approved and authorized facilities incorporated into the Detailed Operational Industrial Communications Emergency Plans, under this Plan, may be used on a voluntary, organized basis by industries during war, grave national crisis or day-to-day situations posing a threat to the safety of life and/or property. Such use during day-to-day emergency situations is in accordance with Section 1 and other pertinent sections of the Communications Act of 1934, as amended.

C. Role of Industry and Government

1. In order that adequate and workable industrial emergency communications plans and procedures may be developed and operating facilities and systems be established and maintained, full and free government and industry cooperation shall be accomplished.

2. The industrial entities are best qualified to determine the detailed technical arrangements and procedures necessary for the establishment of operational emergency communications systems under this Plan. These arrangements and procedures shall encompass studies to determine what modifications, additions, interconnections, and changes shall be required to accomplish emergency communications systems within the appropriate industry or industries, and to those governmental offices or agencies with which the industry or industries coordinate their activities.

3. Interested Federal Government Agencies, including the Federal Communications Commission, and industry shall cooperate in the compilation of listings of required industry-government interconnections of emergency communications systems supporting mutual national defense and other emergency preparedness responsibilities. Detailed Plans developed by industry shall define those industry-government interconnections of emergency communications essential for the effective operation of the plans.

4. Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", provides for meeting Federal Government communications requirements. Accordingly, these requirements shall not be considered in the Industrial Communications Emergency Plan.

5. The Federal Communications Commission shall effect, as appropriate, changes in Commission Rules and Regulations as well as changes in communications common carrier tariffs necessary to accommodate the objectives of this Plan. The FCC shall also undertake to obtain similar changes in the rules, regulations, and procedures, of other government agencies or entities, where necessary, to assure the success of the Plan.

D. Emergency Communication Requirements

1. *Intra-Industry Communications*—Through cooperative action to the mutual benefit of their constituent companies, the participants in this Industrial Communications Emergency Plan shall be fully responsible for providing the operational emergency communications between their various components, both inter-company and intra-company, subject to the authority of and with the assistance of the Federal Communications Commission. The principal types of services are:

(a) Between companies'[1] offices, wherever located, and governmental agencies that are to coordinate operations, facilities and supplies.

(b) Between company emergency headquarters and industry operating control points.

(c) Between the various operating groups within each company.

(d) Between separate companies at various operating levels.

2. *Industry-Government Communications*—Industry recognizes the requirement for providing for the emergency communications between members of industry and certain government agencies. The agencies and principal types of requirements are:

(a) Between local management and local government agencies for the security of personnel and plants, and for notifying radio services employees.

(b) Between companies and their appropriate Federal Claimant Agency (OEP Cir. 8500.4A), and the Federal Communications Commission to obtain necessary communication authority and priority to provide essential emergency communications.

(c) Between a company or an industrial group and an appropriate Federal Government office. These communications, to be established consistent with the emergency preparedness plans of the Federal agency which has over-all responsibility for administration of the industry group involved under the terms of Executive Order 11490, encompass the full range of information: reports, requests for assistance, advice, approvals and orders, priority grants, manpower authorizations and other matters essential to the operation of the industry.

E. General

1. *Industry Requirements*—The industry must have the capability to respond to an emergency situation on a National, State, or Operational (Local) basis on short notice. Regular operational systems tests and use of the system in natural disasters, or other emergencies involving safety of life and property, will give adequate assurance that this capability exists and can be maintained. To this end, the following specific features must be provided.

(a) Notification—In event of an emergency situation, as defined in Annex I, industries shall be notified by competent authority regarding which communications systems should be activated in accordance with the seriousness of the given situation.

(b) Availability—Once notified of an emergency situation, as defined in Annex I of the Plan, the industry shall immediately place in operating condition all emergency communication arrangements, and shall maintain this status until termination of the emergency situation.

(c) In the development of the Detailed Operational Industrial Communications Emergency Plans, each industry group shall proceed, as it deems necessary, to: (1) Form cooperative communication arrangements and interconnections between critical portions of the industrial communications systems.

(2) Utilize radio frequencies in a manner that may differ from that provided by the FCC Rules and Regulations.

(3) Utilize certain HF radio channels during national emergency conditions for special short and long distance transmission requirements, both domestic (including Alaska and possibly Hawaii) and foreign.

(4) Interconnect with private systems of another service to provide mutual emergency circuits, where such circuits are an integral part of the emergency network.

2. *Federal Assistance to Industry*—The Federal Communications Commission shall render or obtain from other government entities direct assistance to individual companies participating in this plan. Such assistance shall be in accordance with established government policy and shall be of appropriate nature and magnitude to facilitate the objectives of this Plan. When required for efficient operation under Detailed Operational Industrial Communications Emergency Plans and when requested by industry from the appropriate Federal Agency, such assistance may include but not be limited to:

(a) Claimancy—Priorities of adequate level to assure the procurement of all equipment, materials, parts, services and supplies necessary to establish, operate and maintain the communications emergency system described herein.

(b) Priorities—A high order of priority for installation, use, restoration, maintenance and repair of all associated and interconnecting leased common carrier communications facilities and service involved herein. To be assigned a restoration priority in accordance with Appendix A, Subpart D, Part 64 of the FCC Rules and Regulations, interconnecting intercity private lines must be identified in an approved Detailed Operational Industrial Communications Emergency Plan.

(c) Manpower—The allocation and retention of sufficient qualified manpower to permit continued operation and maintenance of all emergency communications facilities and systems.

[1] Industrial entities, working groups, associations, etc.

(d) Radio Frequency Assignment—Assignment of radio frequencies to meet existing emergencies.

(e) Facilities Protection—Disaster preparedness to include records protection, emergency repair and dispersal of facilities.

F. Organization

1. *National Industry Advisory Committee:* A broad range of emergency contingencies and requirements dictates the necessity for the orderly development, approval, and implementation of operational emergency communications plans, systems, and procedures capable of expeditious emergency activation, and utilizing on a voluntary, organized basis, non-government personnel and Federal Communications Commission licensed and regulated facilities. To achieve these ends, the Federal Communications Commission has determined under the provisions of Public Law 92-463 and Executive Order 11769 that the formation of a National Industry Advisory Committee is in the public interest. The National Industry Advisory Committee (NIAC) has been organized to advise and assist the Federal Communications Commission, and other appropriate authorities by studying and submitting recommendations for the development of emergency communications plans, systems, and procedures as provided in the Communications Act of 1934, as amended. The NIAC is also prepared to provide advice to industrial entities, if requested, in the development of their detailed operational emergency communications plans.

2. *State Emergency Communications Committee:* A State Emergency Communications Committee (SECC) has been organized in each of the fifty (50) States, Guam, Puerto Rico, Virgin Islands and the District of Columbia. One of the several functions of the SECC is to assist industry, if requested, in the preparation of coordinated detailed operational emergency communications plans which are in consonance with the FCC Rules and Regulations and in conformity with plans developed at the National level. If these plans involve interstate requirements, the SECC of the affected States may be requested to coordinate the plans with each other.

3. *Operational (local) Area Emergency Communications Committee:* Operational (local) Area Emergency Communications Committees (OAECC) have been organized in each of the Operational (local) Areas within each State as mutually determined by State authorities and the State Emergency Communications Committee. The OAECC functions as subcommittees of the SECC. One of the functions of the OAECC is to assist industry, if requested, in the preparation of coordinated detailed operational emergency communications plans for the Operational Area.

G. Emergency Operation

1. Activation and Termination. In an emergency situation communications elements of the ICEP may be activated and terminated by competent authorities as defined in the Detailed Operational Industrial Communications Emergency Plans.

2. National, State and Local Emergency Operation. Detailed data, information and instructions for emergency operation of mutually compatible facilities, systems, and arrangements shall be set forth in the Detailed Operational Industrial Communications Emergency Plans which are considered a supplement to the ICEP.

3. Use of Class A Citizens Radio Service. Industrial entities may utilize their Citizens Radio Service Class A facilities, licensed to them under Section 95.41(a) of the Commission's rules, in the operation of their own Detailed Operational Industrial Communications Emergency Plans developed in accordance with the procedures established in Parts 91, Subpart Q and Section 95.121 of those rules.

H. Tests

After detailed emergency communication systems Plans are completed, or segments of the system are completed, system operational tests may be necessary. When deemed necessary, these tests shall be conducted as specified in the approved operational plans. Results of these tests shall be furnished to the FCC Engineer in Charge (EIC), the Chief, Emergency Communications Division of the FCC, and to others concerned. These tests would be used as training exercises for personnel at all levels.

I. FCC Liaison

Close liaison shall be maintained at all times among all participants in the Industrial Communications Emergency Plan. The participants shall cooperate with the National Industry Advisory Committee. All official instructions to the participants concerning this Plan shall be furnished to them through the offices of the FCC.

The FCC shall furnish detailed technical data and instructions to the State and Operational (Local) Emergency Communications Committees and radio services personnel for use in coordinating facilities to provide the requisite emergency communications and interconnections.

J. Emergency Communications Authorizations

The FCC shall grant an Emergency Communications Authorization (ECA) to licensees in the Industries who meet the criteria for eligibility as set forth in Annex I.

Those station licensees not participating in this Plan must not conduct an operation that will conflict or interfere with the functioning of those stations that are participating in this Plan.

K. Annexes

Revised and additional Annexes to the Plan shall be issued, as required, after (1) consultation as necessary with the responsible Federal agencies, (2) concurrence by the appropriate Resource Agency, and (3) formal approval by the FCC.

[FR Doc.75-33344 Filed 12-10-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Radioactive Material

Cross Reference: For a document issued by the Materials Transportation Bureau, Department of Transportation, see FR document 75-33322, appearing elsewhere in this issue.

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-1; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

Correction

In FR Doc. 75-30562, appearing at page 53033, in the issue for Friday, November 14, 1975, in the table on page 53034, the entry under Minimum size factor (inches) should read "37.42".

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 75P-0250]

FRUIT FLAVORED SWEETENED SPREADS

Proposed Common or Usual Name

Correction

In FR Doc.75-30269, appearing at page 52616 in the issue for Tuesday, November 11, 1975, make the following corrections:

1. On page 52616, in the preamble, third column, in paragraph (c) (2) of the petitioner's proposed regulation, the word "part" in the equation should read "parts".

2. On page 52617, in the 22nd line of the first column, the word "customer" should read "consumer".

3. On page 52617, in the middle column, in the second line of the second full paragraph, the word "than" should read "that".

4. On page 52617, the equation at the bottom of the second and third columns should read as set forth below:

$$\frac{\text{Weight of fruit ingredient (or equivalent)}}{\text{Total weight of soluble solids before concentration or dilution}} \times \text{Percent soluble solids in the finished product} \times 100 = \text{Percentage of fruit ingredient in finished product.}$$

5. On page 52618, in the first full paragraph beginning in the first column, in the sixth line, insert the word "actual" after the word "the".

[21 CFR Parts 600, 610, 640]

BIOLOGICAL PRODUCTS

Additional Standards for Single Donor Plasma (Human) Products

Correction

In FR Doc. 75-30271 appearing at page 52619 in the issue for Tuesday, November 11, 1975, make the following changes:

1. In the first paragraph of the document, in the last line, the date now reading "January 12, 1975" should read "January 12, 1976".

2. In § 640.34(h)(2), in the 6th line, the word "tissue" should read "issue".

[21 CFR Parts 610, 660]

[Docket No. 75N-0308]

BIOLOGICAL PRODUCTS

Additional Standards for Reagent Red Blood Cells

Correction

In FR Doc. 75-30270 appearing at page 52621 in the issue for Tuesday, November 11, 1975, make the following changes:

1. In § 660.34(f), in the third line, the word "with" should read "was".

2. In § 660.36(a), in the third line, the number "800" should read "8800".

[21 CFR Part 660]

[Docket No. 75-0313]

BIOLOGICAL PRODUCTS

Additional Standards for Blood Grouping Serum

Correction

In FR Doc. 75-30272 appearing at page 52623 in the issue for Tuesday, November 11, 1975, make the following changes:

1. In § 660.23(c), in the first line, between the words "frozen" and "blood", insert the word "red".

2. In § 660.28(a)(1), in the table under the heading *"Color of label paper"*, insert at the end of each entry "% tone".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Chapter I]

[CGD 75-101]

MARINE OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Extension of Comment Deadline

The Coast Guard published an Advance Notice of Proposed Rule Making in the August 11, 1975, issue of the FEDERAL REGISTER (40 FR 33681). This Advance Notice solicited comments on occupational safety and health standards for vessels and facilities that are under Coast Guard jurisdiction.

Comments have been received requesting that the comment deadline be extended due to the complexity of the issue involved and the desire to submit extensively researched comments. Since this is a reasonable request, the comment deadline for this Advance Notice is hereby extended until January 15, 1976.

Dated: December 8, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-33330 Filed 12-10-75;8:45 am]

Materials Transportation Bureau

[14 CFR Part 103]

[Docket No. HM-131; Notice No. 75-10]

TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Proposed Inspection and Monitoring Requirements for Radioactive Materials

The Materials Transportation Bureau is considering amending Part 103 of the Federal Aviation Regulations to require aircraft operators to perform certain inspection and monitoring of radioactive material shipments.

On April 25, 1974, a notice of proposed rule making (Docket No. 13668; Notice No. 74-18; 39 FR 14612) on this same subject was published by the Federal Aviation Administration (FAA). That proposal was finalized, with certain changes, on February 4, 1975, as Amendment No. 103-23, to have an effective date of June 30, 1975.

Numerous petitions were subsequently received by FAA requesting an extension of the June 30, 1975, effective date, citing unclear specifications as to the radiation monitoring instrument needed to perform the required monitoring of radioactive materials packages, stating that the criteria of plus or minus 20 percent accuracy was deficient, in the absence of specifying a range limit. The petitioners further stated that even when more definitive instrument specifications have been developed and published, that the instrument manufacturers and suppliers would require further time to supply the proper equipment to the aircraft operators, who, in turn, would need further time to properly train their cargo handling personnel in the use of such instruments.

The petitioners also stated that, as published, the rule was unclear as to which type of radiation, *i.e.*, gamma, beta, alpha, or neutron, or whether all four types were to be monitored. If the latter were to be the case, they stated that more than one type of instrument at each monitoring station would be required, since no single instrument was commercially available which had the capability of suitably detecting all of the types of radiation.

Several petitioners also requested reconsideration of the requirement for monitoring each package after its removal from the aircraft and prior to its next departure. They pointed out that the "planeside monitoring", which would be required as a result, presented serious, if not impossible, operational difficulties due to the nature of airline operations which involve short duration turnarounds and enroute stops, and are affected by factors such as weather conditions. They further pointed out that the monitoring of off-loaded packages could best be performed after transfer to the freight terminal. They argued that if such monitoring detected radiation or contamination in excess of some stated levels and the aircraft had already departed, monitoring of the aircraft could be performed at its next stop.

After consideration of the merits of the petitions, the FAA extended the effective date for compliance with the radiation monitoring requirements to January 1, 1976 (Amendment 103-25, Docket No. 14530, 40 FR 26673). FAA also announced at the same time that it had instituted a study to develop more realistic specifications for the radiation monitoring instrument.

Since March 1975, the Office of Hazardous Materials Operations of the Materials Transportation Bureau, in cooperation with the FAA, the Civil Aeromedical Institute, the Transportation Systems Center, and the U.S. Nuclear Regulatory Commission have studied the problem with the objective of clarifying the technical specification and use of the radiation monitoring instrument. Before arriving at a proposed clarification, it was the consensus of the above group that the objective of the monitoring had to be clearly identified. It recognized that there were two possible objectives in monitoring, *i.e.*, to detect levels of radiation or contamination resulting from the unusual and unlikely loss of shielding or breach of containment; or to verify that the shipper's assigned transport index (T.I.) was in compliance. It was clearly recognized that either objective would dictate significantly different instrument specifications, and also that no single type of instrument could adequately detect all types of radiation. The group agreed that the principal objective of radiation monitoring by air carriers be to detect the radiation hazard situation and not to verify compliance of the T.I. The group also agreed that from the practical standpoint, gamma radiation was the most significant potential problem, recognizing that very few packages emitting only neutron radiation are transported, and also recognizing that alpha and beta radiation do not present an external radiation hazard. It was further recognized that monitoring for external gamma radiation alone might not in every case detect alpha or beta contamination from a leaking package.

The proposals herein afford an opportunity for interested persons to comment on what the Materials Transportation Bureau considers to be an appropriate and realistic instrument specification, as well as a practicable proposal for the application of the monitoring requirement.

Because these proposals on radiation monitoring are substantially different from the monitoring requirements finalized on February 4, 1975, and because the January 1, 1976, effective date for those requirements will pass before the proposals herein are finalized, the requirements of paragraph (d)(3) of section 103.3 and paragraphs (c), (d), and (e) of section 103.23, finalized on February 4, 1975 (Amdt. 103-23), have been revoked. (*See* Dkt. 13668 in this issue of the FEDERAL REGISTER.)

These proposals are substantially different from those finalized on February 4, 1975, in the following respects:

ACTION LEVEL

As proposed herein, the "action level" in performing the radiation monitoring would be 15 milliroentgens per hour (mr/hr). As published in § 103.23(d)(2) (Amdt. 103-23), the aircraft operator would have been required to verify that the measured T.I. was in agreement with that as assigned to the package label by the shipper or zero in the case of white labeled packages. The "action level" of 15 mr/hr is being proposed on the basis of what the Bureau believes to be a reasonable value for the average measurement error that might be experienced in relation to the maximum transport index allowed to be assigned by the shipper to a package carried aboard an aircraft. The proposal recognizes the objective stated above that the principal purpose of the radiation monitoring is to detect those unlikely situations involving levels of gamma radiation which indicate a loss of shielding or a breach of containment. This is consistent with the Bureau's position that verification of transport indexes assigned by shippers is not the principal purpose of monitoring by air carriers. The proposed "action level" of 15 mr/hr also will be more conducive to the utilization of "fixed" radiation monitors in an automated scanning "pass by" type system in those stations handling significant numbers of packages. Such systems can also be very effective in reducing potential exposure to any package handling personnel who may routinely handle the monitoring and processing of radioactive shipments. It should be understood that in citing the 15 mr/hr "action level", it is not intended to imply that such a level of radiation would be "acceptable" with respect to the shipper's requirements. No change is being proposed with regard to the maximum transport index of 10 which applies to the shipper of radioactive packages. Rather, the proposed aircraft operator monitoring is intended to provide an additional or backup safeguard.

INSTRUMENT SPECIFICATION

More definitive operating characteristics are being provided, specifying the required operational range, percent efficiency, energy range sensitivity, battery check capability, maximum response time, and nonsaturation feature at high levels of radiation.

"OFF-LOAD" INSPECTION AND MONITORING

As proposed herein, a visual inspection of each package would be required after off-loading each package from an aircraft, prior to its departure. In the event this inspection reveals suspected leakage or damage to the package integrity, radiation monitoring would have to be performed immediately. After the visual inspection and transfer of the package into a freight terminal, and before release to another transport mode or to the consignee, the radiation monitoring would have to be carried out. In the event that the off-loaded package is to be transferred to another air carrier for carriage aboard an aircraft, the Bureau interprets the provisions of proposed § 103.23(c)(1) to require that the new air carrier monitor the package in accordance with § 103.23(d) before placing it in an aircraft.

The effective date for the amendments proposed herein would be six months after their publication. This would recognize the lead time necessary for manufacturers and suppliers of radiation monitoring equipment to deliver equipment to air carriers and for air carriers to train cargo handling personnel in the operation and use of the equipment.

In consideration of the foregoing, it is proposed to amend 14 CFR Part 103 by:

1. Amending § 103.3 by adding a new paragraph (d)(3) to read as follows:

§ 103.3 Certification requirements.

• • • • • •

(d) • • •

(3) After (six months from date of publication of amendment), for radioactive materials, the inspection required by § 103.23(c) discloses that the radiation dose rate does not exceed any requirement set forth in § 103.23(d).

2. Amending § 103.23 by adding paragraphs (c), (d), and (e) to read as follows:

§ 103.23 Special requirements for radioactive materials.

• • • • • •

(c) In addition to the inspection required by § 103.4 after (six months from the date of publication of amendment), the operator of the aircraft shall—

(1) Before placing any package of radioactive materials in an aircraft, monitor it in accordance with paragraph (d) of this section.

(2) After removal of any package containing radioactive materials from an

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aircraft, and before the next departure of the aircraft—

(i) Examine the package in accordance with § 103.4(a)(1); and

(ii) If the examination required by paragraph (c)(2)(i) of this section discloses that there may be leakage of the contents or that the integrity of the package has been compromised, monitor the package in accordance with paragraph (d) of this section.

(3) As soon as practicable after removal of a package containing radioactive materials from an aircraft, prior to release to another transport mode or to the consignee, perform radiation monitoring in accordance with paragraph (d) of this section.

(d) In conducting the radiation monitoring required by paragraph (c) of this section, the operator of the aircraft shall—

(1) Use a radiation monitoring instrument that—

(i) Has a range such that 2 milliroentgens per hour (mr/hr) through 99 mr/hr can be measured;

(ii) When the meter of the instrument reads 15 mr/hr, or any other readings normally used when monitoring a radioactive material package at a distance of three feet from the package, the true exposure rate does not differ from the instrument reading by more than 60 percent for gamma energies of 70 kev to 1.2 mev;

(iii) At exposure rates that exceed the range of the instrument, up to at least 100 roentgen per hour (r/hr), the exposure rate indicator is maintained at the upper end of the range, or is otherwise designed so as to provide a positive response in the event of "saturation" to high level radiation;

(iv) Has a battery check capability;

(v) Has a response time not exceeding 12 seconds;

(vi) Will satisfy the specifications in paragraphs (d)(i) through (v) of this section over the ranges of temperature and humidity to which the instrument will be subjected during operational use.

(2) Monitor the package on all sides (including top and bottom). If the monitoring indicates an exposure rate exceeding 15 mr/hr at three feet from any exterior surface of the package, the package shall not be placed aboard an aircraft or released to another mode of transportation and the requirements as set forth in paragraph (b) of this section shall be initiated.

(e) In conjunction with the radiation monitoring requirements prescribed in paragraphs (c) and (d) of this section, the aircraft operator shall establish periodic instrument calibration and maintenance procedures which must be approved by the FAA District Office charged with the overall inspection of its operations.

Interested persons are invited to submit views and comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the colse of business on February 17, 1976 will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

(49 U.S.C. 1472(h)(1); 49 U.S.C. 1804; 49 CFR 1.53(e), (h); and paragraph (a)(3) of App. A to Part 102)

Issued in Washington, D.C., on December 5, 1975.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.75-33323 Filed 12-10-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-16; Notice 04]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

Correction

In FR Doc. 75-32812 appearing at page 56920 in the issue for Friday, December 5, 1975, the comment closing date appearing on page 56926, the third column, and in the highlights on the front cover, which presently reads "January 21, 1976" should read "February 23, 1976".

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 556, 571]

[No. 75-1063]

STATEMENT OF POLICY

Proposed Amendments Relating to Mergers

NOVEMBER 26, 1975.

Summary

I. *Present Regulations.* State the Federal Home Loan Bank Board's general policy on mergers involving Federal associations and insured institutions in separate statements of policy.

II. *Proposed Amendments.* Would revise the present merger policy statement in the Insurance Regulations to set forth the Board's current general policy on mergers involving an insured institution and rescind as unnecessary the separate merger policy statement in the Federal Regulations.

The Federal Home Loan Bank Board considers it advisable to propose to revise the statement of policy on mergers at § 571.5 of the Rules and Regulations for Insurance of Accounts (12 CFR 571.5) to set forth the Board's current general policy on mergers involving any insured institution and to rescind the present separate statement of policy on mergers involving Federal savings and loan associations at § 556.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.2). Significant new items in the Statement of Policy hereby proposed are noted below. Except as noted below, present § 571.5 would be substantially unchanged.

The present Statement of Policy states in part (subparagraph (c)(3) that mergers involving institutions of inefficient size or located in markets overpopulated with savings institutions, which result in economy of operation and management and more efficient service, will be regarded favorably insofar as the mergers are not anticompetitive. The proposal would state (paragraph (a)) that the Board neither encourages nor discourages mergers, but regards them as primarily business decisions to be made by the institutions involved.

The proposal would substantially revise and expand paragraph (e) of the Statement of Policy, which sets forth factors relating to fairness and disclosure of the merger plan.

Proposed subparagraph (e)(1) would state that a merger plan will be particularly scrutinized for fairness where the merger does not appear to be the result of arms length bargaining or, in the case of a stock institution, where controlling stockholders are receiving different consideration from other stockholders.

Proposed subparagraph (e)(3) would require that a merger application fully justify compensation to be paid to officers, directors, and controlling persons of the disappearing institutions by the resulting institution or a service corporation affiliate thereof. It would also state that any increase in such compensation exceeding the greater of 15% or $5,000 gives rise to presumptions of unreasonability and sale of control and require that an application for a merger involving such an increase include evidence sufficient to rebut such presumptions.

Proposed subparagraph (e)(4) would note that employment contracts of the resulting institution should conform with applicable provisions of the Federal Regulations or Insurance Regulations.

Proposed subparagraph (e)(5) would require that a merger application fully justify the need for, and the compensation to be paid to, an advisory board of the resulting institution consisting of officers, directors or controlling persons of the disappearing institution. It would set forth a number of guidelines and limitations as to advisory directors and fees paid to such advisory directors.

Proposed subparagraph (e)(6) would state that neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to retain any person performing professional service for the disappearing institution, and that any such retention should be by decision of the resulting institution or affiliate independent of the merger.

Proposed subparagraphs (e)(7) and (e)(8) would limit, respectively, certain lease and purchase transactions involved in a merger and certain fees paid in connection with a merger.

Proposed paragraphs (f) and (g) would require, respectively, that any treatment of goodwill in connection with a merger be in accordance with current accounting policies of the Board and that any liquidating or similar dividend will be subject to § 531.10 of the Regulations for the Federal Home Loan Bank System.

Proposed paragraphs (h) and (j) would require, respectively, submission of non-inducement affidavits by certain persons and generally, except for mergers involving only mutual institutions, a tax ruling from the Internal Revenue Service.

Proposed paragraph (i) would provide that any continuation of a depository relationship of a disappearing institution should not be connected with the merger, but by decision of the resulting institution or affiliate independent of the merger.

Accordingly, the Board hereby proposes to rescind said § 556.2 and to revise § 571.5 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by January 26, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Part 556—Statements of Policy

§ 556.2 [Rescinded]

1. Section 556.2 is rescinded.

Part 571—Statements of Policy

2. Section 571.5 is revised as follows:

§ 571.5 Mergers.

(a) *General policy.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential merger applicants are encouraged to review proposed mergers with the Supervisory Agent prior to proceeding with the formal application process. Generally, the Board neither encourages nor discourages mergers but regards them as primarily business decisions to be made by the institutions involved.

(b) *Legal considerations*—(1) *General.* The legality of a proposed merger is a precondition to further consideration by the Board. Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), Section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations. To enable the Board to make a legal evaluation of the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the Supervisory Agent believes it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(2) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the Regulations for Savings and Loan Holding Companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in paragraph (b)(1) of this section. The regulation also requires information as to additional matters, including details of acquisition, financial and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *Evaluation of impact on competition.* The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance. Such indices will include, for each relevant savings and mortgage market and submarket: (i) market concentration and ranking of the resulting institution and of other competing institutions; (ii) number and size distribution of competitors; (iii) actual or potential competition significantly curtailed by the merger; (iv) trends toward concentration, especially as a result of mergers; (v) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (vi) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(2) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution. Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand.

(d) *Managerial and financial aspects.* The Board's basic requirement is that the resulting institution have the managerial and financial resources to operate successfully. The experience and the performance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting institution. The overall operations and financial condition will be reviewed to determine the resulting institution's prospects of generating sufficient income to meet competition, making the required transfers to reserves, and conducting its affairs essentially free of supervisory concern. The adequacy of the net worth of the resulting institution, relative to the risks inherent in its assets, and economic and other factors will be considered. Intangible assets will be particularly scrutinized.

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of a merger proposal on the basis of the following criteria:

(1) *Equitable.* The plan should be equitable to all concerned—savings account holders, borrowers, creditors and stockholders (if any) of each institution. The plan should properly recognize and protect their respective legal rights and interests. The plan will be particularly scrutinized for fairness where the merger does not appear to be the result of arms length bargaining or, in the case a stock institution, where controlling stockholders are receiving different consideration from other stockholders.

(2) *Full disclosure.* The application should make full disclosure of all written or oral agreements or understandings by which any person or company will receive, directly or indirectly, any money, property, service, or other thing of value, whether tangible or intangible, in connection with the merger.

(3) *Compensation to officers.* Compensation to officers, directors and controlling persons of the disappearing institution by the resulting institution or a service corporation affiliate thereof should not be in excess of that which is reasonable and commensurate with their duties and responsibilities. The application should fully justify the compensation to be paid to such persons. The plan will be particularly scrutinized where any of such persons is to receive a material increase in compensation above that paid by the disappearing institution prior to the commencement of merger negotiations. An increase in such compensation in excess of the greater of 15% or $5,000 gives rise to presumptions of unreasonability and sale of control. In the case of such an increase, evidence sufficient to rebut such presumptions should be submitted.

(4) *Employment contracts.* Any employment contracts should conform with § 545.25-1 of the Federal Regulations if the resulting institution has a Federal charter or with § 563.39 of the Insurance Regulations if the resulting institution has a State charter.

(5) *Advisory boards.* The application should fully justify the need for, and the compensation to be paid to, an advisory board of the resulting institution consisting of officers, directors or controlling persons of the disappearing institution. The application should describe the duties and responsibilities of such advisory board. Those duties and responsibilities should be consistent with the principle that the board of directors has the ultimate responsibility for operation of the resulting institution. The plan will be particularly scrutinized where proposed advisory board fees exceed the director fees paid by the dis-

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appearing institution prior to the commencement of merger negotiations. Such an excess in advisory director fees gives rise to presumptions of unreasonability and sale of control. In the case of such an excess, evidence sufficient to rebut such presumptions should be submitted, unless, based on a schedule of 12 meetings per year, the advisory board fees do not exceed $100 per meeting attended in the case of a disappearing institution with assets of at least $10,000,000 or $50 if the less than $10,000,000. No advisory board fees should exceed the director fees paid by the resulting institution and no advisory board fees should be paid to salaried officers or employees of the resulting institution. If the disappearing institution experienced significant supervisory problems prior to the merger, the application should also fully justify any selection as an advisory board member of a person who was a director, officer or controlling person of the disappearing institution. Advisory board members should be elected annually for a term not exceeding one year.

(6) *Retention of attorneys and other professionals.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to retain any attorney, law firm or other person performing professional services for the disappearing institution. Any such retention should be by decision of the resulting institution or affiliate independent of the merger.

(7) *Tie-in transactions.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to purchase or lease any office building or space therein, or other property or business, from any officer, director or controlling person of the disappearing institution. However, this limitation does not apply to an assumption of an existing lease without change in its terms.

(8) *Fees paid in connection with mergers.* The application should state the name of each person or firm rendering legal or other professional services in connection with the merger. The fee expected to be paid to each such person or firm should be stated, together with a description of the services being performed, the time expected to be spent in performing such services, the hourly rate or other basis used for determining the fee, and any relationship between such person or firm and the disappearing or resulting institution. If a finder's or similar fee is to be paid in connection with the merger, the application should fully justify the payment and amount of the fee and state the name of the person or firm to whom the fee is to be paid. No finder's or similar fee should be paid to any officer, director or controlling person of the disappearing or resulting institution.

(f) *Accounting for goodwill.* The proposed treatment of goodwill in connection with the merger must be fully described in the application. The computation and amortization of goodwill should be in accordance with accounting policies of the Board at the time the application is filed.

(g) *Liquidating dividends.* Any liquidating or similar dividend will be subject to Bank Regulation § 531.10.

(h) *Non-inducement affidavits.* The application should include non-inducement affidavits on FHLBB Form 291 from each officer, director and controlling person of the disappearing institution, each attorney or law firm regularly serving the disappearing institution, and the chief executive officer of the resulting institution.

(i) *Depository relationships.* Neither the resulting institution nor any service corporation affiliate thereof should, in connection with the merger, agree to continue any depository relationship of the disappearing institution. Any such continuance should be by decision of the resulting institution or affiliate independent of the merger.

(j) *Tax liability.* A tax ruling from the Internal Revenue Service will generally be required, except in the case of a mutual to mutual merger. If a tax ruling is not being obtained, a tax opinion will be required.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-33349 Filed 12-10-75;8:45 am]

MARINE MAMMAL COMMISSION

[50 CFR Part 520]

FREEDOM OF INFORMATION ACT

Proposed Implementation

Notice is hereby given that the Marine Mammal Commission (the "Commission") proposes to adopt a new Part 520 of 50 CFR, consisting of the regulations set forth below, to establish procedures under which the public may inspect Commission records, obtain copies of material, and appeal denials of requests for such inspection or copies. Uniform fees to recover the direct costs of search and copying also are proposed.

These regulations are proposed in accordance with the provisions of the Freedom of Information Act (the "Act"), 5 U.S.C. 552. In order to implement those provisions, the Commission is proposing to make available all final opinions and orders made in the adjudication of cases; all statements of policy and interpretations adopted by the Commission; staff manuals and instructions that affect the public; and other "reasonably described" records. The regulations are thus consistent with the Marine Mammal Protection Act, 16 U.S.C. 1402(c), which provides that all "activities of the Commission shall be * * * available to the public in accordance with Section 552 of Title 5, United States Code." That section also provides that Commission reports and recommendations "shall be matters of public record and shall be available to the public at all reasonable times." Material that is exempted from disclosure by 5 U.S.C. 552(b) shall not be made available for inspection, and shall not be furnished to the public pursuant to these regulations.

Initial requests are to be made to the General Counsel of the Commission, or his delegate, who shall determine whether to grant or deny access to, or copies of material. If a request is initially denied, appeal to the Executive Director of the Commission is available. Fees for search and copying are prescribed, based on the reasonable and direct costs for such services.

Interested persons may submit written comments regarding this notice to the Executive Director, Marine Mammal Commission, 1625 I Street NW., Room 307, Washington, D.C. 20006, for consideration by the Commission. Submissions received on or before January 15, 1976 will be considered by the Commission. All submissions will be available for inspection at the Commission offices during normal business hours.

Dated: December 2, 1975.

JOHN R. TWISS, Jr.,
Executive Director.

It is proposed to amend Chapter V, Marine Mammal Commission, of 50 CFR by adding a new Part 520 as follows:

PART 520—PUBLIC AVAILABILITY OF AGENCY MATERIALS

Sec.
520.1 Purpose.
520.2 Scope.
520.3 Definitions.
520.4 Availability of materials.
520.5 Administrative appeal.
520.6 Extensions of time.
520.7 Fees.

AUTHORITY: 5 U.S.C. 552.

§ 520.1 Purpose.

These regulations implement the provisions of the "Freedom of Information Act," 5 U.S.C. 552. They establish procedures under which the public may inspect and obtain copies of non-exempt material maintained by the Commission, provide for administrative appeal of initial determinations to deny requests for material, and prescribe uniform fees to be charged by the Commission to recover direct search and duplication costs.

§ 520.2 Scope.

(a) These regulations shall apply to all final opinions, including concurring and dissenting opinions, as well as orders, made by the Commission in the adjudication of cases; to all statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER; to the Commission's administrative staff manuals and instructions to staff that affect a member of the public; and to any other Commission records reasonably described and requested by a person in accordance with these regulations—except to the extent that such material is

exempt in accordance with paragraph (b) of this section.

(b) Requests for inspection and copies shall not be granted with respect to materials that are:

(1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and

(ii) Are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of the Commission;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Commission;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 520.3 Definitions.

As used in these regulations: (a) The term "Commission" means the Marine Mammal Commission;

(b) The term "Director" means the Executive Director of the Marine Mammal Commission;

(c) The term "exempt materials" means those materials described in § 520.2(b) of these regulations;

(d) the term "non-exempt materials" refers to all materials described in § 520.2(a), but not included in § 520.2(b) of these regulations; and

(e) the term "General Counsel" means the General Counsel of the Marine Mammal Commission.

§ 520.4 Availability of materials.

(a) All non-exempt materials shall be available for inspection during normal business hours at the Commission offices, 1625 I Street NW., Room 307, Washington, D.C. Space shall be made available at that location for the use of any person who is granted permission to inspect such materials.

(b) Requests to inspect, and obtain copies of, any material maintained by the Commission may be made in person at the Commission offices, or submitted in writing to the Executive Director, Marine Mammal Commission, 1625 I St. NW., Room 307 Washington, D.C. 20006. Each request should include a reasonable description of the material being sought, and should contain sufficient detail to facilitate retrieval of the material without undue delay. The Commission staff shall assist to the extent practicable in identifying material that is imprecisely described by the person requesting such material.

(c) An initial determination whether, and to what extent, to grant each request shall be made by the General Counsel or his delegate within 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of that request. The person making the request shall be notified immediately of the determination made. In making such determinations, it shall first be considered whether the material requested is of a type described in § 520.2(a) of these regulations; if it is, the request shall be granted unless the material is exempted by § 520.2(b). If the material requested is not of a type described in § 520.2(a), or is the subject of one or more exemptions, the request shall be denied.

(d) If a determination is made to grant a request, the relevant material shall promptly be made available for inspection at the Commission offices. Copies of the material disclosed shall be furnished within a reasonable time after payment of the fee specified in § 520.7 of these regulations. Copies of less than 10 pages of material requested in person ordinarily will be furnished immediately following the determination to grant the request and payment of the fee. Larger numbers of copies may be furnished at the earliest convenience of the Commission staff, but must be furnished within a reasonable time following payment of the fee.

(e) Whenever required to prevent a clearly unwarranted invasion of personal privacy, the General Counsel or his delegate shall determine that identifying details shall be deleted from an opinion, statement of policy, interpretation, or staff manual or instruction to which access is granted or of which copies are furnished. Where portions of the requested material are exempt under § 520.2(b), and are reasonably segregable from the remainder of the material, those portions shall be excised from the material disclosed. Whenever details are deleted or portions are excised and not disclosed, the notification shall include the information specified in § 520.4(f).

(f) If a determination is made to deny a request, the notification shall include a statement of the reasons for such action, shall set forth the name and position of the person responsible for the denial, and shall advise the requester of the right, and the procedures required under § 520.5 of these regulations, to appeal the denial to the Director.

§ 520.5 Administrative appeal.

(a) An appeal to the Director of any denial, in whole or in part, of a request for access to and copies of material may be made by submission of a written request for reconsideration. Such requests must state specific reasons for reconsideration that address directly the grounds upon which the denial was based. Requests should be addressed to the Director at the Comission offices.

(b) The Director shall make a determination with respect to any appeal within 20 days (excepting Saturday, Sundays, and legal public holidays) after receipt of the request for reconsideration. The person making such a request shall immediately be notified by mail of the determination.

(c) If the initial denial is reversed by the Director, any material with which the reversal is concerned shall be made available for inspection, and copies shall be furnished, in accordance with § 520.4 (d) of these regulations.

(d) If the denial is upheld, in whole or in part, the Director shall include in the notification a statement of the requester's right of judicial review under 5 U.S.C. 552(a)(4), and the names and positions of the persons responsible for the denial.

§ 520.6 Extensions of time.

(a) Whenever unusual circumstances exist, as set forth in § 520.6(b), the times within which determinations must be made by the General Counsel on requests for access (10 working days), and by the Director on requests for reconsideration (20 working days), may be extended by written notice to the requester. The notice shall set forth the reasons for such extension, and the date on which a determination is expected to be made. The maximum extension of time allowed under this section shall be 10 working days, but shall be utilized only to the extent reasonably necessary to the proper processing of the particular request.

(b) As used in this section, "unusual circumstances" shall mean:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Commission offices;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are the subject of a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

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§ 520.7 Fees.

(a) The following standard charges for document search and duplication, based on the direct costs of such services, must be paid before access to, or copies of material will be granted under these regulations:

(1) Search: $4.00 per person-hour for clerical time; $8.00 per person-hour for professional or supervisory time;

(2) Duplication: $0.10 per page of photocopied material.

(b) The Commission shall furnish without charge, or at a reduced charge, copies of any material disclosed pursuant to these regulations, whenever the General Counsel or the Director determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

[FR Doc.75-33300 Filed 12-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 178]

MANAGEMENT OF TRIBAL ASSETS OF UTE INDIAN TRIBE, UINTAH AND OURAY RESERVATION, UTAH, BY THE TRIBE AND THE UTE DISTRIBUTION CORPORATION

New Regulations To Provide Management in Same Proportion in Which Benefits Are Received

DECEMBER 5, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add a new Part 178 to Subchapter P, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the addition is to implement the joint management of tribal assets by the Ute Indian Tribes and the Ute Distribution Corporation under the Ute Partition Act, approved August 27, 1954 (68 Stat. 868, as amended, 25 U.S.C. 677–677aa). These regulations are proposed pursuant to the authority contained in Sections 27 and 28 of the Act of August 27, 1954 (68 Stat. 868, 25 U.S.C. 677–677aa).

The purpose of these proposed regulations is to provide management of the undistributed assets of the Ute Indian Tribes in the same proportion in which the benefits are received. This will be accomplished by the establishment of a management committee to act as the authorized agent of both the Tribal Business Committee and the Ute Distribution Corporation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections in connection with the proposed regulations to the Area Director, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, on or before January 12, 1976.

It is proposed to add a new Part 178 to Subchapter P, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

PART 178—JOINT MANAGEMENT OF TRIBAL ASSETS BY UTE DISTRIBUTION CORPORATION AND UTE INDIAN TRIBES, UINTAH AND OURAY RESERVATION, UTAH

Sec.
178.1 Purpose.
178.2 Management Committee membership.
178.3 Management of undistributed assets.
178.4 Meetings.
178.5 Notice.
178.6 Voting.
178.7 Minutes.
178.8 Authority of Area Director.

AUTHORITY: Secs. 27, 28, 68 Stat. 868 (25 U.S.C. 677–677aa).

§ 178.1 Purpose.

In accordance with the Ute Partition Act approved August 27, 1954, 68 Stat. 868, as amended, 25 U.S.C. 677–677aa, all unadjudicated or unliquidated claims against the United States, all gas, oil, and mineral rights of every kind, and all other assets not distributed in accordance with the terms of said act, shall be managed jointly by the Tribal Business Committee of the Ute Indian Tribes, Uintah and Ouray Reservation, Utah, and the Ute Distribution Corporation, a Utah Corporation as given in this Part.

§ 178.2 Management Committee membership.

The authorized agent of both the Tribal Business Committee and Ute Distribution Corporation shall consist of a Management Committee of Seven persons. Five of the Committee shall be members of the Ute Indian Tribes, Uintah and Ouray Reservation, and shall be elected to the Committee by the Tribal Business Committee. Two members shall be elected to the Committee by the Board of Directors of the Ute Distribution Corporation. The term of service for each person elected to the Management Committee shall be determined (a) by the Tribal Business Committee for the persons it elects to the Management Committee; and (b) by the Ute Distribution Corporation for the persons it elects to the Management Committee. The Management Committee is authorized to elect a chairman, vice chairman and secretary as needed. The term of service of officers of the Management Committee shall be as determined by the membership of the committee. Each member of the Management Committee shall serve without compensation.

§ 178.3 Management of undistributed assets.

All unadjudicated or unliquidated claims against the United States, all gas, oil and mineral rights of every kind, and all other assets not distributed pursuant to the Ute Partition Act of 1954, shall be managed by the Management Committee. The Committee Chairman or such other person as designated by the Committee is authorized to sign any contract or instrument contemplated by the 1954 Act as regards the management of those assets. Such contract or instrument is subject to the approval of the Secretary of the Interior or his designee.

§ 178.4 Meetings.

The Management Committee will meet once each three months as a minimum and more often as determined by the Committee Chairman. The place and time of meetings will be as determined by the Committee.

§ 178.5 Notice.

The Chairman of the Management Committee shall mail written notice of the holding of a Committee meeting to each member of the Committee; to the Tribal Business Committee, Ute Indian Tribes, Fort Duchesne, Utah; to Ute Distribution Corporation, Roosevelt, Utah; and to the Superintendent, Uintah and Ouray Agency, Fort Duchesne, Utah, all within seven days before any meeting is held. The time and place of meeting will be specified in the notice.

§ 178.6 Voting.

A quorum of the Committee shall consist of four members. Any affirmative action of the Committee shall require at least four votes in favor thereof.

§ 178.7 Minutes.

Minutes shall be made of all meetings showing that proper notice was mailed to each member of the Committee, the names of each Committee member present, all actions taken and the names of each Committee member for and against each issue presented. The Chairman will mail copies of said minutes of each member of the Committee; to the Tribal Business Committee, Ute Indian Tribes, Fort Duchesne, Utah; to Ute Distribution Corporation, Roosevelt, Utah; and to the Superintendent, Uintah and Ouray Agency, Fort Duchesne, Utah all within 10 days following any meeting.

§ 178.8 Authority of Area Director.

The authority of the Secretary under Section 26 of the Ute Partition Act of 1954, 25 U.S.C. 677y to execute contracts and other instruments; and the authority of the Secretary under Section 28 of the Ute Partition Act of 1954, 25 U.S.C. 677aa to proceed in any manner deemed by him to be in the best interest of the tribes and the Ute Distribution Corporation concerning the management of the undistributed assets when an agreement cannot otherwise be reached between the Tribes and the Ute Distribution Corporation has been redelegated to the Area Director, Phoenix Area Office.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-33302 Filed 12-10-75;8:45 am]

National Park Service

[36 CFR Part 2]

POWERLESS FLIGHT

Restrictions on Launching and Landing

Notice is hereby given that pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended and supplemented; 16 U.S.C. 1 et seq.) and 245 DM–1 (34 FR 13679), as amended, it is proposed to amend Part 2 of the general regulations as set forth below.

On August 20, 1975 (40 FR 36378), the National Park Service published a proposed regulation which would have amended 36 CFR Part 2. This regulation would have prohibited the launching or landing of powerless flight craft in all areas of the National Park System, except for designated recreational areas. A period of 60 days was provided for public comment on the proposed regulation.

A very large number of written comments was received during the comment period. These comments came from both participants in the activities involved and from nonparticipating members of the public. Large numbers of these comments expressed the view that powerless flight activities, particularly hang gliding, were no more detrimental to park resources and atmosphere than a wide variety of other outdoor recreational pursuits which have traditionally been permitted or encouraged in many parks.

After an evaluation of these comments and an examination of the existing program of controlled hang gliding at Yosemite National Park, the National Park Service has determined that a modification of its position on powerless flight should be proposed. The regulation proposed below is an alternative to the earlier proposal and would provide a basis for permitting controlled powerless flight activities in parks at which such activities will not be detrimental to park protection or other visitor uses.

In recreational areas, such as national seashores, lakeshores, and parkways, Superintendents would be able to designate locations where the control of a written permit system would not be required. Such locations would normally be those at which no conflict with other visitor uses could be expected and at which safety hazards are minimal for participants and other persons.

General regulations regarding the use of aircraft in areas of the National Park System are contained in § 2.2 of 36 CFR. Under the proposed regulation, powerless flight devices classified as aircraft by the Federal Aviation Administration would continue to be permitted to utilize, without written permit, aircraft landing areas designated in park areas pursuant to § 2.2. Powerless flights in the airspace above park areas would not be limited by this regulation, so long as they begin and terminate outside the park.

Paragraph (b) of the proposed regulation provides criteria which would be used by Superintendents in establishing standards to be followed in granting permits for powerless flight. This information is incorporated in the regulation to provide for uniform treatment of this activity, insofar as uniformity is possible in parks with widely differing conditions. In following these criteria, the National Park Service intends that Superintendents will consult with representatives of organizations dealing with powerless flight activities in order to determine reasonable standards for the conduct of flights and the issuance of permits, particularly with regard to equipment and personal qualification standards.

A review of the environmental and other impacts of this proposed action has been made by the National Park Service. It has been determined that implementation of the regulation is not a major Federal action that would have a significant impact on the human environment in the context of Section 102(2)(c) of the National Environmental Policy Act of 1969. Therefore, no environmental impact statement is required.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Although a considerable amount of public comment on powerless flight in the National Park System has already been received as a result of the regulation proposed earlier, the action now proposed represents a substantial change from the original proposal and an additional period for public comment is deemed necessary. Accordingly, interested persons or organizations may submit written comments, suggestions, or objections to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, on or before January 12, 1976. It is proposed to amend 36 CFR Chapter 1, Part 2, by the addition of § 2.36 as follows:

§ 2.36 Powerless flight.

(a) Except as provided in § 2.2 of this Part, the launching or landing of sailplanes, gliders, balloons, body kites, hang gliders, and other devices designed to carry persons or objects through the air in powerless flight is prohibited without a written permit from the Superintendent specifying the conditions under which such launching or landing is to be conducted; *Provided, however,* That in recreational areas the Superintendent may, by the posting of signs, designate locations where this type of use may be conducted without a permit.

(b) The granting of permits for powerless flight activities shall be in accordance with standards developed for each park and available, upon request, for public review. Permit standards shall be based upon the following criteria:

(1) The number, time, and location of flights shall be controlled so as to avoid:

(i) Infringement upon the enjoyment and rights of other park visitors.

(ii) Traffic or pedestrian congestion or disruption of normal park operations.

(iii) Injury to nonparticipants and damage to public or private property.

(iv) Damage to natural or historic resources of the park.

(v) Detraction from the primitive character of designated wilderness areas.

(vi) Unwarranted risk to participants due to inadequate equipment, lack of qualifications, weather, or other factors.

(2) Permitted flights shall be compatible with and subject to:

(i) Applicable laws or regulations imposed by appropriate Federal or other governmental agencies.

(ii) Applicable safety and equipment standards endorsed by responsible sanctioning organizations.

(3) Except in recreational areas, flights shall not be conducted as competitive events or primarily for the benefit of spectators.

(4) Additional permit standards necessary to meet conditions in an individual park area shall be established by the Superintendent, as necessary to protect park resources.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.75-33606 Filed 12-10-75;8:57 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

PEST MANAGEMENT ACTIVITIES

Environmental Impact Statement

The Agency for International Development has determined to prepare an environmental impact statement in connection with those activities which it conducts, supports, finances and/or otherwise assists which are intended to control or eliminate pests, including such activities conducted, supported or otherwise assisted by it for the procurement or use of pesticides.

The Environmental Impact Statement will contain, *inter alia*:

a. Historical description of the pest management program, including the pesticide activities.

b. Description of the scope and nature of the current and reasonably anticipated pest management program.

c. Assessment of environmental impacts, including adverse environmental impacts which cannot be avoided.

d. Analysis of reasonable alternatives and their environmental effects.

e. Conclusions as to which pesticides AID will not and which pesticides AID will provide assistance for and the limiting factors applicable to those pesticides for which AID will provide assistance.

It is anticipated that the environmental impact statement will be made available for comment in draft form by August 31, 1976. Public and other comments on the draft environmental impact statement will be accepted within 60 days of the issuance of the draft. The final environmental impact statement will be issued within 45 days of the close of the comment period.

All parties who desire to offer comments on the scope and content of the proposed environmental impact statement should communicate their views as soon as possible to Mr. Henry A. Arnold, Director, Office of Science and Technology, Room 2841, New State, Agency for International Development, Department of State, Washington, D.C. 20523.

Dated: December 3, 1975.

CURTIS FARRAR,
Assistant Administrator, Technical Assistance Bureau.

[FR Doc.75-33301 Filed 12-10-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 3, 1975.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on January 7, 1976 from 8:30 a.m. to 5:00 p.m. and January 8, 1976 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room #222, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on selected programs and projects relating to the missions of the Aeronautical Systems Division and Air Force Wright Aeronautical Laboratories.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.75-33282 Filed 12-10-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 3, 1975.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will hold meetings on February 24, 1976 from 8:00 a.m. to 5:00 p.m. and February 25, 1976 from 8:00 a.m. to 1:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Conference Room #276, Building 828.

The Group will receive classified briefings and participate in classified discussions relating to the utilization of intelligence source data for the accomplishment of technical intelligence assessments.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-33283 Filed 12-10-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 4, 1975.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on January 22, 1976 from 8:30 a.m. to 5:00 p.m. and January 23, 1976 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio. The meeting on January 22 will be in Room 113, Building 15, Area B; the meeting on January 23 will be in Room 203, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on a proposed X-24C Hypersonic Research Program.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive Directorate of Administration.

[FR Doc.75-33298 Filed 12-10-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. KOREAN HAIR GOODS ASSOCIATION OF AMERICA, INC.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), that a proposed Consent Judgment and Competitive Impact Statement as set out below have been filed with the United States District Court for the Southern District of New York in civil action No. 75 Civ. 3069, *United States of America* v. *Korean Hair Goods Association of America, Inc.* The complaint charged that the defendant and co-conspirators engaged in a combination and conspiracy to regulate the price and other conditions of resale of imported wigs, and agreed to prevent certain wig importers and distributors from obtaining wigs for resale. The proposed Judgment enjoins defendant, among other things, from fixing or influencing prices or other conditions of sale for wigs, from preventing any person from obtaining wigs for sale or from selling wigs to anyone, and from furnishing to any person any information concerning the pricing of wigs or sales practices of any other person. Public comment is invited on or before February 9, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 3, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 75-3069 (RJW)

United States of America, Plaintiff, v. Korean Hair Goods Association of America, Inc., Defendant.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: Dec. 3, 1975

For the plaintiff:

Thomas E. Kauper, Assistant Attorney General, Baddia J. Rashid, Charles F. B. McAleer, Joel Davidow, Attorneys, Antitrust Division, U.S. Department of Justice.

Stephen P. Kilgriff, C. Forrest Bannan, Mary K. Smith, Attorneys, Antitrust Division, U.S. Department of Justice.

For the Defendant: Rogers & Wells.

By: H. Allen Lochner, Attorneys for Defendant.

Stipulation approved for filing:

Dated: Dec. 3, 1975.

ROBERT J. WARD,
United States District Judge.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 75-3069 (RJW)

United States of America, Plaintiff, v. Korean Hair Goods Association of America, Inc., Defendant.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on June 24, 1975, and the parties hereto, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by any party in respect to any such issue:

NOW, THEREFORE, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon said consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and the parties hereto. The Complaint states claims against defendant upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Defendant" means the Korean Hair Goods Association of America, Inc. ("KWA");

(B) "KEA" means the Korean Hair Goods Export Association, an organization whose regular membership is composed of manufacturers and exporters of wigs in the Republic of Korea and any successor thereof;

(C) "Wigs" means goods designed to resemble human hair worn by men and women as replacements or substitutes for, or additions to, their natural hair; the term includes wigs, toupees, chignons and related products;

(D) "Person" means any individual, partnership, firm, association or corporation, or other business or legal entity;

(E) "Member" means any person who was or is a participant in Defendant.

III

The provisions of this Final Judgment shall apply to Defendant, its officers, directors, agents and employees and to its subsidiaries, affiliates, successors and assigns, and to all persons, including Members, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant, whether acting unilaterally or in concert or agreement with any other person, is enjoined and restrained from:

(A) Entering into, adhering to, maintaining, furthering or enforcing, directly or indirectly, any agreement, understanding, plan, program, rule or regulation to raise, fix, stabilize, maintain, suggest, or influence prices, discounts, mark-ups or other terms or conditions for the sale of wigs;

(B) Preevnting, restricting, limiting, or attempting to prevent, restrict, or limit any person or Member from obtaining wigs for sale or from selling wigs to any person or class of persons;

(C) Publishing or distributing any bulletin or disseminating to its members or to any person any information relating to any agreement, understanding, plan, program, regulation or rule to raise, fix, stabilize, maintain, suggest or influence prices, discounts, mark-ups or other terms or conditions of sale for wigs, or to prevent, restrict or limit the persons or class of persons to whom wigs may be sold.

Defendant is enjoined and restrained from furnishing or communicating directly or indirectly to KEA any list indicating the Members of Defendant, and from furnishing or communicating to any person any information concerning the pricing of wigs or sales practices of any other person, except that Defendant, upon written request of a Member, may solicit and collect information relating to the credit standing of a United States customer or proposed customer of such requesting Member, provided such information is disseminated with an accompanying statement that the material is furnished for credit information purposes only and it is solely in the discretion of the requesting Member whether to deal with the person with respect to whom the information is furnished.

VI

Defendant is ordered and directed to admit to membership any applicant who meets reasonable and nondiscriminatory requirements which are not inconsistent with this Final Judgment.

VII

(A) Defendant is ordered and directed within sixty (60) days from the date of entry of this Final Judgment to conform its rules, regulations, by-laws, practices and policies to the terms of this Final Judgment.

(B) Defendant is ordered and directed to file within ninety (90) days of the date of entry of this Final Judgment with the Plaintiff a true copy of its by-laws, rules and regulations as amended.

VIII

Defendant is ordered and directed to require each committee established by it, or under its auspices, which is empowered to consider any of the following matters, to maintain minutes of each meeting of such committee:

(A) Members' complaints or commercial disputes to which any Member is a party;

(B) Market conditions, distribution channels, advertising policies and sales practices concerning wigs;

(C) Trade practices in the United States or Korea;

(D) Relations between the Korean and United States wig industries.

IX

(A) Defendant is ordered and directed to mail to each of its members a conformed copy of this Final Judgment within sixty (60) days from the entry thereof.

(B) Defendant is ordered and directed to distribute a copy of this Final Judgment to each person upon its admission to membership to Defendant.

For the purpose of securing or determining compliance with this Final Judgment, and for no other purpose, and subject to any legally recognized privilege:

(A) Any authorized representative of the Department or Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, or of the authorized representatives of either, and on reasonable notice to Defendant made to its principal office, be permitted:

(1) Access, during office hours of Defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the Defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Defendant and without restraint or interference from it, to interview officers, employees and agents of Defendant, who may have counsel present, regarding any matters contained in this Final Judgment.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, or of either of their authorized representatives, made to Defendant's principal office, Defendant shall submit such reports in writing under oath if requested, with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI

Jurisdiction is retained by this Court for the purpose of enabling the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of or carying out of this Final Judgment, for the modification of any of the provisions of this Final Judgment, for the enforcement of compliance therewith and for the punishment of the violations thereof.

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XII

Entry of this Final Judgment is in the public interest.

Dated: ----------

United States District Judge.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 75-3069 (RJW)

United States of America, Plaintiff, v. Korean Hair Goods Association of America, Inc., Defendant.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16 (b)-(h) P.L. 93-528 (December 21, 1974)], the United States of America hereby files this Competitive Impact Statement relating to a proposed consent judgment in the above entitled action to be entered against defendant Korean Hair Goods Association of America, Inc.

(1) Nature and Purpose of the Proceeding.

This is a civil antitrust action by the United States against the Korean Hair Goods Association of America, Inc. (hereinafter called "KWA"). The complaint, which was filed on June 24, 1975, alleged that defendant KWA and various co-conspirators engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in the sale of wigs in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). Named as co-conspirators were the members of KWA, and the Korean Hair Goods Export Association and its members.

Defendant KWA is an organization incorporated in the State of New York with its principal place of business in New York City. The regular membership of KWA is composed of importers of wigs and related products (hereinafter called "wigs") and distributors of these products to wholesalers and retailers in the United States. The Korean Hair Goods Export Association is an organization whose regular membership is composed of manufacturers and exporters of wigs in the Republic of Korea.

The United States sought relief against the defendant enjoining the alleged violations, prohibiting the defendant from engaging in any other future conspiracy or program having a similar purpose or effect, and such other relief as the nature of the case might require.

(2) Practices and Events Giving Rise to the Alleged Violation of the Antitrust Laws.

Most wigs sold in the United States are manufactured out of synthetic fibers designed to resemble human hair and are worn by men and women as replacements or substitutes for, or additions to, natural hair. The vast majority of such wigs are manufactured in the Republic of Korea and imported into the United States.

The complaint alleged that beginning at least as early as 1972 and continuing thereafter up to and including March, 1974, the defendant and co-conspirators engaged in a combination and conspiracy to regulate the wholesale prices and conditions of resale of imported wigs, and agreed to prevent certain wig importers and distributors from obtaining wigs for resale.

The Government would have contended at trial that the charges alleged in the complaint were substantiated by evidence of illegal conduct by defendant and co-conspirators as follows: (1) the regulation of prices and marketing practices of KWA members; (2) agreement with the Korean Hair Goods Export Association that its members would not export wigs to certain importers and distributors in the United States unless they were members of the KWA and adhered to the prices and other marketing practices approved by it; (3) prevention of direct sales to retailers by the United States sales branches of members of the Korean Hair Goods Export Association and the exclusion of these sales branches from the United States.

The practices giving rise to this action were also investigated by a federal grand jury. The grand jury indicted the same defendant as in this action for violations identical to those alleged in the complaint. On October 15, 1975, defendant moved the Court in the criminal action to change its plea from not guilty to *nolo contendere*. The plea was accepted by the Court.

(3) The Proposed Consent Judgment and its Anticipated Effects on Competition.

The proposed consent judgment enjoins defendant from all activities alleged to have constituted the conspiracy. It is anticipated that the conduct prohibited by the judgment and the affirmative duties imposed on the defendant will promote price competition among wig wholesalers and distributors and will insure that the defendant will not in the future prevent any person from obtaining wigs for sale or from selling wigs to anyone.

If the proposed consent judgment is approved by the Court, the consenting defendant, whether acting unilaterally or in concert with any other person, will be enjoined and restrained from: (1) entering into, adhering to or enforcing any agreement or plan to fix or influence prices or other conditions of sale for wigs; (2) preventing or attempting to prevent any person from obtaining wigs for sale or from selling wigs to anyone; and (3) publishing or distributing any bulletin or information relating to any agreement, plan or program to do what is enjoined in (1) or (2) above.

Defendant is also enjoined and restrained from furnishing or communicating to the Korean Hair Goods Export Association any list indicating the membership of defendant, or furnishing or communicating to any person any information concerning the pricing of wigs or sales practices of any other person. The defendant is allowed, however, to solicit and collect information relating to the credit standing of a customer or proposed customer, if such information is requested specifically of a member. The information must be given with an accompanying statement that the material is furnished for credit information purposes only and that it is solely in the discretion of the requesting member whether to deal with the person with respect to whom the information has been furnished. Only that member which specifically requests such information will be entitled to it.

Defendant is ordered and directed to admit to membership any applicant who meets reasonable or nondiscriminatory requirements. Defendant is also ordered to conform its rules, regulations, by-laws, practices and policies to the terms of this Final Judgment and file with the Government a true copy of its by-laws, rules and regulations so amended.

Defendant is also directed to require that minutes be kept of each meeting of any committee established by it which is empowered to consider any of the following matters: (1) members' complaints or commercial disputes to which any member is a party; (2) market conditions, distribution channels, advertising policies and sales practices concerning wigs; (3) trade practices in the United States or Korea; and (4) relations between the Korean and the United States wig industries.

Defendant is also directed to notify each of its members of this judgment within 60 days and to distribute a copy of the judgment to each person upon its admission to membership to the association.

The judgment affords the Government methods of detecting any new violations by interviewing employees or by inspection of documents and records in control of defendant. Such documents and records shall be made available upon the Government's request. Any information obtained by the United States pursuant to the judgment shall not be divulged except as part of enforcement proceedings or as otherwise required by law.

The District Court retains jurisdiction of the case and may modify the provisions of the judgment or add thereto upon application of any of the parties to the consent judgment. Also, the District Court retains jurisdiction for the purpose of enforcing compliance with the consent judgment or punishing violations of it.

(4) Remedies Available to Potential Private Plaintiffs.

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable relief which they would have had were the proposed consent judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act as amended, 15 U.S.C. § 16(a).

(5) Procedures Available for Modification of the Proposed Consent Judgment.

The proposed consent judgment is subject to a stipulation between the United States and the consenting defendant which provides that the United States may withdraw its consent to the proposed judgment at any time before the Court has found that its entry is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may, for a 60 day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the Federal Register such comments and its response to them. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

(6) Alternatives to the Proposed Judgment Considered by the United States.

In view of the fact that the consent judgment provides for relief that does not differ from that sought in the complaint, neither a substantially different judgment nor full trial on the merits was considered as an appropriate alternative to the settlement. The Government considered no alternative proposals which would have materially altered the relief granted in this judgment.

(7) Determinative Documents.

There are no materials or documents, which the Government considered determinative, in formulating this proposed consent judgment. Therefore, none is being filed along with this competitive impact statement.

Dated: December 3, 1975.

JOEL DAVIDOW
STEPHEN P. KILGRIFF
C. FORREST BANNAN
Attorneys, Department of Justice.

[FR Doc.75-33280 Filed 12-10-75;8:45 am]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Designation

Notice is hereby given that Richard Van Duizend, General Attorney (Research), National Institute for Juvenile Justice and Delinquency Prevention, has been designated as the Federal employee to carry out the duties pursuant to Section 10(e) of the Federal Advisory Committee Act (Pub. L. 92-463) for the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention created by Section 208(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415).

For further information, contact Milton Luger, Assistant Administrator of the Law Enforcement Assistance Administration for the Office of Juvenile Justice and Delinquency Prevention, 4th Floor, 633 Indiana Avenue, NW., Washington, DC 20531.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-33286 Filed 12-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BOISE DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Boise District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Boise District Office, 230 Collins Road, Boise, Idaho at 9:00 a.m., January 8, 1976. The meeting will be devoted principally to the consideration of problems and programs associated with multiple use management of rangeland resources on the National Resource Lands. The meeting will consist of presentations and discussions on the following topics:

1. Kuna Farm Development Plan
2. Discussion of conflict between wild and licensed horses
3. Overview of grazing environmental impact statement program for Boise District.
4. Procedures for programming and reviewing Advisory Board financed range improvement projects.
5. Discussion of proposed Advisory Board tour

The meeting will be open to the public. Time will be made available beginning at 3:00 p.m. on January 8 for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho by close of business on January 7, 1976. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager. Further information concerning the meeting may also be obtained from the District Manager. His telephone number is 342-2711, Ext. 2582.

D. DEAN BIBLES,
District Manager.

[FR Doc.75-33340 Filed 12-10-75;8:45 am]

(M 31915-B)

MONTANA

Application

DECEMBER 4, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Kansas-Nebraska Natural Gas Company, Inc., has applied for a natural gas pipeline right of way for a 4-inch line across the following lands:

PRINCIPAL MERIDIAN
MONTANA

T. 31 N., R. 32 E., Sec. 15, NW¼NE¼; and Sec. 27, N½N½.

This pipeline will convey natural gas across 1.35 miles of national resource lands in Phillips County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, P.O. Box B, Malta, Montana 59538.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33335 Filed 12-10-75;8:45 am]

(NM 27106)

NEW MEXICO

Application

DECEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 19 S., R. 28 E., Sec. 35, E½NW¼.

This pipeline will convey natural gas across .419 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33336 Filed 12-10-75;8:45 am]

(NM 27112 and 27113)

NEW MEXICO

Applications

DECEMBER 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 14 S., R. 27 E.,
Sec. 35, S SE¼NE¼, S½NW¼, N½SE¼ and SW¼SE¼.
T. 15 S., R. 27 E.,
Sec. 3, lot 1.
T. 24 S., R. 26 E.,
Sec. 22, E½NW¼ and SW¼NW¼.

These pipelines will convey natural gas across 1.57 miles of national resource lands in Chaves and Eddy Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33337 Filed 12-10-75;8:45 am]

(NM 27119)

NEW MEXICO

Application

DECEMBER 4, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 16 S., R. 28 E.,
Sec. 19, SW¼NE¼ and W½SE¼;
Sec. 30, W½NE¼, SE¼NW¼ and E½SE¼;
Sec. 31, SE¼NW¼ and E½SW¼.
T. 17 S., R. 28 E.,
Sec. 6, lots 3, 5, 6, 7 and SE¼NW¼.

V40239 DEC 11 75 XUM

This pipeline will convey natural gas across 3.253 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33338 Filed 12-10-75;8:45 am]

(NM 26914)

NEW MEXICO

Application

DECEMBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for an 8 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 3, lot 15, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 4, SE¼SE¼;
Sec. 8, E½SE¼ and SW¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼, S½NW¼ and NW¼SW¼;
Sec. 17, NW¼NE¼, N½NW¼ and SW¼NW¼;
Sec. 18, SE¼NE¼ and N½SE¼.

This pipeline will convey natural gas across 3.861 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33339 Filed 12-10-75;8:45 am]

[Wyoming 53415]

Bureau of Land Management

WYOMING

Notice of Application

DECEMBER 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Glacier Park Company has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 63 W.,
Sec. 2.

The pipeline will convey crude oil from the Butte Pipe Line Station in sec. 2, to the applicant's proposed refinery in sec. 23, all in T. 46 N., R. 63 W., in Weston County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33299 Filed 12-10-75;8:45 am]

National Park Service

ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT, TEXAS

Availability of Environmental Assessment and Notice of Public Workshops

Two informal workshops designed to enable interested persons to review and comment upon an environmental assessment of four alternatives for the future preservation and development of Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, Potter County, Texas, will be held at Amarillo, Texas, at 7:00 p.m., on January 15, 1976 at Villa Inn Convention Center; and at Borger, Texas at 7:00 p.m., on January 16, 1976 at South Middle School.

Written statements will not be read at the workshops, but may be submitted before, and up to 30 days afterward, to the Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas 79036. Extemporaneous oral statements are invited at the workshops.

Copies of the environmental assessment are available for review at Lake Meredith Recreation Area headquarters, 419 East Broadway, Fritch, Texas. They may be obtained by mail from the Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas 79036; or from the National Park Service's Southwest Regional Office, P.O. Box 728, Santa Fe, New Mexico 87501.

Dated: November 25, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director, Southwest Region.

[FR Doc 75-33351 Filed 12-10-75;8:45 am]

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX ROSS LAKE NATIONAL RECREATION AREA

Notice of Public Workshops

Notice is hereby given that public workshops will be held to discuss a proposal to construct a public campground at Newhalem within the Ross Lake National Recreation Area. Various alternatives to the proposal will also be considered. Printed information regarding the proposed campground is available from the Superintendent, North Cascades National Park Service Complex, Sedro Woolley, Washington 98284.

The first meeting is scheduled at the Skagit County Public Utility Building in Mount Vernon, Washington, at 8:00 p.m., Wednesday, January 14, 1976. A second meeting will be held in Room 158 of Miller Hall at Western Washington State College in Bellingham, Washington, at 8:00 p.m., Thursday, January 15, 1976. The third meeting will be held at the Orcas Room in the Seattle Center at 8:00 p.m., Friday, January 16, 1976.

JOHN A. RUTTER,
Regional Director, Pacific Northwest Region.

[FR Doc.75-33350 Filed 12-10-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A271]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of the natural disasters shown below:

Halifax—drought conditions May 15 through July 3, 1975; heavy flooding July 4 through July 21; and drought conditions with excessively high temperatures July 21 through September 1, 1975.

Wayne—excessive rainfall July 3 through July 21, and a drought May 15 through June 30, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1976, for physical losses and August 27, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 5th day of December, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-33402 Filed 12-10-75;8:45 am]

[Notice of Designation Number A272]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Dunn County, North Dakota, as a result of severe storms (excessive rainfall and hailstorm) with tornado-type winds which occurred on July 1 and August 7, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 27, 1976, for physical losses and August 27, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 5th day of December, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-33403 Filed 12-10-75;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, SPECIAL MILK PROGRAM, AND COMMODITY ONLY SCHOOLS

Correction

In FR Doc. 75-32770 appearing at page 57234 in the issue of Monday, December 8, 1975, make the following correction:

On page 57234 in the third column, the table entry for *Guidelines when increased by—25 percent* for "Family size—3" should have read $5,870.

Forest Service

MILL CREEK UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Mill Creek Unit Plan, Report Number USDA-FS-DES (Adm) R1-76-10.

The environmental statement concerns environmental impacts, presents resource information, resource allocation decisions, management guidelines, and documents public involvement for the Mill Creek Unit Plan, Clearwater and Salmon River Ranger Districts, Nezperce National Forest, Idaho County, Idaho.

The draft environmental statement was transmitted to CEQ on November 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Clearwater Ranger District, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Salmon River Ranger District, White Bird, ID 83554.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Don Biddison, Forest Supervisor, 319 E. Main, Grangeville, Idaho 83530. Comments must be received by January 28, 1975 in order to be considered in the preparation of the final environmental statement.

DON BIDDISON,
Forest Supervisor.

NOVEMBER 28, 1975.

[FR Doc.75-33333 Filed 12-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Federal Cochairman of the Coastal Plains Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Coastal Plains Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Records (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17); and Employee Personnel Files Not Covered by U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman Coastal Plains Regional Action Planning Commission, Suite 414, 2000 "L" Street, NW., Washington, D.C. 20036.

RUSSELL J. HAWKE, Jr.,
Federal Cochairman, Coastal Plains Regional Action Planning Commission.

[FR Doc.75-33424 Filed 12-10-75;8:45 am]

Federal Cochairman of the Four Corners Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Four Corners Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Records (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17);

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and Employee Personnel Files Not Covered By U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, Four Corners Regional Action Planning Commission, U.S. Department of Commerce, Room 1898–C, Washington, D.C. 20230.

STANLEY WOMER,
Federal Cochairman, Four Corners Regional Action Planning Commission.

[FR Doc.75–33425 Filed 12–10–75;8:45 am]

Federal Cochairman of the New England Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the New England Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept–1); Accounts Receivable Records (Commerce/Dept–2); Conflict of Interest Records (Commerce/Dept–3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept–8); Travel Records (Commerce/Dept–9); Unfair Labor Practice Charges/Complaints (Commerce/Dept–11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept–12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept–14); Records of Cash Receipts (Commerce/Dept–17); and Employee Personnel Files Not Covered By U.S. Civil Service Commission (Commerce/Dept–18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, New England Regional Action Planning Commission, U.S. Department of Commerce, Room 2606, Washington, D.C. 20230.

RUSSELL F. MERRIMAN,
Federal Cochairman, New England Regional Action Planning Commission.

[FR Doc.75–33426 Filed 12–10–75;8:45 am]

Federal Cochairman of the Old West Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Old West Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Record (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17); and Employee Personnel Files Not Covered by U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, Old West Regional Action Planning Commission, Suite 426, 1730 "K" Street NW., Washington, D.C. 20006.

WARREN C. WOOD,
Federal Cochairman, Old West Regional Action Planning Commission.

[FR Doc.75–33427 Filed 12–10–75;8:45 am]

Federal Cochairman of the Ozarks Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Ozarks Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Records (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17); and Employee Personnel Files Not Covered by U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, Ozarks Regional Action Planning Commission, U.S. Department of Commerce, Room 2099–B, Washington, D.C. 20230.

BILL H. FRIBLEY,
Federal Cochairman, Ozarks Regional Action Planning Commission.

[FR Doc.75–33428 Filed 12–10–75;8:45 am]

Federal Cochairman of the Pacific Northwest Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Pacific Northwest Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Records (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17); and Employee Personnel Files Not Covered By U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, Pacific Northwest Regional Action Planning Commission, 2435 Virginia Avenue, N.W., Washington, D.C. 20037.

JACK O. PADRICK,
Federal Cochairman, Pacific Northwest Regional Action Planning Commission.

[FR Doc.75–33429 Filed 12–10–75; 8:45 am]

Federal Cochairman of the Upper Great Lakes Regional Action Planning Commission

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Office of the Federal Cochairman of the Upper Great Lakes Regional Action Planning Commission hereby announces that it has no records or systems of records maintained or usable through individual identifier. Personnel records of employees of the Office of the Federal Cochairman are maintained as part of the single system of records of the Civil Service Commission. Other records pertaining to the Office of the Federal Cochairman are maintained as part of the following systems of records of the United States Department of Commerce and were so specified by the Department of Commerce in a notice published in the FEDERAL REGISTER on October 2, 1975, 40 FR 45619: Attendance, Leave, and Payroll Records of Employees (Commerce/Dept-1); Accounts Receivable Records (Commerce/Dept-2); Conflict of Interest Records (Commerce/Dept-3); Employees Applications for Motor Vehicle Operator's Card (Commerce/Dept-8); Travel Records (Commerce/Dept-9); Unfair Labor Practice Charges/Complaints (Commerce/Dept-11); Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct (Commerce/Dept-12); Litigation, Claims, and Administrative Proceeding Records (Commerce/Dept-14); Records of Cash Receipts (Commerce/Dept-17); and Employee Personnel Files Not Covered By U.S. Civil Service Commission (Commerce/Dept-18). The Department of Commerce regulations published therein shall govern all requests and other processes under the Privacy Act. Questions concerning this matter may be addressed to the appropriate official of the United States Department of Commerce as identified in 40 FR 45634, or to the Federal Cochairman, Upper Great Lakes Regional Action Planning Commission, U.S. Department of Commerce, Room 2093, Washington, D.C. 20230.

RAYMOND C. ANDERSON,
Federal Cochairman, Upper Great Lakes Regional Action Planning Commission.

[FR Doc.75–33430 Filed 12–10–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 9 (Center for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1461, January 9, 1974, as amended) is amended to reflect changes in the organization of the National Institute for Occupational Safety and Health (9C00), as follows:

1. Establishment of the Office of Extramural Coordination and Special Projects; Division of Criteria Documentation and Standards Development; Division of Biomedical and Behavorial Science; Division of Physical Sciences and Engineering; Division of Surveillance, Hazard Evaluations, and Field Studies; Appalachian Laboratory for Occupational Safety and Health; and Western Area Laboratory for Occupational Safety and Health.

2. Name change of the Office of Administrative Management to Office of Administrative and Management Services and Office of Planning and Resource Management to Office of Program Planning and Evaluation.

3. Consolidation and transfer of functions from Office of Technical Publications and Division of Occupational Health Programs to Division of Technical Services; from Office of Extramural Activities to Office of Extramural Coordination and Special Projects; from Office of Manpower Development to the Division of Training and Manpower Development; from Office of Research and Standards Development to Division of Criteria Documentation and Standards Development; from Office of Occupational Health Surveillance and Biometrics and Division of Field Studies and Clinical Investigations to Division of Surveillance, Hazard Evaluations, and Field Studies; and from Division of Laboratories and Criteria Development to Division of Biomedical and Behavioral Science, Division of Physical Sciences and Engineering, and Appalachian Laboratory for Occupational Safety and Health.

Section 9–B, *Organization and Functions*, is hereby amended by deleting the statement entitled "National Institute for Occupational Safety and Health (9C00)" and substituting the following heading and succeeding paragraphs:

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (9C00)

Plans, directs, and coordinates the national program to develop and establish recommended occupational safety and health standards and to conduct research, training, technical assistance, and related activities to assure safe and healthful working conditions for every working man and woman. Specifically: (1) Administers research in the field of occupational safety and health; (2) develops innovative methods and approaches for dealing with occupational safety and health problems; (3) provides medical criteria which will ensure, insofar as practicable, that no employee will suffer diminished health, functional capacity, or life expectancy as a result of work experience, with emphasis on ways to discover latent disease, establishing causal relationship between diseases and work conditions; (4) serves as a principal focus for training programs to increase the number and competence of personnel engaged in the practice of occupational safety and health; (5) develops and coordinates the appropriate reporting procedures which assist in accurately describing the nature of the national occupational safety and health problems; (6) consults with the U.S. Department of Labor; U.S. Department of the Interior; other Federal agencies; and, in cooperation with the PHS Regional Offices, State and local Government agencies and industry and employee organizations with regard to promotion of occupational safety and health.

Office of the Director (9C01). (1) Manages the operations of the Institute; (2) maintains liaison with, and provides advice and assistance to, the U.S. Department of Labor, the U.S. Department of the Interior, other Federal agencies, State and local government agencies, international health organizations, and outside groups; (3) provides liaison with PHS and Departmental components providing occupational health programs for Federal employees; (4) provides policy guidance and coordination to occupational safety and health activities in the HEW Regional Offices; (5) provides leadership and coordinates the Institute's planning, evaluation, resource al-

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location, regulations, legislation, and administrative management activities.

Office of Administrative and Management Services (9C19). (1) Provides management information, advice, and guidance to the Institute; (2) coordinates management activities in the areas of financial management, administrative services, procurement, printing, and facilities; (3) provides technical leadership, guidance, and evaluation of management services performed at other geographic locations; (4) develops necessary policies, procedures, and operations; and provides special reports and studies as required in the administrative management area; (5) provides management systems consultation and analyses; (6) coordinates the utilization of data processing equipment and services within the Institute; (7) assures internal security and safety; (8) maintains liaison with the Executive Officer and Staff Service officials of the Center; (9) serves as the Institute focal point for personnel management activities.

Office of Program Planning and Evaluation (9C21). (1) Plans and coordinates the development of the strategy and philosophy of operation of the Institute regarding mission and objectives; (2) conducts or participates in special studies for program planning and evaluation; (3) conducts the necessary control functions to assure operational compliance toward program objectives within the Institute.

Office of Extramural Coordination and Special Projects (9C24). (1) Provides professional technical advice to the Director and other Institute organizational components; (2) advises the Institute on matters relating to the development and progress of Institute-supported grant research; (3) in cooperation with the offices and operating divisions of the Institute, stimulates research and demonstration grants in relevant priority areas; (4) administers the management aspects of the Institute's grants program by receiving, reviewing, analyzing, and evaluating all grant applications; (5) coordinates programming of research funded under special foreign currency program; (6) coordinates the Institute's research and scientific exchange conducted under bilateral international agreements; (7) maintains contact with professional associations, academic institutions, other Government agencies, and safety and health professionals in HEW Regional Offices; (8) assures Institute compliance with ethical scientific research procedures; (9) conducts or coordinates special short-term technical studies including evaluation of technical information transmitted to the Institute, issuing special advisories to the professional community as appropriate.

Appalachian Laboratory for Occupational Safety and Health (9C41). (1) Conducts and is the Institute focal point for clinical and epidemiological research on nonmalignant occupational respiratory disease; (2) provides legislatively mandated medical and autopsy services under the Federal Coal Mine Health and Safety Act; (3) conducts medical research to fulfill the Institute's responsibilities under the Federal Coal Mine Health and Safety Act; (4) develops and evaluates test protocols; and develops regulations for certification of personal protective devices, industrial hazard measuring devices, and quality control programs; (5) tests and certifies personal protective devices and occupational hazard measuring devices.

Western Area Laboratory for Occupational Safety and Health (9C44). (1) Provides routine analytical chemistry services; (2) designs and conducts research programs in agricultural and noncoal mining safety and health, developing analytical and associated field sampling methods; (3) conducts accident investigations and safety research designed to prevent or mitigate occupational trauma in all industries; (4) develops criteria for occupational safety and health programs unique to agriculture and noncoal mining.

Division of Criteria Documentation and Standards Development (9C48). (1) Develops from existing scientific information criteria for recommended occupational safety and health standards; (2) develops health standards under the Federal Coal Mine Health and Safety Act; (3) in cooperation with the U.S. Department of Labor, reviews and completes existing standards; (4) in coordination with the U.S. Department of Labor, establishes a priority system for conducting research for the development, support, and implementation of regulatory activities.

Division of Surveillance, Hazard Evaluations, and Field Studies (9C51). (1) Develops and maintains a surveillance system of the Nation's work force and its environs to make an early detection and continuous assessment of the magnitude and extent of job related illness, exposures, and hazardous agents; (2) conducts the legislatively mandated health hazard evaluation and industrywide epidemiological research programs through longitudinal record studies and clinical/environmental field studies and surveys to identify the occupational causes of disease in the working population and their offspring, and to determine the incidence and prevalence of acute and chronic effects from work related exposures to toxic and hazardous substances; (3) conducts epidemiological research for input to criteria for standards for the control of occupational health hazards; (4) provides, upon request and on a self-initiated basis, technical assistance, demonstrations, and consultation on technical matters pertaining to occupational safety and health to other Federal agencies, State and local agencies, other technical groups, unions, employers, and employees.

Division of Technical Services (9C53). (1) Develops technical assistance strategies and resources for program development at the Federal, State, and local level; (2) prepares and annually revises the legislatively mandated "NIOSH Toxic Substances List"; (3) conducts a clearinghouse for receiving, storing, retrieving, and disseminating technical information on occupational safety and health hazards; (4) develops guidelines for the classification of occupational disease in compensation programs; (5) promotes and provides technical guidance in the development of occupational safety and health programs at the State and local government level, as well as in industry; (6) analyzes and relates the practice of occupational medicine in industry with the total delivery of health services; (7) develops innovative methods, techniques, and approaches for dealing with occupational safety and health problems; (8) provides statistical services to institute research activities.

Division of Biomedical and Behavioral Science (9C55). (1) Conducts laboratory research for the development of criteria for standards in the areas of toxicology, behavioral science, physiology, ergonomics, and the effects of physical agents; (2) investigates new problems created by technology requiring ameliorative action; (3) develops medical criteria to assure that the work place is not responsible for diminished health, functional capacity, or life expectancy of workers; (4) develops means for identifying latent disease.

Division of Physical Sciences and Engineering (9C58). (1) Develops and evaluates performance criteria for environmental monitoring and personal protective equipment; (2) assesses control technology; (3) conducts research and development activities into equipment and procedures for the measurement and control of occupational health hazards; (4) provides for equipment development, analytical and sampling methods development, and equipment calibration within the Institute and as a service to the U.S. Department of Labor; (5) operates a quality control reference laboratory for analytical laboratories.

Division of Training and Manpower Development (9C62). (1) Designs, develops, plans, and conducts short-term training programs and activities for Federal, State, and local governments, private industry, organized labor, and other appropriate organizations in the field of occupational safety and health; (2) develops training course packages in industrial hygiene, safety, and occupational medicine and nursing; and arranges for cooperative training programs by qualified outside organizations; (3) determines occupational safety and health manpower needs on a Nationwide basis; defines and evaluates manpower certification/accreditation programs; and establishes career development guidelines for occupational safety and health occupations; (4) stimulates training grants and establishment of national manpower development resources supporting the defined needs.

Dated: December 3, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-33306 Filed 12-10-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9 a.m. on Friday, January 16, until 5 p.m. and reconvene at 9 a.m. on Saturday, January 17, until 3:30 p.m. at the Kyoto Inn, Sutter & Buchanan Streets, San Francisco, California. On Thursday, January 15, at the Kyoto Inn, the Subcommittee on Special Projects will meet from 9:30 a.m. until 11:30 a.m. and the Subcommittee on Legislation will meet from 1:30 p.m. until 3:30 p.m.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII, as amended by Pub. L. 93–380). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The Subcommittee Chairmen will give reports to the full Council on projected activities for the coming year. There will be a report from the National Institute of Education regarding activities in the area of desegregation and reports from the staff on the internal business of the Council.

Signed at Washington, D.C. on December 8, 1975.

LEO A. LORENZO,
Executive Director.

[FR Doc.75-33321 Filed 12-10-75;8:45 am]

TEACHER CORPS PROJECTS

Rescission of Closing Date for Receipt of Applications

Pursuant to the authority contained in Part B–1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255–1258 as amended, 20 U.S.C. 1101–1107a), notice is hereby given that the U.S. Commissioner of Education has rescinded the previously announced closing date of December 15, 1975 for receipt of Fiscal Year 1976 Teacher Corps applications. This date was previously published in the FEDERAL REGISTER on July 18, 1975.

This rescission is necessary because the Teacher Corps funding criteria have not yet been approved for publication: A new closing date will be published simultaneously with the funding criteria at a future date.

Dated: December 4, 1975.

(Catalog of Federal Domestic Assistance Number 13.489; Teacher Corps—Operations and Training)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33261 Filed 12-10-75;8:45 am]

Food and Drug Administration

[Docket No. 75P-0277]

LABELING OF PRESCRIPTION DRUGS FOR PATIENTS

Availability of Petition To Require Written Warning Labels on Prescription Drugs

The Commissioner of Food and Drugs is extending to March 8, 1976 the time for filing comments on the petition to require written warning labels on prescription drugs.

The Commissioner gave notice, in the FEDERAL REGISTER of November 7, 1975 (40 FR 52075), of the availability of the subject petition and requested comments thereon by February 5, 1976.

The Commissioner has considered a request from Consumers Union, one of the petitioners, to extend the comment period an additional 30 days.

The Commissioner hereby extends the time for filing comments, and interested persons may, on or before March 8, 1976, submit written comments (preferably in quintuplicate and identified with the docket number found in the heading of this notice) regarding the petition to the Hearing Clerk, Food and Drug Administration, Rm: 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: December 4, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-33296 Filed 12-10-75;8:45 am]

[Docket No. 75N-0184]

CERTAIN DRUG PRODUCTS CONTAINING AN ANTICHOLINERGIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs to Remain on the Market

Correction

In FR Doc. 75–30273, appearing at page 52644 in the issue for Tuesday, November 11, 1975, under the center heading "DESI 3265", in the second line of the paragraph numbered "3", the quantity "10 mg" should read "5mg/5cc".

Social and Rehabilitation Service

FAMILY MEDIAN INCOME BY STATE

Eligibility for Social Services Under Title XX of the Social Security Act, as Amended

Promulgation is made of the median income of a family of four for each State and for the States as a whole, applicable to the period October 1, 1976 through September 30, 1977, for the purpose of determining the extent of Federal financial participation (FFP) in State expenditures under Title XX of the Social Security Act, under the provision of sections 2002(a)(5)(B) and 2002(a)(6)(A) and (B) of that Act. These sections impose certain limitations with respect to the availability of FFP based upon the relationship of the income of the family of a service recipient to the median income of a family of four in the State, adjusted in accordance with regulations prescribed by the Secretary to take into account the size of the family.

Estimates of the median incomes of families of four persons for each State and the District of Columbia were developed by the Bureau of the Census. In developing the median income scale, the Bureau of the Census used as its base the "Detailed Characteristics" PC(1)D–1 through PC(1)D–53, Chart 199, dated 1970. This represented the most recent median income data by State by family size. Adjustments were made by using the Bureau of Economic Analysis "Per Capita Personal Income," by State and Region for Selected Years, dated August 1975; and unpublished data from the Census Bureau's Current Population Survey by State.

The methodology for adjusting median income for families of different sizes is specified in 45 CFR 228.60.

The median incomes for a family of four, by State, for fiscal year 1977—with calculations at the 80% and 115% levels—are set forth below for use by States in establishing income ceilings and fee schedules under Title XX of the Social Security Act:

Median income for families of 4

State	Median income	80 pct of median income	115 pct of median income
Alabama	$12,805	$10,244	$14,726
Alaska	19,368	15,494	22,273
Arizona	15,220	12,184	17,515
Arkansas	11,890	9,512	13,674
California	15,931	12,745	18,321
Colorado	15,629	12,503	17,973
Connecticut	16,476	13,181	18,947
Delaware	15,231	12,185	17,516
District of Columbia	15,033	12,074	17,357
Florida	14,788	11,830	17,006
Georgia	13,996	10,933	15,716
Hawaii	17,020	13,655	19,629
Idaho	14,075	11,260	16,186
Illinois	16,250	13,000	18,803
Indiana	14,478	11,582	16,650
Iowa	14,371	11,497	16,527
Kansas	14,395	11,516	16,554
Kentucky	12,514	10,011	14,391
Louisiana	12,600	10,080	14,490
Maine	12,552	10,042	14,435
Maryland	16,650	13,320	19,148
Massachusetts	15,630	12,504	17,975
Michigan	16,174	12,939	18,600
Minnesota	15,792	12,634	18,161
Mississippi	11,582	9,250	13,306
Missouri	13,770	11,016	15,836
Montana	13,936	10,949	15,729
Nebraska	13,364	10,691	15,369
Nevada	15,357	12,286	17,661
New Hampshire	13,986	11,189	16,084
New Jersey	16,727	13,382	19,236
New Mexico	12,143	9,714	13,964
New York	15,160	12,135	17,444
North Carolina	13,183	10,546	15,160
North Dakota	15,005	12,004	17,256
Ohio	15,121	12,097	17,389
Oklahoma	12,645	10,116	14,542
Oregon	15,013	12,010	17,265
Pennsylvania	14,489	11,591	16,662
Rhode Island	14,404	11,523	16,565
South Carolina	13,055	10,444	15,013
South Dakota	12,924	10,259	14,745
Tennessee	12,788	10,230	14,706
Texas	13,924	11,139	16,013
Utah	14,003	11,202	16,103
Vermont	13,145	10,516	15,117
Virginia	15,130	12,104	17,400
Washington	15,401	12,321	17,711
West Virginia	12,589	10,055	14,464
Wisconsin	15,398	12,318	17,706
Wyoming	14,833	11,866	17,056

NOTE.—The median income for a family of 4 in the 50 States and the District of Columbia, applicable to the period Oct. 1, 1976, through Sept. 30, 1977, is $14,747.

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Dated: November 17, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.75-33220 Filed 12-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

COAST GUARD

[CGD 75-233]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), of 6 October 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, 14 January 1976, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 AM.

Members of the Committee and their positions are:

Admiral John M. WILL, USN (Ret.) (Chairman), State of New York Board of Commissioners of Pilots.
Mr. H. H. ANDERSON, Jr., Yacht Racing Association of Long Island Sound.
Captain H. C. BREITENFELD, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. BURRILL, State of New Jersey Board of Commissioners of Pilots.
Mr. P. R. ELLIOTT, U.S. Environmental Protection Agency.
Commissioner V. J. FOSSELLA, P.E., New York City Department of Marine and Aviation
Captain H. E. FRITZKE, Jr., USN, U.S. Navy, Military Sealift Command.
Mr. A. GIALLORENZI, American Institute of Merchant Shipping—Petroleum Industry Representative.
Mr. A. HAMMON, Port Authority of New York and New Jersey.
Colonel T. C. HUNTER, Jr., USA, Department of the Army, Corps of Engineers.
Captain T. A. KING, U.S. Department of Commerce, Maritime Administration.
Captain T. J. McGOVERN, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. R. W. SANDERS, New York Harbor Panel, Marine Towing and Transportation Industry.
Captain S. M. SELEDEE, American Institute of Marine Underwriters.
Captain J. G. STILLWAGGON, Interport Pilots' Associates, Inc.
Captain K. C. TORRENS, American Institute of Merchant Shipping.

The summarized agenda for this meeting consists of:

1. Report from the Executive Committee given by Captain K. C. TORRENS, Chairman of the Executive Committee.
2. Implementation Schedule Status for the New York Vessel Traffic System.
3. Presentation of the Operating Procedures for the New York Vessel Traffic System.
4. Comments or questions from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander D. A. SUMI, Project Officer, Vessel Traffic System, Building 400, Section N, Third Coast Guard District, Governors Island, New York, New York, 10004, or by calling (212) 264-0409.

Dated: November 25, 1975.

W. F. REA, III,
Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc.75-33331 Filed 12-10-75;8:45 am]

[CGD 75229]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 2, 1975 to October 23, 1975 (List No. 25-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and § 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 and 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/311/4, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin or searchlight, Class 1, 37 person capacity, Alternate 1: Westerbeke Four-107 engine, identified by drawing list DL-24-9E dated June 16, 1970 and general arrangement drawing 24-9E dated June 12, 1970, Alternate 2: Lister ST 2-MG(R) engine, identified by drawing list DL-S-24-L1 dated October 10, 1975 and general arrangement drawing S-24-L1 Rev. A dated October 10, 1975, 46 CFR 160.035-13(c) Marking, Weights: Alternate 1: Condition "A" = 4,085 pounds; Condition "B" = 11,182 pounds, Alternate 2: Condition "A" = 4,060 pounds; Condition "B" = 11,137 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective October 20, 1975. (It reinstates and supersedes Approval No. 160.035/311/3 terminated August 3, 1975 to show alternate engine.)

Approval No. 160.035/410/8, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. P-30-1H, revision N dated May 14, 1970, 46 CFR 160.035-13(c) Marking, Weights: Condition "A" = 5,010 pounds; Condition "B" = 19,149 pounds, uses "Type M" hand-propelled gear, Approval No. 160.034/18/0, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective October 20, 1975. (It reinstates and supersedes Approval No. 160.035/410/7 terminated June 4, 1975.)

Approval No. 160.035/474/3, Model 1401 survival capsule, 11.2' diameter x 3.35' depth, fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed model, 14-person capacity, alternate for lifeboat, inflatable life raft or life float identified by master drawing list for Model 1401, revision C dated October 9, 1975, standard drawing list for Models 1401 and 1000, revision B dated October 9, 1975, and general arrangement drawing CA1401-101, revision B dated September 30, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled, Marking, Weights: Condition "A" = 2,310 pounds; Condition "B" = 5,483 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective October 20, 1975. (It supersedes Approval No. 160.035/474/2 dated June 9, 1975 to show revision of drawing lists.)

Approval No. 160.035/480/2, Model CA2801, 14.0' diameter x 4.8' depth fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed "Brucker" survival capsule fitted with Farymann S30M engine, 28 person capacity, as alternate for lifeboat, inflatable life raft or life float identified by Master Drawing List Model CA2801, dated September 23, 1975 and by general & equipment arrangement drawing No. CA2801-101, revision B dated August 4, 1975, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible nonself-propelled, Marking, Weights: Condition "A" = 4,350 pounds; Condition "B" = 9,562 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective October 20, 1975. (It supersedes Approval No. 160.035/480/1 dated June 6, 1975 to show revision of Master Drawing List.)

MARINE BUOYANT DEVICE

Approval No. 160.064/916/0, child medium, Model 173121, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 7, 1975. (It supersedes Approval No. 160.064/916/0 dated October 1, 1975 to show correction in address of distributor.)

Approval No. 160.064/967/0, child medium, Model No. 200-CS, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/967/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/968/0, child medium, Model No. 200-CM, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/968/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/969/0, adult, Model No. 200-S, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/969/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/970/0, adult, Model No. 200-M, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/970/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/971/0, adult, Model No. 200-L, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/971/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/972/0, adult Model No. 200-XL, vinyl dipped unicellular plastic foam "Sail and Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD Report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective October 3, 1975. (It supersedes Approval No. 160.064/972/0 dated July 16, 1975 to show new Model No.)

Approval No. 160.064/973/0, child small, Model No. 205, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 23, 1975.

Approval No. 160.064/974/0, child medium, Model No. 205, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 23, 1975.

Approval No. 160.064/975/0, adult, Model No. 205, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 23, 1975.

Approval No. 160.064/976/0, adult, Model No. 205, cloth covered unicellular plastic "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 23, 1975.

SAFETY VALVES (POWERBOILERS)

Approval No. 162.001/262/0, Type 1910 GC consolidated safety relief valve, dwg. 1900 G, approved for 300-lb. ASA pressure temperature ratings with a maximum temperature of 450° F., manufactured by DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective October 21, 1975. (It is an extension of Approval No. 162.001/262/0 dated November 3, 1970.)

Approval No. 162.001/286/0, Style HNP-MS-35-6 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D-40015-2, approved for sizes 1½" and 2", drawing revised to show change in material specifications, manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.001/286/0 dated November 16, 1970.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/2, Style JO-25 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal to metal seat, 150 p.s.i. primary service pressure rating, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., drawing revised to show change in material specification, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.018/32/2 dated November 18, 1970.)

Approval No. 162.018/59/0, Crosby style JB-25 safety relief valve for liquefied compressed gas service, approved for inlet diameters of 1½ inch through 6 inches for a maximum set pressure of 165 p.s.i. for orifices F, G, H, J, K, L, M, N, P, and Q, and a maximum set pressure of 100 p.s.i. for orifice R, with a maximum temperature of 450° F., drawing revised to show change in material specifications, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.018/59/0 dated November 18, 1970.)

Approval No. 162.018/60/0, Crosby style JB-25-3 safety relief valve for liquefied compressed gas service, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 450° F., drawing revised to show change in material specifications, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.018/60/0 dated November 18, 1970.)

Approval No. 162.018/61/0, Crosby style JB-26 safety relief valve for liquefied compressed gas service, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure if 92 p.s.i., with a maximum temperature of 800° F., drawing

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revised to show change in material specifications, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.018/61/0 dated November 18, 1970.)

Approval No. 162.018/62/0, Crosby style JB–26–3 safety relief valve for compressed gas service, approved for inlet diameters of 1½ inch through 6 inches for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 800° F., drawing revised to show change in material specification, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 21, 1975. (It is an extension of Approval No. 162.018/62/0 dated November 18, 1970.)

HALON 1301 FIXED FIRE EXTINGUISHING SYSTEM

Approval No. 162.029/7/0, Halex 1301 Model 8.5, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Norris Industries, Fire and Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, effective October 20, 1975.

Approval No. 162.029/8/0, Halex 1301 Model 17, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Norris Industries, Fire and Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, effective October 20, 1975.

Approval No. 162.029/9/0, Halex 1301 Model 25, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Norris Industries, Fire and Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, effective October 20, 1975.

Approval No. 162.029/10/0, Halex 1301 Model 33, pre-engineered Halon 1301 marine type extinguishing system unit type, identical to that described in Underwriters Laboratories, Inc. report file EX2988 dated September 29, 1975, approved for use on recreational boats and certain other uninspected vessels, manufactured by Norris Industries, Fire and Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, effective October 20, 1975.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/190/1, Barbron all brass flame arresters, Model No. suffixed by "B" Barbron all aluminum flame arresters, Model No. suffixed by "AA" Model No. indicates units size: first two digits indicate units diameter 57=5.7''): second two digits indicate element height (15=1.5'') last two digits are base code,

571501	572020	571518	572018
571519	571520	575001	572001
571520	571721	573001	571003
571003	572002	572201	572501
571003	571503	571504	575003
571004	571204	571304	572007
571004	572005	572006	571507
571010	572008	571509	572009
571510	571212	575010	572011
571012	571112	571213	571512
571513	572013	571113	571517
571014	572015	571516	571317

the majority of these models were previously approved units, due to their similarities these units are grouped together to eliminate the long list of approval numbers which now exist for Barbron Corporation, Note: last two digits of drawing No. indicate particular base, manufactured by Barbron Corporation, 18580 Lesure Avenue, Detroit, Michigan 48227, effective October 2, 1975. (It supersedes Approval No. 162.041/190/0 dated August 25, 1975.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/73/0, "Asahi Marilite P" inorganic composition board type bulkhead panel identical to that described in Underwriters Laboratories, Inc. report R7709–1(75NK3921) dated September 24, 1975, approved as meeting Class B–15 requirements in a 19mm thickness, may not be used as a component in A–60 construction, dwg. forms a part of this approval, manufactured by Asahi Asbestos Company, Ltd., 10–6, 7-Chome, Ginza, Chuo-Ku, Tokyo 104, Japan, effective October 21, 1975.

Approval No. 164.008/83/0, Frigitemp Marine "FMD Lining System Panel" marine bulkhead lining system identical to that described in Underwriters Laboratories, Inc. test report R7749–1-(75NK5918) dated August 18, 1975, and Frigitemp letter of October 7, 1975, and as shown on Frigitemp's drawing BHD–STD–1, Rev. A approved as meeting Class B–15 requirements, may not be used as component in a Class A–60 configuration. plants located at: Plant #1, Bronx, New York; Plant #2, Woodridge, New Jersey; Plant #3, Gulfport, Mississippi; FMD Compton, Compton, California, manufactured by Frigitemp Marine, 585 Washington Street, New York, New York 10014, effective October 20, 1975.

Dated: December 4, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75–33332 Filed 12–10–75;8:45 am]

Grants and denials

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
AK75–63	DOT E7119	Spernak Airways, Inc., Anchorage, Alaska.	14 CFR 103.19 and 103.31.	To transport compressed gases to remote sites where no other practical means of transportation is available. Expires Oct. 25, 1975. (Mode 4.)
AK75–64	DOT E7120	Alyeska Air Service, Anchorage, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 27, 1975. (Mode 4.)
AK75–65	DOT E7121	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–66	DOT E7122	Munz Northern Airlines, Inc., Nome, Alaska.	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 27, 1975. (Mode 4.)
AK75–67	DOT E7123	do	14 CFR 103.31 and 103.19.	To transport flammable liquids, corrosive material, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–68	DOT E7124	Frontier Flying Service, Inc., Fairbanks, Alaska.	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 27, 1975. (Mode 4.)

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Notice of Grants and Denials of Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted or denied from October 24, 1975 through November 21, 1975. The modes of transportation involved are identified by a number in the "Nature of Exemption or Denial Thereof" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo Aircraft, 5—Passenger Carrying Aircraft.

Application numbers prefixed by the letters AK represent applications received in the State of Alaska, and those prefixed by the letters EE represent applications for emergency exemptions.

Grants and denials—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
AK75–69	DOT E7125	do	14 CFR 103.31 and 103.19.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–70	DOT E7126	Fairbanks Air Service, Anchorage, Alaska.	14 CFR 103.9	To transport explosives in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 1, 1975. (Mode 4.)
AK75–71	DOT E7127	Winship Air Service, Anchorage, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Nov. 29, 1975. (Mode 4.)
AK75–72	DOT E7128	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–73	DOT E7129	Sea Airmotive, Inc., Anchorage, Alaska.	do	Do.
AK75–74	DOT E7130	do	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Nov. 20, 1975. (Mode 4.)
AK75–75	DOT E7131	Fairbanks Air Service, Inc., Anchorage, Alaska.	do	To transport explosives in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 1, 1975. (Mode 4.)
AK75–76	Denied	do	14 CFR 103.33 and 103.19.	To transport flammable liquids without overpack in single pilot operation. Denied because supporting data as required by 49 CFR 107.103 was omitted or incomplete. Denied Oct. 31, 1975. (Mode 4.)
AK75–77	DOT E7132	Spernak Airways, Inc., Anchorage, Alaska.	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–78	DOT E7133	Sea Airmotive, Inc., Anchorage, Alaska.	14 CFR 103.9	To transport explosives in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 3, 1975. (Mode 4.)
AK75–79	DOT E7134	Anchorage Helicopter Service, Inc., Anchorage, Alaska.	do	Do.
AK75–80	DOT E7135	Alaska International Air, Inc., Fairbanks, Alaska.	do	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 4, 1975. (Mode 4.)
AK75–81	DOT E7136	Maxson Aviation, Kotzebue, Alaska.	do	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 5, 1975. (Mode 4.)
AK75–82	DOT E7137	do	do	To transport explosives in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 5, 1975. (Mode 4.)
AK75–83	DOT E7138	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–84	DOT E7139	Pacific Alaska Airlines, Fairbanks, Alaska.	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations. Expires Nov. 7, 1975. (Mode 4.)
AK75–85	DOT E7140	Mr. M. O. Ehredt, Barrow, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Dec. 5, 1975. (Mode 4.)
AK75–86	DOT E7141	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 1.)
AK75–87	DOT E7142	FELAIR, Inc., Barrow, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Dec. 5, 1975. (Mode 4.)
AK75–88	DOT E7143	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75–89	DOT E7144	SKS Outfitters, Anchorage, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Dec. 6, 1975. (Mode 4.)
AK75–90	DOT E7145	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)

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Grants and denials—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
AK75-91	DOT E7146	Reeve Aleutian Airways, Inc., Anchorage, Alaska.	14 CFR 103.9	To transport flammable liquids in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 6, 1975. (Mode 4.)
AK75-92	DOT E7147	do	do	Do.
AK75-93	DOT E7148	Mr. A. Dean Carroll, Anchorage, Alaska.	14 CFR 109.3 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Dec. 7, 1975. (Mode 4.)
AK75-94	DOT E7149	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75-95	DOT E7150	Nenana Fuel Co., Nenana, Alaska.	14 CFR 103.9	To transport flammable liquid in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires after 1 flight on or about Nov. 6, 1975. (Mode 4.)
AK75-96	DOT E7151	Northern Air Cargo, Anchorage, Alaska.	do	To transport flammable liquid in quantities in excess of those specified in the regulations to remote sites in Alaska. Expires Dec. 11, 1975. (Mode 4.)
AK75-97	DOT E7152	Civil Air Patrol, Anchorage, Alaska.	14 CFR 103.19 and 103.31.	To transport flammable liquids in single pilot operation. Expires Jan. 15, 1976. (Mode 5.)
AK75-98	DOT E7153	do	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Jan. 15, 1976. (Mode 4.)
AK75-99	DOT E7154	Fairbanks Flight Services, Inc., Fairbanks, Alaska.	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)
AK75-100	DOT E7155	do	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpacking. Expires Dec. 11, 1975. (Mode 4.)
AK75-101	DOT E7156	Alaska International Airlines, Inc., Fairbanks, Alaska.	14 CFR 103.9	To transport flammable compressed gas in quantities in excess of those specified in the regulations to the Alaska oil pipeline. Expires after 1 flight on or about Nov. 12, 1975. (Mode 4.)
AK75-102	DOT E7157	Santa Fe Air Service, Hooper Bay, Alaska.	14 CFR 103.9 and 103.33.	To transport flammable liquids in quantities in excess of those specified in the regulations without overpack. Expires Dec. 13, 1975. (Mode 4).
AK75-103	DOT E7158	do	14 CFR 103.19 and 103.31.	To transport flammable liquids, corrosive materials, compressed gases, and explosives in single pilot operation. Expires Jan. 15, 1976. (Mode 4.)

Emergency applications for exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption or denial thereof
EE75-104	Denied	Hooker Chemical & Plastics Corp., Niagara Falls, N.Y.	49 CFR 173.188	To allow the transportation of phosphoric anhydride, a flammable solid, in foreign manufactured drums comparable to the DOT specification 37A drum. Denied on the basis of insufficient justification of emergency conditions. Denied Nov. 14, 1975. (Mode 1.)
EE75-105	DOT E7069	Deutsche Lufthansa, National Aeronautics and Space Administration, and Kuehne Nagel, Inc.	14 CFR 103.9	To transport two rocket motors, class B explosives, in quantities in excess of those specified in the regulations. Serious economic loss was basis of grant. Granted Nov. 14, 1975. (Mode 4.)
EE75-106	Denied	FMC Corp., Philadelphia, Pa.	49 CFR 107.109	To renew special permit 5876 on emergency basis. Denied because of insufficient justification of emergency based on serious economic loss. Denied Nov. 17, 1975. (Modes 1, 2, and 3.)
EE75-107	DOT E7074	Allied Chemical Co., Morristown, N.J.	49 CFR 173.273	To allow the transportation of sulphur trioxide, stabilized, in a storage tank packed in dry ice. Granted due to potential danger to life at Hopewell, Va., if tank not moved from contaminated plant site. Granted Nov. 21, 1975. (Mode 1.)

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.75-33127 Filed 12-10-75;8:45 am]

National Highway Traffic Safety Administration

SAFETY-RELATED DEFECT PROCEEDING

Denial of Petition Concerning Dodge Truck Wheel Nuts

This notice sets forth the reasons for denial of a petition by Mr. William J. Pierce to commence a defects investigation proceeding under authority of the National Traffic and Motor Vehicle Safety Act.

This notice is published in accordance with section 124 of the Act, 15 U.S.C. 1410a, which provides that the National Highway Traffic Safety Administration must grant or deny petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial."

In his petition Mr. Pierce sought a proceeding to determine whether 1974 Dodge trucks were unsafe because the vehicles were manufactured with right-hand threaded wheel lugs and nuts. Mr. Pierce alleged that this design allows the lug nuts on a left-side wheel to loosen under normal usage, and that this leads to the loss of the wheel. A 1974 Dodge truck, owned by Mr. Pierce, nearly lost its left rear wheel when all of its wheel nuts came off.

Mr. Pierce's petition was denied because of the lack of evidence indicating that Dodge's use of right-hand threaded wheel lugs and nuts was a defect. The presence of right-hand threaded wheel lugs and nuts on Mr. Pierce's truck does not appear to have been the cause of the loss of the wheel nuts on the truck. The NHTSA has found that a more likely reason for the loss was the use of coned lug nuts rather than the flanged type recommended by Dodge, when Mr. Pierce had his truck, originally equipped with single rear wheels, modified to have dual rear wheels. A comprehensive records check by this agency did not reveal any other complaints of a similar nature among owners of 1971–1975 Dodge trucks

(Sec. 103, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392); Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on December 5, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-33307 Filed 12-10-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AUDIO-VISUAL PRODUCTION

"Count Me In"

Notice is hereby given that the American Revolution Bicentennial Administration (ARBA) has a 45-minute, sound and color audio-visual, multi-media production entitled "COUNT ME IN," available for promotion and exhibition in secondary schools throughout the Nation on a non-exclusive basis. This original multi-media stage show was developed under contract by the ARBA as a Bicentennial assembly program in secondary schools. The production includes film, music, props, live performances and audience participation and is intended to stimulate awareness of the Bicentennial among high school students and to encourage their involvement in local Bicentennial activities. Interested organizations will be required to provide assurance of their professional and financial capability to stage the production including actual performances in a secondary school and other requirements as may be deemed necessary. The ARBA may include such terms and conditions as it deems appropriate in connection with any authorization for the presentation of the "COUNT ME IN" production. Inquiries should be directed in writing to the ARBA, 2401 E Street NW., Washington, D.C. 20276, Attention: William P. Butler, and postmarked no later than January 12, 1976.

JOHN W. WARNER,
Administrator.

DECEMBER 5, 1975.

[FR Doc.75-33324 Filed 12-10-75;8:45 am]

CIVIL AERONAUTICS BOARD

COMMUTER AIRLINE ASSOCIATION OF AMERICA

Notice of Meeting

Notice is hereby given that a presentation will be made by the Commuter Airline Association of America on December 19, 1975, at 2:30 p.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., concerning the problems and opportunities facing the commuter airline industry.

Dated at Washington, D.C., December 5, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-33404 Filed 12-10-75;8:45 am]

[Docket Nos. 25953, 22322]

FEDERAL EXPRESS CORPORATION ET AL.

Notice of Prehearing Conference

In the matter of Federal Express Corporation and General Dynamics Corporation, control relationship, Docket 25953; and Lester Crown and Trans World Airlines, Inc. interlocking relationships, Docket 22322.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 22, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 6, 1976, and the other parties on or before January 14, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 5, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33405 Filed 12-10-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, December 31, 1975. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-33390 Filed 12-10-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-467-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Public Hearings

On October 31, 1975 (40 FR 40103) the Administrator of the United States Environmental Protection Agency published his proposed approval of numerous alternative and additional federal compliance schedules for stationary sources subject to the terms of 40 CFR 52.1594, 52.1595 and 52.1598. These regulations deal, respectively, with the storage of volatile organic liquids, organic liquid loading and gasoline transfer vapor control.

As provided in the publication of the Administrator's proposed approval, public hearings have been scheduled in order to afford the general public an opportunity to participate in this rulemaking. accordingly, announcement is hereby made of the following public hearings:

Thursday, January 15, 1976, 10:00 a.m.

Room Law Schol 103, Rutgers University, 4th and Penn Streets, Camden, New Jersey 08102.

Friday, January 16, 1976, 10:00 a.m.

Room 312, Institute Center, New Jersey Institute of Technology, 323 High Street, Newark, New Jersey 07102.

Any member of the general public may submit written comments concerning the compliance schedules before, during or immediately after the hearings. Comments may be mailed to Walter E. Mugdan, Legal Advisor, General Enforcement, Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Copies of the compliance schedules proposed to be approved, along with copies of the New Jersey State Implementation Plan of which they are a part, are available for public inspection at the following locations:

United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

United States Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C. 20460.

Dated: December 5, 1975.

HERBERT BARRACK,
Acting Regional Administrator, U.S. Environmental Protection Agency.

[FR Doc.75-33284 Filed 12-10-75;8:45 am]

[OPP-240003; FRL 467-8]

STATES OF LOUISIANA, IDAHO, AND TENNESSEE

Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to pro-

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mulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Louisiana, Idaho, and Tennessee. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Louisiana, Idaho, and Tennessee as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

LOUISIANA, IDAHO AND TENNESSEE

The Louisiana, Idaho, and Tennessee Requests for Interim Certification sought authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in § 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA. The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Louisiana Department of Agriculture, the Idaho Department of Agriculture, and the Tennessee Department of Agriculture. These agencies were notified on December 3, 1975, that their Requests had been approved.

Copies of the Louisiana, Idaho, and Tennessee Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201. (*Louisiana Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 1200 6th Avenue, Seattle, Washington 98101. (*Idaho Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 1421 Peachtree Street, N.E., Room 112, Atlanta, Georgia 30309. (*Tennessee Request only*).

Dated: December 4, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-33419 Filed 12-10-75;8:45 am]

[OPP-42010; FRL 467-7]

STATE OF OREGON

Submission of State Plan; Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Robert W. Straub, Governor of the State of Oregon, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval. Notice is hereby given of the intention of the Regional Administrator, EPA, Region X, to approve this plan on a contingency basis, pending promulgation of implementing regulations.

A summary of this plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

Oregon State Department of Agriculture, 635 Capitol St. NE., Salem, Oregon 97310.

Room 11C of the Park Place Building, 1200 Sixth Avenue, Pesticides Branch, Air & Hazardous Materials Division, Seattle, Washington 98101.

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs).

SUMMARY OF OREGON STATE PLAN

The Oregon State Department of Agriculture has been designated as the State lead agency for the administration of the pesticide applicator certification program with the Pesticide Branch of the Plant Division responsible for the program's implementation. This includes coordinating a notification effort for prospective restricted use pesticide applicators, licensing of pesticide dealers and pest control consultants, enforcement activities and the coordination of field, laboratory, and office activities relating to pesticide regulation.

The cooperating agencies are Oregon State University (OSU) Cooperative Extension Service and the Department of Environmental Quality (DEQ). Personnel from the Extension Service have overall responsibility for the statewide pesticide applicator certification training program, including preparing training materials and conducting the training courses. DEQ has authority over disposal of pesticides and empty pesticide containers.

Legal authority for the program is contained in the following statutes and regulations: Oregon Revised Statutes (ORS), Chapters 634, 561 and 183 and Oregon Administrative Rules (OAR), chapter 603-57-(005-075, 110 (part I), 205 and 210) and proposed regulations thereto.

The plan indicates that the State lead agency and the cooperative agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of this program for the fiscal year 1976 is approximately $191,250.00, of which $97,000.00 is Federal funds.

The State estimates that 3,521 commercial applicators and 20,000 private applicators will need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, and presented to dealers at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report to EPA by April 30 of each year to cover the previous year's activities. Additional reports pertaining to specific needs will also be submitted as requested by EPA.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No new categories are proposed. Several new subcategories are proposed for the following categories:

(1) Agricultural Pest Control:
  (a) Insecticide and Fungicide.
  (b) Herbicide.
  (c) Soil Fumigation.
  (d) Livestock Pest Control.
(3) Ornamental and Turf Pest Control:
  (a) Insecticide and Fungicide.
  (b) Herbicide.
(7) Industrial, Institutional, Structural and Health Related Pest Control:
  (a) PCO General.
  (b) PCO Structural Destroying Pests.
  (c) Grain Fumigation.
(9) Regulatory Pest Control:
  (a) Predator Control.

Since Oregon has been testing commercial pesticide applicators for thirteen years, the Department of Agriculture is requesting that persons presently holding commercial applicator licenses be certified on the basis of the examinations they originally took. However, they will be required to take an examination on applicable laws and regulations. It is Oregon's contention that the original examinations and the to-be-administered examination on laws and regulations meet the Federal standards (40 CFR 171.4(b) and (c) and 171.6).

Training for commercial applicators will consist of short courses conducted annually by the Cooperative Extension Service. In addition, refresher courses will be held throughout the State.

Performance testing will be required in the subcategory of predator control. A field training course covering safe use of the M-44 will be given.

The States of Oregon, Idaho and Washington have entered into agreement for reciprocal certification of commercial pesticide applicators. Persons who have been examined (starting in the fall of 1975) and who have received certification in one state may make application for certification in the other states without further examination. Information about the training courses and examination schedules may be obtained from the county agent (State Cooperative Extension Service) or by contacting the Senate Department of Agriculture, Pesticide Branch in Salem, Oregon (tel. 503-378-3776.).

Private applicators will be certified for the use of restricted use pesticides under one of the following procedures:

(1) For full certification the applicant must pass a written examination which will be based on information prepared by OSU and the EPA core manual. An examination will be given following completion of short courses offered by OSU Extension Service. These training short courses will be conducted and repeated in each county during the winters of 1975-1976 and 1976-1977 by County Extension Agents. Prior to the training courses, the participants will receive 100 study questions. They will be asked to complete the questions and bring them to the course. During the meeting the questions will be discussed. After the training period is over the participants will complete an examination of 30 questions selected from the 100 previously studied. Home study of the various written materials (available at county agent offices) followed by individual examinations at Oregon Department of Agriculture branch offices will be an alternative for those unable to attend the training course.

(2) Limited certification will be issued to persons wishing to be certified only for use of individual products. An "open-label" examination will be given at branch offices of the Oregon Department of Agriculture. Emergency certification will also be handled through the limited certification option.

Oral examinations will be made available on a product-by-product basis by the pesticide branch for private applicators with reading problems.

Training and examinations for the private applicator will cover the Federal standards as listed in 40 CFR 171.5 and 171.6 as well as information reflecting conditions found in Oregon. Oregon's State plan indicates that all commercial certified applicators will be retested at least every five years. Study materials and examinations will be changed and improved as new knowledge becomes available. To encourage participation in special training courses sponsored by the OSU Extension Service, the Oregon Department of Agriculture intends to exempt from retesting those applicators who attend three accredited training sessions within the five-year license period.

Private and commercial applicator certification programs will be made available to pesticide applicators on Indian Reservations in Oregon. Both Umatilla and Warm Springs Reservations have indicated that they will not be developing their own program and will utilize Oregon's. Letters to this effect are included in the plan.

Enforcement of the Oregon certification program will include product sampling and formulation site inspection, damage complaint investigations and pesticide residue surveillance of food products. Alleged misuses will be investigated to determine if legal action should be taken. Utilization of the cooperative enforcement agreement between EPA and the Oregon Department of Agriculture, and interagency cooperation within the State with the Oregon Fish and Wildlife Commission, the Health Division and the Department of Environmental Quality will supplement the Department's formal enforcement activities.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Oregon to the Chief, Pesticides Branch, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. The comments must be received on or before January 12, 1976, and should bear the identifying notation [OPP-42010]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 to 3:30 Monday through Friday.

Dated: November 24, 1975.

L. EDWIN COATE,
Deputy Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc.75-33420 Filed 12-10-75;8:45 am]

[OPP-240002; FRL 467-5]

STATES OF TEXAS, OREGON, HAWAII, GEORGIA, MAINE, AND VIRGINIA

Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the

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FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed in section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s) from the States of Texas, Oregon, Hawaii, Georgia, Maine, and Virginia. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Texas, Oregon, Hawaii, Georgia, Maine, and Virginia as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

TEXAS, OREGON, HAWAII, AND GEORGIA

The Texas, Oregon, Hawaii, and Georgia Requests for Interim Certification sought authority to register "new products", as that term is defined in Section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in Section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA. The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Texas Department of Agriculture, the Oregon Department of Agriculture, the Hawaii Department of Agriculture, and the Georgia Department of Agriculture. These agencies were notified on November 20, 1975, that their Requests had been approved.

MAINE AND VIRGINIA

The Maine and Virginia Requests for Interim Certification sought authority to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in these two Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA. The State agencies have been designated responsible for issuance of such registrations are the Maine Department of Agriculture and the Virginia Department of Agriculture and Commerce, respectively. These State agencies were notified on November 20, 1975, that their Requests had been approved.

Copies of the Requests for Interim Certification from Texas, Oregon, Hawaii, Georgia, Maine, and Virginia, along with letters reflecting the Agency's decision to approve the Requests, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201. (*Texas Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 1200 6th Avenue, Seattle, Washington 98101 (*Oregon Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 100 California Street, Room 340, San Francisco, California 94111. (*Hawaii Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, 1421 Peachtree Street, NE., Room 112, Atlanta, Georgia 30309. (*Georgia Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Room 2303, Boston. (*Maine Request only*).

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. (*Virginia Request only*).

Dated: December 4, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-33421 Filed 12-10-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1260; Docket No. 20650, File No. BPH-8843; Docket No. 20651, File No. BPH-8988; Docket No. 20652, File No. BPH-9044; Docket No. 20653, File No. BPH-9175]

BROADCASTERS AND PUBLISHERS, INC. ET AL.

Applications for Construction Permits

1. The Commission has before it the above-captioned applications which are mutually exclusive in that they seek the same FM Chanel in Gulfport, Mississippi.

2. Broadcasters and Publishers, Inc., has failed to indicate when its original community leader interviews were conducted. Thus, the extent of its compliance with the six-month requirement imposed by question and answer 15 of the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), cannot be determined. In addition, although manufacturing contributes significantly to the Gulfport economy, the applicant has included no manufacturing representatives in its list of community leaders. In light of these factors, an ascertainment issue will be specified.

3. WGUF, Inc., has similarly failed to indicate when its original community leader interviews were conducted. Further, the applicant states that "general public members interviewed were selected at random in a house-to-house survey in Gulfport and on a random basis of on the street, face to face interviews." In the Report and Order accompanying the release of the Primer, the Commission stated that "a random selection [of the general public] may be taken from a city directory, or may be done on a geographical distribution basis." 27 F.C.C. at 667. It is therefore not clear whether the selection process used by WGUF, Inc., to assure randomness was consistent with the procedures required by the Primer. Accordingly, an appropriate issue will be specified.

4. The financial portion of the application of Mississippi Gulfshore Broadcasting Company [MGBC] indicates that it will require a total of $92,716 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on equipment	$8,600
1st-year payments on equipment with interest	9,116
Miscellaneous	4,500
Working capital	70,500
	92,716

To meet this requirement, MGBC relies on a $100,000 personal line of credit from Mr. Marshall Watkins, a partner in the applicant. However, on his balance sheet, Watkins has failed to segregate current assets and current liabilities as required. In addition, neither the stocks and bonds listed, nor the exchanges on which they are traded are identified. Further, if all liabilities are deemed to be current, Watkins appears to have current liabilities well in excess of current assets. Finally, the letter evidencing the loan fails to state the collateral requirements involved, if any, and the specific rate of interest to be charged. In light of these factors, funds cannot be considered available from this loan, and a financial issue will be included.

5. The financial portion of the application of Gulf South Broadcasters of Mississippi, Inc. [Gulf South] indicates that it will require a total of $47,752 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on $26,000 for equipment	$1,810
13 additional payments at $603.20 (including interest)	7,842
Miscellaneous	10,740
Working capital	27,360
	47,752

To meet this requirement, the applicant relies on a $7,000 stock subscription and a $50,000 personal loan, both from Mr. Joseph M. Costello, III, majority shareholder of the applicant. Costello's balance sheet shows current liabilities in excess of current assets, and no funds are therefore available from this source. However, the lender asserts that funds sufficient to meet his commitment will be available from the cash flow of WRNO (FM), New Orleans, Louisiana, of which he is the sole owner. The most recent financial data from WRNO indicate, however, that the station suffered a net loss in 1974,[1] and, therefore, $57,000 may not reasonably be considered available from that source. Finally, Costello has submitted a letter purportedly evidencing a bank loan to him personally. These funds would be made available to the applicant. However, the letter does not appear to be a firm commitment.[2] Accordingly, it does not appear that any funds will be available to meet the necessary expenses, and an appropriate issue will be specified.

6. With respect to the assertion, noted in paragraph 5, supra, that funds would be available from the cash flow of WRNO, it is noted that, for 1972 and 1973, the station reported to the Commission net profits of $53,305 and $40,160, respectively.[3] In 1974, the station suffered a net loss of $10,322. In contrast, Gulf South asserts that "profits [from WRNO] have exceeded $100,000 for each of the past three years." It is therefore apparent that the financial position of WRNO has been misrepresented to the Commission, either in the station's financial reports or in the instant application. In either case, a misrepresentation issue is warranted and will be specified. Cf. Radio New Jersey, 46 F.C.C. 2d 818 (1974).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Broadcasters and Publishers, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine the efforts made by WGUF, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposed to meet those problems.

3. To determine whether Mississippi Gulfshore Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine whether Gulf South Broadcasters of Mississippi, Inc., is financially qualified to construct and operate its proposed station.

5. To determine, with respect to the application of Gulf South Broadcasters of Mississippi, Inc.:

(a) Whether the financial position of WRNO has been intentionally misrepresented; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant possesses the requisite character qualifications to be a Commission licensee.

6. To determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 12, 1975.

Released: December 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33345 Filed 12-10-75;8:45 am]

[FCC 75R-446; Docket No. 20503, File No. BPH-8695; Docket No. 20504, File No. BPH-8744; Docket No. 20505, File No. BPH-8918; Docket No. 20506, File No. BPH-9235]

LEE J. COOPER ET AL.

Applications for Construction Permits

By the Review Board: Board Member Emerson absent. Board Member Ohlbaum concurring in the result only and Board Member Zlas dissenting with respect to addition of issue.

1. Before the Review Board is a motion to enlarge issues, filed July 7, 1975, by Community North Broadcasters, Inc. (Community) seeking the addition of various issues against C. Alfred Dick (Dick), Lee J. Cooper tr/as Ra-Ad of Soddy (Ra-Ad), and Teeter—Taylor Enterprises (Teeter-Taylor).[1] [2]

STAFFING ISSUE

2. In support of the requested staffing issue, Community states that Teeter-Taylor's proposed itemization of salaries appears to indicate that no salaries are to be paid to partners Rheubin M. Taylor, Richard B. Teeter, and Claude E. Carson, who will serve, respectively, as the proposed station's full-time general manager, part-time program director/sales manager, and full-time chief engineer/public affairs director.[3] Accordingly, movant asserts, a substantial question is raised as to how each of the partners can afford financially to devote the amount of time to station operations which the application proposes. Moreover, Community maintains that none of the partners in question has cash reserves adequate to support him for a year.[4] Therefore, movant contends that the applicant should be required to show in greater detail the sources of income of the respective partners and how they intend to meet their financial needs during the year. Finally, Community claims that it is not clear whether the partners' commitments to perform clerical work, sales, general supervision of the station, and some on-the-air responsibilities are in addition to their aforenoted functions; therefore, movant argues, it is impossible to know the extent of the proposed involvement of the partners and to evaluate the reasonableness of the applicant's staffing proposal.

3. The Review Board will deny Community's request for a staffing issue. An amendment, filed August 14, 1975, by Teeter-Taylor and accepted by Order of the Presiding Judge, FCC 75M-1521, re-

[1] This information appears in the WRNO financial showing filed in Form 324.

[2] The letter reads in part: "Our understanding [that we would be agreeable to making a loan] is subject to the execution of a mutual, loan agreement which would contain the terms and provisions of the loan."

[3] See N. 1, *supra*.

[1] The applications of Ra-Ad and of Dick for new FM stations in Soddy-Daisy, Tennessee, were dismissed with prejudice by Orders of the Presiding Judge, FCC 75M-1498, released September 4, 1975 and FCC 75M-1683, released October 2, 1975 respectively. Consequently, Community's request for various issues against these applicants is now moot and we shall therefore discuss in this opinion only Community's requests for staffing, financial, and efficient use of frequency issues against Teeter-Taylor.

[2] Other related pleadings before the Board are: (a) opposition, filed August 14, 1975, by Dick; (b) Broadcast Bureau's partial opposition, filed August 22, 1975; (c) opposition, filed August 22, 1975, by Teeter-Taylor; and (d) reply, filed September 12, 1975, by Community.

[3] According to the original application, both Taylor and Carson propose to devote 40 hours per week to the station; Teeter proposes to devote 20 hours per week.

[4] Movant cites the partners' financial statements submitted in Exhibit E of Teeter-Taylor's application indicating $1,000 cash on hand for Taylor; $2,000 cash reserve for Carson; and $5,300 cash on hand for Teeter.

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leased September 5, 1975, satisfactorily answers any questions raised concerning the feasibility of the applicant's staffing proposal. The amendment, which specifically describes the duties of each partner, indicates that Mr. Taylor will devote 30 hours per week to the station (amended from 40 hours) and will also continue to engage in the practice of law; that Mr. Teeter will continue to practice law as a full-time occupation and will be paid by commission for advertising sold; and that Mr. Carson is to be paid a $5,000 salary by the applicant and in addition has recently established a retail business and will receive income from it. It thus appears from the amendment that each of the principals in question will have a continuing source of income independent of the proposed station (and one principal, Carson, will earn a salary as well) and there is nothing to indicate that they could not meet their employment commitments to the applicant. *Cf. James B. Francis*, 41 FCC 2d 303, 27 RR 2d 1337 (1973). See also *WWKY, Inc.*, 44 FCC 2d 239, 28 RR 2d 1551 (1973).

Thus, we conclude, in accordance with established precedent that since effectuation of Teeter-Taylor's proposal is not inherently improbable, and no specific allegations demonstrating that the proposal cannot be carried out have been made, no issue is warranted. See *Radio Geneva, Inc.*, 42 FCC 2d 254, 27 RR 2d 1680 (1973); *Harold James Sharp*, 54 FCC 2d 1236 (1975).[5]

FINANCIAL ISSUES

4. Community first requests an issue to determine the ability of partners Teeter, Taylor, and Carson to meet their respective financial commitments to the enterprise.[6] In support, movant claims that since these partners will receive no salaries, or at best only minimal salaries for their work at the station, they will be forced to utilize their cash reserves in order to support themselves; therefore, Community argues, the cash reserves of these partners cannot be relied upon to support their pledges to the partnership. Community next asserts that Teeter-Taylor's representation that "clerical work will be handled by partners or persons under their employ for other purposes" necessitates specification of financial issues to determine who is to provide the funds for the station's clerical work. Movant asserts that if the salaries are to be paid by the partners, it must be determined whether they are financially able to provide such funds and how such a commitment would affect their ability to contribute remaining financial resources to the partnership. Community alleges that such an inquiry is particularly warranted in light of Teeter-Taylor's already questionable financial situation.[7] Community further claims that Teeter-Taylor's reliance on the availability of deferred credit from its equipment supplier is not at all assured. In support, movant refers to a letter from the supplier, dated August 16, 1974, stating the terms on which it would be willing to extend credit to Teeter-Taylor.[8] Movant contends that the contingent nature of the commitment raises a substantial doubt as to the availability of the credit, citing *Parkell Broadcasting, Inc.*, — FCC 2d —, 32 RR 2d 812 (1975). Finally, Community notes that general partner Ward Crutchfield pledges "to mortgage real estate or otherwise borrow or contribute funds to make a capital contribution in the amount of $45,000" while also pledging his real estate holdings as collateral to secure a bank commitment of $60,000 to the partnership. However, Community argues that Crutchfield's real estate holdings are inadequate to secure both a direct bank loan to the partnership and a personal loan to the partnership from Crutchfield. Accordingly, movant requests an issue to determine whether the proposed lenders are willing to rely upon Crutchfield's real estate holdings as collateral for the loans.

5. In opposition, Teeter-Taylor asserts that Community's allegations that its principals will have to rely upon their cash reserves to meet their personal needs is pure speculation and must be rejected in light of the August 14 amendment. In addition, the applicant maintains that Community has not established that the proposal to have personnel of an existing law firm, with which all of Teeter-Taylor's general partners are associated, do minor clerical work is unreasonable. With respect to the availability of deferred credit from its equipment supplier, Teeter-Taylor asserts that Community's reliance on *Parkell Broadcasting, Inc., supra*, is misplaced since that case deals with a bank loan rather than a letter of credit from an equipment supplier. Moreover, the applicant contends that the language in its equipment credit letter is similar to the language approved by the Commission in *Commercial Radio Institute*, 48 FCC 2d 223, 31 RR 2d 12 (1974). Finally, Teeter-Taylor asserts that any ambiguity concerning the adequacy of Crutchfield's assets to secure financing for the station has been resolved by the amendment of August 14, 1975.[9]

6. The Board will deny the requested financial issues concerning the partnership, the collateral for the bank loan, and funding for the clerical work. First, it appears that the partners' ability to meet their financial commitments to the partnership is already in issue in this proceeding. See note 7, *supra*. Second, according to its July 25, 1975 letter, the Pioneer Bank states that it is familiar with Crutchfield's real estate holdings and finds them to be acceptable collateral for the amount of the loan. And, third, we agree with the applicant that its clerical work proposal is reasonable and no showing to the contrary has been made by movant. However, we believe that the wording of the equipment supplier's letter of credit does raise a substantial doubt as to the availability of the credit. Although letters of credit customarily reserve the right to review the applicant's future financial condition, the wording of these reservations usually implies or expresses that the manufacturer has already examined and is satisfied with the applicant's current financial status. See *Snake River Valley Television, Inc.*, 26 FCC 2d 380, 20 RR 2d 644 (1970).[10] Such an implication cannot be found in the letter of credit in this case. It can only be inferred from the wording of this letter that the manufacturer has not as yet reviewed the applicant's financial status, or that it has done so and has not found the financial condition adequate for the issuance of the standard letter of credit. See *Tri-Cities Broadcasting Corp.*, 10 FCC 2d 490, 11 RR 2d 609 (1967). Therefore, the Board will specify an appropriate issue.

EFFICIENT USE OF FREQUENCY ISSUE

7. In support of its request, Community asserts that it proposed to operate 162 hours per week whereas Teeter-Taylor proposes to operate 112 hours per week. Therefore, Community contends, since Teeter-Taylor's proposed station will remain silent for one hour out of every three, its proposal is prima facie a less efficient use of the frequency than Community's proposal and either addition of an efficient use of frequency issue or consideration of this matter under the standard comparative issue is warranted. Movant urges that the considerations expressed in *Jones T. Sudbury*, 8 FCC 2d 360, 10 RR 2d 114 (1967), where AM/FM program duplication was found to be "wasteful, inefficient, and undesirable" are equally applicable to a proposal for less than full-time utilization of authorized broadcast hours.

8. The Board will deny Community's requested issue. Initially, as the Broadcast Bureau notes, the Commission's *Policy Statement On Comparative Broadcast Hearings*, 1 FCC 2d 393, 5 RR 2d 1901 (1965), speaks of efficiency as an engineering matter whereas Community's request relates only to the number of hours broadcast per week. Moreover, although Community has labeled its request an efficient use of frequency issue, it appears that Community is seeking essentially a comparative programming issue based upon the differences in hours of operation. However, movant has made no attempt to relate the differences in the proposed hours of operation to its ascertainment of community needs, and absent such a showing, an issue is not warranted. See *Eastern Broadcasting Corp.*, 31 FCC 2d 724, 22 RR 2d 966 (1971). Compare *Erway Television Corporation*, 8 FCC 2d 24, 9 RR 2d 1376 (1967), affirmed as modified FCC 67-926, *recon. denied* FCC 67-1566.[11]

ESTIMATED COSTS ISSUE

9. Community contends that Teeter-Taylor's estimated costs of operation are "patently understated." Specifically, movant notes that while the applicant stated it would have five staff employees, salaries for only four are listed. Therefore, according to Community, an additional first year salary expense of $4,160 (based on the Federal minimum wage and a 40 hour work week) must be assumed. In addition, Community contends that the applicant's intention to rely upon "TAB Bulletins" as a source for information of Commission rules indicates that Teeter-Taylor will join the Tennessee Association of Broadcasters. However, Community charges that the applicant has failed to allocate $100 for membership in that organization and $400 in license fees for ASCAP and BMI.[12] Community concludes that Teeter-Taylor's omission of at least $4,600 in essential costs demonstrates a lack of thoroughness on the part of the applicant and suggests the omission or understatement of other essential costs.

10. The Board will deny the requested issue. The applicant explained in its opposition pleading that the discrepancy in its application between the number of staff persons specified and the number of salaries listed was the result of an apparent error in completing the form.[13] In its amended application, this error is corrected. Therefore, Teeter-Taylor does not omit listing the salary of one employee and since movant has not shown that the applicant will be unable to operate its station with its proposed staff, there is no basis for allocating additional salary expenses. As to the ASCAP and BMI license fees, it is well established that music licenses are properly treated as revenue related expenses and need not be included in the proposed budget. See *WPIX, Inc.*, 22 FCC 2d 960, 18 RR 2d 1196 (1970); *Jerry J. Collins*, 50 FCC 2d 715, 32 RR 2d 649 (1975). Also, movant has not supported its contention that the applicant will become a member of TAB and there is no requirement that membership dues and subscriptions incurred at the discretion of the licensee be included in the budget. See *Sampson Broadcasting Co., Inc.*, 52 FCC 2d 954, 33 RR 2d 923 (1975); *Jerry J. Collins, supra*. Finally, Community has failed to support its speculative allegation that other essential costs may have been understated or omitted; therefore, no issue will be designated concerning this mater.

11. Accordingly, it is ordered, That the motion to enlarge issues, filed July 7, 1975, by Community North Broadcasters, Inc., IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

12. It is further ordered, That the issues in this proceeding are enlarged to include addition of the following issue: "To determine the availability to Teeter-Taylor Enterprises of deferred credit from its equipment supplier and in light of the evidence adduced, whether the applicant is financially qualified."

13. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE upon Teeter-Taylor Enterprises.

Adopted: December 2, 1975.

Released: December 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33346 Filed 12-10-75;8:45 am]

[5] We note that in its reply pleading Community concedes that the August 14, 1975 amendment effectively moots its requested issue.

[6] Movant claims that, according to its application, Teeter-Taylor relies, *inter alia*, upon cash reserves of $2,000 owned by Mr. Carson and $5,000 owned by Mr. Teeter to substantiate proposed contributions to the enterprise in those respective amounts. Additionally, according to Community, Taylor has pledged $10,000 to the enterprise and shows a cash reserve of $1,000.

[7] In the designation Order, financial issues were specified against Teeter-Taylor to determine whether the partners have sufficient assets to meet their respective commitments and the rate of interest of the bank loan relied upon by the applicant.

[8] The letter states: "This offer is, of course, contingent upon receipt of information indicating a satisfactory financial condition."

[9] The amendment indicates that Crutchfield's assets will be pledged as collateral for a loan in the amount of $85,000 from the Pioneer Bank of Chattanooga and that the applicant relies solely on this loan and the letter of credit from its equipment supplier. A copy of the bank letter, dated July 25, 1975, is included in the amendment.

[10] Compare *Commercial Radio Institute, Inc.*, 48 FCC 2d 323, 31 RR 2d 12 (1974), where the letter of credit found to be acceptable stated that the manufacturer's willingness to provide the deferred credit was ". . . subject to credit approval at the time the lease is due to be signed. . . ."

[11] Community's reliance on *Jones T. Sudbury, supra*, is misplaced since that case permitted a limited showing to be made under the standard comparative issue only where AM/FM duplication was proposed, without any reference to number of hours broadcast. Moreover, movant has not shown specifically how Teeter-Taylor's proposal would be inefficient.

[12] Movant supports its assertions with an affidavit from its President, Zollie D. Cantrell.

[13] In its reply, Community states that since the discrepancy was the result of apparent error, its requested issue is no longer warranted.

FEDERAL MARITIME COMMISSION

COMPUTER SERVICES AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David V. Ainsworth, Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. 10208, entered into between Nippon Yusen Kaisha (NYK) and Matson Navigation Company (Matson), provides for the establishment of a cooperative working arrangement whereby Matson shall provide and coordinate all NYK Inventory Equipment Control System computing, telecommunications and supporting services in connection with NYK's U.S. Pacific Coast operations in accordance with the terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33400 Filed 12-10-75;8:45 am]

PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND ECUADORIAN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circum-

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stances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Albert B. Dearden, Deputy Chief, The Port Authority of New York & New Jersey, One World Trade Center, New York, New York 10048.

Agreement No. T-3158-1, between the Port Authority of New York and New Jersey (Port) and Ecuadorian Line, Inc., (ELI) modifies the parties' basic agreement providing for the eight-year lease to ELI of certain premises at Port Newark, New Jersey, to be used as a marine terminal facility. The purpose of this modification is to add area to the premises leased under Agreement No. T-3158, with a corresponding increase in the rental.

By Order of the Federal Maritime Commission.

Dated: December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33399 Filed 12-10-75;8:45 am]

PORT OF SEATTLE AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2577-2, between the Port of Seattle (Port) and American President Lines, Ltd., (APL) modifies the parties' basic agreement providing for the month-to-month lease of transit shed and open space for the purpose of stuffing, unstuffing, and storage of containers. The purpose of this modification is to increase the rental payable by APL and to provide security guard service at Pier 42, the cost of which will be shared equally between the parties.

By Order of the Federal Maritime Commission.

Dated: December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33398 Filed 12-10-75;8:45 am]

STATE OF HAWAII; MATSON NAVIGATION CO. AND HILO TRANSPORTATION AND TERMINAL CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. Alvey Wright, Director, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. 9055-1, between the State of Hawaii (Hawaii) and Matson Navigation Company (Matson) modifies the parties' basic agreement providing for the forty-year lease of certain terminal property at Hilo, Hawaii, to Matson for the operation of a bulk sugar loading facility. The purpose of the modification is to withdraw certain areas from the leased property for use in the redevelopment of portions of Pier No. 1, Hilo Harbor.

Agreement No. 9055-A-3, between Matson Navigation Company (Matson) and Hilo Transportation and Terminal Co., Inc. (Hilo) modifies the parties' basic agreement which grants Hilo the right to occupy and use terminal property at Hilo, Hawaii, for the purpose of loading sugar on vessels operated by or approved by Matson. Agreement No. 9055-A refers to a "second 1950 agreement" between Matson and Hilo covering gantry equipment. The purpose of the modification is to withdraw certain areas from Agreement No. 9055-A and the second 1950 agreement for use in the redevelopment of portions of Pier No. 1, Hilo Harbor.

By Order of the Federal Maritime Commission.

Dated: December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33397 Filed 12-10-75;8:45 am]

SAN FRANCISCO PORT COMMISSION AND CALIFORNIA STEVEDORE AND BALLAST CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert A. Bobier, Chief Counsel, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-3190, between San Francisco Port Commission (Port) and California Stevedore and Ballast Company (CS & B), provides for CS & B, on behalf of Port, to operate: (1) a consolidation freight station, and (2) a cargo distribution service. As compensation, CS & B will pay a fixed monthly rental of $800. Port shall cooperate in the solicitation of customers and advertising of said services. Port will publish such tariffs as Port and CS & B find necessary or convenient. Charges for consolidation are established pursuant to Port of San Francisco Tariff No. 11. Said charges shall accrue to CS & B with no sharing with Port. Charges for distribution service will be in accordance with San Francisco Bay Carloaders T.B., Car Servicing Tariff No. IC, FMC-T No. 2, and amendments thereto. Port shall pay CS & B $10.50 per short ton for the delivery of cargo to piers except as set forth in the agreement. All payments by Port shall be made by credit on debts owed to Port by CS & B.

Agreement No. T-3190 supersedes Agreement No. T-2563 between the same parties, which was approved by the Commission on November 9, 1971.

By order of the Federal Maritime Commission.

Dated: December 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33398 Filed 12-10-75;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

HEALTH CARE INDUSTRY LABOR-MANAGEMENT ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Health Care Industry Labor-Management Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), will meet on Monday, January 12, 1976, starting at 9:00 a.m., in Conference Room 1104 of the U.S. Customs Building, 14th and Constitution Avenue, NW., Washington, D.C.

The agenda will include presentations and discussions related to:

1. Reimbursement agencies and collective bargaining—the third party payor issue.

2. Training of Federal Mediation and Conciliation Service professional staff in health care negotiations.

3. Selection and training of boards of inquiry.

4. Review of 1976 health care collective bargaining calendar.

The meeting will be open to the public. Communications regarding this meeting should be addressed as follows:

Mr. Lawrence B. Babcock, Jr., Advisory Committee Management Officer, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this eighth day of December 1975.

W. J. USERY, JR.,
National Director.

[FR Doc.75-33378 Filed 12-10-75;8:45 am]

FEDERAL RESERVE SYSTEM

F. S. BANCOR, INC.

Formation of Bank Holding Company

F. S. Bancor, Inc., Mitchellville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 63.2 percent of the voting shares of the voting shares of Farmers Savings Bank, Mitchellville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1975.

Board of Governors of the Federal Reserve System, December 4, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33353 Filed 12-10-75;8:45 am]

FIRST NATIONAL AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities; Correction

In FR document 75-32406 appearing at page 55905 of the issue for Tuesday December 2, 1975, the fifth sentence of paragraph 4 should read: In situations where individuals are involved in more than one one-bank holding company, such as where individuals have established a series or chain of one-bank holding companies, the Board has indicated that such organizations should be analyzed under the more restrictive financial standards that are normally used in analyzing multi-bank holding companies.[2]

Board of Governors of the Federal Reserve System, December 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33314 Filed 12-10-75;8:45 am]

[2] See Board's Order dated October 17, 1975, approving the application of Commercial Bankshares, Inc., Grand Island, Nebraska, to become a bank holding company through acquisition of Commercial National Bank & Trust Company, Grand Island, Nebraska.

REPUBLIC OF TEXAS CORPORATION

Order Approving Retention of Republic National Mortgage Corporation of Texas

Republic of Texas Corporation, Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain indirect ownership through its trusteed affiliate, Republic Enterprises Corporation, of the voting shares of Republic National Mortgage Corporation of Texas ("Company"), both of Dallas, Texas. Company engages in mortgage banking activities, including originating, selling, and servicing mortgage loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 Federal Register 47540). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

By Order dated October 25, 1973, the Board approved the formation of Applicant for the purpose of becoming a bank holding company through the acquisition of Republic National Bank of Dallas, Dallas, Texas ("Republic Bank"). Republic Bank was itself a bank holding company by virtue of the 1970 Amendments to the Act, and owned various bank and nonbank interests. At the time of its formation, Applicant also obtained indirect control of Republic Bank's various interests, including Company which was established as a de novo subsidiary pursuant to approval granted on July 12, 1972, by the Federal Reserve Bank of Dallas. Pursuant to the provisions of section 4(a)(2) of the Act, Applicant has two years in which to divest its nonbank activities or, in the alternative, to apply to the Board for approval to retain them. In this proposal, Applicant has applied to retain the shares of Company. The Board regards the standards under section 4(c)(8) of the Act for retention of shares to be the same as the standards for a proposed acquisition.

Applicant, the 4th largest banking organization in Texas, controls three subsidiary banks with aggregate deposits of approximately $2.8 billion, representing approximately 6.5 percent of the total deposits in commercial banks in the State.[1] Applicant engages in mortgage banking activities through its three subsidiary banks; however, Republic Bank's mortgage lending activities are essentially conducted through Company at the present time. In addition, Applicant engages indirectly through a group of corporations referred to collectively under the name of Howard Corporation, in various nonbanking activities which are described in a Board determination dated

[1] Banking data are as of December 31, 1974.

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September 10, 1973, relating to the grandfather benefits of Republic Bank. The Board has previously ruled that Applicant would not be a successor to the grandfather benefits of Republic Bank, and Applicant has committed, and is required, to dispose of the nonpermissible activities within the two-year statutory period prescribed in section 4(a)(2) of the Act.

Company, established de novo in September, 1972, operates one office in Dallas, Texas. Through June 30, 1975, Company originated $18.2 million in mortgage loans, primarily for the account of Republic Bank and three other permanent investors. In addition, Company serviced a mortgage loan portfolio for investors (principally Republic National Bank) of $43 million, 80 per cent of which were permanent mortgage loans on single family residences, the remaining 20 per cent of which were commercial mortgages. Company's mortgage loans are originated primarily from the Dallas-Ft. Worth area. In view of Company's small size and limited scope of operations, the fact that it was organized de novo, and the large number of alternative sources for mortgage loans in the Dallas-Ft. Worth area, the Board concludes that Applicant's retention of Company would not result in any adverse effects on competition in any relevant area.

There is no evidence in the record to indicate that the proposed retention of Company by Applicant would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects. Company's continued affiliation with Applicant is likely to result in increased competition in the Dallas-Ft. Worth mortgage loan market, since Applicant proposes to expand Company's access to institutional sources of mortgage funds and to expand Company's activities to include making additional types of real estate loans.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable, and the application should be approved. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective December 3, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-33355 Filed 12-10-75;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, Coldwell, and Jackson.

TEXAS AMERICAN BANCSHARES INC.

Acquisition of Bank

Texas American Bancshares Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares), of the voting shares of Galleria Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 5, 1976.

Board of Governors of the Federal Reserve System, December 4, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33356 Filed 12-10-75;8:45 am]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Denver Regional Office

On October 7, 1975, there was published in the FEDERAL REGISTER (40 FR 46361, corrected in 40 FR 52122) a notice announcing a reorganization of the Federal Trade Commission's regional office structure. The notice announced that a new regional office was to be established in Denver, Colorado. That regional office has now been established and will serve an eight-state area including Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Montana, and Utah.

Notice is hereby given that paragraph (b)(6) of Section 18 of the Statement of Organization is amended to include the address of the Denver Regional Office to read as follows:

Sec. 18. The Regional Offices.

(b) • • •

(6) *Denver Regional Office.* Federal Trade Commission, 128 U.S. Customs House, 721 19th Street, Denver, CO 80202.

By direction of the Commission dated December 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33359 Filed 12-10-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 1, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before December 29, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

NUCLEAR REGULATORY COMMISSION

Request for extension of approval of Form NRC-313R, "Application for Byproduct Material License—Use of Sealed Sources in Radiography" and 10 CFR 34.3, "Application for Specific Licenses." 10 CFR 34.3 provides that applications for specific licenses for use of sealed sources in radiography shall be filed on Form NRC-313R. The completed form is reviewed by technical staff of the NRC to determine that the contemplated use proposed by the applicant will meet NRC regulations. Respondents are companies wishing to utilize sealed sources containing byproduct material in the performance of various types of radiography. Respondent burden is estimated at 5 hours per response; 250 applications are filed annually. Thus, the estimated total respondent burden is 1250 hours annually.

Request for extension of approval of NRC Form-482, "Registration Certificate—Medical Use of Byproduct Material Under General License" and 10 CFR 35.31, "General License for Medical Use of Certain Quantities of Byproduct Material." 10 CFR 35.31 establishes a general license authorizing physicians to use certain quantities of byproduct material for specified diagnostic tests. Prior to using byproduct material under the general license the physician must file Form NRC-482 with the NRC and receive from the NRC a validated copy of Form NRC-482 with registration number assigned. Respondents are physicians who propose to use byproduct material under the general license of 10 CFR 35.31. Respondent burden is estimated at 5 minutes per response; 200 registration certificates are filed annually. Thus, the estimated total respondent burden is 17 hours annually.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-33309 Filed 12-10-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

Office of Federal Management Policy

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT

Recommendations A-12, A-13, and A-14

Notice is given that the executive branch has accepted Commission on Government Procurement (COGP) Recommendations A-12, A-13, and A-14.

The COGP recommendations are as follows:

A-12: "Reevaluate the place of procurement in each agency whose program goals require substantial reliance on procurement. Under the general oversight of the Office of Federal Procurement Policy, each agency should ensure that the business aspects of procurement and the multiple national objectives to be incorporated in procurement actions receive appropriate consideration at all levels in the organization."

A-13: "Clarify the role of the contracting officer as the focal point for making or obtaining a final decision on a procurement. Allow the contracting officer wide latitude for the exercise of business judgment in representing the Government's interest."

A-14: "Clarify the methods by which authority to make contracts and commit the Government is delegated to assure that such authority is exercised by qualified individuals and is clearly understood by both those within the agencies and by the agencies' suppliers of goods and services."

Implementation: The Office of Federal Management Policy, in conjunction with the Office of Federal Procurement Policy, will conduct a survey of selected departments and agencies by questionnaire. This survey will request a description of the purchasing and contracting functions at all levels in the organizations, and will be followed by personal interviews as necessary. Results of the survey will be used to ascertain the current organizational placement of the procurement function and the role of the contracting officer. The data will be evaluated and specific recommendations will be formulated and discussed with the particular agencies involved.

This notice is being published by direction of the Administrator for Federal Procurement Policy, Office of Management and Budget.

Dated at Washington, D.C. on November 24, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator.

[FR Doc.75-33334 Filed 12-10-75;8:45 am]

NATONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: BIT ORIENTED DATA LINK CONTROL PROCEDURES

Proposed Federal Standard 1003

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. Additionally, the Secretary of Commerce is authorized, under the provisions of Public Law 89-306 to develop and establish uniform Federal automatic data processing standards.

This proposed Federal standard is part of a series of joint Federal telecommunication standards and Federal Information Processing Standards (FIPS) falling within the area of mutual responsibility of the NCS and the National Bureau of Standards (NBS) as defined in FIPS PUB 23[2] and NCS Circular 175-1.[3]

The proposed Federal standard and the companion FIPS publication will adopt the content of the American National Standards Institute (ANSI) document X3S34/589, 15 August 1975, with the exceptions set forth in paragraph 2, "Applicable Documents." The ANSI document specifies the data communication control procedures, which define the means for exchanging data between business machines (e.g., computers, concentrators and terminals) over communication circuits. The advanced data communication control procedures described are synchronous, bit oriented (i.e., use bit patterns instead of ASCII characters for control), code independent (i.e., capable of handling any data code or pattern) and interactive (i.e., have relatively high efficiency in an interactive application). The proposed ANSI document was developed by an ANSI task group with Federal Government participation and has been recommended for processing as a Federal standard by the FTSC with the concurrence of the National Bureau of Standards in response to requirements specified by various Government agencies.

Prior to submission of the final endorsement of the proposed Federal standard and its companion FIPS publication to the Department of Commerce (DOC), the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration is given to the needs and views of industry, the public, and state and local governments. The purpose of this notice is to solicit such views. Interested parties may submit their comments to the Office of the Manager, National Communications System, ATTN: NCS-TS, Washington, D.C. 20305. All comments should be submitted to NCS by 30 January 1976.

LEE M. PASCHALL,
Lieutenant General, USAF, Manager.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 8, 1975.

[FR Doc.75-33358 Filed 12-10-75;8:45 am]

[1] DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 22402 (order by SD Catalog No. C13.52:23)

[3] Filed as part of original. Copies available from Office of the Manager, NCS, Washington, D.C. 20305

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Notice of Determination Renewal of Advisory Panel for Metallurgy and Materials

The National Science Foundation (NSF) is renewing the Advisory Panel for Metallurgy and Materials in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget (OMB) Circular No. A-63, Revised.

On December 31, 1973, the Advisory Panel for Engineering Materials was established to provide advice and recommendations concerning the Engineering Materials Program. On February 18, 1975, the name of the panel was changed to the Advisory Panel for Metallurgy and Materials and the scope and membership were broadened to encompass advisory functions for the entire Metallurgy and Materials Section. A Notice of Revision was published in the FEDERAL REGISTER and an addendum to the charter was filed with the Director, NSF and with Congress.

After review of the panel's activities, I have determined that renewal of the Advisory Panel for Metallurgy and Materials is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended and other applicable laws.

H. GUYFORD STEVER,
Director.

DECEMBER 8, 1975.

[FR Doc.75-33308 Filed 12-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on General Electric Water Reactors will hold a meeting on December 29 and 30, 1975 in Room 1046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to review the status of investigations into the performance of Mark I, II, and III Containment Systems and of the development and review of the various versions of the General Electric Standard

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Safety Analysis Reports (GESSAR).

The agenda for subject meeting shall be as follows: *Monday, December 29, 1975 8:30 a.m.* The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent reviews of the Mark I, II, and III Containment Systems and of the General Electric Standard Safety Analysis Reports. *9:00 a.m. until the conclusion of business on December 29, and 8:30 a.m. until the conclusion of business on December 30, 1975.* The Subcommittee will meet in open session to hear presentations by representatives of the General Electric Company, the NRC Staff, and their consultants, and to hold discussions with these groups pertinent to this review.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matters are ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 22, 1975 to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C., will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on December 24, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after January 7, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after April 1, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: December 5, 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75–33320 Filed 12–10–75;8:45 am]

COMMISSION SEAL

Pursuant to Section 201(a) of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has adopted an official seal, the description of which is as follows:

An American bald eagle of brown and tan with claws and beak of yellow, behind a shield of red, white and blue, clutching a cluster of thirteen arrows in its left claw and a green olive branch in its right claw (similar to that of the Great Seal of the United States of America), positioned on a field of light blue with the words United States Nuclear Regulatory Commission in dark blue, and five gold stars outlined in dark blue encircling the eagle. The eagle represents the United States of America and its interests.

The Official Seal of the Nuclear Regulatory Commission is illustrated as follows:



The Secretary of the Commission is responsible for custody of the impression seals and of replica (plaque) seals.

(Sec. 201(a), Energy Reorganization Act of 1974, Pub. L. 93–438)

(1) NRC letterhead stationery.

(2) NRC award certificates and medals.

(3) Security credentials and employee identification cards.

(4) NRC documents. These documents include, without limitation, agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary of the Commission, other documents as he finds appropriate.

(5) Plaques. The design of the seal may be incorporated in plaques for display in NRC auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings occupied by NRC and in other appropriate locations at the discretion of the Secretary.

(6) The NRC flag (which incorporates the design of the seal).

(7) Official films prepared by or for the NRC, which the Director, Division of Public Affairs or his designee determines warrant such identification.

(8) Official NRC publications which represent the achievements or mission of NRC as a whole or which are sponsored by NRC and other Government departments or agencies.

(9) Such other uses as the Secretary of the Commission or his designee finds appropriate.

b. Any use of the seal or replicas other than as permitted by this section is prohibited.

c. Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the wrongful use of an official seal, and other provisions of law as applicable.

Dated at Washington, D.C. this 5th day of December 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75–33310 Filed 12–10–75;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating Licenses No. DPR–35 issued to Boston Edison Company (the licensee) for operation of Unit 1 of the Pilgrim Nuclear Power Station (the facility), a boiling-water reactor located near Plymouth, Massachusetts.

The amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 12, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Dale G. Stoodley, Counsel, Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the Boston Edison Company dated September 23, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. The license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of December 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–33313 Filed 12–10–75;8:45 am]

[Docket Nos. 50–254 AND 60–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–29 and DPR–30 issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of the Quad-Cities Station Units 1 and 2 (the facilities) located in Rock Island County, Illinois.

These amendments would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 12, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is re-

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quested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Commonwealth Edison Company dated September 22, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 22, 1975, and Commonwealth Edison Company's letter dated October 8, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504—17th Street, Moline, Illinois 60625. These license amendments and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-33314 Filed 12-10-75;8:45 am]

[Docket No. 70-1308]

GENERAL ELECTRIC CO.

Reissuance and Amendment of Materials License, Morris Operation Fuel Storage Facility

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commssion) has reissued Materials License No. SNM-1265 (the license) issued to General Electric Company (the licensee) for operation of the Morris Operation Fuel Storage Facility. Incorporated in the license are all previous license amendments 1 through 19 issued by the Commission. In addition, the license has been amended in accordance with the licensee's application for amendment, dated February 28, 1975, and the Commission's review thereof. The license is effective as of the date of its issuance.

The license, as amended, permits modification to the Fuel Storage Facility to increase the fuel storage capacity by the installation of new storage baskets and supporting grids.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the Safety Evaluation Notice of Consideration of Proposed Modification was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32386). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated February 28, 1975. (2) Materials License No. SNM-1265 dated December 3, 1975, (3) The Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated December 3, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland, this third day of December, 1975.

For the Nuclear Regulatory Commission.

JAMES R. MILLER,
Chief, Fuel Cycle Licensing Branch 2, Division of Fuel Cycle and Material Safety.

[FR Doc.75-33315 Filed 12-10-75;8:45 am]

[Docket No. 70-1308]

GENERAL ELECTRIC CO. (MORRIS OPERATION FUEL STORAGE FACILITY)

Negative Declaration Regarding Amendment of Materials License

The Nuclear Regulatory Commission (the Commission) has considered an amendment to Materials License No. SNM-1265 for the General Electric Company's Morris Operation Fuel Storage Facility located in Grundy County near Morris, Illinois. The amendment proposes modification to the Fuel Storage Facility to increase the fuel storage capacity by the installation of new storage baskets and supporting grids in accordance with the licensee's proposal dated February 28, 1975.

The U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, has prepared an environmental impact appraisal for the proposed amendment to SNM-1265 for the Morris Operation Fuel Storage Facility. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois.

Dated at Bethesda, Maryland, this third day of December, 1975.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Fuel Cycle Environmental Projects Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-33316 Filed 12-10-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee) for operation of the Cooper Nuclear Station (the facility), a boiling-water reactor located in Nemaha County, Nebraska.

The amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 12, 1976, the licensee may file a request for a hearing and any person whoes interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commissions regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Gene Watson, Attorney, Barlow, Watson & Johnson, P.O. Box 81686, Lincoln, Nebraska 68501 and Mr. Arthur C. Gehr, Attorney, Snell & Wilmer, 400 Security Building, Phoenix, Arizona 85004, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commissions letter to Nebraska Public Power District dated September 22, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commissions staff dated September 22, 1975, which are available for public inspection at the Commissions Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305. The license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-33317 Filed 12-10-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Provisional Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility), a boiling-water reactor located in Wright County, Minnesota.

The amendment would revise the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that would have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 12, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 910-17th Street NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the Northern States Power Company dated September 24, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 24, 1975, and the Northern States Power Company's letter dated October 14, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The license amendment and the Safety Evaluation may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-33318 Filed 12-10-75;8:45 am]

[Construction Permit Nos. CPPR-77, CPPR-78]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order

DECEMBER 5, 1975.

Oral argument on the appeals taken by the Virginia Electric and Power Company (VEPCO) and the North Anna Environmental Coalition (Coalition) from the September 10, 1975 initial decision of the Licensing Board in this show cause proceeding[1] will be heard at *9:45 a.m.* on *Thursday, January 29, 1976* in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Giving due regard to the similarities and differences in the positions taken by the various parties to the appeals, the Board has determined that the following is the most reasonable order of presentation and allocation of time among those parties:

VEPCO—Two hours (including rebuttal)
Coalition—One hour (including rebuttal)
Commonwealth of Virginia—30 minutes
NRC Staff—One hour.

In order to obviate unnecessary repetition, the parties taking a common position on a particular issue presented by

[1] LBP-75-54, NRCI-75/9 498.

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the appeals are encouraged to make an endeavor to reach agreement among themselves to have that position advanced by one counsel, rather than each counsel independently. To this end, a party may, if it so desires, agree to relinquish part of its allotted time to one of the other parties.

In preparing for argument, all counsel should bear in mind that the Board will be generally familiar with the initial decision under appeal, the record below and the arguments set forth in the briefs of counsel.

It is so ordered.

For the Atomic Safety and Licensing appeal board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-33319 Filed 12-10-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-36]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Safety Recommendations. Investigation of a series of multiple-vehicle collisions near Corona, California, last February 28 has prompted the National Transportation Safety Board to issue seven Class II (priority followup) recommendations. The collisions occurred in fog and involved 84 vehicles; 23 persons were injured. Five of these recommendations, Nos. H-75-32 through 36, were issued December 2 to the National Highway Traffic Safety Administration. The Safety Board recommended that NHTSA (1) sample motor vehicle accident reports from States to determine the percentage of fatal and injury-producing accidents which have occurred under reduced visibility conditions; (2) review its multidisciplinary accident investigation files to identify the factors involved in reduced visibility conditions; (3) conduct a formal survey of driver educators to determine what is and what should be taught about driving under reduced visibility conditions and issue such guidelines for driver education courses; (4) revise FMVSS 108 to require that all new vehicles be equipped with a set of brake and turn lights mounted high enough above the pavement so a driver could see the lights of at least the two vehicles directly ahead; and (5) (a) survey those police agencies that employ convoy or escort procedures, (b) select from the procedures those that have proven to be most effective, (c) analyze the procedures and develop recommendations to assure maximum effectiveness of patrol procedures, and (d) compile and issue an operations manual that can be implemented by the States through Highway Safety Program Standard No. 15, "Police Traffic Services." Two recommendations, Nos. H-75-37 and 38, were issued by separate letter of December 2 to California's Business and Transportation Agency. The Board requested the Agency to (1) continue to work on a fog warning system to inform motorists of fog ahead and to provide an appropriate speed limit, and (2) conduct an engineering study in conjunction with the California Highway Patrol to determine the most feasible locations for the installation of such systems.

Responses to Safety Recommendations. Three letters were received last week from the United States Coast Guard, responding to the following Safety Board recommendations:

69-M-40 through 43, issued in the Board's 1969 "Study of Recreational Boat Accidents, Boating Safety Programs, and Preventive Recommendations." The USCG response, dated November 21, 1975, indicates that regulations governing fuel systems and electrical systems have been drafted, as has a level flotation regulation. Planned effective date for these regulations is August 1978. With specific reference to 69-M-43, USCG states that the first phase of the collision accident problem analysis has not revealed that visibility from the helm is a major contributor to boating accidents. Operator stress is presently being studied, according to USCG, and the research phase of this project will continue into FY 1976.

72-M-17, issued in the Board's "Analysis of the Safety of Transportation of Hazardous Materials on the Navigable Waters of the United States" (Report No. NTSB-MSS-72-2), wherein the Board recommended that the Coast Guard revise regulations concerning qualifications of tankermen and licensed officers who handle extremely hazardous materials to require special qualifications and endorsements for such specific materials. USCG's letter of November 24, 1975, states that regulation proposals addressing this recommendation have been developed, and that the substance of such proposals was presented at the last meeting of the Towing Industry Advisory Committee, September 15-17, 1975. This group is expected to comment by January 1, 1976. USCG will evaluate these comments and publish a Notice of Proposed Rulemaking within the next 6 months.

71-M-20, issued in Board study entitled "The Effectiveness of Investigations of Recreational Boating Accidents" (Report No. NTSB-MSS-71-1). The Coast Guard and State officials investigating boating accidents were asked to accord high priority to developing information useful in formulating preventive measures. The response of November 25, 1975, sums up USCG's efforts at compliance: A boating accident seminar was held at Wylie Laboratories in Huntsville, Alabama, May 19-23, 1975, stressing need for collecting boating accident information and discussing methodology of investigation; the International Association of Police Chief's Boating Accident Investigation Manual has been approved and is being printed for distribution; the Coast Guard Boating Accident Investigator's Manual is in complete draft form and is being routed for clearance; a special addendum sheet to the Recreational Boating Simplified Narrative (CG 4885 A) was promulgated in Commandant Notice 5912, July 24, 1975; and a study of the coding of boating accident information and the placing of such information in an Automated Data Processing system has been completed.

Also received last week was a letter from the Stroudsburg Gas Company of Stroudsburg, Pennsylvania, responsive to Board recommendations *P-75-12 and 13* (40 FR 50575). The letter, dated November 28, 1975, indicates that Company employees have had five training programs since June 17, 1975, featuring leak investigation proceedures from the initial report of a leak until it is repaired or elminated as one. The Company also states that training programs will be held from time to time to improve leak investigation techniques and to implement new procedures and equipment.

The two recommendation letters are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for a copy of each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906))).

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 8, 1975.

[FR Doc.75-33352 Filed 12-10-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Addendum for Previous Notice

DECEMBER 8, 1975.

The agenda for the meeting previously announced for December 18 and 19, 1975, in the FEDERAL REGISTER of November 18, 1975, has been revised as follows:

Thursday, December 18, beginning at 9:00 a.m.

Briefing by the Environmental Protection Agency on their air pollution control program.

Reports on NACOA work in progress on the Sea Grant Program, weather and air safety, energy from the sea, weather and climate modification, coastal zone and OCS matters.

Afternoon, beginning at about 2:30 p.m.

Continuation of reports on NACOA work in progress.

Friday, December 19, beginning at 9:00 a.m.

Briefings on:

Issues and status of marine transportation—Maritime Administration.

Federal mariculture programs and progress—NOAA.

Recent progress in disaster warning capabilities—NOAA.

Continuation of reports on NACOA work in progress.

Plans for future NACOA meetings.

Adjournment at approximately 1:30 p.m.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-33409 Filed 12-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19288; 70-5772]

Alabama Power Co. et al.

FIRST MORTGAGE BONDS FOR SINKING FUND PURPOSES

Proposal To Issue

Notice is hereby given that Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf"), Georgia Power Company ("Georgia"), and Mississippi Power Company ("Mississippi"), all of which are public-utility subsidiaries of The Southern Company, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama, Georgia, Gulf and Mississippi propose to issue their respective First Mortgage Bonds ("Sinking Fund Bonds") and to surrender such Sinking Fund Bonds to the trustees under their respective Indentures for the purpose of satisfying the sinking fund (improvement fund, in the case of Alabama) requirements thereunder for 1976. The amounts and series of Sinking Fund Bonds proposed to be issued as follows:

Name of company	Amount (in thousands)	Series
Alabama	$12,484	3½ percent series due 1985.
Georgia	18,874	2⅞ percent series due 1980.
Gulf	1,873	3¼ percent series due 1984.
Mississippi	1,988	2¾ percent series due 1980.

The Sinking Fund Bonds are to be issued on the basis of unfunded net property additions, thus making available for construction purposes cash which would otherwise be needed to satisfy the sinking fund requirements or to purchase bonds to be used for such purpose. It is stated that the delivery of the Sinking Fund Bonds is exempt from the competitive bidding requirements of rule 50 by reason of clause (a)(5) thereof inasmuch as such Bonds will not constitute obligations of the companies for the payment of money.

The fees, commissions, and expenses incurred or to be incurred in connection with the proposed transactions will aggregate $7,600, of which total fees for legal counsel will be $1,200. The Alabama Public Service Commission, the Georgia Public Service Commission, and the Florida Public Service Commission have jurisdiction over the issuance of the Sinking Fund Bonds by Alabama, Georgia, and Gulf, respectively. No other State commissions and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33361 Filed 12-10-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

DECEMBER 4, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 5, 1975 through December 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33362 Filed 12-10-75;8:45 am]

[Release No. 19289; 70-5656]

THE COLUMBIA GAS SYSTEM, INC. ET AL.

Financing

DECEMBER 5, 1975.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly-owned subsidiary companies (hereinafter referred to as "Columbia of W. Va.", "Columbia of Ky.", "Columbia of Va.", "Columbia of Ohio", "Inland", "Columbia of Pa.", "Columbia of N.Y.", "Columbia of Md.", "Hyrocarbon", "Columbia Transmission", "Columbia LNG", "Development U.S.", "Development Canada" and "Coal Gasification") have filed a post-effective amendment to an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amendment, which is summarized below, for a complete statement of the proposed transactions.

On May 9, 1975, the Commission issued an order (HCAR No. 18978) approving Columbia's plan for intrasystem financing. Among the transactions approved in the order was the sale by Columbia Transmission to Columbia of installment notes in an amount not to exceed $35,000,000. Columbia and Columbia Transmission now propose that the authorized amount of these installment notes be increased to $80,000,000. It is stated that the proposed increase reflects a $45,000,000 increase in Columbia Transmission's gas purchase advances and $35,000,000 for refunds to its customers pursuant to a rate case settlement agreement before the Federal Power Commission. The rate refund is to be made from a portion of the contingent revenues previously collected from September 1973 to present. However, such funds collected through that period were added to Columbia Transmission's general funds and used to satisfy

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demands thereon, necessitating an increase in the amount of installment notes it is proposed to issue and sell to Columbia.

The order of May 9, 1975 and a supplemental order issued September 19, 1975 (HCAR No. 19180) contained reservations of jurisdiction, pending completion of the record, over the proposed sale by Columbia of New York to Columbia of installment notes in an amount not to exceed $800,000. The record has now been completed with respect to this transaction and Columbia of New York now proposes to sell and Columbia proposes to acquire, not later than March 31, 1976, unsecured installment notes in an amount not to exceed $406,000. The terms and provisions of the installment notes and the use of the proceeds thereof are as stated in the order of May 9, 1975. The sale of the notes has been approved by the New York Public Service Commission.

Due notice of the filing of said application-declaration, insofar as it applies to the issuance and sale of installment notes by Columbia of New York to Columbia, has been given in the manner prescribed by Rule 23 promulgated under the Act (HCAR No. 18929), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found, with respect to the above-described transaction, that the applicable provisions of the Act and rules promulgated thereunder are satisfied and that no public fundings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that the amended application-declaration in respect of said transaction be granted and permitted to become effective:

It is ordered that the jurisdiction reserved in the supplemental order of September 19, 1975 as to portions of the record regarding the issue and sale of installment notes by Columbia of New York which were incomplete at that time be, and the same hereby is, released and that the proposed transaction may be consummated, without further order, in accordance with Rule 24.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33363 Filed 12-10-75;8:45 am]

[Release No. 19290; 70-5773]

THE COLUMBIA GAS SYSTEM, INC. ET AL.

Proposed Open Account Advances to Subsidiary Companies by Parent Company in Connection With Intrasystem Prepayment of Promissory Notes

DECEMBER 5, 1975.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 6(b), 9, 10 and 12(b) of the Act and Rules 42(b)(2), 45 and 50(a)(3), promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that during the winter heating season Columbia's distribution subsidiary companies generate substantial amounts of cash in excess of current requirements. During the same period, however, the transmission subsidiary companies generate lesser amounts of cash and have generally larger construction expenditures, requiring Columbia to advance funds to such subsidiary companies. In recent years, however, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue such transactions during the calendar year 1976.

It is proposed that the subsidiary companies listed below will prepay from time to time prior to the end of 1976, with excess cash in aggregate amounts not to exceed the amounts set forth below, a portion of their outstanding installments promissory notes ("Notes") held by Columbia. The following amounts represent the estimated aggregate maximum excess funds that such companies are expected to accumulate at any one time during the year 1975:

Columbia Gas Transmission Corp	$175,000,000
Columbia Gas of Pennsylvania, Inc	20,000,000
Columbia Gas of New York, Inc	5,000,000
Columbia Gas of Maryland, Inc	2,000,000
Columbia Gas of Kentucky, Inc	6,000,000
Columbia Gas of Virginia, Inc	3,000,000
Columbia of West Virginia, Inc	10,000,000
Columbia Gas of Ohio, Inc	55,000,000
Columbia Gulf Transmission Co	65,000,000
Columbia Hydrocarbon Corp	4,100,000
The Inland Gas Co., Inc	1,900,000
Columbia LNG Corp	35,000,000
Columbia Gas Development Corp	31,500,000
Total	413,500,000

The Notes ("Indebtedness") prepaid by the individual companies will be those bearing the highest interest rate or rates outstanding at the time of each prepayment. Interest on such Indebtedness will cease upon prepayment and recommence upon reissuance. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of Indebtedness theretofore prepaid by it, less any current maturities applicable to prepaid Notes which would have matured subsequent to the date of prepayment.

The open account advances to any subsidiary company will bear interest commencing on the date of the advances, at the same rate or rates as borne by the equivalent principal amounts of Indebtedness previously prepaid by it during 1976, but in reverse order to that of the prepayments, i.e., beginning from the lowest rate payable on the Indebtedness previously prepaid to the highest rate. Interest on the open account advances will become due on June 30, 1976, and December 31, 1976, and/or on the date such advances are repaid by the issuance of debt. It is further proposed that advances on open account to individual subsidiary companies will be increased or decreased from time to time in accordance with variations in the cash flow o fthe individual subsidiary companies. The proposed advances will not be in excess of the Indebtedness prepaid theretofore. At such time as the advances to any subsidiary company equal the aggregate amount of the Indebtedness prepaid by it, or in any event not later than December 31, 1976, such prepaid Indebtedness will be reinstated in repayment of the outstanding open account advances.

Financing of construction or gas storage programs of any operating subsidiary company pursuant to Commission authorization will not be consummated until such time as advances have been made in amount equal to the amount of Indebtedness prepaid. Any subsidiary company which during 1976 has borrowed on open account from Columbia an amount smaller than the amount of Indebtedness theretofore prepaid by it, will, on December 31, 1976, reinstate its Indebtedness to Columbia in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid Indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against Indebtedness bearing the highest interest rates and would be consummated only with respect to Indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by subsidiary companies from Columbia as of December 31, 1976. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to Notes bearing an interest rate less than the rate applicable to debt purchased by Columbia from subsidiary companies at December 31, 1976, such Notes will be reissued by the subsidiary company at or before the end of 1976.

It is stated that the proposed transactions are designed to achieve the following: (1) flexibility to prepay at the earliest possible date inventory loans with commercial banks and other short-term borrowings, (2) defer outside financing until aggregate system funds approach a minimum balance, (3) facilitate the internal financing of emergency requirements, and (4) allow subsidiaries, during any period in which they have excess cash, to temporarily prepay Notes owed Columbia, thereby decreasing their own net corporate interest expense.

Expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $4,500, including $2,000 for services, at cost, provided by Columbia Gas System Service Corporation.

It is stated that the Public Service Commission of West Virginia has authorized the prepayment and reissuance of prepaid Notes by Columbia Gas of West Virginia, Inc., that the Public Service Commission of New York has authorized the reissuance of prepaid Notes by Columbia Gas of New York, Inc., that the Public Service Commission of Kentucky has authorized the issuance of prepaid Notes by Columbia Gas of Kentucky, Inc., and that the State Corporation Commission of Virginia has authorized the issuance of prepaid Notes by Columbia Gas of Virginia, Inc. It is stated that no other State or Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division Of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33364 Filed 12-10-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

DECEMBER 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 6, 1975 through December 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33365 Filed 12-10-75;8:45 am]

[Rel. No. 19285; 70-5771]

GENERAL PUBLIC UTILITIES CORP.

Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 5, 1975.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1970, November 4, 1970, August 23, 1971, December 27, 1973, June 4, 1974, June 13, 1974, December 24, 1975 and February 21, 1975 (HCAR Nos. 16670, 16892, 17243, 17829, 18433, 18457, 18730 and 18824), the Commission authorized GPU until December 31, 1975, (a) to issue and sell from time to time its unsecured promissory notes maturing not more than nine months after issue ("short-term notes") in an aggregate principal amount outstanding at any one time of up to $135,000,000 to a group of commercial banks pursuant to a credit agreement and (b) to issue and sell short-term notes in an aggregate principal amount of up to $50,000,000 to various commercial banks pursuant to informal lines of credit, provided that the aggregate principal amount of all of GPU's short-term notes outstanding at any one time shall not exceed $175,000,000.

GPU now requests that, for the period commencing on January 1, 1976 and ending on December 31, 1976, it be permitted from time to time to issue or renew its short-term notes to various commercial banks pursuant only to informal lines of credit, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time shall not exceed $175,000,000. Each such note will bear interest at a rate not exceeding the "prime rate" which may be the floating rate, of each lending bank for commercial borrowing at the date of issue of such note, will be prepayable at any time without premium and will not be issued as part of a public offering. GPU proposes to use the proceeds of the short-term borrowing for investment in its operating subsidiaries.

Although no commitments or agreements for the proposed borrowings have been made, GPU expects that, to the extent its cash needs require, borrowings will be effected from among 15 designated banks. It is proposed that the maximum short-term credit made available by the banks will total $205,000,000, which exceeds by $30,000,000 the maximum amount for which authority is being requested. It is stated that the purpose of this excess amount of available credit is to provide flexibility with one or more particular banks (but without exceeding such authorized total from all banks) since some banks have indicated from time to time that it is not always convenient for them to renew outstanding notes at the time GPU requests them to do so.

It is anticipated that the banks from which borrowings will be made will require compensating balances at levels generally approximating 10% of the line of credit or 20% of the amounts actually borrowed, whichever is higher. Assuming compensating balances will equal 20% of the aggregate amounts borrowed and a prime of 7¼%, the effective cost of borrowing will be 9.06%.

It is stated that GPU's expenses in connection with the proposed transaction will be approximately $9,000, including legal fees of $6,500. It is also stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than De-

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cember 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33366 Filed 12-10-75;8:45 am]

[File No. 500-1]

GENERICS CORP. OF AMERICA

Suspension of Trading

DECEMBER 5, 1975.

The common stock of Generics Corporation of America being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, the 6% convertible subordinated debentures due July 1983 and all other securities of Generics Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 8, 1975 through midnight (EST) on December 17, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33367 Filed 12-10-75;8:45 am]

[Rel. No. 19287; 70-5770]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 5, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, summarized below, for a complete statement of the proposed transaction.

By order dated October 17, 1974 (HCAR No. 18610), the Commission authorized Jersey Central, for the period ending December 31, 1975, to issue and sell to 30 commercial banks, as evidence of short-term borrowing therefrom, its unsecured promissory notes, maturing in nine months or less ("short-term notes") provided that the aggregate principal amount of such notes outstanding at any one time would not exceed $120,000,000. Jersey Central now requests (1) authority to increase the aggregate principal amount of its short-term borrowings to $125,000,000 and (2) an extension of such authority to December 31, 1976.

The short-term notes will bear interest at the lending bank's prime interest rate for commercial borrowing at the date of issue of the notes, will be prepayable at any time without premium, and will not be issued as part of a public offering. Although no commitments or agreements for the proposed borrowings have been made, Jersey Central anticipates that, to the extent its cash needs require, borrowings will be effected from time to time from among 37 designated commercial banks. It is also proposed that the maximum short-term credit made available by the banks will total $150 million, which exceeds by $25 million the maximum amount for which authority is being requested. It is stated that the purpose of this excess amount of available credit is to provide flexibility with one or more particular banks (but without exceeding such authorized total amount for all banks) since some banks have indicated from time to time that it is not always convenient for them to renew outstanding notes at any time Jersey Central requests them to do so.

It is anticipated that the banks, from which borrowings will be made, will require compensating balances at levels generally approximately 10% of the line of credit or 20% of the amounts actually borrowed, whichever is higher. Assuming compensating balances will equal 20% of the aggregate amounts borrowed and a prime rate of 7¼%, the effective cost of borrowing would be 9.06%.

Jersey Central proposes to use the proceeds of the short-term loans for its short-term working capital requirements, including repayment of other short-term borrowings, and for construction expenditures. Jersey Central states that it now has short-term notes outstanding in an aggregate principal amount of $15,200,000. The cost of Jersey Central's 1976 construction program is approximately $117,801,000.

It is stated that Jersey Central will incur approximately $8,000 in expenses in connection with the proposed transactions, including legal fees of $5,000. It is also stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33368 Filed 12-10-75;8:45 am]

[Rel. No. 19283; 70-5775]

METROPOLITAN EDISON CO.

Proposed Capital Contributions by Holding Company to Subsidiary

DECEMBER 5, 1975.

Notice is hereby give that Metropolitan Edison Company ("Met-Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed requests that it be authorized to make, from time to time prior to December 31, 1976, cash capital contributions to its subsidiary, York Haven Power Company ("YHP"), of up to $500,000. Such cash capital contributions will be credited by YHP to its capital surplus account. These funds will be utilized by YHP for purposes of (i) acquiring from International Paper Company ("IPC") certain property, easements and related water rights comprising Project No. 2095 (the license for which under the Federal Power Act is now held by IPC), (ii) modifying such property in order to comply with the terms and conditions of the order, dated September 23, 1975, of the Federal Power Commission ("FPC"), and (iii) financing its business as a public utility.

The FPC order of September 23, 1975, authorized the amendment of YHP's license for Project No. 1888 to include the Project No. 2095 properties to be purchased from IPC pursuant to an Agreement of Sale, dated November 23, 1971, with IPC. Under a power supply amendment, dated April 30, 1974, which has been filed with and accepted by the FPC as an initial rate schedule, Met-Ed and YHP have agreed that Met-Ed shall purchase the total power and energy from Project No. 1888 on a rate based upon YHP's costs and expenses in generating and transmitting such power and energy plus an additional amount representing a rate of return on the net investment in Project No. 1888.

By order dated April 12, 1974 (HCAR No. 18374), Met-Ed was authorized to transfer to YHP substantially all the tangible and intangible project property comprising Met-Ed's York Haven hydroelectric project, as revised, licensed as Project No. 1888, and the license, as amended, for said project. The transfer reserved and excluded certain rights and property necessary for the construction and operation of the Three Mile Island nuclear generating station, in exchange for all the capital stock of YHP.

Met-Ed states that it must make cash capital contributions to YHP since YHP's internal cash generation under the power supply agreement has not been sufficient to provide the necessary funds in order to consummate the purchase of the IPC properties comprising Project No. 2095 as well as carry out certain modifications to the properties as required by the FPC order, dated September 23, 1975.

The fees and expenses to be incurred by Met-Ed in connection with the proposed transactions are estimated at $4,500, including legal fees of $2,250. The filing states that no state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transactions, except that the FPC has jurisdiction with respect to the amendment to the license for Project No. 1888 to include the properties consisting of Project No. 2095.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33369 Filed 12-10-75;8:45 am]

[Rel. No. 19284; 70-5581]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 5, 1975.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a post-effective amendment to its application previously filed in this matter with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as amended by the post-effective amendment, summarized below, for a complete statement of the proposed transaction.

By Order dated December 24, 1974 (HCAR No. 18732), the Commission authorized Met-Ed, for the period January 1, 1975 to December 31, 1975, to issue or renew its unsecured promissory notes of a maturity of nine months or less evidencing short-term borrowings ("short-term notes") provided that the aggregate principal amount of such notes to be outstanding at any one time did not exceed the lesser of (A) $70,000,000 or (B) 10% of the sum of (i) the principal amount of Met-Ed's outstanding first mortgage bonds and debentures, (ii) the par value of Met-Ed's outstanding preferred stock, (iii) the stated value of Met-Ed's outstanding common stock, and (iv) the capital surplus of Met-Ed. The notes bear interest at a rate not exceeding the prime rate, which can be the floating rate of the lending bank for commercial borrowing at the date of issue of such note, are prepayable at any time without premium, and are not issued as a part of a public offering.

Met-Ed now requests an extension of such authority to December 31, 1976, and proposes to revise the list of banks from which it may make such borrowings.

Met-Ed proposes to revise the list of banks by adjusting the maximum short-term credit made available by three of the 36 designated banks. The aggregate maximum short-term credit made available by the banks will continue to be $90,000,000, which exceeds by $20,000,000 the maximum amount for which authority is being requested. It is stated that the purpose of this excess amount of available credit is to provide flexibility with one or more particular banks (but without exceeding the authorized total amount for all banks) since some banks have indicated that it is not always convenient for them to renew outstanding notes at the time Met-Ed requests them to do so.

Met-Ed anticipates that the banks will require it to maintain compensating balances equal to approximately 10% of the line of credit or 20% of the aggregate amounts borrowed. Assuming compensating balances equal 20% of the aggregate amounts borrowed, and a prime rate of 7¼%, the effective cost of borrowing would be 9.06%.

Met-Ed proposes to use the proceeds of the short-term loans to provide funds for its short-term working capital requirements, including repayment of other short-term borowings, and to provide a temporary source of funds for construction expenditures. Met-Ed states that at present it has no short-term notes outstanding. The cost of Met-Ed's 1976 construction program is estimated to be approximately $69,693,000.

It is stated that Met-Ed's expenses in connection with the proposed transaction will be approximately $6,500, including legal fees of $6,000. It is also stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by such post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing

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thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33370 Filed 12-10-75;8:45 am]

[Rel. No. 19286; 70-5582]

PENNSYLVANIA ELECTRIC CO.

Issue and Sale of Short-Term Notes to Banks

DECEMBER 5, 1975.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), an electric utility subsidiary company of General Public Utilities Corporation, ("GPU") a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 6(b) thereof as applicable to the following proposed transaction. All interested persons are referred to the application as amended by the post-effective amendment, summarized below, for a complete statement of the proposed transaction.

By Order, dated December 23, 1974 (HCAR No. 18727), and Supplemental Orders dated March 20, 1975 (HCAR No. 18877) and June 24, 1975 (HCAR No. 19059), the Commission authorized Penelec, for the period January 1, 1975 to December 31, 1975, to issue or renew its unsecured promissory notes of a maturity of nine months or less evidencing short-term bank borrowings ("short-term notes"), provided that the aggregate principal amount of such notes to be outstanding at any one time did not exceed the lesser of (A) $88,000,000 or (B) 10% of the sum of (i) the principal amount of Penelec's outstanding first mortgage bonds and debentures, (ii) the par values of Penelec's outstanding preferred and common stock, and (ii) the capital surplus of Penelec. The notes are to bear interest at a rate not exceeding the prime rate, which can be the floating rate of the lending bank for commercial borrowing at the date of issue of such note, are to be prepayable at any time without premium, and are not to be issued as a part of a public offering. Penelec now requests (a) an extension of such authority to December 31, 1976 and (b) authority to increase its short-term borrowings up to a maximum aggregate amount of $98,000,000.

Although no commitments or agreements for the proposed borrowings have been made, Penelec anticipates that, to the extent of its cash needs, borrowings will be effected from time to time for among 49 designated commercial banks. It is also proposed that the short-term credit made available by the banks will total $130,000,000, which exceeds by $32,000,000 the maximum amount for which authority is being requested. It is stated that the purpose of this excess amount of available credit is to provide flexibility with one or more particular banks (but without exceeding such authorized total amount for all banks) since some banks have indicated from time to time that it is not always convenient for them to renew outstanding notes at the time Penelec requests them to do so.

Penelec anticipates that the banks will require it to maintain compensating balances equal to 10% of the line of credit or 20% of the amounts actually borrowed, whichever is higher. Assuming compensating balances equal to 20% of the aggregate amounts borrowed and a prime rate of 7¼%, the effective cost of borrowing would be 9.06%.

Penelec proposes to use the proceeds of the short-term loans to provide funds for its short-term working capital requirements, including repayment of other short-term borrowings, and to provide a temporary source of funds for construction expenditures. Penelec states that it now has no unsecured notes outstanding. The cost of Penelec's 1976 construction program is expected to be approximately $13,012,000.

It is stated that Penelec's expenses in connection with the proposed transaction will be approximately $6,500, including legel fees of approximately $6,000. It is also stated that no state commission, no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33371 Filed 12-10-75;8:45 am]

[File No. 500-1]

TRANSJERSEY BANCORP

Suspension of Trading

DECEMBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transjersey Bancorp being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 4, 1975 through December 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33372 Filed 12-10-75;8:45 am]

[Rel. No. 9074; 812-3870]

UNION BANK AND NAFCU SERVICES CORP.

Application

DECEMBER 5, 1975.

Notice is hereby given that NAFCU Services Corporation (NAFCU) and Union Bank (the "Bank") (collectively referred to as "Applicants"), have filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Common Trust Fund of Union Bank for Credit Union Trusts (the "Fund") from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

NAFCU, a District of Columbia corporation, was organized in May 1975 for the purpose of providing various administrative, financial and data processing services to credit unions. All of its outstanding shares are owned by the National Association of Federal Credit Unions, a California corporation.

Applicants have proposed the establishment of the Fund in order to permit credit unions to invest more efficiently in securities authorized by law for federal credit unions through the collective investment and reinvestment in a trust portfolio of securities which are exempt securities under Section 3(a)(2) of the Securities Act of 1933 (the "1933 Act"). The corpus of the Fund will consist of monies contributed by trusts ("Participating Trusts"), established by individual credit unions with the Bank as trustee. It is anticipated that the Fund, because of its size and ability to diversify investments, will provide a greater yield and liquidity to participating credit unions than could be obtained through individual credit union investments.

The Plan of Common Trust ("the Plan") provides that the Fund shall be open to credit unions organized under the Federal Credit Union Act, credit unions organized under the laws of the District of Columbia, or any state, territory or possession of the United States; and credit unions organized and operating under the jurisdiction of the United States Department of Defense. Applicants have applied for a ruling from the National Credit Union Administration, which supervises and administers federal credit unions, that, under the Federal Credit Union Act, federal credit unions may invest their funds in the Fund. If any state chartered credit union desires to participate in the Fund, approval of such participation by the applicable state agency responsible for administering such credit union will be sought.

The Comptroller of the Currency has reviewed the Plan and has found the Plan to be in compliance with Section 9.18 of the Regulations of the Comptroller of the Currency relating to collective investment funds.

No sales charge or load will be assessed against a Participating Trust for assets invested in the Fund. Contributions to or withdrawal from the Fund may be made at any time. Income and gains realized on investments of the Fund will not be distributed separately at fixed intervals but will, in effect, be paid pro rata to a participating trust only upon the withdrawal of its participation.

The Bank will supply investment management, safe keeping of assets, and bookkeeping services to the Fund. For these services the Bank will charge the Fund a fee of .00175 of the asset value of the Fund per year. The Bank will have ful discretionary powers with respect to investment and reinvestment of the assets of the Fund and may determine through a Trust Investment Committee the portfolio of securities to be acquired with the assets of the Fund.

Applicants anticipate that the purchases by the Bank of securities for the Fund will be executed through entities making markets in securities or by direct purchases upon the original issuance of such securities. No securities will be purchased on margin nor will there be any short sales. Customary commissions with respect to market purchases will be paid. The Bank in investing and reinvest the corpus of the Fund will seek to obtain the best execution. Investments of the Fund will be kept separate and apart from all other property belonging to the custody of the Bank. Each credit union establishing a Participating Trust and the Comptroller of the Currency will be provided with a yearly audited financial report on the Fund.

The Bank will be subject to the restrictions against self-dealing contained in Section 9.12(a) of Regulation 9 of the Comptroller of the Currency Regulation 9, which states that "Unless lawfully authorized by the instrument creating the relationship, or by court order or by local law, funds held by a national bank as fiduciary shall not be invested in stock or obligations of, or property acquired from, the bank of its directors, officers, or employees, or individuals with whom there exists such a connection, or organizations in which there exists such an interest, as might affect the exercise of the best judgment of the bank in acquiring the property, or in stock or obligations of, or property acquired from, affiliates of the bank or their directors, officers, or employees." Counsel for Applicants states that neither the instrument creating the relationship, court order, or local law authorizes the Bank in its fiduciary capacity as Trustee of Fund to engage in the kind of self-dealing described in Section 9.12(a) of Regulation 9. Applicant's counsel states that it is his opinion, therefore, that such self-dealing is prohibited by Section 9.12(a) of Regulation 9 which the Bank has agreed to comply with pursuant to Section 1.5 of the Plan.

Pursuant to the Plan and to a letter agreement dated September 16, 1975, the Bank has retained NAFUC to provide technical advice and operation assistance to the Bank in operating the Fund. Such services will include but will not be limited to (i) technical advice concerning credit unions in general; (ii) technical assistance with respect to special problems involving participating credit unions, such as the handling of overdrafts; (iii) the preparation and dissemination of information concerning the mechanics of transferring money in and out of the Fund; (iv) conferences and dissemination of educational materials concerning the use of the Fund; and (v) the necessary liaison and conferences with federal and state agencies, including credit union supervisory authorities, relating to the operation of the Fund. It is anticipated that except for day-to-day money transfers and reporting obligations, NAFUC Services Corporation will be responsible for all communications with participating credit unions. For these services the Bank will pay NAFUC an annual fee equivalent to .00075 of that portion of the asset value of the Fund that is in excess of the portion essential for the Bank to aggregate an annual fee of $95,000 pursuant to its fee arrangement with the Fund.

Applicants submit that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting the Fund from all the provisions of the Act for the following reasons: (1) Participation in the Fund will be offered only to credit unions; (2) Participating credit unions would be subject to continuing reporting provisions, examination requirements and other regulations of federal and state agencies which limit investments by such credit unions to those government securities designated in the applicable enabling legislation; (3) The operation of the Fund and the Participating Trusts will be supervised and examined by the Comptroller of the Currency to assure compliance with Section 9 of the Regulations of the Comptroller of the Currency pertaining to fiduciary accounts and collective investment funds; (4) The Fund will involve organizations (credit unions) which are exempted by Section 3(c)(4) of the Act from regulation under the Act and the securities (government securities and government agency securities) in which the Fund will invest are exempt from the Securities Act of 1933 by Section 3(a)(2) of that Act; (5) The Fund will operate to carry out the congressional policy of providing "a further market for securities of the United States" (Preamble to the Federal Credit Union Act, Act of June 26, 1934, 48 Stat. 1216, 12 U.S.C. 1751 et seq); and (6) An additional layer of regulation will provide no additional protection and would cause only unnecessary burdens and expenses and duplication of effort contrary to the interests of the members of credit unions and the general public.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1975, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Appli-

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cants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 26, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33373 Filed 12-10-75;8:45 am]

[Release No. 34—11898; File No. SR-Amex-75-14]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend Rule 576 and the Commentary thereto in order that it may improve the proxy solicitation procedures which have been established for member organizations under that rule.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

In general, the purposes of the proposed amendments to Rule 576 are to (a) expand the scope of this rule to require member organizations to transmit proxy material to shareholders who are beneficial owners of "street name" securities and who reside outside the United States and (b) improve and clarify the proxy solicitation procedures by revising the sample letters suggested for use by member organizations to (i) urge beneficial owners to instruct their brokers how they wish their shares to be voted and (ii) advise beneficial owners that their instructions will be followed by the member organization if received by the last business day before the shareholders' meeting.

Rule 576 presently provides that whenever a person soliciting proxies furnishes a member organization with copies of the proxy solicitation material and agrees to make reimbursement, the member organization is required to transmit such material to each beneficial owner of securities held by it in "street name", provided the owner resides within the United States. To provide foreign shareholders with the opportunity to participate in the corporate voting process, the Amex proposes to amend rule 576 to require proxy material to be transmitted to all beneficial shareholders, regardless of country of domicile.

As a guide to member organizations performing the notification duties specified in rule 576, commentary .20 thereto currently contains sample letters for use by member organizations in soliciting their customers' instructions relative to the manner in which their shares should be voted. The proposed amendments to commentary .20 would do the following:

First, member organizations would be permitted to adapt the transmittal letter format to suit their own needs, provided it contained all of the required information and instructions.

Second, the sample transmittal letters would be revised so as to urge beneficial owners to instruct their brokers as to how they wish their shares to be voted and to indicate that such instructions will be followed if received by the member organization no later than the last business day prior to the stockholders' meeting, notwithstanding the fact that the member organization may have already cast a vote on a discretionary basis. These changes are designed to alert beneficial owners to the importance of having their views represented at shareholders' meetings and to provide a reasonable "cut-off" time prior to the meeting so that instructions may be processed and voted accordingly.

Lastly, minor technical changes have been made in the text of commentary .20 to rule 576 as indicated in section 1. above to eliminate certain existing ambiguities.

The proposed elimination of commentary .70 to rule 576 is designed to conform the commentary to the text of the rule. The provisions of commentary .70 currently state that the rule is not applicable to beneficial owners located outside the United States.

The balance of the changes to the commentary to rule 576 reflect the renumbering necessitated by the elimination of commentary .70.

The proposed amendments to rule 576 described herein are designed to conform to the provisions of section 6(b)(5) of the Securities Exchange Act of 1934, as amended, which becomes effective on December 1, 1975 and which provides, in pertinent part, that exchange rules must be designed to protect investors and the public interest. The proposed Amex rule amendments if approved prior to that date, will be consistent with that section when it becomes effective.

The proposed amendments, if approved, will enhance the ability of public investors, regardless of country of domicile, to have their views represented at stockholders' meetings.

No comments were solicited or received from members or participants on the proposed rule change.

The proposed amendments were submitted to the Securities and Exchange Commission earlier in the year under then existing SEC rule 17a–8, and the staff of the Commission offered comments with respect thereto. The SEC staff suggested that the phrase in the sample transmittal letter "prior to the last business day" was somewhat ambiguous and recommended that this phrase be revised to "by the last business day". The Amex Board of Governors approved this revision on July 10, 1975.

The Amex has determined that the amendments to rule 576 will not impose a burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by January 12, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 3, 1975.

[FR Doc.75-33374 Filed 12-10-75;8:45 am]

[Release No. 11903]

STREET NAME STUDY

Transmittal to Congress of Preliminary Report

The Securities and Exchange Commission today announced that on December 4, 1975, pursuant to section 12(m) of the Securities Exchange Act of 1934 (the "Act"), the Commission transmitted to Congress the preliminary report of the "Street Name Study."

Added to the Act by the 1975 Amendments, section 12(m) authorizes and directs the Commission to undertake a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner of such securities and to determine (1) whether such practice is consistent with the purposes of the Act with particular reference to sections 12(g), 13, 14, 15(d), 16, and 17A, and (2) whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice. The Commission is directed to report to Congress its preliminary findings by December 4, 1975, and its final conclusions and recommendations by June 4, 1976.

The preliminary report is divided into four principal sections. First, it describes the historical factors which gave rise to the practice of registering securities in other than the name of the beneficial owner and summarizes available information concerning the extent of the practice today. Second, it describes the effect of the practice on the purposes of the Act, including the issuer-shareholder communications process, the clearing and settlement process and other considerations. Third, it sets forth possible alternatives to the current practice. Finally, it describes the direction the study will take in the next six months.

Copies of the preliminary report are available to the public from the Commission's Office of Public Information, 500 North Capitol Street, Washington, D.C. 20549.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 5, 1975.

[FR Doc.75-33376 Filed 12-10-75;8:45 am]

[Release 34–11897; File No. SR–NASD–75–7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 15 (June 4, 1975) notice is hereby given on December 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Board of Governors, pursuant to its obligation to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, has determined that no person may be involved in any way with a private securities transaction outside the regular course or scope of his association or employment, without prior notice to the member with whom he is associated.

TEXT OF PROPOSED RULE CHANGE

The following is the full text of the proposed amendments to the policy statement of the Board of Governors of the National Association of Securities Dealers entitled "Fair Dealing with Customers" appearing after Article III, Section 2 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc.

Item 4 subsection (e), which reads as follows, shall be eliminated:

PRIVATE TRANSACTIONS

(e) Transactions by registered representatives which are concealed from their employers, or securities transactions outside registered representatives' regular employment, even if disclosed to state law.

The following is the full text of the proposed interpretation and explanation of the Board of Governors of Article III, Sections 1, 27 and 28 of the Association's Rules of Fair Practice, which shall appear after Section 27 of Article III of the Association's Rules of Fair Practice.

INTERPRETATION BY THE BOARD OF GOVERNORS

PRIVATE SECURITIES TRANSACTIONS

Introduction

The Board of Governors, under its obligation to "prevent fraudulent and manipulative acts, [and] practices and to promote just and equitable principles of trade," believes it should again emphasize to members their continuing responsibility to exercise appropriate supervision over associated personnel, and in particular to emphasize to such personnel their responsibilities of good faith to the member and its customers. For purposes of this interpretation, private securities transactions shall include securities transactions which involve a limited number of purchases or sales (as contrasted, for example, with transactions involving public offerings registered with the SEC) and other investment transactions involving associated personnel which may mislead customers or participants into believing the transactions are sponsored by the member.

Depending upon all the facts and circumstances, private securities transactions effected outside the usual or normal course or scope of employment and nowhere reflected on broker dealer books and records may expose the participants to charges of serious violations of federal securities laws as well as industry rules and regulations, and to civil liability. In some instances, severe sanctions have been imposed on registered and associated personnel for engaging in private securities transactions effected outside the scope of their association and nowhere reflected on broker/dealer books and records.

Persons associated with a member should also be aware that their involvement in private securities transactions outside the scope of their association with a member may raise serious questions regarding their need to register as broker/dealers and/or investment advisers under state and federal securities laws. In addition, effecting private securities transactions without disclosure to the member, deprives the member of an ability to supervise the securities transactions of persons associated with it, thereby making it difficult for the member to exercise its obligation of good faith in its dealings with its customers.

Accordingly, the Board of Governors has determined that no person may be involved in any way with a private securities transaction outside the regular course or scope of his association or employment, without prior notice to the member with whom he is associated. To insure compliance with this determination, the member may at its option request duplicate copies of all documents and statements related to such transactions. It shall be the duty of any person associated with a member to promptly comply with such a request.

Personal securities transactions with another member of the Association, which transactions are properly recorded on the books of the executing member and which are subject to the notification requirements of Article III, Section 28 of the Rules of Fair Practice, are not considered to be private securities transactions for the purposes of this interpretation.

The following Interpretation of Article III, Sections 1, 27 and 28 of the Association's Rules of Fair Practice is adopted by the Board of Governors of the Association pursuant to the provisions of Article VII, Section 3(a) of the Association's By-Laws and Article I, Section 3 of the Rules of Fair Practice.

INTERPRETATION

It shall be deemed conduct inconsistent with just and equitable principles of trade for any person associated with a member to engage in a private securities transaction outside the regular course of scope of his association or employment with a member, for himself or with or for any other person without prior written notification to the member. In order for that member to exercise supervision over such transactions, it may request duplicate copies of all confirmations and other documents or other information related to such transactions from the person notifying the member and it shall be deemed conduct inconsistent with just and equitable principles of trade for that person to fail to promptly comply with such request.

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PURPOSE OF PROPOSED RULE CHANGE

It is the purpose of the Board of Governors in adopting an interpretation with regard to the private securities transactions of associated personnel to emphasize to members their continuing responsibility to exercise appropriate supervision over their associated personnel. Private securities transactions or other investment transactions involving associated personnel and effected outside the usual or normal course or scope of employment, and nowhere reflected on the books of the broker/dealer may mislead customers of the firm or participants in the investment transaction into believing that the transaction is sponsored by the member. In some instances in the past, serious violations of the federal securities laws as well as industry rules and regulations have resulted and civil liability has been imposed on registered and associated personnel for engaging in private securities transactions effected outside the scope of their association and nowhere reflected on the broker/dealer's books and records.

The purpose of this interpretation is to notify persons associated with a member and involved in private securities transaction outside the scope of their association with the member, of the possibility of their being required to register as broker/dealers or investment advisors under state and federal securities laws. The interpretation also notifies and reinforces the obligation of a member to supervise the securities transactions of persons associated with it as well as its obligation to develop and maintain an ability to supervise such transactions and insure satisfaction of its requirement of good faith in dealing with its customers.

Accordingly, the interpretation of the Board of Governors will require an associated person to give prior notice to the member of his involvement in any way with any private securities transaction or other investment transaction outside the regular course or scope of his association or employment that might result in customers or participants being led to believe the transaction is being sponsored by the member. To insure compliance with this determination, the member may, at its option, request duplicate copies of all documents and statements relating to such transaction.

Personal securities transactions with another member of the Association, when the transactions are properly recorded on the books of the executing member and which are subject to the notification requirements of Article III, Section 28 of the Rules of Fair Practice, are not considered to be private securities transactions for the purposes of this interpretation.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Section 15A(b) of the Securities Exchange Act of 1934 provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that (6) the rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general to protect investors and the public interest. Further, the rules of the association must (7) provide that its members and persons associated with its members shall be appropriately disciplined for violation of any provisions of the act or the rules and regulations thereunder, or the rules of the Association, by the imposition of appropriate penalties.

The Board of Governors of the Association, pursuant to the provisions of Article VII, Section 3(a) of the Association's By-Laws and Article I, Section 3 of the Rules of Fair Practice of the Association adopted the above interpretation in acceptance of this responsibility imposed by the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

Twenty comment letters were received from the membership on the proposed interpretation of the Board of Governors. Three of the letters expressed and unqualified support for the proposed amendments and explanatory material. The vast majority of responses, however, recognized a need for the supervision of "private transactions", but believed the language and/or the scope of the interpretation and/or the explanatory material should be modified. There were no unqualified objections to the concept of supervision of private transactions, but three qualified responses opposed the interpretation on the grounds that it would be an administrative "nightmare" if the interpretation were applied to insurance companies, and that it was not clear what the term "securities" encompassed for the purposes of the interpretation. The suggestions were considered and changes in the interpretation were adopted by the Board of Governors. Copies of all comment letters are attached as Exhibit 2.

BURDEN ON COMPETITION

This interpretation of the Board of Governors of the Association is an enunciation of the acceptance of the responsibility imposed by statute on the Association to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. For the purposes of complying with the requirements of the Act, it is felt that there is no burden placed on competition as the result of requiring persons associated with a member to report private securities transactions and other investment transactions engaged in outside the regular course or scope of his association or employment with a member to that member. It is felt that this requirement is necessary in order for the member to exercise supervision over such transactions and thereby make it easier for the member to exercise its obligation of good faith in its dealings with its customers. Inasmuch as any regulatory proposal is a burden on competition because it restricts activity, the decision to allow the Association to burden competition that far was considered and approved by Congress. Consequently, it is felt that if any burden on competition is imposed by the proposed interpretation of the Board of Governors, it is necessary and is in furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 12, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33375 Filed 12-10-75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 18, 1975, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Jett Beauty School, 524 South Cooper, Memphis, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: December 4, 1975.

R. S. BIELAK,
Director,
VA Regional Officer.

[FR Doc.75-33287 Filed 12-10-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

FULLTIME STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their full-time students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The regulation provides for the authority to be effective on the date a properly completed application is forwarded to the Wage and Hour Division provided applicable conditions of the regulations are met. After review by the Division, the authority may be continued in effect for up to one year from the date the application was forwarded to the Division. The expiration date of the authority granted to a particular institution of higher education listed in this notice occurs between December 20, 1975 and June 19, 1976, inclusive.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Amherst College, Amherst, MA.
Brigham Young University, Provo, UT.
Bryant College, Smithfield, RI.
Central Oregon Community College, Bend, OR.
Chamberlayne School and Chamberlayne Junior College, Boston, MA.
Clark College, Vancouver, WA.
Eastern Oregon State College, LaGrande, OR.
Endicott Junior College, Beverly, MA.
Fort Wright College of the Holy Names, Spokane, WA.
Gonzaga University, Spokane, WA.
Idaho, College of, Caldwell, ID.
Judson Baptist College, Portland, OR.
Lewis and Clark College, Portland, OR.
Linfield College, McMinnville, OR.
Maine Maritime Academy, Castine, ME.
Multnomah School of the Bible, Portland, OR.
New Hampshire College, Manchester, NH.
Nichols College, Dudley, MA.
North Idaho College, Coeur d'Alene, ID.
Northwest Christian College, Eugene, OR.
Northwest Nazarene College, Nampa, ID.
Olympic College, Bremerton, WA.
Portland, University of, Portland, OR.
Puget Sound, University of, Tacoma, WA.
Randolph-Macon Woman's College, Lynchburg, VA.
Reed College, Portland, OR.
Regis College, Weston, MA.
Ricks College, Rexburg, ID.
Seattle Pacific College: Coupeville, WA; Seattle, WA.
Seattle University, Seattle, WA.
Southwestern Oregon Community College, Coos Bay, OR.
Toledo, University of, Toledo, OH.
Treasure Valley Community College, Ontario, OR.
Vassar College, Poughkeepsie, NY.
Vermont Technical College, Randolph Centre, VT.
Walla Walla College, College Place, WA.
Warner Pacific College, Portland, OR.
Westbrook College, Portland, OR.
Western Baptist Bible College, Salem, OR.
Western New England College, Springfield, MA.
Whitworth College, Spokane, WA.
Willamette University, Salem, OR.
Windham College, Putney, VT.
Wright State University: Celina, OH; Dayton, OH; Piqua, OH.

The authority has been granted to each institution of higher education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employeee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before January 26, 1976.

Signed at Washington, D.C. this 5th day of December, 1975.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.75-33393 Filed 12-10-75;8:45 am]

Office of the Secretary

[TA-W-340]

CLIFTEX CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Cliftex Corporation, New Bedford, Massachusetts (TA-W-340).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats and suits produced by Cliftex Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 18, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33556 Filed 12-10-75;8:45 am]

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[TA-W-169]

CRESCENT KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-169; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing men's and ladies' sweaters at Crescent Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the Federal Register (40 FR 44639) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crescent Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separate, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment of production workers at Crescent declined 16 percent in 1974 from 1973 and declined 55 percent in the first nine months of 1975 compared to the first nine months of 1974. Average weekly hours for production workers at Crescent declined six percent in 1974 and 12 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely

Eighty percent of the sweaters produced at Crescent during 1973 and 1974 were men's sweaters. Production declined 15 percent between 1973 and 1974 and declined more than 62 percent in the first nine months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly

Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Firms such as Crescent which produce on a contractual basis have been particularly affected by increased imports in that their customers, most of whom also manufacture, are in many cases able to absorb their own sales declines by reducing purchases from their contractors.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Crescent Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provision of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Crescent Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-33558 Filed 12-10-75;8:45 am]

[TA-W-171]

LONDON KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-171; investigation regarding certification of eligibility to apply for worker adjustment assistance as Prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing men's and ladies' sweaters at London Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the Federal Register (40 FR 44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of London Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Secton 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment of production workers at London declined 12 percent in 1974 compared to 1973, and declined 33 percent in the first eight months of 1975 compared to the same period in 1974. Average weekly hours for production workers declined eight percent in 1974 and 24 percent in the first eight months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely

London Knitting Mills produced only men's and boys' sweaters during 1973-1975. Sales of men's and boys' sweaters by London increased four percent between 1973 and 1974. Sales then declined 53 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased Imports Contributed Importantly

Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. A major customer of London indicated that its purchases from London have declined sharply in 1975 because many of its own customers at the retail level have switched increasingly to imported sweaters.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by London Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of London Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-33557 Filed 12-10-75;8:45 am]

Office of the Secretary

[TA-W-143]

LEBOW BROTHERS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-143; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 12, 1975 which was filed by workers formerly producing men's coats at the E. Monument Street plant, Baltimore, Maryland, and workers formerly producing men's suits, sportcoats and slacks at the E. Oliver Street plant, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44209) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lebow Brothers, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

The average number of production workers and average weekly hours worked at the E. Monument St. plant declined 6.2 percent and 8.6 percent, respectively, in the first half of 1974 as compared to the like period in 1973. Workers at the E. Monument St. plant were terminated in October 1974. Average employment and weekly hours worked at the E. Oliver St. plant declined 35.5 percent and 17.4 percent, respectively, in the first half of 1975 as compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely

Sales and production of men's suits and sportcoats declined 29.1 percent and 45.9 percent in the first half of 1975 as compared to the like period in 1974. While sales of men's slacks increased 39.2 percent, the combined production of men's suit pants and slacks declined 37.5 percent in the first half of 1975 as compared to the like period in 1974.

Increased Imports Contributed Importantly

Imports of men's and boys' suits have increased relative to domestic consumption and production in each year from 1971 to 1973. In the first 7 months of 1975, the number of imports of men's and boys' suits increased 131 percent compared to the first 7 months of 1974.

Imports of men's and boys' sportcoats increased absolutely from 1972 to 1973 and relatively from 1973 to 1974. The ratios of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 percent respectively in 1974.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent in 1972 to 19.7 percent and 16.4 percent in 1974. In the first seven months of 1975 imports of men's and boys' tailored trousers increased 29 percent compared to the first seven months of 1974.

A survey of major apparel distributors including large retail chain stores indicates that the ratio of import purchases to domestic purchases of men's and boys' suits and sportcoats increased from 10.0 percent in 1973 to 12.0 percent in 1974, then declined slightly in the first seven months of 1975 compared to the like period in 1974. The ratio of import purchases to domestic purchases of men's and boys' slacks and pants increased from 13.0 percent in 1973 to 17.0 percent in 1974. Import purchases increased 33 percent in the first half of 1975 compared to the same period in 1974.

The evidence developed by the Department's investigation indicates that Lebow's sales have declined at a time when major customers have indicated that they are buying imported lower-priced leisure suits which are increasingly attractive to the younger generation and price conscious consumers.

The company transferred all its production of men's suit and sportcoats from its E. Monument Street plant to its other facility at E. Oliver Street in Baltimore, Maryland, because it could not compete at a profitable level with imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and slacks produced at the E. Monument Street and E. Oliver Street plants in Baltimore, Maryland contributed importantly to the total or partial separation of the workers at those plants.

In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suits, sportcoats and slacks at the Baltimore, Maryland plants on E. Monument Street and E. Oliver Street of Lebow Brothers, Inc., who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-33394 Filed 12-10-75;8:45 am]

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MODE KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–160; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL–CIO) on behalf of workers and former workers producing men's and ladies' sweaters at Mode Knitting Mills, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mode Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Mode declined 14 percent in 1974 from 1973 levels, and declined 23 percent in the first nine months of 1975 compared to the same period in 1974. Average weekly hours for production workers declined six percent in the first nine months of 1975 compared to the first nine months in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of sweaters by Mode, after increasing four percent in 1974 from 1973, declined 16 percent in the first nine months of 1975 compared to the first nine months of 1974. Mode produces sweaters on a contractual basis, using its customers' own material and specifications.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports of women's, misses', girls', and infants' sweaters increased absolutely in each year during 1970–1974 and increased 15 percent in the first seven months of 1975 compared to the same period in 1974. The ratio of imports of such sweaters to domestic production increased from 93.7 percent in 1973 to 97.3 percent in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first six months of 1975. Major customers of Mode indicate that their purchases from Mode have declined because their own sales have declined at the retail level due to increased import competition. Firms which produce under contract such as Mode have been particularly hard hit by imports in that their customers, many of whom also manufacture, often attempt to maintain their own production at stable levels during periods of declining sales by reducing purchases from their contractors.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Mode Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Mode Knitting Mills, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75–33395 Filed 12–10–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 98]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 5, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonbale compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 200 (Sub-No. 277), filed November 10, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), (1) from Buffalo and Geneseo, N.Y., to Crosby, Laredo, and Odessa, Tex., and (2) from Crosby, Tex., to Buffalo and Geneseo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Kansas City, Mo.

No. MC 409 (Sub-No. 58), filed November 10, 1975. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Missouri, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 1263 (Sub-No. 20), filed November 10, 1975. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the construction site and plant of the Iatan Power Plant, located at or near Iatan, Mo., as an off-route point in connection with applicant's regular route operation to and from Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 5623 (Sub-No. 27), filed November 12, 1975. Applicant: ARROW TRUCKING CO., a Corporation, P.O. Box 7280, Tulsa, Okla. 74105. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Liberty County, Tex., to points in Arkansas, Colorado, Kansas, Illinois, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahome, Texas, Utah, and Wyoming, restricted to shipments originating at the plant site and warehouse facilities of National Pipe and Tube Company.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 20992 (Sub-No. 36), filed November 6, 1975. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Illinois, Indiana, Minnesota, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26825 (Sub-No. 13), filed November 6, 1975. Applicant: ANDREWS VAN LINES, INC., Seventh and Park Avenue, P.O. Box 79, Norfolk, Nebr. 68701. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Colorado, Idaho, Illinois, Indiana, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar applications filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 28339 (Sub-No. 9), filed November 7, 1975. Applicant: BREMERTON-TACOMA STAGES, INC., 1936 Westlake Avenue, Seattle, Wash. 98101. Applicant's representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Callam and Jefferson Counties, Wash., and extending to points in the United States, except Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Port Angeles or Seattle, Wash.

No. MC 47010 (Sub-No. 8), filed November 14, 1975. Applicant: BERRY TRANSPORT, INC., 5315 NW. St. Helens Road, Portland, Oreg. 97210. Applicant's representative: Brian S. Stern, Wilson Plaza Bldg. No. 327, 2425 Wilson Blvd., Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods, cans, can ends, cannery supplies, and machinery*, between Hammond and Astoria, Oreg., on the one hand, and, on the other, Vancouver, Wash.; (2) *canned goods, cans, can ends, tinplate, cannery supplies, and machinery*, between Salem and Portland, Oreg., on the one hand, and, on the other, Toppenish and Yakima, Wash.; and (3) *cans, can ends, cannery supplies, and machinery*, between Hammond, Oreg. and Toppenish, Wash., (1) (2), and (3) under a continuing contract or contracts with Del Monte Corporation.

NOTE.—Applicant holds common carrier authority in MC 133276 Sub 9, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 52953 (Sub-No. 46), filed November 6, 1975. Applicant: ET & WNC TRANSPORTATION COMPANY, a Corporation, 132 Legion Street, P.O. Box 1516, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook, P.O. Box 1516, Johnson City, Tenn. 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and commodities the transportation of which require the use of special equipment), serving the plantsite and warehouse facilities of Arkansas Eastman Company, Independence County, Ark., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59367 (Sub-No. 102), filed November 10, 1975. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, storage tanks, and parts therefor*, from the plantsite of Rheem Manufacturing Company, located at Chicago, Ill., to points in Iowa and points in Nebraska on and east of U.S. Highway 281, restricted to traffic originating at the above plantsite and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59856 (Sub-No. 64) (Correction) filed October 20, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished as corrected this issue. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's Representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between Idaho Falls, Idaho and West Yellowstone, Mont.: From Idaho Falls, Idaho over U.S. Highway 26 to the junction of U.S. Highway 191, thence over U.S. Highway 191 to West Yellowstone, Mont., and return over the same route, serving no intermediate points.

NOTE.—The purpose of this correction is to indicate the proper route description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Idaho Falls, Idaho or Billings, Mont.

No. MC 69492 (Sub-No. 50), filed November 4, 1975. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Clinton, Ky.: From Memphis over U.S. Highway 51 to Clinton, Ky., and return over the same route, serving no intermediate points, restricted against serving that part of the commercial zone of Memphis which lies in Mississippi, and further restricted against the handling of traffic which originates at, is destined to, or interlined at Union City, Tenn., Paducah, Ky., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 72069 (Sub-No.), filed October 28, 1975. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell and Norfolk, Va., to Laurel, Del., points in Dorchester County, Md., and points in Kent County, Del.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 99695 (Sub-No. 11), filed November 10, 1975. Applicant: ATLAS TRANSIT, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Connor, P.O. Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Arkansas Eastman Company located in Independence County, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104523 (Sub-No. 60), filed Nov. 6, 1975. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68539. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Colorado, Illinois, Indiana, Kansas, Missouri, Montana, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106088 (Sub-No. 8), filed Oct. 24, 1975. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, Ind. 47978. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wire spring assemblies, box spring frames, bed frames, plastic articles and parts and components* of wire spring assemblies, box spring frames, bed frames and plastic articles; and *wire carriers and damaged and rejected wire*, from the plantsites and warehouse facilities of Sealy Spring Corporation-East, located at or near Delano, Pa., and the plantsites and warehouse facilities of Sealy Spring Corporation-Indiana, located at or near Rensselaer, Ind., to points in the United States (except Alaska and Hawaii); (B) *such machinery, equipment, materials and supplies as are used by manufacturers and distributors* of wire spring assemblies, box spring frames, bed frames, plastic articles and parts and components of wire spring assemblies, box spring frames, bed frames and plastic articles, from points in the United States (except Alaska and Hawaii), to the plantsites and warehouse facilities of Sealy Spring Corporation-East, located at or near Delano, Pa., and the plantsites and warehouse facilities of Sealy Spring Corporation-Indiana, located at or near Rensselaer, Ind., restricted in (A) above, to traffic originating at the named plantsites and warehouse facilities, and (B) above is restricted to traffic destined to the named plantsites and warehouse facilities; (C) *wire and wire carriers*, from Pueblo, Colo., to the plantsites and warehouse facilities of Sealy Spring Corporation-West, located at or near Richmond, Calif., restricted to traffic destined to the named plantsites and warehouse facilities; (D) *wire spring assemblies, box spring frames, bed frames, plastic articles and parts and components* of wire spring assemblies, box spring frames, bed frames and plastic articles, from the plantsites and warehouse facilities of Sealy Spring Corporation-West, located at or near Richmond, Calif., to Portland, Oreg.; Phoenix, Ariz.; and Denver, Colo., restricted to traffic originating at the named plantsites and warehouse facilities; and (E) *wire carriers and damaged and rejected wire*, from the plantsites and warehouse facilities of Sealy Spring Corporation-West, located at or near Richmond, Calif., to Pueblo, Col., restricted to traffic originating at the named plantsites and warehouse facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106195 (Sub-No. 7), filed November 6, 1975. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois and Minnesota, restricted to the transportation of traffic originating at the facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the above named destination points.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106497 (Sub-No. 125), filed November 10, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, Post Office Box 912 (Bus. Rte I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts, and materials, equipment, and supplies*, used in the manufacture thereof, between Pine Bluff, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or St. Louis Mo.

No. MC 106644 (Sub-No. 219), filed November 7, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, N.W., P.O. Box 916, Atlanta, Ga. 30309. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from the plantsites of American Forest Products, Inc., located at Martell, Forestville, North Fork, Fresno (Bartonette), Stockton, Toyon and Johnsondale, Calif., to points in Alabmaa, Arkansas, Georgia, Florida, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Washington, D.C.

No. MC 106674 (Sub-No. 179), filed November 17, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107403 (Sub-No. 957), filed November 17, 1975. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum sulphate clay*, in bulk, in tank vehicles, from Little Rock, Ark. to Bastrop, La.; (2) *acids*, in bulk, in tank vehicles, from Norphlet, Ark., to Baton Rouge, La.; (3) *corn syrup, liquid sugar and blends of corn syrup and liquid sugars*, in bulk, in tank vehicles, from Reserve, La., to points in Kentucky; and (4) *water reducing admixtures*, in bulk, in tank vehicles, from North Judson, Ind., to points in Ohio, Michigan, Tennessee, Illinois, South Carolina, West Virginia, North Carolina, Missouri, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1011), filed November 10, 1975. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, corn syrup and blends thereof*, from Memphis, Tenn., to points in Ohio; (2) *sugar, corn products and blends* containing cornproducts, in bulk, from Decatur, Ala., to points in the United States (except Alaska and Hawaii); (3) *lead oxide* (litharge), in bulk, from Indianapolis, Ind., to points in Iowa, Missouri, Illinois and Kentucky; and (4) *caustic soda*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Montana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 108207 (Sub-No. 427), filed November 10, 1975. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Nashville, Tenn., to points in Kentucky, Ohio, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Mexico, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis or Nashville, Tenn.

No. MC 110525 (Sub-No. 1136), filed November 7, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar*, in bulk, in tank vehicles, from Houston, Tex., to points in Louisiana; and (2) *cleaning and washing compounds* (except petroleum products, in bulk, in tank vehicles), from Garland, Tex., to Kentwood, La., and Conway, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 111401 (Sub-No. 455), filed November 17, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Witco Chemical Corporation located at or near Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or New Orleans, La.

No. MC 111594 (Sub-No. 69, filed November 17, 1975. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and storage facilities of the Cleveland Cliffs Iron Co., Forest Center Sawmill located at or near Munising, Mich., as an off-route point in connection with carrier's authorized regular-route operation to and from Munising, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 111729 (Sub-No. 586), filed November 7, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Pary, N.Y. 11040. Applicant's representative: John M. Delany (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copiers, typewriters, industrial and business machine parts and supplies*, between Syracuse and Cortland, N.Y., restricted to the transportation of traffic having an immediately prior or subsequent out-of-state movement and, further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* (except motion picture film used primarily for commercial theatre and television exhibition), (a) between Chicago, Ill., on the one hand, and, on the other, points in Green, Kewaunee, Langlande, Lincoln, Oconto, Oneida and Sauk Counties, Wis.; and (b) between Cuyahoga Falls, Ohio and Bluefield, W. Va.; (3) *proofs, cuts, copy, artwork and advertising materials*, (a) between Cuyahoga Falls, Ohio and Bluefield, W. Va.; and (b) between St. Louis, Mo., on the one hand, and, on the other, Madison, Menasha and Milwaukee, Wis.; and (4) *business papers, records, audit and accounting media of all kinds*, (a) between Cuyahoga Falls, Ohio and Bluefield, W. Va.; and (b) between St. Louis, Mo., on the one hand, and, on the other, Madison, Menasha and Milwaukee, Wis.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 104), filed November 3, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *com-*

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mon carrier, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, demumidifying, and moving of air, gas or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation or operation of those Items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry and St. Clair Counties, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—Comon control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., St. Louis, Mo., or Chicago, Ill.

No. MC 112989 (Sub-No. 45), filed November 3, 1975. Applicant: WEST COAST TRUCK LINES, INC., Rt. 4, Box 194–R, Eugene, Oreg. 97405. Applicant's representative: John G. McLaughlin, 620 Blue Cross Bldg., 100 SW. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, wood products, and particleboard*, between points in Oregon, Washington and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 113254 (Sub-No. 4), filed November 17, 1975. Applicant: BREYER TRANSPORT, INC., Route 3, New Philadelphia, Ohio 44663. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt compounds, salt mixtures, salt products and pepper*, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia, under a continuing contract or contracts with Morton Salt Company, Division of Morton-Norwich Products; Watkins Salt Company and Cargill, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 113267 (Sub-No. 327), filed November 12, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A. M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk, in tank vehicle), from Gulfport, Miss., to points in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Memphis, Tenn.

No. MC 113678 (Sub-No. 603), filed Nov 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, or rugs; soft surface (pile) fabric, carpets, or carpeting; carpet or carpeting, floor, cloth combined with foam rubber not exceeding 3/8" thick; carpet tile; soft surface (pile) fabric, power machine tufted; display advertising, store or window; carpeting, rugs, adhesive; carpeting or rugs made of synthetic fiber; carpet or carpeting, unwoven synethetic fiber, needle punched through woven synthetic base*, from Marietta, Pa., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 611), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rugs, and carpet and rug padding*, (1) from the facilities of General Felt Industries, Inc., located at or near Dallas, Tex., and Shelbyville, Tenn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (2) from the facilities of General Felt Industries, Inc., located at or near Shelbyville, Tenn., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., Newark, N.J., or Denver, Colo.

No. MC 113678 (Sub-No. 612), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendering house products*, from the plantsite of C.U.I. International, located at or near Boise, Idaho, to points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oregon, Utah, Washington and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 235), filed November 13, 1975. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, from Kimballton, Va., to points in Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 240), filed November 3, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Ohio and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115730 (Sub-No. 7), filed November 5, 1975. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the above named destination points.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Neb., or Washington, D.C.

No. MC 115841 (Sub-No. 508), filed November 12, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201, Applicant's representative: Terry P. Wilson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk substitutes and cheese whey* (except in bulk), in vehicles equipped with mechanical refrigeration, from Glasgow, Ky., to points in the United States (except Alaska, Hawaii, and Kentucky), restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Birmingham, Ala.

No. MC 115904 (Sub-No. 42) (Amendment), filed October 22, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished, as amended, this issue. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the port of entry on the International Boundary line between the United States and Canada located at Sumas, Wash., to points in Utah, Nevada, Wyoming and Idaho.

NOTE.—The purpose of this republication is to include the additional destination point of the State of Idaho. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho or Salt Lake City, Utah.

No. MC 117068 (Sub-No. 55), filed November 10, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the above named destination points.

NOTE.—See 13 other similar application filing in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117664 (Sub-No. 11), filed November 11, 1975. Applicant: DENTON TRUCKING, INC., P.O. Box 33, Denton, Md. 21629. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, on special equipment, from Bridgeville, Del., Baltimore and Hollywood, Md., and Warsaw, Va., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118142 (Sub-No. 108), filed November 10, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, and electric batteries spent, and materials and supplies* used in the manufacturing or distribution of electric storage batteries and advertising materials (except in bulk), (1) from Indianapolis, and Frankfort, Ind.; Owensboro, Ky.; Rayton, Mo., and Dallas and Tyler, Tex., to Salina, Kans.; and (2) from Salina, Kans., to points in Arizona, Colorado, Indiana, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118535 (Sub-No. 70), filed November 10, 1975. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Terrell, Tex., to Kansas City and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118959 (Sub-No. 128), filed November 12, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints and stains*, from the plantsite of Olympic Stains, Inc., located at Louisville, Ky., to points in the United States, in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 118959 (Sub-No. 129), filed November 12, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical junction boxes, troughing, wire ways, conduit and pipe, fasteners, accessories thereto, and materials and supplies* used in the distribution and installation thereof, from the facilities of Queen Products Company, Inc., located at or near Louisville, Ky., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture, distribution and installation of electrical junction boxes, troughing, wire ways, conduit and pipe, fasteners, and accessories thereto, from points in the United States (except Alaska and Hawaii), to the facilities of Queen Products Company, Inc., located at or near Louisville, Ky.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 119229 (Sub-No. 8), filed November 13, 1975. Applicant: ORLANDO TRUCKING, INC., P.O. Box 132, 10 Glory Rd., R.D. No. 3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the manufacture, sale, display, or modification of mattresses and upholstered furniture, and in connection therewith *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, restricted to service to be performed under contract with Eclipse Sleep Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 120761 (Sub-No. 4), filed October 23, 1975. Applicant: NEWMAN BROS. TRUCKING COMPANY, a Corporation, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: R. E. Newman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe*, when moving as oilfield equipment; (2) *oilfield equipment*, other than pipe, and (3) *pipe, trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bull dozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron and steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron and steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors,*

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and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, between points in Texas.

NOTE.—Applicant seeks by this application to convert its Certificate of Registration in MC 120761 (Sub-No. 1), to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 123389 (Sub-No. 25), filed Nov. 7, 1975. Applicant: CROUSE CARTAGE COMPANY, a Corporation, P.O. Box 151, Carroll, Iowa 51401. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it to be held at Omaha, Nebr.

No. MC 123407 (Sub-No. 272), filed November 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except commodities in bulk), from Medina County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials, equipment and supplies* used in the manufacturing and distribution of the commodities described in (1) above (except commodities in bulk), from the above-described destination territory to Medina County, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 157), filed Nov. 5, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124813 (Sub-No. 135), filed Nov. 5, 1975. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124813 (Sub-No. 136), filed November 10, 1975. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 51533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and gypsum feed ingredients and soil conditioners*, (1) from points in Marion County, Iowa, to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Washington, Wisconsin, and Wyoming and (2) from points in Breckinridge County, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 118468 Sub-No. 16 and other Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 125433 (Sub-No. 60), filed November 3, 1975. Applicant: F-B TRUCKLINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 276, from the plantsite of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Colorado, Idaho, Kansas, Montana, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of Nucor Steel Division of Nucor Corporation located at or near Norfolk, Nebr. and destined to points in the above named destination states (except for traffic moving in foreign commerce.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 128375 (Sub-No. 137), filed November 10, 1975. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and materials and supplies* used in the production and distribution of motor vehicle parts and accessories, (1) between Bayonne, N.J., Galloway, Ohio, Bensenville, Ill., and Lawrenceburg, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) and (2) between Paulding, Ohio, on the one hand, and, on the other, points in Ohio, under a continuing contract with the Maremont Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Chicago, Ill.

No. MC 129282 (Sub-No. 26), filed November 10, 1975. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* (except in bulk), from Monroe and West Monroe, La., to points in Oklahoma, and Beaumont, Dallas, Fort Worth, Houston, Longview, Lufkin, Nacogdoches, and Tyler, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Monroe or Shreveport, La., or Dallas, Tex.

No. MC 135364 (Sub-No. 25), filed November 7, 1975. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. 3, Moscow, Pa. 18444. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling and air conditioning machinery*, between the facilities of The Trane Company, located in Lackawanna County, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with The Trane Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135391 (Sub-No. 2), filed November 7, 1975. Applicant: WILDERNESS EXPRESS, INC., P.O. Box 6509, 525 Lake Street, South Duluth, Minn. 55801. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, in cans and containers, from Kansas City, Kans., Joplin, Mo., and Momence, Ill., to points in Minnesota, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the plantsites and warehouse facilities utilized by Strongheart Products Company, at the above named origins and destined to the above named destinations, under a continuing contract with Strongheart Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 135535 (Sub-No. 9), filed November 6, 1975. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes, campers, fifth-wheel travel trailers and travel trailers;* (2) *motor homes*, in drive-away service; (3) *fifth-wheel travel trailers and travel trailers*, in tow-away service; and (4) *fifth wheel travel trailers and pickup trucks*, when moving in combination with fifth-wheel travel trailers in drive-away service, (a) between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington; and (b) between the plantsite and storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located in Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, New York, Ohio, Vermont, Washington, and Wisconsin, under contract with El Dorado Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135684 (Sub-No. 16), filed October 29, 1975. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products, industrial cleaning products, and water purifying products* (except in bulk), (a) from Bristol, Pa., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, Maryland, Delaware, New Jersey, New York, and the District of Columbia; (b) from Philadelphia, Pa., to points in Maryland, Delaware, New Jersey, and New York; (2) *Material and supplies* used in the manufacture, sale, or distribution of the commodities named in (1) above (except commodities in bulk), (a) from points in the destination states named in (1a) above, to Bristol, Pa.; (b) from points in the destination states named in (1b) above, to Philadelphia, Pa.

(3) *Returned shipments* of the commodities named in (1) above, from points in the destination states named in (1a) above, to Bristol, Pa.; (4) *Household cleaning products, water purifying compounds, and dry acids* (except commodities in bulk), (a) between Philadelphia and Bristol, Pa., on the one hand, and, on the other, Tampa, Fla., Atlanta, Ga., New Orleans, La., and Dallas, Tex.; (b) between Atlanta, Ga., on the one hand, and, on the other, Tampa, Fla., New Orleans, La., and Dallas, Tex.; (c) from Atlanta, Ga., to points in Alabama, Florida, and that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31-E to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line, and to Savannah, Ga.; (5) *Materials and supplies* used in the manufacture, sale, or distribution of the commodities named in (4) above (except commodities in bulk), from the next destination territory described in 4(c) above to Atlanta, Ga.; (6) *Household cleaning products and swimming pool chemicals*, from the plant and warehouse site of Purex Corporation, Ltd., at Tampa, Fla., to points in Alabama, Georgia, Mississippi, North Carolina, and South Carolina.

(7) *Swimming pool chemicals and empty bottles*, between the plant and warehouse sites of Purex Corporation, Ltd., at Tampa, Fla., and Atlanta, Ga.; (8) *Plastic containers*, in cartons, *and closures therefor*, from Baltimore, Md., to Bristol and Philadelphia, Pa., and Salem, Va.; and (9) *returned shipments* of the named commodities in (8) above, from Bristol and Philadelphia, Pa., and Salem, Va., to Baltimore, Md.; (10) *Foodstuffs* (except in bulk), from Bristol, Pa., to points in Maryland and the District of Columbia; and (11) *Materials and supplies* used in the manufacture, sale, or distribution of the commodities named in (10) above, from points in the destination states named in (10) above to Bristol, Pa.

NOTE.—Applicant holds contract carrier authority in MC 87720 Sub 2 and others, therefore dual operations may be involved. The application duplicates permits issued in MC 87720 Subs 81, 98, 102, 121, and 125 which will be cancelled when permits are converted into a certificate. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 136100 (Sub-No. 4), filed November 7, 1975. Applicant: K & K TRANSPORTATION CORP., 4515 South 24th Street, Omaha, Nebr. 68110. Applicant's representative: Einar Viren, 200 First West Side Bank Bldg., 222 South 72nd Street, Omaha, Nebr. 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) between the plantsite and warehouse facilities of Paper Manufacturers Co. located at or near Philadelphia, Pa., Indianapolis, Ind., Newark, Calif., and Madison, Ga.; (2) between the aforesaid plantsites and warehouse facilities and points in the United States (except Alaska and Hawaii); and (3) between points in the United States (except Alaska and Hawaii) and the plantsites and warehouse facilities of Paper Manufacturer Co. located at or near points mentioned in (1) above, under a continuing contract or contracts with Paper Manufacturers Co. in paragraphs (1), (2), and (3).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 136343 (Sub-No. 61), filed October 31, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Westvaco Corporation, at Tyone, Pa., to points in Nebraska, Illinois, Indiana, New Hampshire, Georgia, Tennessee, Kentucky, and Alabama.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136408 (Sub-No. 31), filed November 10, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical, health care and medical products*, between points in Middlesex County, N.J., Will and Cook Counties, Ill., and Grayson County, Tex., restricted to traffic originating at or destined to the plant or warehouse facilities of Johnson & Johnson, under a continuing contract or contracts with Johnson & Johnson, New Brunswick, N.J.

NOTE.—Applicant holds common carrier authority in MC 140828 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 138148 (Sub-No. 7), filed November 11, 1975. Applicant: JOSEPH J. SCHMIDT, an individual, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: Clyde E. Herring, Suite 1123, Munsey Bldg., 1329 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, between the facilities of the Miller Brewing Company located at or near Fulton, N.Y., on the one hand, and, on the other, Aberdeen, Baltimore City, and Frederick, Md. and points in Dorchester, Queen Anne's, Somerset, Wicomico, and Worcester Counties, Md.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 138283 (Sub-No. 3), filed November 12, 1975. Applicant: DANA TRUCKING CORPORATION, Round Lake, Minn. 56167. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Cookies*, from the plant-site and storage facilities of Johnson Biscuit Company, located at or near North Sioux City, S. Dak., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used or useful in the manufacture, distribution and sale of cookies, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Johnson Biscuit Company, located at or near North Sioux City, S. Dak., restricted to transportation originating at and destined to the above named facilities, and further restricted to a transportation service to be performed under a continuing contract or contracts with Johnson Biscuit Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Omaha, Nebr.

No. MC 138308 (Sub-No. 10), filed October 28, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile*, from Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah; (2) *title*, between Morrisville, Pa., and Cleveland, Miss.; and (3) *materials and supplies* (except in bulk), used in the manufacture of tile, from point in North Carolina, to Cleveland, Miss.

NOTE.—Applicant holds contract carrier authority in MC 128592 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Memphis, Tenn.

No. MC 138328 (Sub-No. 25), filed November 6, 1975. Applicant: CLARENCE L. WERNER, doing business as, WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Applicant holds contract carrier authority in MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138875 (Sub-No. 28) (Correction), filed October 29, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, republished as corrected this issue. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 1900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, composition board, treated or untreated poles, pilings, and cross ties*, from points in Idaho south of the southern boundary of Idaho County, to points in Utah.

NOTE.—The purpose of this republication is to correct the docket No. MC 138875 Sub-No. 28 in lieu of MC 138875 Sub-No. 26 which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at either Boise or Meridian, Idaho.

No. MC 139084 (Sub-No. 7), filed November 6, 1975. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., P.O. Box 8100, Station F, Calgary, Alberta, Canada T2J 2V2. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to ports of entry on the International Boundary line between the United States and Canada located at points in Idaho, Minnesota, Montana, North Dakota and Washington, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139207 (Sub-No. 2), filed November 10, 1975. Applicant: MCNABB-WADSWORTH TRUCKING COMPANY, 1410 Lynn Garden Drive, Kingsport, Tenn. 37665. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in tank vehicles), from points in Florida, to points in Tennessee, North Carolina, South Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 109), filed November 7, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar* in packages and bags, from Houma, La., to points in Texas, Oklahoma, Kansas, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140024 (Sub-No. 56), filed November 6, 1975. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, restricted to the transportation of traffic originating at the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the above named destinations.

NOTE.—See 13 other similar application filings in this notice. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140484 (Sub-No. 15), filed November 7, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, chinaware, earthenware, porclainware, stoneware, plastic bowls, cups, dishes or plates*, between Lake City and Jeannette, Pa., and Sebring, Ohio, on the one hand, and, on the other points in the United States in and west of New Mexico, Colorado, Wyoming, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Tampa, Fla.

No. MC 140992 (Sub-No. 1), filed November 14, 1975. Applicant: GEORGE SMITH TOWING, an individual, 6000 Passyunk Avenue, Philadelphia, Pa. 19153. Applicant's representative: Byron R. LaVan, 400–117 S. 17th St., Philadelphia, Pa. 19153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and/or stolen motor vehicles and/or trailers* (except trailers designed to be drawn by passenger automobiles) and *replacement vehicles* for wrecked, disabled, repossessed and/or stolen motor vehicles and/or trailers (except trailers designed to be drawn by passenger automobiles), between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 141332 (Sub-No. 2), filed November 13, 1975. Applicant: MELVIN P. SPITZ AND EDWIN HYMAN, a partnership, doing business as, BEDLINE MFG. CO., P.O. Box 4956, Whittier, Calif. 90607. Applicant's representative: William J. Lippman, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Washington, Oregon and Idaho, to points in California, under contract with Dahlkey, Inc.; Cooperative Furniture Manufactures, Inc., d/b/a Haroldson Industries, Inc.; and Maher Forest Products, Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Seattle, Wash.

No. MC 141494, filed October 24, 1975. Applicant: C. O. LIVINGSTON, doing business as C. O. LIVINGSTON, 4301 Allied Drive, Columbus, Ga. Applicant's representative: C. E. Walker, P.O. Box 1085, Suite 307 First Nat'l Bank Bldg., Columbus, Ga. 31902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, machines, and scrap iron*, between points in Georgia, having a prior or subsequent movement by water or rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus or Atlanta, Ga.

No. MC 141517, filed November 3, 1975. Applicant: CALIFORNIA CONTRACT CARRIER, INC., 5110 District Blvd., Maywood, Calif. 90270. Applicant's representative: Russell R. Jarmusch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, knocked down, from Wright City, Mo., to points in Arizona, California, Utah and Washington; and (2) *particleboard*, from Union, Mo., to points in Texas, under a continuing contract with Permaneer Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Los Angeles, Calif.

BROKER APPLICATIONS

No. MC 130350, filed November 6, 1975. Applicant: HURON COUNTY AUTOMOBILE CLUB, INC., 275 Benedict Avenue, Norwalk, Ohio 44857. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Norwalk, Ohio, to sell or offer to sell the transportation of *passengers and their baggage*, in all expense round trip tours, in special and charter operations, by motor, air, or motor carrier and rail, beginning and ending at points in Huon County, Ohio and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Norwalk, Ohio.

No. MC 130351, filed November 5, 1975. Applicant: JEKYLL ISLAND PROMOTIONAL ASSOCIATION, 329 Riverview Drive, Jekyll Island, Ga. 31520. Applicant's representative: Marilynn P. Cheek (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Jekyll Island, Ga., to sell of offer to sell the transportation of *passengers and baggage* of passengers in the same vehicle with passengers by motor, rail, water and air carriers, bewteen points in Glynn County, Ga., on the one hand, and, on the other, Jacksonville, Fla. and points in Orange County, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jekyll Island or Atlanta, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33253 Filed 12-10-75;8:45 am]

[Notice No. 928]

ASSIGNMENT OF HEARINGS

DECEMBER 8, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 133189 Sub 8, Vant Transfer, Inc., now assigned January 15, 1976 at St. Paul, Minnesota; has been postponed indefinitely.

MC 61592 Sub 361, Jenkins Truck Line, Inc., application dismissed. W-78 Sub 12, The Valley Line Company, W-104 Sub 28 Union Mechling Corp. and W-377 Sub 15, Dixie Carriers, Inc., now being assigned February 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33413 Filed 12-10-75;8:45 am]

[Rule 19; Ex Parte No. 241; 12th Rev. Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
Bessemer and Lake Erie Railroad Company, Reporting Marks: BLE.
•Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS.
The Central Railroad Company of New Jersey Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO.
•Chicago and North Western Transportation Company, Reporting Marks: CGW–CMO–CNW–FDDM–MSTL.
•Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
•Chicago, Rock Island and Pacific Railroad Company, Reporting Marks: RI–ROCK.
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
•Erie Lackawanna Railway Company, Reporting Marks: DL&W–EL–ERIE.
•Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.
•Missouri Pacific Railroad Company, Reporting Marks: CKI–MI–MP–TP.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: NH–NYC–PAE–PC–PAE–PRR.
•St. Louis-San Francisco Railway Company, Reporting Marks: SLSF.
Soo Line Railroad Company, Reporting Marks: SOO.

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•Southern Railway System, Reporting Marks: CG–NS–SA–SOU.
Union Pacific Railroad Company, Reporting Marks: UP.
Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., November 20, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 20, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75–33417 Filed 12–10–75;8:45 am]

[Exception No. 6 to Service Order No. 1221]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. ET AL.

Exemption

NOVEMBER, 21, 1975.

It appearing, That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), Missouri Pacific Railroad Company (MP), and Southern Railway Company (SOU), have mutually agreed to the use of each other's *empty plain* cars having mechanical designations XM, FM-less than 200,000 lbs., GA, GB, GD, GH, GS, and GT, and bearing reporting marks owned by the aforementioned roads.

It is ordered, That pursuant to the authority vested in me by Section (a), Paragraph (1), Part (vii) of Service Order No. 1221, all *empty plain* cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof as having mechanical designations XM, FM-less than 200,000 lbs, GA, GB, GD, GH, GS, and GT, and bearing the following reporting marks, are exempt from Section (a), Paragraph (1), Part (iii) of Service Order No. 1221 while on the lines of any of the above named railroads.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Missouri Pacific Railroad Company. Reporting Marks: MP, C&EI, MI, and T&P.
Southern Railway Company, Reporting Marks: SOU, AEC, CG, GF, NS, and SA.

Effective November 20, 1975.

Issued at Washington, D.C., November 20, 1975.

[SEAL] R. D. PFAHLER,
Chairman, Railroad Service Board.

[FR Doc.75–33418 Filed 12–10–75;8:45 am]

[Notice No. 136]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 31, 1975. Pursuant to Section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75810. By order of December 2, 1975, the Motor Carrier Board, on reconsideration, approved the transfer to Bulk Transport Service, Inc., Andover, Mass., of the operating rights in Certificates No. MC–31600 Sub-Nos. 471, 489, 524, 543, 550, 575, 588, 619, and 642 issued to P. B. Mutrie Motor Transportation, Inc., Waltham, Mass., authorizing the transportation of cement, from Thomaston, Maine, to points in Massachusetts (except Wilmington), New Hampshire, Rhode Island, and Vermont; from Wilmington, Mass., to points in New Hampshire and Rhode Island; from Worcester, Mass., to points in Massachusetts, Rhode Island, those in Hartford, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn., and those in Hillsboro, Merrimack, Rockingham, Sullivan, and Cheshire Counties, N.H., and from Wilmington, Mass., to points in Vermont; cement in bulk, in tank or hopper-type vehicles, from Wilmington, Mass., to points in Massachusetts; from Boston, Mass., to points in Massachusetts, Rhode Island, New Hamphire, and points in Tolland, Windham, and New London Counties, Conn., and York, Oxford, Cumberland, and Androscoggin Counties, Maine; between points in Connecticut; between points in Maine; between points in Massachusetts; between points in New York; between points in New Hampshire; between points in Rhode Island; between points in Vermont, and between Newark, N.J., and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey (the preceding eight paragraphs are restricted to shipments having an immediately prior movement by rail); cement, in bulk, from Wilmington, Mass., to East Haddam, Conn.; and dry cement, in bulk, from points in Massachusetts to points in Connecticut, Massachusetts, New Hampshire and Rhode Island (on traffic having an immediately prior movement by rail), and from the facility of the Atlantic Cement Company, Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, Kenneth B. Williams, 84 State Street, Boston, Mass. 02109 Attorney for applicants.

No. MC–FC–75894. By order of August 18, 1975 Motor Carrier Board, on reconsideration, approved the transfer to Wyandotte Trucking Corporation, Wyandotte, Mich., of the operating rights in Certificate No. MC–106603 (Sub-No. 71) issued October 26, 1965, to Direct Transit Lines, Inc., Grand Rapids, Mich., authorizing the transportation of dry chemicals, in bulk, in tank, hopper, or dump vehicles, from the plant sites of Wyandotte Chemicals Corporation, at Wyandotte, Mich., to points in Delaware, Indiana, Iowa, Kentucky, Maryland, Minnesota, New Jersey, New York, Ohio (commodity restrictions), Pennsylvania, Tennessee (except points in that part of Tennessee on and east of U.S. Highway 27), Virginia, West Virginia, Wisconsin, Missouri, and Illinois (except points in those parts of Missouri and Illinois within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission). The above grant of authority is restricted against the transportation of fertilizer to points in Indiana and service to the plant sites of Jones & Laughlin Steel Corporation at Putnum County, Ill., and Certain-Teed Products Corporation at Avery, Ohio. Rex Eames, 900 Guardian Building, Detroit, Mich., 48226 Attorney for applicants.

No. MC–FC–76182. By order entered December 4, 1975 the Motor Carrier Board approved the transfer to Wilbur Fideler, doing business as Fideler's Trucking, Delmont, South Dakota, of the operating rights set forth in Certificate No. MC–102570, issued September 11, 1974, to Norbert R. Peters, Delmont, S. Dak., authorizing the transportation of livestock, poultry feed, fertilizer, and building materials as described in Appendix IV to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from, to, and between specified points in Iowa and South Dakota. Don A. Bierle, 322 Walnut St., Yankton, S. Dak. 57078, attorney for applicants.

No. MC–FC–76214. By order entered December 4, 1975 the Motor Carrier Board approved the transfer to Tiger Transport, Inc., Sayerville, N.J., of the operating rights set forth in Certificate No. MC–138418 (Sub-No. 4), issued July 24, 1974, to Standard Container Transport Corporation, and acquired by United Specialized Hauling, Inc., East Orange, N.J., pursuant to No. MC–FC–75887, authorizing the transportation of various specified commodities, from, to, and between points in New Jersey, New York, Pennsylvania, and Connecticut, Joseph R. Siegelbaum, 744 Broad St., Newark, N.J., attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–33414 Filed 12–10–75;8:45 am]

[Notice No. 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 385TA), filed November 28, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from the facilities of Nalco Chemical Company, at or near Sugar Land, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nalco Chemical Company, Inc., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 21455 (Sub-No. 40 TA), filed November 24, 1975. Applicant: GENE MITCHELL CO., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Processed potato products,* in packages and containers, from East Grand Forks, Minn., to Albion, N.Y.; Atlanta, Ga.; Baltimore, Md.; Bedford Heights, Ohio; Brooklyn, N.Y.; Buena Park, Calif.; Buffalo, N.Y.; Chicago, Ill.; Columbus, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; Kansas City, Kans.; Los Angeles, Calif.; Milwaukee, Wis.; Oklahoma City, Okla.; Omaha, Nebr.; Pendleton, Oreg.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; San Francisco, Calif.; and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: King of Spuds, Inc., P.O. Box 191, East Grand Forks, Minn. 56721. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 22254 (Sub-No. 83 TA), filed November 20, 1975. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: Theodore A. Coulter (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sailboats,* from the plantsite and facilities of Snark Products, Inc., 5816 Ward Court, Virginia Beach, Va., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Snark Products, Inc., 1 Riverside Plaza, North Bergen, N.J. 07047. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 67102.

No. MC 25798 (Sub-No. 279 TA), filed November 24, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wine,* in glass containers, from Sonoma, Calif., to Tulsa, Okla.; Springfield, Mo.; Nashville and Knoxville, Tenn.; Atlanta and Savannah, Ga.; Jacksonville, Miami and Orlando, Fla.; and Lexington, Ky., for 180 days. Supporting shipper: Sebastiani Vineyards, 389 Fourth St., East, Sonoma, Calif. 95476. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 52709 (Sub-No. 335 TA), filed November 20, 1975. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Las Vegas, Nev., and Junction U.S. Highway 40 and U.S. Highway alternate 50 near Wendover, Utah; from Las Vegas, Nev., over U.S. Highway 93 to junction U.S. Highway alternate 50, thence over U.S. Highway alternate 50 to junction of U.S. Highway 40 near Wendover, Utah, and return over the same route as alternate routes for operating convenience only, serving no intermediate points. Applicant intends to join its existing authority with MC 52709 Sub-Nos. 67 and 70, for 180 days. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 96444 (Sub-No. 1TA), filed November 24, 1975. Applicant: KENNETH HUSTEAD, doing business as HUSTEAD TRUCK LINE, Box 3, Baring, Mo. 63531. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), From Kirksville, Mo., to Chicago, Ill., and points in its commercial zone; Milwaukee, Green Bay and Eau Claire, Wis.; Cincinnati, Columbus, St. Marys, and Bellefountain, Ohio; Des Moines and Cedar Rapids, Iowa; Omaha, Nebr.; Kansas City, Kans.; and Minneapolis and St. Paul, Minn., for 180 days. Applicant has also filed an underying ETA seeking up to 90 days of operating authority. Supporting shipper: Anesi Packaging Co., Inc., P.O. Box 793, Kirksville, Mo. 63501. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 103993 (Sub-No. 861TA) (Correction), filed November 17, 1975, published in the FEDERAL REGISTER issue of December 2, 1975, and republished as corrected this issue. Applicant: MORGAN DRIVEAWAY, INC., 28615 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles,* in initial movements, from the plantsite of Festival Homes of North Carolina, in Union County, N.C., to points in West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Festival Homes of North Carolina, Inc., P.O. Box 99, Marshville, N.C. 28103. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802. The purpose of this republication is to change sub number 861 in lieu of 362 which was previously published in error.

No. MC 103993 (Sub-No. 862 TA) (Correction), filed November 19, 1975, published in the Federal Register issue of December 2, 1975, and republished as corrected this issue. Applicant: MORGAN DRIVE-AWAY, INC., 28615 U.S. 20 West,

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Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, and building sections* on undercarriages, from Lincoln County, N.C., to points in South Carolina, Virginia, West Virginia, Kentucky and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R–Anell Homes, Inc., P.O. Box 236, Highway 16, Denver, N.C. 28037. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802. The purpose of this republication is to change sub number 862 in lieu of 361 which was previously published in error.

No. MC 109584 (Sub-No. 162 TA), filed November 24, 1975. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, From points in Butte and San Joaquin Counties, Calif., to Richmond, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holly Sugar Corporation, 1650 Borel Place, San Mateo, Calif. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 115162 (Sub-No. 314 TA), filed November 26, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete*, from the plantsite of Underwood Builders Supply Company, at Mobile, Ala., to points in Florida on and west of U.S. Highway 231 and points on U.S. Highway 90 between Gulfport, Miss., and the Alabama-Mississippi State Line, including Gulfport, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Underwood Builders Supply Company, Mobile, Ala. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118142 (Sub-No. 110 TA), filed November 21, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen ice cream* (except in bulk), moving in temperature controlled equipment. from Hutchinson, Kans., to points in Georgia, Illinois, Indiana, Michigan, Mississippi and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Dairy Queen, Inc., 5701 Green Valley Drive, Minneapolis, Minn. 55437. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 124078 (Sub-No. 667 TA) (Correction), filed November 13, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils and fats*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio, to Fayetteville and Greensboro, N.C., for 180 days. Supporting shipper: Carolina By-Products Company Inc., P.O. Box 20687, Greensboro, N.C. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to change sub number 667 in lieu of 662 which was previously published in error.

No. MC 124813 (Sub-No. 138 TA), filed November 20, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, in pneumatic trailers, from Des Moines, Iowa, to points in Carroll County, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Meat Makers Mart, R. R. #2, Bosworth, Mo. 64623. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 125433 (Sub-No. 63TA), filed November 21, 1975. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Idaho, Nevada, Oregon, Utah, Washington, Colorado, Montana and Wyoming, restricted to traffic orginating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 133106 (Sub-No. 53TA), filed November 25, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Appplicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, oily waste cans, lab cans, safety cabinets, oil and gasoline containers*, from the facility of Eagle Manufacturing Company, at Wellsburg, W. Va., to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Eagle Manufacturing Company, Wellsburg, W. Va. 26070. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 133937 (Sub-No. 15 TA), filed November 24, 1975. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, requiring delivery at destination within 48 hours (except articles of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities requiring special equipment, commodities in bulk, motor vehicles), restricted to traffic having a prior or subsequent movement by air, or substituted for air service, further restricted to traffic moving only in aircraft-type containers, between Charlotte, N.C., and Atlanta, Ga., on the one hand, and, on the other, Dallas, Tex.; Los Angeles and San Francisco, Calif.; and Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements attached to the application, which may be examined at the Interstate Commerce Commission or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St. Columbia, S.C. 39201.

No. MC 134323 (Sub-No. 78 TA), filed November 25, 1975. Applicant: JAY LINES, INC., 720 North Grant St., Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsites

and storage facilities of MBPXL Corporation, at or near Rockport, Mo., to points in Texas, under a continuing contract with MBPXL Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67202.

No. MC 134449 (Sub-No. 9TA), filed November 26, 1975. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, British Columbia, Canada. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pretzles*, from Visalia, Calif., via the United States-Canadian International Border at or near Blaine, Lynden or Sumas, Wash.; Eastport, Idaho; or Sweetgrass, Mont., to Vancouver, British Columbia, Calgary or Edmonton, Alberta, Canada, under a continuing contract with California Pretzel Co., for 180 days. Supporting shipper: California Pretzel Co., 930 98th Ave., Oakland, Calif. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 134734 (Sub-No. 26TA), filed November 25, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 "L" Street, P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sauces*, from the plantsite and warehouse facilities of Kikkoman Foods Inc. at or near Walworth, Wis., to points in California, Oregon and Washington, under a continuing contract with Kikkoman Foods, Inc., for 180 days. Supporting shipper: Kikkoman Foods, Inc., Max Gay, Traffic Supervisor, Walworth, Wis. 53184. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 135894 (Sub-No. 1TA), filed November 19, 1975. Applicant: RODGER COOPER, doing business as O. R. COOPER & SON, R.R. #1, P.O. Box 3291, Champaign, Ill. 61802. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, for the account of National Polymer Products, Inc., from Champaign, Ill., to Cincinnati, Ohio, under a continuing contract with National Polymer Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Polymer Products, Inc., R.R. #1, Box 3463, Champaign, Ill. 61802. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138954 (Sub-No. 4 TA), filed November 24, 1975. Applicant: G. L. CREECH, doing business as TRUCK SERVICE HAULING AND RENTAL, P.O. Box 15891, Baton Rouge, La. 79815. Applicant's representative: James B. Thompson, III, 666 South Foster Drive, Baton Rouge, La. 70806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing rods*, from Baton Rouge, La., to Mobile County, Ala., under a continuing contract with Armco Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armco Steel Corporation, P.O. Box 7706, Houston, Tex. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 139261 (Sub-No. 4TA), filed November 21, 1975. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, from points in Florida, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania and Wisconsin, to Maumee, Ohio under contract to Seaway Food Town, Inc. & Affiliates (Balduf Bakeries & Valley Farms Foods, Inc.), Maumee, Ohio, under a continuing contract with Seaway Food Town, Inc., & Affiliates (Balduf Bakeries & Valley Farms Foods, Inc.), for 180 days. Supporting shipper: Seaway Food Town, Inc., & Affiliates (Balduf Bakeries & Valley Farms, Inc.), 1020 Ford St., Maumee, Ohio 43506. Send protests to: Keith D. Werner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 140950 (Sub-No. 1TA), filed November 25, 1975. Applicant: BROOKVILLE TRANSPORT, LIMITED, P.O. Box 2332, Station C, St. John, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, including ground and agricultural lime stone, in bulk and in bags, from ports of entry on the United States-Canadian International Boundary at or near Fort Kent, Fort Fairfield, Mars Hill, Houlton and Calais, Maine, to points in Maine, under a continuing contract with Brookville Manufacturing Company, Limited, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brookville Manufacturing Company, Limited, Brookville, St. John, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Oreg. 04111.

No. MC 141501 (Sub-No. 1TA), filed November 26, 1975. Applicant: RICHARD PLANK, Route 4, Salem, Mo. 65560. Applicant's representative: George F. Hellmuth, 315 North 9th St., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk, in dump vehicle, from the plantsite of Roaring Springs Charcoal Factory, located 6 miles east of Missouri Highway 19, following a route along state Highway A and County CC, Shannon County, Mo., to Memphis, Tenn., under a continuing contract with Roaring Springs Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roaring Springs Corporation, 315 North 9th St., St. Louis, Mo. 63101. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 141538TA filed, November 19, 1975. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Arlyn L. Westergren, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain bins, metal buildings, grain handling equipment and materials and equipment* used in the erection of grain bins and metal buildings, from the plantsite and facilities of Hymark Industries, Inc., at or near Henderson, Nebr., to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, North Carolina, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming; and (2) *augers, and grain handling equipment*, from Clay Center, Kans., to the facilities of Hymark Industries at or near Henderson, Nebr., under a continuing contract with Hymark Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert Mueller, President, Hymark Industries, Inc., Henderson, Nebr. 68371. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–33415 Filed 12–10–75;8:45 am]

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MOTOR CARRIER APPLICATIONS SEEKING AUTHORITY TO TRANSPORT FREIGHT, HAVING A PRIOR OR SUBSEQUENT MOVEMENT BY MARITIME CARRIER, BETWEEN POINTS IN A COMMERCIAL ZONE OF A PORT CITY

Any motor carrier having an application pending before this Commission seeking the transportation of freight, having a prior or subsequent movement by a water carrier not subject to Part III of the Interstate Commerce Act, between points in a commercial zone of a port city is requested to inform this Commission's Office of Proceedings by letter of the identity of such application proceeding on or before January 9, 1976. The purpose of this notice is to ensure that applications of the type described above may be treated consistently and expeditiously.

By the Commission.

Dated: December 8, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33416 Filed 12-10-75;8:45 am]

federal register

THURSDAY, DECEMBER 11, 1975



PART II:

FEDERAL ELECTION COMMISSION

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ADVISORY OPINIONS

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FEDERAL ELECTION COMMISSION

[Notice 1975–88]

Advisory Opinions

The Federal Election Commission announces the publication today of four Advisory Opinions, 1975–46, 1975–69, 1975–82 and 1975–88. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–46

FEE FOR THE TELEVISED APPEARANCE OF A MEMBER OF CONNGRESS

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion which was submitted by Rufus Myers, Administrative Assistant to Representative Barbara Jordan which was published as AOR 1975–46 in the September 3, 1975, FEDERAL REGISTER (40 FR 40677). Interested parties were given an opportunity to submit written comments relating to the request, but none were received.

The request generally asks whether the mnoey received by a Member of Congress for occasional televised commentary is to be treated as an honorarium, and thus be limited by the provisions of section 616 of Title 18, United States Code. Specifically, the facts of the request are that Representative Barbara Jordan has an oral contract with CBS to videotape editorial comment once a month for presentation on the CBS Morning News Show. In consideration for such services, Representative Jordan receives $150 for each taping. Mr. Myers asks whether this consideration is merely a salary for services for which a fee is traditionally required, and thus should not be subject to the limitations on honorariums in 18 U.S.C. 616.

It is provided in 18 U.S.C. 616 that:

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than $1,000 • • • for any appearance, speech or article; or

(2) accepts honorariums • • • aggregating more than $15,000 in any calendar year;

shall be fined not less than $1,000 nor more than $5,000.

This provision clearly limits honoraria accepted for any appearance, speech, or article. The question then arises as to whether, for purposes of this section, money received for occasional televised commentary should be treated as identical to an honorarium accepted for an appearance or speech. In this case the Commission concludes that the word "honorarium" should be read narrowly to reflect only the obvious intent of the statute, and should not be interpreted as meaning a "stipend."

Accordingly, before a determination can be made as to whether the consideration which Representative Jordan receives for her television commentary constitutes an honorarium and thereby is subject to all applicable limitations on honorariums, it is necessary to distinguish between an "honorarium" and a "stipend." For purposes of 18 U.S.C. § 616, money received by an officer or employee of the Federal government is considered an "honorarium", regardless of whether it is offered gratuitously or as a fee, if it is accepted as consideration for an appearance, speech, or article. In addition, such money must be accepted as a payment for a single event or transaction and under circumstances which do not imply a continuing compensatory relationship between the parties for similar services. On the other hand, an officer or employee of the Federal government is considered to accept a "stipend" for purposes of 18 U.S.C. § 616, if the money is accepted in the form of fixed or regular compensation intended as consideration for the rendering of services, e.g., a salary.

After applying the appropriate rules of statutory construction and the Commission's policy distinction between an honorarium and a stipend, it is the opinion of the Commission that the consideration which Representative Jordan receives for her television commentary does not constitute an honorarium. The payment received fails to qualify as an honorarium because commentators appearing on the mass media customarily have received fixed and regular compensation; and even though Representative Jordan has only an oral contract with CBS which may be terminated at will by either party, this oral agreement is sufficient to show that the parties contemplate the possibility of a regular and continuing relationship for similar services. Clearly, the $150 which Representative Jordan receives for each taping represents a stipend as it is in the form of fixed or regular compensation which is intended as consideration for the rendering of services.

It should be emphasized that this opinion is not to be construde as Commission endorsement of the practice of some Members of Congress of receiving a stipend or salary from other than the Federal Government. Rather, this opinion simply represents a finding by the Commission that such stipends are not governed by the provisions of 18 U.S.C. 616.

It should be noted that the Commission will presume that the $150 which Representative Jordan receives for each taping is not a "contribution" as provided in 2 U.S.C. 431(e) and 434, or 18 U.S.C. 591(e), 608, 610, and 611, in the absence of evidence being presented to the Commission which shows that the C.B.S. Morning News, or any of its advertisers, paid the stated sum, "for the purpose of influencing the nomination for election, or election" of Representative Jordan to Federal office.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION—1975–69

RETIRED LOANS—EFFECT WITH RESPECT TO CONTRIBUTION LIMITATIONS; EXISTENCE OF A WRITTEN INSTRUMENT OF OBLIGATION

This advisory opinion is rendered under 2 U.S.C. 437f, in response to a request for an advisory opinion submitted by Congressman Alvin Baldus and published in the September 22, 1975, FEDERAL REGISTER (40 FR 43664). Interested parties were given an opportunity to submit written comments pertaining to the request, but none were received.

The requesting party seeks an advisory opinion indicating whether if a loan is made to a political committee, and then repaid, it would be considered a contribution. Sections 431(e)(1) and 591(e)(1) of Titles 2 and 18, respectively, United States Code, define a contribution as, among other things, a loan. The Commissions' opinion is that when a loan creates a legally enforceable obligation to repay, a contribution remains outstanding only to the extent that the principal remains unpaid. While outstanding, a loan is a contribution which counts against the individual's $1,000 and $25,000 contribution limitations. Once it is retired, however, the loan (a contribution by definition) is extinguished and no longer counts against these limitations.

The existence of a written instrument of obligation would have no effect on the foregoing interpretation. However, such an instrument could be determinative of the question whether the transaction was in fact a loan, rather than a gift, and therefore ceased to be a "contribution" when repaid to the lender.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules or regulations or policy statements of general applicability.

NOTE.—Commissioner Thomson voted against adoption of the foregoing opinion. His dissenting views are published as follows:

DISSENTING VIEWS OF COMMISSIONER THOMSON

In AO 1975–69, the Commission has ignored the clear language of the statute and ruled that a loan is a contribution only to the extent that the principal remains unpaid.

The definition of the term contribution in 18 U.S.C. 591(e) states:

"Contribution"—(1) means a gift, subscription, loan, advance, or deposit

of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, *which shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance thereof that each endorser or guarantor bears to the total number of endorsers or guarantors*), made for the purpose of influencing the nomination for election, or election, of any person to Federal office . . . (emphasis added)

Thus, a loan made by a national or State bank is considered a contribution by any endorser or guarantor of such loan only to the extent of the unpaid balance. In addition, under 18 U.S.C. 608(a)(4), a loan or advance by a candidate or his family is subject to limitation only to the extent of the balance of such loan or advance outstanding and unpaid. While specific exemptions are made in each of these cases, there is no exception of this nature made for any other type of loan. Congress clearly intended that loans made by other than the candidate and his family or national or State banks would be considered contributions even after they were repaid. Otherwise, a specific exemption would have been made. Thus, the Commission has made the exemption the rule.

Dated: December 3, 1975.

VERNON THOMSON,
Commissioner.

ADVISORY OPINION 1975–82

FUNDRAISING IN 1976 TO RETIRE 1974 CAMPAIGN DEBT

This advisory opinion is issued pursuant to 2 U.S.C. 437f. The Request was published in the November 4, 1975, FEDERAL REGISTER (40 FR 51354). Interested persons were invited to submit written comments. No comments were received.

The request was submitted by Congressman Fred Richmond and pertains to the retirement of a 1974 campaign debt. Congressman Richmond indicates that his committee will conduct fundraising activities during the early months of 1976 to retire a pre-1975 campaign deficit. The Congressman inquires as to whether such fundraising activities would be charged against his 1976 reelection campaign fund limitations.

The Commission has issued a policy statement and several advisory opinions on pre-1975 campaign debts. (40 FR 32952 and particularly Advisory Opinions 1975–5 and 1975–6, 40 FR 31316.) In these opinions and statement, the Commission ruled that "election," as used in 18 U.S.C. 608(b) means any election occurring after January 1, 1975. Contributions made for the sole purpose of retiring campaign debts incurred incident to an election held before January 1, 1975, are not subject to the limits in 18 U.S.C. 608(b), as amended in 1974 and effective January 1, 1975. The expenditure of such contributions is, accordingly, not subject to the limits in 18 U.S.C. 608(c).

However, in order to assure that no abuses developed and to assure compliance with the Federal Election Campaign Act of 1971, as amended, the Commission required, among other things, that contributions to retire pre-1975 campaign debts be received by the debtor (candidate, former candidate, or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions would be counted toward individual contribution limits under the 1974 Act. In addition, the Commission indicated its expectation that contributions in excess of the amount needed to retire the debt would be returned to the donors.

In light of Congressman Richmond's request, the Commission has reviewed its policy on the retirement of pre-1975 campaign debts. Although the Commission had anticipated that candidates or former candidates would act quickly to extinguish past campaign debts, the Commission notes that there are still numerous outstanding debts from pre-1975 campaigns. The Commission recognizes the responsibility and obligation of candidates and committees to repay past campaign debts.

The Commission, has accordingly determined to modify its policy on the retirement of past campaign debts. Expenditures made after December 31, 1975, to raise or solicit contributions to retire pre-1975 campaign debts will not be subject to the expenditure limitations in 18 U.S.C. 608(c). The solicitation or other fundraising activities must be held separately from solicitations or activities for a 1976 election. All solicitations or requests for contributions must include clear notice that the funds are being solicited to retire a pre-1975 campaign debt.

Contributors giving in excess of $100 must expressly earmark the contribution (as by notation on a check) for initial use to retire pre-1975 debts. If the contributions are so restricted, they will not be subject to the contribution limits of 18 U.S.C. 608(b). The Commission notes, however, that the candidate and "immediate family" limits of 18 U.S.C. 608(a) were in effect for 1974 elections and are not waived or modified by this opinion.

Contributions and expenditures made in connection with an effort to retire pre-1975 debts must be reported separately from any 1976 campaign effort. Under 2 U.S.C. 434(b)(12) the committee which incurred and carries the 1974 debt must continuously report until the debt is extinguished. Contributions and expenditures related to retiring a 1974 debt must be received into and expended out of an account that is separate from any account used for the 1976 election. No transfers may be made bewteen accounts until all pre-1975 debts have been extinguished, and then only as provided in the following paragraph.

If excess funds remain after liquidation of the pre-1975 debts, they may be used in any manner consistent with 2 U.S.C. 439a. Moreover, if the donors give specific written authorization, excess funds remaining after the repayment of the 1974 debt may be turned over to the 1976 principal campaign committee. A turnover of excess funds is subject to the limits of 18 U.S.C. 608(b) as applicable to those donors to whom the excess is attributed. The principal campaign committee will be required to report the receipt of excess funds as contributions from the original donors to whom the excess is attributed and not simply as a transfer from the 1974 debt account or committee. The donors of the excess shall be those persons whose contributions were last received before the excess became evident and who expressly authorized the use of their contributions in connection with a 1976 election.

The Commission notes that this opinion, modifies the holding in AO 1975–52 (40 FR 52794, November 12, 1975), AO 1975–57 (40 FR 51611, November 5, 1975), AO 1975–64 (40 FR 52795, November 12, 1975), AO 1975–68 (40 FR 55601, November 28, 1975) as well as AO's 1975–5 and 1975–6 (40 FR 31316, July 25, 1975).

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–88

USE AND REPORTING OF EXCESS FUNDS RAISED TO PAY 1974 CAMPAIGN DEBTS

This advisory opinion is issued under 2 U.S.C. 437f in response to a request on behalf of the Dodd for Congress Committee. This request was published as AOR 1975–88 on November 4, 1975 in the FEDERAL REGISTER (40 FR 51356). Interested persons were invited to submit written comments within 10 days of publication. No comments were received.

This request asks clarification of AO 1975–6 (40 FR 31316, July 25, 1975) as it relates to a later Policy Statement and an Interim Guideline (40 FR 32950 and 32952, August 5, 1975) issued by the Commission and published in the FEDERAL REGISTER. These publications deal with the treatment to be accorded past campaign debts as they relate to the disclosure provisions of the Act and to the limitations on corntributions and expenditures contained in Title 18.

In AO 1975–6, the Commission ruled that debts from a 1974 campaign could be liquidated from funds solicited in 1975 without application of the limitations on contributions or expenditures contained in 18 U.S.C. 608(b) and (c). It further indicated that any amounts raised in excess of the amount needed to retire the debt should be returned to the donor. The Interim Guideline and Policy Statement do not address the issue of what should be done with excess funds after payment of debts. The Dodd for Congress Committee has a surplus of funds after retiring debts from a 1974 campaign. It asks how these funds may be used and reported and, if they must be returned to the donors, what procedure must be followed.

In Advisory Opinion 1975–82, (40 FR 55596) the Commission modified its position stated in AO 1975–6 and the Policy Statement and Interim Guideline, supra,

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with respect to the use of excess funds raised to retire 1974 debts. The Commission stated that such funds may be returned to the donor. Further, contributions which are authorized in writing for such purpose, may be transferred to a 1976 election campaign subject to the disclosure requirements of 2 U.S.C. 432 and 434, and the limitations of 18 U.S.C. 608(b). Lastly, under the provisions of 2 U.S.C. 439a, an incumbent Congressman may use excess funds to defray any ordinary and necessary expenses incurred in connection with his duties as a holder of Federal office, contribute to an organization described in 26 U.S.C. 170(c), or for any other lawful purpose.

In light of that opinion, the Dodd Committee may dispose of the excess funds as above-stated. Should the Dodd Committee decide to return the excess to the donors, the contributions last received should be the first returned on the assumption that the first contributions received are the first expended and that, therefore, residual funds represent the last contributions received. The Dodd Committee does not have to pro-rate the contributions received if it decides to return them, although it may do so.

This opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 3, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

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federal register

THURSDAY, DECEMBER 11, 1975



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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STATE VOCATIONAL EDUCATION PROGRAMS

Administrative Regulations

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Administrative Regulations

A notice of proposed rulemaking was published on August 6, 1975, at 40 FR 33047, inviting public comments on regulations of the Secretary of Health, Education, and Welfare. The purpose of the proposed amendments was to conform the regulations promulgated pursuant to the Vocational Education Act of 1963, as amended (20 U.S.C. 1241 through 1393(f)), to existing Departmental policy and of insuring effective coordination of vocational education programs conducted under the Vocational Education Act with program activities provided under the Comprehensive Employment and Training Act (CETA), Pub. L. 93–203, (29 U.S.C. 801 *et seq.*) and the regulations issued thereunder by the Department of Labor (29 CFR Part 94).

1. *Summary of amendments to regulations.* Since there is considerable overlap in both CETA and vocational education target populations, the State's annual program plan required under the Vocational Education Act and the General Education Provisions Act shall provide for cooperative arrangements between the State board and the State Manpower Services Council established under the authority of section 107 of CETA. Section 102.40 has been amended to assure that the State Manpower Services Council will be provided an opportunity to comment on the provisions of the annual program plan which relate to manpower services prior to the public hearings mandated by § 102.31(e)(3), or at the public hearing.

Three other CETA related changes have been made. First, § 102.3 has been expanded to include, the definition of "Prime Sponsor," which is the governmental unit responsible for carrying out comprehensive manpower programs. Secondly, § 102.40(e) has been broadened in order to provide coordination with CETA prime sponsor manpower planners in the development of vocational education programs. Thirdly, § 102.51(a)(3) has been amended to indicate the repeal of the Manpower Development and Training Act of 1962 and to clarify the exclusionary language of this provision. Although an implication might be read into section 122(a)(3) of the Act that trainees under CETA and the Trade Expansion Act must be excluded from vocational programs, Congressional intention was precisely the opposite (109 Cong. Rec. 13476, 1963 (remarks of Representatives Perkins and Goodell)). The purpose for writing this exclusionary language was to prevent an overlapping in the actual availability of funds between vocational education and such other programs. Persons receiving training allowances under CETA and the Trade Expansion Act, therefore, are eligible for vocational education programs as long as funds authorized pursuant to such legislation supplement vocational funds rather than duplicate vocational funds.

Section 102.4 of the regulations has been revised to allow for related instruction to apprentices who are employed to learn trade skills. A list of assurances to be incorporated into the annual program plan is enumerated in § 102.4. These provisions should be read in conjunction with the Department of Labor's regulations on Apprenticeship (29 CFR Part 29).

Section 102.59(b) has been amended to require that the recommendations of the State advisory council be considered by the State board in developing the annual program plan for the ensuing year and that a response in writing to each recommendation be included in the annual program plan. All States now subscribe to this policy since this provision is identical to the addition of § 102.159 made in 37 FR 2822, but inadvertently omitted in the notice of proposed rulemaking published in the FEDERAL REGISTER on July 24, 1974 at 39 FR 27086 and the final regulations published February 25, 1975 at 40 FR 8076.

Finally, § 102.60(a)(2) has been modified in order that local educational agencies provide an assurance in their local application that any Federal funds received under Title VII of the Elementary and Secondary Education Act of 1965 (Bilingual Education) will be so used that expenditures for program purposes will supplement each other and not amount to a duplication of effort. This requirement is consistent with section 122(a)(4)(c) of the Vocational Education Act, as added by section 841(a)(5)(A) of Pub. L. 93–380 which requires that funding to the States for the purpose of vocational education programs for students of limited English-speaking ability be carried out in coordination with bilingual education programs under Title VII of the Elementary and Secondary Education Act of 1965, and bilingual adult education programs under section 306(a)(1) of the Adult Education Act.

2. *Comments.* The comments set forth in the following paragraphs represent the suggestions, questions, criticisms and objections which were submitted in writing in response to the proposed regulations. Most of the comments received were in support of the revisions. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary or appropriate.

Comment. Several commenters stated that the phrase ". . . the annual program plan shall set forth an assurance that the State Manpower Services Council will be provided with an opportunity to comment on the development of the annual program plan provisions which relate to manpower services . . ." might lead to misinterpretation. The basis for this view is that an opportunity for comment on the "development" of the annual program plan could, arguably, encompass involvement in the actual development of the plan.

Response. In accordance with section 123(a) of the Vocational Education Act, the State board, as the sole agency for administration of the annual program plan, has the responsibility for the development of the annual program plan. The Office of Education has no intention of eroding this statutory mandate by permitting the State Manpower Services Council to usurp the function of developing the plan. On the contrary, § 102.40(b–1) provides the State Manpower Services Council an opportunity to comment on the provisions of the plan which relate to manpower services. The rationale for this amendment stems from the need to eliminate conflict, duplication and overlapping between manpower services.

In an effort to mesh manpower programs to better meet the overall needs of the State, Congress authorized the establishment of State Manpower Services Councils (Section 107 of Pub. L. 93–203) as a mechanism to provide more effective coordination of manpower efforts. In addition to reviewing plans of prime sponsors, these Councils make recommendations to State agencies providing manpower services in order to improve the effectiveness of such programs.

Since vocational education is an important instrument of manpower policy, an effective manpower program in the State would benefit from cooperative arrangements between the State board and the State Manpower Services Council. The State board, therefore, should provide the opportunity to the State Manpower Services Council for comment on the annual program plan.

In order to eliminate any confusion as to what was intended, i.e., comment on those segments of the plan relating to manpower services, the words "the development of" have been deleted from the final regulations. This should create a clearer interpretation of the role to be performed by the State Manpower Services Council as it relates to the functions of the State board.

Comment. Many commenters also pointed out that cooperative linkages between CETA and the Vocational Education Act could be strengthened by the adoption of a provision in the CETA regulations which would require the State board for vocational education to be provided with an opportunity to comment on the provisions of the comprehensive manpower plan of prime sponsors relating to vocational training.

Response. Although cooperation is a two-way proposition in the sense that the State board for vocational education should be provided the same opportunities that are proposed for the State Manpower Services Councils, the U.S. Office of Education is not authorized to promulgate regulations for the Department of Labor. The staffs of both the Manpower Administration, Department of Labor and the Bureau of Occupational and Adult Education in the U.S. Office of Education, however, have been working together to clarify existing ambiguities and avoid conflict in areas in which CETA and vocational education programs interface. Furthermore, copies of all comments received which deal with proposed changes in CETA regulations have been forwarded to the Department of Labor for its consideration.

Comment. One commenter has suggested that the State Manpower Services Council should be cognizant of the vocational education planning process and should be provided with the entire annual program plan for review. The comment states that it is inappropriate for the State board to unilaterally determine those elements of the annual program plan that will be of interest to the State Manpower Services Council. Such a policy could lead to an overly selective and narrow interpretation of "manpower-relatedness" that would be detrimental to the goal of program coordination. In support of this position, the commenter argues that under CETA, the State Manpower Services Council is mandated a responsibility for overall State manpower planning and manpower program coordination.

Response. There is a serious question as to the legal basis for this argument since there appears to be no provision in the CETA legislation for the State Manpower Services Council to be a vehicle for planning manpower programs or making program decisions. The basic responsibility of the State Manpower Services Council is comprehensive coordination of manpower activities. In the pursuit of this objective, the State board must provide an opportunity to the State Manpower Services Council to review those provisions of the annual program plan relating to manpower services. Although discretion as to which elements of the plan are appropriate for review is vested in the State board, it is highly unlikely that the State board would be overly selective in this matter. Therefore, no change has been made in the regulations.

Comment. A commenter suggested that a requirement for the State Manpower Services Council to comment prior to the public hearing be incorporated into the regulations.

Response. The proposed amendment, as set forth in § 102.40(b–1), provided for an opportunity for the State Manpower Services Council to comment "at the public hearing or prior to the public hearing mandated by § 102.31(c)(3)." The State boards are encouraged to make the plans available for review by the State Manpower Services Council prior to the hearing, but such an arrangement is not imperative. Accordingly, no change in the regulations is deemed necessary.

Comment. A commenter recommended that § 102.40(c) be revised to require coordination with both CETA prime sponsors and with "program agents" in balance of State areas.

Response. The term "prime sponsors" in the proposed amendment to § 102.40(c) includes either grantees which have entered into a grant with the Department of Labor to provide comprehensive manpower services under Title I of the Comprehensive Employment and Training Act or subgrantees which have areas of substantial unemployment under Title II of CETA. Prime sponsors and program agents which are included in the comprehensive manpower plan, as well as prime sponsors and program agents in balance of State areas which are not included in the comprehensive manpower plan are organizations concerned with manpower needs of which § 102.40(c) directs its attention. Thus, no change is necessary.

Comment. A commenter recommended that § 102.40(c) be modified in order that the State board be required to provide cooperative arrangements with prime sponsors.

Response. Since the State Manpower Services Council has the statutory responsibility for reviewing the plans of each prime sponsor and making recommendations to the prime sponsors for more effective coordination, cooperative arrangements between the State board and the State Manpower Services Council indirectly impacts on all prime sponsors. Therefore, there is no necessity for imposing an additional and onerous mandate on the State board.

Comment. A commenter questioned the necessity of an express assurance which would provide the State Manpower Services Council an opportunity to comment on provisions of the annual program plan which relate to manpower services. The regulations now provide that "members of the public", which term includes the members of the State Manpower Services Council, may appear at the public hearings on the annual program plan to express their concerns. Furthermore, membership of the State advisory council on vocational education assures input from manpower administrators in the review of the annual program plans. The cooperative arrangements set forth in § 102.40(b–1) therefore, amount to a duplication of effort.

Response. As set forth above, an effective manpower program in the State would benefit from cooperative arrangements between the State board and the State Manpower Services Council. In order to accomplish this objective, § 102.40(b–1) allows the State Manpower Services Council to review the annual program plan at the public hearing, or prior to it. Since the State Manpower Services Council is the focal point for the coordination of the State's manpower efforts, the State boards are encouraged to submit the annual program plan to the State Manpower Services Councils prior to the public hearing.

Comment. A commenter suggested that the State Manpower Services Council be required to testify at the public hearing on the annual program plan, mandated by § 102.31(e)(3). This would enable the State Manpower Services Council to comply with their obligations set forth in section 107 of the Comprehensive Employment and Training Act.

Response. Since many State boards will opt for a review prior to the public hearing, no useful purpose would be served by requiring testimony on the part of the State Manpower Services Council. Additionally, the proposed language set forth in § 102.40(b–1) purposely provides for flexibility in this area of cooperative arrangement. Therefore, no change has been made.

Comment. A commenter questioned whether the reference to State Manpower Services Councils in § 102.40(b–1) should be construed to mean staff members or appointed members.

Response. The reference to the State Manpower Services Councils in this section encompasses both staff and appointed members.

Comment. Some commenters objected to the proposed requirement in § 102.159(b) that the recommendations of the State advisory council be considered by the State board in developing the annual program plan for the ensuing year and that a response in writing to each recommendation be included in the annual program plan. The basis of these objections are reflected in the following comments:

(1) The State advisory council on vocational education is advisory in nature and thus the State board may reject their suggestions without any explanation.

(2) Compelling the State board to respond to the State advisory council on vocational education is making the State board subservient to the State advisory council on vocational education.

(3) Such a requirement would place the State advisory council on vocational education in the role of policy-making.

(4) The use of the word "shall" tends to place the advisory council in an administrative role.

Response. As set forth in the preamble to these proposed revisions in 40 FR 33048 (August 6, 1975), the amendments to § 102.159(b) are identical to the additions to the State Vocational Education Programs amendments which were inadvertently omitted in the notice of proposed rulemaking published in the FEDERAL REGISTER on July 24, 1974, at 39 FR 27086 and the final regulations published in the FEDERAL REGISTER on February 25, 1975, at 40 FR 8076.

The changes were made in the regulations in 1972 at the request of Congress since many State boards were ignoring the recommendations of the Councils. Since that time, all States have implemented a policy of requiring the recommendations of the advisory councils to be considered by the State boards in developing the annual program plan and responding to each recommendation in the annual program plan.

Congress mandated the existence of these councils in Pub. L. 90–576 in order to advise State boards on the development of the State plan and to submit to the State board an annual evaluation report. The existence of the State advisory councils was considered vital by Congress since they would provide the State board and the Federal Government with objective judgments and recommendations concerning vocational programs within the States. (1972 U.S. Code Cong. and Adm. News p. 2540).

Unless these recommendations are considered by the State board, the mis-

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sion of the State advisory council on vocational education would be seriously eroded. These amendments do not imply that the State board must accept and implement every recommendation of the council, rather it requires the State board to set forth their reasons for accepting or rejecting the recommendation. Formalization of the response of the State board and requiring the response to be in the annual program plan will cause no hardship on the State board and will assure a flow of communication in those States where there is no established procedure.

Comment. A commenter suggested that the proposed amendment to § 102.60(a)(2) be modified in order to ensure that the content of the local application of the local education agency be formulated in conjunction with local CETA prime sponsors.

Response. The express purpose of revising § 102.60(a)(2) is to assure that funds received by local education agencies under Title VII of the Elementary and Secondary Education Act of 1965 (Bilingual Education) will be used to supplement any Part B funds expended for bilingual vocational programs. Section 122(a)(4)(c) of the Vocational Education Act of 1963, as amended by section 841(a)(5)(A) of Pub. L. 93-380, requires that funding to the States for the purpose of vocational education programs for students of limited English-speaking ability be carried out in coordination with bilingual education programs under Title VII of the Elementary and Secondary Education Act.

Although the suggested modification has no relevance to the substance of § 102.60(a)(2), subparagraphs (5) and (6) of this section require the local education agencies to set forth in their local application information indicating the manpower needs of students in the area. Therefore, local education agencies frequently work in conjunction with local CETA prime sponsors to determine exactly what the local manpower needs may be. No change has been made.

Comment. A commenter suggested several substantive changes be made to the classifications of registered and non-registered apprentices in § 102.4(e-1). This commenter stated that the proposed classifications might give unscrupulous employers an opportunity to exploit young persons by hiring them at a minimum rate and releasing them with practically no saleable training whatsoever. In addition, this commenter recommended the deletion of the word "or" in § 102.4(e-1)(4)(iii) since it might establish a dichotomy between technical and mechanical skills.

Response. The definitions of "registered" and "non-registered" apprentices set forth in § 102.4(e-1)(5) were reviewed, revised and approved by staff members of the Bureau of Apprenticeship and Training, U.S. Department of Labor. Furthermore, to ensure standards of acceptable quality, a cross-reference to the Department of Labor Apprenticeship Program Regulations (29 CFR Part 29) is provided for in § 102.4(e-1)(6). The recommendation to delete the word "or" in § 102.4(e-1)(4)(iii) has been accepted. Therefore, the skilled trade must involve manual, mechanical, technical skills and knowledge.

3. Other changes. Certain other minor and technical changes were made in order to correct omissions and typographical errors printed in the proposed regulations. Some of these oversights were pointed out in the written comments.

4. Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Nos. 13.493-395, 13.498-503; Vocational Education—Basic Grants to States, Consumer and Homemaking, Cooperative Education, Research, Special Needs, State Advisory Councils, Work Study and Innovation)

Dated: November 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

1. Section 102.3 is amended as follows:

§ 102.3 Definitions.

• • • • • •

"Prime Sponsor" means a unit of government, combinations of units of government, or a rural Concentrated Employment Program grantee (as set forth in 29 CFR § 95.3), which has entered into a grant with the Department of Labor to provide comprehensive manpower services under Title I of the Comprehensive Employment and Training Act.

• • • • • •

2. Section 102.4 is amended by adding the following paragraph at the end of paragraph (e).

§ 102.4 Vocational instruction.

• • • • • •

(e-1) *Apprenticeship programs.* The annual program plan may provide for related instruction for apprentices who are employed to learn skilled trades. If such programs of instruction are offered, the annual program plan must set forth the following assurances:

(1) The vocational training is supplemental to the on-the-job training experience of the apprentice.

(2) The worker involved in the apprenticeable occupation must be at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law.

(3) The apprentice training agreement must specify a given length of planned work experience training through employment on the job which is supplemented by related instruction.

(4) The skilled trade must possess all of the following characteristics:

(i) It is customarily learned in a practical way through training and work on the job;

(ii) It is clearly identified and commonly recognized throughout an industry; and

(iii) It involves manual, mechanical, technical skills and knowledge.

(5) Apprentices will be classified as follows:

(i) *Registered.* (*a*) Where the program or the apprentice, or both are registered under the apprenticeship law of the State in which the apprentice is employed;

(*b*) Where the program or the apprentice, or both, are registered by a State apprenticeship agency operating under powers vested in it by legally responsible State authority; and

(*c*) Where the program of the apprentice, or both, are registered by the Bureau of Apprenticeship and Training, U.S. Department of Labor, under "standards" or "fundamentals" approved by the Federal Committee on Apprenticeship. Such registration or recognition exists only where neither conditions in paragraph (e-1)(5)(i)(*a*) nor paragraph (e-1)(5)(i)(*b*) of this section exist.

(ii) *Non-registered.* Where the program or the apprentice, or both, is not registered under any of the three conditions in paragraphs (e-1)(5)(i)(*a*), (*b*), and (*c*) of this section, but a non-certifiable apprenticeship program is conducted under an implied or written agreement between the apprentice and an individual employer, a group of employers, employer-employee committees, or a governmental agency.

(6) The standards of apprenticeship programs must adhere to the requirements outlined in 29 CFR Part 29 (Department of Labor Apprenticeship Programs).

(29 U.S.C. 50)

• • • • • •

3. Section 102.40 is amended by adding the following paragraph at the end of paragraph (b) and by inserting the words "and prime sponsors" between the words "organizations" and "Copies" in paragraph (c).

§ 102.40 Cooperative arrangements.

• • • • • •

(b-1) *With State Manpower Services Council.* The annual program plan shall provide for cooperative arrangements with the State Manpower Services Council created under the authority of section 107 of the Comprehensive Employment and Training Act (Pub. L. 93-203). In order to facilitate coordination of manpower activities within the State, the annual program plan shall set forth an assurance that the State Manpower Services Council will be provided with an opportunity to comment on the annual program plan provisions which relate to manpower services at the public hearing or prior to the public hearing mandated by § 102.31(e)(3).

• • • • • •

4. Section 102.51(a)(3) is revised to read as follows:

§ 102.51 Allocation of funds to part B purposes.

(a) • • •

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment. Persons receiving training allowances under the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq.) or the Trade Expansion Act of 1962 (19 U.S.C. 1801-1991) are eligible as long as funds authorized pursuant to such legislation supplement vocational education funds rather than duplicate vocational education funds.

5. Section 102.60, paragraph (a)(2), is revised to read as follows:

§ 102.60 Content of local applications.

• • • • • •

(a) • • •

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services and activities. The local educational agency must also provide an assurance that any Federal funds received under Title VII of the Elementary and Secondary Education Act of 1965 (Bilingual Education) will be so used that expenditures for program purposes will supplement each other and not amount to a duplication of effort.

• • • • • •

6. Section 102.159, paragraph (b), is revised to read as follows:

§ 102.159 Annual evaluation report.

• • • • • •

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. The recommendations of the State advisory council shall be considered by the State board in developing the State plan for the ensuing year. Response in writing to each recommendation shall accompany the State plan and may include among other matters, the results of evaluations by the State board of programs, services, and activities which support, supplement, or differ with the evaluation results of the State advisory council.

[FR Doc.75-33305 Filed 12-10-75;8:45 am]

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THURSDAY, DECEMBER 11, 1975

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PART IV:

DEPARTMENT OF LABOR

Employment and Training Administration

■

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

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Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Revision of Regulations

On February 6, 1975, a document was published in the FEDERAL REGISTER (40 FR 5498) establishing a new Part 618 in Chapter V of Title 20 of the Code of Federal Regulations. Corrections to that document were published on February 25, 1975 (40 FR 8075). Part 618 implements the Federal Supplemental Benefit Program established under the "Emergency Unemployment Compensation Act of 1974" (Public Law 93–572, 88 Stat. 1869). The Act created a new, temporary unemployment compensation program, financed from Federal funds to furnish additional weeks of Federal Supplemental Benefits (FSB) to individuals covered by established unemployment compensation programs who are unemployed and unable to obtain work.

Although Part 618 was made effective upon publication in the FEDERAL REGISTER, comments were solicited through March 14, 1975. No comments on Part 618 were received.

Subsequent to the publication of Part 618, amendments to Public Law 93–572 were enacted in section 701(a) of Title VII of the "Tax Reduction Act of 1975" (Public Law 94–12; 89 Stat. 26, 65), and in Title I of the "Emergency Compensation and Special Unemployment Assistance Extension Act of 1975" (the Extension Act) (Public Law 94–45; 89 Stat. 236).

Part 618 has been reviewed in the light of the statutory changes in the Tax Reduction Act and Extension Act, and has been further reviewed. As a result of that review Part 618 has been substantially revised and includes the following significant changes:

1. Technical and clarifying changes are made throughout Part 618, including the addition of paragraph headings.

2. In § 618.1 the purpose of Part 618 is clarified, and two rules of construction have been added to preclude strict interpretation of the Act and Part 618, and to provide assurance of uniform interpretation of the Act and Part 618 in all States insofar as is possible. Another provision has been added for monitoring the application of the Act and securing uniformity.

3. A new § 618.2(1)(2) is added, defining "additional eligibility period" so as to accord with the amendment in section 101(d)(3) of the extension Act. This period is one in which an eligible individual who qualified for extended benefits or FSB during a Federal Supplemental Benefit Period continues to be eligible for FSB for up to 13 weeks after the end of the benefit period.

4. In § 618.2(r) the definitions of "week of partial unemployment" and "week of part-total unemployment" are amended by deleting from the definitions the clauses which require that a claimant's earnings be less than the earnings allowance prescribed by the applicable State law plus the claimant's weekly amount of FSB. These changes clarify the application of varying State law provisions on the calculation of rights to partial benefits.

5. Section 618.5 is revised to clarify the Federal and State unemployment compensation programs under which a potential FSB claimant must have exhausted all rights to benefits in order to qualify as an "exhaustee" for purposes of FSB.

6. Section 618.7 is revised so as to accord with amendments in sections 101(b), 101(f) and 106 of the Extension Act, and the provision of the Tax Reduction Act. Duration of FSB entitlement remains at 26 weeks throughout 1975, and thereafter would be 26 weeks during a 6-per centum period and 13 weeks during a 5-per centum period. The maximum amount of FSB payable to an individual is to be reduced by the amount of Special Unemployment Assistance paid to the individual in the 65 weeks preceding the first week in which the individual is eligible for FSB.

7. New §§ 618.9(b), 618.9(c), and 618.9(e) are added. Paragraph (b) provides for determinations of claims for weekly payments of FSB. Paragraph (c) contains the provisions on redetermination of entitlement to FSB which are moved from § 619.10(a). Paragraph (e) requires prompt payment of FSB.

8. Section 618.10 is revised to limit it to appeals and hearings on FSB claims, and to clarify its application. The provision on reconsideration in paragraph (a) is deleted and is now covered by § 618.9(c) and 618.9(f).

9. A new § 618.10(c) is added to provide expressly that the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" (20 CFR Part 650) shall apply to FSB appeals, and to apply State law on advancement of unemployment compensation claims on judicial calendars to FSB claims.

10. New paragraphs (a), (b), (e), (f), and (g) are added to § 618.13; former paragraphs (a), (b), and (c) are relettered as (c), (d), and (h). The new paragraphs are added to state expressly the effect on entitlement to FSB of entitlement to or receipt of compensation, assistance, or allowances with respect to unemployment under other laws. They provide that compensation to which an individual is entitled under the Hawaii Agricultural Unemployment Compensation Law will be deducted from FSB entitlement; entitlement to unemployment compensation under the Railroad Unemployment Insurance Act will make an individual ineligible for FSB; receipt of compensation under unemployment compensation law of the Virgin Islands or Canada will make an individual ineligible for FSB; and entitlement to assistance or an allowance with respect to unemployment under the Trade Act of 1974 (19 U.S.C. 2271 *et seq.*, 29 CFR Part 91), the Disaster Relief Act of 1974 (42 U.S.C. 5177), or the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3243(d)), will not make an individual ineligible for FSB.

11. A new § 618.14 is added, providing for the denial of FSB to individuals who refuse to participate in or apply for occupational training, where the State determines that there is a need for such training and such training is available and satisfies the requirements set forth in the section. This new section implements the amendment in section 103(a) of the Extension Act.

12. The section on overpayments and penalties for fraud, renumbered as § 618.15, is amended to provide for the recovery of debts due the United States from FSB payable to an individual, and to provide that FSB payable to an individual may not be used in any manner for the payment of a debt of the individual to any State or any other entity or person.

13. A new § 618.16 is added, prohibiting waiver or assignment of rights to FSB, and any legal process against FSB except as provided in § 618.15; and to prohibit discrimination against FSB claimants in regard to employment, and obstruction of an individual's attempt to claim or receive FSB. These "inviolate rights to FSB" are substantially the same as the inviolate rights to State unemployment compensation which are requirements for State unemployment compensation laws under section 303(a) of the Social Security Act (42 U.S.C. 503(a)), and section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)).

14. A new paragraph (a) is added to § 618.17, formerly § 618.15, requiring State agencies to keep records under the Act, and paragraph (b) is amended to limit disclosure under the Act where such disclosure would conflict with the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552(a)), or regulations of the Department of Labor promulgated thereunder.

15. Section 618.19, formerly § 618.17, is revised to provide for new "on" and "off" indicators for Federal Supplemental Benefit Periods after 1975, in accordance with the amendments in section 101(a) of the Extension Act.

16. A new § 618.20 is added, to prescribe when "5–per centum" and "6–per centum" periods begin and end. These changes implement amendments in sections 101(a) and 101(d) of the Extension Act.

17. Section 618.21, formerly § 618.18, is amended to provide that Assistant Regional Directors for Employment and Training are to be notified when "on" and "off" indicators are determined.

18. A new § 618.23 is added, providing for public inspection and copying of Agreements under the Act.

Accordingly, 20 CFR Part 618 is revised as set forth below.

Since the Extension Act was enacted on June 30, 1975, and some of the amendments to the Act became effective on that date or on July 1, 1975, it is essential to publish the revised Part 618 as quickly as possible. For this reason, I, as Secretary of Labor, find that it is contrary to the public interest to publish the revised Part 618 as a proposal with opportunity for comment, and further determine that 20 CFR 2.7 shall not apply to this document. For the same reason I find that it is necessary that the revised Part 618 shall become effective on December 11, 1975. Therefore, Part 618 as revised in this document shall take effect on December 11, 1975.

Although revised Part 618 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though this document was a proposal, until January 12, 1976, after which time the comments received will be evaluated, and, if warranted, Part 618 will be appropriately amended. Meanwhile, in the interest of making revised Part 618 effective as stated above, it shall be in force upon publication in the FEDERAL REGISTER and shall remain in force until further revised.

Interested persons are invited to submit written data, views, or arguments on revised Part 618, to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before January 12, 1976. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Effective date: 20 CFR Part 618 is revised effective December 11, 1975.

Signed at Washington, D.C., this 8th day of December 1975.

JOHN T. DUNLOP,
Secretary of Labor.

Part 618 of Title 20, Code of Federal Regulations, is revised to read as follows:

Sec.
618.1 Purpose; rules of construction.
618.2 Definitions.
618.3 Effective period of the program.
618.4 Eligibility requirements for Federal Supplemental Benefits.
618.5 Definition of "exhaustee."
618.6 Federal Supplemental Benefits: weekly amount.
618.7 Federal Supplemental Benefits: maximum amount.
618.8 Claims for Federal Supplemental Benefits.
618.9 Determinations of entitlement; notices to individual.
618.10 Appeal and hearing.
618.11 Provisions of State law applicable to claims.
618.12 The applicable State for an individual.
618.13 Restrictions on entitlement.
618.14 Required training for FSB claimants.
618.15 Overpayments; penalties for fraud.
618.16 Inviolate rights to FSB.
618.17 Record keeping; disclosure of information.
618.18 Federal Supplemental Benefit Period.
618.19 Determination of "on" and "off" indicators.
618.20 Per centum periods in a Federal Supplemental Benefit Period.
618.21 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.
618.22 Payments to States.
618.23 Public access to Agreements.
618.24 Information, reports, and studies.

AUTHORITY: Pub. L. 93–572 (88 Stat. 1869); sec. 701(a), Pub. L. 94–12 (89 Stat. 26, 65); part A, title I, Pub. L. 94–45 (89 Stat. 236); title II, Pub. L. 91–373 (84 Stat. 695, 708); (5 U.S.C. 553).

§ 618.1 Purpose; rules of construction.

(a) *Purpose.* The "Emergency Unemployment Compensation Act of 1974" created a program of further extended unemployment compensation for individuals who have exhausted their rights to regular, additional, and extended unemployment compensation under permanent unemployment compensation programs. The benefits provided under the Act are hereafter referred to as Federal Supplemental Benefits, or FSB. The regulations in this Part are issued to implement the Act as it has been amended.

(b) *First Rule of construction.* The Act and the implementing regulations in this Part shall be construed liberally so as to carry out the purposes of the Act.

(c) *Second rule of construction.* The Act and the implementing regulations in this Part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) *Effectuating purpose and rules of construction.* (1) In order to effectuate the provisions of this section each State agency shall forward to the United States Department of Labor, not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to FSB. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to FSB.

(2) If the Department believes a determination, redetermination, or decision is inconsistent with the Secretary's interpretation of the Act, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall appeal if possible, shall not follow such determination, redetermination, or decision as a precedent; and in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the Department's view and shall make all reasonable efforts, including appeal or other proceedings in any appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) A State agency may request reconsideration of a notice that a determination, redetermination, or decision is inconsistent with the Act, and shall be given opportunity to present views and argument if desired. If a determination, redetermination, or decision setting a precedent becomes final, which the Department believes to be inconsistent with the Act, the Secretary will decide whether the Agreement with the State shall be terminated.

(4) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice pursuant to this paragraph.

§ 618.2 Definitions.

For the purposes of the Act and this Part:

(a) "Act" means the "Emergency Unemployment Compensation Act of 1974" (Public Law 93–572; 88 Stat. 1869, approved December 31, 1974), as amended by title VII of the Tax Reduction Act of 1975 (Public Law 94–12; 89 Stat. 26, 65), and title I of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Public Law 94–45; 89 Stat. 236).

(b) "Agreement" means the agreement entered into pursuant to the Act between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Federal Supplemental Benefits in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Base period" means, with respect to an individual, the base period as determined under the applicable State law for the individual's benefit year.

(e) "Benefit year" means the benefit year as defined in the applicable State law.

(f) "Extended benefit period" shall have the meaning assigned to the term by section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Public Law 91–373; 84 Stat. 695, 708).

(g) "Compensation" means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, and extended compensation, as defined in this section.

(h) "Regular compensation" means compensation payable to an individual under any State law, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85, but not including extended compensation or additional compensation.

(i) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(j) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, (title II, Public Law 91–373; 84 Stat. 695, 708), with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85.

(k) "Federal Supplemental Benefits" means the compensation payable under the Act to individuals eligible thereunder for the payments, and which is referred to as FSB.

(l) (1) "Period of eligibility" means, in the case of any individual, the weeks in

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the individual's benefit year which begin in an extended benefit period, a Federal Supplemental Benefit Period, or an additional eligibility period, and, if the benefit year ends within the extended benefit period, any weeks thereafter which begin in the extended benefit period, the Federal Supplemental Benefit Period, or the additional eligibility period.

(2) "Additional eligibility period" means, with respect to an individual, the thirteen-week period following the week in which a Federal Supplemental Benefit Period ends in a State, or such shorter period of weeks as exist between the end of the Federal Supplemental Benefit Period and the beginning of a new Federal Supplemental Benefit Period in the State, if either FSB or extended compensation was payable to the individual in the State for the week in which the Federal Supplemental Benefit Period ended. FSB or extended compensation shall be deemed to be payable to an individual for the week in which the Federal Supplemental Benefit Period ended if FSB or extended compensation is paid to the individual with respect to that week or if, as of the beginning of that week, there is any amount of a balance in the Federal Supplemental Benefit Account established for the individual pursuant to § 618.7 or in the Extended Compensation Account established for the individual pursuant to any State law in accord with section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 and § 615.5(b) of this chapter.

(m) "Secretary" means the Secretary of Labor of the United States.

(n) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) "State agency" means the agency of the State which administers the applicable State law.

(p) "State law" means the unemployment compensation law of a State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(q) "Week" means, for purposes of eligibility for and payment of FSB, a week as defined in the applicable State law, and, for purposes of computations of Federal Supplemental Benefit "on" and "off" indicators, the beginning and ending of a Federal Supplemental Benefit Period, and the beginning and ending of 5-per centum and 6-per centum periods, a calendar week.

(r) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed in the applicable State law.

§ 618.3 Effective period of the program.

(a) *Beginning date.* FSB shall first become payable under the Act and this Part with respect to the first week which begins after whichever of the following is the latest:

(1) December 31, 1974, or

(2) The week in which the State enters into an Agreement under the Act, or

(3) The date of enactment of the Act.

(b) *Ending date.* FSB shall not be payable to any individual with respect to any week of unemployment that ends after March 31, 1977.

(c) *Agreement as precondition.* Notwithstanding any other provision of the Act or this Part, FSB shall be payable solely through a State agency and only pursuant to an Agreement, and with respect to weeks in which an Agreement is in effect.

§ 618.4 Eligibility requirements for Federal Supplemental Benefits.

An individual is entitled to FSB for a week of unemployment which begins in the individual's period of eligibility, if, with respect to such week, the individual is an exhaustee as defined in § 618.5, files a timely claim for FSB, and satisfies the pertinent requirements of the applicable State law as provided in the Act and this Part.

§ 618.5 Definition of "exhaustee."

(a) *Definition.* An individual is an exhaustee with respect to a week of unemployment if the individual:

(1) Has exhausted all rights to regular compensation, as prescribed in § 615.4 (b) and (c) of this chapter, under the applicable State law;

(2) Has exhausted all rights to extended compensation; that is, the individual has received, prior to that week, all the extended compensation available under the applicable State law in the individual's most recent eligibility period, or the individual is not entitled to extended compensation because of the ending of the individual's eligibility period for extended compensation under the applicable State law prior to the beginning of that week; and

(3) Has no right to compensation, including regular, additional, and extended compensation, with respect to that week under the applicable State law or the State law of any other State; and has no right to unemployment compensation under 5 U.S.C. chapter 85 or the Railroad Unemployment Insurance Act or any other Federal unemployment compensation law; and

(4) Is not receiving compensation with respect to that week under the unemployment compensation law of the Virgin Islands or Canada.

(b) *Adjustment of week.* If it is subsequently determined as the result of a redetermination or appeal that an individual is an exhaustee as of a different week than was previously determined, the individual's rights to FSB shall be adjusted so as to accord with such redetermination or decision.

§ 618.6 Federal Supplemental Benefits: weekly amount.

(a) *Total unemployment.* The weekly amount of FSB payable to an individual for a week of total unemployment shall be equal to the amount of regular compensation payable to the individual for a week of total unemployment during the individual's current benefit year, or if the individual has no current benefit year, during the most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during the benefit year, the weekly amount of FSB for total unemployment shall be the weekly amount payable under the applicable State law with respect to extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

(b) *Partial and part-total unemployment.* The weekly amount of FSB payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation, computed on the basis of the weekly amount of FSB payable for a week of total unemployment as determined pursuant to paragraph (a) of this section.

§ 618.7 Federal Supplemental Benefits: maximum amount.

(a) *Individual Account.* A Federal Supplemental Benefit Account shall be established for each individual determined to be eligible for FSB, in the sum of the maximum amount potentially payable to the individual as computed in accordance with paragraph (b) of this section. The amount established in the Federal Supplemental Benefit Amount of any individual shall be subject to the limitations on the maximum amount payable to the individual as provided in paragraph (c) of this section.

(b) *Computation of maximum amount potentially payable.* (1) The amount established in the Federal Supplemental Benefit Account of an individual, as the maximum amount potentially payable to the individual during the individual's period of eligibility, shall be equal to the lesser of—

(i) 100 per centum of the total amount of regular compensation payable to the individual during the individual's applicable benefit year; or

(ii) Twenty-six times the individual's weekly amount of FSB payable for a week of total unemployment, as determined pursuant to § 618.6(a); and minus the sum of any reduction under paragraph (b)(2) of this section.

(2) The reduction referred to in paragraph (b)(1) of this section shall be the sum of the amounts of Special Unemployment Assistance paid to the individual pursuant to title II of the Emergency Jobs and Unemployment Assistance Act of 1974 and Part 619 of this chapter for any week of unemployment which begins in the 65-week period preceding the first week of unemployment with respect to which FSB is payable to the individual under the Act and this Part. The reduction made in accordance with this paragraph shall not operate to reduce to less than zero the maximum amount potentially payable as computed in accordance with paragraph (b)(1) of this section, or so as to affect any amount of FSB paid or payable to the individual for any week of unemployment which began prior to July 1, 1975.

(c) *Maximum amount payable.* Notwithstanding the maximum amount potentially payable to an individual as established in the individual's Federal Supplemental Benefit Account, the maximum amount of FSB payable to the individual:

(1) With respect to weeks of unemployment in the individual's period of eligibility (as defined in section 105(2) of the Emergency Unemployment Compensation Act of 1974) that begin prior to January 4, 1976, shall be the maximum amount potentially payable to the individual as computed under paragraph (b) of this section; and

(2) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 6-per centum period which begins on or after January 4, 1976, shall not exceed the lesser of—

(i) The maximum amount computed under paragraph (b) of this section; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 6-per centum period; and

(3) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 5-per centum period which begins on or after January 4, 1976, shall not exceed the lesser of—

(i) 50 per centum of the maximum amount computed under paragraph (b) of this section; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 5-per centum period.

(4) Any amount in an individual's Federal Supplemental Benefit Account which is not paid to the individual with respect to weeks of unemployment which begin during a 5-per centum or 6-per centum period in a Federal Supplemental Benefit Period, shall remain available and payable to the individual with respect to weeks of unemployment that begin during any succeeding 5-per centum or 6-per centum period which occurs in the same or a subsequent Federal Supplemental Benefit Period, or any applicable additional eligibility period, within the individual's period of eligibility (as defined in § 618.2(1)), subject to the limitations on the maximum amount payable to the individual as provided in this paragraph (c).

(d) *Adjustment of Account.* If it is subsequently determined as the result of a redetermination or appeal that an individual was entitled to more or less of regular, additional, or extended compensation under the State law of any State, or to more or less of unemployment compensation under 5 U.S.C. chapter 85, the individual's status as an exhaustee shall be redetermined as of the new date of the individual's exhaustion, and an appropriate change shall be made in the individual's Federal Supplemental Benefit Account. The appropriate change in the individual's account shall be computed in accordance with this section and, insofar as applicable, § 618.6.

§ 618.8 Claims for Federal Supplemental Benefits.

(a) *Initial claims.* An initial claim for FSB shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) *Weekly claims.* Claims for payments of FSB for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) *Secretary's standard.* The procedures for reporting and filing claims for FSB shall be consistent with this Part and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 et seq.).

§ 618.9 Determinations of entitlement; notices to individual.

(a) *Determination of initial claim.* The State agency shall promptly, upon the filing of an initial claim for FSB, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of FSB payable to the individual.

(b) *Determinations of weekly claims.* The State agency shall promptly, upon the filing of a claim for a payment of FSB with respect to a week of unemployment, determine whether the individual is entitled to a payment of FSB with respect to such week, and, if entitled, the amount of FSB to which the individual is entitled.

(c) *Redetermination.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to FSB.

(d) *Notices to individual.* The State agency shall give notice in writing to the individual of any determination or redetermination of an initial claim and determinations and redeterminations of all weekly claims with respect to weeks of unemployment, and each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations and written notices of redeterminations with respect to claims for regular compensation.

(e) *Promptness.* Full payment of FSB when due shall be made with the greatest promptness that is administratively feasible.

(f) *Secretary's standard.* The procedures for making determinations and redeterminations and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming FSB shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (*Employment Security Manual*, Part V, sections 6010 *et seq.*).

§ 618.10 Appeal and hearing.

(a) *Applicable State law.* The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to FSB.

(b) *Rights of appeal and fair hearing.* The provisions on right of appeal and opportunity for a fair hearing with respect to claims for FSB shall be consistent with this Part and with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

(c) *Promptness on appeals.* (1) Decisions on appeals under the FSB program shall accord with the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" in Part 650 of this chapter.

(2) Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide for the prompt payment of unemployment compensation when due, shall apply to proceedings involving entitlement to FSB.

§ 618.11 Provisions of State law applicable to claims.

(a) *Particular provisions applicable.* Except where the result would be inconsistent with the provisions of the Act or this Part and the procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall

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apply to claims for, and the payment of, FSB. The provisions of the applicable State law which shall apply to claims for, and the payment of, FSB include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to FSB;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) *IBPP.* The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for FSB.

(c) *Wage combining.* The Interstate Arrangement for Combining Employment and Wages (20 CFR Part 616) shall apply, where appropriate, to individuals filing claims for FSB: *Provided*, That, the "Paying State" shall be the applicable State as prescribed in § 618.12.

(d) *Procedural requirements.* The provisions of the applicable State law which apply hereunder to claims for, and the payment of FSB shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular and extended compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this Part.

§ 618.12 The applicable State for an individual.

(a) *Applicable State.* The applicable State for an individual is the State with respect to which the individual is an "exhaustee" as defined in § 618.5 (a) and (b).

(b) *Limitation.* FSB is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 618.13 Restrictions on entitlement.

(a) *Hawaiian law or RRUI.* (1) An individual who is entitled with respect to a week to both FSB and unemployment compensation under the Hawaii Agricultural Unemployment Compensation Law, shall be entitled to a payment of FSB in the amount, if any, by which the FSB amount exceeds the amount to which the individual is entitled under the Hawaii Agricultural Unemployment Compensation Law.

(2) An individual who is entitled with respect to a week to unemployment compensation under the Railroad Unemployment Insurance Act shall not be entitled to a payment of FSB with respect to that week.

(b) *Virgin Islands or Canadian law.* An individual who receives compensation with respect to a week of unemployment under the unemployment compensation law of the Virgin Islands or Canada shall not be entitled to a payment of FSB with respect to that week.

(c) *MDTA allowance.* An individual who is entitled with respect to a week to both FSB and a training allowance under section 203 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2583), shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(d) *CETA allowance.* An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821) shall not, by reason of entitlement to a payment under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled.

(e) *Trade readjustment allowance.* (1) An individual who is entitled, with respect to a week of unemployment which begins before April 3, 1975, to both FSB and a trade readjustment allowance under Chapter 3 of Title III of the Trade Expansion Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(2) An individual who is entitled, with respect to a week of unemployment which begins on or after April 3, 1975, to a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271–2322 and 20 CFR Part 91), shall not, by reason of entitlement to a trade readjustment allowance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(f) *Disaster Unemployment Assistance.* An individual who is entitled to a payment of Disaster Unemployment Assistance with respect to a week of unemployment under section 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177 and 20 CFR Part 625), shall not, by reason of entitlement to Disaster Unemployment Assistance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(g) *PWEDA assistance.* An individual who is entitled to a payment of _____ assistance with respect to a week of unemployment under section 903(d) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3242(d)), shall not, by reason of entitlement to assistance under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(h) *Disqualification.* If the week of unemployment for which an individual claims FSB is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to compensation, the individual shall not be entitled to a payment of FSB for that week.

§ 618.14 Required training for FSB claimants.

(a) *Statutory provision.* Section 102 (g) of the Act provides that FSB shall not be payable for any week to an individual who is not a participant in a training program approved by the Secretary if—

(1) The State determines that there is a need for upgrading or broadening the individual's occupational skills, and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees; and

(2) The individual is not an applicant to participate in such a program.

(b) *Training programs.* For purposes of section 102(g) of the Act a training program is a program of instruction in vocational skills and related subjects to improve an individual's employability.

(c) *Approval of training.* For purposes of section 102(g) of the Act a training program shall be deemed approved by the Secretary if (1) such program is established pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 801 *et seq.*), or (2) it is determined by the head of a State agency that such program meets each of the following criteria:

(i) The training program is reasonably calculated to improve the employability of individuals participating in such training program;

(ii) The training institution has suitable facilities, equipment, and qualified personnel; and

(iii) The training program is, with respect to an individual claiming FSB, appropriate training within the meaning of paragraph (d) of this section.

The head of a State agency shall not disapprove training which otherwise meets the criteria stated in this paragraph solely because the training institution is located outside the State or because all or some portion of the training program is conducted outside the State.

(d) *Appropriate training.* Training which is appropriate for an individual determined to be in need of training is training conducted in a training program described in paragraph (b) of this section which:

(1) Will provide the individual with additional occupational skills and knowledge, or upgrade or broaden the individual's existing skills, relevant to employment opportunities which reasonably may be expected to be or to become available in the area in which the individual resides;

(2) Is available without cost to the individual for tuition or fees; and

(3) Is conducted at a facility located within reasonable commuting distance from the individual's residence.

(e) *Determination of need for training.* The determination of whether there is a need for upgrading or broadening an individual's skills shall be made promptly following the filing of an initial claim for FSB by the individual. In making such determination a State agency shall consider whether the individual's prospects for obtaining suitable employment will be improved, with respect to employment opportunities which are or reasonably may be expected soon to become available in the area in which the individual resides, if the individual is provided with additional occupational skills or knowledge or if the individual's existing skills are upgraded or broadened. The State agency also shall consider the following factors:

(1) The length of the individual's unemployment;

(2) The length of the individual's immediate past employment in a regular occupation;

(3) The individual's skill level;

(4) The individual's attachment to an employer or industry;

(5) The anticipated duration of the individual's unemployment;

(6) The individual's education and prior training; and

(7) Special skills possessed by the individual.

(f) *Application for training.* An individual determined to be in need of training under paragraph (e) of this section shall file with the State agency of the State in which the individual is filing claims for FSB an application for participation in a training program approved pursuant to paragraph (c) of this section.

(g) *Participation in training.* (1) An individual determined to be in need of training under paragraph (e) of this section shall enroll in and participate in a training program which has been approved under paragraph (c) of this section, if such program is available, as soon as reasonably practicable.

(2) Participation in a training program requires that the individual be in full attendance in the training program except for excused absences for good cause, and that the individual make satisfactory progress throughout the training program.

(h) *Disqualification.* (1) An individual shall be disqualified to receive payments of FSB commencing with the week in which the individual:

(i) Fails or refuses without good cause to file an application for training pursuant to paragraph (f) of this section, or to accept a suitable training opportunity, or refuses to apply for training to which he is referred by the Employment Service, or

(ii) Fails or refuses without good cause to report for or to participate in a training program pursuant to paragraph (g) of this section after having been accepted by a training institution, as manifested by failure or refusal to attend the training program, absenteeism without good cause which jeopardizes the individual's ability to succesfully complete the training program, failure without good cause to make satisfactory progress during any portion of the training program, discontinuance of training before completion, or any other action or omission found inconsistent with diligent participation in the training program.

(2) A disqualification imposed under paragraph (h)(1) of this section shall end with the week in which the individual:

(i) If disqualified under paragraph (h)(1)(i) of this section, commences participation in a training program approved under paragraph (c) of this section; or

(ii) If disqualified under paragraph (h)(1)(ii) of this section, commences or resumes participation in the training program under conditions affording a reasonable prospect of successfully completing the training program, or applies for and commences participation in a different or subsequent training program which has been approved under paragraph (c) of this section; or

(iii) Obtains employment reasonably expected to be of indefinite duration.

(i) *Determinations.* Determinations under paragraphs (b), (c), (d), (e), and (h) of this section shall be made by the State agency of the applicable State for the individual.

(j) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made purusant to this section.

(k) *Construction.* The provisions of paragraphs (a) through (h) of this section shall be interpreted and applied consistently with General Administration Letter No. 9–75 (U.S. Department of Labor, Manpower Administration, October 19, 1975) (40 FR 49541).

§ 618.15 Overpayments; penalties for fraud.

(a) *Finding and repayment.* If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportunity for a fair hearing thereon, that an individual has received a payment of FSB to which the individual was not entitled under the Act and this Part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(b) *Recovery by offset.* (1) The State agency shall recover, insofar as is possible, the amount of any overpayment which is not repaid by the individual, by deductions from any FSB payable to the individual under the Act and this Part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency, subject to the limitations in § 619.13(a)(3)(ii) of this chapter in regard to recovery from any Special Unemployment Assistance payable to the individual.

(2) A State agency shall also recover, insofar as is possible, the amount of any overpayment of FSB made to an individual by another State, by deductions from any FSB payable by the State agency to the individual under the Act and this Part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency, subject to the limitations in § 619.13(a)(3)(ii) of this chapter in regard to recovery from any Special Unemployment Assistance payable to the individual.

(c) *UCFE and UCX claimants.* In addition, the provisions of 5 U.S.C. 8507 shall be applicable in the event of fraudulent overpayments of FSB to former Federal employees and ex-servicemen and ex-servicewomen.

(d) *Debts due the United States.* FSB payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(e) *Recovered overpayments.* Overpayments recovered in any manner shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) *Application of State law.* Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to FSB. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of FSB.

(g) *Final decision.* Recovery of any overpayment of FSB shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) *Procedural requirements.*

(1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(i) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual*, Part V, sections 7510 et seq.).

§ 618.16 Inviolate rights to FSB.

(a) *Waiver of rights void.* Any agreement by an individual purporting to waive, release, or commute any right of the individual to FSB shall be void.

(b) *Assignment of rights void.* Any purported assignment, pledge, or en-

and this Part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency, subject to the limitations in § 619.13(a)(3)(ii) of this chapter in regard to recovery from any Special Unemployment Assistance payable to the individual.

(c) *UCFE and UCX claimants.* In addition, the provisions of 5 U.S.C. 8507 shall be applicable in the event of fraudulent overpayments of FSB to former Federal employees and ex-servicemen and ex-servicewomen.

(d) *Debts due the United States.* FSB payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(e) *Recovered overpayments.* Overpayments recovered in any manner shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) *Application of State law.* Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to FSB. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of FSB.

(g) *Final decision.* Recovery of any overpayment of FSB shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) *Procedural requirements.*

(1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(i) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual*, Part V, sections 7510 et seq.).

§ 618.16 Inviolate rights to FSB.

(a) *Waiver of rights void.* Any agreement by an individual purporting to waive, release, or commute any right of the individual to FSB shall be void.

(b) *Assignment of rights void.* Any purported assignment, pledge, or en-

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cumbrance of any right of an individual to FSB shall be void.

(c) *Legal process prohibited.* Except as provided in § 618.15 or by applicable statute of the United States or regulation of the U.S. Department of Labor, any right of an individual to FSB shall be exempt from levy, execution, attachment, garnishment, order for the payment of attorney fees, or any other remedy whatsoever provided for the collection of debt, and such remedies shall be precluded absolutely. This prohibition shall apply to sums payable to an individual and to sums paid to the individual.

(d) *Discrimination prohibited.* No person shall discriminate against any individual in regard to hiring or tenure of work or any term or condition of employment on account of seeking, claiming, or receiving any right to FSB.

(e) *Obstruction prohibited.* No person shall in any manner obstruct or impede, or attempt to obstruct or impede, any individual in seeking, claiming, or receiving any right to FSB.

§ 618.17 Record keeping; disclosure of information.

(a) *Record keeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) *Disclosure of Information.* Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor, or in the case of information, reports and studies requested pursuant to § 618.24, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a) or regulations of the U.S. Department of Labor promulgated thereunder.

§ 618.18 Federal Supplemental Benefit Period.

(a) *Beginning date.* A Federal Supplemental Benefit Period shall begin in a State on the first day of the third calendar week following the week for which there is a Federal Supplemental Benefit "on" indicator in the State, but in no event shall a Federal Supplemental Benefit Period commence with a week beginning before January 5, 1975.

(b) *Ending date.* Except as provided in paragraphs (c) and (d) of this section, a Federal Supplemental Benefit Period in a State shall end on the last day of the third calendar week after the first week for which there is a Federal Supplemental Benefit "off" indicator in that State.

(c) *Duration.* A Federal Supplemental Benefit Period which becomes effective in any State shall continue for not less than 26 consecutive weeks, but in no event shall FSB be paid for any week which is not within the effective period of the Federal Supplemental Benefit Program as specified in § 618.3.

(d) *Federal Supplemental Benefit Periods beginning before 1976.* No Federal Supplemental Benefit Period which began in any State prior to January 1, 1976, shall end prior to that date, notwithstanding any other provision of this Part.

(e) *Final termination of Federal Supplemental Benefit Periods.* No Federal Supplemental Benefit Period shall continue in effect in any State beyond the last week of unemployment for any individual that ends on or before March 31, 1977, notwithstanding any other provision of this Part. Any Federal Supplemental Benefit Period which is in effect in any State in the last week of unemployment for any individual that ends on or before March 31, 1977, shall terminate at the end of that week.

(f) *Additional eligibility periods for individuals.* (1) There shall be an additional eligibility period (as defined in § 618.2(1)(2)) for any individual who qualifies, following the week in which a Federal Supplemental Benefit Period ends in a State.

(2) No additional eligibility period shall begin or continue in effect for any individual in any State with respect to any week of unemployment that ends after March 31, 1977, notwithstanding any other provision of this Part. Any additional eligibility period which is in effect for any individual in any State in the last week of unemployment that ends on or before March 31, 1977, shall terminate at the end of that week.

§ 618.19 Determination of "on" and "off" indicators.

(a) *"On" indicator.* There is a Federal Supplemental Benefit "on" indicator in a State for a week if the Secretary determines with respect to that State that: (1) There is a State or National "on" indicator for the week as determined under subsection (d) or (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended; and

(2) In the case of a week applicable to the beginning of a Federal Supplemental Benefit Period as of any week which begins on or after January 1, 1976, the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 5 per centum, as determined by the State agency of the State in accordance with the Act and this Part.

(b) *"Off" indicator.* With respect to the ending of a Federal Supplemental Benefit Period as of the end of any week which begins on or after January 1, 1976, there is a Federal Supplemental Benefit "off" indicator in a State for a week if the Secretary determines with respect to that State that the rate of insured unemployment in the State (as determined by the State agency of the State in accordance with the Act and this Part) for the period consisting of such week and the immediately preceding twelve weeks is less than 5 per centum.

(c) *Computation of rate of insured unemployment.* The rate of insured unemployment, for the purposes of "on" and "off" indicators and 5-per centum and 6-per centum periods, shall be computed in accordance with § 615.14 of this chapter.

§ 618.20 Per centum periods in Federal Supplemental Benefit Periods and additional eligibility periods.

(a) *Per centum periods.* (1) Commencing with weeks beginning on and after January 4, 1976, a Federal Supplemental Benefit Period in a State shall consist of either a "5-per centum period" or a "6-per centum period" or of 5-per centum and 6-per centum periods in alternating order.

(2) The provisions of this section which apply to the beginning, ending, and continuation of per centum periods in a Federal Supplemental Benefit Period, shall apply to the additional eligibility periods of individuals which immediately succeed a Federal Supplemental Benefit Period, as if the additional eligibility periods were within the Federal Supplemental Benefit Period, except that no per centum period applicable to an additional eligibility period shall remain in effect beyond the end of the additional eligibility period.

(b) *5-per centum period.* (1) A 5-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum.

(2) A 5-per centum period shall not begin prior to (i) January 4, 1976, or (ii) the first day of the fourteenth consecutive calendar week after the last week in a preceding 5-per centum period in the same Federal Supplemental Benefit Period.

(3) A 5-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6-per centum: *Provided*, That, a 5-per centum period which begins in a Federal Supplemental Benefit Period shall remain in effect until a 6-per centum period begins in the same Federal Supplement Benefit Period; and, in the absence of a subsequent 6-per centum period in the same Federal Supplemental Benefit Period, the 5-per centum period shall remain in effect until the end of the Federal Supplemental Benefit Period even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 5-per centum period.

(c) *6-per centum period.* (1) A 6-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6 per centum.

(2) A 6-per centum period shall not begin prior to January 4, 1976.

(3) A 6-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum: *Provided*, That, a 6-per centum period which begins immediately following a 5-per centum period in the same Federal Supplemental Benefit Period shall continue in effect for not less than thirteen consecutive calendar weeks, even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 6-per centum period, but a 6-per centum period shall not remain in effect beyond the end of the Federal Supplemental Benefit Period.

(d) *Determinations of per centum periods.* Determinations of the beginning and ending of 5-per centum and 6-per centum periods in a State shall be made by the head of the State agency in accordance with this Part.

§ 618.21 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.

(a) *Publication in* FEDERAL REGISTER. (1) Whenever the Secretary determines that there is an "on" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Federal Supplemental Benefit Period will commence and information regarding the scope of the Federal Supplemental Benefit Program.

(2) Whenever the Secretary determines that there is an "off" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "off" indicator, and the week when the Federal Supplemental Benefit Period will end.

(b) *Notifications.* The Secretary shall also cause to be notified the appropriate news media, the head of the State agency concerned, and the Assistant Regional Directors for Employment and Training, of the determination of an "on" or "off" indicator and of its effect.

(c) *Publicity in State.* Whenever the head of a State agency is notified of the Secretary's determination that a Federal Supplemental Benefit "on" or "off" indicator will begin or end a Federal Supplemental Benefit Period in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Federal Supplemental Benefit Period through appropriate news media in the State. In the case of a Federal Supplemental Benefit Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for FSB during the period; and in the case of a Federal Supplemental Benefit Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to FSB will be terminated, and the individuals whose entitlement to FSB will continue during their additional eligibility periods.

(d) *Notices to claimants.* (1) Whenever there has been a determination that a Federal Supplemental Benefit Period will begin in a State, the State agency shall provide prompt written notice of potential entitlement to FSB to each individual who is an exhaustee as prescribed in § 618.5.

(2) The State agency shall provide the same notice promptly to each individual who becomes an exhaustee, as prescribed in § 618.5, during a Federal Supplemental Benefit Period.

(3) Whenever there has been a determination that a Federal Supplemental Benefit Period will end in a State, the State agency shall provide written notice to each individual who is currently filing claims for FSB for the forthcoming end of the Federal Supplemental Benefit Period and its effect on the individual's entitlement to FSB. Notices to individuals who will have an additional eligibility period following the Federal Supplemental Benefit Period shall include notice of their potential entitlement to FSB during the additional eligibility period.

(e) *Publicity and notices of per centum periods.* (1) Whenever a State agency determines, pursuant to § 618.20, that a 6-per centum period will begin or end in the State, the head of the State agency shall promptly announce that determination through appropriate news media in the State and shall promptly notify the Secretary of such determination. Such announcement shall also describe clearly the effect on the entitlement of individuals to FSB during the ensuing 6-per centum or 5-per centum period.

(2) Whenever there has been a determination that a 6-per centum period will begin or end in a State, the State agency shall provide prompt written notice to each individual for whom there has been established a Federal Supplemental Benefit Account in that State of the beginning or ending of such period and its effect on the individual's entitlement to FSB.

§ 618.22 Payments to States.

(a) *Federal Supplemental Benefits.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an Agreement, either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of FSB in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary; except that the amounts certified shall not include sums for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with the certifications, by transfers from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in the Fund.

(b) *Costs of administration.* With the amount certified by the Secretary for payment to each State, pursuant to title III of the Social Security Act, for the purpose of assisting the State in the administration of the State law, there shall be included such amount as the Secretary determines to be necessary for the proper and efficient administration of the Act by the State. Sections 303(a)(8) and 303(a)(9) of the Social Security Act (42 U.S.C. 503(a)(8), 503(a)(9)) shall apply to amounts paid to a State for costs of administration of the Act.

§ 618.23 Public access to Agreements.

The State agency will make available to any individual or organization a true copy of the Agreement with that agency for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§ 618.24 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

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presidential documents

Title 3—The President

Executive Order 11890 • December 10, 1975

Amending Executive Order No. 10422,[1] as Amended, Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations

By virtue of the authority vested in me by the Constitution, statutes, and treaties of the United States, including the Charter of the United Nations, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Paragraphs 1, 2 and 3 of Part I of Executive Order No. 10422 of January 9, 1953, as amended, are hereby amended to read as follows:

"1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Civil Service Commission, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

"2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the United States Civil Service Commission, which shall conduct an investigation.

"3(a) Whenever the Civil Service Commission receives the information forwarded by the Secretary General to the Secretary of State, the Civil Service Commission shall conduct a National Agency Check. Each

[1] 18 FR 239; 3 CFR, 1949–1953 Comp., p. 921.

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National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Civil Service Commission files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Civil Service Commission reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Civil Service Commission has not disclosed any derogatory information within the meaning of the standard set forth in Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United States Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.".

SEC. 2. Paragraph 2(f) of Part II of Executive Order No. 10422 of January 9, 1953, as amended, is hereby amended to read as follows:

"(f) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group or combination of persons, which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.".

Gerald R. Ford

THE WHITE HOUSE,
December 10, 1975.

[FR Doc.75-33731 Filed 12-10-75;4:51 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Associate Administrator for Operations is excepted under Schedule C.

Effective December 12, 1975, § 213.3332 (b) is added as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(b) One Special Assistant to the Associate Administrator for Operations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-33562 Filed 12-11-75;8:45 am]

Title 7—Agriculture Department

CHAPTER II—FOOD AND NUTRITION SERVICE; DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 8]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

Correction

In FR Doc. 75–32771, appearing at page 57206 in the issue for Monday, December 8, 1975, in the headings "Notice of Proposed Rulemaking" should be deleted.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 17]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Dec. 14–20, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.317 Lemon Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is only fair this week with an easing trend on all sizes and grades. Average f.o.b. price was $7.98 per carton the week ended December 6, 1975, compared to $9.03 per carton the previous week. Track and rolling supplies at 170 cars were up 35 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this seciton will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 14, 1975, through December 20, 1975, is hereby fixed at 175,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 11, 1975.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-33775 Filed 12-11-75;11:22 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1975—CROP—CIGAR TOBACCO, LOAN RATE SCHEDULES

On October 30, 1975, there was published in the FEDERAL REGISTER (40 FR 50543) a notice of proposed rulemaking setting forth the proposed price support grade loan rate schedules for 1975-crop

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cigar tobacco. Interested parties were given the opportunity to submit, not later than December 1, 1975, data, views and recommendations pertaining to the grade loan rates.

No unfavorable comments have been received. The revision of 7 CFR 1464.22–27 containing the proposed loan rates are adopted without change as set forth below. The material previously appearing under the section numbers shown below remains applicable to the crop to which each refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 8 (7 U.S.C. 1441, 1445, 1421, 1423))

Effective date: December 12, 1975.

Signed at Washington, D.C. on December 8, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

§ 1464.22 1975 Crop—Ohio Filler Tobacco, Types 42–44, Loan Schedule.[1]

Grade	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Crop run (stripped together):	
X1	50
X2	46
X3	43
X4	39
Nondescript:	
N	30

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.23 1975 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[2]

Grade	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	88
B2	80
B3	70
B4	59
B5	52
Non-binders:	
X1	44

[2] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.24 1975 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[3]

Grade	Loan Rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	84
B2	77
B3	67
B4	58
B5	52
Non-binders:	
X1	44

[3] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.25 1975 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[4]

Grade	Loan Rate
[Dollars per hundred pounds, farm sales weight]	
Crop-run:	
X1	55
X2	48
X3	41
Farm fillers:	
Y1	35
Y2	33
Y3	31
Nondescript:	
N1	31
N2	25

[4] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.26 1975 Crop—Northern Wisconsin Tobacco, Type 55, Loan Schedule.[5]

Grade	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	72
B2	66
B3	61
Strippers:	
C1	55
C2	49
C3	40
Crop-run:	
X1	54
X2	48
X3	39
Farm fillers:	
Y1	37
Y2	35
Y3	32
Nondescript:	
N1	31
N2	25

[5] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.27 1975 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[6]

Grade:	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Price block I (C1F and C1P)	57
Price block II (X1F, X1P, and X1S)	47
Price block III (X2T, X2F, X2P and X2S)	39
Price block IV (N)	23

[6] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[FR Doc.75-33545 Filed 12-11-75;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Individual Retirement Accounts

1. The Board of Directors of the Federal Deposit Insurance Corporation ("FDIC") and the Board of Governors of the Federal Reserve System have considered the desirability of amending the regulations of their respective agencies to better harmonize them with certain provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") (Pub. L. 93-406). The amendments relate to those provisions of ERISA dealing with Individual Retirement Accounts ("IRA's") permitted by virtue of ERISA's amendments to the Internal Revenue Code (the "Code"), principally 408 thereof.

Under section 408 of the Code, individuals who are not otherwise participating in existing pension plans may receive favored tax treatment in the form of deductions and deferred taxes when they establish IRA's until the individual establishes the plan receives a discretionary distribution at age 59½ or a mandatory distribution at age 70½. (Distributions prior to age 59½ or after age 70½ will incur substantial tax penalties.) Since time deposits of banks are a permissible investment vehicle for IRA's, it is clear that to the extent that such obligations have not matured by either the discretionary or mandatory distribution ages, the penalties for premature withdrawal in § 329.4(d) of the FDIC's regulations (12 CFR 329.4(d)) may work a hardship on the account holder.

On June 27, 1975 the FDIC requested public comment on the penalty question as well as a number of other issues related to the treatment of IRA's. (See 40 FR 28099–28100.) A similar request for public comment was made by the Board of Governors of the Federal Reserve System.

After evaluating all comments received and after consulting with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, the Board of Directors of the FDIC has decided to amend its regulations respecting withdrawal of time deposits prior to maturity. The amendment will provide an exception from the withdrawal penalties in § 329.4(d) of the FDIC's regulations (12 CFR 329.4(d)) as to IRA's qualified under the Code upon an IRA holder's reaching age 59½ or thereafter, or upon his or her disability.[1]

In addition, the $1,000 minimum amount requirements for four and six-year time deposits will be removed as to qualified IRA's. It is anticipated that in most cases, IRA deposits will be in long-term four and six-year time deposits to earn the higher interest rates payable on these obligations. Removal of the minimum amount requirement will allow funds to be initially deposited in four and six-year time deposits where the contribution to the IRA is less than $1,000.

The following amendments apply to existing IRA deposits as well as to those established subsequent to the effective date thereof.

2. 12 CFR 329.4(d) is amended by adding the following sentence at the end thereof:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * * The prohibitions contained in this paragraph (d) shall not apply to a time deposit consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 where the individual for whose benefit the account is maintained is 59½ years of age or older, or has become disabled within the meaning of 26 U.S.C. 72(m)(7).

* * * * *

3. 12 CFR 329.6(b)(2) is amended by adding a new footnote 13a[a] thereto as follows:

[1] The Code also permits distribution on the death of an IRA holder. This is covered by separate amendments to § 329.4(d) permitting withdrawal without penalty on the death of the owner of all or part of a time deposit.

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[12]

(b) *Deposits of less than $100,000* * * *

(2) *Deposits of $1,000 or more with maturities of four years or more.*[13a] * * *

4. 12 CFR 329.7(b)(4) is amended by adding a new footnote 14b thereto as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.[14]

* * * * *

(b) *Maximum rates payable.* * * *

(4) *Time deposits of $1,000 or more with maturities of four years or more.*[14b] * * *

(Sec. 9, 64 Stat. 881, (12 U.S.C. 1819); sec. 18, 64 Stat. 891, 80 Stat. 824, (12 U.S.C. 1828 (g)))

3. Since these amendments relax restrictions imposed by prior regulations, the requirements of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation with respect to notice, public participation and deferred effective date were not followed in connection with their promulgation.

4. *Effective date.* These amendments are effective immediately.

By order of the Board of Directors, December 5, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-33541 Filed 12-11-75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-1098]

INSURANCE AGENCIES—USURPATION OF CORPORATE OPPORTUNITY

DECEMBER 8, 1975.

SUMMARY

The following summary of the regulatory amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble and the provisions in said amendments as set forth below.

[12] * * *

[13a] The $1,000 minimum denomination requirement does not apply to time deposits consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408.

[14] * * *

[14a] * * *

[14b] The $1,000 minimum denomination requirement does not apply to time deposits consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408.

I. PROPOSED AMENDMENTS

A. Post-11/16/67 referrals of Federal association-related insurance business to insurance agency owned by officer, director or controlling person thereof would be deemed to be usurpation of association's corporate opportunity, unless:

1. Referral made during period after 11/6/67 reasonably necessary for investigating feasibility of association's own service corporation insurance agency,

2. With regard to pre-12/31/75 referrals, association given chance to acquire the affiliated insurance agency and disinterested majority of the association's board of directors (or majority of its members voting with new proxies, if disinterested majority is not possible) vote to reject such acquisition for sound business reasons,

3. State statute or regulation precludes Federal association service corporations from engaging in the insurance business,

4. Association's application rejected by State authorities, or

5. State authorities pursue an established and well-known policy of refusing to accept or process such applications.

B. Relief required—usurpation of corporate opportunity would entitle the association to all profits of the affiliated agency attributable to association referrals or renewals of referrals during period of usurpation.

C. Prospective prohibition—referrals to affiliated agency prohibited after 12/31/75, even if acquisition opportunity declined by board of directors or members.

D. Owner of affiliated agency would include any officer, director or controlling person of Federal association individually owning 5%, or collectively owning 10%, of the agency.

II. CHANGES REFLECTED IN FINAL AMENDMENTS

A. Earliest date for finding of usurpation changed to May 20, 1971, plus up to 18 months for determination as to feasibility of association's own insurance subsidiary and preparing and filing applications for permission to engage in insurance business; exceptions to usurpation finding, in addition to those listed in I.A., above, if:

1. Applications for permission to engage in the insurance business are on file with State agencies and/or the Board;

2. Less than 18 months have passed after change by State authorities of negative policy regarding applications, or change in State law which prohibited Federal association service corporations from engaging in insurance business; or

3. Clear showing is made of lack of economic justification.

B. Prospective prohibition changed to 1977 annual meeting.

C. Relief required—association not entitled to profits:

1. Derived from renewals of referred business made for reasons other than the original referral

2. Exceeding the profits actually accruing to the affiliated persons

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3. Received by an association officer in lieu of compensation from the association

D. Definitions—1. "Owner" of affiliated agency includes an officer, director or controlling person of a Federal association owning 10 percent, and a group owning 25 percent, of the agency.

2. "Referral" excludes mere inclusion of affiliated agency name on list of approved insurance brokers or agents offered to association members

3. "Profits" means any remuneration received, or to be received, by officers, directors or controlling persons of the association, except for salaries or commissions based upon, and reasonably related to, services actually performed respecting the insurance agency.

E. Ruling restructured and clarified, and statement of policy regarding State-chartered insured institutions moved to Insurance Regulations.

The Federal Home Loan Bank Board, by Resolution No. 75-590, dated June 30, 1975, proposed to amend Part 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 555) by adding a new Board Ruling, set out at § 555.17, to clarify the authority of a Federal savings and loan association, acting through a service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance brokerage business, the circumstances under which management of a Federal association would be deemed to have usurped a corporate opportunity by operating an insurance agency for their own benefit, and the relief required in the event of a finding of usurpation of such corporate opportunity. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28641-43), with an invitation for interested persons to submit written comments by August 18, 1975.

Comment letters received by the Board, a number of which presented cogent and persuasive reasons for modifying portions of the proposal, prompted further research by the Board's staff into the evolution of the service corporation concept, the working of the Board's application procedures, and the equities arising from long-accepted industry practices in this area. On the basis of its consideration of all relevant material, therefore, the Board hereby adopts a new § 555.17 as proposed, with modifications and conforming amendments as described herein.

Under the proposed Ruling, the Board selected November 19, 1967, the date of its issuance of a Statement of Policy allowing for the first time a Federal association to apply to the Board for a service corporation insurance agency, as the earliest date that usurpation of this corporate opportunity could arise. Upon reconsideration, the Board believes that November 19, 1967 should not be used as the triggering date for corporate opportunity, for a number of reasons. Most importantly, as of November, 1967, and continuing for a substantial period thereafter, there was widespread uncertainty within the savings and loan industry as to the types of business which were appropriate and permissible activities for wholly owned service corporations. Further, the service corporation concept then was still understood by most of the industry to be centered on a type of entity shared by a number of associations, not a wholly-owned company which could be formed to operate or acquire an insurance agency. Also, the promptness of Board processing and approval of applications for insurance company service corporations, encompassing as it did new and difficult questions such as valuation of affiliated agencies, differed widely for given applications. After consideration of the small number of such applications which were received, the unresolved issues arising out of the processing procedure, and the length of time required to process such applications in some cases, the Board believes that May 20, 1971, the date when insurance brokerage was added to the list of pre-approved activities for wholly-owned service corporations, is the fair and appropriate date to be used as the earliest time when usurpation of corporate opportunity of Federal associations respecting insurance agencies may be reasonably considered to have occurred. The final Ruling therefore denotes May 20, 1971, plus up to 18 months for examining the feasibility of acquiring or establishing such an activity and preparing and filing applications with State authorities for permission to engage in the insurance business by means of a service corporation or a wholly owned subsidiary thereof (and with the Board respecting the acquisition of an insurance agency from association insiders after December 14, 1973), as the earliest time that usurpation of such opportunity may be deemed to have occurred.

The proposed Ruling described several instances where usurpation of an association's opportunity to engage in the insurance business would not be deemed to have taken place, even though an affiliated agency existed to which referrals were made: (1) If a disinterested majority of the association's board of directors (or members, if disinterested directors were not in the majority) voted for sound business reasons to reject the opportunity; (2) if a State statute or regulation precluded Federal association service corporations or subsidiaries thereof from engaging in insurance activities; (3) if the association's application had been rejected; or (4) if State authorities pursued an established and well-known policy of not accepting or processing such applications (proposed § 555.17 (h) and (i)). These exceptions are retained in the final Ruling at § 555.17(d)(2)-(5), and two others are added: no usurpation of corporate opportunity may be deemed to arise (1) while the association's service corporation application is pending before the proper authorities (§ 555.17(d)(1)(ii)) or (2) if it is clearly established that there was no economic justification for the association to engage in the insurance business (§ 555.17(d)(6)).

Under paragraph (1) of the proposed Ruling, Federal associations would have been prohibited from referring insurance business to affiliated insurance agencies after December 31, 1975, except in certain circumstances; the final amendment adopts the prospective prohibition as a new regulation, § 545.27, and changes the effective date to the association's 1977 annual meeting.

Section 555.17(f)(1) of the final Ruling retains the substance of proposed § 555.17(k), stating that usurpation of an insurance opportunity by management entitles the association to the profits attributable to association referrals (and renewals of such referrals) to the affiliated insurance agency during the period of usurpation. However, four new limitations are placed on the right to recovery under § 555.17(f) and (g)(2). Profits from renewals which can be shown to be made for a reason other than original placement, such as a previous customer relationship or more advantageous premium terms, are not reclaimable, nor are profits received by an officer of the association if it can be clearly shown that such receipts were in lieu of compensation from the association, to the extent that such compensation is reasonable. Section 555.17(g)(2) defines "referral" to exclude mere inclusion of the affiliated agency's name on a list of approved insurers provided to association customers as a convenience, so that recovery would be denied in the case of profits from association business orgiginating in that manner. Finally, recovery is limited to profits from association referrals received by affiliated persons, e.g., based on their pro rata ownership of the affiliated insurance agency during the period of usurpation. "Profits" is defined to mean dividends, commissions or comparable forms of remuneration received, or to be received, by officers, directors or controlling persons of the association, but excludes salaries or commissions based upon, and reasonably related to, services actually performed respecting the insurance agency.

The final Ruling at § 555.17(g)(1) raises the level of ownership of an insurance company sufficient to constitute usurpation of the association's corporate opportunity from 5 percent to 10 percent for one person and from 10 percent to 25 percent for more than one person.

Paragraph (n) of the proposed Ruling contained a statement of the Board's position on the remedy appropriate to a finding of usurpation of corporate opportunity to engage in the insurance business by State-chartered insured institutions; the substance of this language has been transferred to a new paragraph (b) in § 571.9 of the regulations for Insurance of accounts.

Accordingly, the Board hereby amends Parts 545 and 555 of the rules and regulations of the Federal Savings and Loan System by adding new §§ 545.27 and 555.17 thereto, and Part 571 of the rules and regulations for Insurance of Accounts by adding new paragraph (b) to § 571.9 thereof, as set forth below, effective January 20, 1976.

PART 545—OPERATIONS

1. A new § 545.27 is added to Part 545, to read as follows:

§ 545.27 Referral of insurance business.

(a) After its 1977 annual meeting, no Federal association shall refer any insurance business to any insurance agency owned by officers or directors of said association, or by persons having the power to direct its management, unless:

(1) A specific State statute or regulation precludes a service corporation of a Federal association, or a wholly-owned subsidiary of the service corporation, from engaging in the insurance business;

(2) The Federal association, after filing any necessary applications and making a bona fide attempt to obtain any necessary approvals (with or without instituting legal proceedings against State officials to compel such approvals) has been denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance business;

(3) The State licensing or regulatory authorities whose approval is required to engage in the insurance business follow an established and well-known policy of refusing to accept or approve applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance business (an association need not demonstrate existence of such a policy by instituting legal proceedings against such authorities to compel such approval);

(4) Such referral takes place within a period of time, not in excess of 18 months after the change in State law, regulation or policy referred to in paragraphs (a)(1) and (3) of this section, for the association to have investigated the feasibility and desirability of acquiring or establishing its own service corporation insurance business; or

(5) An application for permission to establish or acquire a service corporation insurance business is on file with the appropriate State agencies and/or the Board.

(b) For purposes of this section, the term "owned" is defined as set forth at § 555.17(g)(1) of this subchapter, and the term "referral" is defined as set forth in § 555.17(g)(2) of this subchapter.

PART 555—BOARD RULINGS

2. A new § 555.17 is added to Part 555, to read as follows:

§ 555.17 Insurance Agencies—Usurpation of Corporate Opportunity.

(a) *History of authority to engage in insurance business.* (1) The Home Owners' Loan Act of 1933 (HOLA) does not authorize a Federal savings and loan association to directly operate an insurance business.

(2) On September 2, 1964, Congress amended section 5(c) of HOLA to permit Federal associations to invest in service corporations. This amendment was intended to enable Federal associations to invest in business entities to "• • • supplement and facilitate the services of the savings and loan associations" (remarks of Congressman Widnall on August 13, 1964, at Cong. Rec. 19332-33). The scope of such services was not delineated.

(3) In order to implement the new statutory service corporation authority, the Board, on September 8, 1965, added a new § 545.9-1 to the rules and regulations for the Federal Savings and Loan System, which provided for investment in "general service corporations". Under paragraph (a) of § 545.9-1, Board approval was not required for such investment if substantially all of the business of the corporation was limited to certain preapproved activities. Under § 545.9-1(b), associations desiring to invest in corporations engaging in other activities were required to apply to the Board for prior approval of the specific activity in question. Operation of an insurance business was not listed as a pre-approved activity under paragraph (a), and the Board gave no indication at that time that the conduct of such a business might be favorably considered as a permissible activity under paragraph (b).

(4) On November 8, 1967, the Board indicated that a service corporation might engage in insurance activities by adopting a Statement of Policy (then codified as § 556.3 of the Federal regulations) which provided that—

• • • In addition to those activities which a Federal association is authorized to perform, the Board will consider for approval applications in which the service corporation, or a subsidiary, has authority to act as an insurance agent • • • primarily for the benefit of the service corporation members. • • •

During 1968 and 1969, the Board received from Federal associations a small number of applications seeking Board permission to acquire or establish insurance agencies by means of service corporations.

(5) On June 25, 1970, the Board rescinded its November 8, 1967 Statement of Policy and incorporated its substance into an amended version of § 545.9-1. While the operation of an insurance business was not added to the expanded list therein of pre-approved service corporation activities, operation of such a business was mentioned as an approvable activity in amended paragraph (b) providing for investment in wholly-owned service corporations as follows:

The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries, consist solely of one or more of the activities specified in subdivisions (i) through (xi) of paragraph (a)(4) of this section, and such other activities, including acting as insurance agent or broker, • • • as the Board may approve upon application therefor by such corporation or otherwise. • • •

(6) On May 20, 1971, a further amendment by the Board to § 545.9-1 added as follows certain insurance activities to the list of service corporation activities which were pre-approved by the Board for "b"-type service corporations:

• • • Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as homeowners', fire, theft, automobile, life, health, and accident, but excluding title insurance and private mortgage insurance.

(7) Section 545.9-1 was further amended by the Board on December 14, 1973, to require pre-approval for investment in a service corporation if the purpose of the investment was to acquire, from an officer or director of an association owning stock in the corporation, a going business for an amount exceeding the fair market value of its tangible net assets. Due to difficulties in ascertaining value, the practical effect of the 1973 amendment is to require prior Board approval of virtually all transactions whereby a director or officer of a Federal association would receive substantial consideration from a sale to his association's service corporation of any business, including an insurance agency, in which he has a beneficial interest.

(8) On February 6, 1974, the Board adopted the following Statement of Policy, which reflected a distillation and codification of the existing general law respecting corporate opportunity and application of such existing law, with regard to "Corporate Opportunity in Insured Institutions" (§ 571.9 of the Board's insurance regulations), and which was intended as a warning to insured institutions as to the applicability to them of said existing law:

Directors and officers of an insured institution, and other persons having the power to direct the management of the institution, stand in a fiduciary relationship to the institution and its accountholders or shareholders. Out of this relationship arises, among other things, the duty of protecting the interests of the institutions. It is a breach of this duty for such a person to take advantage of a business opportunity for his own or another person's personal profit or benefit when the opportunity is within the corporate powers of the institution or a service corporation of the institution and when the opportunity is of present or potential practical advantage to the institution. If such a person so appropriates such an opportunity, the institution or service corporation may claim the benefit of the transaction or business and such person exposes himself to liability in this regard. In determining whether an opportunity is of present or potential practical advantage to an institution, the • • • [Board] will consider, among other things, the financial, managerial, and technical resources of the institution and its service corporation, and the reasonable ability of the institution directly or through a service corporation to acquire such resources.

(b) *Findings.* The Board hereby finds that (1) since issuance of the Board's November 16, 1967, Statement of Policy, operation of an insurance business has been a permissible activity for a service corporation (or its wholly-owned subsidiary) of a Federal association in those States where operation of such an agency or brokerage business was lawful under State law and where approval to operate the enterprise, if required, could have been obtained from the appropriate

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State licensing and regulatory authorities, (2) prior to May 20, 1971, Federal associations could not engage in the insurance business, by means of a service corporation, or a wholly owned subsidiary thereof, without filing an application with the Board for permission to engage in such business and receiving Board approval of such applications, (3) since May 20, 1971, when the Board amended § 545.9–1 to add certain insurance activities to the list of pre-approved service corporation activities, Federal associations have been on notice that continued referral of insurance business of members of the association to an insurance agency owned by officers or directors of said association, or by other persons having the power to direct the management of the association, in lieu of such association establishing or acquiring its own insurance subsidiary by means of a service corporation, might constitute usurpation of a corporate opportunity belonging to the association, and (4) subject to the exceptions set forth in paragraph (d) of this section, the Board deems May 20, 1971, the fair and appropriate date to be used as the starting point for determining the period during which such corporate opportunity may have been usurped.

(c) *Ruling.* Subject to the exceptions in paragraph (d) of this section, as limited by paragraph (e) of this section and § 545.27 of this subchapter, referral of insurance business of an association's members to an insurance agency owned by one or more officers or directors of the association or by a person or persons having the power to direct the management of the association has constituted and continues to constitute usurpation of the association's corporate opportunity to engage in the insurance business.

(d) *Exceptions.* No corporate opportunity for a Federal association to enter the insurance business shall be deemed to exist or to have existed if:

(1) The referral described in paragraph (c) of this section took place (i) before May 20, 1971, or a reasonable period of time thereafter, not to exceed 18 months, for the association to have investigated the feasibility and desirability of establishing or acquiring its own service corporation insurance business and to have prepared and filed applications with appropriate State agencies and/or the Board for permission to establish or acquire a service corporation insurance business, or (ii) while applications for permission to engage in the insurance business were on file with the appropriate State agencies and/or the Board;

(2) A specific State statute or regulation is in operation, or for such period of time as such a statute or regulation was in operation, which precludes a service corporation of a Federal association, or a wholly-owned subsidiary of the service corporation, from engaging in the insurance business; this exception includes a reasonable period of time (not in excess of 18 months) after the change of any such statute or regulation for the association to have investigated the feasibility and desirability of acquiring or establishing its own service corporation insurance business and to have prepared and filed applications with respect thereto;

(3) The Federal association, after filing any necessary applications and making a bona fide attempt to obtain any necessary approvals (such attempt need not involve instituting legal proceedings against State officials to compel such approvals), is denied or has been denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance business;

(4) The State licensing or regulatory authorities whose prior approval is required to engage in the insurance business follow or did follow an established and well-known policy of refusing to accept or process applications from Federal association service corporations, or wholly-owned subsidiaries thereof, for permission to engage in the insurance business (an association need not demonstrate existence of such a policy by instituting legal proceedings against such authorities to compel such approval); this exception includes a reasonable period of time (not in excess of 18 months) after the change of such policy and commencement of acceptance and processing of such applications for the association to have investigated the feasibility and desirability of acquiring or establishing its own service corporation insurance business and to have prepared and filed applications with respect thereto;

(5) A disinterested and independent majority of the Federal association's board of directors, after receiving a full and fair presentation of the matter, rejects or has rejected the opportunity to engage in the insurance business through aequisition or de novo, as a matter of sound business judgment, taking into consideration such factors as the financial resources of the association to establish or acquire an insurance agency, the risks involved in entering the insurance business, and the projected profitability of the insurance agency: where, because of involvement in the existing affiliated insurance agency by members of the board of directors of the Federal association, no decision by a majority of disinterested and independent directors has been possible, the matter is submitted or was submitted to the vote of the association's members at a special or annual meeting (As of January 20, 1976, no existing proxies may be used at such members' meeting and any new proxy solicitation must be accompanied by proxy solicitation material which makes full, fair, and accurate disclosure of all relevant material and information respecting the corporate opportunity to enter the insurance business); or

(6) Lack of economic justification for the association to engage in the insurance business by either acquiring an existing affiliated insurance agency, or establishing or purchasing another insurance agency, is clearly established.

(e) *Limitation to certain exceptions.* (1) Notwithstanding the provisions of paragraphs (d) (1) (ii), (2), (4), and (5) of this section, the exceptions provided thereunder do not apply to any period of time, following 18 months after May 20, 1971, during which the condition or actions delineated in said paragraphs do not exist or have not occurred or been instituted.

(2) It shall not be a defense to the charge of usurpation of corporate opportunity that the existing affiliated insurance agency which could have been acquired by the association engages in business of a nature which is impermissible as an activity of a service corporation under § 545.9–1 of this chapter. In such a case, a determination must have been made whether: (i) the portion of the business of the existing affiliated insurance agency related to referrals from members of the association could have been acquired by the association; or (ii) it was feasible and desirable for the association, by means of a service corporation, or a wholly-owned subsidiary thereof, to establish or acquire its own insurance agency.

(f) *Relief required.* (1) Usurpation of a corporate opportunity of a Federal association to engage in the insurance business by officers or directors of the association, or by other persons having the power to direct the management of the association, entities such association to the resulting profits of the affiliated insurance agency during the period of such usurpation, where such profits are attributable to (i) referrals by the association of the business of association borrowers to said agency during such period and (ii) renewals of such referrals made during such period, unless it can be shown that such renewals were made for a reason other than maintaining the original placement. The association is not entitled to the profits for referrals (or renewals thereof) made prior to the period of usurpation of corporate opportunity, or for referrals (or renewals thereof) made after such opportunity ceased to exist.

(2) Notwithstanding the rule set forth in paragraph (f) (1) of this section, an association whose corporate opportunity is deemed to have been usurped under this section shall not be entitled to recover insurance agency profits:

(i) Which exceed the profits actually accruing to the association's officers, directors, or controlling persons, (e.g., their pro rata share of such profits based on their partial ownership of the insurance agency) during the period of such usurpation; or

(ii) From a person who was an officer of the association during the period of such usurpation, if it is clearly shown that his receipt of such profits was in lieu of a portion of what otherwise would have constituted his compensation as officer: *Provided*, That profits found to exceed an amount which could reasonably be regarded to have been in lieu of compensation, based on compensation of persons in comparable positions, shall be recoverable by the association.

(g) *Definitions.* (1) The terms "owned" and "ownership" as used in this Ruling with respect to an insurance agency include, in addition to ownership by a person: (i) Ownership by such person's spouse, minor child, or other relative by blood or marriage having the same home as such person; (ii) ownership through a broker or other nominee or agent; or (iii) ownership by a company controlled by such person. However, such terms do not include ownership by one such person of less than 10 percent of the insurance agency, or ownership by more than one such person of less than 25 percent of such agency.

(2) The term "referral" as used in this Ruling means the practice of directing the business of association members to an affiliated insurance agency and does not include the practice of offering association members, without specific recommendation, a list of approved insurance agencies, including the affiliated agency, *Provided* That such list shall not be designed or given in a manner calculated to cause the members to select the affiliated agency over the other agencies included on the list.

(3) The term "profits" as used in this Ruling means any form of remuneration received, or to be received, by officers, directors or controlling persons of the association, except for salaries, fees, or commissions based upon, and reasonably related to, services actually performed respecting the insurance agency.

PART 571—STATEMENT OF POLICY

3. Section 571.9 of Part 571 is amended by redesignating the text thereof as paragraph (a) and adding a new paragraph (b) thereto, to read as follows:

§ 571.9 Corporate opportunity in insured institutions.

* * * * *

(b) The Board believes that usurpation of an insured institution's corporate opportunity to engage in the insurance business, to the extent that such a usurpation is found to exist under State law, is violative of §§ 571.7 and 571.9(a) of this subchapter, is inconsistent with sound and economical home financing, and also constitutes an unsafe and unsound practice. In such a case, the Board believes that the insured institution is entitled to profits attributable to the usurpation of the corporate opportunity as provided under paragraph (f) of § 555.17 of this chapter.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 F.R. 4981; 3 CFR, 1943–48 Comp., p. 1071, 1947 Supp.)

Dated: December 8, 1975.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc. 75–33561 Filed 12–11–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–CE–32–AD, Amdt. 39–2458]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 200 Airplanes

There have been reports of fuel transfer system malfunctions on Beech Model 200 airplanes caused by a concurrent failure in the motive flow auxiliary fuel transfer system in the "On" position and an inoperative float valve in the nacelle tank. This condition, if not corrected, could result in restricted fuel supply to the engine and eventual engine power interruption. Since this condition is likely to exist or develop in other airplanes of the same type, an Airworthiness Directive (AD) is being issued, applicable to Beech Model 200 airplanes, requiring inspection of the fuel vent float valve assembly for proper installation and operation and the correction thereof where necessary.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model 200 (BB–2 through BB–71) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent malfunction of the fuel transfer system, within the next 50 hours' time in service after the effective date of this AD, accomplish the following:

(A) Inspect the P/N 100–920067–1 fuel vent float valve for opening and operation in accordance with the criteria set forth in Beechcraft Service Instruction No. 0772–295 or later FAA-approved revision. (P/N 101–320035–1 baffle, if installed, must be removed to perform this inspection.)

(B) Replace any fuel vent float valve assembly that does not meet the criteria set forth in Beechcraft Service Instruction No. 0772–295 or later FAA-approved revision with new P/N 100–920067–1 fuel vent float valve assembly.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective December 19, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on December 5, 1975.

GEORGE R. LA CAILLE,
Acting Director,
Central Region.

[FR Doc.75–33442 Filed 12–11–75;8:45 am]

[Airworthiness Docket No. 75–SW–64, Amdt. 39–2457]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 204B, 205A–1, and 212 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive imposing a periodic inspection, sealing, and refinishing of main rotor blades to prevent possible cracks due to corrosion on Bell Models 204B, 205A–1, and 212 helicopters was published in 40 FR 46320.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received. An operator stated that stripping and painting would be difficult and unwarranted for certain operators and might result in additional damage to the blade. Bell Helicopter Company revised their service bulletins to require partial stripping and refinishing only if repair or rework is accomplished. The FAA agrees with this change to relax the initial requirements and the adopted rule requires compliance with the revised service bulletins.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 204B, 205A–1, and 212 helicopters certificated in all categories.

(a) Compliance required as follows:

(1) For main rotor blades having 12 or more months' installed time on a helicopter, on the effective date of this AD, conduct inspections within 90 days' time unless already accomplished.

(2) For main rotor blades having less than 12 months' installed time on a helicopter on the effective date of this AD, conduct inspections prior to attaining 15 months' installed time on a helicopter.

(3) Conduct repetitive inspections at intervals not to exceed 12 months' installed time from the last inspection.

(b) To detect possible cracks and corrosion and to prevent further corrosion in the main rotor blade inboard portion, accomplish the following:

(1) Remove the main rotor blades from the helicopter and prepare the blades for inspection as noted in Bell Helicopter Company Service Bulletin No. 205–75–5, revision A, dated October 22, 1975, or later approved revisions, Part III, paragraph A.

(2) Inspect the blades as noted in Service Bulletin No. 205–75–5, revision A, or later approved revisions, Part III, paragraph A. Blades with cracks or adhesive voids exceeding the limits specified in Service Bulletin No. 205–75–5, revision A, Part III, paragraph A, may not be returned to service.

(3) Repair discrepant blades as specified in Service Bulletin No. 205–75–5, revision A, or later approved revisions, Part III, paragraph A. Refinish discrepant blades as specified in Part III, paragraph B.

(4) Install blades on the helicopter in accordance with the applicable model maintenance and overhaul information manual and balance and track the blades.

(c) Equivalent means of compliance with paragraph (b) of this AD may be approved

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by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. Bell Service Bulletins No. 204–75–1, revision A, dated October 22, 1975, No. 212–75–6, revision A, dated October 22, 1975, or later FAA-DER approved revisions to these bulletins are approved as equivalent means of compliance with paragraph (b).

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(e) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment becomes effective January 19, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on December 3, 1975.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.75–33443 Filed 12–11–75;8:45 am]

[Airworthiness Docket No. 75–SW–69; Amdt. 39–2451]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 204B, 205A–1 and 212 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring compliance with Bell Helicopter Company Service Bulletin No. 204–75–2, No. 205–75–6, and No. 212–75–7 for Bell Models 204B, 205A–1, and 212, respectively, was published in 40 FR 48519. Compliance with these bulletins will improve identification of the emergency exit handle and the main sliding door handle.

Interested persons were afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 204B, 205A–1, and 212 helicopters certificated in all categories.

Compliance required within 100 hours' time in service after the effective date of this AD unless already accomplished and, thereafter, at intervals not to exceed 300 hours' time in service from the last inspection.

To deter unauthorized access to the emergency exit operating handle and to improve identification of the emergency exit handle and the main sliding door handle, accomplish the following:

(a) Inspect the helicopter main passenger doors and the four emergency exits for proper and legible placards and for proper exit handle covers, both inside and outside the helicopter, in accordance with the figures in Bell Helicopter Company Service Bulletins noted in paragraph (c).

(b) If proper and legible placards and proper exit handle covers are not installed, install the placards and handle covers as specified in Bell Helicopter Company Service Bulletins noted in paragraph (c).

(c) The following Bell Helicopter Company service bulletins, or later approved revisions thereto, apply to the noted helicopter models.

(1) Bell Helicopter Company Service Bulletin No. 204–75–2 dated September 16, 1975, for Model 204B.

(2) Bell Helicopter Company Service Bulletin No. 205–75–6, Revision A, dated August 22, 1975, for Model 205A–1.

(3) Bell Helicopter Company Service Bulletin No. 212–75–7, Revision A, dated August 22, 1975, for Model 212.

(d) Equivalent means of compliance with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, Southwest Region, Fort Worth, Texas.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment becomes effective January 19, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on November 28, 1975.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

A. H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75–33445 Filed 12–11–75;8:45 am]

[Airworthiness Docket No. 74–WE–45–AD; Amdt. 39–2459]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorder

Amendment 39–2169 (40 FR 16297), AD 75–08–17, requires the installation of four identical vibration isolators under the ARINC ½ ATR rack supporting the Model 209 Digital Flight Data Recorder in accordance with Lockheed Aircraft Service Company Drawing No. 10077J 500, Revision F, dated March 14, 1975, or later FAA-approved revisions, and permits equivalent vibration isolators and/or installations if approved by the Chief, Aircraft Engineering Division, FAA Western Region. This AD applies to the Model 209 Digital Flight Data Recorder installed in all civil aircraft, certificated in all categories.

After issuing Amendment No. 39–2169, Boeing Commercial Airplane Company requested a six-month extension of the compliance time on Boeing 727 and 737 airplanes, due to unusual installation problems. The FAA has considered this request and determined that the requested extension of compliance time is warranted. Therefore, the AD is being amended to extend the compliance time for these airplanes.

Since this situation requires immediate striction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good causes exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2169 (40 FR 16297), AD 75–08–17, is amended as follows:

Compliance required on or before January 1, 1976, unless already accomplished, except for Boeing 727 and 737 airplanes for which compliance is required on or before June 30, 1976, unless already accomplished.

This amendment becomes effective December 19, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on December 5, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75–33441 Filed 12–11–75;8:45 am]

[Docket No. 75–EA–51, Amdt. 39–2441]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Aircraft

On page 41143 of the FEDERAL REGISTER for September 5, 1975, the Federal Aviation Administration published a proposed amendment applicable to Martin 404 type aircraft.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. The body of the amendment has been editorially changed by renumbering and indenting paragraphs.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective December 19, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1421, 1423); secs. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on December 4, 1975.

DUANE W. FREER,
Director,
Eastern Region.

MARTIN. Applies to all Martin 404 Aircraft Certificated in all categories.

Compliance required as indicated.

(a) Affects the wing spar chord splice joints at wing station 187.

(1) Within the next three months after the effective date of this AD, unless accomplished within five years preceding the effective date, remove the left and right outer wings and visually inspect the wing spar splice joints at wing station 187 for corrosion.

(2) Repeat the inspection specified in paragraph (1) at intervals not to exceed 10,000 hours' time in service or five years, whichever comes first, for left wings, and 12,000 hours' time in service or six years, whichever comes first, for right wings.

(b) For airplanes that have an FAA approved alteration installed at the wing spar chord splice joints at WS 187 for corrosion control, in lieu of the foregoing accomplish the following:

(1) Externally inspect the left and right wing panels at wing station 187 within the next 10,000 hours' time in service or five years, whichever comes first, by:

(i) Stripping all sealant from the joint and performing a complete dye-check of the alteration and spars.

(ii) Removing two bolts from each splice and inspecting the bolts visually and the holes by borescope for corrosion. If corrosion is evident, remove both wing panels and inspect the wing structure.

(2) After another 10,000 hours' time in service or five years, whichever comes first, remove both wings at wing station 187 and accomplish complete corrosion inspection of the wing structure.

(c) Repair corroded parts in accordance with an FAA approved repair or replace with an unused part of the same part number or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval specified in this AD.

[FR Doc.75–33444 Filed 12–11–75;8:45 am]

[Docket No. 15239, Amdt. 39–2460]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) MS892.A–150, MS893–A, and MS894–A Airplanes

There have been bent elevator bellcrank levers found on certain Morane Saulnier airplanes that could result in a lack of pitch up control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections and replacement as necessary of the elevator bellcranks on Morane Saulnier (Socata) MS892.A–150, MS893–A, and MS894–A airplanes.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORANE SAULNIER (SOCATA). Applies to MS892.A–150, MS893–A, and MS894–A airplanes, serial numbers 1873 and below, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To detect a distorted or bent elevator bellcrank and prevent loss of pitch-up control, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the elevators bellcrank (pitch control crank lever) in accordance with Socata Service Bulletin No. 89 Gr 27.07, dated June 1971, or an FAA-approved equivalent.

(b) If a bent or distorted elevator bellcrank is found as a result of an inspection required by paragraph (a) of this AD, before further flight, replace the elevator bellcrank, No. 880–27.0.261.0. with a reinforced elevator bellcrank, No. 880–27.0.371.0, in accordance with the "Description" paragraph of Socata Service Bulletin No. 92 Gr:27–08, dated October 1971, or an FAA-approved equivalent.

(c) The inspections required by paragraph (a) of this AD may be discontinued after installation of a reinforced bellcrank, No. 880–27.0.371.0, in accordance with the Socata Service Bulletin No. 92 Gr:27–08, dated October 1971, or an FAA-approved equivalent.

This amendment becomes effective December 29, 1975.

Issued in Washington, D.C., on December 5, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75–33448 Filed 12–11–75;8:45 am]

[Airspace Docket No. 75–CE–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 44576 of the FEDERAL REGISTER dated September 29, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Columbus, Nebraska.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., January 29, 1976.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on November 19, 1975.

C. R. MELUGIN, Jr.,
Director,
Central Region.

In § 71.171 (40 FR 353), the following control zone is amended to read:

COLUMBUS, NEBRASKA

Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.); and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending to 10.5 miles northwest of the VOR, and within 3.5 miles each side of the Columbus VOR 152° radial, extending to 10.5 miles southeast of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the following transition area is amended to read:

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COLUMBUS, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus, Nebraska Airport, and within 3.5 miles each side of the Columbus VOR 152° radial, extending from the 6-mile radius to 11.5 miles southeast of the VOR, and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending from the 6-mile radius to 11½ miles northwest of the VOR.

[FR Doc.75-33446 Filed 12-11-75;8:45 am]

[Airspace Docket No. 75-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 44576 and 44577 of the FEDERAL REGISTER dated September 29, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Maquoketa, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 29, 1976.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on November 19, 1975.

C. R. MELUGIN, JR.,
Director,
Central Region.

In § 71.181 (40 FR 441), the following transition area is added:

MAQUOKETA, IOWA

That airspace extending upward from 700' above the surface within a 7-mile radius of the Maquoketa Airport (latitude 42°03'00" N., 90°46'00" W.); and that airspace three miles each side of the 343° bearing from the Maquoketa NDB (latitude 42°03'05" N., longitude 90°44'27" W.); extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

[FR Doc.75-33447 Filed 12-11-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11654]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Brokers and Dealers Effecting Transactions in Municipal Securities

Adoption of a financial responsibility program pertaining to transactions in municipal securities, including the adoption of certain amendments, temporary amendments and interpretations to the uniform net capital rule (Rule 15c3-1) [17 CFR 240.15c3-1], the customer protection rule (Rule 15c3-3) [17 CFR 240.15c3-3] and other related financial responsibility and reporting rules.

The Securities and Exchange Commission today announced the adoption of certain amendments, temporary amendments and interpretations of Rule 15c3-1 [17 CFR 240.15c3-1] and Rule 15c3-3 [17 CFR 240.15c3-3], as well as of related financial responsibility and reporting rules under the Securities Exchange Act of 1934. The amendments are intended to modify temporarily and, some instances, permanently the impact of such rules on brokers and dealers effecting transactions in municipal securities.

The Commission believes that the temporary amendments are necessary and appropriate in the public interest and for the protection of investors in light of comments received from the public, and will afford the Commission the opportunity to consider and develop appropriate financial responsibility and reporting standards while providing protection to investors.

Introduction. Prior to the Securities Acts Amendments of 1975,[1] (the "1975 Amendments") municipal securities were included within the definition of "exempted securities" as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (the "Act"). The 1975 Amendments embodied a congressional conclusion that the protection of investors requires the regulation of brokers and dealers who effect transactions in municipal securities. "The [Senate Banking, Housing and Urban Affairs] Committee has concluded the time has come to revise the Exchange Act to subject municipal securities professionals to essentially the same regulatory scheme that applies to other securities activities."[2]

Implementing this conclusion, the 1975 Amendments, *inter alia*, excised municipal securities from the class of exempted securities for purposes of section 15(c)(3) of the Act, effective December 1, 1975. Moreover, the 1975 Amendments amended section 15(c)(3) to require the Commission to establish minimum financial responsibility requirements for all brokers and dealers no later than September 1, 1975. While thus subjecting brokers and dealers who effect transactions in municipal securities to Commission financial responsibility regulation, Congress, nonetheless, remained cognizant that the often unique structure of the municipal securities industry might somehow indicate financial responsibility rules different from those applicable to other members of the securities industry. In particular, Congress cautioned that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public."[3]

The 1975 Amendments became law on June 4, 1975. At that time the Commission was completing development of a uniform net capital rule subsequently adopted pursuant to section 15(c)(3) on June 26, 1975, effective September 1, 1975.[4] Thus it is contemplated that Rule 15c3-1 [17 CFR 240.15c3-1] as amended (the "Rule"), would be in place by the time municipal securities brokers and dealers become subject to section 15(c)(3) on December 1, 1975. Accordingly, the Commission, directed to establish minimum financial responsibility standards for brokers and dealers effecting transactions in municipal securities consistent with the protection of investors, and cognizant of the unique features of this industry, included a request for comments in the release adopting the Rule.[5] The Commission reiterated this request in Securities Exchange Act Release No. 11561 (July 30, 1975), [40 FR 33747 (Aug. 11, 1975)] soliciting public comment concerning any special problems which Rule 15c3-1 would pose to the municipal securities industry. When certain members of the public requested additional time in which to present their views and supporting data on these matters, the Commission extended the public comment period until October 15, 1975.[6]

In response to these releases, the Commission received a number of thoughtful comment letters. Salient among the numerous issues they raised were minimum net capital requirements under Rule 15c3-1 (a) and (f) [17 CFR 240.-15c3-1(a), (f)], the appropriate haircuts for municipal notes, the treatment of undue concentrations in municipal securities, and the fact that municipal securities trading markets are structurally different from the markets on which the Rule's nonmarketability provisions were premised. More generally, the Commission became aware of the need to prescribe emergency temporary relief from a number of the Rule's provisions. This is necessary both to enable

[1] Act of June 4, 1975, Publ. L. No. 94-29, 89 Stat. 97.

[2] S. Rep. No. 75, 94th Cong., 1st Sess. 43 (1974).

[3] S. Rep. No. 75, 94th Cong., 1st Sess. 43 (1974).

[4] Securities Exchange Act Release No. 11497 (June 26, 1975); 40 FR 29795 (July 16, 1975). However, Rule 15c3-1(g)(1), 17 CFR 240.15c3-1(g)(1) provides that computations of aggregate indebtedness and net capital for purposes of Rule 15c3-1(a), 17 CFR 240.15c3-1(a) may until January 1, 1976, be made pursuant to the capital rule to which a broker or dealer was subject prior to September 1, 1975. This effectively postponed the effective date of all provisions except Rule 15c3-1(a), 17 CFR 240.15c3-1(a) (minimum net capital requirements) and Appendix D, 17 CFR 240.15c3-1d (satisfactory subordination agreements) until January 1, 1976.

[5] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[6] Securities Exchange Act Release No. 11656 (Sept. 16, 1975), 40 FR 43743 (Sept. 23, 1975).

brokers and dealers effecting transactions in municipal securities and those firms newly subject to Commission regulation to make a smooth transition to the requirements of Rule 15c3-1 [17 CFR 240.15c3-1] and to allow the Commission to consider and develop appropriate permanent capital standards for brokers and dealers effecting transactions in municipal securities.

The Commission is aware that some brokers and dealers effecting municipal securities transactions may experience initial difficulty in understanding net capital requirements as set forth in Rule 15c3-1 [17 CFR 240.15c3-1]. The Commission points out that the Rule affords to these brokers and dealers the same opportunities afforded to all registered brokers and dealers. Specifically, while the minimum net capital requirements set forth in Rule 15c3-1(a) [17 CFR 240.15c3-1(a)] generally provide for net capital of not less than $25,000, only $5,000 net capital is required of brokers and dealers who (1) carry no customer accounts, (2) do not hold customers' funds or securities and do not owe funds or securities to customers, and (3) restrict their business to certain specific activities.[7] These activities include acting as an introducing broker on a fully disclosed basis, participating as a broker or dealer in underwritings on a "best efforts" or "all or none" basis, and (promptly) forwarding subscriptions to the issuer, underwriter or other distributor of the securities where payment is made through the broker or dealer in the form of checks, notes or other evidences of indebtedness made payable solely to the distributor of the securities. Permitted activities also include occasional transactions for the broker's or dealer's investment account, as well as engaging, while acting as an introducing broker on a fully disclosed basis, in riskless principal transactions, and effecting (but not clearing) broker transactions on a national securities exchange for the account of another member of the exchange. The Commission believes that many newly registered and newly regulated brokers and dealers may wish to consider operating as a "$5,000 broker or dealer" in accordance with the provisions of Rule 15c3-1(a)(2) [17 CFR 240.15c3-1(a)(2)].

Rules adopted pursuant to sections 15(c)(2), 15(c)(3) and 17(a) of the Act establish a comprehensive financial responsibility and reporting program for brokers and dealers. Municipal securities bank dealers similarly operate under regulatory programs maintained by the bank regulatory authorities. Brokers and dealers effecting transactions solely in municipal securities have not been subject to either a Commission program or a bank regulatory program in this area, even though they may hold substantial quantities of customer funds and securities. Upon registration with the Commission, they may join other brokers and dealers within the ambit of the Securities Investors Protection Act of 1970.[8] These considerations, among others, underlie the 1975 amendments to sections 15(c)(2), 15(c)(3) and 17(a) of the Act, which sections now apply to all brokers and dealers, including those effecting transactions solely in municipal securities.

In addition, section 15B(b)(2) of the Act grants rulemaking authority to the Municipal Securities Rulemaking Board. The Commission will work with the Board in the development of a sound regulatory program for all brokers and dealers effecting transactions in municipal securities. Until a coordinated program can be formulated and implemented, the Commission believes that the public interest and the protection of investors require that these brokers and dealers become subject to certain of its existing rules, and that certain amendments and interpretations to these rules be adopted. Accordingly, the Commission publishes amendments and interpretations designed to establish a brief period of transition and adjustment during which these brokers and dealers can prepare to come into compliance with these rules.

The Commission hereby solicits comments from all interested persons and self-regulatory organizations and, in particular, the Municipal Securities Rulemaking Board, concerning the shaping of a comprehensive, permanent financial responsibility and reporting program for brokers and dealers effecting transactions in municipal securities. The Commission also notes that the offices of the Commission and the self-regulatory organizations stand ready to assist all brokers and dealers in developing programs designed to allow them to come into compliance with the financial responsibility and reporting rules.

Assistance for New Registrants. Brokers and dealers facing financial responsibility regulation for the first time should note that the National Association of Securities Dealers ("NASD") maintains fourteen offices throughout the country, that there are the offices of the exchanges, and that the Commission maintains a network of Regional and Branch offices, which, if contacted, may be able to assist these brokers and dealers in marshalling their capital and restructuring their operations in order to comply with Rule 15c3-1 [17 CFR 240.15c3-1] and related rules. In any event, the offices of the NASD and the exchanges, as well as the Commission's offices whose locations and phone numbers are set out in the footnote,[9] stand ready to assist brokers or dealers unfamiliar with financial responsibility regulation.

Miami Branch Office, Dupont Plaza Center, 300 Biscayne Boulevard Way, Suite 701, Miami, Florida 33131, 305/350-5765.
Cleveland Branch Office, Federal Office Building, 1240 East Ninth Street, Room 899, Cleveland, Ohio 44199, 216/522-4060.
St. Louis Branch Office, 210 North 12th Street, Room 1452, St. Louis, Missouri 63101, 314/425-5555.
Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 7615, Houston, Texas 77002, 713/226-4966.
Salt Lake Branch Office, Federal Reserve Bank Bldg., 120 South State Street, Salt Lake City, Utah 84111, 801/524-5796.
San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102, 415/556-5264.
Washington Regional Office, Ballston Centre Tower 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703/557-8201.

Local District Offices of the NASD, as well as the offices of the other self-regulators, are also available for consultation with their member organizations.

Brokers and dealers engaging in municipal securities transactions who are in doubt as to their ability to comply with Rule 15c3-1 [17 CFR § 240.15c3-1] are urged especially to consult with these offices. The staff may be able to assist such firms in the formulation and implementation of plans designed to insure compliance with the Rule.

AMENDMENTS AND TEMPORARY AMENDMENTS TO RULE 15c3-1 TEMPORARY AMENDMENT TO AND INTERPRETATION OF RULE 15c3-1(g)—TIMING OF IMPLEMENTATION OF THE RULE

Brokers and Dealers Effecting Transactions in Municipal Securities. Rule 15c3-1(g)(1) [17 CFR 240.15c3-1(g)(1)] provides that the minimum net capital requirements of paragraph (a) [17 CFR 240.15c3-1(a)] (as well as the provisions governing satisfactory subordination

[7] Municipal securities brokers and dealers registered under section 15B(a) of the Act, unlike those registered under section 15(b) of the Act, are not required to become members of SIPC. *See* section 3(a)(2) of the Securities Investor Protection Act of 1970, 15 U.S.C. section 78ccc(a)(2) (1970). Thus, registered municipal securities dealers which are banks (or separately identifiable departments or divisions of banks), as well as exclusively intrastate municipal securities brokers and dealers using the jurisdictional means, both of which register under section 15B(a), need not join SIPC.

[8] Rule 15c3-1(a)(2)(i)-(vi), 17 CFR 240.-15c3-1(a)(2)(i)-(vi).

[9] See the following list:
New York Regional Office, 26 Federal Plaza, New York, New York 10007, 212/264-1614.
Atlanta Regional Office, 1371 Peachtree Street, N.E., Suite 138, Atlanta, Georgia 30309, 404/892-0737.
Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chicago, Illinois 60604, 312/353-7390.
Detroit Branch Office, 1044 Federal Building, Detroit, Michigan 48226, 313/226-6070.
Fort Worth Regional Office, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102, 817/334-3393.
Denver Regional Office, Two Park Central Room 640, 1515 Arapahoe Street, Denver, Colorado 80202, 303/837-2071.
Los Angeles Regional Office, 10460 Wilshire Blvd., Suite 1710, Los Angeles, California 90024, 213/473-4511.
Seattle Regional Office, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174, 206/442-7990.
Philadelphia Branch Office, Federal Building, 600 Arch Street—Room 2204, Philadelphia, Pennsylvania 19106, 215/597-2278.
Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114, 617/223-2721.

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agreements in Appendix D [17 CFR 240.-15c3–1d]) become effective on September 1, 1975. This subparagraph also provides that until January 1, 1976, brokers and dealers may continue to compute aggregate indebtedness and net capital in accordance with the respective capital rules to which the broker or dealer was subject prior to September 1, 1975. The net effect of these provisions is to allow brokers and dealers to make their capital computations in accordance with the rule under which they had been operating, for purposes of determining compliance with the Rule. These provisions were intended to provide a period during which brokers and dealers subject to former Rule 15c3–1 or the capital rule of an exchange could familiarize themselves with the computational modifications required by the uniform net capital rule. However, section 3(a)(12) of the Act provides that as of December 1, 1975 municipal securities lose their former status as "exempted securities." While the computational provisions of the uniform net capital rule do not become effective until January 1, 1976, firms still computing aggregate indebtedness and net capital under one of the former net capital rules would face unworkable conditions for the month of December 1975, to the extent that they engaged in municipal securities transactions. Such brokers and dealers thereby would be deprived of much of their familiarization period, contrary to the Commission policy as embodied in Rule 15c3–1(g)(1) [17 CFR 240.15c3–1(g)(1)].

The Commission is of the view that all brokers and dealers subject to former Rule 15c3–1 should be afforded an equal opportunity to prepare to implement the uniform net capital rule, regardless of the nature of their business. Accordingly, the Commission amends Rule 15c3–1(g)(1) [17 CFR § 240.15c3–1(g)(1)] to provide that municipal securities shall be deemed to be exempted securities for purposes of computing aggregate indebtedness and net capital computations pursuant to former Rule 15c3–1.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Commission amends § 240.15c3–1(g)(1) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

• • • • •

(g)(1) On September 1, 1975 the provisions of paragraph (a) of this section and Appendix D (17 CFR 240.15c3–1) shall be applicable to all brokers or dealers subject to the provisions of this section; provided, however, that until no later than January 1, 1976 the computation of aggregate indebtedness and net capital may continue to be computed pursuant to the respective capital rules to which the broker or dealer was subject prior to September 1, 1975. Provided further, that for purposes of such computaitons, municipal securities shall be deemed to be exempted securities.

The Commission expects that the seven national securities exchanges which now maintain net capital rules will, in accordance with the policy underlying this amendment to Rule 15c3–1(g)(1) [17 CFR 240.15c3–1(g)(1)], take a similar position concerning their own capital rules.

Brokers and Dealers Effecting Transactions Solely in Municipal Securities. The interface between Rule 15c3–1(g)(1) [17 CFR 240.15c3–1(g)(1)] and section 3(a)(12) of the Act detailed above poses different problems in the case of brokers and dealers effecting transactions solely in municipal securities, who must register with the Commission on or before December 1, 1975, pursuant to sections 15(a)(1) and 15B(a) of the Act. While the Commission, by temporary rules, has exempted these brokers and dealers from registration requirements until June 1, 1976, these temporary rules condition such exemption upon compliance with all other applicable provisions of the Act and rules thereunder,[10] including Rule 15c3–1 [17 CFR 240.15c3–1]. Unless the Commission modifies Rule 15c3–1(g) [17 CFR 240.15c3–1(g)], these brokers and dealers would have to calculate aggregate indebtedness and net capital during December pursuant to former Rule 15c3–1 [17 CFR 240.-15c3–1]. Accordingly, during December these brokers and dealers would be required to take as much as a 30% haircut on all municipal securities held long or short in their proprietary or other accounts, pursuant to former Rule 15c3–1(c)(2)(iii)(d), as opposed to a maximum of 5% under the uniform rule, which would come into effect on January 1, 1976. Such a result would be unintended. Moreover, those newly registered brokers and dealers wishing to compute net capital under the alternative method provided by paragraph (f) of the uniform rule would be unable to do so until January 1, 1976; during December their only option would be former Rule 15c3–1.

The Commission is of the view that the protection of investors requires that newly registered brokers and dealers effecting transactions solely in municipal securities be afforded a period of transition and adjustment to the new experience of net capital regulation. To this end, the Commission has found it necessary and appropriate to amend paragraph (g) of the uniform net capital rule to provide, in a new subparagraph (g)(3), that for the month of December, 1975, brokers and dealers effecting transactions solely in municipal securities, on written notice to the Commission and their Examining Authority, may elect to operate under all provisions of the uniform net capital rule, as amended by this release. In particular, the Commission notes that new Rule 15c3–1(g)(3) [17 CFR 240.15c3–1(g)(3)] would allow brokers and dealers effecting transactions solely in municipal securities to operate under the alternative net capital requirement of Rule 15c3–1(f) [17 CFR § 240.15c3–1(f)] beginning in December, 1975.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission adds a new paragraph (g)(3) to § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

• • • • •

(g) • • •

(3) In lieu of the provisions of paragraph (g)(1) of this section, a broker or dealer effecting transactions solely in municipal securities who is either registered with the Commission or temporarily exempt from such registration pursuant to § 240.15a–1(T) or § 240.15Ba2–3(T) may elect, on written notice to the Commission and such broker's or dealer's Examining Authority, if any, to operate after November 30, 1975, under this § 240.14c3–1, as amended.

TEMPORARY AMENDMENT TO RULE 15c3–1(c)(1)(i)—EXCLUSION OF OVERNIGHT BANK LOANS FROM AGGREGATE INDEBTEDNESS

In many cases, a purchasing dealer of municipal securities will fail to take delivery of the securities on settlement date because of delays in issuing instructions to the clearing bank or broker. Delivery, when made, often occurs too late in the day to allow the purchasing dealer to accomplish same day redelivery to a purchaser to whom he has resold the securities. In such circumstances, in order to pay for the securities delivered to him, the dealer must borrow against the securities failed to deliver on an overnight basis.

A fail to receive offset by a fail to deliver is excluded from aggregate indebtedness (AI) pursuant to Rule 15c3–1(c)(1)(iii) [17 CFR 240.15c3–1(c)(1)(iii)]. However, once the securities are received (and not redelivered on the same day) and the dealer borrows against them, his position is long in fail to deliver and short in bank loan. Since these securities are not carried long in the proprietary or other accounts of the broker or dealer, the indebtedness they secure must be included in AI pursuant to Rule 15c3–1(c)(1)(i) [17 CFR 240.-15c3–1(c)(1)(i)].

The list of exclusions from AI presently contained in Rule 15c3–1(c)(1) [17 CFR 240.15c3–1(c)(1)] is the result of years of study and careful consideration. Former Rule 15c3–1(c)(1) had contained fewer exclusions, and during the development of the uniform Rule much attention was devoted to the subject of further exclusions from AI. Numerous public comments urged that the list of exclusions include overnight bank loans, as well as many other items, and were carefully weighed.

Under the existing rules of the major national securities exchanges[11] there is a charge to capital for indebtedness collateralized by exempted securities, which would include overnight loans collateralized by municipal securities. The incorporation into the Rule of a similar charge to capital, generally, and as regards municipal securities, was weighed and found to be reasonable with respect to existing brokers and dealers and did not reflect a significant increase in capital requirements. Impact studies directed to the overall effect of the Rule specifically considered the subject of overnight bank loans. These studies reflected the contemplated effect of all proposed amendments to the net capital rule upon existing registered brokers and dealers, but did not reflect the contemplated effect on brokers or dealers effecting transactions solely in municipal securities. On the basis of impact studies and comments, several new and significant items were excluded from AI, including deferred tax liabilities, credit balances in the accounts of general partners, subordinated liabilities not the subject of a satisfactory subordination agreement, liabilities representing the amounts on deposit in Special Reserve Bank Accounts, credit balances representing amounts payable for money market instruments outstanding as long as three days, and fails to receive offset by matching fails to deliver. However, the Commission determined that exclusion of overnight bank loans would eliminate one of the important indicia of a broker's or dealer's liquidity. The uniform rule as adopted appears to represent a more rational test and, in some ways, notably the alternative method of computation, represents a substantial reduction in capital requirements.

A different situation is presented by those firms dealing solely in municipals, which will be required to register for the first time pursuant to the 1975 Amendments. The Commission has received public comment to the effect that overnight bank loans are so prevalent a practice in the municipal securities industry that inclusion of this item in AI would be disruptive to newly registered brokers and dealers effecting transactions solely in municipal securities. These firms largely did not participate in the comment process which preceded adoption of the uniform rule, nor did they have the benefit of time which would have permitted an orderly transition to the new rule. The Commission is of the view that the public's compelling interest in the stability of the securities markets requires that brokers and dealers effecting transactions solely in municipal securities be given a period of transition and adjustment to net capital regulation.

Therefore, in order to allow an orderly transition for these firms, the Commission is adopting a temporary amendment to the Rule. While the Commission thus finds it necessary and appropriate to permit temporarily this exclusion from AI, the effect of allowing only some members of the securities industry to take overnight bank loans without capital consequences mandates that this temporary relief be of a short duration. Accordingly, in order to permit these firms to make an orderly transition to net capital standards, the Commission amends Rule 15c3–1(c)(1)(i) [17 CFR 240.15c3–1(c)(1)(i)] to allow brokers and dealers effecting transactions solely in municipal securities to exclude overnight bank loans outstanding not more than one business day from AI for a period of four months beginning December 1, 1975 and ending on April 1, 1976.

If the clearance and settlement procedures in the municipals industry are improved, inclusion of the indebtedness in AI incurred pursuant to this longstanding practice of the municipals industry would be sharply reduced for all registrants.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3–1(c)(1)(i) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

• • • • •

(c) • • •

(1) • • •

(i) Indebtedness adequately collateralized by securities which are carried long by the broker or dealer and which have not been sold or by securities which collateralize a secured demand note pursuant to Appendix (D) to this § 240.-15c3–1d; indebtedness adequately collateralized by spot commodities which are carried long by the broker or dealer and which have not been sold; or, until April 1, 1976, indebtedness adequately collateralized by municipal securities outstanding for not more than one business day and offset by municipal securities failed to deliver of the same issue and quantity, where such indebtedness is incurred by a broker or dealer effecting transactions solely in municipal securities who is either registered with the Commission or temporarily exempt from such registration pursuant to § 240.15a–1(T) or § 240.15Ba2–3(T);

• • • • •

TEMPORARY AMENDMENTS TO RULE 15c3–1(c)(2)(iv)(C)—RECEIVABLES ARISING FROM UNDERWRITING SYNDICATES AND JOINT ACCOUNTS

Most municipal securities underwriting syndicates and joint accounts operate on a much more protracted timetable than their corporate securities counterparts. Public comments indicate that in a municipal note underwriting, the closing occurs typically ten days to six weeks following commencement of the offering; the closing in municipal bond underwritings may take place two weeks to two months after the offering commences. Underwriting profits generally may be distributed anywhere between six and eighteen weeks after the closing, and good faith deposits are retained by the syndicate or account manager until profits are distributed.

Rule 15c3–1 [17 CFR 240.15c3–1] presently does not account for these established practices of the municipal securities industry. Good faith deposits outstanding more than eleven business days are deducted from net worth pursuant to Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)]. Receivables from municipal underwriting syndicates and joint underwriting accounts are, when all securities are sold, deductible from net worth as "other unsecured receivables" under Rule 15c3–1(c)(2)(iv)(E) [17 CFR 240.15c3–1(c)(2)(iv)(E)]. The Commission is of the view that the duration and conduct of public offerings of municipal securities may be an appropriate matter for consideration by the Municipal Securities Rulemaking Board. Until the Board is able to act, the Commission will adopt on a temporary basis certain suggestions received from the public. Thus, Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(vi)(C)] is amended to allow inclusion in net capital of receivables arising from municipal securities underwriting syndicates and joint underwriting accounts outstanding ninety days or less from settlement of the underwriting with the issuer until June 1, 1976. Furthermore, Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)] is amended to allow inclusion in net capital of good faith deposits arising in connection with a municipals underwriting and outstanding ninety days or less from settlement of the underwriting with the issuer, until June 1, 1976.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3–1(c)(2)(iv)(C) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

• • • • •

(c) • • •

(2) • • •

(iv) • • •

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in paragraph (c)(2)(iv)(E) of this section), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the day they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until June 1, 1976, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

• • • • •

AMENDMENTS TO RULE 15c3–1(c)(2)(B)—HAIRCUTS ON MUNICIPAL NOTES

Rule 15c3–1(c)(2)(vi)(B) [17 CFR 240.15c3–1(c)(2)(vi)(B)] provides that

[10] 17 C.F.R. 240.15a–1(T)(b) (1975); 17 C.F.R. 240.15Ba2–3(T)(b) (1975). These temporary rules, which expire on June 1, 1976, were adopted in Securities Exchange Act Release No. 11742 (Oct. 15, 1975), 40 FR 49772 (Oct. 24, 1975).

[11] See Joint Regulatory Report, (New York Stock Exchange; American Stock Exchange; National Association of Securities Dealers) (3½% charge to capital).

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certain specified percentage deductions from market value ("haircuts") shall be taken on all municipal securities in the proprietary or other accounts of a broker or dealer. Numerous comments received from the public stressed that the haircuts on municipal notes (defined as municipal securities with maturities from date of issue of one year or slightly longer, which are issued at par value and pay interest at maturity or are issued at a discount) are unduly high. The public pointed out that the market behavior of municipal notes is closely similar to that of money market instruments such as commercial paper, certificates of deposit, and bankers' acceptances, all of which receive much lower haircuts pursuant to Rule 15c3-1(c)(2)(vi)(E) [17 CFR 240.15c3-1(c)(2)(vi)(E)]. Inasmuch as securities haircuts are intended as protection against downside market risk, the Commission is of the view that some adjustments to the haircuts on muinicipal notes are necessary and appropriate. The haircuts on municipal notes, as amended, are set out below.

Comments from the public also maintained that the haircuts on municipal bonds are unnecessarily high. However, unlike the case of municipal notes, the Commission received no data challenging the validity of statistical compilations upon which the municipal bond haircuts were originally based.[12] Therefore, the Commission is presently not in a position to reduce the haircuts on municipal bonds. The Commission remains receptive to public comment and study on this question, however, and would welcome further public input pursuant to its request for comments set forth later in this release.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3-1(c)(2)(vi)(B) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

* * * * *

(c) * * *
(2) * * *
(vi) * * *

(B)(*1*) In the case of any municipal security which has a scheduled maturity at date of issue of 455 days or less and which is issued at par value and pays interest at maturity, or which is issued at a discount, and which is not traded flat or in default as to principal or interest, the applicable percentages of the market value on the greater of the long or short position in each of the categories specified below are:

(*i*) Less than 30 days to maturity—0%;

(*ii*) 30 days but less than 91 days to maturity—⅛ of 1%;

(*iii*) 91 days but less than 181 days to maturity—¼ of 1%;

(*iv*) 181 days but less than 271 days to maturity—⅜ of 1%;

(*v*) 271 days but less than 366 days to maturity—½ of 1%;

(*vi*) 366 days but less than 456 days to maturity—¾ of 1%.

(2) In the case of any municipal security, other than those specified in subdivision (B)(*1*), which is not traded flat or in default as to principal or interest, the applicable percentages of the market value on the greater of the long or short position in each of the categories specified below are:

(*i*) less than 1 year to maturity—1%;

(*ii*) 1 year but less than 2 years to maturity—2%;

(*iii*) 2 years but less than 5 years to maturity—3%;

(*iv*) 5 years or more to maturity 5%.

TEMPORARY AMENDMENTS TO RULE 15c3-1(c)(2)(vi)(M), (f)(3)(iii) — UNDUE CONCENTRATIONS

Rule 15c3-1(c)(2)(vi)(M) [17 CFR 240.15c3-1(c)(2)(vi)(M)] essentially provides that, for purposes of computing net capital, an additional deduction from net worth equal to one-half the appropriate haircut shall be taken against all positions of a broker or dealer in the securities of an issuer of a single class or series with a value exceeding 10% of tentative net capital. The provision does not apply to exempted securities, positions held eleven business days or less, positions in equity securities not exceeding the greater of 500 shares or $10,000 in market value, or debt securities positions not exceeding $25,000 in market value. A similar provision, Rule 15c3-1(f)(3)(iii) [17 CFR 240.15c3-1(f)(3)(iii)], applies to computations under the alternative net capital requirement.

Numerous public comments contended that these provisions, if applicable to positions in municipal securities, would have an inappropriately severe impact upon firms dealing largely or solely in municipal securities. These commentators contended that the market risks attending municipal securities are a function of interest rate fluctuations and thus impact more or less equally on all municipals of similar maturity and quality, regardless of their issuers. It is argued that these facts would render inappropriate provisions designed as downside protection against radical changes in the fortunes of single corporate issuers.

A second line of argument pursued in the comments was that present practices in the municipal industry require that municipal firms from time to time take positions, usually in respect of underwritings, which exceed the quantity and time parameters of the undue concentration provisions. These provisions, it was contended, penalize regular and historically safe practices of the municipal industry.

The Commission is not convinced that the municipal securities industry should be exempt from all adjustments in respect of undue concentrations. This industry, like any other, possesses established practices and norms. At some point the degree of concentration in a municipal dealer's accounts exceeds that norm which, *arguendo*, might itself exceed what is appropriate for the protection of investors and the stability of the securities markets. The Commission intends to establish undue concentration requirements for the municipal securities industry consistent with these public policies. However, the Commission is of the view that the present undue concentration provisions of the Rule may be inappropriate for the municipal securities industry as it currently conducts itself. The Commission is willing to provide a transitional period wherein the Commission, with the public's assistance, can explore this matter with a view towards determining in what respects the municipal securities marketplace is endemically incapable of conforming its positioning practices to those current elsewhere in the securities industry. Towards this end, the Commission later in this release invites public comment and impact studies concerning this question. Meanwhile, the Commission amends Rule 15c3-1(c)(2)(vi)(M) [17 CFR 240.15c3-1(c)(2)(vi)(*M*)] and Rule 15c3-1(f)(3)(iii) [17 CFR 240.15c3-1(f)(3)(iii)] to provide an exemption of six months' duration for positions in municipal securities.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3-1(c)(2)(vi)(M) and § 240.15c3-1(f)(3)(iii) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding at the end thereof:

* * * * *

Provided further, That until June 1, 1976, this paragraph shall not apply to municipal securities.

TEMPORARY AMENDMENT TO RULE 15c3-1(c)(2)(ix)—AGED FAILS TO DELIVER

Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] requires that appropriate haircuts be applied to securities failed to deliver outstanding fifteen business days or longer (eleven business days or longer after January 1, 1977). Comments received from municipal securities professionals indicate that the industry does not yet possess settlement or depository facilities which would expedite the clearance and settlement of municipal transactions to the levels contemplated in this provision of the Rule. The industry apparently has no structured system of transfer agents comparable to that existing for corporate securities. Delays occur in exchanging registered bonds for bearer bonds and in transferring registered bonds. Furthermore, municipals markets are not sufficiently liquid to allow an immediate buy-in at a reasonable price or borrowing of securities to cover fails to deliver. Brokers and dealers often have no alternative but to await delivery of fails.

The Commission recognizes that while the development of reliable and efficient

[12] *E.g.*, Letter from the National Association of Securities Dealers, Inc. to the Commission, March 5, 1973, at 7 & Attachment C; Letter from the Securities Industry Association to the Commission, March 6, 1973, at 9 & Exhibit B.

clearance and settlement systems is essential,"[13] it is inappropriate to establish, during their period of transition to financial regulation, a standard for municipals brokers and dealers which may be unrealistic. Accordingly, the Commission amends Rule 15c3-1(c)(2)(ix) [17 CFR 240.15c3-1(c)(2)(ix)] to provide that, for the period expiring June 1, 1976, municipal securities failed to deliver shall not be subjected to haircuts until the fail is outstanding twenty-five business days or longer.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3-1(c)(2)(ix) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

* * * * *

(c) * * *
(2) * * *

(ix) Deducting from the contract value of each failed to deliver contract which is outstanding 11 business days or longer the percentages of the market value of the underlying security which would be required by application of the deduction required by paragraph (c)(2)(vi) or where appropriate, paragraph (f) of this section *Provided*, that such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security or reduced by any excess of the market value of the fail but not to exceed the amount of such deduction. Provided, however, that until January 1, 1977 the deduction provided for herein shall be applied only to those fail to deliver contracts which are outstanding 15 business days or longer. Provided further, that until June 1, 1976 the deduction set forth herein shall be applied only to those fail to deliver contracts in municipal securities which are outstanding 25 business days or longer.

TEMPORARY AMENDMENT TO RULE 15c3-1(c)(2)(xiii)—INDEBTEDNESS COLLATERALIZED BY EXEMPTED SECURITIES

Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] provides that a broker or dealer, in lieu of including indebtedness secured by exempted securities in AI, may deduct 4% of such indebtedness from net worth, provided that the exempted securities are not carried long by the broker or dealer, and that the indebtedness does not represent contra securities failed to deliver. Since municipal securities lose their exempted status on December 1, 1975, this provision would no longer be available to a broker or dealer collateralizing its indebtedness with municipal securities.

Several comments received from the public averred that, because of the relatively inefficient clearance and settlement mechanisms existing with respect to municipal securities, the unavailability of the paragraph (c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] option would work an undue hardship. If a broker or dealer carrying municipal securities failed to receive sold them to another broker or dealer, the fail to receive, so long as it were offset by a long position or a fail to deliver, would be excludable from AI pursuant to Rule 15c3-1(c)(1)(iii) [17 CFR 240.15c3-1(c)(1)(iii)]. However, once the securities were received and redelivered, draft against payment with immediate credit from a bank, the liability on the draft would be includable in AI. On the other hand, if the securities involved were exempted securities, the option afforded by paragraph (c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] would be available for the liability on the draft. Commentators observed that transactions in municipal securities do not clear and settle efficiently, very often leaving brokers or dealers effecting municipal transactions in the predicament described above.

As noted earlier,[14] the Commission is of the view that the employment of efficient mechanisms for the clearance and settlement of municipal securities is essential. The Commission has also determined that it is necessary and appropriate to provide interim transitional relief with respect to subparagraph (c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] until the municipals industry improves these procedures. It may well be appropriate after further public comment to continue this treatment permanently. Accordingly, the Commission amends Rule 15c3-1(c)(2)(xiii) [17 CFR 240.15c3-1(c)(2)(xiii)] to allow brokers and dealers to deduct from net worth, until June 1, 1976, 4% of their indebtedness collateralized by municipal securities.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3-1(c)(2)(xiii) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

* * * * *

(c) * * *
(2) * * *

(xiii) Deducting, at the option of the broker or dealer, in lieu of including such amounts in aggregate indebtedness, 4 percent of the amount of any indebtedness secured by exempted securities or municipal securities not carried long in the proprietary or other accounts of the broker or dealer or representing exempted securities failed to deliver. Provided, with respect to indebtedness collateralized by municipal securities that, such option shall be available until June 1, 1976.

AMENDMENTS TO RULE 15c3-1(c)(6) AND (7) RULE 15c3-3(a)(1)—DEFINITIONS OF "CUSTOMER" AND "NON-CUSTOMER"

These amendments reflect the congressional decision to regulate dealer banks effecting transactions in municipal securities by extending to them the same definitional treatment accorded by Rule 15c3-1 [17 CFR 240.15c3-1] to other dealers. Accordingly, for purposes of the Rule, all registered municipal securities dealers would be treated as "non-customers." The term "municipal securities dealer" is intended to carry its statutory meaning as set forth in section 3(a)(30) of the Act. An important consequence of these amendments is that municipal securities transactions with registered dealer banks are no longer customer transactions for purposes of the Rule's "fail" provisions.

A parallel amendment to Rule 15c3-3(a)(1) [17 CFR 240.15c3-3(a)(1)], that rule's definition of "customer," will result in the exclusion of debits and credits arising out of transactions with registered municipal securities dealer banks from the Formula for the Determination of Reserve Requirements For Brokers and Dealers contained in Exhibit A to Rule 15c3-3 [17 CFR 240.15c3-3a], since only "customer debits" and "customer credits" are includable in the Reserve Formula.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3-1(c)(6), (7) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

* * * * *

(c) * * *

(6) The term "customer" shall mean any person from whom, or on whose behalf, a broker or dealer has received, acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer or a registered municipal securities dealer, or a general, special or limited partner or director or officer of the broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement, or understanding, or by operation of law, is part of the capital of the broker or dealer. Provided, however, that the term "customer" shall also include a broker or dealer, but only insofar as such broker or dealer maintains a special omnibus account carried with another broker or dealer in compliance with 12 CFR 220.4(b) of Regulation T under the Securities Exchange Act of 1934.

(7) The term "non-customer" means a broker or dealer, registered municipal securities dealer, general partner, lim-

[13] Section 15(c)(6) of the Act authorizes the Commission to make rules, *inter alia*, with respect to the time and method of clearance and settlement of all securities except, *inter alia*, municipal securities. Section 15B(b)(2)(C) of the Act requires that the rules of the Municipal Securities Rulemaking Board, at a minimum, shall "be designed to * * * foster cooperation and coordination with persons engaged in regulating, clearing, [and] settling * * * transactions in municipal securities * * *" Section 17A(a) directs the Commission to establish a national system for the clearance and settlement of transactions in all securities except exempted securities, but not excepting municipal securities. Section 17A(b)(3)(F) requires that the rules of a clearing agency registered with the Commission shall be designed, at a minimum, to "promote the prompt and accurate clearance and settlement of securities transactions."

[14] *See* text accompanying note 13 *supra*.

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ited partner, officer, director and persons to the extent their claims are subordinated to the claims of creditors of the broker or dealer.

* * * * *

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.15c3–3(a)(1) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

* * * * *

(a) * * *

(1) The term "customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer, or a registered municipal securities dealer, or a general, special or limited partner or director or officer of a broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer: *Provided, however,* That the term "customer" shall also include a broker or dealer but only insofar as such broker or dealer maintains a special omnibus account carried with another broker or dealer in compliance with Section 4(b) of Regulation T under the Securities Exchange Act of 1934 (12 CFR Part 220).

* * * * *

AMENDMENT TO RULE 15c3–1(c)—DEFINITION OF "MUNICIPAL SECURITIES"

This amendment will clarify the numerous references to "municipal securities" added to Rule 15c3–1 [17 CFR 240.15c3–1] by this release. A new subparagraph, Rule 15c3–1(c)(14) [17 CFR 240.15c3–1(c)(14)], provides that this term shall carry the meaning given to it by section 3(a)(29) of the Act.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission adds a new paragraph (c)(14) to § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

* * * * *

(c) * * *

(14) The term "municipal securities" shall mean those securities included within the definition of "municipal securities" in section 3(a)(29) of the Securities Exchange Act of 1934.

TEMPORARY AMENDMENT TO RULE 15c3–1(f)(1)—ALTERNATIVE NET CAPITAL REQUIREMENT

The Senate Committee on Banking, Housing and Urban Affairs, while reporting favorably upon the bill which became the Securities Acts Amendments of 1975, declared, as quoted earlier in this release,[15] that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks. The limited risks inherent in this form of business may justify less stringent rules without danger to the public." The Commission's analysis of comments received from the public tends to confirm this congressional judgment. These municipal securities brokers appear to restrict their business to the execution of agency transactions for other brokers, dealers, and bank municipal securities dealers, all of whom are themselves required to register with the Commission pursuant to sections 15 and 15B of the Act. These municipal securities brokers engage in no transactions with the investing public and do not invest for their own accounts. All their transactions are cleared through a bank or clearing service. In light of these facts, the Commission arrives at a conclusion similar to that of Congress, namely, that it may be unnecessary for the protection of investors to subject this special type of municipal securities broker to the same capital requirements applicable to other brokers and dealers. The Commission has determined that a minimum net capital requirement of $25,000 will provide a sufficient capital cushion to municipal securities brokers conducting their business in the restricted fashion described above.

Furthermore, the Commission is of the view that the alternative net capital requirement may be more suitable for this special class of brokers effecting transactions solely in municipal securities. While the Commission tends to regard new Rule 15c3–1(f)(1)(ii) [17 CFR 240.15c3–1(f)(1)(ii)] as the most appropriate response to the considerations raised by Congress and the public, it hereby solicits further public comment, especially by way of impact study, concerning the appropriate capital requirements for these municipal securities brokers. Accordingly, the Commission adopts Rules 15c3–1(f)(1)(ii) [17 CFR 240.15c3–1(f)(1)(ii)] as a temporary amendment, expiring June 1, 1976. Since these restricted municipal securities brokers deal only with entities not within the Rule 15c3–3(a)(1) [17 CFR 240.15c3(a)(1)] definition of "customer," as amended hereinabove, requirements under Rule 15c3–1(f)(1)(ii) [17 CFR 240.15c3–1(f)(1)(ii)] based on the Reserve Formula are not likely to increase significantly their minimum net capital requirements. However, the $25,000 requirement must be computed in accordance with all provisions of paragraph (f) [17 CFR 240.15c3–1(f)], including those incorporating certain of the adjustments to net capital required by subparagraph (c)(2) [17 CFR 240.15c3–1(c)(2)] of the Rule.

Commission Action. Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission redesignates § 240.15c3–1(f)(1) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as § 240.15c3–1(f)(1)(i), and adopts a new § 240.15c3–1(f)(1)(ii) in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

* * * * *

(f) * * *

(1) * * *

(ii) In the case of a municipal securities broker, as defined in section 3(a)(31) of the Securities Exchange Act of 1934, who is not exempt from the provisions of § 240.15c3–3 under the Securities Exchange Act of 1934 pursuant to paragraph (k)(1) or (k)(2)(i), and who effects transactions only on a payment versus delivery basis with other brokers or dealers or municipal securities brokers or municipal securities dealers, and who does not hold funds or securities for, or owe money to, customers and does not otherwise carry accounts of, or for, customers, in order to qualify to operate under this paragraph (f) such municipal securities broker shall at all times, until June 1, 1976 maintain net capital equal to the greater of $25,000 or 4 percent of aggregate debit items computed in accordance with Exhibit A to Rule 15c3–3, § 240.15c3–3a. *Provided,* That in order to qualify to operate under this paragraph (f), such municipal securities broker shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a municipal securities broker has determined to operate pursuant to this paragraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

INTERPRETATIONS WITH RESPECT TO THE NET CAPITAL REQUIREMENTS OF BROKERS AND DEALERS EFFECTING TRANSACTIONS IN MUNICIPAL SECURITIES

The Commission has determined to publish the following interpretations concerning the net capital requirements for brokers and dealers effecting transactions in municipal securities.

Rule 15c3–1(a)(1)—800 Percentum Requirement for New Registrants. Rule 15c3–1(a)(1) [17 CFR § 240.15c3–1(a)(1)] provides in part that no broker or dealer shall permit its aggregate indebtedness to exceed 800% of its net capital for twelve months following its commencing business as a broker or dealer. The Commission interprets this provision not to apply to brokers and dealers engaged solely in a municipal securities business for 12 months prior to their registration with the Commission.

Rule 15c3–1(c)(2)(iv)(C)—Profits Receivable From Underwriting Syndicates and Joint Underwriting Accounts. In connection with the Commission's amendments to Rule 15c3–1(c)(2)(iv)(C) [17 CFR 240.15c3–1(c)(2)(iv)(C)] concerning receivables from municipal securities underwriting syndicates and joint underwriting accounts, it is the Commission's position that such receivables shall be conservatively accrued, with adequate provision made for losses and other expenses.

Rule 15c3–1(c)(2)(iv)(B)—Free Shipments. Many comments from the public contended that the present limits on free shipments without capital charges, contained in Rule 15c3–1(c)(2)(iv)(B) [17 CFR 240.15c3–1(c)(2)(iv)(B)] were far less than what is considered to be a routine free shipment of municipal securities. These commentators apparently were unaware of a previous staff position, reaffirmed here, that a shipment by mail of securities to a bank which serves as the seller's agent for the collection of proceeds is not a "free shipment" for purposes of the Rule.

Rule 15c3–1(c)(2)(vi)(K)—Securities With a Limited Market. In view of the confusion evidenced in many public comments addressed to this provision, the Commission wishes to clarify that Rule 15c3–1(c)(2)(vi)(K) [17 CFR 240.15c3–1(c)(2)(vi)(K)] operates, in the case of securities with a limited market, to magnify the haircut prescribed in Rule 15c3–1(c)(2)(vi)(J) [17 CFR 240.15c3–1(c)(2)(vi)(J) for "all other securities," and does not apply to securities, including munipical securities, receiving haircuts pursuant to Rule 15c3–1(c)(2)(vi)(A)–(I) [17 CFR 240.15c3–1(c)(2)(vi)(A)–(I)]. It should be noted that Rule 15c3–1(c)(2)(vi)(L) [17 CFR 240.15c3–1(c)(2)(vi)(L)] applies to a given security only if Rule 15c3–1(c)(2)(vi)(K) [17 CFR 240.15c3–1(c)(2)(vi)(K)] applies, and therefore also does not apply beyond "all other securities" treated in Rule 15c3–1(c)(2)(iv)(J)[17 CFR 240.15c3–1(c)(2)(iv)(J)].

Rule 15c3–1(c)(2)(vii)—Nonmarketable Securities. Rule 15c3–1(c)(2)(vii) [17 CFR 240.15c3–1(c)(2)(vii)] provides that, for purposes of computing net capital, a 100% deduction from net worth shall be taken against the carrying value of securities in the proprietary or other accounts of a broker or dealer for which there is no ready market. In turn, Rule 15c3–1(c)(11)(i) [17 CFR 240.15c3–1(c)(11)(i)] provides in part that a ready market is deemed to exist when there exists a recognized established market comprising independent bona fide offers to buy and sell, so that a price reasonably related to the last sale, or current bid and offer quotations, can be determined almost instantaneously. Pursuant to Rule 15c3–1(c)(11)(ii) [17 CFR 240.15c3–1(c)(11)(ii)], a ready market is also deemed to exist when securities have been accepted as collateral for a loan which the broker or dealer demonstrates to its Examining Authority is adequately secured.

The application of these provisions to the municipal securities industry was the subject of much public comment. It was pointed out that municipals, which generally are issued at a denomination of at least $1,000, provide a lesser number of trading units than corporate equities. The problem, the comments noted, is further complicated by the existence of a great number of different issues often involving relatively few trading units, which are issued by thousands of small municipalities, school districts, and the like. Unlike the bid-ask market in corporate bonds, the municipals market is a so-called "work-out" market, containing too many issues with too many different maturities for a continuous two-sided market to be maintained.

Furthermore, present pricing practices in the municipals markets are complex and time consuming, involving a matrix system of credit ratings and time to maturity, evaluated by individual traders in light of general market conditions. This system often does not result in the "almost instantaneous" quotation or continuous market contemplated in the Rule. In short, the present structure of the municipals marketplace does not resemble the corporate securities markets on which the marketability provisions of the Rule were premised.

In this release, the Commission requests public comments and an impact study concerning the question of what constitutes a ready market for municipal securities, so that appropriate marketability criteria for municipal securities can be built into the Rule. In the interim, pending the forthcoming development of such criteria, the Commission by interpretation suspends Rule 15c3–1(c)(2)(vii) [17 CFR 240.15c3–1(c)(2)(vii)] as applied to municipal securities not traded flat or in default as to principal or interest.

INTERPRETATIONS WITH RESPECT TO OTHER RULES ESTABLISHING A FINANCIAL RESPONSIBILITY AND REPORTING PROGRAM FOR BROKERS AND DEALERS EFFECTING TRANSACTIONS IN MUNICIPAL SECURITIES

The Commission has determined to publish the following interpretations concerning the financial responsibility and reporting requirements for brokers and dealers effecting transactions in municipal securities.

Rule 15c2–1—Hypothecation of Customers' Securities. Rule 15c2–1 [17 CFR 240.15c2–1] defines the term "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act to include a broker's or dealer's hypothecation of securities carried for the account of customers, as defined, under circumstances permitting (1) the commingling of securities carried for the account of different customers without consent, (2) the commingling of securities carried for the account of customers with noncustomer securities held by the broker or dealer pursuant to a lien, or (3) the hypothecation of customer securities to secure loans exceeding the aggregate indebtedness of all customers in respect of securities carried for their accounts.[16] The Commission deems it necessary and appropriate to suspend this rule in order to afford brokers and dealers effecting transactions solely in municipal securities a brief transitional period during which they can make necessary adjustments to their hypothecation practices. Accordingly, the Commission by interpretation suspends Rule 15c2–1 [17 CFR 240.15c2–1], as applied to brokers and dealers effecting transactions solely in municipal securities, until January 15, 1976.

Rule 15c3–2—Customers' Free Credit Balances. Rule 15c3–2 [17 CFR 240.15c3–2] stipulates that a broker or dealer may not use, in the operation of his business, free credit balances arising out of customer accounts until such broker or dealer, in general, has developed adequate procedures for informing his customers of his intent to do so. The procedures established must ensure that whenever, at least every three months, the broker or dealer sends a customer a statement of his account, he shall include therewith written notice that (a) the customer's free credit balance is not segregated and may be used in the broker's or dealer's operations, and (b) that the free credit balance is payable on demand.

The Commission recognizes that procedures such as these presently do not exist in the municipal securities industry and, therefore, a brief transitional period may be appropriate during which time brokers and dealers effecting transactions solely in municipal securities can study and implement Rule 15c3–2 [17 CFR 240.15c3–2]. Accordingly, the Commission suspends Rule 15c3–2 [17 CFR 240.15c3–2], as applied to brokers and dealers effecting transactions solely in municipal securities, until January 15, 1976.

Rule 15c3–3(d)—Requirement to Reduce Securities to Possession or Control. Rule 15c3–3(d) [17 CFR 240.15c3–3(d)] requires brokers and dealers to determine, not later than the close of the next business day, the quantities of customers' fully paid and excess margin securities in their possession or control as of the preceding business day. A similar determination is required with respect to these fully paid and excess margin securities not in the broker's or dealer's possession or control. With respect to those fully paid securities or excess margin securities determined not to be in his possession or control, Rule 15c3–3(d) [17 CFR 240.15c3–3(d)] requires that the broker or dealer rectify the situation by taking prompt steps to secure possession or control of such securities, to the extent they are in certain specified noncontrol locations. Brokers and dealers currently subject to the rule have achieved compliance either by taking appropriate steps to reduce securities to their possession or control, or by obtaining extensions pursuant to Rule 15c3–3(n) [17 CFR 240.15c3–3(n)].

Commentators have asserted that clearance and settlement mechanisms in municipal securities are inefficient and impede the reduction to possession or control of fully paid and excess margin municipal securities, particularly where a "buy-in" is required. Therefore, the Commission finds it necessary and appropriate to provide brokers and dealers effecting transactions solely in municipal securities with a transitional period dur-

[15] *See* note 4 *supra* and accompanying text.

[16] A related provision, Rule 8c–1 [17 CFR 240.8c–1], applies only to hypothecation of listed securities. Rule 8c–1 is under review in light of the 1975 Act's amendments to section 8 of the Act.

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ing which these brokers and dealers can adjust their practices in order to comply with this provision. Accordingly, the Commission suspends Rule 15c3–3(d) [17 CFR 240.15c3–3(d)], as applied to brokers and dealers effecting transactions solely in municipal securities, until January 15, 1976. The Commission believes that it may be appropriate for the Municipal Securities Rulemaking Board to consider possible solutions to this problem, particularly insofar as buy-in requirements are involved.

Rule 15c3–3(m)—Requirement to Complete Orders on Behalf of Customers. Another consequence of the present structure of the municipals marketplace is the great difficulty experienced in attempting to execute timely "buy-in" pursuant to the provisions of Rule 15c3–3(m) [17 CFR 240.15c3–3(m)]. The Commission had previously suspended by interpretation this provision as applied to municipal securities,[17] and the Commission reaffirms that determination and hereby takes the position that this suspension should continue until suitable buy-in requirements for municipal securities can be devised. The Commission believes that it may be appropriate for the Municipal Securities Rulemaking Board to consider possible solutions to this problem.

Rule 17a–3—Books and Records to be Maintained by Brokers and Dealers. Rule 17a–3 [17 CFR 240.17a–3] essentially requires that registered brokers and dealers shall make and keep current certain specific books and records relating to their business. The Commission is aware that the present bookkeeping and recordkeeping systems of brokers and dealers effecting transactions solely in municipal securities may presently constitute records which are not as comprehensive as those required in Rule 17a–3 [17 CFR 240.17a–3]. Furthermore, the Commission recognizes that those brokers and dealers may be largely unfamiliar with the requirements of this rule and, to the extent that their systems would have to be modified, they might experience great difficulty in digesting and implementing all of the rule's provisions by December 1, 1975. Therefore, the Commission finds it necessary and appropriate to provide a brief transitional period during which brokers and dealers effecting transactions solely in municipal securities can both educate themselves concerning the requirements of Rule 17a–3 [17 CFR 240.17a–3], and make those adjustments in their bookkeeping and recordkeeping systems dictated by the rule's provisions.

Accordingly, the Commission encourages all brokers and dealers effecting transactions solely in municipal securities to contact the local NASD district office or the appropriate Commission regional office, in regard to any questions or problems concerning Rule 17a–3 [17 CFR 240.17a–3]. The NASD or the Commission will be available to assist these brokers and dealers in complying with Rule 17a–3 [17 CFR 240.17a–3]. In addition, for the period beginning December 1, 1975 and expiring January 15, 1976, Rule 17a–3 [17 CFR 240.17a–3] is interpreted to require brokers and dealers effecting transactions solely in municipal securities to make and keep current books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity.

During this transitional period, the Commission intends to consult and coordinate with the Municipal Securities Rulemaking Board concerning appropriate books and records requirements for brokers and dealers engaging in transactions in municipal securities.

Rule 17a–4—Preservation of Books and Records. Rule 17a–4 [17 CFR 240.17a–4] requires the preservation for specified lengths of time of the books and records maintained pursuant to Rule 17a–3 [17 CFR 240.17a–3], as well as other documents enumerated in Rule 17a–4(b), (c) and (d) [17 CFR 240.17a–4(b), (c), (d)]. For the reasons underlying the Commission's interpretation of Rule 17a–3 [17 CFR 240.17a–3], *supra*, the Commission interprets Rule 17a–4 [17 CFR 240.17a–4], until January 15, 1976, to require brokers and dealers effecting transactions solely in municipal securities to preserve in an easily accessible place those books and records maintained pursuant to Rule 17a–3 [17 CFR 240.17a–3] as interpreted herein and such other business records required to be preserved by Rule 17a–4 [17 CFR 240.17a–4].[18]

Rule 17a–5(a)—Annual Report on Form X–17A–5. Rule 17a–5(a)(2)(i)(a) [17 CFR 240.17a–5(a)(2)(i)(a)] requires brokers and dealers to file a report of financial condition on Form X–17A–5 [17 CFR 249.617] between one and five months after their registration becomes effective.[19]

The Commission recognizes that brokers and dealers effecting transactions solely in municipal securities have been operating under established fiscal years. The Commission believes it necessary and appropriate, during the period of transition and adjustment to regulation, to avoid the disruptions which might result from the application of this provision. Accordingly, with respect to those brokers and dealers effecting transactions solely in municipal securities, the Commission suspends Rule 17a–5(a)(2)(i)(a) [17 CFR 240.17a–5(a)(2)(i)(a)]. The Commission notes, however, that these brokers and dealers remain subject to all other provisions of Rule 17a–5 [17 CFR 240.17a–5], including those requiring that a certified audit be filed during calendar year 1976.

Rule 17a–5 (m) and (n)—Statements to be Furnished Customers. These provisions of Rule 17a–5 require brokers and dealers, with certain exceptions, to furnish their customers at specified intervals with data relating to their financial condition, including an unconsolidated balance sheet, a statement of the firm's net capital, and unaudited financial statements. The Commission believes it appropriate that brokers and dealers effecting transactions solely in municipal securities should be afforded a brief transitional period in which to implement these provisions. Accordingly, the Commission by interpretation suspends Rule 17a–5 (m) and (n) [17 CFR 240.17a–5 (m) and (n)] as applied to brokers and dealers effecting transactions solely in municipal securities, until June 1, 1976. However, those firms to whom this interpretation applies shall transmit statements required by Rule 17a–5(n) [17 CFR 240.17a–5(n)] to customers as of a date not later than July 1, 1976.

Rule 17a–10—Report of Income and Expenses. Rule 17a–10 [17 CFR 240.17a–10] requires brokers and dealers to file a report of each calendar year's income and expenses, as well as related information, on Form X–17A–10 [17 CFR 249.618], not later than 180 days after the close of each calendar year.

Since brokers and dealers effecting transactions solely in municipal securities are not required by statute to register with the Commission until relatively late in calendar year 1975, their 1975 filing would not add significant data for calendar year 1975. The burden imposed upon these new registrants by the requirements of Rule 17a–10 [17 CFR 240.17a–10] is, in the opinion of the Commission, inappropriate in light of the limited furtherance of this rule's purposes which would be derived from such filings. Accordingly, the Commission, by interpretation, suspends Rule 17a–10 [17 CFR 240.17a–10] as applied to brokers and dealers effecting transactions solely in municipal securities until January 15, 1976. The Commission notes that this interpretation dispenses with the necessity of a Form X–17A–10 [17 CFR 249.618] filing with respect to calendar year 1975.

Rule 17a–11(c)—Supplemental Financial Reporting Requirements. Rule 17a–11 [17 CFR 240.17a–11] requires brokers or dealers in violation of the net capital rule to which they are subject to file, at specified times and intervals, a telegraphic notice and subsequent follow-up reports containing certain financial and operational data. Rule 17a–11(c) [17 CFR 240.17a–11(c)] further requires brokers or dealers whose books and records do not conform to the standards of Rule 17a–3 [17 CFR 240.17a–3] to transmit to the Commission telegraphic notice of such fact and to take corrective measures within forty-eight hours after tranmittal of such notice.

[17] Securities Exchange Act Release No. 10093 (Apr. 10, 1973), 38 FR 12103 (May 9, 1973).

[18] The Commission calls attention to the proposed amendments to Rules 17a–4, 17a–5, 17a–10, and 17a–20 [17 CFR 240.17a–4, –5, –10, –20] reflecting the proposed adoption of the Focus Report, a program to streamline the financial and operational reporting of brokers and dealers. See Securities Exchange Act Release No. 11748 (Oct. 16, 1975), 40 FR 51060 (Nov. 3, 1975).

[19] Proposals to amend Rule 17a–5 [17 CFR 240.17a–5], in connection with the projected adoption of the Focus Report, would eliminate this requirement. *See* note 18 *supra*.

Rule 17a–11 [17 CFR 240.17a–11] lies at the core of the Commission's program for receiving "early warning" of a broker's or dealer's financial difficulties. The important public policy underlying this rule mandates only limited transitional modifications for new registrants. Accordingly, as applied to those brokers and dealers effecting transactions solely in municipal securities, the Commission interprets Rule 17a–11(c) [17 CFR 240.17a–11(c)] to apply, until January 15, 1976, to violations by such brokers and dealers of Rule 17a–3 [17 CFR 240.17a–3] as interpreted hereinabove. In all other respects, however, such brokers and dealers remain subject to Rule 17a–11 [17 CFR 240.17a–11].

Rule 17a–13—Quarterly Security Counts. Rule 17a–13 [17 CFR 240.17a–13] requires all brokers and dealers, with certain limited exceptions, physically to count all securities held in possession, to account for all securities in the broker's or dealer's control but not in his possession, and to account for all securities which are not in the broker's or dealer's possession or control. Other provisions of the rule specify when and how the results of this security count must be recorded on the books and records of the broker or dealer. The rule requires that such security counts be made at least once every fiscal or calendar quarter.

The Commission is aware that the municipal securities industry has never been required by regulation to make frequent security counts. Brokers and dealers effecting transactions solely in municipal securitis will require a brief transitional period in which to adjust to the procedures required by Rule 17a–13 [17 CFR 240.17a–13]. Accordingly, the Commission by interpretation suspends Rule 17a–13 [17 CFR 240.17a–13], as applied to brokers and dealers effecting transactions solely in municipal securities, until January 15, 1976. The Commission notes that this will delay the first such count under Rule 17a–13 [17 CFR 240.17a–13] to the first fiscal or calendar quarter of 1976.

Effective Date. The Commission finds, in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), (d)(3) (1970), that notice and public comment procedure respecting these amendments and temporary amendments to Rule 15c3–1 [17 CFR 240.15c3–1] and Rule 15c3–3 [17 CFR 240.15c3–3] would be impractical and contrary to the public interest, and finds further that the public interest requires that these amendments and temporary amendments become effective less than 30 days from the publication of this release, on December 1, 1975. These findings are based on the Commission's determination that the maintenance of orderly markets in municipal securities requires immediate publication and an effective date of these amendments and temporary amendments of December 1, 1975.

Statutory Basis and Competitive Considerations. These amendments and temporary amendments to Rule 15c3–1 [17 CFR 240.15c3–1] and Rule 15c3–3 [17 CFR 240.15c3–3] are adopted pursuant to the Securities Exchange Act of 1934, and particularly sections 10(b), 15(c)(3), 17(a) and 23(a) thereof. The Commission has determined that these amendments and temporary amendments impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and that the amendments and temporary amendments are necessary and appropriate to implement the provisions of the Act, and particularly section 15(c)(3) thereof, to provide for the orderly assumption by the Commission of financial responsibility regulation of all brokers and dealers.

Solicitation of Public Comment. Although the Commission finds, pursuant to the Administrative Procedure Act, that the public interest requires that these amendments and temporary amendments be adopted, effective December 1, 1975, without notice and further public comment, the Commission welcomes the views of the public on these amendments, temporary amendments, and interpretations expressed *in writing* prior to their effective date and, thereafter, until February 29, 1976 in order to assist the Commission in its task of initiating regulation of brokers and dealers effecting transactions in municipal securities particularly with respect to their financial responsibility.

Moreover, the Commission again solicits public comment from interested persons concerning the appropriate capital requirements for brokers and dealers effecting transactions in municipal securities. In particular, the Commission requests public comments, including impact studies and other appropriate statistical compilations, concerning those areas treated by the temporary amendments adopted herein, which will enable the Commission to consider and develop appropriate capital standards for brokers and dealers engaging in municipal securities transactions. In this regard, the Commission emphasizes the importance of public comment and impact studies germane to the issues of what constitutes an undue concentration of municipal securities for purposes of subparagraphs (c)(2)(vi)(M) [17 CFR 240.15c3–1(c)(2)(vi)(M)] and (f)(3)(iii) [17 CFR 240.15c3–1(f)(3)(iii)] of the Rule, the contours of a ready market in municipal securities, for purposes of subparagraphs (c)(2)(vii) [17 CFR 240.15c3–1(c)(2)(vii)], (c)(5) [17 CFR 240.15c3–1(c)(5)] and (c)(11) [17 CFR 240.15c3–1(c)(11)] of the Rule, and the appropriate haircuts on municipal bonds under subparagraph (c)(2)(vi)(B)(2) [17 CFR 240.15c3–1(c)(2)(vi)(B)(2)] of the Rule.

The Commission further invites the comments of all interested persons and self-regulatory organizations, including the Municipal Securities Rulemaking Board, concerning the appropriate financial responsibility and reporting requirements for brokers and dealers effecting transactions in municipal securities.

Interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than February 29, 1976. Reference should be made to File No. S7–603. All comments received will be subject to public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 20, 1975.

[FR Doc.75–33553 Filed 12–11–75;8:45 am]

[Release No. IA–487]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Application for Registration of Investment Advisers and Withdrawal From Registration, Technical Rule Changes

The Securities and Exchange Commission has amended Rule 203–1 (17 CFR 275.203–1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) ("Act") to delete an unnecessary statutory reference to former section 203(f) (15 U.S.C. 80b–3(f)),[1] and has amended Rule 203–2 (17 CFR 275.203–2) under the Act to correct certain references to former section 203(l) (15 U.S.C. 80b–3(l)) of the Act.

Rule 203–1(a) under the Act provides:

> An application for registration of an investment adviser filed pursuant to section 203(c) or 203(f) of the Act shall be filed on Form ADV in accordance with the instructions contained therein.

Former section 203(f), now section 203(g) (15 U.S.C. 80b–3(g)), in effect permits a successor to a registered investment adviser to continue its investment advisory business if it files an application for registration within thirty days of the succession.[2] However, an application for registration, whether by a successor or otherwise, is filed pursuant to the provisions of section 203(c) (15 U.S.C. 80b–3(c)). Therefore, a reference to section 203(g) in paragraph (a) of Rule 203–1 is unnecessary.

The Securities Acts Amendments of 1975 (Pub. L. 94–29) contained amendments to the Act which, among other things, redesignated former section 203(l) as section 203(h) (15 U.S.C. 80b–3(h)). Therefore, the references in paragraphs (a) and (b) of Rule 203–2 to section 203(l) should be changed to section 203(h) to reflect the redesignation.

[1] Pursuant to the Investment Company Amendments Act of 1970 (Pub. L. 91–547) section 203(f) was redesignated 203(h) and was subsequently redesignated 203(g) by the Securities Acts Amendments of 1975.

[2] Section 203(g) provides: "Any successor to the business of an investment adviser registered under this section shall be deemed likewise registered hereunder, if within thirty days from its succession to such business it shall file an application for registration under this section, unless and until the Commission, pursuant to subsection (d) of this section, shall deny registration to or revoke or suspend the registration of such successor."

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Section 211 (15 U.S.C. 80b–11) of the Act confers authority upon the Commission to make, issue, amend, and rescind such rules, regulations, and orders as are necessary or appropriate to the exercise of its functions and powers under the Act.

Accordingly, paragraph (a) of § 275.203–1 and paragraphs (a) and (b) of § 275.203–2 are hereby amended to read as follows:

§ 275.203–1 Application for registration of investment adviser.

(a) An application for registration of an investment adviser filed pursuant to section 203(c) of the Act shall be filed on Form ADV in accordance with the instructions contained therein.

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§ 275.203–2 Withdrawal from registration.

(a) Notice of withdrawal from registration as an investment adviser pursuant to section 203(h) shall be filed on Form ADV–W in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by an investment adviser pursuant to section 203(h) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If, prior to the effective date of a notice of withdrawal from registration, the Commission has instituted a proceeding pursuant to section 203(e) to suspend or revoke registration, or a proceeding pursuant to section 203(h) to impose terms or conditions upon withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

• • • • • •

The Commission finds that, since the amendments are technical in nature and do not involve substantive changes, notice and opportunity for public comments and publication thirty days prior to effectiveness, ordinarily required by section 553, Title 5 of the United States Code, are unnecessary. Accordingly, the amendments shall become effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 20, 1975.

[FR Doc.75–33552 Filed 12–11–75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75–307]

PART 141—ENTRY OF MERCHANDISE

Completion of Entry Papers

On September 4, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 32035), which proposed to amend § 141.61(f)(1) of the Customs Regulations (19 CFR 141.61(f)(1)), to specify where on the entry forms the invoice summary information described in that section should be placed.

After reviewing the comments received in regard to the proposed amendment, it was decided that certain changes should be made in order to provide a degree of flexibility and to allow as much space as possible for the placement of the required information. Accordingly, the wording of § 141.61(f)(1) of the proposed amendment has been changed to specify that the summary value information shall be shown "following" the entry data relating to each invoice rather than "among" the entry data, and the words, "the lower part of", have been deleted from the last sentence. In addition, the amendment now provides the option of attaching a separate worksheet to the entry document in lieu of placing the information on the Customs entry documents.

Inasmuch as the only entry forms referred to in § 141.61(f)(1) are Customs Forms 7501 and 7502, and they are the only entry forms on which the invoice summary data is to be shown, the reference to "other entry forms" in the last sentence of the proposed amendment is unnecessary. Accordingly, the phrase "and in the same location on any other entry forms on which such information is required to be shown pursuant to this paragraph" has been deleted. Furthermore, the word "should" in the last sentence has been changed to "shall" in order to conform to the language used throughout the Customs Regulations.

Accordingly, the proposed amendment, modified to include these changes, is adopted as set forth below.

Effective date. This amendment shall become effective January 12, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: December 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Paragraph (f)(1) of § 141.61 is amended to read as follows:

§ 141.61 Completion of entry papers.

• • • • •

(f) *Value of each invoice*—(1) *Dutiable, taxable, or conditionally free merchandise.* For each invoice of dutiable, taxable, or conditionally free merchandise covered by the entry, there shall be shown following the entry data relating to such invoice the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation represents the aggregate of the entered values of all the merchandise on each invoice covered by the entry. All of the foregoing information shall be placed either in column (2) (across columns (2a) and (2b)) on Customs Forms 7501 and 7502, or, in the alternative, on a separate worksheet immediately attached to the entry document.

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

[FR Doc.75–33458 Filed 12–11–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

TOBRAMYCIN AND TOBRAMYCIN SULFATE INJECTION

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the antibiotic drug tobramycin, effective December 12, 1975.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for its certification.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 430, 436, and 444 in Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended to provide for the certification of the antibiotic drug products tobramycin and tobramycin sulfate injection:

PART 430—ANTIBIOTIC DRUGS: GENERAL

1. Part 430 is amended:

a. In § 430.4 by adding new paragraph (a)(42), to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) • • •

(42) *Tobramycin.* A specific one of the antibiotic substances produced by the growth of *Streptomyces tenebrarius*, and the same substance produced by any other means, is tobramycin.

b. In § 430.5 by adding new paragraphs (a)(58) and (b)(58) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) • • •

(58) *Tobramycin.* The term "tobramycin master standard" means a specific lot of tobramycin designed by the Commissioner as the standard of comparison in determining the potency of the tobramycin working standard.

(b) • • •

(58) *Tobramycin.* The term "tobramycin working standard" means a specific lot of a homogeneous preparation of tobramycin.

c. In § 430.6 by adding new paragraph (b)(60) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

• • • • • •

(b) • • •

(60) *Tobramycin.* The term "microgram" applied to tobramycin means the tobramycin activity (potency) contained in 1.126 micrograms of the tobramycin master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting two new items into the table, as follows:

§ 436.33 Safety test.

• • • • •

(b) • • •

Antibiotic drug	Test dose: Diluent (diluent number as listed in sec. 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
•	•	•	•	•
Tobramycin	4	1 mg	.5	Intravenous.
Tobramycin sulfate	4	do	.5	Do.
•	•	•	•	•

b. In § 436.106(a) and (b) by alphabetically inserting a new item into the tables, as follows:

§ 436.106 Microbiological turbidimetric assay.

• • • • •

(a) • • •

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in sec. 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in sec. 436.101(a))	Working standard stock solutions: Final concentration, units or milligrams per milliliter	Working standard stock solutions: Storage time under refrigeration	Standard response line concentrations: Diluent (solution number as listed in sec. 436.101(a))	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
•	•	•	•	•	•	•	•
Tobramycin	Not dried		Distilled water.	1 mg	2 weeks	Distilled water.	2.00, 2.236, 2.5, 2.795, 3.125 µg.
•	•	•	•	•	•	•	•

(b) • • •

Antibiotic	Test organism	Medium (nutrient broth)	Suggested volume of standardized inoculum to be added to each 100 ml of medium (nutrient broth)	Incubation temperature
•	•	•	•	•
Tobramycin	A	3	0.15	37
•	•	•	•	•

c. In § 436.213 by alphabetically inserting a new item in the table as follows:

§ 436.213 Nonaqueous titrations.

• • • • • • •

(c) • • •

Antibiotic	Weight in milligrams of sample	Solvent
•	•	•
Tobramycin-base titration	20	50 ml glacial acetic acid.
•	•	•

e. By adding new § 436.318 to Subpart F to read as follows:

§ 436.318 Continuous flow thin layer chromatography identity test.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide equipped with a glass solvent trough in the bottom.

(2) *Plates.* Use a 20 x 20 centimeter thin-layer chromatography plate coated with Silica Gel G or equivalent to a thickness of 250 micrometers.

(3) *Cover.* A stainless steel cover with a slot, measuring 21 x 0.6 centimeters, cut in the front edge.

(4) *Supporting platform.* A platform that can be placed in the bottom of the chromatography tank so that the solvent trough is elevated about 3.75 centimeters.

(b) *Reagents*—(1) *Developing solvent.* Mix chloroform, redistilled methanol and concentrated ammonium hydroxide in volumetric proportions of 25:60:30, respectively.

(2) *Spray solution.* Dissolve 1 gram of ninhydrin in 100 milliliters of *n*-butanol and add 1 milliliter of pyridine.

(c) *Preparation of spotting solutions.* Prepare solutions of the sample and working standard, each containing 6 milligrams of antibiotic to be tested per milliliter in distilled water.

(d) *Procedure.* Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 1 centimeter, spot 3 microliters each of the standard solution and the sample solution. In addition, prepare one spot composed of 3 microliters of the sample solution and 3 microliters of the standard solution. Place the supporting platform in the bottom of the tank and place the solvent trough on it, near the front of the tank. Place a piece of Whatman #3 MM filter paper or equivalent, measuring 20x3 centimeters and folded in half, lengthwise, over the front edge of the tank to form a cushion and drying wick for the plate. Place the plate in the solvent trough with the coated side toward the front of the tank and leaning against the filter paper at the top. Pour the developing solvent into the trough and bottom of the tank. Cover the tank. The plate should extend approximately 1 centimeter beyond the top of the tank and through the slot in the cover. Seal all the openings in the tank with masking tape, except where the plate leans against the filter paper. Remove the plate from the tank after 5.5 hours. Allow the plate to air dry and then heat it for 15 minutes at 110° C in an oven. Remove the plate from the oven and immediately spray it with the spray solution. The compound appears as a pink spot.

(e) *Evaluation.* The sample and standard should have traveled the same distance from the origin, and the standard and sample combined should appear as a single spot that has traveled the same distance as the sample and standard individually.

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PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

3. Part 444 is amended:

a. By adding new §§ 444.80 and 444.280 to Subparts A and C respectively, to read as follows:

§ 444.80 Tobramycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tobramycin is 0-3-amino-3-deoxy-α-D-glucopyranosyl-(1-4)-0-[2, 6-diamino-2,3,6-trideoxy-α-D-ribo - hexopyranosyl - (1-6)]-2-deoxy-L-streptamine. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of tobramycin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 8 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 9 and not more than 11.

(v) It gives a positive identity test for tobramycin.

(vi) Its residue on ignition is not more than 1.0 percent.

(vii) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

$$\text{Micrograms tobramycin per milligram} = \frac{(A-B)\times(\text{normality of perchloric acid reagent})\times 93.4\times 100\times 1{,}000}{\text{Weight of sample in milligrams}\times(100-m)}$$

where:

A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture of the sample.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Identity.* Proceed as directed in § 436.318 of this chapter.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

§ 444.280 Tobramycin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tobramycin sulfate injection is tobramycin solubilized with sulfuric acid in an aqueous solution containing one or more suitable buffers, chelating agents, and preservatives. Each milliliter contains tobramycin sulfate equivalent to either 10 milligrams or 40 milligrams of tobramycin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of tobramycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 3.0 and not more than 6.5. The tobramycin used conforms to the standards prescribed by § 444.80(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, identity, residue on ignition, and heavy metals.

(ii) Samples required: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological turbidimetric assay shall be conclusive:

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(ii) *Nonaqueous titration.* Proceed as directed in § 436.213 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the tobramycin content as follows:

$$\text{Micrograms tobramycin per milligram} = \frac{(A-B)\times(\text{normality of perchloric acid reagent})\times 93.4\times 100\times 1{,}000}{\text{Weight of sample in milligrams}\times(100-m)}$$

where:

A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture of the sample.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

(5) *Identity.* Proceed as directed in § 436.318 of this chapter.

(6) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(7) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

Because the prerequisite conditions for certifying the subject antibiotic have been complied with and because the matter is noncontroversial, public notice and delayed effective date procedures are unnecessary for this promulgation.

Effective date. This regulation shall be effective December 12, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: December 5, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs; Bureau of Drugs.

[FR Doc.75-33295 Filed 12-11-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0217]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Carbadox, Pyrantel Tartrate; Correction

In FR Doc. 75-26165 appearing at page 45164 in the FEDERAL REGISTER of October 1, 1975, the stated concentration of pyrantel tartrate in §§ 558.115(e) and 558.485(d)(2) (21 CFR 558.115(e) and 558.485(d)(2)) is corrected to read as set forth below.

1. In § 558.115, paragraph (e)(1) is corrected to read as follows:

§ 558.115 Carbadox.

• • • • • •

(e) *Special considerations.* (1) The manufacture of finished feeds processed from feed supplements does not require compliance with the provisions of section 512(m) of the act when they contain:

(i) Up to 0.055 percent (500 grams/ton) carbadox and used as provided in paragraph (f)(1) or (2) of this section.

(ii) Up to 0.055 percent (500 grams/ton) carbadox in combination with up to 0.106 percent (960 grams/ton) pyrantel tartrate and used as provided in paragraph (f)(3) of this section.

• • • • • •

2. In § 558.485, paragraph (d)(2) is corrected to read as follows:

§ 558.485 Pyrantel tartrate.

• • • • • •

(d) • • •

(2) The manufacture of finished feeds processed from feed supplements does not require compliance with the provisions of section 512(m) of the act when they contain:

(i) Up to 0.106 percent (960 grams/ton) pyrantel tartrate and used as provided in paragraph (e)(1) or (2) of this section.

(ii) Up to 0.106 percent (960 grams/ton) pyrantel tartrate in combination with up to 0.055 percent (500 grams/ton) carbadox and used as provided in paragraph (e)(4) of this section.

• • • • • •

Dated: December 4, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-33463 Filed 12-11-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 450—PLANNING ASSISTANCE AND STANDARDS

Urban Transportation Planning; Amendment

On September 17, 1975, documents were published in the FEDERAL REGISTER (40 FR 42976, 42979) adding a new Part 450, Subparts A and C, to Title 23 CFR. The definition of the term "Governor" in §§ 450.104 and 450.304 inadvertently omitted the Governor of Puerto Rico. Under 23 U.S.C. 101(a) Puerto Rico is included within the definition of "State" and as a result is subject to the urban transportation planning requirements of Title 23, U.S.C. as implemented by Part 450, Subpart A and the transportation improvement requirements under Part 450, Subpart C. Accordingly, the definition of "Governor" in 23 CFR 450.104 and 450.304 is amended to read as follows:

"Governor" means the Governor of any one of the fifty states, or Puerto Rico, and includes the Mayor of the District of Columbia.

This amendment is effective on December 12, 1975.

Issued on December 5, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.
ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.75-33436 Filed 12-11-75;8:45 am]

PART 630—PRECONSTRUCTION PROCEDURES

Federal-Aid Programs Approval and Authorization

● **Purpose.** The purpose of this document is to issue final regulations to prescribe policies and procedures for preparation and submission of programs for utilization of all classes of highway construction funds provided under the provisions of title 23 U.S.C. and Federal highway acts and to set forth procedures establishing the Federal Highway Administration (FHWA) authorization to proceed with work as the point of obligation of Federal funds. ●

In the November 4, 1974, edition of the FEDERAL REGISTER (39 FR 38911), the FHWA published a notice of proposed rulemaking. In addition to comments received as a result of that notice many comments were received through the Advisory Commission on Intergovernmental Relations.

Review of the docket for comments indicated that there were three main areas of concern with respect to the proposed regulation. These included the need for an annual program, loss of flexibility as a result of the elimination of Stage I program, and the requirement for joint approval of urban system projects by the Urban Mass Transportation Administration (UMTA) and the FHWA.

A number of commentors felt that the preparation of an annual program would be time consuming to prepare, review, and approve and alleged that it would not be meaningful since it would disregard (a) the fact that the Federal-aid funds are but a part of the whole, (b) the obligational authority limitation and other variations in Federal-aid financing, and (c) the fluctuations in State financing, and (d) the inability to meet deadlines in the development and approval of the plans, specifications and estimates and other documents. Other commentors supported the concept of an annual program and felt that it would reduce the amount of paperwork and serve as another useful tool in determining the funding of transportation goals and objectives.

These final regulations continue the annual program concept. Clearly, the FHWA has a mission to implement national goals and priorities articulated by Congress, and programing is the last stage in the Federal-aid process during which proposals can be evaluated in the context of the whole. The Federal-aid program for each State should reflect a blend of local, State, and national goals.

Programing represents the merging of plans and priorities with available funding. Since Federal-aid funds are apportioned annually and State budgets are generally prepared annually, the development of an annual program best suits these conditions.

The FHWA evaluation of a State's annual program will include a judgment of the extent to which national goals are being addressed, and permit a review of the overall program to maximize impact on solution of transportation problems while not becoming preoccupied with the relative priority of individual projects. In a particular year, an individual State program may, for a number of reasons, reflect considerable imbalance in Federal-aid legislation. However, over a period of years the State program for the various funding categories should reflect progress in the areas of national emphasis.

These programming procedures should simplify the programming in process and reduce "red tape." The individual State and the FHWA Division Administrator will be able to mutually agree on formats and, within a broad time frame, the schedule for submission of the annual Federal programs, thus, the Federal programs can be tailored to the existing programming procedures of the individual State and the needs of the FHWA Division office. Hopefully, the programs developed by a State for internal use can be used to the maximum extent possible as the basis for the Federal programs, thus, satisfying both Federal and State needs and permitting the elimination of duplication and unnecessary paperwork.

These regulations give the States the flexibility to supplement or revise annual programs as necessary at any time. If a State does not request authorization to proceed with Federal funding of a programmed project by the end of a program period, the project will automatically be dropped from the program. Thus, program changes will need to be made only to add new projects or to supplement information on projects already in a program.

The next major issue raised was with respect to the elimination of Stage I and II programs. Massachusetts was one of several States concerned with the possible loss of flexibility as a result of the elimination of Stage I programming for preliminary engineering (PE) and Right-of-Way (ROW) acquisition. In consideration of the comments received, the regulation has been revised and now permits authorization of work without obligation of funds through the location stage of a project. This modification and the opportunity the States will have under these programming procedures to request authorization of partial phases of work, in addition to existing procedures permitting advance construction projects, pursuant to 23 U.S.C. 115, and advance acquisition or right-of-way, pursuant to 23 U.S.C. 108(c), should provide sufficient flexibility to the States to continue to administer a viable Federal-aid program.

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Another concern expressed by the State of Massachusetts and other States involved the obligation of funds for PE and ROW projects presently authorized in Stage I. As a result, the regulation has been revised to permit previously authorized Stage I PE and ROW projects to continue without immediate obligation of Federal funds. Only when additional authorizations are requested for work beyond the location stage will Federal funds also have to be obligated to cover previous authorizations. If a State feels that this method of obligating previously authorized Stage I work will cause a hardship, the State may submit its own conversion schedule for FHWA consideration. The transition to new programming procedures has been further simplified by deleting from the regulation the provision that approved and authorized Stage I projects be included as items in the annual program for the year in which the funds are to be obligated.

The requirements for approval of program (§ 630.112) have been revised substantially. As revised, when a Metropolitan Planning Organization submits an urban system funded nonhighway mass transit project which is in its Transportation Improvement Program annual element (23 CFR Part 450, Subpart C) and the project is not included by the State in a statewide annual program, UMTA concurrence will be required for all urban system funded projects in the urbanized area affected. With the exception of such cases, FHWA acts only on programs or portions of programs for highway projects and UMTA will act only on portions of the urban system program involving nonhighway mass transit projects.

Except for the three major issues discussed above, most of the revisions made to the proposed regulations were editorial changes or minor clarifying revisions rather than substantive revisions. Other revisions which are of interest are discussed in the following commentary.

Definitions of "program period," "allocation," "preliminary engineering," and "project" were added. The proposed definition of "Federal-aid program" was amended to clarify that it is an annual program.

Proposed § 630.103(b) has been revised (see § 630.106(b) of the final regulation) to require an annual program rather than a "detailed program" to be consistent with the definition of "Federal-aid program."

The examples of national goals and objectives in § 630.103(d) of the proposed regulations have been eliminated in the final regulations (§ 630.106(c)) since national goals and objectives are presently described in sufficient detail in title 23.

Section 630.103(e) of the proposed rule has been deleted and incorporated in the definition of a "project" in § 630.104.

Proposed § 630.104 has been expanded (§ 630.108) to include items related to program development which were previously contained in the general requirements of proposed § 630.105.

The provisions in § 630.104(e) permitting programs to be revised is now found in § 630.112(e).

Proposed § 630.104(c) has been substantially revised (§ 630.108 (c) and (d)) to explain clearly the parts of an annual program and to require identification of the classes of funds.

A new § 630.108 (e), (f), and (g) has been added with (1) instructions as to the information to be included in Parts I and II of an annual program, (2) the programing of bond issue projects, advance right-of-way and advance construction projects, and (3) the programing of projects in Alaska funded under 23 U.S.C. 118(b).

Revision has been made to proposed § 630.105(c) to clarify that projects funded with urban system funds shall be selected in accordance with provisions defined in the Transportation Improvement Regulations (23 CFR Part 450, Subpart C). It is possible to have a project on the urban system funded by other than urban system funds which may be selected by other than the appropriate local officials. Specifically, the State may select projects on State routes which are on an urban system for utilization of safety funds and nonhighway public mass transit projects may be initiated by transit officials.

The programing requirements applicable to urbanized areas (§ 630.110(d)) expand the proposed regulation (§ 630.105(d)) to include specific information on exemptions from the 23 U.S.C. 134 planning process and to add for emphasis, the requirement of 23 U.S.C. 134 (a) that responsible local officials of the urban area in which a project is to be located be consulted and their views considered with respect to the corridor, location, and design of the project.

Section 630.110(f) of the regulations (§ 630.105(f) of the proposed regulation) addresses categories of work which may include several locations of activity in one project. Revision has been made to clarify the intent that qualifying work may be combined in a single areawide project per category, but not all categories combined into one areawide project.

One comment pointed out that with regard to the authorization to proceed (§ 630.107 of the proposed regulations; § 630.114 of the final regulations) the regulations failed to mention Federal requirements which must be satisfied prior to authorization of the various phases of work, and further, the regulations lacked instructions on how to submit data concerning fulfillment of the requirements. Section 630.114 now includes a statement that all prerequisite requirements must be satisfied prior to the State requesting authorization to proceed on a phase of work. Instructions on procedures to satisfy prerequisite requirements are not covered in this regulation as these may be found in the appropriate implementing regulations for the specific phase of work. Another comment stated that certification acceptance does not require an official letter of authorization, but could be handled in the program stage. While it is true that authorization to proceed may be given concurrent with program approval, it is not automatic but requires a specific request. This is in accord with the certification acceptance regulations (23 CFR Part 640).

Section 630.114(b) was added to emphasize that urban system funded nonhighway mass transit projects are not authorized by FHWA. Authorization to proceed is an UMTA delegated action pursuant to 23 CFR Part 810.

Section 630.114(c) was added to clarify that the initial authorization to proceed is not automatic with program approval. While not automatic, if prerequisite requirements have been satisfied, a State may request and receive authorization to proceed concurrent with program approval action.

Section 630.114(d) was added to clarify project changes at the authorization request stage. When an authorization is requested for a project phase or work and the project has been materially changed in length or termini from that approved in the annual program, the authorization request shall include a request for program revision.

Section 630.114(e) was added to clarify authorization of portions of a phase of work. One comment expressed concern over exceeding the estimated cost of an authorization and having expenditures cited. Authorization to proceed under this regulation will be similar to current practices. Authorizations will be given for a phase or a portion of a phase of work and an estimated amount of money will be obligated in accordance with § 630.114(f). Should additional funding be required to finish the authorized work, the project agreement may be modified to reflect the increase subject to the availability of funds. No additional authorizations are required by virtue of differences between estimated and actual costs.

In § 630.114(f) (§ 630.106(b) of the proposed regulation), additional information has been added to note the exceptions to contract obligation at time of authorization. These are advance construction projects, bond issue projects, portions of the PE and ROW phases through the project location stage, and special cases. The meaning of "full Federal participation" was questioned in one comment. This means that Federal participation shall be to the full pro rata percentage for the class of funds being utilized (i.e., Interstate—90 percent, primary and secondary—70 percent, etc.).

A new § 630.116 relating to transition with existing programs has been added to the final regulations. In order to provide an orderly transition to full compliance for these outstanding actions, a transition period is provided from the date of issuance of this regulation until October 1, 1976. During this period, the State Highway Department shall phase out the program procedures of superseded PPM 21–1 and institute requirements of this regulation which shall become fully implemented by October 1, 1976.

This regulation will supersede FHWA PPM 21–1.

In consideration of the foregoing and under the authority of 23 U.S.C. 105, 106, 118, 134 and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), Chapter I of title 23 of the Code of Federal Regulations is hereby amended by adding a new Part 630, Subpart A, as set forth below.

Effective date. A transition period shall exist from November 14, 1975, the date of issuance of this regulation, until October 1, 1976. The State highway agency shall, during this period, phase out the programing procedures of superseded PPM 21–1 and institute the requirements of this regulation. This regulation shall become fully implemented by October 1, 1976.

Issued on: November 14, 1975.

J. R. COUPAL, JR.,
Deputy Administrator.

Subpart A—Federal-Aid Programs Approval and Authorization

See.

630.102 Purpose.
630.104 Definitions.
630.106 Policy.
630.108 Program submissions.
630.110 General requirements.
630.112 Approval of annual programs.
630.114 Authorization to proceed.
630.116 Transition with existing annual programs.

AUTHORITY: 23 U.S.C. 105, 106, 118, 134 and 135; delegation of authority in 49 CFR 1.48(b).

Subpart A—Federal-Aid Programs Approval and Authorization

§ 630.102 Purpose.

The purpose of this regulation is to prescribe policies and procedures for preparation and submission of programs for utilization of all classes of highway construction funds provided under the provisions of title 23, United States Code (U.S.C.), and Federal Highway Acts, and procedures establishing the Federal Highway Administration's (FHWA) authorization to proceed with work as the point of obligation of Federal funds.

§ 630.104 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this Subpart as so defined.

(b) As used herein: "Allocation" means an administrative distribution of funds among the States.

(c) "Federal-aid Program(s)" means an annual listing of projects proposed by a State highway agency for utilization of apportioned and allocated Federal funds.

(d) "Preliminary Engineering" means work necessary to produce construction plans, specifications, and estimates to the degree of completeness required for undertaking construction thereunder, including locating, surveying, designing and related work.

(e) "Program Period" means a period of 12 consecutive months beginning not later than October 1.

(f) "Project" means an undertaking for highway construction, which may encompass phases of work including preliminary engineering (PE), right-of-way (ROW) and actual construction, individually or any combination thereof, or any other work or activity to carry out the provisions of title 23, U.S.C. and Federal-Aid Highway Acts.

§ 630.106 Policy.

(a) Development of a transportation facility involves a continuing sequence of events spanning several years. It is necessary that transportation programs be prepared to reflect the continuous nature of the project development process starting with determination of a transportation need and followed by location, design, acquisition of ROW and construction or implementation of individual physical or operational improvements.

(b) The State highway agency of any State desiring to avail itself of Federal-aid funds authorized by Federal highway legislation shall submit annually to the Federal Highway Administrator programs of proposed projects for the utilization of the unobligated balance of funds apportioned or allocated to it.

(c) In developing the Federal-aid programs, each State highway agency shall consider national goals, objectives, and emphasis areas as set forth in title 23, U.S.C. or promulgated by the Federal Highway Administrator.

§ 630.108 Program submissions.

(a) The State highway agency shall prepare and submit to the Federal Highway Administrator the Federal-aid programs. The programs shall be submitted, separately or in any combination, as soon as practical after the apportionments or allocations of the Federal-aid funds have been made for a fiscal year. All programs shall be submitted by October 1 of each year at times agreed upon by the State and the Federal Highway Administrator.

(1) For rural areas and urban areas of less than 50,000 population, the State highway agency shall develop a separate program for each class of apportioned and allocated funds. Projects jointly financed with a combination of Federal-aid highway funds should be included in each program for the classes of funds involved.

(2) For urbanized areas, the State highway agency is encouraged to develop a single statewide urbanized areas program containing all proposed Federal-aid projects located within the urbanized areas, regardless of class of funds.

(b) A Federal-aid program shall include only those projects that provide for phases of work which the State highway agency expects to request authorization to proceed with during the program period.

(c) A program shall consist of two parts:

(1) Part I shall contain projects which have not received any previous authorizations. These projects shall include phase(s) of work (i.e., PE, ROW or actual construction or both) that are expected to receive initial authorization during the program period.

(2) Part II shall contain projects, which include phase(s) of work previously approved and authorized, in which additional phase(s) of work are being added that are expected to receive initial authorization during the program period. A phase of work may be added to an existing project only when the termini of the work covered by the phase are the same as the project termini. When not, the additional phase shall be programed in Part I as a new project.

(3) Additional authorizations for work within previously approved and initially authorized phase(s) of work, do not require additional program action.

(d) A program submission shall identify the classes of funds involved with the classes of funds appropriate to the Federal-aid system designations. The program shall be submitted in a form agreed upon by the State and Federal Highway Administrator. For convenient reference and identification, projects in Part I shall be assigned an item number. Projects in Part II shall be identified by the program item number initially assigned. A jointly financed project shall be assigned a single item number used to identify the project in each program for the various classes of funds involved.

(e) The State shall furnish the Federal Highway Administrator all information requested to support program approval action, which may include any or all of the following:

(1) For Part I projects:

(i) The item number;

(ii) A map or maps showing the location of the projects;

(iii) A description of project termini, including city or county location;

(iv) A description of the phase(s) of work;

(v) The project length;

(vi) The estimated total cost of the phase(s) of work and the Federal funds share and if it is anticipated that authorization of less than the total cost of a phase of work will be requested during the program period, the amount of the lesser authorization.

(vii) The comments and statements pertaining to the A–95 clearinghouse review pursuant to 23 CFR Part 420, Subpart C,

(viii) Any additional data as may be necessary to meet specific program requirements, e.g., information on highway and railroad grade crossing protection pursuant to 23 U.S.C. 109(e), and airport coordination pursuant to 23 U.S.C. 318;

(2) Part II projects:

(i) The item number;

(ii) The project number;

(iii) A description of the added phase(s) of work;

(iv) The estimated total cost of the added phase(s) of work, the Federal funds share and the amount of authorization anticipated to be requested during the program period, and;

(v) That information needed to satisfy requirements as in paragraphs (e)(1)(vii) and (viii) of this section for the added phase(s) of work and not furnished in previous program submissions.

(f) Bond Issue projects, under 23 U.S.C. 122, Advance Acquisition of ROW, under 23 U.S.C. 108 and Advance Construction projects, under 23 U.S.C. 115

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shall be supported and programed as required by 23 CFR Part 140, Subpart F; 23 CFR Part 712, Subpart G; and 23 CFR Part 630, Subpart G; and shall be generally consistent with this regulation unless the implementing regulation specifically provides otherwise.

(g) Projects in the State of Alaska funded under 23 U.S.C. 104 shall be programed consistent with this regulation. These funds may be transferred from one system category to another without restraint so long as the projects on which the funds are to be authorized provide for the construction of access and development roads on a Federal-aid system that will serve resource development, recreational, residential, commercial, industrial or other like purpose.

(h) Projects involving other special procedures or special fund authorizations, shall be supported and programed as required by the implementing regulation issued to cover such funds and shall be generally consistent with this regulation unless the implementing regulation specifically provides otherwise.

§ 630.110 General requirements.

(a) The Federal-aid program shall consist of projects located upon an approved Federal-aid system except that projects for determining the acceptable location of Federal-aid routes; projects which are legislatively mandated for off-system Federal-aid work such as those under 23 U.S.C. 151, 219 and 405, and non-highway projects under 23 U.S.C. 142 and 103(e)(4) may also be included in the program.

(b) Projects for inclusion in the secondary Federal-aid program (23 U.S.C. 104(b)(2)) shall be selected by the State highway agency and the appropriate local officials in cooperation with each other, except where all public roads and highways are under the control and supervision of the State highway agency. An acceptable evidence of cooperation may be as follows:

(1) A procedure contained in an approved State Certification Acceptance Plan under 23 CFR Part 640 or Action Plan under 23 CFR Part 795; or

(2) A statement from the State highway agency accompanying the program submission, certifying selection by local officials and the State in cooperation with each other.

(c) Projects for utilization of urban system funds shall be selected by appropriate local officials with the concurrence of the State highway agency.

(1) Projects developed in accordance with the planning process pursuant to 23 U.S.C. 134 and included in the Transportation Improvement Program's annual element (23 CFR 450.312) meet the requirement for local officials selection. Inclusion of the projects in a Federal-aid program signifies State highway agency concurrence.

(2) In areas where the Section 134 planning process is not required, selection by local officials may be evidenced by:

(i) A procedure contained in an approved State Certification Acceptance Plan under 23 CFR Part 640 or Action Plan under 23 CFR Part 795, or

(ii) A statement from the State highway agency accompanying the program submission certifying selection by local officials.

(d) Projects in urbanized areas shall:

(1) Be based on a planning process pursuant to 23 U.S.C. 134 and 23 CFR Part 450, Subpart A. Certain types of safety projects may be exempted from this process as permitted by 23 CFR Part 655, Subpart E.

(2) Be selected from the annual element of the Transportation Improvement Program consistent with 23 CFR Part 450, Subpart C.

(3) Be constructed only after the responsible public officials of jurisdictions in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project.

(e) Program(s) of projects to be administered under Certification Acceptance shall indicate experimental features and any known or proposed exceptions to approved standards or procedures under 23 CFR Part 640.

(f) Categories of work such as, but not limited to, spot safety improvements, traffic engineering improvements, billboard removal or other minor items involving work at a number of separate locations, may be included as a single areawide project per category in the appropriate program(s). The size of projects shall be kept reasonable to permit timely completion of work involved.

§ 630.112 Approval of annual programs.

(a) The Federal Highway Administrator will notify the State highway agency in writing of the action taken on each program submission, indicating approval in whole or in part and any qualifications or conditions determined necessary.

(b) Program approval will indicate Federal agreement with the State's selection of projects, which shall then become eligible for apportioned or allocated Federal funds upon authorization to proceed.

(c) Program approval shall not constitute an obligation of funds, nor shall it establish a date of eligibility for Federal funding.

(d) The Federal Highway Administrator will notify the appropriate A-95 clearinghouse(s) of the action taken on projects in accordance with 23 CFR Part 420, Subpart C.

(e) Approved programs may be modified as necessary. Program modifications shall be consistent with procedures established in this regulation for its development.

(f) Federal-aid programs will be approved by the Federal Highway Administrator except as follows:

(1) Programs for projects funded with Federal-aid urban system funds pursuant to 23 U.S.C. 104(b)(6) shall be approved by:

(i) the Federal Highway Administrator with respect to highway projects;

(ii) the Urban Mass Transportation Administrator with respect to nonhighway public mass transit projects; and

(iii) the Federal Highway Administrator and Urban Mass Transit Administrator jointly with respect to both highway and nonhighway public mass transit projects for an urbanized area when the program or applicable portion does not include all Federal-aid urban system nonhighway public mass transit projects contained in the annual element of the Transportation Improvement Program for the urbanized area.

(2) Programs for nonhighway public mass transit projects funded with interstate substitution funds pursuant to 23 U.S.C. 103(e)(4) shall be approved by the Urban Mass Transit Administrator.

(g) In any case where the State does not concur in a nonhighway public mass transit project, a statement describing the reasons for the nonconcurrence shall accompany the Federal-aid program submission.

(h) If a phase(s) of a programed project has not received initial Federal authorization by the end of the program period, the phase(s) of work will automatically be dropped from the program and must be reprogramed when the work is anticipated to be authorized.

§ 630.114 Authorization to proceed.

(a) Authorization to proceed with the work on any phase of a highway project, including those under Certification Acceptance (23 CFR Part 640), shall be issued by the Federal Highway Administrator in response to a request from the State highway agency. Such a request shall be submitted only after appropriate prerequisite requirements pursuant to Title 23, U.S.C., and implementing regulations have been satisfied. Prerequisite requirements are dependent upon the character of work to be authorized.

(b) Authorizations to proceed subsequent to program approval for nonhighway public mass transit projects will be issued by the Urban Mass Transit Administrator under 23 CFR Part 810 or 23 CFR Part 476, Subpart D.

(c) The initial authorization to proceed for a phase of work shall be based on an approved project providing for that phase of work and contained in an approved program for the current program period, except as may be permitted in § 630.108. Authorization to proceed with work may be given concurrent with or subsequent to program approval.

(d) When an authorization is for a project phase of work and the project has been materially changed in length or termini from that approved in the annual program, the authorization request shall include a request for program revision.

(e) Authorization to proceed may be given for a complete phase or phases of work, or a portion of a phase of work. Within phases of work the division of work for partial authorization shall be at logical break points as agreed to by the State and the Federal Highway Administrator, based on the task accomplishment, not on a period of time. Tasks shall be expected to become directly attributable to the development of specific physical construction projects. In all cases, Federal funds shall not participate in costs incurred prior to the date of authorization to proceed.

(f) Authorization to proceed with work shall be deemed a contractual obligation of the Federal Government under 23 U.S.C. 106 and shall require that appropriate funds be available for full Federal participation for the cost of work authorized except as follows:

(1) Advance construction projects under 23 U.S.C. 115;

(2) Bond issue projects under 23 U.S.C. 122;

(3) The preliminary studies portion of the preliminary engineering and right-of-way phases (including hardship acquisition and protective buying) through the location stage (23 CFR Part 795) when a State highway agency requests authorization without obligation of funds. The written notice to a State approving their request will contain the following statement: "Authorization to proceed shall not constitute any commitment of Federal funds nor shall it be construed as creating in any manner any obligation on the part of the Federal Government to provide Federal funds for the undertaking." When a project has received an authorization as permitted above, subsequent authorizations beyond the location stage shall not be given until appropriate available funds have been obligated to cover the previous authorization. Costs incurred after the initial authorization are eligible for Federal reimbursement; and

(4) In special cases where the Federal Highway Administrator determines it to be in the best interests of the Federal-Aid highway program.

(g) A State highway agency's request for authorization shall be by letter or other form mutually acceptable to the State and Federal Highway Administrator. FHWA authorizations will not be issued until all requirements are met relative to the specific work to be authorized.

§ 630.116 Transition with existing annual programs.

A transition period shall exist from the date of issuance of this regulation until October 1, 1976. The State highway agency shall, during this period, phase out the programing procedures of superseded PPM 21-1[1] and institute the requirements of this regulation. This regulation shall become fully implemented by October 1, 1976.

[FR Doc.75-33554 Filed 12-11-75;8:45 am]

[1] See § 1.32(b)(5)(i).

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-807]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● **Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).** ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

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§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Michigan	Calhoun	Burlington, township of	Dec. 2, 1975, emergency	Oct. 10, 1975		
Pennsylvania	Schuylkill	Branch, township of	do	Nov. 15, 1974		
Do	Mifflin	Decatur, township of	do	do		
Do	Greene	Greensboro, borough of	do	Nov. 8, 1974		
Do	Susquehanna	Jackson, township of	do	Feb. 7, 1975		
Do	Greene	Jefferson, township of	do	Dec. 20, 1974		
Do	Westmoreland	Loyalhanna, township of	do	Sept. 13, 1974		
Do	Beaver	New Sewickley, township of	do	Jan. 3, 1975		
Do	Wayne	Oregon, township of	do	Nov. 8, 1974		
Do	Erie	Springfield, township of	do	Nov. 1, 1974		
West Virginia	Ohio	Unincorporated areas	do	Nov. 29, 1974		
Do	Webster	do	do	Dec. 13, 1974		
Massachusetts	Norfolk	Holbrook, town of	July 31, 1970, emergency; Apr. 28, 1972, regular; July 20, 1975, suspended; Nov. 25, 1975, reinstated.	Apr. 28, 1972		
California	Los Angeles	Glendora, city of	Nov. 18, 1975, regular			
Do	do	South El Monte, city of	Nov. 14, 1975, regular			
Do	do	South Pasadena, city of	Nov. 14, 1975.			
Idaho	Cassia	Declo, city of	Dec. 3, 1975, emergency	Sept. 6, 1974		
Massachusetts	Middlesex	Hopkinton, town of	do	July 19, 1974		
Minnesota	Carver	Young America, city of	do	Jan. 31, 1975		
Pennsylvania	Cambria	Cambria, township of	do	Dec. 6, 1974		
Do	Greene	Clarksville, borough of	do	Nov. 15, 1974		
Do	Chester	East Coventry, township of	do	Oct. 31, 1975		
Do	Schuylkill	Frailey, township of	do	Oct. 18, 1974		
Do	Washington	Hanover, township of	do	Nov. 8, 1974		
Do	Berks	Maxatawny, township of	do	Jan. 10, 1975		
Do	Fayette	Saltlick, township of	do	Nov. 22, 1974		
West Virginia	Gilmer	Unincorporated areas	do	Nov. 15, 1974		
Do	Kanawha	Hadley, town of	do	Jan. 3, 1975		
Pennsylvania	Indiana	Burrell, township of	Dec. 4, 1975, emergency	Jan. 17, 1975		
Do	Adams	Carroll Valley, borough of	do	Sept. 13, 1974		
Do	do	Conewago, township of	do	Nov. 22, 1974		
Do	Susquehanna	Franklin, township of	do	Dec. 20, 1974		
Do	Westmoreland	Hyde Park, borough of	do	Nov. 1, 1974		
Do	Crawford	North Shenango, township of	do			
Do	Adams	McSherrystown, borough of	do	Nov. 22, 1974		
Do	Fulton	Wells, township of	do	Dec. 12, 1974		
Massachusetts	Middlesex	Holliston, town of	Dec. 5, 1975, emergency	Aug. 2, 1974		
Michigan	Calhoun	Convis, township of	do	Sept. 26, 1975		
Do	do	Emmett, township of	do			
Do	do	Homer, village of	do	Mar. 8, 1974		
New York	Herkimer	Poland, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: December 1, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-33388 Filed 12-11-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1953—CHANGES FOR STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Oregon State Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated July 28, 1975 from M. Keith Wilson, Chairman, Workmen's Compensation Board to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted proof documents concerning Subpart H of Part 1910, Title 29, Code of Federal Regulations. These standards, which are contained in Oregon Administrative Rules Chapter 437, section 22–050 through 22–059 and section 22–018(A)(c) and Oregon Administrative Rules Chapter 837, Sections 11–005 through 11–030 were promulgated by the State after an Order Adopting Rules was published in the Department of the State's Administrative Rules Bulletins Vol. XIV, No. 12, dated December 15, 1974; Vol. XIV, No. 13, dated January 1, 1975; and Vol. XV, No. 1, dated July 1, 1975. No request for public hearing was received.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which provide for public comment and therefore further opportunity for public participation would be repetitious.

This decision is effective December 12, 1975.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this third day of November, 1975.

JOHN A. GRANCHI,
Acting Assistant Regional Director.

[FR Doc.75-33591 Filed 12-11-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Extensions of Community Nursing Home Care Beyond 6 Months

The Administrator of Veterans Affairs amends Part 17 of Title 38, Code of Federal Regulations, to authorize Directors of health care facilities to approve extensions of community nursing home care at the expense of the United States beyond 6 months.

Section 620(a) provides that nursing home care at the expense of the United States for more than 6 months in the aggregate in connection with any one transfer may not be furnished except in the case of the veteran whose hospitalization was primarily for a service-connected disability or where in the judgment of the Administrator a longer period is warranted in the case of any other veteran.

The authority given to the Administrator by law for extensions was previously delegated in § 17.51a to the Chief Medical Director, his deputy, Associate Deputy Chief Medical Director for Operations or the Director, Field Operations. The delegation to Directors of health care facilities, who will exercise this authority only within the terms of this section, will provide for more expeditious action on these requests since direct knowledge regarding each case would be more readily available to those officials.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date is unnecessary in this instance and would serve no useful purpose because the change consists of internal practice and procedure.

Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

Directors of health care facilities may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of an unusual nature such as when a medical and economic need continues to exist, additional time is required to complete other arrangements for care, or when readmission to a hospital is not deemed professionally advisable despite terminal deterioration of the veteran's medical condition.

Effective date. This VA Regulation is effective October 31, 1975.

Approved: December 5, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-33542 Filed 12-11-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50–201—GENERAL REGULATIONS

Public Utility, Regular Dealer in Uranium Concentrates, Uranium Hexafluoride or Enriched Uranium, Walsh-Healey Public Contracts Act

On June 20, 1975, there was published in the FEDERAL REGISTER (40 FR 26405) a notice of proposed rulemaking to exempt contracts with public utilities from the manufacturer and regular dealer requirements of Section 1(a) of the Walsh-Healey Public Contracts Act to permit Government agencies, including the TVA to procure uranium concentrates, uranium hexafluoride and enriched uranium from public utilities.

Interested parties were given the opportunity to submit, not later than July 21, 1975, data, views, and recommendations concerning the proposed exemption. No unfavorable comments have been received, but one comment was received from the TVA pointing out an error in the formula for uranium concentrates.

Accordingly, the proposed exemption is hereby adopted without change, except for the correction of the uranium formula, and the justification for this exemption set out in the proposal is hereby adopted as my finding.

I find that the justification for this exemption is as follows:

1. Under current Energy Resources Development Administration regulations, enrichment customers, such as TVA, may include 10 percent foreign uranium in feed material supplied ERDA for enrichment in 1977, 15 percent in 1978, and an increasing percentage each following year until all restrictions on use of foreign materials are removed in 1984.

2. Recent efforts by TVA to procure domestic uranium presumably from firms meeting the requirements of regular dealer or manufacturer by negotiation or invitations to bid have not been satisfactory in meeting TVA's domestic uranium requirements.

3. Some public utilities whose nuclear programs have been curtailed or cancelled have indicated that they will be selling their supplies of uranium in the near future. Both foreign and domestic buyers are competing for these supplies. Because public utilities may not be considered to be manufacturers or regular dealers in uranium within the meaning of the Public Contracts Act, this additional needed source of domestic uranium would not be available to TVA without an exemption from the manufacturer or regular dealer requirements of the Act.

Accordingly, § 50–201.604 is amended by adding a new paragraph (e) reading as follows:

§ 50–201.604 Partial administrative exemptions.

* * * * *

(e) Contracts with a public utility for the procurement of uranium concentrates (U_3O_8), uranium hexafluoride (UF_6), or enriched uranium are exempt from the requirement of Section 1(a) of the Act and § 50–201.1 that the contractor be a manufacturer or regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract. For purposes of this exemption, a public utility is defined to be an enterprise engaged in the transmission and sale of electric power and energy and whose rates therefor are regulated under State, local, or Federal laws governing operations of public utility enterprises.

As this amendment grants an exemption, it shall be effective December 12, 1975.

Signed at Washington, D.C., on this 5th day of December 1975.

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.75-33590 Filed 12-11-75;8:45 am]

PART 50–201—GENERAL REGULATIONS

Regular Dealer for Used Automatic Data Processing Equipment, Walsh-Healey Public Contracts Act

On June 13, 1975, there was published in the FEDERAL REGISTER (40 FR 25219) a notice of proposed rulemaking setting forth the definition of a regular dealer for used automatic data processing equipment. Interested parties were given the opportunity to submit, not later than July 14, 1975, data, views, or arguments regarding this proposal.

No unfavorable comments have been received and the proposed definition of regular dealer is hereby adopted without change.

The proposed findings justifying the change as published in the proposal are hereby adopted as my finding and are as follows:

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1. The market place for automatic data processing equipment is unique in that the Government's requirements may be satisfied through the use of new equipment provided by manufacturers or through the use of used equipment made available through a system of used ADPE suppliers.

2. Original equipment manufacturers supply equipment without differentiating between new, used, or recycled equipment with a uniform price applying to all categories.

3. Suppliers of used equipment acquired by the General Services Administration during FY 74 yielded a savings of 9.75 million dollars from the original equipment manufacturers' price of 30.03 million dollars. Comparable savings have been achieved when other agencies have obtained services from the suppliers of used computer equipment.

4. Regular dealers as defined in 41 CFR 50–201.101(b) and the Federal Procurement Regulations, 41 CFR 1–12.603–2, do not exist for automatic data processing equipment. There are no known sources of supply who stock or warehouse automatic data processing equipment for future sale as is customary in many industries. Even manufacturers do not stock or warehouse automatic data processing equipment. Rather, their general practice is to build to order. Some suppliers do own quantities of equipment which have been on lease. This equipment may be warehoused on a temporary basis after a lease has expired until a new user is found for the equipment. No supplier, however, maintains an inventory of this commodity in anticipation of future sales.

5. Approximately 75 percent of the equipment obtained for use by Federal agencies from this used computer marketplace is leased since the method of acquisition is controlled by the type of funds available to the user community, i.e., fiscal year monies. In the remaining cases where purchase funds are available, outright purchase is the preferred method of acquisition.

6. The third party marketplace is almost exclusively a brokerage type of operation where the dealers in this industry will locate computer systems which no longer satisfy the initial user's needs and then find new users who have a need for a comparable data processing capability. These firms generally do not operate on a commission or percentage of sale basis but rather are free agents operating in a highly competitive marketplace. This industry provides an essential service to the United States Government as evidenced by the amount of dollars saved. Their service is unique since their network is able to bring about the exchange of used equipment obtained from numerous individual owners who would not otherwise be in a position to offer their products at a savings to the Government.

As this amendment relieves the restriction, it shall be effective December 12, 1975.

Accordingly, § 50–201.101 is amended by adding a new paragraph (b)(10) as follows:

§ 50–201.101 Manufacturer or regular dealer.

. . . . . .

(b) . . .

(10) A regular dealer in used automatic data processing equipment may be a person who owns or controls previously owned or used items, materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract and who offers such items for sale to the public in the usual course of business and whose principal business is the purchase and sale of such items, materials, supplies, articles, or equipment.

. . . . . .

Signed at Washington, D.C. on this 5th day of December, 1975.

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

[FR Doc.75–33589 Filed 12–11–75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 25; Notice 20]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading Standards; Response to Petitions for Reconsideration

The NHTSA has received nine petitions for reconsideration of 49 CFR 575.104, *Uniform Tire Quality Grading Standards*, which was published in Notice 17 (40 FR 23073; May 28, 1975) and amended by Notice 18 (40 FR 28071; July 3, 1975).

On August 14, 1975, the United States Court of Appeals for the Sixth Circuit granted a motion to stay the enforcement and postpone the effective dates of the regulation, pending review of its validity in "B. F. Goodrich Co. v. Department of Transportation" (No. 75–1566). In view of the stay, the NHTSA considers that it would be inappropriate to take action at this time with respect to the issues raised in the petitions for reconsideration. The agency will respond in detail to these petitions after the stay is lifted.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51)

Issued on December 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–33544 Filed 12–11–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

● **Purpose. To Amend the test procedures used to evaluate Anthrax Spore Vaccine.** ●

On June 17, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 25599. On September 5, 1975, an extension of time to submit written data, views, or arguments was published in the FEDERAL REGISTER at 40 FR 41139.

The purity test in the present Standard Requirements for Anthrax Spore Vaccine includes an alternate choice of medium. Neither has been found acceptable for detection of all possible bacterial contaminants. These amendments would add the requirement that the vaccine be tested with both mediums.

The safety test in the present Standard Requirement for Anthrax Spore Vaccine is not sufficiently critical to assure safety of every serial unless deaths in guinea pigs in the potency test necessitates the use of sheep or goats. These amendments would change the safety requirement to the use of sheep or goats as the initial test.

These amendments would also change the potency test to a two-stage test to provide additional testing in event vaccinated guinea pigs are lost for reasons other than lack of potency in the vaccine.

Comments received from the producers of the vaccine included suggestions to relax the severity of the proposed potency test.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice of rulemaking, and the suggestions received from the comments, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein subject to the following noted modifications:

The conditions of the proposed test for potency have been changed to relax the requirements while retaining the desirable features of the two-stage test. The prechallenge period has been changed from "14 to 21 days" to "14 to 15 days" to eliminate unnecessary variable results.

The designated injection site in paragraph (c)(2)(i) has been reworded to make it less restrictive and an editorial change has been made in paragraph (c)(2)(ii).

Section 113.66 is amended by revising paragraphs (a)(2)(i), (b), and (c) to read:

§ 113.66 Anthrax Spore Vaccine—Non-encapsulated.

. . . . . .

(a) . . .

(2) . . .

(i) One ml shall be inoculated into one tube of thioglycollate broth and one tube of nutrient broth, incubated at 35 to 37° C for seven days and examined for microorganisms other than *Bacillus anthracis*. If micro-organisms other than *Bacillus anthracis* are detected, the serial or subserial is unsatisfactory.

. . . . . .

(b) *Safety test.* Bulk or final container samples of completed product shall be tested for safety. Each of two healthy young sheep or goats shall be injected subcutaneously with two cattle doses and observed for 14 days. If either sheep or goat shows evidence of persistent or progressive edema which does not subside in 4 or 5 days, or does not survive the observation period, the serial or subserial is unsatisfactory.

(c) *Potency tests.* The spore count provided in paragraph (c)(1) of this section shall be conducted on each serial and each subserial. The two-stage vaccination challenge test provided in paragraph (c)(2) of this section shall be conducted on each serial.

(1) *Spore count.* Final container samples of completed product shall be diluted in tenfold steps. Each dilution that may be significant shall be plated in triplicate on nutrient or tryptose agar, inverted, and incubated at 35 to 37° C for 24 to 28 hours. The plates showing proper dispersion of colonies shall be counted and averaged. If the spore count average is less than 2,000,000 spores per cattle dose, the serial or subserial is unsatisfactory.

(2) Bulk or final container samples of completed product shall be tested for potency in healthy guinea pigs weighing 400 to 500 grams each.

(i) Twelve guinea pigs (vaccinates), shall be injected subcutaneously on the abdomen with ½ of a cattle dose and observed for 14 to 15 days. If at least 10 of the vaccinates do not survive the prechallenge observation period, the test is inconclusive and may be repeated.

(ii) *Bacillus anthracis* challenge material, available upon request from Veterinary Services, shall be used to challenge each of the surviving vaccinates and each of six nonvaccinated guinea pigs (controls). Each guinea pig shall be injected with approximately 4500 LD_{50} of the challenge material and observed for 10 days. The challenge dose shall be determined by statistical analysis of results of titrations of the challenge material.

(iii) If at least 5 of the 6 controls do not die within the 10 day post-challenge observation period, the test is invalid and may be repeated. If the test is valid, the results of the potency test shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative: Deaths for satisfactory test	Cumulative: Deaths for unsatisfactory test
1	10 to 12	1 or less	3 or more.
2	20 to 24	2 or less	3 or more.

(iv) The second stage shall be required only when exactly two animals die in the first stage. The second stage shall be conducted in a manner identical to the first stage.

(37 Stat. 832–833; 21 U.S.C. 151–158).

Effective date: These amendments take effect January 13, 1976.

Done at Washington, DC, this 8th day of December 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–33596 Filed 12–11–75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of Massachusetts Under Federal Meat and Poultry Products Inspection Acts for Special Purposes

● **Purpose. The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of Massachusetts under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act.** ●

Statement of considerations. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in section 11 of the Poultry Products Inspection Act (21 U.S.C. 460). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Officials of the State of Massachusetts have advised this Department that effective January 12, 1976, the State of Massachusetts will no longer be in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce."

The Secretary heretofore determined that the State of Massachusetts had developed and activated requirements at least equal to the requirements under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act. However, such sections contemplate continuous ongoing programs, and in view of the termination date now applicable to the Massachusetts programs, the Secretary, after consultation with the appropriate advisory committee, has now determined that Massachusetts is not exercising, in a manner ot effectuate the purposes of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, Massachusetts is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column; "Massachusetts" is added immediately below "Kentucky" in all three places.

2. In the "Effective date of designation" column, "January 12, 1976" is added on the line with "Massachusetts" in all three places.

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(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621, 645); 37 FR 28464, 28477)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. In the "State" column, "Massachusetts" is added immediately below "Kentucky" in both places.

2. In the "Effective date" column, "January 12, 1976" is added on the line with "Massachusetts" in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791 (21 U.S.C. 460(e), 463); 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective December 13, 1975.

Done at Washington, D.C., on December 10, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-33755 Filed 12-11-75;9:29 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGERED PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of Massachusetts

● **Purpose. The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of Massachusetts under section 301 (c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.** ●

Statement of considerations. A representative of the Governor of the State of Massachusetts has advised this Department that the State of Massachusetts is no longer in a position to continue administering the State meat inspection program after January 11, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, a representative of the Governor of the State of Massachusetts has advised this Department that the State of Massachusetts is no longer in a position to continue administering the State poultry inspection program after January 11, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Massachusetts had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the Massachusetts programs, it is hereby determined that Massachusetts is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On January 12, 1976, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of Massachusetts which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on January 12, 1976, the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of Massachusetts which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after January 11, 1976, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. M. J. Hatter, Director, Northeastern Region, Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102 (Telephone: 215/597-4219).

Accordingly, the table in § 331.2 of the federal meat inspection regulations (9 CFR 331.2) is amended as follows:

1. In the "State" column, "Massachusetts" is added immediately below "Kentucky."

2. In the "Effective date of application of Federal provisions" column, "January 12, 1976" is added on the line with "Massachusetts."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; (21 U.S.C. 621, 661(c)); 37 F.R. 28464, 28477)

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "Massachusetts" is added immediately below "Maine."

2. In the "Effective date of application of Federal provisions" column, "January 12, 1976" is added on the line with "Massachusetts."

(Secs. 5(c) and 14, 71 Stat. 441, as amended (21 U.S.C. 454(c), 463); 37 FR 28464, 28477)

These amendments of the federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

The amendments and the notice given hereby shall become effective December 13, 1975.

Done at Washington, D.C., on December 10, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-33756 Filed 12-11-75;9:30 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

OTHER TOBACCO

Proposed Determinations on Marketing Quotas for the 1976–77, 1977–78 and 1978–79 Marketing Years

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*, hereinafter referred to as the "Act"), the Secretary is preparing (1) with respect to fire-cured (type 21), fire-cured (types 22–24), and dark air-cured tobacco, to proclaim national marketing quotas for the 1976–77, 1977–78, and 1978–79 marketing years and to conduct, within 30 days after the proclamation of such national marketing quotas, referendums of farmers engaged in the 1975 production of each of such kinds of tobacco to determine whether they favor or oppose marketing quotas for such years; and (2) with respect to fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52, and cigar filler and binder (types 42–44 and 53–55) tobacco, to determine and announce the amounts of the national marketing quotas for each of such kinds of tobacco for the 1976–77 marketing year; to convert such marketing quotas into national acreage allotments and announce the allotments; to apportion such allotments, less reserves of not to exceed 1 per centum of each respectively, through the local committees among old farms and to apportion the reserves for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments.

Sec. 312(a) of the Act (7 U.S.C. 1312 (a)) requires the Secretary to proclaim marketing quotas, not later than February 1, 1976, for fire-cured and dark air-cured tobacco for the three marketing years beginning October 1, 1976, because the 1975–76 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect.

Quotas were previously proclaimed, referendums conducted, and quotas approved by growers as follows: fire-cured and dark air-cured for the 1973–74, 1974–75, and 1975–76 marketing years (38 F.R. 9219); Virginia sun-cured for the 1974–75, 1975–76, and 1976–77 marketing years (39 F.R. 23985); and cigar binder (types 51 and 52) and cigar-filler and binder (types 42–44 and 53–55) for the 1975–76, 1976–77, and 1977–78 marketing years (40 F.R. 14737).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purpose of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown. No further action under this section is contemplated at this time.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1976 with respect to kinds other than flue-cured tobacco, the amount of the national marketing quota which will be in effect for the 1976–77 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1976–77 national marketing quota so announced may, not later than March 1, 1976, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Section 301(b) of the Act (7 U.S.C. 1301(b)) defines the "total supply" of any kind of tobacco (except type 46) for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

Section 312(c) of the Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under section 312(a) of the Act for a kind of tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the crop of such kind of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and submission to a referendum, as otherwise provided in section 312, of a national marketing quota.

Section 313(g) of the Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed and to apportion the national acreage allotment (less a reserve of not

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to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The subjects and issues involved in making the determinations described in this notice are:

1. The amount of the reserve supply level for fire-cured (type 21), fire-cures (types 22–24), dark air-cured, Virginia sun-cured, cigar binder (types 51 and 52) and cigar filler and binder (types 42–44 and 53–55) tobacco.
2. The amount of the national marketing quota for each of these kinds of tobacco for the 1976–77 marketing year.
3. The national factors for apportioning national acreage allotments to old farms.
4. The amounts of the national acreage allotments to be reserved for new farms and for making corrections and adjusting inequities in old farm allotments.
5. The date(s) or period(s) of the two referendums on quotas for the 1976–77, 1977–78, and 1978–79 marketing years for fire-cured and dark air-cured tobacco, and whether either or both of the referendums should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

Consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 5:45 p.m., Monday through Friday, in Room 3744-South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be received no later than January 12, 1976.

Signed at Washington, D.C. on: December 9, 1975.

E. J. PERSON,
Acting Administrator Agricultural Stabilization and Conservation Service.

[FR Doc.75-33598 Filed 12-11-75;8:45 am]

[7 CFR Part 726]

BURLEY TOBACCO

Proposed Determinations on Marketing Quotas for the 1976–77 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing to determine and announce the amount of the national marketing quota, the national reserve and the national factor for burley tobacco for the 1976–77 marketing year.

Section 319(b) of the Act (7 U.S.C. 1319(b)) provides that the national marketing quota for the 1976–77 marketing year shall be determined and announced not later than February 1, 1976. ing quotas on a poundC3s$eg__bt3s-$5 Burley tobacco farmers approved marketing quotas on a poundage basis for the 1974–75, 1975–76 and 1976–77 marketing years (39 FR 23985).

Section 319(c) provides that the national marketing quota shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established.) A reserve of 2,800,000 pounds was established for the 1975–76 marketing year (40 FR 4633).

Section 301(b) of the Act (7 U.S.C. 1301(b)) defines "Total supply" of burley tobacco as the carry-over at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1975–76 marketing year is 1,731 million pounds, composed of carry-over of 1,094 million pounds and estimated production of 637 million pounds.

Section 301(b) of the Act defines "Reserve supply level" as normal supply plus 5 percent. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carry-over. A "Normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "Normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The reserve supply level used in determining the national marketing quota for the 1975–76 marketing year was 1,701 million pounds, calculated from a normal year's domestic consumption of 538 million pounds and a normal year's exports of 85 million pounds (40 F.R. 4633). The proposed reserve supply level for use in determining the national marketing quota for the 1976–77 marketing year is 1,646 million pounds, calculated from a normal year's domestic consumption of 525 million pounds and a normal year's exports of 75 million pounds.

The amount of burley tobacco produced in the United States and estimated to have been (1) utilized in the United States during the 1974–75 marketing year was 519 million pounds and (2) exported during the 1974–75 marketing year was 68 million pounds, farm-sales weight basis. The amount of the national marketing quota for the 1975–76 marketing year is 670 million pounds based upon estimated utilization in the United States of 555 million and estimated exports of 95 million pounds, with an upward adjustment of 20 million pounds (40 F.R. 4633). For the 1976–77 marketing year, utilization in the United States is estimated to be about 555 million pounds and exports are estimated to be about 75 million pounds. The total supply for the 1975–76 marketing year is 86 million pounds greater than the proposed reserve supply level, but the amount of the downward adjustment, if any, desirable for an orderly reduction in the total supply is still being considered.

Section 319(e) of the Act provides, in part, that each farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection 319(c) (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined: *Provided*, That such national factor shall not be less than 95 per centum.

Section 319(i) of the Act provides, in part, that if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced and such marketings shall be eligible for price support.

Section 319(h) of the Act provides that effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

The subjects and issues involved in the proposed determinations with respect to burley tobacco for the 1976–77 marketing year are:

1. The amount of the national marketing quota.
2. The amount of the reserve supply level.

3. The amount of the national reserve.
4. Whether the Secretary should implement the provision in section 319(i) of the Act to encourage additional marketings of any grades to insure traditional market patterns.

The national factor is not considered an issue in these determinations because it results from a mathematical computation under section 319(e) of the Act.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in room 3744-South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be received not later than January 12, 1976.

Signed at Washington, D.C. on: December 9, 1975.

E. J. PERSON,
Acting Administrator Agricultural Stabilization and Conservation Service.

[FR Doc.75-33597 Filed 12-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 10, 27, 51, 53]

[Docket No. 75P-0166]

DRAINED WEIGHTS FOR PROCESSED FRUITS AND VEGETABLES

Standards of Fill of Container and Label Statement

Correction

On page 54587 in the issue of Tuesday, November 25, 1975, the correction for FR Doc. 75-28786 (40 FR 52172; November 7, 1975) should be disregarded. Doc. 75-28783 was correct as originally published.

[21 CFR Parts 310, 330]

[Docket No. 75N-0345]

MARKETING STATUS OF INGREDIENTS RECOMMENDED FOR OVER-THE-COUNTER USE

Proposed Rulemaking and Enforcement Policy

Correction

In FR Doc. 75-32645 appearing at page 56675 in the issue of Thursday, December 4, 1975, in the middle column on page 56675 the date "February 6, 1975" appearing in the seventh line from the bottom of the incomplete paragraph should read "February 2, 1976".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-41-AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 747 series airplanes. There have been several reported instances of cracks developing in the trailing edge flap tracks that could result in loss of the trailing edge flap assembly. Three cracks had been reported prior to 1975. Eight cracks were reported during 1975. The increase in frequency and size of reported cracks has prompted the agency to require inspection and replacement of the tracks if necessary. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the trailing edge flap track.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before January 15, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 747 series airplanes certificated in all categories. Compliance required as indicated.

To prevent failures of flap tracks accomplish the following:

Within the next 300 flights after the effective date of this AD, unless accomplished within the last 900 flights and at intervals thereafter not to exceed 1200 flights visually inspect the following trailing edge flap tracks for cracks emanating from all fastener holes (no disassembly necessary):

Track position numbers 1 and 8, part numbers 65B06012-4, 65B06011-7 and 65B060-13. Track position numbers 2 and 7, part numbers 65B06006-3, 65B06005-5, and -9. Track position numbers 3 and 6, part numbers 65B07791-7, -8, 65B07789-23, -24, -27, and -28. Track position numbers 4 and 5, part numbers 65B07790-13, -14, -15, -16, -17, -18, 65B16624 all dash numbers.

If cracks are found, replace the flap track before further flight.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., December 5, 1975.

C. B. WALK, JR.,
Director,
Northwest Region.

[FR Doc.75-33449 Filed 12-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-AL-12]

CONTROLLED AIRSPACE

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would (1) add a west extension to the Nome, Alaska, control zone (2) realign the east extension of the Nome, Alaska, control zone (3) reconfigure the lateral limits of the 700-foot Nome, Alaska, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before January 12, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform con-

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ditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involved, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would amend the Nome, Alaska, control zone by (1) adding a west extension, 17 miles west of the Nome localizer and 3 miles north and 3 miles south of the west course of the Nome localizer, (2) reducing the east control zone extension width to within 3 miles north and 4 miles south of the Nome VOR 107° T (090° M) and 287° T (270° M) radials. It would also amend the Nome, Alaska, transition area, by changing the configuration of the lateral limits of that airspace extending upward from 700-foot above the surface, to within 4.5 miles north and 9.5 miles south of the Nome VOR 107° T (090° M) and 287° T (270° M) radials extending from 18.5 miles east to 32 miles west of the Nome VOR. The relocation of Fort Davis NDB and 5° change in the Nome NDB runway 27 instrument approach procedure required an alternation of sufficient dimension to encompass the airspace to be protected, and the existing Nome, Alaska, terminal airspace structure needed to be readjusted to accommodate prescribed instrument approach procedures.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 5, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-33450 Filed 12-11-75;8:45 am]

MARINE MAMMAL COMMISSION

[50 CFR Part 510]

FEDERAL ADVISORY COMMITTEE ACT

Proposed Implementation

Correction

In FR Doc. 75-32192 appearing at page 55679 in the issue of Monday, December 1, 1975, the fourth line of § 510.7(a) on page 55680 should be corrected to read "tion provided in 5 U.S.C. 552(b), the Chair-".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-51129]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Partially Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Friday, January 23 and in both open and closed sessions on Saturday, January 24, 1976. The open session of the meeting will convene on Saturday at 2 p.m. in Room 1107, U.S. Department of State, 21st and C Street, NW., Washington, D.C.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations for the U.S. Delegation to the 1976 New York Session of the Third United Nations Conference on the Law of the Sea. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents, which contain new substantive proposals as well as revisions of earlier policy statements, relate to the issues which the United States will be negotiating at the Conference. The documents are exempt under 5 U.S.C. 552 (b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, the establishment of a deep seabeds mining regime, the breadth of the continental margin, the juridical content of the economic zone, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2 p.m. on January 24, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Peter Bernhardt by January 21 and provide their name and affiliation to facilitate their attendance. Mr. Bernhardt's telephone number is (area code 202) 632-9616.

Dated: November 20, 1975.

OTHO E. ESKIN,
Staff Director, MSC Interagency Task Force on the Law of the Sea.

[FR Doc.75-33536 Filed 12-11-75;8:45 am]

[Public Notice CM-5/130]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold open meetings at 9 on Monday, January 5, 1976 and at 10 on Tuesday, January 6, 1976 in Rooms 8236 and 8238 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meetings is to prepare position documents for the Fifteenth Session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London in April 1976. The working group will discuss the following topics on the 5th of January:

Definitions for mobile offshore units;
Relevance of SOLAS 1974 (International Convention for Safety of Life at Sea, 1974) requirements and other appropriate requirements for mobile offshore units;
Contents and scope of regulations for mobile offshore units.

On the 6th of January the working group will discuss the above topics as necessary and the following topics in addition:

Draft requirements for segregated ballast tankers less than 150 meters in length;
Code for novel craft;
Shipborne barges and barge carriers;
Safety measures for special purpose ships;
Training and research vessels;
Mobile offshore units;
Offshore supply vessels including pipelaying vessels.

Requests for further information on the meeting should be directed to Captain D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 8, 1975.

[FR Doc.75-33537 Filed 12-11-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

OXYGEN SENSING PROBES FROM CANADA

Termination of Countervailing Duty Investigation

On June 30, 1975, a "Notice of Tentative Termination of Countervailing Duty Investigation" was published in the FEDERAL REGISTER (40 FR 27500) with respect to oxygen sensing probes from Canada.

The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a tentative decision had been made to terminate the investigation as to whether any bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) upon the manufacture, production, or exportation of oxygen sensing probes from Canada.

The notice stated further that before a final decision would be made to terminate the investigation, consideration would be given to any relevant data, views or arguments submitted in writing 30 days from the date of the notice with respect to the tentative decision.

No written submissions having been received, it is hereby announced that the investigation is terminated on the basis that there have been no imports of oxygen sensing probes during the recent past and that production of this item will be discontinued. Should imports of oxygen sensing probes from Canada resume at any time, the Treasury Department will reopen its investigation as to the existence of bounties or grants under section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

This notice is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 26, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-33439 Filed 12-11-75;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE, GULF OF MEXICO

Availability of Final Environmental Impact Statement Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf general oil and gas lease sale of 135 tracts of submerged lands on the Outer Continental Shelf offshore Texas, Mississippi, Louisiana, Alabama, and Florida.

Single copies of the final environmental statement can be obtained from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental statement will also be available for public review in the main libraries in various coastal communities in the sale area.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved:

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-33391 Filed 12-11-75;8:45 am]

Geological Survey

DISPOSAL OF PRODUCED WATER

Lessees and Operators of Federal and Indian Oil and Gas Leases

On August 15, 1975, the Geological Survey published in the FEDERAL REGISTER (Vol. 40, No. 93, pp. 34425-34427), a proposed notice which prescribed the requirements applying to the disposal of water produced from wells on Federal and Indiaan oil and gas leases and those on fee and State leases committed to federally approved cooperative agreements.

Written and oral comments, suggestions, and objections received by the Geological Survey have been carefully considered in the preparation of the final Notice to Lessees and Operators, NTL-2B. All written comments are on file with the Geological Survey. Certain of these comments have been incorporated or essentially satisfied and the Geological Survey has made other changes on its own motion. The principal changes are discussed below:

Definition. The approval authority of the Geological Survey is better defined.

Disposal requirements and application. Provides that approval must be obtained regardless of the physical location of the disposal facility. Also warns that applications for approval of existing facilities filed after July 1, 1977, may not be approved in time to prevent the shut-in facility for noncompliance. Adds authority for the District Engineer to require modification of facilities prior to October 1, 1977, when warranted. Changes data requirements for applications from general to specific under each category. Provides that previous applications not meeting the requirements of this Notice must be refiled or supplemented and for the filing of a single application for multiple facilities.

Disposal in subsurface. Adds injection wells in pressure maintenance projects; a specific project description; quantity, source, and analysis data for produced water; indigenous water data; a bond log in some cases; a contingency plan in the event of a system failure; and, a general provision that injection may be approved in zones containing unusable water even though it is of better quality than the produced water.

Disposal in line pits. Adds a map requirement; data about quantity and source of produced water; and, a contingency plan in the event of a system failure.

Disposal in unlined pits. Deletes the reference to total pounds of dissolved solids. Adds a provision for disposing of water where the indigenous water is not unsable even though it is of better quality than the produced water; analysis data for produced water; a map requirement; indigenous water data; State permits granted as a result of public hearings; and a fencing requirement. The Notice also provides that pits will be located away from drainage and clarifies the submittal of data regarding percolation rate.

Temporary use of surface pits. Adds a provision that fluids contained in such pits may not be drained on the surface of the land at clean-up without prior approval and a fencing requirement.

Disposal facilities for new wells. Provides for 90 days temporary use instead of 30 and for 60 days in which to correct the disposal method unless District Engineer determines a danger to the environment.

Unavoidable delay. Provides for a six-month extension in arctic and subarctic areas.

Reports. Provides that no annual water analysis will be required when the volume is less than five barrels per day; for the submittal of the latest monitoring report in lieu of annual reports where a NPDES permit is in effect; and, for single annual report for multiple facilities which have been approved by a single application.

Compliance. Adds Safe Drinking Water Act regulations to this provision.

NOTE: It is hereby certified that the economic impacts of Notice to Lessees and Operators, NTL-2B, have been carefully evaluated in accordance with OMB Circular A-107.

W. H. RADLINSKI,
Acting Director.

[NTL-2B]

DISPOSAL OF PRODUCED WATER

NOTICE TO LESSEES AND OPERATORS OF FEDERAL AND INDIAN OIL AND GAS LEASES

This notice supersedes NTL-2 and 2A and is issued pursuant to the authority prescribed in 30 CFR 221.4 and 221.32. Lessees and operators of onshore Federal and Indian oil and gas leases or fee and State leases committed to federally supervised unitized or communitized areas shall comply with the following requirements for the handling, storing, or disposing of water produced from oil and gas wells on such leases.

As used in this notice, the term "District Engineer" means the District Engineer, U.S. Geological Survey. However, in the State of Alaska, the requirements of this Notice will be administered by the Area Oil and Gas Supervisor.

I. Disposal requirements and applications for approval of disposal methods. By October 1, 1977, all produced water from the above said leases must be disposed of by (1) injection into the subsurface; (2) lined pits; or, (3) by other acceptable methods. All such disposal method must be approved in writing by the District Engineer regardless of the physical location of the disposal facility. Any method of disposal which has not been approved as of October 1, 1977, will be considered as an incident of noncompliance and will be grounds for issuing a shut-in order until an acceptable manner for disposing of said water is provided and approved by the District Engineer. Lessees and operators are encouraged to file applications in this regard as promptly as possible and are forewarned that applications for approval of existing disposal facilities which are filed after July 1, 1977, may not be timely approved.

No additional approval is required for facilities previously approved by the Geological Survey which involve the disposal of produced water into the subsurface or in lined surface pits. Likewise, no further approval is necessary for existing injection facilities utilized for pressure maintenance or secondary recovery operations.

Lesees and operators who are presently disposing of water in unlined surface pits must timely file applications with the District Engineer for approval of present or proposed disposal methods. Likewise, lessees and operators who are presently disposing of produced water in the subsurface or in lined surface pits without approval of the Geological Survey must also file applications for approval thereof by the District Engineer.

The District Engineer may require modification of any disposal facility prior to October 1, 1977, whenever it is determined that continued use of such facility is endangering the fresh water in the area or is otherwise adversely affecting the environment.

Any application to dispose of produced water must specify the proposed method of disposal and provide the information necessary to justify the method. Required information which must be included in applications for approval of produced water disposal in the subsurface, in lined pits, or in unlined pits is set forth in sections II, III, and IV, respectively, of this notice. Additional information may be required by the District Engineer in individual cases. Previous applications filed in response to NTL-2 and NTL-2A which do not met the data requirements of this Notice must be supplemented or resubmitted.

A single application may be submitted for several leases or facilities: *Provided*, That (1) the leases or facilities are located in the same field; (2) the produced water is from the same formation or is of similar quality; (3) the volume and source of the water is shown separately for each disposal facility; and, (4) the method of disposal is the same in every case.

II. *Disposal in the subsurface.* If approval is requested for subsurface water injection in connection with secondary recovery operations or for disposal purposes, the lessee or operator must furnish information which includes:

1. The designated name and number of the proposed disposal well and its location in feet and direction from the nearest section lines of an estabiished survey. The applicable Federal or Indian oil and gas lease number or other permit and/or the ownership of the surface and minerals if other than Federal or Indian.

2. The daily quantity and sources of the produced water and a water analysis which includes total dissolved solids, pH, and the concentrations of chlorides and sulfates.

3. The injection formation and interval.

4. The quality of the fluids in the injection interval, i.e., total dissolved solids.

5. The depth and areal extent of all usable water (i.e., less than 10,000 ppm total dissolved solids) aquifers in the area.

6. The size, weight, grade and casing points of all casing strings, the size hole drilled to accommodate each string, the amount and type of cement, including additives used in cementing each string, and the top of the cement behind each casing string. In addition, bond logs may be required in certain instances.

7. The total and plugged back depth of the well.

8. The present or proposed method of completing the well for injection including the type and size of tubing and packer to be utilized, the setting depth of the packer, anticipated injection pressure, and information concerning any corrosion inhibitor fluid which is to be placed in the tubing-casing annulus.

9. Plans for monitoring the system to assure that injection is confined to the injection interval and measures to be taken should it be necessary to shut-in the disposal system.

In order to be approved, subsurface disposal must be confined (1) to formations which contain water of similar or poorer quality than the injected water or (2) to formations that contain water of such poor quality as to eliminate any practical use thereof.

In general, it will be required that subsurface disposal be accomplished through tubing utilizing a packer which is designed to hold pressure from above and below. The packer should be set at a depth where the casing is protected by competent cement but normally not more than 50 feet above the injection interval. Other procedures or methods of subsurface disposal may be approved by the District Engineer when justified by the lessee or operator.

III. *Disposal in lined pits.* Where approval is requested for surface disposal in a lined pit, the lessee or operator must supply information which includes:

1. A topographic map of suitable scale which shows the size and location of pit.

2. The daily quantity, sources of the produced water, and a water analysis which includes the concentrations of chlorides, sulfates, and other constituents which are toxic to animal, plant, or aquatic life.

3. The evaporation rate for the area compensated for annual rainfall.

4. The method for periodic disposal of precipitated solids.

5. The type of material to be used for lining the pit and the method of installation.

6. The method to be employed for the detection of leaks and plans for corrective action should a leak occur in the liner.

The material used in lining pits must be imperivious, weather-resistant, and not subject to deterioration when contacted by hydrocarbons, aqueous acids, alkalies, fungi, or other substances likely to be contained in the produced water. Lined pits constructed after the issuance of this Notice must have an underlying gravel-filled sump and lateral system or other suitable devices for the detection of leaks. The District Engineer shall be provided an opportunity to inspect the leak detection system prior to the installation of the pit liner.

IV. *Disposal in unlined pits.* Surface disposal into unlined pits will not be considered for approval by the District Engineer unless the lessee or operator can show by application that such disposal meets any one or more of the following criteria:

1. The water to be disposed of has an annual weighted average concentration of not more than 5,000 ppm of total dissolved solids: *Provided*, That such water does not contain objectionable levels of any constituent toxic to animal, plant, or aquatic life.

2. That all, or a substantial part, of the produced water is being used for beneficial purposes. For example, produced water used for purposes such as irrigation and livestock or wildlife watering shall be considered as being beneficially used.

3. The water to be disposed of is not of poorer quality than the surface or subsurface waters in the area which reasonably might be affected by such disposal or the surface and subsurface waters are of such poor quality as to eliminate any practical use thereof.

4. The volume of water to be disposed of per facility does not exceed five barrels per day on a monthly basis.

5. The specific method of disposal has been granted a surface discharge permit under the National Pollutant Discharge Elimination System (NPDES).

Applications for approval of unlined surface pits pursuant to exception Nos. 1, 2, 3, or 4, above, must include:

1. The daily quantity and sources of the produced water and for exception Nos. 1 through 3, a water analysis which includes total dissolved solids, pH, and the concentrations of chlorides and sulfates.

2. A topographic map of suitable scale which shows the size and location of the pit.

3. The evaporation rate for the area compensated for annual rainfall.

4. The estimated percolation rate based on the soil characteristics under and adjacent to the pit.

5. The depth and areal extent of all usable water (i.e., less than 10,000 ppm total dissolved solids) aquifers in the area.

Where beneficial use is the basis for the application, the justification submitted must contain written confirmation from the user(s) and the water analysis must also include the oil and grease content, temperature, and the concentration of other constituents which are toxic to animal, plant, or aquatic life.

If the application is made on the basis that surface and subsurface fresh waters will not be affected by disposal in an unlined pit, the justification must also include:

1. Analyses of all surface and subsurface waters in the area which might reasonably be affected by the proposed disposal.

2. Maps or plats showing the location of surface waters, fresh water wells, and existing water disposal facilities within two miles of the proposed disposal facility.

3. Reasonable geologic and hydrologic evidence showing that the proposed disposal method will not adversely impact on existing water quality or major uses of such waters; the depth of the shallowest fresh water aquifer in the area and the presence of any impermeable barrier(s).

4. A copy of any State order or other authorization granted as a result of a public hearing which is pertinent to the District Engineer's consideration of the application.

If the application is for disposal pursuant to an NPDES permit, only a topographic map showing the size and location of the pit together with a copy of the approved permit and the most recent "Discharge Monitoring Report" will be required.

V. *General requirements for permanent surface pits.* Lined and unlined pits approved for water disposal shall:

1. Have adequate storage capacity to safely contain all produced water even in those months when evaporation rates are at a minimum.

2. Be constructed, maintained, and operated to prevent unauthorized surface discharges of water. Unless surface discharge is authorized, no siphon, except between pits, will be permitted.

3. Be fenced to prevent livestock or wildlife entry to the pit, when required by the District Engineer.

4. Be kept reasonably free from surface accumulations of liquid hydrocarbons by use of approved skimmer pits, settling tanks, or other suitable equipment.

5. Be located away from the established drainage patterns in the area and be constructed so as to prevent the entrance of surface water.

VI. *Temporary use of surface pits.* Unlined surface pits may be used for handling or storage of fluids used in drilling, redrilling, reworking, deepening, or plugging of a well provided that such facilities are promptly and properly emptied and restored upon completion of the operations. Mud or other fluids contained in such pits shall not be disposed of by cutting the pit walls without the prior authorization of the District Engineer. Until finally restored, unattended pits must be fenced to prevent access by livestock and wildlife. Unless otherwise specified by the District Engineer, unlined pits may be used for well evaluation purposes for a period of 30 days.

Unlined pits may also be retained as temporary containment pits for use only in an emergency provided such pits have been approved by the District Engineer. Any emergency use of such pits shall be reported to the District Engineer as soon as possible and the pit shall be emptied and the liquids disposed of in an approved manner within 48 hours following its use, unless such time is extended by the District Engineer.

VII. *Disposal facilities for new wells.* With the approval of the District Engineer, produced water from wells completed after the issuance date of this Notice may be temporarily disposed of into unlined pits for a period up to 90 days. During the period so authorized, an application for approval of the permanent disposal method, along with the required water analysis and other information, must be submitted to the District Engineer. Failure to timely file an application within the time allowed will be considered an incident of noncompliance and will be grounds for issuing a shut-in order until the application is submitted. With the approval of the District Engineer, the disposal method may be continued pending his final determination. Once the District Engineer has determined the proper method of disposal, the lessee or operator will have until October 1, 1977, or 60 days following receipt of the District Engineer's determination, whichever is the longer, in which to make any changes necessary to bring the disposal method into compliance. However, if the disposal method then employed is endangering the fresh water in the area or otherwise constitutes a hazard to the quality of the environment, the District Engineer will direct prompt compliance with the requirements of this Notice.

VIII. *Unavoidable delay.* A single extension of time not to exceed three months (six months in arctic and subarctic areas) may be granted by the District Engineer where the lessee or operator conclusively shows by

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application that, despite the exercise of due care and diligence, he has been unable to timely comply with the requirements of the notice: *Provided*, That such delay will not adversely affect the environment.

IX. *Reports.* All unauthorized discharges or spills from disposal facilities must be reported to the District Engineer in accordance with the provisions of NTL–3.

Beginning October 1, 1976, and thereafter on an annual basis, lessees and operators must submit a report for each facility which includes the total volume disposed of during the reporting period and a current water analysis which provides the same type of information required for approval of the original application: *Provided however*, That:

1. Where disposal is approved pursuant to section IV (4), no annual water analysis will be required.

2. Where disposal is approved pursuant to a NPDES permit, a copy of the required discharge monitoring report may be submitted in lieu of the above annual report.

3. Where a single application was approved for several leases and/or facilities, a composite annual report covering all such leases and facilities may be submitted.

X. *Compliance.* Compliance with this notice does not relieve a lessee or operator of the responsibility for complying with more stringent applicable Federal or State water quality laws and regulations, including those which are subsequently promulgated pursuant to the Safe Drinking Water Act (Pub. L. 93–523), or with other written orders of the Geological Survey.

Date

Area Oil and Gas Supervisor

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75–33432 Filed 12–11–75;8:45 am]

GEOTHERMAL RESOURCES OPERATIONAL (GRO) ORDER NO. 4

Central and Western Regions; Correction

In FR Doc. 75–21476, appearing at page 34427 in the issue for Friday, August 15, 1975, the second sentence of section 6 (Biota), which appears on page 34428 in the second and third columns is hereby corrected to read as follows: "The lessee shall take such measures as are necessary for the conservation of endangered and threatened species of flora and fauna as set forth in applicable executive orders, regulations, and State and Federal legislation such as the Endangered Species Act of 1973 and the Fish and Wildlife Coordination Act."

V. E. MCKELVEY,
Director.

[FR Doc.75–33347 Filed 12–11–75;8:45 am]

Bureau of Reclamation

NARROWS UNIT, COLORADO

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Narrows Unit, Colorado. This statement (INT DES 75–59, dated December 8, 1975) was made available to the public on December 10, 1975.

The draft environmental statement deals with the construction and operation of a multipurpose dam and reservoir, relocation of railroads, a State highway, the Union Pacific Railroad, and various utility lines. It also discusses the inundation of approximately 7,000 acres of irrigated agricultural land, the townsites of Weldona, Goodrich, and Orchard, and the relocation of the residents and facilities of these towns.

Public hearings will be held in Fort Morgan, Colorado, at the Morgan County REA office building, 20169 Highway 34, on January 13–14, 1976, to receive views and comments from interested organizations and individuals relating to the environmental impacts of this proposed project. Oral statements at the hearings will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearings may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to their time preference, if any, requested by letter or telephone. Any scheduled speaker not present when called will lose his privilege in the scheduled order, and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted until 4 p.m., January 12, 1976, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present statements at the hearings should contact the Lower Missouri Regional Office, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234–3779, by letter or telephone, and announce their intentions to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by January 26, 1976, to be included in the hearings record.

Dated: December 9, 1975.

E. F. SULLIVAN,
Acting Commissioner of Reclamation.

[FR Doc.75–33600 Filed 12–11–75;8:45 am]

Office of the Secretary

[INT DES 75–59]

AUTHORIZED NARROWS UNIT, COLORADO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water resource project for the purpose of supplying supplemental irrigation water supply, applying flood control, and providing recreation and fish and wildlife preservation and development in the South Platte River Basin in eastern Colorado. Potential reservoir use includes supplying municipal and industrial water. Written comments may be submitted to the Regional Director (address below) on or before January 26, 1976.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Department of the Interior, Bureau of Reclamation, Room 7636, Interior Building, Washington, D.C. 20240, Telephone (202) 343–4991

Division of Engineering Support, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3022

Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3779

Central Colorado Water Conservancy District, 135 Denver Avenue, Fort Lupton, Colorado 80621

Lower South Platte Water Conservancy District, P.O. Box 1725, Sterling, Colorado 80751

Fort Morgan-Carnegie Public Library, City Park, Fort Morgan, Colorado 80701

Greeley Public Library, City Complex Building, Greeley, Colorado 80631

Weld County Library, 2227 23rd Avenue, Greeley, Colorado 80631

Brush Carnegie Library, Brush, Colorado 80723

Sterling Public Library, Fourth and Ash Streets, Sterling, Colorado 80751

Julesburg Public Library, 320 Cedar Street, Julesburg, Colorado 80737

University of Colorado Library, Boulder, Campus, Boulder, Colorado 80302

Penrose Library, University of Denver, 2150 E. Evans Avenue, Denver, Colorado 80210

William E. Morgan Library, Colorado State University, Fort Collins, Colorado 80521

Northeastern Junior College Library, 100 College Drive, Sterling, Colorado 80751

University of Northern Colorado Library, Greeley, Colorado 80631

Morgan Community College, 300 Main Street, Fort Morgan, Colorado 80701

Single copies of the draft statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director at the addresses listed above.

Dated: December 8, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–33437 Filed 12–11–75;8:45 am]

[INT–FES–75–100]

LYMAN PROJECT, WYOMING-UTAH

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement concerning completion of the Lyman Project with project service area in southwestern Wyoming. The statement analyzes environmental impacts from proposed construction of Stateline Dam in Utah or other alternatives to provide regulated water supply for supplementary irrigation and municipal use in Bridger Valley.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telepone (202) 343–4991

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234–3006

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524–5404

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: December 8, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–33438 Filed 12–11–75;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday and Thursday, January 14 and 15, 1976. The meeting will commence at 8 a.m. on each day at the Meeting House, Bluebeard's Castle Hotel, St. Thomas, Virgin Islands 00801.

The meeting will be open to public observation and approximately 50 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:45 a.m. until 12 noon on January 14, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements may be limited to three, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on January 14 with the Executive Secretary between 7:30 a.m. and 8 a.m. in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (Attn: Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to Richard Keating at 634–4245.

Copies of the minutes will be available on request approximately 30 days after the meeting.

The items for Committee discussion at the meeting will include the following:

WEDNESDAY, JANUARY 14

8 a.m.	Call to order and announcements: Welcome to new members, report on resolution passed at Washington, D.C. meeting, approval of minutes, brief progress report on CZM program.
8:30 a.m.	Report on items requested by committee: coastal water planning and management, State seaward boundary determination.
9:45 a.m.	Discussion of excluded Federal lands policy issue.
10:45 a.m.	Review of 306 approval criteria (using State of Washington as example).
11:45 a.m.	Oral statements (if any) by interested persons.
12 m.	Lunch.
1:15 p.m.	Legislative panel on CZM amendments and OCS legislation.
3 p.m.	Adjourn (will reconvene in the evening—time to be announced).

THURSDAY, JANUARY 15

8 a.m.	Call to order.
8:15 a.m.	Options for assisting States in program adoption: Technical assistance, tailored assistance, coastal awareness program, State legislative assistance.
10:30 a.m.	Presentation on principles and processes of insular coastal zone management.
12 m.	Lunch.
1 p.m.	Discussion of island CZM programs: Virgin Islands, Puerto Rico, Culebra.
2 p.m.	Slide presentation on insular coastal zone areas by Island Resources Foundation, Inc.
3 p.m.	Adjourn.
Evening session.	Discussion on future activities of committee: (Time to be announced).

Dated: December 5, 1975.

THEODORE P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75–33535 Filed 12–11–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on January 13 and 14, 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 9, 1975.

[FR Doc.75–33459 Filed 12–11–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, January 14, 1976, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual, utilization of

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production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Call to order, approval of minutes of July 15, and October 10, 1975 meetings.
(2) Presentation of papers or comments by the public.
(3) Discussion of work program of the Committee.
(4) Reports of Subcommittees:
(a) New Technology,
(b) Foreign Availability,
(c) Definitions.

EXCUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975 pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: December 9, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the numerically controlled machine tool industry, the Numerically Controlled Machine Tool Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee which currently has six members representing industry and ten members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 197, from the provisions of section 1(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: November 26, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting, Assistant Secretary for Administration.

Dated: November 21, 1975.

ALFRED MEISNER,
ALFRED MEISNER,
Acting General Counsel.

[FR Doc.75-33682 Filed 12-11-75;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, January 14, 1976, at 1:30 p.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of previous Subcommittee meeting.
(4) Further discussion of Office of Export Administration Regulations pertaining to published technical data.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.," September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER (40 FR 56960 appearing in the issue of December 5, 1975.)

Dated: December 1, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration Bureau of East-West Trade U.S. Department of Commerce.

[FR Doc.75-33810 Filed 12-11-75;11:43 am]

Economic Development Administration

COLUMBIAKNIT, INC.

Petition for Determination

A petition by Columbiaknit, Inc., 1847 E. Burnside, Portland, Oregon 97214, a producer of men's sweaters and shirts, was accepted for filing on December 3, 1975, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before December 22, 1975.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.75-33540 Filed 12-11-75;8:45 am]

Office of the Secretary

CLOTHES DRYERS, REGULAR OR STANDARD MODELS

Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation

Notice is hereby given that the Department of Commerce proposes to issue a Voluntary Energy Conservation Specification for clothes dryers in accordance with section 9.4 of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

INTERNATIONAL ELECTRONICS CORP.

Petition for Determination

A petition by International Electronics Corporation, 316 South Service Road, Melville, New York 17746, was accepted for filing on December 3, 1975, under Section 251 of the Trade Act of 1974 Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of electrical capacitors contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before December 22, 1975.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.75-33538 Filed 12-11-75;8:45 am]

SOOWAL KNITTING MILLS

Petition for Determination

A petition by Soowal Knitting Mills, 187 West Allegheny Avenue, Philadelphia, Pennsylvania 19133, a producer of men's and boys' sweaters and shirts, was accepted for filing on November 26, 1975, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before December 22, 1975.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.75-33539 Filed 12-11-75;8:45 am]

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The proposed Specification describes procedures for testing and labeling clothes dryers in compliance with the above mentioned procedures and contains instructions for participation by manufacturers in the Voluntary Labeling Program with regard to these products.

It is intended that Appendix A to the Specification shall contain values for the ranges of cost of energy for all regular or standard models of clothes dryers now on the market. Such information is not yet available. Therefore, the cost of energy range values contained in Appendix A of the proposed Specification are hypothetical and are used for the purpose of example only. The final version of the Specification will also be issued with the hypothetical cost of energy range values. At the time the final Specification is published, manufacturers wishing to participate in the initial period of clothes dryer labeling will be requested to provide, within 60 days, the data and calculations necessary to complete Appendix A. Upon receipt of the information from manufacturers, the Department of Commerce will prepare a completed Appendix A and publish it in the FEDERAL REGISTER in final form, under the provisions of 2.3 and 10.0 of the Specification. This procedure will not prevent other manufacturers, who may not wish to participate in the initial period of labeling, from becoming participants in the Program at a later date.

When the completed Appendix A is prepared, gas and electric utility rates used to calculate cost of energy may be changed from the values now shown in Appendix A. Such changes will be based on actual changes in average utility rates that might occur before that time.

On this date, as a convenience for persons desiring to study the proposed Specification, the Department of Commerce has published in the FEDERAL REGISTER a copy of the standard referred to in 4.1 of the proposed Specification, the notice of which appears immediately following this notice. This new standard is in the process of being issued by the Association of Home Appliance Manufacturers (20 North Wacker Drive, Chicago, Illinois 60606).

The proposed Specification applies to clothes dryers generally known in the industry as "regular" or "standard" models that are tested with a 7-pound (dry weight) load. The Department of Commerce also plans to add by separate specification "compact" or "portable" models that are tested with a 3-pound (dry weight) load when a suitable classification system has been established. The Department is particularly interested in receiving comments regarding the plans for a classification that will identify "compact" or "portable" models with suggestions for definitions that will distinguish the two product lines.

Cost of energy values, energy consumption values, and the cost estimating tables shown in Figures 1, 3, and 5 through 8 of the proposed Specification are shown as yearly values. The Department has also considered the use of monthly values and is interested in receiving comments relating to which of the two methods is the most useful to consumers, retailers, and others.

Interested persons are invited to participate in development of a final Specification covering clothes dryers, or comment on the intended procedure for completion of Appendix A, by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230, on or before January 26, 1976.

Persons desiring to express their views in an informal hearing may do so if, on or before December 29, 1975, they submit a request to the Assistant Secretary for Science and Technology that such a hearing be held.

A public docket of correspondence and transcripts of hearings will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Issued: December 5, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

The following is the proposed Specification under consideration for clothes dryers, regular or standard models:

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 6–75, FOR CLOTHES DRYERS, REGULAR OR STANDARD MODELS

Sec.
1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Product testing and rating.
5.0 Product labeling.
6.0 Use of program information in sales representations.
7.0 Participation in the program.
8.0 Termination of participation.
9.0 Use of program information by other than manufacturers.
10.0 Amendment.

Figures 1, 2, 5, and 7—Natural Gas Clothes Dryer Label.
Figures 3, 4, 6, and 8—Electric Clothes Dryer Label.
Appendix A—Cost of Energy Ranges.
Appendix B—Form for Manufacturer's Notice of the Intent to Participate in the Program with Respect to Clothes Dryers, Regular or Standard Models.

1.0 *Purpose.* The purpose of this Voluntary Energy Conservation Specification, hereinafter refered to as "Specification," is to establish procedures for testing and labeling clothes dryers in compliance with the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9) and to define requirements for participation by manufacturers in the Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation with regard to that product class.

2.0 *Scope.*

2.1 This Specification shall apply to the product class consisting of all clothes dryers as defined in 3.4.

2.2 Clothes dryers covered by this Specification shall be rated with respect to the following characteristics: 2.2.1 Energy consumption as described in 4.2.1 or 4.2.2. 2.2.2 Cost of energy as described in 4.2.3 or 4.2.4.

2.3 Values for cost of energy ranges for all clothes dryers for which data are available are contained in Appendix A to this Specification. This appendix shall be updated and published in the FEDERAL REGISTER on an annual basis. Copies of this appendix or updated versions thereof shall be provided by the Secretary to any interested party upon request.

3.0 *Definitions.*

3.1 The term "Secretary" means the Secretary of Commerce.

3.2 The term "manufacturer" means any person engaged in the manufacturing or assembling of clothes dryers in the United States, or in the importing of such products for sale or resale, or any person whose brand or trademark appears on such products who owns such brand or trademark and has authorized its use on such products, if the brand or trademark of the person actually manufacturing or assembling the products does not appear on the products.

3.3 The term "Procedures" means Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9).

3.4 The term "clothes dryer" means a regular or standard model of a power driven machine for household use for drying fabrics by evaporation through use of various combinations of gas or electric heat, air flow, and tumbling.

3.5 The terms "regular" or "standard" mean a full size, household clothes dryer that is tested with a 7-pound (dry weight) load.

3.6 The term "basic model group" means all clothes dryers actually manufactured or assembled by one manufacturer and having the identical energy consumption characteristics. A basic model group may contain one or more members. Members of a basic model group may differ in details that do not affect energy consumption as measured by the methods described in 4.0. Subject to the foregoing, acceptable differences include, but are not limited to, variations in trim, color, sales model number, or brand name, or the presence of some special features.

3.7 The term "sales representation" means any printed advertising, offering, catalog, or the like that pertains to the retail sale of a clothes dryer.

3.8 The term "cost of energy" means the approximate cost of the energy used in a year as determined under 4.2.3 or 4.2.4.

3.9 The term "clothes load" means the standard 7-pound (dry weight) test load as described in the energy consumption test called for in 4.1.

3.10 The term "therm" equals 100,000 Btu (1055.06×10^8 joules) or 100 cubic feet (ft^3) of gas at 1000 Btu/ft^3.

4.0 *Product testing and rating.*

4.1 Samples of clothes dryers shall be tested by manufacturers or their agents in accordance with Association of Home Appliance Manufacturers Standard HLD–2EC–1975 and with the following requirements:

4.1.1 Unless otherwise required by the Secretary under 4.1.5, test results obtained in the testing of one member of a basic model group of clothes dryers may be accepted as applicable to all members of that basic model group.

4.1.2 Sufficient units from each basic model group that are representative of units to be produced shall be tested according to the methods and procedures specified in 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required in 7.5.

4.1.3 Manufacturers shall maintain such quality control programs, including testing, as are necessary to insure that the performance of units shipped is within the tolerance specified in 4.4. Results of tests and calculations shall be retained as required in 7.5.

4.1.4 Certification programs that are open to all manufacturers and that pertain to the performance characteristics listed on the label may be used by manufacturers as a means of verifying that the performance of the units shipped is within the tolerance specified in 4.4. Results of tests and calculations shall be retained as required in 7.5.

4.1.5 In addition to the testing required under 4.1.2. and 4.1.3, the Secretary may, upon acquisition of evidence of possible mislabeling, require that one or more units of any specified model, selected at random from among recent production units, be tested by the manufacturer or his agent according to the methods and conditions specified in 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days following the date of receipt by the manufacturer of such a requirement from the Secretary, unless the Secretary grants an extension of this time pursuant to a written application from the manufacturer. This requirement does not preclude the Department of Commerce from testing or having tested at its own expense any clothes dryer.

4.2 Clothes dryers shall be rated as follows:

4.2.1. For electric clothes dryers, energy consumption shall be expressed in kilowatt-hours (kWh) per year and shall be based on the results of the energy consumption test called for in 4.1, which for electric clothes dryers provides a result expressed in kWh per month. The test result in kWh per months shall be multiplied by 12 months per year and rounded to the nearest 10 kWh per year to obtain the energy consumption rating in kWh per year.

4.2.2. For natural gas clothes dryers, energy consumption shall be in therms per year and shall be based on the results of the energy consumption test called for in 4.1, which for natural gas clothes dryers provides results expressed in Btu of gas energy per month (including pilot gas usage) and kWh per month. The test result in Btu of gas energy per month shall be divided by 100 000 Btu per therm, multiplied by 12 months per year and rounded to the nearest therm of gas per year to obtain the energy consumption in therms per year. The test result in kWh per month shall be multiplied by 12 months per year and rounded to the nearest 10 kWh per year to obtain the energy consumption in kWh per year.

4.2.3 For electric clothes dryers, cost of energy shall be expressed in dollars per year and shall equal the energy consumption rating in kWh per year from 4.2.1 before rounding off, divided by 8 clothes loads per week and multiplied by values of 4, 6, 8, 10, 12, and 14 clothes loads per week, each product then being multiplied by electric rates of 0.02, 0.04, 0.06, 0.08, and 0.10 dollars per kWh and rounded to the nearest dollar. A hypothetical set of 30 cost of energy ratings is shown on the label in Figures 3, 6, and 8.

4.2.4 For natural gas clothes dryers, cost of energy shall be expressed in dollars per year and shall equal the sum of the two sets of products resulting from the operations described in 4.2.4.1 and 4.2.4.2, each of the 24 sums rounded to the nearest dollar per year. A hypothetical set of 24 cost of energy ratings is shown on the label in Figure 1.

4.2.4.1 The natural gas energy consumption rating in therms per year shall be divided by 8 clothes loads per week and multiplied by values of 4, 6, 8, 10, 12, and 14 clothes loads per week, each product then being multiplied by natural gas rates of 0.10, 0.15, 0.20, and 0.25 dollars per therm.

4.2.4.2 The electric energy consumption rating in kWh per year shall be divided by 8 clothes loads per week and multiplied by values of 4, 6, 8, 10, 12, and 14 clothes loads per week, each product then being multiplied by an electric rate of 0.04 dollars per kWh. No other electric rates are used in this calculation, so the electrical energy cost for a given number of clothes loads per week will remain the same, regardless of the variation in the gas energy cost.

4.3 The ranges of cost of energy for use on labels shall be taken from the version of Appendix A in effect at the time the labels are applied, except that labels applied within a 90 day period following a revision of Appendix A need not be replaced with labels showing the new ranges.

4.4 All membres of a basic model group shall be held to be improperly rated and labeled if two units of that group, randomly selected, are tested under 4.1.4 or 4.1.5 and for both units, the ratings based on the results of such tests fall outside the following limits:

4.4.1 The value for energy consumption shall not be greater than 110 percent of the value shown on the label.

4.4.2 The value for cost of energy shall be accurate to the nearest dollar per year.

5.0 *Product labeling.*

5.1 The design of labels shall be as follows:

5.1.1 The design of labels shall be as shown in Figures 1 through 8. Except as provided in 5.1.2 through 5.1.4, no marks or information other than that indicated in Figures 1 through 8 shall be placed within the border of the label. The size of labels and sizes of type shall be as shown.

5.1.2 Minor variations in the appearance of labels that may be required for computerized printing techniques may be requested by application to the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230. Such variations shall be limited to changes in the type style or type size used to indicate values of ratings or ranges, model numbers, or other label elements that change from model to model. Applications for change shall include an example of the proposed change.

5.1.3 When two or more models having the same brand name have identical ratings, more than one model number may be shown on the label. The size of the label may be increased to accommodate such additional model number listings.

5.1.4 Labels shall be printed on white stock. The areas so indicated in Figures 1 through 8 shall be printed in "Pantone Super Warm Red". The seal or logotype of the certifying agency shall be printed in any legible color or colors. All other printing shall be in black.

5.1.5 Camera-ready art suitable for printing the labels, but not including numerical ratings, model numbers, or the seal, logotype, or other designation of the certifying agency, shall be provided by the Secretary to any manufacturer upon request. Actual labels shall be accurate reproductions of this art.

5.2 Clothes dryers shall be labeled as follows:

5.2.1 Labels shall be either folded as indicated in Figures 1 and 3 or pasted on units as indicated herein. Labels to be folded shall be hung as a tag at the top of the clothes dryer, from a convenient point on the control console, or from a control knob at the top front of the cabinet. Labels to be pasted shall be affixed to the top surface of the cabinet or to the front or top surface of the control console. Labels shall be hung or affixed in such a manner as to insure that they can be read in their entirety.

5.2.2 When labels are shown with other information, they shall appear clearly distinct from any other information supplied or displayed by the manufacturer so that the Department of Commerce Energy Conservation Mark on the label cannot reasonably be associated with such other information.

5.2.3 If any model of a given brand of clothes dryer is labeled, then every model of that brand shall be labeled. However, these requirements shall not apply to units intended for export or units manu-

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factured prior to the manufacturer's entry into the Program.

5.2.4 For individual units manufactured and packaged prior to a manufacturer's entry into this Program, manufacturers are encouraged to attach appropriate labels, distribute appropriate labels to retailers to be attached to floor display models or other models, or provide point-of-purchase displays as described in 6.4. Manufacturers shall encourage retention of labels on labeled units until such units are delivered to consumers. Manufacturers shall also encourage the use of any point-of-purchase displays that will enhance the usefulness of the labels to consumers.

6.0 *Use of program information in sales representations.*

6.1 For each labeled model for which sales representations are made that present quantitative energy consumption or cost of energy information, the listing shall either include a reproduction of the label for that model or shall in some other format indicate the energy consumption, cost of energy, and ranges of cost of energy appropirate to the listed model. The required information for one or more models may be presented in a table or tables.

6.2 For each labeled model for which sales representations are made that present quantitative energy consumption or cost of energy information, the range of cost of energy shown in the representation shall be taken from the version of Appendix A in effect 90 days before the press date of the sales representation or from a later version of Appendix A if it can be utilized before the press date of such sales representation.

6.3 When labeled models with accompanying quantitative energy consumption or cost of energy information are listed in sales representations, the section in which the models are listed may contain a reproduction of the Department of Commerce Energy Conservation Mark accompanied by the words "Tested in accordance with."

6.4 Legible reproductions of the label shown in Figures 5 through 8, in any size, may be used on the product, on packaging, in point-of-purchase displays, or in other advertising applications, but such use shall not be a substitute for required labeling.

6.5 When, for a given model, the cost of energy rating as determined in 4.2.3 and 4.2.4 is less than the lower limit of the appropriate cost of energy range as determined under 4.3 for use on labels or as determined under 6.2 for use in sales representations, manufacturers are encouraged to utilize this fact in their advertising of that model. This condition could result from introduction of a new or improved model or the late entry of a manufacturer into the Program and in such cases would persist until new cost of energy ranges had been issued.

7.0 *Participation in the program.*

7.1 Manufacturers wishing to participate in the Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation with respect to clothes dryers shall notify the Department of Commerce of intended participation. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer shall automatically be granted upon this notification to the Department. Receipt of such notification shall be acknowledged.

7.2 A manufacturer's notice of intent to participate in the Program with respect to clothes dryers shall be in a form substantially like that shown in Appendix B and shall include all points addresed in the form shown in Appendix B.

7.3 Manufacturers shall provide the Department of Commerce, not later than their stated effective date of entry into the Program with respect to clothes dryers, a listing of all models to be labeled. Such listing shall include the sales model designation, energy consumption, and cost of energy for each model, and an indication of the grouping of sales models into basic model groups. All appropriate sales models as defined in 5.2.3 shall be included. This listing may be included with the notice of intended participation, and shall be addressed to the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230. This requirement for a listing of models to be labeled may be met by reference to a publicly available directory or listing of clothes dryers if such directory or listing contains the required information.

7.4 When a manufacturer's listing of clothes dryer models to be labeled, or his listing of energy consumption ratings and cost of energy ratings as required under 7.3 is changed by the addition of models or by changes in model designations or ratings, the manufacturer or his agent shall notify the Secretary no later than 30 days after the first shipment of the newly listed or rated production models from his factory. When models are deleted or if the manufacturer terminates his participation in the Program with respect to clothes dryers of a given brand name, the manufacturer or his agent shall notify the Secretary no later than 30 days after such a decision is effective. Such notification shall be addressed to the Secretary of Commerce, U.S. Department of Commerce, Room 5851, Washington, D.C. 20230.

7.5 Manufacturers or their agents shall maintain files of test results and calculations on which ratings are based and files of test results and calculations used to verify that the performance of manufactured units is within the tolerance specified in 4.4. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested for the sole purpose of verifying the accuracy of this data, it shall be provided to the Secretary within 30 days of such request.

7.6 Manufacturers or their agents shall transmit required information to the Secretary in concise and readily understandable form. For this purpose, copies of appropriate lists and reports used for other purposes, as for example reports submitted by a manufacturer to the sponsor of a nationally recognized certification program or reports submitted by an independent testing laboratory to such a sponsor or a manufacturer, shall be acceptable.

7.7 Should any labeled clothes dryer be tested and found to be improperly rated and labeled as described in 4.4, the manufacturer shall, within 30 days of such a finding, give notice of non-compliance and a statement of revised ratings in writing to the Secretary and to all distributors or others in the line of distribution who are responsible for sales to dealers or other retail outlets. He shall also, within 60 days after such a finding, arrange to have corrected labels available for substitution on models currently on display at retail outlets and for those placed on display at a later date, and shall see that such outlets are notified through his normal channels of distribution.

8.0 *Termination of participation.*

8.1 A manufacturer may, at any time, terminate his participation and responsibilities under the Program with respect to clothes dryers of a given brand name by giving written notice to the Secretary that he will discontinue or has discontinued use of the labels on all clothes dryers of that brand name. Such notice shall state the effective date of the manufacturer's termination of participation.

8.2 The Department of Commerce, upon finding that a manufacturer is not complying with the conditions for participation set forth in this Specification and in the Procedures, may upon 30 days notice terminate the manufacturer's participation in the Program: *Provided*, That the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated.

8.3 Upon receipt of a notice of termination, a manufacturer may within 30 days request a hearing under the provisions of 5 U.S.C. 558.

9.0 *Use of program information by other than manufacturers.*

9.1 Retail sales organizations that are not manufacturers as defined in 3.2, that sell clothes dryers labeled under this Program and have received appropriate and accurate Program-related information from manufacturers or the Secretary, are specifically encouraged to utilize Program information in their sales efforts in the manner prescribed in 9.2.

9.2 Appropriate activities for non-manufacturers include the following:

9.2.1 Use of energy consumption ratings, cost of energy ratings and ranges, and reproduction of the Department of Commerce Energy Conservation Mark, under the guidelines described in 6.1, 6.2, and 6.3 in sales representations.

9.2.2 Affixing of labels or appropriate use of point-of-purchase displays, provided by manufacturers under 5.2.4, in sales areas.

9.2.3 Use of reproductions of labels, in the manner described in 6.4, in sales representations.

9.2.4 Advertising of instances where the cost of energy rating of a given model is less than the lower limit of the cost of energy range, as described in 6.5.

9.2.5 Distribution of Program information provided by the Department of Commerce. Program information may be obtained from the National Bureau of Standards, 441.01, Washington, D.C. 20234.

10.0 *Amendment.* This Specification is subject to amendment as provided in section 9.8 of the Procedures, except that Appendix A to this Specification may be updated and published in the FEDERAL REGISTER annually as described in 2.3 without first publishing notice of the proposed change in the FEDERAL REGISTER.

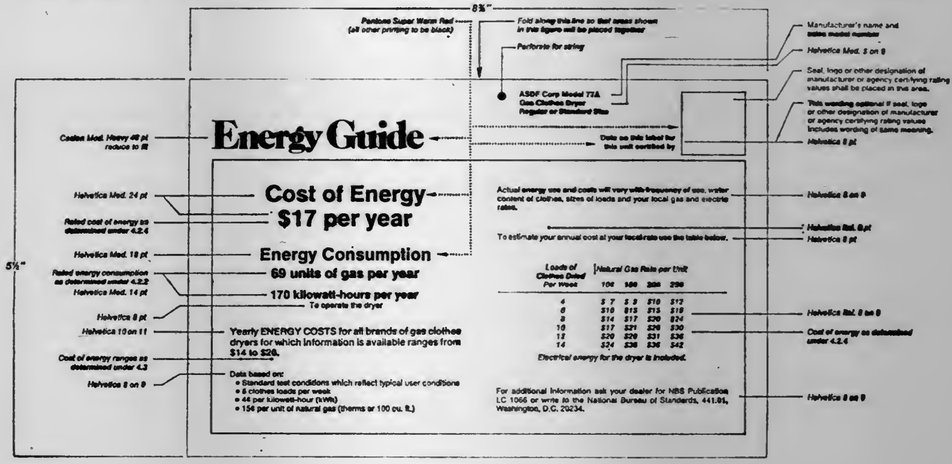


FIGURE 1
Gas Clothes Dryer

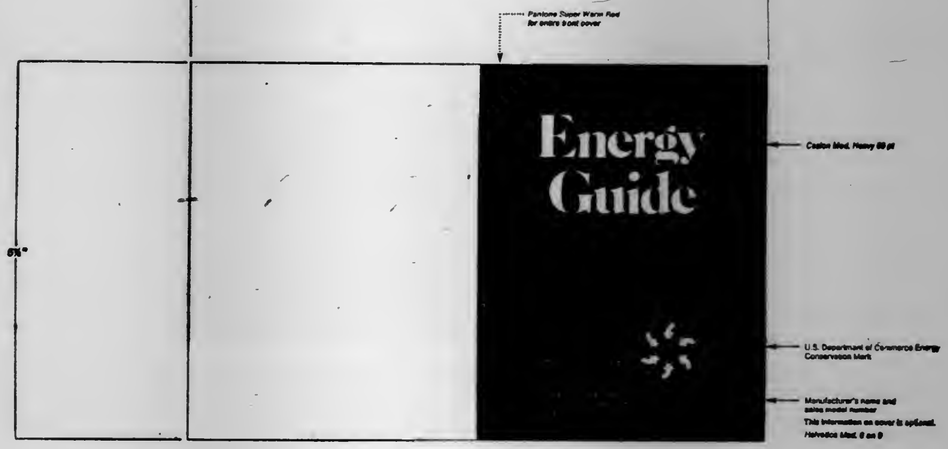


FIGURE 2
Gas Clothes Dryer

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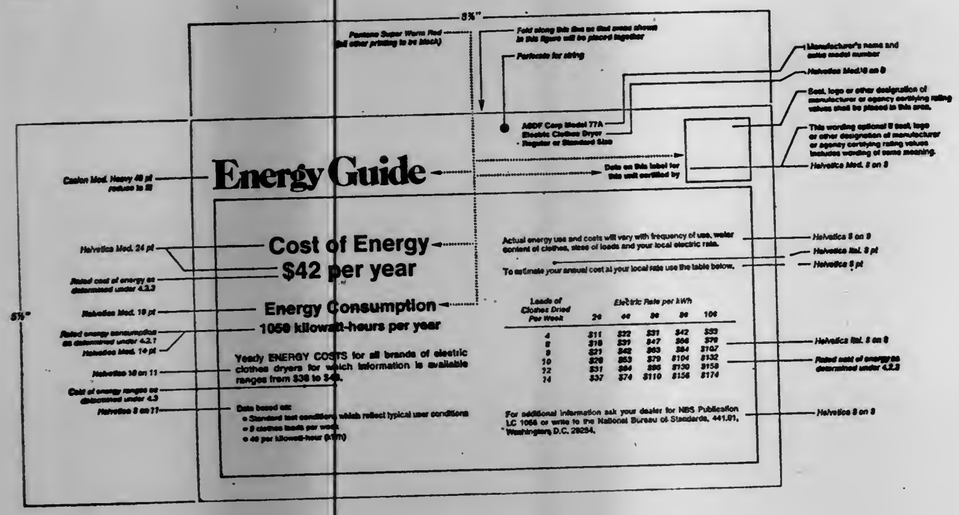


FIGURE 3
Electric Clothes Dryer

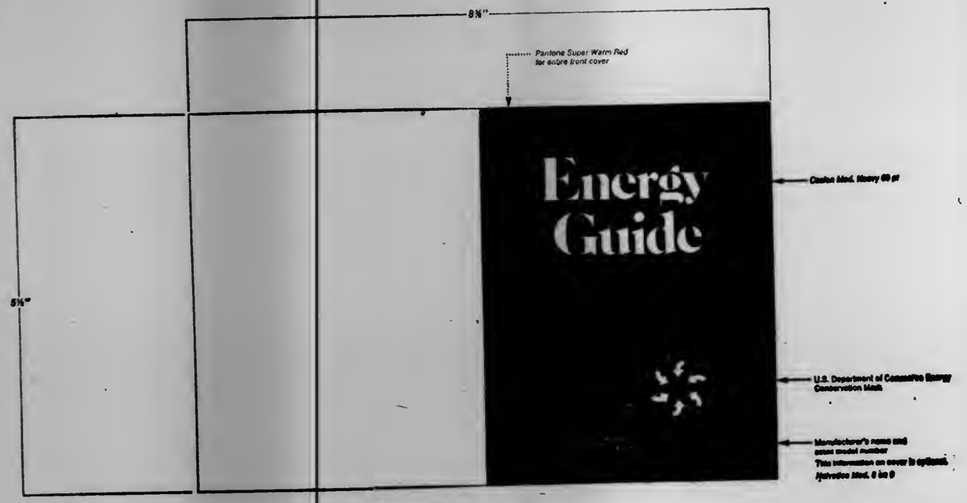


FIGURE 4
Electric Clothes Dryer

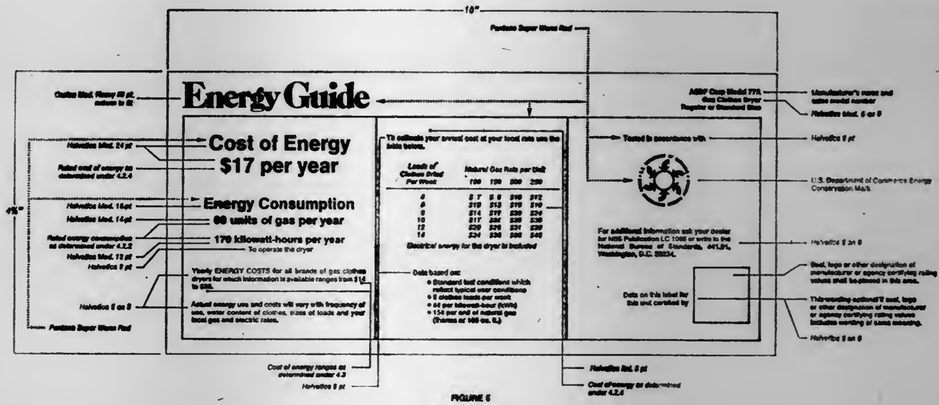


FIGURE 6
Gas Clothes Dryer

FIGURE 5
Electric Clothes Dryer

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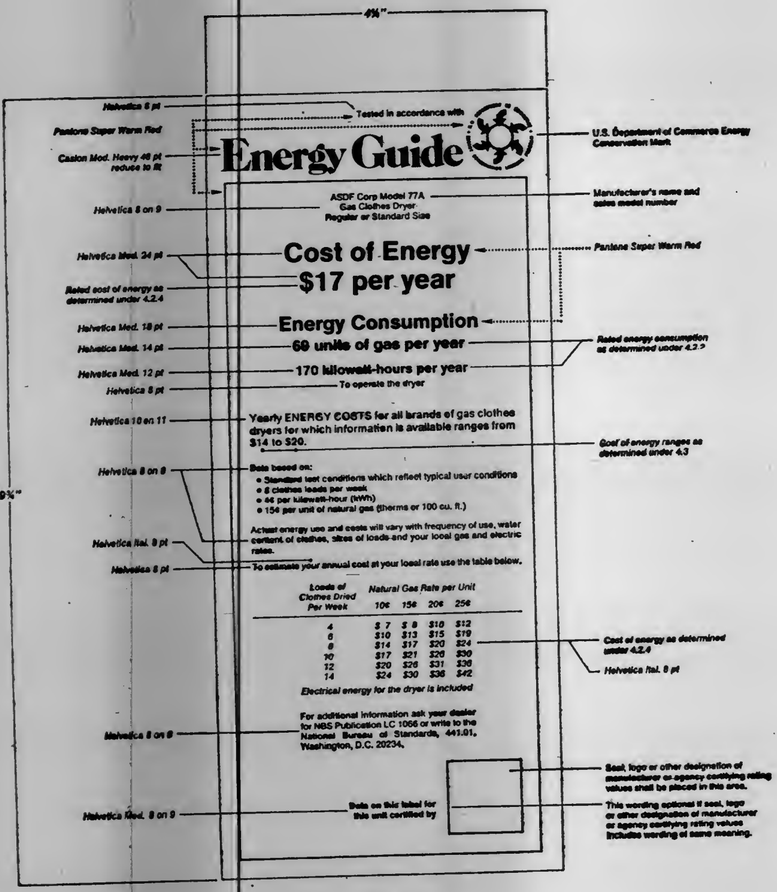


FIGURE 7
Gas Clothes Dryer

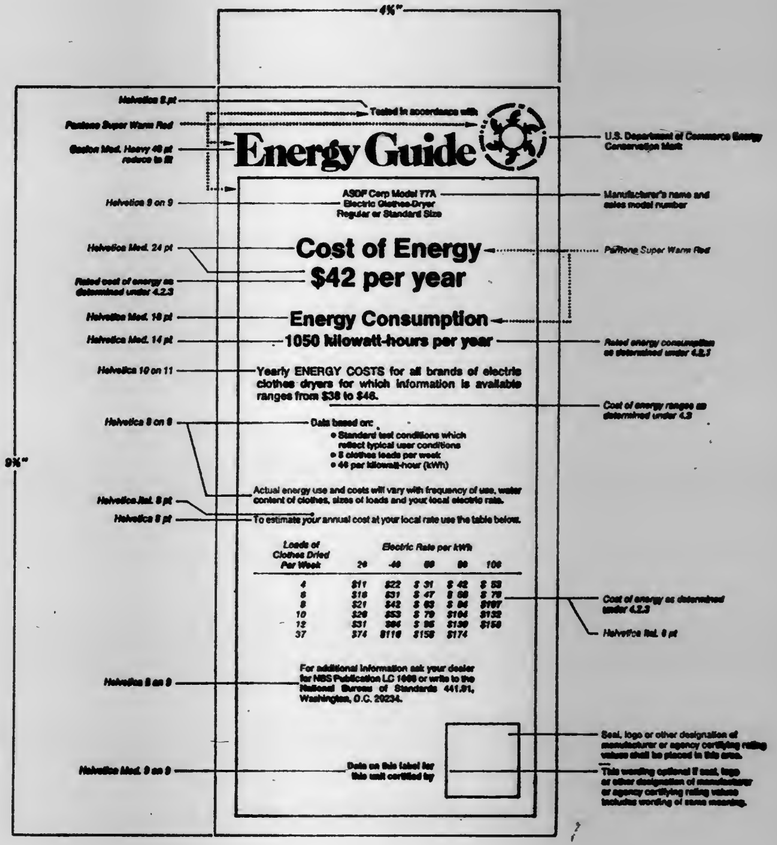


FIGURE 8
Electric Clothes Dryer

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VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 6–75, FOR CLOTHES DRYERS, REGULAR OR STANDARD MODELS

APPENDIX A—COST OF ENERGY RANGES

For Natural Gas Clothes Dryers: At 4¢ per kWh and 15¢ per therm, the currently specified cost of energy rates, $14.00 to $20.00 per year.

For Electric Clothes Dryers: At 4¢ per kWh, the currently specified cost of energy rate $38.00 to $46.00 per year.

The numbers shown above are hypothetical and are used for purpose of example only.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 6–75, FOR CLOTHES DRYERS, REGULAR OR STANDARD MODELS

APPENDIX B—FORM FOR MANUFACTURER'S NOTICE OF THE INTENT TO PARTICIPATE IN THE PROGRAM WITH RESPECT TO CLOTHES DRYERS, REGULAR OR STANDARD MODELS

Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230:

(NAME OF CORPORATION) intends to participate in the Department of Commerce Voluntary Labeling Program with respect to clothes dryers. Accordingly, (NAME OF CORPORATION) agrees to abide by all conditions for participation as set forth in the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9, and Voluntary Energy Conservation Labeling Specification No. 6–75, for Clothes Dryers, Regular or Standard Models, including:

1. Conduct required tests (4.0).
2. Provide required labels (5.0).
3. Provide required information in sales representations (6.0).
4. Provide list of models to be labeled (7.3).
5. Provide notice of model changes (7.4).
6. Maintain required files (7.5).
7. Submit test data on request (7.6).
8. Notify appropriate parties in cases of incorrect labeling (7.7).
9. Provide corrected labels when required (7.7).

(Numbers in parentheses refer to sections of labeling Specification.)

The effective date for participation of (NAME OF CORPORATION) in the Program, after which all newly manufactured clothes dryers will be labeled, is ----------

(Date)

(Signature)

(Corporate Title)

[FR Doc.75–33288 Filed 12–11–75;8:45 am]

CLOTHES DRYERS, REGULAR OR STANDARD MODELS

HLD–2EC–1975; Standard Method of Measuring Energy Consumption of Household Clothes Dryers, Regular or Standard Models

On this date, the Department of Commerce has published in the FEDERAL REGISTER the proposed Voluntary Energy Conservation Specification for Clothes Dryers, Regular or Standard Models, the notice of which appears immediately preceding this notice.

The standard (HLD–2EC–1975) referred to in 4.1 of the proposed Specification is in the process of being issued by the Association of Home Appliance Manufacturers and is being published as a convenience for persons desiring to study the proposed Specification who may wish to refer to the standard.

The older AHAM standard, which is supplemented by and referred to in section 2.2 of this standard, is widely distributed and thought to be reasonably available already to interested parties.

The standard is set forth below.

Issued: December 5, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[HLD–2EC–1975]

STANDARD METHOD OF MEASURING ENERGY CONSUMPTION OF HOUSEHOLD CLOTHES DRYERS

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS (AHAM)

SEC. 1—*Purpose.*

1.1 The purpose of this standard is to establish a uniform procedure for measuring the energy consumption of household tumble type clothes dryers as indicated in 2.1.

1.2 Through this standard it is intended that dryers can be evaluated with respect to the energy consumed to dry a standard load under standard conditions.

SEC. 2—*Scope.*

2.1 This standard applies to automatic tumble type dryers.

2.2 This standard is supplementary to AHAM Standard Performance Evaluation Procedure for Household Tumble Type Clothes Dryers (AHAM HLD–1) and only those test conditions which vary from that Standard will be shown. Specific references to HLD–1 will be shown where applicable.

SEC. 3—*General conditions for test.*

3.1 *Test loads.* Two test loads are specified for these tests.

3.1.1 *Energy Test cloth.* Permalex Pure Finished Bleached Momie Cloth, 50 percent Cotton and 50 percent Polyester, 5.75 ounces per square yard, Maximum shrinkage after 5 washings is 4 percent on both length and width, 65 ends on the warp, 57 picks on the fill, Material will be hemmed 22" x 34" before washing.

3.1.2 *Energy stuffer cloth.* Double hemmed 10" x 10" cloths made from 12" x 12"—50 percent polyester/50 percent cotton material.

3.1.3 A three-pound load used for testing compact dryers is to be composed of energy test cloths. A compact dryer is one so designated and tested accordingly by the manufacturer.

3.1.4 A seven-pound load used for testing regular and large capacity dryers is to be composed of energy test cloths. A regular or large capacity dryer is one so designated and tested accordingly by the manufacturer.

3.1.5 Discrepancies in load weight from three pounds or seven pounds are to be made by adding or subtracting energy stuffer cloths. Variations in load weight are to be reported.

3.1.6 *Drying procedure for weighing.* See 3.3.1 of HLD–1.

3.1.7 Dampen load until moisture content is 65 percent of "bone dry" weight (use procedure shown in 3.3.2 of HLD–1).

3.2 *Power source, test room conditions, exhausting, lint trap, and control of test.* See 3.3.3 through 3.3.7 of HLD–1.

3.3 *Method of loading.* Load energy test cloths by grasping them in the center, shaking them to hang loosely and drop them in at random.

SEC. 4—*Test procedure.*

4.1 *Equipment.* Refer to 4.2 in HLD–1

4.2 *Material.* Standard loads as defined in 3.1 above.

4.3 *Procedure.*

4.3.1 Power source, test room conditions, load preparation and exhausting as in section 3, except as noted below: 1. Room Ambient Temperature held to 75±3° F. 2. End Retention is to be 5 percent ± 0.5 oz. of water.

4.3.2 Refer to 4.4.2 in HLD–1.

4.3.3 Refer to 4.4.3 in HLD–1.

4.3.4 *Platform scale method.* Refer to 4.4.5 in HLD–1.

4.3.5 *Table scale method.* Refer to 4.4.6 in HLD–1.

4.3.6 *Standing pilot consumption measurement.* On gas dryers using a standing pilot, measure gas consumption for one hour and multiply by 24 hours (see Appendix E of HLD–1).

SEC. 5—Data recording and analysis.

5.1 Record for each run:

5.1.1 Test load "bone dry" weight.

5.1.2 Weight of wet test load, before test.

5.1.3 Energy required to dry test load to 5% ± 0.5 oz. moisture retention.

5.1.3.1 For electric dryers—total kWh of energy consumed.

5.1.3.2 For gas dryers—a. KWh of energy consumed to operate electrical components;

b. Cubic feet of gas consumed to dry load;

c. Cubic feet of gas consumed by standing pilot in 24 hours (if applicable).

5.1.4 Weight of dry test load, after test.

5.1.5 Test room conditions, temperature and percent relative humidity.

5.1.6 Btu per cubic foot rating of test gas corrected to standard conditions (see Appendix E of HLD–1).

5.1.7 Total Btu used corrected to standard conditions.

5.2 Average results for the five runs.

SEC. 6—Energy calculations.

6.1 *Energy consumption.* Use the average energy (5 runs) from 5.2.

6.2 *Monthly dryer usage.* 34 cycles/month for electrical and gas consumption, 30 days/month for standing pilot gas consumption.

6.3 *Electric dryer.*

Monthly Energy Consumption (kWh) = 34 (Energy Consumed-kWh/Composite Cycle)

6.4 *Gas dryer.*

$E_m = 34(E_e) + (3415 \text{ Btu/kWh}) + 34(E_g \times G_{cf}) + 30(G_{sp} \times G_{cf})$.

E_m = Monthly Energy Consumption (kWh and Btu).

E_e = Electrical Operating Energy (kWh/cycle).

E_g = Gas Consumption (Cubic feet).
G_{cf} = Corrected Gas Heat Value (Btu/cubic feet).
G_{sp} = Standing Pilot Gas Consumption (cubic feet).

[FR Doc.75–33289 Filed 12–11–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F–0350]

AMERICAN CYANAMID CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)))), notice is given that a petition (FAP 6B3120) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of dimethylamine–epichlorohydrin copolymer, in which up to 5 mole-percent of dimethylamine may be replaced by an equimolar amount of ethylenediamine, as a component of paper and paperboard for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: December 4, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75–33461 Filed 12–11–75;8:45 am]

[Docket No. 75F–0343]

HUBINGER CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)))), notice is given that a petition (FAP 5A3048) has been filed by The Hubinger Co., 601 Main St., Keokuk, IA 52632, proposing that § 121.1031 *Food starch-modified* (21 CFR 121.1031) be amended to provide for safe use of food starch-modified by esterification and etherification by treatment with acrolein, phosphorus oxychloride, and propylene oxide and by bleaching with potassium permanganate.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: December 4, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75–33460 Filed 12–11–75;8:45 am]

Office of Education

STATE STUDENT INCENTIVE GRANT PROGRAM

Proposed Allotment and Application Procedures for Fiscal Year 1976

Notice is hereby given that pursuant to the authority contained in section 415B of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c–1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to allot funds appropriated for the State Student Incentive Grant Program for academic year 1976–1977 in the manner set forth below. The purpose of the State Student Incentive Grant (SSIG) Program is to make incentive grants to States, to assist them in providing awards to eligible students with substantial financial need, thereby enabling such students to attend or to continue to attend institutions of higher education.

A. *Background.* Currently applicable regulations governing the SSIG Program are set forth in 45 CFR Part 192. These regulations and the authorizing legislation are founded on separate appropriations for the purpose of initial awards to eligible students who have not previously received SSIG awards, and on separate annual applications from the States for these two purposes. The statute also provides a formula for allotting the appropriation for initial awards among the States, but gives the Commissioner discretion in allotting the appropriation for continuing awards. However, the Fiscal Year 1976 appropriation act (Pub. L. 94–347), like the corresponding appropriation act for Fiscal Year 1975, did not make such separate appropriations for initial and continuing awards. Consequently, the Commissioner must once again provide a procedure for distributing the appropriation between initial and continuation awards.

The proposed procedures set forth below are identical with those approved for Fiscal Year 1975. They provide that the entire appropriation will be allotted according to the statutory formula for initial awards and further provide the States with discretion to make determinations, based on their individual circumstances, for the distribution of such allotments between initial and continuing awards. The Commissioner recognizes that students who have formerly received awards under the SSIG Program may reasonably expect continued financial support, and that some priority should therefore be given for continuing awards; however, he also believes that, in this instance, the State should be given the flexibility to make judgments regarding the student's relative access to the various forms of financial assistance which might be available.

B. *Applicability.* The proposed procedures would, for Fiscal Year 1976, supersede 45 CFR 192.3(e) but would otherwise incorporate all published provisions of SSIG regulations. Furthermore, the proposed procedures set forth below apply only to those States which are eligible, on the basis of having previously received grants under the SSIG Program, to apply for funds under the Fiscal Year 1976 appropriation for both continuation and initial awards. The remaining States (Alaska, Arizona, Nevada, New Hampshire, New Mexico, and Guam) may apply for grants for initial awards only, under the allotment formula and application procedures set forth in currently applicable regulations.

C. *Allotment and Application Procedures.* (1) From the sum appropriated for the SSIG Program for Fiscal Year 1976, the Commissioner will allot to each State that applies for such funds an amount which bears the same ratio to such sum as the number of students in attendance as at least half-time students at institutions of higher education in such State bears to the total number of such students in such attendance in all such States. (A table containing a distribution among all States according to this formula has been appended to the Fiscal Year 1976 State application form as a guide for the States in developing their applications.)

(2) Each State wishing to obtain a grant under this Program shall apply for such grant in accordance with the provisions of the program regulations (45 CFR 192.5). In such application, each State will specify what proportion of its allotment it intends to use for continuing awards and what proportion for initial awards.

(3) The Commissioner will review all State applications for conformity with the program statute and regulations, and will approve all requests for continuation awards where the amount applied for does not exceed the amount of the State's allotment established under paragraph (1) above. The difference between the amount of each State's allotment and the amount approved for continuation awards by that State may be used by the State for making initial awards.

(4) The Commissioner may require each State receiving an allotment under this Program to submit a report prior to September 30, 1976, projecting the portion, if any, of such allotment that will not be needed to make SSIG awards for the academic year 1976–77. Such unused funds may be redistributed among the other States in proportion to the original allotments.

D. *Public Comment.* Interested persons are invited to submit written com-

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ments, suggestions, or objections regarding these proposed allocation and application procedures to the State Student Incentive Grant Program, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets, SW, Room 4525, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material must be received on or before January 12, 1976.

(20 U.S.C. 1070c–1)

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program)

Dated: October 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.75–33563 Filed 12–11–75;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Request for Comment

Notice is hereby given that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, invites interested parties to submit written comments concerning the Report of the Commissioner of Food and Drugs on his investigation of the allegations regarding the internal management of the Food and Drug Administration made on August 15 and September 25, 1974, before a Joint Hearing of the Senate Subcommittees on Health and on Administrative Practice and Procedure. The comments will be considered by the Review Panel in its analysis of the Commissioner's Report. Comments should be submitted to the Executive Secretary, Review Panel on New Drug Regulation, by close of business Friday, January 2, 1976. Copies of the Commissioner' Report can be obtained from the Public Records and Document Center, Food and Drug Administration, Room 4–62, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. All background material pertinent to the Commissioner's Report is on display in the Public Records and Document Center, where it may be examined on working days from 8 a.m. to 4:30 p.m.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245–7510.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel on New Drug Regulation.

DECEMBER 2, 1975.

[FR Doc.75–33564 Filed 12–11–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–75–414; Docket No. N–75–415]

ENTERPRISE HEIGHTS TIMBER RIDGE MOSS BRAE FALLS TRACT

Orders of Suspension; Correction

1. On August 26, 1975, the Department published an Order of Suspension on Enterprise Heights Timber Ridge (40 FR 37246). The following change should be made to that Order: Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C., August 13, 1975.

JOHN R. MCDOWELL,
Interstate Land Sales Administrator (Acting).

2. On August 26, 1975, the Department published an Order of Suspension on Moss Brae Falls Tract (40 FR 37247). The following change should be made to that Order: Correct the signature and issuance lines to read as follows:

Issued in Washington, D.C. August 13, 1975.

JOHN R. MCDOWELL,
Interstate Land Sales Administrator (Acting).

Issued in Washington, D.C., December 8, 1975.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[FR Doc.75–33534 Filed 12–11–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (UTILIZED AS AN ADVISORY COMMITTEE)

Renewal

Notice is hereby given of the renewal of the Charter for the Radio Technical Commission for Aeronautics (RTCA) as an advisory committee utilized by the Federal Aviation Administration (FAA) and other Government agencies. RTCA has been sponsored by the Federal Communications Commission and will be sponsored by FAA, effective January 2, 1976.

The membership of RTCA comprises over 100 Government and industry organizations. At this time, nine Government agencies, the Departments of State, Commerce, Army, Navy, and Air Force; the FAA and U.S. Coast Guard of the Department of Transportation; the National Aeronautics and Space Administration (NASA); and the Federal Communications Commission (FCC), participate in RTCA. Private sector members include Aeronautical Radio, Incorporated (ARINC); Air Line Pilots Association (ALPA); Air Transport Association of America (ATA); Aircraft Owners and Pilots Association (AOPA); Electronics Industries Association Members; and Affiliated Independent Members.

RTCA's objective is to advance the art and science of aeronautics through the investigation of all available or potential applications of the telecommunication art, their coordination with allied arts, and the adaptation thereof to recognized operational requirements. To achieve this objective, RTCA and its special committees seek solutions to problems involving the application of electronics and telecommunications to aeronautical operations and frequently recommend technical performance standards and common operational requirements for consideration by Government, industry and aviation users.

The Secretary of Transportation has determined that the utilization of RTCA is necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Except as provided in section 10(d) of the Federal Advisory Committee Act (86 Stat. 770), meetings of an RTCA committee, when utilized as an advisory committee, will be open to the public.

Issued in Washington, D.C., on December 8, 1975.

J. W. COCHRAN,
Associate Administrator for Engineering and Development.

[FR Doc.75–33463 Filed 12–11–75;8:45 am]

National Highway Traffic Safety Administration

DONEL CORP. ET AL.

Denials of Petitions to Commence Rulemaking

This notice sets forth the reasons for denial of four petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of section 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with section 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (section 124(d)).

Donel Corporation (September 10, 1975). Petition to amend Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* "to set forth standards for panic stop signals as optional equipment". Donel's petition was denied because initial NHTSA research on deceleration warning signals did not indicate any significant safety benefit in their use. Also the NHTSA intends to rely in part on the results of a follow-on research program in this area for any future action, and that program has not been completed.

White Motor Corporation (July 8, 1975). Petition to amend Standard No. 121, *Air Brake Systems,* to reduce the equivalent wheel load in dynamometer testing by 15 percent and to delay the effective date for full compliance with the standard in the case of certain trucks with heavy or specialized front axles. White's petition was denied in the case of 15-percent reduction of equivalent wheel load in dynamometer testing because the NHTSA has decided instead to propose a more flexible method to permit the tailoring of brake torque between the front and rear axles of trucks. In the case of delay of full requirements for trucks with certain specialized axles, the NHTSA determined that no new data were furnished to show that the axles were not in fact available or would not be made available in time for full compliance with the standard.

PACCAR Corporation (July 3, 1975). Petition to amend Standard No. 121, *Air Brake Systems,* to reduce the severity of the parking brake grade-holding requirement from 20 percent to 17 percent for all vehicles, and petition to reduce or eliminate brake power requirements for the drive axle on trucks. PACCAR's petition on the grade-holding requirement was denied in part, because the NHTSA concluded that the requirement might be too stringent only in the case of truck-tractors and trailers. PACCAR's request for elimination of brake power requirements on the drive axle was denied because the NHTSA has concluded that a method of averaging brake power values over all axles of the vehicle would be a more satisfactory means to increase design flexibility in this area.

Freightliner Corporation (July 9, 1975). Petition to amend Standard No. 121, *Air Brake Systems,* to reduce the severity of the parking brake grade-holding requirement from 20 percent to 16 percent for all vehicles and elimination of the requirement for truck-tractors in the unloaded condition. Freightliner also petitioned for elimination of the dynamometer requirements for the steering axle on trucks and of all brake actuation requirements. Freightliner's parking brake petition was denied in part, because the NHTSA concluded that the requirement might be too stringent only in the case of truck-tractors and trailers. Freightliner's request for elimination of dynamometer requirements on the steering axle of trucks was denied because the NHTSA has concluded that a method of averaging dynamometer values on all axles of the vehicle would be a more satisfactory means to increase design flexibility in this area. The company's petition to eliminate the brake actuation time requirement was denied, based on tentative agreement with the position of the American Trucking Associations that truck operators must rely on brake timing restrictions in the standard to ensure that vehicles are not designed with extremely fast or slow timing that could reduce compatibility between towed and towing vehicles.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106, Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on December 8, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75–33543 Filed 12–11–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75–12–40; Docket 26494, Agreement C.A.B. 25548 R–1 through R–3; Agreement C.A.B. 25565 R–1 and R–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares; Order

Issued under delegated authority December 9, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Passenger Traffic Conference held in Cannes, France during October and November 1975.

Agreement C.A.B. 25548 would amend certain first class, economy and group fare between Havana, Cuba and points in Canada and Agreement C.A.B. 25565 would amend first class and economy fares between Groningen, the Netherlands and Japan/Korea. We will approve those portions of the agreements governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25548:			
R–1	051b	TC1 First Class Fares (Amending) (Expedited)	1
R–3	061b	TC1 Economy Class Fares (Amending) (Expedited)	1
25565:			
R–1	060	First Class Fares TC2–TC3 (Asia) Via TC1 (Except Polar) (Amending) (Expedited).	1/2/3
R–2	060	Economy Class Fares TC2–TC3 (Asia) Via TC1 (Except Polar) (Amending) (Expedited).	1/2/3

2. It is not found that the following resolution, incorporated in the agreement indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25548:			
R–3	070l	TC1 21 Day Excursion Fares (Expedited).	Canada-Bermuda/Caribbean (Amending) 1

Accordingly, *it is ordered,* That: 1. Those portions of Agreements C.A.B. 25548 and C.A.B. 25565 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25548 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–33568 Filed 12–11–75;8:45 am]

[Docket 27660]

WITS, INC., D/B/A WITS AIR CARGO SERVICE

Enforcement Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 19, 1976, at 10 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Con-

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necticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Dated at Washington, D.C., December 8, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33565 Filed 12-11-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from December 1 through December 5, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 26, 1976.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

ANIMAL AND PLANT HEALTH INSPEC. SERVICE

Draft

1976 Gypsy Moth Suppression and regulatory program, December 4: Proposed is the continuance of the Forest Service and Animal and Plant Health Inspection Service program, in cooperation with responsible state agencies, for the suppression and/or regulation of the gypsy moth, Porthetria dispar, through 1976. Carbaryl or trichlorfon will be used on about 100,000 acres. (ELR Order No. 51765.)

FOREST SERVICE

Draft

Long Island unit management plan, Alaska, December 1: The statement concerns the land use plan for the Long Island Unit, Tongass National Forest. The plan provides recreation areas, intensification of timber management, soil and water resource management, promotion of wildlife values, and the maintenance of fish habitat. Adverse impacts include the changing of wildlife habitat, and the addition of roads to the area. (ELR Order No. 51731.)

Mill Creek planning unit, Nezperce National Forest, Idaho County, Idaho, December 2: The statement involves the implementation of a land use plan for the Mill Creek Planning Unit, Nezperce National Forest, Idaho. The 38,985 acre planning unit is divided into twenty management units for the purpose of resource allocation and direction. Activities involved in the plan tend to modify natural conditions by altering present landscapes, disturbing wildlife, and altering wildlife habitat, reducing solitude, increasing soil movement, and affecting water quality and flow. (ELR Order No. 51751.)

North Catahoula-South Winn unit, Kisatchie National Forest, La., December 1: The statement proposes a ten year management plan for the North Catahoula-South Winn Unit, Kisatchie National Forest, for approximately the period from 1976 to 1986. This unit contains 104,395 acres of National Forest land located in Grant and Winn Parishes, Louisiana. Major actions include harvesting of timber products, development of wildlife and range facilities, development of recreation facilities and reconstruction of roads. Adverse impacts will be caused by construction of roads and disurbances by off-road vehicles. (ELR Order No. 51738.)

Final

Timber management plan, Plumas National Forest, several counties in Calif., December 1: The statement proposes to carry out the revised Plumas National Forest Timber Management Plan which sets a total potential yield of 1,678.0 MMBF from the standard component commercial forest lands during the 10-year plan period. Adverse impacts include construction of roads for access to the harvest areas and degradation of appearance of the landscape, (53 pages). Comments made by: DOT, FPC, AHP, USDA, HEW, EPA, DOI, and State and local agencies, organizations and individuals. (ELR Order No. 51732.)

Bigwood Ski Area, Sawtooth National Forest, Blaine County, Idaho, December 1: On September 6, 1974, the Sawtooth National Forest filed with CEQ a draft EIS proposing development of a winter sports complex in the Butterfield Creek area within the Sawtooth National Recreation Area, which would have been named the Bigwood Ski Area. The decision has been made, however, to implement Alternative A in the draft EIS which is to halt action on development, terminate the existing special use permit, and restore to natural conditions areas where vegetation has been removed and/or disturbed. Comments made by: EPA, DOI, COE, AHP, and State and local agencies, organized groups and individuals. (ELR Order No. 51730.)

Buck Creek and North Fork Catawba River units, Pisgah National Forest, Avery, McDowell, and Burke Counties in N.C., December 1: The statement concerns the 10-year management of the North Fork Catawba River Unit and the Buck Creek Unit, a total of 59,674 acres of Pisgah National Forest. Adverse impacts can result from timber harvesting, road construction and concentrated recreational use. Comments made by: DOT, TVA, EPA, DOI, and State and local agencies and individuals. (ELR Order No. 51744.)

SOIL CONSERVATION SERVICE

Draft

Bayou Brosse Tete watershed project, La., December 1: The proposed project is for watershed protection, flood prevention, and drainage in Pointe Coupee Parish, Louisiana. Approximately 115 miles of channel work with appurtenant structures that include one grade stabilization structure and structures for water control (pipe drops) will be installed. The clearing of 360 acres of forest land and existing channel rights-of-way reduce forest game habitat. (ELR Order No. 51741.)

Long Branch watershed, several counties in Nev., December 4: The proposed Long Branch Watershed Project consists of land treatment measures, 12 floodwater retarding structures, 12 grade stabilization structures, and one multiple purpose floodwater retarding recreation structure with recreation facilities. Adverse effects include loss of agricultural production on 377 acres, inundation of 26 miles of stream channel, loss of 97 acres of woodland and 219 acres of existing wildlife habitat, and the relocation of one farm family. (ELR Order No. 51763.)

Final

Prairie Creek (Vigo) watershed, Vigo County, Ind., December 2: This project entails watershed protection, flood prevention and argicultural water management in Vigo County. Adverse impacts are elimination of agricultural use of 20 acres of cropland, conversion of 17 acres of forest land habitat and 3 acres of idle land; temporary loss of 6 acres of forest land habitat and 2 acres of idle land; disturbance of 5.3 miles of stream fishery; disturbance of wildlife during periodic maintenance work; and temporary noise and air pollution during construction. Comments made by: ORBC, USA, HEW, DOI, DOT, EPA, AHP, and State and local agencies. (ELR Order No. 51750.)

Pollard Creek watershed project, Palo Pinto County, Tex., December 4: Proposed is a project for watershed protection and flood prevention for 7,260 acres of Pollard Creek watershed. The plan includes the installation of two floodwater retarding structures requiring 185 acres of land. The project will result in the destruction of 41 acres of wildlife habitat and the alteration of 10 acres of habitat. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, and (ELR Order No. 51762).

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-OWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Redwood Shores regional shopping center, San Mateo County, Calif., December 3: Mobil Oil Estates Limited, Redwood City, California, has applied for a Department of the Army permit to fill and do storm drainage improvements on the approximately 210-acre area and to improve the existing dike along Steinberger Slough in preparation for the eventual construction of a regional shopping center. Adverse effects include: change in land use from open space to urban area, loss of levee-impounded marshland, changes in air and water quality, change in noise levels, and water runoff alteration, (San Francisco District). (ELR Order No. 51758.)

Indiana shoreline erosion, Lake Michigan, Ind., December 1: The recommended plan of improvement provides for mitigation of shoreline erosion within the Indiana Dunes National Lakeshore located along the south end of Lake Michigan. The plan consists of placing 1.7 million cubic yards of sand along the shore in the downdrift area affected adversely by harbor structures. There will be some loss of yellow perch due to changed lake bottom conditions and short-term decrease in nearshore water quality, (Chicago District). (ELR Order No. 51727.)

Chetco River jetty extension, Oreg., December 1: Proposed is the construction of a 1,250 foot extension of the south jetty and construction of a 750 foot extension of the north jetty, Chetco River, Oregon. The project would also include deepening of the existing 14 foot channel and turning basin to 16 feet. Adverse impacts include: disruption and removal of about 4 acres of river bottom; smothering of aquatic organisms and habitat during disposal; and coverage of 7.9 acres of offshore sandy bottom with rock, (Portland District). (ELR Order No. 51733.)

Cooper River dredging permit, Amoco Chemicals, S.C., December 2: Proposed is extensive dredging by the Amoco Chemicals Corporation of the Cooper River and adjacent waters for the purpose of constructing a chemical plant and associated facilities. Adverse impacts include: conversion of undeveloped land to an industrialized state and the displacement of animal and plant communities; reduction of water quality and biological productivity; possibility of accidental spills which would adversely affect water quality and aquatic life; and disturbance to people living near railroad and roads in the project area, (Charleston District). (ELR Order No. 51749.)

Final

Nine-Foot Channel, Illinois waterway, Ill., December 1: The statement refers to the continued operation and maintenance of a nine foot channel in the Illinois Waterway from the junction of the Calumet-Sag Channel and the Chicago Sanitary and Ship Canal to the La Grange Lock and Dam. Dredge spoil disposal sites are located throughout the waterway. There is some adverse impact to water quality and aquatic biota. (Chicago District). Comments made by: USCG, HEW, FEA, DOC, HUD, USDA, AHP, EPA, DOI, and State and local agencies. (ELR Order No. 51743.)

Dunkirk Harbor maintenance, Chautauqua County, N.Y., December 1: Proposed is the periodic dredging of about 20,000 cubic yards of sediment from Dunkirk Harbor navigation channels. Spoil will be deposited in a confined disposal facility at Buffalo. Also planned is the periodic maintenance of the existing pier and breakwater. Adverse impacts include resuspension of toxic chemical materials, disturbance of existing fish populations, turbidity and changes in water color, and generation of noise and dust during the placement of structural materials, (Buffalo District). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 51736.)

Transmission Cable permit application, Long Island Nassau County, N.Y., December 5: The proposed action is the issuance of a construction permit to the Long Island Lighting Company and Con Edison to dredge, excavate, dispose of material, backfill, and install two steel conduits and associated cables across Long Island Sound, and to install five steel conduits across Hempstead Harbor, New York. Adverse impacts include the destruction of benthic organisms through dredging, and the blasting of 600 feet of rock, (New York District). Comments made by: AHP, USDA, DOC, HEW, DOI, USN, DOT, EPA, and FPC, (ELR Order No. 51766.)

Kaw Lake, Arkansas River, Okla., December 2: The statement is the final for the updated and revised DEIS submitted to CEQ October 21, 1974. It proposes continued construction of a multi-purpose reservoir project on the Arkansas River 8 miles east of Ponca City. The lake will significantly reduce annual flood damages and will provide a marginal quality but dependable water supply and recreation facility for the area. Adverse environmental effects include: inundation of 17,000 acres of land and 46 miles of river and streams; subjection to inundation of an additional 21,000 acres during floods; adverse effects on oil recovery operations, highways, roads, pipelines, powerlines, and the nearby cities; and the relocation of about 430 families, (Tulsa District). Comments made by: DOI, DOC, FPC, HUD, EPA, DOT, HEW, USDA, AHP and State and local agencies. (ELR Order No. 51747.)

Albemarle and Chesapeake, and Dismal Swamp Canals, Va., and N.C., December 2: The statement refers to the maintenance dredging of the Albermarle and Chesapeake Canal and the Dismal Swamp Canal North Carolina. The dredging will be done by hydraulic dredge. Adverse impacts are increased turbidity, destruction of benthic community, loss of marshlands, terrestrial vegetation and habitat, and interference to local recreational hunting (Norfolk District). Comments made by: EPA, DOC, DOI, DOT, AHP, and State and local agencies. (ELR Order No. 51748.)

Mill Creek flood control, Walla Walla, Washington, Walla Walla County, Wash., December 1: The statement refers to the impacts of continued operation and maintenance of a diversion dam, an off-channel storage reservoir, and surrounding lands which comprise the Mill Creek project. The major impact is that of poor water quality of the reservoir due to high turbidity (Walla Walla District), (53 pages). Comments made by: DOT, USDA, EPA, and State and local agencies. (ELR Order No. 51735.)

ENVIRONMENTAL PROTECTION AGENCY

Contract: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Draft

Livermore-Amador Valley wastewater management, Calif., December 3: Proposed is the implementation of a Wastewater Management Plan for the Livermore-Amador Valley, California. This paln would: continue treatment at the existing Livermore Water Reclamation Plant (WRP) and Valley Community Services District (VCSD) treatment planta, require a pipeline from the Livermore WRP to VSD, and require a force main along I-580 to Boehmer Summit. A gravity pipeline would then carry the flows to the Oro Ioma-Castro Valley pumping station of the EBD Interceptor. Construction activities would adversely affect the surrounding areas. (ELR Order No. 51754.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386-6084.

Draft

Alaska Natural Gas transportation systems, Alaska, December 3: Proposed is the conveyance of Alaskan natural gas from the Prudhoe Bay Field in Alaska and from the MacKenzie Delta region of Canada to market areas in the lower 48 states. Two separate natural gas transportation systems have been proposed. Environmental impacts would occur with respect to effects on man, wildlife, vegetation, soil, water quality, air quality, and noise levels. (ELR Order No. 51755.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343-4161.

Draft

Federal Youth Center, Talladega, Talladega County, Ga., December 4: The proposed action calls for construction of a Federal Youth Center in Talladega, Alabama to be operated by the Federal Bureau of Prisons, Department of Justice. The proposed site for the FYC consists of about 160 acres located on the south side of Renfroe Road at the edge of the city limits. The center will contain approximately 195,000 gross square feet, and will house about 400 male Federal offenders between the ages of 18 and 26. (ELR Order No. 51761.)

Final

Drug Enforcement Administration lease facility, Dallas County, Tex., December 2: The action proposes the lease construction of a facility for sole occupancy by the Drug Enforcement Administration, an agency of the US Department of Justice. Although no site has been selected, the most favorable location would be in a 14 sq. mile area just North of the Dallas Central Business District encompassing Love Field. The facility will supply 41,250 square feet of space, including office space, a laboratory, fire-arms range, and a helicopter landing pad. Comments made by: DOI, AHP, EPA, DOT, COE, HEW, HUD, USDA, and State and local agencies. (ELR Order No. 51746.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6308.

Draft

Estancias de Rio Hondo Development, San Juan, Puerto Rico, December 1: Proposed is the construction of approximately 1,625 housing units and a large shopping center in a tract of 300 acres. The project is located in the Hato Tejas Ward of Bayamon, Puerto Rico in the Metropolitan Area of San Juan. Adverse effects include the shifting of 300 acres of land from grazing to residential uses and increase in noise levels in areas close to the De Diego Expressway and Comerio Avenue. (ELR Order No. 51742.)

Final

Park Forest North, Plano, Texas, Collin County, Tex., December 3: The proposal concerns an application by Fox & Jacobs, Inc. for Federal mortgage insurance on a predominantly residential development of 1064 homes with acreage allocated for apartments, small commercial enterprises, parks, schools, and office buildings. When completed, it would comprise the northern extension of an existing subdivision making a total contiguous development by this builder of approximately 1500 acres. The eis covers only the final section of 450 acres. The proposed development would create greater demand for fossilfuels through heavy dependence on the automobile for transportation to jobs and take good agricultural land out of production. Comments made by: DOI, HUD, USDA, AHP, COE, and State and local agencies. (ELR Order No. 51753.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Final

Washington Square West Urban Renewal, Philadelphia, Philadelphia County, Penn., December 1: The statement concerns an urban renewal project for a 107-acre area in southeast Philadelphia. The major adverse environmental effects are those associated with the disruption of an existing area/community by project activities. Existing residents and businesses will be relocated. Parking problems and noise and air pollution are also discerned. Comments made by: DOC, CEQ, DOT, HEW, EPA, DOI, AHP, and State and local agencies. (ELR Order No. 51740.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

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BUREAU OF LAND MANAGEMENT

Final

Red Rock Canyon Recreation Lands, Clark County, Nev., December 1: The statement refers to a proposed management plan for 62,000 acres of public land and 2,000 acres of private land, located fifteen miles west of Las Vegas. The lands will be managed for the preservation of wilderness and other natural areas; for recreation development; for private commercial development (of lodges and a dude ranch); and for visitor and administrative uses. There will be some road and trail construction, and degradation of primitive and natural environmental values. Comments made by: EPA, DOI, and State agencies. (ELR Order No. 51739.)

BUREAU OF OUTDOOR RECREATION

Draft

New National Wild and Scenic River, Ashe and Alleghany Counties, N.C., December 1: Proposed is the declaration of a segment of the New River and its tributary, South Fork, as a component of the National Wild and Scenic Rivers System under the provisions of the Wild and Scenic Rivers Act, Public Law 90–542. The stream segments are located within Ashe and Alleghany Counties in North Carolina. No irreversible and irretrievable commitment of resources would be involved. (ELR Order No. 51734.)

NATIONAL PARK SERVICE

Final

Proposed Master Plan, Grand Canyon complex, Ariz., December 1: Proposed is a master plan for the use, development, interpretation, and preservation of the Grand Canyon National Park. The park would be enlarged to encompass the "Grand Canyon" entity; Grand Canyon Village would be redeveloped for concentrated, heavy, day use; the majority of park lands would be managed as natural or wilderness areas (129 pages). Comments made by: AHP, USDA, DOI, DOT, EPA, FPC, and State and local agencies and individuals. (ELR Order No. 51728.)

Master Plan, Pinnacles National Monument, Monterey County, Calif., December 3: Proposed is a master plan for the management of the Pinnacles National Monument. The plan recommends measures to insure preservation of the resources of Pinnacles for public appreciation and for scientific research. These measures include the acquisition of land for preservation of wildlife species and relocation of visitor facilities; the conversion of all facilities to day use; and the installation of a visitor shuttle system for use during heavy visitation periods. Comments made by: AHP, USDA, DOC, DOI, DOT, EPA, and State agencies. (ELR Order No. 51752.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, (301) 492–7373.

Draft

Floating Nuclear Power Plant Manufacture, Fla., December 3: The proposed action is the issuance of a manufacturing license to Offshore Power Systems for the startup and operation of a proposed manufacturing facility located at Blount Island, Jacksonville, Florida. Each nuclear generating plant, mounted on a floating platform, has a net capacity of 1150 MWe. This energy is provided by a pressurized water reactor steam supply system consisting of a Westinghouse four-loop 3425–MWt unit with an ice-condenser containment system. (ELR Order No. 51756.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Paramount Boulevard, Beverly Boulevard to Olympic Boulevard, Los Angeles County, Calif., December 4: Proposed is the completion of an overall project on Paramount Boulevard, Los Angeles, California, which in its entirety extends from Beverly Boulevard to Whittier Boulevard. The segment discussed in this statement is the remaining 0.5 mile segment between Beverly Boulevard and Olympic Boulevard still to be constructed. Adverse effects include some increase in the level of traffic noise and auto emissions. (ELR Order No. 51759.)

Iowa 9, Waukon to Lansing, Allamakee County, Iowa, December 4: Proposed is the upgrading of a segment of Iowa 9 in Allamakee County from 7th Street S.E. in Waukon, northeasterly approximately 17.4 miles to 2nd Street in Lansing. The proposed construction would consist of 24-foot wide pavement with 10-foot stabilized shoulders on an improved vertical and horizontal alignment. Adverse impacts include the loss of 65 to 90 acres of pastureland, the removal of wildlife habitat, and an increase in dust and noise levels. (ELR Order No. 51760.)

Freeway 518 and Iowa 92 Relocation, Washington and Johnson Counties, Iowa, December 4: Proposed is the development of a north-south freeway route generally paralleling the alignment of present U.S. 218 in southeastern Iowa. The proposed facility would extend northerly from just south of Iowa 92 in Washington County to the intersection of I–80 and I–380 in Johnson County. Also being considered is a 1.3 mile relocation of Iowa 92 in the vicinity of the proposed Freeway 518–Iowa 92 interchange. Adverse effects include the displacement of 10 to 316 individuals, and the loss of cropland, pasture, and woodland. (ELR Order No. 51764.)

Final

L.R. 1052, Cross Valley Expressway, Luzerne County, Penn., December 3: The proposed project is the construction of 5.2 miles of the Cross Valley Expressway. The project will displace 18 families, and 11 commercial units. A 4(f) statement will be filed to obtain an unspecified amount of land from Hallenback Park. Mill Creek and Laurel Run Creek will be traversed and partially relocated, causing increased erosion and siltation. Other major adverse impacts are introduction of air and noise pollution on a new location (87 pages). Comments made by: USDA, COE, HEW, HUD, DOI, EPA, DOT, and State and local agencies. (ELR Order No. 51757.)

State Route 58, Hamilton County, Tenn., December 1: The statement refers to the proposed construction of State Route 58 which will connect the intersection of Riverfront Parkway and Main Street with the intersection of 20th and Broad Street. The length of the project is .87 miles. Adverse impacts are the displacement of families and businesses, and increased air and noise pollution. Comments made by: HUD, DOI, TVA, COE, HEW, EPA, DOT, and State and local agencies and interest groups. (ELR Order No. 51729.)

State Route 95, Loudon County, Tenn., December 1: The proposed project, State Route 95, will be constructed to provide a four-lane divided facility, a medium, and a minimum right-of-way width of 200 ft. The project length is 3.0 miles. Several displacements would be necessary. The project will involve the loss of wildlife habitat and between 75 and 90 acres of agricultural land. Comments made by: DOT, USDA, DOI, TVA, EPA, and State and local agencies. (ELR Order No. 51737.)

VETERANS ADMINISTRATION

Contact: (For Medical Facilities), Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

(For Housing), Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, (202) 389–2332.

Draft

VA Hospital, Columbia (supplement), S.C., December 2: This supplement is intended to be the final EIS for a 400-bed Replacement Hospital and modernization of existing VA Hospital by constructing a new 400-bed hospital tower building with a two-story auxiliary base for clinics and support services and by alterations to existing buildings. Included in the project is a future Nursing Home Care Unit. (ELR Order No. 51745.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–33555 Filed 12–11–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 467–4]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of November 1, 1975 and November 15, 1975.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the naure of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 202/755–2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: December 4, 1975.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Nov. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D–AFS–J65027–MT	West Kootenai planning unit, Kootenai National Forest, Lincoln County, Mont.	ER–2	I
D–AFS–J65029–00	West Slope of the Tetons, land use plan, Targhee National Forest, Teton and Fremont Counties, Idaho and Wyo.	ER–2	I
D–AFS–L61041–OR	Land use plan and timber management of the Willamette National Forest, Oreg.	3	K
D–AFS–L65014–00	Vegetation management with herbicides, northwest Pacific region, Oregon, Washington, and California.	LO–1	K
D–DOA–E32004–00	Trial boll weevil eradication program, Virginia, North Carolina, and South Carolina.	ER–2	E
D–SCS–E36021–SC	South Tygar River watershed, Greenville County, S.C.	LO–2	E
Corps of Engineers:			
D–COE–E35013–SC	Maintenance dredging Charleston Harbor, Ashley River, dredging of Cooper River, Charleston, and Berkeley Counties, S.C.	LO–2	E
D–COE–E61015–00	Big South Fork National River and recreation area, Tennessee and Kentucky.	LO–2	E
D–COE–F32030–OH	Operation and maintenance, Vermillion Harbor, Erie County, Ohio.	LO–2	F
D–COE–F36027–MN	Flood control Roseau River, Roseau and Kittson Counties, Minn.	ER–2	F
D–COE–F36029–MN	Duluth stormwater flood control project, Duluth, Minn.	LO–2	F
D–COE–F36029–MN	Bassett Creek watershed, Hennepin County, Minn.	ER–2	F
DS–COE–G32023–LA	Mississippi River, operation and maintenance, Baton Rouge to Gulf of Mexico, La.	ER–2	G
D–COE–G34016–TX	Operations and maintenance, Whitney Lake, Waco Lake, Proctor Lake, Stillhouse Hollow Dam and Lake, and Somerville Lake, Brazos River Basin, Tex.	LO–1	G
D–COE–G36023–AR	Arkansas River in the vicinity of North Little Rock, Pulaski County, Ark.	LO–1	G
D–COE–G39039–00	Red River chloride control water quality study, Red River, Tex. and Okla.	LO–2	G
D–COE–H36020–KS	Great Bend local protection project, Great Bend, Kans.	ER–2	H
D–COE–K34023–CA	San Leandro Marina, Alameda County, Calif.	LO–1	J
D–COE–K36012–AZ	New River and Phoenix City streams, Maricopa County, Ariz.	LO–2	J
D–COE–L36028–AK	Hydroelectric power development; Upper Susitna River Basin, southcentral rainbelt area, Alaska.	ER–2	K
Department of Defense:			
D–USA–E11003–MS	Mississippi Army Ammunition Plant, Hancock County, Miss.	ER–2	E
Federal Power Commission:			
D–FPC–A36054–00	East Tennessee Natural Gas Co., curtailment plan, docket No. RP75–28.	3	A
D–FPC–A36055–00	Algonquin Gas Transmission Co., curtailment plan, docket No. RP71–131.	3	A
D–FPC–A36057–00	Trunkline Gas Co., curtailment plan, docket no. RP71–108.	3	A
D–FPC–A36059–00	Texas Gas Transmission Corp., curtailment plan, docket No. RP72–64.	3	A
D–FPC–F36003–00	Panhandle Eastern Pipeline Co., natural gas curtailment plan.	3	A

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APPENDIX I.—*Draft environmental impact statements for which comments were issued between Nov. 1 and 15, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FPC-A03061-00	Transcontinental Gas Pipeline Corp., docket No. RP72-99, natural gas curtailment plan.	3	A
D-FPC-C03008-NY	Consolidated Gas Supply Co., docket No. RP73-115	3	A
D-FPC-D03001-00	Columbia Gas Transmission Corp., natural gas curtailment plan.	3	A
D-FPC-E09002-00	Southern Natural Gas Co., docket No. RP74-6, analysis of 2 permanent curtailment plans.	3	A
D-FPC-E09003-00	United Gas Pipeline Co., docket No. RP71-29-120, curtailment plans.	3	A
D-FPC-E09004-00	Texas Eastern Transmission Corp., docket No. RP71-130, gas curtailment plan.	3	A
D-FPC-G03002-00	Arkansas Louisiana Gas Co., docket No. RP71-122, curtailment plan.	3	A
D-FPC-H03000-00	Cities Service Natural Gas Co. curtailment plan, docket No. RP75-62.	3	A
D-FPC-H03001-00	Mississippi River Transmission Corp., natural gas curtailment plan, docket No. RP73-6.	3	A
D-FPC-K03002-00	El Paso Natural Gas Co., docket No. RP72-6, Texas, New Mexico, Oklahoma, Colorado, Arizona, Utah, and California.	3	A
General Services Administration: D-GSA-J81003-UT	Construction of Bureau of Mines metallurgy research, Salt Lake City, Utah.	LO 2	I
Department of Housing and Urban Development: D-HUD-E28003-NC	Great Alamance Creek water supply project (CDBG), Burlington, N.C.	ER-2	E
Department of the Interior: D-BOR-L61050-ID	Proposed Bruneau Wild and Scenic River, Idaho	LO-1	K
Department of Transportation: D-FAA-L81004-OR	Establishment of an air route surveillance radar facility, Eugene, Oreg.	ER 2	K
D-FHW-D40023-PA	I.R 07076, 17th St., Altoona, Pa.	LO 2	D
D-FHW-E40069-OO	Columbus-Phenix City north bypass from GA-87 U.S. 27 to U.S. 280, Muscogee County, Ga. and Lee and Russell Counties, Ala.	LO-2	E
D-FHW-E40061-KY	Poplar Level Rd., KY-864, Louisville, Ky.	LO 1	E
D-FHW-G40036-TX	Beltway 8, I-45 South Gulf Freeway to U.S. 59, Southwest Freeway, Harris County, Tex.	EC-2	G
D-FHW-G40038-TX	Beltway 8, section 5, U.S. 59 north to I 10 east Harris County, Tex	ER 2	G
D-FHW-G40039-NM	U.S. 1133(6), University Ave., Las Cruces, Dona Ana County, N. Mex.	LO-2	G
D-FHW-G40040-TX	Loop 151, U.S. 82 to U.S. 59, Bowie County, Tex	LO-2	G
D-FHW-G40041-TX	Loop 201, McKinney Rd. to Perry Rd., Bayton, Harris County, Tex	ER-2	G
D-FHW-K40030-NV	West leg, U.S. 95, Las Vegas, Clark County, Nev.	ER-2	J
D-FHW-L40026-ID	ID-50, Idaho Forest Highway Route 50, St. Joe River Rd., Behewah and Shoshone Counties, Idaho.	LO-1	K
D-FHW-L40027-ID	I-15W Raft River-Rockland Junction, Cassia and Power Counties, Idaho.	LO-1	K
D-FRA-A53038-00	Proposed amendment to the Regional Rail Reorganization Act of 1973.	LO 1	A

APPENDIX II—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Nov. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers: F-COE-A35094-WI	Maintenance dredging and dreged material disposal, Port Washington, Wis.	EPA generally had no objections to the project as proposed. However, EPA believes erosion control measures should be implemented along Sauk Creek to decrease sediment loads entering the habror.	F
F-COE-A35137-00	Blue River Basin projects, Missouri and Kansas.	EPA determined the final EIS to be unresponsive to 2 major concerns raised by EPA comments on the draft EIS. Therefore EPA requested the Corps to respond publicly on our request for reservoir probabilities and the promotion of future flood plain development.	H
F-COE-F32009-MI	Holland Harbor, dredge disposal facility, Mich.	EPA generally had no objections to the proposed project. However, EPA requested the opportunity to review the effluent monitoring program when completed.	F
Department of Transportation: FS-FAA-A51160-AL	Birmingham Municipal Airport, Birmingham, Ala.	EPA generally had no objections to the project as proposed. However, EPA feels more consideration should have been given to noise abatement.	F
F-FHW-A42186-WI	WI-21, west county line to Wisconsin River, Juneau County, Wis.	EPA generally had no objections to the project as proposed.	F
RF-CGD-A90006-00	Deepwater Port regulations.	EPA generally had no objections to the regulations as proposed. However, EPA commented on the affects of the regulations on land and water use plans and coastal zone management programs. Additionally, EPA questioned 2 Coast Guard responses to commenters.	A
Department of the Interior: F-SFW-K61006-NV	Proposed desert wilderness area, Desert National Wildlife Range, Clark and Lincoln Counties, Nev.	EPA generally had no objections to the project as proposed.	J

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Nov. 1 and 15, 1975*

Identifying No.	Title	Source of review
Department of Agriculture: F-AFS-L61006-OR	Timberline lodge management direction, Mount Hood National Forest, Oreg.	K
F-SCS-E36017-MS	Mantachie, Bogue Fala, and Bogue Eucuba Creeks watersbed, Itawamba, Lee, and Monroe Counties, Miss.	E
F-SCS-G36017-TX	Elm Creek watershed project, Bell, Falls, McLennan, and Milam Counties, Tex.	G
F-SCS-H36010-00	Little Black watershed, Butler, Carter, and Ripley Counties, Mo. and Ark.	H
Corps of Engineers: F-COE-G32005-TX	Maintenance dredging, Galveston Harbor and Channel, Galveston County, Tex.	G
F-COE-L36011-00	Columbia and Lower Willamette River, Vancouver, Washington and Portland Oreg.	K
Department of Housing and Urban Development: F-HUD-G85003-TX	"The Woods" subdivision, Dallas County, Tex	G
Department of Interior: F-DOI-A61047-NM	Proposed master plan, White Sands National Monument, N. Mex	G
F-SFW-A61122-MO	Proposed Mingo wilderness are, Mingo National Wildlife Refuge, Wayne and Stoddard Counties, Mo.	H
F-SFW-A61250-VA	Proposed back bay wilderness area, Virginia	D
F-SFW-A64032-KY	Wolf Creek National Fish Hatchery, Russell County, Ky	E
Nuclear Regulatory Commission: F-AEC-A06141-FL	Floating nuclear power plants, offshore power systems, docket No. STN 50-437, Blount Island, Jacksonville, Fla.	E
Department of Transportation: F-DOT-A41250-NB	U.S. 30 Bypass, North Platte, Lincoln County, Nebr	H
FS-DOT-A41323-NB	U.S. 77 Expressway, Dakota County, Nebr	E
F-FHW-A42263-IA	U.S. 67, Riverdale to I-80, Scott County, Iowa	H
F-FHW-G40081-TX	Loop 335 from I-40 to U.S. 87 and U.S. 287, Potter County, Tex.	G
F-FHW-H40013-KS	U.S. 56, Marion County, Kans	H
F-FHW-J40008-CO	I-70, Debeque-Grand Valley, Mesa and Garfield Counties, Colo	I

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APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Nov. 1 and 15, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Transportation: A–UMT–A54035–00–	Notices, major urban mass transportation investments, dockets 75–24, notice of proposed policy.	EPA generally had no objections to the proposed policy. However, EPA suggested several revisions to assure that all relevant factors are considered in the environmental analysis of transportation alternatives which must take place as a condition of eligibility for Federal assistance for any major mass transportation investment.	A
Department of the Interior: R–DOI–A54031–00–	40 CFR pt. 3041, surface management of federally owned coal resources, and 30 CFR pt. 211, coal mining operating regulations.	EPA found the proposed regulations to be environmentally unsatisfactory from the standpoint of environmental quality on the grounds that the rules involve a high probability for violation of environmental quality standards (particularly State standards) and that there is a potential for significant environmental degradation which could be avoided by feasible alternatives. EPA's major concerns included excessive latitude resulting from the use of their term "maximum extent practicable;" enforcement of environmental regulations under the Federal Water Pollution Control Act and Clean Air Act; enforcement of applicable State air and water quality standards on Federal lands; the lack of provisions for public participation in lease tract selection and mining plan approvals; and the absence of explicit environmental criteria for designating lands as unsuitable for mining. EPA submitted a major revision of the regulations for consideration by the Department of the Interior in preparation of the final rulemaking.	A

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75–33422 Filed 12–11–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

TV AND FM TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on January 20, 1976, the TV and FM translator applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application appearing on the attached list or with any other application on file by the close of business on January 19, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on January 19, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: December, 1975.

Released: December 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV–5418A — K09KD, Allen Logging Camp, 15 miles S.E. of Forks, Wash.
Allen Logging Company.
Req: Change to channel 10, primary TV station to KATU(TV), Portland, Oreg.

BPTTV–5419A — New, Allen Logging Camp, 15 miles S.E. of Forks, Wash.
Allen Logging Company.
Req: Channel 13, 1 watt.
Primary: CBUT(TV), British Vancouver, Columbia.

BPTTV–5425 — New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 2, 5 watts.
Primary: KUTV(TV), Salt Lake City, Utah.

BPTTV–5426 — New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 4, 5 watts.
Primary: KCPX–TV, Salt Lake City, Utah.

BPTTV–5427 — New, Granger, Trona East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Rq: Channel 5, 5 watts.
Primary: KSL–TV, Salt Lake City, Utah.

BPTTV–5428 — New, Starbuck, Glenwood and Pope County, Minnesota.
Starbuck Area Development Corporation.
Req: Channel 2, 10 watts.
Primary: KMSP–TV, Minneapolis, St. Paul, Minnesota.

BPTTV–5429 — New, Starbuck, Glenwood and Pope County, Minnesota.
Starbuck Area Development Corporation.
Req: Channel 6, 10 watts.
Primary: WTCN–TV, Minneapolis, St. Paul, Minnesota.

BPTTV–5430 — New, Starbuck, Glenwood and Pope County, Minnesota.
Starbuck Area Development Corporation.
Req: Channel 13, 10 watts.
Primary: WCCO–TV, Minneapolis, St. Paul, Minnesota.

BPTTV–5432 — New, Quinter, Kansas.
City of Quinter.
Req: Channel 10, 5.0 watt.
Primary: KLNE–TV, Lexington, Nebraska.

VHF TV TRANSLATOR APPLICATIONS

BPTTV–5433 — New, Verdigre, Nebraska.
Nebraska Educational TV Commission.
Req: Channel 10, 1 watt.
Primary: KXNE(TV), Norfolk, Nebr.

BPTTV–5434 — New, Rodeo, New Mexico.
Rodeo TV Association.
Req: Channel 2, 1 watt.
Primary: KOLD(TV), Tucson, Arizona.

BPTTV–5435 — New, Kiana, Alaska.
City of Kiana.
Req: Channel 4, 10 watts.
Primary: KYUK(TV)–4, Bethel, Alaska and KUAC(TV)–9, Fairbanks, Alaska.

FM TRANSLATOR APPLICATIONS

BPFT–260 — New, Chester, Westwood and Canyondam, Calif.
The Almanor T.V. Club, Inc.
Req: Channel 221, 92.1 MHz, 10 watts.
Primary: KSRN(FM), Reno, Nev.

BPFT–262 — New, Jeffrey City, Wyo.
Jeffrey City TV Association.
Req: Channel 285, 104.9 MHz, 1 watt.
Primary: KDLY(FM), Lander, Wyo.

BPFT–264 — New, Colstrip, Mont.
Christian Enterprises, Incorporated.
Req: Channel 252, 98.3 MHz, 10 watts.
Primary: KURL–FM, Billings, Mont.

BPFT–265 — New, Land O'Lakes, Wis.
Land O'Lakes Bible Church.
Req: Channel 288, 105.5 MHz, 1.0 watts.
Primary: WRMV(FM), Suring, Wis.

BPFT–266 — K228AB, Upper Bear River and Evanston, Wyo.
Kilburn I. Porter tr/as Upper Bear River TV Service.
Req: Change primary station to KLUB–FM, Ch–246, Salt Lake City, Utah.

BPFT–269 — New, Orderville, Glendale, Utah.
Long Valley Television.
Req: Channel 232, 94.3 MHz, 1 watt.
Primary: KALL–FM, Salt Lake City, Utah.

BFPT–270 — New, Ironwood, Mich.
Mr. Marvin E. Marks.
Req: Channel 265, 100.9 MHz, 1.0 watt.
Primary: WWIB(FM), Ladysmith, Wis.

BPFT–271 — New, Stockton, Mo.
The Watkins Investment Company.
Req: Channel 240, 95.9 10 watts.
Primary: KREG(FM), Greenfield, Mo.

BPFT–272 — New, Red Lake, Minn.
Oakhills Fellowship, Inc.
Req: Channel 228, 93.5 MHz, 10 watts.
Primary: KFNW(FM), Fargo, North Dakota.

BPFT–273 — New, Lovelock, Nev.
Western Inspirational Broadcasters, Inc.
Req: Channel 261, 100.1 MHz, 10.0 watts.
Primary: KNIS(FM), Carson City, Nev.

FM TRANSLATOR APPLICATIONS

BPFT–274 — New, Thousand Oaks, Calif.
KFAC, Inc.
Req: Channel 292, 106.3 MHz, 1 watt.
Primary: KFAC–FM, Los Angeles, Calif.

BPFT–276 — New, Everett, Wash.
King's Garden, Inc.
Req: Channel 290, 105.9 MHz, 10 watts.
Primary: KBIQ(FM), Edmonds, Wash.

UHF TV TRANSLATOR APPLICATIONS

BPTT–2923 — New, Chinook and Surrounding Rural Areas, Mont.
Chinook TV Association, Inc.
Req: Channel 63, 100 watts.
Primary: CFCN(TV), Lethbridge, Alberta, Canada.

BPTT–2924 — New, Hiawassee and Young Harris, Georgia and Hayesville, N.C.
Tri-County TV booster Club, Inc.
Req: Channel 67, 100 watts.
Primary: WTCG–TV, Atlanta, Ga.

BPTT–2925 — New, Salmon, Idaho.
Lemhi TV Corp.
Req: Channel 59, 100 watts.
Primary: KPAX(TV), Missoula, Mont.

BPTT–2926 — New, Canton, Clyde, Waynesville and Hazelwood, N.C.
University of North Carolina.
Req: Channel 27, 100 watts.
Primary: WUNF–TV, Asheville, N.C.

BPTT–2927 — New, Eden Valley, Paynesville, SW Stearns Co., and Brooten, Minn.
Starbuck Area Development Corporation.
Req: Channel 58, 100 watts.
Primary: WTCN–TV, Minneapolis, St. Paul, Minn.

BPTT–2928 — New, Eden Valley, Paynesville, SW Stearns Co., and Brooten, Minn.
Starbuck Area Development Corporation.
Req: Channel 64, 100 watts.
Primary: WCCO–TV, Minneapolis, St. Paul, Minn.

BPTT–2929 — New, Eden Valley, Paynesville, SW Stearns Co., and Brooten, Minn.
Starbuck Area Development Corporation.
Req: Channel 66, 100 watts.
Primary: KMSP–TV, Minneapolis, St. Paul, Minn.

BPTT–2930 — New, Stemilt, Colockum and Wenatchee Area, Wash.
Apple Valley TV Association, Inc.
Req: Channel 60, 100 watts.
Primary: KREM(TV), Spokane, Wash.

BPTT–2931 — New, Stemilt, Colockum and Wenatchee Area, Wash.
Apple Valley TV Association, Inc.
Req: Channel 63, 100 watts.
Primary: KXLY(TV), Spokane, Wash.

UHF TV TRANSLATOR APPLICATIONS

BPTT–2932 — New, Stemilt, Colockum and Wenatchee Area, Wash.
Apple Valley TV Association, Inc.
Req: Channel 65, 100 watts.
Primary: KHQ(TV), Spokane, Wash.

BPTT–2933 — New, Stemilt, Colockum and Wenatchee Area, Wash.
Apple Valley TV Association, Inc.
Req: Channel 67, 100 watts.
Primary: KSPS(TV) Spokane, Wash.

BPTT–2934 — New, Stemilt, Colockum and Wenatchee Area, Wash.
Apple Valley TV Association, Inc.
Req: Channel 69, 100 watts.
Primary: KAPP(TV), Yakima, Wash.

BPTT–2935 — New, Butler and Boston Communities, Ky.
Kentucky State Board of Education.
Req: Channel 64, 100 watts.
Primary: WKON(TV), Owenton, Ky.

Application deleted from Public Notice released September 19, 1975, (Mimeo #55226, 40 F.R. 44359).

BPFT–249 — New, Orderville, Utah.
Long Valley T.V.
Req: Channel 232, 94.3 MHz, 1 watt.
Primary: KALL–FM, Salt Lake City, Utah.

(Assigned new file number BPFT–269).

Applications deleted from Public Notice released August 27, 1975, (Mimeo #54352, 40 F.R. 40200).

BPFT–213 — New, Thousand Oaks, Calif.
KFAC, Inc.
Req: Channel 269A, 101.7 MHz, 1 watt.
Primary: KFAC–FM, Los Angeles, Calif.

(Assigned new file number BPFT–274).

BPFT–232 — New, Everett, Wash.
King's Garden, Inc.
Req: Channel 284C, 104.7 MHz, 10 watts.
Primary: KBIQ(FM), Edmonds, Wash.

(Assigned new file number BPFT–276).

Application deleted from Public Notice released September 3, 1975, (Mimeo #54506 40 F.R. 41182).

BPTT–2884 — New, Salmon, Idaho.
Lemhi TV Corp.
Req: Channel 59, 100 watts.
Primary: KXLF(TV), Butte, Mont.

(Assigned new file number BPTT–2925).

[FR Doc.75–33348 Filed 12–11–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC–3]

SWEETWATER SAVINGS ASSOCIATION

Approval of Conversion

Notice is hereby given that on December 8, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75–1097, approved the application of Sweetwater Savings Association, Sweetwater, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

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By the Federal Home Loan Bank Board.

Dated: December 8, 1975.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-33560 Filed 12-11-75;8:45 am]

FEDERAL MARITIME COMMISSION

SCINDIA STEAM NAVIGATION CO., LTD. AND SHIPPING CORP. OF INDIA, LTD.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or many inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:
Mr. J. M. Mahoney, Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006

Agreement No. 10209, between Scindia Steam Navigation Co., Ltd. and the Shipping Corporation of India, Ltd., covers the establishment of a rate agreement encompassing various rates, charges, classifications and related tariff matters agreed to by the parties with a right of independent action in the trade from the West Coast of India to U.S. Atlantic and Gulf ports.

By Order of the Federal Maritime Commission.

Dated: December 9, 1975.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-33593 Filed 12-11-75;8:45 am]

[Docket No. 75-58]

UNION CARBIDE INTER-AMERICA, INC. VS. VENEZUELAN LINE (COMPANIA ANONIMA VENEZOLANA DE NAVEGACION)

Complaint Filed

DECEMBER 9, 1975.

Notice is hereby given that a complaint filed by Union Carbide Inter-America, Inc. against Venezuelan Line (Compania Anonima Venezolana De Navegacion) was served December 9, 1975. The complaint alleges that complainant has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before June 9, 1976.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-33595 Filed 12-11-75;8:45 am]

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATION VS. AMERICAN MAIL LINES

Availability of Draft Environmental Impact Statement

Upon completion of an environmental assessment in Docket No. 73-38, the Federal Maritime Commission's Office of Environmental Affairs has determined that this proceeding may represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321, *et seq.*). Therefore, a detailed Draft Environmental Impact Statement has been prepared in this proceeding, which is now available through the Commission's Office of Managing Director.

Parties to the proceeding and other interested persons may comment on this Draft Environmental Impact Statement by submitting an original and three copies of such comment to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 on or before January 26, 1976.

Five copies of this notice and of the Draft Environmental Impact Statement will be distributed to the Council of Environmental Quality; ten copies to the Environmental Protection Agency (EPA); seven copies to the Department of Interior; five copies each to the Interstate Commerce Commission, the Department of Commerce, the Department of Transportation and the Federal Energy Administration; one copy each to the Association of American Railroads, the United States Railway Association, the Commandant, U.S. Coast Guard, the State of Maryland (Environmental Health Administration), the General Motors Corporation, the General Electric Company, the Southern Railway System; and one copy to each party to the proceeding.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-33594 Filed 12-11-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-6311 and CI75-518]

AMERADA HESS CORP.

Findings and Order After Statutory Hearing Amending Order Issuing Certificate of Public Convenience and Necessity, Granting Permission and Approval To Abandon in Part, Accepting FPC Gas Rate Schedule Supplement for Filing, and Granting Petition To Intervene

DECEMBER 8, 1975.

On February 26, 1975, Amerada Hess Corporation (Applicant) filed in Docket No. CI75-518 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon sales of natural gas for resale in interstate commerce to Warren Petroleum Company (Warren) and to Skelly Oil Company (Skelly); and on June 9, 1975, Applicant filed in Docket No. G-6311 an application pursuant to Section 7(c) of the Natural Gas Act to amend the order issuing certificate of public convenience and necessity to authorize a sale of natural gas for resale in interstae commerce to Northern Natural Gas Company (Northern), all as more fully set forth in the applications in Docket Nos. CI75-518 and G-6311.

Applicant in Docket No. CI75-518 requests permission to abandon sales of natural gas from the Wier Nos. 4 and 8 Wells, Lea County, New Mexico (Permian Basin Area), to Warren pursuant to a casinghead gas sales contract dated September 4, 1974, superseding a casinghead gas contract between Applicant and Warren dated October 29, 1963. Reclassification of said wells by the New Mexico Oil Conservation Commission (NMOCC) from oil wells to gas wells became effective April 1, 1972. Applicant further in Docket No. CI76-518 requests permission to abandon sales of natural gas from the E. Wood No. 8 Well in Lea County, New Mexico, to Skelly also made pursuant to a casinghead gas sales contract. Reclassification of the E. Wood No. 8 Well from oil well to gas well by NMOCC became effective August 23, 1974. Applicant has submitted documents evidencing the reclassifications of the wells by the NMOCC. The gas-well gas produced therefrom is dedicated to Northern pursuant to an amendment dated May 12, 1975, to a gas sales contract between Applicant and Northern dated June 21, 1974 (Supplement No. 33 to Applicant's FPC Gas Rate Schedule No. 30).

Applicant has continued sales of gas from the Weir Nos. 4 and 8 Wells to Warren from April 1, 1972, to February 23, 1975, pursuant to a casinghead gas sales contract dated October 29, 1963, as superseded by a casinghead gas sales contract dated September 4, 1974. The continuation of such sales of the gas produced from the Weir Nos. 4 and 8 Wells without regard to the reclassification of such well by NMOCC refutes the contention of Applicant that such sales are being abandoned because of the reclassification by NMOCC. Therefore, there being no other grounds presented by Applicant to show that the present or future public convenience or necessity, independent of the reclassification by NMOCC of April 1, 1973, and subsequent gas sales agreement between Applicant and Northern dated February 24, 1975, permit such abandonment, the application in Docket No. CI75-518 is being denied with respect to the Weir Nos. 4 and 8 Wells.

Applicant requests amendment of the order issuing a certificate of public convenience and necessity in Docket No. G-6311 authorizing the sales of natural gas to Northern from the aforementioned wells and from four other wells, the Anderson No. 2, the State "T" No. 4, and the Baker Nos. 3 and 4 Wells, all in Lea County, New Mexico, pursuant to the aforementioned gas sales contract between Applicant and Northern dated June 21, 1974, as amended. Applicant proposes to make the sale to Northern at the national rate set forth in Section 2.56a of the Commission's rules. On September 5, 1975, Applicant filed the required written statement to demonstrate the applicability of Opinion No. 699 to the sale and the written waiver of the refund credits and contingent escalations required by Section 2.56a(1) of the Commission's rules. However, inasmuch as the abandonment authorization requested in Docket No. CI75-518 is being denied herein with respect to sales of gas to Warren from the Weir Nos. 4 and 8 Wells, certificate authorization to sell gas therefrom to Northern must also be denied.

Applicant commenced emergency sales of natural gas to Northern from the Weir No. 8 Well on May 9, 1975, from the Anderson No. 2 Well on March 28, 1975, from the State "T" No. 4 Well on March 26, 1975, and from the Baker Nos. 3 and 4 Wells on March 15, 1975, pursuant to Section 157.29 of the Commission's Regulations (18 C.F.R. 157.29).

After due notice by publication in the FEDERAL REGISTER on July 9, 1975 (40 FR 28865), in Docket No. G-6311, no petitions to intervene, notices of intervention or protests to the granting of the application have been filed. After due notice by publication in the FEDERAL REGISTER on March 19, 1975 (40 FR 12545), Skelly filed a petition to intervene in Docket No. CI75-518, neither opposing nor supporting the application. No further petitions to intervene, notices of intervention or protests to the granting of the application have been filed.

At a hearing held on November 19, 1975, the Commission on its motion received and made a part of the record in these proceedings all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds: (1) Applicant is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the application in Docket No. CI75-518, is made in interstate commerce subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(3) The abandonment proposed by Applicant of the sales of natural gas for resale in interstate commerce from E. Wood No. 8 Well is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) The abandonment of sales of natural gas for resale in interstate commerce from the Weir Nos. 4 and 8 Wells to Warren proposed by Applicant because of the reclassification of such wells from oil-wells to gas-wells by NMOCC in accordance with the order of the Commission of July 26, 1973 (50 FPC 258), *Atlantic Richfield Company, FPC Gas Rate Schedule Nos. 337 and 354*, stating, "The reclassification of wells by a state regulatory agency shall be presumptive evidence warranting the grant of the abandonment application in the absence of a clear preponderance of the evidence to the contrary.", should be denied because the continued sales of such gas and the superseding sales contract for such gas to Warren constitute a preponderance of the evidence that permission for and approval of the abandonment of such sales of natural gas is not in the present or future public convenience and necessity.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. G-6311 should be amended as hereinafter ordered.

(6) The sale of natural gas by Applicant from the Weir Nos. 4 and 8 Wells to Warren should be continued by Applicant.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the contract amendment submitted by Applicant should be accepted for filing as a supplement to its FPC Gas Rate Schedule No. 30, to the extent service thereunder is certificated by the Commission.

(8) Participation by Skelly in this proceeding may be in the public interest.

The Commission orders: (A) Permission for and approval of the abandonment of service by Applicant, with the exception of sales of natural gas from the Weir Nos. 4 and 8 Wells, as hereinbefore described and as more fully described in the application in Docket No. CI75-518, as granted.

(B) Permission for and approval of the abandonment of the sales of gas for resale in interstate commerce by Applicant to Warren from the Weir Nos. 4 and 8 Wells are denied. Applicant shall continue sales to Warren from the Weir Nos. 4 and 8 Wells until the Commission permits and approves the abandonment thereof upon an appropriate application.

(C) The denial of permission for and approval of the abandonment stated in paragraph (B) above is without prejudice to Applicant's refiling to show that

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present or future public convenience or necessity permit such abandonment.

(D) The order issuing the certificate of public convenience and necessity in Docket No. G–6311 is hereby amended by authorizing the additional sale by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as provided in Section 2.56a of the Commission's General Policy and Interpretations, conditioned to the lesser of the contract rate or the national base rate of 51.0 cents per Mcf at 14.73 psia, plus adjustment for applicable taxes and subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, all as hereinbefore described and as more fully described in the application in Docket No. G–6311; provided, however, this authorization does not apply to gas produced from the aforesaid Weir Nos. 4 and 8 Wells, and the subject application to amend in Docket No. G–6311 is hereby denied with respect to said two wells. In all other respects said order shall remain in full force and effect.

(E) The contract amendment dated May 12, 1975, is accepted for filing effective on the date of initial delivery under the authorization granted herein and is designated as Supplement No. 38 to Amerada Hess Corporation FPC Gas Rate Schedule No. 30. Application shall advise the Commission of such date of initial delivery within 10 days thereof.

(F) Skelly is permitted to intervene in Docket No. CI75–518 subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervener shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(G) Applicant natural gas company's attention is directed to Commission Order No. 539, issued October 14, 1975, 40 FR 49571, and to the provisions of Section 2.83 of the General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization, (2) shall be without regard to any contractual reservations contrary to the certificate authorization, (3) and shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, *inter alia*, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract, and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that if Applicant has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, then Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33518 Filed 12–11–75;8:45 am]

[Docket No. RP76–38]

ARIZONA ELECTRIC POWER COOPERATIVE, INC., AND CITY OF WILCOX v. EL PASO NATURAL GAS CO.

Extension of Time

DECEMBER 5, 1975.

On November 28, 1975, El Paso Natural Gas Company (El Paso) filed a motion to extend the time within which to answer the complaint filed against it by Arizona Electric Power Cooperative, Inc. and the City of Willcox, Arizona (AEPCO) on November 6, 1975.

Notice is hereby given that the time within which El Paso must answer AEPCO's complaint is extended from December 8, 1975 to and including December 19, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33513 Filed 12–11–75;8:45 am]

[Docket No. RP76–11]

BACA GAS GATHERING SYSTEM, INC.

Order Granting Untimely Petition to Intervene

DECEMBER 8, 1975.

On September 12, 1975, Baca Gas Gathering System, Inc. tendered for filing a revised tariff sheet proposing increased rates for sales to Panhandle Eastern Pipe Line Company (Panhandle). Notice of said filing was issued on September 23, 1975, with protests and petitions to intervene due on or before October 7, 1975.

By order issued October 10, 1975, the Commission accepted the tariff change for filing, suspended the proposed rate increase and set the matter for investigation and hearing.

On October 20, 1975, Panhandle filed an untimely petition to intervene. Our review indicates that Panhandle has a sufficient interest in this proceeding to warrant intervention.

The Commission finds: Panhandle's participation in this proceeding may be in the public interest.

The Commission orders: (A) Panhandle is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33522 Filed 12–11–75;8:45 am]

[Docket No. E–8684 (Phase II)]

CAROLINA POWER AND LIGHT CO.

Further Extension of Procedural Dates

DECEMBER 5, 1975.

On November 14, 1975, ElectriCities of North Carolina and the Cities of Camden and Bennettsville, South Carolina filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued September 25, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor's Testimony, December 30, 1975.
Service of Staff's Testimony, January 29, 1976.
Service of Company Testimony, February 12, 1976.
Service of Intervenor's Rebuttal, February 26, 1976.
Hearing, March 16, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33505 Filed 12–11–75;8:45 am]

[Docket No. ER76–277]

CINCINNATI GAS & ELECTRIC CO.

Filing of Proposed Fuel Adjustment Clause

DECEMBER 5, 1975.

Take notice that on November 21, 1975, Cincinnati Gas & Electric Company (CG&E) tendered for filing its Second Revised Sheet No. 4, Revised Appendix H, "Rates and Charges", to the Supply Agreement dated August 1, 1973, designated CG&E's Rate Schedule FPC No. 36, between CG&E and the Union Light, Heat and Power Company. The tendered sheet cancels and supersedes First Revised Sheet No. 4 on file with and designated by this Commission as Supplement No. 2 to CG&E's Rate Schedule FPC No. 36. CG&E proposes an effective date of January 1, 1976.

CG&E states that copies of the tendered filing are being served upon the Public Service Commission of Kentucky, the Public Utilities Commission of Ohio and the Union Light, Heat and Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33507 Filed 12–11–75;8:45 am]

[Docket No. RP74–77]

COLORADO INTERSTATE GAS CO.

Payment of Refunds

DECEMBER 4, 1975.

Take notice that Colorado Interstate Gas Company (CIG), on November 21, 1975, tendered for filing a report of rate refunds in the above captioned docket reflecting certain refunds it mailed to its customers on November 19, 1975. CIG states that such refunds are pursuant to a settlement agreement approved by Commission order issued September 5, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33483 Filed 12–11–75;8:45 am]

[Docket No. G–294, *et al.*]

COLORADO INTERSTATE GAS CO., A DIVISION OF COLORADO INTERSTATE CORP.

Petition To Amend

DECEMBER 4, 1975.

Take notice that on November 18, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Petitioner), filed in Docket No. G–294, *et al.*, pursuant to Sections 7 and 16 of the Natural Gas Act and the Commission's Rules and Regulations thereunder, a petition (1) to amend all pending applications for issuance or amendment of certificates of public convenience and necessity which have been filed by Petitioner, (2) to amend all Commission orders granting certificates of public convenience and necessity to Petitioner or amending such certificates, and (3) to change such files and records of the Commission, including all appropriate filings and submittals in the above-mentioned dockets, and make any other changes the Commission deems appropriate and necessary to reflect the change of Petitioner's name from Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, to Colorado Interstate Gas Company, effective January 1, 1976, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by resolution of the Board of Directors of Colorado Interstate Corporation (Colorado Interstate), the corporate name will become Colorado Interstate Gas Company, effective January 1, 1976. Petitioner indicates that Colorado Interstate filed an amendment to its corporate charter effectuating the name change with the Secretary of State of Delaware, the state of incorporation, and that the amendment to the corporate charter is self-executing. Petitioner asserts that no other corporate change took place, nor were any of the corporation's rights or obligations affected by the name change, and that under its new name, Colorado Interstate Gas Company will continue without cessation or interruption the identical operations and corporate activities hitherto performed under the name Colorado Interstate Corporation. Petitioner further asserts that the natural gas pipeline business previously conducted under the name of Petitioner will in the future be carried on under the name Colorado Interstate Gas Company.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33481 Filed 12–11–75;8:45 am]

[Docket No. ER76–270]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Notice of Termination

DECEMBER 4, 1975.

Take notice that on November 20, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing a notice of termination of Rate Schedules FPC Nos. CL&P 112, HELCO 90, and WMECO 104. CL&P, HELCO, and WMECO state that this rate schedule was effective May 1, 1975, and was terminated in accordance with its terms effective October 31, 1975. CL&P, HELCO, and WMECO state that notice of the proposed termination has been served upon New Bedford Gas and Edison Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33495 Filed 12–11–75;8:45 am]

[Docket No. ER76–273]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Termination

DECEMBER 4, 1975.

Take notice that on November 20, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing a notice of termination of Rate Schedules FPC Nos. CL&P 77, HELCO 61, and WMECO 80. CL&P, HELCO, and WMECO state that this rate schedule was effective May 1, 1972, and was terminated in accordance with its terms effective Octo-

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ber 31, 1972. CL&P, HELCO, and WMECO state that notice of the proposed termination has been served upon New Bedford Gas and Edison Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33499 Filed 12-11-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Amendment to Filing

DECEMBER 4, 1975.

Take notice that on November 28, 1975, the Delmarva Power & Light Company, Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia (Delmarva) tendered for filing an amendment to its original proposal in this docket of August 1, 1974, as completed on September 25, 1974. Also filed on November 28, 1975 was a motion for leave to amend and supplement suspended rate schedule filing and waiver of notice. Delmarva states that the purpose and intent of the proposed amendment is to conform the suspended fuel clause to the requirements of FPC Order No. 517.

Delmarva states that the proposed fuel clause increases the presently effective base cost of fuel from 5.48 to 15.90 mills per kWh, reflecting the average fuel cost for the twelve months ending September 30, 1975. Furthermore, Delmarva states that all intervenors to this proceeding have agreed to the form and content of the proposed clause.

Due to the necessity for simultaneous changes in the base fuel cost applicable to the base rate as well as the fuel adjustment clause, Delmarva requests a waiver of the requirements of Section 35.14 of the Commission's Regulations with respect to the January 1, 1976 deadline to allow the effective date of the change proposed herein to be deferred until a final order is entered in this proceeding, and that the amended fuel adjustment clause be made effective retroactively to October 27, 1974, the effective date of the suspended rates.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before December 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33470 Filed 12-11-75;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER AND LIGHT CO.

Order Granting Late Intervention

DECEMBER 4, 1975.

On September 29, 1975, Delmarva Power and Light Company, a utility operating and holding company, and its two wholly-owned subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, Delmarva) tendered for filing proposed changes in the intercompany Power Supply Agreement. The proposed effective date was November 1, 1975.

Notice of Delmarva's filing was issued on October 2, 1975, with protests and petitions to intervene due on or before October 15, 1975.

An untimely petition to intervene was filed by the Public Service Commission of the State of Delaware (the Public Service Commission) on October 15, 1975. Having reviewed said petition, we believe that the Public Service Commission has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It may be in the public interest for the Public Service Commission to intervene in these proceedings.

The Commission orders: (A) The Public Service Commission is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such interevnor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intevene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33500 Filed 12-11-75;8:45 am]

[Docket No. E-8913]

DETROIT EDISON CO.

Supplemental Order Authorizing the Extension of Issues and Maturity Dates

DECEMBER 4, 1975.

By order issued September 23, 1974, under the above-enunciated docket, the Commisston, pursuant to Section 204 of the Federal Power Act, authorized the Detroit Edison Company (Applicant), to issue short-term promissory notes in an aggregate principal amount not to exceed $300 million outstanding at any one time. The notes were to be issued on or before December 31, 1975, and were to mature on or before December 1976.

On October 1, 1975, Applicant by this supplemental application requests authorization to extend the final issuance and maturity dates to December 31, 1976 and December 31, 1977, respectively. All other terms and conditions previously authorized by the Commission are to remain in effect.

The proceeds from the notes will be used for construction, extension, completion and improvement of the Applicant's facilities.

Written notice of the application has been given to the Michigan Public Service Commission and to the Governor of that State. Notice was also given by publication in the Federal Register on November 4, 1975 (40 F.R. 51230), stating that any person desiring to be heard or to make any protest with reference to the application should on or before November 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protest. No petition, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) The proposed modification of the Commission's order issued September 23, 1974, is appropriate for the purposes of the Federal Power Act.

(2) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The Commission's order of September 23, 1974, is hereby amended to authorize the Applicant to extent the final issue and maturity date on $300 million of short-term promissory notes previously authorized, subject to the following conditions:

(i) The aggregate principal amount of short-term promissory notes outstanding at any one time shall not exceed $300 million.

(ii) All notes shall be issued on or before December 31, 1976 and shall mature not later than December 31, 1977.

(B) All other terms and conditions set forth in the Commission's order of September 23, 1974, shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33487 Filed 12-11-75;8:45 am]

[Docket No. RI76-65]

DEVON CORP. (OPERATOR), ET AL.

Petition for Special Relief

DECEMBER 4, 1975.

Take notice that on November 18, 1975, Devon Corporation (Operator) *et al.* (Petitioner), 3300 Liberty Tower, Oklahoma City, Oklahoma 73102, filed a petition for special relief pursuant to Sections 2.56a(g) and 2.76 of the Commission's General Policy and Interpretations in Docket No. RI76-65, seeking a rate above the area rates prescribed in Order No. 411, as amended, and from the national rates prescribed in Opinion No. 699-H, as amended. Petitioner seeks a price in the range of 70 cents per Mcf with a 1 cent per Mcf per year escalation for the sale of gas to Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, and Cities Service Oil Company. Petitioner states that it owns fifty wells, and that it makes jurisdictional sales from forty-eight of these wells to Columbia Gas Transmission Corporation; from one well to Consolidated Gas Supply Corporation; and from the remaining one well to Cities Service Oil Company. Petitioner further states that production from these wells has declined to the extent that reconditioning, deepening and installation of additional equipment is necessary to permit continued operations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33479 Filed 12-11-75;8:45 am]

[Docket No. ER76-368]

DUKE POWER CO.

Notice of Cancellation

DECEMBER 4, 1975.

Take notice that on November 20, 1975, Duke Power Company (Duke Power) tendered for filing notice that, effective the 20th day of November, 1975, Rate Schedule F.P.C. No. 233 is to be cancelled. This rate schedule was filed with the Federal Power Commission, by Duke Power Company, and became effective on June 20, 1969. It is being cancelled because Duke Power has purchased the electric facilities of the Town of Davidson, Davidson, North Carolina, effective as of November 20, 1975.

Duke Power states that notice of the proposed cancellation has been served upon the following:

Mr. Thomas S. Sadler, Mayor, Town of Davidson, Davidson, North Carolina 28036.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33492 Filed 12-11-75;8:45 am]

[Docket No. ER 76-255]

DUKE POWER CO.

Filing

DECEMBER 4, 1975.

Take notice that on November 14, 1975, Duke Power Company (the Company) tendered for filing a supplement to the Company's Electric Power Contract with the City of Cherryville.

The Company states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 258. The only document submitted with this filing is Exhibit A-2, Delivery Point No. 1, dated October 29, 1975. The date on which this document is to become effective is December 19, 1975. Exhibit A-2 has been mailed to:

City of Cherryville, Cherryville, North Carolina.

The Company states that Exhibit A-2 provides for an increase in contract demand from 6,800 KW to 8,500 KW made at the request of the customer. The Company further states that requisite agreement has in fact been obtained from Exhibit A-2.

The Company states that service will be billed on Schedule 10, and that the Company has no other rate for similar service. No new facilities have been installed to provide the service described in the Exhibit A-2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33489 Filed 12-11-75;8:45 am]

[Docket No. RP76-36]

EASTERN SHORE NATURAL GAS CO.

Order Accepting for Filing and Approving Rate Increase

DECEMBER 3, 1975.

On November 3, 1975, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing certain tariff sheets as part of Original Volume No. 1 of its FPC Gas Tariff.[1] The effect of these proposed tariff sheets would be to increase jurisdictional rates to provide approximately $175,000 of additional revenues annually. The proposed effective date for these tariff sheets is December 1, 1975. By letter dated November 18, 1975, we were advised by Eastern Shore that its jurisdictional customers do not intend to intervene and oppose the proposed tariff changes.

The increase in unit rates proposed is approximately 7.7 cents per Mcf in the commodity component of the two-part rate schedules CD-1, CD-E, G-1, PS-1, and a similar increase in the straight-line rate schedules E-1 and I-1, and in the excess delivery components of the GSS-1 and LGA storage service schedules. Such increased rates are based on a cost of service study which reflects actual experience for the twelve months ended June 30, 1975, as adjusted. The filing is based upon a 9.5% overall rate of return and produces a 1.7% return on equity. Eastern Shore states that the proposed increases are necessary because of a decrease in sales volumes and an increase in costs and taxes.

The increase requested by Eastern Shore amounts to approximately $175,000 annually and thus is in excess of the $100,000 amount which Section 154.63(a)(3) of our Regulations (18 CFR 154.63(a)(3)) sets as the upper limit on minor rate increases. Eastern Shore has therefore requested us to waive the provisions of Section 154.63(a)(3) and such other Regulations as necessary to permit the company's filing to be accepted as a minor rate increase. In support of its request Eastern Shore states that preparation of the detailed studies required by Section 154.63(f) of our Regulations

[1] Sixteenth Revised Sheet No. 3A; Sixteenth Revised Sheet No. PGA-1 Sheet Nos. 1, 2 and 3.

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(18 CFR 154.63(f)) for major rate increase filings would require the "use of other than company personnel and expenditure of funds which would increase the cost to our customers and their consumers without materially aiding in the analysis and review of this filing." In lieu of filing the statements and schedules described in Section 154.63(f), Eastern Shore agreed to furnish any appropriate basic data required by the Commission or its Staff.

Our review of the data filed by Eastern Shore convinces us that enough information has been provided for us to evaluate the justness and reasonableness of the proposed rate increase. We therefore grant Eastern Shore's request to waive Section 154.63(a) (3) and accept the tendered tariff sheets for filing.

The proposed tariff sheets were tendered for filing on November 3, 1975, which is more than four months after the close of the 12 month base period on June 30, 1975. Section 154.63(e)(2) of our Regulations (18 CFR 154.63(e)(2)) requires that the last day of the 12 month base period shall not be more than four months prior to the date of filing of the proposed tariff sheets. Eastern Shore's failure to seek waiver of this requirement is apparently an oversight which results from the fact that the proposed tariff sheets were forwarded to the Commission together with a letter of transmittal dated Friday, October 31, 1975, which is within the four month period prescribed by Section 154.63(e)(2), but were not received by the Commission until Monday November 3, 1975. In the circumstances of this case we believe that no useful purpose could be served by withholding waiver of Section 154.63(e)(2), and we therefore, *sua sponte*, waive the four month filing requirement contained therein.

Eastern Shore has proposed that the subject rate increases become effective December 1, 1975. Under Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), any natural-gas company wishing to change its rates must give 30 days notice to the Commission and to the public before the proposed changes becomes effective. Notice is given by filing the proposed changes with the Commission and by keeping the changes available for public inspection. Section 4(d) provides further that for good cause shown the Commission may allow the changes to take effect without requiring 30 days notice. Since the changes proposed by Eastern Shore were not filed until November 3, 1975, they cannot, in the absence of express Commission permission, become effective until December 4, 1975. Good cause has not been shown for waiving the 30 day statutory notice period. We therefore, decline to permit the proposed rate increases effective prior to December 4, 1975.

No protests or petitions to intervene have been filed in this matter.

Based upon our review of Eastern Shore's filing we find that the proposed rates are just and reasonable under Section 4 of the Natural Gas Act, 15 U.S.C. 717c, and should therefore be accepted for filing and approved.

We note that the subject filing includes an overall rate of return of 9.5%, which produces an 11.7% return on common equity capitalization ratio of 60.9%. Eastern Shore states that the proposed increases are necessary because of a decrease in sales volumes and an increase in costs and taxes.

With respect to Eastern Shore's proposed rate of return, we note that the Administrative Law Judge presiding at a conference held to determine the impact of projected curtailments on the Eastern Shore system during the coming winter heating season[2], issued his final report and certification of the record on October 21, 1975. His report concluded that although the Transcontinental Gas Pipe Line Corporation, Eastern Shore's sole supplier, projects a curtailment of 36.32 percent on its overall system during the coming winter season, Eastern Shore faces a much deeper curtailment of 65.3 percent, as compared to the 27.8 percent it experienced last year. Furthermore, it was noted that if Eastern Shore fails in its attempts to obtain additional supplies of natural gas, it may have to fall back on purchasing propane at a cost more than double that of even emergency gas. We take additional note that Eastern Shore's last approved return on equity was 11.5% on an equity capitalization ratio of 44.8%, in Docket No. RP71-50.[3] We find, therefore, that under the circumstances discussed above the rate of return and return on equity proposed by Eastern Shore in this proceeding is just and reasonable.

The Commission finds: (1) Good cause has been shown for waiving Sections 154.63(a) (3) and 154.63(e) (2) of the Commission's Rules and Regulations under the Natural Act, 18 CFR 154.63(a) (3) and 154.63(e) (2).

(2) Good cause has not been shown for permitting Eastern Shore's proposed tariff changes to take effect prior to December 4, 1975.

(3) The rates proposed by Eastern Shore are just and reasonable under Section 4 of the Natural Gas Act, 15 U.S.C. 717c, and should therefore be accepted for filing and approved.

The Commission orders: (A) Section 154.63(a) (3) and 154.63(e) (2) are hereby waived to permit the filing of the aforementioned tariff sheets and such sheets are hereby allowed to become effective as of December 4, 1975.

(B) The increased rates proposed by Eastern Shore are approved as just and reasonable under Section 4 of the Natural Gas Act, 15 U.S.C. 717c.

(C) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Eastern Shore, or any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Eastern Shore or any other person or party.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33491 Filed 12-11-75;8:45 am]

[2] Docket Nos. RP71-121 and 72-21.
[3] Order issued December 30, 1970.

EL PASO ELECTRIC CO.

Prefiling Conference

DECEMBER 4, 1975.

Take notice that an informal prefiling conference will be convened in the Commission's Conference Room No. 8402, 825 North Capitol Street NE., Washington, D.C., at 10:00 a.m., December 18, 1975, between representatives of the Commission Staff and representatives of El Paso Electric Company (El Paso).

The conference will be convened so that El Paso may receive Staff suggestions and comments regarding proposed wholesale rate increases under El Paso's FPC Rate Schedules 17, 18 and 19. El Paso states that it plans to file for such increases during December, 1975.

Customers and other interested persons will be permitted to attend, but attendance at the conference will not be deemed to authorize intervention as a party in any further proceedings regarding El Paso's proposed filing.

Letters concerning this conference are being mailed this date to El Paso's customers served under El Paso FPC Rate Schedules 17, 18 and 19.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33496 Filed 12-11-75;8:45 am]

[Rate Schedule Nos. 28, *et al.*]

EXXON CORPORATION, ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699—H

NOVEMBER 21, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H, the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to interevne or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[1] Commissioner Watt not participating.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Nov. 10, 1975	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	28	El Paso Natural Gas Co.	Permian Basin.
Do	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	122	do	Do.
Do	do	304	do	Do.
Do	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	69	Cities Service Gas Co.	Hugoton-Anadarko.

[FR Doc.75-33531 Filed 12-11-75;8:45 am]

[Docket Nos. E-8769, *et al.*, ER76-216, ER76-218 and ER76-219]

FLORIDA POWER & LIGHT CO.

Order Accepting Supplements for Filing, Instituting Investigation, Establishing Hearing Procedures, and Consolidating Proceedings

DECEMBER 8, 1975.

On November 4, 1975, Florida Power & Light Company (Florida) tendered for filing supplements to its interchange agreements with Orlando Utilities Commission (Orlando) and Vero Beach, Florida (Vero Beach), Lake Worth Utilities Authority (Lake Worth), and Jacksonville Electric Authority (Jacksonville), designated as Docket Nos. ER76-216, ER76-218, and ER76-219, respectively.[1] Florida requested that the proposed supplements become effective on June 26, 1975 (Orlando), March 16, 1975 (Vero Beach), December 5, 1975 (Lake Worth), and January 1, 1974 (Jacksonville), respectively, subject to refund, and that they be consolidated for hearing with the proceeding in Docket No. E-8769, *et al.* In light of this proposal, Florida further requests a waiver of the Commission's notice requirements to permit the proposed effective dates, as well as a waiver of the Commission's filing requirements with respect to the necessity for certain additional data, insofar as such data was contained in the E-8769, *et al.* filings.

Florida's submittals were noticed on November 24 and November 26, 1975, with comments, protests, and petitions to intervene due on or before December 3, 1975. As of November 26, 1975, no comments have been received in response to the notice.

By order issued July 3, 1975 in Docket No. E-8769, *et al.*, we accepted for filing Florida's aforementioned interchange agreements with, *inter alia*, Vero Beach, Orlando, and Jacksonville, suspended their effectiveness for one day, consolidated the dockets, and prescribed hearing procedures. Our review indicates that Florida's instant submittals propose similar amendments to certain provisions of service schedules within those suspended agreements, as well as to certain provisions within service schedules in the Lake Worth agreement. Our review further indicates that Florida's proposed amendments have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the filed amendments shall be accepted for filing to become effective on the dates requested, subject to refund, set for hearing, and consolidated with the proceedings heretofore established in Docket No. E-8769, *et al.* Insofar as Florida has requested that these supplements be placed into effect, subject to refund, we shall grant waiver of the notice requirements of the Federal Power Act and our Regulations to permit them to become effective on the requested dates.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the amendments contained in Florida's submittals of November 4, 1975.

(2) Good cause exists to grant the requested waivers of the notice and data requirements in the Commission's Regulations to accept the submittals as filed to become effective on the dates requested.

(3) Good cause exists to consolidate Docket Nos. ER76-216, ER76-218 and ER76-219 with E-8769, *et al.*, for purposes of investigation and hearing.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205, 206, 308 and 309 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, an investigation concerning the lawfulness and reasonableness of the subject amendments tendered in Docket Nos. ER76-216, ER76-218 and ER76-219 is hereby initiated.

(B) The proceedings instituted herein shall be consolidated for purposes of investigation, hearing and decision with that established by order issued July 3, 1975 in Docket No. E-8769, *et al.*, with the procedural schedule as established in that order, as amended, to govern.

(C) Florida's supplements tendered on November 4, 1975 in Docket Nos. ER76-216, ER76-218 and ER76-219 are hereby accepted for filing to become effective on June 26, 1975 (Orlando) and March 16, 1975 (Vero Beach), December 5, 1975 (Lake Worth), and January 1, 1974 (Jacksonville), respectively.

(D) Florida's requested waivers of the notice and data requirements of our Rules and Regulations are hereby granted.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

FLORIDA POWER & LIGHT COMPANY

RATE SCHEDULE DESIGNATIONS DOCKET NOS. ER 76-216 AND ER 76-219

Designations	*Other Party*
(1) Supplement No. 6 to rate schedule FPC No. 6.	City of Vero Beach.
(2) Supplement No. 5 to rate schedule FPC No. 4.	Orlando Utilities Commission.
(3) Supplement No. 6 to rate schedule FPC No. 17 (Amendment).	Jacksonville Electric Authority.
(4) Supplement No. 1 to Supplement No. 6 to rate schedule FPC No. 17 (Emergency Service).	Do.
(5) Supplement No. 2 to Supplement No. 6 to rate schedule FPC No. 17 (Scheduled Interchange Service).	Do.
(6) Supplement No. 5 to rate schedule FPC No. 7.	City of Lake Worth.

[FR Doc.75-33516 Filed 12-11-75;8:45 am]

[1] See Appendix A for designations.

[Docket No. CI76-163]

GETTY OIL CO.

Findings and Order After Statutory Hearing Permitting and Approving Abandonment

DECEMBER 4, 1975.

On September 4, 1975, Getty Oil Company (Applicant) filed in Docket No. CI76-163 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon sales of natural gas for resale in interstate commerce to Skelly Oil Company (Skelly) from the Blinebry, *et al.* Fields, Lea County, New Mexico, all as more fully set forth in the application in this proceeding.

Applicant seeks permission and approval to abandon sales of natural gas from the No. 2 Well on the Percy Hardy Lease, Blinebry, *et al.* Fields made pursuant to a casinghead-type gas sales contract with Skelly, because the well has been reclassified, as of April 18, 1975, from an oil-well to a gas-well by the New Mexico Oil Conservation Commission (NMOCC). Applicant has submitted documentary evidence of the reclassification of the well from the NMOCC. Such reclassification entitles El Paso Natural Gas Company (El Paso) to the subject gas contractually. Applicant proposes to sell the gas produced from the forestated well to El Paso pursuant to Applicant's FPC Gas Rate Schedule No. 43, with related certificate authorization issued in Docket No. G-6272.

[1] Commissioner Watt not participating.

V40240 DEC 12 75 XUM

After due notice of the application by publication in the Federal Register on October 10, 1975 (40 FR 47833), Skelly filed a petition to intervene in this proceeding; however, said Petitioner does not request a formal hearing, and neither opposes nor supports the application. No further petitions to intervene, notices of intervention or protests to the granting of the application have been filed.

At a hearing held on November 11, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds: (1) Applicant is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas to be abandoned, as hereinbefore described and as more fully described in the application in this proceeding, is made in interstate commerce subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(3) The abandonment proposed by Applicant is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) Participation by Skelly in this proceeding may be in the public interest.

The Commission orders: (A) Permission for and approval of the abandonment of service by Applicant, as hereinbefore described and as more fully described in the application, are granted.

(B) Skelly is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of the order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33501 Filed 12-11-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION, INC.

Further Extension of Procedural Dates

DECEMBER 4, 1975.

On November 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, as most recently modified by notice issued September 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 6, 1976.
Service of Intervenor Testimony, January 13, 1976.
Service of Company Rebuttal, January 27, 1976.
Hearing, February 10, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33478 Filed 12-11-75;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Application for Amendment of License

DECEMBER 4, 1975.

Public notice is hereby given that an application was filed on August 25, 1975, under the Federal Power Act (16 U.S.C. § 791a–825r) by Idaho Power Company (Correspondence to: Mr. Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, D.C. 20006; and Mr. Paul L. Jauregui, Secretary, Idaho Power Company, 1220 Idaho Street, P.O. Box 70, Boise, Idaho 83721) to amend the major license for its constructed Hells Canyon Project No. 1971. The Hells Canyon Project is on the Snake River, and located in Adams, Lincoln, Jerome, Minidoka, Blaine, Power, and Washington Counties, Idaho, and in Wallowa, Baker, and Malheur Counties, Oregon.

The application was submitted for the purpose of seeking Commission authorization to uprate, from 230 kV to 345 kV, the 76.7-mile long Midpoint-Borah Transmission line, a primary line of the Hells Canyon Project. By uprating this line, which lies between the cities of American Falls and Shoshone, Idaho, transmission of increasing amounts of energy into the Company's service area from the Jim Bridger Thermal Generating Station in Wyoming would be possible.

The work would consist of adding insulators, phase fittings, clamps and two ground wires to all supporting structures. In addition, it is estimated that 10 to 15 percent of the 625 structures would require either 5-foot extensions to existing poles or the replacement of such poles with poles up to 15 feet taller. Construction activities and access would be confined to the existing right-of-way and existing roads.

Any person desiring to be heard or to make protest with reference to said application should on or before February 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. The applicant requested that the shortened procedure of Section 1.32(b) be used. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear to be represented at the hearing before the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33464 Filed 12-11-75;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Extension of Procedural Dates

DECEMBER 5, 1975.

On December 2, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 16, 1976.
Service of Intervenor Testimony, January 30, 1976.
Service of Company Rebuttal, February 13, 1976.
Hearing, February 24, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33474 Filed 12-11-75;8:45 am]

[Docket No. ER76-298]

ILLINOIS POWER CO.

Filing Modification No. 1 to Interconnection Agreement

DECEMBER 5, 1975.

Take notice that on November 26, 1975, the Illinois Power Company (Illinois Power) tendered for filing proposed Modification No. 1 to the Interconnection Agreement dated August 6, 1974, between Illinois Power and the City of Princeton (Princeton). This proposed modification provides for the following:

(i) Increase of the reservation charge for Short-Term Firm Capacity from 10 cents to 11 cents per day or 50 cents to 55 cents per week for each kilowatt of power reserved;

(ii) Increase of the reservation charge for Maintenance Power from 8 cents to 9 cents per day or 40 cents to 45 cents per week for each kilowatt of power reserved;

(iii) In the case of curtailment of Maintenance Power, the reservation charge shall be reduced by 9 cents per day for each kilowatt so curtailed, but not more than 45 cents per week per kilowatt.

The 55 cents rate per kilowatt per week for Short-Term Firm Capacity maintains a differential between Firm Capacity and Maintenance Power identical to that existing under the original agreement. This differential is to compensate for the reserve component included in furnishing firm capacity.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33506 Filed 12-11-75;8:45 am]

[Docket No. ER76-253]

INDIANAPOLIS POWER AND LIGHT CO.

Petition for Waiver of Regulations

DECEMBER 4, 1975.

Take notice that on November 14, 1975, Indianapolis Power and Light Company ("the Company") tendered a petition for waiver of Section 35.14(a)(8) of the Commission's Regulations.

The Company states that the instant petition refers to the Agreements for the supply of electric energy at Wholesale for resale dated October 3, 1974, between Indianapolis Power and Light Company and Morgan County and Boone County Rural Electric Membership Corporations (REMCs) which have been designated by the Commission as Rate Schedule FPC No. 10 and Rate Schedule FPC No. 11, respectively. Reference is also made to the fuel cost adjustment clause set forth in Supplement No. 1 to Supplement No. 2 to each such Rate Schedule.

The Company further states that in accordance with Section 35.14(a)(8) of the Commission's Regulations, the Commission, by letter dated April 28, 1975, issued in Docket No. E-9059, required the Company, on or before December 31, 1975, to file revised fuel adjustment clauses in said Rate Schedules in compliance with the terms of Commission Order No. 517 issued November 13, 1974, in Docket No. R-479. Pursuant to the provisions of said Section 35.14(a)(8), the Company respectfully requests a waiver of such filing requirements until expiration of the aforesaid contracts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33465 Filed 12-11-75;8:45 am]

[Docket No. RP76-3]

INLAND GAS CO., INC.

Deferring Procedural Dates

DECEMBER 4, 1975.

Notice is hereby given that the procedural dates set by order issued October 20, 1975, in the above-indicated proceeding are deferred pending Commission action on the settlement proposal certified on November 18, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33494 Filed 12-11-75;8:45 am]

[Docket No. RP75-51]

INVESTIGATION OF REVISED CURTAILMENT LEVEL ON THE SYSTEM OF TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Directing the Submission of Staff Report

DECEMBER 5, 1975.

The Commission Staff has supplied us with its Report on Investigation and Audit of Transcontinental Gas Pipe Line Corporation (Transco) Producer-Suppliers. This report is a product of the investigation instituted in this docket by orders issued January 8, July 1, and August 8, 1975. Its purpose is to determine the extent of the reduced reserves and the *bona fides* of Transco and its suppliers in meeting their past and future contract commitments.

Included in this report for transmission to the Commission are a memorandum to Assistant General Counsel George P. Lewnes from the Technical Staff and Appendices A through Z, which consist in part of field investigation reports covering seventeen gas production companies. These companies are by and large the ones which were instructed by our order of August 8, 1975, to furnish our Secretary with data concerning rate schedules relating to sales to Transco, delivery obligations, and dedicted sources of gas. From the report it appears that Staff augmented its review of the data submitted by these producers by consulting the documents filed by Transco in compliance with the August 8, 1975, *subpoena duces tecum* which we issued pursuant to the August 1, 1975, order of the Court of Appeals for the District of Columbia in CADC No. 74-2036 and by conducting field audits at the offices of the subject producers.

In orders issued August 8 and September 10, 1975, we provided that information submitted directly to the Commission by these producers via report or audit would not be afforded confidential treatment and, indeed, that a copy of each producer's submission would be placed in our Office of Public Information. By order of October 20, 1975, we advised that all *relevant* information acquired from Transco as a result of the aforementioned *subpoena duces tecum* may be offered into evidence in this proceeding by Staff as part of its case or upon cross-examination, or may be made available to interested petitioners, with questions of relevancy to be resolved by the Presiding Administrative Law Judge or by the Commission as provided therein. From our preliminary review, we find that public disclosure of the Staff investigation report will cause no irreparable harm to any private pecuniary interest represented in this proceeding that outweighs the public interest in the examination of the report.

The Commission orders: (A) Staff is directed to file with the Secretary of the Commission an original and 4 copies of its Report on Investigation and Audit of Transco Producer-Suppliers on or before December 10, 1975.

(B) The Secretary shall immediately upon receipt place one copy of the aforementioned report in the public files of the Commission, to be available for public inspection during regular business hours at the Commission's Office of Public Information.

(C) The Presiding Administrative Law Judge shall convene a prehearing conference on December 17, 1975, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, for the purpose of formulating procedures by which, *inter alia*, the hereinabove described Staff Report, together with supporting testimony and exhibits, if any, will be offered into evidence in Docket No. RP75-51, with opportunity for cross-examination and comment by any party to the proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33509 Filed 12-11-75;8:45 am]

[1] Commissioner Watt not participating.

V40240 DEC 12 75 XUM

[Docket No. ER76-276]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Filing of Proposed Fuel Adjustment Clause

DECEMBER 5, 1975.

Take notice that on November 21, 1975, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing revised rate sheets concerning Fuel Cost Adjustment Riders for electric service under Rate Schedules FPC Nos. 16, 17, 18 and 20 to the towns of Buffalo, Callender and Farnhamville, Iowa and the Sherrard Power System, Orion, Illinois, respectively.

Iowa-Illinois states that the fuel cost adjustment clauses are being issued to comply with the Commission's Order No. 517, issued November 13, 1974. Iowa-Illinois proposes that the tendered sheets become effective as of December 31, 1975.

Iowa-Illinois states that copies of the tendered sheets have been mailed to their jurisdictional customers and to the Iowa State Commerce Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33508 Filed 12-11-75;8:45 am]

[Docket No. RI76-64]

J & J OPERATING CO.

Petition for Special Relief

DECEMBER 4, 1975.

Take notice that on November 10, 1975, J & J Operating Company (Petitioner), Post Office Box 519, Corpus Christi, Texas 78403, filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations and Order No. 481 for the sale of gas to Transcontinental Gas Pipe Line Corporation (Transco) from the Longhorn *et al*, Fields, Duval County, Texas. Petitioner states that three of the four remaining wells out of the original eight wells are still producing. Petitioner claims that it cannot economically produce gas at the present rate of 37 cents per Mcf and that if relief is not granted it will have to abandon these last three wells. Petitioner seeks a price of 52 cents per Mcf. Petitioner and Transco have fully executed a contract amendment with a 52 cents per Mcf price. Petitioner further requests that the intermediate procedure be omitted, and that Petitioner be heard under the shortened procedure, with J & J Operating Company's price increase granted effective as of the date of said contract amendment, August 1, 1975.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33480 Filed 12-11-75;8:45 am]

[Docket No. CP76-146]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Application

DECEMBER 4, 1975.

Take notice that on October 28, 1975, Kansas-Nebraska Natural Gas Company, Inc., (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP76-146 an application pursuant to Section 7 (b) and (c) of the Natural Gas Act as implemented by Sections 157.7(b), 157.7 (e) and 157.7(g) of the Commission's Regulations thereunder (18 CFR 157.7 (b), (18 CFR 157.7(e)1) and (18 CFR 157.7(g)) for permission and approval to abandon, and for certificates of public convenience and necessity authorizing the construction and operation of various facilities during the calendar year 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization pursuant to Section 157.7(b) of the Regulations to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or other pipeline systems authorized to transport gas for or exchange gas with Applicant. The total cost of the facilities which would be constructed pursuant to Section 157.7(b) of the Commission's Regulations would not exceed $4,000,000, with no single project to exceed $1,000,000, which costs would be financed from current working capital or would be obtained from interim bank loans which at a later date would be funded by a security issue.

Applicant seeks authorization pursuant to Section 157.7(e) of the Commission's Regulations to abandon service to remove certain natural gas direct sales measuring, regulating and related minor facilities during the calendar year 1976 with reasonable dispatch.

Applicant seeks authorization pursuant to Section 157.7(g) of the Commission's Regulations to augment its ability to act with reasonable dispatch in the construction and abandonment, during the calendar year 1976, of field compression and related and appurtenant metering facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application and seeks authorization for the operation of said facilities. Applicant states that the total cost of the proposed construction and abandonment pursuant to Section 157.7(g) of the Commission's Regulations would not exceed $2,000,000 nor would the cost of any single project cost in excess of $500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1975, file with the Federal Power Commisison, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment is (are) required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33485 Filed 12-11-75;8:45 am]

[Docket No. RP75-98]

MCCULLOCH INTERSTATE GAS CORP.

Order Granting Untimely Petition to Intervene

DECEMBER 8, 1975.

On April 30, 1975, McCulloch Interstate Gas Corporation tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective June 1, 1975. Notice of said filing was issued on May 8, 1975, with comments, protests or petitions to intervene due on or before May 20, 1975.

An untimely petition to intervene was filed by Atlantic Richfield Company on October 31, 1975. Having reviewed said petition, we believe that Mountain Fuel has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to permit Atlantic Richfield Company to intervene in the above-referenced proceeding, subject to the condition hereinafter ordered.

The Commission orders: (A) Atlantic Richfield Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33519 Filed 12-11-75;8:45 am]

[Docket No. RP75-98]

MCCULLOCH INTERSTATE GAS CORP.

Order Granting Untimely Petition to Intervene

(Issued December 8, 1975)

On April 30, 1975, McCulloch Interstate Gas Corporation tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective June 1, 1975. Notice of said filing was issued on May 8, 1975, with comments, protests or petitions to intervene due on or before May 20, 1975.

An untimely petition to intervene was filed by Montana-Dakota Utilities Company (Montana-Dakota) on November 18, 1975. Having reviewed said petition, we believe that Montana-Dakota has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to permit Montana-Dakota to intervene in the above-referenced proceeding, subject to the condition hereinafter ordered.

The Commission orders: (A) Montana-Dakota is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33520 Filed 12-11-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMER ACTION COUNCIL, INC. v. AMERICAN ELECTRIC POWER CO., ET AL.

Order Granting Motion, Granting Intervention, and Correcting Prior Order

DECEMBER 4, 1975.

On October 10, 1975, counsel for complainant in the instant proceeding filed a motion that the style of this proceeding be amended to reflect the accurate legal title of complainant, the McDowell County Consumer Action Council, Inc. We believe complainants motion should be granted.

On October 14, 1975, certain municipal customers (the Ohio Wholesale Municipal Customers, see Appendix A) of Ohio Power Company, a respondent herein and wholly-owned subsidiary of American Electric Power Company, filed an untimely petition to intervene herein. We have reviewed this petition to intervene and believe the interests of these customers are sufficient to warrant granting the petition to intervene.

By order of October 14, 1975, we granted certain other untimely petitions to intervene. Therein, one such petitioner was incorrectly listed as Howleg Fuel Corporation. That reference should be corrected to read Hawley Fuel Corporation.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) Complainant's motion to amend the style of this proceeding to reflect accurately its legal name is hereby granted.

(B) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

OHIO WHOLESALE MUNICIPAL ELECTRIC CUSTOMERS

Village of Arcadia, Hon. Laverne A. Snyder, 105 Brown, Arcadia, Ohio 44804.
Village of Bloomdale, Hon. Allen Allion, 555 N. Garfield, Bloomdale, Ohio 44817.
Village of Carey, Hon. Joseph F. Dible, 242 W. Findlay, Carey, Ohio 43316.
Village of Cygnet, Hon. Eldon Martin, Jr., Lincoln St., Cygnet, Ohio, 43413.
Village of Greenwich, Hon. Lloyd E. Patton, R.D. No. 1, Greenwich, Ohio 44837.
Village of Ohio City, Hon. Jerry D. Kohn, R.R. 1, Ohio City, Ohio 45874.
Village of Plymouth, Hon. Elizabeth Paddock, 78 Plymouth St., Plymouth, Ohio 44865.
Village of Republic, Hon. Robert M. Norcross, 502 Washington, Republic, Ohio 44867.
Village of Shiloh, Hon. Grady McDonald, Euclid Street, Shiloh, Ohio 44878.
Village of St. Clairsville, Hon. J. Edgar White, Municipal Building, St. Clairsville, Ohio 43950.
Village of Sycamore, Hon. Hershal Hannam, Sycamore, Ohio 44882.
Village of Wharton, Hon. Gerald S. Opper, Box 1, Wharton, Ohio 43359.
Village of Wapakoneta, Hon. Maurice O. Bryan, Sr., 116 Willipie St., Wapakoneta, Ohio 45895.

[FR Doc.75-33528 Filed 12-11-75;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Hearing Procedures

NOVEMBER 25, 1975.

On October 31, 1975, Metropolitan Edison Company (Met-Ed) tendered for filing increased rates for all-requirements service to Hershey Electric Company and the Borough of Kutztown, Pennsylvania, served at transmission voltage under rate RT, and to the Boroughs of Goldsboro, Lewisberry, and Royalton, Pennsyl-

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vania, served at distribution voltage under rate RP. Met-Ed also tendered for filing increased rates for partial requirements and wheeling service to Allegheny Electric Cooperative, Inc. (Allegheny). Met-Ed filed a revised fuel adjustment clause for its all-requirements service and its partial requirements service to Allegheny to conform with Order No. 517.[1]

Public notice of Met-Ed's filing was issued on November 14, 1975, with protests or petitions to intervene due on or before November 28, 1975. To date no comments, protests or petitions to intervene have been received. Met-Ed has requested that the proposed rates be made effective as of December 1, 1975.

Met-Ed states that on the basis of a test period consisting of the 12 months ending June 30, 1976, the proposed rates would produce $3,255,197 in additional revenues from the all-requirements wholesale customers or a 45.6 percent increase above present rates, as well as $1,289,569 in additional revenues from Allegheny, or a 72.2 percent increase. In addition, it states the proposed partial requirements rate accounts for $1,119,157 of the increase to Allegheny and the new wheeling rate would produce the balance of $170,412.

According to Met-Ed, the proposed rates are intended to recover sharp increases in costs since the 1972 test period which was the basis for the present rates provided in settlement agreements approved by the Commission's order issued March 7, 1975, in Docket Nos. E–8394 and E–8439. Met-Ed claims that the requested rate increase is urgently needed if Met-Ed is to be able to finance the facilities necessary to meet its load growth. In support thereof, Met-Ed indicates that without further rate increases, it will end 1976 with an earnings coverage of 1.85 times the interest requirements of long-term debt. Met-Ed states that the minimum coverage required under its indenture is 2.0 times such annual interest requirements and that the minimum coverage is required for 12 consecutive months out of the 15 months preceding proposed issuance of securities. Without immediate additional rate relief, Met-Ed states that its projected earnings show that it will have exhausted its ability to sell long-term debt by mid-year 1976. Construction expenditures, for which additional capital will be needed, are estimated to be $240,000,000 for the years 1975–1977. Met-Ed contends that in light of the increased cost of common stock equity which for Met-Ed has averaged 17%, it believes an allowance for common stock equity of at least 14.5% is necessary and that a fair rate of return for Met-Ed is in the range of 10¼% to 10½%.

The proposed rate levels have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the use thereof until January 1, 1976, when the rates will be permitted to become effective, subject to refund, and we shall establish hearing procedures to determine the justness and reasonableness of Met-Ed's filing.

Our review of the filing indicates that Met-Ed has included plant held for future use (other than land) in the rate base; normalized the tax effects of capitalized items, as well as interest associated with construction work in progress, in the income tax calculation; and separated the transmission function into various subfunctions reflecting voltage or service levels for allocation purposes. Parties filing testimony in this case should address themselves to, *inter alia*, the propriety of these actions. Witnesses submitting testimony on rate of return should address, *inter alia*, (1) Met-Ed's proposal for a return on equity of 14.5% and concomitant rate of return of between 10¼% to 10½%, (2) Met-Ed's present and future needs for capital, (3) the adequacy and significance of Met-Ed's present pre-tax debt interest coverage ratio, (4) the adequacy and significance of the past and present ratios of market value to book value of Met-Ed's common stock, and (5) the standing of Met-Ed in particular and the standing of comparable utilities in the market for capital.

We believe the fuel adjustment clause included in the proposed rate satisfies the requirements set forth in Order No. 517.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges, as proposed by Met-Ed in Docket No. ER76–209 and that such increase be accepted for filing and suspended as hereinafter provided.

The Commission orders: (A) Pending a hearing and final decision thereon, Met-Ed's proposed changes in its rates and charges, as filed on October 31, 1975, are accepted for filing and suspended until January 1, 1976, when the proposed rate schedule supplements shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I) a public hearing shall be held on April 6, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness and reasonableness of the proposed rates and charges, contained in Met-Ed's rate increase filed on October 31, 1975.

(C) The Commission Staff shall serve its prepared testimony and exhibits on or before February 24, 1976. Any intervenor evidence shall be filed on or before March 9, 1976. Any rebuttal evidence by Met-Ed shall be served on or before March 23, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conference or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

DESIGNATIONS

Filed: October 31, 1975.
Effective: January 1, 1976.

(1) First Revised Sheet Nos. 7, 9, 11 and 14, Second Revised Sheet Nos. 13, 15, and 16, and Third Revised Sheet No. 17 to FPC Electric Tariff, Original Volume No. 1. (Revised terms, rates and fuel adjustment clause superseding Original Sheet Nos. 7, 9, 11 and 14, First Revised Sheet Nos. 13, 15 and 16, and Second Revised Sheet No. 17).

(3) Supplement No. 8 to Rate Schedule FPC No. 43. (Exhibit B—Rate for Supplemental Power and Energy. Supersedes Supplement No. 5).

(3) Supplement No. 9 to Rate Schedule FPC No. 43. (Fuel Adjustment Clause Supersedes Supplement No. 6).

[FR Doc.75-33529 Filed 12-11-75;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

DECEMBER 4, 1975.

Take notice that on November 5, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74–157 a petition to amend the order of the Commission of September 6, 1974 (52 FPC ——), as amended, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act by authorizing a change in service by rate schedule for Lyons Gas Company, Inc. (Lyons), to be effective January 1, 1976, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that Ohio Gas Company (Ohio) has informed it that Ohio has purchased all of the outstanding stock of Lyons and intends to construct a pipeline to connect the facilities of Lyons to Ohio's existing distribution system. Applicant states that the purchase by Ohio of Lyons has made Lyons unable to purchase natural gas from Petitioner under Petitioner's Rate Schedule SGS–1 since said rate schedule provides that a buyer must purchase its entire requirements from Petitioner, and Ohio receives gas from other suppliers. Under Rate Schedule SGS–1 Lyons is said to have a maximum daily quantity of 2,000 Mcf of gas and an annual entitlement of 380,000 Mcf of gas. Petitioner proposes to continue to serve Lyons' requirements under Petitioner's Rate Schedule ACQ–1, with a maximum daily quantity of 2,000 Mcf and an annual volume entitlement of 380,000 Mcf of natural gas. Applicant proposes the changes become effective January 1, 1976.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 17, 1975, file with the Federal Power Commisison, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33468 Filed 12–11–75;8:45 am]

[Docket Nos. E–9499 and E–9502, ER76–20]

MINNESOTA POWER AND LIGHT CO. AND SUPERIOR WATER, LIGHT AND POWER CO.

Further Extension of Procedural Dates

DECEMBER 4, 1975.

On November 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 18, 1975, as most recently modified by notice issued October 20, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 13, 1976.
Service of Intervenor Testimony, January 27, 1976.
Service of Company Rebuttal, February 10, 1976.
Hearing, February 24, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33490 Filed 12–11–75;8:45 am]

[Docket No. RP72–149; PGA76–3]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

DECEMBER 5, 1975.

Take notice that Mississippi River Transmission Corporation (Mississippi) on November 24, 1975 submitted for filing Thirty-Sixth Revised Sheet No. 3A and Thirty-Seventh Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective December 15, 1975 and January 1, 1976, respectively.

The instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track rate change filings of United Gas Pipe Line Company (United) made pursuant to its Motion to make effective suspended tariff sheets at Docket No. RP75–109, to become effective December 15, 1975, and pursuant to the terms of the PGA provisions of its tariff at Docket No. RP72–133, to become effective January 1, 1976. In addition, Mississippi reflected in the tariff sheets filed herein, the effect of the November 3, 1975 revised filing by Natural Gas Pipeline Company of America (Natural), to become effective December 1, 1975, not previously reflected in a PGCA filing by Mississippi.

Mississippi also submitted Alternate Thirty-Sixth Revised Sheet No. 3A and Alternate Thirty-Seventh Revised Sheet No. 3A to become effective Decmeber 15, 1975 and January 1, 1976, respectively, in the event that Alternate Thirty-Fifth Revised Sheet No. 3A filed by Mississippi Ocober 30, 1975, tracking the alternate tariff sheet filed by Natural to become effective December 1, 1975, is made effective by the Commission.

Mississippi submitted schedules containing computations supporting the rate changes to be effective December 15, 1975 and January 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33511 Filed 12–11–75;8:45 am]

[Docket Nos. E–9473 and ER76–264]

MISSOURI UTILITIES CO.

Order Allowing Reducation of Suspended Rate Increase

DECEMBER 5, 1975.

On November 7, 1975 Missouri Utilities Company (MUC) filed an application for permission to change its Southeast Electric Division wholesale electric rate schedule SFR–1,[1] which rate schedule was suspended until November 17, 1975 by Commission Order issued August 15, 1975. Such application is made pursuant to Section 35.17(b) of the Commission's Rules and Regulations which state:

A public utilities may not, within the period of suspension, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

MUC states that the new filing should be accepted in that it contains a revised cost of service and rates which more accurately reflect the cost of service to serve the customers to be served under the tariff, contains a revised fuel adjustment clause which the company states conforms to Section 35.14 of the Commission's Regulations, and contains changes which will result in a rate reduction for the customers served under the tariff.

Inasmuch as the changes proposed by MUC will reduce the rates charged under the tariff, the Commission finds that good cause has been shown to grant permission for MUC to make its proposed changes. Such changes are to be effective as of November 17, 1975. These changes are changes in a rate schedule which remains in effect subject to refund or possible modification by the Commission at the termination of this docket. With respect to such future refunds or modifications which we may order in the future, we note that MUC is a subsidiary of Union Electric Company (Union) whose rates are under investigation in Docket No. E–9496. MUC purchases power from Union and accordingly, any rate reduction ordered in Docket No. E–9496 must be reflected in MUC's rates. Furthermore, we note that the rates in the Union and MUC cases differ in design. This difference may require reconciliation before the dockets can be terminated consistent with the public interest. The acceptance of the revisions in MUC's filing is without prejudice to the rights of any party, including Commission Staff, to raise any issue they deem relevant concerning the MUC's filing, as revised.

At the time of the company's instant filing, a new docket number was assigned, Docket No. ER76–264. In order to avoid confusion, the instant filing shall be treated as a part of Docket No. E–9473 and Docket No. ER76–264 shall be terminated.

Finally, MUC's filing comes at a time which presses close upon the Staff's filing date for its prepared testimony and exhibits in Docket No. E–9473. In order that the Staff might adequately prepare its case in light of the instant filing, new procedural dates shall be set as follows:

Staff Service, January 15, 1976.
Intervenor Service, January 29, 1976.
MUC Rebuttal, February 12, 1976.
Hearing, February 24, 1976.

The Commission orders: (A) MUC is hereby authorized to revise its rate schedule and filing in this docket to be effective as of November 17, 1975, subject to refund or possible modification by final Commission action.

(B) Docket No. ER76–264 is hereby terminated.

[1] Tariff and Rate Schedule designations are shown on Appendix A.

[1] First Revised Sheets Nos. 3, 4 and 5, Company FPC Electric Tariff, Original Volume No. 1.

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(C) The procedural dates in this proceeding are modified as set out above.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33510 Filed 12-11-75;8:45 am]

[Docket Nos. RP68-17 and RP69-36]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Approving Refund Report, Granting Petition To Intervene and Denying Protest

DECEMBER 8, 1975.

On August 18, 1975, Natural Gas Pipeline Company of America (Natural) filed in the above-referenced dockets a report showing the distribution of refunds which were made by Natural to its jurisdictional customers on June 27, 1975, in the amount of $3,763,303.45. The refunds cover the period from October 1, 1968 through September 30, 1970.

These refunds were made as a result of Natural's settlement with the Internal Revenue Service for tax years 1969 and 1970, under which depreciation on rights-of-way, construction damages, and clearing costs were permitted as tax deductions. Natural's rates in effect during the period covered by the tax settlement were designed to protect Natural against possible loss of these deductions for tax purposes. Approval of the deductions pursuant to the settlement consequently gave rise to refund obligations by Natural under the terms of rate settlements approved by this Commission in the referenced dockets.

Public notice of Natural's refund report was issued on September 4, 1975, providing for protests or petitions to intervene to be filed on or before September 24, 1975. On October 1, 1975, Commonwealth Edison Company (Edison) filed a document entitled "Petition for leave to file petition to intervene or, in the alternative, protest instanter." While this document does not reveal any grounds upon which the petition to intervene or protest could be based, the various pleadings herein disclose the nature of Edison's interest in the matter and the basis for its protest.

Natural's refund report shows that the sum of $128,644.84 was paid by Natural to Northern Illinois Gas Company (NI-Gas), representing refunds due for gas purchased and resold in NI-Gas' present service territory by a predecessor company, Mid-Illinois Gas Company (Mid-Illinois). Mid-Illinois was a subsidiary of Edison prior to December 30, 1970, when it was acquired by NI-Gas.[1] Edison now claims that it is entitled to receive the $128,644.84 which Natural refunded to NI-Gas.

On October 14, 1975, both Natural and NI-Gas answered in opposition to Edison's claim. They argue that payment of the disputed refund amount to NI-Gas is necessary to accomplish the objectives of the Natural Gas Act, and that such payment should therefore be approved. We agree.

As a matter of law and policy, refunds ordered because of overcharges must be flowed through to the ultimate consumer. The Supreme Court aptly stated in *F.P.C. v. Interstate Gas Co.*, 336 U.S. 577, 581 (1948), that:

> Edison has stated no grounds which would support its claim to the refund in question. Edison no longer provides gas utility service and has no practical way to pass the refund through to its former gas customers. NI-Gas and not Edison is now serving the customers who are the intended beneficiaries of Natural's refund. By approving the refund to NI-Gas we will insure that ultimate consumers receive the benefit thereof, since, pursuant to the orders of the Illinois Commerce Commission, NI-Gas is required to pass on these refunds to its customers through it PGA clause. NI-Gas in fact advises that the refund in question has already been substantially passed through to NI-Gas' customers.

In a further pleading[2] filed on November 6, 1975, Edison raises a new argument by stating that $22,422.84 of the disputed refund is "attributable to gas consumed in electric generation. * * * Edison's electric consumers alone paid for gas purchased from Natural which was used in electric generation. They alone should benefit from that portion of the refund attributable to such purchases." NI-Gas on November 19, 1975, and Natural, on November 20, 1975, filed responses in opposition to the above pleading. We reject Edison's contention.

It appears that NI-Gas succeeded to all of the former gas operations of Edison, via Mid-Illinois, including the supplying of gas to Edison for purposes of electric power generation. The proposed refunds follow the reverse flow of purchases, that is from Natural, to NI-Gas, to the customerfs of NI-Gas, including Edison, and presumably to Edison's current electric customers. Edison still purchases gas from NI-Gas, albeit in reduced quantities, and will therefore share pro-rata, based on current sales levels, in the refunds flowed-through by NI-Gas.

A review of Natural's refund report indicates that the amounts shown therein have been properly computed and disbursed, and the said report will accordingly be approved.

The Commission orders: (A) The refund report submitted herein by Natural on August 18, 1975, is hereby approved.

(B) Edison's petition to intervene is granted.

(C) Edison's protest to Natural's refund report is denied and dismissed.

(D) Others measures of relief sought by the parties in their respective pleadings and not granted by this order are denied.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33517 Filed 12-11-75;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Extension of Time for Filing Briefs on Exceptions

DECEMBER 5, 1975.

On December 3, 1975, Nevada Power Company filed a motion to extend the time for filing briefs on exceptions to the initial decision of the Administrative Law Judge issued on November 12, 1975, in the above-indicated proceeding.

Notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended to and including January 12, 1976. The time for filing briefs opposing exceptions is extended to and including February 2, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33475 Filed 12-11-75;8:45 am]

[Docket Nos. ER76-228; ER76-40]

NEVADA POWER CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Granting Waiver, Consolidating Proceedings, and Establishing Hearing Procedures

DECEMBER 5, 1975.

On November 6, 1975, Nevada Power Company (Nevada) tendered for filing a proposed increase in rates for electric service for the California-Pacific Utilities (Cal-Pac) at Henderson, Nevada.[1] Nevada states that the proposed change in Cal-Pac's rates consists of an increase in the demand component of $1.94 per Kw per month to Cal-Pac at Henderson. The net increase in the energy component is 1.03 mills per Kwh.

Notice of Nevada's filing was issued on November 18, 1975, with protests, comments and petitions to intervene due on or before December 5, 1975. None have been received to date.

On July 28, 1975, Nevada submitted for filing a proposed increase in rates for service to Cal-Pac at Henderson, Nevada and at Needles, California, in Docket No. ER76-40.[2] By order issued October 15, 1975, the Commission (1) summarily disposed of that portion of Nevada's increase for service at Needles which was based upon the inclusion of construction work in progress (CWIP) in the rate base; (2) suspended that portion of Nevada's increase for service at Needles which was not based on CWIP in the rate base for five months until March 17, 1976; and (3) rejected Nevada's proposed increase to Henderson pursuant to Section 35.17(c) of the Commission's Regulations which makes it unlawful for any utility to file to change a rate schedule which has been continued in effect by the suspension of a previous change.[3]

On October 24, 1975, Nevada filed a Stipulation and Agreement dated October 24, 1975, in Docket No. E-9306, providing for the continuation of service to Cal-Pac at Henderson, Nevada until May 31, 1977. By order issued November 28, 1975, the agreement was accepted for filing to become effective as of November 1, 1975.

In its instant submittal requesting a rate increase to Cal-Pac for service at Henderson, Nevada, the Company states that the proposed rates and supporting cost of service are identical to those filed in Docket No. ER76-40 and rejected by the Commission by order issued October 15, 1975. According to Nevada, the basis for the rejection has been cured by the passage of time. Nevada is now requesting that the proposed rates for service to Cal-Pac at Henderson be accepted for filing and made effective as of March 17, 1976, the same effective date assigned the proposed rates at Needles by order issued October 15, 1975, in Docket No. ER76-40 and that the instant submittal be consolidated with the proceeding in Docket No. ER76-40. Nevada further requests that the Commission waive its requirement that rate filings be submitted no more than seven months from the end of Period I for cost of service data.

Nevada contends that good cause exists to grant waiver of our policy requiring electric utilities to update Period I data which is for a period ending more than seven months prior to the date of submittal. Nevada's data, when originally submitted in Docket No. ER76-40, complied with the seven-month requirement. By virtue of its rejection by order issued October 15, 1975, and resubmittal on November 6, 1975, following the lifting of the suspension which had barred its earlier acceptance, the Period I cost of service data resubmitted with the instant filing is for a period ending seven months and six days prior to the date of tender of the filing. Had the suspension in E-9306 in effect for service to Cal-Pac at Henderson not operated as a bar to our acceptance of the rate increase in ER76-40 for such service, we would have accepted that portion of the filing along with the rate increase for service to Cal-Pac at Needles, which utilized the identical cost of service. We believe good cause exists to grant waiver of our rule with respect to Period I not ending more than seven months prior to the date of a filing's submittal.

Our review indicates that the proposed change for service at Henderson has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly we shall accept the instant submittal for filing and consolidate it with the hearing proceedings in Docket No. ER76-40 to determine the justness and reasonableness of the Company's filing. However, consistent with the five-month suspension period imposed in Docket No. ER76-40 with respect to the proposed increase to Cal-Pac at Needles, the instant submittal will also be suspended for five months, to become effective as of May 7, 1976, subject to refund.

Our examination of the filing reveals that a portion of it is based upon the inclusion of CWIP in the rate base which will not be in service at the end of the test period (in fact, the Company has used an end of period rate base). Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[4] As we stated in the Order Denying Application For Rehearing,[5] *Georgia Power Company, Docket* No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers.[6] We have consistently applied the "used and useful" rule throughout our formally reported final decisions.[6] Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle,[7] although it has not been formally codified in a separate regulation, as is the case for gas pipeline companies, Sec. 154.63(f), 18 CFR. (footnotes omitted)

Accordingly, we shall summarily dispose that portion of the Company's filing which is based upon the inclusion of CWIP in the rate base.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates as proposed by Nevada Power in Docket No. ER76-228 and that such increase be accepted for filing and suspended as hereinafter provided.

(2) Good cause exists to consolidate the investigation herein ordered with the proceedings in Docket No. ER76-40.

(3) Good cause exists to summarily dispose of that portion of the Nevada Power's filing which is based upon the inclusion of CWIP in the rate base.

The Commission orders: (A) Pending a hearing and final decision thereon, that portion of Nevada Power's rate schedule tendered on November 6, 1975, which is not based upon the inclusion of CWIP in rate base is hereby accepted for filing and suspended for five months, to become effective May 7, 1976.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, an investigation concerning the lawfulness and reasonableness of the subject rate schedule is hereby initiated.

(C) The proceedings instituted herein shall be consolidated for purposes of investigation, hearing and decision with those established by order issued October 15, 1975, in Docket No. ER76-40 with the procedural schedule as established in that order to govern.

(D) Within 30 days of the date this order is issued, Nevada Power shall file revised rates which reflect the exclusion of CWIP from rate base.

(E) The Commission Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33504 Filed 12-11-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Order Denying Application for Rehearing, Request for Waiver, and Motion for Stay

DECEMBER 4, 1975.

On November 4, 1975, Northern Natural Gas Company (Northern) filed an Application for Rehearing (Application) of our order in the instant proceeding issued October 31, 1975. Northern seeks rehearing of that part of our October 31, 1975 order which precluded Northern from collecting in its rates, subject to refund, that part of its rates based on certain advance payment agreements between it and Exxon Company, U.S.A. (Exxon). Upon rehearing, Northern requests waiver of Section 154.66 of our Regulations. In the event it application for rehearing is denied, Northern moves

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[1] Effective December 30, 1970, Edison was required by order of the Illinois Commerce Commission to divest its gas distribution properties.

The basis of the claim stated in [the pipelines'] petitions for intervention is that they are entitled to the fund as of right, since it was created by their payments. But we would be unmindful of the purpose of the [Natural Gas] Act and the responsibility of the federal courts under it, if we so ruled. The aim of the Act was to protect ultimate consumers of natural gas from excessive charges. See *Federal Power Commission v. Hope Natural Gas Co.*, [320 U.S. 591] at 610, 612. They were the intended beneficiaries of rate reductions ordered by the federal commission, though state machinery might have to be invoked to obtain lower rates at the consumer level.

[2] "Motion to strike answer of Natural Gas Pipeline Company of America or, in the alternative, motion to amend the 'petition to intervene or in the alternative, protest' of Commonwealth Edison Company".

[1] Nevada Power Company Supplement No. 12 to Rate Schedule FPC No. 2 (supersedes Supplement No. 8 to Rate Schedule FPC No. 2).

[2] By letter dated August 25, 1975, the Secretary informed Nevada of certain deficiencies in its filing. These deficiencies were cured on September 17, 1975.

[3] By order issued May 30, 1975, in Docket No. E-9306, the Commission suspended a notice of cancellation until November 1, 1975, filed by Nevada to effect a termination at Henderson as of June 1, 1975.

[4] See e.g., *Central Vermont Public Service Corporation*, Docket No. E-9040, issued August 5, 1975; *Green Mountain Power Corporation*, Docket No. E-9446, issued June 13, 1975; *New England Power Company*, Docket Nos. E-9316 and E-9140, issued August 5, 1975; and *Georgia Power Company*, Docket No. E-9091, issued August 5, 1975.

[5] Pending review in *Georgia Power Company v. F.P.C.*, No. 75-1940, D.C. Circuit, Denial of Application for Stay, issued October 3, 1975.

[1] Commissioner Watt not participating.

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for stay of that part of our order which precludes Northern from collecting, subject to refund, the rate effect of advances already paid to Exxon. Northern also seeks rehearing of that part of our order which rejected its Rate Schedule E–1.

Our order of October 31, 1975, related to Northern's filing, on October 3, 1975, of certain revised tariff sheets [1] to go into effect on October 27, 1975, the end of the five month suspension period ordered for these proposed rates on May 16, 1975. In our order of May 16, 1975, we, *inter alia*, accepted Northern's tariff sheets for filing and suspended them for five months, ordering Northern to file revised tariff sheets reflecting elimination of the rate effect of certain then existing interest payments to Exxon and subject to the condition that Northern file revised tariff sheets reflecting elimination from rate base of facilities not certificated and in service by October 27, 1975.

Northern, by its October 3 filing herein, purported to file tariff sheets in compliance with our May 16, 1975, order. Specifically, these tariff sheets reflected elimination from Northern's rates of the rate effect of Northern's interest payments to Exxon and elimination of facilities not certificated and in service by October 27. However, Northern sought to offset the reduction resulting from the elimination of the interest payments to Exxon by including advance payments to Exxon under amended agreements providing for advance payments under Order No. 499 instead of the originally proposed interest payments. We did not permit this attempted offset to be reflected in Northern's rates, stating "By this claimed offset, Northern seeks to change one element of its case in chief and effectively increase its suspended rates." [2]

Northern argues for rehearing of our refusal to permit it to collect rates reflecting these costs, stating that the rate effect of the advance payments reflected in the tariff sheets filed on October 3, 1975, is less than the rate effect of the interest payments which it originally sought to recover. Ordering paragraph (E) of our May 16 order required Northern to file revised sheets eliminating the rate effect of Northern's agreements with Exxon. That the rate effect of the advance payments included in the October 3, 1975 filing is less than the effect of the payments Northern originally sought to reflect does not detract from the fact that the rate effect is *more* than the rates required by our May 16 order. Therefore, any attempt to offset this ordered reduction is, in effect, an attempt to increase suspended rates. Northern's additional allegation that these payments conform, in all material respects, with certain agreements between Panhandle Eastern Pipeline Company and Atlantic Richfield Company which we permitted Panhandle to reflect in its rates, subject to refund, does not relate to this reason for rejection.

Northern additionally requests waiver of Section 154.66(b) of our Regulations to permit it to change its suspended rates. Northern states that it amended its agreements with Exxon within the 9 month test period and the five month suspension period to provide for advance payments in an effort to comply with our advance payment policies and regulations. Northern states that it should be permitted to collect its rates, subject to refund, to protect it against financial injury. For the reasons hereinafter discussed, we find that Northern is not exposed to financial injury. We also do not believe that, because expenses were incurred during the 5 month suspension period or the 9 month adjustment period, good cause has been shown to permit Northern to amend its suspended rates. We therefore shall deny rehearing and waiver of our regulations.

In the event we deny the Application for Rehearing, Northern moves that we stay our order and not require it to file revised tariff sheets eliminating the effect of the advance payments to Exxon, as required by Ordering Paragraph (A) of our October 31, 1975 order. In support of this motion, Northern states that stay is required to avoid irreparable financial injury to Northern and to protect its acquisition rights to Exxon's interests in the gas subject to the agreements. Although these grounds do not meet the standards required to grant a stay as enunciated in *Virginia Petroleum Jobbers Association* v. *F.P.C.*, 259 F.2d 921, 925 (1958), and Northern does not allege that it has met this test, a brief discussion of the test and Northern's application is in order.

Northern has made no showing as to the likelihood that it will prevail on the merits, as to our rejection of rates based on these payments. We denied waiver of ou regulations for want of a showing of good cause and lack of irreparable financial injury. We note that we are reviewing our advance payment programs in general and specifically the question of advances to producers in respect of Alaskan gas in Docket Nos. R–411 and RM74–4.

The second test requires a showing of irreparable injury absent the requested relief. Northern has not shown that it is faced with irreparable injury from our denial of rate base treatment of these advances in the instant proceeding. The agreements between Northern and Exxon, filed with the Commission on October 1, 1975, provide by their own terms that if Northern is unable to get approval from this Commission for rate base treatment for these advance payments, the agreement may be terminated by either party, resulting in the repayment by Exxon, with interest, of all previous advances.[3] The loss of the agreement relating to Exxon's reserves is the loss of the right to negotiate for such reserves and not the loss of a gas purchase contract. Accordingly, we do not believe that Northern will be irreparably injured without a stay of our order.

The third test of *Virginia Petroleum Jobbers* is concerned with harm to others resulting from a stay. The court stated that "we must determine whether . . . the issuance of a stay would have a serious adverse effect on other interested persons." 259 F. 2d at 925. The stay of our order is not shown to have such an adverse effect on the contrary it would require Northern's customers to pay an additional $14 million annually if such stay is granted. We believe that this collection would be a substantial harm to Northern's customers and the equities lie with denying the stay on these grounds.

Considering all these factors together, the public interest (the last test) in protection of the consumer against excessive rates requires that Northern's motion for stay be denied.

Finally, Northern seeks rehearing of our order rejecting its Rate Schedule E–1. This rate schedule was originally rejected by our order of May 16 herein, Ordering Paragraph (F). However, on rehearing, in an order issued July 11, 1975, we deleted that ordering paragraph. In our October 31, 1975 order, we again rejected this rate schedule, stating:

> After additional consideration, we believe that the public interest requires that these initial rate schedules be subject to the Commission's certification procedures upon application under Section 7 of the Natural Gas Act. (mimeo at 4).

Northern states that this amounts to administrative fiat and not reasoned decision making. We believe, on the contrary, that this action was required to be consistent with the mandate of Section 7(c) of the Act requiring examination of the public convenience and necessity before issuance of the required certificate to provide the service under the rejected rate schedule. Accordingly, we shall deny Northern's Application for Rehearing.

The Commission finds: Northern's Application for Rehearing, Request for Wavier, and Motion for Stay raises no new issues of fact or law not previously considered, or after consideration herein, to justify granting rehearing, waiver, or the motion for stay.

The Commission orders: (A) Northern's Application for Rehearing, Request for Waiver, and Motion for Stay is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33488 Filed 12–11–75;8:45 am]

[1] Substitute Seventh Revised Sheet No. 4a and First Revised Sheet No. 4b to Third Revised Volume No. 1 and Substitute Seventh Revised Sheet No. 1c to Original Volume No. 2 of Northern's FPC Gas Tariff.

[2] *Northern Natural Gas Company*, Docket No. RP76–80, issued October 31, 1975, mimeo at 2.

[3] See, *e.g.*, Gas Advance Agreement between Northern and Exxon dated September 29, 1975 relating to Alaskan advances, Article V.

[Docket No. CP76–160]

NORTHERN NATURAL GAS CO.

Application

DECEMBER 4, 1975.

Take notice that on November 11, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76–160 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of domestic farm tap service being provided through its Peoples Natural Gas Division (Peoples) to Central Telephone and Utilities (Cengas) for resale service to the John Stone residence outside of Dell Rapids, Minnehaha County, South Dakota, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is presently providing domestic farm tap service to the John Stone residence through Peoples and that Mr. Stone has requested that Cengas assume responsibility for such service. It is stated that such transfer is requested because Peoples does not maintain an office in the proximity of the service area and the customer is required to make his own monthly meter readings and forward the same to a Peoples' office. Further, Applicant states, Mr. Stone regards it as desirable to have distribution personnel available to service his appliances.

Applicant further states that the proposed transfer would not result in any additional sales of natural gas and that firm service would be provided from existing contract demand authorized by the Commission for Cengas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33482 Filed 12–11–75;8:45 am]

[Docket No. ER76–305]

NORTHERN STATES POWER CO.

Proposed Changes in Rates and Charges

DECEMBER 4, 1975.

Take notice that Northern States Power Company (Wisconsin), Eau Claire, Wisconsin, on November 28, 1975, tendered for filing Third Revised Schedule A to their contracts with the following eleven wholesale customers:

Customer	FPC Rate Schedule No.
Bangor	58.
Cadott	42, Supp. No. 2.
Bloomer	45, Supp. No. 2.
Cornell	59.
New Richmond	60, Supp. No. 3.
Spooner	49, Supp. No. 2.
Whitehall	51, Supp. No. 2.
Trempealeau	52, Supp. No. 2.
Black River Falls	54, Supp. No. 2.
Westby	55, Supp. No. 4.
Rice Lake	56, Supp. No. 1.

The rate schedule is proposed to be effective for deliveries of power and energy on and after January 1, 1976.

Northern States Power Company (Wisconsin) states that the proposed rate schedule will increase revenues from their wholesale customers by $1,128,439 based on estimated sales for Period II, the test year ending December 31, 1976. The filing also proposes modifications in the fuel cost base and in the fuel adjustment clause as required by the Commission's Order No. 517.

The Company states that a copy of the filing has been mailed to each of Northern States Power Company (Wisconsin) customers affected by the proposed change and to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–33467 Filed 12–11–75;8:45 am]

[Docket No. E–9148]

NORTHERN STATES POWER CO. (MINNESOTA)

Order Denying Application for Rehearing and Motion for Stay

DECEMBER 5, 1975.

On November 6, 1975, Northern States Power Company of Minnesota (NSP) filed an application for rehearing of the Commission's order of October 14, 1975, in the above-captioned docket which granted a motion for summary disposition and ordered NSP to exclude from its jurisdictional rate base $2,529,000, representing construction work in progress on facilities which were not expected to be in service by the end of the 1975 test year (CWIP). The order also required associated refunds.

On November 6, 1975, NSP also filed a motion requesting stay of the Commission's order pending appeal; and, if denied, a stay of at least thirty days to allow NSP to seek a stay in court.

NSP recites as the basis for its application for rehearing (1) that the Commission can not order summary refunds where NSP asserts that its filed rates are just and reasonable, based upon its cost of service presentation, whether or not CWIP is included in rate base and (2) that the Commission's regulations and practice did not preclude, as a matter of law or policy, the inclusion of CWIP in rate base before the *Green Mountain* [1] order.

NSP's rate increase as filed was based in part upon revenues to be collected by inclusion of the subject CWIP in rate base. In our October 14, 1975, order, we stated that in ordering NSP to file revised tariff sheets reflecting removal of CWIP from rate base, we are in effect requiring the company to reduce its originally proposed rates by a fixed amount. In seeking to offset that reduction on the basis of cost evidence which is allegedly contained in the 1975 overall cost of service study but not originally relied upon in support of the instant 30 percent increase, NSP is in effect asking us to approve a supplemental rate increase for which no notice has been provided in accordance with Section 205. This we refused to do.[2]

In *Georgia Power Company*, Docket No. E–9091, we confronted a similar approach by a utility. On mimeo page 8 of the order issued September 19, 1975, in that proceeding, we stated:

> It is possible that Georgia Power may be unable to collect the full rate increase which could be found to be just and reasonable because it filed for a rate level premised on a rate base inflated with CWIP rather than on the highest justifiable rate of return or an accurate projection of test period results. However,

[1] *Green Mountain Power Co.*, Docket No. E–9446, issued June 13, 1975.

[2] *Northern States Power Company (Minnesota)*, Docket No. E–9148, order issued October 14, 1975, mimeo p. 3; *Georgia Power Company*, Docket No. E–9091, order issued September 19, 1975, mimeo p. 8; *New England Power Company*, Docket Nos. E–9136 and E–9140, order issued October 3, 1975, mimeo p. 4.

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that possibility will not support postponement of refunds; it is a hazard which Georgia Power must shoulder under the theory of the relevant parts of the Natural Gas Act and the Federal Power Act, *F.P.C. v. Tennessee Gas Transmission Company*, 371 U.S. 145 (1962).[3]

Our policy was not changed with the *Green Mountain* order. As we stated therein:

Commission Regulations and practices do not at this time allow any utility to earn a return on CWIP. While this policy is under review in Docket No. RM-75-13 (footnote omitted) it would be premature to allow the company to make a filing which contains rate based on CWIP being included in rate base. (Slip Op. at 1)

We note further that the holding in *Green Mountain* is firmly based upon our consistent policy of refusing to grant final authorization for the inclusion of CWIP in any company's rate base.[4] Under these circumstances where matters of policy and law are involved no purpose would be served by a formal hearing. As observed by the Court in *Municipal Light Boards, supra*.[5]

[t]here are occasions when an agency may dispose of a controversy on the pleadings without an evidentiary hearing when the opposing presentations reveal that no dispute of fact is involved, but only a question of law or administrative policy of such a nature that there is neither a dispute as to the material facts nor a need to ventilate the underlying facts to aid in policy determination.

NSP recites as the basis for its motion for stay of refund orders pending appeal that it has met the four tests of *Virginia Petroleum Jobbers Association* v. *F.P.C.*, 239 F. 2d 921, 925 (1958) in that (1) its arguments in its application for rehearing show that on appeal, NSP is likely to prevail on the merits; (2) that NSP will suffer irreparable harm in that the Federal Power Act contains no provision that would allow the Commission to order the customers to make payments to regulated public utility in the event that the utility prevails on appeal of a rate order; (3) that NSP's customers will suffer no harm if the stay is granted for the customers will receive refunds with interest of the amounts of the rate increase that the Commission finds not just and reasonable after its decision; and (4) that the public interest lies in granting the stay.

As to the arguments advanced by NSP in its application for rehearing which NSP believes illustrate its likelihood of success on appeal, the Commission has considered these arguments *supra* and in the October 14, 1975, order and rejected them.

NSP's argument as to irreparable harm is defective because NSP has not shown that the Court, with its equity powers, could not order payback if NSP is successful on appeal.

NSP has failed to recognize the harm that its customers have sustained through the payment of rates based in part on the inclusion of CWIP in rate base and this harm will continue if the stay is granted. In light of the above, we find that the public interest would not be served by granting NSP's request for a stay.

Accordingly, we believe that NSP has failed to meet the test for agency issuance of a stay, as outlined in *Virginia Jobbers, supra*.

We note that two different court of appeals have denied motions for stay pending appellate review of CWIP refund orders.[6] In the *New England Power Co.* case, Chief Judge Coffin stated as follows at mimeo p. 2:

"We recognize that full argument and briefing on the merits may place the matter in a different light, but we are not persuaded at this juncture that petitioner is likely to prevail on the merits or will, in the interim, suffer irreparable harm.

"As to FPC's summary disposition of the CWIP as part of NEPCO's (New England Power Co.) rate base, we presently do not see such surprise or arbitrariness as would justify setting aside the ad interim orders. NEPCO knew that it was challenging the traditional practice." (parentheses added)

He went on to say at mimeo p. 2-3:

"NEPCO's remaining claims are (1) that the FPC should have allowed NEPCO to rely upon the tax normalization alternative to justify its requested increase, and (2) that the FPC erred in refusing to consider its updated cost of service data for the purposes of the refund order as well as for the purposes of the final determination of the just and reasonable rate. For the present, neither claim persuades us in view of the administrative necessity of closing the books at a time certain and having a mechanism to prevent utilities from delaying refund orders by offering alternative justifications for the rate increases it has filed. FPC staff and intervenors cannot be expected to follow a moving target."

Finally, Chief Judge Coffin states at mimeo p. 3:

"The alternative (i.e. granting a stay) is to force collections from customers on the basis of a rate tentatively found to be excessive."

As to NSP's alternative request for a stay of at least thirty days, we note that our original order issued October 14, 1975, granted NSP 60 days to file revised tariff sheets and make refunds. This time has not yet elapsed. Accordingly, we will deny NSP's alternate request for a stay of at least thirty days.

The Commission finds: Good cause does not exist to grant NSP's application for rehearing and motion for stay of refund orders pending appeal filed November 6, 1975.

The Commission orders: NSP's application for rehearing and motion for stay of refund orders pending appeal filed November 6, 1975, are denied.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33476 Filed 12-11-75;8:45 am]

[Docket No. ER76-189]

OTTER TAIL POWER CO.

Order Denying Waiver of Fuel Adjustment Clause Requirements

NOVEMBER 25, 1975.

By Order No. 517 issued in Docket No. R-479 on November 13, 1974, the Commission in ordering paragraph (A)(8) directed that within one year of the effectiveness of that rulemaking (or by January 1, 1976) all public utilities with Rate Schedules that contain a fuel clause should conform such clauses with the Regulations as revised in that order.

Otter Tail Power Company (Otter Tail) has requested by a letter dated October 7, 1975, that it be granted a waiver of the requirement and a one-year delay in conforming to the revised regulations. Such a waiver and delay is authorized in ordering paragraph (A)(8) of Order No. 517 upon a showing of good cause.

Otter Tail advances in support of its request for waiver that the affected service agreements are presently being challenged in proceedings in other dockets and that no sales have been made under the service classification to which the fuel adjustment clause applies nor are such expected for the next several years.

Ordering paragraph (A)(8) of Order No. 517 states that the waiver provision is made available because the Commission recognizes that "individual public utilities may have special operating characteristics that may warrant granting temporary delays in the implementation of the Regulations . . . so as to permit the public utilities sufficient time to adjust to the requirements." Here, there are no "special operating characteristics" shown, but merely an allegation that the clauses are not presently being used and that the agreements of which they are a part are the subject of challenges in other proceedings. While it would undoubtedly be more convenient to Otter Tail to wait until a final resolution has been reached in the proceedings involving the service agreements, such inconvenience does not constitute "good cause" as contemplated by the language "special operating characteristics" since most utilities could argue that it was inconvenient for them to adjust their fuel clauses within one year. In Order No. 517, the Commission specifically rejected a two-year period for conformity as "excessive and not in the public interest," and altered the previously proposed two year period to one year except in the case of "special circumstances and operating characteristics." No such special circumstances or characteristics appear here.

The Commission finds: Otter Tail has failed to demonstrate good cause for waiver of the requirements of Order No. 517, paragraph (A)(8), that all public utilities with Rate Schedules that contain a fuel clause should conform such clauses with the revised Regulations by January 1, 1976.

The Commission orders: (A) The request by Otter Tail for a waiver of the requirements of Order No. 517 that fuel clauses should conform with the revised Regulations by January 1, 1976, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33524 Filed 12-11-75;8:45 am]

[Docket No. CI76-268]

PHILLIPS PETROLEUM CO.

Application

DECEMBER 4, 1975.

Take notice that on November 7, 1975, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI76-268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) at Applicant's Lusk Gasoline Plant, Lea County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of residue gas at the Lusk Gasoline Plant from production from the Morrow formation in Lea County, on October 27, 1975, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale until April 1, 1979, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). After that date, Applicant says, it is anticipated that Applicant will require the gas for company use. Applicant proposes to sell approximately 67,500 Mcf of gas per month at 51.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment, 1.5 cents per Mcf for gathering, and 100 percent tax reimbursement. The application states that Applicant has the right to retain up to 50 percent of the residue gas by either not delivering such volumes or by retaining equivalent daily volumes of gas otherwise deliverable to El Paso from other existing points where gas deliveries are made by Applicant to El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33472 Filed 12-11-75;8:45 am]

[Docket No. ER76-308]

PUBLIC SERVICE CO. OF NEW MEXICO

Filing of Second Supplemental Agreement

DECEMBER 4, 1975.

Take notice that on December 1, 1975, Public Service Company of New Mexico (PSNM) tendered for filing a Second Supplemental Agreement between PSNM and Community Public Service Company (CPS) which supersedes the Supplemental Agreement for Electric Service dated February 28, 1974, between said parties. PSNM states that the said Agreement provides for PSNM to furnish electric power and energy to CPS during the period December 1, 1975 through June 1, 1976. PSNM requests an effective date of December 1, 1975 for said Agreement.

The proposed changes would increase revenues from jurisdictional sales and services to CPS by $350,800.00 based upon the 12 month period ending December 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33497 Filed 12-11-75;8:45 am]

[Docket No. RM75-5; Order No. 542]

REPORTING COSTS OF ENVIRONMENTAL PROTECTION FACILITIES AND ACTIVITIES

Correction

(Order No. 542)

Order Amending FPC Annual Report Form No. 1; Correction

DECEMBER 2, 1975.

Attachments B, C, and D, Lower Right-hand corner: Change "Approved by GAO B-180228(S76011) Expires 6-30-76" to read "Approved by GAO B-180228 (RO289) Expires 12-31-78".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33471 Filed 12-11-75;8:45 am]

[Docket No. CI75-602]

ROY M. HUFFINGTON, INC.

Order Granting Additional Late Intervention

DECEMBER 4, 1975.

On April 9, 1975, Roy M. Huffington, Inc. (Huffington) filed a petition for permission under Section 7(b) of the Natural Gas Act to abandon the sale of gas to Michigan Wisconsin Pipe Line Company from the Lawson Field, Acadia Parish, Louisiana, covered under a contract dated June 6, 1966. Alternatively, Huffington requests authorization to abandon approximately 30 percent of the sale, attributable to the royalty interest shares of the gas, and to increase the price for the working interest share. Huffington's petition was noticed by the Commission on April 24, 1975 with protests or petitions to intervene due on or before May 15, 1975. The hearing in this matter was held on October 21, 1975.

By order isued November 7, 1975, late petitions to intervene were granted to

[3] It should be noted that Georgia Power's request for a stay was also denied by the United States Court of Appeals for the District of Columbia Circuit in *Georgia Power Co. v. F.P.C.*, Case No. 75-1940 (CADC, October 3, 1975)

[4] Since Green Mountain, the Commission has reiterated its policy of excluding CWIP from rate base. *See, e.g., Tennessee Gas Pipe Line Company*, Docket Nos. RP75-113 and RP75-13, Order issued October 10, 1975, in which we stated,

Accordingly, we believe our duty to insure the protection of the consumer requires that we continue to require Tennessee to file tariff sheets excluding the costs resulting from the inclusion of CWIP in rate base (mimeo at 4).

A *fortiori*, when presented with rates based on a ratemaking theory contrary to our established principles we believe that eliminating the effect of the inclusion of CWIP in rate base before the rates go into effect is necessary to protect the consumer and foreclose the possibility that refunds may never reach the consumer who would otherwise be required to pay this illegal rate (mimeo at 7).

[5] 450 F. 2d at 1345. (1971).

[6] *Georgia Power Co. v. F.P.C.*, D.C. Cir No. 75-1940, issued October 6, 1975; *New England Power Co. v. F.P.C.*, 1st Cir. No. 75-1379, issued November 13, 1975.

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Tenneco Oil Company, Natural Gas Pipeline Company of America and Shell Oil Company.

A late petition to intervene was filed by Pennzoil Producing Company on October 6, 1975. Having received the above petition to intervene we believe that the petitioner has sufficient interest in the proceedings to warrant intervention. We further believe that this late intervention will not delay or compromise the instant proceeding. We shall, therefore, grant the above-described late intervention, subject to the condition that the party whose intervention is herein granted shall take the record thus far established in this docket as he shall find it.

The Commission finds: (1) Since participation by the aforesaid petitioner will not delay the instant proceeding, good cause exists for accepting their late petition to intervene.

(2) Participation by the aforesaid petitioner may be in the public interest.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervener shall not be construed as recognition by the Commission that it might be aggreived because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding and the intervenor shall accept the evidentiary record as it has been established in this proceeding to date.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33503 Filed 12-11-75;8:45 am]

[Docket No. RP76-39]

SEA ROBIN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 5, 1975.

Take notice that Sea Robin Pipeline Company (Sea Robin), on November 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2. The proposed changes are based on the twelve-month period ending July 31, 1975, as adjusted, and would increase jurisdictional revenues by $43,036,531.

Sea Robin states that the principal reasons for the proposed rate increase are proposed changes in the method of recording depreciation expense and an increase in overall cost of operations.

Copies of the filing have been served upon Sea Robin's jurisdictional customers and the Public Service Commission of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, 18 CFR (1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33473 Filed 12-11-75;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Order Rejecting in Part, Accepting in Part and Suspending Rate Increase, Denying Request for Waiver, Permitting Interventions, and Establishing Procedures

NOVEMBER 25, 1975.

On August 25, 1975, as completed on October 29, 1975, Sierra Pacific Power Company (Sierra Pacific) tendered for filing proposed changes in its Rate Schedule R and a revised fuel adjustment clause, such changes being reflected in its FPC Electric Tariff, Volume No. 1.[1] These proposed changes would increase revenues from Sierra Pacific's wholesale customers [2] by approximately $716,132, or 15.4%, based on the test year ended June 1976. Sierra Pacific states that the proposed increase is necessary to permit it to cover the increased costs of providing service, and to increase its overall rate of return to 10.53% to allow Sierra Pacific to obtain the financial results necessary to attract the amounts of new capital to meet growing electrical demands. Sierra Pacific requests an effective date of September 21, 1975.

Sierra Pacific's filing also includes proposed Supplement No. 3 to its FPC Rate Schedule No. 11 which would have the effect of transferring service to one of its wholesale customers, Mt. Wheeler Power, Inc. (Mt. Wheeler), from a previous Rate Schedule R-2 to its Rate Schedule R, under which all the other wholesale customers are served after the proposed effective date of September 21, 1975. In support of the requested transfer of Mt. Wheeler to Rate Schedule R, Sierra Pacific points out that since commencement of service to Mt. Wheeler in 1973 it was served under a separate rate schedule due to the isolation of the transmission line serving Mt. Wheeler from the remainder of Sierra Pacific's system. Sierra Pacific states that in August, 1975, it completed construction of a 230 Kv transmission line which integrated Mt. Wheeler with Sierra Pacific's system. Sierra Pacific requests waiver of the Commission's Regulations concerning notice requirements so that it may be permitted to place Mt. Wheeler on interim Rate Schedule R effective August 8, 1975, the date the interconnection of facilities was completed until September 21, 1975.

Sierra Pacific's August 25, 1975 filing was noticed on August 28, 1975, with all protests, comments, or petitions to intervene due on or before September 15, 1975. Sierra Pacific's supplemental filing of October 29, 1975 was noticed on November 5, 1975, with all protests, comments or petitions to intervene due on or before September 15, 1975. Sierra Pacific's supplemental filing of October 29, 1975 was noticed on November 5, 1975, with all protests, comments or petitions to intervene due on or before November 17, 1975. Petitions to intervene have been filed on behalf of the City of Fallon, Nevada, the Truckee-Donner Public Utility District, Pacific Gas and Electric Company, California-Pacific Utilities Company, and Mt. Wheeler Power, Inc. The City of Fallon, Nevada, the Truckee-Donner Public Utility District and Mt. Wheeler Power, Inc., also protested Sierra Pacific's filing alleging that the proposed rates would produce an excessive rate of return. Mt. Wheeler also protests Sierra Pacific's attempt to place it under Rate Schedule R, the tariff under which service is rendered to the other wholesale customers. An untimely notice of intervention was filed on behalf of the Public Service Commission of Nevada. On September 25, 1975, Sierra Pacific filed an answer to the protests of the City of Fallon, Nevada, the Truckee-Donner Public Utility District and Mt. Wheeler.

Our examination of Sierra Pacific's filing reveals that a portion of it is based upon the inclusion of construction work in progress (CWIP) in the rate base which will not be in service at the end of the test period. Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[3] As we stated in

[1] FPC Electric Tariff, 4th Revised Sheet No. 1, 3rd Revised Sheet No. 2, 2nd Revised Sheet No. 3, 7th Revised Sheet No. 4, 3rd Revised Sheet No. 5, Original Sheet No. 5A, 4th Revised Sheet No. 8, 2nd Revised Sheet No. 8A, Original Sheet No. 8B, 1st Revised Sheet No. 9H, 6th Revised Sheet No. 15; Supplement No. 3 to Rate Schedule FPC No. 11, Supplement No. 4 to Rate Schedule FPC No. 11.

[2] California-Pacific Utilities Company; City of Fallon, Nevada; Mt. Wheeler Power, Inc.; Pacific Gas and Electric Company; Truckee-Donner Public Utility District; U.S. Department of the Navy, Naval Ammunition Depot, Hawthorne, Nevada.

[3] See e.g., *Central Vermont Public Service Corporation*, Docket No. E-9040, orders issued August 5, 1975, September 30, 1975; *Green Mountain Power Corporation*, Docket No. E-9446, orders issued June 13, 1975 and August 4, 1975; *New England Power Company*, Docket Nos. E-9316 and E-9140, orders issued August 5, 1975 and October 3, 1975; *Georgia Power Company*, Docket No. E-9091, orders issued August 5, 1975, September 11, 1975 and September 19, 1975; *Philadelphia Electric Company*, Docket No. E-9388, order

the Order Denying Application For Rehearing,[4] *Georgia Power Company*, Docket No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers. We have consistently applied the "used and useful" rule throughout our formally reported final decisions. Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle, although it has not been formally codified in a separate regulation, as is the case for gas pipeline companies, Sec. 154.63(f), 18 CFR. (footnotes omitted)

Accordingly we shall reject that portion of the Company's filing which is based upon the inclusion of CWIP in rate base and shall require Sierra Pacific to file revised tariff sheets reflecting the elimination of such amounts.

Our review of Sierra Pacific's proposed fuel and purchased power adjustment clause indicates that the clause does not comply with the requirements set forth in Order No. 517.[5] Specifically the proposed clause includes total cost of purchased power and energy rather than the fuel component of such purchased costs. Additionally the clause imputes to the fuels consumed in the current period the most recent cost by type of fuel so that the clause does not reflect the actual costs of fuel consumed. Sierra Pacific proposes to adjust the costs every six months to reflect over-or under-recoveries and requests authorization to use Account 283 to record the tax effects resulting from the adoption of this deferral method. Finally Sierra Pacific's proposed fuel and purchased power adjustment clause utilizes total system losses rather than wholesale losses as specified in Order No. 517. We are of the opinion that Sierra Pacific's request to utilize Account 283 as well as the infirmities of the proposed clause require an evidentiary hearing on the proposed fuel and purchased power adjustment clause.

Our review further indicates that the proposed rates, which would permit Sierra Pacific an overall rate of return of 10.53% and a return on equity of 16.39%, have not been shown to be just and reasonable and may be unjust, unreasonable, preferential or otherwise unlawful. We shall therefore deny Sierra Pacific's request for waiver of our Regulations to permit the proposed rates to become effective September 21, 1975, and instead suspend their effectiveness from November 28, 1975 (thirty days from the completion of Sierra Pacific's filing) and permit them to become effective, subject to refund, on December 29, 1975.

With respect to Sierra Pacific's request to place Mt. Wheeler on Rate Schedule R, Sierra Pacific has tendered an interim Rate Schedule R to apply to Mt. Wheeler from August 8, 1975, the date of system interconnection, to the proposed effective date of the rate increase in Rate Schedule R. We have previously faced the question of the propriety of whether Mt. Wheeler should be served under a separate rate schedule or whether it should be served under the rate schedule used to serve Sierra Pacific's other wholesale customers. In Opinion No. 702 [6] we found that so long as Mt. Wheeler was served by an isolated portion of Sierra Pacific's system it was entitled to a rate based on costs associated with only that portion of the system. However we did acknowledge that the rationale for a separate rate may no longer be applicable upon interconnection of Mt. Wheeler to Sierra Pacific's total system. We stated:

> [Sierra] is constructing and expects to complete and energize in 1975 a 230 Kv transmission line which will connect Mt. Wheeler to its main system. As a result, both the cost of the power which Sierra purchases from PG&E and the cost of its fuel will begin to affect Sierra's cost of serving Mt. Wheeler. Absent special circumstances, Mt. Wheeler will become subject to the same ratemaking considerations as are applicable to Sierra's other wholesale customers on its main system.
>
> While Sierra could thereby avoid another rate filing after Mt. Wheeler is connected to its main system, the fact remains that the rate level under Rate Schedule R does not reflect Sierra's cost of serving Mt. Wheeler. Furthermore, when Sierra places the 230 kV transmission line into service in 1975 it will begin to provide all of its customers on its main system with double-ended service through its connections with PG&E in the west and UP&L in the east. It is apparent, therefore, that Sierra should review its Rate Schedule R as soon as practicable thereafter to determine from operating experience the import of that UP&L power upon its cost of serving all of its wholesale customers on its main system, including Mt. Wheeler • • • [7]

We shall therefore permit Sierra Pacific to place Mt. Wheeler on service under its Rate Schedule R effective December 29, 1975, concurrently with the effective date of the proposed rate increase in Rate Schedule R. We shall accordingly deny Sierra Pacific's request to place Mt. Wheeler on interim Rate Schedule R effective August 8, 1975 and apply an interim rate to the service made thereunder. We conclude good cause does not exist to waive our notice requirements in this case. In accordance with our statement in Opinion No. 702, quoted above, Mt. Wheeler may present testimony in the evidentiary hearing hereafter ordered on the question of whether it should continue to be served under Rate Schedule R or under a separate rate schedule.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly Sections 205 and 206 thereof, that the Commission accept for filing Sierra Pacific's proposed tariff sheets reflecting a rate increase and fuel and purchased power adjustment clause tendered on August 25, 1975 and completed on October 29, 1975, suspend their effectiveness and permit them to become effective December 29, 1975 subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly Sections 205 and 206 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in the Company's rate increase filed August 25, 1975 as completed on October 29, 1975.

(3) Sierra Pacific's request of waiver of our notice requirements to permit it to place Mt. Wheeler on interim Rate Schedule R on August 8, 1975 and permit it to charge that rate until the proposed increase becomes effective should be denied.

(4) Good cause exists to allow the intervention of the above-named petitioners.

(5) Prior to the effective date of Sierra Pacific's proposed rate increase, Sierra Pacific should be required to file revised tariff sheets reflecting the elimination of CWIP from its rate base.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on March 16, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in the Company's rate increase filed August 25, 1975 as completed October 29, 1975.

(B) Pending a hearing and final decision thereon that portion of the Company's filing which is not based upon the inclusion of CWIP in the rate base is hereby accepted for filing, suspended and the use thereof deferred until December 29, 1975.

(C) Prior to the effective date of Sierra Pacific's proposed rate increase, Sierra Pacific shall file revised tariff sheets reflecting the elimination of CWIP from rate base.

(D) Sierra Pacific's request of waiver of our notice requirements to permit it to place Mt. Wheeler on interim Rate Schedule R on August 8, 1975 and permit it to charge that rate until the proposed increase becomes effective is hereby denied.

(E) On or before February 3, 1976, the Commission Staff shall serve its prepared testimony and exhibits. On or before Feb-

issued September 26, 1975; *Rockland Electric Company*, Docket No. E-9001, order issued October 14, 1975; *Northern States Power Company*, Docket No. E-9148, order issued October 14, 1975; *Nevada Power Company*, Docket No. ER76-40, order issued October 15, 1975.

[4] Pending review in *Georgia Power Company* v. *FPC*, No. 75-1940, D.C. Circuit. Application for Stay, denied October 3, 1975.

[5] Fuel Adjustment Clauses in Wholesale Rate Schedule, Docket No. R-479, Order No. 517, issued November 13, 1974.

[6] *Sierra Pacific Power Company*, Docket Nos. E-7706 et al., Opinion No. 702, issued August 15, 1974.

[7] Opinion No. 702, mimeo at 9.

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ruary 17, 1976, the Intervenors shall serve their testimony and exhibits. On or before March 2, 1976, Sierra Pacific shall serve its rebuttal testimony and exhibits.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33525 Filed 12-11-75;8:45 am]

[Docket No. CI66-176]

SKELLY OIL CO.

Order Designating Matter for Hearing and Prescribing Procedures

DECEMBER 8, 1975.

On January 24, 1975 Skelly Oil Company (Skelly) filed in Docket No. CI66-176 an application pursuant to Section 7 (b) of the Natural Gas Act to abandon the sale of natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkla) attributable to Skelly's 12.5% interest in the Furry No. 1 Well located on acreage in the Arkoma Basin, Haskell County, Oklahoma under a contract dated March 30, 1964 (on file as FPC Gas Rate Schedule No. 210). The present sale price of the subject gas is 17.25 cents per Mcf.

Skelly proposes to abandon its 12.5 percent interest in the Furry No. 1 Well in view of the fact that the reservoir pressure has purportedly declined to the extent that Skelly believes it is no longer economically feasible to continue production—Skelly alleges in its application for abandonment that Arkla's line pressure is currently 525 to 550 pounds psig and Skelly's wellhead pressure at the Furry Well is only 350 to 360 pounds psig. Therefore, Skelly cannot flow its gas into the Arkla system. By letter agreement dated December 18, 1974, Arkla has agreed to release Skelly from the 1964 gas purchase contract. By way of an "additional statement in support of application for partial abandonment" filed September 15, 1975 in reply to a Staff inquiry of September 5, 1975, Skelly estimates total remaining reserves of 0.25 Bcf. Skelly states that the Furry Well will not be plugged and abandoned, and that in the event abandonment is approved, it would sell the remaining reserves attributable to the 12.5 percent interest to Oklahoma Gas and Electric Company (Oklahoma G&E) and Public Service Company of Oklahoma (Public Service) in intrastate commerce. Skelly also stated that the remaining 87.5 percent interest in the well has been and is presently being sold in intrastate commerce to Oklahoma G&E and Public Service.

The 1964 gas purchase contract provides in Section 8A that either party may install compression facilities to bring the delivered gas up to Arkla's minimum line pressure but neither party is obligated to do so. As a result of the reluctance of either Skelly or Arkla to provide compression necessary to continue the deliverability of the subject gas into Arkla's system, Skelly ceased delivery of the gas to Arkla on January 1, 1975. From the foregoing it appears to this Commission that quantities of gas which have been dedicated to the interstate market and would otherwise be flowing have been temporarily discontinued without Commission authorization pursuant to Section 7(b) of the Natural Gas Act. The Natural Gas Act under Section 7(b) is very explicit in requiring that any natural gas company under this Commission's jurisdiction must obtain prior Commission approval prior to the abandonment of any "facilities" or "service," including the transportation and resale of that gas in interstate commerce.[1] In order to obtain this approval the natural gas company must demonstrate under Section 7(b) at a formal hearing:

"that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience and necessity permit such abandonment."

It is also well established that contractual terms of any certificated sale or service remain fully subject to the paramount power of the Commission to modify them where necessary in the public interest,[2] so that there can be no cessation of service upon termination of the contract or operation of any terms of the contract without Commission approval.[3]

Reliance by both Skelly and Arkla on the contractual provision in Section 8A of the 1964 contract making the installation of compression facilities optional may not comport with the parties public interest obligations under the certificate and the Natural Gas Act to maintain adequate and reliable service despite the fact that there is no contractual obligation to insure such service by installation of compression facilities. From a public interest standpoint we think that since there are a number of administrative remedies presently available to both parties which may provide the requisite relief and enable the installation of compression facilities thereby facilitating the continued flow of the subject gas in interstate commerce, we shall order that a hearing be held to determine among other things, the feasibility of appropriate rate or emergency relief.

Additionally, this Commission finds it necessary to join Arkla as a party respondent in the instant proceeding in view of the fact that as an integral unit in the interstate sale and transportation of the gas, and that irrespective of the contractual terms contained in the 1964 gas purchase contract, it may have an affirmative duty as a public utility to take that action which is reasonably necessary to provide adequate and reliable service to its customers, thereby preventing the loss of the subject gas, from the interstate to the intrastate market. In order to develop a complete record in this proceeding, such proceeding should develop, and the parties shall be required to submit evidence and testimony concerning the following, but not limited to:

1. A detailed evidentiary presentation by both Skelly and Arkla regarding what additional costs and/or prices would be required to maintain the production of the remaining producible reserves through the installation and operation of the necessary compression facilities including full documentation as to the unit price at which such undertaking would be feasible.

2. A detailed analysis and presentation by Skelly of the remaining reserves in the subject well including a complete explanation of all tests conducted, and technical data relied upon to arrive at the estimated reserves.

3. Why Skelly has not sought to avail itself of the relief available under Section 2.76 of the Commission's General Policy and Interpretations in order to obtain a rate above the existing applicable area rate necessary to produce and deliver the subject low pressure gas.

4. Why Arkla has not sought to avail itself of the relief available under Section 157.7(g) of the Commission's Rules which provide for field gas compression facilities budget-type certificate issued on September 9, 1974 in Docket No. CP75-31 to install the necessary compression facilities to continue delivery of Skelly's low pressure gas into its system.

5. To what extent if at all either Skelly or Arkla has ever installed any compression facilities in order to maintain the deliverability of the subject gas, and if so, for what period of time, what type of facilities and why such facilities are not currently in operation.

6. A presentation by Skelly concerning the rate of production for the previous three years on a monthly basis from the subject well.

Following publication of the notice of Skelly's abandonment application in the Federal Register on February 20, 1975 (40 FR 7490) in Docket No. G-12004 no petitions to intervene, notices of intervention or protests were filed in the above captioned docket pursuant to the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) prior to the March 6, 1975 expiration date for such filings.

The Commission finds: (1) Sufficient cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing as hereinafter ordered.

(2) Sufficient cause exists under the facts and circumstances noted above to join Arkansas Louisiana Gas Company as a party respondent to the instant proceeding, and that such participation may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1) a public hearing shall be held commencing on January 6, 1976, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the propriety of issuing authorization for the proposed abandonment of the sale of natural gas in interstate commence by Skelly Oil Company as requested by its application filed on January 24, 1975.

(B) On or before December 16, 1975, both Skelly Oil Company and Arkansas Louisiana Gas Company shall file with the Secretary of this Commission and serve all testimony and exhibits comprising their cases in-chief consistent with the evidentiary requirements as set forth in this order in support of the proposed abandonment upon all parties to this proceeding including the Commission Staff.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d), shall preside at the hearings in this proceeding and shall prescribe all relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33515 Filed 12-11-75;8:45 am]

[1] *Atlantic Refining Co. v. P.S.C.N.Y.* 30 U.S. 378, 389 (1954); *Sunray Mid-Continental Oil Company v. FPC* 364 U.S. 137, 156 (1960); *United Gas Pipeline Co. v. FPC* 385 U.S. 83, 89 (1968).

[2] 364 U.S. 137, 158.

[3] Opinion No. 647 *Cumberland Natural Gas Company,* 34 FPC 132 (1965).

[Docket No. RP73-49; PGA76-2]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

DECEMBER 4, 1975.

Take notice that on November 17, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised Tariff sheets:

Fifteenth Revised Sheet No. 3A
Fortieth Revised Sheet No. 5
Thirty-Ninth Revised Sheet No. 6
Thirty-First Revised Sheet No. 9
Thirtieth Revised Sheet No. 11
Thirty-Fourth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA Clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The Company further states that it proposes to increase its rates by $987,831 for the purpose of tracking a rate increase filing made by Southern Natural Gas Company (Southern), on November 14, 1975. The instant filing will increase South Georgia's cost of gas $1,499,769 annually. An effective date of January 1, 1976 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33493 Filed 12-11-75;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Acceptance of Late Filing

DECEMBER 8, 1975.

On December 1, 1975, Staff Counsel filed a motion requesting the Commission to allow Staff's brief on exceptions to the initial decision of the Presiding Administrative Law Judge issued in the above-indicated proceeding on October 29, 1975, to be filed one working day after the due date, November 28, 1975.

Notice is hereby given that Staff's motion to permit acceptance of his brief on exceptions in the above proceeding one working day late is granted.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33526 Filed 12-11-75;8:45 am]

[Docket No. CP75-327]

SOUTHWEST GAS CORP.

Postponement of Prehearing Conference

DECEMBER 5, 1975.

On December 3, 1975, Southwest Gas Corporation filed a motion to postpone the date of the prehearing conference set by order issued November 17, 1975, in the above-indicated proceeding.

Upon consideration, notice is hereby given that the date of the prehearing conference in the above proceeding is postponed from December 18, 1975 to January 5, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33512 Filed 12-11-75;8:45 am]

[Docket No. RP76-43]

STINGRAY PIPELINE CO.

Filing of Proposed Changes

DECEMBER 4, 1975.

Take notice that Stingray Pipeline Company (Stingray) on November 26, 1975, tendered for filing Fifth Revised Sheet No. 4 and First Revised Sheet No. 71 to its FPC Gas Tariff, Original Volume No. 1 to be effective on January 1, 1976 and supporting cost of service data (Statements L, M and N).

Stingray states that the tariff sheets reflect the rates and the capacity of Stingray at its design capacity of 1 million Mcf per day reflecting the completion of the facilities authorized in Docket No. CP73-27. Stingray is proposing a reduction in its transportation rates from $3.51 per Mcf applicable to the daily transportation quantity to $3.22 per Mcf (Fifth Revised Sheet No. 4). Transportation quantities to become effective January 1, 1976 are 400,000 Mcf per day each for Natural Gas Pipeline Company of America and Trunkline Gas Company and 200,000 Mcf per day for United Gas Pipe Line Company (First Revised Sheet No. 71).

Stingray's initial rates were accepted by the Commission's order, issued November 8, 1974, in Docket No. CP73-27, *et al.* Such acceptance was subject to the condition set forth in Ordering Paragraph (B) of the November 8, 1974 order. Stingray proposes that the subject condition be continued in connection with the tariff sheets filed herein. Stingray states that it has not converted its Revolving Credit and Term Loan Agreements into permanent long-term financ-

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ing and that the costs associated with such loans are subject to change as a result of changes in the prime rate and continuation of the condition in the November 8, 1974 order could be beneficial to Stingray's customers.

Copies of this filing were served on Stingray's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33466 Filed 12-11-75;8:45 am]

[Docket Nos. RP75-13 and RP75-113]

TENNESSEE GAS PIPELINE CO.

Correction

DECEMBER 4, 1975.

In the matter of notice of extension of procedural dates for the Tennessee Gas Pipeline Company; November 26, 1975, FEDERAL REGISTER.

First Paragraph, Line 2, Please change "August 5, 1974" to "August 15, 1975."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33498 Filed 12-11-75;8:45 am]

[Docket No. ID-1766]

THOMAS J. HURCOMB

Order Granting Authorization Pursuant to Section 305(b) of the Federal Power Act

DECEMBER 8, 1975.

On June 30, 1975, Thomas J. Hurcomb (Applicant), Vice President, Central Vermont Public Service Corporation, Rutland, Vermont, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President,[2] Central Vermont Public Service Corporation (Central Vermont), Public Utility.

Vice President,[2] Connecticut Valley Electric Company, Inc.[1a] (Connecticut Valley), Public Utility.

Central Vermont is engaged in the generation and purchase of electric energy and its transmission, distribution and sale for light, heat and power in 174 towns and villages in Vermont.

[1] Elected to this position on May 6, 1975.
[2] Elected to this position on June 24, 1975.
[1a] Subsidiary of Central Vermont.

Connecticut Valley is engaged in the purchase of electric energy and its transmission, distribution and sale for light, heat and power in 19 towns and villages in New Hampshire.

Written notice of this application was given by publication in the FEDERAL REGISTER on October 10, 1975 (40 F.R. 47833), stating that any person desiring to be heard or to make any protest with reference to the application shall file petitions or protests on or before October 20, 1975 with the Federal Power Commission, Washington, D.C. 20426. No petition or request to be heard in opposition to the granting of the application has been received.

The Commission having considered said application upon the information therein contained, and other information in relation thereto furnished by the Applicant and by the Staff of the Commission, finds:

Applicant has made due showing in the form and manner prescribed by this Commission that neither public nor private interest will be adversely affected by his holding the following positions pending further order of the Commission in regard thereto:

Vice President, Central Vermont Public Service Corporation (Central Vermont), Public Utility.

Vice President, Connecticut Valley Electric Company, Inc.[1a] (Connecticut Valley), Public Utility.

The Commission orders: (A) Until further order of the Commission, said Applicant is hereby authorized to hold the positions referred to in the above finding, subject to the provisions of Part 45 of the Commission's Regulations under the Federal Power Act, and to the specific reservation of the right of the Commission to require said Applicant to make a further showing that neither public nor private interests will be adversely affected by his holding said positions:

(B) All orders heretofore issued authorizing Applicant to hold positions pursuant to Section 305(b) of the Federal Power Act are hereby superseded.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-33523 Filed 12-11-75;8:45 am]

[Docket No. ER76-132]

TOLEDO EDISON CO.

Order Denying Petition for Rehearing and Amending Prior Order

DECEMBER 5, 1975.

On September 17, 1975, Toledo Edison Company tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Original Volume No. 1, applicable to sales for resale to fourteen Ohio municipalities. The proposed changes would increase the Company's revenues from jurisdictional sales and service by $378,961 based on the twelve month period ending December 31, 1974.

The proposed effective date for the municipalities of Bowling Green, Bryan, Montpelier, Napoleon, Pemberville and Woodville, Ohio was October 18, 1975. The municipalities of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Oak Harbor and Pioneer, Ohio presently receive service under long-term contracts which expire in 1976. The Company proposed that the revised tariff become effective for these municipalities upon the expiration dates of their respective contracts. Notice of the Company's filing was issued on September 26, 1975.

In support of its filing, Toledo Edison submitted Period I test data for the period ending December 31, 1974. On September 18, 1975, the Company filed a request for waiver of Section 35.13(b)(4)(iii) of the Commission's Regulations. That Section requires that Period I data be ". . . for the most recent twelve consecutive months for which actual data are available . . ."

By letter order issued October 14, 1975, we denied the request for waiver. We notified the Company that the data it had provided were out of date so as to prevent the proper evaluation of its filing. We informed the Company that a filing date would not be assigned to its application until it had submitted actual data for the period ending no earlier than four months prior to the proposed filing date.

On November 13, 1975, the Company filed a petition for rehearing and reconsideration of our October 14, 1975 order. We find that good cause exists to deny the petition. We shall however, modify our October 14, 1975, letter order as hereinafter ordered.

During the year 1975, we accepted electric rate filings utilizing Period I data for the twelve months ending on December 31, 1974. We realized in so doing, however, that at some point in time data for the twelve months ended December 31, 1974, would become stale and, thus, be outside any reasonable interpretation of Section 35.13(b)(4)(iii). When, on August 13, 1975, Interstate Power Company tendered for filing a proposed rate increase based on Period I data for the twelve months ended December 31, 1974, we made the determination that such data was too stale to be "the most recently available."[1] We, therefore, rejected Interstate's filing for failure to comply with Section 35.13(b)(4)(iii) of the Regulations. Since that action, absent compelling reasons we have consistently refused to accept rate filings containing Period I data which was more than seven months old.[2]

Consequently, we shall deny Toledo Edison's petition for rehearing on the question of whether or not its filing of September 17, 1975, was deficient.

[1] *Interstate Power Company*, Docket No. ER76-70, order issued September 10, 1975.
[2] *See, Ohio Power Company*, Docket No. ER76-83, order issued September 19, 1975; *Boston Edison Company*, Docket No. ER76-90, order issued September 24, 1975; *Western Power Division, Central Telephone & Utilities Corporation*, Docket No. ER76-92, order issued November 5, 1975.

We shall, however, amend our letter order of October 14, 1975, to provide that a filing date will be assigned upon Toledo Edison's filing of actual data for Period I for the period ending no earlier than seven months prior to the proposed filing date.

The Commission finds: (1) Good cause exists to deny Toledo Edison's petition for rehearing, as hereinafter ordered.

(2) Good cause exists to amend our letter order of October 14, 1975, to provide that a filing date will be assigned upon Toledo Edison's filing of actual data for Period I for the period ending no earlier than seven months prior to the proposed effective date.

The Commission orders: (A) Toledo Edison's petition for rehearing is hereby denied.

(B) Our letter order of October 14, 1975, in this Docket is hereby amended to provide that a filing date will be assigned upon Toledo Edison's filing of actual data for Period I for the period ending no earlier than seven months prior to the proposed filing date.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33514 Filed 12-11-75;8:45 am]

[Docket No. CP76-152]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

DECEMBER 4, 1975.

Take notice that on November 4, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-152 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for PPG Industries, Inc. (PPG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that PPG has purchased natural gas from Exchange Oil & Gas Corporation, Ocean Production Company and The South Coast Corporation, (Exchange, *et al.*) at $1.50 per million Btu from production Vermilion Block 16 Field (state waters), Vermilion Parish, Louisiana. The quantity of gas produced is estimated to be up to 4,000 Mcf per day at 15.025 psia. Applicant would accept such volumes at an existing interconnection in Vermilion Block 16 on Applicant's Central Louisiana Gathering System. PPG to the City of Lexington (Lexington) and the City of Shelby (Shelby), North Carolina.

Applicant would not be obligated to transport for PPG on any day a volume of gas which, when added to the quantities of gas transported under similar arrangements for other industries and the volumes delivered to Lexington and Shelby under Applicant's Rate Schedule CS-2, would exceed Lexington's and Shelby's authorized daily entitlements under Applicant's Rate Schedule CS-2.

Applicant would collect an initial charge of 22.0 cents per Mcf of gas transported and would retain 3.8 percent of the volumes delivered to it as make-up for line loss and compressor fuel. Lexington would charge PPG 10.0 cents per Mcf of gas delivered to PPG by it and Shelby would charge PPG 5.0 cents per Mcf of natural gas delivered to PPG by it.

It is indicated that the volume of natural gas so transported would be used by PPG in the melting and refining of raw materials necessary for the manufacture of fiber glass.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33484 Filed 12-11-75;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Order Granting Untimely Petition To Intervene

DECEMBER 4, 1975.

On June 13, 1975, Union Electric Company (Union) tendered for filing proposed increases in rates to various wholesale customers, to include Missouri Utilities Company, a wholly owned subsidiary of Union. Public notice of said filing was issued on June 18, 1975, with protests and petitions to intervene due on or before July 2, 1975.

By order issued July 11, 1975, the Commission accepted the rate changes for filing, suspended the proposed rate increase, set the matter for hearing and granted certain petitions to intervene.

On October 29, 1975, the City of Cape Girardeau, Missouri (City) filed an untimely petition to intervene. City receives substantially all of its electrical requirements from Missouri Utilities Company. Our review indicates that City has a sufficient interest in this proceeding so as to warrant intervention.

The Commission finds: City's participation in this proceeding may be in the public interest.

The Commission orders: (A) City is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33477 Filed 12-11-75;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Notice of Conference

DECEMBER 4, 1975.

Take notice that on Monday, December 15, 1975, Commission Staff is convening an informal conference for the purpose of discussing the issues in Docket No. E-9496 with a view toward settling these proceedings. This conference will be held in Room 5200 of the Federal Power Commission offices, 825 North Capitol Street, N.E., Washington, D.C. 20426, at 10:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Customers and other interested parties will be permitted to attend, but if such persons have not previously been per-

[1] Commissioner Watt not participating.

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mitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33502 Filed 12-11-75;8:45 am]

[Docket No. ES76-28]

UNION LIGHT, HEAT AND POWER CO. (KENTUCKY)

Application

DECEMBER 8, 1975.

Take notice that on November 20, 1975, The Union Light, Heat and Power Company (Applicant) of Covington, Kentucky, filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, and to a commercial paper dealer in amounts not exceeding in the aggregate $10,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1976, for ninety day periods, but no Note will mature more than nine months from the date of issue or renewal or later than December 31, 1977. The interest rate of such Notes will be at the prime loan or best available interest rate of the banks in effect at the time of issuance or renewal.

The Promissory Notes issued to a commercial paper dealer will be issued on various days during the period ending December 31, 1976, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed 25% of Applicant's gross revenues during the then proceeding 12 full months of operation.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1975–1976 construction program. Applicant estimates that construction expenditures for the years 1975 and 1976 will total about $22,721,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33527 Filed 12-11-75;8:45 am]

[Docket No. CP71-268]

UNITED GAS PIPE LINE CO.

Findings and Order Amending Order Issuing Certificate of Public Convenience and Necessity

DECEMBER 8, 1975.

On June 26, 1975, United Gas Pipe Line Company (Applicant) filed in Docket No. CP71-268 an application to amend the Commission's order, issued November 10, 1971, in said docket (46 FPC 1186), pursuant to Section 7(c) of the Natural Gas Act, by authorizing two additional exchange points at Marshall and Tyler, Texas, for the exchange of natural gas with Entex, Inc. (Entex), an existing resell customer, under an exchange agreement, dated June 6, 1975, all as more fully set forth in the application to amend in this proceeding.

The order of November 10, 1971, authorized an exchange arrangement between Applicant and Entex whereby Applicant received up to 3,500 Mcf of gas per day by displacement from Entex at Marshall and Longview, Texas, and contemporaneously redelivered equivalent volumes to Entex at Diboll, Texas. The purpose of this exchange was to enable Entex to utilize gas purchased by it from intrastate sources in the Marshall and Longview areas in its Diboll distribution system and thereby reduce its demand on Applicant for gas. Entex has advised Applicant that its independently purchased gas supplies in the Marshall area have declined to the point where they will no longer enable Entex to satisfy its high priority requirements in Marshall, let alone the requirements of Diboll. However, Entex has further advised Applicant that it has acquired additional gas supplies from intrastate sources in the vicinity of Tyler, Texas, in excess of its service obligations in that load center, which it desires to exchange by displacement with Applicant for redelivery at Marshall and Diboll.

Pursuant to the June 6, 1975, agreement Applicant will receive up to 3,500 Mcf of gas per day by reducing deliveries to Entex at the originally authorized Marshall and Longview points of receipt, as well as the proposed point at Tyler and redeliver equal volumes to Entex at the originally authorized Diboll, and the proposed Marshall, redelivery points. All exchange points are at existing interconnections between the two systems where Applicant currently makes resale deliveries to Entex. The implementation of the subject proposal will enable Entex to continue to make available gas purchased by it from intrastate sources in the exchange area to its Marshall and Diboll distribution systems by displacement, thereby reducing its dependency on Applicant for gas. No new or additional sales or facilities are involved. None of the gas purchased by Entex for the subject exchange will physically enter Applicant's pipeline system; Applicant will simply reduce its resale deliveries to Entex at the points of receipt and deliver volumes equal to such reductions at the redelivery points.

The June 6, 1975, agreement further provides that Entex will pay Applicant a rate equal to Applicant's Northern Zone average unit jurisdictional transmission cost of service for each Mcf of gas redelivered at Marshall and Diboll. The rate initially is to be 13.48 cents per Mcf. The initial term of the exchange is for a period ending January 1, 1976, and from year to year thereafter unless terminated by either party's giving ninety days prior written notice of its intent to cancel before the expiration of the primary term or any yearly renewal thereof.

Due notice of the filing of the application to amend and opportunity for hearing thereon has been given by publication in the Federal Register on July 21, 1975 (40 FR 30534). No petition to intervene, notice of intervention, or protest to the granting of the application to amend has been filed in this proceeding.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order issued November 10, 1971, in Docket No. CP71-268 be amended as hereinafter ordered.

The Commission orders: (A) The Commission's order issued November 10, 1971, in Docket No. CP71-268 is amended by authorizing two additional exchange points, at Marshall and Tyler, Texas, for the exchange of natural gas with Entex, as hereinbefore described and as set forth in the application to amend in this proceeding. In all other respects, said order shall remain in full force and effect.

(B) The authorization granted by paragraph (A) above is conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154 and in paragraphs (a), (c) (3), and (e) of Section 157.20 of such Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33521 Filed 12-11-75;8:45 am]

[Docket No. E-6943]

U.S. DEPARTMENT OF THE INTERIOR SOUTHWESTERN POWER ADMINISTRATION

Order Extending Confirmation and Approval of Rate Schedule

DECEMBER 4, 1975.

The Secretary of Interior, acting upon behalf of the Southwestern Power Administration (SWPA) pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 890), tendered on September 30, 1975 a letter request for extension not exceeding 30 days of Commission approval and confirmation of the present rate for the sale of the entire output of the Narrows Dam Project to Tex-La Electric Cooperatives, Inc. (Tex-La) for an amount of $465,000 per year, as initially approved by Commission order issued January 22, 1971 for the period ending June 30, 1975. By letter dated October 30, 1975, the Department of the Interior amended its letter of September 30, 1975 to request an extension of confirmation and approval of the above mentioned rate for a period not to exceed 90 days from September 30, 1975.

On August 4, 1975, in this Docket, the Commission extended confirmation and approval of rates for the sale of Narrows Dam power and energy to Tex-La for a period ending not later than September 30, 1975. SWPA scheduled a public hearing to determine the necessity of increasing the rates and charges in order to demonstrate repayment of the power investment at a 50 year rate. Interested parties were invited to participate in the rate setting process. The hearing, originally schedule for July 9, was not held until July 24 and 25, 1975, in SWPA offices in Tulsa.

The Department of the Interior found it impossible to submit a proposal for a new rate by September 30, 1975. The inability to submit a timely proposal was caused by the delay in the holding of the hearing and analyzing the voluminous testimony given therein.

Public notice of the SWPA request was issued on October 16, 1975, and published in the Federal Register on October 22, 1975 (40 F.R. 49408), requesting the submittal of written comments or suggestions on or before October 22, 1975. No comments or suggestions were received.

Extension of Commission approval and confirmation of SWPA's current rate and charge for the sale of Narrows Dam Project power will afford SWPA additional time in which to propose and tender a new rate adjusted to recoup revenues sufficient to satisfy the payout requirements of the Flood Control Act of 1944.

The Commission finds: The extension of approval of SWPA's rate and charge for the sale of Narrows Dam Project power and energy to Tex-La, as hereinafter provided will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders: The confirmation and approval of SWPA's rate and charge for the sale of power and energy from the Narrows Dam Project to Tex-La, as set forth in the Commission's order of January 22, 1971 therein, is hereby extended for the period ending not later than December 29, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33486 Filed 12-11-75;8:45 am]

[Docket No. RP76-41]

VALLEY GAS TRANSMISSION, INC.

Proposed Change in Rates

DECEMBER 4, 1975.

Take notice that on November 21, 1975, Valley Gas Transmission, Inc. (Valley) filed a notice of change in rates with respect to the sale of gas for resale in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., United Gas Pipeline Company, and National Fuel Gas and Supply Corporation.

Valley proposes to institute in place of its present fixed gathering charge a cost of service tariff by which it will recover from its customers each month the actual cost of rendering service to its customers, including a fixed rate of return of 10.435 percent. In support of its cost of service tariff, Valley stresses that, aside from its purchased gas costs, its total cost of service is less than $800,000; that it is a true gatherer and not a long-haul pipeline; that most of its presently connected production areas are old, largely depleted fields whose production is marginal; and a small decline in average day sales would reduce its net income to zero. Valley also filed an alternative tariff sheet with the fixed gathering charge of 11.36¢ per Mcf to be placed in effect on an interim basis if the Commission should not be able to place the proposed cost of service tariff in effect on the proposed date.

The proposed effective date of the cost of service tariff is January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commisison's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33469 Filed 12-11-75;8:45 am]

[Docket No. ER76-323]

GREEN MOUNTAIN POWER CORP.

Filing of Transmission Contract

DECEMBER 9, 1975.

Take notice that on November 28, 1975, Green Mountain Power Corporation (Green Mountain) tendered for filing as a Rate Schedule a Transmission Contract between Green Mountain and Vermont Electric Co-operative, Inc. (Vermont Co-op) dated November 1, 1975.

The proposed Rate Schedule would replace FPC Rate Schedule No. 25 covering a contract with Vermont Co-op dated December 1, 1965, and a previous contract dated August 24, 1965 which, according to Green Mountain, was filed with the Commission but was not assigned a separate rate schedule number. Green Mountain states that these Rate Schedules became inactive as of October 28, 1973, but have not been formally cancelled.

The proposed contract provides for 5,000 KW of transmission line capacity to be furnished by Green Mountain to Vermont Co-op at various interconnecting points on the sytsems.

Green Mountain requests the Commission to waive its 30-day notice period and permit the Transmission Contract to become effective on November 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33628 Filed 12-11-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-365]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Utah Public Service Commission, involving the rate increase application of the Utah Power and Light Company.

2. *Effective date.* This regulation is effective November 3, 1975.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)) authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Utah Public Service Commission concerning the rate increase application of the Utah Power and Light Company (Docket No. 7167).

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be ex-

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ercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,
Administrator of General Services.

DECEMBER 3, 1975.

[FR Doc.75-33433 Filed 12-11-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on January 9, 1976 from 9:30 a.m.-5:30 p.m. in the 11th floor graphics conference room (1127) of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public from 9:30 a.m.-11 a.m. on a space available basis. Accommodations are limited. During this session, representatives from the General Accounting Office will brief the design staff at the Endowment on the communication aims and problems encountered in their graphic shops.

The remaining session of this meeting from 1 p.m.-5:30 p.m. is for the purpose of Panel Review, discusion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552 (b), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-33559 Filed 12-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Unit 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment establishes operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46, and revises provisions related to the replacement of 52 fuel assemblies in the Robinson-2 core with fuel assemblies of a different design, constituting refueling of the core for operation with Cycle 4.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50753). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1975, as supported by correspondence dated August 3, August 22, October 17, November 13, November 18, and November 24, 1975, (2) Amendment No. 15 to License No. DPR-23, with Change No. 40, (3) the Commission's related Safety Evaluation, (4) the Commission's Negative Declaration dated December 2, 1975, which is being published concurrently with this notice, and (5) the Commission's associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home & Fifth Avenues, Hartsville, South Carolina.

A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-33452 Filed 12-11-75;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., CENTRAL IOWA POWER COOPERATIVE AND CORN BELT POWER COOPERATIVE

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative Corn Belt Power Cooperative which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective 30 days from the date of issuance.

The amendment modifies the reporting requirements of the Technical Specifications for the Duane Arnold Energy Center.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 26, 1974, (2) Amendment No. 12 to License No. DPR-49, with Change No. 13 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-33454 Filed 12-11-75;8:45 am]

[Docket No. 50-261]

H. B. ROBINSON STEAM ELECTRIC PLANT UNIT 2

Negative Declaration Regarding Proposed Changes to Technical Specifications of License DPR-23

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-23. These changes would authorize the Carolina Power and Light Company (the licensee) to operate the H. B. Robinson Steam Electric Plant, Unit 2 (located in Darlington County, Hartsville, South Carolina), with limiting conditions associated with fuel assembly specific power resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS).

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-23, H. B. Robinson Steam Electric Plant, Unit 2, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for H. B. Robinson Steam Electric Plant. Unit 2, published in April 1975.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

Dated at Rockville, Md., this 2d day of December 1975.

For the Nuclear Regulatory Commission.

WILLIAM H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-33453 Filed 12-11-75;8:45 am]

[Docket Nos. 50-266, 50-301]

POINT BEACH NUCLEAR PLANT UNITS 1 AND 2

Negative Declaration Regarding Proposed Changes to Technical Specifications of Licenses Nos. DPR-24 and DPR-27

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to Technical Specifications 15.3.8 and 15.5.4 of Facility Operating Licenses Nos. DPR-24 and DPR-27 for Point Beach Nuclear Plant Units 1 and 2 in Manitowoc County, Wisconsin. The changes would authorize the licensees, Wisconsin Electric Power Company and Wisconsin Michigan Power Company, to expand the capacity of their spent fuel storage pool. By replacing four storage racks with six new ones, the licensees could increase the storage capacity for irradiated fuel assemblies from 208 to 351 assemblies.

The Commission's Division of Reactor Licensing has appraised the environmental impact of the proposed changes. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than those impacts described in the Commission's Final Environmental Statement of May 1972 concerning the operation of Point Beach Units 1 and 2.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Documents Department, Library, University of Wisconsin—Stevens Point, Stevens Point, Wisconsin, 54481.

Dated at Rockville, Md., this 10 day of October 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-33455 Filed 12-11-75;8:45 am]

[Docket No. P-558-A]

SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The San Diego Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated Ocotber 29, 1975, in connection with their plans to construct and operate two generating units utilizing two pressurized water reactors. Each reactor will be designed for initial operation at approximately 2800 megawatts thermal, with a net electrical output of approximately 900 megawatts. The facility, designated as the Sundesert Nuclear Plant, Units 1 and 2, will be located in Riverside County, California, about 16 miles southwest of Blythe, California, and 50 miles north-northwest of Yuma, Arizona. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to Section 2.101 of Part 2, is expected to be filed in July, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The San Diego Gas and Electric Company has invited other Southern California utilities to participate in the ownership and capacity of these units. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255; the Federal Archives and Records Center, 24000 Avila Road, Laguna, California 92677; and the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 1990 North California Boulevard, Walnut Creek, California 94596. Docket No. P-558-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before February 3, 1976.

Dated at Bethesda, Maryland, this 1st day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief Gas Cooled Reactors Branch Division of Reactor Licensing.

[FR Doc.75-32815 Filed 12-4-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Atomic Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment (1) incorporates the licensee's performance analysis for the current reload core (Core XII) in Section B of the Technical Specifications, and (2) changes operating limits and adds requirements in the Technical Specifications for compliance with the provisions of 10 CFR Part 50, § 50.46 of the Commission's regulations thus terminating the limitations imposed on the facility by the Commission's December 27, 1974 Order for Modification of License.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER October 17, 1975 (40 FR 48735). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the applications for

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amendment dated July 14, 1975 [as supplemented October 10, October 28, November 7 (Proprietary Information appended), November 21, and November 26, 1975]; July 8, 1975 (as supplemented November 24, and November 26, 1975; and September 26, 1975; (2) Amendment No. 21 to License No. DPR–3, with Change No. 126, (3) the Commission's related Safety Evaluation; and (4) the Commission's Negative Declaration dated November 5, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–33456 Filed 12–11–75;8:45 am]

[Docket No. 50–29]

YANKEE ROWE ATOMIC POWER PLANT

Negative Declaration Regarding Proposed Changes to Technical Specifications of License DPR–3

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR–3. These changes would authorize the Yankee Atomic Electric Company (the licensee) to operate the Yankee Rowe Atomic Power Plant (located in Rowe, Massachusetts) with changes to limiting conditions for operation associated with application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This action is being taken in conjunction with core changeout for Core XII.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR–3, Yankee Rowe Atomic Power Plant, mentioned above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed acion. The environmental impast appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts.

Dated at Rockville, Md., this 5th day of November.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch No. 4 Division of Reactor Licensing.

[FR Doc.75–33457 Filed 12–11–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 20–1048A261, 20–1048A263, 20–1048A264, 20–1048A271, 20–1048A272, 20–1048A273]

ASCOT OILS, INC.

Temporary Suspension Order and Opportunity for Hearing

In the matter of the following offering sheet(s) filed by Ascot Oils, Inc.:

(File No. 20–1048A261) on July 28, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Huestis No. 1 Lease.
(File No. 20–1048A263) on August 1, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Mulhall No. 1 Lease.
(File No. 20–1048A264) on August 8, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Wright No. 1 Lease.
(File No. 20–1048A271) on October 28, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Johnson No. 1 Lease.
(File No. 20–1048A272) on November 3, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Huddleston No. A–1 Lease.
(File No. 20–1048A273) on November 14, 1975, covering non-producing working interests in the Ascot Oils, Inc.—Wylie No. 1 Lease.

Ascot Oils, Inc. having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheets; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for the Huestis No. 1, Mulhall No. 1, and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 310(b) (17 CFR 230.310(b)) by failing to deliver the offering sheet to the investor at or prior to the time of the initial offer to sell.

2. No exemption is available for the Huestis No. 1, Mulhall No. 1, and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 310(d) (17 CFR 230.310(d)) by failing to deliver the offering sheet to the investor 48 hours before the sale was made.

3. No exemption is available for the Huestis No. 1, Mulhall No. 1 and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 318(b) (17 CFR 230.318(b)) by utilizing, in addition to the offering sheets, prohibited sales literature in connection with the offering of securities.

4. No exemption is available for the Johnson No. 1, Huddleston No. A–1, and Wylie No. 1 offerings under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(ii)) because Belmont Oil Co., an affiliate of Ascot Oils, Inc., was restrained and preliminarily enjoined on November 3, 1975, by the Harris County District Court, in Houston, Texas, from offering or selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration, and anti-fraud provisions of the Securities Act of the state of Texas.

5. No exemption is available for the Johnson #1, Huddleston #A–1, and Wylie #1 offerings under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(ii)) because Arch L. French, a vice-president of Ascot Oils, Inc., was restrained and preliminarily enjoined on November 3, 1975, by the Harris County District Court in Houston, Texas, from offering or selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration and anti-fraud provisions of the Securities Act of the state of Texas.

6. No exemption is available for the Johnson #1, Huddleston #A–1, and Wylie #1 offerings under Regulation B because the offering sheets on file with the Commission fail to comply with Rules 330(a) and 330(b) (17 CFR 230.330(a) and (b)) of Regulation B in that the offering sheets did not disclose to prospective investors that an affiliate and an officer of Ascot Oils, Inc. were restrained and preliminarily enjoined on November 3, 1975, by the Harris County District Court, in Houston, Texas, from offering and selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration, and anti-fraud provisions of the Securities Act of the state of Texas.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheets be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person on whose behalf said offering sheets were filed, be and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegations not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 5, 1975.

[FR Doc.75–33549 Filed 12–11–75;8:45 am]

[File No. 20–2001A23, 20–2001A24]

BELMONT OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the matter of the following offering sheets filed by Belmont Oil Company:

(File No. 20–2001A23) on March 3, 1975, covering non-producing working interests in the Belmont Oil Company—Browder No. 1 Lease.
(File No. 20–2001A24) on March 17, 1975, covering non-producing working interests in the Belmont Oil Company—Cockrell No. 1 Lease.

Belmont Oil Company having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheets; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for these offerings under Regulation B because Belmont Oil Company failed to comply with Rule 310(b) (17 CFR 230.310(b)) by failing to deliver the offering sheet to the investor at or prior to the time of the initial offer to sell.

2. No exemption is available for these offerings under Regulation B because Belmont Oil Company failed to comply with Rule 310(d) (17 CFR 230.310(d)) by failing to deliver the offering sheet to the investor 48 hours before the sale was made.

3. No exemption is available for these offerings under Regulation B because Belmont Oil Company failed to comply with Rule 318(b) (17 CFR 230.318(b)) by utilizing, in addition to the offering sheets, prohibited sales literature in connection with the offering of securities.

It is ordered, Pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheets be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheets were filed, be and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegations not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 5, 1975.

[FR Doc.75–33550 Filed 12–11–75;8:45 am]

[70–5776]

CONSOLIDATED NATURAL GAS CO. ET AL.

Proposed Open Account Advances to Subsidiary Companies by Parent Company in Connection With Intrasystem Prepayment of Promissory Notes and Related Transactions

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and its subsidiary companies, CNG Producing Company ("CNG Producing"), Consolidated Gas Supply Corporation ("Gas Supply"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), 10, and 12(b) of the Act and Rules 42(b)(2), 45 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that Consolidated's distribution subsidiaries seasonally accumulate cash over and above current requirements because of their large winter heating business. Other subsidiaries, presently engaged in developing gas supply, have little or no operating cash flow and regularly require capital financing from Consolidated. Therefore, Consolidated may be making short-term borrowings when distribution subsidiaries are making temporary money market investments outside the Consolidated System. It is stated that it would be advantageous to alleviate this situation, and the present filing is designed to establish financing procedures that optimize the internal utilization of excess cash funds accumulated within the System.

It is proposed that the following subsidiaries make temporary prepayments on long-term notes held by Consolidated from excess cash funds, from time to time prior to December 31, 1976, not exceeding at any time the aggregate amounts set forth below:

CNG Producing	$10,000,000
Gas Supply	25,000,000
East Ohio	35,000,000
Peoples	15,000,000
West Ohio	3,500,000
	$88,500,000

Consolidated estimates that the aggregate prepayment of $88,500,000 is the maximum that can be utilized for the temporary financing of other subsidiaries in the System during 1976.

The long-term notes temporarily prepaid by an individual subsidiary will be those bearing the highest interest rate outstanding at the time of each prepayment. Interest on such notes will cease upon prepayment and start again upon reinstatement of the notes.

As funds are thereafter required by such subsidiary for corporate purposes, including construction, it is proposed that advances be made on open account to the subsidiary by Consolidated in an aggregate amount not to exceed the amount of long-term notes previously prepaid, less any current maturities applicable to notes which have matured subsequent to the prepayment dates. The open account advances will bear interest at the same rate or rates as borne by the equivalent principal amounts of the notes previously prepaid by such subsidiary during 1976, but in reverse order to that of the prepayments, i.e., from the lowest rate on the notes previ-

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ously prepaid to the highest rate. Interest on the open account advances will commence on the date of the advance and will become due on June 30, 1976, and December 31, 1976, and/or on the date such advances are repaid by the reinstatement of the prepaid notes.

It is proposed that open account advances to a subsidiary be increased or decreased from time to time in accordance with variations in the cash flow of the subsidiary. However, at no time will the advances outstanding be in excess of the notes prepaid. At such time as the open account advances equal the aggregate amount of the prepaid notes, or in any event not later than December 31, 1976, the notes prepaid by a subsidiary will be reinstated in repayment of the related outstanding open account advances made to the subsidiary by Consolidated. However, if the aggregate of the notes prepaid exceeds such advances at the end of 1976, Consolidated proposes to make cash repayment of the difference in order to effect reinstatement of the proposed notes in full. No financing of any subsidiary which may be presently or subsequently authorized by this Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made in amount equal to the amount of notes prepaid.

It is stated that the proposed transactions will be beneficial to the System because they will: (1) Permit subsidiary companies with excess cash to prepay temporarily long-term notes held by Consolidated, with a resulting reduction in their interest expense; (2) make available to Consolidated a temporary cash source for the financing of other companies within the System; and (3) permit Consolidated, which obtains all external financing required by the System, to consequently defer or prepay short-term financing such as inventory loans with banks and commercial paper borrowings for working capital.

The expenses to be incurred in connection with the proposed transactions are estimated not to exceed $2,600. It is stated that the Public Service Commission of West Virginia has jurisdiction over the prepayment and reactivation of the long-term notes and the short-term borrowings proposed by Supply Corporation and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The applicants-declarants request that authority be granted to file certificates under Rule 24 reporting transactions consummated pursuant to this filing on a quarterly basis.

Notice is further given that any interested person may, not later than January 5, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33546 Filed 12-11-75;8:45 am]

[File No. 500-1]

FRANKLIN PROPERTIES INC.

Suspension of Trading

DECEMBER 8, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Franklin Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:47 p.m., (e.s.t.) on December 8, 1975 through midnight (e.s.t.) on December 17, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33547 Filed 12-11-75;8:45 am]

[Release No. 34-11904; File Nos. 601-1 etc.]

JAPAN SECURITIES CLEARING CORP. ET AL.

Filing of Applications for Exemption From Registration as Clearing Agencies

The following entities have made application for exemption from registration as clearing agencies pursuant to Rule 17Ab2-1 (17 CFR 240.17Ab2-1) under the Securities Exchange Act of 1934 (the "Act"):

Japan Securities Clearing Corporation—File No. 601-1
The Toronto—Dominion Bank—File No. 601-2
Mercantile Trust Company National Association—File No. 601-3
State Street Boston Securities Service Corporation—File 601-4
The Cleveland Trust Company—File No. 601-5
The Royal Bank of Canada New York Agency—File No. 601-6
The Fort Worth National Bank—File No. 601-7
Southern National Bank of Houston—File No. 601-8
First National Boston Clearance Corporation—File No. 601-9
The First National Bank of Boston—File No. 601-10
FNB Financial Company—File No. 601-11
Hartford Trust Company of New York—File No. 601-12
The Boatmen's National Bank of St. Louis—File No. 601-13

Subsection (b) of Rule 17Ab2-1 under the Act provides that any applicant for exemption from registration as a clearing agency whose application is filed with the Commission on or before November 24, 1975, shall, from December 1, 1975 until the Commission grants an exemption from registration, be exempt from the registration provisions of section 17A (b) of the Act and the rules and regulations thereunder and, unless the Commission shall otherwise provide by rule or by order, the provisions of the Act and the rules and regulations thereunder which would be applicable to clearing agencies as a result of registration under the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications for exemption from registration on or before January 23, 1976.

Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 5, 1975.

[FR Doc.75-33551 Filed 12-11-75;8:45 am]

[812-3849]

VANCE, SANDERS EXCHANGE FUND

Filing of Applications for Exemption From Certain Provisions

Notice is hereby given that Vance, Sanders Exchange Fund, a California limited partnership ("Applicant"), One Beacon Street, Boston, Massachusetts 02108, has filed an Application on August 15, 1975 and an amendment thereto on December 5, 1975, for an order of exemption from certain provisions of section 2(a)(19) of the Investment Company Act of 1940 ("Investment Company Act"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant states that it is a limited partnership which filed its Certificate and Agreement of Limited Partnership ("Agreement") in California on August 14, 1975 under the California Limited Partnership Act ("California Act"). It filed a registration statement on Form N-8A with the Commission on August 15, 1975 as an open-end diversified management investment company. Applicant further states that although it does not intend continuously to offer its shares, it reserves the right to do so.

Applicant represents that it intends to provide an investment medium to those investors holding blocks of individual securities with large unrealized appreciation who wish to exchange such holdings for shares of Applicant without incurring federal capital gains tax liability by reason of the exchange. In this regard, Applicant states that it has received a ruling ("ruling") on April 28, 1975, which was amended on October 15, 1975 and October 29, 1975, from the Internal Revenue Service ("IRS") that it will be taxed as a partnership and that no gain will be recognized to Applicant or any of its limited partners on a contribution of stocks or securities in exchange for an interest in Applicant. Applicant has made the ruling a part of its application. It further states that the ruling was granted because Applicant lacks the corporate characteristics of limited liability and continuity of life, a determination made by IRS in reliance on the fact that Applicant was organized under the California Act.

Applicant indicates that it was organized under California Law to permit limited partners to exercise certain rights required by the Investment Company Act. It further represents that the sale of shares to the public is conditioned upon the receipt of an opinion of Applicant's counsel that it has been legally formed and organized and is validly existing as a limited partnership under the California Act. Applicant states that its counsel is prepared to render such an opinion.

As a limited partnership, Applicant states, it will have two classes of partners and limited partners (collectively referred to as "partners"). It further states that the entire interest of the partners will be divided into shares of partnership interest. Applicant represents that all shares are redeemable, have equal rights and equal participation in the profits and losses of Applicant, and have one vote per share on all matters voted upon by partners.

Applicant states that initially there are four general partners of the Fund, of which three are individuals and one a corporation, and all of which are interested persons of Applicant for reasons other than being general partners of Applicant. It further states that prior to the public offering of its shares certain of the managing general partners will resign and successors appointed so that there will be five general partners, including one corporate general partner, Vance, Sanders & Company, Inc. ("Vance, Sanders"), which is its investment adviser, and four individual general partners, three of which will not be interested persons of Applicant except by reason of being partners of Applicant. Applicant represents that any general partner which is not a natural person will be a non-managing general partner and excluded from participation in the management of Applicant.

Applicant states that the general partners who are natural persons ("managing partners") will perform the same functions as directors of incorporated investment companies registered under the Investment Company Act, and that managing partners will each have one vote and must act by majority vote of all such partners at a meeting or by unanimous written consent without a meeting, unless the Investment Company Act otherwise provides. The managing general partners may appoint agents to perform duties on behalf of Applicant.

Applicant represents that a managing general partner may retire by giving not less than 180 days' written notice to the other general partners, and will be removed as a general partner if the partners fail to reelect him at any annual meeting. Additional general partners may be admitted by vote of the partners. Applicant states that, if at any time the number of managing partners is reduced to less than three, the remaining managing partners will, within 120 days, call a meeting of the partners for the purpose of electing an additional managing partner or partners so as to restore the number of managing partners to at least three.

In order to provide a continuing entity available to choose successor general partners and continue the partnership, Vance, Sanders will undertake that it will stand for election as a non-managing general partner at each election so long as its Investment Advisory Agreement with Applicant, which is subject to periodic renewal and approval by the fund's shareholders, has not been terminated.

Under the terms of the Agreement, Applicant will continue in existence until December 31, 2071, unless sooner terminated in the event that Applicant disposes of all of its assets, or partners holding a majority of the outstanding shares vote to terminate the partnership; or in the event of the death, withdrawal, retirement, dissolution, assignment for the benefit of creditors, filing of a petition of bankruptcy, adjudication of bankruptcy, insanity or incompetency of any of the general partners, unless the remaining general partners elect to continue the business of Applicant in accordance with the terms of the Agreement.

Applicant represents that IRS has imposed as a condition of granting a favorable ruling that the general partners must have a 1 percent interest at all times in all items of gain and loss of the partnership, and that the general partners have met this condition by purchasing 1 percent of the shares of the fund. Apart from the shares owned by the managing general partners, Vance, Sanders has undertaken to own at all times 1 percent of the outstanding shares while Vance, Sanders is a non-managing general partner or investment adviser to Applicant. Applicant states that Vance, Sanders has also undertaken that in the event that Vance, Sanders decides to resign as a non-managing general partner or investment adviser, it will give Applicant two years' notice of such decision, and if Applicant terminates the investment advisory agreement, Vance, Sanders will remain as a non-managing general partner and will own 1 percent of all outstanding shares until the earlier occurrence of either the conclusion of a one-year period subsequent to such termination or the appointment of a successor investment adviser.

In addition, Applicant undertakes that it will carry a certain brokers blanket bond, covering both its employees and general partners, which includes coverage for trading losses; and that it will carry a certain errors and omissions insurance policy.

Applicant states that it intends to offer and sell its shares of partnership interest to prospective investors in exchange for securities that will be solicited for a period of time which will be described in Applicant's prospectus, but which has not yet been determined. Prospective investors who wish to become limited partners will deposit their securities with an escrow agent, together with stock powers, a signed copy of the Agreement, and an appropriate power of attorney. At the end of the solicitation period each prospective investor will receive a report setting forth the securities that have been accepted by the managing partners, and will have a period of time in which to withdraw the deposited securities; at the end of this period, the deposited securities not so withdrawn will be exchanged for shares of the fund so that, as of the exchange date, all shareholders of Applicant will be limited partners and will be issued shares.

Section 10(a) of the Investment Company Act states that no registered investment company shall have a board of directors more than 60 percentum of the members of which are persons who are interested persons of such registered company.

Section 2(a)(19) of the Investment Company Act provides in part that an "interested person" of another person, when used with respect to an investment company, means (1) any affiliated person of such company and (2) any interested person of any investment adviser for such company which means, in part, any affiliated person of such investment adviser. Section 2(a)(3)(D) provides in part that "affiliated person" of another person means any partner or copartner of such person. Section 2(a)(28) states that "person" means a natural person or a company.

Furthermore, section 2(a)(12) in part, defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

Applicant suggests that unless it and its general partners are exempted from the provisions of section 2(a)(19), Ap-

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plicant will be unable to comply with the requirements of section 10(a) because all of its managing general partners, who perform functions similar to those performed by directors of a corporation, are interested persons of Applicant by reason of being (1) partners and thus affiliates of the investment company and (2) partners and thus affiliates of the investment adviser which is a non-managing general partner of Applicant, and therefore interested persons of the investment company.

Applicant asserts that it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt Applicant and its general partners from the provisions of section 2(a)(19) to the extent that the Applicant's general partners would otherwise be deemed "interested persons" solely because they are "partners" in the investment company partnership.

Section 6(c) of the Investment Company Act provides in part that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Investment Company Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act.

Notice is further given that any interested person may, not later than December 31, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney-at-law by certificate) shall be filed contemporaneously with a request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33548 Filed 12-11-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application Number 03/03-5125]

EAST WEST UNITED INVESTMENT CO.

Application for a License as a Small Business Investment Company

An application to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, et seq.) has been filed by East West United Investment Company (Applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1975).

The officers and directors of the applicant are as follows:

Bui Trac, Chairman of the Board, 903 Layton Street, McLean, Virginia 22101.
Tran Qui Than, President, Director, 745 Keeler Avenue, Berkeley, California 94708.
Doan Trinh Giac, Vice President, Secretary, Treasurer, Director, 7325 Yates Court, McLean, Virginia 22101.

The applicant will maintain its principal place of business at 1340 Old Chain Bridge Road, Room 306, McLean, Virginia 22101.

It will begin operations with $500,000 of private capital derived from the sale of 500 shares of common stock to a maximum of seven investors.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise ssytem is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, on or before December 29, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in McLean, Virginia.

(Catalog of Federal Domestic Assistance Programs Number 59.011 Small Business Investment Companies)

Dated: December 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-33435 Filed 12-11-75;8:45 am]

SMALL BUSINESS INVESTMENT COMPANIES

Policy Concerning Capitalization of Licensee Where There Are Classes of Stock With Inequitable Voting Rights

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 552), the Small Business Administration on February 17, 1960 published for the guidance of the public the following statement of general policy with respect to inequitable apportionment and concentration of stock by an applicant for an SBIC (Small Business Investment Company) license pursuant to section 301 of the Small Business Investment Act (15 U.S.C. 661 et seq.):

Whenever capitalization of a Licensee is to consist of more than one class of stock, the voting rights and other rights and remedies may not be inequitable or discriminatory, and may not unduly concentrate control or management of the Licensee through pyramiding, inequitable methods, or inequitable distribution. Full disclosure of all voting rights and other rights and remedies of all classes of stock must be made to all shareholders prior to their purchase of stock.

(Amdt. 1, SBIC Regulation, 25 FR 1307, February 17, 1960)

This policy statement was thereafter carried over and republished, unchanged, as part of Revisions 1, 2, 3 and 4 of the SBIC Regulation (26 FR 8232, August 31, 1961, 27 FR 9743, October 2, 1962, 29 FR 16946, December 10, 1964 and 33 FR 326, January 9, 1968). With the promulgation of Revision 5 on November 7, 1973, republication was discontinued, primarily on the ground that further publication would no longer serve any useful purpose. (See Notice of Proposed Rulemaking for Revision 5, 33 FR 24028, September 5, 1973 and Revision 5, 38 FR 30836, November 7, 1973.)

Because of the immediate need to provide as great an amount of venture financing to the Nation's small businesses through new and existing small business investment companies (SBIC's), SBA has decided to clarify as well as modify this policy with a view to permitting the capitalization of SBIC's whereby the managers of an SBIC may obtain a disproportionate share of the voting rights of an SBIC for values that are less than the amounts being invested by outside "non-managers" investors.

This will allow investors not familiar with the operations and management of venture capital companies to make their funds available for "risk" financing. Further, managers of such SBIC's, who lack sufficient funds to capitalize an SBIC, will be able to operate and/or control an SBIC for a minimum investment with a view towards maximizing capital gains for their investors and themselves. This is not an unusual method to compensate and reward managers of investment companies when major private investors have other areas of interest to occupy their attention.

Where such capital structures are proposed, SBA will require (as it did previously) that full disclosure must be made so that SBIC investors are fully aware of the disproportionate control as compared to funds invested, and the potential dilution of their equity and future earnings. To assure that such disclosure is made SBA will require written certification that each such investor has read a prospectus, subscription agreement or other stock offering material containing information regarding the disproportionate ownership features and earnings dilution features. All rights and privileges accruing to the investor will also be clearly described.

It is felt that "sophisticated" investors will be fully aware of the dilution and inequitable voting rights provisions and will make their investment judgments accordingly.

This policy statement is not intended to override (1) conflicting State statutes or judicial precedents otherwise applicable to the license applicant or (2) Federal securities laws administered by the Securities and Exchange Commission. Each applicant will be required, as part of SBA's licensing procedure, to make full disclosure to investors and to establish in accordance with § 107.803, by opinion of independent counsel or other appropriate documentation, that its proposed method of allocating equity securities complies with applicable State and Federal law.

This announcement is published pursuant to section 3 of the Administrative Procedure Act (5 U.S.C.A. 52(a)(1)(D)) requiring Federal agencies to publish in the FEDERAL REGISTER for the guidance of the public—"• • • statements of general policy • • • formulated and adopted by the agency." As a general statement of policy, it is exempted by 5 U.S.C.A. 553(b) • • • (A) and 5 U.S.C.A. 553(d)(2) from the public participation/comment procedure and the 30-day postponed effective date requirement specified by 5 U.S.C.A. 553(c) and (d), respectively.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 5, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-33434 Filed 12-11-75;8:45 am]

[License No. 01/01-0021]

SCI-TRONICS FUND, INC.

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1975)) for the transfer of control of Sci-Tronics Fund, Inc. (the Applicant), License No. 01/01-0031, 43 Spring Street, Nashua, New Hampshire 03060, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act).

The Applicant was licensed on October 13, 1961, with paid-in capital and paid-in surplus of $157,500. As of March 31, 1975, its private capital amounted to $372,100. The Applicant has 159,670 shares of Common Stock issued and outstanding.

Initially, Messrs. Carl H. Novotny and Robert P. Walker (Novotny and Walker) each purchased 40,000 shares, for a total of 80,000 shares or 50.1 percent, of the Applicant's Common Stock from certain shareholders, including certain members of the Applicant's Board of Directors. Subsequently, Messrs. Novotny and Walker submitted a tender offer to all shareholders of the Applicant to purchase all the outstanding shares of Common Stock of the Applicant. The right to tender under the offer has expired. Messrs. Novotny and Walker purchased 131,923 or 82.62 percent of the Applicant's outstanding Common Stock.

The names and address of the contemplated officers and directors of the Applicant are as follows:

Name and Title

Carl H. Novotny, President and Director, 12 Countryside Road, South Natick, Massachusetts 01760.
Robert P. Walker, Treasurer and Director, 106 Bradlee Avenue, Swampscott, Massachusetts 01907.
Allen (NMI) Goodman, Director, 27 Reservoir Drive, Newton, Massachusetts 02158.

The Applicant will pay a management fee to a management company controlled by Messrs. Novotny and Walker to cover all annual remuneration and other emoluments of officers and directors, clerical staff, and certain other expenses incurred in the operation of the Applicant.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed transferees and the probability of successful operation of the Applicant under their control and management in accordance with the Act and Regulations.

A similar notice was published by the proposed transferees in a newspaper of general circulation in Nashua, New Hampshire, and no adverse comments were received.

Unless any adverse comments are received by the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416 by December 26, 1975, SBA intends to approve the proposed transfer of control.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-33711 Filed 12-11-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-357]

AIRCO VACUUM METALS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 25, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Oil, Chemical and Atomic Workers Union on behalf of the workers and former workers of Airco Vacuum Metals, Berkeley, California, a division of Airco, Incorporated, Montvale, New Jersey (TA-W-357). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel produced by Airco Vacuum Metals or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33570 Filed 12-11-75;8:45 am]

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[TA-W-355]

CTS OF BERNE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 25, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of CTS of Berne, Incorporated, Berne, Indiana, a subsidiary of CTS Corporation, Elkhart, Indiana (TA-W-355). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic components produced by CTS of Berne, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33571 Filed 12-11-75;8:45 am]

[TA-W-191]

CAMBRIDGE TAILORING CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-191; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sport coats, slacks and top coats at Cambridge Tailoring Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46369) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cambridge Tailoring Company, its customers, industry analysts, and Department files, the U.S. Department of Commerce, and the U.S. International Trade Commission.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Hourly employment and average weekly hours worked at Cambridge Tailoring Company declined 2 percent and 7 percent, respectively, from 1973 to 1974 and declined 3 percent and 21 percent, respectively, in the first eight months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales and production at Cambridge Tailoring Company increased 4 percent from 1973 to 1974 and then declined 22 percent in the first eight months of 1975 compared to the like period of 1974.

Increased imports contributed importantly. Imports of made to measure tailored suits, sport coats and trousers are not separately identified in the Tariff Schedules of the United States but are included with the aggregate data on imports of tailored suits, sport coats and trousers. Imports of made to measure men's apparel are believed to be negligible.

Imports of men's tailored suits, sportcoats, trousers and overcoats, which are predominantly ready-made, have had little impact on sales of Cambridge Tailoring Company. Most of the company's customers are small tailor shops that purchase and sell only customized (made-to-measure) men's apparel manufactured by the Cambridge Tailoring Company. These customers reduced purchases from Cambridge because of the general decline in consumer demand for such apparel.

Sales, production and employment declines experienced by Cambridge Tailoring Company in the first eight months of 1975 are the result of decreased demand for men's custom tailored suits, sportcoats, trousers and overcoats associated with the U.S. economic recession.

Consequently, it is concluded that increased imports did not contribute importantly to the total or partial separations of workers of the Cambridge Tailoring Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats, trousers and overcoats produced at the Cambridge Tailoring Company, Inc., did not contribute importantly to the total or partial separations of the workers of such firm.

Signed at Washington, D.C. this 28th day of November 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-33582 Filed 12-11-75;8:45 am]

[TA-W-184]

CROSS COUNTRY CLOTHES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-184; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America (AFL-CIO) on behalf of workers and former workers producing men's suits and sportcoats at the Northampton, Pa. and the Whitehall, Pa. plants of Cross Country Clothes, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46370) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cross Country Clothes, Inc., its customers, industry analysts and Department files; the U.S. Department of Commerce and the U.S. International Trade Commission.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average annual employment of production workers at the Northampton plant declined 5.1 percent in 1974 from 1973 levels and declined 26.3 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Average employment at the Whitehall plant declined sharply in late 1974 and during the first seven months of 1975. Employment of production workers at the Whitehall plant declined 49.3 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Sales or production, or both, have decreased absolutely. Total sales by Cross Country of men's suits and sportcoats declined 18.3 percent from 1973 to 1974 and 25.2 percent in the first ten months of 1975 when compared to the like period in 1974.

Production of men's suits and sportcoats at both plants of Cross Country Clothes is based upon orders received. Production of men's suits and coats at the Northampton plant declined 3.8 percent from 1973 to 1974. During the first three quarters of 1975, production declined 42.2 percent from the comparable period in 1974.

Production of men's suit coats and sportcoats at the Whitehall plant declined 58.1 percent in the first three quarters of 1975 compared to the like period in 1974.

Increased imports contributed importantly. The evidence developed in the Department's investigation indicates that as prices of imported men's suits and sport coats became more attractive to a major customer of Cross Country, they switched from Cross Country's products to the lower-priced imported products. The increase in imports of lower-priced competitive products caused separations of workers at the Whitehall and Northampton plants.

Imports of men's and boys' tailored suits increased their share of domestic consumption and production each year from 1971 to 1973. After declining slightly from 1973 to 1974, the ratio of imports to domestic production increased nearly threefold in the first seven months of 1975 compared to the first seven months of 1974.

In recent years, there has been a trend in men's fashions toward a mixed and coordinated look as well as toward a more casual look. Leisure suits have replaced traditional suits and sportswear, especially among the younger generation. Countries which export slacks, sportcoats and/or suits (including leisure suits) which are like or directly competitive with men's tailored apparel produced by domestic manufacturers have agreed to limit increases of such exports to the U.S. because of actual or potential market disruption.

A survey of major apparel distributors being conducted by the Office of Trade Adjustment Assistance, including large U.S. chain stores, indicates to date that the ratio of purchases of imported tailored men's suits and sportcoats increased from 10.0 percent in 1973 to 12.0 percent in 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the Northampton, Pennsylvania and Whitehall, Pennsylvania plants of Cross Country Clothes, Inc. contributed importantly to the total or partial separation of the workers of the two plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers at the Northampton, Pennsylvania plant of Cross Country Clothes, Incorporated who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

All hourly, piecework, and salaried workers of the Whitehall, Pennsylvania plant of Cross Country Clothes, Incorporated who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-33585 Filed 12-11-75;8:45 am]

[TA-W-367]

DEAN CLOTHING, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Dean Clothing, Incorporated, Brooklyn, New York (TA-W-367). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' tailored clothing produced by Dean Clothing, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33572 Filed 12-11-75;8:45 am]

[TA-W-193]

DEANSGATE, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-193; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats, and trousers at Deansgate, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46370) on October 7, 1975. No public hearing was requested and none was held.

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The information upon which the determination was made was obtained principally from officials of Deansgate, Inc., its customers, industry analysts, and Department files, the U.S. Department of Commerce, and the U.S. International Trade Commission.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 6 percent in fiscal year 1975 compared to fiscal year 1974. Average weekly hours declined 3 percent in fiscal year 1975 compared to fiscal year 1974.

Sales or production, or both, have decreased absolutely. Sales company-wide at Deansgate, Inc. declined 15 percent in fiscal year 1975 compared to fiscal year 1974. Production declined 16 percent in fiscal year 1975 compared to fiscal year 1974.

Increased imports contributed importantly. Imports of men's and boys' suits have increased relative to domestic consumption and production in each year from 1971 to 1973. The relative share of imports declined slightly from 1973 to 1974, then increased sharply both absolute and relative to domestic production in the first 7 months of 1975 compared to the same period in 1974.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 percent respectively in 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent in 1972 to 19.7 percent and 16.4 percent in 1974. The ratio of imports to domestic production increased sharply from 23.2 percent in the first seven months of 1974 to 44.2 percent in the first seven months of 1975.

The evidence developed in the Department's investigation indicates that as prices of imported men's suits, sportcoats and trousers became more attractive to customers of Deansgate they switched from Deansgate's products to the lower-priced imported products. The increase in imports of lower-priced competitive products caused separations of workers at Deansgate's plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats, and trousers produced at the Deansgate plant contributed importantly to the total or partial separation of the workers of that plant.

I note that in August 1975, the Department of Commerce certified Deansgate, Inc., as eligible to receive adjustment assistance. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers at the New Orleans, Louisiana plant of Deansgate, Incorporated who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-33586 Filed 12-11-75;8:45 am]

[TA-W-174]

F. JOSEPH LAMB CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-174; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 23, 1975 in response to a worker petition received on September 22, 1975, which was withdrawn and refiled on October 30, 1975 by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing special automated automotive machinery at the Dequindre Avenue plant of the F. Joseph Lamb Company, Warren, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 45485) on October 2, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the F. Joseph Lamb Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 23 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 14 percent in the first nine months of 1975 compared to the like period in 1974.

Sales of production, or both, have decreased absolutely. Production at the Dequindre Avenue plant declined 27 percent in the first nine months of 1975 compared to the like period in 1974.

Increased imports contributed importantly. There are no known imports of transfer machines or machine tool systems like or directly competitive with those produced at the Dequindre Avenue plant.

The evidence developed by the Department's investigation indicated that the importation of transfer machines or mchine tool systems is restricted by the requirement of building to customer specifications. The need for close coordination of design, performance standards, and station set-ups precludes market penetration by foreign manufacturers.

Major customer of F. Joseph Lamb Company did not shift their orders to foreign producers or other domestic manufacturers. Reduced purchases were the result of declining capital expenditures due to the business recession.

The Department's investigation further indicates that the alleged transfer of certain sub-assembly operations to F. Joseph Lamb's subsidiary in Windsor, Ontario did not occur. Sub-assemblies for transfer machines have never been built at the Windsor plant for shipment to the United States. The operations performed at the Windsor plant were the final assembly of the machine tool system. Such final assembly operations have never been performed at the Dequindre plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sub-assemblies for steering line transfer machines produced at the Dequindre plant of the F. Joseph Lamb Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 2nd day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-33583 Filed 12-11-75;8:45 am]

[TA-W-362]

FINE CRAFT COAT CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Fine Craft Coat Company, Incorporated, Brooklyn, New York (TA-W-362). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' suit jackets, sport jackets, suits & coats produced by Fine Craft Coat Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33573 Filed 12-11-75;8:45 am]

[TA-W-151]

GTE SYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-151; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing monochrome television receivers at the Batavia, New York plant of GTE Sylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44212) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average quarterly employment increased in each of the first three quarters of 1974 above the level in the respective quarter of 1973. From the fourth quarter of 1974 to the third quarter of 1975 average quarterly employment declined below the level in the respective prior year quarter. In the second quarter and third quarter of 1975, average quarterly employment was 33.6 percent and 37.9 percent respectively below the level of the same quarter of 1974.

Reductions in employment related to the transfer of production by the company to Taiwan began during the first week of September 1975. Further separations resulting from the transfer are scheduled for December 1975.

Sales or production, or both, have decreased absolutely. Sales increased 9.9 percent from 1972 to 1973 and 0.9 percent from 1973 to 1974. Sales in the first three quarters of 1975 declined 18.4 percent from the comparable period of 1974.

Production of monochrome television receivers at Batavia increased 40.8 percent from 1972 to 1973 and 65.5 percent from 1973 to 1974. Monochrome production declined 52.4 percent in the first three quarters of 1975 from the comparable period of 1974.

In September 1975, the monthly production rate of monochrome sets at Batavia was reduced 24.4 percent below the August 1975 level as a direct result of the transfer of production to Taiwan. In December 1975, the monthly production rate of monochrome sets will be reduced 73.2 percent below the monthly level of August 1975.

Increased imports contributed importantly. Imports of monochrome television receivers like or directly competitive with those produced at the Batavia plant of GTE Sylvania have constituted an increasing percentage of domestic production and consumption in recent years. The ratios of imports to domestic production and consumption measured by quantity, increased from 200.1 percent and 67.6 percent, respectively, in the twelve months ending August 31, 1974 to 208.1 percent and 68.9 percent, respectively, in the twelve months ending August 31, 1975.

The evidence developed in the course of the Department's investigation indicates that in recent years domestic manufacturers of monochrome televisions have increasingly transferred production to overseas facilities. In 1970, 23 percent of all monochrome sets sold under a domestic label were actually manufactured at an overseas facility; in 1972, the percentage increased to 44 percent. Foreign subsidiaries of domestic manufacturers accounted for 31 percent of total imports in 1970, and 49 percent in 1972. Data on overseas manufacturing by domestic producers is not available after 1972.

GTE Sylvania, with its purchase of Philco in 1974, acquired a facility in Taiwan for the manufacture of monochrome sets. Sylvania's decision to transfer production of monochrome sets from Batavia to Taiwan was caused by the

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necessity to compete with imported sets on the basis of price. Imported sets, primarily from Taiwan and Korea, are assembled by low-wage workers. Sylvania found that its Batavia plant was not capable of staying price-competitive with imports, because of the labor-intensive nature of television manufacturing. Company imports of monochrome receivers from Taiwan began during the fourth quarter of 1975, and production was reduced simultaneously at Batavia.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with monochrome television receivers produced at the Batavia plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly workers engaged in employment related to the production of monochrome television receivers at the Batavia, New York plant of GTE Sylvania who became totally or partially separated from employment on or after August 31, 1975, as a direct result of a transfer of production by GTE Sylvania to an overseas facility, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-33588 Filed 12-11-75;8:45 am]

[TA-W-356]

GTE SYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 25, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of GTE Sylvania, Incorporated, Altoona, Pennsylvania, a subsidiary of General Telephone and Electronics, Incorporated, Stanford, Connecticut (TA-W-356). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic receiving tubes produced by GTE Sylvania, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-33574 Filed 12-11-75;8:45 am]

[TA-W-110]

GENERAL COAT MANUFACTURING CO.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, on October 5, 1975, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the General Coat Manufacturing Company, Baltimore, Maryland (TA-W-110). The Notice of Certification was published in the FEDERAL REGISTER (40 FR 48412) on October 15, 1975.

At the request of the petitioners and officials of the General Coat Manufacturing Company, a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The evidence developed in the further investigation indicated certain workers employed on the cutting floor became totally or partially separated prior to March 3, 1975. Since the intent of the certification was to cover such workers, the certification issued on October 5, 1975 is hereby revised to include such workers not previously covered.

The revised certification is hereby made as follows:

All hourly, piecework, and salaried workers of the General Coat Manufacturing Company, Baltimore, Maryland, who became totally or partially separated from employment on or after February 14, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33587 Filed 12-11-75;8:45 am]

[TA-W-361]

GULANT & MASLIN, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalagamated Clothing Workers of America on behalf of the workers and former workers of Gulant & Masline, Incorporated, Brooklyn, New York (TA-W-361). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, leisure suits, and sport jackets produced by Gulant & Masline, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-33575 Filed 12-11-75;8:45 am]

[TA-W-358]

JONES AND LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 25, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jones and Laughlin Steel Corporation, Warren, Michigan, a wholly owned subsidiary of LTV, Incorporated, Dallas, Texas (TA-W-358). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with speciality steel, bars, rounds, slabs, billets produced by Jones and Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-33576 Filed 12-11-75;8:45 am]

[TA-W-190]

KNICKERBOCKER CLOTHING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-190; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing tailored suits and sportcoats at the St. Louis plant of the Knickerbocker Clothing Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46372) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Knickerbocker Clothing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Federal Reserve Board, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Employment at the Knickerbocker Clothing Company could not be separately identified as to hourly and salaried. Average number of employees declined 18 percent from 1973 to 1974. Employment declined 29 and 60 percent in the third and fourth quarters of 1974, respectively, from the same quarters previous year. In the last six months of 1974, employment dropped 44 percent from the same period in 1973. All production employees were separated in October 1974.

Sales or production, or both, have decreased absolutely. Sales of suits and sportcoats at the St. Louis plant dropped 13 percent from 1972 to 1973 and 38 percent from 1973 to 1974. In each quarter of 1974 sales declined from the same quarter previous year. Sales declined 83 percent in the fourth quarter of 1974 from the fourth quarter of 1973. In the last six months of 1974, sales declined 36 percent from the last six months of 1973.

Production of suit coats and sportcoats at Knickerbocker fell 4 percent from 1972 to 1973 and 33 percent from 1973 to 1974. Production declined in each quarter of 1974 from the same quarter previous year. In the fourth quarter of 1974, production declined 88 percent from the same quarter of the previous year. In the last six months of 1974, production declined 32 percent from the same period in 1973. All production was terminated in October 1974.

Increased imports contributed importantly. Imports of men's and boys' suits and sportcoats declined from 1973 to 1974. Consumption of suits and sportcoats also declined. Industry analysts attribute declining consumption of these articles to fashion changes.

In recent years, there has been a trend in men's fashions toward a mixed and coordinated look as well as casual look. Leisure suits have replaced traditional suits and sportswear, especially among the younger generation.

Most of the company's customers are located in relatively small midwestern communities where the major competition is from a large U.S. retail chain. That chain does not purchase imported men's and boys' suits or sportscoats and stopped purchasing imported slacks after the first 6 months of 1974. Most of the customers surveyed indicated that they did not sell imported suits, sportcoats, or leisure suits. Some customers indicated that they did purchase imported goods, but such goods accounted for a relatively small proportion of their sales. The Knickerbocker Company itself has contracted out its menswear needs to an eastern manufacturer and does not sell imported menswear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sportcoats and suit coats produced at the Knickerbocker Clothing Company, St. Louis, Missouri did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 28th day of November 1975.

GLORIA G. PRATT,
Director, Office of
Foreign Economic Policy.

[FR Doc.75-33584 filed 12-11-75;8:45 am]

[TA-W-360]

LABIENTO CLOTHING, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Labiento Clothing, Incorporated, Brooklyn, New York (TA-W-360). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' suits, sport jackets and suburban jackets produced by Labiento Clothing, Incorporated or an appropriate subdivision thereof have contributed importantly to

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an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33577 Filed 12-11-75;8:45 am]

[TA-W-359]

QUALITY COMPONENTS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 25, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the on behalf of the workers and former workers of Quality Components, Incorporated, St. Marys, Pennsylvania (TA-W-359). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with fixed composition molded capacitors, molded coil forms, both iron & bakelite & molded terminal boards produced by Quality Components, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33578 Filed 12-11-75;8:45 am]

[TA-W-364]

SIDMAR CLOTHING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalagamated Clothing Workers of America on behalf of the workers and former workers of Sidmar Clothing Company, Incorporated, New York, New York (TA-W-364). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sport jackets, leisure suits & suit jackets produced by Spilton Brothers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33579 Filed 12-11-75;8:45 am]

[TA-W-366]

SPILTON BROTHERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Spilton Brothers, Incorporated, New York, New York (TA-W-366). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and ladies jackets produced by Vicale-Catania Clothing Ltd. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33580 Filed 12-11-75;8:45 am]

[TA-W-365]

VICALE-CATANIA CLOTHING LTD.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Vicale-Cantania Clothing Ltd., New York, New York (TA-W-365). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and ladies jackets produced by Vicale-Catania Clothing Ltd. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 22, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33581 Filed 12-11-75;8:45 am]

Wage and Hour Division

FULL-TIME STUDENTS EMPLOYED IN RETAIL AND SERVICE ESTABLISHMENTS

Certificates Authorizing Employment at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on the employment of full-time students (29 CFR 519), and Administrative Order 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates not less than 85 percent of the wage rates otherwise applicable under section 6 of the Act.

The establishments listed hereinafter are department, variety and miscellaneous general merchandise stores engaged in the selling of a number of lines of merchandise, such as dry goods, home furnishings, small wares and hardware.

These special certificates authorize the establishments listed to employ full-time students at subminimum wage rates for up to 10 percent of the total hours of all employees of the establishment during any month.

The authority provided by any of these certificates was not effective before March 21, 1975, and expires not later than June 20, 1976, but in no instance does the effective period of any one certificate exceed one year.

Adams Trading Center: 1118 Headland Highway and 1543 Reeves, Dothan, AL.

Albert J. Mansmann Company, 5911-19 Penn Mall, Pittsburgh, PA.

Anderson Brothers & Foster, 121-127 West Seventh Street, Columbia, TN.

Annes Department Store, 4810-26 North Milwaukee Avenue, Chicago, IL.

Atlas 5 & 10, Inc., 179 Main Street, Fort Lee, NJ.

Aziz Bros. Department Store, 1101 East Elizabeth Street, Brownsville, TX.

Banner's, Inc., 1054 South Main Street, Los Angeles, CA.

Bargain Town U. S. A., Inc.: No. 6, Alabaster, AL; No. 9, Albertville, AL; No. 15, Alexander City, AL; No. 26, Bessemer, AL; No. 7, Birmingham, AL; No. 1, Clanton, AL; No. 8, Cullman, AL; No. 21, Dora, AL; No. 16, Eufaula, AL; No. 4, Fairfield, AL; No. 34, Fayette, AL; No. 25, Fort Payne, AL; No. 33, Gardendale, AL; No. 12, Graysville, AL; No. 29, Greenville, AL; No. 10, Jasper, AL; No. 3, Leeds, AL; No. 5, Pell City, AL; No. 22, Russellville, AL; No. 2, Scottsboro, AL; No. 31, Sylacauga, AL; No. 20, Tallassee, AL.

Bellex Department Stores, Inc.: 2601 Memorial Parkway NW., Huntsville, AL; 300 Azalea Road, Mobile, AL; 810 South Boulevard West, Montgomery, AL; Highway 75 and Glenn Avenue, Sioux City, IA; 7000 Veterans Memorial Hiway, Metairie, LA; 3821 Menaul Boulevard NE., Albuquerque, NM; 711 Troy-Schenectady Road, Lathan, NY; 2650 Carner Avenue, Charleston, SC.

Belmill Discount Center, 100 Commercial Street, Marseilles, IL.

Ben Franklin Store: 18410 East Colima Road, Rowland Heights, CA; 209 East Main Street, Clarinda, IA; No. 2300, Bunsa, LA; 125 North 5th Avenue, Princeton, MN; Waconia, MN; 620 West Lockling Avenue, Brookfield, MO; 1133 South Main Street, Maryville, MO; 1705 East Ninth Street, Trenton, MO; 18-22 West Park Street, Butte, MT; No. 4850, Albuquerque, NM; 276 Kearny Avenue, Kearny, NJ; No. 3990, Mifflintown, PA; No. 3048, Newport, PA.

Big State Shopping Plaza, Railhead Avenue at Industrial Park, Flagstaff, AZ.

Big Town Super Mart, Inc.: 1211 Tower Boulevard, Lorain, OH; 3883 Center Ridge Road, North Ridgeville, OH.

Big V Store: Shakopee Shops Center, Shakopee, MN; St. Croix Mall, Stillwater, MN.

Bondi's, 214 North Tremont Street, Kewanee, IL.

W. W. Bradley & Company, Inc., 222 Walworth Avenue, Delavan, WI.

Brendle's, Inc.: 4411 Chapel Hill Boulevard, Durham, NC; 1919 North Bridge Street Extension, Elkin, NC; 331 Standard Street, Elkin, NC; 1501 East Bessemer Avenue, Greensboro, NC; 871 Highland Avenue, Hickory, NC; 2610 Peters Creek Parkway, Winston-Salem, NC.

Britts: Danville Manor, Danville, KY; No. 6284, Gloversville, NY.

Brownsberger Stores, Inc., 313 Broadway, Monett, MO.

Bruce V. Smith, Inc., Jacobus, PA.

Busick's, Inc., McLaurin Mart, Pearl, MS.

C & R Realty, Inc., 1 Mill Street, Dover, NH.

Campbell-Bell, Inc., 9-13 South Block Street, Fayetteville, AR.

Capin's El Paso Store, 125-129 Morley Avenue, Nogales, AZ.

Carson Pirie Scott & Company: 37-39 North Vermilion, Danville, IL; 301 North Water Street, Decatur, IL; 400 East Main Street, Galesburgh, IL; 145 South Schuyler Avenue, Kankakee, IL; 111-113 North Tremont, Kewanee, IL; 818 La Salle Street, Ottawa, IL; 124 South West Adams and 4501 War Memorial, Peoria, IL; 500-504 Maine, Quincy, IL; 100 Lincoln Square, Urbana, IL; Marquette Mall, Michigan City, IN.

The Charles Company, Inc.: 109 South Main Street, Bryan, OH; 402-04 Clinton Street, Definance, OH; 141 West Main Street, Deshler, OH; 729 North Perry Street, Napoleon, OH.

Charles H. Bear & Company, Inc., 1-11 West Market Street, York, PA.

The Charles V. Weise Company: Beloit Plaza, Beloit, WI; 2500 Milton Avenue, Jamesville, WI.

Collins Department Store: 114 West Main Street, Aberdeen, NC; 119 Broadway, Black Mountain, NC; Cotswold Shopping Center, Freedom Village Shopping Center and 469 Tryon Mall, Charlotte, NC; Eutaw Shopping Center, Fayetteville, NC; New River Shopping Center, Jacksonville, NC; Union Village Shopping Center, Monroe, NC; 131 West Main Street, Williamston, NC; Coastal Mall Shopping Center, Conway, SC; Main Street, Lake City, SC; 117-123 South Main Street, Lancaster, SC; Myrtle Square Shopping Center, Myrtle Beach, SC.

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Community Discount Centers, Inc.: 6231 West Melton Road, Gary, IN; 8341 Wicker Park Highland, IN; 3600 52nd Street, Kenosha, WI.

Cost Plus Store, Inc.: The Mall, West Fourth Street, Fordyce, AR; 224–236 West Broadway, Forrest City, AR; Southgate Shopping Center, Highway 71 South, Rogers, AR; 706 Bolton Avenue, Alexandria, LA; 117 Louisiana Avenue, Ferriday, LA; Breaux Road & Louisiana Avenue, Lafayette, LA; 201 Natchez, Opelousas, LA; Tamany Mall Shopping Center, Slidell, LA; 405 South Pine, Vivian, LA; Bay View Shopping Center, Biloxi, MS; 615 Pass Road, Gulfport, MS; 420 West Trudgeon, Henryetta, OK; 202 East Duke, Hugo, OK; 201 Corsicana, Athens, TX; Jones Shopping Center, Daingerfield, TX; 410 East Clarksville, Paris, TX.

Country Discounter, Inc., Fair Haven, VT.

R. E. Cox & Company: 6370 Camp Bowie, 4033 East Belknap, 3616 East Lancaster and 2517 West Berry, Forth Worth, TX; 501 Westview Village, Waco, TX.

Cruse and Company, 615 Main Street, Beech Grove, IN.

Danks & Company: 152 East Market Street, Lewiston, PA; Room 1, Nittany Mall and 146 South Allen Street, State College, PA.

Dils Brothers & Company, 521–529 Market Street, Parkersburg, WV.

The Dixie Store, 415–17 Chickasha Avenue, Chickasha, OK.

Dodd's 5–10–25¢ Stores, Inc.: 825 State Street, Cayce, SC; 109–111 Main Street, Lexington, SC.

Doughboys of Garvey, Inc., 8334 East Garvey Avenue, Rosemead, CA.

Drews Stores Corporation: 12930 West Bluemound Road, Elm Grove, WI; 5641 Broad Street, Greendale, WI; 5720 South 108th Street, Hales Corners, WI; No. 53029, Hartland, WI; 8713 North Port Washington Road, 8721 West Fondulac Avenue and 5027 West Howard Avenue, Milwaukee, WI; 8770 South Howell Avenue, Oak Creek, WI; 1027 Milwaukee Avenue, South Milwaukee, WI; North 64 West 24333 Main Street, Sussex, WI; 7609 Harwood Avenue, Wauwatosa, WI.

Drucker's Inc., 15 Park Avenue, Rutherford, NJ.

Dryden's Department Store, 4343 Lincoln Avenue, Groves, TX.

Eagle Stores Company, Inc., No. 343, Orange, VA.

Easter's Family Center, Town Line Road, Creston, IA.

Economy Department Store, Stanhope, NJ.

Edwards 5 & 10, Boardwalk & North Division Street, Ocean City, MD.

V. J. Elmore Store: No. 73, Alabaster, AL; No. 144, Albertville, AL; No. 148, Birmingham, AL; No. 142, Clanton, AL; No. 69, Cullman, AL; No. 112, Dothan, AL; No. 152, Fayette, AL; No. 161, Foley, AL; No. 76, Fort Payne, AL; No. 105, Gardendale, AL; No. 13, Greenville, AL; No. 163, Hamilton, AL; No. 99, Montgomery, AL; No. 90, Muscle Shoals, AL; No. 137, Oneonta, AL; No. 95, Oxford, AL; No. 54, Pell City, AL; No. 89, Prattville, AL; No. 166, Sumiton, AL; No. 102, Sylacauga, AL; No. 100, Troy, AL; No. 94, Tuscaloosa, AL; No. 136, Tuskegee, AL; No. 146, Union Springs, AL; No. 157, Wetumpka, AL; No. 132 Fernandina Beach, FL; No. 134, Americus, GA; No. 158, Buford, GA; No. 156, Calhoun, GA; No. 162, Commerce, GA; No. 86 Conyers, GA; No. 143, Cornelia, GA; No. 165, Dawson, GA; No. 130, Douglas, GA; No. 164, Douglasville, GA; No. 119, Fayetteville, GA; No. 150, Fort Valley, GA; No. 107, Lawrenceville, GA; No. 140, McDonough, GA; No. 155, Manchester, GA; No. 133, Swainsboro, GA; No. 159, Toctoa, GA; No. 120, Vidalia, GA; No. 139, Warner Robins, GA; No. 135, Winder, GA; No. 167, Iuka, MS; No. 79, Athens, TN; No. 151, Dayton, TN; No. 84, Dickson, TN; No. 147, Martin, TN; No. 108, Paris, TN; No. 149, South Pittsburg, TN.

M. Epstein, Inc.: 34 Livingston Mall, Livingston, NJ; 32 Park Place, Morristown, NJ.

The Fair, Inc.: Northgate Mall and Oil Center Shopping Center, Lafayette, LA; Southgate Shopping Center, Lake Charles, LA; Eastgate Shopping Center, Monroe, LA; 1100 Ludington Street, Escanaba, MI; 2300 Alexandria Drive, Baytown, TX; Gaylynn Center, 600 Orleans Street and 250 Parkdale Mall, Beaumount, TX; Manor East Mall, Bryan, TX; The Strand Mall, Galveston, TX; Northview Plaza, Nacogdoches, TX; 1035 Nederland Avenue, Nederland, TX; Northway Plaza, Orange, TX; Jefferson City Shopping Center, Twin City Highway, Port Arthur, TX; 2002 11th Avenue, Texas City, TX.

Fremin's Food & Furniture, Inc., 711 Corinne Street, New Iberia, LA.

Friedlands, 38 West Blackwell Street, Dover, NJ.

Froug's: 101 Phoenix Village Mall, Fort Smith, AR; 500 Plaza Court, Sand Springs, OK; Admiral Place & Memorial Drive, 36th Street North & Hartford, 5117 South Peoria, 325 South Main Street, 2126 South Yale, 4289 Southwest Boulevard, 419 West Second Street, 9070 East 31st Street and 4103 South Yale, Tulsa, OK.

Garner Alvis Company, 109 North Rice, Hamilton, TX.

Gem Wholesale Company, 109–119 North Fifth Street, Alpine, TX.

Gene's Department Store, Melcroft, PA.

Gibson Products Company: Southview Shopping Center, Mobile, AL; Plaza Shopping Center, Benton, AR; Highway 79 South, Camden, AR; Highway 70, DeQueen, AR; 1011 West Fourth Street, Fordyce, AR; Highway 25 North, Heber Springs, AR; 14036 Sardis Road, Mabelvale, AR; Highway 67 South, Malvern, AR; 2401 Harding, Pine Bluff, AR; 706 West 22nd, Stuttgart, AR; 505 Bertrand, Lafayette, LA; Highland Park Shopping Center, Greenwood, MS; 2920 South Washington, Vicksburg, MS; 105 St. Paul Street, Henderson, TX; 220 Henderson Boulevard, Kilgore, TX; 2011 South Mobberly Avenue and 2900 West Marshall Avenue, Longview, TX; 2400 East End Boulevard, Marshall, TX; 1602 Ferguson Road, Mount Pleasant, TX; Southwest Mall, Texarkana, TX; 1133 Glendale Plaza, Salt Lake City, UT; 2199 West Hiway 40, Vernal, UT.

Gindlers Department Store: 100 East Third Street, Hallettsville, TX; 216 West Colorado Street, LaGrange, TX.

Globman's Inc., Martinsville, VA.

Goldblatt Brothers, Inc.: 9100 Commercial Avenue, 3149 Lincoln Avenue, 4700 South Ashland Avenue, 7975 South Cicero Avenue, 1615 West Chicago Avenue and 3311 West 26th Street, Chicago, IL; 1505 West King, Decatur, IL; 2430 North Harlem Avenue, Elmwood Park, IL; 3057 West 159th Street, Markham, IL; 1084 Mount Prospect Plaza, Mount Prospect, IL; McArthur & Outer Park Drive, Springfield IL; Town & Country Shopping Center, Mishawaka, IN; 1889 M–139 Fairplain Plaza, Benton Harbor, MI.

The Grand Leader, 424 Main Street, Liberty, TX.

W. T. Grant Company: No. 9067, Alhambra, CA; No. 629, Ashland, OH; St. Mary's Shopping Plaza, St. Mary's, PA.

Green's, 1400 McArthur Drive, Alexandria, LA.

Hart-Albin Company: Billings, MT; Richland Mall, Johnstown, PA; 955 Fourth Avenue, New Kensington, PA; 130 Market Street, Kittanning, PA; Washington Mall, Washington, PA.

Hellmans, Inc., 2202 Central Avenue, Kearney, NE.

G. R. Herberger's Inc.: 522 Broadway, Alexandria, MN; 330 Chestnut Street, Virginia, MN; 428 Main Street, La Crosse, WI; 26 North Main, Rice Lake, WI; 222 Third Street, Wausau, WI.

The Hickle Company, 125 West Main Street, Lancaster, OH.

Hilson Home Center, Inc., Dorset Street, South Burlington, VT.

Holman's Department Store, Inc., 542 Lighthouse Avenue, Pacific Grove, CA.

The Hub, 435 Market Street, Steubenville, OH.

Hub Frankel Company, Inc., 232–234 West Main Street, Danville, KY.

Hunt's Department Store, 110 East Sam Rayburn Drive, Bonham, TX.

Irene's, 923 Boardwalk, Atlantic City, NJ.

Jacobs Department Store, 190 Main Street, Paterson, NJ.

Joseph's Department Store, Inc., 127 South Front Street, Fremont, OH.

Keystone: Belvidere, NJ; 30 Tansboro Road, Berlin, NJ; 1468 Blackwood-Clementon Road, Clementon, NJ; Denville Plaza Shopping Center, Denville, NJ.

M. H. King Company: Idaho Street, Dillon, MT; 60 South Main, Brigham City, UT.

King's: 209 East 200 South, Clearfield, UT; 124 South Fort Lane, Layton, UT; 185 East Fourth North, Logan, UT; 80 North Main, Richfield, UT; Tremonton, UT.

Kline's Department Store, Inc., 515 West 14th Street, Chicago Heights, IL.

Korner Plaza, Inc., 68 West 66th Street, Minneapolis, MN.

S. S. Kresge Company: 109 East Second Street, Muscatine, IA; No. 4293, Decatur, IL; No. 4262, Dolton, IL; North Sixth Street, Monmouth, IL; No. 4154, North Aurora, IL; No. 9010, Bluffton, IN; No. 4226, Evansville, IN; No. 9027, Greensburg, IN; No. 9013, Greenfield, IN; No. 3260, Greenwood, IN; No. 3251, Indianapolis, IN; No. 9012, Jasper, IN; No. 3221, Jeffersonville, IN; No. 4294, Marion, IN; No. 4152, Mishawaka, IN; No. 9017, Seymour, IN; No. 9015, Shelbyville, IN; No. 3030, Tere Haute, IN; No. 4160, Des Moines, IA; No. 3155, Belleville, MI; No. 7022, Corunna, MI; No. 4352, Livonia, MI; No. 3239, Kansas City, MO; Nos. 4216 and 4270, St. Louis, MO; No. 585, Lincoln, NE; Nos. 4126 and 4130, Omaha, NE; No. 4258, Akron, OH; No. 4229, Austintown, OH; No. 3286, Brunswick, OH; No. 3100, Miamisburg, OH; No. 4257, Middleburg Heights, OH; Nos. 48 and 4264, Stow, OH; No. 4233, Youngstown, OH.

S. H. Kress & Company: No. 003, Anniston, AL; No. 005, Bessemer, AL. Nos. 007 and 023, Birmingham, AL; No. 011, Dothan, AL; No. 012, Enterprise, AL; No. 019, Mobile, AL; No. 021, Montgomery, AL; No. 025, Prichard, AL; Nos. 027 and 028, Selma, AL; No. 029, Tuscaloosa, AL; No. 367, Hot Springs, AR; No. 371, Pine Bluff, AR; No. 473, Baton Rouge, LA; No. 474, Gretna, LA; No. 475, Lake Charles, LA; No. 477, Monroe, LA; No. 479, New Orleans, LA; No. 481, Shreveport, LA; No. 179, Laurel, MS; No. 183, Natchez, MS; No. 184, Pascagoula, MS; No. 186, Tupelo, MS; No. 253, Hoboken, NJ; No. 257, Union City, NJ; No. 258, West New York, NJ; No. 515, Albuquerque, NM; No. 269, Brooklyn, NY; No. 276, Jamaica, NY; Nos. 260, 261, 263 and 267, New York, NY; No. 527, Chickasha, OK; No. 531, Guthrie, OK; No. 536, McAlester, OK; No. 539, Oklahoma City, OK; No. 543, Ponca City, OK; No. 547, Shawnee, OK; No. 550, Tulsa, OK; No. 937, Salem, OR; No. 299, Philadelphia, PA; Nos. 603 and 604, Austin, TX; No. 605, Beaumont, TX; No. 607, Brownville, TX; No. 609, Corpus Christi, TX; No. 613, Dallas, TX; No. 619, Del Rio, TX; No. 623, Eagle Pass, TX; Nos. 625 and 626, El Paso, TX; No. 631, Galveston, TX; No. 635, Greenville, TX; No. 637, Harlingen, TX; No. 639, Hillsboro, TX; Nos. 641 and 643, Houston, TX; No. 647, Laredo, TX; No. 652. Mc-

Allen, TX; No. 653, Paris, TX; No. 655, Port Arthur, TX; Nos. 658, 659 and 661, San Antonio, TX; Nos. 662 and 666, Seguin, TX; No. 664, Temple, TX; No. 667, Tyler, TX; No. 669, Waco, TX; No. 670, Waxahachie, TX; No. 941, Aberdeen, WA; Nos. 948 and 949, Seattle, WA; No. 958, Tacoma, WA.

LaBelle's Distributing: 10301 West Sixth Avenue and 2650 South Havana Street, Denver, CO.

La Feria Department Store: 406 West Commerce Street, 423 Southwest Military Drive and 7325 San Pedro, San Antonio, TX.

Lame Deer Trading, Inc., Lame Deer, MT.

M. H. Lamston, Inc.: 341 Main Street, Hackensack, NJ; 128 Woodbridge Center, Woodbridge, NJ; 215–08 73rd Avenue and 220–20 Horace Harding Boulevard, Bayside, NY; 2047 Bartow Avenue, Bronx, NY; 1713 Church Avenue and 44 Court Street, Brooklyn, NY; 850 Franklin Avenue, Garden City, NY; 37–47 74th Street, Jackson Heights, NY; 89–28 165th Street, Jamaica, NY; 69–73 Grand Avenue, Maspeth, NY; 39 Broadway, 2680 Broadway, 1484 First Avenue, 466 Lexington Avenue, 773 Lexington Avenue, 1251 Lexington Avenue, 477 Madison Avenue, 1227 Madison Avenue, 551 Ninth Avenue, 4 Park Avenue, 1082 Second Avenue, 346 Sixth Avenue, 1251 Sixth Avenue, 1361 Sixth Avenue, 275 Third Avenue, 1150 Third Avenue, 1279 Third Avenue, 273 West 23rd Street and 1485 York Avenue, New York, NY; 100 Mamaroneck Avenue, White Plains, NY.

Lane-Clinton, Inc., Clinton, NJ.

Larry-Rich Corporation, 9400 East 50 Highway, Raytown, MO.

LaVassers, Inc., 118 South Main Street, Jefferson, WI.

La Ville de Paris, 101–103 Morley Avenue, Nogales, AZ.

Leeds Department Store, 401 West Commerce, San Antonio, TX.

Leitchfield Mercantile Company, 32 Court Square, Leitchfield, KY.

Leonhard's, Inc., 3200 Dauphine Street, New Orleans, LA.

Lerman Brothers, Inc.: 217–19 St. Clair, Frankfort, KY; 803–04 Madison Street, Owenton, KY.

Levy Brothers, Inc.: 1065 Bloomfield Avenue, Clifton, NJ; 80 Broad Street, Elizabeth, NJ; 6305 Hadley Road, South Plainfield, NJ.

Lieberman Company, Floresville, TX.

Lintz Department Stores, Inc.: 119 West Oklahoma, Guthrie, OK; 1115 Chickasha, Paul's Valley, OK; 108 North Blackburn, Brady, TX; 193 West San Antonio, New Braunfels, TX; 101 South West Street, Uvalde, TX.

Lipofsky's, Inc., 118 South Cook Street, Barrington, IL.

Loveman, Joseph and Loeb: 1050 West Lake Mall, Bessemer, AL; 7680 Crestwood Boulevard and 216 North 19th Street, Birmingham, AL; 38 Western Hills Mall, Fairfield, AL; 1001 North Memorial Parkway, Huntsville, AL; 572 East Patton, Montgomery, AL.

McCabe Dry Goods Corporation, 1713 Third Avenue, Rock Falls, IL.

McCrory Store: No. 6135, Huntsville, AL; No. 6298, Hot Springs, AR; No. 6327, Alhambra, CA; No. 6347, Bakersfield, CA; No. 6498, Bell, CA; No. 6219, Buena Park, CA; No. 6098, Burbank, CA; Nos. 6223 and 6376, Compton, CA; No. 6364, Garden Grove, CA; No. 6179, Long Beach, CA; Nos. 6413, 6503 and 6506, Los Angeles, CA; No. 6141, Monterey Park; CA; No. 6406, San Diego, CA; Nos. 6159 and 6479, San Jose, CA; No. 6348, San Mateo, CA; No. 6221, Santa Barbara, CA; Nos. 6150 and 6482, Santa Monica, CA; No. 6516, Sunnyvale, CA; No. 1119, Bridgeport, CT; No. 6046, Hartford, CT; No. 6056, Torrington, CT; No. 649, Westport, CT; No. 331, East Dover, DE; No. 6287, Fort Lauderdale, FL; No. 636, Augusta, ME; No. 6521, Brunswick, ME; No. 6051, Caribou, ME; No. 6273, Dover-Foxcroft, ME; No. 6417, Ellsworth, ME; No. 6264, Farmington, ME; No. 6385, Lincoln, ME; No. 6362, Mars Hill, ME; No. 6249, Millinocket, ME; No. 6351, Norway, ME; No. 6238, Rockland, ME; No. 629, Sanford, ME; No. 621, Skowhegan, ME; No. 620, Waterville, ME; No. 6082, Gardner, MA; No. 6077, Newburyport, MA; No. 6102, North Adams, MA; No. 6331, North Attleboro, MA; No. 6290, Pittsfield, MA; No. 640, Southbridge, MA; No. 6192, Stoughton, MA; No. 6309, Wakefield, MA; No. 657, Wareham, MA; No. 6053, Westfield, MA; No. 6093, Whitman, MA; No. 642, Winchendon, MA; No. 6042, Concord, NH; No. 6146, Franklin, NH; No. 6253, Laconia, NH; No. 6162, Littleton, NH; No. 662, Milford, NH; No. 6136, Portsmouth, NH; No. 6418, Plymouth, NH; No. 6104, Asbury Park, NJ; Nos. 49, 1112 and 6454, Atlantic City, NJ; No. 6114, Boonton, NJ; No. 6107, Freehold, NJ; No. 1901, Jersey City, NJ; No. 6157, Keyport, NJ; No. 6487, Red Bank, NJ; No. 6325, Albion, NY; No. 6241, Batavia, NY; No. 6300, Bayshore, NY; Nos. 336 and 1021, Bronx, NY; No. 200, Brooklyn, NY; No. 6345, Canton, NY; No. 7, Cheektowaga, NY; No. 6274, Cobleskill, NY; No. 6346, Cooperstown, NY; No. 6222, Corning, NY; Nos. 6140 and 6151, Cortland, NY; No. 549, Farmingdale, NY; No. 312, Flushing, NY; No. 659, Glen Cove, NY; No. 6050, Gouverneur, NY; No. 1084, Hempstead, Long Island, NY; No. 265, Horseheads, NY; No. 6134, Ithaca, NY; No. 1057, Jackson Heights, NY; No. 119, Johnson City, NY; No. 217, Lake Grove, NY; No. 20, Levittown, NY; No. 570, Long Beach, NY; No. 6030, Lyons, NY; No. 6166, Malone, NY; No. 6018, Middletown, NY; No. 1082, New York, NY; No. 6032, Ogdensburg, NY; No. 1026, Oneida, NY; No. 6173, Onconta, NY; No. 1137, Oswego, NY; No. 1216, Peekskill, NY; No. 6038, Penn Yan, NY; No. 6161, Perry, NY; No. 647, Riverhead, NY; No. 6386, Saratoga Springs, NY; No. 6193, Saugerties, NY; No. 300, Syracuse, NY; No. 6357, Ticonderoga, NY; No. 6252, Tupper Lake, NY; No. 6502, Valley Stream, Long Island, NY; No. 6397, Walton, NY; No. 6012, Wellsville, NY; No. 6267, Whitehall, NY; No. 1018, Yonkers, NY; No. 399, Lima, OH; No. 6033, Newport, RI; No. 6186, Warren, RI; No. 6095, West Warwick, RI; No. 6091, Barre, VT; No. 6250, Bellows Falls, VT; No. 6218, Newport, VT; No. 6475, White River Junction, VT; No. 6306, Windsor, VT; No. 6467, Front Royal, VA.

McCurdy & Company, Inc.: 381 Hamilton Street, Geneva, NY; 3800 Dewey Avenue, 1300 Long Pond Road and 285 Main Street East, Rochester, NY; Eastview Mall, Victor, NY.

McDade & Company, Inc.: 505 East North Avenue, Carol Stream, IL; 5851 West 95th Street, Oak Lawn, IL; 1300 Northwest Highway, Palatine, IL.

J. M. McDonald Company, No. 46, San Jose, CA.

McLeod's, Inc.: 506 South Edgemoor and 1803 West 21st Street, Wichita, KS.

McRae's, Inc.: 771 Davis Highway, Pensacola, FL; Greenville Mall, Greenville, MS; Cloverleaf Mall, Hattiesburg, MS; 401 East Capitol Street, 905 Ellis Avenue and 353 Meadowbrook Road, Jackson, MS; Village Fair Mall, Meridian, MS; Battlefield Village Mall, Vicksburg, MS.

Maher Department Store, Belgrade, MN.

Majestic, Inc.: 7300 West Cermak Road, North Riverside, IL; 8250 North Skokie Boulevard, Skokie, IL.

Martin McDonald, 113 East Elm, Hillsboro, TX.

L. H. Martin Value Center: Route 27 at Junction 35, Colonia, NJ; 1773 North Grand Avenue, Baldwin, NY; 1417 Newkirk Avenue and 1847 Rockaway Parkway, Brooklyn, NY; 2151 Johnson Place, Merrick, NY; 102 North Middletown Road, Pearl River, NY; 58–04 99th Street, Rego Park, NY; 8601 Rockaway Beach Boulevard, Rockaway Park, NY.

Meny's Store, Inc., Haubstadt, IN.

Meyers-Arnold: Anderson, SC; Greenville, SC.

Miller & Paine Department Store: Conestoga Mall, Grand Island, NE; 61st and "O" Street and 13th and "O" Street, Lincoln, NE.

J. W. Milliken, Inc., 202 East Front Street, Traverse City, MI.

Morgan & Lindsey: No. 3013, Crowley, LA; No. 3057, New Orleans, LA.

C. G. Morrison Company, 634 Commercial Street, Arkansas Pass, TX.

Mullas & Ellias, 2746 West Jefferson, Trenton, MI.

G. C. Murphy Company: No. 819, Peoria, IL; No. 449, Vandalia, IL; Nos. 104 and 215, Indianapolis, IN; No. 411, Nobelsville, IN; No. 406, Hillsdale, MI; No. 3084, Hattiesburg, MS; No. 53, Johnsonburg, PA; No. 606, Tunkhannock, PA; No. 607 Kingwood, WV; No. 42, Montgomery, WV.

Myerson's: 6331 East Broadway and 42 West Congress, Tucson, AZ.

National Stores Corporation: 1030 Main Street, Benton, KY; 126 South Green Street, Glasgow, KY; 408 West Main Street, Murray, KY; 111–15 Public Square, Scottsville, KY; 211 North Main Street, Tompkinsville, KY; 105 East Elk Avenue, Fayyetteville, TN; 340 Main Street, Franklin, TN; 107 West Main & South Water Street, Gallatin, TN; 119–121 North First Street, Pulaski, TN; 107 First Avenue NE., Winchester, TN.

The J. E. Neilson Company, 119 South Lamar, Oxford, MS.

Neisner Brothers, Inc.: No. 150, Melrose Park, IL; Nos. 3 and 55, Detroit, MI; No. 17, Pontiac, MI; No. 90, Albany, NY; No. 159, Auburn, NY; No. 200, Avon, NY; Nos. 8, 24, 111 and 207, Buffalo, NY; No. 93, Dunkirk, NY; No. 38, East Rochester, NY; No. 86, Fairport, NY; No. 117, Glens Falls, NY; No. 181, Grand Island, NY; No. 72, Lewiston, NY; No. 105, Little Falls, NY; No. 165, Lockport, NY; No. 205, Penn Yann, NY; No. 240, Potsdam, NY; Nos. 1, 2, 117, 119 and 153, Rochester, NY; Nos. 145 and 186, Rome, NY; No. 143, Staten Island, NY; No. 64, Utica, NY; No. 137, Webster, NY; No. 185, Whitesboro, NY.

J. J. Newberry Company: No. 6527, Poplar Bluff, MO; 19–25 Congress Street, Portsmouth, NH; No. 6027, Coatesville, PA; 404 West Main Street, Waynesboro, VA.

Newman's, Inc., 511 Commercial, Emporia, KS.

New Ideal Stores, Inc., 1801 Second Avenue North, Birmingham, AL.

The New York Store, 238–244 High Street, Pottstown, PA.

W. J. O'Connor, Inc., Fourth and Bailey, North Platte, NE.

Old Brothers Department Store: Thayer, MO; Parkway Shopping Center, West Plains, MO.

Orr's: Hillcrest Shopping Mall, Phillipsburg, NJ; 306–310 Northampton Street, Easton, PA.

J. W. Owens Department Store, Espanola, NM.

The Paris Company: 28 East Broadway and 4835 Highland Drive, Salt Lake City, UT.

Parisian Mercantile Corporation, 205 Morley Avenue, Nogales, AZ.

Pearson's Department Store, 109 West Gordon Street, Kinston, NC.

Penn Traffic: Main Street, DuBois, PA; Route 119 South, Indiana, PA; 3200 Elton Road, Goucher Street and 319–347 Washington Street, Johnstown, PA; Nittany Mall, State College, PA.

J. C. Penny Company, Inc., 2–4 North Loudoun Street, Winchester, VA.

Perkins Brothers, 2610 Lee Street, Greenville, TX.

Phelps Dodge Merchantile Company: Ajo, AZ; Bisbee, AZ; Douglas, AZ; Morendi, AZ.

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Philadelphia Sales Company: 90 Clinton Street, Binghamton, NY; 225 Harrison Avenue, Endicott, NY; 333 Grand Avenue, Johnson City, NY; 345 Broad Street, Waverly, NY.

Pierre Part Store, Pierre Part, LA.

Pietz: 1917 Second Avenue, Bessemer, AL; 4650 Avenue West, 600 Brookwood Village, 7736 Eastwood Mall, 9416 Parkway East and 1821 Second Avenue North, Birmingham, AL; Gadsden, AL; Parkway Shopping Center, Huntsville, AL; Montgomery, AL.

P. W. Plummer & Sons, Inc., West Burton, ME.

Powers: 301 Northtown Drive, Blaine, MN; 3001 White Bear Avenue, Maplewood, MN; 5440 Fifth & Nicollet Mall, Minneapolis, MN; 8440 Highway 7, and 2080 Ford Parkway, St. Paul. MN.

H. C. Prange Company: 120–126 West College, Appleton, WI; 3015 Mall Drive, Eau Claire, WI; 755 West Johnson Street, Fond du Lac, WI; 53 East Towne Mall, Madison, WI; 3524 Memorial Plaza and 727 North Eighth Street, Sheboygan, WI.

Pratt's Federated, 106 Church Street, Sulphur Springs, TX.

Prices 5 & 10 Store, Inc., Ben Franklin Store, Rocky Mount, VA.

Ramsays Department Store, 605 Commercial Street, Atchison, KS.

Randolph House & Company, 600–2 Main Street, Springfield, TN.

The Rankin Company, Columbia, MS.

Rasco Store: 205 West Broadway, Silver City, NM; 312 North California Street, Socorro, NM.

Retsun, Inc., 17 East Walworth, Elkhorn, WI.

Richman Gorman Stores, Inc.: No. 10, Council Bluffs, IA; Nos. 8 & 11, Des Moines, IA; No. 9, Topeka, KS; No. 12, Grand Island, NE; No. 7, Lincoln, NE; Nos. 1, 2, 5, 6, 32, 40 and 41, Omaha, NE.

Rose's Store, No. 60, Marion, NC.

Rosenberg True Value Hardware, 1101 Wilcox Avenue, White Cloud, MI.

Roth's, Inc: Town Plaza Shopping Center, Cape Girardeau, MO; 1304 West Boulevard South, Columbia, MO.

Royer's, Inc.: 1202 Greengate Mall and 112–114 South Main Street, Greensburg, PA; 222 Monroeville Mall, Monroeville, PA.

Sage Department Stores, Inc., 1111 Columbus Street, Bakersfield, CA.

Sam's Inc.: 122 West Jefferson, Clinton, MO; 6001 Truman Road, Kansas City, MO; 1561 South Odell, Marshall, MO.

Samuelson's, One South Barstow, Eau Claire, WI.

Sawyers, 851 Central Avenue, Dover, NH.

Schwesner's: 1270 27th Avenue, Columbus, NE; 108 East Sixth Street, Fremont, NE; 13th and Webb Road and 108–110 West Third, Grand Island, NE; 709–723 West Second Street, Hastings, NE; 2100 Central Avenue, Kearney, NE; Sunset Plaza, Norfolk, NE; 305 North Dewey, North Platte, NE.

Sea Isle Hardware Company, 42nd & Landis Avenue, Sea Isle City, NJ.

Shop & Save: 315 Pearl Street, New Albany, IN; Ten Portland Avenue, Bergenfield, NJ; 3–5 Botany Village East, Clifton, NJ; Woodridge, NJ.

Siegel Brothers, Inc., 5612 North Milwaukee Avenue, Chicago, IL.

Skagway Department Stores, Inc., 620 West State Street, Grand Island, NE.

Solo Serve Company: 7000 San Pedro, 118 Soledad and 114 Southwest Military Drive, San Antonio, TX.

Spiegler's Department Store, Inc., 1467 Ellinwood Street, Des Plaines, IL.

Spurgeon's: 125 South Side Square, Macomb, IL; 723 Washington Street, Medota, IL; Vermillion Plaza, Pontiac, IL; 216 South Broadway, Albert Lea, MN.

Stanton's: 221–23 North Broadway, Sylacauga, AL; 52 Court Square, Troy, AL.

Star's Fashion World, 18th Street and Greenup Avenue, Ashland, KY.

Stocks, Inc.: 107 East Main Street, Crawfordsville, IN; 416 Main Street, Lafayette, IN.

Sterling Stores Company, Inc., 117–119 North Spring Street, Searcy, AR.

Sullivan's: 100–6 North Main Street, Franklin, KY; 202 West Main Street, Hendersonville, TN; 816 Southeast Broad Street, Murfreesboro, TN; 4508 Harding Road, Nashville, TN; 310–12 Donelson Avenue, Old Hickory, TN.

T.G. & Y. Stores Company, No. 9210, Macomb, IL.

Tomah Cash Mercantile Company, 914 Superior Avenue, Tomah, WI.

United Dollar Store, Inc.: 112 Main Street, Dumas, AR; 308 South Blake, Pine Bluff, AR; Sheridan Shopping Center, Sheridan, AR; 116 Thomas Street, Hammond, LA; 3009 Greinwich Shopping Center, Lake Charles, LA; 1340 East Union Street, Minden, LA; Broadmoor Shopping Center, Natchitoches, LA; 143 East Landry, Opelousas, LA; 2014 Jewella, Shereveport, LA; Nichols Shopping Center, Thibodaux, LA; Lewis Shopping Center, Vidalia, LA; 131 South Front Street, Indianola, MS; 3242 Delta Drive, Jackson, MS; Bright Shopping Center, Pearl, MS; 409 Locust Street, Rolling Fork, MS; 1711 Washington Street, Vicksburg, MS; Washington, MS; 241 South Main, Yazoo City, MS.

Walker Company, 126 North Oak Park Avenue, Oak Park, IL.

Walsmith Variety, Inc., 33–35 Rehoboth Avenue, Rehoboth Beach, DE.

H. P. Wasson's & Company: 7150 East Washington Street, 2802 Lafayette Road and 2–18 West Washington Street, Indianapolis, IN.

J. Watercott & Company, 500 Edward Street, Henry, IL.

Weinberg's, West Chester Pike and Eagle Road, Havertown, PA.

Wellan's, Inc., 1200 Third Street, Alexandria, LA.

Wellwood Company, Inc.: 1406 Congress Street, Portland, ME; Saco Valley Shopping Center, Saco, ME; 199 Ocean Street, South Portland, ME.

Wellworth Department Store, 6324 Woodland Avenue, Philadelphia, PA.

West & Company, Inc.: 118 North Craft Highway, Chickasaw, AL; Crichton Shopping Center, 4358 Old Shell Road and Highway 90 at Tillman, Mobile, AL; Pine Plaza Shopping Center, Arkadelphia, AR; 201 North Main Street, Benton, AR; Plaza Shopping Center, Blytheville, AR; Front Street and North Mall Shopping Center, Conway, AR; 102 East First Street, Crossett, AR; Corner Cherry & York, Helena, AR; Jacksonville Shopping Center, Jacksonville, AR; 7509–11 Baseline Road, Colony South Shopping Center and 3901 South University Boulevard, Little Rock, AR; 2633 Pike Avenue, North Little Rock, AR; Southgate Shopping Center, Russellville, AR; Stuttgart Square Shopping Center, Stuttgart, AR; College Hill Shopping Center, Texarkana, AR; South Main Street, Warren, AR; Twin City Shopping Center, West Helena, AR; Village Shopping Center, Homer, LA; 728 Main Street and West Plaza Shopping Center, Minden, LA; Southside Shopping Center, Monroe, LA; Pine Plaza Shopping Center, Springhill, LA; West Plaza Shopping Center, Cleveland, MS; Goyer Shopping Center and Main Stream Shopping Center, Greenville, MS; Magnolia Mall Shopping Center, Natchez, MS; Midtown Shopping Center, Oxford, MS; Pine Acres Shopping Center, Atlanta, TX; North Hills Shopping Center, Conroe, TX; Jefferson at Fourth, Mount Pleasant, TX.

J. A. West Company: El Dorado, AR; No. 5, Malvern, AR; No. 14, West Plains, MO.

Western Auto Associate Store, 620 Bolton Avenue, Alexandria, LA.

S. M. Whiteside & Company, 358 High Street, Morgantown, WV.

Wieboldt Stores, Inc.: Carpentersville, IL; 3269 North Lincoln Avenue, 6165 North Lincoln Avenue, 1279 North Milwaukee Avenue and 7601 South Cicero Avenue, Chicago, IL; 1007 Church Street, Evanston, IL; 2400 West Jefferson Street, Joliet, IL; 145 Yorktown, Lombard, IL; 600 Lincoln Mall, Matteson, IL; 999 Elmhurst Road, Mount Prospect, IL; 4200 North Harlem Avenue, Norridge, IL; 7201 West Lake Street, River Forest, IL; 123 Lakehurst, Waukegan, IL.

Mr. Wiggs Department Store: 1130 Coliseum Boulevard North, 3810 U.S. 24 West and 6901 South Hanna Street, Fort Wayne, IN; 4741 East Main Street, Richmond, IN.

Wilson's Department Store, Inc., 22 East University Avenue, Gainesville, FL.

Winograd's Department Store, Inc., 651 Arnold Avenue, Point Pleasant, NJ.

Wolke & Kotler, Inc., 4811 Milwaukee Avenue, Chicago, IL.

F. W. Woolworth Company: No. 853, Globe, AZ; No. 6259, Mesa, AZ; No. 1652, Nogales, AZ; Nos. 487, 881, 6010, 6188 and 6229, Phoenix, AZ; No. 6009, Tempe, AZ; Nos. 1045, 2569, 6201, 6231 and 6233, Tucson, AZ; Nos. 1103 and 2294, Alameda, CA; No. 1280, Alhambra, CA; No. 2186, Azusa, CA; Nos. 592 and 1619, Bakersfield, CA; No. 1349, Burlingame, CA; No. 1388, Canoga Pike, CA; No. 920, Carlsbad, CA; No. 6240, Carmichael, CA; Nos. 1869 and 6271, Cerritos, CA; No. 1609, Compton, CA; No. 2139, Concord, CA; No. 2288, Corte Madera, CA; No. 1244, Costa Mesa, CA; No. 1816, Daly City, CA; No. 477, Delano, CA; No. 2293, Downey, CA; No. 479, El Cajon, CA; No. 1807, El Centro, CA; No. 2289, El Cerrito, CA; No. 2383, El Monte, CA; No. 715, Eureka, CA; No. 445, Fairfield, CA; No. 971, Fontana, CA; No. 6217, Fountain Valley, CA; No. 323, Fremont, CA; Nos. 200, 305 and 1406, Fresno, CA; No. 1372, Fullerton, CA; No. 974, Glendale, CA; No. 1043, Hanford, CA; No. 826, Hayward, CA; Nos. 1154 and 1662, Hollywood, CA; No. 1274, Huntington Park, CA; No. 1142, Inglewood, CA; No. 1618, Lakewood, CA; No. 1945, La Mesa, CA; No. 6162, La Mirada, CA; No. 1252, Lodi, CA; No. 2571, Lompoc, CA; Nos. 872 and 2143, Long Beach, CA; Nos. 306, 448, 634, 1680, 1830, 1882 and 2213, Los Angeles, CA; No. 658, Marysville, CA; No. 1064, Modesto, CA; No. 1788, Montebello, CA; No. 5268, Montclair, CA; No. 1165, Monterey, CA; Nos. 274 and 2299, Mount View, CA; Nos. 993 and 5252, Napa, CA; No. 2095, National City, CA; No. 449, North Hollywood, CA; No. 2012, Oakland, CA; No. 1209, Orange, CA; No. 134, Oroville, CA; No. 868, Oxnard, CA; No. 472, Palmdale, CA; No. 174, Palm Springs, CA; Nos. 973, 1139 and 5271, Palo Alto, CA; No. 2132, Panorama City, CA; Nos. 859 and 1532, Pasadena, CA; No. 1424, Rancho Cordova, CA; No. 1544, Redding, CA.

No. 756, Redlands, CA; No. 1061, Richmond, CA; Nos. 1625 and 2185, Riverside, CA; No. 2572, Roseville, CA; Nos. 36, 2060, 2570, 2592 and 6254, Sacramento, CA; No. 1144, Salinas, CA; Nos. 433 and 1150, San Bernardino, CA; No. 1715, San Carlos, CA; Nos. 202 and 1554, San Diego, CA; Nos. 64, 329, 1148, 1226, 1584, 1616, 1797, 1868 and 1918, San Francisco, CA; Nos. 261, 668, 1703, 2210, 2581, 2587 and 5251, San Jose, CA; No. 2405, San Leandro, CA; No. 1249, San Mateo, CA; No. 982, Santa Ana, CA; No. 752, Santa Barbara, CA; No. 5250, Santa Clara, CA; No. 687, Santa Cruz, CA; No. 1251, Santa Monica, CA; No. 5272, Sunnyvale, CA; No. 634, Sylmar, CA; Nos. 35 and 391, Torrance, CA; No. 2416, Tracy, CA; No. 1276, Turlock, CA; No. 6263, Vacaville, CA; Nos. 1568 and 1972, Ventura, CA;

No. 938, Visalia, CA; No. 1207, Walnut Creek, CA; No. 1263, Watsonville, CA; Nos. 1073 and 2114, West Covina, CA; No. 1606, Woodland, CA; No. 137, Ewa Beach, HI; No. 1295, Hilo, HI; Nos. 1500, 1859, 1922 and 2316, Honolulu, HI; No. 1289, Kahului Maui, HI; No. 703, Lihue Kauai, HI; No. 1753, Coeur D'Alene, ID; Nos. 931, 985, 6031 and 6113, Las Vegas, NV; Nos. 217 and 1944, Reno, NV; Nos. 735 and 6112, Albuquerque, NM; No. 1298, Carlsbad, NM; No. 1633, Clovis, NM; No. 2482, Farmington, NM; No. 2265, Las Cruces, NM; No. 1966, Santa Fe, NM; No. 633, Eugene, OR; No. 903, Klamath Falls, OR; No. 981, Medford, OR; No. 1490, Pendleton, OR; No. 280, Portland, OR; Nos. 2266, 2559, 6270 and 8275, El Paso, TX; No. 366, Cedar City, UT; No. 2581, Ogden, UT; No. 2276, Price, UT; No. 1131, Provo, UT; No. 2433, Roy, UT; Nos. 61, 2072 and 2609, Salt Lake City, UT; No. 419, Bellingham, WA; No. 1125, Bremerton, WA; No. 529, Everett, WA; No. 424, Kennewick, WA; No. 796, Longview, WA; No. 161, Olympia, WA; Nos. 96, 1265, 1518 and 2187, Seattle, WA; Nos. 145 and 2068, Spokane, WA; Nos. 105 and 2241, Tacoma, WA; No. 1111, Vancouver, WA.

Mr. Z, Inc., 443 Town & Country Village, Houston, TX.

Zeff Distributing Company, Inc., 306 West Ninth Street, Kansas City, MO.

Zollinger-Harned: 627 Hamilton Mall, Allentown, PA; Whitehall Mall, Whitehall, PA; Wyoming Valley Mall, Wilkes Barre, PA.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at subminimum wage rates is necessary to prevent curtailment opportunities for employment and the hiring of full-time students at subminimum wage rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate.

The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR 528. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof on or before January 26, 1976.

Signed at Washington, D.C. this 9th day of December, 1975.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.75-33592 Filed 12-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 46 (Sub-No. 10)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, as this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 432; *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Mahaska County, Iowa, on or before December 18, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 25th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 46 (Sub-No. 10)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN OSKALOOSA AND MICH SPUR, IN MAHASKA COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated November 25, 1975, it has been determined that the proposed abandonment of the Chicago, Rock Island and Pacific Railroad Company rail line between Oskaloosa and Mich Spur, a distance of 3.32 miles, in Mahaska County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that no traffic has moved over the line since January 1, 1974, and none is foreseen in the future. In view of this, the abandonment is not expected to result in a diversion of any traffic from the subject line to motor carrier transportation.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission; Washington, D.C. 20423, on or before January 2, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33602 Filed 12-11-75;8:45 am]

[Notice No. 929]

ASSIGNMENT OF HEARINGS

DECEMBER 9, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 119767 Sub 328, Beaver Transport Co., now being assigned February 3, 1976 (1 day), at Chicago, Ill.; in a room to be later designated.

MC 64932 Sub 551, Rogers Cartage Co., now being assigned February 4, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 107496 Sub 997, Ruan Transport Corporation, now being assigned February 5 1976, (2 days), at Chicago, Ill.; in a hearing room to be later designated.

MC 118202 Sub-50, Schultz Transit, Inc., now being assigned January 15, 1976, (1 day), at St. Paul, Minnesota, in a hearing room to be later designated.

MC 95920 Sub-41, Santry Trucking Company, A Corporation, now being assigned January 16, 1976, (1 day), at St. Paul, Minn., in a hearing room to be later designated.

No. 36095, Investigation into Lawfulness of Off-Line Limitations Placed on Non-Assigned Hopper Cars, prehearing conference has been continued to February 25, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 71593 Sub 3, C. G. Potter, DBA Maumee Express, now being assigned February 9, 1976, at New York, N.Y. (2 days); in a hearing room to be later designated.

MC 130279, Four Winds Travel, Inc., now being assigned February 11, 1976 (3 days), at New York, N.Y.; in a hearing room to be later designated.

MC 25798 Sub 276, Clay Hyder Trucking Lines, Inc.; MC 95540 Sub 929, Watkins Motor Lines, Inc. and 116763 Sub 326, Carl Subler Trucking, Inc., now being assigned February 3, 1976 (4 days), at Tampa, Florida; in a hearing room to be designated later.

MC 114334 Sub 31, Builders Transportation Company and MO 140546, Roadhound Truck Company, now being assigned February 10, 1976 (3 days), at Little Rock, Arkansas; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33603 Filed 12-11-75;8:45 am]

[Notice No. 137]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 12, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Section 212(b), 206(a),

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211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75645. By supplemental order entered December 5, 1975, the Motor Carrier Board approved the transfer to J. W. Crowley, Dwayne Crowley, and Donald Crowley, a partnership, doing business as J. S. Crowley and Sons, Monticello, Utah, of that portion of the operating rights set forth in Permit No. MC 34227 (Sub-No. 5), issued June 5, 1972, to Pacific Inland Transportation Company, a corporation, Cortez, Colorado, authorizing the transportation of specified commodities, from points in California, to points in New Mexico. Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75693. By order of December 8, 1975 the Motor Carrier Board approved, on reconsideration, the transfer to Robert L. Curtis, doing business as Curtis Transports, Jackson, Tenn., that portion of Certificate No. MC 71460 issued by the Commission April 26, 1963, to Southern Forwarding Co., Memphis, Tenn., authorizing the transportation of general commodities, with exceptions, over specified routes between Memphis, Tenn., and Nashville, Tenn., serving all intermediate points, with service at Memphis, Tenn., restricted against traffic destined to or interchanged at Nashville, Tenn., and service at Nashville, Tenn., restricted against traffic destined to or interchanged at Memphis, Tenn.; and restricted against service to Bruceton, Huntingdon, Milan Arsenal, Tenn., and points in described portions of Dickson and Cheatham Counties, Tenn.

James N. Clay, III, Esquire, 2700 Sterick Building, Memphis, Tenn. 38103.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33604 Filed 12-11-75;8:45 am]

[Notice No. 91]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Apples Lines, Inc., MC-114682 Sub-62	MC-114682 Sub-60	Oct. 1, 1975
Daily Express, Inc., MC-117574 Sub-236	MC-117574 Sub-236	Nov. 7, 1975
Specialized Hauling, Inc., MC-135117 Sub-3	MC-135117 Sub-3	Sep. 30, 1975
Specialized Hauling, Inc., MC-135117 Sub-6	MC-135117 Sub-7	Oct. 20, 1975
Grant Island Moving & Storage Co., MC-135283 Sub-10-TA	MC-135283 Sub-9	Do.
Jack Hodge Transport, Inc., MC-135486 Sub-5	MC-135486 Sub-7	Sep. 30, 1975
Joe Brown Co., Inc., MC-136038 Sub-51	MC-136038 Sub-50	Oct. 2, 1975
Orbit Transport, Inc., MC-136161 Sub-6	MC-136161 Sub-7	Oct. 10, 1975
Customized Parts Distribution Co., MC-136291 Sub-4	MC-136291 Sub-5	Oct. 15, 1975
Coyote Truck Line, Inc., MC-136818 Sub-26	MC-136818 Sub-14	Oct. 23, 1975
Art Pape Transfer, Inc., MC-136553 Sub-20	MC-136552 Sub-22	Oct. 28, 1975
Moore Transportation Co., MC-138104 Sub-20	MC-138104 Sub-23	Oct. 23, 1975
Moore Transportation Co., MC-138104 Sub-25	MC-138104 Sub-9	Do.
Charter Express, Inc., MC-136398	MC-136398 Sub-2	Oct. 28, 1975
Charter Express, Inc., MC-136398 Sub-1, 4	do	Do.
Charter Express, Inc., MC-136398 Subs-4, -7	MC-136398 Sub-9	Do.
Charter Express, Inc., MC-136398 Sub-10	MC-136398 Sub-11	Do.
D.b.a. Wisconsin Provisions Express, MC-138512 Sub-7	MC-138512 Sub-9	Oct. 2, 1975
Zip Trucking, Inc., MC-138807 Sub-6	MC-138807 Sub-5	Do.
Ajax Transfer Co., MC-138868 Sub-1	MC-138868 Sub-4	Oct. 28, 1975
Ajax Transfer Co., MC-138868 Subs-9, -10	MC-138868 Sub-11	Oct. 21, 1975
Calex Express, Inc., MC-139112 Sub-2	MC-139112 Sub-5	Oct. 16, 1975
Holloway Brothers Trucking, MC-139289 Sub-2	MC-139289 Sub-1	Oct. 15, 1975
D.b.a. Twin State Coach Lines, MC-139455	MC-139455 Sub-1	Oct. 28, 1975
Cowlitz Stud Co., MC-139470 Sub-1	MC-139470 Sub-2	Oct. 10, 1975
Parkwood Lumber Co., MC-139471 Sub-1	MC-139471 Sub-2	Oct. 28, 1975
Peplow Transport Ltd., MC-139531 Subs-1, -3	MC-139531 Sub-2	Oct. 17, 1975
D.b.a. Marasco & Sons Trucking, MC-139591 Sub-1	MC-139591 Sub-2	Oct. 28, 1975
R. H. Trucking, Inc., MC-139608	MC-139608 Sub-1	Oct. 2, 1975
Wayne Hinchliffs, MC-139715	MC-139715 Sub-1	Do.
Klima, Inc., MC-139884	MC-139884 Sub-2	Oct. 29, 1975
Security Transport & Delivery Service, MC-139964 Sub-1	MC-139964 Sub-2	Oct. 15, 1975
Mid-America Cartage, Inc., MC-140071	MC-140071 Sub-1	Oct. 17, 1975
Lionel Theriault, Inc., MC-140089 Sub-1	MC-140089	Do.
Ed Davenport, MC-140172 Sub-1	MC-140172 Sub-2	Oct. 14, 1975
NRG Hauling, Inc., MC-140179	MC-140179 Sub-1	Oct. 17, 1975
John E. Way, Jr., MC-140216 Sub-1	MC-140216 Sub-2	Oct. 2, 1975
Community Coach, Inc., MC-140262	MC-140262 Sub-1	Oct. 8, 1975
Walter J. Griffin, Jr., MC-140310	MC-140310 Sub-1	Oct. 15, 1975
Cook Trucking Service, Inc., MC-140373 Sub-1	MC-140373 Sub-2	Oct. 20, 1975
L C. J. Trucking, Corp., MC-140425	MC-140425 Sub-1	Oct. 17, 1975
Lamar M. Leiby, MC-140441	MC-140441 Sub-2	Oct. 28, 1975
Tripp Motor Service, Inc., MC-140446	MC-140446 Sub-1	Oct. 20, 1975
W. T. Myles Transportation Co., MC-140563	MC-140563 Sub-1	Oct. 28, 1975

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33605 Filed 12-11-75;8:45 am]

[Notice No. 92]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
L. P. Transportation, Inc., MC-109649 Sub-22	MC-109649 Sub-20	July 8, 1975
Capitol Truck Line, Inc., MC-120800 Subs-19, -23, -30, -42, -43, -48, -53, -54	MC-120800 Sub-24	Oct. 24, 1975
Capitol Truck Line, Inc., MC-120800 Sub-56	MC-120800 Sub-24	Oct. 15, 1975
Diamond Transportation, Inc., MC-123048 Subs-233, -360	MC-123048 Sub-216	Oct. 3, 1975
McKevitt Trucking Ltd., MC-123169 Sub-8	MC-123169 Sub-9	Oct. 15, 1975
Summit City Enterprises, Inc., MC-123640 Sub-11	MC-123640 Sub-12	Oct. 21, 1975
D.b.a. Mid-Tenn Express, MC-124117 Sub-5	MC-124117 Sub-6	Oct. 16, 1975
C. R. England & Sons, Inc., MC-124679 Sub-63	MC-124679 Sub-65	Oct. 15, 1975
Fast Motor Service, Inc., MC-126276 Sub-112	MC-126276 Sub-114	Do.
Gaston Feed Transports, Inc., MC-126489 Sub-22	MC-126489 Sub-23	Do.
Gaston Feed Transports, Inc., MC-126489 Sub-26	MC-126489 Sub-27	Do.
Walt's Drive-A-Way Service, MC-126717 Sub-6	MC-126717 Sub-7	Oct. 20, 1975
M & N Grain Co., MC-127355 Sub-12	MC-127355 Sub-13	Oct. 7, 1975
Parker Truck Line, Inc., MC-128095 Sub-10	MC-128095 Sub-11	Oct. 16, 1975
Crete Carrier Corp., MC-128375 Sub-71	MC-128375 Sub-62	Oct. 8, 1975
B & B Trucking, Inc., MC-128866 Sub-50	MC-128866 Sub-51	Do.
Joh-Lar Transportation, Inc., MC-129016 Sub-5	MC-129016 Sub-6	Oct. 16, 1975
Dixie Transport Co. of Texas, MC-129445 Sub-12	MC-129445 Sub-11	Oct. 21, 1975
Rajor, Inc., MC-129862 Sub-8	MC-129862 Sub-5	Oct. 16, 1975
National Carriers, Inc., MC-133106 Sub-51	MC-133106 Subs-3, -11	Oct. 20, 1975
Cecil Claxton, MC-133492 Sub-12	MC-133492 Sub-13	Oct. 7, 1975
Federation Trucking Corp., MC-133801 Sub-4	MC-133801 Sub-5	Sept. 30, 1975
Starling Transport Lines, Inc., MC-133867 Sub-7	MC-133867 Sub-8	Oct. 14, 1975
North East Express, Inc., MC-133966 Sub-36	MC-133966 Sub-37	Oct. 23, 1975
R & S Transit, Inc., MC-134131 Sub-3	MC-134131 Sub-4	Oct. 21, 1975
Jay Lines, Inc., MC-134323 Sub-13	MC-134323 Sub-14	Oct. 17, 1975
Jay Lines, Inc., MC-134323 Sub-64	MC-134323 Sub-66	Sept. 30, 1975
Blackburn Truck Lines, Inc., MC-134387 Sub-20	MC-134387 Sub-22	Oct. 10, 1975
Sebanno Transportation, Inc., MC-134477 Sub-53	MC-134477 Sub-52	Oct. 15, 1975
Unzicker Trucking, Inc., MC-134970 Sub-6	MC-134970 Sub-7	Oct. 20, 1975
D.b.a. Swanson Fuel, MC-135148 Sub-2	MC-135148 Sub-3	Nov. 6, 1975
Walker & Whitted Transportation Co., MC-135611 Sub-5	MC-135611 Sub-6	Nov. 3, 1975
J. B. Hunt Transport, Inc., MC-135797 Sub-10	MC-135797 Sub-20	Nov. 6, 1975
Movers Port Service, Inc., MC-136222 Sub-1	MC-136222 Sub-2	Oct. 31, 1975
Southern Intermodal Logistics, MC-136285 Sub-13	MC-136285 Sub-9	Oct. 30, 1975
Cargo Contract Carrier Corp., MC-136406 Sub-11	MC-136406 Sub-14	Nov. 3, 1975
Green Mountain Carriers, Inc., MC-136647 Sub-15	MC-136647 Sub-18	Oct. 30, 1975
Robco Transportation, Inc., MC-136786 Subs-12, -19	MC-136786 Sub-45	Nov. 3, 1975
Can-Am Marine Transit Ltd., MC-138164 Sub-2	MC-138164 Sub-4	Oct. 30, 1975
Wiley Sanders, Inc., MC-138882 Subs-2, -3	MC-138882 Sub-4	Nov. 10, 1975
Donald F. Owens, MC-138936	MC-138936 Sub-1	Do.
Lebanon Distributing Co., MC-139216 Sub-1	MC-139216 Sub-2	Oct. 31, 1975
D.b.a. Glacier Transport, MC-139420 Sub-1	MC-139420 Sub-3	Oct. 28, 1975
Scoville Oil Co., MC-139528	MC-139528 Sub-1	Nov. 4, 1975
D.b.a. H. C. Kocot & Sons, MC-139545 Sub-3	MC-139545 Sub-4	Nov. 10, 1975
Adrian Vanzandbergen, MC-139573 Sub-1	MC-139573	Nov. 5, 1975
Resort Bus Lines, Inc., MC-139707 Sub-2	MC-139707 Sub-3	Nov. 10, 1975
Penetang-Midland Coach Lines Ltd., MC-139953 Sub-1	MC-139953	Do.
D.b.a. Beltz Wrecker Service, MC-140278	MC-140278 Sub-1	Nov. 3, 1975
D.b.a. D & W Trucking Co., MC-140435 Sub-1	MC-140298 Sub-1	Nov. 6, 1975
D.b.a. Blythe Co., MC-140476 Sub-1	MC-140435 Sub-2	Oct. 28, 1975
D.b.a. Norman Fred, MC-140538 Sub-1	MC-140476 Sub-2	Nov. 3, 1975
	MC-140538 Sub-2	Do.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33606 Filed 12-11-75;8:45 am]

Office of Proceedings

[Notice No. 141]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 9, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107295 (Sub-No. 790TA), filed December 1, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe or tubing, parts and accessories*, from Plattsburgh, N.Y., to points in Ohio, Virginia, Rhode Island, the District of Columbia, Connecticut, Michigan, Kentucky, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, Vermont, New Hampshire, Massachusetts and Maine, for 180 days. Supporting shipper: Bryon Camp, Service Manager, Bow Corporation, P.O. Box 728, Plattsburgh, N.Y. 12901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108398 (Sub-No. 45TA), filed November 24, 1975. Applicant: RINGSBY-PACIFIC LTD., 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, as follows: (1) between Ogden, Utah and Maryhill, Wash., serving no intermediate points, from Ogden, Utah over Interstate Highway 80N to Biggs, Oreg., thence via U.S. Highway 97 to Maryhill, Wash., and return over the same route. Service at Ogden, Utah is restricted to interchange and interline of traffic with Ringsby Truck Lines, Inc., and service at Maryhill, Wash., is restricted to joinder with applicant's otherwise authorized routes; (2) between junction Interstate Highway 80 and U.S. Highway 30N near Little America, Wyo., and Maryhill, Wash., serving no intermediate points from Junction Interstate Highway 80 and U.S. Highway 30N over U.S. Highway 30N to joinder with Interstate Highway 15W, and thence over U.S. Highway 30N and Interstate Highway 15W to junction Interstate Highway 80N, and thence over Interstate Highway 80N to Biggs, Oreg., and from Biggs, Oreg., via U.S. Highway 97 to Maryhill, Wash., and return over the same route. Service at junction Interstate Highway 80 and U.S. Highway 30N is restricted to interchange and interline of traffic with Ringsby Truck Lines, Inc., and service at Maryhill, Wash., is restricted to joinder with applicant's otherwise authorized routes. Service on both of the above-described routes is restricted to traffic moving to, from or through Denver, Colo., or

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Cheyenne, Wyo., for 180 days. Supporting shippers: There are approximately 73 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo.

No. MC 111729 (Sub-No. 589TA), filed November 24, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television film and video tape*, between Baltimore-Washington International Airport, Md., and Baltimore, Md., and the District of Columbia; between Cincinnati Airport, Ohio, Cincinnati, Ohio, Columbus and Dayton, Ohio; between Dallas-Ft. Worth Airport, Tex., Dallas, Tex.; Shreveport, La.; Amarillo, El Paso, Fort Worth, Lubbock, Midland, Waco and Wichita Falls, Tex.; between Detroit Metropolitan Airport, Mich., Detroit, Mich., Cheboygan, Clio, Flint, Jackson, Kalamazoo, Lansing Southfield and Traverse City, Mich.; between Los Angeles International Airport, Calif., Los Angeles, Calif., Bakersfield, Hollywood, and San Diego, Calif.; between Lambert-St. Louis International Airport, Mo., St. Louis, Mo., Quincy, Ill.; Joplin, Kansas City, and Springfield, Mo.; between San Francisco International Airport, Calif., San Francisco, Calif., Fresno, Sacramento, Salinas and San Luis Obispo, Calif.; Portland, Oreg.; Seattle and Spokane, Wash.; restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jet Air Freight, 348-06 Rockaway Blvd., Jamaica, N.Y. 11422. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 590TA), filed November 24, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*, between Bossier City, La., and Quitman, Tex., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Innovative Data Systems, P.O. Drawer 5100, Bossier City, La. Send protests to: Anthony D. Giaimo, District Supervisor: Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117068 (Sub-No. 57TA), filed November 20, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Bldg., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, silo loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories*, for the above-named commodities, from Eureka and De Kalb, Ill., to the ports of entry, located on the United States-Canadian Boundary line at Sault Ste. Marie, Port Huron and Detroit, Mich., and extending to points in Ontario, Canada. Restriction: Restricted to traffic originating at the plantsites of A. O. Smith Corporation, and further restricted to traffic moving on winch equipped tractors and self-unloading trailers, for 180 days. Supporting shipper: Ontario Harvestore Systems, Ltd., 65 Dawson Road, Guelph, Ontario, Canada. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118959 (Sub-No. 133TA), filed December 1, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated cabinets, vanities, and cases*, from the facilities of Kitchen Kompact, Inc., at or near Jeffersonville, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Kitchen Kompact, Inc., 911 East 11th St., Jeffersonville, Ind. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 125674 (Sub-No. 11TA), filed November 25, 1975. Applicant: THE SENTINEL STAR EXPRESS COMPANY, doing business as, JACK RABBIT EXPRESS, 64 West Concord St., Orlando, Fla. 32802. Applicant's representative: James E. Wharton, P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Florida on, south and east of a line beginning at Yankeetown and extending along Florida Highway 40 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Florida Highway 24, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to the Florida-Georgia State line, thence along the Florida-Georgia State line to the Atlantic Ocean, on the one hand, and, on the other, points in Fulton, Douglas, DeKalb, Cobb, Gwinett and Henry Counties, Ga., restricted to the transportation of a single package or article weighing not more than 125 pounds in shipments not exceeding 1,000 pounds from one consignor to one consignee in any single day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 91 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, District Supervisor, Intertsate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 133741 (Sub-No. 18TA), filed November 21, 1975. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Stockton and Lewis, The 1650 Grant St., Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Bonner, Mont., to points in Colorado, under a continuing contract with Champion International Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Champion International Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg., & Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 141479 (Sub-No. 3TA), filed November 24, 1975. Applicant: G & R TRUCKING, INC., 11973 Barden Tower Road, Florissant, Mo. 63033. Applicant's representative: Terrence D. Jones, 1126 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and fittings and accessories*, necessary for the installation thereof, from the facilities of Certain-Teed Products Corp., at McPherson, Kans., to points in Arkansas, Illinois, Iowa, Kentucky, Louisiana, Missouri, Montana, New Mexico, South Dakota, Texas, Wisconsin and Wyoming, under a continuing contract with Certain-Teed Products Corporation, for 180 days. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., Louis, Mo. 63101.

No. MC 141518 (Sub-No. 2TA), filed November 21, 1975. Applicant: THE SENATE CARTAGE COMPANY, INC., 425 Barclay Court, Elmhurst, Ill. 60126. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing and polishing compounds, floor paint and varnish, and liquid cleaning compounds*, in vehicles equipped to provide protective service to lading; and (2) *Equipment, supplies, and materials*, normally used in floor maintenance service and/or used in the application of commodities named in (1) above, in mixed shipments with commodities in (1) above and then only when commodities in (2) do not exceed fifteen percent (15%) of the aggregate weight of the entire shipment. Restriction: Said operation restricted in both (1) and (2) above against the transportation of commodities in bulk, from the plantsite and/or warehouse facilities of Masury-Columbia Company at or near Chicago, Ill., to Cornwells Heights, Pa.; Dallas, Tex.; Denver, Colo.; Glendale, Calif.; Kansas City, Mo.; Somerville, Mass.; and Tucker, Ga.; with authority to traverse the states of Alabama, Arizona, Arkansas, Connecticut, Indiana, Iowa, Kansas, Kentucky, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, Rhode Island, Tennessee and Utah for operating convenience only, under a continuing contract with Masury-Columbia Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masury-Columbia Company, Kenneth J. Zavis, Manager of Traffic Dist., 188 Industrial Drive, Elmhurst, Ill. 60126. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141547TA, filed November 26, 1975. Applicant: ANDREW L. OWENS AND MARIAN M. OWENS, co-partners, doing business as, A. L. OWENS TRUCKING, Old Highway 99 North, Box 29-A, Glendale, Oreg. 97442. Applicant's representative: Dudley C. Walton, 435 S. E. Kane, P.O. Box 1265, Roseburg, Oreg. 97470. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer box shook*, from Coquille, Oreg., to Fresno, Calif., under a continuing contract with Westbrook Wood Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westbrook Wood Products, Inc., P.O. Box 284, Coquille, Oreg. 97423. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Wamhill St., Portland, Oreg. 97204.

No. MC 141548 TA, filed November 24, 1975. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar fencing and cedar fencing materials*, from Troy (in Latah County) and Calder (in Shoshone County), Idaho, to Denver, Colo.; Phoenix, Ariz.; Los Angeles and San Diego, Calif., and the commercial zones of each of said cities, for 180 days. Supporting shipper: Idaho Cedar Sales Company, P.O. Box 398, Troy, Idaho 83871. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 141549 TA, filed November 20, 1975. Applicant: ALEX ETTERS, doing business as, DAN HALL FREIGHT LINE, P.O. Box 163, Camden, S.C. 29020. Applicant's representative: Edward M. Royall, 1111 Church St., Camden, S.C. 29020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except furniture, petroleum in bulk, explosives or any commodity requiring special equipment), restricted to shipments having prior or subsequent movement by air or motor bus, between points in Kershaw, Lexington and Richland Counties, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. DuPont De Nemours & Company, Inc., 10th & Market Streets, Wilmington, Del. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 141550 TA, filed November 25, 1975. Applicant: HOPPY LINES, INC., 420 Devonshire Drive, Brea, Calif. 92621. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding rods and wire*, from the plants of Airco Welding Products, at Cleveland, Ohio; Chester, W. Va., and Sparrows Point, Md., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, under a continuing contract with Airco Welding Products, A Division of Airco, Inc., for 180 days. Supporting shipper: Airco Welding Products, A Division of Airco, Inc., P.O. Box 281, Clermont Terrace, Union, N.J. 07083. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

PASSENGER APPLICATION

No. MC 141551 TA, filed November 28, 1975. Applicant: URANUS ENTERPRISES, INC., 327 Morgan Oak, Cape Girardeau, Mo. 63701. Applicant's representative: Bradley M. Gaines (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers*, in special and/or charter operations, from various points within the City and County of Cape Girardeau and from points on Nash Road in Scott County, Mo., by irregular routes to Illinois Highway 46 and thereon to various points within E. Cape Girardeau, Ill., adjacent to Illinois Highway 46 and further north and south along Highway 3 to various points in McClure, Union County, Ill., and south in Alexander, Ill., as far as Gale and Tamms, Ill., at the southern terminus of said route in Illinois so as to encompass on the northern boundary of the northern city limits of McClure, Ill., in Union County, Ill., and its southern terminus Gale and Tamms, Ill., in Alexander County, Ill., the same points being the eastern terminus of said routes, and the western terminus being the City of Cape Girardeau, Mo., but laying within Scott County, Mo., (2) Passengers, between points as described in (1) above, for 180 days. Supporting shippers: East Cape Building Center, Inc., P.O. Box 118, McClure, Ill. 62957. East Cape Girardeau Village Board, Route 1, McClure, Ill. 62957. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-33607 Filed 12-11-75;8:45 am]

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federal register

FRIDAY, DECEMBER 12, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

COMMUNITY EDUCATION PROGRAM

Criteria Governing Grant Awards

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160c—COMMUNITY EDUCATION PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on April 18, 1975 (40 FR 17394) setting forth proposed regulations under the Community Schools Act, section 405 of Pub. L. 93–380, 20 U.S.C. 1864, to be set forth in a new Part 160c of Title 45 of the Code of Federal Regulations.

The proposed regulation, which was developed with the advice of the Community Education Advisory Council established by section 405(g) of Pub. L. 93–380, set forth proposed rules and criteria governing grant awards by the Commissioner of Education to (1) State and local educational agencies to plan, establish, expand, improve, and maintain community education programs (and to provide developmental and technical assistance in connection with the establishment, expansion, improvement, and maintenance of community education programs), and (2) institutions of higher education to develop and establish, or expand, programs which will train persons to plan and operate community education programs. The proposed regulation would apply to all grant awards made with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93–380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93–380.

The Commissioner of Education has received a large number of comments regarding the notice of proposed rulemaking under the Community Schools Act. (Approximately 250 separate comments were made on the document in approximately 100 letters or other written communications.)

In addition, the Community Education Advisory Council carried out an intensive review of the proposed regulation and provided its recommendations to the Commissioner in two separate meetings. Oral statements by interested members of the public who attended these Council meetings also responded to the proposed regulation.

All of these comments and recommendations have been carefully reviewed in the context of the provisions of the regulation to which they relate. Summaries of the comments and responses are set forth in the preamble below on a section by section basis. Changes which have been made in the proposed regulation and are reflected in the final regulation in response to the comments are noted. A genuine effort has been made to be fully responsive to the comments, within the constraints of the governing legislation and in keeping with the program purpose as the Commissioner understands it. Significant changes have been made with regard to such matters as program elements, application requirements, and evaluation criteria in response to comments.

Many of the comments included questions regarding program operation or administration or statements regarding program philosophy and concept. The Commissioner has sought to provide additional clarification or interpretation in response to these questions or comments. Prospective applicants and other persons interested in the program are invited to study the preamble carefully, since it is hoped that this material will be helpful in clarifying the regulation.

A. *Summary of comments; changes in the regulation.* The following comments were submitted to the Commissioner of Education regarding the proposed regulation. After the consideration of each comment, a response is set forth stating changes which have been made in the regulation, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulation. Where the section number in the final regulation differs from that in the proposed rule, the proposed section number is also identified.

GENERAL

(1) *Comment.* A number of comments were received relating to drafting, technical questions, presentation, organization, and cross-referencing. Commenters expressed concern about the length and complexity of the regulation and urged clarification, shortening, elimination of guideline material, and inclusion of cross-referenced sections. Others expressed concern at the depth of administrative detail. At the same time, numerous other commenters requested further clarification and amplification, as indicated in the summary of comments.

A significant number of commenters generally supported the regulation, expressed satisfaction that it was clear and understandable, and noted appreciation for the work which had been done.

Response. The Commissioner is well aware of the need to provide regulations which are simple, clear, and as brief as possible consistent with the need to provide a full statement of the rules and requirements to govern program administration.

Because the Community Education Program consistutes a new Federal activity, considerable attention has been given to spelling out its basic concept. The legislation governing rulemaking in the Office of Education requires that all rules, requirements, and standards governing a program be set forth in the FEDERAL REGISTER.

This regulation is designed to collect all such matter in a single, comprehensive document. Limitations in staff size make it important that, to the maximum extent practicable, the program rules be spelled out so as to avoid the necessity of large numbers of *ad hoc* decisions on individual applications. Further, an attempt has been made in the rules to delineate specifically the types of programs which are most likely to be funded so that applicants do not spend valuable time and energy preparing applications which have little chance of support. Some "guideline" type material (in the nature of examples, explanatory material, or recommendations) is contained in the body of the regulation, to assist applicants in complying with requirements.

The regulation contains cross references to such regulations as the OE General Provisions regulation (45 CFR Part 100a), which provides general fiscal and administrative provisions common to all OE programs. This cross-referencing is intended to avoid repeating lengthy fiscal and administrative rules in separate regulations for each of the many programs administered by the Office of Education.

In response to the comments concerning administrative detail and the need for clarification, the provisions concerning application requirements (§§ 160c.14, 160c.15) have been substantially revised and abbreviated. Other sections have been rewritten to eliminate potential sources of confusion (§§ 160c.16–160c.18).

Section 160c.1 SCOPE AND PURPOSE.

(2) *Comment.* Several commenters suggested additions to the three stated purposes of the program. One suggested that the purpose section be modified to include community agencies as potential grantees; another recommended that the purpose section include references to the establishment of community education schools rather than community education programs.

Response. Because the stated purposes of the program are taken directly from the authorizing legislation (Pub. L. 93–380, section 405(b)), it would be inappropriate to attempt to change these purposes by regulation. The comment on including community agencies as grantees is answered in the response to Comment 5 below which pertains to what parties are eligible to receive grants. The reference to "programs" rather than "schools" is also based on the statute, which refers repeatedly to the establishment of community education programs.

(3) *Comment.* Several commenters recommended the addition (to § 160c.1) of a program goal to reduce duplication through such means as a required needs assessment and coordination agreements.

Response. The comments are more pertinent to the sections on criteria and application requirements than to the definition of program purpose and have been taken into account in changes made in these sections (see §§ 160c.14(d) and (e); 160c.15(d) and (e); 160c.17(d)(2) and (3); 160c.18(d), (e)(3)).

(4) *Comment.* One comment suggested the inclusion of "grounds" and "equipment" as part of the "facilities" for which more efficient use is encouraged in § 160c.1(b)(2).

Response. Equipment is already mentioned in the regulation (§ 160c.1(b)(2)). "Grounds" would be included under the term "public facility." No change is deemed necessary.

Section 160c.2 DEFINITIONS—"LOCAL EDUCATIONAL AGENCY"—SCOPE OF TERM.

(5) *Comment.* A significant number of commenters questioned the failure of the proposed rule to include community colleges in the definition of "local educational agency" so as to render such institutions generally eligible for direct assistance under the Act. One commenter pointed to the definition of local educational agency in the regulations under the Vocational Education Act published in 40 FR 8079 February 25, 1975), which includes community and junior colleges. Other commenters suggested the term should generally be broadened to include community agencies and organizations, and that such organizations and agencies should be eligible along with LEAs and SEAs. A number of commenters urged provision for the inclusion of any public agency having administrative responsibility for community education. These commenters generally urged that failure to make these changes would result in the exclusion of many local programs from participation in the benefits of the Act.

Response—(a) *Definition of term "LEA" in regulation.* The Community Schools Act makes State educational agencies and local educational agencies eligible for assistance for carrying out nontraining grants (Pub. L. 93–380, section 405(d)). The term "local educational agency" is not defined in the Act. However, the term "local educational agency" is defined in numerous other statutes relating to aid to education, including the Elementary and Secondary Education Act (20 U.S.C. 881(f)). It is this definition which has been incorporated into the proposed rule. The inference drawn is that, in the absence of a special definition departing from that normally used, Congress intended the term "local educational agency" to carry the meaning normally ascribed to that term in other education aid statutes.

Indeed, when Congress has intended generally to include other public agencies in the definition of "local educational agency," it has done so specifically in a particularized statutory definition, as in the case of the Vocational Education Act, section 108(9) (20 U.S.C. 1248(9)) (upon which the definition cited by the commenter is based) which expressly includes within its definition of "local educational agency" any "public educational institution or agency having administrative control and direction of a vocational education program."

The House bill included its version of the Community Schools Act as part of the Elementary and Secondary Education Act and thus would have made the term "local educational agency" subject to the standard definition in section 801(f) of the ESEA, which is identical with the definition used in the regulation. (H.R. Rept. No. 93–805, at 149–51, 155 (1974)). Nothing in the Senate Report or the Conference Report in any way indicates that this clear expression of the House intent was to be altered. (Sen. Rep. No. 93–1026, at 174 (1974)). The latter report speaks of "LEA" as essentially coextensive with "school district." Further, the Senate bill would have added to the General Education Provisions Act (GEPA) a new section 400(b)(15), which would have defined "unless otherwise specified" the term "local educational agency" for any "applicable statute" in a manner similar to that in section 801(f) of the ESEA. The Senate version of the Community Schools Act used the term "LEA" but did not "otherwise specify" a definition. (Sen. Rept. 93–763, at 253–55 (1974); H.R. 69, 93rd Congress, 2d session (as passed by Senate 5/20/74; pp. 295–99; 342–47 (5/20/74). In essence, both the House and Senate bills were in accord on the definition of "LEA," and the regulation comports with this history.

Based on the above described statutory provisions and legislative history, it appears that the definition of "local educational agency" included in the regulation (§ 160c.2) is mandated by the law and cannot be altered.

(b) *Scope of the definition.* While the definition in the regulation has not been changed, a separate question may arise as to the nature of particular agencies which may fall within the definition of "local educational agency" included in the regulation. In response to the substantial volume of comments regarding the issue of eligibility under the definition of "LEA," it seems appropriate in the preamble to address this issue. The definition in § 160c.2 includes any "public authority legally constituted within a State * * * to perform a service function for * * * public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State * * *" (§ 160c.2) (emphasis added). Agencies falling within the scope of this definition will be recognized as eligible applicants. The regulatory and statutory elements include (1) status as a public authority; (2) legal mandate or authority under State law to perform the service function specified in the regulation; and (3) the existing or prospective performance of the service function for public elementary and secondary schools.

For the purposes of the Act, a public authority would, for example, be eligible if it were authorized pursuant to State law to carry out and were carrying out (or proposed to carry out)–a community education program (meeting the minimum elements set forth in § 160c.3(c)) in a public elementary or secondary school facility. It would not be necessary that the public authority have the sole or primary purpose of providing a service function for public elementary or secondary schools, so long as the public authority had the legal authority to perform such a service function. (Documentation with respect to the status of an agency under State law as a "public authority" and as to its authority to perform a service function for public elementary or secondary schools could be provided through submission of an opinion of counsel or other appropriate legal opinion.)

In summary, while the definition of "LEA" is retained in § 160c.2, agencies which come within the "service function" provision of the definition, as described above, will be recognized as eligible for grants to establish, expand, improve, or maintain community education programs under this regulation. A public community college or public agency administering a school-based community education program would be eligible if it satisfied the elements of that provision. The overall approach implements Congressional intent that grants be made to "local educational agencies" and interprets that term to provide for "the maximum flexibility and efficiency in the organization of programs," as contemplated by the Congress (remarks of Senator Morse, Cong. Rec. 7046 (daily ed., April 7, 1965)).

Section 160c.2 DEFINITIONS—"LOCAL EDUCATIONAL AGENCY" — INTERMEDIATE SCHOOL DISTRICTS.

(6) *Comment.* One commenter stressed the need to include intermediate school districts among the eligible parties. Another commenter read into the regulation an intent that multi-district cooperatives in which one of the districts was the fiscal agent might not apply.

Response. The definition of "local educational agency" as used in the regulation (§ 160c.2) includes "any public authority legally constituted within a State * * * to perform a service function for public elementary or secondary schools * * *." It also includes a "combination of school districts * * * as are recognized in a State as an administrative agency for its public elementary or secondary schools." Intermediate school districts or multi-district cooperatives are thus included within the definition. See also 45 CFR 100a.19 (relating to cooperative arrangements) which is applicable to the Community Schools Program under § 160c.1(c) of the regulation.

Section 160c.2 DEFINITIONS—"LOCAL EDUCATIONAL AGENCY"—SCHOOLS SERVING INDIAN CHILDREN.

(7) *Comment.* Several commenters questioned the exclusion of schools operated by the Bureau of Indian Affairs or by nonprofit organizations of Indian tribes from the term "local educational agency" and from eligibility to apply for funds to plan, establish, expand, or maintain local community education programs. A commenter questioned whether the term "State" could be expanded to include Indian reservations.

Response. Both the Community Schools Act and the regulations thereunder provide for grants to local educational agencies, including LEAs which serve Indian children. As indicated in the response to comment 5, the definition of "local educational agency" set forth in § 160c.2 of the regulation is based upon statutory language; the issue which has been given consideration by the Commissioner (in response to comments and requests by the Community Education Advisory Council) is whether BIA and/or Indian controlled schools are within the statutory definition.

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In other statutes, where the same problem has arisen, Congress has specifically elected to include special provisions designed to establish the eligibility of BIA and Indian controlled schools. Title VII of the ESEA (the Bilingual Education Act) is an example. That statute, like the Community Schools Act, makes "local educational agencies" (as defined in 20 U.S.C. 881(f)) eligible. In 1970, Congress added to that Act a new § 706 providing that a nonprofit organization of an Indian tribe operating a predominantly Indian school could be considered a "local educational agency" and providing for payments to the Department of the Interior for programs in BIA schools. The legislative history of Pub. L. 91–230 indicated an intent by this language to include both types of schools and certainly indicates the understanding of the Congress that the term "local educational agency" would not, without more specific language, include such schools. (Sen. Rept. No. 91–634, 91st Con. 2nd Sess. 57–58 (1970)). Similarly, the Indian Elementary and Second School Assistance Act, title III of Pub. L. 81–874, added by title IV–A of Pub. L. 92–318, which provides for grants to LEAs, contains special provisions for so-called non-local educational agencies (section 303(b)) (Indian controlled schools). This history seems persuasive that Congress does not intend the term "local educational agency" to include Indian tribal schools or the BIA since such entities are expressly included in pertinent legislation where they are intended to be covered. A change in the regulation does not appear to be authorized, absent a change in governing legislation.

Since the Department strongly believes that the benefits of community education should be extended generally to schools serving Indian children and that such schools should be covered by the Act, it will take steps toward achieving these objectives by seeking appropriate legislation. Current programs of the Department, it should be noted, serve some of the goals of community education for Indian schools by strengthening community involvement in the operation of schools for Indian children. For example, under section 303(b) of the Indian Elementary and Secondary School Assistance Act, funds are provided to assist in the establishment of Indian community run schools (on or near reservations) which are not local educational agencies but are operated by Indian tribal or community organizations. 45 CFR 186.22. (As indicated above, public schools which serve Indian children and are operated by local educational agencies are eligible for participation in the program under the Community Schools Act.)

Similarly, the term "State," which is not defined in the Community Schools Act or the Special Projects Act, is defined in various other aid to education programs in a manner consistent with that used in § 160c.2 of the proposed regulation (see particularly the definition in title VIII of the ESEA). The term has not been defined in these statutes to include Indian reservations, and this usage has been followed in the instant regulation.

Section 160c.2 DEFINITIONS—COMMUNITY COLLEGES.

(8) *Comment.* One commenter requested that a definition be added for community colleges.

Response. A "community college" is a type of institution of higher education, a definition of which has been set forth in full in the final regulation. To specify a separate definition for "community colleges" might be restrictive and might, therefore, unnecessarily limit the role assigned to community colleges. No change is deemed appropriate.

Section 160c.2 DEFINITIONS—"PROGRAM ACTIVITIES AND SERVICES."

(9) *Comment.* Some commenters thought that this definition was intended to limit the activities which may be included, rather than to suggest examples of those services and activities which may be included. Some commenters requested additions to the definition, such as specific mention of the aged, rehabilitation services for those who have been in criminal or juvenile justice systems, programs on public health and the environment, and the like.

Response. The statement of program services and activities was meant to suggest examples of types of activities which may be included. It was in no way intended to limit the possible activities and services which might be carried out under a community education program. Clarification of this point has been made in the final regulation, and mention has been made of additional suggested activities for illustrative purposes.

Section 160c.2 DEFINITIONS—"PUBLIC FACILITY".

(10) *Comments.* It was suggested by one commenter that the definition for the term "public facility" should express the requirement that the facility be open to all members of the community regardless of age, sex, race, religion, or ethnic origin. Further, it was suggested that a "public facility" expressly include a facility under the control of a branch of government.

Response. The access of all segments of a community to a community education program would appear to be addressed by § 160c.3(c) (3), (4), and (5). In addition, all U.S. Office of Education programs are subject to provisions of Title VI of the Civil Rights Act and Title IX of Pub. L. 92–318 which preclude discrimination under such programs on the basis of sex, race, color, or national origin. (See 45 CFR Parts 80, 86). To change the definition of "public facility" to include a facility under the control of a branch of government would make it possible for grantees to obtain buildings not publicly owned through rental or otherwise to serve as the center for the community school program. The suggested change might therefore dilute the statutory purpose of making more efficient use of public education facilities which are not being fully utilized. The definition of "public facility" as a facility owned by a branch of government appears to carry out the legislative intent and is therefore retained. It should be noted that the regulation does not preclude the use of facilities which are not publicly owned as satellite or mobile facilities related to the community center (§ 160c.3(c) (3) (ii)).

Section 160c.3 ELEMENTS OF A COMMUNITY EDUCATION PROGRAM—PROPOSED PROGRAM ADMINISTRATION.

(11) *Comment.* Section 160c.3(c) (1) of the proposed regulation required that a community education program assisted under the Act "must be administered by a public elementary or secondary school." A substantial number of commenters suggested that this requirement should be relaxed. Certain commenters urged that municipal or other agencies be recognized as possible program administrators and that joint administration of programs by schools and other relevant local organizations be encouraged. Others pointed to provisions for program services in public facilities operated by other than public schools (§ 160c.3(c) (3)) and suggested that the agency responsible for the facility used should administer the community education program. Some commenters recommended recognition be given to the possibility of administration by a community or junior college. Others generally noted the need for continued cooperation between park and recreation agencies and schools.

Response. In response to these comments, § 160c.3(c) (1) of the regulation has been revised. No particular form of administration will be required, as long as the school is genuinely involved in the administration of the program. The regulation, as altered, requires that the administration of the program be school centered, in the sense that the school must be directly and substantially involved in the administration and operation of the program. The means by which this takes place will vary from school to school and program to program. Thus, for an example, the element may be satisfied by arrangements where the program is administered by the school; or by a committee in which the school administrator participates; or through a professional who is in continuing consultation with the school administrator; or by a consortium of agencies in which the school has a major voice. A community education program in which the role of the school is confined solely to making its facilities available and in the administration or operation of which the school as a school plays no genuine role is not, in the view of the Commissioner, a community education program within the meaning of the law. (S. Rep. No. 763, 93rd Cong. 2nd. Sess. 72–73 (1974)).

Section 160c.3(c) (2) COMMUNITY SERVED.

(12) *Comment.* In listing the elements of a community education program, § 160c.3(c) (2) contemplates that the program serve "an identified community which is at least coextensive with the school attendance area for the regular instructional program of the school involved in administering the program, except where special circumstances warrant the identification of a smaller community." One commenter urged that the words "or larger" be added after "smaller." The purpose of the change would be to recognize community education programs which serve a larger "community" than that of the school attendance area of the school (for example, an entire school district).

Response. The use of the words "at least" in the proposed rule denotes that a larger community than the school attendance area may be served. The commenter's point appears to be reflected in the regulation already.

Section 160c.3(c) (3) PUBLIC FACILITY AS A COMMUNITY CENTER.

(13) *Comment.* Section 160c.3(c) (3) of the proposed rule required that program services to the community be sufficiently concentrated in a public facility to constitute the facility as a community center. A commenter requested that community recreation or park centers be added to the illustrative list of possible public facilities which might be used as community centers.

Response. The suggested change has been made to the language of § 160c.3 (c) (3).

Section 160c.3(c) (4) SCOPE OF ACTIVITIES AND SERVICES.

(14) *Comment.* A commenter suggested greater specificity regarding the actual extent of services beyond the K–12 level required in a community education program. The commenter was concerned that a program limited to one activity (such as recreation or adult education) would qualify as a community education program.

Response. While proposed § 160c.3 (c) (4) and (7) related to the comprehensiveness of services in a community education program and would therefore seem to have addressed the commenter's concerns, § 160c.3(c) (3) and (4) has been amended to further express the commeter's point that program services should not be confined to a single or limited number of areas.

(15) *Comment.* Proposed § 160c.3(c) (4) called for extension of activities and services offered by a community education program in terms of scope and nature of program services, target population, and hours of service. One commenter urged that the regulation should express the principle that community education is not merely an "add on" to the regular K–12 program and that the regular educational program is part of the totality of community education.

Response. The Commissioner agrees with the commenter that community education should not be regarded as an "add on" to the regular school program but as an integral part of a total school program. The community education program services and the regular education instructional program should be mutually reinforcing. A clarifying change has been made in § 160c.3(c) (4) in this regard, and provisions of the funding criteria relating to school involvement have been restated and sharpened (see §§ 160c.17(d) (1) and 160c.18(d) (1)).

Section 160c.3(c) (5) COMMUNITY NEEDS.

(16) *Comment.* Section 160c.3(c) (5) of the proposed rule related to systematic procedures for identifying and responding to community needs. A commenter suggested that the statement on community needs should urge local educational agencies developing programs to utilize, wherever possible, the data on needs already available from public and private agencies. Another commenter requested that the statement in the proposed regulation be expanded by adding that a needs assessment must include a supporting statement from all other concerned community service agencies.

Response. Conservation of effort and energy in the assessment of needs by using existing data where feasible seems to make very good administrative sense. The Commissioner anticipates that local programs will observe this sensible practice as a matter of course and believes that § 160c.3(c) (5) need not mandate it.

Section 160c.3(c) (6) COMMUNITY RESOURCES.

(17) *Comment.* Section 160c.3(c) (6) of the proposed rule provided that a community education program must "provide for the identification and utilization of educational, cultural, recreational, and other existing and planned resources outside of the community education program."

A commenter urged that, while the proposed rule mandated the use of existing resources, close scrutiny of applications would be necessary to avoid duplication of resources. Another commenter suggested that the utilization of resources be strengthened by adding the language "to the fullest extent possible" after "utilization."

Response. The language suggested by the commenter has been added to § 160c.3(c) (6). To address further the important concern raised by these comments, additional amendments were made to § 160c.3(c) (6) and to other portions of the regulation, in accordance with congressional intent to encourage the use of existing resources to the fullest extent, and avoid duplication of services and resources. In particular, use of existing resources and avoidance of duplication have been emphasized as important factors in proposal review (see §§ 160c.13(d) (3) and (4); 160c.17 (d) (3); 160c.18(d) (3)).

The required review by the SEA will provide opportunities for comment on individual applications, including opportunities for comment regarding duplication of services, activities, or resources.

Section 160c.3(c) (7) PROGRAM CLIENTS.

(18) *Comments.* Section 160c.3(c) (7) of the proposed regulation required that a community education program have the "potential" to accommodate a broad range of clients. A commenter noted that the use of the word "potential" is unclear. Another commenter observed that the statement concerning the clients of a community education program emphasizes individuals who may already be served and thus the program would lead to duplication of existing resources.

The commenter suggested that the regulation might instead encourage community education programs to accommodate such individuals as young persons who have been in jails, detention homes, training schools, hospitals, or whose parents are in jails or hospitals. The commenter urged that applicants, in developing programs for Federal grants, should think in broad, socially encompassing terms by means of which a community can learn to assume responsibility for its members.

Response. The statement concerning clients of program services and activities was not intended to be limiting. The statement merely attempted to delineate some possible types of target groups or clients without meaning to exclude others. The Commissioner agrees with the above comments and encourages grantees to give the fullest consideration to persons who could be most assisted, particularly those who currently may not be served by traditional or existing community agencies.

For clarification, the words "have the potential for accommodating" in § 160c.-3(c) (7) have been replaced by "be designed to serve" to convey that, while programs may not now serve all persons in a community or all possible target groups, they at least be designed to provide services on a broad basis. In addition, language has been added to reflect the comment with regard to groups not adequately served. The evaluation criteria have also been amended to reflect these concerns (§ 160c.17(d) (2)).

Section 160c.3(c) (8) COMMUNITY PARTICIPATION.

(19) *Comment.* One commenter requested that provision be made for a community advisory council in this section or in § 160e.12 of the proposed rule regarding application requirements and that the term be defined. Other commenters urged a requirement for broad participation in planning and coordination by representatives of agencies providing services offered by the program. Other commenters recommended that such participation be on a policy-making rather than advisory basis.

Response. Section 160c.3(c) (8) of the regulation provides that active and continuous community participation must be one element of a community education program under the Act. Section 160c.12(a) (6) of the proposed rule would require an application under the Act to provide documentation of community involvement in the preparation of the application. These provisions have been retained in the final regulation (see §§ 160c.3(c) (8); 160c.14(e); 160c.15(e)). In addition, the criteria for evaluation of applications include community participation as an important factor in evaluation (§§ 160c.17(d) (4); 160c.18(d) (4)).

The formation and operation of an advisory council would be one method for

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meeting these standards. However, neither the proposed rule nor the final rule mandates an advisory council either at the program level or the applicant level as the exclusive means of responding to these requirements or criteria. To prescribe a council or other mechanism might limit or discourage the use of other and possibly more appropriate means for ensuring community participation as well as coordination and consultation. The Commissioner believes that in this regard the precise means of implementing the principles stated in the regulation should be left to local option. At the same time, it should be emphasized that the presence of a strong and viable element of community participation in each affected community education program and in the development of the project will be important in the evaluation of an application.

Community participation must be on an advisory basis since ultimate responsibility for operation of a program or project must be in the administering agency (see 45 CFR 100a.18(a)).

Section 160c.4 LIMITATION ON NUMBER OF APPLICATIONS.

(20) *Comment.* One commenter noted that the requirement that a State educational agency file a separate application for each pilot local community education project which the State intends to administer directly would be an unnecessary burden and that this arrangement implied that States were unable to administer and evaluate local programs of their own choosing.

Response. The final regulation requires that State educational agencies prepare two applications; if they are applying for both developmental and technical assistance funds and to administer local programs directly. One application would pertain to the proposal for developmental and technical assistance. The second application would relate to those local programs which the State will administer directly.

This is required so that each type of application by a State educational agency can be reviewed and evaluated in its own category (developmental or technical assistance or direct administration of a local program. (See §§160c.17 and 160c.18.) The regulation makes no implication that States are unable to administer local programs. The legislation does not permit funds to be made available to States for subgrants to the local programs (see comments 32 and 35 for rationale).

Section 160c.5 DURATION OF PROJECT.

(21) *Comment.* One commenter noted that the lead time to establish a local community education program may be up to six months. The same conditions may be true for colleges and universities developing training programs. The commenter believed that the benefit of comprehensive educational planning and citizen involvement, the essence of the process, would be lost with a one year grant.

Another commenter requested that initial grants for new programs be made for up to three years, subject to annual review. This commenter felt that a one year grant may be an insufficient period to acquire and train an individual to direct the program; personnel would also spend time preparing annual applications rather than on program administration.

Another commenter suggested a sliding scale of support over a maximum of three years.

Response. Provisions in the proposed rule for a one year grant period were based on the need to make best use of limited Federal funds. While a project may continue to receive Federal support in fiscal years succeeding the initial fiscal year, it would do so only if it successfully competed with applications for initial year assistance. Thus, maximum opportunity is provided for a wide distribution of assistance to community education programs.

Since the statute already provides a sliding scale of Federal support (80 percent for a new program, 65 percent for expansion or improvement, 55 percent for expansion for each additional year, and 40 percent to maintain existing programs) (§ 160c.19), the Commissioner cannot develop an additional and different sliding scale in the regulation.

Section 160c.9 ELIGIBILITY—JOINT APPLICATIONS (§ 160C.7 IN THE PROPOSED REGULATION).

(22) *Comment.* One commenter questioned whether joint applications by two or more LEAs will be entertained. Another commenter questioned whether a consortium of State educational agencies would be eligible.

Another comment related to the case of a joint application submitted by an LEA/SEA. The commenter asked if one of the two parties' components of a joint application is of insufficient quality to be funded, the other party's position would be jeopardized.

Response. Joint applications by eligible parties (including LEAs) are authorized under § 100a.19 of Title 45 CFR, made applicable to the program by § 160c.1(c). A consortium of State educational agencies carrying out an appropriate project under the Act could apply for assistance under a joint application. The evaluation of a joint project would depend on the nature of the particular project submitted. It is anticipated that in selecting projects for funding, the Commissioner will evaluate each project in its totality. It would not be administratively feasible in ranking applications to rank separately each component of an application.

Section 160c.9 ELIGIBILITY—ELIGIBLE PARTIES (§ 160C.7 IN THE PROPOSED REGULATION).

(23) *Comment.* Numerous comments were received concerning those groups which could apply directly and receive Federal funds under this Act, including many urging that community or junior colleges, municipal agencies, local governments, nonprofit organizations, and other interested groups be eligible.

Response. (See response under comment 5).

Section 160c.9 ELIGIBILITY—COORDINATION AND NONDUPLICATION (§ 160c.7 in the proposed regulation).

(24) *Comment.* One commenter, while noting various provisions for cooperation among public agencies involved in community education, such as local educational agencies and local parks and recreation agencies, suggested that these provisions would be strengthened by the addition of language, in § 160c.9 (§ 160c.7 of the proposed rule relating to eligibility), requiring projects involving disciplines other than education to be approved by the director of the appropriate governmental agency charged with the responsibility for providing the services. Presumably, adoption of this provision would require a "sign-off" by each of the municipal or local agencies involved in providing the services as well as the applicant LEA.

Other commenters urged that the problem of avoiding duplication and insuring coordination among groups or organizations involved in community education be handled through the establishment of a formal advisory council at the school district level.

Response. As indicated above, § 160c.7 reflects the statutory provision providing that LEAs are eligible parties. A provision requiring the assent of an agency other that the LEA as a condition to the submission by the LEA of an application under the Act would raise questions under this statutory framework (General Education Provisions Act, section 421A (c)). On the other hand, provisions calling for coordination among relevant agencies and provisions aimed at preventing duplication of services are within the ambit of the program. These were contained in the proposed rule. See, for example, § 160c.3(c) of the proposed rule (identification and use of resources outside the school); § 160c.3(c)(8) (participation of community groups, including social, recreational, and health groups, in planning and carrying out the program); § 160c.12(a)(6) (documentation of this involvement). These provisions have been retained. The suggestion for an LEA-level mandated advisory council has not been adopted (see response to comments 17 and 19).

Section 160c.10 SCOPE OF FEDERALLY-ASSISTED PROJECTS (§ 160.c.8 IN THE PROPOSED REGULATION).

(25) *Comment.* One commenter, noting § 160.8 (c) and (d) of the proposed rule relating to costs of allowable activities (§ 160c.10 (c) and (d) in the final rule), referred to the need for assistance in disseminating information to the public. The commenter recognized that proposed § 160c.8(c) specifically referred to costs of "dissemination of information to the community" and would make such costs allowable. The commenter urged that the section be expanded to specify the particular dissemination costs actually allowable. The commenter also requested clarification regarding the procedures which an individual community school should follow in applying for assistance.

Response. Since the provisions in § 160c.10(c) of the final rule appropriately spell out the activities for which reimbursement will be made, including dissemination of information, there would appear to be no need for further detailed allowable cost breakdowns for each activity. These are already covered in that the program is subject to the General Provisions regulations for OE programs (45 CFR Part 100a) which include general principles for determining costs for all activities (see § 160c.1(c); 45 CFR Part 100a, Appendix B). Application of these principles should provide adequate guidance.

With regard to procedures for securing assistance under this regulation, both the proposed rule and the final rule make clear that assistance can be made available only to those parties eligible as LEAs (§ 160c.9). An individual community school must, to the extent it takes initiative, work through its LEA in the formulation of an application. Specific application procedures will be available once application forms and packages are completed. These will be available to all interested parties requesting them from the Office of Education.

(26) *Comment.* Several commenters questioned whether custodial fees, utility fees, and rent for the operation of an extended hours program are intended to be allowable under the regulation.

A question was also raised by a commenter with respect to the meaning of the phrase "instructional staff for the program and program participants" as used in § 160c.8(c) of the proposed rule.

Response. Section 160c.10(c) (§ 160c.8 (c) in the proposed rule, costs generally allowable) is intended to cover leadership, coordinating, and administrative costs relating to the provision of community education services. The regulation is not intended to make generally allowable either custodial or utility fees for extended hours programs.

The term "instructional staff for program and program participants" is used in the context of recruitment costs for this staff but not the cost of the services of the staff. Thus, if a program needs a particular dance instructor to conduct a modern dance program, under § 160c.10(c), costs incidental to recruitment of such instructor, but not the salary of the instructor, would be generally allowable. Costs for "instructor salary" may be allowed in the exceptional circumstances referred to in § 160c.10(d), and when specifically authorized in the grant award document.

(27) *Comment.* One commenter suggested that the regulation should provide for the total funding of community education programs in low income and "ghetto" communities.

Response. The comment is taken to mean that all costs of a community education program (not merely those specified in § 160c.10(c)) be covered by a grant under the Act for community education programs in low-income areas. It should be noted that § 160c.10(d) (§ 160 c.8(d) in the proposed rule) does permit, to a very limited degree, the grant to cover certain costs in "exceptional circumstances" as specified therein. However, program funds expected to be available simply could not accommodate the commenter's suggestion. It should also be noted that although the House bill had provided that applications for community education programs in economically depressed areas would not be subject to the statutory matching requirement, this provision was not included in the Act.

(28) *Comment.* One commenter asked whether remuneration for community members engaged in planning a community education program is an allowable cost under § 160c.10(c)(1) (§ 160c.8 (c)(1) in the proposed rule).

Response. The regulation provides for reimbursement of out-of-pocket or administrative expenditures incurred in establishing, expanding, or maintaining a community education program; these costs would be the administrative costs of planning and coordination, such as salaries of administrative staff, printing, transportation, and so forth. The costs of regular instructors, course materials, or other expenses resulting from the direct provision of services would not be allowed. Thus, insofar as community members are hired as regular full- or part-time administrative staff for the community education program, their salaries would be allowable costs. In those instances where citizens are not regular staff, but simply representing the community viewpoint, through, for example, participating in a council or citizen survey, no provision is made for reimbursements. The final regulation clarifies this point in § 160c.10(c).

(29) *Comment.* One commenter questioned whether the term "staff" as used in § 160c.10(c)(1) (§ 160c.8(c)(1) in the proposed rule) included both certificated and non-certificated personnel, and clerical as well as instructional personnel.

Response. The regulations do not limit staff to certified or professional personnel. It is anticipated that personnel with many types of backgrounds, experience, and training will be a part of the community education staffs, and that different types of personnel will be required in different settings.

(30) *Comment.* One commenter recommended that survey work, establishing interagency coordination, identifying resources, and other planning functions be allowable costs under a local educational agency grant as a "planning grant."

Response. The statute authorizes grants for "planning, establishing, expanding, and maintaining" community education programs. Planning grants as such would not appear to be authorized, since the statute designates Federal shares only for establishing, expanding or improving, and maintaining programs. It would appear, however, that the costs of coordination, resource identification, and other planning activities are allowable insofar as these activities are required to establish, maintain, or expand community education programs.

Section 160c.10(e) COSTS AT AGENCY AND SCHOOL LEVELS (§ 160c.8(e) IN THE PROPOSED REGULATION).

(31) *Comment.* One commenter, noting that funds can be utilized to pay administrative costs at the school or local educational agency level, observed that emphasis on hiring an individual to coordinate the use of facilities at the school level is currently a responsibility of many vice principals within existing systems. The Office of Education would, therefore, be adding administrative layers, rather than funding programming costs.

Response. The proposed regulation emphasized the funding of administrative rather than programmatic costs because the purpose of the legislation is to encourage the better use and coordination of existing resources and to pay the administrative costs of planning, expanding, and supporting this coordination. The Commissioner does not understand the purpose of the legislation to be the displacement of other funding of recreational, cultural, or educational programs (section 405(c), Pub. L. 93-380) and assumes that the funding for those programmatic costs will continue to be met by other sources.

Section 160c.11 STATE EDUCATIONAL AGENCY PROJECTS (§ 160C.9 OF THE PROPOSED REGULATION).

(32) *Comment.* Several commenters suggested that the funds for grants to State educational agencies for approved programs be allotted and administered pursuant to a State plan developed by each State. One commenter pointed to the precedent of title III of the Elementary and Secondary Education Act (ESEA) in which up to 85 percent of the funds are available on a State plan/State-administered basis. Another commenter urged that some sort of fixed allotment formula ought to operate allowing sufficient funds for all small States.

Response. The Commissioner of Education is committed to the proper and efficient administration of Federal aid to education programs on a formula grant, State plan/State-administered basis when authorized by law. The statute (section 405(d)(1)) provides for direct grants by the Commissioner both to SEAs and LEAs. No provision is made for a formula or a State plan. No "pass through" of funds from SEA to LEA is authorized. On the other hand, title III of the ESEA, mentioned by the commenter, provides expressly for a State plan 20 U.S.C. 844a); State approval of LEA grants (20 U.S.C. 844); and a formula for distribution of funds (20 U.S.C. 842).

The legislative history of the Community Schools Act indicates that Congress considered and rejected a State plan/State formula approach. The House bill clearly involved such an approach. (H.R. Rept. No. 93-805, 93rd Cong. 2d. Sess. 50-51, 149-154 (1974)). The compromise worked out in conference called for distribution of funds among State educational agencies and local educa-

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tional agencies on a 50/50 basis but contained none of the State plan/State formula provisions of the House bill (Sen. Rept. No. 93–1026, 93rd Cong. 2d. Sess. 174 (1974)).

Within the constraints of the Act, § 160c.11(a)(2) of the regulation does provide for meaningful Statewide programs to be administered by SEA grantees in providing technical and developmental assistance to LEAs.

(33) *Comment.* One commenter, in noting the provisions for eligibility of SEAs to receive grants for technical and developmental assistance, urged that steps be taken to preclude duplication by SEA grantees in carrying out functions or performing services already made available by other State agencies (such as those responsible for recreation, community affairs, or the like).

Response. Duplication of developmental and technical assistance services provided by State agencies to discrete community education programs (under § 160c.11(a)(2) of the regulation) is, of course, to be avoided both in the approval of applications and in the administration of approved grants. Sen. Rept. supra at 73; House Rept. supra at 50.

In the criteria for funding, rating points are given to reflect the degree to which the SEA has established machinery to assure coordination of its community education activities with other appropriate agencies (§ 160c.18(d)(3)). An application must document involvement of appropriate groups in the preparation of the application, a requirement which should help avoid duplication of services and activities available in the served community (§ 160c.15(e)).

(34) *Comment.* One commenter questioned whether State departments of education can directly operate a community school program or only in States with direct responsibility for operating public schools such as Hawaii and Alaska. The commenter asked whether a State correctional institution or State institution for the handicapped would be an example of State operated schools, and therefore be eligible.

Response. A State's authority to operate a local community school program would be determined by the applicable State law. A public agency operating a State school for the handicapped would be an LEA and thus be eligible for funding with respect to community education programs (see the definition of "local educational agency" in § 160c.2).

Section 160c.11(d)(1) SUBGRANT; SERVICE CONTRACTS (§ 160c.9(d)(1) OF THE PROPOSED REGULATION).

(35) *Comment.* Several commenters indicated that the provisions of this paragraph (which do not allow State educational agencies to award subgrants to local educational agencies or to any other entities or individuals) would exclude community colleges, public school districts and, in the case of Massachusetts, elected or appointed agencies, commissions, or councils established and best able to carry out local community education programs in given States.

Response. Subgrants of Federal funds may be made by State educational agencies to local educational agencies and other entities only when they are expressly authorized by statute, as under titles I and IV of the Elementary and Secondary Education Act. Subgrants are not authorized by the Community Schools Act.

Public entities such as community colleges, public school districts, and other commissions or councils may receive direct grants from the Commissioner if they come within the definition of local educational agency in § 160c.2 (see response to comment 32).

(36) *Comment.* Commenters requested that the section allowing contracts with local educational agencies or other entities or individuals to secure services which will assist in carrying out a local community education program be expanded to name specifically local parks and recreation agencies and other agencies providing services as a part of the community education program.

Response. The regulation provides for service contracts without limiting the entities with which a grantee may contract. The addition of examples of specific contractors might imply an intent to exclude categories not so specified. No change is deemed appropriate.

Section 160c.12 PREAPPLICATIONS (§ 106C.10 IN THE PROPOSED REGULATION).

(37) *Comment.* One commenter inquired as to whether use of preapplications was mandatory.

Response. The regulation authorizes, but does not require, the Commissioner to use preapplications. A decision as to whether or not to invite preapplications has not yet been made. When made, it will be communicated through the formulation of a notice of closing date published in the FEDERAL REGISTER.

(38) *Comment.* One commenter asked for further clarification as to how preapplications will be evaluated under § 160c.12(b)(3), and the procedures for submitting preapplications.

Response. The standards for evaluation of preapplications are set forth in § 160c.12 of the final rule. No decision has yet been made with respect to whether preapplications, if they are requested, will be evaluated by field readers, panels of evaluators, or other methods. The time and place for submission of preapplications will be announced when and if preapplications are invited.

(39) *Comment.* Another commenter urged that the State educational agency be excluded from the review of the preapplication.

Response. Since one of the primary purposes of the Community Schools Act is to promote coordination and better use of facilities and resources, it would be counterproductive to exclude States from the review of the preapplications at a point at which there is still opportunity to develop mutually useful cooperative agreements .Preapplication review also gives States an opportunity to identify interested LEAs and to provide technical assistance to those desiring it.

(40) *Comment.* One commenter, referring to proposed § 160c.10(b)(4)(i) (§ 160c.12(b)(4)(i) in the final rule), expressed concern that the SEAs, while able to review the initial preapplication, would not have "input" into later negotiations regarding changes in the application and would thus be hampered in making plans and arrangements for technical assistance.

Response. The comments provided by the SEA concerning the initial preapplication (if preapplications are used) should provide a basis for OE review of preapplications. The State will also be involved in the review of applications (under § 160c.13).

Section 160c.13 STATE REVIEW OF LOCAL EDUCATIONAL AGENCY APPLICATIONS (§ 160C.11 OF THE PROPOSED REGULATION).

(41) *Comment.* Several commenters urged that State review of LEA applications be conducted by State agencies in addition to the SEA, such as a State department of community affairs or State department of recreation and conservation, or other organizations which are concerned with matters or disciplines relevant to community education.

Other commenters requested that the regulations set forth the make-up of a mandated State review committee, including representation of different disciplines, and that the application review should be performed in conjunction with a State community education advisory council.

Response. Section 405(d)(4) of the Act provides that "the Commissioner shall not approve an application submitted by a local educational agency unless the State educational agency of the State in which the local educational agency is located has been given an opportunity to review, and make comment on, such application" (20 U.S.C. 1864(d)(4)). Accordingly, only SEA review (as provided in § 160c.13) is mandated by the Act. However, it would be sensible to encourage, within the framework of the Act, "input" from State agencies (other than the SEA) in the evaluation of applications, since that would be one factor upon which the interagency participation at the State level would be evaluated (see § 160c.18(d)(3)). Changes have also been made to encourage coordination in State review of applications (§ 160c.13(d)(3) and (4)). However, the Commissioner does not believe that the Office of Education should mandate a particular State review committee or its functions.

(42) *Comment.* The commenter also urged that SEA comments be communicated to the affected LEA.

Response. The communication of State educational agency comments to local educational agencies on their applications should be at the option of the State, rather than mandated by the Commissioner.

(43) *Comment.* Another commenter questioned how OE will verify that a

copy of the application has been sent to the SEA.

Response. Verification will be handled by informal communication between the Office of Education, the LEA, and the SEA.

(44) *Comment.* One commenter asked what influence the State's comments will have on the U.S. Office of Education evaluation of applications.

Response. The State's views will be given full consideration by the Commissioner in reviewing applications in accordance with the requirements and criteria in this regulation. The SEA is not given a veto authority with respect to LEA applications by the statute, but its comments will serve to advise the Commissioner in reviewing applications under this regulation.

Sections 160c.14 and 160c.15 APPLICATION REQUIREMENTS (§160C.12 OF THE PROPOSED REGULATION).

(45) *Comments.* A number of commenters observed that the proposed requirement section was overly complex and redundant. Others requested more detailed guidance as to the content of applications. Several comments requested further refinement with regard to specific matters, such as qualifications or staff, the naming of specific agencies to advise in the preparation of applications, and the implementation of programs, and also requested a strengthening of provisions regarding cooperation in the carrying out of programs.

Response. In response to comments, as previously indicated, the proposed application section (which has been broken into two separate sections in the final regulation to distinguish the different types of projects, §§ 160c.14, 160c.15) has been rewritten, shortened, and simplified. A number of detailed requirements have been eliminated (see response to comment 1). The section has been confined to those requirements deemed essential to the operation of the program. Applicants are given more latitude in exercising judgment in preparing applications responsive to the evaluation criteria.

Sections 160c.16–160c.18 CRITERIA FOR EVALUATION OF APPLICATIONS (§160C.13 OF THE PROPOSED REGULATION).

(46) *Comment.* A number of commenters urged that the evaluation criteria section of the proposed regulation (§ 160c.13) be revised and clarified. Some commenters requested that the section be more explicit or provide guidance as to what would satisfy different criteria such as "high quality." Several suggested that general criteria in Part 100a of the Code of Federal Regulations be restated in § 160c.13 rather than cross-referenced.

Response. The criteria section has been substantially revised and reorganized, including a division into two separate sections to distinguish the different kinds of projects, in an effort to make this section simpler for potential applicants to understand. The Commissioner has chosen not to add detail to the criteria. The inclusion of some detail as to how a particular criterion might be satisfied may lead an applicant inadvertently to assume that other equally appropriate activities were omitted or ineligible.

To further simplify, selected provisions of § 100a.26(b) of the Code of Federal Regulations have been incorporated into the criteria rather than cross-referenced.

(47) *Comment.* Many commenters believed the point system in the proposed regulation was confusing or unfairly weighted. Some recommended that the number of points be reduced in specific areas, as in the criterion for personnel qualifications and for documentation of the unavailability of other than Federal resources. Many commenters suggested that greater weight be given in specific areas, including responsiveness to local needs; citizen participation; cooperation and coordination; and involvement of community representatives at the local and state level.

Response. As indicated, the criteria section has been substantially revised and a revised system of points has been established in keeping with the thrust of the comments.

(48) *Comment.* One commenter urged that the criterion providing for favorable consideration for those communities with a history of community participation be deleted. The commenter felt such a requirement discriminates against those communities without established programs.

Response. In response to the comment, and to encourage development of community education programs in all types of communities, the criterion has been eliminated.

(49) *Comment.* One commenter inquired about the mechanics of evaluation, the persons responsible, and any appeals procedure.

Response. It is expected that applications will be reviewed by a panel of evaluators in accordance with Department practice.

Only those applications meeting the requirements set forth in the regulation in §§ 160c.14 or 160c.15, as applicable, will be rated and ranked by the panel according to the relevant criteria as stated in the regulation. Highest ranked applicants in their respective categories (LEAs, SEAs, and institutions of higher education) will be selected. As is true in almost every Department discretionary grant program, no explicit appeal procedure related to the award process is provided in the regulation. Although unsuccessful applicants could, of course, informally raise questions or issues concerning their applications, it is not expected that the Office of Education would have sufficient staff to provide a formal appeals procedure on award decisions.

Sections 160c.17 and 160c.18 CRITERIA—EQUITABLE GEOGRAPHIC DISTRIBUTION (§ 160C.6 IN THE PROPOSED REGULATION).

(50) *Comment.* Section 160c.6 of the proposed rule would provide that, in approving applications under Part 160c, the Commissioner will insure an equitable geographic distribution of community education programs throughout the United States in both urban and rural areas. A commenter requested explanation and clarification of these requirements and suggested that the terms urban and rural be defined.

Response. Section 405(h) of the Act specifically requires the Commissioner to insure such equitable geographic distribution. The requirement reflects the nature of the program purpose to foster expansion of community education programs throughout the nation. Sen. Rept. supra at 73, 74. It is, therefore mandatory that equitable geographic distribution be one factor in determining the recipients of assistance grants.

The regulation has been clarified to provide that the distribution factor will be taken into account in the evaluation of applications. Section 160c.6 has therefore been replaced by appropriate provisions in the criteria section. (§§ 160c.17(e); 160c.18(e)). Definition of the terms "urban" and "rural" by regulation might lead to unnecessary, arbitrary distinctions. The terms can best be applied on an ad hoc basis in light of the particular geographical situation for each application.

Section 160c.30 GRANTS TO INSTITUTIONS OF HIGHER EDUCATION—NATURE OF FEDERAL PROJECTS (§ 160C.16 OF THE PROPOSED REGULATION).

(51) *Comment.* Section 160c.16(a) (§ 160c.30 in the final regulation) provides that grants will be made to "institutions of higher education." One commenter recommended that community colleges be specifically designated as appropriate institutions for training. Another was concerned that community colleges had too limited a role in the entire program except for training and that, in the latter area, such colleges would not be competitive with four-year colleges.

Response. The proposed regulation reflected the statutory eligibility requirement for training grants; recipients must be institutions of higher education. Community colleges, if they meet the definition of an institution of higher education as defined in § 160c.2, are included. Many community colleges have been leaders in the development of community education programs across the country. Given this expertise, it is believed that such colleges will be competitive with four-year institutions in receiving training grants. Likewise, the purpose of the statute is to develop and expand programs which train persons to plan and operate community education programs. All institutions of higher education will have equal opportunity in competing to develop programs or expand existing ones. No emphasis is being placed or extra priority given to existing training programs.

(52) *Comment.* One commenter noted that projects should include institutions of higher education that provide for the development and establishment of undergraduate and graduate teacher education programs.

Response. The comment is not entirely clear. If the commenter is urging that institutions of higher education with

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teacher education programs be eligible for training grants, the concern is already met by the statute and proposed regulation; the statute makes institutions of higher education the eligible grantees. Eligible institutions that have teacher education programs are included with other institutions of higher education.

If the commenter is recommending that training grants be limited to institutions with teacher education programs of the type described, one purpose of training assistance under Subpart C of the regulation is to build the capacity of institutions of higher education to provide community education training (see § 160c.30(c) in the final rule). Accordingly, the operation of the program should enhance the capacity of institutions generally to provide community education training at various levels. However, to limit training grants to institutions with teacher education programs would not be authorized by the statute.

(53) *Comment.* One commenter recommended that training institutions be required to work with other institutions in the State to avoid duplication and to disseminate information.

Response. Information dissemination by training institutions to other educational institutions, LEAs, SEAs, and the National Clearinghouse was already required under § 160c.17(a)(2)(iii) of the proposed regulation, and the requirement has been retained in the final regulation (§ 160c.31(a)(2)(iii)). To reflect the concern of the commenter that training institutions work with other institutions to avoid duplication and to disseminate information, a criterion has been added to § 160c.35 which would give an applicant additional points for cooperation with other agencies.

(54) *Comment.* One commenter suggested that grantees be required to waive any requirements for a teaching certificate for personnel participating in the local community education program.

Response. Although the Office of Education encourages maximum flexibility in the use of personnel for a community education program, it is believed that the matter of teacher certification and related requirements must be left to local decision.

(55) *Comment.* One commenter requested that the section on training projects explicitly provide for paraprofessional level in-service training programs for those employed in community education.

Response. Section 160c.30(b) (1) and (2) (§ 160c.16(b) (1) and (2) of the proposed rule) states that the purpose of training programs is to train persons planning and operating community education programs in local educational agencies. These persons may be from a variety of backgrounds, including but not limited to, professional educators, recreators, community college officials, parents, paraprofessionals, and community members. This section assumes that different community environments may require different types of qualifications for staff. The program allows for these differences and encourages each community to select and train the most appropriate individuals.

Section 160c.32(c) (recipients of training) states the types of persons who may receive training. The statement includes those individuals mentioned in the comment.

(56) *Comment.* One commenter noted that the types of training available should reflect differences in environments of community schools.

Response. Training is intended and designed to provide individuals with certain types of skills which can be utilized and adopted to each unique, local community. Specifically, training is designed to provide an understanding of the concepts of community education, data collection skills, and community organization and related skills (see §§ 160c.32(b)(1)(i) and 160c.33(b)(1)(iv)) and, therefore, should be able to accommodate the concerns reflected in the comment.

(57) *Comment.* Another commenter suggested that grants be made to universities to employ staff to (1) teach community education courses, (2) work directly with a small number of school districts in the university's "attendance" area to develop community schools, and (3) educate faculty in those schools about community education concepts.

Response. The final regulation would allow hiring staff to teach community education courses as part of a program to train persons in accordance with the requirements of §§ 160c.32–160c.34. Hiring of university staff to provide direct technical assistance to school districts would appear to be beyond the purview of the program. Institutions of higher education are authorized to develop or expand programs to "train persons to plan and operate community education programs," not to plan and operate such programs directly. The Senate Report emphasizes that the purpose of these grants is to establish or expand community education training and to "fill the personnel void which has been created by the vast new interest in community education." (S. Rep. No. 763), 93rd Cong. 2d Sess. 73 (1974)).

(58) *Comment.* One commenter indicated program design and staff training should be preliminary elements in any community education program.

Response. The adequacy of a plan for training project staff is included in the criteria for review of LEA and SEA applications. (§§ 160c.17(b)(4), 160c.18(b)(4)).

(59) *Comment.* Two comments were addressed to the involvement of existing Centers for Community Education in the training program. One noted that the proposed rule seemed directed toward maintaining existing programs such as the "National Center for Community School Education" (an apparent reference to the National Center for Community Education), and urged that other groups be encouraged to participate in training also. The other commenter recommended that all training grants include the involvement of any existing "Community Education College Center" in the State (an apparent reference to Centers for Community Education).

Response. The proposed regulation was not directed toward the funding of any one training institution or the perpetuation of any one approach to training. In fact, there is no statutory basis to require the involvement of a named institution. The statute authorizes projects both to establish and to expand training programs. The regulation does not exclude or give priority to one of these types of projects as opposed to the other.

Section 160c.31 APPLICATION REQUIREMENTS (§ 160c.17 IN THE PROPOSED RULE).

(60) *Comment.* One commenter recommended that institutions submit training proposals to the State agency for community education for comments before filing that application with the Office of Education.

Response. The provisions for SEA review of LEA applications were included in the proposed regulation because of the requirement for such review in the Community Schools Act. There is no such statutory requirement for State review of training proposals, and consequently no regulation to that effect has been provided. It is expected that State agencies and training institutions will informally coordinate their efforts.

(61) *Comment.* Two commenters addressed prior involvement with community education, one recommending that first priority be given to institutions with previous experience with community education, the other suggesting that such involvement be a prerequisite for any funding.

Response. While building the capacity of existing training institutions will be encouraged, the statute does not allow this to be an exclusive priority. It is the intent of the Commissioner to give equal weight to both projects to which establish and to projects which expand programs to train persons to plan and operate community education programs, as the statute requires.

Section 160c.32(b)(2) TRAINING TO LOCAL EDUCATIONAL AGENCIES (§ 160C.18(b)(2) OF THE PROPOSED REGULATION).

(62) *Comment.* Several comments disagreed with the emphasis on short-term training in the proposed regulation. One commenter felt that such training was too costly, not useful, and reflected a lack of knowledge of training goals. Others recommend long-term fellowships and undergraduate and graduate teacher education programs in addition to short-term training. One commenter favored short-term in-service training particularly for paraprofessionals.

Response. The regulation focuses on short-term training at this time in order to use the limited funds available to train the maximum number of people and to have the greatest impact upon community education programs within the authorized life of the Community Schools Act.

Short-term training may be provided to paraprofessionals as well as professionals.

(63) *Comment.* One comment emphasized the need for recreation, community education, health planning, and other social services in training programs. The commenter felt that training programs should not be limited to education.

Response. The entire community education program is predicated on assessment of a community's diverse educational, social, and recreational needs, and on the meeting of those needs through better utilization of school and other public facilities. The need to incorporate many services is reflected in § 160c.1(b)(3) regarding the purpose of the program, § 160c.3(c)(8), dealing with minimum elements, and §§ 160c.16–160c.18, addressing criteria for a community education program. Training in the administration of each aspect of a multi-disciplinary community education program would be an important part of every training grant. No change in the regulation is deemed necessary.

Section 160c.33 TRAINING TO SEAS (§ 160C.19 OF THE PROPOSED REGULATION).

(64) *Comment.* One commenter stated that training of State personnel to provide technical assistance to LEAs was impractical given the diversity and number of school districts in the State. The recommendation was made that SEAs evaluate, research, disseminate information, and sponsor short term conferences, and that universities provide technical assistance to those in their attendance areas. Another commenter also recommended that SEAs be responsible for dissemination.

Response. The Community Schools Act provides for the planning, establishing, operation, and expansion of community education programs by SEAs and LEAs. It does not authorize States to perform the research and evaluation functions suggested above, nor does it allow for direct provision of technical assistance to school districts by universities.

The training in technical assistance that will be provided to State agencies, however, should be sufficiently flexible so that State personnel will be able to meet the varied needs of many school districts. Skills such as evaluation, planning, data collection, and needs and resources assessment are transferable from community to community and can be modified to meet individual local needs.

Section 160c.35 CRITERIA (§ 160C.21 OF PROPOSED REGULATIONS).

(65) *Comment.* One commenter suggested that extra points be awarded for cooperative arrangements among institutions of higher education, LEAs and SEAs, beyond that implied in proposed § 160c.21(d) (§ 160c.35 in the final regulation).

Reponse. An additional criterion has been included in § 160c.35 to emphasize the importance of coordination.

B. *Other changes.* In addition to the changes noted above, a large number of editorial, typographical, technical, and clarifying changes have been made. Further, sections have been added reflecting the provisions for the Community Education Advisory Council (§ 160c.6) the National Clearinghouse, and the availability of technical assistance (§ 160c.7).

C. *Participation of National Advisory Council.* The Community Education Advisory Council has participated fully in the development of the regulation set forth below through discussion, advice, and consideration of the views of interested parties.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding a new Part 160c to read as set forth below.

D. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations were transmitted to the Congress concurrently with the publication of the notice of proposed rulemaking in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions thereof concerning congressional action and adjournment. This final regulation has been retransmitted to the Congress pursuant to section 431(d) in view of the substantive changes made in the regulation.

(Catalog of Federal Domestic Assistance No. 13.563, Community Education Program)

Dated: September 12, 1975.

DUANE J. MATTHEIS,
U.S. Commissioner of Education.

Approved: December 1, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

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AUTHORITY: Sec. 405, Pub. L. 93-380 (20 U.S.C. 1864).

Subpart A—General

§ 160c.1 Scope and purpose.

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93-380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(b) *Purpose.* The purpose of the program carried out pursuant to this part is, through grants to State educational agencies, local educational agencies, and institutions of higher education, to encourage and assist:

(1) Public schools to involve the people of the community in programs designed to meet their educational, recreational, and cultural needs;

(2) A more efficient use of public education facilities through extending the times during which and purposes for which school buildings and equipment are used; and

(3) Public schools, in cooperation with other community groups and resources, to establish community education programs as centers for educational, recreational, cultural, and other related community activities and services in accordance with the needs, interests, and concerns of the community.

(20 U.S.C. 1864(b))

(c) *Other pertinent regulations.* Assistance provided under this part is subject to applicable provisions contained in (1) Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) (45 CFR Parts 100, 100a) and (2) Part 160 of this chapter relating to the Special Projects Act.

(20 U.S.C. 1864 (a) and (b))

§ 160c.2 Definitions.

As used in this part:

"Act" means the Community Schools Act, enacted as section 405 of the Education Amendments of 1974, Pub. L. 93-380.

"Institution of higher education" means an educational institution in any

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State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5).

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Program" means a community education program which meets each of the requirements set forth in § 160c.3, except as used in Subpart C of this part, in which "program" means the training program of the institution of higher education which is developed, established, or expanded by a Federal project awarded under Subpart C of this part.

"Program activities and services" offered by a community education program may include, but need not be limited to, the following suggested examples: educational, cultural, recreational and other related community services in the form of formal classes or courses, activities making available the school and other public facilities and equipment for use by individuals or groups, services such as health or dental care, or special programs for particular target populations such as those designed to serve older persons, to eliminate disproportionately high incidence of suspension, expulsion, or other disciplinary action involving students, for persons who withdraw from school membership before completing the elementary and secondary school education, for mentally or physically handicapped or other health-impaired persons, or to provide rehabilitation services for persons who have been in criminal or juvenile justice systems.

"Project" means those activities of a grantee which the Commissioner determines to be eligible for Federal financial assistance, in accordance with the provisions of § 160c.10 (c), (d), and (e) or § 160c.30, as applicable.

"Public facility" means a facility owned by any department or branch of a State, county, or municipal government.

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1864)

§ 160c.3 Elements of a community education program.

(a) *Types of assistance.* Assistance will be provided under this part to: (1) State educational agencies and local educational agencies to plan, establish, expand, improve, maintain and/or provide developmental or technical assistance to one or more community education programs, and (2) Institutions of higher education to develop and establish, or to expand, programs which will train persons to plan and operate community education programs.

(b) *Significance of elements.* For the purposes of this part, the minimum elements of a community education program are described in paragraph (c) of this section.

(1) The minimum elements set forth in paragraph (c) (1) of this section relate to specific community education programs to be assisted under a project proposed to be carried out by an applicant under Subpart B of this part rather than to the project as a whole. For example, with reference to the minimum element in paragraph (c) (1) of this section, if a local educational agency applies for a project to establish two new community education programs and to expand two existing community education programs, each of the individual community education programs to be expanded and established must provide for the direct and substantial involvement of a public elementary or secondary school in the administration and operation of the program. However, the overall project activities directed at expanding and establishing these programs may, for example, include the provision of developmental and technical assistance to the individual community education programs from a central office of the local educational agency, and administration of the overall project could therefore be centered in such an office.

(2) The minimum elements set forth in paragraph (c) of this section relate to specific community education programs as follows: (i) A community education program which a State educational agency or local educational agency applicant proposes to expand or operate under this part (or to which a State educational agency or local educational agency proposes to provide developmental and technical assistance in connection with its expansion or operation) must meet these minimum elements; (ii) A project proposed for assistance under this part to plan and establish a new community education program or to provide developmental or technical assistance in connection with the establishment of a new community education program must have the purpose of securing achievement of these minimum elements; and (iii) Training programs at institutions of higher education assisted pursuant to this part must be designed to provide training in skills and understandings with reference to all of these elements.

(3) The minimum elements of a community education program described in paragraph (c) of this section also serve the Commissioner and applicants in distinguishing a community education program from other related programs such as adult education programs and regular kindergarten through twelfth grade instructional programs, for purposes of determining when a program is a new community education program earning an 80 percent Federal share under § 160c.19.

(c) *Minimum elements.* The following are minimum elements of a community education program.

(1) *School involvement.* The program must provide for the direct and substantial involvement of a public elementary or secondary school in the administration and operation of the program.

(20 U.S.C. 1864 (b), (c), (d)(1); S. REP. NO. 763, 93d Cong. 2d Sess. 72–73 (1974))

(2) *Community served.* The program must serve an identified community which is at least coextensive with the school attendance area for the regular instructional program of the school involved in the administration and operation of the program, except where special circumstances warrant the identification of a smaller community.

(20 U.S.C. 1864(b), (c))

(3) *Public facility as a community center.* (i) Program services to the community must be sufficiently concentrated and comprehensive in a specific public facility, including, but not limited to, a public elementary or secondary school, a public community or junior college, or a community recreation or park center, in terms of scope and nature of program services (which may not be limited to one or a limited number of areas such as recreation or adult education), hours of service, and other characteristics to constitute such facility as a community center; (ii) Satellite or mobile facilities related to the community center may be used by the center for the provision of a portion of program activities and services, and such satellite or mobile facilities may include nonpublic facilities which are made available for use by the public.

(20 U.S.C. 1864(c))

(4) *Scope of activities and services.* The program must extend the program activities and services offered by, and uses made of, the public facility in terms of the scope and nature of program services, the target population served, and the hours of service. For example, where a public elementary or secondary school is used as the facility, while the concept of community education would encompass (rather than merely being an add on to) the regular kindergarten through twelfth grade instructional program, the school would need to provide additional programs, activities, and services beyond the regular kindergarten through twelfth grade instructional program.

(20 U.S.C. 1864(b))

(5) *Community needs.* The program must include systematic and effective procedures (i) for identifying and documenting on a continuing basis the needs, interests, and concerns of the community served with respect to community education activities and services, and (ii) for responding to such needs, interests, and concerns.

(20 U.S.C. 1864 (b) and (c))

(6) *Community resources and interagency cooperative arrangements.* (i) The program must provide for the identification and utilization to the fullest extent possible of educational, cultural, recreational, and other existing and planned resources located outside of the school (including but not limited to, services of volunteers) to enhance the size and quality of the program.

(ii) The program must also be designed to encourage and utilize cooperative agreements and other arrangements among public and private agencies to make maximum use of existing talents and resources and to avoid duplication of services.

(20 U.S.C. 1864 (b) and (c))

(7) *Program clients.* The program must be designed to serve all age groups in the community, including preschool children, children and youths in school, out-of-school youths, adults, and senior citizens, as well as groups within the community with special needs for community education services and activities, such as persons of limited English-speaking ability, mentally or physically handicaped or other health-impaired persons, or other special target groups not adequately served by existing programs within the community.

(20 U.S.C. 1864(c))

(8) *Community participation.* The program must provide for the active and continuous involvement, on an advisory basis, of institutions, groups, and individuals including, but not limited to, local community colleges, social, recreational, and health groups, and persons broadly representative of the community served, including representatives of parents of students in the regular instructional program of the school involved in the administration and operation of the program and other residents of the community, in the planning and carrying out of the program, including involvement in the assessment of community needs and resources and in program evaluation.

(20 U.S.C. 1864 (b), (c); H.R. REP. NO. 805, 93d Cong., 2d Sess. 50 (1974))

§ 160c.4 Limitation on number of applications.

(a) Except as provided in paragraphs (b) and (c) of this section, an applicant may submit only one application (whether or not filed jointly with another applicant in a given fiscal year for assistance pursuant to this part.

(b)(1) A State educational agency which applies to provide developmental and technical assistance to one or more community education programs being administered by a local educational agency must file a single application to cover these activities.

(2)(i) In the event that a State educational agency applies (either individually or jointly with one or more local educational agencies) to plan, establish, expand, improve, or maintain one or more community education programs which it directly administers through a public elementary or secondary school, the State educational agency must submit one or more applications for these activities which is separate from any application the State educational agency files under paragraph (b)(1) of this section.

(ii) A State educational agency may file a single application to cover activities which it proposes to carry out under this subparagraph, or it may file a separate application with respect to each local educational agency with which it is jointly applying to carry out these activities.

(c) An institution of higher education may apply for grants for each of the types of projects described in §§ 160c.32, 160c.33 and 160c.34, respectively. It must file a single and separate application with respect to each of the following sections under which it seeks assistance: §§ 160c.32, 160c.33, 160c.34.

(d) The limitation in paragraph (a) of this section applies to preapplications submitted by local educational agencies if the Commissioner requires preapplications pursuant to § 160c.12.

(20 U.S.C. 1221e-3(a)(1), 1864(d)(4))

§ 160c.5 Duration of projects.

(a) Project awards pursuant to this part will be for a grant period of up to one year. If a grantee seeks to receive assistance pursuant to this part for an additional period beyond such grant period, it must submit a new application for a new grant award. Such new application will be evaluated in competition with applications from other former grantees as well as from applicants which have not previously received assistance under this part.

(b) The Federal share of the projects will be computed in accordance with § 160c.19, including § 160c.19(b)(2) which provides that a new community education program may qualify for the 80 percent Federal share for one or two years of funding.

(20 U.S.C. 1221e-3(a)(1), 1864))

§ 160c.6 Community Education Advisory Council.

(a) The Act establishes a Community Education Advisory Council in the Office of the Commissioner composed of eleven members appointed by the Secretary.

(b) The Advisory Council will advise the Commissioner on policy matters relating to the interests of community schools.

(1) The Advisory Council has advised the Commissioner regarding the establishment of the regulations in this part.

(2) The Advisory Council will create a system for the evaluation of projects funded under this part and will present to Congress a complete and thorough evaluation of the projects funded under this part and the operation of this section for each fiscal year subsequent to fiscal year 1975.

(20 U.S.C. 1864(g))

§ 160c.7 Clearinghouse; technical assistance.

(a) The Commissioner will establish or designate a clearinghouse to gather and disseminate information received from community education programs, including but not limited to information regarding new programs, methods to encourage community participation, and ways of coordinating community education programs with other community services. The Commissioner may contract with public or private agencies or organizations to establish and operate the clearinghouse.

(b) The Commissioner will make available to each community education program such technical assistance and information as the program may require, and such technical assistance shall be coordinated with the national clearinghouse.

(20 U.S.C. 1864(f))

§ 160c.8 [Reserved]

Subpart B—State and Local Educational Agency Projects

§ 160c.9 Eligibility.

State educational agencies and local educational agencies are eligible to receive grants pursuant to this subpart.

(20 U.S.C. 1864(d)(1))

§ 160c.10 Scope of Federally assisted projects.

(a) *General.* Grants of Federal funds pursuant to this subpart will be made for projects to plan, establish, expand, operate, and/or provide developmental and technical assistance to one or more com-

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munity education programs meeting or making progress toward meeting the requirements of § 160c.3.

(20 U.S.C. 1864(d)(1))

(b) *Amount of award.* The Federal grant shall be an amount determined by the Commissioner and set forth in the grant award document, which in no case shall exceed the applicable percentage, determined pursuant to § 160c.19, of the amount which the Commissioner determines to be the total, reasonable, and necessary cost of the project, subject to paragraphs (c) and (d) of this section and to § 160c.20.

(20 U.S.C. 1864(d)(1) and (3))

(c) *Costs generally allowable.* For the purposes of this section, the project to which the Federal share (as determined pursuant to § 160c.19) will be applied may include: (1) Leadership, coordinating, and administrative costs of planning, establishing, expanding, operating, coordinating, and providing developmental and technical assistance to one or more community education programs, including costs such as the salaries of community education administrators and their staff (including any community members who are employed as staff members) responsible for planning and implementing the project and community education programs thereunder; (2) training for such persons and for the applicant's chief executive officer; (3) other costs incidental to scheduling, assessing community needs and interests, recruiting administrative and instructional staff for the program and program participants, dissemination of information to the community, and to other interested parties obtaining community participation in the planning and carrying out of the project and programs (including the costs related to the functioning of advisory councils, exclusive of the payment of salaries, honoraria and the like, for members of such councils), budgeting and management, and identifying and obtaining the input of other community resources; and (4) other costs incidental to assisting community education programs in carrying out these functions and to building their capacity to discharge these functions (as provided in paragraph (e)(2)(ii) of this section)

(20 U.S.C. 1864(d); H.R. REP. NO. 805, 93d Cong., 2d Sess. 51 (1974))

(d) *Costs allowable when specifically authorized.* The project to which the Federal share will be applied may include costs beyond those described in paragraph (c) of this section, including costs such as instructor salaries, instructional materials and equipment, and other incidental expenses directly related to the provision of specific community education program activities and services (for example, course offerings and transportation for participants), only in exceptional circumstances when (1) the Commissioner determines that it would be in the interest of the Government in carrying out the purposes specified in § 160c.1 to contribute to such costs, based on such considerations as whether (i) Other public or private resources are unavailable for such costs; (ii) the charging of enrollment fees to program participants to cover such costs is not feasible or would create an excessive financial burden on potential program participants; (iii) proposed costs are reasonable in terms of the contributions which they will make to the purposes of the community education program and; (iv) failure to contribute to such costs would defeat the equitable distribution of assistance under this part; and (2) the grant specifically authorizes such costs.

(20 U.S.C. 1864(d))

(e) *Costs at agency and program levels.* (1) Projects eligible for assistance pursuant to this subpart may include leadership, coordinating, and administrative costs described in paragraph (c) of this section: (i) For activities within individual community centers related to planning, establishing, or administering community education programs in accordance with § 160c.3, and (ii) for activities outside of such individual centers but within the grantee local educational agency and/or State educational agency planning and providing developmental and technical assistance to such programs.

(2)(i) *Relationship of agency level costs to programs.* Eligible leadership, coordinating, and administrative costs described in paragraph (e)(1)(ii) of this section must relate to specific and identified community education programs being planned, established, or administered in accordance with § 160c.3. The project to which the Federal share will be applied may not include costs of the grantee local educational agency and/or State educational agency which do not relate directly to specific community education programs identified in the grant award.

(ii) *Developmental and technical assistance to programs.* Leadership, coordinating, and administrative costs of local educational agencies or State educational agencies described in paragraph (e)(1)(ii) of this section may include developmental and technical assistance to schools and other administering agencies (and, in the case of awards to State educational agencies, to local educational agencies) in planning, establishing, expanding, improving, and maintaining community education programs. Such developmental and technical assistance may include, but need not be limited to: (A) Planning and developing applications for assistance; (B) helping to survey the community education needs and resources of the community; (C) planning and developing community education programs; (D) helping to establish and coordinate community education task forces and advisory bodies; (E) training local directors of community education programs, and their staff and community teams; (F) assistance in the preparation of budgets for community education programs; (G) identifying and cooperating with training programs of institutions of higher education to bring together local officials who need training with the institutions which can provide the necessary training; (H) helping communities to expand existing community education programs; (I) helping communities and local community education directors to develop evaluation plans and to conduct evaluations of community education programs; and (J) helping communities and local educational agencies bring their community education programs into conformity with any existing State plan for community education.

(20 U.S.C. 1864(c), (d)(1), (3) and (4)(C))

§ 160c.11 State educational agency projects.

(a) *Types of assistance to State educational agencies.* State educational agencies may apply for assistance pursuant to this part (1) to plan, establish, expand, improve, or maintain one or more community education programs which they directly administer through a public elementary or secondary school in accordance with § 160c.3(c)(1) (in cases where the State educational agency is directly responsible for operating a public school or where it applies jointly with a local educational agency), or (2) to plan and provide developmental and technical assistance to one or more community education programs (in connection with the establishment, expansion, improvement, or maintenance of such programs) being administered by a local educational agency, as provided in § 160c.10(e)(2)(ii).

(20 U.S.C. 1864(d)(1) and (2))

(b) *Relationship to community education programs.* Projects proposed by State educational agencies described in paragraph (a)(2) of this section may relate to: (1) Community education programs for which the local educational agency administering the program is receiving or seeking Federal assistance pursuant to this part; or (2) community education programs administered by local educational agencies which are neither seeking nor receiving Federal assistance pursuant to this part.

(20 U.S.C. 1864(d)(1) and (2))

(c) *Incorporation by reference of information in local educational agency applications.* (1) Applications from State educational agencies described in paragraph (a)(2) of this section which relate to a community education program with respect to which a current application for assistance is submitted to the Commissioner by the local educational agency may incorporate by reference information with respect to the community education program provided in the application of the local educational agency.

(2) Any such information incorporated by reference into the application of the State educational agency will be considered by the Commissioner as if it were provided in the application of the State educational agency for purposes of satisfying the application requirements set forth in § 160c.15.

(3) The opportunity for review by the State educational agency of both pre-

application (if required by the Commissioner) and applications submitted by local educational agencies, as provided in §§ 160c.12(b)(4) and 160c.13 is designed to facilitate appropriate coordination of State educational agency and local educational agency applications and permit the State educational agency to avail itself of the provisions for incorporation by reference in this paragraph.

(20 U.S.C. 1221e-3(a)(1), 1864(d))

(d) *Subgrants; Service contracts.* (1) State educational agencies may not use any Federal funds awarded pursuant to this subpart to award subgrants to local educational agencies or to any other entities or individuals.

(2) State educational agencies as well as local educational agencies may, with Federal funds awarded pursuant to this part, enter into contracts with local educational agencies or other entities or individuals to secure services which will assist them in carrying out a portion of the project activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter a service contract in the approved application or an approved amendment thereto.

(20 U.S.C. 1221c(b)(1), 1232c(b)(1))

§ 160c.12 Preapplications from local educational agencies.

(a) The Commissioner may require local educational agencies applying for assistance pursuant to this part to submit preapplications to the Commissioner in accordance with § 100a.41 of this chapter.

(b) In the event that the Commissioner does require preapplications from local educational agencies:

(1) As part of the project narrative statement required in preapplication forms provided for by § 100a.41 of this chapter, which may not exceed ten double-spaced, typewritten pages, local educational agency applicants must provide, with reference to each of the community education programs to be assisted under the project for which funding is sought, a description of:

(i) The objectives of the project;

(ii) How the community, school, public agencies, and other resources will be involved in planning, carrying out, and evaluating the project;

(iii) Procedures and strategies to achieve project objectives;

(iv) Resources available for support of the project; and

(v) How and why specific project objectives were chosen.

(2) Local educational agencies submitting the most highly rated preapplications will be invited to submit applications for review.

(3) Preapplications will be evaluated by the Commissioner on the basis of the applicant's and proposed project's prospects for meeting the application requirements described in § 160c.14 and for competing successfully with similar applications from other applicants in terms of the funding criteria set forth in § 160c.17.

(4)(i) A copy of the preapplication must be submitted by the local educational agency to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on such preapplication.

(ii) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency preapplications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(20 U.S.C. 1221c(b)(1), 1864(d)(4))

§ 160c.13 State review of local educational agency applications.

(a) The Commissioner will not approve an application submitted by a local educational agency in accordance with § 160c.14 unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on such application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(d) State educational agencies are encouraged, in any comments which they submit pursuant to this section (and pursuant to § 160c.12(b)(4) for any preapplications from local educational agencies), to describe: (1) Any efforts which they undertook to solicit views from diverse community groups in the community proposed to be served on the application; (2) the results of any such efforts; (3) the extent to which the application may result in activities or services which might duplicate other existing or planned activities or services in the communities to be assisted by the project; (4) steps which they have taken to obtain comments on the application from other State agencies with responsibilities related to community education activities and comments received from other State agencies pursuant to this process; and (5) any State or municipal laws which might deny or substantially limit use of public facilities for community education purposes.

(20 U.S.C. 1864(d)(4))

§ 160c.14 Application requirements for local educational agencies and State educational agencies administering community education programs.

(a) *Applicability.* The application requirements set forth in this section apply:

(1) To all applications submitted by local educational agencies and

(2) To State educational agency applications which relate to community education programs which the State educational agency will directly administer, as provided in § 160c.11(a)(1).

(b) *Proposed project description and background.* (1) An application under this section must provide a complete description of the proposed project and of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share in accordance with § 160c.19 and to facilitate the evaluation of such application in accordance with the criteria in § 160c.17.

(2)(i) With respect to each community education program to be assisted under the proposed project, the applicant must indicate whether the proposed project is to establish a new community education program, to expand or improve an existing program, and/or to maintain or carry out an existing program, in accordance with the standards of § 160c.19. Final determination of the classification of the project for the purposes of applying the Federal share pursuant to § 160c.19 is reserved in the Commissioner.

(ii) An application which would assist community education programs earning different Federal shares (for example, a project to establish a new community education program and to maintain another existing program) or which would assist an individual community education program in a manner which would earn different Federal shares (for example, a project which requests Federal assistance both to maintain an existing community education program at its current level and to expand the same program) must break out in the budget proposed project costs in relationship to each community education program and, as appropriate, each aspect of an individual program, to permit calculation of the appropriate Federal share for the project pursuant to § 160c.19.

(3) In connection with projects to expand, improve, or maintain an existing community education program, descriptive information must be furnished on the existing program as well as on the program which will result from the proposed project.

(c) *Responsiveness to minimum elements.* The application must provide information sufficient to satisfy the Commissioner that each of the community education programs to be established, expanded, maintained or other-

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wise assisted by the proposed project already meets each of the requirements set forth in § 160c.3, or that substantial compliance by each program with the requirements of § 160c.3 will be achieved as a result of the carrying out of the proposed project.

(d) *Needs analysis.* The application must provide: (1) An analysis and documentation, with respect to each community education program proposed to be assisted, of the educational, cultural, recreational, health, and related needs, interests, and concerns of the community to be served; (2) a proposed prioritization of the community needs and those expected to be served by the program; (3) in the case of applications which do not propose services in each of the areas of educational, recreational, health, and cultural activities, documentation that community needs were examined in each such area in which services are not proposed and of the basis for not proposing the services.

(e) *Involvement in preparation of applications.* The application must provide satisfactory documentation of involvement in the preparation of the application on an advisory basis of community colleges, social, recreational, and health groups, and persons broadly representative of the area or areas to be served by the project, including a description of procedures used to provide the public at large with an opportunity to have input (such as through public notice or hearings) in the preparation of the application.

(f) *Non-Federal share.* The application must contain assurances that the applicant will pay from non-Federal sources the remaining costs over and above the Federal share determined pursuant to § 160c.19 of carrying out the proposed project.

(g) *Evaluation information.* The application must contain a commitment by the applicant to collect and make available such information as may be required by the Commissioner or by the Community Education Advisory Council, in accordance with such time constraints as either of them may designate, for purposes of carrying out program evaluations in accordance with subsection (g) of the Act.

(h) *Dissemination.* The application must make provision for dissemination of information on the results of the project, and of the means used to achieve the results, to State educational agencies, local educational agencies, other educational agencies and institutions, the Commissioner, and the national clearinghouse described in § 160c.7.

(20 U.S.C. 1864)

§ 160c.15 Application requirements for State educational agency developmental and technical assistance projects.

(a) *Applicability.* The application requirements set forth in this section apply to all applications submitted by State educational agencies to plan and provide developmental and technical assistance to one or more community education programs being administered by a local educational agency, as provided in § 160c.11(a)(2).

(b) *Proposed project description and background.* (1) An application under this section must provide a complete description of the proposed project and of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share in accordance with § 160c.19 and to facilitate the evaluation of such application in accordance with the criteria in § 160c.18.

(2) (i) With respect to each community education program to be assisted under the proposed project, the applicant must indicate whether the proposed project is to assist in the establishment of a new community education program, the expansion or improvement of an existing program, and/or the maintenance or carrying out of an existing program, in accordance with the standards of § 160c.19. Final determination of the classification of the project for the purposes of applying the Federal share pursuant to § 160c.19 is reserved in the Commissioner.

(ii) An application which would assist community education programs earning different Federal shares (for example, a project to provide developmental or technical assistance in connection with the establishment of a new community education program and the maintenance of another existing program) or which would assist an individual community education program in a manner which would earn different Federal shares (for example, a project which requests Federal assistance to help both to maintain an existing community education program at its current level and to expand the same program) must break out in the budget proposed project costs in relationship to each community education program and, as appropriate, each aspect of an individual program, to permit calculation of the appropriate Federal share for the project pursuant to § 160c.19.

(3) In connection with projects to provide developmental and technical assistance to expand, improve, or maintain an existing community education program, descriptive information should be furnished on the existing program as well as on the program which will result from the proposed project.

(c) *Responsiveness to minimum elements.* The application must provide (1) sufficient information to the Commissioner regarding how the applicant proposes to provide developmental and technical assistance; (2) sufficient information to satisfy the Commissioner that developmental and technical assistance will be provided only: (i) To help expand, improve, or maintain community education programs which already meet each of the requirements of § 160c.3; or (ii) to help new community education programs which are being planned and established for the purpose of securing achievement with each of the requirements in § 160c.3: and (3) a description of any existing or previous State program of technical assistance in community education.

(d) *Needs analysis.* The application must (1) document that the State educational agency has carried out a general statewide survey of existing and planned community education programs, including community education programs in rural areas of the State, and of the needs of the programs for developmental and technical assistance from the State educational agency; and (2) describe the results of the survey, including the basis for selecting for assistance those community education programs to receive developmental and technical assistance under the project, and the priorities among State needs.

(e) *Involvement in preparation of applications.* The application must provide satisfactory documentation of involvement in the preparation of the application on an advisory basis of community colleges, social, recreational, and health groups, and persons broadly representative of the area or areas to be served by the project, including a description of procedures used to provide the public at large with an opportunity to have input (such as through public notice or hearings) in the preparation of the application.

(f) *Non-Federal share.* The application must contain assurances that the applicant will pay from non-Federal sources the remaining costs over and above the Federal share determined pursuant to § 160c.19 of carrying out the proposed project.

(g) *Evaluation information.* The application must contain a commitment by the applicant to collect and make available such information as may be required by the Commissioner or by the Community Education Advisory Council, in accordance with such time constraints as either of them may designate, for purposes of carrying out program evaluations in accordance with subsection (g) of the Act.

(h) *Dissemination.* The application must make provision for dissemination of information on the results of the project, and of the means used to achieve the results, to State educational agencies, local educational agencies, other educational agencies and institutions, the Commissioner, and the national clearinghouse described in § 160c.7.

(20 U.S.C. 1864)

§ 160c.16 Criteria for evaluation of applications.

In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the factors set forth in §§ 160c.17 and 160c.18, as applicable, weighted according to the indicated points. The criteria set forth in § 100a.26(b) of this chapter shall not apply to the evaluation of applications under this subpart.

(20 U.S.C. 1864)

§ 160c.17 Criteria for evaluation of applications from local educational agencies and State educational agencies administering community education programs.

(a) *Applicability.* The criteria set forth in the succeeding paragraphs of this section will be utilized in reviewing applications submitted under this subpart by local educational agencies and those applications submitted by State educational agencies which propose to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency will directly administer, as provided in § 160c.11(a)(1). Total of 210 points).

(b) *General criteria.* (40 points)—(1) *Need for Federal assistance.* The extent to which the applicant documents a need for Federal assistance;

(2) *Plan.* The soundness of the proposed plan of project operation, including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined (including specific time schedules for their achievement), clearly stated, capable of being measured, and capable of being attained by the proposed objectives;

(ii) Objectives clearly relate to the needs assessed; and

(iii) Costs are reasonable in relation to anticipated results.

(3) *Staff.* The qualifications or appropriateness of staff selected or assigned to the project;

(4) *Training.* Where appropriate, the adequacy of provisions for short-term training;

(5) *Dissemination.* The adequacy of provisions for dissemination of information about the project to potential participants in the community and to other interested agencies, institutions, and individuals;

(6) *Coordination at the applicant level.* The quality of arrangements at the applicant level, with respect to community education generally and, in particular, the carrying out of the project, for coordination by the applicant with other appropriate agencies to the maximum extent possible, and to avoid duplication.

(c) *Overall quality of the project.* (80 points)—The likelihood that the project will (1) contribute to the establishment, expansion, or maintenance of one or more community education programs of high quality (beyond meeting minimum requirements) with respect to the elements set forth in § 160c.3(c); (2) develop approaches or results which can be utilized in other programs not directly assisted by the project; (3) develop the capacity of the applicant to plan, establish, expand, improve, and maintain community education programs; and (4) result in the development of exemplary or innovative community education programs (particularly in serving the fundamental community education, health, and other social welfare needs demanding attention) which can serve as models throughout the United States. (Priority will be accorded to applications which focus on achievement of high quality in a limited number of community education programs which can serve as models for the applicant and other agencies to replicate over applications designed to assist a large number of community education programs.)

(20 U.S.C. 1864)

(d) *Relationship to specific community education programs.* (80 points) With respect to each community education program to be assisted by the project:

(1) *School and school board involvement.* The extent to which a public elementary and secondary school and the school board are involved in the project. Examples of factors which could affect this criterion include, but are not limited to: (i) The intensity and quality of involvement by a public elementary or secondary school in the carrying out and administration of the program, as provided in the application; (ii) the extent to which the program will provide for the integration of, and mutual reinforcement between, the participating school's regular instructional program and its community education activities and services; (iii) whether a public elementary or secondary school building will serve as the center for the program and the extent to which community activities and services will be sufficiently concentrated and comprehensive and thereby make maximum use of existing school facilities; and (iv) evidence of commitment by the school board to the support and improvement of the program.

(20 U.S.C. 1864 (b), (c), and (d); S. Rep. No. 763, 93rd Cong. 2d Sess. 72–73 (1974))

(2) *Needs and services.* (i) The extent to which the program priorities and the program services and activities respond to identified local needs and target groups and (ii) the extent to which geographic and other constraints to potential participation in the program by members of the community to be served are recognized and resolved.

(3) *Coordination, consultation, and cooperative arrangements.* The adequacy of arrangements to achieve maximum coordination and cooperation among public and private agencies, utilize existing resources, and avoid duplication in the planning for, and provision of services by, the program.

(20 U.S.C. 1864, H.R. Rept. No. 805, 93rd Cong. 2d Sess. 50 (1974))

(4) *Community participation.* The extent of community participation in all aspects of the program, including needs and resources assessment, application preparation, and the planning and delivery of activities and services.

(20 U.S.C. 1864, H.R. Rept. No. 805, 93rd Cong. 2d Sess. 51 (1974))

(e) *Distribution of projects.* (10 points)—The extent to which approval of a project will contribute to (1) an equitable geographic distribution of community education programs throughout the United States in both urban and rural areas, and (2) the funding of a wide variety of projects which collectively can demonstrate diverse approaches to effective community education programs and the role which limited Federal resources can play in assisting such programs.

(20 U.S.C. 1864(h))

§ 160c.18 Criteria for evaluation of State educational agency developmental and technical assistance applications.

(a) *Applicability.* The criteria set forth in the succeeding paragraphs of this section will be utilized in reviewing State educational agency applications for projects to plan and provide developmental and technical assistance to one or more community education programs being administered by a local educational agency, as provided in § 160c.11(a)(2). (Total of 210 points).

(b) *General criteria.* (40 points).

(1) *Need for Federal assistance.* The extent to which the applicant documents a need for Federal assistance;

(2) *Plan.* The soundness of the proposed plan of project operation, including consideration of the extent to which:

(i) the objectives of the proposed project are sharply defined (including specific time schedules for their achievement), clearly stated, capable of being measured, and capable of being attained by the proposed objectives;

(ii) objectives clearly relate to the needs assessed; and

(iii) costs are reasonable in relation to anticipated results.

(3) *Staff.* The qualifications or appropriateness of staff selected or assigned to the project;

(4) *Training.* Where appropriate, the adequacy of provisions for short-term training;

(5) *Dissemination.* The adequacy of provisions for dissemination of information (i) about the project to potential participants in the community; and (ii) on the results of the project to other interested agencies and institutions; and

(20 U.S.C. 1864)

(6) *Coordination at the State level.* The quality of arrangements at the State level, with respect to community education generally and, in particular, the carrying out of the project, for coordination by the State educational agency with other appropriate agencies to the maximum extent possible, to avoid duplication.

(20 U.S.C. 1864)

(c) *Overall quality of the project.* (80 points)—The likelihood that the project will (1) contribute to the establishment, expansion, or maintenance of one or more community education programs of high quality (beyond meeting minimum requirements) with respect to the elements set forth in § 160c.3(c); (2) develop approaches or results which can be utilized in other programs not directly assisted by the project; (3) develop the capacity of the applicant to provide developmental and technical assistance to community education programs; and (4)

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result in the development of exemplary or innovative community education programs which will contribute to the diversity of different community education models throughout the United States.

(20 U.S.C. 1864)

(d) *Effect on quality of assisted community education programs.* (80 points)—With respect to each community education program to be assisted by the project, the extent to which the proposed developmental and technical assistance activities are designed to assist and encourage:

(1) *School involvement.* The integration of, and mutual reinforcement between, the regular instructional program of schools and their community education programs;

(2) *Needs and services.* Careful and continuing needs assessment with respect to the community to be served and the development of program activities and services which are responsive to community needs;

(3) *Coordination, consultation, and cooperative arrangements.* The development of effective arrangements to achieve maximum coordination and cooperation among public and private agencies, utilize existing resources, and avoid duplication in the planning for, and provision of services by, the program; and

(4) *Citizen participation.* The development of effective means for active and continuous involvement of community members in planning and carrying out the program which serves them.

(e) *Equitable geographic distribution.* (10 points)—The extent to which (1) approval of a project will contribute to an equitable geographic distribution of community education programs throughout the United States in both urban and rural areas; and (2) the project responds to the needs of existing and planned community education programs in rural areas of the State for developmental and technical assistance from the State educational agency.

(20 U.S.C. 1864(h))

§ 160c.19 Federal share of projects.

(a) *General.* For the purposes of funding grant projects in accordance with § 160c.10, the Federal share shall be: (1) 80 percent of a project to establish a new community education program; (2) 65 percent of a project to expand or improve a community education program for the first year in which the program is assisted under this subpart, and 55 percent in any fiscal year thereafter; and (3) 40 percent of a project to maintain or carry out a community education program.

(b) *Establishment of a new program.* (1) A project will qualify for the 80 percent Federal share under paragraph (a)(1) of this section with respect to a new community education program to be established in a community which has no existing community education effort with elements responding substantially to each of the subparagraphs in § 160c.3(c).

(2) A project to establish a new community education program will qualify for the 80 percent Federal share with respect to that program for one or two years of funding, depending upon the Commissioner's judgment as to whether one or two years are required to establish the program, and subject to the provisions of § 160c.5 which require the applicant to submit a new application for the second year of funding which will be evaluated on a competitive basis with other applications for assistance under this subpart. Any project award relating to the same program in successive fiscal years, whether to the same applicant or to another applicant, would earn one of the Federal shares designated under paragraphs (a)(2) and (3) of this section, as appropriate.

(c) *Expansion or improvement of a program.* (1) A project which does not qualify for the 80 percent share under paragraph (b) of this section with respect to a community education program will qualify for the 65 percent Federal share with respect to a community education program in the first year in which the program is assisted under this part if the project provides for: (i) An increase in the number and types of activities and services offered in the program in response to community needs and interests; (ii) A substantial improvement in the accessibility of the program's activities to the community and an increase in the numbers of people served by the program; (iii) an increase in the level of participation by residents of the community and by other community organizations and agencies in planning and implementing the program; (iv) a substantial increase in the times during, and purposes for, which a public facility is used in the program; or (v) substantial improvement in the quality of (A) the processes by which the community education program is administered with input by community residents and organizations or (B) the activities and services offered by the program.

(2) The Federal share provided for in this paragraph will be applied only against the incremental costs for the applicant of carrying out the expansion or improvement described in paragraph (c)(1)(i) through (v) of this section.

(d) *Calculation of share.* The Federal share for a project will be computed pursuant to this section by the Commissioner at the time of grant award with reference to each community education program to be assisted thereunder and, in connection with individual community education programs earning more than one Federal share, with reference to appropriate aspects of each such program.

(1) If a project proposes to establish one new community education program and maintain another existing community education program, eligible project costs related to the establishment of the new program would earn 80 percent Federal matching, while eligible project costs related to the maintenance of the existing program would earn 40 percent Federal matching. The Federal share for the project as a whole would therefore fall somewhere between 80 percent and 40 percent and would depend upon the relative project costs as between the new program and the maintained program.

(2)(i) With respect to a project which would expand or improve a given community education program, the applicant may seek Federal assistance pursuant to this subpart (A) both to maintain the program at its existing level and to expand or improve the program, or (B) only to improve or expand the program.

(ii) The Federal share specified in paragraph (a)(2) of this section will apply only to the incremental costs related to the expansion and improvement of the project, while the Federal share specified in paragraph (a)(3) of this section will apply to the costs associated with the maintenance of the program at its current level.

(iii) A project to expand or improve a community education program earning a 65 percent share of Federal assistance in the first year of assistance pursuant to this subpart which proposes in the second year merely to maintain the program at the level to which it was expanded or improved in the first year will earn only a 40 percent Federal share in the second year. The project will earn a 55 percent Federal share in the second year only to the extent that the community education program is improved or expanded in the second year.

(20 U.S.C. 1864(d)(3))

§ 160c.20 Allowable costs.

(a) Allowable costs under projects to which the applicable Federal share is awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the limitations set forth in § 160c.10.

(b) There are no firm limits as to the amount of assistance provided under a grant pursuant to this subpart, but it is expected that a substantial number of grants of limited size will be awarded, and that the size of individual grant awards will depend upon the number of community education programs to be assisted in a way which satisfies applicable requirements and criteria in §§ 160c.14 or 160c.15, as applicable, and 160c.17 or 160c.18, as applicable, respectively, under the grant, whether the project is to establish (likely to receive the highest amount), expand, improve, and/or maintain community education programs, the specific criteria in § 160c.17 or § 160c.18, as applicable, and the level of competition for funds.

(c) The costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs.

(20 U.S.C. 1864 (c), (d) (1), (3), (4)(C))

§§ 160c.21–160c.29 [Reserved]

Subpart C—Training Projects in Institutions of Higher Education

§ 160c.30 Nature of Federal projects.

(a) *General.* Grants of Federal funds pursuant to this subpart will be made to institutions of higher education to pay all or part of the costs of developing and establishing, or expanding, programs which will train persons to plan and operate community education programs.

(b) *Types of projects.* Each grant pursuant to this subpart will be for only one of the following types of projects to develop and establish, or expand: (1) Programs to train persons planning and operating community education programs in local educational agencies (or State educational agencies which are directly administering community education programs), as provided in § 160c.32; (2) programs to train persons in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies, as provided in § 160c.33; or (3) programs (i) to assess appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs, how these competencies can be effectively acquired, and existing training opportunities available with respect to community education and (ii) to develop an appropriate training curriculum and training materials which would become broadly available for the training of community education leaders, administrators, related personnel, or community teams at local educational agencies and State educational agencies (including the chief executive officers of such agencies), as described in § 160c.34.

(c) *Capacity building.* (1) Projects supported pursuant to this subpart must be designed to build the capacity of the grantee institution of higher education to provide training (whether the training is provided directly or indirectly through the assessment of training needs and the development of training curriculum) on a scale not previously provided by the grantee or to local educational agencies or State educational agencies not previously served by the grantee.

(2) Training projects described in §§ 160c.32 and 160c.33 must build the capacity of the grantee through the provision by the grantee of inservice, basically short-term, continuous training to local educational agencies and/or State educational agencies, as provided in §§ 160c.32 and 160c.33.

(d) *Non-duplication of costs.* Federal funds provided pursuant to this subpart may not be used to pay for any costs of training which are being separately funded under a local educational agency or State educational agency project funded pursuant to Subpart B of this part.

(20 U.S.C. 1864(e))

§ 160c.31 Application requirements for all institutions of higher education grants.

The Commissioner will award a grant to an institution of higher education under this subpart only upon an application submitted to the Commissioner which:

(a)(1) Contains a project plan describing (i) project objectives which state specific and measurable outcomes for the project; (ii) a proposed time schedule for accomplishing the objectives; (iii) an explanation of proposed procedures, strategies, and activities for accomplishing the objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which the objectives are accomplished by the project.

(2) In addition to such other information as may be required pursuant to paragraph (a)(1) of this section, the project plan described in paragraph (a)(1) of this section must include: (i) A description of proposed workshops, conferences or seminars, including their locations, number of sessions planned, and approximate number of trainees; (ii) information on the qualifications of teaching and administrative staff to carry out the project; (iii) provision for disseminating information on the project to local educational agencies, State educational agencies, other institutions of higher education, and the national clearinghouse (established pursuant to subsection (f) of the Act); and (iv) a project budget.

(b) Provides a general description of existing training activities of the applicant in or related to community education, facilities and resources available for such activities, institutions and programs which benefit from its training activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project; and

(c) Includes a statement of commitment that the applicant will, upon the expiration of Federal assistance, continue to carry out training activities for the institutions and programs to be benefited under the Federally funded project.

(d) Contains a commitment by the applicant to collect and make available such information as may be required by the Commissioner or by the Community Education Advisory Council, in accordance with such time constraints as either of them may designate, for purposes of carrying out project evaluations in accordance with subsection (g) of the Act.

(e) Documents that the applicant has carried out a preliminary survey of the training needs and available resources to meet those needs in the areas proposed to be served by the project, including a brief description of the procedures used in the surveys and the results of the survey.

(20 U.S.C. 1864(e)(g))

§ 160c.32 Training to local educational agencies.

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in local educational agencies planning and administering community education programs and in State educational agencies directly planning and administering such programs.

(b) *Funding requirements.* Training provided under a grant awarded pursuant to this section must meet the following requirements:

(1) The training must be designed to provide training in skills and understandings with reference to each of the elements of a community education program set forth in § 160c.3 and must include training in such areas as: (i) Understanding the concepts of community education, (ii) data collection and interpretation; (iii) community organization; and (iv) knowledge of other community education programs of an exemplary nature.

(2) The training generally must be short-term in naturc and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and in operating community education programs.

(3) The training activities must be provided for eligible recipients in specific local educational agencies (and in specific State educational agencies, as described in paragraph (a) of this section) on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises.

(c) *Recipients of training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include persons in local educational agencies (or in State educational agencies directly administering a community education program) involved in the planning and operation of community education programs, including the chief executive officer of the State educational agency or local educational agency, leaders, coordinators, administrators, and other staff of community education programs, and members of the community assisting in the planning and carrying out of such programs, and including persons certified by a local educational agency or State educational agency as about to undertake such responsibilities within that agency.

(d) *Application requirements.* In addition to meeting the requirements of § 160c.31, applications for grants under this section must:

(1) As part of the project plan required by § 160c.31(a), name each local educational agency (and State educational agency) to be served by the proposed training project and indicate the general scope of services to be provided to each such agency, officials or groups to receive the training and how they will be selected, and the skill or competency

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needs of recipient agencies and how the project will respond to the needs.

(2) Include as an attachment a letter of commitment from each local educational agency (or State educational agency) to be served by the project, indicating its intention to participate in the project, certifying its need for the services which the application proposes to provide to the agency, and indicating any financial assistance it is receiving or seeking pursuant to this part related to the proposed training services.

(3) Describe current training activities of the applicant, including approximate numbers and program affiliations of individuals trained, cost of training, and staff carrying out the activities.

(4) Provide information to satisfy the Commissioner that the requirements in § 160c.30 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *Number and size of grants.* It is expected that a number of small grants to institutions of higher education (or to consortia of institutions of higher education) will be awarded each fiscal year pursuant to this section. The size of grant awards will depend upon the number of local educational agencies (or State educational agencies) to receive training services, the scope and quality of the project as measured by criteria set forth in § 160c.35, and the level of competition for available funds.

(20 U.S.C. 1864(e))

§ 160c.33 Training to State educational agencies.

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies.

(b) *Program requirements.* Training programs funded under this section must be designed to provide training:

(1) In the following skills and understandings: (i) General skills necessary and appropriate for the organization, development, and administration of statewide community education activities; (ii) technical skills related to carrying out needs and resources assessments, evaluation of community education programs, planning, and data collection; (iii) skills in the provision of developmental or technical assistance to local community education programs; (iv) a general understanding of the concepts of community education, including those reflected in § 160c.3; (v) identification of, and coordination with, other Federal and State resources, including the resources of other States;

(2) Through the provision of information on: (i) Successful community education programs and State activities related thereto in other States; and (ii) information on community education programs, and research and development related thereto, available from the clearinghouse (established pursuant to section (f) of the Act), and from the Commissioner;

(3) Which involves training activities for eligible recipients in specific State educational agencies: (i) On a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises; and (ii) which are short-term in nature and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and providing assistance to community education programs.

(c) *Recipients of Training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include:

(1) Leaders, coordinators, and administrators of community education activities in State educational agencies, including the chief State school officer;

(2) Members of any advisory bodies responsible for advising the State educational agency in the carrying out of community education activities; and

(3) Persons certified by a State educational agency as about to undertake positions described in paragraphs (c) (1) and (2) of this section within that State educational agency.

(d) *Application requirements.* Applications for grants under this section must meet the requirements of § 160c.31 and provide information to satisfy the Commissioner that the requirements in § 160c.30 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *One grant.* It is expected that only one grant to an institution of higher education or to a consortium of institutions of higher education will be made pursuant to this section in the first year in which grants are made pursuant to this part. The grant award will have the purpose of providing training to eligible recipients in a large number of State educational agencies.

(20 U.S.C. 1864(e))

§ 160c.34 Training assessment and curriculum development.

(a) Grants to institutions of higher education under this section will be for one or more of the following purposes:

(1) To assess (i) appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs and for the provision of developmental and technical assistance to such programs; (ii) how these competencies can be effectively acquired; and (iii) existing training opportunities available with respect to community education;

(2) To develop appropriate training curricula and training materials designed to train administrators (including chief executive officers) and related personnel planning and carrying out or assisting community education programs in local educational agencies and State educational agencies, including appropriate materials for long- and short-term training, and formal and informal training, materials appropriate for use by community education program personnel without trained instructors, packaged training modules susceptible to flexible use to meet particular training needs in different settings and for trainees with different experiences, and materials to train trainers in community education;

(b) Applications for grants under this section must meet the requirements of § 160c.31 and provide information on the potential benefits and uses, including potential users, of assessments carried out and materials developed under the project; and

(c) It is expected that about three grants to institutions of higher education (or to consortia of institutions of higher education) will be made pursuant to this section in the first fiscal year in which grants are made pursuant to this part. The grant awards will focus on assessment activities described in paragraph (a)(1) of this section. Grants in successive fiscal years are expected to focus on the development of training curricula and materials pursuant to paragraph (a)(2) of this section.

(20 U.S.C. 1864(e))

§ 160c.35 Criteria for evaluation of applications.

(a) In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the following factors, weighted as indicated:

(1) (5 points)—The need for the proposed activity in the area served or to be served by the applicant;

(2) (15 points)—Adequacy of qualifications and experiences of personnel designated to carry out the proposed project;

(3) (20 points) Soundness of the proposed plan of operation, including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined, (including specific time schedules for their achievement) clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(iii) Objectives clearly relate to needs assessed; and

(iv) Costs are reasonable in relation to anticipated results.

(4) (20 points)—Expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(5) (10 points)—Provision is made for disseminating the results of the project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to those concerned with the area of education with which the project is itself concerned.

(6) (20 points)—The extent to which the application reflects a knowledge of and has analyzed training needs in community education, with specific reference to agencies to be served or benefited in the project, provides for responding to such needs; and has involved persons to be trained in the design and planning for training.

(7) (25 points)—The extent to which the proposed project is likely to build the capacity of the grantee to serve as a training resource for local educational agencies and State educational agencies planning, carrying out, and/or assisting community education programs.

(8) (20 points)—Evidence that the grantee will cooperate with other public and private agencies and institutions in carrying out the project so as to coordinate training activities with related activities in community education and to avoid duplication.

(9) (5 points)—The extent to which training provided by the project is likely to form a foundation from which training participants (or users of materials developed by the project) may pursue long-term or formal degree training if they so desire.

(10) (60 points)—(i) The extent to which approval of a project will (a) contribute to the funding of a wide variety of projects which collectively can demonstrate diverse approaches to training in community education; and (b) result in the development of exemplary or innovative quality program models throughout the United States recognizing the role which limited Federal resources can play in assisting such programs; and

(ii) The criteria in § 100a.26(b) of this chapter shall not apply to grant applications under this subpart.

(20 U.S.C. 1864(e))

§ 160c.36 Allowable costs.

Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix C–II to Subchapter A of this chapter, subject to applicable limitations set forth in this subpart and to the restrictions that (a) indirect costs will be allowed at either (1) the actual level of the institutional indirect costs or (2) 8 percent of total direct costs, whichever is the lesser; (b) the costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs; and (c) stipends and dependency allowances will be unallowable.

(20 U.S.C. 1864(e))

[FR Doc.75-33071 Filed 12-11-75;8:45 am]

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federal register

FRIDAY, DECEMBER 12, 1975



PART III:

FEDERAL ELECTION COMMISSION

FEDERAL ELECTION CAMPAIGN ACT

Proposed Forms

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FEDERAL ELECTION COMMISSION

[Notice 1975–93]

FEDERAL ELECTION CAMPAIGN ACT

Proposed Forms

The Federal Election Commission today publishes for public comment sample forms to be used by candidates, committees, and others subject to the Federal Election Campaign Act of 1971, as amended. The period of public comment will extend through Monday, January 5, 1976. Comments should be addressed to the Assistant Staff Director for Disclosure and Compliance, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

The Commission notes that the 1974 amendments to the Federal Election Campaign Act have occasioned significant changes in the forms heretofore used. Every effort has been made by the Commission to keep the new forms simple and comprehensible. Nonetheless, potential users should examine the forms carefully with a view to improving them yet further. As has been the case with the publication of earlier Commission proposals, the Commission will welcome all comment and criticism, and will take such communications into consideration in revising the forms in final edition.

The Commission further notes that late amendments to the proposed regulations on disclosure passed by the Commission on November 25, 1975 and submitted to the Congress on December 4, 1975, will require certain minor modifications of these forms as they are now published. Persons comparing the proposed regulations with these forms should therefore not be disturbed by any evident discrepancies; the Commission already has these under advisement.

Dated: December 9, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

FEC Form 1
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Political Committee

Supporting any candidate(s) for federal office and anticipating contributions or expenditures in excess of $1,000 in any calendar year in support of such candidate(s).

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Committee (in full)	2 Identification Number
(b) Address (number and street)	3 Date of registration (month, day, year)
(c) City, State and ZIP code	4 Is this an amended statement ☐ Yes ☐ No If "Yes" fill in only those lines in which there has been a change

5 Check one:

☐ (a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate)

a candidate for _____ (Federal office sought) in the _____ (General, Primary, Runoff, etc.) Election(s)

to be held in the State of _____ (State in which election is held) on _____ (Date(s))

(The Principal Campaign Committee will forward to the Commission a copy of the Statement of Organization for each committee required to file with it).

☐ (b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate)

to receive contributions and make expenditures with respect to the _____ (General, Primary, Runoff, etc.) Election(s)

held on _____ (Date(s)), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)

(Attach a copy of Candidate's written authorization.) (FEC Form 2a)

☐ (c) This committee supports only one candidate _____ (Name of Candidate) but is not an authorized committee.

☐ (d) This committee is a multicandidate committee.

☐ (e) This committee is a _____ (National, state, county, city) committee of the _____ (Democratic, Republican, etc.) Party.

6 Name of affiliated or connected organization	Mailing address and ZIP code	Relationship

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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Instructions For FEC Form 1

See the Federal Election Commission Manual for Definition of Terms, Additional Regulations, and Instructions

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 for the purpose of influencing the nomination or election of a candidate(s) for Federal office shall file with the Federal Election Commission (except as noted in F below) a Statement of Organization. This Statement shall be filed within 10 days after the committee's organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate receiving contributions or making expenditures in excess of $1,000 for the purpose of influencing the nomination or election of a candidate(s) for Federal office.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State officer) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than 3 years after December 31st of the year of the election.

D. Any change or correction of information previously submitted in a Statement of Organization shall be reported to the Commission within ten (10) days following the change or correction. Such amendments to the statement shall contain the date, identity of the committee and the changed or corrected information appropriately identified.

E. Any committee which, after having filed one or more Statements of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Commission.

F. In the case of an authorized political committee which supports only one candidate and which is not a principal campaign committee, the Statement of Organization shall be filed with the appropriate principal campaign committee which will forward a copy to the Commission.

FEC Form 1
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Committee

(Page 2)

Name of Committee

7 Area, Scope and Jurisdiction of Committee:

(a) Will this committee operate in more than one State? ☐ Yes ☐ No
(b) Will it operate on a statewide basis in one State? ☐ Yes ☐ No
(c) Will it primarily support candidates seeking State or local office? ☐ Yes ☐ No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting.

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9 If this committee is supporting the entire ticket of a party, give name of party ▶

10 Identify by name, address and position, the person in possession of committee books and records.

Full name	Mailing address and ZIP code	Title or position

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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FEC Form 1
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Committee

(Page 3)

Name of Committee

11 List by name, address and position, other principal officers of the committee:

Full name	Mailing address and ZIP code	Title or position

12 Does this committee plan to stay in existence beyond the current calendar year? ☐ Yes ☐ No
If "Yes" for how long? ▶

13 In the event of dissolution, what disposition will be made of residual funds?

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

Under penalties of perjury, I declare that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Treasurer) (Date)

For further information contact: ▶ Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEC Form 2
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of a Candidate for Nomination or Election to Federal Office

("Candidate" as defined by 2 USC 431 (b))

Note: *Committees authorized to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.*

1(a) Name of Candidate (in full)	2 Identification Number	3 Party Affiliation

(b) Address (number and street) — 4 Office Sought

(c) City, State and ZIP code — 5 District and State of Candidate

Designation of Principal Campaign Committee

6 I hereby designate the following named political committee as my Principal Campaign Committee for the _____ election(s) held on _____
(General, Primary, Runoff) (Dates)

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State and ZIP code

7 I hereby designate the following national and/or State bank(s) as campaign depositories to be used by the above political committee.

(a) Name of Bank (in full)	(a) Name of Bank (in full)
(b) Address (number and street)	(b) Address (number and street)
(c) City, State and ZIP code	(c) City, State and ZIP code
(a) Name of Bank (in full)	(a) Name of Bank (in full)
(b) Address (number and street)	(b) Address (number and street)
(c) City, State and ZIP code	(c) City, State and ZIP code

Candidate Reporting Status

8 Check Reporting Status (a) or (b) (whichever is applicable)

☐(a) I hereby certify that the above named committee and authorized agents thereof will receive and disburse ALL funds in support of my candidacy in the above election(s). Based upon this certification I hereby request a waiver of my reporting responsibility. If, after filing this form, I personally receive contributions or make expenditures, the waiver becomes void and I must file a separate report as required by 2 USC 434 on Federal Election Commission Form 3.

☐(b) I intend to personally receive contributions and/or make expenditures in support of my candidacy and will file separate reports of such receipts and expenditures as required by 2 USC 434, on Federal Election Commission Form 3.

Under penalties of perjury, I declare that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Candidate) (Date)

For further information contact: ▶ Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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FEC Form 2a
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Candidate Authorization of a Political Committee other than a Principal Campaign Committee

Note: *Committees authorized to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.*

1(a) Name of Candidate (in full)

2 Identification Number

3 Party Affiliation

(b) Address (number and street)

4 Office Sought

(c) City, State and ZIP code

5 District and State of Candidate

6 I hereby authorize the following named political committee to receive contributions and make expenditures on my behalf in support of my candidacy in the _____ (General, Primary, Runoff) election(s) held _____ (Date(s))

(a) Name of Committee (in full)

(b) Address (number and street)

(c) City, State and ZIP code

7 I hereby designate the following national and/or State bank(s) as campaign depository(ies) to be used by the above political committee.

(a) Name of Bank (in full)

(b) Address (number and street)

(c) City, State and ZIP code

(a) Name of Bank (in full)

(b) Address (number and street)

(c) City, State and ZIP code

(a) Name of Bank (in full)

(b) Address (number and street)

(c) City, State and ZIP code

8 This committee's reports of receipts and expenditures will be filed with _____ (Name of Principal Campaign Committee), my designated principal campaign committee for the above election(s)

_____ (Signature of Candidate) _____ (Date)

For further information contact: Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463

Notice

A candidate for Federal office must complete this Statement of Authorization for each committee, other than a principal campaign committee, which is authorized by the candidate to receive contributions and make expenditures on his behalf.

One copy of the statement should be maintained by the Principal Campaign Committee, one by the treasurer of the authorized committee and one copy should be filed with the Commission.

FEC Form 3
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Report of Receipts and Expenditures for a Committee or Candidate Supporting any Candidate(s) for Nomination or Election to Federal Office

Note: *Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.*

1(a) Name of Committee (in full)

2 Identification Number

(b) Address (number and street)

3(a) Is this a Principal Campaign Committee? ☐ Yes ☐ No

(c) City, State and ZIP code

(b) If "Yes," has the requirement for Candidate Reports been waived? ☐ Yes ☐ No

4 Type of Report (Check appropriate box and complete, if applicable)
(a) ☐ Amendment
(b) ☐ April 10 Report
(c) ☐ July 10 report
(d) ☐ October 10 report
(e) ☐ January 10 or 31 Report
(f) ☐ Alternative Monthly Report
(g) ☐ Termination
(h) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the state of _____
(i) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the state of _____

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____, Through _____

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19__		$
7 Cash on hand at beginning of reporting period	$	
8 Add total receipts (from line 19)	$	$
(a) Subtotal	$	$
9 Subtract total expenditures (From line 24)	$	$
10 Cash on hand at close of reporting period	$	$
11 Contributed Items on hand to be liquidated (attach itemized list) $ _____		
Section B - Expenditures Subject to Limitation Summary (Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	$	$
13 Less Refunds and Rebates (from line 17)	$	$
14 (a) Expenditures subject to limitation	$	$
(b) Expenditures from prior years subject to limitation		$
(c) Total expenditures subject to limitation		$

Under penalties of perjury, I declare that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

_____ (Signature of Treasurer) _____ (Date)

For further information Contact: Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463

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FEC Form 3
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Detailed Summary Schedule of Receipts and Expenditures (Page 2)

Name of Committee	Report Covering the period From:	To:
	Column A This Period	Column B Calendar year-to-date
Part I - Receipts		
15 Contributions and other income:		
(a) Itemized (use Schedule A)	$	
(b) Unitemized	$	
(c) Sales and Collections Included Above: List by event on memo Schedule D ($ _____)		
(d) Subtotal of contributions and other income	$	$
16 Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	$	
(b) Unitemized	$	
(c) Subtotal of loans and loan repayments received	$	$
17 Refunds, Rebates, etc.:		
(a) Itemized (use Schedule A)	$	
(b) Unitemized	$	
(c) Subtotal of refunds, rebates, etc	$	$
18 Transfers In:		
(a) From Affiliated Committee (Itemize all on Schedule A)	$	
(b) From other Committees (Itemize all on Schedule A)	$	
(c) Subtotal of transfers in	$	$
19 Total Receipts	$	$
Part II - Expenditures		
20 Operating Expenditures:		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of operating expenditures	$	$
21 Loans, Loan Repayments, and Contribution Refunds:		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of loans and loan repayments made and contribution refunds	$	$
22 Fundraising Expenditures. (Apply to 20% Exemption)		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of fundraising expenditures	$	$
23 Transfers Out:		
(a) To Affiliated Committee (Itemize all on Schedule B)	$	
(b) To Other Committees (Itemize all on Schedule B)	$	
(c) Subtotal of transfers out	$	$
24 Total Expenditures	$	$
Part III - Debts and Obligations		
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)	$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)	$	
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees		
27 Total Receipts (from line 19)	$	
28 Less Transfers In (from line 18(a))	$	
29 Net Receipts	$	
30 Total Expenditures (from line 24)	$	
31 Less Transfers out (from line 23(a))	$	
32 Net Expenditures	$	

Schedule A
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Ticket Purchases, Loans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

(see instructions on back)

Line Number: Use a separate page for each numbered line. ▶

Schedule A, Page _____ of _____

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶☐ Yes ☐ No Aggregate Year-to-Date ▶$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶☐ Yes ☐ No Aggregate Year-to-date ▶$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶☐ Yes ☐ No Aggregate Year-to-date ▶$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶☐ Yes ☐ No Aggregate Year-to-date ▶$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶☐ Yes ☐ No Aggregate Year-to-date ▶$		
Subtotal of receipts this page ▶			$
Total this period (last page this line number only) ▶			$

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Instructions for Preparing Schedule A, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Receipts for lines 15, 16, 17 and/or 18 of the "Detailed Summary Schedule of Receipts and Expenditures" FEC Form 3, Page 2. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½" x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Receipts as Specified Below for each Part.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the detailed summary schedule. When applicable, the total of all other receipts Not Required to be Itemized Under a Given Part is to be entered as a lump sum on the "Unitemized" line of the appropriate part of the detailed summary schedule.

Line 15(a). Itemized Contributions and Other Income.—This is an itemized account of contributions and other income, giving the date, full name, mailing address, occupation, and principal place of business of each person who has made one or more contributions to or for the reporting committee or candidate during the reporting period in an amount in excess of $100 or whose total contributions to date (aggregate) during the calendar year are in excess of $100. Other income in the form of interest dividends, etc. in excess of $100 during a reporting period will also be itemized. The actual amount of contribution(s) and other income received during this reporting period will be entered in the "Amount of Each Receipt This Period" column.

Contributions by an individual which result in his aggregate year-to-date contributions exceeding $100.00 should be itemized on Schedule A. The sum of his contributions in this calender year shall be entered in the "aggregate year-to-date". box. Contributions received this period should be listed in the "receipt this period" box. Each subsequent contribution shall be itemized as above and included in the total reported in the "aggregate year-to-date" box (Sec. 434(b)(2)).

Line 16(a). Itemized Loans and Loan Repayments Received.—This is an itemized account giving the date, full name, mailing address, occupation, and principal place of business of each lender and endorser of a loan(s), or a person making a loan repayment this period in excess of $100 or whose total loans or loan repayments to date (aggregate) are in excess of $100. The actual amount of each loan(s) or loan repayment(s) received during this period will be entered in the "Amount of Each Receipt This Period" column. Loans and loan repayments received from affiliated committees are considered "transfers" included in line 18.

Loans or Loan Repayments by an individual which result in his aggregate year-to-date Loans or Loan Repayments exceeding $100.00 should be itemized on Schedule A. The sum of his Loans or Loan Repayments in this calendar year shall be entered in the "aggregate year-to-date" box. Loans or Loan Repayments received this period should be listed in the "receipt this period" box. Each subsequent Loan or Loan Repayment shall be itemized as above and included in the total reported in the "aggregate year-to-date" box (Sec. 434(b)(5)).

Line 17(a). Itemized Refunds and Rebates.—This is an account of receipts in the form of refunds, returns and rebates. Give the date, full name, mailing address, occupation, and principal place of business of each person from whom one or more such receipts have been received in this reporting period in an amount in excess of $100 and explanation of the receipt. The actual amount of each receipt(s) during this reporting period will be entered in the "Amount of Each Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. (Sec. 434(b)(7).)

Line 18. Itemized Transfers in from Political Committees.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate from whom any transfer of funds has been received within this reporting period in any amount. The actual amount of each transfer(s) during this reporting period will be entered in the "Amount of Each Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. Use separate pages for affiliated and nonaffiliated committees and report subtotals on summary schedule. (Sec. 434(b)(4).)

Schedule B
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 21, 22, and/or 23 of FEC Form 3

(see Instructions on back)

Line Number: Use a separate page for each numbered line. ▶

Schedule B, Page of

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Subtotal of expenditures this page ▶			$
Total this period (last page this line number only) ▶			$

V40240 DEC 12 75 XUM

Instructions for Preparing Schedule B, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Expenditures for line 20, 21, 22 and/or 23 of the "Detailed Summary Schedule of Receipts and Expenditures" FEC Form 3. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½ x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Expenditures as Specified Below for each Line.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the Detailed Summary Schedule. When applicable, the total of all other expenditures **Not Required to be Itemized Under a Given Line** is to be entered as a lump sum on the **"Unitemized"** subline of the appropriate line of the Summary Report.

Line 20. Itemized Operating Expenditures.—This is an account of all operating expenditures not included in lines 21, 22, and 23 made during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year, itemized as to amount and date of expenditure and other information as indicated in column headings. This schedule includes expenditures for personal services, travel, rent, telephone and other normal operating expenses. (Sec. 434(b)(9) and (10).)

Line 21. Itemized Loans, Loan Repayments and Contribution Refunds.—This is an account of loans, loan repayments, and contribution refunds made by the committee or a candidate during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year. Each entry shall contain the date, full name and mailing address of the person or committee to whom the loan, loan repayment, or contribution refund was made. List the amount of the loan, loan repayment, or contribution refund in the "Amount of Each Expenditure This Period" column. Loans or loan repayments made to affiliated committees are considered "Transfers" included in line 23. (Sec. 434(b)(5).)

Line 22. Itemized Fundraising Expenditures.—This is an account of fundraising expenditures made during the reporting period which aggregate in excess of $100 to a single payee within a calendar year. All fundraising costs will be reported on Part II, Line 22 of the Detailed Summary Schedule except that any such expenditures in excess of 20% of a candidate's total expenditure limitation will be reported under line 20 Operating Expenditures.

Line 23. Itemized Transfers out to Political Committees and Candidates.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Each Expenditure This Period" column.

Use separate pages for affiliated and nonaffiliated committees and report subtotals on the Detailed Summary Schedule. (Sec. 434(b)(4).)

Schedule C
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Debts and Obligations for Line Numbers 25 and/or 26 of FEC Form 3

(see Instructions on back)

Line Number: Use a separate page for each numbered line. ▶

Schedule C, Page of

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
Subtotals this period this page ▶		$	$	$
Total this period (last page this line number only) ▶		$	$	$

*Carry outstanding balance only, to appropriate line of summary.

V40240 DEC 12 75 XUM

Instructions for Preparing Schedule B, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Expenditures for line 20, 21, 22 and/or 23 of the "Detailed Summary Schedule of Receipts and Expenditures" FEC Form 3. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½ x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Expenditures as Specified Below for each Line.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the Detailed Summary Schedule. When applicable, the total of all other expenditures **Not Required to be Itemized Under a Given Line** is to be entered as a lump sum on the **"Unitemized"** sub-line of the appropriate line of the Summary Report.

Line 20. Itemized Operating Expenditures.—This is an account of all operating expenditures not included in lines 21, 22, and 23 made during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year, itemized as to amount and date of expenditure and other information as indicated in column headings. This schedule includes expenditures for personal services, travel, rent, telephone and other normal operating expenses. (Sec. 434(b)(9) and (10).)

Line 21. Itemized Loans, Loan Repayments and Contribution Refunds.—This is an account of loans, loan repayments, and contribution refunds made by the committee or a candidate during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year. Each entry shall contain the date, full name and mailing address of the person or committee to whom the loan, loan repayment, or contribution refund was made. List the amount of the loan, loan repayment, or contribution refund in the "Amount of Each Expenditure This Period" column. Loans or loan repayments made to affiliated committees are considered "Transfers" included in line 23. (Sec. 434(b)(5).)

Line 22. Itemized Fundraising Expenditures.—This is an account of fundraising expenditures made during the reporting period which aggregate in excess of $100 to a single payee within a calendar year. All fundraising costs will be reported on Part II, Line 22 of the Detailed Summary Schedule except that any such expenditures in excess of 20% of a candidate's total expenditure limitation will be reported under line 20 Operating Expenditures.

Line 23. Itemized Transfers out to Political Committees and Candidates.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Each Expenditure This Period" column.

Use separate pages for affiliated and nonaffiliated committees and report subtotals on the Detailed Summary Schedule. (Sec. 434(b)(4).)

Schedule C
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Debts and Obligations for Line Numbers 25 and/or 26 of FEC Form 3

(see Instructions on back)

Line Number: Use a separate page for each numbered line ▶

Schedule C, Page of

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
Subtotals this period this page ▶		$	$	$
Total this period (last page this line number only) ▶		$	$	$

*Carry outstanding balance only, to appropriate line of summary.

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Instructions for Preparing Schedule C, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Debts and Obligations for line 25 and/or 26 of the "Detailed Summary Schedule of Receipts and Expenditures" FEC Form 3. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½ x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Debts and Obligations as Specified Below for each Line.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the Detailed Summary Schedule. When applicable, the total of all other debts and obligations **Not Required to be Itemized Under a Given Line** is to be entered as a lump sum on the **"Unitemized"** sub-line of the appropriate line of the Summary Report.

Line 25. Itemized Debts and Obligations.—This is an account of all debts and obligations not included in line 26 made during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year, itemized as to amount and date of debt and other information as indicated in column headings. This schedule includes debts and obligations for personal services, travel, rent, telephone and other normal operating expenses. (Sec. 434(b)(9) and (10).)

Line 26. Itemized Loans, Loan Repayments and Contribution Refunds.—This is an account of loans, loan repayments, and contribution refunds made by the committee or a candidate during the reporting period and which aggregate in excess of $100 to a single payee during the calendar year. Each entry shall contain the date, full name and mailing address of the person or committee to whom the loan, loan repayment, or contribution refund was made. List the amount of the loan, loan repayment, or contribution refund in the "Amount of Each Expenditure This Period" column. Loans or loan repayments made to affiliated committees are considered "Transfers" included in line 23. (Sec. 434(b)(5).)

Use separate pages for affiliated and nonaffiliated committees and report subtotals on the Detailed Summary Schedule. (Sec. 434(b)(4).)

Schedule D
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Debts and Obligations for Line Numbers 27 and/or 28 of FEC Form 3

(see Instructions on back)

Line Number: Use a separate page for each numbered line ▶

Schedule D, Page of

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
		$	$	$
Subtotals this period this page ▶		$	$	$
Total this period (last page this line number only) ▶		$	$	$

*Carry outstanding balance only, to appropriate line of summary.

Instructions for Preparing Schedule C, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Debts and Obligations Owed to or by the Committee for line 25 and/or 26, FEC Form 3, page 2. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required and in the same format. Obligations as used in these instructions mean contracts, agreements, and promises.

Line 25. Debts and Obligations Owed to the Committee.— This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address of each debtor, together with the amount, date, nature of each transaction, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. (Sec. 434(b)(12).)

Line 26. Debts and Obligations Owed by the Committee.— This is an itemized account of debts and obligations owed by the reporting committee at the close of the reporting period. Give the full name and mailing address of each creditor, together with the amount, date, nature of each transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period. Include all accounts payable outstanding for 60 days or more. Debts and obligations shall continue to be reported on each subsequent report until extinguished. (Sec. 434(b)(12).)

Schedule D
Janaury 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts Sales and Collections For Line Number 15C Only of FEC Form 3

(see Instructions on back)

Attach additional Schedule D's as needed ▶

Schedule D, Page ____ of ____

Name of Candidate or Committee in full

Total Proceeds during the Reporting Period:
1 Sale of tickets (List by event below)* ▶ $
2 Mass collections (List by event below) ▶ $
3 Sale of Items ▶ $
4 Total (Carry forward to Line 15C of Detailed Summary Schedule Page 2, FEC Form 3) ▶ $

List of Sales and Collections by Event

Type of Event	Date of Event (month, day, year)	Amount from Sale of Tickets this Period*	Amount from Mass Collections this Period
		$	$
Subtotal this period this page ▶	$	$	$
Total this period (last page this line number only) ▶	$	$	$

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Instructions for Preparing Memo Schedule D, FEC Form 3

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Sales and Collections for Line 15c, FEC Form 3. This schedule may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required and in the same format.

Line 15c. Funds Received from Sales and Collections.—This is an account of proceeds during this reporting period from (1) the sale of tickets to each dinner, luncheon, rally, or other fundraising event; and (2) mass collections made at each such event, and (3) the sale of items such as political campaign pins, buttons, literature and similar materials. Such proceeds shall be reported in the total amount. Ticket sales and mass collections must be listed by each event, giving the date and type of event and the amount of proceeds collected. Sales to any individual in an amount in excess of $100 during this reporting period or in an aggregate amount in excess of $100 within the calendar year must be itemized on Schedule A (Line 15a). (See Schedule A for instructions.) (Sec. 434(b)(6).)

Place Stamp Here

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Washington, D.C. 20463

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FEC Form 3a January 1976	Report for a quarter in which neither receipts or expenditures exceed $1000	Identification Number

Filing this form does not relieve any committee or candidate of the responsibility to file any yearend (Jan. 31), pre, or post election report.

Name of Committee or Candidate (in full)

Address (number and street)

City, State and ZIP code

For the period (check one):
☐ Jan. 1 – March 31 (April 10 Report)
☐ April 1 – June 30 (July 10 Report)
☐ July 1 – Sept. 30 (Oct. 10 Report)

Under the penalties of perjury I declare that the above named committee or candidate did not receive contributions or make expenditures in excess of $1000 during the calendar quarter indicated. I will resume filing quarterly reports in the next calendar quarter in which receipts or expenditures exceed $1000.

Signature of Committee Treasurer or Candidate	Date

FEC Form 3a January 1976	Report for a quarter in which neither receipts or expenditures exceed $1000	Identification Number

Filing this form does not relieve any committee or candidate of the responsibility to file any yearend (Jan. 31), pre, or post election report.

Name of Committee or Candidate (in full)

Address (number and street)

City, State and ZIP code

For the period (check one):
☐ Jan. 1 – March 31 (April 10 Report)
☐ April 1 – June 30 (July 10 Report)
☐ July 1 – Sept. 30 (Oct. 10 Report)

Under the penalties of perjury I declare that the above named committee or candidate did not receive contributions or make expenditures in excess of $1000 during the calendar quarter indicated. I will resume filing quarterly reports in the next calendar quarter in which receipts or expenditures exceed $1000.

Signature of Committee Treasurer or Candidate	Date

FEC Form 3a January 1976	Report for a quarter in which neither receipts or expenditures exceed $1000	Identification Number

Filing this form does not relieve any committee or candidate of the responsibility to file any yearend (Jan. 31), pre, or post election report.

Name of Committee or Candidate (in full)

Address (number and street)

City, State and ZIP code

For the period (check one):
☐ Jan. 1 – March 31 (April 10 Report)
☐ April 1 – June 30 (July 10 Report)
☐ July 1 – Sept. 30 (Oct. 10 Report)

Under the penalties of perjury I declare that the above named committee or candidate did not receive contributions or make expenditures in excess of $1000 during the calendar quarter indicated. I will resume filing quarterly reports in the next calendar quarter in which receipts or expenditures exceed $1000.

Signature of Committee Treasurer or Candidate	Date

FEC Form 3a January 1976	Report for a quarter in which neither receipts or expenditures exceed $1000	Identification Number

Filing this form does not relieve any committee or candidate of the responsibility to file any yearend (Jan. 31), pre, or post election report.

Name of Committee or Candidate (in full)

Address (number and street)

City, State and ZIP code

For the period (check one):
☐ Jan. 1 – March 31 (April 10 Report)
☐ April 1 – June 30 (July 10 Report)
☐ July 1 – Sept. 30 (Oct. 10 Report)

Under the penalties of perjury I declare that the above named committee or candidate did not receive contributions or make expenditures in excess of $1000 during the calendar quarter indicated. I will resume filing quarterly reports in the next calendar quarter in which receipts or expenditures exceed $1000.

Signature of Committee Treasurer or Candidate	Date

FEC Form 3b
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Worksheet for Consolidation of Receipts and Expenditures by a Principal Campaign Committee

Name of Principal Campaign Committee

Report Covering Period From: To:

	Committee Name	(a) Line Number 7 Cash on hand at beginning of period	(b) Line Number 15 Total Contributions	(c) Line Number 16 Total loans, loan repayments	(d) Line Number 17 Total Refunds, Rebates, etc.	(e) Line Number 18(a) Total transfers from affiliated comm.
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
K						
L						
M	Column Total This Page					
N	Column Total Last Page Only					

	Committee Name	(g) Line Number 19 Total Receipts (Total columns (b) through (f))	(h) Line Number 20 Total operating expenditures	(i) Line Number 21 Loans, Loan Repayments, Contribution Refunds	(j) Line Number 22 Total fundraising expenditures	(k) Line Number 23(a) Total transfer out to affiliated comm.	(l) Line Number 23(b) Total transfers out to other comm.	(f) Line Number 18(b) Total transfers from other comm.	(m) Line Number 24 Total expenditures (Total columns (h) through (l))	(n) Line Number 10 Cash on hand at end of period	(o) Line Number 25 Debts and obligations owed to comm.	(p) Line Number 26 Debts and obligations owed by comm.
A												
B												
C												
D												
E												
F												
G												
H												
I												
J												
K												
L												
M												
N												

Computation of Net Receipts and Expenditures for all Committees
(last page only)

Receipts and expenditures, net of transfers to and from affiliated committees:

1	Total receipts (from column (g))	$
2	Less total transfers in (from column (e))	$
3	Net receipts	$
4	Total expenditures (from col. (m))	$
5	Less total transfers out (from column (k))	$
6	Net expenditures	$
	Expenditures subject to limitation summary:	
7	Total operating expenses (from column (h))	$
8	Less total refunds and rebates (from column (d))	$
9	Total expenditures subject to limitation	$

NOTICES

57969

Instructions for FEC Form 3b

The name of the Candidate (if he or she is receiving contributions or making expenditures personally), the Principal Campaign Committee, and all subsidary committees should be listed in the column entitled "Committee Name." Lines in this column are coded with letters A-N. All information for each committee is recorded on the same lettered line throughout the form.

Columns (a) through (p) on the Worksheet correspond to the numbered lines on the Committee Summary of Receipts and Expenditures (FEC Form 3) and the Detailed Summary Schedule of Receipts and Expenditures (FEC Form 3, page 2). The dollar amounts should be transferred from each numbered line on the committee and candidate reports to the appropriate column on the Worksheet. The columns must be totaled and the appropriate totals entered in the Computation of Net Receipts and Expenditures for All Committees located in the lower right corner of the form.

The completed form must be submitted with the Principal Campaign Committee's reports in all campaigns in which a candidate has authorized more than one political committee to act in his behalf.

FEC Form 3c
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Allocation of Primary Expenditures by State for a Presidential Candidate

1(a) Name of Principal Campaign Committee	2 Identification Number
(b) Committee Address	3 Name of Candidate
(c) City, State and Zip code	

ALLOCATION BY STATE

STATE	ALLOCATION THIS PERIOD	YEAR TO DATE ALLOCATION	STATE	ALLOCATION THIS PERIOD	YEAR TO DATE ALLOCATION
Alabama			Nebraska		
Alaska			Nevada		
Arizona			New Hampshire		
Arkansas			New Jersey		
California			New Mexico		
Colorado			New York		
Connecticut			North Carolina		
Delaware			North Dakota		
District of Columbia			Ohio		
Florida			Oklahoma		
Georgia			Oregon		
Hawaii			Pennsylvania		
Idaho			Rhode Island		
Illinois			South Carolina		
Indiana			South Dakota		
Iowa			Tennessee		
Kansas			Texas		
Kentucky			Utah		
Louisiana			Vermont		
Maine			Virginia		
Maryland			Washington		
Massachusetts			West Virginia		
Michigan			Wisconsin		
Minnesota			Wyoming		
Mississippi			Puerto Rico		
Missouri			Guam		
Montana			Virgin Islands		
Column Totals			Column Totals		

4 Total Allocated Expenditures ▶		
5 Total Non-allocated Expenditures ▶		
6 Total Campaign Expenditures (Lines 4 & 5) ▶		

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Instructions for Federal Election Commission Form 3c

Expenditures made or attributed to a campaign in a particular state should be reported on the appropriate line for the state for both the reporting period and aggregate year-to-date. Such expenditures include administrative costs, staff salaries of campaign personnel working in or on behalf of the campaign in the state (both state and national headquarters personnel), overhead cost of campaign facilities located in the state, printed materials produced and/or distributed in the state, media advertising directed at the voting population of the state, etc.

Expenditures which cannot be allocated to any particular state should be reported on line 5. Such expenditures include administrative staff, and overhead expenditures of the national campaign headquarters, travel expenses, etc., which cannot be clearly attributed to the campaign effort in any particular state.

The totals reflected on line 6 must equal the totals on line 14(a), (FEC Form 3), of the Committee(s) Report(s) of Receipts and Expenditures.

FEC Form 4
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Report of Receipts and Expenditures for a Committee or Person Supporting a Convention Held for the Purpose of Nomination of a Candidate for President

1(a) Name of Committee (in full)

2 Identification Number

(b) Address (number and street)

3 Type of Committee
☐ (a) Arrangements Committee
☐ (b) Host Committee
☐ (c) Other (specify)

(c) City, State and ZIP code

4 Type of Report (Check appropriate box and complete, if applicable)

(a) ☐ Full and complete report submitted within 60 days of convention ended _____ (Date)

(b) ☐ Quarterly report for period ended _____ (Date)

Committee Summary of Receipts and Expenditures

5 Covering Period: From: , Through

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-to-Date
6 Cash on hand January 1, 19		$
7 Cash on hand at beginning of reporting period	$	
8 Add total receipts (from line 20)	$	$
(a) Subtotal	$	$
9 Subtract total expenditures (From line 25)	$	$
10 Cash on hand at close of reporting period	$	$
11 Contributed items on hand to be liquidated (attach itemized list) $ _____		
Section B - Expenditures Subject to Limitation Summary		
12 Convention expenditures (from line 21)	$	$
13 Less Refunds and Rebates (from line 18(a))	$	$
14(a) Expenditures subject to limitation	$	$
(b) Expenditures from prior years subject to limitations		$
(c) Total expenditures subject to limitations		$

Under penalties of perjury, I declare that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Treasurer) (Date)

For Further Information Contact: ▶ Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

V40240 DEC 12 75 XUM

FEC Form 4
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Convention Committee
Detailed Summary Schedule of Receipts and Expenditures
(Page 2)

Name of Committee	Report Covering the Period From: To:	
	Column A This Period	Column B Calendar year-to-date
Part I - Receipts		
15 Receipts from Presidential Election Campaign Fund:		
(a) Itemized all (use Schedule A)	$	$
16 Contributions and other income:		
(a) Itemized (use Schedule A)	$	
(b) Unitemized	$	
(c) Subtotal of contributions and other income	$	$
17 Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	$	
(b) Unitemized	$	
(c) Subtotal of loans and loan repayments received	$	$
18 Refunds, Rebates, etc.:		
(a) Itemized rebates of convention expenditures (Use schedule A)	$	$
(b) Itemized rebates of other expenditures (Use Schedule A)	$	$
(c) Subtotal of refunds, rebates, etc	$	$
19 Transfers In:		
(a) Itemize all (use Schedule A)	$	$
20 Total Receipts	$	$
Part II - Expenditures		
21 Convention Expenditures:		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of Convention expenditures	$	$
22 Loans and Loan Repayments Made:		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of loans and loan repayment made	$	$
23 Transfers Out:		
(a) Itemize all (use Schedule B)	$	$
24 Other Expenditures:		
(a) Itemized (use Schedule B)	$	
(b) Unitemized	$	
(c) Subtotal of other expenditures	$	
25 Total Expenditures	$	$
Part III - Debts and Obligations		
26 Debts and obligations owed to the Committee (Use Schedule C)	$	
27 Debts and obligations owed by the Committee (Use Schedule C)	$	

Schedule A
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Convention Committee Itemized Receipts
for Lines 15, 16, 17, 18, and/or 19 of FEC Form 4

(see Instructions on back)

Line Number:
Use a separate page for each numbered line ▶

Schedule A, Page of

Name of Committee in full

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation Is Contributor self-employed? ▶ ☐ Yes ☐ No Aggregate Year-to-date ▶ $		
Subtotal of receipts this page			$
Total this period (last page this line number only)			$

V40240 DEC 12 75 XUM

Instructions for Preparing Schedule A, FEC Form 4

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Receipts for lines 15, 16, 17, 18 and/or 19 of the "Convention Committee Detailed Summary Schedule of Receipts and Expenditures" FEC Form 4, page 2. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½" x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Receipts as Specified Below for each Part.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the Detailed Summary Schedule. When applicable the total of all other receipts **Not Required to be Itemized Under a Given Part** is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Detailed Summary Schedule.

Line 15(a). Itemized Receipts from Presidential Election Campaign Fund.—This is an itemized account of all receipts from the Presidential Election Campaign Fund (U.S. Treasury). The actual amount of each such payment received during this reporting period will be entered in the "Amount of Each Receipt This Period" column. Report total Treasury funds received in the "Aggregate Year-to-Date" box.

Line 16(a). Itemized Contributions and other Income.—This is an itemized account of contributions and other income, giving the date, full name, mailing address, occupation, and principal place of business of each person who has made one or more contributions to or for the reporting committee during the reporting period in an amount in excess of $100 or whose total contributions to date (aggregate) during the calendar year are in excess of $100. Other income in the form of interest, dividends, etc. in excess of $100 during a reporting period will also be itemized. The actual amount of contribution(s) and other income received during this reporting period will be entered in the "Amount of Each Receipt This Period" column.

Line 17(a). Itemized Loans and Loan Repayments Received.—This is an itemized account giving the date, full name, mailing address, occupation, and principal place of business of each lender and endorser of a loan(s), or a person making a loan repayment this period in excess of $100, or whose total loans or loan repayments to date (aggregate) are in excess of $100. The actual amount of each loan(s) will be entered in the "Amount of Each Receipt Period" column.

Line 18(a). Itemized Refunds and Rebates.—This is an account of receipts in the form of refunds, returns, and rebates. Give the date, full name, mailing address, occupation, and principal place of business of each person from whom one or more such receipts have been received in this reporting period in any amount and an explanation of the receipt. The actual amount of the receipt(s) during this reporting period will be entered in the "Amount of Each Receipt This Period", column. Use separate pages for refunds of "convention" and "other expenditures". Report total refunds and rebates on the Detailed Summary Schedule.

Line 19. Itemized Transfers in from Political Committees.—This is an itemized account giving the date, full name and mailing address of each political committee from which any transfer of funds has been received within this reporting period in any amount. The actual amount of each transfer(s) during this reporting period will be entered in the "Amount of Each Receipt This Period" column.

Schedule B
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Convention Committee Itemized Expenditures for Lines 21, 22, 23 and/or 24 of FEC Form 4

(see Instructions on back)

Line Number:
Use a separate page for each numbered line. ▶

Schedule B, Page ____ of ____

Name of Committee in full

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Subtotal of expenditures this page ▶			$
Total this period (last page this line number only) ▶			$

V40240 DEC 12 75 XUM

Instructions for Preparing Schedule B, FEC Form 4

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Expenditures for line 21, 22 23 and/or 24 of the "Convention Committee Detailed Summary Schedule of Receipts and Expenditures" FEC Form 4, page 2. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½ x 11" paper providing only the information required and in the same format.

This Schedule is to be used to **Itemize Only the Expenditures as Specified Below for each Line.** The "Total This Period" amount for each itemized line is to be carried forward to the corresponding line of the Detailed Summary Schedule. When applicable, the total of all other expenditures Not Required to be Itemized Under a Given Line is to be entered as a lump sum on the "UNITEMIZED" sub line of the appropriate line of the Summary Report.

Line 21. Itemized Convention Expenditures.—This is an account of all qualified convention expenditures made during the reporting period which aggregate in excess of $100 to a single payee during the calendar year, itemized as to amount and date of expenditure and other information as indicated in column headings. This schedule includes only expenditures incurred with respect to Presidential nominating convention, not including any expenses for candidates or delegates to such convention which the convention committee might incur.

Line 22. Itemized Loans and Loan Repayments Made.—This is an account of loans and loan repayments made by the committee during the reporting period which aggregate in excess of $100 to a single payee during the calendar year. Each entry shall contain the date, full name and mailing address of each person or committee to whom the loan or loan repayment was made. List the amount of the loan or loan repayment in the "Amount of Each Expenditure This Period" column.

Line 23. Itemized Transfers out to Political Committees and Candidates.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Each Expenditure This Period" column.

Line 24. Itemized Other Expenditures.—This is an account of all expenditures not included in lines 21, 22 and 23 made during the reporting period which aggregate in excess of $100 to a single payee within a calendar year. All such expenditures will be reported on Part II, Line 24 of the Detailed Summary Schedule. (FEC Form 4)

Schedule C
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Convention Committee Debts and Obligations for Lines 26 and/or 27 of Form 4

(see Instructions on back)

Line Number: Use a separate page for each numbered line. ▶

Schedule C, Page of

Name of Committee in full

Full Name, mailing address and ZIP code / Date (month, day, year)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
Subtotals this period this page	$	$	$
Total this period (last page this line number only)	$	$	$

*Carry outstanding balance only to appropriate line of summary.

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Instructions for Preparing Schedule C, FEC Form 4

See Federal Election Commission Manual for Additional Regulations and Instructions

Use this schedule to itemize Debts and Obligations Owed to or by the Committee for line 26 and/or 27. Do not itemize transactions pertaining to more than one numbered line of the Detailed Summary Schedule on any one page. This schedule may be duplicated or the information may be itemized on computer printouts or any 8-½ x 11" paper providing only the information required and in the same format. "Obligations" as used in these instructions means contracts, agreements, and promises.

Line 26. Debts and Obligations Owed to the Committee.— This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address of each debtor, together with the amount, date, nature of each transactions, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished.

Line 27. Debts and Obligations Owed by the Committee.— This is an itemized account of debts and obligations owed by the reporting committee at the close of the reporting period. Give the full name and mailing address of each creditor, together with the amount, date, nature of each transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period, including all accounts payable outstanding for 60 days or more. Debts and obligations shall continue to be reported on each subsequent report until extinguished.

[FR Doc.75-33567 Filed 12-11-75;8:45 am]

federal register

FRIDAY, DECEMBER 12, 1975

PART IV:

PENSION BENEFIT GUARANTY CORPORATION

PLAN BENEFITS

Proposed Valuation Methods

V40240 DEC 12 75 XUM

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2611]

VALUATION OF PLAN ASSETS

Proposed Rulemaking

Section 4041(b) of Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301–1381) (hereinafter referred to as the "Act") requires the Pension Benefit Guaranty Corporation (hereinafter referred to as the "PBGC") to determine whether the assets of a plan, if allocated as provided in section 4044 of the Act, are sufficient to discharge when due all obligations of the plan with respect to the basic benefits defined in section 4001(a)(6) of the Act. Section 4062(b) of the Act provides that an employer, which maintains a plan as to which benefits are guaranteed by the Act, may be liable to the PBGC in the amount by which benefits guaranteed pursuant to section 4022(a) of the Act exceed the current value of plan assets allocable to such benegts on the date of termination.

Notice is hereby given that the PBGC proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, to add a new Part 2611, set forth below, which prescribes the standards for valuing plan assets.

This proposed regulation was prepared by the staff of the PBGC. With the understanding that this is a staff document without the Board's endorsement of the policies underlying it, the Board of Directors of the PBGC authorized publication of this proposed regulation in the FEDERAL REGISTER to invite public comments and suggestions that will assist the Board in its consideration of the regulation to be finally adopted.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments should be submitted not later than January 7, 1976. Copies of written comments will be available for examination by interested persons in the Office of Communications, PBGC, Suite 7100, 2020 K Street, NW., Washington, D.C. between the hours of 9 a.m. and 4 p.m. The proposal may be changed in light of comments received.

In order to determine whether the assets of a plan are sufficient when allocated as provided in § 4044 of the Act to satisfy "basic benefits," and to determine the extent, if any, of employer liability computed in accordance with § 4062 of the Act, it is necessary to compute the value of plan assets on the date of termination, the value of the basic benefits guaranteed by the PBGC pursuant to section 4022 of the Act, and the value of other liabilities and expenses accrued by the plan prior to or on the date of termination. The assets of a plan are to be valued at their fair market value on the date of termination. Fair market value is defined as the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

This proposed regulation prescribes, as the method of valuation for determining the value of a plan asset, whichever method most accurately reflects the fair market value of such asset. In addition, § 2611.5 of the proposed regulation contains specific presumptions relating to the fair market value of particular types of plan assets such as securities which are regularly traded in well established markets. Those types of plan assets, such as cash, receivables and real estate, which are not covered by these specific presumptions, are to be valued by whichever method of valuation most accurately reflects their fair market value. It also should be noted that the rules contained in § 2611.5 are only presumptions and, therefore, will not apply where another method of valuation more accurately reflects an asset's value; e.g., where a plan's entire holdoing of a security could not be sold at the prevailing market price on the valuation date.

In regard to specific kinds of securities, § 2611.5 provides that:

(1) The presumed value of Treasury bills will be computed from the mean of the bid and asked discount for the bill on the date of termination, as nationally published in general circulation daily newspapers.

(2) The presumed value of Treasury notes and bonds, and Federal agency securities will be computed from the mean of the bid and asked price for the security on the date of termination, as nationally published in general circulation daily newspapers.

(3) The presumed value of shares in open-end mutual funds will be the net asset value per share of the mutual fund on the date of termination, as nationally published in general circulation daily newspapers.

(4) The presumed value of shares in collective trusts will be the value per share computed by the manager of the collective trust according to the terms of the trust on the normal valuation date on or within one month after the date of termination. The application of this presumption is contingent upon the normal valuation date of the trust falling within one month of the date of termination, and upon no distribution being made by the trust in relation to shares of the trust between the date of termination and the normal valuation date of the trust.

(5) The presumed value of common and preferred stocks, warrants, and closed-end mutual funds that are traded principally on an exchange, and publicly traded corporate bonds that are traded on an exchange, will be the closing sale price on the principal exchange where the security or obligation is traded on the date of termination, as nationally published in a general circulation daily newspaper. If there is no such closing sale price, the presumed value will be the average of the nationally published closing sale price for the securirty or obligation nearest the date of termination and in the period five trading days before the date of termination and the nationally published closing sale price nearest the date of termination and in the period five trading days after the date of termination.

It should be noted that the presumed value of a publicly traded corporate bond does not reflect interest earned by the bond prior to or on the date of termination.

(6) The presumed value of common and preferred stock, warrants and closed-end mutual funds which are traded principally otherwise than on an exchange, will be the average of the "end-of-day" bid and asked prices for the security on the valuation date, as made available for publication by the National Association of Securities Dealers Automated Quotations System and nationally published in general circulation daily newspapers. If there are no such bid and asked prices on the valuation date, the presumed value of the security will be the average of such bid and asked prices on the date nearest the date of termination and within five days before the date of termination, and such bid and asked prices on the date nearest the date of termination and within five days after the date of termination.

(7) The presumed value of state and municipal obligations will be the average of bid and asked prices for such obligations on the valuation date, as nationally published in a general circulation daily newspaper. If there are no such bid and asked prices on the valuation date, the presumed value will be the average of such bid and asked prices on the date nearest the valuation date and within five days before the valuation date, and such bid and asked prices on the date nearest the valuation date and within five days after the valuation date.

In relation to the above presumptions, it should be noted that whenever the presumption is based on the use of bid and asked prices, the bid and asked prices which are nationally published in general circulation daily newspapers are prescribed by this proposed regulation even though such bid or asked price may be a composite figure. In addition, it should be recognized that the "end-of-day" bid and asked prices which are nationally published may not be the actual end-of-day bid or asked price for a security .

The PBGC made the decision to use the presumptions contained in § 2611.5 after reviewing procedures used by commercial trustees to value pension plan assets and the Internal Revenue Service Regulations concerning the valuation of assets for purposes of determining estate and gift tax liability.

To enable the PBGC to determine the value of plan assets, the PBGC also is considering whether to require plan administrators to report to the PBGC, on a prescribed form in accordance with the criteria specified in this proposed regulation, specific data pertaining to plan assets and valuations. Interested persons are invited specifically to comment on this approach as well.

In consideration of the foregoing, it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2611 to read as follows:

PART 2611—VALUATION OF PLAN ASSETS

Sec.
2611.1 Purpose and scope.
2611.2 Definitions.
2611.3 Valuation of plan assets.
2611.4 Valuation date.
2611.5 Fair market value presumptions.

AUTHORITY: Secs. 4002(b)(3), 4041(b), 4062(b)(1)(B); Pub. L. 93-406, 88 Stat. 1004, 1020, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1362(b)(1)(B).

§ 2611.1 Purpose and scope.

(a) This part sets forth standards for valuing plan assets in order to compute plan asset sufficiency for purposes of section 4041(b) of the Act, and the current value of plan assets for purposes of section 4062(b)(1)(B) of the Act.

(b) This part applies to all plans which are covered, as provided by section 4021 of the Act, and which terminate:

(1) After June 30, 1974 and before September 2, 1974 and which have complied with the requirements of § 4082(b) of the Act; or,

(2) On or after September 2, 1974.

§ 2611.2 Definitions.

For purposes of this part: "Act" means the Employee Retirement Income Security Act of 1974.

"Exchange" means a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934.

"Fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

"National Association of Securities Dealers Automated Quotations System" means the automated quotations system sponsored by the National Association of Securities Dealers, Inc., a national securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934.

"Principally traded" means the market place at which the greatest volume of trades normally occur.

§ 2611.3 Valuation of plan assets.

Plan assets shall be valued at their fair market value on the valuation date, as defined in § 2611.4, based on the method of valuation which most accurately reflects such fair market value.

§ 2611.4 Valuation date.

Except as otherwise specifically provided, the assets of a plan shall be valued for purposes of this part as of the termination date of the plan.

§ 2611.5 Fair market value presumptions.

The fair market value of the following assets will be presumed to be the value determined in accordance with the rules contained in this section.

(a) *Treasury bills.* The fair market value of Treasury bills will be presumed to be the value computed from the average of the bid and asked discount for the bill on the valuation date, as nationally published in a general circulation daily newspaper.

(b) *Treasury notes, bonds and Federal agency securities.* The fair market value of Treasury notes, bonds and Federal agency securities will be presumed to be the value computed from the average of bid and asked prices for the security on the valuation date, as nationally published in a general circulation daily newspaper.

(c) *Shares in open-end mutual funds.* The fair market value of shares in open-end mutual funds will be presumed to be the net asset value per share of the mutual fund on the valuation date, as nationally published in a general circulation daily newspaper.

(d) *Shares in collective trusts.* The fair market value of shares in collective trusts will be presumed to be the value per share of the trust as reflected on a statement of account prepared by the manager of the collective trust. The value per share of the trust is to be determined in accordance with the procedures normally employed by the manager of the trust, and as of the normal date on which the trust is valued if that date is within one month after the termination date. This presumption will apply only if there were no distributions from the trust in relation to shares of the trust in the interval between the plan's termination date and the normal valuation date of the trust.

(e) *Publicly traded corporate bonds.* If the obligation is traded on an exchange, the fair market value of publicly traded corporate bonds exclusive of interest earned prior to or on the valuation date will be presumed to be the closing sale price on the valuation date on the principal exchange where the obligation is traded, as nationally published in a general circulation daily newspaper. If there is no such nationally published closing sale price, the fair market value will be presumed to be the average of:

(1) The nationally published closing sale price on the principal exchange where the obligation is traded on the date nearest the valuation date and within five trading days before the valuation date, and

(2) The nationally published closing sale price on the principal exchange where the obligation is traded on the date nearest the valuation date and within five trading days after the valuation date.

(f) *Common and preferred stocks, warrants and closed-end mutual funds.* If such security is traded principally on an exchange, the fair market value of common and preferred stocks, warrants, and closed-end mutual funds will be presumed to be the closing sale price on the valuation date on the principal exchange where such security is traded, as nationally published in a general circulation daily newspaper. If the security is traded principally otherwise than on an exchange, and quoted on the National Association of Securities Dealers Automated Quotations System, the fair market value will be presumed to be the average of the end-of-day bid and asked prices for the security on the valuation date, as made available for publication by such system and nationally published in a general circulation daily newspaper. If there is no such nationally published closing sale price or end-of-day bid and asked prices on the valuation date, the fair market value of such securities will be presumed to be the average of:

(1) For securities traded principally on an exchange, the nationally published closing sale price on the date nearest the valuation date and within five trading days before the valuation date and the nationally published closing sale price on the date nearest the valuation date and within five trading days after the valuation date; or,

(2) For securities traded principally otherwise than on an exchange, the average of the nationally published end-of-day bid and asked prices on the date nearest the valuation date and within five trading days before the valuation date, and the average of the nationally published end-of-day bid and asked prices on the date nearest the valuation date and within five trading days after the valuation date.

(g) *State and municipal obligations.* The fair market value of state and municipal obligations will be presumed to be the average of bid and asked prices for the security on the date of valuation, as nationally published in a general circulation daily newspaper. If there are no such nationally published bid and asked prices on the valuation date, the fair market value of such securities will be presumed to be the average of the nationally published bid and asked prices on the date nearest the valuation date and within five trading days before the valuation date, and the average of the nationally published bid and asked prices on the date nearest the valuation date and within five trading days after the valuation date.

Issued in Washington, D.C. this 9th day of December, 1975.

STEVEN E. SCHANES,
Executive Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these proposed regulations and authorizing its Executive Director to issue same.

HENRY ROSE,
Secretary.

[FR Doc.75-33610 Filed 12-11-75;8:45 am]

V40240 DEC 12 75 XUM

[29 CFR Part 2610]

VALUATION OF PLAN BENEFITS

Proposed Rulemaking

Section 4041 of the Employee Retirement Income Security Act of 1974 (hereinafter referred to as the "Act") requires the Pension Benefit Guaranty Corporation (hereinafter referred to as the "PBGC") to determine whether the assets of a pension plan covered under Title IV of the Act will be sufficient, as of the date of termination, to discharge all obligations with respect to benefits guaranteed under Title IV of the Act when they come due. If the PBGC determines that the plan assets are insufficient to discharge all such obligations, the amount of underfunding establishes the amount the PBGC will pay under the guarantee provisions of Title IV, and therefore, the limit of potential employer liability pursuant to section 4062. In the event that plan assets are determined to be sufficient, plan assets must be allocated pursuant to section 4044.

In determining if a plan is sufficient, the proper allocation of assets, and the amount of potential or actual employer liability, the PBGC must determine the current value of the plan's benefits as of the date of termination. The Act does not provide a method for determining the value of such benefits. Therefore, notice is hereby given that the PBGC proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations, to add a new Part 2610, set forth below, which establishes the methods for valuing plan benefits.

This proposed regulation was prepared by the staff of the Pension Benefit Guaranty Corporation at the request of the Board of Directors of the Corporation. With the understanding that this is a staff document without the Board's endorsement of the policies underlying it, the Board authorized publication of this proposed regulation in the FEDERAL REGISTER to invite public comments and suggestions that will assist the Board in its consideration of the regulation to be finally adopted.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street, NW., Washington, D.C. 20006. Each person submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments should be submitted before January 7, 1976. Copies of written comments will be available for examination for a reasonable period by interested persons in the Office of Communications of the PBGC, Room 7100, 2020 K Street, N.W., Washington, D.C. 20008, between the hours of 9:00 a.m. and 4:00 p.m. This proposal may be changed in light of the comments received.

General Approach. The value of a benefit as of the date of termination is the current value of the cost that the PBGC normally should incur as of the date of terminaiton, in providing the benefit under reasonable assumptions as to mortality, rates of retirement when early retirement is possible, administrative expenses that will be incurred, and investment return assumptions reflecting current and longer term investment opportunities. The PBGC's assumptions will be adjusted from time to time to reflect changes in market conditions and mortality experience.

The current value of plan benefits represents an estimate of costs to the PBGC, not of costs to the plan sponsor. In general, because the PBGC can pool the assest and liabilities of many terminated plans for purposes of asset management, benefit administration and the purchase of annuities, the PBGC's projected costs in providing plan benefits should generally be less than the costs that would be incurred by some individual plans themselves, especially very small plans, which are expected to constitute a majority of terminating plans.

Mortality Rates. The mortality rates proposed to be used in computing the current value of benefits are contained in Appendix A of the proposed regulation. Tables I and II of the Appendix contain the mortality rates to be utilized for healthy male and female participants. The table used is the Unisex Pension 1984 table, which is a mortality table recently developed with respect to non-insured pension plans from the 1971 Reports of Mortality and Morbidity Experience published by the Society of Actuaries. The PBGC has selected this table because, among other factors, it was based upon a study that took into account more data than was used to construct the other tables considered, and the data used reflects a larger cross section of occupations. The table represents what the PBGC anticipates will be its experience in this area. To account for the difference between male and female mortality experience, the Unisex Pension 1984 table has been set forward one year for males and set back four years for females, in accordance with the recommendations that accompanied the table.

Tables III and IV contain the mortality rates to be utilized for male and female participants who are receiving disability payments pursuant to the terms of the plan but are not also receiving Social Security disability benefits. The PBGC has been advised that there are no mortality tables in general use designed to value the annuity of a disabled life not receiving Social Security disability benefits. Tables III and IV reflect mortality rates for less than fully healthy lives. Tables III, to be used for males, is the 1958 Commissioners Standard Ordinary table; and table IV, to be used for females, is the 1958 Commissioners Standard Ordinary table set back five years.

Tables V and VI contain the mortality rates to be utilized for disabled participants who are receiving Social Security disabity benefits. These tables are based partly upon the most recent table issued by the Social Security Administration. The Social Security Administration table contains values only up to age 65. Therefore, commencing with age 65, tables V and VI represent a gradual merger into the Commissioners Standard Ordinary 1958 table at age 87 for males, and at age 87 with a five year set back for females. The merger of the Commissioners Standard Ordinary 1958 table and the Social Security table reflects the assumption that the disability of a participant alive at each age after 65 is likely to be of less significance as a factor in increasing the probability of death.

Interest Rates. Appendix B of the proposed regulation contains the interest rates to be utilized in computing the value of benefits. Computing the value of plan benefits on a current value basis, as required by Title IV, will frequently necessitate use of different valuation factors than would be used in an ongoing plan. This is particularly true with respect to interest rates.

In an ongoing plan, the valuation of both plan assets and liabilities is principally directed towards determining the contrbutions required by the employer to fund both current and past pension benefits. Cash flow management in most business situations make it essential that pension contributions over a given period be reasonably predictable; therefore, somewhat conservative assumptions are generally used to avoid subsequent unexpected increases in required contributions. Thus, the valuation of assets and benefits in an ongoing plan frequently employs techniques designed to smooth out relatively short-term market fluctuations. In this respect, in selecting an interest rate for valuing plan benefits, the plan's actuary is likely to use a rate which reflects a conservative estimate of longer term investment returns rather than a rate which reflects current market opportunities and which would likely require frequent adjustments. In addition, uncertainties with respect to salary adjustments, employee turnover and other contingencies are likely to be compensated for by loading margins into the interest rate assumption, thereby lowering the effective interest rates.

To value benefits upon termination, interest assumptions should reflect current market opportunities. This consideration alone would result in interest rates which differ from the rates used by ongoing plans. In addition, the margins which are frequently loaded into the interest assumptions of ongoing plans as a hedge against such factors as salary adjustments and employee turnover are not applicable in the case of a termination, where the benefits of participants are definitely determinable. Thus, it is to be expected that the interest assumptions used by the PBGC for valuing plan benefits will vary significantly from the interest assumptions used by plans for valuing plan benefits prior to their termination.

Table I contains the interest rates applicable to immediate annuities and table II, the rates applicable to death benefits. In computing the value of a deferred annuity, the interest rates in Appendix

B, table III of the proposed regulation are to be applied in conjunction with the intervals of deferment set forth in that table. Since these tables will be amended when the interest assumptions are adjusted to reflect changes that have occurred in market conditions, each appendix will specify the period of time for which it is applicable.

Expenses. The PBGC will incur a variety of expenses in providing plan benefits. For purposes of benefit valuation normal expenses directly associated with providing a benefit have been estimated and an appropriate adjustment has been made in the applicable assumed rate of investment returns in order to account for those costs. This adjustment has been made to avoid calculating the effect of the expenses upon the value of a benefit separately which would unnecessarily complicate the calculations required to value a benefit. Other costs associated with the PBGC's operations, e.g. determination of sufficiency and collection of employer liability, which are indirectly related to providing a benefit, are not charged to the cost of plan benefits for benefit valuation purposes.

Actuarial notations. Determining and applying the factors necessary to value a benefit involve complex actuarial computations. Such computations can best be described by mathematical symbols, including symbols for accepted mathematical concepts useful only when computed in relation to other such concepts and not definable in ordinary language. Therefore, to assure that the computations necessary to value benefits are stated accurately, they have been expressed in the form of actuarial equations. Paragraphs (b) and (c) of proposed § 2610.2 define the symbols used in the proposed regulation in order to avoid confusion between the system of notation selected by the PBGC and other systems that might be used. Where applicable, the symbols in the proposed regulation are those adopted by the International Congress of Actuaries.

Mortality table. To determine the current value of a plan benefit, a table must be constructed by successively applying given mortality rates to a hypothetical population of a certain number of people whose number is decreased only by death and never increased. The table indicates the number of people alive at each age, up to the age at which no member of the hypothetical population will be alive.

Proposed § 2610.4 sets forth the method, which follows standard actuarial practice, to be used in constructing such a table. The mortality rates to be utilized are contained in Appendix A, described above. The proposed regulation requires that the table is to commence at age 15 with 10,000 lives. Starting the table at that age assures that there will be a value computed for every age for which a plan might provide a benefit to a participant. A hypothetical population of 10,000 lives has been utilized to provide sufficient accuracy of results of computations derived from the values calculated pursuant to proposed § 2610.4.

A separate table shall be constructed for each class of participants described in paragraph (c) of proposed § 2610.4 that has a member with benefits payable under the plan whose benefits are being valued. The tables indicate the number of people alive at a given age, which is substituted in the equations used to value benefits.

Valuation of benefits. The current value of a single deferred payment is equal to the amount of the payment discounted at an assumed rate, or rates, of return on investments applicable to the deferment period, multiplied by the probability that the individual will receive the payment. The value of a benefit is the sum of the current values of such payments. The proposed regulation states the equations that express this relationship when applied to the types of benefits provided by most plans. The equations are those generally accepted in actuarial practice, or are based on reasonable actuarial principles.

Immediate annuities. Proposed §2610.5 indicates the equations to be used to compute the value of benefits payable immediately in the form of single and joint life annuities. The equations used are based upon standard actuarial practice. The interest rates to be applied to compute such annuities are contained in Appendix B, table I.

Deferred annuities. The equations used in valuing deferred annuities, set forth in proposed § 2610.6, represent an adaptation of standard actuarial principles to construct a system that reflects the experience the PBGC anticipates in this area. The equations apply different interest rates for specified intervals of the deferment period; the interest rates applied in the later intervals are lower than those applied in the earlier intervals. It is common financial practice to assume that the rate of return on investments made in the future will be lower than that for investments made in the present or near future. Applying different interest rates over varying intervals of the deferment period reflects this assumption more accurately than would an equation which applied one interest rate for the entire period of deferment. The interest rates and intervals to be applied are contained in Appendix B, table III.

Early retirement benefits. The equations to be used to compute the value of early retirement benefits, set forth in proposed § 2610.7, also involve an adaptation of standard actuarial principles. The equations usually utilized in this area take into account a variety of factors with respect to valuing such benefits. The PBGC has modified and condensed those equations to reflect only the effect the probability of early retirement has on the value of the early retirement benefit, taking into account an assumption that all participants will not choose to retire early. Thus, the computations include a factor which reflects the probability that a participant will elect to retire early at each age such retirement is possible. The probability to be utilized shall be determined by the PBGC based on the provisions of the plan and the circumstances of the case.

Death benefits. Proposed § 2610.8 indicates the equations to be used to compute the value of death benefits. The equations used are based upon standard actuarial practices. The interest rate to be applied to compute such benefits is contained in Appendix B, table II.

Refund annuities. Proposed § 2610.9 indicates the equations to be used to compute the value of benefits payable as refund annuities. Since such benefits are annuities combined with a death benefit, the computations involve utilizing values arrived at by use of the equations in proposed §§ 2610.5 and 2610.8.

Valuation of other benefits. The proposed regulation provides a method of valuing the types of benefits that are provided in most plans. The value of benefits payable for periods which are not a whole number of years shall be a value between the values of the two annuities closest in time to such annuity, and will be arrived at by a process of interpolation. See proposed § 2610.3(b). In the event that a benefit must be valued for which a method of valuation is not provided in the proposed regulation, the PBGC will determine the method of valuation to be used, based on reasonable actuarial practices.

A sample of results obtained by application of the methods set forth in the proposed regulation has been provided in tabular form in Appendix C so that, having made the necessary calculations, one may verify the accuracy of results so obtained. Table I of that Appendix indicates the values obtained by valuing a life annuity of 10 dollars per month, payable at various ages, to healthy male and female participants. Table II contains the results obtained by valuing a deferred life annuity of 10 dollars per month to healthy male and female participants, payable at age 60 and 65, based on various ages at the time of plan termination.

In consideration of the foregoing, it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2610 to read as follows:

PART 2610—VALUATION OF BENEFITS

Sec.
2610.1 Purpose and scope.
2610.2 Definitions.
2610.3 Methods of computation.
2610.4 Construction of a mortality table.
2610.5 Valuation of immediate annuities.
2610.6 Valuation of deferred annuities.
2610.7 Valuation of early retirement benefits.
2610.8 Valuation of death benefits.
2610.9 Valuation of refund annuities.
2610.10 Valuation of other benefits.

Appendix A—Mortality values.

Appendix B—Interest rates and intervals of deferment periods.

Appendix C—Illustrative benefit valuation results.

AUTHORITY: Sec. 4002(b)(3), 4041, 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (29 U.S.C. 1302(b)(3), 1341, 1344, 1362(b)(1)(A)).

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§ 2610.1 Purpose and scope.

(a) The purpose of this part is to establish the method of computing the actuarial value of the liabilities, as of the date of termination, of a pension plan with respect to benefits payable on or after such date to participants or beneficiaries.

(b) This part applies to all plans covered under Title IV of the Employee Retirement Income Security Act of 1974.

§ 2610.2 Definitions.

For the purposes of this part (unless otherwise required by the context):

(a) *Words and phrases.* "Act" means the Employee Retirement Income Security Act of 1974 (88 Stat. 829 et seq.).

"Age" means the "insurance age" or "age of nearest birthday," which is obtained by rounding to the nearest whole year the individual's exact age. Half years are rounded to the next highest year.

"Cash refund annuity" means an annuity under which if the participant dies prior to the time when he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a lump-sum death benefit.

"Closed population" means a hypothetical number of people whose number is decreased only by death, and is never increased.

"Installment refund annuity" means an annuity under which if the participant dies prior to the time he has received pension payments equal to a fixed sum specified in the plan, then the balance is paid as a death benefit in periodic installments equal in the amount to the participant's periodic benefit.

"Deferment period" means the period between the age of a participant as of the date of plan termination and the age at which benefit payments begin.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan" means a plan providing benefits which are guaranteed under Title IV.

"Title IV" means Title IV of the Act.

(b) *Mathematical symbols and terms.* "Fundamental symbols." The following fundamental symbols are representations of the basic actuarial concepts utilized in computing the present value of a benefit:

x represents the age of a participant.

q_x represents the probability that an individual whose present age is x will not survive to attain age x+1.

l_x represents the number of people, within a closed population, which survive to attain age x.

ω represents the first age for which $q_x = 1$, that is, the age at which the probability of not surviving to age x+1 is 100%.

i represents an interest rate.

a represents an annuity of one dollar per annum.

A represents a death benefit which corresponds to an insurance benefit of one dollar payable at the end of the year of death.

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DA represents a death benefit which corresponds to an amount of decreasing term insurance payable for a specified number of years.

m represents the number of times per year payments of benefits are made.

$\overline{n|}$ is a symbol for a period of time consisting of n years.

(x) represents a person whose age is x.

(y) represents another person whose age or death affects the value of the benefit being computed.

"Commutation symbols." The following commutation symbols are representations of actuarial computations in a condensed form and are used to facilitate expression of actuarial equations:

V is equal to the interest discount for one year, that is, the present value of one dollar payable one year from today, and is computed by the equation $v = \frac{1}{1+i}$.

d_x is equal to the number of persons out of a closed population alive at age x, l_x, who do not attain the age of x+1, and is computed by the equation $d_x = q_x \cdot l_x$ rounded to four decimal places.

l_{x+1} is equal to the number of people out of a closed population alive at age x+1, and is computed by the equation $l_{x+1} = l_x - d_x$.

D_x is equal to the quantity $v^x \cdot l_x$.

N_x is equal to the sum of all D_x's for all ages equal to and greater than x, to the last age when a person is alive in a closed population, and is computed by the equation $N_x = D_x + D_{x+1} + D_{x+2} + \cdots + D_\omega$.

$N_x^{(m)}$ is a modification of N_x used in situations where benefit payments are made more frequently than once a year, and is computed by the equation $N_x^{(m)} = N_x - \frac{m-1}{2m} D_x$.

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C_x is equal to the quantity $v^{x+1} \cdot d_x$.

M_x is equal to the sum of all C_x's for all ages equal to and greater than x, to the last age when a person is alive in a closed population, and is computed by the equation $M_x = C_x + C_{x+1} + C_{x+2} + \cdots + C_\omega$.

R_x is equal to the sum of all M_x's for all ages equal to and greater than x, to the last age when a person is alive in a closed population, and is computed by the equation $R_x = M_x + M_{x+1} + M_{x+2} + \cdots + M_\omega$.

$\bar{C}_x$ is a modification of C_x used in situations where benefit payments commence upon death, not at the end of the year, and is computed by the equation $\bar{C}_x = (1+\frac{i}{2}) C_x$.

$\bar{M}_x$ is a modification of M_x used in situations where benefit payments commence upon death, not at the end of the year, and is computed by the equation $\bar{M}_x = (1+\frac{i}{2}) M_x$.

$\bar{R}_x$ is a modification of R_x used in situations where benefit payments commence upon death, not at the end of the year, and is computed by the equation $\bar{R}_x = (1+\frac{i}{2}) R_x$.

D_{xy} is a modification of D_x which reflects the fact that the status of another life limits the payment of benefits, and is computed by the equation $D_{xy} = \frac{(1+i)^{\frac{x+y}{2}} D_x \cdot D_y}{10{,}000}$.

N_{xy} is equal to the sum of all D_{xy}'s for all pairs of ages of the form x+t, y+t, where t is a non-negative integer, for all such pairs of ages equal to and greater than x and y, to the last age when one of the pair is alive in a closed population, and is computed by the equation $N_{xy} = D_{xy} + D_{x+1:y+1} + D_{x+2:y+2} \cdots$.

$N_{xy}^{(m)}$ is a modification of N_{xy} used in situations where benefit payments are made more frequently than once a year, and is computed by the equation $N_{xy}^{(m)} = N_{xy} - \frac{m-1}{2m} D_{xy}$.

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(c) Actuarial notations. The following are actuarial notations used in this part:

•• is a notation which, when placed over a symbol indicating an annuity, indicates that payments are to be made at the beginning of the payment period, for example $\ddot{a}_x$.

: is a notation which separates two symbols in a suffixed subscript representing the status of two periods of life or time, when two such periods are utilized in the context of an actuarial symbol. For example $a_{x:\overline{n}|}$ indicates that the annuity is payable until the expiration of a life aged x, or a term certain of n years, whichever is earlier.

— is a notation which, when placed over a symbol indicating the value of a life insurance benefit, indicates that the benefit is payable immediately upon death. When placed over two symbols in a suffixed subscript representing the status of a life or a period of time it indicates that benefit payments continue

during the existence of either. For example, $\bar{A}$ represents a benefit payable immediately upon death, and $a_{\overline{x:\overline{n}|}}$ represents an annuity payable until the later of the end of a life age x or the passage of n years.

! is a notation which, when placed over a symbol in a suffixed subscript indicating the status of a life or a period of time, indicates that expiration of such life or period of time causes payments to commence, for example $A^{!}_{x:\overline{n}|}$.

§2610.3 Methods of computation.

(a) The value of a benefit payable to each participant under a plan shall be determined by applying the equation contained in this part for valuing benefits of that type, or on the basis of any other equation which the PBGC determines to have a consistent relationship to the equation whose use is prescribed by this part.

(b) For annuities payable for periods of duration which are not a whole number of years, a linear interpolation method shall be used, that is, the annuity shall have a value which is between the values of the two annuities with yearly periods which are closest to the annuity being valued, which value is computed by adding

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to the annuity for the lesser period of time the following: an amount equal to the difference between the value of the two closest annuities, multiplied by a fraction, the numerator of which is the number of months that the annuity being valued is in effect beyond the period of the lesser annuity, and the denominator of which is 12.

§2610.4. Construction of a mortality table.

(a) The number of persons in a closed population alive at age x, shall be determined by constructing a mortality table by applying mortality rates, q_x's, to a group of 10,000 lives, starting with age 15, x_0, using the following procedure:

(1) $l_{15} = 10{,}000$

(2) Compute l_{16} from the equation $l_{16} = l_{15} - d_{15}$, computing d_{15} from the equation $d_{15} = l_{16} \cdot q_{16}$.

(3) Compute l_{17} from the equation $l_{17} = l_{16} - d_{16}$, computing d_{16} from the equation $d_{16} = l_{16} \cdot q_{16}$.

(4) This process is continued until the age when $l_x = 0$, that is, until the age is reached when no person will be alive. l_x will equal zero for all ages beyond ω.

(b) A separate mortality table shall be constructed for each class of participants described in paragraph (c) of this section, that has a member with benefits under the plan.

(c) The mortality rates, q_x, in effect on the date of termination shall be utilized to compute the mortality tables. The following rates shall be used:

(1) For healthy male participants, the rates in Appendix A, table I.

(2) For healthy female participants, the rates in Appendix A, table II.

(3) For male participants who are receiving disability payments pursuant to the provisions of the plan but are not also receiving Social Security disability benefits, the rates in Appendix A, table III.

(4) For female participants who are receiving disability payments pursuant to the provisions of the plan but are not also receiving Social Security disability benefits, the rates in Appendix A, table IV.

(5) For disabled male participants receiving Social Security disability benefits, the rates in Appendix A, table V.

(6) For disabled female participants receiving Social Security disability benefits, the rates in Appendix A, table VI.

§2610.5 Valuation of immediate annuities.

(a) For the purposes of this section the applicable interest rate, i, contained in the Appendix B, table I, in effect on the date of termination shall be utilized.

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(b) The value of an immediate annuity shall be determined in accordance with the provisions of paragraphs (b)(1)-(9) of this section, as appropriate.

(1) Life annuity payable annually. If a series of payments payable only if the participant is alive are made annually at the beginning of the year, the value of the annuity shall be computed by using the following actuarial equation:

$$\ddot{a} = \frac{N_x}{D_x}.$$

(2) Life annuity payable periodically. If a series of payments payable only if the participant is alive are made at equal intervals of time, a specified number of times per year, at the beginning of each interval, the value of the annuity shall be computed by using the following actuarial equation:

$$\ddot{a}_x^{(m)} = \frac{N_x^{(m)}}{D_x}.$$

(3) Annuity certain payable annually. If a series of payments payable for a fixed period of time are made annually at the beginning of the year, the value of the annuity shall be computed by using the following actuarial equation:

$$\ddot{a}_{\overline{n}|} = \frac{1-v^n}{1-v}.$$

(4) Annuity certain payable periodically. If a series of payments payable for a fixed period of time are

made at equal intervals of time, a specified number of times per year, at the beginning of each interval, the value of the annuity shall be computed by using the following actuarial equation:

$$\ddot{a}_{\overline{n}|}^{(m)} = \frac{1-v^n}{m(1-v^{1/m})}.$$

(5) Annuity certain and continuous. If payments are made at equal intervals of time, a specified number of times per year at the beginning of each interval, and payments cease upon the happening of the later of i) the death of the participant, or ii) the passage of a specified period of time, such an annuity shall be valued using the following actuarial equation:

$$\ddot{a}_{x:\overline{n}|}^{(m)} = \ddot{a}_{\overline{n}|}^{(m)} + \frac{N_{x+n}^{(m)}}{D_x}.$$

(6) Temporary life annuity. If payments are made at equal intervals of time, a specified number of times per year at the beginning of each interval, and payments cease upon the happening of the earlier of i) the death of the participant, or ii) the passage of a specified period of time, such an annuity shall be valued using the following actuarial equation:

$$\ddot{a}_{x:\overline{n}|}^{(m)} = \frac{N_x^{(m)} - N_{x+n}^{(m)}}{D_x}.$$

(7) Joint annuity. If payments payable with respect to more than one person are made to both persons only as long as both the participant and the beneficiary

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are alive, such an annuity shall be valued by using the following actuarial equation:

$$\ddot{a}_{xy}^{(m)} = \frac{N_{xy}^{(m)}}{D_{xy}}.$$

(8) Joint and survivor annuity (joint basis). If payments payable with respect to more than one person are payable as long as both the participant and beneficiary are alive, and if either dies, payments continue until the death of the second person at a reduced amount provided in the plan (represented by the symbol "p"), such an annuity shall be valued using the following actuarial expression:

$$p\left(\ddot{a}_{x}^{(m)} + \ddot{a}_{y}^{(m)}\right) + (1-2p)\,\ddot{a}_{xy}^{(m)}.$$

(9) Joint and survivor annuity (contingent basis). If benefit payments are payable to the participant as long as he survives, and payable upon his death in a reduced amount provided in the plan (represented by the symbol "p") to a named beneficiary for the beneficiary's lifetime, such an annuity shall be valued using the following actuarial expression:

$$\ddot{a}_{x}^{(m)} + p\left(\ddot{a}_{y}^{(m)} - \ddot{a}_{xy}^{(m)}\right).$$

§2610.6. Valuation of deferred annuities.

(a) Definitions. For the purposes of this section:

(1) "x" represents the present age of the annuitant.

(2) "y" represents the age at which annuity payments begin.

(3) n=y-x.

(4) "i_1," "i_2" and "i_3" represent interest rates which will be in effect during the deferment period. The interest rates contained in the Appendix B, table III, in effect on the date of termination shall be utilized.

(5) "n_1" and "n_2" represent the intervals, respectively, in which the interest rates in paragraph (a)(4) of this section will be in effect, that is, i_1 is in effect during the first n_1 years of deferment, i_2 is in effect during the next n_2 years of deferment, and i_3 is in effect for any remaining portion of the deferment period. The intervals of deferment contained in the Appendix B, table III, in effect on the date of termination shall be utilized.

(6) "G" represents the value of the annuity on the date payments begin.

(b) The value of a deferred annuity shall be determined as follows:

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(1) If n is less than or equal to n_1 ($n \leq n_1$), the actuarial value of the deferred annuity shall equal:

$$G \cdot \frac{l_y}{l_x} \cdot (1+i_1)^{-n_1}.$$

(2) If n_1 is less than n and n_1+n_2 is greater than or equal to n ($n_1 < n \leq n_1+n_2$), the actuarial value of the deferred annuity shall equal:

$$G \frac{l_y}{l_x} \cdot (1+i_1)^{-n_1} (1+i_2)^{n_1-n}.$$

(3) If n_1+n_2 is less than n ($n_1+n_2 < n$), the actuarial value of the deferred annuity shall equal:

$$G \cdot \frac{l_y}{l_x} \cdot (1+i_1)^{-n_1} (1+i_2)^{n_1-n} (1+i_3)^{n_1+n_2-n}.$$

§2610.7. Equations for valuation of early retirement benefits.

(a) Definitions. For the purposes of this section:

(1) "x" represents the present age of a plan participant who is eligible for early retirement.

(2) "w" represents the age at which a participant whose age is "x" could first receive early retirement benefits.

(3) "z" represents the normal retirement age provided in the plan.

(4) "y" represents some age between "w" and "z," when a participant elects to retire.

(5) "t_x" represents the probability that a participant whose age is "x" will retire before attaining age x+1. The probability utilized shall be determined by the PBGC based on the provisions of the plan and the circumstances of the case.

(b) The value of an early retirement benefit shall be the sum of all the ${}_xF_y$'s for all y 's equal to or greater than w. This results in F_x, which is the value of the early retirement benefit and is represented by the equation $F_x = {}_xF_w + {}_xF_{w+1} + \cdots + {}_xF_z \cdot {}_xF_y$ shall be computed as follows:

(1) Compute the actuarial value of the benefit payable at each age, y, at which a participant may elect to retire, using the appropriate formula in §2610.6(b). This value shall be denominated ${}_xB_y$.

(2) Multiply each value obtained in paragraph (b)(1) of this section by the probability, ${}_xr_y$, that a participant whose age is "x" will elect to retire at that age, y. Such probability is computed as follows:

(i) If y equals x, ${}_xr_y = t_x$,

(ii) If y is more than x, ${}_xr_y = (1-t_x)(1-t_{x+1}) \cdots (1-t_{y-1})t_y$. The sum of these products will be the value ${}_xF_y$.

§2610.8. Valuation of death benefits.

(a) For the purposes of this section the interest rate, i, contained in the Appendix B, table II, in effect on the date of termination shall be utilized.

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(b) The value of a death benefit shall be determined as follows:

(1) Death benefit in the form of whole life insurance. If a death benefit is payable at death, whenever death occurs, such benefit shall be valued by using the following actuarial equation:

$$\bar{A}_x = \frac{\bar{M}_x}{D_x} .$$

(2) Death benefit in the form of term insurance. If a death benefit is payable when death occurs if death occurs within the stated period of time, such benefit shall be valued by using the following actuarial equation:

$$\bar{A}^{1}_{x:\overline{n}|} = \frac{\bar{M}_x - \bar{M}_{x+n}}{D_x} .$$

(3) Death benefit in the form of decreasing term insurance.

(i) If a death benefit in an initial amount of n is payable when death occurs if death occurs within the period covered by the insurance, and the amount of the death benefit decreases each year, such benefit shall be valued using the following actuarial equation:

$$D\bar{A}_{x:\overline{n}|} = \frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1}}{D_x} .$$

(ii) If a death benefit in an initial amount of n is payable when death occurs if death occurs within the period covered by the insurance, and the amount of the death benefit decreases by 1/m for each period stated, which is less than one year, such a benefit shall be valued using the following actuarial equation:

$$D^{(m)}\bar{A}^{1}_{x:\overline{n}|} = \frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1} - \frac{m-1}{2m}(\bar{M}_x - \bar{M}_{x+n})}{D_x} .$$

§2610.9. Valuation of refund annuities

(a) The value of a cash refund annuity shall be computed by adding the values derived from the equations in §2610.5(b)(1) and §2610.8(b)(3)(ii).

(b) The value of an installment refund annuity shall be computed by using the equation in §2610.5(b)(5).

§2610.10. Equations for valuation of other benefits.

Benefits whose value cannot be obtained by application of the equations contained in this part shall be computed using the method to be determined by the PBGC.

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APPENDIX A - MORTALITY RATES

The following mortality rates are effective for plans which terminate on or after September 2, 1974:

TABLE I - MORTALITY RATES FOR HEALTHY MALE PARTICIPANTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.001643	61	0.017010	86	0.143179
12	0.000000	37	0.001792	62	0.018685	87	0.155147
13	0.000000	38	0.001948	63	0.020517	88	0.168208
14	0.000000	39	0.002125	64	0.022562	89	0.182461
15	0.001437	40	0.002327	65	0.024847	90	0.198030
16	0.001414	41	0.002556	66	0.027232	91	0.215035
17	0.001385	42	0.002818	67	0.029634	92	0.232983
18	0.001351	43	0.003095	68	0.032073	93	0.252545
19	0.001311	44	0.003410	69	0.034743	94	0.273878
20	0.001267	45	0.003769	70	0.037667	95	0.297152
21	0.001219	46	0.004180	71	0.040871	96	0.322553
22	0.001167	47	0.004635	72	0.044504	97	0.349505
23	0.001149	48	0.005103	73	0.048504	98	0.378865
24	0.001129	49	0.005616	74	0.052913	99	0.410875
25	0.001107	50	0.006196	75	0.057775	100	0.445768
26	0.001083	51	0.006853	76	0.063142	101	0.483830
27	0.001058	52	0.007543	77	0.068628	102	0.524301
28	0.001083	53	0.008278	78	0.074648	103	0.568365
29	0.001111	54	0.009033	79	0.081256	104	0.616382
30	0.001141	55	0.009875	80	0.088518	105	0.668696
31	0.001173	56	0.010814	81	0.096218	106	0.725745
32	0.001208	57	0.011863	82	0.104310	107	0.786495
33	0.001297	58	0.012952	83	0.112816	108	0.852659
34	0.001398	59	0.014162	84	0.122079	109	0.924666
35	0.001513	60	0.015509	85	0.132174	110	0.999999

TABLE II - MORTALITY RATES FOR HEALTHY FEMALE PARTICIPANTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.001173	61	0.010814	86	0.096218
12	0.000000	37	0.001208	62	0.011863	87	0.104310
13	0.000000	38	0.001297	63	0.012952	88	0.112816
14	0.000000	39	0.001398	64	0.014162	89	0.122079
15	0.000000	40	0.001513	65	0.015509	90	0.132174
16	0.000000	41	0.001643	66	0.017010	91	0.143179
17	0.000000	42	0.001792	67	0.018685	92	0.155147
18	0.000000	43	0.001948	68	0.020517	93	0.168208
19	0.000000	44	0.002125	69	0.022562	94	0.182461
20	0.001437	45	0.002327	70	0.024847	95	0.198030
21	0.001414	46	0.002556	71	0.027232	96	0.215035
22	0.001385	47	0.002818	72	0.029634	97	0.232983
23	0.001351	48	0.003095	73	0.032073	98	0.252545
24	0.001311	49	0.003410	74	0.034743	99	0.273878
25	0.001267	50	0.003769	75	0.037667	100	0.297152
26	0.001219	51	0.004180	76	0.040871	101	0.322553
27	0.001167	52	0.004635	77	0.044504	102	0.349505
28	0.001149	53	0.005103	78	0.048504	103	0.378865
29	0.001129	54	0.005616	79	0.052913	104	0.410875
30	0.001107	55	0.006196	80	0.057775	105	0.445768
31	0.001083	56	0.006853	81	0.063142	106	0.483830
32	0.001058	57	0.007543	82	0.068628	107	0.524301
33	0.001083	58	0.008278	83	0.074648	108	0.568365
34	0.001111	59	0.009033	84	0.081256	109	0.616382
35	0.001141	60	0.009875	85	0.088518	110	0.999999

TABLE III - MORTALITY RATES FOR DISABLED MALE PARTICIPANTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.002640	61	0.022240	86	0.172820
12	0.000000	37	0.002800	62	0.024310	87	0.185130
13	0.000000	38	0.003010	63	0.026570	88	0.198250
14	0.000000	39	0.003250	64	0.029040	89	0.212461
15	0.001460	40	0.003530	65	0.031750	90	0.228140
16	0.001540	41	0.003840	66	0.034740	91	0.245771
17	0.001620	42	0.004170	67	0.038040	92	0.265931
18	0.001690	43	0.004530	68	0.041680	93	0.289301
19	0.001740	44	0.004920	69	0.045610	94	0.316659
20	0.001790	45	0.005350	70	0.049790	95	0.351238
21	0.001830	46	0.005830	71	0.054150	96	0.400558
22	0.001860	47	0.006360	72	0.058650	97	0.488422
23	0.001890	48	0.006950	73	0.063260	98	0.668150
24	0.001910	49	0.007600	74	0.068120	99	0.999999
25	0.001930	50	0.008320	75	0.073370	100	0.999999
26	0.001960	51	0.009110	76	0.079180	101	0.999999
27	0.001990	52	0.009960	77	0.085700	102	0.999999
28	0.002030	53	0.010890	78	0.093060	103	0.999999
29	0.002080	54	0.011900	79	0.101190	104	0.999999
30	0.002130	55	0.013000	80	0.109980	105	0.999999
31	0.002190	56	0.014210	81	0.119350	106	0.999999
32	0.002250	57	0.015540	82	0.129170	107	0.999999
33	0.002320	58	0.017000	83	0.139380	108	0.999999
34	0.002400	59	0.018590	84	0.150010	109	0.999999
35	0.002510	60	0.020340	85	0.161140	110	0.999999

TABLE IV - MORTALITY RATES FOR DISABLED FEMALE PARTICIPANTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.002190	61	0.014210	86	0.119350
12	0.000000	37	0.002250	62	0.015540	87	0.129170
13	0.000000	38	0.002320	63	0.017000	88	0.139380
14	0.000000	39	0.002400	64	0.018590	89	0.150010
15	0.000000	40	0.002510	65	0.020340	90	0.161140
16	0.000000	41	0.002640	66	0.022240	91	0.172820
17	0.000000	42	0.002800	67	0.024310	92	0.185130
18	0.000000	43	0.003010	68	0.026570	93	0.198250
19	0.000000	44	0.003250	69	0.029040	94	0.212461
20	0.001460	45	0.003530	70	0.031750	95	0.228140
21	0.001540	46	0.003840	71	0.034740	96	0.245771
22	0.001620	47	0.004170	72	0.038040	97	0.265931
23	0.001690	48	0.004530	73	0.041680	98	0.289301
24	0.001740	49	0.004920	74	0.045610	99	0.316659
25	0.001790	50	0.005350	75	0.049790	100	0.351238
26	0.001830	51	0.005830	76	0.054150	101	0.400558
27	0.001860	52	0.006360	77	0.058650	102	0.488422
28	0.001890	53	0.006950	78	0.063260	103	0.668150
29	0.001910	54	0.007600	79	0.068120	104	0.999999
30	0.001930	55	0.008320	80	0.073370	105	0.999999
31	0.001960	56	0.009110	81	0.079180	106	0.999999
32	0.001990	57	0.009960	82	0.085700	107	0.999999
33	0.002030	58	0.010890	83	0.093060	108	0.999999
34	0.002080	59	0.011900	84	0.101190	109	0.999999
35	0.002130	60	0.013000	85	0.109980	110	0.999999

TABLE V - MORTALITY RATES FOR DISABLED MALE PARTICIPANTS RECEIVING SOCIAL SECURITY DISABILITY BENEFIT PAYMENTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.046900	61	0.076300	86	0.177100
12	0.000000	37	0.046900	62	0.078000	87	0.185100
13	0.000000	38	0.047100	63	0.079700	88	0.198200
14	0.000000	39	0.047300	64	0.081300	89	0.212500
15	0.000000	40	0.047600	65	0.083000	90	0.228100
16	0.000000	41	0.048200	66	0.084900	91	0.245800
17	0.000000	42	0.048800	67	0.087100	92	0.265900
18	0.000000	43	0.049500	68	0.089600	93	0.289300
19	0.000000	44	0.050400	69	0.092400	94	0.316700
20	0.051000	45	0.051400	70	0.095300	95	0.351200
21	0.051000	46	0.052500	71	0.098600	96	0.400600
22	0.051000	47	0.053700	72	0.102100	97	0.488400
23	0.051000	48	0.055000	73	0.106000	98	0.668200
24	0.051000	49	0.056700	74	0.110700	99	0.999900
25	0.051000	50	0.058000	75	0.115600	100	0.999900
26	0.051400	51	0.059500	76	0.120800	101	0.999900
27	0.051800	52	0.061200	77	0.126400	102	0.999900
28	0.051000	53	0.062300	78	0.132600	103	0.999900
29	0.050200	54	0.064500	79	0.139100	104	0.999900
30	0.049500	55	0.066200	80	0.145700	105	0.999900
31	0.048800	56	0.067900	81	0.152200	106	0.999900
32	0.048200	57	0.069500	82	0.158200	107	0.999900
33	0.047600	58	0.071200	83	0.163800	108	0.999900
34	0.047300	59	0.072900	84	0.168800	109	0.999900
35	0.047000	60	0.074600	85	0.173200	110	0.999900

TABLE VI - MORTALITY RATES FOR DISABLED FEMALE PARTICIPANTS RECEIVING SOCIAL SECURITY DISABILITY BENEFIT PAYMENTS

Age	q_x	Age	q_x	Age	q_x	Age	q_x
11	0.000000	36	0.040200	61	0.044900	86	0.124100
12	0.000000	37	0.040000	62	0.045600	87	0.129200
13	0.000000	38	0.039900	63	0.046500	88	0.139400
14	0.000000	39	0.039700	64	0.047300	89	0.150000
15	0.000000	40	0.039600	65	0.050000	90	0.161100
16	0.000000	41	0.039400	66	0.051500	91	0.172800
17	0.000000	42	0.039300	67	0.053500	92	0.185100
18	0.000000	43	0.039200	68	0.055800	93	0.198200
19	0.000000	44	0.039200	69	0.058400	94	0.212500
20	0.042600	45	0.039200	70	0.061000	95	0.228100
21	0.042600	46	0.039200	71	0.063900	96	0.245600
22	0.042600	47	0.039400	72	0.067100	97	0.265900
23	0.042600	48	0.039600	73	0.070900	98	0.289300
24	0.042600	49	0.039800	74	0.074800	99	0.316700
25	0.042600	50	0.040100	75	0.078200	100	0.351200
26	0.042700	51	0.040300	76	0.081200	101	0.400600
27	0.042800	52	0.040700	77	0.085000	102	0.488400
28	0.043000	53	0.041000	78	0.087900	103	0.668200
29	0.043000	54	0.041300	79	0.091300	104	0.999900
30	0.043200	55	0.041700	80	0.094600	105	0.999900
31	0.042500	56	0.042000	81	0.099000	106	0.999900
32	0.041900	57	0.042400	82	0.102800	107	0.999900
33	0.041300	58	0.042900	83	0.107000	108	0.999900
34	0.040900	59	0.043500	84	0.112300	109	0.999900
35	0.040500	60	0.044200	85	0.118800	110	0.999900

APPENDIX B - INTEREST RATES
AND INTERVALS OF DEFERMENT

The interest rates and intervals of deferment contained in this Appendix will be amended by the PBGC from time to time to reflect changes in market conditions.

The following interest rates and intervals of deferment shall be effective for plans which terminate on or after September 2, 1974 and on or before September 30, 1975:

Table I - Interest rate for valuing immediate annuities.

An interest rate of 8% shall be used to value immediate annuities, and to compute the quantity "G" in §2610.6.

Table II - Interest rate for valuing death benefits.

An interest rate of 5% shall be used to value death benefits pursuant to §2610.8.

Table III - Interest rates and intervals of deferment for valuing deferred annuities.

The following interest rates shall be used to value deferred annuities pursuant to §2610.6:

(1) i_1 = 7 1/4%

(2) i_2 = 5 3/4%

(3) i_3 = 4 1/4%

The following intervals of deferment shall be used to value deferred annuities pursuant to §2610.6:

(1) n_1 = 7 years

(2) n_2 = 8 years

APPENDIX C - ILLUSTRATIVE BENEFIT VALUATION RESULTS

The following results are obtained by application of the appropriate methods and rates set forth in this regulation to a plan terminating on September 15, 1974.

Table 1 - Current value of a life annuity of 10 dollars per month payable to a healthy participant.

Age of Participant	Male	Female
45	$1,334.48	$1,392.31
50	$1,262.56	$1,334.48
55	$1,176.12	$1,262.56
60	$1,074.44	$1,176.12
62	$1,029.82	$1,137.23
63	$1,006.84	$1,116.91
65	$ 959.87	$1,074.44
67	$ 912.11	$1,029.44
70	$ 837.96	$ 959.87
75	$ 708.65	$ 837.96
80	$ 581.36	$ 708.65
85	$ 462.26	$ 581.36

Table 2 - Current value of a deferred life annuity of 10 dollars per month payable to a healthy participant at ages 60 and 65.

Age of Participant	Deferred to Age 60		Deferred to Age 65	
	Male	Female	Male	Female
25	$156.58	$180.92	$103.28	$126.41
30	$193.86	$224.10	$127.87	$156.58
35	$240.19	$277.45	$158.44	$193.86
40	$298.44	$343.78	$196.86	$240.19
45	$372.76	$427.15	$245.88	$298.44
50	$504.62	$573.01	$309.92	$372.76
55	$713.06	$797.88	$425.77	$504.62
60	xx	xx	$615.01	$713.06
61	xx	xx	$669.98	$772.38
62	xx	xx	$731.00	$837.43
63	xx	xx	$798.92	$908.94
64	xx	xx	$874.80	$987.62

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Issued in Washington, D.C., this 9th day of December 1975.

STEVEN E. SCHANES,
Executive Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these proposed regulations and authorizing its Executive Director to issue same.

HENRY ROSE,
Secretary.

[FR Doc.75-33609 Filed 12-11-75;8:45 am]

federal register

FRIDAY, DECEMBER 12, 1975



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Republication of Index

V40I240 DEC 12 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the orginal General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1112	Nov. 28, 1975.
Alaska:	
AK75–5134	Nov. 7, 1975.
Connecticut:	
CT75–2113; CT75–2114	Oct. 3, 1975.
Florida:	
FL75–1030	Mar. 7, 1975.
New York:	
NY75–3063	June 20, 1975.
Ohio:	
AR–3035	Aug. 23, 1974.
South Dakota:	
SD75–5119	Sept. 26, 1975.
SD75–5121	Oct. 3, 1975.
Texas:	
TX75–4164	Oct. 24, 1975.
TX75–4196	Nov. 21, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:	
CA75–5087 (CA75–5148); CA75–5088 (CA75–5149).	July 25, 1975.
Georgia:	
GA75–1006 (GA75–1113)	Jan. 17, 1975.
Idaho:	
ID75–5120 (ID75–5140)	Oct. 3, 1975.
Mississippi:	
MS75–1067 (MS75–1114)	July 3, 1975.
Nebraska:	
AQ–93 (NE75–4202)	May 3, 1974.
New York:	
AR–2101 (NY75–3115)	Dec. 27, 1974.
Virginia:	
VA75–3004 (VA75–3117); VA75–3005 (VA75–3118); VA75–3006 (VA75–3116).	Jan. 3, 1975.
VA75–3069 (VA75–3119)	July 11, 1975.
West Virginia:	
WV75–3007 (WV75–3106)	Feb. 7, 1975.

Signed at Washington, D.C., this 5th day of December 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT75-2113 - Mod. #2 (40 FR 45962 - October 3, 1975) Fairfield, Litchfield, New London, & Windham Counties, Connecticut					
Changes:					
Bricklayers; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers; & Tile setters (building construction): Fairfield County; Bridgeport, Easton, Fairfield, Monroe, Southport, Stratford, & Trumbull	$9.60	.50	.50		$50.00p/y
Cleaners: New London County; Windham County	10.41	.84	.55	k	
Plumbers; Steamfitters: Fairfield County; Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, & Sherman; Litchfield County; Bridgewater, & New Milford	9.85	.75	.50	.50	.02
New London County; Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Lisbon, Lyme, Montville (to Four Corners), New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, & Waterford; Windham County; except Windham	11.32	.60	.70		.025
Omit: Footnotes: v. 1 paid holidays: D					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1112 - Mod. #4 (40 FR 53620-November 28, 1975) Statewide Alabama					
CHANGE: Electricians Zone I	$9.10a				
a. Plus fringe benefits of 30¢ Health and Welfare, 1% + 40 pension & .5% apprentice training.					
ADD: To Zone III Counties: Shelby County					
DECISION #AK75-5134 - Mod. #1 (40 FR 52248 - November 7, 1975) Statewide, Alaska					
Add: Electricians: Technicians	$14.70	.70	12+2.00		.15

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DECISION NO. CT75-2114 - Mod. #2
(40 FR 45970 - October 3, 1975)
Hartford, Middlesex, New Haven, & Tolland Counties, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers; & Tile setters (Building construction):					
New Haven County: Devon to the Orange Town line and the Indian River in Milford	$8.60	.50	.50		$50.00p/y
Glaziers:					
Hartford County; Middlesex County; New Haven County: Wallingford; Tolland County	10.41	.84	.55	1	
Plumbers; Steamfitters:					
Middlesex County: Essex, Ivoryton, & Saybrook	11.32	.40	.70		.025
Omit:					
Footnote:					
u. 1 paid holiday: D					

DECISION # FL75-1030 - Mod. #2
(40 FR 10891 - March 7, 1975)
Bay, Escambia, Gulf, Okaloosa, Santa Rosa, and Walton Counties, Florida.

Change:					
Ironworkers:					
Reinforcing	4.07				
Rodman	2.25				

DECISION NO. 75-NY-3063-Mod. #2
(40FR26233-June 20, 1975)
Monroe County, New York

Omit: Mod.#1 issued 40FR55610 dated November 28, 1975

Add: Laborers, Tunnel Rock

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Top man	$8.51	.80	1.34		
Concrete bottom man, bull gang, cage men, bottom man, track gang, car pushers, compress air lines, fan lines, and water lines	8.81	.80	1.34		
Mucking machine tender, shaft mucker, shaft driller, tender air track driller tender	8.91	.80	1.34		
Air track driller, chuck tender (heading) powder monkey	9.01	.80	1.34		
Burning and welding	9.21	.80	1.34		
Rod men form work (metal), pile driving (wood or metal)	9.31	.80	1.34		
Set-up men and slusher men, electrical, heading driller (jack leg)	9.41	.80	1.34		
Blester, form work (wood), and cement finishing	9.51	.80	1.34		

DECISION #AR-3035 - Mod. #3
(39 FR 30778 - August 23, 1974)
Cuyahoga & Lake Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Cuyahoga County	$11.33	.50	1%+.40		.02
Lake County	11.23	.50	1%+.50		3/10of1%

DECISION #SD75-5119 - Mod. #1
(40 FR 44475-September 26, 1975)
Meade and Pennington Counties, South Dakota

Change:					
Electricians:					
0-15 miles from Rapid City Post Office					
Electricians	$8.45	.40	1%	6%	1½%
Cable Splicers	9.00	.40	1%	6%	1½%
Over 15 miles from Rapid City Post Office					
Electricians	8.85	.40	1%	6%	1½%
Cable Splicers	9.40	.40	1%	6%	1½%

DECISION #SD75-5121 - Mod. #1
(40 FR 46000 - October 3, 1975)
Minnehaha County, South Dakota

Change:					
Electricians:					
0-30 miles from Sioux Falls Post Office					
Electricians	8.77	.40	1%	6%	1½%
Cable Splicers	9.66	.40	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	9.77	.40	1%	6%	1½%
Cable Splicers	10.66	.40	1%	6%	1½%

DECISION #TX75-4164 - Mod. #1
(40 FR 49969 - October 24, 1975)
Bexar County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Single or multiple family dwellings or apartments up to & including 8 units not exceeding 2 stories	$ 6.35	.30	1%		1/2%
Over 8 units or over 2 stories	9.23	.30	1%		1/2%

DECISION #TX75-4196 - Mod. #1
(40 FR 54417 - November 21, 1975)
Bexar County, Texas

Change:					
Asbestos workers	9.23	.35	.45		.08

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DATE: Date of Publication

DECISION NUMBER: CA75-5148

Supersedes Decision No. CA75-5087 dated July 25, 1975, in 40 FR 31487

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DECISION NO. CA75-5148

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.40	.80	.97		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Inyo, Kern and Mono Counties	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blfd., including Long Beach); Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Counties	10.50	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.85	1.65	.50	
CARPENTERS:					
Carpenters	9.07	1.02	1.55	.80	.06
Saw Filers	9.15	1.02	1.55	.80	.06
Table power saw operators	9.17	1.02	1.55	.80	.06
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	9.20	1.02	1.55	.80	.06
Hardwood floor layers	9.27	1.02	1.55	.80	.06
Head Rock Slinger	9.30	1.02	1.55	.80	.06
Pneumatic nailer	9.32	1.02	1.55	.80	.06
Millwrights	9.57	1.02	1.55	.80	.06
CEMENT MASONS:					
Cement Masons	$8.76	.95	1.55	1.00	.08
Cement floating and troweling machine	9.01	.95	1.55	1.00	.08
DRYWALL INSTALLERS	10.74	1.02	1.55	.80	.07
ELECTRICIANS:					
Imperial County					
Electricians	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Kern (China Lake Naval Ordance Test Station, Edwards AFB)					
Electricians; Technicians	12.75	.70	1%+1.00		.10
Cable Splicers	14.025	.70	1%+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	10.25	.70	1%+1.00		.10
Cable Splicers	11.275	.70	1%+1.00		.10
Los Angeles County					
Electricians	10.23	.71	1%+1.25		.02
Cable Splicers	10.53	.71	1%+1.25		.02
Traffic Signal and Street Lighting:					
Electricians	10.23	.71	1%+1.25		.02
Utility Technician No. 1	7.67	.71	1%+1.25		.02
Utility Technician No. 2	7.16	.71	1%+1.25		.02
Tunnel:					
Electricians	11.25	.71	1%+1.25		.02
Cable Splicers	11.55	.71	1%+1.25		.02
Sound Technicians:					
Sound Technicians (on building construction)	10.17	.50	1%		
Sound Technicians (on modification of existing buildings)	8.21	.50	1%		
Orange County					
Electricians	11.40	.45	1%+.85		.02
Cable Splicers	11.92	.45	1%+.85		.02
Riverside County					
Electricians	9.91	.60	1%+.40		.04
Cable Splicers	10.21	.60	1%+.40		.04

DECISION NO. CA75-5148

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Inyo, Mono and San Bernardino Counties					
Electricians	$9.36	.50	1%+1.25		.04
Cable Splicers	9.66	.50	1%+1.25		.04
Tunnel Laborers:					
Electricians	9.32	.40	1%+.75		.02
Cable Splicers	9.62	.40	1%+.75		.02
San Luis Obispo County					
Electricians	10.23	.88	1%+1.15		.03
Cable Splicers	11.25	.88	1%+1.15		.03
Santa Barbara County (Vandenburg AFB)					
Electricians	11.75	.70	1%+1.15		.05
Cable Splicers	12.75	.70	1%+1.15		.05
Remainder of County					
Electricians	10.50	.70	1%+1.15		.05
Cable Splicers	11.50	.70	1%+1.15		.05
Ventura County					
Electricians	11.17	.70	1%+.80		.02
Cable Splicers	12.29	.70	1%+.80		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	10.76	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	10.70	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Imperial County	$9.69	.55	.60		
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	10.76	.55	.95		.04
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.70	10%	16%	13%	3/4%
LATHERS:					
Inyo, Kern and Mono Counties	9.13	.60	1.30	.70	.05
Los Angeles County (except City Lancaster)	11.00	.60	.75		.03
Los Angeles County (City of Lancaster Only)	8.50	.50			.02
Orange County	8.29	.55	.65	.50	.03
Venture County	9.06	.60	1.10	1.00	.02
San Luis Obispo and Santa Barbara Counties	8.72	.57	1.00	1.50	
LINE CONSTRUCTION:					
Imperial County					
Groundmen	8.92	.50	1%+1.25		
Lineman	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	10.1875	.70	1%+1.00		.10
Linemen	12.75	.70	1%+1.00		.10
Cable Splicers	14.025	.70	1%+1.00		.10
Kern County (Remainder of County)					
Groundmen	7.6875	.70	1%+1.00		.10
Linemen	10.25	.70	1%+1.00		.10
Cable Splicers	11.275	.70	1%+1.00		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Structural steel and bridge:					
Paint burner	$9.79	.405	.50	.40	.01
Tapers	10.195	.405	.50	.40	.01
Brush Swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.92	.405	.50	.40	.01
Brush swing stage (over 13 stories)	10.04	.405	.50	.40	.01
Structural steel and bridge, swing	10.07	.405	.50	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste	10.17	.405	.50	.40	.01
Machine; Special coating spray	10.92	.405	.50	.40	.01
Steeplejack					
Kern County (Remainder of County)	9.27	.45	.51		.03
Brush					
Brush or Roller, swing stage; Paperhangers; Taping joint sheet rock	9.52	.45	.51		.03
Spray; Sandblasters	9.77	.45	.51		.03
Steeplejack	10.77	.45	.51		.03
San Luis Obispo, Santa Barbara, and Ventura Counties	10.24	.55	.50		.03
Brush					
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	10.49	.55	.50		.03
Spraymen	10.74	.55	.50		.03
Steeplejack	11.49	.55	.50		.03
Taper; sheet rock	10.36	.55	.50		.03
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	7.92	.40	.20	b	
Striper Helper	6.82	.40	.20	b	
Traffic Delineating Device Applicator; Traffic Surface Sandblaster	6.82	.40	.20	b	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Los Angeles County	$7.86		17%		
Groundmen	10.48		17%		
Linemen	10.78		17%		
Cable Splicers					
Riverside County	7.45	.60	17%+.40		.04
Groundmen	9.93	.60	17%+.40		.04
Linemen; Line Equipment Operators	10.33	.60	17%+.40		.04
Cable Splicers					
Ventura County	9.24	.70	17%+.55		.02
Groundmen	10.42	.70	17%+.55		.02
Linemen	11.46	.70	17%+.55		.02
Cable Splicers					
MARBLE SETTERS:					
Inyo and Mono Counties	9.26	.81	.51	1.03	
Imperial County	9.64	.62	1.00	.75	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)	9.27	.69	.95	.70	.07
Brush; Paint burners					
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.77	.69	.95	.70	.07
Brush (swing stage); Spray	9.52	.69	.95	.70	.07
Steeplejack	10.67	.69	.95	.70	.07
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (West of a line North in Trona including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)	9.67	.405	.50	.40	.01
Brush					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Counties	$10.03	.60	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.17
REFRIGERATION AND AIR CONDITIONING:					
Riverside and San Bernardino Counties	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	9.34	.40	.75	1.00	
Inyo, Kern and Mono Counties	7.75	.50	.50		
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	
Los Angeles, Orange and Ventura Counties	10.74	.82	.80		.045
San Luis Obispo and Santa Barbara Counties	8.83	.535	.34		.0025
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Counties	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County	8.33	.45	.90	.90	.06
Inyo (including Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	9.12	.65	.62	.52	.03
Kern County (remaining portion)	9.02	.60	.45	.52	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Helper (traffic delineating device applicator, traffic surface sandblaster)	$6.32	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator	6.82	.40	.20	b	
Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster; Striper	6.43	.40	.20	b	
Helper (traffic surface protective coating applicator, wheel stop installer, traffic surface sandblaster, striper)	5.43	.40	.20	b	
PLASTERERS:					
Imperial County	10.07	.45	1.00	.85	.06
Inyo, Kern and Mono Counties	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	9.745	.68	1.85	.70	.10
Riverside and San Bernardino Counties	10.675				.01
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50		.02
PLASTER TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	9.53	.85	1.65	.45	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	9.225	.85	1.95	.75	
San Luis Obispo County	7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	8.98	.85	1.65	.50	
Santa Barbara County (Santa Maria)	9.18	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.95	10%	16%	13%	3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	$13.72	.50	.80		.08
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.14	.54	.60		.09
TERRAZZO WORKERS:					
Imperial County	9.64	.62	1.00	.75	
TILE SETTERS:					
Imperial County	9.64	.62	1.00	.75	
Los Angeles, Orange and Ventura Counties	9.25	.495	.70		.06
San Luis Obispo and Santa Barbara Counties	8.47	1.05	1.20	.85	.01
TILE SETTERS' HELPERS:					
Imperial County	7.64	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	8.005	.57	1.00		.12

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years but less than 10 years' service, and $.50 per hour after 10 years' service.

NOTICES

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$7.20	.85	1.65	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCLUDING CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCK TENDER; Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	$7.39	.85	1.65	.50	.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING and INCLUDING RUBBER GASKET JOINTS, POINTING and ANY and ALL OTHER SERVICES	7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburg chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN and IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete, impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46			.50	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10

NOTICES

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, pot men and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	$7.54	.85	1.65	.50	.10
GRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	7.71	.85	1.65	.50	.10
BLASTER POWDERMAN	7.85	.85	1.65	.50	.10
STEEL HEADERBOARD MAN AND GUIDE LINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
LEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
Nozzlemen and Rodmen	8.82	.85	1.65	.50	
Gunmen	8.32	.85	1.65	.50	
Reboundmen	7.36	.85	1.65	.50	

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LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, including rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$8.68	.85	1.65	.50	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	8.80	.85	1.65	.50	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimbermen (wood or steel); Tunnel concrete finisher	8.96	.85	1.65	.50	
SHAFT, Raise miner; Diamond driller	9.24	.85	1.65	.50	

DECISION NO GA75-5148

POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$10.27	.95	1.75	.30	.04
WATCH ENGINEER; Welder	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
WINCH MAN (stern winch or dredge)	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	8.69	.95	1.75	.30	.04
(CLAM SHELL DREDGES)					
LEVERMAN	10.27	.95	1.75	.30	.04
WATCH ENGINEER	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
BARGEMATE	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	8.69	.95	1.75	.30	.04

DECISION NO GA75-5148

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.52	.95	1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04
TRUCK DRIVERS					
Group 1:	8.07	1.00	.65	1.00	.10
Group 2:	8.15	1.00	.65	1.00	.10
Group 3:	8.21	1.00	.65	1.00	.10
Group 4:	8.30	1.00	.65	1.00	.10
Group 5:	8.33	1.00	.65	1.00	.10
Group 6:	8.35	1.00	.65	1.00	.10
Group 7:	8.39	1.00	.65	1.00	.10
Group 8:	8.40	1.00	.65	1.00	.10
Group 9:	8.45	1.00	.65	1.00	.10
Group 10:	8.48	1.00	.65	1.00	.10
Group 11:	8.53	1.00	.65	1.00	.10
Group 12:	8.55	1.00	.65	1.00	.10
Group 13:	8.60	1.00	.65	1.00	.10
Group 14:	8.85	1.00	.65	1.00	.10
Group 15:	9.10	1.00	.65	1.00	.10
Group 16:	9.20	1.00	.65	1.00	.10

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or cumpressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (Ground); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator - (oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool; Maginnis internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) Road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types); Welder - general

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Compactor, self-propelled operator; Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rubber-tired earth moving equipment, (single engine - Caterpillar, Euclid, Athey, Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1 1/2 yds., up to and including 6 1/2 yds.); Self-propelled curb and gutter machine; Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturer's rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Flywheel HP and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; (Long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist operator; Stiff Legs, Guy Derrick or similar type up to and including 100 tons (Long boom pay applicable); Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Party Chief; Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; (Long Boom pay applicable); Wood mixer and similar pugmill equipment

Group 8: Auto grader operator; Automatic slip form; Crane - over 100 tons (Long Boom pay applicable); Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more)(Long boom pay applicable); Nasa excavator; Mechanical finishing machine; Mobile Farm Traveler Operator; Motor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

patrol (Multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Rubber tired self-loading scraper operator (Paddle wheel-auger type, self-loading - 2 or more units); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50c per hour additionel for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All-off-highway equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA75-5149

DATE: Date of Publication

Supersedes Decision No. CA75-5088 dated July 25, 1975, in 40 FR 31496

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.40	.80	.97		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Kern County	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecranes Blvd., including Long Beach); Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Counties	10.50	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.85	1.65	.50	
CARPENTERS:					
Carpenters	9.07	1.02	1.55	.80	.06
Saw Filers	9.15	1.02	1.55	.80	.06
Table Power Saw Operators	9.17	1.02	1.55	.80	.06
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	9.20	1.02	1.55	.80	.06
Hard wood floor layers	9.27	1.02	1.55	.80	.06
Head rock slinger	9.30	1.02	1.55	.80	.06
Pneumatic nailer	9.32	1.02	1.55	.80	.06
Millwrights	9.57	1.02	1.55	.80	.06

DECISION NO. CA75-5149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:	$8.76	.95	1.55	1.00	.08
Cement Masons					
Cement Floating and Troweling Machine	9.01	.95	1.55	1.00	.08
DRYWALL INSTALLERS	10.74	1.02	1.55	.80	.07
ELECTRICIANS:					
Imperial County					
Electricians	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	12.75	.70	1%+1.00		.10
Cable Splicers	14.025	.70	1%+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	10.25	.70	1%+1.00		.10
Cable Splicers	11.275	.70	1%+1.00		.10
Los Angeles County					
Electricians	10.23	.71	1%+1.25		.02
Cable Splicers	10.53	.71	1%+1.25		.02
Orange County					
Electricians	11.40	.45	1%+.85		.02
Cable Splicers	11.92	.45	1%+.85		.02
Riverside County					
Electricians	9.91	.60	1%+.40		.04
Cable Splicers	10.21	.60	1%+.40		.04
San Bernardino County					
Electricians	9.36	.50	1%+1.25		.04
Cable Splicers	9.66	.50	1%+1.25		.04
San Luis Obispo County					
Electricians	10.23	.88	1%+1.15		.03
Cable Splicers	11.25	.88	1%+1.15		.03
Santa Barbara County (Vandenberg AFB)					
Electricians	11.75	.70	1%+1.15		.05
Cable Splicers	12.75	.70	1%+1.15		.05
Remainder of County					
Electricians	10.50	.70	1%+1.15		.05
Cable Splicers	11.50	.70	1%+1.15		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Ventura County					
Electricians	$11.17	.70	1%+.80		.02
Cable Splicers	12.29	.70	1%+.80		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	10.76	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	10.70	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	10.76	.55	.95		.04
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	8.70	10%	16%	13%	3/4%
LATHERS:					
Kern County	9.13	.60	1.30	.70	.05
Los Angeles County (except City of Lancaster)	11.00	.60	.75		.03

DECISION NO. CA75-5149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Los Angeles County (City of Lancaster only)	$8.50	.50			.02
Orange County	8.29	.55	.65	.50	.03
Ventura County	9.06	.60	1.10	1.00	.02
San Luis Obispo and Santa Barbara Counties	8.72	.57	1.00	1.50	
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area) San Bernardino (excluding Western portion)					
Brush; Paint Burners	9.27	.69	.95	.70	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.77	.69	.95	.70	.07
Brush (swing stage); Spray	9.52	.69	.95	.70	.07
Steeplejack	10.67	.69	.95	.70	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	9.67	.405	.50	.40	.01
Structural steel and bridge; Painter Burner	9.79	.405	.50	.40	.01
Tapers	10.195	.405	.50	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.92	.405	.50	.40	.01
Brush swing stage (over 13 stories)	10.04	.405	.50	.40	.01
Structural Steel and bridge, swing	10.07	.405	.50	.40	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	$10.17	.405	.50	.40	.01
Steeplejack	10.92	.405	.50	.40	.01
Kern County (remainder of County)					
Brush	9.27	.45	.51		.03
Brush or Roller, Swing stage; Paperhangers; Taping Joint Sheet Rock	9.52	.45	.51		.03
Spray; Sandblasters	9.77	.45	.51		.03
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	10.24	.55	.50		.03
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	10.49	.55	.50		.03
Spraymen	10.74	.55	.50		.03
Steeplejack	11.49	.55	.50		.03
Tapers, sheetrock	10.36	.55	.50		.03
PLASTERERS:					
Imperial County	10.07	.45	1.00	.85	.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	9.745	.68	1.85	.70	.10
Riverside and San Bernardino Counties	10.675				.01
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	9.53	.85	1.65	.45	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	9.225	.85	1.95	.75	
San Luis Obispo County	7.75	.85	1.65	.50	
Santa Barbara County (except Santa Maria)	8.98	.85	1.65	.50	
Santa Barbara County (Santa Maria)	9.18	.85	1.65	.50	
Ventura County	9.08	.85	1.65	1.05	

DECISION NO. CA75-5149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	$10.95	10%	16%	13%	3/4%
Kern (except east of Los Angeles Aqueduct)	10.03	.60	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.17
REFRIGERATION & AIR CONDITIONING Riverside and San Bernardino Counties	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	9.34	.40	.75	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	10.74	.92	.80		.045
San Luis Obispo and Santa Barbara Counties	8.83	.535	.34		.0025
Riverside and San Bernardino Counties	9.30	.60	.65	1.00	
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Kern, Los Angeles (North of a line between Gorman and Big Pines)	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Counties	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County (Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.33	.45	.90	.90	.06
	9.12	.65	.62	.52	.03

DECISION NO. CA75-5149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Kern County (Remaining portion)	$9.02	.60	.45	.52	.03
SPRINKLER FITTERS:					
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	13.72	.50	.80	.	.08
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.14	.54	.60		.09
TILE SETTERS:					
Imperial County	9.64	.62	1.00	.75	
Los Angeles, Orange and Ventura Counties	9.25	.495	.70		.06
San Luis Obispo and Santa Barbara Counties	8.47	1.05	1.20	.85	.01
TILE SETTERS' HELPERS:					
Imperial County	7.64	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	8.005	.57	1.00		.12

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

DECISION NO. CA75-5149

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shea-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 7.20	.85	1.65	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.85	1.65	.50	.10
GUINEA CHASER	7.38	.85	1.65	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	7.30	.85	1.65	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.85	1.65	.50	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	7.33	.85	1.65	.50	.10
CHUCKTENDER; Septic tank digger and installer	7.35	.85	1.65	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.85	1.65	.50	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	7.39	.85	1.65	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 7.49	.85	1.65	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.85	1.65	.50	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.85	1.65	.50	.10
ROCK SLINGER	7.46	.85	1.65	.50	.10
DRILLER, JACKHAMMER - 2 1/2 Ft. DRILL STEEL OR LONGER	7.59	.85	1.65	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.85	1.65	.50	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.71	.85	1.65	.50	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and man applying asphalt, lay-kold, creosote, lime caustic and similar type materials	7.54	.85	1.65	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 7.71	.85	1.65	.50	.10
BLASTER POWDERMAN	7.85	.85	1.65	.50	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.62	.85	1.65	.50	.10
SANDBLASTER (Nozzleman)	7.65	.85	1.65	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.85	1.65	.50	.10
HEAD ROCK SLINGER	7.72	.85	1.65	.50	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	8.82	.85	1.65	.50	.10
GUNMEN	8.32	.85	1.65	.50	.10
REBOUNDMEN	7.36	.85	1.65	.50	.10

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POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$ 8.52	.95	1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04
TRUCK DRIVERS					
Group 1 :	8.07	1.00	.65	1.00	.10
Group 2 :	8.15	1.00	.65	1.00	.10
Group 3 :	8.21	1.00	.65	1.00	.10
Group 4 :	8.30	1.00	.65	1.00	.10
Group 5 :	8.33	1.00	.65	1.00	.10
Group 6 :	8.35	1.00	.65	1.00	.10
Group 7 :	8.39	1.00	.65	1.00	.10
Group 8 :	8.40	1.00	.65	1.00	.10
Group 9 :	8.45	1.00	.65	1.00	.10
Group 10:	8.48	1.00	.65	1.00	.10
Group 11:	8.53	1.00	.65	1.00	.10
Group 12:	8.55	1.00	.65	1.00	.10
Group 13:	8.60	1.00	.65	1.00	.10
Group 14:	8.85	1.00	.65	1.00	.10
Group 15:	9.10	1.00	.65	1.00	.10
Group 16:	9.20	1.00	.65	1.00	.10

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler Crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (Ground); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plent operator - (oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool; Meginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) Road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types); Welder - general

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Compactor, self-propelled operator; Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vogtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Gackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rubber-tired earth moving equipment, (single engine - Caterpillar, Euclid, Athey, Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and including 6-1/2 yds.); Self-propelled curb and gutter machine; Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturer's rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Flywheel HP and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; (Long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist operator; Stiff Legs, Guy Derrick or similar type up to and including 100 tons (Long boom pay applicable); Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Party Chief; Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; (Long Boom pay applicable); Wood mixer and similar pugmill equipment

Group 8: Auto grader operator; Automatic slip form; Crane - over 100 tons (Long Boom pay applicable); Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more)(Long boom pay applicable); Mass excavator; Mechanical finishing machine; Mobile Farm Traveler Operator; Motor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

patrol (Multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Rubber tired self-loading scraper operator (Peddle wheel-auger type, self-loading - 2 or more units); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50c per hour additional for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment with Teamster's jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Ware
Decision No.: GA75-1113 DATE: Date of Publication
Supersedes Decision No.: GA75-1008 dated January 17, 1975 in 40 FR 3093
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.20				
Carpenters	5.50				
Cement masons	5.00				
Electricians	5.50				
Glaziers	3.48				
Ironworkers	4.43				
Laborers:					
Common	2.50				
Mortar mixers	3.25				
Plasterer tenders	3.00				
Painters	3.50				
Plasterers	6.00				
Plumbers	5.00				
Roofers	4.50				
Sheet metal workers	5.25				
Truck drivers	4.20				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.25				
Bulldozers	4.00				
Cranes, derrick, draglines	4.00				
Motor graders	3.00				
Pumps	3.25				
Scrapers	2.75				

SUPERSEDEAS DECISION

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: 1075-5140 DATE: Date of Publication
Supersedes Decision No. 1D75-5120 dated October 3, 1975, in 40 FR 45975
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$9.70	.44	.75		
Remainder of Counties and Southern half of Idaho County	8.71	.50	.82		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	7.90	.35	.40		
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	8.75	.30	.50		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	8.90	.40	.30		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	9.41	.55	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.75				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis Nez Perce, Shoshone Counties					
Carpenters	8.34	.50	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	8.49	.50	.55		.045
Shingler (wood and composition)	8.54	.50	.55		.045
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	8.59	.50	.55		.045
Millwrights and Machine Erector	8.84	.50	.55		.045
Piledrivor (creosoted material)	8.74	.50	.55		.045

DECISION NO. 1D75-5140

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$7.97	.47	.35	.40	.10
Saw Filer; Piledriverman;	8.14	.47	.35	.40	.10
Bridgeman and Wharf Builders; Millwrights; Machine Erectors;	8.26	.47	.35	.40	.10
Piladriverman's Boom Man					
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Cement Masons	8.93	.50	.65		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	9.08	.50	.65		.04
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Cement Masons	7.80	.40	.35	.30	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.00	.40	.35	.30	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Electricians	9.90	.35	1%+.40		.02
Cable Splicers	10.30	.35	1%+.40		.02

DECISION NO. ID75-5140

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette Valley and Washington Counties					
Electricians	$9.45	.45	17%+.25		1%
Cable Splicers	10.395	.45	17%+.25		1%
Remaining Counties					
Electricians - Technicians	9.20	.45	17%+.25		1%
Cable Splicers	10.12	.45	17%+.25		1%
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Elevator Constructors	8.975	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+e	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Elevator Constructors	8.05	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+e	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai and Shoshone Counties	7.455	.31	.10	.545	
Benewah, Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Cos.	7.28	.31	.25	.284+b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley and Washington Counties	6.14	.25	.30	.23	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Remaining Counties	$6.62	.21		b	
IRONWORKERS (Ornamental - Structural - Reinforcing):					
Adams (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	9.15	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley, Washington Counties South of the Weiser-Gibbonsville Line	9.19	.50	.75		.02
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel)	6.65				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	8.88	.45			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	9.41	.55	.50		
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Fall Counties	7.40	.25			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton and Twin Falls Counties					
Brush; Perfatapers	$6.31	.25	.10		
Structural Steel; Swing Stage; Spray	6.76	.25	.10		
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1.3 of County including Bliss), Owyhee, Payette, Idaho (Sputh of the 46th Parallel), Valley and Washington Cos.					
Painters and Tapers	7.60	.31	.25		.02
Elmore (Mt. Home AFB)					
Painters and Tapers	8.60	.31	.25		.02
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Brush	8.46	.31	.60		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle), Finish Drywall Taper	8.71	.31	.60		.02
Swing Stage and over 30 ft. high	8.81	.31	.60		.02
Bitumastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	8.86	.31	.60		.02
Electric, TV and Radio Transmission Towers	9.21	.31	.60		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$8.88	.45			
Remaining Counties	7.50	.32	.20	.20	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	10.02	.65	1.10	1.00	.11
Remaining Counties and Idaho County (South of the 46th Parallel)					
Plumbers	9.19	.37	.50		.10
Utility Helpers	70%JR	.37	.50		.10
ROOFERS:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties					
Roofers and Kettlemen	6.90		.10		
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	8.25		.30		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho (South of the 46th Parallel), Lemhi, Owyhee, Payette, Valley and Washington Counties					
Roofers; Kettlemen	7.40	.33	.20		
Roofers working with coal tar and pitch products	8.90	.33	.20		
Benewah, Bonner, Boundary, Kootenai, and Shoshone Cos.					
Roofers	7.59	.40	.25		.01
Roofers working with pitch Products	8.59	.40	.25		.01
Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	8.25				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$9.95	.37	.50		
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, and Teton Counties	8.63	.37	.20+3%		.06
Remaining Counties	9.46	.32	.30		.14
SOFT FLOOR LAYERS:					
Bannock, Bear Lake, Bingham, (South from a line running East and West thru northern limits of Blackfoot including AEC Test Site), Blaine, Butte, (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (that portion containing AEC Test Site), Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton and Twin Falls Counties	6.70				
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	7.89	.25	.40	.31	
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (Western 1/3 of County including Bliss), Owyhee, Payette, Idaho (South of the 46th Parallel), Valley and Washington Counties	6.00	.25	.10		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.30	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties	7.75	.40	.30		
Bannock, Bear Lake, Bingham, (southern half), Caribou, Franklin, Oneida and Power Counties	7.95	.30	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.50				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka and Twin Falls Counties	7.40	.25			
TERRAZZO WORKERS' & TILE SETTERS HELPERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Terrazzo and Tile Setters' Helpers	6.10				
Finisher Helper	6.55				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. All employees who have been employed for a period of one year shall have two weeks vacation with pay. Also 7 paid holidays: A through F plus Washington's Birthday.

DECISION NO ID75-5140

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce and Shoshone Counties)					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	7.56	.35	1%	.10	1/2%
Groundmen; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	6.40	.35	1%		3/4%
Equipment Operators	7.74	.35	1%		3/4%
Lineman	8.50	.35	1%		3/4%
Cable Splicer	9.35	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	6.16	.35	1%		3/4%
Equipment Operator	7.22	.35	1%		3/4%
Lineman	8.02	.35	1%		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)					
Group 1	$7.30	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.22	.50	.55	.20	.10
Group 2	6.32	.50	.55	.20	.10
Group 3	6.42	.50	.55	.20	.10
Group 4	6.52	.50	.55	.20	.10
Group 5	6.57	.50	.55	.20	.10
Group 6	6.82	.50	.55	.20	.10
Group 7	7.07	.50	.55	.20	.10
UNDERGROUND WORK					
Group 8	6.37	.50	.55	.20	.10
Group 9	6.52	.50	.55	.20	.10
Group 10	6.82	.50	.55	.20	.10

POWER EQUIPMENT OPERATORS: (Area 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shosbone, and that portion of I Idaho County North of the 46th Parallel)

	ZONE 1*	ZONE 2*	ZONE 3*	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Coeur d' Alene and Lewiston, Idaho; and Spokane, Washington.
*ZONE 2: From a 15 to 45 mile radius from the center of the aboved named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

POWER EQUIPMENT OPERATORS (Area 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$7.40	.50	.65		.10
Group 2	7.56	.50	.65		.10
Group 3	7.88	.50	.65		.10
Group 4	8.19	.50	.65		.10
Group 5	8.36	.50	.65		.10
Group 6	8.54	.50	.65		.10
Group 7	8.95	.50	.65		.10
Group 8	9.18	.50	.65		.10
Group 9	9.41	.50	.65		.10
Group 10	9.65	.50	.65		.10

TRUCK DRIVERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.48	.92	.75		
Group 2	8.53				
Group 3	8.58	.92	.75		
Group 4	8.68	.92	.75		
Group 5	8.88	.92	.75		
Group 6	8.93	.92	.75		
Group 7	8.98	.92	.75		
Group 8	9.03	.92	.75		
Group 9	9.13	.92	.75		
Group 10	9.18	.92	.75		
Group 11	9.48	.92	.75		
Group 12	9.63	.92	.75		
Group 13	9.78	.92	.75		
Group 14	9.93	.92	.75		

TRUCK DRIVERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)

Group 1	7.10	.55	.55	.20	.10
Group 2	7.16	.55	.55	.20	.10
Group 3	7.22	.55	.55	.20	.10
Group 4	7.28	.55	.55	.20	.10
Group 5	7.33	.55	.55	.20	.10
Group 6	7.54	.55	.55	.20	.10
Group 7	7.60	.55	.55	.20	.10
Group 8	7.66	.55	.55	.20	.10
Group 9	7.77	.55	.55	.20	.10
Group 10	7.83	.55	.55	.20	.10
Group 11	7.89	.55	.55	.20	.10
Group 12	7.95	.55	.55	.20	.10
Group 13:					
Class A	7.43	.55	.55	.20	.10
Class B	7.54	.55	.55	.20	.10
Class C	7.77	.55	.55	.20	.10
Class D	7.95	.55	.55	.20	.10
Class E	8.06	.55	.55	.20	.10
Class F	8.18	.55	.55	.20	.10
Class G	8.51	.55	.55	.20	.10
Class H	8.74	.55	.55	.20	.10
Class I	8.97	.55	.55	.20	.10
Group 14	8.39	.55	.55	.20	.10

NOTICES

LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Rip-rap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Coleman, Jointer, Mortarman, Rigger, Jacker, Shoere and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1 (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drillea with 3½ inch piston or larger and Out-of-the hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers Sloper, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laboref; Hopper Tender; Flagman, (including Pilot Car); Watchman, Heater Tender; Stake Jumper, Choker Setter; Spreader and Waterman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

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LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Gruut Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caissons; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - airport paving; Gunman (gunite); Manhole Setter; Hand Guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bull Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers, Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewsh, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (Concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar) Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Power or Curb Extruder (asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front End and Overhead - yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 or 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor; Assistant Refrigeration Plant Operator; Bell Boy; Bit Grinder Operator; Blower Operator (cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Discing - Harrowing or Mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader Machine Operator; Fireman - all; Heavy Duty Mechanic Helper or Welder Helper; Head Chainman; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oiler (single piece of equipment); Pugmixer - box or screed Operator; Spray Curing Machine; Tractor - rubber tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Hoist 2 or more drums or Tower Hoist; Hydralift - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth of rock) Quarry Master - Joy - Tractor mounted; Drills: Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar machines - (up to and including 4 yards) -(Rubber-tired); Grout Pump; Hydra-hammer; Instrument Man; Locomotive Engineer; Longitudinal Float Machine, Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel electric) ; Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up toand including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yard to and including 3½ yards); Tower Crane Operator; Tractor - Crawlar type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapulls - Euclid and similar-to and including 40 yards

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton, Dredges; Drilling Equipment (8it 8 inches and over); (Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines/over 3½ yards; Quad type Tractors with all attachments, Tournapulls - Euclid and similar - over 40 yards to and including 50 yards; Multipel Scraper Units

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); (Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

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TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootnerson, leverperson helper); Rubbertired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (8 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat Bed - 2 axle and pickup hauling material; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

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TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 3: Flat Bed - 3 axle, Fuel Truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Men Haul (Shuttle Truck or Bus)

Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck

Group 5: Flat Bed using power takeoff; Water Tank Truck (over 1,800 - 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 69,000 lbs. GVW; Fork Lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit Mix Truck, over 3 yds. - 6 yds.

Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck

Group 8: Transit Mix Truck - over 6 yds. - 8 yds.; Dumptors; Field Tireman; Serviceman

Group 9: Transit Mix Truck - over 8 yds. - 10 yds.; Snow Plow (Truck mounted)

Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yds.

Group 12: Turnarocker and similar equipment

Group 13: Truck - side, end and bottom dump
Class A: 6 yards and under
Class B: Over 6 yards - including 12 yards
Class C: Over 12 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

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SUPERSEDEAS DECISION

MS75-1114

P. 2

STATE: Mississippi
DECISION NUMBER: MS75-1114
Supersedes Decision No.: MS75-1067 dated July 3, 1975 in 40 FR 28354
DESCRIPTION OF WORK: Highway, Sewer Line and Water Line Construction.

COUNTY: Statewide *See below
DATE: Date of Publication

	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool operator	3.00	3.00	3.40	3.00	3.50	3.35
Asphalt raker	2.50	2.50	3.00	2.75	2.90	3.00
Bricklayers	5.50	5.50	5.00	5.50	5.00	5.50
Carpenters	4.00	4.00	4.00	4.00	4.00	4.50
Carpenters helper	3.00	3.00	3.11	3.00	3.50	3.50
Cement masons (Finisher)	3.75	4.00	4.00	3.80	4.00	4.15
Concrete saw operator	3.25	3.25	3.25	4.00	3.25	5.00
Electricians	5.50	6.00	7.00	6.50	6.00	6.00
Form setter	3.95	3.25	3.25	3.00	3.25	3.25
Grade checker	3.25	2.50	2.70	2.50	3.00	3.00
Ironworkers, reinforcing	3.75	3.75	3.75	3.75	4.00	4.50
Ironworkers, structural	3.00	3.75	3.00	3.00	3.00	3.50
Laborer, unskilled	2.30	2.30	2.30	2.30	2.30	2.30
Mason tender (Cement mason helper)	3.00	3.00	2.95	3.00	3.00	3.00
Painter (Structural steel)	4.00	3.50	4.00	4.00	4.00	4.00
Piledriverman	3.00	3.00	3.00	3.00	4.00	4.50
Truck driver	2.50	2.50	2.70	2.50	2.50	5.00
Tugboat operator						3.00
Welder	4.00	3.50	3.50	3.50	3.50	4.00
POWER EQUIPMENT OPERATORS:			5.00		3.00	4.50
"A" frame truck (winch)			3.50	3.00	2.90	3.50
Aggregate spreader operator	3.25	3.00	3.00	3.00	3.50	3.00
Air compressor operator	3.25	3.25				
Asphalt distributor-spreader operator	3.25	3.00	3.50	3.00	3.00	3.30
Asphalt plant -	3.00	3.00	3.00	3.00	3.25	3.75
Backhoe or shovel operator	4.00	3.50	3.85	3.55	3.75	4.00
Bulldozer operator	4.00	3.75	4.00	4.00	4.00	4.00
Concrete batch plant operator	4.00	4.00	4.00	3.10	3.50	3.75
Concrete breaker & hydo-hammer operator	2.50	2.50	2.50			
Concrete finishing machine operator	4.00	3.50	3.50	4.00	3.75	3.50
Concrete paving machine operator	3.50	3.50	3.50	3.50	3.25	3.50
Concrete spreader machine operator	3.00	3.00	4.25	3.25	3.00	3.00
Crane, dragline operator	4.25	4.50	4.75	4.25	4.30	5.00
Crusher feeder operator			3.00	3.00	3.50	3.25
Curing machine operator	3.00	3.00	3.00	3.00		
Earth auger	3.00	3.00	3.50	3.00	3.25	4.00
Fireman	3.00	3.00	3.15	3.00	3.00	3.00
Guard rail post driver		3.50	3.50		3.50	3.00
Joint filler	2.50	2.50	2.50		3.00	3.00
Joint setter	2.50		3.50	3.00	3.00	
Loader operator (all types)	3.00	3.50	3.50	3.00	3.30	3.50
Mechanic	4.20	4.00	4.00	3.85	4.00	4.50
Mechanic helper	3.00	3.25	3.50	3.00	3.50	3.00
Mixer operator (all types)	3.50	3.00	3.25	3.00	3.00	3.00
Motor patrol operator	4.00	3.90	4.25	4.00	4.00	4.00
Mulcher operator	3.25	2.75	2.75	2.75	2.75	2.75
Oiler-greaser	3.00	3.20	2.00	3.00	3.15	3.00
Piledriver operator	3.50	3.75	4.25	4.25	4.50	4.75
Pipelayer	3.50	4.00	3.10	3.00		3.30
Roller operator (self-propelled)	2.75	2.75	3.00	2.90	2.95	3.00
Scales (all types)	2.50	2.50	3.25	2.50	2.60	2.90
Scraper operator	4.00	3.50	4.00	3.50	3.95	3.75
Steel machine operator			2.50			
Striping machine operator	4.25	4.25	4.00	4.25	4.00	4.00
Sub grader machine operator	3.15					3.60
Tractor operator (track type)	3.00	3.00	4.00	3.00	3.25	3.00
Tractor operator (wheel type)	2.75	2.75	2.75	2.75	2.75	2.75
Trenching machine	3.00	4.00	3.00	3.00	3.00	3.25

COUNTIES:

*ZONE I: Aloorn, Benton, Calhoun, Chickasaw, Chootaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitbbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster.

*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunoia, Washington, and Yalobusha.

*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo.

*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith and Winston.

*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

*ZONE VI: George, Hancock, Harrison, Jackson, Pearl River, and Stone.

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cedar, Cuming, Pierce, Stanton and Wayne Counties

DECISION NO. NE75-4202

DATE: Date of Publication

Supersedes Decision No. AQ-93 dated May 3, 1974 in 39 FR 15653
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$6.50				
Carpenters	5.26				
Cement Masons	4.00				
Drywall Tapers	3.50				
Electricians	5.39				
Glaziers	5.90				
Ironworkers	3.04				
Laborers:					
common laborers	3.04				
Painters, brush	3.40				
Plumbers	5.00				
Roofers	7.43				
Sheet Metal Workers	4.96				
Truck Drivers	3.00				
Power Equipment Operators:					
Air Compressor	3.04				
Bulldozer	3.04				
Cranes	4.50				
Front end loader, under 3/8 cubic yd.	3.85				
Graders	3.10				
Grawler tractor with scoop	3.04				
Scraper	3.25				
Finishing Machine	4.25				
Trenching Machine	4.50				

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: BRONX, KINGS, QUEENS, NEW YORK & RICHMOND

DECISION NO.: NY75-3115

DATE: DATE OF PUBLICATION

Supersedes Decision No. [illegible] dated December 27, 1974 in 39 FR 44875

DESCRIPTION OF WORK: Building, Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

3-24-31-41-43-New York-1-2-3-K 1 of 4

BUILDING HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.70	.60	1.60	3.17	
Bricklayers	10.57	5%	5%+10%	7%	.02
Bricklayers	10.75	.78	2.52	.30	
Carpenters, Building:					
Carpenters, soft floor layers	10.39	1.10	1.68	.60	.02
Millwrights	10.39	1.10	1.65	.60	.02
Dock builders & piledrivermen	10.39	1.10	1.68	.60	.02
Carpenters, Heavy					
Carpenters	10.39	1.10	1.68	.60	.02
Dock builders & piledrivermen	10.39	1.10	1.68	.60	.02
Timbermen	9.45	1.10	1.68	.50	.02
Cement masons	9.35	1.005	1.505	1.00	.01
Electricians and linemen	11.50	o	1%+a	b+5.7%	
Elevator constructors	9.52	.445	.29+J	c + d	.02
Elevator constructors' helpers	7.14	.445	.29+J	c + d	.02
Elevator constructors' helpers (prob.)	4.76				
Elevator constructors modernization	8.75	.445	.29+J	c + d	.02
Elevator constructors modernization helpers	6.56	.445	.29+J	c + d	.02
Elevator constructors repair	7.90	.445	.29+J	c + e	.02
Elevator constructors repair's helpers	5.92	.445	.29+J	c + e	.02
Glaziers	9.10	.66	.46+1.20	.365	.03
Ironworkers:					
Structural	10.55	1.00	2.40	1.20	.04
Ornamental finisher	9.24	.63	2.20	.73	.03
Reinforcing	9.10	.785	.655+1.20	.75	.01
Laborers:					
Asphalt rakers	8.93	1.10	.95	m	
Asphalt tampers	8.72	1.10	.95	m	
Asphalt laborers	8.70	1.10	.95	m	
Blasters (Hwy.)	8.59	.805	1.335	c + .65	
Cement concrete workers	8.00	1.30	1.41	1.20	
Curb setters, flaggers (Hwy.)	10.40	1.05	.95	e	
Form setters (Hwy.)	9.84	1.10	.95	m	
Laborers, puddlers, concrete rakers (Hwy.)	8.77	1.10	.95	m	
Laborers, (Bldg., & Hvy.)	8.15	1.30	1.41		
Mason tenders	8.30	.687	1.255		
Pneumatic gas, electric tool op. (Hwy.)	7.46	.805	1.335	.65+c	
Laborers, Demolition:					
Burner	9.00	6%	8%	.35	
Burners helpers	8.70	6%	8%	.35	

Laborers: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Pavers (Hwy.)	$10.90	1.10	.95	e	
Plasterers' helpers (Kings)	8.05	1.60		.80	
Plasterers' helpers (Queens)	9.45	1.40		1.00	
Plasterers' helpers (NY-Bronx-Richmond)	7.90	.90	.60	.35	.01
Power carriers (Hvy.)	6.77	.805	1.335	.65	
Rammers (Hwy.)	10.06	1.05	.95	e	
Wagon drills (Hwy.)	7.62	.805	1.335	.65+c	
Lathers, metallic	9.10	.785	.65+1.10	.75	.01
Lathers, nail-on (King & Queens)	8.40	.655	1.655	.70	.01
Lathers, nail-on (NY-Bronx-Richmond)	6.75		.25		.01
Lead burners	9.25	.35			.01
Marble setters:					
Carvers	7.55	.63	1.41		
Cutters, setters	8.00	.63	1.41		
Sawyers, rubbers, polishers	7.17	.63	1.41		
Crane operators & derrickmen	6.93	.63	1.41		
Crane operators helpers	6.93	.63	1.41		
Painters:					
Brush	8.50	.63	.55+g	.25	
Spray, spray gun and scaffold work	10.32	.63	.55+g	.25	
Structural steel	7.50	8%	11%		
Structural steel spray	8.50	8%	11%		
Plasterers:					
Kings	8.05	.95		1.40	.01
Queens	8.70	1.00	.20	1.30	.01
Bronx-NY-Richmond	8.90	1.10	.80	.90	.01
Plumbers:					
Manhattan and Bronx	9.25	1.07	1.00+.86	.72	.06
Kings-Queens	9.36	.65	1.19+h	.89	.11
Richmond	9.55	.60	1.55+i	1.02	.25
Roofers:					
Composition, damp & waterproofers	9.00	1.44	2.80	.63	
Slate-tile (Kings-Queens)	6.45	8%	.50	5%	
Slate-tile helpers (Kings-Queens)	5.13	8%	.50	5%	
Slate-tile (bronx-NY-Richmond)	8.84	.50	2.20	.63	
Slate-tile helpers (Bronx-NY-Richmond)	7.10	.50	.80	.80	
Sheet metal workers	11.17	.597	.927	.387	.02
Sprinkler fitters	8.655	1.90	13%	10%	.05
Steamfitters	8.655	1.90	13%	10%	.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Stonemasons	$10.25	.50	1.00		
Stone derrickmen & riggers	10.55	.74	.77		.01
Terrazzo workers	9.10	.62	1.95		
Terrazzo workers' helpers	7.43	.625	.475		
Terrazzo workers, machine operator	7.68	.925	.475		
Tile setters	8.40	.75	1.95		
Tile setters' helpers	7.74	.50	1.27		
Tuckpointers:					
Steam cleaners	8.97	.70	1.44	.50	.015
Waterproofers	8.72	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Truck Drivers: Building					
Ready-mix concrete, sand, gravel and asphalt	8.02	.73½	1.58½	k+1	
Euclids and turnapull operator	8.075	.73½	1.58½	k+1	
4 wheel trucks, hi-lo lift op.	6.775	.73½	1.58½	k+1	
Helpers & yardmen	6.525	.73½	1.58½	k+1	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity and Security Benefit Fund
b. Holidays: A through F; Election Day; Employee's Birthday.
c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.
d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks.
e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years receive 3 weeks, 15 or more years receive 4 weeks.
f. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES: (Cont'd)

g. $3.50 per day contribution for each men to a special annuity fund.
h. Employer contributes $.867 to a Security Benefit Fund.
i. Employer contributes $.43 per hour to a Security Benefit Fund.
j. Employer contributes $7.00 per day to an Annuity Fund.
k. Holidays: A through F, Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.
l. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.
m. Holidays: B, C, D & E, Election Day, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.
n. Holidays: A through F.
o. Employer contributes 7 per cent to a combined Health & Welfare and Pension Fund.
p. Paid Holidays: New Year's Day, Christmas Day provided the employee works a full half-day preceding the holiday.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Double drum hoist	$ 11.07	5%	5%+.90	.70 +a	.02	
Stone derrick, cranes, cherry picker	10.92	5%	5%+.90	.70 +a	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	10.50	5%	5%+.90	.70 +a	.02	
Cranes: All types - crawler or truck 100' to 149' boom	11.42	5%	5%+.90	.70 +a	.02	
150' to 249' boom	11.67	5%	5%+.90	.70 +a	.02	
250' to 349' boom	11.92	5%	5%+.90	.70 +a	.02	
350' to 450' boom	12.42	5%	5%+.90	.70 +a	.02	
Steel Erection: Three drum derricks	11.34	5%	5%+.90	.70 +a	.02	
Cranes, 2 drum derricks, cherry pickers	10.93	5%	5%+.90	.70 +a	.02	
Compressors, welding machines	9.94	5%	5%+.90	.70 +a	.02	
Tower Crane	11.25	5%	5%+.90	.70 +a	.02	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independance Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$11.05	5%	5%+a	.70+b	.05
Class 2	10.98	5%	5%+a	.70+b	.05
Class 3	10.77	5%	5%+a	.70+b	.05
Class 4	10.59	5%	5%+a	.70+b	.05
Class 5	10.28	5%	5%+a	.70+b	.05
Class 6	10.37	5%	5%+a	.70+b	.05
Class 7	10.13	5%	5%+a	.70+b	.05
Class 8	9.94	5%	5%+a	.70+b	.05
Class 9	9.90	5%	5%+a	.70+b	.05
Class 10	9.53	5%	5%+a	.70+b	.05
Class 11					
a	11.48	5%	5%+a	.70+b	.05
b	11.73	5%	5%+a	.70+b	.05
c	11.98	5%	5%+a	.70+b	.05
d	12.48	5%	5%+a	.70+b	.05
Class 12	10.80	5%	5%+a	.70+b	.05
Class 13	10.55	5%	5%+a	.70+b	.05
Class 14	10.38	5%	5%+a	.70+b	.05
Class 15	10.04	5%	5%+a	.70+b	.05

FOOTNOTES:

a. Employer contributes $1.00 per hour to an annuity fund.

b. New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels, Steel erection

Class 2: Mine hoist and cranes

Class 3: Gradalls, Keystones, Cranes (on land or water with digging buckets including sand rock cranes, Bridge cranes, Clamshells, Draglines, Trenching machines)

Class 4: Piledriving cranes (when driving piles), Piledriving rigs (when driving piles), Cranes (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Concrete Plant (on site only)

Class 5: Cherrypicker (20 tons and over)

Class 6: Tunnel mucking machines, Back filling machines, Cranes (including but not limited to those utilizing scale boxes and mucking buckets), Paver dual drums

Class 7: Elevator (manually operated), Pavers, Cableways, Land derricks, Power houses (which contain low air pressure units), Asphalt spreaders, Autogrades (C.M.I. and machines of similar nature)

Class 8: Power houses (other than above), Portable compressors (used for steel erection), Compressors (3 or more in battery), Driving of truck mounted compressors, Double drum hoist, Concrete pumps, Well point pumps, Tugger machines (compressed air caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection)

Class 9: Rollers (irrespective of motor power), Concrete mixers

Class 10: River cofferdam pumps, Welding machine (1 operator 2 through 5 machines, 2 operators 6 through 10 machines except where ARC is operated by members of L-15), Concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), High pressure boilers, Single drum hoist, Locomotives (over 10 tons), Push-buttom machines, Stationary engineers (car, operating and maintenance of conveyor roller and plant equipment in asphalt plants)

POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION

Class 11: Long Boom Land Cranes:
a - 100' - 149'
b - 150' - 249'
c - 250' - 349'
d - 350' - 450'

Class 12: Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)

Class 13: Junior engineers (when operating the following equipment and attachments): Scrapers, Turn-a-pulls, Tugger hoists (used exclusively for handling excavated material), Tractors (rubber-tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), Austin Western and machines of a similar nature, Basin machines, Stetco silent hoist and machines of a similar nature, Vac-all, Mevers machines, John beam and machines of a similar nature, Bulldozers, Loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards), Conveyors, Motor graders, Curb and gutter pavers and machines of a similar nature, Ross carriers and travel lifts and machines of a similar nature

Class 14: Junior engineers when operating the following pieces of minor equipment: Tractors, Locomotives (10 tons and under), Post hole diggers, Ditch winch (walk behind), Motor generators, Road finishing machines, Mixers (16S and under with or without loading devices), Rollers (5 tons and under), Tugger hoists, Dual purpose trucks, Fork lifts, Dempster dumpers, Firemen (tending to); Steam operated shovels, Power boilers, Steam operated pile drivers, Steam operated derrick boats, Steam operated water rigs

Class 15: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in battery), Power houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck

SUPERSEDEAS DECISION

STATE: Virginia

COUNTY: Henrico and the independent City of Richmond

DECISION NO.: VA75-3116

DATE: Date of Publication

Supersedes Decision No. VA75-3006, dated January 3, 1975 in 40 FR 946.

DESCRIPTION OF WORK: Building Construction (excluding single family house and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.43	.30	.10		.01
BOILERMAKERS	9.25	.40	.80		.07
BRICKLAYERS & STONEMASONS	8.15	.50	.75		.01
CARPENTERS & SOFT FLOOR LAYERS	7.60	.30	.30		.01
CEMENT MASONS:					
Cement Masons	6.95				
Machine Men	7.05				
Scaffolds 30' & over	7.20				
ELECTRICIANS:					
Zone 1 - within a 12 air mile radius of Staples Mill Road & Broad Street in the City of Richmond	8.72	5%	1%		½ of 1%
Zone 2 - remainder of the city of Richmond & Henrico county	9.47	5%	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	7.65	.445	.29	3%+a+b	.07
Helpers	5.355	.445	.29	3%+a+b	.07
Probationary helpers	3.825				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS - Structural, Ornamental & Reinfo cing:					
Zone 1 - up to 10 miles from Capital Square	8.85	.30	.40		.05
Zone 2 - from 10 miles to 30 miles radius	9.725	.30	.40		.05
Zone 3 - from 30 miles and beyond	9.475	.30	.40		.05
LABORERS:					
Unskilled	4.40	.10	.15		.05
Tenders, motorized Georgia buggy opers., nozzlemen (gunite or sandblasting). concrete saw opers., air tool & vibrator opers.	4.50	.10	.15		.05
Mortar mixers, hod carriers, pipelayers, caulkers & marble tile & terrazzo workers' helpers	4.65	.10	.15		.05
Burners (wrecking)	4.75	.10	.15		.05
Floor, base & terrazzo grinders	4.80	.10	.15		.05

DECISION NO. VA75-3116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
Wagon drill & air tract & similar drills	$ 4.90	.10	.15		.05
Powdermen	5.15	.10	.15		.05
LATHERS:					
Lathers (plaster finish & drywall finish)	8.19		.20		.01
Sheet rock applicator	6.59		.20		.01
LEAD BURNERS	9.25		.35	c	.01
LINEMEN:					
Zone 1 - within a 12 mile air radius of Staples Mill Road & Broad St., in the city of Richmond:					
Linemen & cable splicers	8.72	5%	1%		½ of 1%
Zone 2 - remainder of the city of Richmond & Henrico County	9.47	5%	1%		½ of 1%
MARBLE, TILE & TERRAZZO WORKERS	7.15				
MILLWRIGHTS	8.45	.30	.30		.01
PAINTERS:					
Brush, paperhangers, tapers & finishers	6.80				
Structural steel, swing, stage & boson chair	7.05				
Scaffold or other hazardous work above 50 ft.	7.05				
Spray	7.30				
Sandblasting, elevated tanks, smoke stacks and all towers	7.45				
PILEDRIVERMEN & DOCK BUILDERS	5.80	.20	.20		
PLASTERERS	7.60				
PLUMBERS & STEAMFITTERS	8.90	.40	.30		.05
ROOFERS:					
Composition	5.35				
Helpers	3.75				
SHEET METAL WORKERS:					
The city of Richmond	8.67	.20	.20		.005
Remainder of County	8.92	.20	.20		.005
SPRINKLER FITTERS	8.55	.50	.80		.08

DECISION NO. VA75-3116

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular schedule work days immediately preceding & following the holiday).

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTY: YORK AND THE INDEPENDENT CITIES OF HAMPTON AND NEWPORT NEWS (including Langley AFB, Fort Eustis and Fort Monroe)

DECISION NO.: VA75-3117
DATE: DATE OF PUBLICATION
Supersedes Decision No. VA75-3006, dated January 3, 1975 in 40 FR 941.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories), Heavy Construction and Sewer & Water Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.90	.30	.25		
BOILERMAKERS	9.25	.40	.80		.02
BRICKLAYERS & STONEMASONS	7.50	.30			
CARPENTERS & SOFT FLOOR LAYERS	7.60	.30	.30		.01
CEMENT MASONS:					
Cement masons	6.80				
Machine & scaffold men	6.90				
ELECTRICIANS:					
Zone 1 - within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Wiremen	8.20	5%	6%		1%
Cable splicers	8.45	5%	6%		1%
Zone 2 - beyond a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Wiremen	9.20	5%	6%		1%
Cable Splicers	9.45	5%	6%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	7.32	.395	.26	2%%a+b	.02
Helpers	5.12	.395	.26	2%%a+b	.02
Probationary Helpers	3.66				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS:					
Structural, ornamental, riggers, reinforcing, fence erectors & machinery movers	8.05	.45	.40		.06
LABORERS:					
Unskilled	4.40	.10	.15		.05
Tenders, motorized Georgia Buggy opers., nozzlemen (gunite or sandblasting), concrete saw opers., air tool & vibrator opers.	4.50	.10	.15		.05
Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers' helpers	4.65	.10	.15		.05

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
Burners (wrecking)	$ 4.75	.10	.15		.05
Floor, base & terrazzo grinders	4.80	.10	.15		.05
Wagon drill & air tract Powdermen	4.90	.10	.15		.05
LATHERS	5.15	.10	.15		.05
LINE CONSTRUCTION:	6.59		.25		.01
Zone 1 - within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Linemen	8.20	5%	6%		½ of 1%
Cable splicers	8.45	5%	6%		½ of 1%
Zone 2 - beyond a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
Linemen	9.20	5%	6%		½ of 1%
Cable splicers	9.45	5%	6%		½ of 1%
MARBLE SETTERS	7.50	.30			
MILLWRIGHTS	8.45	.30	.30		.01
PAINTERS:					
(York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein; the cities of Hampton and Newport News):					
Brush & roller	6.70				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting	7.05				

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
All work over 74' from ground Bituminous coatings, hot creosote	$ 7.20				
Sign	8.10				
(The remainder of York County):	7.35				
Brush & roller	7.30				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting	7.65				
All work over 74' from ground Bituminous coatings, hot creosote	7.80				
Sign	8.70				
PILEDRIVERMEN & DOCK BUILDERS	7.95				
PLASTERERS	5.80	.20	.20		
PLUMBERS & STEAMFITTERS	8.91				
ROOFERS:	8.40	.30	.40		.01
Composition	5.35				
Helpers	3.75				
SHEET METAL WORKERS:					
Newport News & Hampton	8.10	.45	.35		.005
York County	8.35	.45	.35		.005
SPRINKLER FITTERS	8.55	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS	6.55			.30	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

DECISION NO. VA75-3117

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.05	.325	.20		.05
GROUP 2	6.44	.325	.20		.05
GROUP 3	5.36	.325	.20		.05
GROUP 4	5.18	.325	.20		.05
GROUP 5	5.01	.325	.20		.05

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant generator (200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Fireman

GROUP 5
Oilers

NOTICES

DECISION NO. VA75-3117

HEAVY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 5.85	.20	.20		.01
CEMENT MASONS	4.70				
ELECTRICIANS	6.85	.25	1%		.005
IRONWORKERS	6.15	.30	.30		.03
LABORERS:					
Laborers, unskilled	3.50	.10	.10		.03
Air tool operator	3.75	.10	.10		.03
Mortar mixers	3.75	.10	.10		.03
Form setters	4.00				
PILEDRIVERMEN	5.15	.20	.20		
PLUMBERS	6.35	.20	.30		
TRUCK DRIVERS	2.20				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.42				
Oilers	3.80				
Cranes	5.90	.225	.10		.03
Bulldozers	3.53				
Grader	3.30				
Roller	3.13				
Gradall	3.40				
Fireman	3.40				
Mechanics	6.30	.225	.10		.03

DECISION NO. VA75-3117

SEWER & WATER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS	$ 4.00				
LABORERS:					
Laborers	2.42				
Air tool op. (jackhammer, vibrator)	2.73				
Asphalt raker	3.00				
Pipelayers	3.65	.10	.10		.03
TRUCK DRIVERS	2.42				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	2.30				
Backhoe	3.65				
Bulldozers	3.50				
Cranes	5.25	.225	.10		.04
Front end loader	3.00				
Roller	2.50				
Motor grader	3.30				

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach

DECISION NO. VA75-3118

DATE: Date of Publication

Supersedes Decision No. VA75-3005, dated January 3, 1975 in 40 FR 944.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.90	.30	.25		
BOILERMAKERS	9.25	.40	.80		.02
BRICKLAYERS & STONE MASONS:					
Bricklayers & stone masons	8.00	.50	.20		.02
CARPENTERS & SOFT FLOOR LAYERS	7.60	.30	.30		.01
CEMENT MASONS:					
Cement masons	6.80				
Machines & Scaffold men	6.90				
ELECTRICIANS & CABLE SPLICERS	8.45	5%	6%		1%
ELEVATOR CONSTRUCTORS	7.32	.395	.26	2½+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	5.12	.395	.26	2½+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	3.66				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS:					
Structural, ornamental, machinery movers, riggers, fence erectors and reinforcing	8.05	.45	.40		.06
LABORERS:					
Unskilled	4.40	.10	.15		.03
Tenders, motorized Georgis Buggy opers., nozzlemen (gunite or sandblasting), concrete saw opers., air tool & vibrator opers.	4.50	.10	.15		.05
Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers helpers	4.65	.10	.15		.05
Burners (wrecking)	4.75	.10	.15		.05
Floor, base & terrazzo grinders	4.80	.10	.15		.05
Wagon drill & air tract	4.90	.10	.15		.05
Powdermen	5.15	.10	.15		.05
LATHERS	6.59		.25		.01
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen & Cable Splicers	8.45	5%	6%		½ of 1%

DECISION NO. VA75-3118

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$ 6.25	.35	.20		
MILLWRIGHTS	8.45	.30	.30		.01
PAINTERS:					
Brush & roller	7.00		.25		
Structural steel from ground to 74'	7.50		.25		
Spray, paperhangers & glove work	7.35		.25		
Any work over 74' from ground	8.30		.25		
Bituminous coating & hot creosote	8.65		.25		
Swing stage (under 40'), rollers (with handles 6' & over), epoxy (brushed or rolled)	7.25		.25		
Swing stage over 40' up to 74'	7.50		.25		
Sandblasting	7.75		.25		
PILEDRIVERMEN & DOCK BUILDERS	5.80	.20	.20		
PLASTERERS	8.91				
PLUMBERS & STEAMFITTERS	8.35	.40	.35		.06
ROOFERS:					
Composition	5.35				
Helpers	3.75				
SHEET METAL WORKERS	7.85	.45	.35		.005
SPRINKLER FITTERS	8.35	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS	6.25	.35	.20		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. VA75-3118

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular schedule work days immediately preceding & following the holiday).

DECISION NO. VA75-3118

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.05	.325	.20		.05
GROUP 2	6.44	.325	.20		.05
GROUP 3	5.36	.325	.20		.05
GROUP 4	5.18	.325	.20		.05
GROUP 5	5.01	.325	.20		.05

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, fin: motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, fro: end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power p generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Firemen

GROUP 5
Oilers

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: RADFORD ARMY AMMUNITION PLANT

DECISION NO.: VA75-3119

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA75-3069, dated July 11, 1975 in 40 FR 29438.

DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.98	.50	.45		.01
BOILERMAKERS	9.25	.40	.80		.02
BRICKLAYERS	8.25				
CARPENTERS	7.10	.35	.30		.02
CEMENT MASONS	5.95				
ELECTRICIANS	7.94	.30	1%		1 of 1%
IRONWORKERS:					
Structural & Reinforcing	8.85	.55	.60		.03
LABORERS:					
Common Laborers	4.75	.20	.20		.03
Mason Tenders	4.85	.20	.20		.03
Air Tool Operators	5.00	.20	.20		.03
LATHERS	6.50				
MILLWRIGHTS	8.65	.35	.20		.02
PAINTERS:					
Brush	6.70	.35	.20		
Spray	7.10	.35	.20		
PLUMBERS & PIPEFITTERS	7.75	.35	.40	.25	.05
SHEET METAL WORKERS	7.20	.25	.25		.02
SPRINKLER FITTERS	8.55	.50	.80		.08
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.29				
Bulldozer Operators	8.33	.30	.40		.03
Crane Operators	7.62				
Oilers	4.88				
Roller Operators	5.95	.30	.40		.03
Piledrivers	6.32				

SUPERSEDEAS DECISION

STATE: West Virginia
COUNTIES: Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Roane, Taylor, Upshur, Wayne, Wetzel, Wirt & Wood

DECISION NO.: WV75-3106 DATE: Date of Publication
Supersedes Decision No. WV75-3007, dated February 7, 1975 in 40 FR 6136.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See Heavy and Highway Construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project, and all incidental water lines and sewers utilities to within 5 feet of the building line, when such work is let as a separate contract by the owner or as a subcontract by the prime contractor).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1	~~$10.65~~	~~.35~~	~~.35~~		~~.03~~
ZONE 2	9.92	.35	.70		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Boone, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Jackson, Kanawha, Lewis, Mason, Pleasants, Putnam, Ritchie, Roane, Upshur, Wayne, Wirt & Wood Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.

BOILERMAKERS:					
ZONE 1	8.55	.60	.80	1.00	.02
ZONE 2	9.07	7%	7%		.01

AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt & Wood Counties.
ZONE 2 - Hancock County.

BRICKLAYERS & STONEMASONS:					
ZONE 1	9.06	.50	.75		
ZONE 2	8.55	.30	.30	.30+a	
ZONE 3	8.60	.50	4%	6%	.02
ZONE 4	9.48	.35			.02
ZONE 5	9.40	.30	.25		
ZONE 6	9.65	.40			
ZONE 7	10.63		.20		
ZONE 8	9.05	.45			
ZONE 9	9.00				

DECISION NO. WV75-3106

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 3 - Marshall, Ohio, Tyler & Wetzel Counties.
ZONE 4 - Brooke & Hancock Counties.
ZONE 5 - Monongalia County.
ZONE 6 - Marion County.
ZONE 7 - Cabell, Mason & Wayne Counties.
ZONE 8 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 9 - Barbour County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
ZONE 1					
Contracts under $100,000	$ 9.05	.25	.20		.04
Contracts $100,000 or more	9.30	.25	.20		.04
ZONE 2	8.91	.40	.50		.03
ZONE 3	10.01	.25	.25		.02
ZONE 4	9.16	.25	.25		.07
ZONE 5	9.12	.50	.30		.01
ZONE 6	9.19	.25	.25		.02

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Taylor, Upshur & Wetzel Counties.
ZONE 2 - Cabell & Wayne Counties.
ZONE 3 - Boone, Clay, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha, Mason, Putnam and Roane Counties.
ZONE 4 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties
ZONE 5 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 6 - Fayette Counties.

DECISION NO. WV75-3106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
ZONE 1					
Cement Masons	$ 8.75				
Plasterers	8.00				
ZONE 2					
Cement Masons	8.75		.65		
Plasterers	9.10				.01
ZONE 3					
Cement Masons	8.11	.40			.01
Plasterers	8.25	.25			
ZONE 4					
Cement Masons	8.26	.50			
Plasterers	8.51	.30			
ZONE 5					
Cement Masons	7.36	.38	.05	.30	.03
ZONE 6					
Cement Masons	9.30				
Plasterers	8.80				.01
ZONE 7	9.00				

AREA COVERED BY CEMENT MASONS & PLASTERERS ZONES

ZONE 1 - Calhoun, Gilmer, Jackson, Mason (northern portion of the county, south to but not including Point Pleasant), Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 2 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.
ZONE 3 - Brooke (the northern portion to Buffalo Creek) and Hancock Counties.
ZONE 4 - Brooke (remainder of county), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Marion & Monongalia Counties.
ZONE 6 - Doddridge, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 7 - Barbour County.

DECISION NO. WV75-3106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
ZONE 1					
Wiremen	$ 9.10	.30	1%	1.02	.03
Cable Splicers	10.01	.30	1%	1.02	.03
ZONE 2					
Wiremen	9.05	.30	1%+1.02	1.02	.04
Cable Splicers	9.30	.30	1%+1.02	1.02	.04
ZONE 3					
Wiremen	9.15	.30	1%+.32	1.09+b	.04
Cable Splicers	9.40	.30	1%+.32	1.09+b	.04
ZONE 4					
Wiremen	10.80	6%	7%	8%	1/5 of 1%
Cable Splicers	11.20	6%	7%	8%	1/5 of 1%
ZONE 5					
Contracts $15,000 or less:					
Wiremen	6.80	.30	1%+.12	.52	.04
Cable Splicers	7.10	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.70	.30	1%+.12	.52	.04
Cable Splicers	10.00	.30	1%+.12	.52	.04
ZONE 6					
Wiremen	10.70	.30	1%+.07	.02	.04
Cable Splicers	11.75	.30	1%+.07	.02	.04
ZONE 7					
Contracts under $12,000:					
Wiremen	5.00	.30	1%+.87	1.27	.02
Contracts over $12,000:					
Wiremen	8.35	.30	1%+.87	1.27	.02
Cable Splicers	8.50	.30	1%+.87	1.27	.02
ZONE 8					
Wiremen	9.80	.30	1%+.32	1.02	.04
Cable Splicers	10.78	.30	1%+.32	1.02	.04
Truck Drivers	8.75	.30	1%+.32	1.02	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D):					
ZONE 9					
Wiremen	$10.25	.30	1%+.32	1.02	.04
Cable Splicers	11.275	.30	1%+.32	1.02	.04
Truck Drivers	8.75	.30	1%+.32	1.02	.04

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Barbour, Doddridge, Harrison, Lewis & Upshur Counties.
ZONE 2 - Jackson, Pleasant, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 3 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
ZONE 4 - Brooke (remainder of county) & Hancock Counties.
ZONE 5 - Fayette (except Falls and Kanawha Twps) County.
ZONE 6 - Boone, Calhoun, Clay, Fayette (Falls and Kanawha Twps only), Gilmer, Kanawha, Putnam & Roane Counties.
ZONE 7 - Marion, Monongalia & Taylor Counties.
ZONE 8 - Cabell & Wayne Counties.
ZONE 9 - Mason County.

ELEVATOR CONSTRUCTORS:					
Boone, Clay, Fayette, Kanawha & Putnam Counties:					
Mechanics	9.27	.445	.29	3%+b+c	.02
Helpers	6.49	.445	.29	3%+b+c	.02
Probationary Helpers	4.635				
Cabell, Mason & Wayne Counties:					
Mechanics	9.55	.445	.29	3%+b+c	.02
Helpers	6.685	.445	.29	3%+b+c	.02
Probationary Helpers	4.775				
Brooke, Hancock, Harrison, Marshall & Ohio Counties:					
Mechanics	8.86	.445	.29	3%+b+c	.02
Helpers	6.20	.445	.29	3%+b+c	.02
Probationary Helpers	4.43				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
ZONE 1	$ 8.53				
ZONE 2	9.50		.20		
ZONE 3					
Inside	5.15	.25	.20	.55+p	
Outside	5.70	.25	.20	.55+p	

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 2 - Boone, Cabell, Calhoun, Clay, Fayette, Kanawha, Mason, Putnam & Wayne Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Taylor & Upshur Counties.

IRONWORKERS - Structural, Ornamental & Reinforcing:					
ZONE 1	9.67	.65	.70	5%	.01
ZONE 2	9.30	.60	.50		.03
ZONE 3	9.35	.55	.55		.05
ZONE 4					
Area 1 - 10 miles from Union Hall	10.26	.65	.70		.01
Area 2 - 10-15 miles from Union Hall	10.41	.65	.70		.01
Area 3 - 15-20 miles from Union Hall	10.51	.65	.70		.01
Area 4 - 20-25 miles from Union Hall	10.61	.65	.70		.01

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AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur , Wirt & Wood Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
ZONE 3 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 4 - Cabell & Wayne Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
ZONE 1					
GROUP 1	$ 6.65	.30	.30		.03
GROUP 2	6.95	.30	.30		.03
GROUP 3	7.30	.30	.30		.03
ZONE 2					
GROUP 1	6.70	.30	.30		.03
GROUP 2	7.00	.30	.30		.03
GROUP 3	7.35	.30	.30		.03
ZONE 3					
GROUP 1	6.20	.30	.30		.03
GROUP 2	6.50	.30	.30		.03
GROUP 3	6.85	.30	.30		.03
ZONE 4					
GROUP 1	6.98	.50	.30		.02
GROUP 2	7.145	.50	.30		.02
GROUP 3	7.18	.50	.30		.02
GROUP 4	7.225	.50	.30		.02
GROUP 5	7.31	.50	.30		.02
GROUP 6	7.48	.50	.30		.02
GROUP 7	7.51	.50	.30		.02
GROUP 8	7.66	.50	.30		.02
GROUP 9	7.81	.50	.30		.02
GROUP 10	7.88	.50	.30		.02

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CLASSIFICATION DEFINITIONS
LABORERS - ZONES 1,2&3

GROUP 1 - Laborers; carpenter tender; flagmen; water boy; demolition worker; fire watch; landscape laborer.
GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; chainmen & rod men; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders; tile setters tenders; mortar mixers jackhammer operators; vibrator operators; temper operators; pavement buster operators; chipping & paening hammer operators; air syephon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators helpers; sheeters & Shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tampers.
GROUP 3 - Blacksmith; powderman; air track operator; pipe layer (including laser beam set-up); burner.

LABORERS - ZONE 4

GROUP 1 - General laborers; carpenters tenders.
GROUP 2 - Brick handlers; tenders for brick masons, plasterers, stone masons; tile setters; montarmen for masons & plasterers; men mixing cement for cement finishers.
GROUP 3 - Operators of concrete busters, jackhammers, air spades, chipping hammers, air tampers, vibrators, power buggy, cement saw, power saw, sandblaster, acetylene burners; welders; scuba divers; panel cleaning machines; all power driven tools operators; air pump operators; air blow pipe operators; pipe layers & helpers working in ditches or tunnels; hand spikers on railroads.
GROUP 4 - Ditches, trenches, caissons & coffers over 6' deep (open top).
GROUP 5 - Laborers performing work pertaining to or in connection with repair stoves, blast furnaces & basic oxygen process furnaces, steeples & stacks, annealing process furnaces, Kilns, soaking pits, coke battries on industrial work; demolition of stacks 50' to 100'; tunnel laborers, muckers, including caisson & coffers, horizontal & underground.
GROUP 6 - Demolition of stacks 100' to 150'.
GROUP 7 - Miners, including caissons & coffers, horizontal or underground; mucking machine operators.
GROUP 8 - Blaster men & helpers; billmen & lancer; bottom-men in blast furnaces; stacks, stoves & dust covers.
GROUP 9 - Gunnite nozzlemen.
GROUP 10 - Demolition of stacks over 150'.

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AREA COVERED BY LABORERS ZONES

ZONE 1 - Cabell, Mason & Wayne Counties.
ZONE 2 - Marshall, Ohio & Wetzel Counties.
ZONE 3 - Barbour, Boone, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Monongalia, Pleasants, Putnam, Ritchie, Roane, Taylor, Tyler, Upshur, Wirt & Wood Counties.
ZONE 4 - Brooke & Hancock Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
ZONE 1	$ 8.30		.10		.01
ZONE 2	9.25		.10		.01
ZONE 3	8.41	.30	.10		.01
ZONE 4	8.53	.45	1.10		.01
ZONE 5	7.965		.10		
ZONE 6	7.68		.15		.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.
ZONE 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Taylor, Tyler, Upshur & Wetzel Counties.
ZONE 3 - Brooke, Marshall & Ohio Counties.
ZONE 4 - Hancock County.
ZONE 5 - Cabell, Mason & Wayne Counties.
ZONE 6 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Linemen & Operators (all mechanized equipment)	$ 9.76	.35	1%+.32	1.02	½ of 1%
Cable Splicers	10.74	.35	1%+.32	1.02	½ of 1%
Groundmen	7.81	.35	1%+.32	1.02	½ of 1%
ZONE 2					
Linemen & Operators (all mechanized equipment)	9.65	.35	1%+.12	.52	½ of 1%
Cable Splicers	9.95	.35	1%+.12	.52	½ of 1%
Groundmen & Truck Drivers	7.72	.35	1%+.12	.52	½ of 1%
ZONE 3					
Linemen & Operators (all mechanized equipment)	9.00	.35	1%+1.02	1.02	½ of 1%
Cable Splicers	9.90	.35	1%+1.02	1.02	½ of 1%
Groundmen	7.20	.35	1%+1.02	1.02	½ of 1%
ZONE 4					
Linemen & Operators (all mechanized equipment)	9.10	.30	1%	1.02	½ of 1%
Cable Splicers	10.01	.30	1%	1.02	½ of 1%
Groundmen & Truck Drivers	7.28	.30	1%	1.02	½ of 1%
ZONE 5					
Linemen & Operators (all mechanized equipment)	9.15	.30	1%+.32	1.09+b	½ of 1%
Cable Splicers	9.40	.30	1%+.32	1.09+b	½ of 1%
Groundmen	7.32	.30	1%+.32	1.09+b	½ of 1%
ZONE 6					
Linemen & Operators (all mechanized equipment)	10.80	5%	6%	8%	½ of 1%
Cable Splicers	11.20	5%	6%	8%	½ of 1%
Groundmen	7.02	5%	6%	8%	½ of 1%
ZONE 7					
Linemen & Operators (all mechanized equipment)	8.35	.30	1%+.87	1.27	½ of 1%
Cable Splicers	9.185	.30	1%+.87	1.27	½ of 1%
Groundmen	6.68	.30	1%+.87	1.27	½ of 1%

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AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Boone, Cabell, Calhoun, Clay, Gilmer, Kanawha, Mason, Putnam, Roane & Wayne Counties.
ZONE 2 - Fayette County.
ZONE 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis & Upshur Counties.
ZONE 5 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 7 - Marion, Monongalia & Taylor Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS:					
ZONE 1	$ 9.06	.30	.75		
ZONE 2	9.12		.20		
ZONE 3	8.53	.45			
ZONE 4	8.35	.30	.30	.30+a	
ZONE 5	9.48	.35			.02
ZONE 6	9.65	.40			
ZONE 7	9.00				

AREA COVERED BY MARBLE MASONS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Cabell, Mason & Wayne Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 4 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 5 - Brooke & Hancock Counties
ZONE 6 - Marion County.
ZONE 7 - Barbour County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS HELPERS, TERRAZZO WORKERS HELPERS & TILE SETTERS HELPERS:					
Cabell, Mason & Wayne Counties	$ 7.525		.20		
MILLWRIGHTS:					
ZONE 1	10.29	.25	.25		.02
ZONE 2	9.00	.40	.55		.10
ZONE 3	9.43	.40	.50		.01
ZONE 4	9.60	.25	.20		.04
ZONE 5	9.98	.40	.37		.03

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Boone, Clay, Fayette, Jackson (southern portion including the Towns of Leon, Ripley & Hereford), Kanawha, Mason, Roane (southern portion up to but not including Spence & Putnam Counties.
ZONE 2 - Calhoun, Jackson (remainder of county), Pleasants, Ritchie, Roane (remainder of county), Tyler, Wetzel, Wirt & Wood Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Taylor & Upshur Counties.
ZONE 5 - Cabell & Wayne Counties.

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DECISION NO. WV75-3106	REPAINT Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:						
ZONE 1						
Air Compressor Operator	$ 6.78	7.54				
Brush Painting	6.78	7.54				
Roller, Dry-Wall Pointers & Tapers, Dipping & Mitten Work & Spray	7.11	7.83				
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & Boatswain Chair, Window Jack Work	7.81	8.32				
Brush Painters on Bridges, Needle Bean, Cable Work, Power Tool Work, Brush & Flame Cleaning	8.20	8.68				
Operating Mechanical Taping Machines	8.41	9.01				
Sand Blasters	8.51	8.98				
All Stacks, Vent Pipe, Flag Poles in excess of 30' high, all Towers Water Towers, Elevated Towers, Electrical Switch Yards, Transformer Banks & Television Towers	9.49	9.86				
Vinyl hangers & Paper hangers (with tools)	7.10	7.83				

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DECISION NO. WV75-3106	OLD Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):						
ZONE 2						
Flagman or Boatman	$ 4.25	5.00				
Brush-Roller, Paperhanging-Wall Covering (under 48"), Dry Wall Finishing Hanging & Preparing Scaffolding	5.25	6.00				
Dry Wall Machine Tool	5.50	6.25				
Power Cleaning Tool	5.75	6.50				
Wall Covering 48" or over, Spray, Sandblasting & Mittens, structural Steel, Material Emitting Toxic Vapors	6.00	7.00				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
Commercial	$ 8.40				
Drywall Finishers	8.65				
Swing & Boatswain Chair	8.75				
Vinyl Wallcovering	8.90				
Structural Steel after Erection	9.25				
Repaint Structural Steel	8.50				
Spray Painting	9.40				
Towers, Tanks & Stacks	9.65				
Sand Blasting	10.25				
Extra Pay of heights 50' to 100' (.50 per hour, over 100 ft. $1.00 per hour)					

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DECISION NO. WV75-3106	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
ZONE 4					
New Construction:					
Brush	$ 8.51		.20		.01
Roller	8.77		.20		.01
Spray & Blast	9.53		.20		.01
Pot-Men	9.53		.20		.01
Commercial Repaint:					
Brush	7.09		.20		.01
Roller	7.37		.20		.01
Paper Hanger	8.51		.20		.01
Drywall	8.96		.20		.01
Spray, Pot-Men	9.53		.20		.01
Paper & Vinyl Hangers	8.51		.20		.01
Open Structural Steel	8.86		.20		.01
Drywall Pointers & Tapers	8.96		.20		.01
Liquid Tile Brush	9.28		.20		.01
Stacks, Vent Pipes, Flag Poles, Electrical, Radio & T.V. Towers & Tanks over 30' high	9.46		.20		.01
Hdroject, Steam Cleaning & Glove Work	9.53		.20		.01
Operating Mechanical Taping Machines	9.96		.20		.01
ZONE 5					
Commercial	6.82	.20	.25		.02
Hazardous Work	8.63	.20	.25		.02
ZONE 6					
Brush & Roller	6.42	.50			.01
Paper & Vinyl Hangers	6.42	.50			.01
Seamless Floors	6.42	.50			.01
Glove	6.67	.50			.01
Perfstaping	6.79	.50			.01

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DECISION NO. WV75-3106	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 6 (CONT'D)					
Brush-Height over 40'	$ 6.92	.50			.01
Spray & sandblast, seamless floors epoxy & steam cleaning	7.42	.50			.01
ZONE 7					
Brush	5.80	.30	.25		
Roller	6.05	.30	.25		
Spray	6.50	.30	.25		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Monongalia County.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Taylor & Upshur Counties.
ZONE 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 5 - Cabell, Mason & Wayne Counties.
ZONE 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 7 - Brooke (remainder of county) & Hancock Counties.

PILEDRIVERMEN:					
ZONE 1	10.07	5%	8%		½ of 1%
ZONE 2					
Contracts less than $100,000	9.55	.25	.20		.04
Contracts $100,000 or more	9.80	.25	.20		.04
ZONE 3	9.20	.40	.50		.03
ZONE 4	9.44	.25	.25		.02
ZONE 5	10.26	.25	.25		.02
ZONE 6	9.41	.25	.25		.02

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AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Taylor, Tyler, Upshur & Wetzel Counties.
ZONE 3 - Cabell & Wayne Counties.
ZONE 4 - Fayette County.
ZONE 5 - Boone, Clay, Jackson (southern portion including the towns of Leon, Ripley Hereford), Kanawha, Putnam & Roane Counties.
ZONE 6 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 8.55	.35	5%	10%	.04
ZONE 2	10.46	.40	7%	8%	.05
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4	9.02	.40	.50	10%	.04
ZONE 5	9.47	.40	.40		
ZONE 6					
AREA 1 - within 8 mi radius of Cabell Co. Courthouse, Huntington, W.V.	9.42	.40	.60		.02
AREA 2 - 8 to 15 mi. from the Courthouse	9.62	.40	.60		.02
AREA 3 - 15 to 25 mi. from the Courthouse	9.82	.40	.60		.02
AREA 4 - Over 25 mi. from the Courthouse	10.07	.40	.60		.02

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AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 2 - Brooke (remainder of county & Hancock Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Taylor & Upshur Counties.
ZONE 4 - Monongalia County.
ZONE 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion up to but not including Spencer), Tyler, Wirt & Wood Counties.
ZONE 6 - Boone (southwest portion to but not including the Towns of Madison & Whitesville), Cabell, Mason & Wayne Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
Plumbers	$ 9.78	.45	.30		.05
Steamfitters	9.82	.45	.15		.05

AREA COVERED BY PLUMBERS & STEAMFITTERS

Boone (northeast portion including the Towns of Madison & Whitesville), Clay, Fayette, Jackson (southern portion including the Town of Ripley), Kanawha, Putnam & Roane (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9.85	.25	.35		.04
GROUP 2	9.35	.25	.35		.04
GROUP 3	8.95	.25	.35		.04
GROUP 4	8.55	.25	.35		.04
GROUP 5	7.85	.25	.35		.04

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Operating cranes, derricks, tower cranes, and similar equipment, having a reach from the top of its boom to the ground of 175' or a lifting capacity of 70 tons; all shovels, draglines, clamshells, backhoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over; hoist with 18,000 pound line pull or over.
GROUP 2 - All mechanics and those operating cranes, derricks and similar equipment hydraulic cranes in excess of 15 tons capacity; all shovels, draglines, clamshells, gradealls, tug or tow boats; concrete clamshells, gradealls, tug or tow boats - concrete mixing plants of 3 cubic yards capacity; endloaders in excess of 2½ cubic yards capacity; backhoes in excess of ½ cubic yard capacity; hoist in excess of 5,000 pounds line pull; side boom cat, standard guage locomotive.
GROUP 3 - Hydraulic cranes up to and including 15 tons capacity; endloaders up to and including 2½ cubic yards capacity; backhoes up to and including ½ cubic yard capacity; two drum hoist; well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (60 CFM or over), high compression equipment, concrete pumps double.
GROUP 4 - Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single) "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan, push cat, all tractors, oiler's standard guage locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operators.
GROUP 5 - Roller and compactor, concrete mixer, (1 bag) Barbour Greene loader, mechanic helper, crawler crane oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater and pump operator.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1	$ 7.45		.10		
ZONE 2	9.54	.34	.10		d
ZONE 3	8.08	.10	.15		
ZONE 4					
Commercial:					
Roofers	9.10		.10		.01
Waterproofers	9.35		.10		.01
Unprotected roofing or reroofing:					
Roofers	6.90		.10		.01
Waterproofers	7.15		.10		.01

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Cabell & Wayne Counties.
ZONE 2 - Boone, Clay, Fayette, Kanawha, Mason & Putnam Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Ritchie, Roane, Taylor, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

SHEET METAL WORKERS:					
ZONE 1	9.38	.34	.40		.04
ZONE 2	9.32	.45+a	.40		.05
ZONE 3	8.93	.45	.45		.02
ZONE 4	8.80	.35	.20		.03

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha, Mason & Putnam Counties.
ZONE 2 - Cabell & Wayne Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Ritchie, Roane, Taylor, Tyler, Upshur Wetzel, Wirt & Wood Counties.

NOTICES

58069

DECISION NO. WV75-3106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
ZONE 1	$ 10.01	.25	.25		.02
ZONE 2	9.76	.25	.25		.02
ZONE 3	9.12	.50	.30		.01
ZONE 4	8.91	.40	.50		.03
ZONE 5	9.19	.25	.25		.02

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Boone, Clay, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha, Mason, Putnam & Roane Counties.
ZONE 2 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.
ZONE 3 - Brooks, Hancock, Marshall & Ohio Counties.
ZONE 4 - Cabell & Wayne Counties.
ZONE 5 - Fayette County.

SPRINKLER FITTERS	10.40	.50	.80		.08
TERRAZZO WORKERS:					
ZONE 1	9.06	.50	.75		
ZONE 2	8.55	.30	.30	.30+a	
ZONE 3	8.55	.45			
ZONE 4	9.12		.20		
ZONE 5	9.00				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 4 - Cabell, Mason & Wayne Counties.
ZONE 5 - Barbour County.

DECISION NO. WV75-3106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
ZONE 3					
GROUP 1	$ 7.91	h	j	.80	
GROUP 2	8.01	h	j	.80	
GROUP 3	8.16	h	j	.80	
GROUP 4	8.21	h	j	.80	
GROUP 5	8.26	h	j	.80	
GROUP 6	8.31	h	j	.80	
GROUP 7	8.56	h	j	.80	
ZONE 4					
GROUP 1	6.10	k	i		
GROUP 2	6.20	k	i		
GROUP 3	6.40	k	i		
GROUP 4	6.45	k	i		
GROUP 5	6.50	k	i		
GROUP 6	6.88	k	i		
ZONE 5					
GROUP 1	5.85	l	m	n	
GROUP 2	5.88	l	m	n	
GROUP 3	5.90	l	m	n	
GROUP 4	6.00	l	m	n	
GROUP 5	6.08	l	m	n	
GROUP 6	6.13	l	m	n	
GROUP 7	6.16	l	m	n	
GROUP 8	6.43	l	m	n	
GROUP 9	6.50	l	m	n	
GROUP 10	6.53	l	m	n	
ZONE 6					
GROUP 1	5.37	o			
GROUP 2	5.38	o			
GROUP 3	5.42	o			
GROUP 4	5.45	o			
GROUP 5	5.47	o			
GROUP 6	5.70	o			
GROUP 7	6.00	o			
GROUP 8	6.10	o			

DECISION NO. WV75-3106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE LAYERS:					
ZONE 1	$ 9.06	.50	.75		
ZONE 2	8.55	.30	.30	.30+a	
ZONE 3	8.55	.45			
ZONE 4	9.54		.20		
ZONE 5	9.00				

AREA COVERED BY TILE LAYERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 4 - Cabell, Mason & Wayne Counties.
ZONE 5 - Barbour County.

TRUCK DRIVERS:					
ZONE 1					
GROUP 1	8.16	f	g		
GROUP 2	8.26	f	g		
GROUP 3	8.41	f	g		
GROUP 4	8.46	f	g		
GROUP 5	8.51	f	g		
GROUP 6	8.61	f	g		
GROUP 7	8.81	f	g		
ZONE 2					
GROUP 1	6.30	h	i		
GROUP 2	6.40	h	i		
GROUP 3	6.55	h	i		
GROUP 4	6.70	h	i		
GROUP 5	6.95	h	i		
GROUP 6	7.05	h	i		

DECISION NO. WV75-3106

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pumps attendants, dump trucks (up to 5 cubic yards).
GROUP 2 - Tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), Agitator or mixer trucks (up to 5 cubic yards), farm-type tractor, tank truck (semi).
GROUP 4 - Low-Boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, moni-rail truck.
GROUP 5 - Material checker and receiver, mechanics helpers.
GROUP 6 - Agitator or mixer truck (5 cubic yards and over).
GROUP 7 - Mechanics, euclid, dumpster, turnarocker, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS ZONE 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks.
GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards & over), semi-dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by truck or tractors), agitators or mixed trucks (up to 5 cubic yards), tank trucks (semi), monorails.
GROUP 4 - Low-boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, agitators or mixer trucks (5 cubic yards & over), hydraulic tail gate, farm type tractors.
GROUP 5 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks.
GROUP 6 - Mechanics.

DECISION NO. WV75-3106

TRUCK DRIVERS - ZONE 3

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards).
GROUP 2 - Tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers (whether flat rack or pole and hauled or pushed by truck or tractors), agitator or mixer trucks (up to 5 cubic yards), tank truck (semi).
GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, moni-rail truck.
GROUP 5 - Material checker and receiver, mechanics helpers.
GROUP 6 - Agitator or mixer truck (5 cubic yards and over).
GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic lift tailgate truck and farm type tractors, end dumpsters, turnarockers, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS - ZONE 4

GROUP 1 - Warehouse, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, team 2 - up.
GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), material checkers, material receivers, team 4 - up, greasers, tiremen and mechanic helpers (truck).
GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 to 12 yards).
GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker, rubber-tired tractors (towing or pushing).
GROUP 5 - Dump truck, agitator or mixer trucks and other hauling equipment (20 yards and over).
GROUP 6 - "A" Frame operator, mechanics (truck).

TRUCK DRIVERS ZONE 5

GROUP 1 - Flat bed material trucks, dump trucks, semi-dump trucks.
GROUP 2 - Tank trucks (straight & semi).
GROUP 3 - Semi-trailers, tractor trailers.
GROUP 4 - Pole trailer.
GROUP 5 - Agitator & mixer trucks (up to 5 cubic yards).
GROUP 6 - Euclids, dumpsters, turnarocker, ross carriers, athey wagons.
GROUP 7 - Agitator & mixer trucks (over 5 cubic yards).
GROUP 8 - Low-boy trailers, winch trucks, ford trucks (front and back end), truck crane.
GROUP 9 - A-Frame.
GROUP 10 - Mechanics.

DECISION NO. WV75-3106

TRUCK DRIVERS - ZONE 6

GROUP 1 - Warehousemen, yardmen, truck helpers.
GROUP 2 - Greasers, washers, tiremen, gas pump attendants, mechanics helpers.
GROUP 3 - Flatboy material trucks, dump trucks, semi-trucks.
GROUP 4 - Tank trucks (straight & semi).
GROUP 5 - Semi-trailers & tractor trailers.
GROUP 6 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons.
GROUP 7 - Low-boy trailers, winch trucks, A-frame, fork trucks, distributos (front & back end), truck crane.
GROUP 8 - Mechanics.

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Calhoun, Gilmer, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 3 - Cabell, Mason & Wayne Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Taylor & Upshur Counties.
ZONE 5 - Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke & Hancock Counties.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holiday: Christmas Day.

b. Paid Holidays: A through F.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contributes 2¢ per hour employer from June 1 to December 31.

e. Employer contribution of 3% per hour to the Sami Fund per employee that is based on the basic hourly rate, plus pension, plus health and welfare.

f. Employer contributes $41.16 per month per employee employed 30 days or more.

DECISION NO. WV75-3106

FOOTNOTES (CONT'D):

g. Employer contributes $34.67 per month per employee.

h. Employer contributes $58.50 per month per employee employed 30 days or more.

i. Employer contributes $26.00 per month per employee employed 30 days or more.

j. Employer contributes $34.67 per month per employee employed 30 days or more.

k. Employer contributes $28.50 per month per employee employed 30 days or more.

l. Employer contributes $6.30 per week per employee.

m. Employer contributes $6.00 per week per employee.

n. One week's paid vacation.

o. Employer contributes $9.50 per week per employee.

p. Paid Holidays: A through F, plus Christmas Eve.

[FR Doc.75-33218 Filed 12-11-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF NOVEMBER 7, 1975

Republication

There is set forth below an index to general wage determination decisions and Modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month. However, as the index published in the FEDERAL REGISTER of December 5, 1975, was partially illegible, it is being republished on this date.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 8th day of December 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AQ-4088 (Hw)(Excluding
Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL75-1043 (R)
40 FR 15286 - 4/4/75
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D;Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL75-1061 (B)
40 FR 24462 - 6/6/75
Mod. #1 - 40 FR 29439 - 7/11/75
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw) - See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
Mod. #1 - 40 FR 52241- 11/7/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
Mod. #1 - 40 FR 27439 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1063 (D)
40 FR 26108 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
Mod. #3 - 40 FR 52241 - 11/7/75
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1069 (B)
40 FR 30389 - 7/18/75
Mod. #1 - 40 FR 36893 - 8/22/75
Mod. #2 - 40 FR 49941 - 10/24/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AL75-1071 (R)
40 FR 30392 - 7/18/75
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(D,Hw) - See Lawrence County
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

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ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLAUEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (B)
40 FR 17475 - 4/18/75
Mod. #1 - 40 FR 27403 - 6/27/75
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK75-5134 (B,H,Hw,R)
40 FR 52248- 11/7/75

ARIZONA

STATEWIDE
Decision #AZ75-5076 (B,H,Hw)
40 FR 28313 - 7/3/75
Mod. #1 - 40 FR 33571 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
Mod. #3 - 40 FR 50865 - 10/31/75
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5077 (R)
40 FR 28322 - 7/3/75
Mod. #1 - 40 FR 33572 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ75-5078 (R)
40 FR 28328 - 7/3/75
Mod. #1 - 40 FR 33572 - 8/8/75
Mod. #2 - 40 FR 43417 - 9/19/75
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR75-4084 (B)
40 FR 19321 - 5/2/75
Mod. #1 - 40 FR 25319 - 6/13/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR75-4082 (B)
40 FR 17452 - 4/18/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
Mod. #3 - 40 FR 49941 - 10/24/75
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(D) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR75-4083 (B)
40 FR 18271 - 4/25/75
Mod. #1 - 40 FR 25319 - 6/13/75
Mod. #2 - 40 FR 45951 - 10/3/75
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR75-4134 (B)
40 FR 31455 - 7/25/75
Mod. #1 - 40 FR 43418 - 9/19/75
Mod. #2 - 40 FR 45951 - 10/3/75
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR75-4073 (B)
40 FR 15287 - 4/4/75
Mod. #1 - 40 FR 19323 - 5/2/75
Mod. #2 - 40 FR 25319 - 6/13/75
Mod. #3 - 40 FR 45951 - 10/3/75
Mod. #4 - 40 FR 49941 - 10/24/75
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5085 (B,H,Hw,D)
40 FR 31457 - 7/25/75
Mod. #1 - 40 FR 40003 - 8/29/75
Mod. #2 - 40 FR 44439 - 9/26/75
Mod. #3 - 40 FR 50865 - 10/31/75
Decision #CA75-5086 (R)
40 FR 31474 - 7/25/75
Mod. #1 - 40 FR 40005 - 8/29/75
Mod. #2 - 40 FR 44440 - 9/26/75
Mod. #3 - 40 FR 50866 - 10/31/75
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5087 (B,D,H,Hw)
40 FR 31487 - 7/25/75
Mod. #1 - 40 FR 41349 - 9/[illegible]/75
Mod. #2 - 40 FR 45952 - 1[illegible]/75
Decision #CA75-5088 (R)
40 FR 31496 - 7/25/75
Mod. #1 - 40 FR 41350 - 9[illegible]
Mod. #2 - 40 FR 45952 - 1[illegible]
INYO COUNTY
(B,H,Hw,D) - See Imperial C[illegible]
KERN COUNTY
(B,D,H,Hw,R) - See Imperial [illegible]unty

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5071 (B,H,Hw,D)
40 FR 25337 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5072 (R)
40 FR 25343 - 6/13/75
Mod. #1 - 40 FR 29442 - 7/11/75
Mod. #2 - 40 FR 30383 - 7/18/75
Mod. #3 - 40 FR 41349 - 9/5/75
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TOOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R))- See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5118 (Hw)
40 FR 43449 - 9/19/75
Mod. #1 - 40 FR 48843 - 10/17/75
ADAMS COUNTY
Decision #CO75-5129 (B,H)
40 FR 48848 - 10/17/75
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5116 (B,H)
40 FR 43435 - 9/19/75
Mod. #1 - 40 FR 48843 - 10/17/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5101 (B,H)
40 FR 33595 - 8/8/75
Mod. #1 - 40 FR 43418 - 9/19/75
Mod. #2 - 40 FR 48843 - 10/17/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See AdamsCounty
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5117 (B,H)
40 FR 43442 - 9/19/75
Mod. #1 - 40 FR 48843 - 10/17/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT75-2113 (B,H,Hw,R)
40 FR 45962 - 10/3/75
Decision #NY75-3108 (D)
40 FR 49949 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
HARTFORD COUNTY
Decision #CT75-2114 (B,H,Hw)
40 FR 45970 - 10/3/75
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/-2/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 42483 - 9/12/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
(Hw) - See Bay County
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #FL75-1087 (B,H,Hw)
40 FR 41364 - 9/5/75
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
(Hw) - See DeSoto County
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Bay County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
40 FR 43468 - 12/13/74
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
DIXIE COUNTY
(D) - See Brevard County
(B) - See Alachua County
DUVAL COUNTY
Decision #FL75-1091 (B)
40 FR 42493 - 9/12/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25324 - 6/13/75
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 12002 - 3/14/75
Decision #FL75-1030 (Hw)
40 FR 10891 - 3/7/75
Mod. #1 - 40 FR 14196 - 3/28/75
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12003 - 3/14/75
(Hw) - See Bay County
GILCHRIST COUNTY
(B) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Alachua County
HAMILTON COUNTY
(B) - See Alachua County
HARDEE COUNTY
(Hw, R) - See DeSoto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #FL75-1075 (B)
40 FR 34556 - 8/15/75
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(B,H) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1026 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(B) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
Mod. #2 - 40 FR 12002 - 3/14/75
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
(Hw) - See Brevard Co. (Remainder of C
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of C
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY
(B) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(B) - See Alachua County
UNION COUNTY
(B) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
Mod. #1 - 40 FR 25324 - 6/13/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 25325 - 6/13/75
Mod. #3 - 40 FR 32552 - 8/1/75
Mod. #4 - 40 FR 34539 - 8/15/75
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 49942 - 10/24/75
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1092 (B)
40 FR 42495 - 9/12/75
Decision #AQ- 4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3861 - 1/24/75
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,H,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barron County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

GEORGIA (Cont'd.)

PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
Mod. #2 - 40 FR 19328 - 5/2/75
Mod. #3 - 40 FR 28305 - 7/3/75
Mod. #4 - 40 FR 46844 - 10/17/75
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
WARE COUNTY
Decision #GA75-1008 (B)
40 FR 3093 - 1/17/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI75-5090 (B,H,Hw,D,R)
40 FR 32555 - 8/1/75
Mod. #1 - 40 FR 44440 - 9/26/75

IDAHO

STATEWIDE
Decision #ID75-5120 (B,H,Hw)
40 FR 45978 - 10/3/75
Mod. #1 - 40 FR 49942 - 10/24/75
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL75-2055 (B)
40 FR 15265 - 4/4/75
Mod. #1 - 40 FR 29444 - 7/11/75
Decision #IL75-2082 (H,Hw)
40 FR 26190 - 6/20/75
ALEXANDER COUNTY
Decision #IL75-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOND COUNTY
Decision #IL75-2100 (H,Hw)
40 FR 32562 - 8/1/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75
BOONE COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL75-2078 (H,Hw)
40 FR 23637 - 5/30/75
Mod. #1 - 40 FR 26182 - 6/20/75
Mod. #2 - 40 FR 29444 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL75-2035 (B)
40 FR 5961 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Mod. #2 - 40 FR 12004 - 3/14/75
Mod. #3 - 40 FR 19325 - 5/2/75
Mod. #4 - 40 FR 29443 - 7/11/75
Mod. #5 - 40 FR 30384 - 7/18/75
Mod. #6 - 40 FR 31435 - 7/25/75
Decision #IL75-2079 (H,Hw)
40 FR 25382 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
Mod. #4 - 40 FR 43419 - 9/19/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL75-2105 (B)
40 FR 36907 - 8/22/75
Decision #IL75-2091 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
Mod. #1 -40 FR 29444 - 7/11/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL75-2083 (H,Hw)
40 FR 26194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL75-2092 (B,H,Hw,R)
40 FR 28343 - 7/3/75
Mod. #1 - 40 FR 31438 - 7/25/75
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75
Decision #IL75-2015 (H,Hw)
40 FR 6927 - 2/14/75

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL75-2050 (B,R)
40 FR 12029 - 3/7/75
Mod. #1 - 40 FR 18276 - 4/25/75
Mod. #2 - 40 FR 19325 - 5/2/75
Mod. #3 - 40 FR 29444 - 7/11/75
Mod. #4 - 40 FR 31436 - 7/25/75
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL75-2052 (B)
40 FR 15261 - 4/4/75
Mod. #1 - 40 FR 19325 - 5/2/75
Mod. #2 - 40 FR 29443 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
Mod. #4 - 40 FR 31436 - 7/25/75
Decision #IL75-2086 (H,Hw)
40 FR 28333 - 7/3/75
Mod. #1 - 40 FR 30385 - 7/18/75
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL75-2080 (H,Hw)
40 FR 25389 - 6/13/75
Mod. #1 - 40 FR 27404 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

ILLINOIS (Cont'd)

HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(B,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2099 (B,R)
40 FR 32559 - 8/1/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL75-2106 (B,R,D)
40 FR 40010 - 8/29/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2051 (B)
40 FR 12976 - 3/21/75
Mod. #1 - 40 FR 29443 - 7/11/75
Mod. #2 - 40 FR 52242 - 11/7/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL75-2107 (B,R)
40 FR 40014 - 8/29/75
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (B)
40 FR 8736 - 2/28/75
Mod. #1 - 40 FR 18276 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN75-2093 (H,Hw)
40 FR 29491 - 7/11/75
Mod. #1 - 40 FR 33575 - 8/8/75
Mod. #2 - 40 FR 45053 - 10/3/75
Mod. #3 - 40 FR 50868 - 10/31/75
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN75-2088 (B)
40 FR 27422 - 6/27/75
Mod. #1 - 40 FR 33573 - 8/8/75
Mod. #2 - 40 FR 44441 - 9/26/75
Mod. #3 - 40 FR 52243 - 11/7/75
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN75-2089 (B,H,Hw)
40 FR 28346 - 7/3/75
Mod. #1 - 40 FR 33574 - 8/8/75
Mod. #2 - 40 FR 44442 - 9/26/75
Mod. #3 - 40 FR 52243 - 11/7/75
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Allen County
(R) - See Boone County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
Mod. #1 - 40 FR 4706 - 1/31/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #1A75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #1A75-4170 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 50870 - 10/31/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
Mod. #2 - 40 FR 52243 - 11/7/75
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #1A75-4171 (B,H,Hw)
40 FR 50873 - 10/31/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

NOTICES

FEDERAL REGISTER, VOL. 40, NO. 240—FRIDAY, DECEMBER 12, 1975

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #1A75-4172 (B,H,Hw)
40 FR 50876 - 10/31/75
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #1A75-4173 (B,H,Hw)
40 FR 50879 - 10/31/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #1A75-4174 (B,H,Hw)
40 FR 50882 - 10/31/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLOT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #1A75-4175 (B,H,Hw)
40 FR 50885 - 10/31/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #1A75-4176 (B,H,Hw)
40 FR 50888 - 10/31/75

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY

(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #1A75-4177 (B,H,Hw)
40 FR 50891 - 10/31/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #1A75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #1A75-4178 (B,H,Hw)
40 FR 50894 - 10/31/75
SHELBY COUNTY
None
STOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #1A75-4179 (B,H,Hw)
40 FR 50897 - 10/31/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #1A75-4180 (B,H,Hw)
40 FR 50900 - 10/31/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

NOTICES

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4181 (B)
40 FR 50903 - 10/31/75
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4051 (Hw,W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4053 (Hw, W&S)
40 FR 6058 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
CONLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Iw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELLCOUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Decision #M075-4145 (R)
40 FR 32617 - 8/1/75
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4061 (B)
40 FR 12034 - 3/14/75
Mod. #1 - 40 FR 15271 - 4/4/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITHCELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Statewide
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4149 (B)
40 FR 36919 - 8/22/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4150 (B)
40 FR 36922 - 8/22/75
Decision #KS75-4151 (R)
40 FR 36925 - 8/22/75
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (D)
39 FR 22359 - 6/21/75
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #AR-4034 (D)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75
Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-103 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48867 - 10/17/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY75-1102 (R)
40 FR 48863 - 10/17/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
(D) - See Boone County
(H,HW) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(D)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(D) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #LA75-4141 (B,Hw,R)
40 FR 32585 - 8/1/75
Mod. #1 - 40 FR 34541 - 8/15/75
Mod. #2 - 40 FR 36895 - 8/22/75
Mod. #3 - 40 FR 43419 - 9/19/75
ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(D,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,D,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17460 - 4/18/75
Decision #MD75-3109 (Hw)
40 FR 50905 - 10/31/75
BALTIMORE CITY
Decision #MD75-3065 (Hw)
40 FR 30413 - 7/18/75
Decision #MD75-3064 (B,H)
40 FR 27431 - 6/27/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD75-3100 (B)
40 FR 44477 - 9/26/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Decision #MA75-2054 (R)
40 FR 15297 - 4/4/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
MIDDLESEX COUNTY
Decision #MA75-2073 (B,H,Hw,R, & Marine)
40 FR 19340 - 5/2/75
Mod. #1 - 40 FR 27412 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2074 (B,H,Hw,R)
40 FR 20586 - 5/9/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2075 (B,H,Hw,R)
40 FR 20590 - 5/9/75
Mod. #1 - 40 FR 27413 - 6/27/75
Mod. #2 - 40 FR 36896 - 8/22/75
SUFFOLK COUNTY
Decision #MA75-2127 (B,H,Hw,D,R)
& Marine)
40 FR 50910 - 10/31/75
WORCESTER COUNTY
Decision #MA75-2077 (B,H,Hw,R)
40 FR 21660 - 5/16/75
Mod. #1 - 40 FR 27415 - 6/27/75
Mod. #2 - 40 FR 36897 - 8/22/75

MICHIGAN

STATEWIDE
Decision #M175-2090 (Hw, W&S)
40 FR 30415 - 7/18/75
ALCONA COUNTY
Decision #M175-2103 (B,H)
40 FR 36928 - 8/22/75
Decision #1L75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #M175-2104 (B,H)
40 FR 36932 - 8/22/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #M175-2108 (B,H)
40 FR 40010 - 8/29/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #M175-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(D,H)1-nSee Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/15/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #M175-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
(BH) - See Bay County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25850 - 7/12/74
Mod. #1 - 39 FR 33165 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Decision #AM-402 (R)
36 FR 15895 - 8/10/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #M175-2102 (B,H,R)
40 FR 33639 - 8/8/75
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3170 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #M175-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcorrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN75-2068 (H,Hw)
40 FR 19349 - 5/2/75
Mod. #1 - 40 FR 34547 - 8/15/75
ANOKA COUNTY
Decision #AR-3166 (B,R)
39 FR 39705 - 11/8/74
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 17461 - 4/18/75
Mod. #3 - 40 FR 22734 - 5/23/75
Mod. #4 - 40 FR 34543 - 8/15/75
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #1L75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN75-2058 (B,R)
40 FR 17454 - 4/18/75
Mod. #1 - 40 FR 34546 - 8/15/75
(H,Hw) - See Aitkin Couhth
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN75-2042 (B,R)
40 FR 7537 - 2/21/75
Mod. #1 - 40 FR 12007 - 3/14/75
Mod. #2 - 40 FR 18278 - 4/25/75
Mod. #3 - 40 FR 34544 - 8/15/75
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN75-2059 (B,R)
40 FR 16472 - 4/11/75
Mod. #1 - 40 FR 18279 - 4/25/75
Mod. #2 - 40 FR 34551 - 8/15/75
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Decision #MS75-1067 (Hw, W&S)
40 FR 28354 - 7/3/75
Mod. #1 - 40 FR 31439 - 7/25/75
Mod. #2 - 40 FR 33577 - 8/8/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(D,F,Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
Mod. #1 - 40 FR 3086 - 1/17/75
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS75-1107 (B,H,Hw, W&S)
40 FR 50916 - 10/24/75
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewid
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1044 (B)
40 FR 16530 - 4/11/75
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO75-4146 (H,Hw)
40 FR 32662 - 8/1/75
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #MO75-4145 (R)
40 FR 32617 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO75-4143 (B)
40 FR 32608 - 8/1/75
Decision #MO75-4142 (R)
40 FR 32605 - 8/1/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

NOTICES

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT75-5125 (B)
40 FR 48002 - 10/10/75
Decision #MT75-5128 (H,Hw)
40 FR 48046 - 10/10/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5126 (R)
40 FR 48027 - 10/10/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5127 (R)
40 FR 48038 - 10/10/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NOTICES

NEBRASKA

ADAMS COUNTY
Decision #AR-92 (H,Hw)
39 FR 44917 - 12/27/74
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE75-4112 (H,Hw)
40 FR 25400 - 6/13/75
Mod. #1 - 40 FR 27416 - 6/27/75
Mod. #2 - 40 FR 32553 - 8/1/75
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE75-4111 (B,R)
40 FR 25399 - 6/13/75
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE75-4085 (B)
40 FR 20599 - 5/9/75
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #NO75-40/0 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV75-5095 (B,H,Hw)
40 FR 32635 - 8/1/75
Mod. #1 - 40 FR 43419 - 9/19/75
Mod. #2 - 40 FR 47999 - 10/10/75
Mod. #3 - 40 FR 52243 - 11/7/75
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV75-5096 (R)(Excluding the Nevada Test Site)
40 FR 32646 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 52243 - 11/7/75
(B,H,Hw) - See Statewide
Decision #NV75-5057 (B,H,Hw) (Nevada Te Site including the Tonopah Test Range
40 FR 20602 - 5/9/75
Mod. #1 - 40 FR 25326 - 6/13/75
Mod. #2 - 40 FR 43419 - 9/19/75
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV75-5097 (R)
40 FR 32650 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
ROCKINGHAM COUNTY
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ75-3049 (B,H,Hw)
40 FR 26219 - 6/20/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 40 FR 44443 - 9/26/75
Mod. #3 - 40 FR 48000 - 10/10/75
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Decision #NJ75-3050 (B,H,Hw)
40 FR 29501 - 7/11/75
Mod. #1 - 40 FR 40007 - 8/29/75
Mod. #2 - 40 FR 44444 - 9/26/75
Mod. #3 - 40 FR 48001 - 10/10/75
Mod. #4 - 40 FR 50869 - 10/31/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Decision #NM75-4136 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 40 FR 45954 - 10/3/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-3004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3031 (B,H,Hw)
40 FR 16545 - 4/11/75
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5984 - 2/7/75
Mod. #2 - 40 FR 7799 - 2/21/75
Mod. #3 - 40 FR 33570 - 8/8/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BROOME COUNTY
Decision #NY75-3032 (B,H,Hw)
40 FR 16549 - 4/11/75
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #NY75-3033 (D)
40 FR 16554 - 4/11/75
CHAUTAUGUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
Mod. #1 - 40 FR 3863 - 1/24/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY75-3034 (B,H,Hw)
40 FR 16559 - 4/11/75
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3035 (B,H,Hw)
40 FR 16565 - 4/11/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3036 (B,H,Hw)
40 FR 16571 - 4/11/75
Mod. #1-40 FR 24455 - 6/6/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY75-3063 (B, H,Hw)
40 FR 26233 - 6/20/75
Mod. #1 - 40 FR 27416 - 6/27/75
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY75-3038 (B,H,Hw)
40 FR 16581 - 4/11/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3039 (B,H,Hw)
40 FR 16586 - 4/11/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3040 (B,H,Hw)
40 FR 16589 - 4/11/75
Mod. #1 - 40 FR 24456 - 6/6/75
ONONDAGA COUNTY
Decision #NY75-3041 (B,H,Hw)
40 FR 16595 - 4/11/75
Mod. #1 - 40 FR 24457 - 6/6/75
Mod. #2 - 40 FR 45955 - 10/3/75
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY75-3042 (B,H,Hw)
40 FR 16599 - 4/11/75
Mod. #1 - 40 FR 25327 - 6/13/75
Mod. #2 - 40 FR 45955 - 10/3/75
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY75-3043 (B,H,Hw)
40 FR 16606 - 4/11/75
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2097 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #NY75-3044 (B,H,Hw)
40 FR 16610 - 4/11/75
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY75-3046 (B,H,Hw)
40 FR 16619 - 4/11/75
SUFFOLK COUNTY
Decision #NY75-3045 (B,H,Hw)
40 FR 16614 - 4/11/75
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY75-3047 (B,H,Hw)
40 FR 16624 - 4/11/75
Mod. #1 - 40 FR 45955 - 10/3/75
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY75-3048 (B,H,Hw)
40 FR 16631 - 4/11/75
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #ND75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
Mod. #1 - 40 FR 3087 - 1/17/75
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (R)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #AR-4044 (R)
39 FR 36882 - 10/11/74
Mod. #1 - 40 FR 3087 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(R) - See Brunswick County
(D) - See BeaufortCounty
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (B)
39 FR 38070 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County-
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #ND75-5130 (D)
40 FR 48866 - 10/17/75
Mod. #1 - 40 FR 52244 - 11/7/75
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2056 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18222 - 4/25/75
Mod. #2 - 40 FR 25328 - 6/13/75
Mod. #3 - 40 FR 49943 - 10/24/75
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3109 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. #2 - 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33578 - 8/8/75
Mod. #4 - 40 FR 50869 - 10/31/75
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd.)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
Mod. #1 - 40 FR 7493 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 52440 - 11/7/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4016 (R)
40 FR 3151 - 1/17/75
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4000 (B)
40 FR 7531 - 4/18/75
Mod. #1 - 40 FR 22736 - 5/23/75
Mod. #2 - 40 FR 26105 - 6/20/75
Mod. #3 - 40 FR 30307 - 7/18/75
Mod. #4 - 40 FR 31440 - 7/25/75
Mod. #5 - 40 FR 41352 - 9/5/75
Mod. #6 - 40 FR 45956 - 10/3/75
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK75-4017 (R)
40 FR 3152 - 1/17/75
Decision #OK75-4116 (B)
40 FR 27434 - 6/27/75
Mod. #1 - 40 FR 34554 - 8/15/75
Mod. #2 - 40 FR 42644 - 9/12/75
Mod. #3 - 40 FR 45956 - 10/3/75
COTTON COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK75-4133 (B)
40 FR 31558 - 7/25/75
Mod. #1 - 40 FR 41353 - 9/5/75
Mod. #2 - 40 FR 45953 - 10/3/75
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

McCLAIN COUNTY
(H,Hw) - See Statewide
(D) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
McINTOSH COUNTY
Decision #OK75-4148 (B)
40 FR 34567 - 8/15/75
Mod. #1 - 40 FR 42486 - 9/12/75
Mod. #2 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK75-4156 (B,H,Hw)
40 FR 41369 - 9/5/75
Mod. #1 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK75-4138 (B)
40 FR 32668 - 8/1/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 40 FR 42485 - 9/12/75
Mod. #3 - 40 FR 45956 - 10/3/75
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK75-4140 (B)
40 FR 32672 - 8/1/75
Mod. #1 - 40 FR 41354 - 9/5/75
Mod. #2 - 40 FR 45956 - 10/3/75
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #OK75-4158 (B)
40 FR 42503 - 9/12/75
Mod. #1 - 40 FR 45957 - 10/3/75
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR75-5123 (B,H,Hw, D)
40 FR 40057 - 10/10/75
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 40001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,U) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,U) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,U) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,U) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(D,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(D,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA75-3067 (H,Hw)
40 FR 29519 - 7/11/75
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
Mod. #1 - 40 FR 4790 - 1/31/75
Mod. #2 - 40 FR 5986 - 2/7/75
Mod. #3 - 40 FR 15282 - 4/4/75
Mod. #4 - 40 FR 22740 - 5/23/75
Mod. #5 - 40 FR 25332 - 6/13/75
Mod. #6 - 40 FR 29449 - 7/11/75
Mod. #7 - 40 FR 45957 - 10/3/75
Mod. #8 - 40 FR 48845 - 10/17/75
ALLEGHENY COUNTY
Decision #PA75-3071 (B)
40 FR 36936 - 8/22/75
Decision #PA75-3070 (R)
40 FR 30433 - 7/10/75
Mod. #1 - 40 FR 34555 - 8/15/75
ARMSTRONG COUNTY
Decision #PA75-3029 (H,Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/20/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31444 - 7/25/75
Mod. #3 - 40 FR 36900 - 8/22/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3074 (B)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
BEDFORD COUNTY
Decision #PA75-3028 (H,Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45958 - 10/3/75
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36976 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Decision #PA75-3007 (R)
40 FR 40031 - 8/29/75
Mod. #1 - 40 FR 48847 - 10/17/75
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 (B)
40 FR 36968 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Decision #PA75-3051 (H,Hw)
40 FR 17583 - 4/18/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 45951 - 10/3/75
CAMBRIA COUNTY
Decision #PA75-5059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3121 (B)
40 FR 12947 - 3/21/75
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 16495 - 4/11/75
Mod. #3 - 40 FR 22741 - 5/23/75
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County

PENNSYLVANIA (Cont'd.)

CHESTER COUNTY (Cont'd.)
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
NMod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75

(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA75-3058 (B)
40 FR 28358 - 7/3/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45959 - 10/3/75
(H,Hw) - See BedfordCounty
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 -7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3078 (B)
40 FR 36961 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45961 - 10/3/75

PENNSYLVANIA (Cont'd.

FRANKLIN COUNTY
Decision #AR-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See BedfordCounty
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3075 (B)
40 FR 36949 - 8/22/75
Mod. #1 - 40 FR 45961 - 10/3/75
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Centre County
JUNIATA COUNTY
(D) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
Mod. #2 - 39 FR 44912 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
Mod. #4 - 40 FR 5986 - 2/7/75
Mod. #5 - 40 FR 14215 - 3/28/75
Mod. #6 - 40 FR 22739 - 5/23/75
Mod. #7 - 40 FR 29448 - 7/11/75
Mod. #8 - 40 FR 45957 - 10/3/75
Mod. #9 - 40 FR 48845 - 10/17/75
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48846 - 10/17/75
LEHIGH COUNTY
Decision #PA75-3104 ((B)
40 FR 46998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12062 - 3/21/75
Mod. #1 - 40 FR 25333 - 6 /13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29511 - 7/11/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See BedforddCounty
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
40 FR 36966 - 8/22/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48847 - 10/17/75
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3086 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 48847 - 10/17/75
Decision #NY75-3108 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
(H,Hw, R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,HW) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (D)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 44911 - 12/27/74
Mod. #3 - 40 FR 4709 - 1/31/75
Mod. #4 - 40 FR 15276 - 4/4/75
Mod. #5 - 40 FR 24459 - 6/6/75
Mod. #6 - 40 FR 29448 - 7/11/75
Mod. #7 - 40 FR 45957 - 10/3/75
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(D) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

WARREN COUNTY
Decision #PA75-3077 (B)
40 FR 36967 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 45960 - 10/3/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #PA75-3091 (B)
40 FR 36972 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #PA75-3076 (B)
40 FR 36953 - 8/22/75
(H,Hw) - See Butler County
WYOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(D) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(D) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #NY75-3100 (D)
40 FR 49948 - 10/24/75
Mod. #1 - 40 FR 50867 - 10/31/75
Mod. #2 - 40 FR 52241 - 11/7/75
BRISTOL COUNTY
Decision #R175-2116 (B,H,Hw,R, & Marine)
40 FR 48066 - 10/10/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine)-See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #R175-2111 (B,H,Hw,R, & Marine)
40 FR 44467 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol Co.
WASHINGTON COUNTY
Decision #R175-2112 (B,H,Hw,R, & Marine)
40 FR 44471 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
(D) - See Statewide

NOTICES

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Decision #SC75-1079 (Sewer & Water, H)
40 FR 41380 - 9/5/75
Decision #MP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (D)
40 FR 8602 - 2/28/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewid
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22705 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
((R)-SSee Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/7/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R)- See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

NOTICES

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5119 (B)
40 FR 44475 - 9/26/75
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5121 (B)
40 FR 46000 - 10/3/75
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14056 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Decision #AR-4046 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24404 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN75-1068 (B)
40 FR 30434 - 7/18/75
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
Mod. #1 - 40 FR 7800 - 2/21/75
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (D)
40 FR 42505 - 9/12/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/75
Mod. #1 - 40 FR 9357 - 3/8/75
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1072 (B,H)
40 FR 31567 - 7/25/75
Mod. #1 - 40 FR 36900 - 8/22/75
Mod. #2 - 40 FR 42488 - 9/12/75
Mod. #3 - 40 FR 52244 - 11/7/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw) - See Statewide
KNOX COUNTY
Decision #TN75-1052 (D)
40 FR 23688 - 5/30/75
Mod. #1 - 40 FR 31452 - 7/25/75
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN75-1070 (B,H,W&S, & Utility)
40 FR 30435 - 7/18/75
Mod. #1 - 40 FR 44446 - 9/26/75
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(R) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX75-4159 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
40 FR 48072 - 10/17/75
Mod. #1 - 40 FR 50869 - 10/31/75
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4183 (B)
40 FR 52271 - 11/7/75
Decision #TX75-4161 (R)
40 FR 48880 - 10/17/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX75-4162 (B)
40 FR 49971 - 10/24/75

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX75-4164 (R)
40 FR 49969 - 10/24/75
(H,Hw) - See Statewide
Decision #TX75-4163 (B)
40 FR 49956 - 10/24/75
Mod. #1 - 40 FR 52246 - 11/7/75
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4165 (B)
40 FR 49965 - 10/24/75
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4166 (B)
40 FR 49967 - 10/24/75
Mod. #1 - 40 FR 52246 - 11/7/75
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX75-4167 (B)
40 FR 49958 - 10/24/75
(H,Hw) - See Statewide
Decision #TX75-4168 (R)
40 FR 49959 - 10/24/75
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX75-4169 (B-excluding Dallas-Fort Worth Regional Airport)
40 FR 49961 - 10/24/75
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4182 (B)
40 FR 50919 - 10/31/75
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #1X75-4184 (B,R)
40 FR 52273 - 11/7/75
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(R,H) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4117 (B,R)
40 FR 29527 - 7/11/75
Mod. #1 - 40 FR 31453 - 7/25/75
Mod. #2 - 40 FR 43423 - 9/19/75
Mod. #3 - 40 FR 52245 - 11/7/75
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide
KAUFMAN COUNTY
(D,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX75-4185 (B)
40 FR 52275 - 11/7/75
(D) - See Aransas County
(H,Hw) - See Statewide
KNOX COUNTY
(R) - See Bee County
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(D) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

FALLS COUNTY
(D) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide
GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
Mod. #3 - 40 FR 52245 - 11/7/75
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(D) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
OCHILTREE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
PRESIDIO COUNTY
(B) (R) - See Armstrong County
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(B)(R) - See Statewide
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide
LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LONG COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4186 (B)
40 FR 52277 - 11/7/75
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

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TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4098 (B)
40 FR 22786 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
Mod. #2 - 40 FR 52245 - 11/7/75
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4088 (B)
40 FR 21677 - 5/16/75
Mod. #1 - 40 FR 33578 - 8/8/75
Mod. #2 - 40 FR 52245 - 11/7/75
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4187 - (B)
40 FR 52279 - 11/7/75
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4189 (R)
40 FR 52283 -11/7/75
Decision #TX75-4188 (B)
40 FR 52281 - 11/7/75
(H,Hw) - See Statewide
WILDARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(O) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT75-5107 (B,H,Hw)
40 FR 36998 - 8/22/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3104 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-3005 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #VA75-3099 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBEMARLE COUNTY
Decision #VA75-3094 (B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48947 - 10/17/75
Decision #AP-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #VA75-3100 (B)
40 FR 44477 - 9/26/75
Mod. #1 - 40 FR 52247 - 11/7/75
Mod. #2 - 40 FR 40009 - 8/29/75
ALLEGHANY COUNTY
Decision #AP-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AP-2032 (Hw)
39 FR 31671 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AP-3320 (R)
37 FR 10767 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #VA75-3005 (B)
40 FR 944 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29455 - 7/11/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albemarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albemarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albemarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #VA75-3006 (B)
40 FR 946 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 17473 - 4/18/75
Mod. #3 - 40 FR 22743 - 5/23/75
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,Hw&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3069 (B)
40 FR 2943B - 7/11/75
Mod. #1 - 40 FR 36902 - 8/22/75
Mod. #2 - 40 FR 48047 - 10/17/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH DOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3004 (B,H,S&W)
40 FR 941 - 1/3/75
Mod. #1 - 40 FR 14217 - 3/28/75
Mod. #2 - 40 FR 21657 - 5/16/75
Mod. #3 - 40 FR 22742 - 5/23/75
Mod. #4 - 40 FR 29454 - 7/11/75
(R) - See James City
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA75-5132 (B,H,Hw,D)
40 FR 50921 - 10/31/75
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 25335 - 6/13/75
Mod. 2 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC75-3099 (B,Hw, W&S)
40 FR 44449 - 9/26/75
Mod. #1 - 40 FR 52247 - 11/7/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
BARBOUR COUNTY
Decision #WV75-3007 (B)
40 FR 6136 - 2/7/75
Mod. #1 - 40 FR 8700 - 2/28/75
Mod. #2 - 40 FR 10883 - 3/7/75
Mod. #3 - 40 FR 14217 - 3/28/75
Mod. #4 - 40 FR 16497 - 4/11/75
Mod. #5 - 40 FR 21659 - 5/16/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County

WEST VIRGINIA (Cont'd.)

PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #W175-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #W175-2049 (H, Sewer, Tunnel, & Water)
40 FR 12059 - 3/14/75
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 35825 - 10/11/74
Mod. #1 - 40 FR 21650 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
DODGE COUNTY
(H,Hw,W&S) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 11/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
LA FAYETTE COUNTY
(H,Hw,W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

MANITOWOC COUNTY
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #W175-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw,W&S) - See Statewide
RUSK COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
SAWYER COUNTY
(H,Hw,W&S) - See Statewide
SHAWANO COUNTY
(H,Hw,W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw,W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw,W&S) - See Statewide
VERNON COUNTY
(H,Hw,W&S) - See Statewide
VILAS COUNTY
(H,Hw,W&S) - See Statewide
WALWORTH COUNTY
(H,Hw,W&S) - See Statewide
WASHBURN COUNTY
(H,Hw,W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw,W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw,W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - SeeSStatewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw,W&S) - See Statewide
WOOD COUNTY
(H,Hw,W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY75-5011 (Hw)
40 FR 4079 - 1/31/75
Mod. #1 - 40 FR 16497 - 4/11/75
Mod. #2 - 40 FR 26107 - 6/20/75
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY75-5106 (B,H)
40 FR 34578 - 8/15/75
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.75-32297 Filed 12-11-75;8:45 am]

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CODE OF FEDERAL REGULATIONS

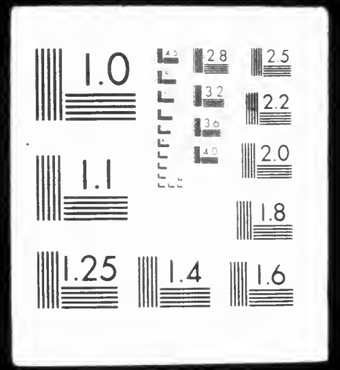
(Revised as of October 1, 1975)

Title 42—Public Health	$5.15
Title 46—Shipping (Parts 1–29)	2.20
Title 46—Shipping (Parts 166–199)	2.60
Title 49—Transportation (Parts 1–99)	1.85

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely ut ize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.